

UNITED STATES DEPARTMENT OF COMMERCE

COMBINED

STATE OF CALIFORNIA

COASTAL MANAGEMENT PROGRAM

(SEGMENT)*

AND

FINAL

ENVIRONMENTAL IMPACT STATEMENT

AUGUST, 1977

*Final approval
7/19/77 by
and [unclear]
Robert Knecht*

PREPARED BY:

OFFICE OF COASTAL ZONE
MANAGEMENT
NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION
3300 WHITEHAVEN STREET, N.W.
WASHINGTON, D.C. 20235

AND

CALIFORNIA COASTAL COMMISSION
1540 MARKET STREET
SAN FRANCISCO, CA 94104

*For the purposes of coastal zone management, California has been divided into segments including the areas covered by the Coastal Act and the Bay Plan. The San Francisco Bay Conservation and Development Commission (BCDC) submitted a program to OCZM in accordance with Section 306(h) of the CZMA. The BCDC program was approved by the Secretary of Commerce on February 16, 1977. This program covers the rest of the coastal zone of the State.



UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Science and Technology
Washington, D.C. 20230

In accordance with the provisions of Section 102(2)(C) of the National Environmental Policy Act of 1969, we are enclosing for your review and consideration the final environmental impact statement prepared by the Office of Coastal Zone Management on the Coastal Zone Management Program for the State of California.

If you have any questions about the enclosed statement, please feel free to contact:

Mr. Grant Dehart
Regional Manager
Office of Coastal Zone Management, NOAA
3300 Whitehaven Street, N.W.
Washington, D. C. 20235
Phone: 202/634-4235

Thank you for your cooperation in this matter.

Sincerely,

Sidney R. Galler
Sidney R. Galler ²¹
Deputy Assistant Secretary
for Environmental Affairs

Enclosures

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Sincerely,

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Sidney R. Galler #
Deputy Assistant Secretary
for Environmental Affairs

Enclosures

Summary

() Revised Draft Environmental Impact Statement (X) Final Environmental Impact Statement

Department of Commerce, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management. For additional information about this proposed action or this statement, please contact:

Office of Coastal Zone Management
National Oceanic and Atmospheric Administration
Attn: Mr. Grant Dehart
3300 Whitehaven St., N.W.
Washington, D.C. 20235
Phone: 202/634-4235

1. Proposed Federal approval of the California Coastal Management Program

(X) Administrative () Legislative

2. It is proposed that the Secretary of Commerce approve the Coastal Management Program application of the State of California pursuant to the Coastal Zone Management Act P.L. 92-583 (as amended). This would be the second segment of a two segment program, the San Francisco Bay segment was approved on February 16, 1977. Approval would initiate implementation of the program under the CZMA (although the program is currently implemented through State funds) allowing Federal administration grants to be awarded to the State, and require that Federal actions be consistent to the maximum extent practicable with the approved program.

3. Approval and implementation of the program will provide California with funding that will restrict or prohibit certain land and water uses in parts of the California coast, while promoting and encouraging development and use activities in other parts. This may affect property values, property tax revenues, and resource extraction or exploration. The program will provide an improved decision-making process for determining coastal land and water uses and siting of facilities of national interest, and will lead to increased long-term protection of and benefit the State's coastal resources.

4. Alternatives considered:

A. Federal - The Secretary of Commerce could delay or deny approval under the following conditions:

1. If Federal agency views were not adequately considered or the program does not meet the requirements of the Coastal Zone Management Act. (CZMA)
2. If there is inadequate consideration of the national interest involved in planning for, and in the siting of, facilities (including energy facilities) under Section 306(c)(8) of the CZMA.
3. If there is no adequate assurance of the integration of the California Coastal Management Program with the San Francisco Bay Coastal Management Program.
4. If a more appropriate alternative would be "preliminary approval" of the CCMP.

B. State

5. The State could withdraw the approval application and continue program development or attempt to use other sources of funding to meet the objectives of the State's coastal management program.
6. The State could amend the coastal management program.

5. List of all Federal, State, and local agencies and other parties from which comments have been requested:

Federal

- * Advisory Council of Historic Preservation
- Council on Environmental Quality
- * Department of Agriculture
 - Agriculture Research Service
 - Agricultural Stabilization and Conservation Service
 - Forest Service
 - Rural Electrification Administration
- * Soil Conservation Service
- * Department of Commerce
- * Department of Defense
 - Air Force
 - * Army Corps of Engineers
 - * Navy
- * Department of Health, Education, and Welfare
 - Public Health Service
- * Department of Housing and Urban Development
- * Department of the Interior
 - Bonneville Power Administration
 - Bureau of Land Management (public lands)
 - Bureau of Mines
 - Bureau of Outdoor Recreation
 - Bureau of Reclamation
 - Fish and Wildlife Service
 - Geological Survey
 - Keeper of the National Historic Register
 - National Park Service
 - Office of Oil and Gas
- Department of Justice
- Department of State
- * Department of Transportation
 - Coast Guard
 - Federal Aviation Administration
 - Federal Railroad Administration
 - Transport and Pipeline Safety
 - Secretarial Representative, Region IX
- * Department of Treasury
 - Assistant Secretary for Administration
- * Energy Research and Development Administration
- * Environmental Protection Agency
 - Regional Administrator, Region IX
- * Federal Energy Administration
- * Federal Power Commission
- General Services Administration
- Marine Mammal Commission
- National Aeronautics and Space Administration
- Nuclear Regulatory Commission
- U.S. Senate and House of Representatives
 - Members of Congress representing coastal districts
- U.S. Water Resources Council

State

Governor

- * State Clearinghouse
- Areawide Clearinghouses
 - Association of Bay Area Governments
 - Bay Area Air Pollution Control District
 - Bay Area Sewage Service Agency
 - Association of Monterey Bay Area Governments
 - Conservation Development and Planning Department, Napa
 - Half Moon
 - Marin County Planning
 - San Mateo County Planning Department
- Sonoma County Planning Department
- California Coastal Commission
- Regional Commissions
 - Central Coast Regional Commission
 - North Central Coast Regional Commission

State (cont.)

- North Coast Regional Commission
- San Diego Coast Regional Commission
- South Central Coast Regional Commission
- South Coast Regional Commission
- State Energy Commission
- * California State Lands Commission
- Department of Forestry
- * Department of Fish and Game
- * Department of Parks and Recreation
- Senate Committee on Natural Resources and Wildlife
- * Water Resources Department
- San Francisco Bay Conservation and Development Commission
- * Department of Conservation
- Office of the Secretary for Resources
- Department of Real Estate
- Department of Housing and Community Development
- * Department of Navigation and Ocean Development
- Office of Planning and Research
- State Historic Preservation Officer
- California Coastal Conservancy
- * Department of Transportation
- * Public Utilities Commission
- * Air Resources Board
- * Department of Health
- * Department of Food and Agriculture
- * State Water Resources Control Board
- * Solid Waste Management Board
- * Department of Health
- * Department of Food and Agriculture
- Division of Mines and Geology
- Division of Oil and Gas
- * State Water Resources Control Boards
- * Solid Waste Management Board

Local

Counties and Cities

- Arcata Planning Director
- Carlsbad Assistant Planner
- Carpinteria Planning Director
- City of Avalon
- City of Carmel
- City of Coronada
- City of Costa Mesa
- * City of Chula Vista
- City of Eureka
- City of Ferndale
- City of Fortuna
- City of Half Moon Bay
- City of Hermosa Beach
- City of Imperial Beach
- * City of Long Beach
- City of Marina
- City of Monterey
- City of Morro Bay
- City of Newport Beach
- City of Oceanside
- City of Pacific Grove
- City of Pismo Beach
- City of Point Arena
- City of Port Hueneme
- City of Redondo Beach Planning Department
- City of San Clemente
- City of San Juan Capistrano
- City of Santa Barbara
- City of Santa Cruz
- City of Santa Monica
- City of Seaside

Local (cont.)

City of Ventura
City of Trinidad
City of Watsonville
Crescent City
Dale City
Del Mar Planning Department
El Segundo Planning Director
Fort Bragg
Grove City
* Huntington Beach City
 Planning Department
Isla Vista Planning Department
Laguna Beach Planning Director
Los Angeles
 Regional Water Quality Control Board
 County Regional Planning
* City Council Planning Committee
* Manhattan Beach Department of Beaches
Metropolitan Water District of Southern California
National City Planning Department
Oxnard Planning Department
Pacifica Planning Administrator
Palos Verdes Estates
Rancho Palos Verdes
San Diego
 Department of Land Use and Environmental Regulation
 Department of Transportation
* San Diego Region's Council of Governments
San Francisco PG & E Land Department
 Public Utilities Commission
 Department of City Planning
Sand City
* Southcoast Air Quality Management District
Del Norte County
Humboldt County
Mendocino County
Sonoma County
Ventura County
Orange County
San Luis Obispo County
Santa Barbara County
Marin County
* San Mateo County
Santa Cruz County
Monterey County
San Mateo County Planning Department
Santa Ana Environmental Management Agency
Santa Cruz Supervisor
Santa Maria Community Development
Santa Monica Department of City Planning
Seal Beach Planning Director
Sonoma County Alliance
Torrance Planning Department
Ventura County Environmental Resource Agency

Ports

Hueneme
Long Beach
Los Angeles
San Diego Unified Port District

Coastal County Libraries

County Library
Arroyo Grande, CA
County Library
Atacadero, CA
San Mateo County Library
Central Branch
Belmont, CA
Monterey County Library
Big Sur Ranch
Big Sur, CA
County Library
Cambria, CA
San Diego County Library
Cardiff, CA
County Library
Cayucos, CA
San Diego County Library
Chula Vista, CA
San Diego County Library
Woodlawn Park Branch
Chula Vista, CA
Del Norte County Library
Crescent City, CA
County Library
Creston, CA
San Diego County Library
Del Mar Branch
Del Mar, CA
San Diego County Library
Encinitas Branch
Encinitas, CA
Mendocino County Library
Fort Bragg, CA
Fresno County Library
Fresno, CA
County Library
Grover City, CA
County Library
Halcyon, CA
Los Angeles County Library
Hermosa Beach, CA
San Diego County Library
Imperial Beach Branch
Imperial Beach, CA
Los Angeles County Public Library
Malibu, CA
Los Angeles County Library
Manhattan Beach, CA

County Library
Morro Bay, CA
San Diego County Library
Lincoln Acres Branch
National City, CA
County Library
Nipomo, CA
County Library
Oceano, CA
Contra Costa County Library
Pleasant Hill, CA
County Library
Pismo Beach, CA
Sacramento City-County Library
Sacramento, CA
County Public Library
Salinas, CA
Orange County Library
San Clemente, CA
County Library
San Luis Obispo, CA
County Library
San Miguel, CA
Los Angeles County Public Library
San Pedro, CA
Marin County Free Library
San Rafael, CA
County Library
Santa Margarita, CA
Santa Rosa-Sonoma County Public Library
Santa Rosa, CA
County Library
Shell Beach, CA
County Library
Templeton, CA
Mendocino County Library
Ukiah, CA
Los Angeles County Library
Venice, CA
Avalon County Library
Avalon, CA
Alameda County Library System
Hayward, CA
Contra Costa County Library
Pleasant Hill, CA
Santa Barbara County Library
Montecito, CA

Other Parties

National Interest Groups

Environmental Groups
American Littoral Society
American Shore and Beach Protection Association
Center for Law and Social Policy
Environmental Defense Fund, Inc.
Environmental Policy Center
Friends of the Earth
Izaak Walton League
National Audubon Society
Natural Resources Defense Council
National Wildlife Federation
Nature Conservancy
*Sierra Club
The Conservation Foundation
The Wildlife Management Institute
Wilderness Society

Other Parties (cont.)

Private Sector

American Association of Port Authorities
American Farm Bureau Federation
American Mining Congress
* American Petroleum Institute
American Right of Way Association
American Waterways Operators
Atomic Industrial Forum
Boating Industry Association
Chamber of Commerce of the United States
Chevron Oil Company
Edison Electric Institute
* EXXON
National Association of Conservation Districts
National Association of Electric Companies
National Association of Engine and Boat Manufacturers
National Association of Home Builders
National Association of Realtors
National Association of State Boating Law Administration
National Boating Federation
National Cannery Association
National Coalition for Marine Conservation, Inc.
National Environmental Development Association
National Farmers' Union
National Federation of Fishermen
National Fisheries Institute
National Forests Products
National Ocean Industries Association
National Recreation and Park Association
National Security Industrial Association
National Waterways Conference
Mobil Oil Corporation
Saltwater Sportsmen
Society of Real Estate Appraisers
SOHIO Transportation Company
Sport Fishing Institute
Standard Oil of California
Union Oil Company
United Brotherhood of Carpenters and Joiners of America
* Western Oil and Gas Association
World Dredging Association

Professional

American Fisheries Society
American Institute of Architects
American Institute of Planners
American Society of Planning Officials
National Parks and Conservation Association

Public Interest

Council of State Planning Agencies
Coastal States Organization
* League of Women Voters of the United States
National Association of Counties
National Association of Regional Councils
National Conference of State Legislatures
National Governors' Conference
National League of Cities
United States Conference of Mayors

Other Interested Parties

Associated California Loggers
Ball, Hunt, Hart, Brown & Baerwitz
Blade Tribune
* C. F. Braum and Co.
* C. Norman Peterson Contractors
* California Farm Bureau Federation
California Natural Areas Coordinating Council

Other Parties (cont.)

- California Council on Environmental & Economic Balance
- California Research
- Citizens Coordinate for Century 3
- Connerly and Associates, Inc.
- Conservation Law Foundation of New England, Inc.
- David Smith and Associates
- * Drilling Fluid Specialists, Inc.
- Doremus & Company
- Environmental Law, C.A.V.E.
- Flint and MacKay
- * Gallup and Stribling Orchids, Inc.
- General Land Office, Austin, Texas
- Gibson, Dunn and Crutcher
- Granite Rock Co.
- * Greater Los Angeles Council of Divers
- Half Moon Bay Properties, Inc.
- * Hobbs-Bannerman Corporation
- * Hood Corporation
- * Jack Tobin and Associates, Inc.
- Jones and Stokes Associates
- Keep Pacifica Scenic
- Koebig, Inc.
- * Malibu Township Council, Inc.
- Mobil Oil Corporation
- Noland, Namerly, Etienne & Hoss
- NYS Office of Parks & Recreation
- O'Melveny & Myers
- * Pacific Gas and Electric
- Planning Association for the Richmond Area
- * Playa Del Ray Business Association
- * Ringsby Truck Lines, Inc.
- Sacramento Planning & Conservation League
- Samuel J. Cullers & Associates
- San Diego Gas and Electric Company
- * Santa Catalina Island Company
- San Luis Obispo County Farm Bureau, Inc.
- Seacoast Preservation Association, Inc.
- Sedway & Cooke
- SOHIO Transportation Company
- Society for California Archeology
- Southern California Academy of Sciences
- Southern California Rock Products Association
- Southern California Edison
- * Southern California Gas Company
- Standard Oil of California
- The Irvine Company
- The Sea Ranch Association
- The Sharp Park Improvement Co.
- Transcentury Properties
- Union Oil Company
- University of California
- Water Resources Center Archives
- University of Santa Clara
- School of Law
- URB Research Company
- * VETCO Offshore, Inc.
- Westinghouse Electric Corp.
- Woodward, Clyde Associates

Individuals

Upon request, copies have been and will be sent to all individuals and other interested parties.

- * George Castagnola
 - * Mike Chapman
 - * Herbert Eilertsen
 - * Alice E. Fries
 - * Charles R. Nelson
 - * John R. Swanson
 - * Stanley Wilson
- * Denotes comments received on the revised Draft Environmental Impact Statement.

6. Revised Draft Environmental Impact Statement made available to the Council on Environmental Quality and the public on April 15, 1977. Final Environmental Impact Statement made available to the Council on Environmental Quality on August 16, 1977.
7. The final EIS was prepared based on oral/written comments received at the public hearings held May 19 and 20, 1977, and comments submitted in response to a request for comments up to 45 days beyond the closing period requested in the revised DEIS. A total of 65 interested parties submitted written comments and were distributed as follows:

Federal Agencies.....	19
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Summarized in Attachment J is a discussion of those written comments and Office of Coastal Zone Management's (OCZM) responses. The full text of the written comments have been distributed to those individuals and organizations who responded. Additional copies of the written comments will be distributed upon request from the OCZM. (Attachment K)

Acronyms Used:

BCDC-----	San Francisco Bay Conservation and Development Commission
BLM-----	Bureau of Land Management
CCC-----	California Coastal Commission
CCMP-----	California Coastal Management Program
CEQA-----	California Environmental Quality Act
COAP-----	California Comprehensive Ocean Area Plan
CPUC-----	California Public Utilities Commission
CZMA-----	Coastal Zone Management Act of 1972 as amended
DOD-----	U.S. Department of Defense
DOI-----	U.S. Department of Interior
DOT-----	U.S. Department of Transportation
DNOD-----	State Department of Navigation and Ocean Development
EIR-----	Environmental Impact Report
EIS-----	Environmental Impact Statement
EPA-----	U.S. Environmental Protection Agency
FPC-----	Federal Power Commission
FWPCA-----	Federal Water Pollution Control Act of 1972 as amended
GACOR-----	Governor's Advisory Commission on Ocean Resources
ICOR-----	Interagency Council on Ocean Resources
LCP-----	local coastal program
LNG-----	liquefied natural gas
MOU-----	memorandum of understanding
NASCO-----	National Academy of Sciences, Committee on Oceanography
NEPA-----	National Environmental Policy Act of 1969 as amended
NI-----	national interest
NOAA-----	National Oceanic and Atmospheric Administration
OCS-----	outer continental shelf
OCZM-----	Office of Coastal Zone Management
OMB-----	Office of Management and Budget
OPR-----	State Office of Planning and Research
TRPA-----	Tahoe Regional Planning Agency
SB 1277----	California Coastal Act
AB 3544----	State Coastal Conservancy Act

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4. California Coastal Commission Regulations - Permit and Port Planning Regulations.	
5. California Coastal Commission Regulations - Local Coastal Program Regulations.	

Attachments to the CCMP and Final Environmental Impact Statement

- A. Local Coastal Program Manual
- B. Statewide Interpretive Guidelines
- C. A Summary of Alternatives Looked at During the Development of the Coastal Plan.
- D. Federally owned lands excluded from the California Coastal Zone.
- E. Coastal Commission letter of July 1, 1977, to Los Angeles
- F. Santa Barbara LCP Phase II Work Program (Proposed)
- G. Materials in support of Chapters 9 and 11
- H. Index of Land and Water Uses Referenced in the California Coastal Act.
- I. State Lands Commission Regulation, Article 6.5, in Response to California Coastal Act.
- J. Response to Comments on Draft EIS and California Coastal Management Program
- K. Correspondence and Written Comments Received on the Draft EIS and California Coastal Management Program. This was printed separately and is available from the Office of Coastal Zone Management on request.

Attachments by Reference

Extensive additional material is valuable to the full understanding of this document. This material illustrates the development of the CCMP, documents public and governmental participation in this process, supports NOAA's environmental impact analysis of the CCMP, and demonstrates NOAA's evaluation of the CCMP relative to CZMA requirements. To keep this document as concise as possible, the following materials are incorporated, by reference as Attachments:

1. History of California Coastal Planning Legislation^a
2. Significant Coastal Estuarine, Habitat, and Recreational Areas^a
3. Areas of Concern in the Coastal Zone^a
4. Current List of Acquisition Sites^{a,d}
5. Excerpt from "Governing California's Coast."^a
6. Examples of Permit Conditions^a
7. Correspondence Between Coastal Plan and Coastal Act Policies^a
8. Interim Specific Interpretive Guidelines^a (General Statewide Guidelines have been superceded)
9. Articles Published in Newspapers, Journals, and Other Documents Concerning the California Coastal Management Program^b
10. Evaluation of a Coastal Plan Policy Through the Public Review Process^b
11. Coastal Planning Mailing list^b
12. Regional Coastal Commission Plan Element Public Hearings and Meetings^b
13. Summary of Public Hearings on the Preliminary Coastal Plan^b
14. Meetings on the Preliminary Coastal Plan^b
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16. Federal Agency Involvement in the Coastal Planning Process^b
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18. Principal Federal Agency Contacts and Federal Agency Views (pursuant to Section 925.4 of CZMA Regulations)^c
19. California Coastal Plan^c
20. California Coastal Bibliography^c
21. Comprehensive Ocean Area Plan^c

^aIncluded in the DEIS as an Appendix or Attachment

^bIncluded in the DEIS as an Appendix or Attachment by reference. This documentation is available for review at the offices of the Coastal Commission and OCZM.

^cThis documentation is available for review at the offices of the Coastal Commission and OCZM.

^dThe recommended uses for Federal properties listed in this document have no effect until such time as they may be excess surplus property.

PART I

INTRODUCTION

A. The Federal Coastal Zone Management Program

In response to the intense pressures upon, and because of the importance of the coastal zone of the United States, Congress passed the Coastal Zone Management Act (P.L. 92-583) which was signed into law on October 27, 1972. The Act authorized a Federal grant-in-aid program to be administered by the Secretary of Commerce, who in turn delegated this responsibility to the National Oceanic and Atmospheric Administration's (NOAA) Office of Coastal Zone Management (OCZM).

The Coastal Zone Management Act of 1972 developed from a series of studies on the coastal zone and its resources. National interest can be traced from the Committee on Oceanography of the National Academy of Sciences (NASCO) 12-volume report "Oceanography 1960-1970" (1959), to the report of the Commission on Marine Science, Engineering and Resources (1969), which proposed a Coastal Management Act that would "provide policy objectives for the coastal zone and authorize Federal grants-in-aid to facilitate the establishment of State Coastal Zone Authorities empowered to manage the coastal waters and adjacent land." The National Estuarine Pollution Study (1969), authorized by the Clean Water Restoration Act of 1966 and the National Estuary Study authorized by the Estuarine Areas Study Act of 1968 further documented the importance of and the conflicting demands upon our Nation's coasts. These reports stressed the need to protect and wisely use the important national resources contained in the coastal zone and concurred that a program designed to promote the rational protection and management of our coastal zone was necessary.

The Coastal Zone Management Act of 1972 was substantially amended on July 26, 1976 (P.L. 94-370).

The Act and the 1976 amendments will be referred to in this statement as the CZMA. The CZMA affirms a national interest in the effective protection and development of the coastal zone, by providing assistance and encouragement to the coastal States to develop and implement rational programs for managing their coastal zones. The CZMA opens by stating [t]here is a national interest in the effective management, beneficial use, protection, and development of the coastal zone" (Section 302(a)). The statement of Congressional findings goes on to describe how competition for the utilization of coastal resources, brought on by the increased demands of population growth and economic expansion, has led to the degradation of the coastal environment, including the "loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion." The CZMA then states "[t]he key to more effective protection and use of the land and water resources of the coastal zone is to encourage states to exercise their full authority over the land and waters in the coastal zone by the assisting states...in developing land and water use programs...for dealing with [coastal] land and water use decisions of more than local significance" (Section 302(h)).

While local governments and Federal agencies are required to cooperate and participate in the development of management programs, the State level of government is given the central role and responsibility for this process. Financial assistance grants are authorized by the CZMA to provide States with the means of achieving these objectives and policies. Under Section 305, thirty coastal States which border on the Atlantic or Pacific Oceans, Gulf of Mexico, and the Great Lakes, and four U. S. territories are eligible to receive grants from NOAA for 80 percent of the costs of developing coastal management programs. Broad guidelines and the basic requirements of the CZMA provide the necessary direction for developing these programs. The guidelines defining the procedures by which States can qualify to receive development grants under Section 305 of the CZMA, and the policies for development of a State management program, were published on November 29, 1973 (15 CFR Part 920, Federal Register 38 (299): 33044-33051). For example, during the program development, each State must address specific issues such as the boundaries of its coastal zone; geographic areas of particular concern; permissible and priority land and water uses; including specifically those that are undesirable or of lower priority; and areas for preservation or restoration. During the planning process, the State is directed to consult with local and regional governments and relevant Federal agencies, as well as the general public. Federal support can be provided to States for up to four years for this program development phase.

After developing a management program, the State may submit its coastal management program to the Secretary of Commerce for approval; if approved, the State is then eligible for annual grants under Section 306 to administer its management program. If a program has deficiencies which can be remedied or has not received Secretarial approval by the time the Section 305 grant has expired, the State is eligible for additional funding under Section 305(d).

On January 9, 1975, OCSM published criteria to be used for approving State coastal management programs and guidelines for program administrative grants (15 CFR Part 923, Federal Register 40 (6): 1683-1695). These criteria and guidelines set forth (a) the standards to be utilized by the Secretary of Commerce in reviewing and approving coastal management programs developed and submitted by coastal States for approval, (see Section B, Part I), (b) procedures by which coastal States may qualify to receive program administrative grants, and (c) policies for the administration by coastal States of approved coastal management programs.

By the end of fiscal year 1976, 33 out of 34 eligible coastal States and territories had received program development grants and one State (Washington) had received program approval under Section 306.

Section 308 establishes a coastal energy impact assistance program consisting of:

- Annual formula grants (100% Federal share) to coastal States, based upon specific outer Continental Shelf (OCS) energy activity criteria. (Section 308(b))
- Planning grants (80% Federal share) to study and plan for economic, social, and environmental consequences resulting from new or expanded energy facilities (Section 308(c))
- Loans or bond guarantees to States and local governments improved public facilities and services required as a result of new or expanded coastal energy activity. (Sections 308(d)(1) and (d)(2))
- Grants to coastal States or local governments if they are unable to meet obligations under a loan or guarantee because the energy activity and associated employment and population do not generate sufficient tax revenues. (Section 308(d)(3))
- Grants to coastal States if such States' coastal zone suffers any unavoidable loss of valuable environmental or recreational resources which results from coastal energy activity. (Section 308(b) and (d)(4))

In order to be eligible for assistance under Section 308, coastal States must be receiving Section 305 or 306 grants, or, in the Secretary's view, be developing a management program consistent with the policies and objectives contained in Section 303 of the CZMA.

Section 309 allows the Secretary to make grants (90% Federal share) to States to coordinate, study, plan, and implement interstate coastal management programs.

Section 310 allows the Secretary to conduct a program of research, study, and training to support State management programs. The Secretary may also make grants (80% Federal share) to States to carry out research studies and training required to support their programs.

Section 315 authorizes grants (50% Federal share) to States to acquire lands for access to beaches and other public coastal areas of environmental, recreational, historical, aesthetic, ecological, or cultural value, and for the preservation of islands, in addition to the estuarine sanctuary program to preserve a representative series of undisturbed estuarine areas for long-term scientific and educational purposes.

Besides the financial assistance incentive for State participation, CZMA stipulates that Federal activities affecting the coastal zone shall be, to the maximum extent practicable, consistent with approved State management programs (the "Federal consistency" requirement, Section 307(c)(1) and (2)). The State must concur with any applicant's certification that a Federal license or permit affecting land and water uses within the coastal zone is consistent with the State's coastal management program. Section 307 of the CZMA requires that any outer Continental Shelf oil and gas activity described in an exploration, development, or production plan be certified to the Secretary of the Interior that it is consistent with an approved State management program. The State must concur with such certification prior to any approval by the Department of the Interior. Section 307 further provides for mediation by the Secretary of Commerce when serious disagreement arises between a Federal agency and a State with respect to the administration of a State's program and shall require public hearings in the concerned locality.

B. OCZM Requirements for Program Approval (Section 306) related to California's Coastal Management Program Submission

OCZM Requirements 15 CFR Part 923, Section:	California Coastal Management Program
.4(b) Problems, Issues, and Objectives	Coastal Plan-Part II Coastal Plan-Part IV Chapter 1 Chapter 3 Chapter 14
.5 Environmental Impact Assessment	Draft EIA *
.11 Boundaries	Chapter 4
.12 Land and Water Uses to be Managed	Chapter 5
.13 Areas of Particular Concern	Chapter 4
.14 Guidelines on Priority of Uses	Chapter 5
.15 National Interest in the Siting of Facilities	Chapter 9, 11
.16 Area Designation for Preservation and Restoration	Chapter 12 Reference 4
.17 Local Regulations and Uses of Regional Benefit	Chapter 5
.18 Shorefront Access Planning	Chapter 9
.19 Energy Facility Planning	Chapter 9, 11
.20 Shoreline Erosion	Chapter 9
.31 Means of Exerting State Control over Land and Water Uses	Chapter 6 Chapter 7 Chapter 8
.32 Organizational Structure to Implement the Management Program	Chapter 10
.33 Designation of Single Agency	Appendix 1 (Coastal Act), Governor's Letter
.34 Authorities to Administer Land and Water Use, Control Development and Resolve Conflicts	Chapter 6 Chapter 7 Chapter 10
.35 Authorities for Property Acquisition	Chapter 12
.36 Techniques for Control of Land and Water Uses	Chapter 6 Chapter 7
.41 Full Participation by Relevant Bodies In Adoption of Management Program	Chapter 13
.42 Consultation and Coordination With Other Planning	Chapter 7 Chapter 8

.51	Public Hearings	Chapter 13
.52	Gubernatorial Review and Approval	Part II - Preface
.53	Segmentation	Chapter 4
.54	Applicability of Air and Water Pollution Control Requirements	Chapter 11

*A draft environmental impact assessment was submitted to OCZM.

THE CALIFORNIA COASTAL MANAGEMENT PROGRAM

Part II - Description of the Proposed Action: Prepared by the California Coastal Commission

PART II
THE CALIFORNIA COASTAL MANAGEMENT PROGRAM
(Description of the Proposed Action)

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Appendix 1. California Coastal Act of 1976.

Appendix 2. California Coastal Conservancy Act of 1976.

Appendix 3. California Urban and Coastal Park Bond Act of 1976.

Appendix 4. California Coastal Commission Regulations - Permit and Port Planning Regulations.

Appendix 5. California Coastal Commission Regulations - Local Coastal Program Regulations.



EDMUND G. BROWN JR.
GOVERNOR

State of California

GOVERNOR'S OFFICE
SACRAMENTO 95814

916/445-2843

Dr. Robert M. White
National Oceanic and Atmospheric
Administration
U. S. Department of Commerce
Washington, D.C. 20240

Dear Dr. White:

A few months ago I submitted to you the management program for the San Francisco Bay segment of the California coastal zone. You have now approved that program. On behalf of the State of California, I am pleased to transmit California's management program for the rest of its 1,072 mile coastline.

The management program for the coast described in this document meets the intent and requirements of the Coastal Zone Management Act (CZMA). I therefore request that the program be approved as a segment of the California coastal zone management program under Section 306 of the CZMA.

I have reviewed the management program, and as Governor, I approve the program and certify to the following:

1. The State, through the California Coastal Act of 1976, associated legislative authorities, and the cooperation and coordination of other governmental agencies, has the required authorities and is presently implementing the management program for the California coastal zone.
2. The State has established, and is operating, the necessary organizational structure to implement the coastal management program.

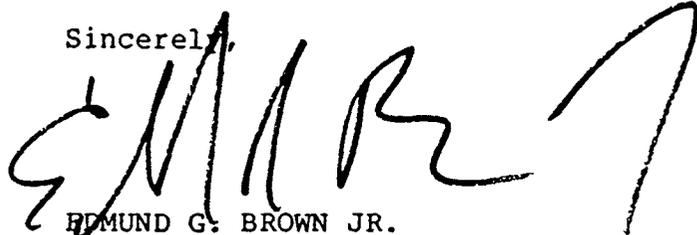
3. The California Coastal Commission is the single designated agency to receive and administer grants for implementing the coastal management program.
4. The State, through the California Coastal Commission, has the authority to control land and water uses, control development, and resolve conflicts among competing uses within the coastal zone.
5. The State presently uses a combination of the methods listed in Sections 306 (e) (1) (A), (B), and (C) of the CZMA for controlling land and water uses within the coastal zone.
6. The State has sufficient power to acquire lands, should that become necessary or desirable to carry out elements of the coastal management program.
7. The policies cited in the coastal management program are embodied in the California Coastal Act of 1976, which is the core of the coastal management program, and are directly enforceable by the Coastal Commission.
8. The State's air and water pollution control programs, established pursuant to the Federal Clean Air Act and the Federal Water Pollution Control Act, insofar as these programs pertain to the coastal zone, have been made a part of the State's coastal zone management program. The regulations relating to these programs have been incorporated into the management program and are the air and water pollution control requirements applicable to the coastal management program.
9. The coastal zone management program is now an official program of the State of California; the State, acting by and through the Coastal Commission and other state, regional, and local agencies identified in the program, will continue to meet the intent of the Coastal Zone Management Act of 1972 (as amended).

Dr. Robert M. White

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10. The State has provided for the ultimate integration of the coastal management program for the San Francisco Bay segment of the coastal zone with the management program for the remainder of the California coastal zone. Under the California Coastal Act of 1976, the San Francisco Bay Conservation and Development Commission and the California Coastal Commission are to present recommendations to the Legislature no later than July 1, 1978 on the integration of the two programs.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'EMUND G. BROWN JR.', is written over the typed name.

EDMUND G. BROWN JR.
Governor

Enclosures

INTRODUCTION: COMPONENTS OF THE CALIFORNIA COASTAL MANAGEMENT PROGRAM

The California Coastal Management Program is a combination of Federal, State, and local planning and regulatory authorities for controlling the uses of land, air, and water resources along the coast. For the purposes of meeting CZMA requirements, the management program for the main coastline segment described in this document is the major component of a two-segment program, San Francisco Bay being the smaller segment. A Coastal Management Program for the San Francisco Bay segment was approved by the Assistant Administrator of NOAA on behalf of the Secretary of Commerce on February 16, 1977. The relationship between these two segments will be reviewed in accordance with Section 30410 of the California Coastal Act by July 1, 1978.

The California Coastal Management Program for the main segment of the State's coastline includes the following: 1

- A. California Coastal Act of 1976. Division 20, California Public Resources Code Sections 30000 et seq. (Appendix 1)
- B. California Coastal Conservancy Act of 1976. Division 21, California Public Resources Code Sections 31000 et seq. (Appendix 2)
- C. California Urban and Coastal Park Bond Act of 1976. Division 5, California Public Resources Code Sections 5096.777 et seq. (Appendix 3)
- D. California Coastal Commission Regulations. California Administrative Code, Title 14, Sections 15000-14000. (Appendices 2, 4, and 5)
- E. Program Description. Part II, State of California Coastal Management Program (Introduction and Chapters 1 through 14)

The major elements of the CCMP are summarized below.

A. California Coastal Act of 1976. Effective January 1, 1977, California has a permanent, comprehensive, coastal management program. The California Coastal Act is the foundation of the California Coastal Management Program. The Act defines the State's coastal management goals and policies, establishes the boundaries of the State's coastal zone, and creates governmental mechanisms for carrying out the management program.

1. Goals

The Coastal Act specifies basic goals for coastal conservation and development aimed at protecting, enhancing, and restoring coastal environmental quality and resources, giving priority to "coastal dependent" development, and maximizing public access to the coast.

2. Policies

The Coastal Act specifies detailed policies on which conservation and development decisions in the coastal zone are to be based. These policies are generally based on the 162 policy recommendations in the Coastal Plan published in 1975 by the California Coastal Zone Conservation Commissions and deal with the following topics:

Public access - covers access to the coast, prescriptive rights, dedication of accessways, and provision of low- and moderate-income housing.

Recreation - covers shorefront lands and recreational boating.

Marine environment - covers dredging, filling, and diking of wetlands and estuaries, and structures that affect sand transport for beach replenishment.

Land resources - covers wildlife habitats, coastal-related agriculture, soil productivity, and archaeological resources.

Development - provides for future development in existing developed areas, covers visitor facilities, gives priority to coastal-dependent development, includes considerations of

¹ Material in this document that is a part of the CCMP is indicated by a black border.

geological instability, sets priorities and guidelines for expansion of public services, addresses public scenic vistas to and along the coast, and covers compatibility of new development with its setting.

Industrial development - covers offshore oil and gas development, refinery construction and expansion, powerplant and liquefied natural gas facility siting on coast, roads, and coastal-dependent industrial development.

In carrying out its policies, the Coastal Act requires conflicts to be resolved in a manner which, on balance, is most protective of significant coastal resources.

3. Jurisdiction

The Coastal Act defines "coastal zone" as an area, shown on a map filed with the California Secretary of State, extending three miles seaward and inland generally 1,000 yards. In significant coastal estuarine, habitat, and recreational areas, it extends inland to a maximum of five miles; in developed urban areas it generally extends inland less than 1,000 yards. The area of jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC) and Federal lands are excluded.

4. Coastal Commission and Regional Commissions

The Coastal Act creates a 15-member California Coastal Commission and (until no later than June 30, 1979) six regional commissions. The Coastal Commission consists of:

Secretary of Resources Agency (non-voting member),
Secretary of the Business and Transportation Agency (non-voting member),
Chairman of the State Lands Commission (non-voting member),
Six public members (2 appointed by the Governor, Senate Rules Committee, and
Speaker of the Assembly), and
Six representatives of regional commissions (appointed by each regional commission
from its membership).

5. State Agencies

The Coastal Act is not intended to change the basic authority of any existing State agency and specifies the legislative intent that duplication and conflicts among existing State agencies be minimized. The Coastal Act specifies the areas of jurisdiction of the Coastal Commission and other State agencies, including:

State Water Resources Control Board - The Board retains primary jurisdiction over water rights and water quality and makes the final decision on funding wastewater treatment plants. The Coastal Commission determines whether the treatment plant complies with the provisions of the Coastal Act and determines matters relating to land use, visual appearance, size, and timing of the use of capacity of a treatment plant.

Board of Forestry - Timber operations must be approved as specified in the Forest Practice Act. A separate permit from the Coastal Commission is not required. The Forest Practice Act is amended to require the Board to adopt rules for the protection of natural and scenic qualities in special treatment areas which were identified by the Coastal Commission by July 1, 1977.

State Energy Resources Conservation and Development Commission - The Coastal Commission will designate locations generally inappropriate for power plants by January 1, 1978, and every two years thereafter. The Energy Commission has exclusive jurisdiction everywhere else. The Coastal Commission submits recommendations on inappropriate sites to the Energy Commission. The Energy Commission must adopt Coastal Commission recommendations unless to do so would result in greater adverse effect on the environment or the measure proposed would not be feasible. The Energy Act is amended to require the Energy Commission to determine the relative merit of coastal and inland sites.

State Lands Commission - The authority of the State Lands Commission over lands within its jurisdiction or the rights and duties of its leasees or permittees will not be changed by any power granted to local jurisdictions.

6. Local Coastal Programs

By April 1, 1977, the Coastal Commission was required to adopt procedures for the preparation, approval, certification, and amendment of local coastal programs. By January 1, 1980, all local governments within the coastal zone must prepare a local coastal program or request (by July 1, 1977) the Coastal Commission to prepare one. Local coastal programs include the relevant portions of a local general plan, zoning ordinances, zoning district maps, and actions which implement the Coastal Act at the local level.

Completed local coastal programs are submitted to regional commissions for approval and ultimately to the Coastal Commission for certification. The policies contained in Chapter 3 of the Coastal Act are the standards by which the adequacy of local coastal programs is determined.

The regional commissions are given 90 days to act on a local land use plan. No action constitutes approval. Disapproved plans may be revised and resubmitted to the regional commission or appealed directly to the Coastal Commission. The Coastal Commission has 21 to 45 days to determine by a majority vote whether specific substantial issues of adequacy exist and, unless it finds no substantial issues; it has 60 days from receipt of the plan to certify the plan or refuse certification.

Zoning ordinances, zoning district maps, and other implementing actions may be submitted concurrently with the land use plan or after certification of the land use plan. If submitted after certification, the regional commission has 60 days to reject them or they are deemed approved. Rejected ordinances and related material may be revised and resubmitted to the regional commission or appealed directly to the Coastal Commission. Aggrieved persons may appeal approvals or rejections to the Coastal Commission. The Coastal Commission (by majority of those present) may refuse to hear an appeal that raises no substantial issue. The Coastal Commission has 60 days after an appeal is filed, or 30 days after it decides on its own to review the implementing action, to reject the implementing actions. Failure to act constitutes approval.

Any time limitation relating to local coastal programs may be extended by the Coastal Commission or regional commission for "good cause", although the regional commissions themselves cannot be extended past a June 30, 1979, deadline.

If local coastal programs are not certified and all implementing devices are **not effective** by January 1, 1981, the Coastal Commission may:

- Prohibit or restrict the affected local government from issuing any permit, or
- Require a permit from the Coastal Commission for any development within the affected jurisdiction.

A procedure paralleling the local coastal programs is established for the Ports of Port Hueneme, Long Beach, Los Angeles, and San Diego whereby the ports prepare a port master plan for certification by the Coastal Commission. The policies by which the plans are evaluated are defined in terms of port-related issues and are set forth in Chapter 8 of the Coastal Act.

Regional commissions are dissolved within 30 days after the last local coastal program in its region is certified or on June 30, 1979, whichever is earlier.

Once local programs are certified, State agencies are required to comply with the standards of certified LCPs. Similarly, the LCPs will be incorporated into the CCMP upon their certification by the Coastal Commission, and will be used in making Federal consistency determinations. State and Federal agencies will be given the opportunity both to participate with local governments in the development of the LCPs and, prior to certification, to advise the Commission on whether these local governments have taken State and national interests into account in the LCPs. Moreover, to ensure that local interests can be balanced with regional, State, and national needs, the actual application of local standards to Federal activities will be made by the Coastal Commission. Local governments and Federal agencies can participate in the Federal consistency decision-making process under the procedures outlined in Chapter 11.

7. Permits

Prior to certification of a local coastal program, any development in the coastal zone (other than power plants and transmission lines under the jurisdiction of the Energy Commission) requires a coastal development permit. Such permits are obtained from local governments if the local governments choose to implement the permit process (except that a permit still must be obtained from the regional commission for development on tidelands, submerged lands, or public trust lands, or for development by a public agency for which a local government permit is not otherwise required). Such permits may be incorporated with any other development permit issued by a local public agency (e.g., conditional use permit) or may be separate. If the local governments choose not to implement the permit process, all such permits are obtained from the regional commission. Even if the local governments choose to implement the permit process, a regional commission permit is also required for:

Developments located within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of a coastal bluff;

Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of a beach (or mean high tide line where there is no beach), whichever is the greater distance;

Developments which constitute a major public works project or a major energy facility;

Approved or disapproved developments which constitute a major public works project or a major energy facility; and

Approved developments not designated as a principal permitted use under the approved zoning ordinance or zoning district map.

The Coastal Commission and regional commissions have 21 to 42 days to schedule a hearing on permit application or appeal. A decision is required within 21 days of the close of a hearing.

All permits are subject to terms and conditions. The Coastal Commission is required to establish a joint development permit application system with permit-issuing agencies where feasible. As an alternative to project review, master plans for public works or university or State college developments may be submitted to the Coastal Commission for certification.

No coastal development permit is required for:

- Certain improvements to existing single family residences,
- Certain maintenance dredging,
- Certain repair or maintenance activities,
- Developments which the Coastal Commission determines (by a two-thirds vote) have no potential for any significant adverse effect on coastal resources or on public access,
- Persons with vested rights (if granted an exemption) and persons who have a permit issued by the existing Coastal Commission,
- Certain developed urban areas, and
- Certain utility connections.

Section 14 of the Coastal Act amended the Revenue and Taxation Code to require local assessors to consider locally issued coastal development permits (after certification of the local coastal program) as enforceable restrictions in assessing land.

8. Sensitive Coastal Resource Areas

The Coastal Act requires the Coastal Commission to designate sensitive coastal resource areas by September 1, 1977. Each such designation must be based upon a separate report adopted by the Coastal Commission which includes a specific determination that the area is of regional or statewide significance. In sensitive areas the local coastal program must include supplementary programs adequate to protect the resources enumerated in the findings of the sensitive area report.

The Coastal Commission must submit its recommended sensitive coastal resource area nominations to the Legislature. Unless the Legislature adopts these recommendations within two years, they cease to have any force and effect. After certification of local coastal programs, developments approved by the local government in sensitive areas continue to be subject to appeal to the Coastal Commission.

The Coastal Commission has preliminarily determined that the authorities typically embodied in a local coastal program will be adequate to protect all coastal resources; therefore, the designation of sensitive coastal resource areas may be unnecessary.

9. Judicial Review and Enforcement

Any person aggrieved by a Coastal Commission decision may seek judicial review within 60 days. Any person may bring an action to restrain any violation of the Coastal Act, to enforce the duties imposed by the Coastal Act on any governmental agency, or to recover civil penalties. Violators of the Coastal Act would be subject to a \$10,000 fine plus \$50.00 to \$1,000 per day for each day of violation plus damages.

10. Mandated Costs Reimbursable to Local Government

Section 16 of the Coastal Act declares that all costs to local government for implementing the Coastal Act shall be fully reimbursed in the annual State budget, except that claims for the 1976 to 1977 fiscal year must be submitted to the State Controller by October 31, 1977. If the Legislature fails to provide full funds for mandated local costs, the dates for submission of a local coastal program are postponed by the number of years elapsing until funds are provided.

Section 30008 of the Coastal Act states that, "This division the California Coastal Act shall constitute California's coastal zone management program for purposes of the Federal Coastal Zone Management Act of 1972". However, the CCMP is not necessarily limited to the Coastal Act itself because Section 30009 of the Act provides that, "This division shall be liberally construed to accomplish its purposes and objectives". It is clear that one of the purposes and objectives of Section 30008 is to declare the Legislature's intention that California's coastal management program satisfy the CZMA requirements for a state coastal management program. Any interpretation of Section 30008 that would preclude any component either necessary for program approval or advantageous to the implementation of the program from being included as part of the CCMP (e.g., Coastal Commission regulations, national interest statement, supporting legislation, etc.) would be in violation of Section 30009.

Furthermore, Section 30330 authorizes the Coastal Commission to exercise any powers given to the State by the Federal Coastal Zone Management Act, including issuing certificates of consistency pursuant to the CZMA. Inasmuch as the State will gain this authority only after its management program is approved, Section 30330 would be made meaningless by a narrow interpretation of Section 30008 that prevented program approval. This limiting interpretation would be contrary to the decision in

Meyer vs. Workmen's Compensation Appeals Board, 10 Cal. 3d 222, 230 (1973), which concluded that a statute should not be interpreted in a way which renders any part of it superfluous.

Therefore, California's coastal management program, as submitted to the Department of Commerce for approval, includes the following components in addition to the Coastal Act.

B. California Coastal Conservancy Act of 1976. This Act is integrally related to the Coastal Act by Section 3 of the Conservancy Act which states, "This act shall become operative only if the Coastal Act is enacted and shall become operative at the same time as the Coastal Act ". The Conservancy Act establishes a State Coastal Conservancy based on a recommendation in the Coastal Plan. The Conservancy, which is composed of three members in addition to the Secretary for Resources (the Coastal Commission is part of the Resources Agency) and the chairperson of the Coastal Commission, is responsible for implementing a program of agricultural lands protection, area restoration, public access, and resource enhancement in the coastal zone. The establishment of the Conservancy adds acquisition and restoration capabilities to the CCMP to complement the planning and regulatory authorities created by the Coastal Act. The actions of the Conservancy will be integrated with the implementation of the management program.

C. California Urban and Coastal Park Bond Act of 1976. This measure was submitted to the California electorate by the Legislature for consideration at the November 1976 general election. In approving the measure, the voters provided \$145 million for the acquisition of coastal areas and \$10 million for the State Coastal Conservancy to begin its program. The Bond Act provides funds for the acquisition of a number of the sites recommended for public purchase by the Coastal Commission. These sites will be acquired by the California Department of Parks and Recreation using purchase criteria that are based largely on those developed by the Coastal Commission.

D. California Coastal Commission Regulations. Included in the CCMP are governmental regulations, adopted by the Coastal Commission pursuant to Coastal Act requirements. These documents are summarized below.

- (1) Permit and Port Planning Regulations. These regulations cover: (1) the administrative procedures of the Coastal Commissions; (2) the procedures for the submission, review, and appeal of coastal permit applications and claims of exemption; and (3) the procedures for the preparation and review of port master plans.
- (2) Local Coastal Program Regulations. These regulations establish procedures for the preparation, submission, approval, appeal, certification, and amendment of local coastal programs. Included are a common methodology for the preparation of LCPs, criteria for the scope of an LCP, a schedule for processing LCPs, and recommended uses of more than local importance that must be considered in the preparation of LCPs.

E. Program Description. Part II of this document is a narrative description of the legislative and administrative measures embodied in the CCMP, organized to correspond to the specific requirements of the Coastal Zone Management Act of 1972, as amended. As such, the bulk of Part II is explanatory, descriptive, historical, and interpretive in nature. Chapter 11 is quite different in that it is a definitive policy statement adopted by the Coastal Commission. Chapter 11 explains how national concerns were addressed in the development of the CCMP, illustrates how Federal agencies were involved in California's coastal planning, and outlines a general approach for implementing the Federal Consistency provisions of Section 307 of the CZMA in California. Several public hearings have been held on this material as it has evolved over the past two years. An earlier version of this chapter was included in the California Coastal Plan as a statement entitled "National Interest in the Coast". This statement has been refined to include Federal consistency procedures that are based, in part, on the successful program of cooperation with Federal agencies that the San Francisco Bay Conservation and Development Commission has developed for the voluntary application of the San Francisco Bay Plan to Federal activities over the past decade.

In response to comments made by reviewers of the draft program--many of whom alleged that the Coastal Commission was not sufficiently responsive to national interest needs--the Commission adopted the current version of Chapter 11 on July 19, 1977. In adopting this material the Commission made numerous revisions to the chapter as it appeared in the draft program to clarify how national concerns--and especially energy issues--have been incorporated into the development of the CCMP and will be considered by the Commission in carrying out the program.

Other Material

Some confusion has been expressed over what is and is not included in the California Coastal Management Program. The above listing of the program components and summary of their major elements should resolve this problem. To avoid any further confusion, following is an explanation of how some important supplementary material is related to the CCMP.

(1) Attachments. Included in this document are several Attachments, such as the Local Coastal Program Manual, Commission Interpretative Guidelines, a sample LCP work program, information developed by the Coastal Commission staff, etc. In addition, the Table of Contents of this document incorporates into the Attachments by reference numerous other materials. The purpose of the Attachments, included or referenced, are to further document California's compliance with the CZMA requirements to support NOAA's environmental impact analysis of the CCMP, to substantiate various conclusions drawn in the EIS, to illustrate how the CCMP is being implemented in California, and to augment the responses made by NOAA to DEIS reviewers.

The Attachments are not a formal part of the California Coastal Management Program and, as such, cannot be used as a policy basis in the administration of the program, unless it is amended or refined. Nevertheless, they are valuable enough to the full understanding of the CCMP, the EIS, and NOAA's evaluation of the program relative to CZMA requirements that they are incorporated into this document.

(2) Supplementary Information. California's coastal management program is not a static element. Nor does the Commission exist in isolation of other governmental agencies or sources of information. The CCMP will continue to be refined to address new problems and to provide better answers to old problems. To accomplish this refinement, more and better information is needed. In some cases, this information will be drawn from studies being carried out under the direction of the Coastal Commission (e.g., the power plant siting study pursuant to Section 30413, the OCS study being carried out by OPR under contract to the Coastal Commission, etc.). In other cases, the work will be done in partnership with other agencies (e.g., the joint study with BCDC on integration of the two segments of the coastal program pursuant to Section 30410(a), the joint study with OPR on improving the effectiveness of the CCMP's implementation pursuant to Section 30415, etc.). And, much information will be derived from studies carried out entirely by other agencies for purposes other than CCMP implementation or refinement (e.g., the Energy Commission's Biennial Report, the Department of Parks and Recreation's California Outdoor Recreation Plan, OPR's Environmental Goals and Policies Report, etc.).

Some of these studies are already underway and drafts of their preliminary conclusions have been circulated for review. Unfortunately, this caused some confusion in the minds of a few reviewers of the draft program who criticized the CCMP on the basis of the erroneous assumption that these preliminary conclusions were part of the CCMP. The CCMP is limited to the five components listed at the beginning of this section. Other elements, conclusions, or information will be incorporated into the CCMP only after the Coastal Commission has thoroughly evaluated the material, refined it as necessary, and adopted it as Commission policy. Even then, these policies cannot be used as the basis of Federal consistency decisions under the CZMA until the CCMP has been formally refined or amended in accord with NOAA regulations for program revisions.

This does not prevent the Commission from "considering" reports and studies that are not a part of the program in making decisions on the national interest, public welfare, and balanced utilization of the coastal zone that are required by either the CZMA or the California Coastal Act. In fact, the Commission has an obligation to consider all relevant material--whatever its source--in making these decisions. But it cannot use any of this material, in isolation, as the basis for a CCMP decision; all CCMP implementing actions must be clearly based on the adopted policies of the management program.

CHAPTER 1

PRELUDE TO 1977

Historically, the use of California's coastal zone, like that of other coastal States, has primarily been regulated or not regulated by local jurisdictions. Over the years, a variety of new governmental agencies, local, regional, State, and Federal, were given some degree of regulatory powers over certain activities within the coastal zone. As of mid-1972, California's 1,072 miles of mainland coastline, excluding the San Francisco Bay, and its 300 or so miles of offshore channel island coastline, were subject to the jurisdiction of 15 counties, 45 cities, 42 State, and 70 Federal agencies.

Pressures from population expansion along the coast, conflicting demands on limited coastal resources, proliferation of regulatory governmental agencies, and the absence of any coordinated State or regional policy regarding California's coastal resources was leading to the rapid and highly visible deterioration of the coastal environment--especially in the more urbanized areas. Warnings about this condition and the need for some form of comprehensive, coordinated State plan or program for the long-range conservation and utilization of California's finite coastal resources were echoed in legislative resolutions and reports, State and local studies and reports, legislative hearings, proposals for legislation, and in numerous popular publications. As early as 1931 a joint legislative committee issued a report on "seacoast conservation."

Past efforts to promulgate effective State and regional coastal planning and management programs had, with one exception, produced virtually no action. An exception was the San Francisco Bay Conservation and Development Commission (BCDC), established in 1965 after a public outcry ("Save the Bay") about landfill and development in the Bay.

The BCDC was a pioneer in State land use planning and development regulation. Despite numerous efforts, no similar commission was established for the California coast. When comprehensive coastal legislation was finally enacted in California, it was through the efforts of citizen organizations, not their elected representatives. On November 7, 1972, California voters, by a 55 to 45 percent margin, enacted a law placed on the ballot as an initiative: Proposition 20, the California Coastal Conservation Act of 1972 (hereinafter referred to as Proposition 20). With the passage of Proposition 20, the rules applicable to the use of California's coastal resources were radically altered. Proposition 20 established a temporary, four-year program for the comprehensive planning and management of coastal zone resources unlike any proposed, much less implemented, elsewhere in the United States. State and regional commissions were established and given a dual mandate to prepare a comprehensive, enforceable, long-range plan for the conservation and orderly development of the coast, and to regulate development while this plan was being prepared.

The permit procedure gave the Coastal Commission and regional commissions a firsthand look at the issues, and their experience with these issues provided a basis for policy making. For instance, they soon discovered one of the most difficult statewide issues was the balancing of private development with public recreation and access to the coast.

From 1973 to 1975, hundreds of public hearings were held on the evolving coastal plan. Coastal Commissioners and regional commissioners, working part-time, grappled with the complex and controversial issues facing the coast: energy, preservation of marine and land environments, shoreline access, recreation, transportation, development, and design.

The plan was completed in the fall of 1975 and was submitted to the Governor and the Legislature on December 1 of that year. At that time, the Coastal Commission and regional commissions as established by Proposition 20 had only a year remaining. In submitting the plan, Coastal Commission Chairman Mel Lane said, "Now the future of the coast is in your hands; under the present law, the Coastal Commission will go out of existence on December 31, 1976."

During the 1976 Legislative session, the Coastal Commission and regional commissions continued to operate under the original mandate of Proposition 20. The Coastal Commission and regional commissions carefully reviewed permit processes and began to study various methods for implementing local coastal program procedures outlined in the plan, if and when the plan was to be enacted by the Legislature.

The original coastal bill, SB 1579, was introduced in the Senate in February 1976. After several hearings, the bill was approved in one committee but in June 1976, it failed to clear the Senate Finance Committee. For a while it seemed as if coastal legislation was dead until the next year, when the bill was quickly revived as amendments to a minor bill, SB 1277, had already received Senate hearings and approval. In two months SB 1277 emerged from both houses of the Legislature as the basis of California's coastal management program (see Appendix 1). SB 1277 supporters agreed to several amendments, contained in a "cleanup" or trailer bill, AB 2948, which was itself amended by AB 400. Meanwhile, another part of the program was being acted on separately; AB 3544 (see Appendix 2) to establish a State Coastal Conservancy, was passed just after SB 1277. A third piece of legislation, SB 1321, a coastal parklands acquisition bond act, was placed on the November 1976 ballot as Proposition 2; it was approved by the voters. AB 400 appropriated operating funds and additional acquisition funds, and an earlier bill, AB 2133, provided funds for coastal wetlands acquisitions.

On January 1, 1977, when the Coastal Act and other laws came into effect, a permanent coastal management program for California was established.

CHAPTER 2

A BRIEF LOOK AT THE MANAGEMENT PROGRAM

A. The Management Program--A New Approach to Land Use Regulation...and Some Old Approaches

One of the principal means of implementing the Coastal Act is the regulation of land and water use. Government regulation is a long-established and constitutional method to protect the public health, safety, and welfare. In the past, regulation of land use has been primarily a local concern but, increasingly, State interests and conflicts between local agencies have proved the need for State involvement in conservation and development. Implementation of the Coastal Act through local land use regulations, with an overview by a continuing State coastal agency, is a new and promising approach to State and local cooperation. It offers the maximum in responsiveness to local conditions, accountability, and public accessibility, while assuring that local decisions will protect statewide concerns.

Regulation alone will not be sufficient; some of the provisions of the Coastal Act require active programs of public land acquisition. In most cases, these will be conducted by existing agencies and a new agency, the State Coastal Conservancy.

Because the coast contains resources of statewide importance, statewide perspective is needed in planning for the coast, along with local viewpoints. Moreover, no plan for the coast can be applied to the diverse and complex conditions of its 1,072 miles without a continuing need for interpretation, resolution of conflicts, and flexibility. It is essential, therefore, that statewide interests be reflected in the governmental process of implementing and applying Coastal Act policies. Other levels and agencies of government each have their own focus and concerns. The Coastal Act, accordingly, established a State agency, the California Coastal Commission, specifically charged with coastal management, assuring the breadth of jurisdiction and perspective essential in carrying out the objectives of the State legislation and the CZMA.

The Coastal Commission is predominantly a citizen commission. No administrative agency, headed by a single administration, can bring to coastal management and planning the breadth of interests and concerns that independent commissions can provide. Purely administrative decision-making would be less accessible and responsive to the general public. The commission structure allows the decision-making body to focus on basic policy choices inherent in coastal planning and management. Technical expertise can be provided by the staff, the assistance of other State agencies, technical advisory boards, or independent consultants, rather than in the membership of the Coastal Commission itself.

B. Precedents for the Management Program

The State of California established several agencies that utilize land use control, regional planning, and pollution control approaches, pre-dating the present coastal management program. A quick look at these agencies is appropriate:

The San Francisco Bay Conservation and Development Commission. In 1965 the legislature established the San Francisco Bay Conservation and Development Commission (BCDC) to develop the Bay Plan and to immediately protect the Bay from further unnecessary fill. In 1969 BCDC was given permanent status as the enforcer of the Bay Plan. The BCDC shares permit powers with other State and local agencies. Its jurisdiction covers the entire Bay subject to tidal action and extends landward 100 feet from the line of highest tidal action. This agency has received broad public support.

Tahoe Regional Planning Agency. In 1970 the Tahoe Regional Planning Agency (TRPA), a regional interstate agency, became operational. The TRPA's mission is to plan for and share, with the appropriate local agencies, land use controls over the Lake Tahoe basin. The rapid deterioration of Lake Tahoe, as had been the case with the San Francisco Bay, made some form of regional planning and management approach necessary. Access to the lakeshore was rapidly dwindling; water pollution threatened the destruction of the Lake's ecological balance and the closure of certain areas to swimming; air pollution had reached the point where comparisons to Los Angeles no longer appeared like bad jokes; the density and intensity of shoreline developments posed a serious threat to the surrounding environment; and high-rise apartments and

condominiums were destroying the very scenic beauty that made the lake such an attraction in the first place. The TRPA has attempted to reverse some of these trends and has become involved in an intense verbal and legal struggle with local governments, developer interests, and recently with conservationists because of its unique voting procedure. This conflict led to the creation of a separate California agency, California Tahoe Regional Planning Agency (Cal-TRPA) to also regulate development on the California side of the Lake. Although TRPA has not enjoyed the acclaim of BCDC, it has furthered the cause of regional planning and management of a regional resource.

State and Regional Water Quality Control Boards. In 1970 a new law became operative in California that has enabled the State Water Resources Control Board and nine California Regional Water Quality Control Boards to implement a strict program of water quality control. The State board is responsible for protecting California's waters. It also has appellate and policy jurisdiction over the regional boards. The work of these boards has been well received by the public. As a result of this water quality control program, California has been viewed as one of the leaders in this field.

Together, these and other agencies such as the Air Resources Board and local air pollution control districts have provided valuable precedents for the approach embodied in the Coastal Act. In addition, the experience with various features of these agencies and their programs, such as membership composition, State/regional relationships, permit power, planning programs, etc., proved to be invaluable in the preparation of the Coastal Act.

C. Approaches to the Management Program

The Coastal Act is founded on the experience of planning and regulation conducted by the Coastal Commission's predecessor from 1972 through 1976. The Coastal Commission and the Coastal Plan it developed and adopted were in turn the outcome of Proposition 20. The origins of the present management program can be seen in the variety of approaches to resources planning and management discussed when the legislation that eventually became Proposition 20 was being constructed in 1970 through 1971.

From the outset it was apparent that scattered and numerous local governments could not lay the groundwork for a comprehensive coastal management program for California. The question at hand was, at what level could an effective, meaningful, and comprehensive coastal resources planning and management program be developed? It was felt that the local government level simply did not have the resources, the legal jurisdiction, or the perspective and overview necessary to prepare a comprehensive statewide plan. The problems of the entire coastal zone transcend political boundaries. Also recognized was the fact that local governments could not be expected to serve with their limited resources the public interest of the entire State.

For the initial stages of preparing a comprehensive coastal management program, a State agency approach was considered the most desirable. In this way the State's resources could more readily perform the task. The Coastal Commission and regional commission structure established in Proposition 20 was modeled after the Water Quality Control Boards. This approach, it was believed, was best suited to take into account the unique character, needs, and problems of particular regions. Subsequently, the regional commissions reflected regional dynamics while the Coastal Commission provided the framework and the means for statewide coordination and policy. In addition, membership of these commissions was constructed so as to assure that affected local governments were adequately represented.

After passage of Proposition 20 and the commencement of coastal planning, a different approach evolved. The Coastal Commission determined a permanent coastal management program could best be implemented on a local level with State government guidance. As recommended in the Coastal Plan, the Coastal Act provided for delegating a proviso that they work within the policy guidelines of the legislation and the Coastal Commission.

The Coastal Act thus established a unique partnership between State and local government by proposing implementation of coastal policies through local land use regulation with an overview by a continuing State commission.

D. How the Program Will Work

The legislation gives the Coastal Commission primary responsibility for implementing the provisions of the Coastal Act, and it designates the Coastal Commission as the State coastal zone planning and management agency with the authority to exercise any and all powers set forth in the CZMA or any other Federal act that relates to the planning or management of the coastal zone. The Coastal Act also recognizes that statewide coastal concerns should be reflected in local land use plans and regulations, and it requires that local governments and ports submit their plans and ordinances to the Coastal Commission for certification as local coastal programs and port master plans. Once local plans and ordinances have been certified as consistent with the policies of the Coastal Act, local governments will take on major responsibility for implementation of the Coastal Act. Each local government lying wholly or partially within the coastal zone is required to prepare a local coastal program for that portion of the coastal zone within its jurisdiction. The Coastal Commission will prepare and adopt specific guidelines for the preparation of local coastal programs, but in general, the local coastal program will consist of an approved land use plan and zoning ordinance. For those areas designated by the Coastal Commission as "sensitive resource areas" and ratified as such by the Legislature within two years, additional implementing measures may also be required to assure the protection of these particularly sensitive areas.

Local land use plans will be reviewed by both the Coastal Commission and regional commissions to establish their consistency with the policies of the Coastal Act, and implementing ordinances will be reviewed to assure conformance with the approved land use plan. The regional commission will be in existence until no later than June 30, 1979, at which time the Coastal Commission will take over all review of local coastal programs.

After certification of a local coastal program (or port plans) and after zoning and other implementing actions have become effective, the review authority for new development within the coastal zone will be delegated to local governments or port governing bodies. The following types of development, however, may be appealed to the Coastal Commission:

1. Any development between the sea and the first public road or within 300 feet of the inland extent of the beach or mean high tide line, whichever is a greater distance.
2. Any development located on tidelands, submerged lands, public trust lands, within 100 feet of any streams, wetlands, estuaries, or within 300 feet of the top of the seaward face of any coastal bluff.
3. Any development located in a sensitive coastal resource area.
4. Any development located in unincorporated areas when the proposed use is not designated as the principal permitted use under the zoning ordinance.
5. Major public works or major energy projects.
6. Within certified port plans, specific types of uses listed in Section 30715 (office or residential development, oil production facilities, etc.).

To insure that unwise development decisions do not occur while local plans are being brought into conformance with the Coastal Act, the Coastal Commission and regional commissions will exercise interim development controls. Prior to certification of a local coastal program, any development in the coastal zone will require a coastal development permit. Such permits will be issued by the Coastal Commission or the regional commission, provided that the proposed development (a) conforms to the policies in Chapter 3 of the Coastal Act and (b) approval would not prejudice the ability of the local government to prepare its local coastal program. The Coastal Act provides that a local government may assume the permit role prior to certification if it adopts development control procedures conforming to the Coastal Commission's procedures. Even if a local government assumes the permit role before certification, the Coastal Act allows appeals to the regional commissions and requires that certain types of development also receive a permit from the regional commission or Coastal Commission. These include: (1) development within 300 feet of the inland extent of beach or between the first public road and the sea, (2) development within 100 feet of wetlands, streams, or estuaries or within 300 feet of coastal bluffs, and (3) major public works or major energy projects.

The Coastal Act provides that all State and Federal agencies, to the extent applicable under Federal law, be required to conduct their activities in full compliance with the policies of the Coastal Act.

This summary was intended to be brief. Details of management program mechanisms appear primarily in Chapter 6 to 11, with citations to the relevant legislation.

CHAPTER 3

PROGRAM OBJECTIVES AND GENERAL MANAGEMENT POLICIES

A. Objectives

The California Legislature, in the Coastal Act, declared that the State's basic coastal program goals are to:

- "(a) Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
- (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.
- (d) Assure priority for coastal-dependent development over other development on the coast.
- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone." (30001.5)*

B. Coastal Issues and General Management Policies

Chapter 3 in the Coastal Act is a key chapter which sets forth numerous resources, planning and management policies consistent with the goals of the Coastal Act. Primarily, the policies constitute the standards by which the adequacy of local coastal programs and the permissibility of proposed developments will be determined. (30200). They are also mandated policies for all public agencies involved in coastal zone activities. (30003). These policies, in short, are fundamental parts of the management program.

The following sections reiterate these policies. Each set of policies is introduced with the rationale for the policies, based on the Coastal Plan, which provided background for the Coastal Act. (30002)

Public Access

Of California's 1,072 miles of mainland coast, approximately 263 miles were legally available for public access in the latter part of 1972, when the people of the State were considering the ballot's Proposition 20. The State Constitution in fact guarantees the right of public access to the ocean, but this right has not always been enforced, and many parts of the coast are now fenced or are otherwise inaccessible.

While the Coastal Act places special emphasis on adequate public access, it also recognizes public safety needs, the need to protect public rights, rights of property owners, and natural resource areas for overuse, and the need for additional policing, litter control, and other measures. The policies balancing these needs are:

"In carrying out the requirement of Section 2 of Article XV of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse." (30210)

"Development shall not interfere with the public's right of access to the sea where acquired through use, or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation." (30211)

"Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

*Unless otherwise indicated, parenthetical numbers refer to sections of the California Public Resources Code. The Coastal Act is Division 20, commencing with Section 30000 (see Appendix 1).

"Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 2 of Article XV of the California Constitution." (30212)

"Wherever appropriate and feasible, public facilities, including parking areas, or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area." (30212.5)

Along the immediate shoreline, home, businesses, and industries have often cutoff existing public access, have used up available road capacity and off-street parking, and have precluded use of the coastline area for recreation. Development has an impact on transportation systems serving the coast and can also reduce upland recreational opportunities that would otherwise relieve demand on the shoreline. A development policy deals with the relationship of access and development:

"The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreational areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development." (30252)

In recent years much coastal property has increased rapidly in value, so people of limited means, including many elderly people, can no longer afford to live in some coastal neighborhoods. This problem is addressed as follows:

"Lower cost visitor and recreational facilities and housing opportunities for persons of low and moderate income shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. New housing in the coastal zone shall be developed in conformity with the standards, policies, and goals of local housing elements adopted in accordance with the requirements of subdivision (c) of Section 65301 of the Government Code." (30213)

Recreation

The California coast provides recreation for millions of people every year--many from within the State, but many from other parts of the country and the world as well. Serving their needs provides California with jobs and income constituting a valuable part of the State's economy. Visitor surveys, filled campgrounds, and jammed parking lots make clear that even more visitors would be at the coast if there were more room for them. A study by the State Department of Parks and Recreation in 1971 showed deficiencies in a variety of recreational activity opportunities. For example, deficiencies were found in such recreational activities as ocean swimming due to insufficient parking facilities, sport fishing due to a "critical shortage" of public land, skin and scuba diving due to a scarcity of quality diving areas, and camping due to insufficient facilities. The same study noted that "bicycling and hiking trails along the coast of California are essentially non-existent."¹

The scarcity of public access to beaches, tidepools, and other shoreline areas and deficiencies in coastal recreational opportunities provided the most compelling reasons for public concern and active involvement in efforts to enact coastal zone planning and management legislation.

The Coastal Act will increase public access to the shoreline and help correct current deficiencies in coastal recreational opportunities both through the permit process and as an integral part of local coastal programs. Relevant policies are:

"Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses." (30220)

"Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area." (30221)

"The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry." (30222)

"Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible." (30223)

While giving considerable emphasis and priority to the use of scarce coastal lands for public recreation and public-serving commercial recreation uses, the Coastal Act also recognizes (in several of the public access policies noted above) that many areas cannot accommodate unlimited crowds without environmental damage, and provides limits be placed on access and recreational use as necessary.

In recognition of the need to meet public demand for coastal recreation, and to protect existing facilities and resources from overuse, the Legislature placed the State Urban and Coastal Park Bond Act of 1976 on the November 1976 ballot. Approved by the voters, this measure assures funding for many of the acquisition sites and recreational facilities recommended in the Coastal Plan.

The demand for recreational boating has grown sharply in recent years, and in many coastal marinas there is a shortage of berths. In the past, small-boat marinas were often created by dredging and filling valuable marshes or other wetlands. Because such areas are essential to protect the State's fish and wildlife, and because boating can be accommodated elsewhere without habitat destruction, the Coastal Act draws limits to the development of marinas while simultaneously encouraging increased boating:

"Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land." (30224)

Other policies permit certain boating facilities in degraded wetlands under certain conditions.

Marine Environment

California's coastal waters are among the world's most productive marine environments, but since the turn of the century, there has been an ominous decline in the quantity of food fish caught in the State's coastal waters, especially near intensively developed urban areas. The reasons are threefold: 1) overharvesting of some popular fish, shellfish, and marine mammals has depleted their numbers; 2) until recently, the ocean has been viewed as a convenient dumping ground for all sorts of waste products, including materials poisonous to marine life; and 3) coastal wetlands, which serve as "nursery grounds" for many species of fish and wildlife, have been dredged and filled for development. The Coastal Act's principal policy on marine resources is:

"Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes." (30230)

The Coastal Act also specifies a number of measures to protect these resources:

"The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams." (30231)

Of California's many biologically productive wetlands and estuarine areas over two-thirds have been destroyed by drainage, filling, and dredging. These critical areas, together with the near-shore areas of the coastal zone, constitute the most productive link in the ocean's food chain. As noted in the California Comprehensive Ocean Area Plan (COAP), a study and inventory of coastal resources and problems, "the continued reduction of these coastal wetlands is one of the most serious problems facing man in coastal zone fishing and wildlife management."² Effective conservation and restoration programs for living wetland, estuarine, and nearshore marine resources have been largely ignored in the past. The Coastal Act includes policies to protect these resources:

"(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities, if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored.
- (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities.
- (5) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- (7) Restoration purposes.
- (8) Nature study, aquaculture, or similar resource-dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division." (30233)

Elsewhere in the Coastal Act, provision is made for mitigation measures:

"Where any dike and fill development is permitted in wetlands in conformity with this division, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface areas shall be dedicated to an appropriate public agency, or such replacement site shall be purchased before the dike or fill development may proceed. Such mitigation measures shall not be required for temporary or short-term fill or diking; provided, that a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time." (30607.1)

Because of the expected increase in energy facilities, tanker traffic, and offshore drilling along the coast, the Coastal Act addresses the problem of oil spillage with this policy:

"Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur." (30232)

The reduction of commercial fishing facilities and the popularity of recreational boating and the possible conflict between these two types of facilities resulted in this policy:

"Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of commercial fishing industry." (30234)

Seawalls, breakwaters, revetments, groins, harbor channels, cliff retaining walls, and other structures near the shoreline can detract from the scenic appearance of the oceanfront and can alter natural shoreline processes. Yet some of these structures are necessary:

"Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible." (30235)

The Coastal Plan found coastal streams directly affect the coastal environment in several ways, being, among other things, interrelated with the estuarine systems, vital to anadromous fish that live in both salt and freshwater, and collectors and transporters of sand to supply coastal beaches. The Coastal Act addresses the various development pressures on streams in the coastal zone as follows:

"Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat." (30236)

Land Resources

The Coastal Act recognizes the richness of the nearshore ocean habitat. Recognizing many plants, animals, birds, and marine creatures are dependent on the unique environment of the coast and can only survive in this setting, the Coastal Act affords protection to the sensitive resources of the land environment:

"(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

"(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas." (3024

The rich alluvial soils in coastal valleys, combined with temperate climatic conditions, create some of the finest and most productive agricultural land in the Nation. The presence of the sea moderates the climate and helps create an extended growing season and protect coastal crops from frost damage. Yet, much of the prime agricultural land in the coastal zone has been lost to urban development; in the coastal counties, one out of 12 acres (about 8 percent of the cropland) was converted in the 1960's. Urbanization pressure causes problems for remaining agriculture. For example, subdivisions and lot splits fragment land and ownership patterns, making some farm operations less practical. High land costs and taxes increase operating costs. In addition, residential development near agricultural areas brings complaints about farm dust, odor, pesticides, and noise, while it increases the problems of vandalism, trespassing, dogs and other animals, and air pollution that adversely affect agriculture.

The policies of the Coastal Act are aimed at maintaining the maximum amount of prime agricultural land in production:

"The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses and where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(d) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(e) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands." (30241)

"All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands." (30242)

The coastal forests in northern California are a valuable, renewable economic resource whose improper management was found to have resulted in reduced historical timber inventory. The Coastal Act seeks to maintain forest land in production:

"The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities." (30243)

The Coastal Act addresses the preservation of archaeological and paleontological resources as:

"Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required." (30244)

General Coastal Development

Perhaps the most controversial aspect of coastal management involves the regulation of development. The Coastal Plan made several key findings about the role of development in the coastal zone; priorities are needed among competing coastal zone uses; concentrating development enhances use of the coastal zone; properly located high-intensity development can absorb some demand for coastal land; and growth can be accommodated away from the coastline. Following, in general, the recommendations of the Coastal Plan, the Coastal Act establishes these development policies:

"Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland." (30255)

"(a) New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

"(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors." (30250)

"New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.
- (4) Minimize energy consumption and vehicle miles traveled.
- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses." (30253)

The growth-inducing nature of large public works projects such as sewage systems, wastewater treatment plants, water systems, and highways is recognized and addressed in the Coastal Act:

"New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of the division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development." (30254)

The California coastline is a visual resource of great variety, grandeur, contrast, and beauty. In many areas coastal development has respected the special scenic beauty of the shoreline, but in others incompatible development has degraded and altered the attractiveness of the coast. The Coastal Act addresses the preservation of views and scenery in this fashion:

"The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting." (30251)

Industrial Development, Energy Facilities, and Ports

The developments with perhaps the most direct impacts, both localized and regional, on coastal zone resources are large industrial facilities, including energy-related developments. The Coastal Plan analyzed the needs for such facilities, and the impacts of them, in great depth, and the Coastal Act establishes many specific, detailed policies (30001.2, 30260-30264, 30413, 30707). In a major policy statement near the beginning of the Coastal Act,

"The Legislature further finds and declares that, notwithstanding the fact electrical generating facilities, refineries, and coastal-dependent developments, including ports and commercial fishing facilities, offshore petroleum and gas development, and liquefied natural gas facilities, may have significant adverse effects on coastal resources or coastal access, it may be necessary to locate such developments in the coastal zone in order to ensure that inland as well as coastal resources are preserved and that orderly economic development proceeds within the state." (30001.2)

A second major policy on industrial development in Chapter 3 of the Coastal Act concerns coastal-dependent developments that had to have a coastal location in order to function at all:

"Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or, more environmentally damaging (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible." (30260)

The Coastal Act also addresses the particular siting and development of tanker terminals, liquefied natural gas (LNG) terminals, oil and gas production facilities, refineries and petrochemical facilities, and power plants.

With regard to tanker facilities, the Coastal Act calls for multi-company use of existing and new tanker facilities, to the maximum extent feasible and legally permissible, except where to do so would result in increased tanker operations and associated onshore development incompatible with the land use and environmental goals for the area. Tanker facilities are to be designed to minimize the total volume of oil spilled, minimize the risk of collision from movement of other vessels, and have ready access to the most effective feasible containment and recovery equipment for oil spills. (30261(a))

The Coastal Act permits only one LNG terminal in the coastal zone until the risks inherent in LNG terminal operations can be sufficiently identified and overcome or there would be substantial public harm because of interrupted supply. Until such terminals are found to be consistent with the health and safety of nearby human populations, LNG terminals may be built only at sites remote from human population concentrations. When LNG terminal operations are found to be consistent with public safety, terminal sites may be approved in developed or industrialized port areas only. (30261(b))

The Coastal Act permits oil and gas development consistent with a number of conditions related to safety and assuring minimal environmental impacts (30262). New or expanded refineries or petrochemical facilities, if not consistent with the other policies of the Coastal Act, may be permitted if (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within a sufficient buffer area to minimize adverse impacts on surrounding property (30263 (a)). New or expanded refineries or petrochemical facilities will also be required to meet all applicable air quality standards and shall minimize the need for once-through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from implant processes where feasible (30263(b) and (c)). The Coastal Act states that ". . . new or expanded thermal electric generating plants may be constructed in the coastal zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development Commission to have greater relative merit pursuant to the provisions of Section 25516.1 than available alternative sites and related facilities for an applicant service area which have been determined to be acceptable pursuant to the provisions of Section 25516." (30264)

The Coastal Act has several provisions specifically treating major energy facilities and public works projects. Because of the special emphasis to address energy impact planning in coastal management programs by the CMA, further discussion on this subject is found in Chapter 9.

Chapter 8 in the Coastal Act governs the southern California ports of Lueneme, Long Beach, Los Angeles, and the San Diego Unified Port District and establishes policies to govern development. It declares that coastal planning requires no change in the number or location of the established commercial port districts. These ports are required to submit for Coastal Commission approval port master plans. Thereafter, if the plans are certified, permits for approved in-port development do not require a permit from the Coastal Commission. Instead, each port governing body will act on development proposals in its jurisdiction.

However, certain types of development are appealable to the Coastal Commission and regional commissions to determine conformity to the certified port plan. Under the Coastal Act, port master plans shall include: (1) proposed uses of land and water areas; (2) the projected design and location of port land and water areas, berthing, and navigation ways; (3) an estimate of the effect of development on habitat areas and the marine environment, including proposals to mitigate adverse impacts; and, (4) provisions for public participation in port decision-making, inclusion of detailed information in the master plan, and a list of appealable proposed projects, prior to master plan certification.

Conflicts Between Policies

The Coastal Act includes guidance and direction for resolving conflicts that might arise between the policies of the Coastal Act:

"The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies." (30007.5)

It is expected that local governments, State and Federal agencies, and the various applicants for coastal development permits will comply with the intent of this policy guidance.

REFERENCES

1. California Department of Parks and Recreation, California Coastline Preservation and Recreation Plan (August 1971), pp. 53-75.
2. California Resources Agency, Comprehensive Ocean Area Plan (1972), p. 8.

CHAPTER 4

THE COASTAL MANAGEMENT AREA

A. The Coastal Zone and Permit Area Before 1977

Proposition 20 drew a distinction between a planning area about five miles wide that was termed "the coastal zone" and a "permit area" 1,000 yards wide within which the Coastal Commission and regional commissions would regulate development during the four-year planning period. It is necessary to keep that original distinction in mind in the discussions below on subsequent changes in the area now subject to the California Coastal Management Program.

Coastal Zone (Planning Area) Under Proposition 20:

"'Coastal Zone'[meant] that land and water area of the State of California from the border of the State of Oregon to the border of the Republic of Mexico, extending seaward to the outer limit of the state jurisdiction including all islands within the jurisdiction of the state and extending inland to the highest elevation of the nearest coastal mountain range, except that in Los Angeles, Orange and San Diego Counties, the inland boundary of the coastal zone [was] the highest elevation of the nearest coastal mountain range or five miles from the mean high tide line, whichever is the shorter distance." (27100)

Permit Area. Included within the boundaries of the coastal zone, or planning area, during the term of the 1972 Coastal Act (until December 31, 1976) was a development permit area:

"'Permit Area' [meant] that portion of the coastal zone lying between the seaward limit of the jurisdiction of the state and 1,000 yards landward from the mean high tide line of the sea subject to the following provisions:

"(a) The area of jurisdiction of the San Francisco Bay Conservation and Development Commission, together with all contiguous areas 2,900 feet landward thereof, and any river, stream, tributary, creek or flood control or drainage channel which flows into such area, [was] excluded."

"(b) If any portion of any body of water which is not subject to tidal action lies within the permit area, the body of water together with a strip of land 1,000 feet wide surrounding it [was included]; provided, however, that this subdivision did not apply to any river, stream, tributary, creek, or flood control or drainage channel when a portion of it [lay] within the permit area."

"(c) Any urban land area which [was] (1) a residential area zoned, stabilized, and developed to a density of four or more dwelling units per acre on or before January 1, 1972; or (2) a commercial or industrial area zoned, developed, and stabilized for such use on or before January 1, 1972, [could], after public hearing, be excluded by the regional commission at the request of a city or county within which such area is located. An urban land area [was] 'stabilized' if 80 percent of the lots [were] built upon to the maximum density or intensity of use permitted by the applicable zoning regulations existing on January 1, 1972."

"Tidal and submerged lands, beaches, and lots immediately adjacent to the inland extent of any beach or of the mean high tide line where this is no beach [could] not be excluded." (27104)

Essentially, the Coastal Commission and regional commissions found themselves working with a planning area and a permit area that were not drawn up after months of study but rather quickly during the citizen effort to institute interim regulation controls. Drawing a more rational boundary was a major task of the coastal planning process from 1973 through the publication of the Coastal Plan in late 1975 and into the drafting of the Coastal Act in 1976.

The Coastal Plan proposed two jurisdictions: a coastal zone and a coastal resource management area, the first being larger than the second. The coastal zone as proposed in the plan was basically the same as that established by Proposition 20. The coastal resource management area, on the other hand, resembled the Proposition 20 1,000-yard permit area only in function. Instead, to the greatest possible extent, the coastal resource management area was resource-based. It extended from the high tide line inland to include (1) all significant coastal resources (including natural, manmade, and recreational resources) and (2) areas where development could directly or cumulatively affect public access to coastal recreational areas -- for example, by overloading coastal access roads.

The significant coastal resources included in the coastal resource management area as proposed and mapped in Part IV of the Coastal Plan were: beaches, dunes, wetlands, estuaries, and their immediate drainage areas; significant wildlife habitat areas; agricultural lands influenced by the coastal climate or otherwise designated in plan policies; existing public recreational areas; (for example, the Santa Monica Mountains); special coastal neighborhoods; and other manmade resources as defined in the glossary of the Coastal Plan. (Offshore rocks and islands were also included.) Areas where development was seen as affecting coastal access included urban coastal recreation centers confronted with severe congestion problems (including, for example, the Marina del Rey-Venice area west of Los Angeles) and open coastal areas where there are few public access roads (for example, Malibu).

The Coastal Plan proposed, within the coastal zone, major energy facilities and State and Federal projects be subject to the permit authority of the State coastal agency. The coastal resource management area was to be the area within which local plans would be brought into conformity with the Coastal Plan, as recommended in Part III of the Coastal Plan.

The Coastal Plan maps showed boundary lines approved by the Coastal Commission on the basis of regional commission recommendations, in turn based on the permit experience and other factors, including public and government comment. The extent of coastal management had been, naturally, a frequently addressed subject during the extensive hearings that led to the Coastal Plan.

B. Coastal Zone Established by the 1976 Coastal Act

The Coastal Plan was the basis for the coastal legislation, and the Coastal Act recognizes both the study of coastal issues and the plan for the orderly, long-range conservation, use, and management of the natural, scenic, cultural, recreational, and manmade resources of the coastal zone (30002). The Legislature, quite obviously an independent body, with a broad, statewide representation, was not bound to the Coastal Plan in all its respects. Many legislators felt that the distinction between the Proposition 20 coastal zone and the one proposed in the Coastal Plan, the proposed coastal resource management area and the old 1,000-yard permit area, and the various "parts" of the coastal zone that were identified as places where specific Coastal Plan policies should apply (among the sub-areas identified in the glossary of the plan are "oceanfront area" and "nearcoast area"), created an implementation system that was overly complex.

The Coastal Act simplifies the proposed system by establishing a newly defined coastal zone that is essentially the same as the Coastal Plan's coastal resource management area. Drawing not only on the extensive planning but also on the four-year permit experience of the Coastal Commission and regional commissions, the Coastal Act establishes this definition:

""Coastal zone' means that land and water area of the State of California from the Oregon border to the border of the Republic of Mexico, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division, extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards. The coastal zone does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control or drainage channel flowing into such area." (30103(a))

So, rather than attempting a long, property deed-like description of the boundaries, the Coastal Act describes the inland line as being at 1,000 yards, with the exception of "significant coastal estuarine, habitat, and recreational areas" -- then referenced on an official map which was drawn by the Coastal Commission and authorized by the Legislature that is on file in the Secretary of the State's office in Sacramento. This map, at a scale of 1:62,500, has 21 large sheets and is available for \$13 for a complete set.¹ The Coastal Commission has prepared more detailed -- 1:24,000 -- maps.⁴ Importantly, the Coastal Commission was given authority to adjust the landward boundary up to 100 yards to avoid bisecting a single lot or parcel or to conform it to identifiable natural or manmade features.

The Coastal Act, in short, defines a coastal zone but references a boundary on a map that can be adjusted to a minor extent but can be modified in any significant way only by the State Legislature. Experience had shown that the 1,000-yard line had a basis: the permit process had demonstrated that the 1,000-yard area was generally sufficient to protect significant coastal resources and to assure public access to the coast.

But while in some areas there were reasons to leave the jurisdiction at 1,000 yards, there were numerous areas along the coast where coastal resources that would benefit from greater protection extended inland, well beyond the Proposition 20 line. There are 18 of these significant coastal estuarine, habitat, and recreational areas - which became known during the legislative session as "bulges." In all, they run a total of 412 miles along the coast and extend inland, at the widest points, an average of five miles from the mean high tide line. These inland extension areas are:

1. Lake Earl, Talawa, Smith River Delta
2. Freshwater, Stone, and Big Lagoons
3. Eel River Delta
4. Ten Mile Estuary, Ten Mile Dunes, and Inglenook Fen
5. Sonoma-Mendocina Coast
6. Willow Creek-Bodega Bay
7. Tomales Bay
8. San Mateo-Santa Cruz Coast
9. Elkhorn Slough
10. Big Sur Coast
11. Morro Bay
12. Nipomo, Santa Maria, Guadalupe, and Vandenberg Dunes
13. Point Arguello to Gaviota
14. Carpinteria
15. Santa Monica Mountains
16. Irvine Coastal Area
17. Agua Hedionda to Los Penasquitos Lagoons
18. Tijuana Estuary.

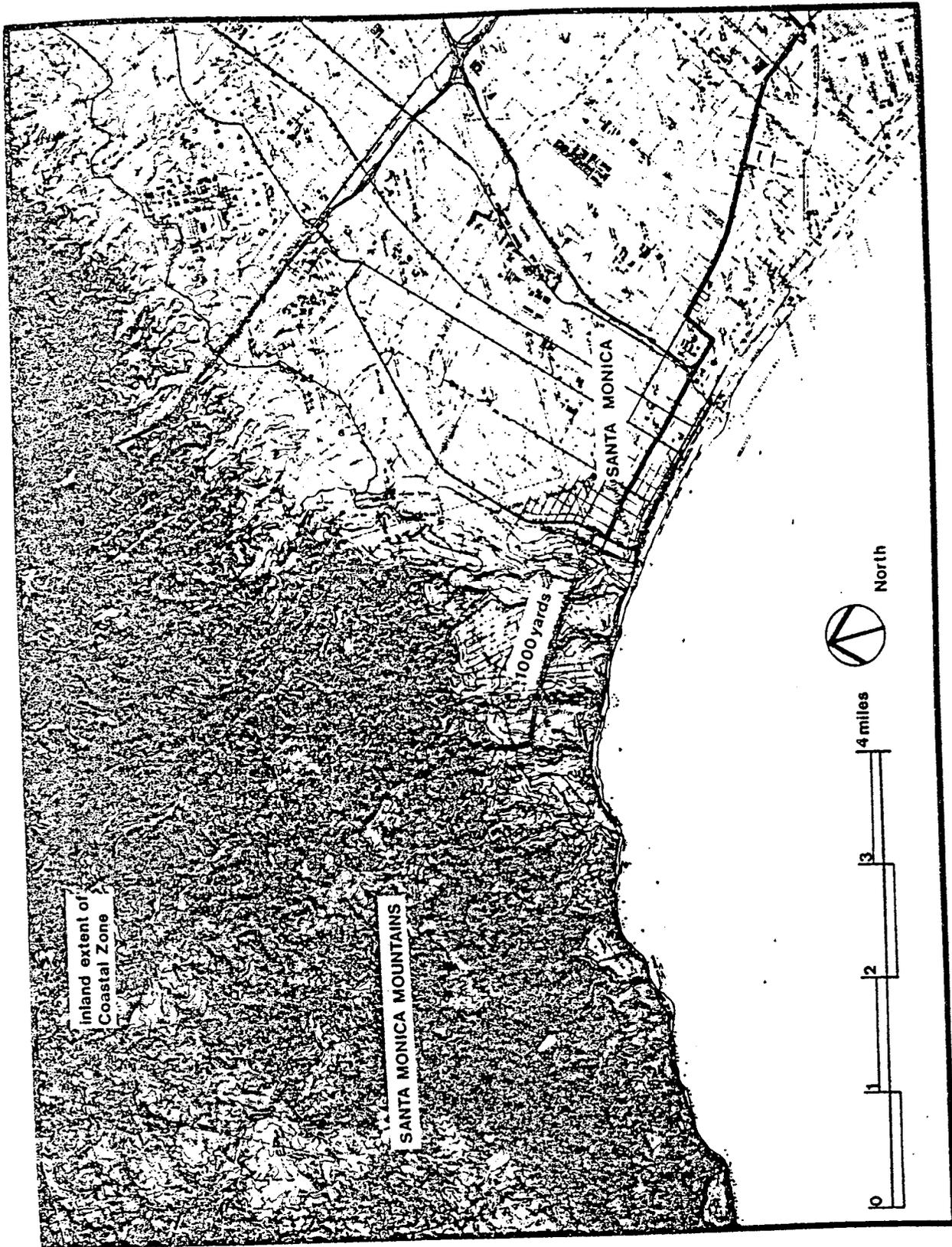
All of these had been identified in the Coastal Plan and had been recommended for inclusion in the coastal resources management area, which evolved into the present coastal zone.

Attachment by Reference No. 2 contains a list of the 18 "bulges" with the rationale in each case for delineating the boundary.

While the Legislature determined that the coastal zone should remain at about 1,000 yards in many areas and should "bulge" in others to protect significant resources in other areas, it also determined that the boundary line could be drawn significantly seaward in areas where development would have little if any impact on resources or public access. Almost all of these areas are heavily urbanized and the Coastal Act, like Proposition 20, recognized there were few coastal-related concerns that could be addressed by applying coastal development policies in these areas. Among these urban areas are Fort Bragg, San Francisco-Daly City, Capitola, Monterey and parts of the Monterey Peninsula, Santa Barbara, Santa Monica, Long Beach, and other Los Angeles-area cities, Huntington Beach, La Jolla, and San Diego. By no means are all of these areas excluded from the coastal zone, but the line is significantly seaward of the 1,000-yard line depending on local circumstances.

To aid the reader in understanding the whole process, see the accompanying map, Figure 1, and text that shows why, in the area from Malibu to Marina del Rey the line was drawn at 1,000 yards, or further inland, or further seaward.

Figure 1



DELINEATING THE COASTAL ZONE BOUNDARY: A DESCRIPTIVE EXAMPLE

The process by which the present coastal zone boundary was drawn, beginning at the Oregon State line and ending at the international border with Mexico, was long and complex. It would take more than 100 sheets at the size and scale of the accompanying map to show the coastal zone boundary in detail, and perhaps 100 pages of running narrative to describe where the line is and why. Instead, it is hoped that an example will elucidate the methodology used to delineate the boundary.

The map and commentary describe an area west of Los Angeles: the Santa Monica Mountains, including part of the Malibu-Topanga coast, to the north; the City of Santa Monica; and Venice and Marina del Rey to the south. The coastal zone boundary as it runs through this area includes a residential area where the line is 1,000 yards from the mean high tide line, the general statutory limit of the coastal zone; an urban area where the line was drawn seaward of the existing 1,000-yard line; and a large "bulge" where the line goes inland to the major ridgeline or five miles to protect valuable coastal habitat and recreational resources.

Regional Overview

This part of the South Coast has come under severe development pressures in recent years as population and jobs shifted to the west. Those shifts, combined with increased recreational demands, have created severe public access and use conflicts. Access to the Malibu area historically has been difficult because Pacific Coast Highway (State Route 1) parallels the coast and is the primary access route for visitors and commuters traveling to and from the Los Angeles Basin. A few lateral roads through the Santa Monica Mountains connect Malibu with the San Fernando Valley, but as beach usage continues to increase (annual visitation is now in the millions) highway capacities and beach parking lots are severely overloaded during peak periods and summer weekends. Residential development on the seaward side of the coast highway has blocked access--and views--along 13 miles of the Malibu coast. Failing septic tanks threaten to pollute streams and offshore waters (Malibu is not served by a sanitary sewer system).

Further south, development ranges from single-family residences on the unstable slopes and terraces of Pacific Palisades to concentrations of high-density and high-rise residential and commercial uses along the bluffs in Santa Monica and in the vicinity of Marina del Rey. The older neighborhoods of south Santa Monica and Venice, offering housing opportunities for low- and moderate-income persons, are under pressures that would convert apartments to condominiums or demolish single-family houses to make way for high price, higher density units.

Boundary Description

In the north the coastal zone boundary includes significant parts of the Santa Monica Mountains, one of the 18 specifically identified coastal resource areas where the protection of resources and access requires the inclusion of an area landward of the 1,000-yard line. The line follows the major ridgeline, the Santa Ynez Ridge, where possible, but is five miles from the shoreline in the north because of the general statutory definition. The Santa Monica Mountains are the last large open space in the Los Angeles metropolitan area, representing a great potential for recreational development and use--hiking, horseback riding, nature study--linking the ocean to upland and inland areas. In the mountains are a number of State and local parks capable of serving a population area of 10 million people. The mountains are also the immediate upland area behind Malibu, not only a coastal area with high recreational value for its famous swimming and surfing beaches but an area where uncontrolled development would severely limit public access to the shore. The bulge is included in the coastal zone because it is important to have an adequate management area where habitat as well as long-term public access can be effectively protected, particularly since uncontrolled development threatens to make useless past and present expenditures for public beach and parkland.

The line follows the Santa Ynez Ridge seaward to near Pacific Palisades; then runs parallel to the shoreline 1,000 yards away. The area outside the coastal zone contains no coastal resources and is largely developed and was not felt to cause potential impacts on public access that would warrant a line more than 1,000 yards from the shore.

At San Vicente Boulevard in Santa Monica, the boundary line goes seaward about two blocks then follows Fourth Street parallel to the coast through downtown Santa Monica. The line is meant to limit coastal management to the area where development would have a direct impact on coastal recreational resources and particularly on public access. The line generally separates a stable, highly developed inland urban area from a shoreline urban area still undergoing development and redevelopment.

The boundary follows Fourth Street to Grant Street where it goes landward four blocks to Highway 1, following that south and thereby encompassing existing low- and moderate-income housing in Venice and several key, undeveloped parcels in the Marina del Rey area, both locations where coastal access opportunities are threatened.

C. Geographic Areas of Particular Concern Within the Coastal Zone

Along with discussion of the basis for drawing a coastal zone boundary must come a discussion of what the resulting coastal zone contains. In general, it can be said that the coastal zone itself and many geographically identifiable parts of it are areas of particular concern. Because of that concern, the management program provides for an interconnecting system of planning policies and regulatory performance standards to be applied for the next few years by a combination of Coastal Commission and regional commissions, State agencies, and various local jurisdictions, including ports.

The areas of particular concern can be placed in overlapping categories as follows: the coastal zone in general; significant coastal estuarine, habitat, and recreational resources; specified areas of concern; sensitive coastal resource areas; the Coastal Commission's reserved permit jurisdiction before certification of local coastal programs and appeal jurisdiction after certification; and, finally, areas to be acquired for public preservation and restoration.

Coastal Zone in General

The large geographical area of concern in the California Coastal Management Program is the entire California coastline and environs. The State recognized this in the early 1970's, first in the passage of Proposition 20 in November 1972, six months later in the publication of the State's Environmental Goals and Policies Report.

Approved by the voters, Proposition 20 contains this language: "The people of the State of California hereby find and declare that the California coastal zone is a distinct and valuable natural resource belonging to all the people and existing as a delicately balanced ecosystem." (27001)

The Environmental Goals and Policies Report, published June 1, 1973, nominated the 1,000-yard coastal development permit area established by Proposition 20 as an area of environmental resources and hazards of critical concern, important because of its recreation, access, and connecting link value.³

The Coastal Plan, submitted for implementation by the Legislature December 1, 1975, continued this emphasis on the importance of the coast. "The essence of the Coastal Plan," as noted in the document, "is that the coast should be treated not as ordinary real estate but as a unique place, where conservation and special kinds of development should have priority."

And, finally, in the action that made coastal management permanent, the Coastal Act declared:

- "(a) That the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem."
- "(b) That the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation."
- "(c) That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction." (30001)

In brief, the entire coastal zone is subject to management of one kind or another as provided, primarily, in the Coastal Act. The principal management technique will be regulation of development.

Significant Coastal Estuarine, Habitat, and Recreational Areas

As discussed in Section B of this chapter, the coastal zone boundary was extended inland in 18 areas -- an average of five miles -- for a total length of 412 miles in order to include various significant resource areas.

More Specific Areas of Concern

Beyond the rationale behind the definition of the entire coastal zone, the Coastal Act specified numerous geographical areas and resources -- all identifiable and mappable -- that would be subject to specific management policies. All are included within the coastal zone. Following is a brief but non-definitive list of those areas in unlabeled groupings:

- Sea
- Marine environment
- Sand transport systems
- Local shoreline sand supply
- All waters subject to the public trust
- Offshore islands
- Channel islands
- *
- Marine areas of special biological or economic significance
- Coastal waters
- Estuaries
- Wetlands
- Streams
- Lakes
- Degraded wetlands
- Lagoons
- *
- Shoreline area
- *
- State lands
- State tide and submerged lands, filled or unfilled
- Public trust lands, filled or unfilled
- *
- Environmentally sensitive areas
- Fish and wildlife habitat
- Areas adjacent to environmentally sensitive habitat areas
- Riparian habitats
- Habitats in or near ports
- Biologically sensitive areas on ports
- *
- Prime agricultural land
- Agricultural lands around the periphery of urban areas
- Areas adjacent to prime agricultural lands
- Non-prime lands suitable for agricultural use
- *
- "Special treatment areas" (forested lands)
- Commercial timberlands
- *
- Existing recreational areas
- Dry sand and rocky coastal beaches to the first line of terrestrial vegetation
- Coastal areas suited for water-oriented recreational activities designed to enhance public opportunities for coastal recreation
- Upland areas necessary to support coastal recreational uses
- Selected points of attraction for visitors
- Special communities and neighborhoods that are popular visitor destination points for recreational uses
- *
- Existing recreational boating space and facilities
- Natural harbors, new protected water areas, and areas dredged from dry land
- Access corridors to boating harbors
- *
- Existing non-developed areas
- Available lands not suitable for agriculture
- *
- Sites remote from human population concentrations
- *
- Highly scenic areas
- Scenic coastal areas
- Areas with views to and along the ocean
- State Highway 1 in rural areas
- Visually degraded areas

*
 Natural landform areas
 Bluffs and cliffs and natural landforms
 *
 Seismically hazardous areas
 Areas of high geologic, flood, and fire hazard
 Existing structures in danger of erosion
 Existing structures in floodplains
 *
 Archaeological and paleontological resource areas
 *
 Air quality maintenance areas
 *
 Existing developed areas
 Urban land areas
 *
 Specifically defined geographic areas in which a category of development
 has been found to have no potential for any significant adverse impact,
 either individually or cumulatively, on coastal resources or public access
 *
 Existing isolated developments
 *
 Existing coastal-dependent industrial sites
 Developed or industrialized port areas
 Port Hueneme, Long Beach, Los Angeles, and San Diego Unified Port District
 Fill basins on upland sites
 Existing commercial fishing space and facilities
 *
 Property surrounding refineries or petrochemical facilities
 Proposed sites of power plants and transmission lines
 Specified locations where the siting of power plants would prevent the
 achievement of the Coastal Act policies
 *
 Public works facilities and areas
 Special districts
 State universities and colleges

The policies identifying these areas (see Chapter 3) constitute the standard by which the adequacy of local coastal programs and the permissibility of proposed developments are determined (30200). The Coastal Act requires compliance by all public agencies and all Federal agencies to the extent possible under Federal law or regulations or the U. S. Constitution (30003). The Coastal Act directs public agencies carrying out or supporting activities outside the coastal zone to consider the effect of those actions on coastal zone resources. (30200).

A more complete but non-exclusive categorical inventory of areas of concern, together with some of the language of the policies on the management and use of those areas, is noted as Attachment by Reference No. 2.

Sensitive Coastal Resource Areas

The Coastal Act, in determining what the Coastal Commission's appeal jurisdiction would be after the certification of local coastal programs, categorized several resources as "sensitive coastal resources." This is an important category that is one more element in the composition of the coastal management area and is intended to be applied to areas that cannot be protected through zoning ordinances alone. As defined,

"Sensitive coastal resources areas' means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. 'Sensitive coastal resource areas' include the following:

- (a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.
- (b) Areas possessing significant recreational value.
- (c) Highly scenic areas.
- (d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.
- (e) Special communities or neighborhoods which are significant visitor destination areas.
- (f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.
- (g) Areas where divisions of land could substantially impair or restrict coastal access." (30116)

The Coastal Act (30502 and 30502.5) requires the Coastal Commission to designate sensitive coastal resource areas by September 1, 1977, where the protection of coastal access and public resources requires. Each designation must be based upon a separate report adopted by the Coastal Commission that includes a specific determination that the area is of regional or statewide significance, and lists the significant adverse impacts that could result from development where zoning regulations alone may not adequately protect coastal resources or access. The recommended designations must be submitted to the Legislature for designation by statute. Unless the Legislature adopts a recommended designation within two years, it ceases to have any force and effect. Based, however, on the Coastal Commission's designation report, local coastal programs must include additional implementing actions (e.g., ordinances, regulations, or programs) adequate to protect the coastal resources in conformity with the Coastal Act's policies. After certification of local coastal programs, actions taken by a local government on a coastal development permit application for developments in sensitive coastal resource areas may be appealed to the Coastal Commission if the allegation on appeal is that the development is not in conformity with the implementing actions of the certified local coastal program. (30603(a)(3))

Coastal Commission's Reserved Permit Jurisdiction Before Certification of Local Coastal Programs

As will be discussed in greater detail in Chapter 7, the Coastal Act provides that local governments have the option, prior to certification of their local coastal program, of establishing procedures for regulation of coastal zone development in accordance with Coastal Act policies and Coastal Commission interpretive guidelines (30600(b), 30604, 30620, 30620.5). Whether or not the local government exercises this option, a permit would still be necessary from the regional commissions (or, on appeal, the Coastal Commission) for the following geographical areas that are, obviously, of immediate concern to the entire State:

- "(1) Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance."
- "(2) Developments not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff." (30601)

(Section 30515 includes public works and energy projects as well.)

Coastal Commission's Appeal Jurisdiction After Certification

After certification of local coastal programs under the procedures outlined in Chapter 7, the Coastal Commission has an appeal jurisdiction which includes the three areas and developments mentioned above plus "[d]evelopments approved by the local government...located in a sensitive coastal resource area if the allegation on appeal is that the development is not in conformity with the implementing actions of the certified local coastal program." (30603(a)(3)) (The fifth jurisdictional category covers developments approved by a county that are not designated as the principal permitted use under the zoning ordinance or zoning district map. Some port projects are separately included in the appeal jurisdiction.(30715)

Areas Purchased for Public Preservation and Restoration

The last major element in the composition of the coastal management area should be mentioned -- the permanent protection and management that can be given to lands purchased for public preservation and restoration.

For the most part, the preservation and restoration of coastal resources will be carried out through the policies of the Coastal Act described in Chapter 3. When the policies of the Coastal Act or the tools of local government are inadequate to fully protect significant resources, the State Coastal Conservancy -- which is part of the California Coastal Management Program -- will provide additional means by which the protection may be accomplished. Chapter 10 describes the State Coastal Conservancy. Current acquisition sites are noted as Attachment by Reference No. 4.

D. Excluded Areas

For the purposes of the California Coastal Management Program, there are several types of lands which are excluded from the boundary definition of the coastal zone.

Excluded Federal and Trust Lands

Section 30008 reiterates the words of the CZMA and states "...excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal government, its officers or agents." (See Chapter 11 A for further discussion on excluded Federal lands.)

The Coastal Commission makes use of the General Services Administration document, "Real Properties Owned by the U. S.", which separates civil from military properties, as well as facility maps which have been provided to the Coastal Commission by the Federal agencies to identify these excluded lands. These documents are also available to local governments to use in their development of local coastal programs. These lands are addressed during the planning process as being excluded from the coastal zone and the coastal development permit unless otherwise noted in Section 307, Federal consistency regulations. (See Attachment D, Federally owned lands excluded from the California coastal zone.)

Surplus Federal lands are also excluded but the State is not precluded from planning for the potential use of those excess lands should they be acquirable. In addition, for the purposes of consistency and helping Federal agencies, the State will let those agencies which may choose to use the excess lands know what the status of the surrounding lands and water uses are, and any potential conflicts that may occur if the proposed Federal agency uses might be inconsistent with the approved management program and local coastal programs or affect the State's coastal waters. This would be done prior to any Federal agency acquiring such excess lands. This will be done in the spirit of cooperation, coordination, and to avoid future conflicts between State/Federal land and water use decisions.

Notwithstanding this exclusion of Federal lands, the CZMA strongly encourages Federal agencies to consider the impact of their activities on coastal resources, and in certain cases requires that their activities be consistent with the State program (Section 307). The Coastal Act, for its part, declares that "all Federal agencies, to the extent possible under federal law or regulations or the United States Constitution, shall comply with the provisions of this division." (Section 30003) (See Chapter 11 for more commentary on State/Federal relations.)

Excluded from the Coastal Act's Permit Provisions

The Coastal Act makes provisions for excluding certain areas (as well as certain developments) from the Coastal Commission's interim development permit system but not from the policies of the Coastal Act. The three types which the Coastal Act recognizes are 1) urban lands as defined by Section 30610.5 but which have not yet been delineated by local governments, 2) specifically defined categories of development or specific categories of development within defined geographic areas where the Coastal Commission finds no potential for any significant adverse effect on coastal resources or public access (Section 30610(d)) and 3) statutory exclusions which include development areas as defined in Section 30610. The categorical and statutory exclusions areas will be designated as appropriate and required. (See Chapter 7 for a discussion of the permit provisions.)

E. San Francisco Bay and the Delta

Two agencies have responsibility for the comprehensive planning and management of California's land and water areas along the California coastline: (1) the Coastal Commission with jurisdiction over all or the coastal zone, except San Francisco Bay; and (2) the San Francisco Bay Conservation and Development Commission, with jurisdiction over San Francisco Bay and adjoining San Pablo and Suisun Bays.

The San Francisco Bay Conservation and Development Commission (BCDC) was established in 1965 as a temporary agency to prepare a plan for San Francisco Bay. Based on the San Francisco Bay Plan adopted by BCDC in 1969, the State Legislature made BCDC a permanent agency with responsibility for regulating development in and around the Bay. Because BCDC is already carrying out a coastal management program based on an adopted plan, no Federal assistance for coastal zone planning (under Section 305 of the CZMA) has been requested for this agency; however, a separate application for Federal approval of the Bay Plan as a segment of the California coastal management program was approved by the Secretary of Commerce on February 16, 1977. San Francisco Bay has not been incorporated into the Coastal Commission's management program because the Bay was adequately protected under the provisions of the San Francisco Bay Plan during the development of the Coastal Plan.

According to the Coastal Act, the Coastal Commission and BCDC shall conduct a joint review of the Coastal Act of 1976 and the McAteer-Petris Act of 1969 (BCDC's legislation) to determine how the coastal management program administered by these two commissions shall be related to the Coastal Act (Section 30410). Their recommendations must be presented jointly to the Legislature not later than July 1, 1978. The actual changes that may occur as a result of the joint review and legislative recommendations will be addressed in a supplemental environmental impact statement which will be submitted when the two segments are combined into a single unified program.

The Sacramento-San Joaquin Delta is located just east of the San Francisco Bay. Freshwater from both the Sacramento and San Joaquin River systems flows through the Delta into the Bay -- the largest tidal estuary on the West Coast -- where it mixes with the saltwater from the Pacific Ocean. Though once a marsh, nearly all of the Delta was diked off many years ago for agricultural use, and the farmland in the Delta is now some of the most fertile and productive in California.

Although the Delta is an important natural resource, it is not within the jurisdiction of either BCDC or the Coastal Commission under present law. Furthermore, the CZMA does not require the inclusion of the Delta in the coastal zone because, unlike the waters in the Bay and along the rest of the Coastline, the water of the Delta is fresh and must remain so if it is to continue to be used for irrigation and as a source of drinking water. (The CZMA defines coastal waters as waters adjacent to the shorelines, which contain a measurable quantity or percentage of seawater (Section 304(2)).)

Even though the CZMA does not require inclusion of the Delta within the coastal zone boundaries, these boundaries will have to be reviewed from time to time in light of changing conditions. The Delta's ecological relationship to the coast, and in particular to San Francisco Bay, is well-documented. Moreover, development pressures are increasing, particularly for water-related industry and for waterfront and recreational housing, to some extent because waterfront land for these uses is in increasingly short supply in the coastal zone. Water-related recreational use of the Delta is also increasing. All these uses compete with agriculture for the fertile soils of the Delta and indicate that the same trends that created the need for coastal management elsewhere in California are at work here also.

The California Coastal Management Program will be managed under the provisions of the Coastal Act as administered principally by the Coastal Commission, regional commissions, and local governments. San Francisco Bay and its shoreline will continue to be managed under the approach that has proven, over the past 10 years, to be the Nation's most effective program in regulating the use of a largely urbanized coastline through the use of the Bay Plan as administered by BCDC and other State agencies. The Delta, where the vast, rural area is just beginning to be exposed to development pressures, will not, for the immediate future, be addressed as part of the coastal management program, but will instead be managed by State agencies and local governments using existing regulatory authorities.

REFERENCES

1. The Coastal Commission has made arrangements with Addressograph Multigraph Corporation Graphics (440 Mission Street, San Francisco, California; telephone (415) 781-4353) to provide copies of the 1:62,500 boundary map referenced in the Coastal Act. The 21 sheets covering the entire coast are broken down as follows: North Coast -- sheets 1-6; North Central Coast, 7-8; Central Coast, 1-12; South Central Coast, 13-17; South Coast, 18-19; and San Diego Coast, 20-21. Individual sheets cost \$1, the full set \$13, plus tax and postage.
2. The State Coastal Commission has arranged with Graphco in San Francisco to provide the public with copies of the maps which delineate the coastal zone as provided in Section 30103(b) of the Coastal Act of 1976. These maps are U.S.G.S. 7-1/2 minute quadrangles especially prepared for this purpose. There are 161 maps covering the entire coastal zone and they are broken down as follows: North Coast, 1-40; North Central, 40-60; Central, 60-94; South Central, 93-133; South, 133-150; San Diego 150-161. Requests for these maps will be handled by the printer and the requester will be billed directly. The full set of maps will cost approximately \$75.00 with individual maps costing about \$2.00. Maps can be ordered by mail or can be picked up at the following address: Graphco, 450 Mission Street, San Francisco, California 94105, (415) 781-4353. The maps are keyed both by numbers and names with the names being identical to those used by U.S.G.S. in their 7-1/2 minute quadrangle series. If anyone has doubts as to which map or maps they need, they should contact the appropriate State or Regional Coastal Commission office for assistance. In addition to the copies at the State and Regional offices and for purposes of public viewing, copies have been placed on file with the County Clerk of each coastal county.
3. The report resulted from a legislative mandate to the Reagan Administration in 1970 when it was recognized that the growth and distribution of California's population was intrinsically related to impacts on the natural environment. A fundamental concept of the report is that beyond the State's self-evident interest in all of its resources, there are some resources which, because of unique natural values, high productivity, hazardous qualities, or special value for specific purposes, are of statewide interest and which should be carefully reviewed before irrevocable land use decisions are made. Furthermore, within areas of statewide interest are those which are threatened by immediate changes in land use, are of high value for food and fiber production, are vital to the survival of certain life forms, are the superlatives of their kind, or are of an immediate and severe hazardous nature to the welfare of the people of the State, and are, therefore, areas of statewide critical concern. The report went on to nominate potential environmental resources (including the coast) and hazards of critical concern.

CHAPTER 5

LAND AND WATER USES SUBJECT TO MANAGEMENT

Throughout the history of coastal zone management program development, California has either initiated or made use of extensive research and analysis of the impacts of various land and water uses on coastal resources. The most recent and comprehensive inventory of the natural and manmade coastal resources is provided by the Comprehensive Ocean Area Plan, completed in May 1972. This information was supplemented with other inventories, land and water use capability studies, economic and technical feasibility information, and extensive additional data. An extensive bibliography of source material was used in the preparation of the Coastal Commission's technical reports. The California Coastal Bibliography cites several documents which have been reviewed during the development process. Specific mapped information was drawn from several sources, including those listed on pages 286, 314, 328, 356, 392, 410, and 420 of the Coastal Plan. Additional specific work was accomplished during the Section 305 program development phase under the CZMA. Such work includes inventories and resource problem identification in areas such as San Dieguito and Batiguitos Lagoons, funded in part through Federal CZM funds and conducted by the California Department of Fish and Game.

The process of preparing technical reports, findings and policies from background technical information was lengthy, complex and costly. Technical studies and review comments from the public and private sectors revealed problems and issues. Based on these findings, policies were developed that would address the problems and relate land and water use allocation decisions to resource values.

While the California Coastal Management Program has a basis of sound scientific and technical background, it is also the product of the Commission's experience in the administration of thousands of coastal development permits from 1972 through 1976. Through this experience, California has been able to assess the kinds of developments and activities that should be regulated to control direct and significant impacts on coastal resources, and other interests to the State. This has provided the State the opportunity to refine policies during their formulation, based on more than scientific and technical data.

A. California's Approach to Use Permissibility

1. Definition of Land and Water Uses Subject To Management:

Section 305(b)(2) of the CZMA requires a State to define what constitutes permissible land and water uses within the coastal zone which have a direct and significant impact on coastal waters. In the context of the California Coastal Management Program, these terms refer to the land and water uses and activities subject to the management program's regulatory requirements, including but not limited to those defined in the Coastal Act as "developments" subject to a coastal development permit (30101.5), which is issued pursuant to Section 30600.¹

Section 30106 defines a development which may take place on land, in or under water as:

- the placement or erection of any solid material or structure;
- discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste;
- grading, removing, dredging, mining, or extraction of any materials;
- change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such lands by a public agency for public recreational use;
- change in the intensity of use of water, or of access thereto;
- construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and
- the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

¹ Other land and water uses or activities subject to management include, for example, developments not subject to a coastal development permit covered by Section 25500 (thermal power plants) and the uses and activities of Federal agencies covered by Section 307 of the CZMA. See also "Other uses," No. 4 being

The term "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

These are the uses of the land and water resources which the Legislature found should be regulated in accordance with the policies of the Coastal Act because of their potential to adversely affect the coastal resources and the health and welfare of the people of the State and the Nation (30001, 30004(b)). Any use that falls within the definition of Section 30106, therefore, is subject to regulation and consistency with the policies of the Coastal Act.

2. Prior Approvals - Uses not Permitted by the Management Program:

Separate and apart from the California Coastal Management Program, other State, local and Federal laws control land and water uses in the coastal zone. Uses denied pursuant to other laws prior to consideration under the Coastal Act are not permitted under the California Coastal Management Program. Certain uses, described in Section 13053 of the Commission regulations cited below, may be approvable under the Coastal Act, but this approval does not assure that the use will be permitted under other State, local or Federal laws.

Section 30401 of the Act states:

"Except as otherwise specifically provided in this division, enactment of this division does not increase, decrease, duplicate or supersede the authority of any existing state agency. This chapter shall not be construed to limit in any way the regulatory controls over development pursuant to Chapters 7 (commencing with Section 30600) and 8 (commencing with Section 30700), provided, however, neither the commission nor any regional commission shall set standards or adopt regulations that duplicate regulatory controls established by any existing State agency pursuant to specific statutory requirements or authorization."

Further, Section 30005(a) of the Act provides:

"No provision of this division is a limitation on any of the following: (a) except as otherwise limited by state law, on the power of a city or county to adopt and enforce additional regulations, not in conflict with this act, imposing further conditions, restrictions, or limitations with respect to any land or water use or other activity which might adversely affect the resources of the coastal zone."

Coastal Commission regulations have been adopted to assure that, in most cases, applications for development projects have been permitted by other State and local law prior to its consideration under the California Coastal Management Program.

Section 13052 of the Permit (and Port Planning) Regulations (Appendix 4) states:

"Article 1. When Local Applications Must be Made First

13052. When Required. When development for which a permit is required pursuant to Public Resources Code, Section 30600 or 30601 also requires a permit from one or more cities or counties or other state or local governmental agencies, a permit application shall not be accepted for filing by the executive director unless all such governmental agencies have granted at a minimum their preliminary approvals for said development. An applicant shall have been deemed to have complied with the requirements of this section when the proposed development has received approvals of any or all of the following aspects of the proposal, as applicable:

- (a) tentative map approval;
- (b) planned residential development approval;
- (c) special or conditional use permit approval;
- (d) zoning change approval;
- (e) all required variances, except minor variances for which a permit requirement could be established only upon a review of the detailed working drawings;
- (f) approval of a general site plan, including such matters as delineation of roads and public easements for shoreline access;
- (g) a final environmental impact report or a negative declaration, as required, including (1) the explicit consideration of any proposed grading; and (2) explicit consideration of alternatives to the proposed development; and (3) all comments and supporting documentation submitted to the lead agency.

- "(h) approval of dredging and filling of any water areas;
- (i) approval of general uses and intensity of use proposed for each part of the area covered by the application, as permitted by the applicable local general plan, zoning requirements, height, setback or other land use ordinances;
- (j) a local government coastal development permit issued pursuant to the requirements of Chapter 7 of these regulations".

In other cases, the following regulations apply:

13053. Where Preliminary Approvals are not Required.

(a) The executive director may waive their requirements for preliminary approval by other Federal, State, or local governmental agencies for good cause, including but not limited to:

- (1) the project is for a public purpose;
- (2) the impact upon coastal zone resources could be a major factor in the decision of that State or local agency to approve, disapprove, or modify the development;
- (3) further action could be required by other State or local agencies if the coastal commission requires any substantial changes in the location or design of the development;
- (4) the State or local agency has specifically requested the coastal commission to consider the application before it makes a decision or, in a manner consistent with the applicable law, refuses to consider the development for approval until the coastal commission acts, or a draft environmental impact report upon the development has been completed by another State or local governmental agency and the time for any comments thereon has passed, and it, along with any comments received has been submitted to the regional commission and the commission at the time of the application.

(b) Where a joint development permit application and public hearing procedure system has been adopted by the commission and another agency pursuant to Public Resources Code Section 30337, the requirements of Section 13052 shall be modified accordingly by the commission at the time of its approval of the joint application and hearing system.

(c) The executive director may waive the requirements of Section 13052 for developments governed by Public Resources Code, Section 30606.

(d) The executive director of the commission may waive the requirement for preliminary approval based on the criteria of Section 13053(a) for those developmetns involving uses of more than local importance as defined in Subchapter 1 of Chapter 8".

The purpose for waiving the requirement for preliminary approval is to facilitate the decision-making process and expedite the process for those developments qualifying under the criteria above. The coastal development permit may not, however, be the controlling factor in whether a project eventually is accepted. That is to say, a development may receive approval as a coastal development permit, but if concurrent approval is not given by the other responsible regulatory agencies, final approval of a project is not assured. However, if a coastal development permit is denied and the others approved, then the project is denied as well. The coastal development permit assures that land and water uses are consistent with the comprehensive interests which coastal zone management focuses on. It does not assure that projects are consistent with local zoning, codes and other regulations and requirements under the circumstances of waiving preliminary approval. Naturally, as local coastal programs are certified and the general plan and zoning ordinances are consistent with the policies of the Coastal Act, then permit processing should become easier in most cases for both applicants and local governments. The Coastal Act provides that after certification of a local coastal program, certain actions defined by Sections 30603 and 30515 of the Act can be appealed to the Coastal Commission. The decision by the Coastal Commission would be the controlling factor. This authority allows the Coastal Commission to assure that projects necessary in the State or National interests are not unreasonably excluded by a local government.

3. Performance Criteria and Standards

In addition to the possibility that other regulations may determine whether or not a development project is acceptable, the Coastal Act calls for a performance criteria and standards approach to regulating land and water uses. The performance criteria used to determine if coastal developments are consistent with the objectives of the Coastal Act are the policies of Chapter 3 (commencing with Section 30200). Three general types of performance criteria are found in the Coastal Act: (1) those dealing with any general development along the coast (e.g., public access requirements), protection of environmentally sensitive habitat areas, etc.); (2) those dealing with a particular use or impact (e.g., Marinas, disposition of oil field brines, etc.); and (3) those dealing with the protection of particular resources (e.g., wetlands, agricultural lands, etc.).

In addition to the standards and criteria found in Chapter 3, the Coastal Act incorporates the performance standards of other State programs, and agencies pursuant to Chapter 5 of the Act, including air and water quality standards. These standards and criteria derived from the Coastal Act and referenced State programs govern both the issuance of coastal development permits as mentioned above, and the certification of local coastal programs as cited in Section 30522 of the Act below:

"Nothing in this chapter shall permit the commission to certify a local coastal program which provides for a lesser degree of environmental protection than that provided by the plans and policies of any State regulatory agency."

Additional standards may be applied, within the scope of the Coastal Act and regulations to projects or local programs, in the form of conditions or mitigation requirements for permits or plan approval.

Application of performance criteria and standards can be illustrated in the coastal development permit process. The Coastal Commission and regional commissions, both under Proposition 20 and the Coastal Act, have staff permit analysts who first analyze the coastal resource issues involved in a permit application and prepare a summary for the commissioners before a hearing, then prepare a staff recommendation for the commissioners, before the permit application (or appeal) comes for a vote (see Articles 12 and 13 of Chapter 5, subpart I, of Permit Regulations, Appendix 4). The policies of the legislation are brought to bear on a continual basis in this process: each policy includes a criterion that forms a question that is directed to the proponent for the development: is it a coastal dependent use? does the project adversely impact on marine species? does it block public access to the shoreline? The answers, of course, can be reasons for approving the development, denying it, attaching conditions, requiring mitigation measures, or a combination of these.

An analysis of one policy will show how the criteria and standards are used.

Section 30224 deals with recreational boating:

- Performance Criteria:
"Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division."
- Performance Standards:
"... by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land."

These standards are designed to assure maximum use of existing facilities with minimal impacts on coastal waters. They are not the only standards that apply, since new boating facilities often have adverse impacts on coastal wetlands and estuarine areas due to dredging requirements, pilings for piers, jetties for safe harbors, etc. The Coastal Act places high priority on the protection of the remaining wetlands in the California coastal zone based upon many significant findings. But because boat launching facilities are coastal dependent, they would be a permitted use in coastal waters if additional standards can be met (see Sections 30233, 30411, 30607.1 and 30703), for example:

- "... in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored". (30233(a)(3))
- "Proposed recreational boating facilities within ports shall, to the extent it is feasible to do so, be designed and locate in such a fashion as not to interfere with the needs of the commercial fishing industry". (30703)

By following the standards included in the above policies, the resource value of wetlands can be protected while allowing the continued use of coastal waters for boating activities. Also, a marina or boat launching facility may induce secondary impacts because of ancillary facilities and may, therefore, fall under the category of general development in which additional criteria and standards may apply (see Section 30250). Therefore, a specific land or water use may be subject to the three types of performance criteria mentioned above along with the appropriate standards for each, or fewer criteria may apply depending on the nature of the proposed development.

Permit applicants are encouraged to become familiar with the criteria and standards as embodied in the Coastal Act. The Permit Regulations (Appendix 4) show the steps an applicant must follow.

When the Coastal Commission and regional commissions, as provided in the Coastal Act, eventually transfer permit authority to local governments upon the certification of local coastal programs, performance standards as defined above will continue to be applied to coastal developments. However, local governments will have translated the words of the policies into the general plans, zoning district maps, and zoning ordinances -- and in many cases other implementation tools -- which may make the standards more detailed and geographically specific -- and, perhaps more sensitive to local and regional needs. In addition, a local government will generally have the option of requiring a separate coastal development permit -- using the local coastal program standards -- or integrating standards involving coastal concerns with other standards (i.e., noise, waste disposal, structural safety, setbacks, etc.) In the final analysis, whether the Coastal Commission, regional commissions or local governments are operating the system, the result is the same: development must pass certain tests for conformity with coastal resource and development policies.

4. Other Uses

There are other uses which are regulated under different procedures from the coastal development permit. These developments include:

(a) emergency work - Chapter 5, Subchapter 4

(b) administrative permits - Chapter 5, Subchapter 5

(c) exclusions - Chapter 6, Subchapters 1-6. Uses and developments excluded by definition in the Coastal Act do not require a coastal development permit. However, a declaration of exclusion may be rescinded at a later time, in whole or in part, if the Coastal Commission finds that the terms of the exclusion order are violated (13243).

References to Appendix 4 -
Permit and Port Regulations

B. Uses of Regional Benefit

The provisions of the Coastal Act have as their foundation the goal of benefiting the general public. Beyond this general benefit, the policies fall into two broad categories. First are those that act to provide immediate protection of coastal resources, such as Section 30244, which requires that where development would adversely impact archaeological or paleontological resources, mitigation measures shall be required. Second are those policies that are recommendations for certain studies or processes to be carried out to improve future decisions regarding use of coastal areas and thereby providing an eventual benefit to the public. Section 30411(b), cited in Section A above, is one such example of this type of policy in that it recommends that several State agencies cooperate in a study to identify those degraded wetlands that can be restored in conjunction with the development of a boating facility.

Because so many of the resources of the coast are unique, almost all of the policies are of greater than local significance.

Obviously, it is quite difficult and somewhat subjective to determine whether the protection of coastal areas for water-oriented recreational activities is of regional benefit because better recreational opportunities can be assured for the residents of the surrounding communities or of national significance because it will offer all citizens desirable vacation and leisure destinations. Similarly, the protection of wetlands not only enhances the esthetic and ecological values of the wetland itself, and the region in which it is located, but it also preserves feeding grounds for migratory waterfowl and protects habitat for marine life that are of national or even international importance.

Some of the policies have both direct and indirect benefits. For example, Section 30234 of the Coastal Act will ensure that the commercial fishing industry shall be protected to protect the economic viability of a community, and is, therefore, of direct benefit to the region. At the same time, it directly benefits the Nation by guaranteeing a continued supply of fish necessary to help meet the country's demand for food. Similarly, a policy such as Section 30253(5), aimed at the protection of the character of unique coastal communities, directly benefits the region and also indirectly benefits the Nation by guaranteeing that tourists from throughout the Nation who visit the coast will have the opportunity of enjoying a unique experience of visiting these protected communities. Consequently, it must be recognized that the differentiation between policies of regional benefit from those of national benefit is inherently subjective and imprecise.

To ensure that these uses of regional and national concern are not arbitrarily excluded, restricted, or excluded from the coastal zone, the Coastal Act requires that every city and county within the coastal resources management area must amend its general plan and implementing ordinances to bring them into conformity with the Coastal Act, and that State, regional, local, and, to the extent allowed by Federal law, Federal agencies must undertake and guide development in the coastal zone consistent with the policies of the Coastal Act. Moreover, under the provisions of Section 30603(a), after a local implementation program is certified, the following developments of state-wide concern can be appealed to the Coastal Commission:

- o Developments between the sea and the first public parallel road or within 300 feet of the beach or mean high tide line;
- o Developments located on tidelands, submerged lands, or public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff;
- o Developments located in sensitive coastal resources areas;
- o Any development allowed by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map as certified; and under Section 30515;
- o Any development that constitutes a major public works project or energy facility.

The Coastal Commission also is required to adopt procedures in accordance with Section 30501 (c) which recommends uses that are of more than local importance which local governments should consider in the preparation of local coastal programs. The Local Coastal Program Regulations states the following with regard to "uses of more than local significance."

"(a) General categories of uses of more than local importance that shall be considered in the preparation of local coastal programs include but are not limited to: (1) State and Federal parks and recreation areas and other recreational facilities of regional or statewide significance; (2) military and national defense installations; (3) major energy facilities; (4) State and Federal highways and other transportation facilities (e.g. railroads and airports) or public works facilities (e.g. water supply or sewer systems) serving larger-than-local needs; (5) general cargo ports and commercial fishing facilities; (6) State colleges and universities; and (7) uses of larger-than-local importance, such as coastal agriculture, fisheries, wildlife habitats, or uses that maximize public access to the coast, such as accessways, visitor-serving developments, as generally referenced in the findings, declarations, and policies of the California Coastal Act of 1976.

"(b) To the extent possible the commission shall make recommendations as to specific uses of more than local importance as part of the Interpretive Guidelines or as part of its review of the local government "issue identification." Provisions for local government consideration of such uses shall be included in work programs, pursuant to Section 00023. From time to time the commission, or the executive director of the commission pursuant to commission authorization, may make additional recommendations for specific uses to be considered by a particular local government that were not anticipated earlier. Where necessary, work programs shall be renegotiated to include the additional items and any additional funding assistance that may be required." (00041)

To apply the Coastal Act's policies and to help local governments carry out the Coastal Act, more detailed planning will be conducted to ensure that the regional and national benefit of the Coastal Act's policies are not lost. To this end, additional planning will be carried out in a joint effort of the Coastal Commission, local governments, regional agencies, affected Federal agencies, other State agencies, and citizens' groups, for coastal areas where the cumulative impact of development over time has the potential for adversely affecting coastal resources or coastal access. These plans will apply Coastal Act policies to subregional areas in order to establish development alternatives that are consistent with the Coastal Act and its provisions for protecting uses of regional and national benefit.

As discussed in Chapter 11, California has received extensive assistance and cooperation from many Federal agencies in the preparation of the Coastal Plan and the evolution of the Coastal Act and the analysis of uses of regional and national benefit. Through this process, there has been an opportunity for national interests, as perceived by Federal agencies, to be incorporated into the Coastal Act's policies.

C. Priority Designations

Although the management program set forth in the Coastal Plan and subsequently expressed in the Coastal Act relies primarily on performance standards and development criteria to achieve its goals, a system of use priorities has also been integrated into the Coastal Act to aid in determining the appropriate use of coastal areas and in resolving conflicts between competing uses. These priorities will be treated in concert with other policies to provide a mechanism for making resource allocation decisions and, as such, they must be viewed in the context of the entire management program. However, for purposes of this section, it is useful to isolate the priorities expressed in the Coastal Act and to examine the hierarchy of uses they establish.

The Coastal Act places as its highest priority the preservation and protection of natural resources including wetlands, marshes, environmentally sensitive areas, and agricultural lands. In environmentally sensitive areas, priority is given to uses that would be consistent with resource protection, and the following policies were developed to establish this priority:

"(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

"(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas." (30240)

In the case of agricultural land, the highest priority is placed on maintaining the maximum amount of prime agricultural land "to assure the protection of the areas agricultural economy." (30241) In addition, the Coastal Act proposes agricultural preservation measures, including tax reforms, to be enacted by the State Legislature.

On coastal lands not suited for agricultural use and not designated for preservation, coastal-dependent development (i.e. development or use that requires a site on or adjacent to the sea to be able to function at all) has the highest priority. (30255) The Coastal Act recognizes that certain coastal-dependent uses of State or national importance (such as fishing, port facilities, extraction of coastal minerals, and tanker terminals) will have to be accommodated on the coast (30001.2). To allow for the provision of these uses while still providing a maximum resource protection, the Coastal Act includes standards for coastal-dependent development that will assure maximum feasible protection of the environment.

Public recreation uses have priority on coastal sites not designated for preservation and not needed for coastal-dependent development. The provisions of Section 30220 and 30221 are aimed at guaranteeing future generations with coastal sites required for water-oriented recreational activities that cannot readily be provided at inland water areas, and obliges the State to protect oceanfront land suitable for recreational use.

If coastal property is not reserved for any of the uses described above, private development may then be permitted, but, even in this case, there are priorities to be considered. For example, visitor-serving commercial recreation has priority over private residential, general industrial, and general commercial development. (30222) Similarly, development that would provide significant opportunities for public access to the coast has priority over other general development, and visitor-serving facilities can have priority over exclusive and expensive facilities. (30213)

Despite the policies that have some mention of priority designation, a definitive or explicit list of use priorities would be inappropriate within the performance standard concept utilized. Some implicit priorities can perhaps be seen in the relative stringency of siting and design of land and water use policies. (See Appendix 6 for a lengthy listing, with citations to the Coastal Act, of many of these uses.)

CHAPTER 6

MANAGING THE COAST (1): CALIFORNIA COASTAL COMMISSION

Proposition 20, approved by the voters in 1972, had established seven coastal commissions--one State and six regional--to regulate coastal development while a long-range plan for the protection of coastal resources was being prepared. That document, the Coastal Plan, recommended the establishment of a permanent State coastal agency. In the Coastal Act, the Legislature declared that:

"To ensure conformity with the provisions of this division, and to provide maximum state involvement in federal activities allowable under federal law or regulations or the United States Constitution which affect California's coastal resources, to protect regional, state, and national interests in assuring the maintenance of the long-term productivity and economic vitality of coastal resources necessary for the well-being of the people of the state, and to avoid long-term costs to the public and a diminished quality of life resulting from the misuse of coastal resources, to coordinate and integrate the activities of the many agencies whose activities impact the coastal zone, and to supplement their activities in matters not properly within the jurisdiction of any existing agency, it is necessary to provide for continued state coastal planning and management through a state coastal Commission." (30004(b))

The primary responsibility for ensuring the Coastal Act is carried out rests with the Coastal Commission. Initially, conformity with the management program provisions will be assured through the Coastal Commission's regulatory authority which covers virtually all private and public development along the coast, including that carried out by other State agencies. Ultimately, the management program will be implemented primarily by the local governments acting on behalf of the State after their plans have been brought into conformity with the Coastal Act and certified by the Coastal Commission. Subsequent activities by private interests or public agencies will have to comply with the local plan. A system of appeals to the Coastal Commission acts to protect needs greater than local in nature. Revisions to the local plans will be coordinated by the Coastal Commission and will be based on planning carried out jointly by the Coastal Commission, and all affected local, regional, State, and Federal agencies.

In short, a State commission, the Coastal Commission -- successor to that established by Proposition 20, which expired December 31, 1976 -- is responsible for overseeing the permit process for the coastal zone while the local coastal programs are being written, approved, and certified as conforming with the policies of the Coastal Act. The Coastal Commission will remain a separate agency, responsible for the implementation of the Coastal Act and for the administration of the coastal management program under the provisions of the CZMA.

A. Structure, Membership, and Terms of Office

The Coastal Act, effective January 1, 1977, established a 15-member, part-time, unsalaried statewide Coastal Commission and, until no later than June 30, 1979, six regional commissions. These are the successor agencies of those set up under Proposition 20 in 1972.

California Coastal Commission

The statewide Coastal Commission consists of 12 members appointed in the same manner as under Proposition 20: six public members (two selected by the Governor, two by the Senate Rules Committee, and two by the Speaker of the Assembly) and six representatives from the regional commissions (appointed by each regional commission from its membership). Three additional non-voting ex-officio members are added to the Coastal Commission by the Coastal Act: the Secretary of the Resources Agency, the Secretary of the Business and Transportation Agency, and the Chairperson of the State Lands Commission (30301). The latter three officials can appoint designees in their places, and the six regional representatives may appoint alternates. (30301.5).

The Coastal Act provides that the Governor, Senate Rules Committee, and Speaker of the Assembly "shall make good faith efforts" to assure that the public-member appointees "as a whole, reflect, to the greatest extent feasible, the economic, social, and geographical diversity of the state." (30310) The Coastal Act mandated, "for a smooth transition" between Proposition 20 and the Coastal Act, that half the public-member appointees on the Proposition 20 commission be appointed to the successor body (30310). (In fact, seven of the 1976 members, including the chairperson, were reappointed, and three of the new public members have previously served on regional commissions.)

Unless replaced, the six regional representatives continue their membership on the Coastal Commission. Following the termination of a regional commission, the Coastal Act provides for the regional representative's replacement by a county supervisor or city councilperson (resident of a coastal county) appointed by the Governor, the Senate Rules Committee, and the Speaker of the Assembly, in the order prescribed by Section 30310(a), from a list of nominees submitted by the board of supervisors and city selection committee (30301.2(a)), or from a second list if none of the first nominees is found acceptable by the appointing authority. (30301.2(b))

Public members can serve for two years, at the pleasure of their appointing power, and may be reappointed for succeeding two-year periods, (30312(b)) Representatives of regional commissions serve at the pleasure of the regional commissions that appointed them. (30312(c))

Commission members, all of whom are part-time, serve without salary but are paid \$50 for each meeting attended, and \$12.50 for up to eight hours of meeting preparation, and may be reimbursed for expenses.(30314)

Regional Commissions

The Coastal Act provides for the continuation of the six regional commissions -- with no duties or responsibilities other than appointment of a representative to the Coastal Commission unless the Coastal Commission, upon review of the projected work load, certifies that a regional commission is necessary to expedite the review of local coastal programs and coastal development permit applications, (30304.5) (The Commission on January 12, 1977, certified all six regional commissions.)

In any case, the regional commissions are to retain the same membership formula as under Proposition 20: in general, one supervisor and one city councilperson from each county and one delegate from the regional council of government, plus an equal number of public members appointed by the Governor, Senate Rules Committee, and Speaker of the Assembly (30302). Because of differences in a number of governmental units within each region, the North Coast, South Central Coast, South Coast, and San Diego Coast regional commissions each consist of six government representatives and six public members, while the North Central regional commission has seven government representatives and seven public members, and the Central Coast regional commission has eight of each. Provisions are made for government representatives to appoint alternates. (30304)

As with the Coastal Commission, the Coastal Act provides that half of the public members of each regional commission as constituted under Proposition 20 be reappointed after January 1, 1977. (30311)

Representatives from local or regional government serve at the pleasure of the appointing authority, with membership ending if the representative's term of office as a locally elected official ends, and public members serve two-year terms at the pleasure of their appointing powers, (30312)

Regional commission members serve without salary except for attending meetings and for expenses, (30314)

Thirty days after certification of the last local coastal program within a region, and in any case not later than June 30, 1979, regional commissions will terminate, at which time the Coastal Commission becomes the successor of remaining obligations, interests, etc. (30305). The Coastal Act provides that the Coastal Commission may maintain regional offices for convenient public access and participation in commission activities. (30317)

B. Powers and Duties

The Coastal Commission is designated as the State planning and management agency for the coastal zone and may exercise all authority pursuant to the CZMA (30330). It may grant or issue certificates of consistency with the management program required by Section 307 of the CZMA except for activities affecting the San Francisco Bay segment of the coastal zone which are certified for consistency by BCDC, and power plants which are certified by the State Energy Commission. The Coastal Commission, however, has the authority to identify specific locations where power plants cannot be sited because of the sensitive nature of the area, (30413(b)) After certification of port master plans, the ports assume the authority of determining consistency within their boundaries.

In addition to the permit and appeal authority (discussed below), the review and certification of local coastal programs (discussed in Chapter 7), and cooperation and coordination with several State agencies (discussed below), the Coastal Commission has numerous other statutory powers and duties, including:

1. Preparing and adopting procedures and schedules for preparation, approval, certification, and amendment of local coastal programs (30501);
2. Making and amending rules and regulations in accord with the Administrative Procedure Act (30333);
3. Assisting local governments in exercising their powers and in designing local coastal programs (30336);
4. Establishing a joint development permit application system including consolidated procedures for public hearings on any proposed coastal development in order to lessen the time and paperwork involved in obtaining a permit (30337);
5. Preparing subregional plans where necessary (30341);
6. Adopting a map delineating the precise boundaries of the coastal zone (30103);
7. Ensuring public participation in the Coastal Commission and regional commissions work (30339);
8. Budgeting all funds available to the Coastal Commission and regional commissions (30340);
9. Preparing a local coastal program if so requested by a local government (30500);
10. Preparing, undertaking, and adopting plans, maps, and studies (in the case of plans and maps, after public hearings) deemed necessary to better accomplish its task of implementing a coastal management program (30341);
11. Preparing and submitting a progress report on implementation of the management program to the Legislature every other year beginning January 1979 (30342);
12. Conducting a joint review with BCDC of the Coastal Act and the BCDC legislation and submitting a report to the Legislature by July 1, 1978, concerning the future relationship of the two agencies and their work (30410);
13. Designating sensitive coastal resource areas (see Chapter 4);
14. Reviewing the anticipated work load and certifying that a regional commission is necessary to expedite review of local coastal programs and coastal development permit applications (30304.5); and
15. Seeking judicial resolution of conflicts (30334).

Except as otherwise specified in the Coastal Act, a majority of the total appointed membership of the Coastal Commission or regional commissions constitutes a quorum and is necessary to approve any action required or permitted under the Coastal Act. (30315)

C. Development Permit and Appeal Authority

The Coastal Commission, in brief, is vested with continued regulatory control over coastal development until the local coastal programs are written and certified (see Figure 2). As the local coastal programs are certified, over the next few years, until January 1, 1981, this interim permit authority ends in each jurisdiction, and will be replaced by an appeal jurisdiction over certain resource areas and over certain kinds of development.

Permit Regulations

The Coastal Commission will continue to exercise interim development controls within a local government's jurisdiction in the coastal zone until the local coastal program has been certified unless, under a special provision, the local government adopts procedures for the review and approval of permits in accordance with the Coastal Act policies, (30600(b), 30620.5). If the local government exercises this latter option, the Coastal Commission still retains permit authority over:

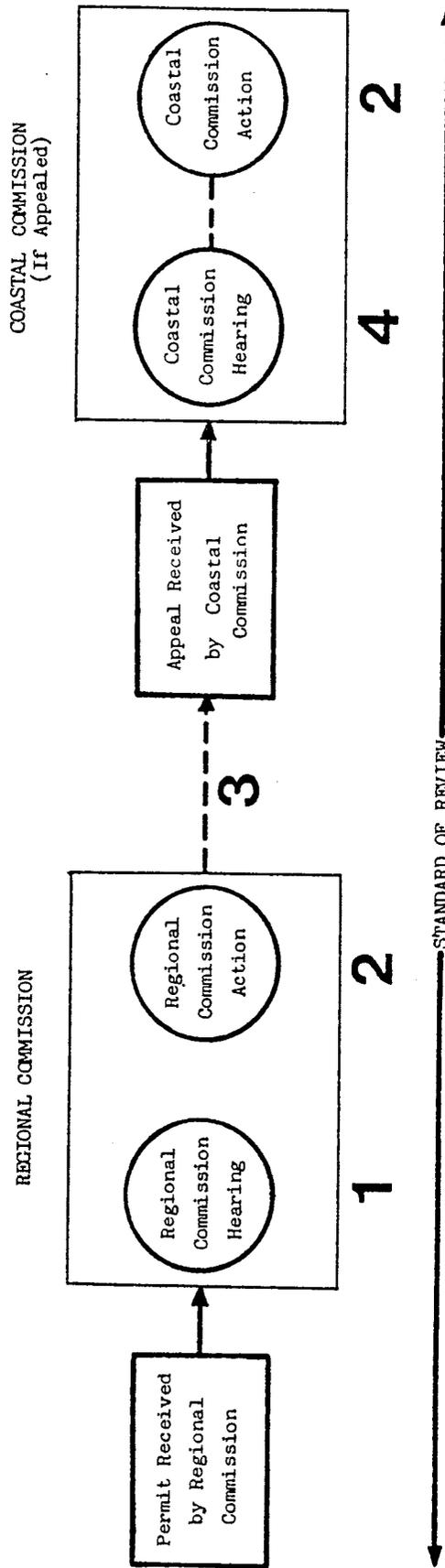
1. Developments located within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of a coastal bluff.
2. Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of a beach (or mean high tide line where there is no beach), whichever is the greater distance.
3. Developments which constitute a major public works project or a major energy facility. (30601)

After certification of local coastal programs, coastal development permits will be issued by local governments except Coastal Commission permits will continue to be required for developments on tidelands, submerged lands, or public trust lands (except those specified in Section 30519(b) for port and harbor district projects included in local coastal programs).

COASTAL COMMISSION AND REGIONAL COMMISSION DEVELOPMENT
CONTROLS BEFORE CERTIFICATION

(Regular Permits)

In those areas not excluded per PRC 30610 and 30610.5, and where local government has not elected to issue coastal development permits, the Coastal Commission and regional commissions shall issue permits in the following manner:



- a) development conforms to Chapter 3 (PRC 30200 et seq.)
- b) approval would not prejudice ability to prepare a local coastal program

- 1) public hearing held within 21-42 days after permit application received
- 2) action required 21 days after hearing date
- 3) appeals must be filed within 10 work days of action; any aggrieved person, applicant, or any 2 members of Coastal Commission may appeal the regional commission action
- 4) public hearing within 21-42 days of appeal receipt; proceeds to full hearing and action unless Coastal Commission finds
 - a) no substantial issue, or b) no question as to conformity with Chapter 3

FIGURE 2

Prior to certification, all actions on permits taken by the local government or the regional commissions are appealable to the Coastal Commission. After certification, only the following actions are appealable to the Coastal Commission:-

- "(1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance."
- "(2) Developments approved by the local government not included within paragraph (1) of this subdivision located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff."
- "(3) Developments approved by the local government not included within paragraph (1) or (2) of this subdivision located in a sensitive coastal resource area if the allegation on appeal is that the development is not in conformity with the implementing actions of the certified local coastal program."
- "(4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500)
- "(5) Any development which constitutes a major public works project or a major energy facility." (30603(a))

(The standard for review of any development in paragraph three is conformity with the implementing actions of the certified local coastal program (30603(c).)

The grounds for appeal of those developments in paragraph one are limited to the following:

- "(1) The development fails to provide adequate physical access or public or private commercial use or interferes with such uses.
- "(2) The development fails to protect public views from any public road or from a recreational area to, and along, the coast.
- "(3) The development is not compatible with the established physical scale of the area.
- "(4) The development may significantly alter existing natural landforms.
- "(5) The development does not comply with shoreline erosion and geologic setback requirements." (30603(b))

Any appealable action as listed above may be appealed to the Coastal Commission by an applicant, an aggrieved person (except in denials), or any two members of the Coastal Commission. Any permit issued by a local government is subject to reasonable terms and conditions to assure consistency with the coastal program. (30607)

The Coastal Commission is required, where feasible, to establish a joint development permit application system and joint public hearing procedures with other agencies. (30337)

On May 4, 1977, the Coastal Commission adopted final regulations establishing permit procedures, to be effective on July 10, 1977. (See Appendix 4) (30622) The Coastal Commission and regional commissions have 21 to 42 days to schedule a hearing on a permit application or appeal. (30621) A decision is required within 21 days of a hearing. (30622) Failure to act within these time limits upholds the decision being appealed. (30625) A regional commission decision is final if no appeal is filed within 10 working days after the action. (30622) All Coastal Commission hearings are de novo. (30621).

Prior to certification, all actions on permits taken by the local government are appealable to the Coastal Commission by the executive director of the regional commission, any person including the applicant, or any two members of the regional commission or the Coastal Commission to the regional commission. (30602) (See Section 30625 for appeals from the regional commissions.)

Coastal Commission permits are not required for:

Statutory Exclusions

1. Certain improvements to existing single-family residences. (30610(a))
2. Certain maintenance dredging. (30610(b))
3. Certain repair or maintenance activities. (30610(c))

Categorical Exclusions

4. Certain utility connections. (30610(e))
5. Developments which the Coastal Commission determines (on a two-thirds vote) have no potential for any significant adverse effect on coastal resources or public access. (30610(d))

Urban Exclusions

6. Certain developed urban areas. (30610.5)
7. Persons with vested rights (if granted an exemption) as long as construction is pursued within three years of the granting of an exemption and persons who have a permit issued by the existing Coastal Commission. (30608)
8. Power plants under the jurisdiction of the State Energy Commission. (30413)

Section 14 of the Coastal Act amended the Revenue and Taxation Code to require local assessors to consider locally issued coastal development permits (after certification of the local coastal program) as enforceable restrictions in assessing land.

CHAPTER 7

MANAGING THE COAST (2): LOCAL COASTAL PROGRAMS AND DELEGATION OF PERMIT AUTHORITY TO LOCAL GOVERNMENTS

Proposition 20, passed in 1972, established a strong State role in coastal planning and management. The Coastal Act of 1976 provided for a continued State role, but in the Coastal Act the Legislature found and declared:

"To achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement" (30004(a))

Local governments will be relied on in the coastal management program for several reasons:

- Using the existing local government land use planning and development review system can help eliminate duplication at the State level;
- Local government is both accessible and accountable to local citizens;
- Consolidation of the development review process at the local level reduces the time and money costs to applicants; and
- Local governments are best able to reflect the different conditions and values of the many communities along the 1,072 mile coastline.

Because current State planning law already requires that each local government prepare a general plan for the use of land within its jurisdiction, and also requires that zoning ordinances conform to that plan, implementation of much of the coastal management program by local governments is a logical step. Accordingly, the Coastal Act requires that general plans be amended to conform to the Coastal Act, and zoning ordinances and maps must then conform to the certified land use plans in order to legally enforce the provisions of the general plan.

In general, until local coastal programs are written and adopted locally, and certified by the Coastal Commission, the Coastal Commission will continue to regulate coastal development. After certification, coastal permit authority is delegated to local governments, with some continued Coastal Commission permit authority and with Coastal Commission appellate jurisdiction in certain areas and over certain developments. Attachment 4 contains the Local Coastal Program Manual which is designed to provide practical assistance to local governments along with Chapter 5 of the permit regulations which describes local implementation procedures.

A. Preparation and Certification of Local Coastal Programs

Content of Programs. The Coastal Act specifies the contents of local coastal programs as follows:

"'Local coastal program' means a local government's land use plans, zoning ordinances, zoning district maps, and implementing actions which, when taken together, meet the requirements of, and implement the provisions and policies of, this division at the local level" (30108.6)

The land use plan that is the heart of the local coastal program is also defined:

"'Land use plan' means the relevant portions of a local government's general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and where necessary, a listing of implementing actions" (30108.5)

Another relevant term is also included in the Coastal Act:

"'Local coastal element' is that portion of a general plan applicable to the coastal zone which may be prepared by local government pursuant to this division, or such additional elements of the local government's general plan prepared pursuant to subdivision (k) of Section 65303 of the Government Code, as such local government deems appropriate." (30108.55)

As set forth elsewhere in the Coastal Act, zoning ordinances and zoning district maps are the principal legal tools that implement the land use plan. (30511 and 30513)

The Coastal Act specifically requires each local coastal program to "contain a specific public access component to assure that maximum public access to the coast and public recreation areas is provided." (30500(a))

On May 17, 1977 the Coastal Commission, adopted after public hearing final procedures for the preparation, submission, approval, appeal, certification, and amendment of local coastal programs, including a "common methodology for the preparation of, and the determination of the scope of, the local coastal programs, taking into account the fact that local governments have differing needs and characteristics" and "[r]ecommended uses that are of more than local importance that should be considered in the preparation of local coastal programs." (30501(a) and (c))

Consistent with these procedures, the common methodology, and the list of recommended uses, the local government will, in consultation with the Coastal Commission and regional commissions and with public participation, determine the precise content of each program. (30500(c))

Separately, the Coastal Commission is to nominate, by September 1, 1977, various "sensitive coastal resources areas" where the protection of resources requires review and approval not only of the land use plan, zoning ordinances, and zoning district map, but of "other implementing actions" (30502(a)), which means the "ordinances, regulations or programs" (30108.4) pertaining to those resource areas that are "adequate to protect the coastal resources . . . in conformity with the policies" of the Coastal Act. (30502(c)) If ratified by the Legislature (30502.5), these sensitive coastal resource areas are included in the Coastal Commission's appeal jurisdiction. (See Chapter 4 for an explanation of this special category.)

The Coastal Act devotes an entire chapter (30200 et seq.) to those coastal management policies that will "constitute the standards by which the adequacy of local coastal programs . . . are determined." (30200).

Schedule. The Coastal Commission regulations also contain a schedule for processing local coastal programs which cannot be required to be submitted before July 1, 1978, or after January 1, 1980. Programs are to be completed not later than July 1, 1980, and certified not later than December 1, 1980. (30501(b)) Deadlines or other time limitations may be extended up to one year for good cause. (30517)

Preparation of Local Coastal Programs by the Coastal Commission. A local government has the option requesting that all or part of its program be prepared by the Coastal Commission (30500), but other provisions require the local government to still hold a public hearing and adopt the proposed program and submit it for certification.

Options for Preparation of the Land Use Plan. The Coastal Act provides two methods for preparing the land use plan portion of the local coastal program: preparation of amendments to the local general plan and constituent elements; or preparation of a separate element of the general plan for the coastal zone pursuant to Government Code Section 65303(d). Large jurisdictions with only a small portion in the coastal zone may find a separate coastal element to be the simplest and least costly way of preparing the land use plan, but this element must contain all of the documentation, land use designations, and resource protection and development policies that might otherwise appear in the general plan. Local governments can obtain some flexibility by dividing the coastal zone into smaller units and submitting the land use plan in separate sections. (30511(a)) These, too, would have to include all relevant materials (see Figure 3).

Options for Submission of Programs. The Coastal Act provides three options for the submission of the land use plan, zoning ordinances, and zoning district maps, and, if required, implementing actions: together at one time, in two phases, and in separate geographic units. (30511)

The first option is self-explanatory. Under the second option the local government would first submit its land use plan and, after certification of such plan, the conforming zoning ordinances and zoning district maps, and, if required, implementing actions would later be submitted for certification. This option gives the locality the assurance of adequacy of the general provisions of its land use plan before undertaking preparation of the more detailed zoning materials.

Under the third option, the land use plan and other materials could be submitted in separate geographic units, which would allow some areas to be certified and permit review delegated early, while planning continued in other areas.

Review and Certification by the Coastal Commission and Regional Commissions. Land use plan portion: regional commissions shall, within 90 days after the submission of the land use plan portion of the program, and after a public hearing, either approve or disapprove the plan, in whole or in part. No action constitutes approval. The regional commission must say, in writing, why it disapproved a plan

SUBMISSION OF LOCAL COASTAL PROGRAMS

A. Requirements for Submission (30510)

The local coastal program may be submitted when both of the following are met:

- (1) Local government adopts a resolution, after public hearing, certifying the intent to implement local coastal programs in conformity with the Coastal Act.
- (2) The local coastal program conforms to Coastal Commission guidelines and contains sufficient material for a complete review.

B. Timing

Local coastal programs may be submitted as soon as possible after the Coastal Commission's adoption of guidelines. No local coastal program may be required to be submitted before July 1, 1978, nor shall they be submitted later than January 1, 1980.

C. Local Options

- (1) Local government may submit the local coastal program in its entirety and have the Coastal Commission review the land use plan and zoning and implementing ordinances at one time.
- (2) Local government may submit the local coastal program in two phases, with the land use plan being processed before zoning and other implementing ordinances are reviewed by the Coastal Commission.
- (3) Local government may submit local coastal programs for separate geographic units within its jurisdiction. Submissions for these geographic sub-units may either involve the 1-step or the 2-step review process.
- (4) Local governments may, prior to July 1, 1977, request the Coastal Commission to prepare its local coastal program.

FIGURE 5

and suggest ways to modify the disapproved portions. Within 10 working days of approval, in whole or in part, the land use plan is forwarded for review by the Coastal Commission, which has 21 to 45 days to determine, after a public hearing, whether specific provisions raise a substantial issue. If the Coastal Commission finds no substantial issue, the regional decision is final and the land use plan deemed certified. If there is a substantial issue, the Coastal Commission has 60 days from receipt of the plan to refuse certification or certify it in whole or in part. The Coastal Commission must explain, in writing, why a plan was found unacceptable. A revised plan may be resubmitted directly to the Coastal Commission. The criteria by which the Coastal Commission or regional commissions will approve and certify the land use plan is that it meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act. (30512)

Zoning ordinances, zoning district maps, and other implementing actions: the regional commissions have 60 days in which to reject the zoning ordinances, maps, and other implementing actions. If rejected, the regional commission must explain why. If not rejected after 60 days, the zoning and other materials are deemed approved. The local government may either revise and resubmit the materials or, within 10 days of rejection, appeal to the Coastal Commission. Explicit or implicit approvals or rejections may also be appealed by any aggrieved person to the Coastal Commission. The Coastal Commission has 60 days to determine if an appeal raises a substantial issue, or 30 days if the Coastal Commission itself determines to review the materials. If not rejected in those time limits, the materials are deemed approved. If rejected, the materials may be revised and resubmitted. The criteria by which the zoning and other materials are judged are conformity with and adequacy to carry out the certified land use plan. (30513) (See Figure 4 for a description of this process.)

Amendments to Programs. Certified local coastal programs and all local implementing ordinances, regulations, and other actions may be amended by a local government, but a material amendment must be certified by the Coastal Commission (30514). Provision is made for amendments to local coastal programs governing public works projects or energy facilities if they are to meet public needs of an area greater than that included within the certified local coastal program. (30515)

Sanctions. If a local coastal program has not been certified and all implementing devices become effective by January 1, 1981, the Coastal Commission may, if it finds that new developments would be contrary to the Coastal Act, prohibit or otherwise restrict the local government from issuing any permit or require a Coastal Commission permit for any development within the coastal zone of that jurisdiction. (30518)

Five-Year Review. Provision is made for periodic - at least every five years - Coastal Commission review of every certified local coastal program to determine if it is being effectively implemented. If it is not, the Coastal Commission is to recommend corrective actions to the local government, which if it does not take those actions, must report within a year to the Coastal Commission. The Coastal Commission is to review that report and, if appropriate, make recommendations to the Legislature for legislative actions to assure effective implementation of the relevant policy or policies. (30519.5)

Provision for Ports, Special Districts, Public Works, and Other Plans. The Coastal Act established a procedure similar to that for local coastal programs for the master plans of the Ports of Hueneme, Long Beach, Los Angeles, and San Diego Unified Port District (see Chapter 8). These port master plans are to be included in local coastal programs for informational purposes. (30711)

In the same manner, provision is made for the submission of plans for public works or State university or college long-range land use development plans. If public works plans are submitted before certification of the local coastal programs of affected local jurisdictions, then the Coastal Commission is to certify the plan if consistent with the coastal policies. If the public works plan is submitted after certification, the Coastal Commission is to approve it, in consultation with affected local governments, if the plan is in conformity with the certified local coastal program.

State universities and colleges are to coordinate with local governments in the preparation of their plans to be consistent with the appropriate local program. (30605)

Coastal Commission Assistance. The Coastal Commission will assist local governments in exercising the planning and regulatory powers and responsibilities provided for in the Coastal Act. (30336) It is expected that this assistance will include providing data, staff support, and technical assistance, where requested, in the preparation of local coastal programs. The geographic applications of the Coastal Plan are available for guidance to local jurisdictions, and subregional plans are being cooperatively drawn up by the Coastal Commission for areas where either the cumulative impact of development or conflicts among various proposals create the potential for significant adverse impacts on coastal resources.

B. Delegation of Permit Authority to Local Governments

After a local coastal program or a part of it has been certified by the Coastal Commission and all implementing actions within the affected area have become effective, the Coastal Commission's permit authority is to be delegated to the appropriate local government, except for the Coastal Commission's reserved permit jurisdiction that includes tidelands, submerged lands, and public trust lands, and except for port developments and State university or college developments, for which no local coastal development permit is necessary.(30519)

A permit is to be issued if the issuing agency (or the Coastal Commission on appeal) finds the development is in conformity with the certified local coastal program.(30604(b))

Each permit issued for a development between the nearest public road and the sea or shoreline of a body of water in the coastal zone is to include a specific finding that the development is in conformity with the public access and public recreation policies of the Coastal Act.(30604(c))

After certification, a local government permit action on certain developments or developments in certain areas may be appealed to the Coastal Commission as described in Chapter 6.

The Coastal Commission procedure for hearings and appeals of local decisions will be basically the same as under the interim permit system (see Chapter 6). However, by August 1, 1978, the Coastal Commission will adopt revised procedures specifically governing appeals after certification of local coastal programs.(30620.6)

C. Local Governments

The following is a list of cities and counties that have jurisdiction within the coastal zone and will produce a local coastal program.

Del Norte County
Crescent City

Humboldt County
Trinidad
Arcata
Eureka
Fortuna
Ferndale

Mendocino County
Fort Bragg
Point Arena

Sonoma County

Marin County

San Francisco City and County

San Mateo County
Dale City
Pacifica
Half Moon Bay

Santa Cruz County
Santa Cruz
Watsonville

Monterey County
Marina
Sand City
Seaside
Pacific Grove
Monterey
Carmel

San Luis Obispo County

Morro Bay
Pismo Beach
Grove City

Santa Barbara County
Santa Barbara
Carpinteria

Ventura County
Ventura (San Buenaventura)
Oxnard
Port Hueneme

Los Angeles County

Los Angeles
Santa Monica
El Segundo
Manhattan Beach
Hermosa Beach
Redondo Beach
Avalon
Terrance
Palos Verdes Estates
Rancho Palos Verdes
Long Beach

Orange County

Seal Beach
Huntington Beach
Costa Mesa
Newport Beach
Laguna Beach
San Juan Capistrano
San Clemente

San Diego County

Oceanside
Carlsbad
Del Mar
San Diego
Coronado
National City
Chula Vista
Imperial Beach

CHAPTER 8

MANAGING THE COAST (3): PORT MASTER PLANS

The Coastal Act devotes Chapter 8 to the principal California ports (not including those in San Francisco Bay, which is subject to regulation by BCDC (see Chapter 4)).

The Ports of Hueneme, Long Beach, Los Angeles, and San Diego are some of the State's primary economic and coastal resources and are essential elements of the national maritime industry. The locations of the commercial port districts are well established. For many years these ports have been devoted to transportation, commerce, industry, and manufacturing uses consistent with local, State, and Federal regulations. (30701)

Coastal planning, according to the Coastal Act, requires no change in the number or location of the present ports; however, it does encourage present facilities to modernize in such a manner as to eliminate future dredging and filling for new ports. (30701)

Sections 30702 through 30708 contain the policies that apply particularly to the ports. Only in certain areas such as wetlands, estuaries, and recreational areas will the policies that apply to the rest of the coastal zone apply to those resources within the boundaries of these ports. A procedure for paralleling the local coastal program is established for the Ports of Hueneme, Long Beach, Los Angeles, and San Diego whereby the ports prepare a port master plan for certification by the Coastal Commission.

Within 90 days after January 1, 1977, the Coastal Commission shall, after a public hearing, adopt, certify, and file with each port's governing body a map delineating the present legal geographic boundaries of each port's jurisdiction within the coastal zone, and a map delineating boundaries of any wetland, estuary, or existing recreation area indicated in Part IV of the Coastal Plan within the geographic boundaries of each port. (30710)

Each port governing body is required to prepare and adopt a port master plan. The port master plan will include:

1. Proposed land and water uses, where known;
2. Projected design and location of port land and water areas, navigational routes, etc.;
3. Estimate of development's effect on marine environment -- a review of existing water quality, habitat areas, quantity and quality biological inventory, and proposals to mitigate the port's effect;
4. Proposed projects of the categories that will be appealable to the Coastal Commission; and
5. Provisions for public hearing and participation (30711)

The public shall be encouraged to submit testimony, statements, and evidence concerning the port master plan. The port governing body will publish notification of the completed draft plan which will be available to the Coastal Commission and the public. A public hearing will be held not earlier than 30 days and not later than 90 days following the draft's publication (30712) Ports completing a plan prior to January 1, 1977, shall submit it to the Coastal Commission and hold a hearing, in accordance with the above provisions, for the purpose of reviewing such a master plan in conformance with the Coastal Act. (30713)

After public notification, hearing, and consideration of comments and testimony, the port governing body will adopt its master plan and submit it for certification. Within 90 days after the submittal, the Coastal Commission, after a public hearing, will certify or reject the plan or portions thereof. If the Coastal Commission fails to take action within 90 days, the plan will be deemed certified. (30714)

Until the port master plan has been certified, coastal development permits will be required from the Coastal Commission. After certification, the permit authority shall be delegated to the port governing body with appeals to the Coastal Commission allowable only on the following:

1. Development for storage, transmission, and processing of LNG and crude oil in quantity with a significant impact upon oil and gas supply of the state and Nation;
2. Certain wastewater treatment facilities;
3. Roads and highways not principally for internal circulation;
4. All buildings not principally developed to administer the port;
5. Oil refineries; and
6. Petrochemical production plants. (37015)

The port governing body will inform and keep the Coastal Commission and other interested persons advised of the planning and design of any appealable development. (30717).

For development under the certified master plan and not appealable, all environmental impact reports and negative declarations pursuant to the California Environmental Quality Act of 1970 or environmental impact statements pursuant to the National Environmental Policy Act of 1969 will be forwarded to the Coastal Commission in a timely manner. (30718)

A port governing body can amend its master plan, but the amendments will not take effect until certified by the Coastal Commission. (30716)

CHAPTER 9

MANAGING THE COAST (4): ENERGY FACILITY IMPACTS, PUBLIC ACCESS, AND SHORELINE EROSION

A. Energy

Probably no single issue so dominated the Coastal Commission's and regional commissions' planning and development permit processes after 1972 than the siting, design, and impacts of major energy facilities in the coastal zone. As the Coastal Plan described it,

"The land and water of California('s) coastal zone (are) now used, and can be used more, to contribute to the State's energy supply in five principal ways:

- To provide sites and ocean cooling water for power plants that generate electricity;
- To provide sites for drilling, production, treatment, storage, and pipeline facilities for oil and gas operations onshore and on submerged lands beneath State and Federal offshore waters;
- To provide terminals to moor and offload tankers and barges bringing crude oil and refined products to California, the region, and the nation;
- To provide sites for oil refineries; and
- To provide special terminals and onshore plant facilities for liquefied natural gas imports."

The Coastal Plan said one goal was "to protect, enhance, and restore the coastal environment while also providing for energy facilities for which a clear public need and a need for siting along the coast can be shown." A section was devoted to findings and detailed policies covering major energy facilities.

Statutory Provisions

The Coastal Act continued the Coastal Plan's special emphasis on energy facility impacts. An important statement establishing State policy with regard to energy facilities is made early in the Coastal Act:

"The Legislature further finds and declares that, notwithstanding the fact electrical generating facilities, refineries, and coastal-dependent developments, including ports and commercial fishing facilities, offshore petroleum and gas development, and liquefied natural gas facilities, may have significant adverse effects on coastal resources or coastal access, it may be necessary to locate such developments in the coastal zone in order to ensure that inland as well as coastal resources are preserved and that orderly economic development proceeds within the state." (30001.2)

The Coastal Commission and regional commissions, whose planning and management role includes the protection of regional, State, and national interests in the coastal zone and the coordination and integration of public agency activities in the coast (30004(b)), was given a strong role in regulating the siting and design of major energy facilities. The Coastal Commission has coastal development permit authority over major energy facilities except for power plants prior to the certification of local coastal programs, and a permit appeal jurisdiction over those facilities after the certification of local coastal programs.(30600, 30601, 30603)

The exception, as noted, is thermal power plants, whose siting remains under the exclusive permit authority of the State Energy Commission, though the Coastal Commission can designate sites inappropriate for power plants as will be discussed below.

Except for power plants, then, the Coastal Commission has siting and design regulatory authority related to environmental impacts of other major energy facilities. As defined in the Coastal Act,

"Energy facility' means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy." (30107)

The Coastal Act, which is the foundation of the California Coastal Management Program, contains numerous provisions related to energy facility impact planning and management. The following sections indicate how the Coastal Commission, in its active or coordinating role, will carry out the Coastal Act's provisions as well as the requirement in the CZMA for description of "(a) planning process for energy facilities likely to be located in, or which may significantly affect, the coastal zone, including, but not limited to a process for anticipating and managing the impacts from such facilities."

(Section 305(b)(8)). It should be noted that many of the overall energy planning matters will be undertaken by the Coastal Commission and regional commissions with cognizance of the extensive work done by other California agencies such as the State Energy Resources Conservation and Development Commission, the State Lands Commission, and the California Public Utilities Commission, whose statutory mandates and staff expertise are directed at specific energy issues as is discussed below.

Energy Facility Planning Process

The energy facility planning process is integrated into the local coastal program development process (Chapter 7), but has additional provisions for considering the state and national public welfare in energy facility planning decisions. An important Coastal Act policy, applying to coastal dependent industrial facilities, states:

Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nevertheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible. (Section 30260)

Under the authority of this section, coastal-dependent industrial facilities, including energy facilities, can be permitted if they are found to benefit the public welfare even if they do not meet other policies of the Coastal Act. Other Coastal Act policies that are considered both in permit processing and planning for energy facilities are contained in Article 7 of Chapter 3 of the Coastal Act. These policies establish the general findings that must be made to authorize coastal dependent industrial facilities and provide detailed criteria for evaluating proposed tanker facilities, liquefied natural gas terminals, oil and gas developments, refineries, petrochemical facilities and electric power plants. These policies are also the standards by which the adequacy of local coastal programs are determined. (30200)

Steps of the Energy Facility Planning Process

The basic steps of the energy facility planning process are:

1. The Coastal Commission indicates to local governments and local governments themselves identify possible energy facility issues to be addressed in the local coastal program work program.
2. Energy suppliers indicate their anticipated needs for coastal areas to site energy facilities so the local coastal program can include appropriate zoning and ordinances to accommodate these needs.
3. If, after a public hearing and submittal of a local coastal program to the Coastal Commission, the energy suppliers, Commission staff, other state and Federal agencies, or other interested parties find that the local waste program does not adequately address the potential need for new energy facilities (either by providing too many or too few sites for such facilities), this issue is raised to the Coastal Commission, which must resolve the differences before local coastal programs can be certified.
4. A "public welfare" finding must be made in evaluating an application for a proposed coastal-dependent industrial facility site and in considering the adequacy of local coastal programs (Section 30260). In making such a finding, the Commission considers the State and national public welfare as expressed in appropriate legislation, policy statements, and documents on energy policy.
5. The Coastal Commission reviews all local coastal programs and port plans to ensure that, in total, they include adequate provisions for the siting of energy facilities in the least environmentally damaging locations to meet the energy demand as determined by appropriate State and Federal agencies. The participation of agencies with energy policy responsibilities is solicited by the Coastal Commission. In addition, any other interested parties may participate in this review, which forms the basis for possible Coastal Commission amendments to local coastal programs as allowed by Section 30515 of the Coastal Act, which makes provision for the amendment of local coastal programs on the matter of energy facility development:

Any person authorized to undertake a public works project or proposing an energy facility development may request any local government to amend its certified local coastal program, if the purpose of the proposed amendment is to meet public needs of an area greater than that included within such certified local coastal program that had not been anticipated by the person making the request at the time the

local coastal program was before the commission for certification. If, after review, the local government determines that the amendment requested would be in conformity with the policies of this division, it may amend its certified local coastal program as provided in Section 30514.

If the local government does not amend its local coastal program, such person may file with the commission a request for amendment which shall set forth the reasons why the proposed amendment is necessary and how such amendment is in conformity with the policies of this division. The local government shall be provided an opportunity to set forth the reasons for its action. The commission may, after public hearing, approve and certify the proposed amendment if it finds, after a careful balancing of social, economic and environmental effects, that to do otherwise would adversely affect the public welfare, that a public need of an area greater than that included within the certified local coastal program would be met, that there is no feasible, less environmentally damaging alternative way to meet such need, and that the proposed amendment is in conformity with the policies of this division. (Section 30515)

In determining whether such an amendment is necessary, the Coastal Commission considers the energy needs of both the State and the Nation as expressed in appropriate State and Federal legislation, policy statements, and documents.

6. Special projects, reports, and policy statements of appropriate State and Federal agencies are used as technical information by the Coastal Commission in assessing the public welfare aspects of energy facilities in the development, review, and certification of local coastal programs and in processing permit applications prior to local coastal program certification and on appeals afterward. These information sources include: (a) 1976 OCS Project (the results of these projects will be considered at public hearings and revised as necessary to meet national interest and other considerations. After Commission adoption, the conclusions of these studies will be incorporated into the California Coastal Management Program.¹); (b) the Commission's Power Plant Siting Study; (c) Biennial Report on California Energy Policy by the California Energy Commission; (d) Public Utilities Commission reports and resolutions on gas supply and demand; (e) the President's National Energy Plan; (f) certificates of the Federal Power Commission; (g) Federal Energy Administration reports on the disposition of Alaskan Oil; and (h) other relevant studies.

Policies and Planning for Specific Energy Facilities

A. Oil Tanker Facilities

The Coastal Act includes the following policies on tanker facilities:

Multicompany use of existing and new tanker facilities shall be encouraged to the maximum extent feasible and legally permissible, except where to do so would result in increased tanker operations and associated onshore development incompatible with the land use and environmental goals for the area. New tanker terminals outside of existing terminal areas shall be situated so as to avoid risk to environmentally sensitive areas and shall use a monobuoy system, unless an alternative type of system can be shown to be environmentally preferable for a specific site. Tanker facilities shall be designed to (1) minimize the total volume of oil spilled, (2) minimize the risk of collision from movement of other vessels, (3) have ready access to the most effective feasible containment and recovery equipment for oil spills, and (4) have onshore deballasting facilities to receive any fouled ballast water from tankers where operationally or legally required. (Section 30261(a))

In evaluating permit applications and in planning for oil tanker facilities, the Commission consults and coordinates with the appropriate Federal and State agencies having jurisdiction over the facilities/oil spill contingency planning, and tanker operations. Such agencies include the State Lands Commission, U.S. Coast Guard, California Department of Fish and Game, and U.S. Environmental Protection Agency.

As with other energy facilities, the Commission considers the public welfare aspects of any proposed new or expanded tanker facility. As part of this consideration, the Commission evaluates expressions of the national and State interest in such facilities as documented in legislation, policy statements, and documents from appropriate Federal and State agencies, including the Office of the President, Office of Planning and Research, Energy Commission, Public Utilities Commission, and Federal energy agencies.

¹ pursuant to NOAA refinement or amendment procedures

B. Liquefied Natural Gas Terminals

The Coastal Act includes the following policies on liquefied natural gas terminals:

Only one liquefied natural gas terminal shall be permitted in the coastal zone until engineering and operational practices can eliminate any significant risk to life due to accident or until guaranteed supplies of liquefied natural gas and distribution system dependence on liquefied natural gas are substantial enough that an interruption of service from a single liquefied natural gas facility would cause substantial public harm.

Until the risks inherent in liquefied natural gas terminal operations can be sufficiently identified and overcome and such terminals are found to be consistent with the health and safety of nearby human populations, terminals shall be built only at sites remote from human population concentrations. Other unrelated development in the vicinity of a liquefied natural gas terminal site which is remote from human population concentrations shall be prohibited. At such time as liquefied natural gas terminal operations are found consistent with public safety, terminal sites only in developed or industrialized port areas may be approved. (Section 30261(b))

In evaluating a permit application for an LNG terminal, the Commission considers the positions and studies of the Federal Power Commission, the Public Utilities Commission, the Energy Commission, and other appropriate agencies. Under the Coastal Act policy cited above, more than one LNG terminal can be permitted under the Coastal Act if a finding can be made that "dependence on liquefied natural gas is substantial enough that an interruption of service from a single liquefied natural gas facility would cause substantial public harm." In determining whether this finding can be made, the Commission considers positions and studies of the Federal Power Commission, the Public Utilities Commission, and other appropriate agencies.

Procedures for processing the first application for a terminal have been developed through discussions with the Western LNG Terminal Associates staff (see letter, Bodovitz to McKinney, Appendix G). These procedures include direct review by the State Commission, with participation by the regional commissions, and a special LNG safety review with hearings in the proposed terminal areas.

C. Oil and Gas Development

The Coastal Act includes the following policies on oil and gas development:

Oil and gas development shall be permitted in accordance with Section 30260, if the following considerations are met:

(a) The development is performed safely and consistent with the geologic conditions of the well site.

(b) New or expanded facilities related to such development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.

(c) Environmentally safe and feasible subsea completions are used when drilling platforms or islands would substantially degrade coastal visual qualities unless use of such structures will result in substantially less environmental risks.

(d) Platforms or islands will not be sited where a substantial hazard to vessel traffic might result from the facility or related operations, determined in consultation with the United States Coast Guard and the Army Corps of Engineers.

(e) Such development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from subsidence.

(f) With respect to new facilities, all oilfield brines are reinjected into oil-producing zones unless the Division of Oil and Gas of the Department of Conservation determines to do so would adversely affect production of the reservoirs and unless injection into other subsurface zones will reduce environmental risks. Exceptions to reinjections will be granted consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water quality problems.

Where appropriate, monitoring programs to record land surface and near-shore ocean floor movements shall be initiated in locations of new large-scale fluid extraction on land or near-shore before operations begin and shall continue until surface conditions have stabilized. Costs of monitoring and mitigation programs shall be borne by liquid and gas extraction operators. (Section 30262)

In considering permits for and in planning related to oil and gas development, the Commission coordinates with the appropriate Federal and State agencies including the California Division of Oil and Gas, State Lands Commission, and the U.S. Department of the Interior. In considering the public welfare aspects of any such proposed developments, the Commission utilizes legislation and policy statements and reports of appropriate State and Federal agencies, including the Office of the

President, Interior Department, Federal Energy Administration, the Energy Commission, Governor's Office of Planning and Research, and others.

D. Refineries and Petrochemical Facilities

The Coastal Act includes the following policies on refineries and petrochemical facilities:

(a) New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this division shall be permitted if (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas, and (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property.

(b) In addition to meeting all applicable air quality standards, new or expanded refineries or petrochemical facilities shall be permitted in areas designated as air quality maintenance areas by the State Air Resources Board and in areas where coastal resources would be adversely affected only if the negative impacts of the project upon air quality are offset by reductions in gaseous emissions in the area by the users of the fuels, or, in the case of an expansion of an existing site, total site emission levels, and site levels for each emission type for which national or State ambient air quality standards have been established, do not increase.

(c) New or expanded refineries or petrochemical facilities shall minimize the need for once-through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from inplant processes where feasible. (Section 30263)

In considering the public welfare aspects of such facilities, the Commission utilizes policy statements and reports from appropriate State and Federal agencies, including the Energy Commission, Federal Energy Administration, Governor's Office of Planning and Research, and the Office of the President.

E. Electric Power Plants and Related Facilities

The Coastal Act includes the following policies on electric power plants:

Notwithstanding any other provisions of this division, except subdivisions (b) and (c) of Section 30413, new or expanded thermal electric generating plants may be constructed in the coastal zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development Commission to have greater relative merit pursuant to the provisions of Section 25516.1 than available alternative sites and related facilities for an applicant's service areas which have been determined to be acceptable pursuant to the provisions of Section 25516 (Section 30264).

(a) In addition to the provisions set forth in subdivision (d) of Section 30241, and in Sections 25302, 25500, 25507, 25508, 25514, 25516.1, 25519, 25523, and 25526, the provisions of this section shall apply to the commission and the State Energy Resources Conservation and Development Commission with respect to matters within the statutory responsibility of the latter.

(b) The commission shall, prior to January 1, 1978, and after one or more public hearings, designate those specific locations within the coastal zone where the location of a facility as defined in Section 25110 would prevent the achievement of the objectives of this division; provided, however, that specific locations that are presently used for such facilities and reasonable expansion thereof shall not be so designated. Each such designation shall include a description of the boundaries of such locations, the objectives of this division which would be so affected, and detailed findings concerning the significant adverse impacts that would result from development of a facility in the designated area. The commission shall consider the conclusions, if any, reached by the State Energy Resources Conservation and Development Commission in its most recently promulgated comprehensive report issued pursuant to Section 26309. The commission shall transmit a copy of its report prepared pursuant to this subdivision to the State Energy Resources Conservation and Development Commission.

(c) The commission shall every two years revise and update the designations specified in subdivision (b) of this section. The provisions of subdivision (b) of this section shall not apply to any sites and related facilities specified in any notice of intention to file an application for certification filed with the State Energy Resources Conservation and Development Commission pursuant to Section 25502 prior to designation of additional locations made by the commission pursuant to this subdivision.

(d) Whenever the State Energy Resources Conservation and Development Commission exercises its siting authority and undertakes proceedings pursuant to the provisions of Chapter 6 (commencing with Section 25500) of Division 15 with respect to any thermal power plant or transmission line to be located, in whole or in part, within the coastal zone, the commission shall participate in such proceedings and shall receive from the State Energy Resources Conservation and Development Commission any notice of intention to file an application for certification of a site and related facilities within the coastal zone. The commission shall analyze each notice of intent and shall, prior to completion of the preliminary report required by Section 25510, forward to the State Energy Resources Conservation and Development Commission a written report on the suitability of the proposed site and related facilities specified in such notice of intent. The commission's report shall contain a consideration of, and findings regarding, all of the following:

- (1) The compatibility of the proposed site and related facilities with the goal of protecting coastal resources.
- (2) The degree to which the proposed site and related facilities would conflict with other existing or planned coastal-dependent land uses at or near the site.
- (3) The potential adverse effects that the proposed site and related facilities would have on aesthetic values.
- (4) The potential adverse environmental effects on fish and wildlife and their habitats.
- (5) The conformance of the proposed site and related facilities with certified local coastal programs in those jurisdictions which would be affected by any such development.
- (6) The degree to which the proposed site and related facilities could reasonably be modified so as to mitigate potential adverse effects on coastal resources, minimize conflict with existing or planned coastal-dependent uses at or near the site, and promote the policies of this division.
- (7) Such other matters as the commission deems appropriate and necessary to carry out the provisions of this division.

(e) The commission may, at its discretion, participate fully in other proceedings conducted by the State Energy Resources Conservation and Development Commission pursuant to its powerplant siting authority. In the event the commission participates in any public hearings held by the State Energy Resources Conservation and Development Commission, it shall be afforded full opportunity to present evidence and examine and cross-examine witnesses.

(f) The State Energy Resources Conservation and Development Commission shall forward a copy of all reports it distributes pursuant to Sections 25302 and 25306 to the commission and the commission shall, with respect to any report that relates to the coastal zone or coastal zone resources, comment on such reports, and shall in its comments, include a discussion of the desirability of particular areas within the coastal zone as designated in such reports for potential powerplant development. The commission may propose alternate areas for powerplant development within the coastal zone and shall provide detailed findings to support the suggested alternatives. (Section 30413)

The aim of these provisions is to ensure that California has an adequate electricity supply to meet the demand determined by the Energy Commission through its electricity demand and supply forecasting. The Energy Commission, in determining the need for new power plants pursuant to Section 25300-309 of the Public Resources Code, holds extensive public hearings and coordinates with many State and Federal agencies. The Coastal Commission, in turn, closely coordinates its consideration of coastal powerplants with the Energy Commission.

Other Agencies Involved in Energy Facility Planning

Several State agencies have legislatively mandated responsibilities for both energy facility planning and for assessing State and national public welfare interests in the evaluation of energy supply and demand alternatives. The Coastal Commission coordinates with these agencies, consults with the appropriate Federal agencies and utilizes the policy positions and reports of both the State and Federal agencies for evaluating coastal development permit applications and for energy facility siting provisions in local coastal plans. The State agencies involved in this process are listed below.

- State Energy Resources Conservation and Development Commission (Energy Commission): Under the Warren-Alquist Act, the Energy Commission has responsibilities generally including: the consolidation of "the State's responsibility for energy resources, for encouraging, developing, and coordinating research and development into energy supply and demand problems, and for regulating electrical generating and related transmission facilities"; (Section 25006) for formulating a range of measures to reduce wasteful, uneconomical, and unnecessary use of energy, thereby reducing the rate of growth of energy consumption, prudently conserve energy resources, and assure statewide environmental, public safety, and land use goals; (Section 25007) and for comprehensive analysis of the supply and demand for all forms of energy and of the economic and environmental impacts of alternative Federal and State energy policies. (Section 25309)

In both permit and planning proceedings the Coastal Commission utilizes Energy Commission assistance in determining the need for energy facilities and in assessing the public welfare aspects of proposed projects (Section 30260)

- California Public Utilities Commission (CPUC): The CPUC has utility rate regulatory authority and retains regulatory authority over a number of power plants that were under development before the Warren-Alquist Act established the Energy Commission. It is also responsible for assuring the financial stability of utilities while protecting consumer interests. SB 2008 requires the CPUC to coordinate with State agencies for the purpose of providing unified testimony to Federal agencies on energy facilities, and to provide a conflict-resolution mechanism if agreement cannot be reached. The CPUC also forecasts supply and demand for gas and determines the California position on major gas projects in proceedings before the Federal Power Commission.

- Resources Agency: This "super agency" has coordinating responsibilities for activities of the agencies within it -- including the Coastal Commission, Energy Commission, Air Resources Board, and State Water Resources Control Board. The Secretary of the Resources Agency is an ex-officio member of both the Coastal Commission and the Energy Commission.

- State Lands Commission: This agency is responsible for the leasing of State-owned lands and waters for petroleum development. The chairperson of the Lands Commission is also an ex-officio member of the Coastal Commission.

- Office of Planning and Research (OPR): OPR, which is in the Governor's office, has numerous coordinating responsibilities, including the authority to reconcile conflicting functional plans of different agencies. The Coastal Act gives the director of OPR authority to review coastal policies, determine if effective implementation requires the cooperative, coordinated efforts of several State agencies, recommend appropriate actions to the agencies to minimize duplication and conflicts, and recommend changes in programs, duties, responsibilities, and enabling legislation to the Governor and legislature (30415).

- Division of Oil and Gas: This agency, which regulates the drilling of oil and gas wells in California, is required to carry out its responsibilities in conformance with the Coastal Act (Section 30402) and to cooperate with the Commission in evaluating proposed well operations within the coastal zone (Section 30418(b)).

In considering the national interest and public welfare aspects of proposed energy facilities that would be located in or have an impact upon the coastal zone, the Coastal Commission considers the policy positions and reports of all appropriate Federal agencies, including:

Office of the President	Department of Commerce
Federal Energy Administration	Nuclear Regulatory Commission
Federal Power Commission	Energy Research and Development Administration
Interior Department	General Accounting Office
Office of Technology Assessment	

Since the beginning of 1977, the Coastal Commission's coordination program has involved the appropriate State and Federal agencies in a review of draft coastal policy interpretive guidelines; a review of the study of areas on the coast where the Coastal Commission should retain authority over power plants (pursuant to Section 30413); and a request for assistance and cooperation in completing these tasks. The Coastal Commission is establishing liaison for formulating a process of mutual review and comment on each agency's responsibilities under the Coastal Act, and liaison with the Energy Commission, CPUC, Resources Agency, State Lands Commission, and OPR for unified participation in Federal agency proceedings on energy facilities. By the end of 1977 it is hoped that a memorandum of understanding (MOU) can be adopted between the Coastal and Energy Commissions on the procedures for review and comment process for coastal energy facilities. The MOU is intended to systematically involve the Energy Commission in addressing the public welfare aspects of proposed and planned energy facilities in the coastal zone. The Coastal Act also encourages the Coastal Commission to develop joint public hearings with other State agencies to expedite and coordinate review of major energy facilities.

Identification of Energy Facilities Likely to Affect Coast

The program to identify and anticipate the impacts of energy facilities likely to be in or affect the coastal zone has been ongoing since 1973. The continuing program has several components:

- 1976 OCS Project: In 1976 the Coastal Commission was awarded a \$300,000 grant to study the impacts of Outer Continental Shelf petroleum development on the southern California coast. This study has been carried out by the Office of Planning and Research under contract to the Coastal Commission. A primary objective of this effort is to aid local governments in identifying possible OCS development impacts and formulating strategies to mitigate those impacts that are potentially adverse. Having experienced OCS Lease Sale 35, which was completed in December 1975, southern California is presently faced with Lease Sale 48. The general Pacific OCS Lease Sale 53, which included central and northern California, was scheduled to take place in late 1978. The call for nominations, which had been scheduled for January 1977, has been postponed, and it is not known at this time when or even whether the sale will take place.

- Power Plant Siting Study: Pursuant to authority in the Coastal Act, the Coastal Commission must, by January 1, 1978, designate specific coastal locations where the Commission will retain jurisdiction for power plant siting. Each designation is to include a description of the area's boundaries, the objectives of the Coastal Act that would be affected by a power plant there, and detailed findings concerning the significant adverse impacts that would result from development of a power facility there (30413(b)). The Energy Commission cannot approve a facility for a designated site unless the Coastal Commission "first finds that such use is not inconsistent with the primary uses of such land and that there will be no substantial adverse environmental effects . . ." (Section 25526, added by Section 13 of the Coastal Act). The Coastal Commission, which must revise and update the designations every two years, is also to report to the Energy Commission on the suitability of proposed sites in the coastal zone and make certain findings (30413(d)), after which the Energy Commission, before it can certify the site, must determine "that such site and related facility have greater relative merit than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable by the Energy Commission pursuant to Section 25516" (Section 25516.1, added by Section 10 of the Coastal Act). The Coastal Commission may propose alternate areas for power plant development in the coastal zone (30413(f)). A power plant siting study has begun and preliminary designations of areas where the Coastal Commission will retain jurisdiction over power plants were released in July of 1977. Public hearings will be conducted in late fall and the Coastal Commission will adopt final exclusion maps and reasons for exclusions by December 1977.

- Coastal Commission Review of Local Coastal Programs: The Coastal Commission will, on a continual basis, be assisting, monitoring, and reviewing the consideration of energy facility impacts in local coastal programs and port master plans. In this fashion over the next several years until certification of the final local coastal programs, the Coastal Commission will be applying the Coastal Act's energy standards to specific areas throughout the coastal zone.

- Coastal Commission Review of Coastal Developments: The Coastal Commission, as has already been described, will have permit authority over coastal zone development until certification of local coastal programs, and after that will have a permit appeal jurisdiction covering major energy facilities. The process by which local coastal programs may be amended to allow the siting of energy facilities was also described above.

- Coastal Commission Review and Environmental Impact Reports (EIRs) and Environmental Impact Statements (EISs): Under CEQA and NEPA, the Coastal Commission will review and comment on environmental impacts of energy facilities proposed for the coastal zone.

- Continuing Coastal Commission Management and Planning Activities: The Coastal Commission's continuing planning responsibilities will generally include the monitoring of new energy developments, e.g. the electricity forecasting reports of the Energy Commission, Federal energy agency activities, discussions of proposed energy facilities prior to permit application, etc.

Assessment of Energy Facility Impacts

Even in the absence of the Coastal Act, CEQA would require the comprehensive evaluation of energy facility environmental impacts. The Coastal Act, of course, requires identification of impacts and requires that decision-making take the impacts into account. The Coastal Commission's permit experience from 1973 as well as information gained from the programs of other State agencies, including the California Public Utilities Commission, Energy Commission, and Office of Planning and Research, will be used in assessing the impacts.

Managing Energy Facility Impacts

The management of energy facility impacts is part of some of the planning components and projects mentioned above. In addition, a key aspect of environmental impact reporting is the identification of project alternatives and mitigation measures. Under a 1976 bill, AB 2679, CEQA was amended to require environmental impact report preparers to list the methods by which reviewing agencies can condition approval on the incorporation of mitigation measures. It should be noted that the Coastal Commission and regional commissions since 1973 have often not only required project modification but have attached conditions often requiring mitigation measures, particularly in the case of large projects, e.g. the San Onofre nuclear power plant, expansion of the Encina power plant, and others.

B. Public Access

Public access to all coastal tidelands is guaranteed by the California Constitution. Over the years, this right has been expanded by various statutes and court decisions that recognized the historical public use of the coastline for recreation. Moreover, nearly half of California's 1,072 mile coastline is in public ownership, although about 75 miles of the publicly owned shoreline are along military lands generally not available for public access.

Despite these legal guarantees and historic public use of the California coastline, much access to the shoreline was lost when homes, businesses, and industries cut off existing public access to the shore. Increasing recreation demands put a heavy burden on the publicly owned recreation areas. As a result of this situation, much of the debate over whether Proposition 20 should be approved focused on the public access issue.

To address this problem, Proposition 20 required that a public access element be developed as part of the coastal planning process so that maximum visual and physical use of the coastal zone by the public could be achieved. Moreover, while the Coastal Plan was being prepared, the Coastal Commission was required to condition most development permits that it issued so that access would be provided as a part of new coastal projects.

As a result of the Coastal Commission's analysis of the public access issue, a major section of the Coastal Plan was devoted to the subject (see Coastal Plan, pp. 152-157). Another section of the Coastal Plan (pp. 173-174) addressed the need for public acquisition of some coastal lands for the purposes of increasing public access and protecting coastal resources. A third section of the Coastal Plan outlined a proposal for a new State agency that would be empowered to protect coastal resources and to increase public access through a variety of acquisition and management techniques (see Coastal Plan, pp. 192-193).

Because the Coastal Commission's assessment of public access needs found that the shortage of access would become more critical as more of the coast is developed, both the Coastal Plan and the Coastal Act call for the provision of access along much of the coast except where special problems are encountered. The Coastal Act's basic access policy states:

"The Legislature . . . finds and declares that the basic goals for the state for the coastal zone are to . . . (c) maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners." (30001.5)

Statutory Provisions. Chapter 4, Section C (Geographic Areas of Particular Concern Within the Coastal Zone) discusses the types of areas that need special protection and outlines the management policies that will apply to these areas.

The State's major policies on shoreline access make up Article 2 of Chapter 3 of the Coastal Act and include:

"In carrying out the requirement of Section 2 of Article XV of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse." (30210)

"Development shall not interfere with the public's right of access to the sea where acquired through use, or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation." (30211)

"Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway." (30212)

"Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive of the Government Code and by Section 2 of Article XV of the California Constitution." (30212)

"Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area." (30212.5)

"Lower cost visitor and recreational facilities, and housing opportunities for persons of low and moderate income shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. New housing in the coastal zone shall be developed in conformity with the standards, policies, and goals of local housing elements adopted in accordance with the requirements of subdivision (c) of Section 65302 of the Government Code." (30213)

Section 30211 contains California's definition of "beach" that is called for in Sections 305(b)(7) of the CZMA, it is "dry sand and rocky coastal beaches to the first line of terrestrial vegetation".

In addition to these policies that address public access directly, two of the Coastal Act's policies on development amplify the need to protect both physical and visual access to the coast. These policies state:

"The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting". (30251)

"The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development". (30252)

Decisions on the appropriateness of public access in a particular area will be made under the provisions of Section 30212 through the Coastal Commission's regulatory process and through the local coastal program development process.

Implementation Techniques

Three major legislative elements were enacted in California in 1976 that provide techniques for the continuing refinement, implementation, and management of areas needing protection or public access. First is the Coastal Act with its access and resource protection policies that will be implemented by the Coastal Commission and incorporated into local coastal programs. The second implementation tool available is provided by the establishment of the State Coastal Conservancy, which has at its disposal a number of techniques for the preservation of agricultural lands, restoration, enhancement, reservation, and protection of coastal resources, and increase of public accessways. The State Coastal Conservancy is discussed further in Chapter 10, Section C.

The enactment of the State Urban Coastal Park Bond Act of 1976 is the third major program that is available to implement the State's access and resource protection policies. The Bond Act was approved by California voters in November 1976. It provides \$145 million for the acquisition of coastal areas and \$10 million for the State Coastal Conservancy to begin its program. In enacting the Bond Act, the State Legislature stated that:

"There is a pressing need to provide statutory authority and funding for a coordinated state program designed to provide expanded public access to the coast, to preserve prime coastal agricultural lands, and to restore and enhance natural and man-made coastal environments." (5096.113(j))

In purchasing areas with funds provided by the Bond Act, the following criteria and priorities will be used:

- "(1) The first priority for the acquisition of coastal recreational resources is as follows:
 - (i) Land and water areas best suited to serve the recreational needs of urban populations.
 - (ii) Land and water areas of significant environmental importance, such as habitat protection.
 - (iii) Land and water areas in either of the above categories shall be given the highest priority when incompatible uses threaten to destroy or substantially diminish the resource value of such area.
- (2) The second priority for the acquisition of coastal recreational resources is as follows:
 - (i) Land for physical and visual access to the coastline where public access opportunities are inadequate or could be impeded by incompatible uses.
 - (ii) Remaining areas of high recreational value.
 - (iii) Areas proposed as a coastal reserve or preserve, including areas that are or include restricted natural communities, such as ecological areas that are scarce, involving only a limited area; rare and endangered wildlife species habitat; rare and endangered plant species range; specialized wildlife habitat; outstanding representative natural communities; sites with outstanding educational value; fragile or environmentally sensitive resources; and wilderness or primitive areas. Areas meeting more than one of these criteria may be considered as being especially important.
 - (iv) Highly scenic areas that are or include landscape preservation projects designated by the Department of Parks and Recreation; open areas identified as being of particular value in providing visual contrast to urbanization, in preserving natural landforms and significant vegetation, in providing attractive transitions between natural and urbanized areas; or as scenic open space; and scenic areas and historical districts by cities and counties." (5096.124)

Many of the sites recommended for acquisition by the Coastal Commission will be purchased with Bond Act funds because these criteria are based, in part, on the criteria the Coastal Commission used in developing its acquisition recommendations.

Further refinement of the public access and shoreline protection policies are provided in the Coastal Commission's Interpretive Guidelines and in Coastal Act Policies section of the Local Coastal Program Manual (see Attachment A).

C. Shoreline Erosion

Coastline erosion in California, particularly in Southern California, has long been the subject of studies and corrective projects by Federal, State, and local construction agencies.

The State of California has carried out a shoreline erosion program for about 30 years. Since 1970, the State Department of Navigation and Ocean Development (DNOD) has had the primary responsibility for studying shoreline erosion, developing means for stabilizing eroding areas, and administering a program to provide financial assistance for the construction of erosion control projects.

The Coastal Commission, in both its planning and permit capacities, will continue to sponsor certain analysis and studies, but will depend primarily for technical data on agencies already deeply involved such as Corp of Engineers, U.S. Geological Survey, Department of Navigation and Ocean Development, Department of Water Resources, Soil Conservation Service, certain universities and colleges, and county and municipal protection agencies.

To assess the affects of shoreline erosion, DNOD monitors those sections of the coast that are known to be subject to erosion and at other locations where the effects of erosion could be critical. Photographs are taken of beach areas at least once each year, and the change in beach and bluff conditions are recorded. As funds are available, beach profiles are prepared as part of a cooperative program with local and Federal agencies. These profiles assist in measuring shoreline accretion and erosion. The entire California coastline was photographed from the air in 1970 and again in 1976. A comparative analysis of the aerial photographs provides additional information on shoreline changes.

This mile by mile survey of the erosion problems and projects on the California coastline, funded by the Commission and produced by the Department of the Navigation and Ocean Development, is titled "Shoreline Erosion Along the California Coast." This survey just became available July 30, 1977, after publication of the CCMP/DEIS. The Commission will use the DNOD survey and other available information in it's Coastal Mapping Program and in data to be provided to the 70 local coastal program managers. Another pertinent study which should be useful to the Commission is the Sediment Management Project of the California Institute of Technology and Scripps Institution of Oceanography, funded by a wide array of Federal, State and local agencies. Congressionally authorized Corps of Engineers erosion control studies and projects funded over the years also provides useful information. These studies have led to the development of a proposal for a shoreline process and wave/climate prototype study that is now in its beginning stages. The data from this study could be very useful to the Commission in helping develop long-term solutions to the coastal erosion problems of the 1072 mile main ocean shoreline of California.

To incorporate the existing State program of shoreline protection into the California Coastal Management Program, the Coastal Commission conducted a study of erosion as part of its overall coastal planning process. DNOD participated in this study along with other State and Federal agencies. The conclusions of the Coastal Commission's evaluation resulted in a section of the Coastal Plan being devoted to findings and policies on sand movement and shoreline structures (see Coastal Plan, pp. 43-45). Another section of the Coastal Plan--Development in Hazardous Areas--addressed the associated problems of subsidence and bluff erosion (see Coastal Plan, pp. 86-90).

Statutory Provisions

The California Coastal Management Program's major policy statement on shoreline erosion, as contained in the Coastal Act are:

"Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible." (30235)

"Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat." (30236)

"Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." (30253(2))

Under these policies, the State's basic approach to shoreline erosion is to prevent development where erosion can be expected rather than to construct protective devices to prevent erosion. Where protective works would be allowed under the above policies, the Department of Navigation and Ocean Development is authorized by Sections 65 through 67.3 of the State Harbors and Navigation Code to plan, design, and administer the funds for the construction of the projects.

Implementation Techniques

The management policies will be implemented through the Coastal Commission's regulation of coastal development and through the incorporation of the policies into local coastal programs.

These policies are refined and amplified in the Coastal Commission's Local Coastal Program Manual (see Attachment A); pages 60 to 71 on the application of the policies on hazard areas should be particularly helpful to local governments. In addition, the Coastal Commission's Interpretive Guidelines contain general statewide guidelines on Geologic Stability of Blufftop Developments (see Attachment B Guidelines) and specific area guidelines applicable to shoreline erosion problems in particular areas. To augment this information, the Department of Navigation and Ocean Development is currently preparing an inventory of eroding and erosion prone areas along the California coast line. This study, which is being supported by the Coastal Commission with CZMA Section 305 funds, will be used to determine where special techniques are necessary to handle the effects of shoreline erosion. Using the techniques recommended by the Coastal Commission, local governments will incorporate these measures into their local coastal programs.

As previously mentioned, where protective works or beach replenishment would be appropriate under the Coastal Act policies, the Department of Navigation and Ocean Development has the authority to plan, design, and finance the projects. In its April 1976 report to the California Legislature on the State's beach erosion control program, and in its April 1976 report entitled Shore Protection in California, the Department of Navigation and Ocean Development summarized the State and Federal programs that are available to finance protective works. Relying primarily on funds provided to the Corps of Engineers by the River and Harbor Acts of 1962 and 1968, the State is able to participate in project construction by providing up to 25 percent of the project cost; local governments are also required to contribute 25 percent.

The State Coastal Conservancy, which is discussed in Chapter 10, Section C, is authorized to award grants to local public agencies and to State agencies for the enhancement of coastal resources that have suffered a loss of natural or scenic values because of indiscriminate dredging or filling, improper location of improvements, or incompatible land uses. These funds can be used to restore areas that have suffered erosion as a result of one of the causes noted above. As is the case with all grants made by the Conservancy, funding cannot be provided unless the Coastal Commission has certified that the proposed project would be in accord with policies of the Coastal Act.

CHAPTER 10

MANAGING THE COAST (5): THE STATE'S MANAGERIAL NETWORK

The California Coastal Management Program provides for a number of State agencies to have continuing jurisdiction over particular parts of, or activities in, the coastal zone. Implementation of the Coastal Act policies by those agencies will complement the work of the Coastal Commission and local governments once local coastal programs have been certified.

Assembly Bill 3544 was enacted by the Legislature as a companion bill to the Coastal Act (see Appendix 2). It establishes a new State organization, the State Coastal Conservancy, with a combination of planning, management, restoration, and acquisition powers that will complement the primary implementation of the California Coastal Management Program by the Coastal Commission.

A. State Agencies and the Management Program

The Coastal Act directs all public agencies to comply with the coastal policies, and devotes an entire chapter (Section 30400 et seq.) to outlining the particular responsibilities of State agencies in the management program, with specific mention of means of coordination with the Coastal Commission.

Cooperation with the Coastal Commission. The Coastal Act specifies that:

"... every public agency, including regional and state agencies and local governments, shall cooperate with the commission and any regional commission and shall, to the extent their resources permit, provide any advice, assistance, or information the commission or regional commission may require to perform its duties and to more effectively exercise its authority." (30336)

The Coastal Act also provides for joint development permit application systems and joint public hearing procedures. (30337)

Avoidance of Jurisdictional Conflicts. The Coastal Act carefully draws certain jurisdictional lines "to minimize duplication and conflicts among existing State agencies carrying out their regulatory responsibilities" (30400), except for specific provisions, the Coastal Act "does not increase, decrease, duplicate or supersede the authority of any existing State agency," and the Coastal Commission cannot "set standards or adopt regulations that duplicate regulatory controls" of State agencies. (30401)

Coastal Policies and State Agency Plans. The Coastal Act declares the coastal policies and the local coastal programs will: "provide the common assumptions upon which State functional plans for the coastal zone are based" (30403), and "all state agencies shall carry out their duties and responsibilities in conformity with" the Coastal Act. (30402).

State Agency Activities Outside the Coastal Zone. Despite the establishment of a well-defined coastal zone boundary, and the strict limitation of the Coastal Commission's jurisdiction outside the coastal zone, the Coastal Act recognizes the possibility that activities (particularly the large, regionally beneficial public works projects such as highways, wastewater treatment plants, watershed projects, etc.) outside the coastal zone could have direct impact on coastal resources. The Coastal Act therefore states:

"...all public agencies carrying out or supporting activities outside the coastal zone that could have a direct impact on resources within the coastal zone shall consider the effect of such actions on coastal zone resources in order to assure that these policies are achieved." (30200) (emphasis added)

Environmental impact reports on California projects that would affect the coastal zone will, therefore, have to address coastal resource impacts.

Coastal Commission Recommendations to Agencies. The Coastal Act outlines a procedure by which the Coastal Commission is to submit recommendations to State agencies "designed to encourage [them] to carry out [their] functions in a manner consistent with this division," the recommendations are to include

"proposed changes in administrative regulations, rules, and statutes." If an agency does not implement the recommendations, it is to explain its reasons to the Governor and Legislature within six months after receipt of them (30404). The Coastal Act directs the Coastal Commission to make those recommendations periodically "in the case of the State Energy Resources Conservation and Development Commission, the State Board of Forestry, the State Water Resources Control Board and (or) the California regional water quality control boards, the State Air Resources Board and air pollution control districts, the Department of Fish and Game, the Department of Parks and Recreation, the Department of Navigation and Ocean Development, the Division of Mines and Geology, the Division of Oil and Gas, and the State Lands Commission..." The Coastal Act suggests the Coastal Commission may recommend such changes in the case of other agencies. (30404)

Relationship of the Coastal Commission to Other Agencies. The Coastal Commission is legislatively established within the Resources Agency (30300), whose Secretary is designated as one of the three ex-officio, non-voting members of the 15-member Coastal Commission (30301) and is also chairperson of the new State Coastal Conservancy. Among the other units of the Resources Agency are the Air Resources Board; Department of Navigation and Ocean Development; State Water Resources Control Board; Energy Resources Conservation and Development Commission; Departments of Fish and Game, Parks and Recreation, Water Resources, Conservation, and Forestry; the BCDC; Solid Waste Management Board; and, the new State Coastal Conservancy.

It is believed the Coastal Commission, as part of the Resources Agency, will enjoy the benefit of the Secretary's authority in coordinating the California Coastal Management Program with activities of other State agencies, particularly others in the Resources Agency.

Another ex-officio member of the Coastal Commission is the Secretary of the Business and Transportation Agency (30301), which includes the Department of Transportation (Caltrans).

The third ex-officio member is the chairperson of the State Lands Commission (30301), who is also the State Controller.

There are at least two other agencies with which the Coastal Commission can be expected to work: the Department of Food and Agriculture and the Governor's Office of Planning and Research.

B. Roles of Particular State Agencies

Chapter 5 of the Coastal Act describes the roles of eight State agencies in carrying out coastal policies, generally establishing a system of coordination with the Coastal Commission.

Department of Fish and Game and the Fish and Game Commission. The authority of these bodies in the establishment and control of wildlife and fishery management programs is unchanged by the Coastal Act. The Department, with the Department of Navigation and Ocean Development, may study degraded wetlands (30411(b)) and identify those which could be restored in conjunction with the development of a boating facility.

State Water Resources Control Board and Regional Water Quality Control Boards. The State Water Resources Control Board and the regional boards retain their primary responsibility for the coordination and control of water quality in the State, under the Porter-Cologne Water Quality Control Act. The Coastal Commission is not to take conflicting actions in matters of water quality or water rights. However, the Water Code is amended to ensure State and regional water boards support the Coastal Commission's management program to protect the coastal marine environment (Section 15 of the Coastal Act). The Coastal Commission is also given certain regulatory authority over wastewater treatment works both inside and outside the coastal zone, with permit review limited to certain aspects of the works:

- "(1) The siting and visual appearance of treatment works within the coastal zone.
- "(2) The geographic limits of service areas within the coastal zone which are to be served by particular treatment works and the timing of the use of capacity of treatment works for such service areas to allow for phasing of development and use of facilities consistent with this division.
- "(3) Development projections which determine the sizing of treatment works for providing service within the coastal zone." (30412 (c))

In addition, the Coastal Commission's permit determination is to precede the State Water Resources Control Board's final approval of funding. The Coastal Commission is given an active role in reserving sites for treatment works and discharge points within the coastal zone. (30412)

Energy Resources Conservation and Development Commission. The State Energy Commission, which was established in 1974, retains its electrical generating facility permit authority under the Warren-Alquist Energy Act. The Coastal Act amends the Warren-Alquist Act to make several provisions for coordination between the Commission and State Energy Commission. The Coastal Commission is to designate locations inappropriate for siting power plants by January 1, 1978, and every two years thereafter. The State Energy Commission has exclusive jurisdiction over power plants once the Coastal Commission has made this designation but the Coastal Commission is to submit recommendations on such other sites to the State Energy Commission, which is to adopt these recommendations unless to do so would result in greater adverse effects on the environment or the measures proposed would not be feasible. The State Energy Commission is to determine the relative merits of coastal and inland sites (Public Resources Code Sections 25302, 25500, 25507, 25508, 25514, 25516.1, 25519, 25523, and 25526 and Coastal Act Sections 30600 and 30413).

Office of Planning and Research. The Office of Planning and Research is to review Coastal Act policies and recommend to State agencies actions that should be taken to minimize potential duplication and better achieve implementation of the policies. (30415)

State Lands Commission. Since 1937 the State Lands Commission has had jurisdiction over all ungranted tide-lands and submerged lands belonging to California. The State Lands Commission administers these lands through its staff, the State Lands Division. The Coastal Act does not change the authority of this Commission over these lands or the rights and duties of its lessees or permittees. The Lands Commission is to review proposed local coastal programs and port master plans that could affect State lands. (30416)

Board of Forestry. The Coastal Act amends the Z'berg-Miedler Forest Practice Act to ensure coordination between the Forestry Board and the Coastal Commission in protecting coastal resources. Briefly, the Coastal Commission is to identify, by July 1, 1977, "special treatment areas" within coastal zone forest lands and make recommendations to assure that natural and scenic qualities of these areas are protected. (30417(b)) The State Board of Forestry is to consider these recommendations in developing rules and regulations on the conduct of timber operations (Public Resources Code Section 4551.5). No Coastal Commission permit for timber operations is required.

Air Resources Board. The authority of the Air Resources Board and local air pollution control districts in establishing ambient air quality and emission standards and air pollution control programs is not affected by the Coastal Act. The Air Resources Board may recommend to the Coastal Commission ways to complement or assist in the implementation of air quality programs. (30414)

Bay Conservation and Development Commission (BCDC). The segmentation, at least for the time being, of the BCDC's jurisdiction -- San Francisco, San Pablo, and Suisun Bays -- from the coastal zone is discussed in Chapter 4. According to the Coastal Act, the Coastal Commission and BCDC are to conduct a joint review of the Coastal Act and the McAttee-Petris Act of 1969 (BCDC's legislation) to determine how the program administered by BCDC shall be related to the Coastal Act. (30410) Their recommendations shall be presented jointly to the Legislature not later than July 1, 1978.

C. State Coastal Conservancy

The new State Coastal Conservancy is expected to have an integral role in the California Coastal Management Program. The State Coastal Conservancy was established January 1, 1977, under the terms of AB 3544, introduced by Assemblyman Michael Wornum and enacted about the same time as the Coastal Act (see Appendix 2).

The establishment of the Conservancy was a key recommendation of the Coastal Plan. Modeled after the Tahoe Conservancy Agency, which was established in 1974 to carry out the acquisition and restoration recommendations of the adopted Tahoe Region Plan, the Conservancy will carry out activities complementary to other State agencies--not in competition with them--because of gaps in the powers of those agencies.

In general, the Conservancy is to be responsible for implementing a program of agricultural lands protection, area restoration, public access, and resource enhancement in the coastal zone.

The Conservancy is a part of the Resources Agency. It consists of five members: the Resources Agency Secretary (chairperson), the chairperson of the Coastal Commission, the Director of Finance, and two public members appointed by the Governor. The public members serve four-year terms. The Conservancy has its own small staff. The legislation provides, however, for the Conservancy to rely on the already existing Departments of Parks and Recreation and Fish and Game as well as the Coastal Commission, the Real Estate Services Division, and the Department of General Services to carry out its mandate.

The Conservancy has great potential to be more than an acquisition agency. Its ability to condemn accessways for the public is a critical adjunct to the Coastal Act's access provisions, which among other things include separate public access components in local coastal programs and the requirement

for accessways in many new developments. Furthermore, the Conservancy could use its powers of acquisition and sale--for example, the buying of existing small lots, consolidating them, and reselling a large parcel for agricultural use--as an effective planning and management tool.

The Conservancy has authority in the following resource areas:

Agricultural Land Preservation. The Conservancy may acquire, pursuant to the Property Acquisition Law (Government Code, Section 15850 et seq.), real property or any interests therein, including development rights and easements in land located in the coastal zone to prevent loss of agricultural land to other uses and assemble lands into parcels of adequate size to permit continued agricultural production. As much land as possible that has been acquired for agricultural preservation is to be returned to private use or ownership. In case of leases to private individuals, a procedure to reimburse counties with 24 percent of the gross income goes into effect.(31150, 31154)

The highest priority for acquiring interest in land is for agricultural lands identified to be in urban fringe areas. (The Coastal Commission in March 1976 recommended the Conservancy acquire in three areas, including agricultural lands on the Ventura-Oxnard Plain.)

Conservancy acquisitions must be certified by the Coastal Commission as concerning agricultural lands within the area of a certified local coastal program, and, there is no other reasonable means of assuring continuous use of such lands for agricultural purposes.(31152)

Coastal Restoration Projects. The Conservancy may award grants to local public agencies for restoring areas of the coastal zone, which because of scattered ownership, poor lot layout, inadequate park and open space, and incompatible land uses are adversely affecting the coastal environment or impeding orderly development. Areas prepared for restoration must be identified in a certified local coastal program. The Conservancy may provide up to the total cost of any coastal restoration project and up to \$50,000 of the cost of preparing such projects. Restoration plans must be found to be consistent by the Coastal Commission with the policies had objectives of the Coastal Act.

Where a local public agency is unable or unwilling to undertake a restoration project identified in a certified local coastal program, the Conservancy may undertake such restoration. Each such restoration project shall, for purposes of funding, be included in the annual legislative budget act.(31215)

Coastal Resource Enhancement Projects. The Conservancy may also award grants to local public agencies and State agencies for the enhancement of coastal resources that have been adversely affected by indiscriminate dredging, improper location of improvements, or incompatible land uses.(31251)

Resource Protection Zones. AB 3544 states as legislative intent that buffer areas, to be known as "resource protection zones," shall be established around public beaches, parks, natural areas, and fish and wildlife preserves in the coastal zone to ensure that surrounding development is compatible with the the existent resource values. Such areas are to be identified by the Department of Parks and Recreation and the Department of Fish and Game prior to January 1, 1979. Identified resource protection zones are to be incorporated into the appropriate local coastal program.(31303)

Significant Coastal Resource Areas. The legislation also provides that the Conservancy may make 10-year interest free loans to the Department of Parks and Recreation for the purpose of reserving sites designated in certified local coastal programs for park, recreation, fish and wildlife habitat, historical preservation, or scientific study. If no public agency indicates a willingness to acquire such lands within 10 years, the Real Estate Services Division may dispose of the land at fair market value without restriction as to its subsequent use.(31350-31356)

Public Accessways. The Department of Parks and Recreation is further authorized to implement a system of public accessways to and along the State's coastline. The Conservancy may make grants to the Department for that purpose, as well as to local entities for the initial development of accessways of regional significance.(31400-31406)

CHAPTER 11

MANAGING THE COAST (6): THE NATIONAL INTEREST AND THE CONSISTENCY OF FEDERAL ACTIONS

The California Legislature, in passing the 1976 Coastal Act, declared that the California coastal zone "is a distinct and valuable natural resource of vital and enduring interest to all the people" and that its "permanent protection . . . is a paramount concern to present and future residents of the State and nation." (30001)

The Coastal Act, in its declaration of the necessity for continued State coastal planning and management through the Coastal Commission, specifies two of the reasons: (1) "to protect regional, state, and national interest in assuring the maintenance of the long-term productivity and economic vitality of coastal resources necessary for the well-being of the people of the state;" and (2) "to provide maximum state involvement in Federal activities allowable under Federal law or regulations or the U. S. Constitution which affect California's coastal resources." (30004(b)). These are the statutory foundations for the consideration of the national interest in the CCMP's management of the coastal zone - discussed in Section A below - and the administration of the Federal consistency clause - Section B below.

This chapter describes how California has taken the national interest into account in the development of its coastal management program and describes the process the Coastal Commission uses to consider greater than local concerns in the siting of certain types of facilities that have been clearly defined as being in "the national interest." This is not intended to be a statement, rule, or regulation defining the "national interest"; rather, it is a demonstration of how the program addressed the national interest in its development and a description of the procedures used by the Coastal Commission to identify, participate in the planning for, and give adequate consideration to the national interest in the implementation of the CCMP. Relevant Federal agencies have had extensive opportunities to review and participate in the development of both Sections A and B below, as well as in the development of the overall California Coastal Management Program.

A. The National Interest in the California Coastal Zone

The California Coast Is A National Resource

The California coastline is of more than local or even State importance; it is a resource of national significance; it comprises more than half the western coastline of the contiguous 48 states.

Visitors from across the country enjoy the scenic beauty and recreational facilities along the coast. Foreign goods bound for consumers in inland States and U. S. products on their way to distant countries pass through California ports. Petroleum and other minerals, timber, and farm and fishery products from the coastal zone are shipped to the rest of the nation.

Use of the coastal land area and adjacent waters for national defense and national security is of paramount importance and is among the highest priority in the management of the coastal zone. Many of the military installations located along the coast have defense missions requiring operational use of the coastal zone. In addition, military installations are important components in their local areas, and represent a stable and substantial contribution to the coastal and State economy.

Recognizing the distinct and irreplaceable value of this country's coastline, the Congress enacted the Coastal Zone Management Act, which states, ". . . it is national policy . . . to preserve, protect, develop, and where possible, to restore or enhance, the resources of the nation's coastal zone for this and succeeding generations" (Section 303(e)). This language is almost identical to one of the objectives of Proposition 20, ". . . to preserve, protect, and where possible, to restore the resources of the coastal zone" (27001); and to one of the basic declarations of the Coastal Act, "the permanent protection of the (California coastal zone) is a paramount concern to present and future generations of the state and nation." (30001)

Under the CZMA, California has received financial assistance for the development of its coastal management program. The Coastal Act is the foundation of the CCMP submitted to the Department of Commerce. Once approved by the Secretary of Commerce, the CCMP provides the basic policies for determining both State and national interests in the California coastal zone. The CZMA further requires Federal agencies to comply with the approved State coastal management program to the maximum extent practicable. (Sections 307(c) and (d))

To ensure the national interest is adequately addressed in the CCMP, the CZMA requires that the State coastal management program provides for adequate consideration of the national interest involved in planning for, and in the siting of facilities (including energy facilities in, or which significantly affect, such state's coastal zone), and that the program assures that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude uses of regional benefit. (Section 306(e)(2))

Section 923.15 of the CZMA regulations provide that "No separate national interest 'test' need be applied and submitted other than evidence that the . . . national interest facilities have been considered in a manner similar to all other uses, and that appropriate consultation with . . . Federal agencies . . . has been conducted." The following sections are the required evidence.

Planning for the National Interest

Previous experience has demonstrated the difficulty of defining the national interest in the planning and siting of facilities. There are typically many different participants with various interpretations. Throughout the development of the California Coastal Management Program, efforts were made to solicit comments and review statements to ensure that there would be no inherent conflict between the national interest and the policy base of the program. The California Coastal Management Program is a comprehensive program designed to consider the multiple water and land uses in the coastal zone. Accordingly, trade-offs must be made with respect to the allocation of land and water resources with priority designations being required to resolve conflicts. Because of the widespread participation in the development of the program, the policies are reflective of the needs and interests of local, State, and national governments. Furthermore, the California Coastal Act of 1976 and other elements of the CCMP provide substantive policies and procedural requirements for continuing to give adequate consideration of the national interests in facility siting in the future.

Recognizing its responsibilities to the rest of the nation, California in its coastal planning has made every effort to consider the national interest in issues affecting the coast. The Coastal Management Program recognizes national defense and national security as important aspects of national interest, because without the attainment of these objectives all other goals and objectives can be threatened. The Coastal Act's policies on the protection of agricultural land and marine and wildlife habitat recognize the importance of California farm production and fisheries to the rest of the nation and also acknowledge the world food shortage. The policies calling for recreational and public oriented uses to have a high priority along the coast reflect the increasing popularity of the coast as a tourist destination.

The Coastal Act's energy and industrial development policies, especially important because of the increased interest and activities resulting from the Department of the Interior's leasing of Outer Continental Shelf (OCS) areas for petroleum exploration and extraction, take into account California's role in addressing national energy needs. The energy policies are based on a willingness to respond with a broader State role in meeting the nation's energy needs while, at the same time, properly planning for and protecting California's environmental, economic, and legal interests.

Table 1 illustrates how California's management program has addressed the national interest. The first three columns of the table are drawn from NOAA's regulations on the CZMA national interest requirements. (15 C.F.R. 923.15). The right hand column of the table lists the Coastal Act and Conservancy Act sections that address these requirements which are other than local in nature. In addition to these statutory sections, other regulation provisions that are an integral part of the CCMP further accommodate national interest considerations. (See for example, 4A . 4, Section 00041. of Local Coastal Program Regulation, Appendix 5). Further evidence of the Coastal Commission's consideration of national interest is provided by the December 10, 1976, report to the Congress by the Comptroller General of the United States which documents the long and extensive participation of Federal agencies in the development of the CCMP.¹

The Coastal Commission is given authority under Section 30330 of the Coastal Act to exercise the primary responsibility for the implementation of the Coastal Act and to exercise any and all powers granted to the State by the Federal CZMA. The Commission looks to the following sources for policies and information that must be taken into account to adequately consider national interests in exercising both its planning and management responsibility:²

- a. Federal laws and regulations;
- b. Policy statements from the President of the U.S. (e.g., National Energy Plan);
- c. Special reports, studies, and comments from Federal and State Agencies;
- d. Testimony received at public hearings and Coastal Commission deliberations;
- e. Certificates, policy statements, and solicited opinions issued on specific projects by Federal regulatory agencies such as FPC, ERDA, FEA, etc.;
- f. Statements of the national interest issued by NOAA, and other Federal agencies.

¹The Coastal Zone Management Program: An Uncertain Future. (See especially pp. 59-61.)

²Priorities are not intended by the order of the sources.

The process of synthesizing these various sources of information is broken down into four basic steps which can occur concurrently.

1. Planning for Facility Siting Impacts

The Coastal Commission is empowered to prepare and adopt any additional plans and maps and undertake any studies it deems necessary and appropriate to accomplish the purposes, goals, and policies of the Coastal Act, provided that adoption occurs only after public hearing (30341). This authority gives the Commission long- and short-range planning capability to determine impacts of land and water uses in the coastal zone, in advance of specific development permit requests. This authority will benefit all parties concerned with facilities siting. The public hearing requirements ensure that all interested parties will have an opportunity to participate in the management process.

2. Review of Applications for Coastal Development Permits

During the period until local coastal programs are developed and certified, a Coastal Commission permit is required to construct or carry out development in the coastal zone. The Commission ordinarily requires a local approval in concept of proposed project before it will complete the processing of a Coastal Commission permit. This requirement can be waived for good cause.

A permit applicant is generally required to provide the following information:

- a. Description of the proposed development project site and vicinity using maps, plans, photos, etc.;
- b. Present use and plans;
- c. Alternatives to the project or mitigation measures to lessen impact;
- d. Description of the applicant's legal interest in the property;
- e. An Environmental Impact Report or Statement or a negative declaration if required; and
- f. Additional information as required by the Commission.

Each application is reviewed by the staff in one of the Regional Coastal Commission offices and an evaluation is made to determine whether the proposed activity is compatible with the Coastal Act. The Regional Commission acts on the recommendation of the staff.

The national interest is also considered as part of this evaluation. When appropriate, Federal agencies are afforded an opportunity to assist the Commission staff in this evaluation by providing information and Federal agency views on the proposed development. Applications for major permits (i.e., those not eligible for an administrative permit under the Commission's regulations) are reviewed by a Regional Commission at a public hearing. Federal agencies and other interests are thus given the opportunity to voice the national interest which is considered by the Regional Commission in making its decision. Projects that the State Legislature defined as being of greater than local importance and proposals for development in important resource areas are subject to appeal to the State Coastal Commission. The State Commission can also "pull up" for direct consideration any permit application to a Regional Commission to expedite the review process.

On appeal or on projects directly reviewed by the State Commission, the staff evaluates the proposal, including any national interest aspects of the development. Federal agencies and other interests are allowed to participate in the staff's evaluation both by making their interests known to the staff in preparing its recommendation to the Commission and in the Commission's public hearing. Finally, aggrieved parties (including Federal agencies) can seek judicial review of a Commission decision if they believe that the national interest is not adequately considered.

3. Federal Consistency Determinations

Section B of this chapter outlines in some detail the procedures that California will use in evaluating the consistency of Federal activities and projects subject to the requirements of Section 307 of the CZMA. The consideration of national interest are required to be incorporated into the development of local coastal programs which will, when certified, form one basis for the Coastal Commission's consistency determination; and (2) the State Coastal Commission will retain the primary authority for evaluating projects and activities subject to the Federal Consistency determinations.

4. Local Coastal Program Development

Preparation of local coastal programs will involve all local, regional, State, and Federal agencies having an interest in the planning area. Integrating the policies and proposals of various agencies and resolving conflicts will require extensive cooperation. Local governments are responsible for providing maximum opportunities for involvement of all affected public agencies. Specific procedures for seeking participation for determining key decision points involving other agencies will be defined in the LCP work programs and carried out during the LCP preparation.

At the same time, public agencies - local, regional, State, and Federal - have an obligation to provide information and assistance to the local governments. Moreover, it is in their interest to do so, because, after certification of the LCP, all governmental agencies, with the exception of certain Federal activities, must carry out their development activities within the coastal zone consistent with the LCP.

Because local governments will participate in the State's implementation of the Federal consistency provisions, LCPs can affect Federal actions; therefore, it is essential that the views of Federal agencies affected by the local program be considered in its development. In the Commission's Local Coastal Program Manual (Attachment A), specific Federal agencies that have a particular interest or can provide information on each of 14 policies are identified in the section, "Agencies and Sources of Information." The Federal agencies will be provided the opportunity to articulate their perceptions of the national interest and to provide technical information so that local governments can consider this in preparing their LCPs.

The Coastal Act states that "the Legislature . . . finds and declares the public has the right to fully participate in decisions affecting coastal planning, conservation, and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation." (Section 30006) Citizen participation cannot change the State's coastal policies as set forth by the Legislature in the Coastal Act. But within the flexibility allowed in applying those policies at the local level, public involvement will be an important factor in planning, implementing, and reflecting greater than local concerns in California's coastal conservation and development program.

One aspect of public participation is public hearing requirements. Section 30503 of the Coastal Act specifically requires that "local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submissions." State planning and zoning laws also require a public hearing by both the planning commission and the local legislative body prior to adoption of all general plans or zoning ordinance amendments. In addition, Section 30510(a) of the Coastal Act provides for the submittal of the LCP pursuant to a resolution adopted by the local government after public hearing. Finally, the Regional Commission and, if appealed or raised on its own motion, the State Coastal Commission will hold public hearings for the review and approval of LCPs.

Important as public hearings are, the full public participation envisioned by the Coastal Act will be much earlier in the planning, with informational meetings, advisory reviews, and other such means of giving the widest possible range of interests an opportunity to participate in the plan preparation and to reflect national interest.

The Coastal Commission, under Section 30339 of the Coastal Act, has the responsibility for "ensur(ing) full and adequate participation by all interested groups and the public" in the Commission's work, and "recommend(ing) to any local government preparing or implementing a local coastal program and to any State agency . . . any additional measures to assure open consideration and more effective public participation . . ." The Commission will, to the extent staff resources permit, provide assistance to local governments with their citizen participation efforts, and promote citizen awareness at the state-wide and regional level through various methods such as publishing a newsletter and providing assistance in organizing public forums on regional issues.

Finally, and perhaps most importantly, the Commission's regulations for local coastal program development required that local governments must consider recommended uses of more than local importance in their LCP preparation. The LCP regulations require that "at a minimum, all notices for public review sessions, availability of review drafts, studies, or other relevant documents or actions pertaining to the preparation of a local coastal program shall be mailed to: (1) any member of the public who has so requested . . .; and (2) all of the State and Federal agencies listed in . . . the Local Coastal Program Manual." (Act 5 Section 00050, LCP Regulations.) In this way, organizations concerned about the national interest and Federal agencies will be assured of having the opportunity to participate in the local coastal program development and to express their views to the Coastal Commission for consideration in determining whether a LCP should be certified.

Federal/State Cooperation to Protect the National Interest

California has received extensive assistance and cooperation from many Federal agencies in the preparation of the California Coastal Management Program. (Chapter 13 discusses this participation in greater detail.) Through this process, there was an opportunity for national interests, as perceived by Federal agencies, to be incorporated into the preparation of the Coastal Program. Although there is expected to be general support for the Coastal Act objectives among Federal agencies, there may be disagreements in applying the Coastal Act's policies to particular circumstances. Continued cooperation can ensure that the national interest is protected through a uniform application of the Coastal Act policies to the entire coastal zone by whichever local, State, or Federal agency has regulatory jurisdiction.

Where the California Coastal Management Program would conflict with an overriding national need under circumstances unforeseen when the CCMP was being prepared, it may be necessary for the Federal government to deviate from the program policies in carrying out a Federal activity or project that is in the national interest. The CZMA makes provisions for this deviation by requiring that Federal activities and projects must be consistent with the CCMP only "to the maximum extent practicable." The CZMA also provides that Federal licenses, permits, and assistance can be authorized by the Secretary of Commerce despite a determination by the State of inconsistency with the California Coastal Program - if the activity or project is found to be consistent with the objectives of the CZMA, as amended, or otherwise necessary in the interest of national security. (This finding, however, would not compel the responsible Federal agency to authorize such an activity or project.) Such cases of Federal override are expected to be rare. Except for national defense and national security needs as established by the President and the Congress, the determination of national interest needs, along with any measures necessary to mitigate the adverse impacts of meeting these needs, should be made cooperatively by the affected local, regional, State and Federal agencies.

The consideration of the national interest in non-Federal projects is accommodated in the CCMP by providing for an appeal of a local decision to the State Coastal Commission on specific types of projects that the Legislature found would be of greater than local significance, namely major public works projects and major energy facilities. Local governments are also required to consider these and other uses of more than local importance in the preparation of the LCPs. Most Federal developments and activities will fall into this category. If, for some reason, the need for a public works project or energy facility development that would serve a greater than local public need is not anticipated at the time the local coastal program is being prepared, a special provision in the Coastal Act allows the State Commission to amend the LCP to accommodate the facility.

Excluded Federal Lands

The national interest in the coast also includes consideration of activities of Federal agencies in facility construction, grant programs, and regulatory programs. To bring the activities of the many Federal agencies within the context of comprehensive planning, the CZMA included the "Federal consistency" requirements (quoted below) and encouraged Federal agencies to coordinate and cooperate with the State to meet the purposes of the CZMA. However, the CZMA also excludes "from the coastal zone . . . lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents." (Section 304(a)). In response to the CZMA, the California Coastal Act includes identical language. (Section 30008). Because there was some disagreement as to the scope of this exclusion clause, NOAA requested an advisory opinion from the U.S. Attorney General in an attempt to clarify the matter. An August 1976 opinion held that all lands owned by the United States are excluded from the coastal zone. In its draft Section 307 regulations, NOAA has proposed to also exclude from the coastal zone lands leased or otherwise used or held in trust by the Federal Government based on further Justice Department review of its August, 1976, opinion. While the Coastal Commission does not agree with either of these opinions, based on comprehensive management principles, it will abide by these preliminary conclusions in the administration of the CCMP for purposes of the CZMA. However, the Coastal Commission reserves the right to include Federally-owned and/or leased lands in the coastal zone in the event judicial, legislative, or administrative modification should occur.

Although all lands owned by the Federal government are excluded from the California coastal zone, Federal activities, including development projects on these lands which directly affect the coastal zone, must be consistent, to the maximum extent practicable, with the California Coastal Management Program. Under CZMA Sections 307(c)(1) and (2), Federal agencies are responsible for determining whether their activities directly affecting the coastal zone are consistent to the maximum extent practicable with the California Coastal Management Program. If the Coastal Commission disagrees with a Federal agency decision, mediation by the Secretary of Commerce or judicial review may be sought. Federal agencies, and in particular the Navy which is the Federal agency most dependent on coastal installations for its continued operations, have displayed increasing sensitivity to environmental issues in their operations. The Navy has cooperated in the development of the California Coastal Management Program by making its interests known to the State. It is Navy policy to conduct Navy activities to the maximum extent practicable consistent with the CCMP so long as national defense objectives are met.

Other Federal agencies have also indicated their willingness to cooperate in a similar manner. There has, for example, been extensive cooperation with the Army Corps of Engineers, which shares regulatory authority with the Coastal Commission over the waters and wetlands of the coastal zone; with the Federal Power Commission on the siting of LNG facilities; and with the Environmental Protection Agency on air and water quality standards. Through a continuation of this process of discussion, negotiation, and mediation when necessary, among local, State, and Federal interests, differences can be addressed cooperatively, and the entire coastal zone can be treated as an interrelated environmental and socio-economic system.

To compliment Federal agencies' efforts to avoid Federal conflicts with the State's management program, State and local planning for the areas surrounding Federal lands will be coordinated with local Federal representatives so, to the maximum extent practicable, these areas are used in a manner consistent with national needs. As a result of this coordination, the California Coastal Management Program will assist in protecting Federal lands from incompatible surrounding uses. It is anticipated that Federal land-holding agencies, being equally aware that environmental problems do not respect jurisdictional boundaries, will do their utmost to comply with applicable Coastal Management Program policies as required by the CZMA.

Considering the National Interest in Energy Facilities

As outlined in Chapter 9, the California Coastal Act requires that the public welfare must be considered both in permit and local coastal program certification decisions where coastal dependent industrial facilities, and particularly energy facilities, are involved (30260). In addition, energy facility developments are accorded special treatment after local coastal programs have been certified (30515). Where these programs would prevent the development of an energy facility that is needed to serve an area greater than that included within the certified local coastal program, the Commission can amend the local program after a careful balancing of social, economic, and environmental effects and after consideration of impacts on the public welfare.

In addressing these required findings, the Commission will consider the expressions of the national interest in proposed energy facilities, in local coastal programs. The Commission will also consider the information, policies, and other expressions of national interest provided by the following agencies:³

Office of the President, e.g., National Energy Plan;

U.S. Congress, e.g., Federal legislation;

Interior Department, e.g., OCS leasing schedules;

Federal Energy Administration, e.g., Report to Congress on Disposition of Alaskan Oil;

Federal Power Commission, e.g., certificates for LNG importation projects;

Nuclear Regulatory Commission, Office of Technology Assessment, General Accounting Office, Commerce Department.

State Mechanisms for Considering the National Interest in Energy

At the broadest level of energy planning, under the Warren-Alquist Energy Resources Conservation and Development Act, the State Energy Resources Conservation and Development Commission is responsible for planning for California's energy needs by analyzing the demand and supply of all forms of energy, and by evaluating the economic, environmental, and other impacts of energy policy alternatives. (Public Resources Code Section 25300-25309.) The results of such analyses and the Energy Commission's policy recommendations are submitted to the Governor and Legislature every two years as the Energy Commission's Biennial Report. The first nine-volume report has been issued after extensive hearings on drafts of the report. The Coastal Commission will consider the conclusions and recommendations of the Energy Commission in making energy facility siting and planning decisions under the Coastal Act.

The California Public Utilities Commission is responsible both for determining the State's interest in major gas supply projects in proceedings before the Federal Power Commission, and for making FPC positions known to the Coastal Commission. The Coastal Commission considers both PUC and FPC briefs and judgments in its gas facility siting and planning responsibilities.

Mechanisms for dealing with the national interest in specific types of energy facilities are discussed in Chapter 9.

B. Consistency of Federal Actions

Federal Requirements

Section 307 of the CZMA includes what are generally referred to as "Federal consistency" provisions. These provisions require the following:

o Federal activities

"(c)(1) Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved State management programs."

o Federal development projects

"(2) Any Federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with approved State management programs."

³List not intended to be exclusive.

o Federal licenses and permits

"(3)(A) After final approval by the Secretary of a state's management program, any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state, or its designated agency, a copy of the certification, with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such certifications, and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state, or its designated agency, shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state, or its designated agency, fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state, or its designated agency, has concurred with the applicant's certification, or until, by the state's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security."

o Licenses and permits

(B) After the management program of any coastal state has been approved by the Secretary under Section 306, any person who submits to the Secretary of the Interior any plan for the exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act (43 U.S.C. 1331, *et seq.*) and regulations under such Act shall, with respect to any exploration, development, or production described in such plan and affecting any land use or water use in the coastal zone of such state, attached to such plan a certification that each activity which is described in detail in such plan complies with such state's approved management program and will be carried out in a manner consistent with such program. No Federal official or agency shall grant such person any license or permit for any activity described in detail in such plan until such state or its designated agency receives a copy of such certification and plan, together with any other necessary data and information, and until - - -

"(i) such state or its designated agency, in accordance with the procedures required to be established by such state pursuant to subparagraph (A), concurs with such person's certification and notifies the Secretary and the Secretary of the Interior of such concurrence;"

"(ii) concurrence by such state with such certification is conclusively presumed, as provided for in subparagraph (A);" or

"(iii) The Secretary finds, pursuant to subparagraph (A), that each activity which is described in detail in such plan is consistent with the objectives of this title or is otherwise necessary in the interest of national security."

"If a state concurs or is conclusively presumed to concur, or if the Secretary makes such a finding, the provisions of subparagraph (A) are not applicable with respect to such person, such state, and any Federal license or permit which is required to conduct any activity affecting land uses or water uses in the coastal zone of such state which is described in detail in the plan to which such concurrence or finding applies. If such state objects to such certification and if the Secretary fails to make a finding under clause (iii) with respect to such certification, or if such person fails substantially to comply with such plan as submitted, such person shall submit an amendment to such plan, or a new plan, to the Secretary of the Interior. With respect to any amendment or new plan submitted to the Secretary of the Interior pursuant to the preceding sentence, the applicable time period for purposes of concurrence by conclusive presumption under subparagraph (A) is 3 months."

o Federal assistance

"(d) State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of Title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security."

In summary, Section 307 requires that Federal activities directly affecting the coastal zone, including development projects, must be consistent to the maximum extent practicable with a Federally approved State coastal management program. Federal agencies are generally constrained from taking the following actions unless a state has found that proposed activities would be consistent with its management program:

- a. issuing a license or permit for any activity affecting the coastal zone;
- b. providing financial assistance to State or local government proposals affecting the coastal zone; and
- c. granting a license or permit for an activity affecting the coastal zone, covered by a plan for the exploration or development of, or production from, areas leased under the Outer Continental Shelf Lands Act.

Federal activities, including development projects undertaken by Federal agencies on Federally owned lands, are subject to the Federal consistency provisions when the actions directly affect the coastal zone under the jurisdiction of the California Coastal Management Program.

A State finding that an activity regulated or supported by a Federal agency would be inconsistent with the State coastal management program can be appealed to the Secretary of Commerce (the Department of Commerce is responsible for administering the CZMA) who can overrule the State and allow the proposed activity to be conducted if it is found the proposed action is either consistent with the objectives of the CZMA or necessary in the interest of national security. Although states are given the responsibility for making these determinations of Federal consistency under the CZMA, in California the local coastal programs will be regarded as a refinement of the State coastal management program and local governments will, therefore, be afforded the opportunity to participate in determining whether Federal activities and Federal projects would be consistent with the State (and the local) coastal program.

The Federal consistency provisions will provide local governments with considerably more involvement in decisions on Federal activities along the coast, but under the CZMA the views of Federal agencies that would be affected by the local program must be considered in the development of the program before it can be applied to Federal actions.

Administration of the Federal Consistency Provisions

Once the California program is approved by the Secretary of Commerce, the Coastal Commission intends to carry out its responsibilities in connection with the Federal consistency provisions as follows:

- (a) Federal activities including development projects directly affecting the coastal zone (Sections 307(c)(1) and (2)).
- (i) Memoranda of Understanding with Federal Agencies.

Federal agencies will be requested to enter into memoranda of understanding with the Coastal Commission with regard to any Federal activities including development projects in the coastal zone that would require a coastal agency permit if they were undertaken by other than a Federal agency. These memoranda of understanding will be used to assist the Federal agency in assuring that the Federal activity or development project is consistent to the maximum extent practicable with the State's management program. In most cases a public hearing will be held on the requested memorandum of understanding, with the Federal agency invited to participate. The local government having jurisdiction over the area where the proposed activity or development project would be located will also be invited to participate in the public hearing. Local government representatives will be afforded the opportunity to assist the Coastal Commission in its deliberations by presenting a determination regarding the consistency of the Federal action with the certified local coastal program.

If the Coastal Commission determines that the proposed activity or development project is consistent to the maximum extent practicable with the management program, it will request that the Federal agency enter into a memorandum of understanding. If the Coastal Commission determines that the proposed Federal activity or development project is inconsistent with the management program, it will not enter into a memorandum of understanding with the Federal agency. In the latter case, if the Federal agency disagrees with the Coastal Commission's finding and decides to go forward with the action, it will be expected to (a) advise the Coastal Commission in writing that the action is consistent, to the maximum extent practicable, with the coastal management program, and (b) set forth in detail the reasons for its decision. In the event the Coastal Commission seriously disagrees with the Federal agency's consistency determination it may request that the Secretary of Commerce seek to mediate the serious disagreement as provided by Section 307(h) of the CZMA, or it may seek judicial review of the dispute.

If a Federal agency does not choose to participate in the voluntary memorandum of understanding process, the Federal agency must utilize some other procedure (OMB A-95 project notifications, Environmental Impact Statements, etc.) supplemented as necessary pursuant to the requirements of the CZMA. Regardless of the alternative notification process used by a Federal agency, it must assure that the Coastal Commission is notified of all Federal activities including development projects in the coastal zone at the earliest practicable time in the planning process. The process must also provide adequate opportunity for the Coastal Commission to hold a public hearing and to determine the consistency of the proposed action with the CCMP. The notification must include a description of the activity, a discussion relating the coastal zone effects of the action to the relevant requirements of the management program, and sufficient supporting information for the Coastal Commission to review the Federal agency's consistency determination.

(ii) Consistency of Federal Activities Not Requiring Coastal Permits.

Memoranda of understanding will not be requested with regard to Federal activities including development projects which would not otherwise require coastal agency permits. However, such actions conducted by any Federal agency which will directly affect coastal zone resources will be expected to be undertaken in a manner consistent, to the maximum extent practicable, with California's coastal program as required by the CZMA. The Coastal Commission, with the assistance of local government representatives, will review Federal agency decisions to determine whether Federal actions directly affect the coastal zone, and if there is such an impact, whether the Federal action is consistent to the maximum extent practicable with the coastal program. This review process will include a timely notice and public hearing, with the Federal agency and local governments having jurisdiction over the affected area being invited to participate in the public hearing. Local government representatives will be afforded the opportunity to assist the Coastal Commission in its consideration of the Federal agency's consistency determination by presenting a determination of the consistency of the Federal activity or project with the certified local coastal programs for the affected jurisdictions. If the Coastal Commission finds that the Federal activity or development project directly affects the coastal zone and is not consistent with the management program, and the Federal agency disagrees and decides to go forward with the action, it will be expected to (a) advise the Coastal Commission in writing that the action is consistent, to the maximum extent practicable, with the coastal management program, and (b) set forth in detail the reasons for its decision. In the event the Coastal Commission seriously disagrees with the Federal agency's consistency determination, it may request that the Secretary of Commerce seek to mediate the serious disagreement as provided by Section 307(h) of the CZMA, or it may seek judicial review of the dispute.

(iii) State Monitoring and Review of Federal Activities Including Development Projects.

To assist in implementing the procedures set forth in paragraphs (i) and (ii) above, the Coastal Commission will monitor all Federal activities including development projects that may directly affect the coastal zone. This monitoring effort will rely upon existing inter-governmental coordination procedures - the A-95 notification and review process, review of environmental impact statements, and review of Corps of Engineers public notices - supplemented as necessary with special coordination with individual Federal agencies. The Coastal Commission will make every effort to notify Federal agencies of potential inconsistent Federal activities as early as possible in the Federal agencies' planning process. At the same time, it is expected that each Federal agency proposing to conduct Federal activities including development projects which may directly affect the coastal zone will notify the Coastal Commission at the earliest practicable time. These reciprocal efforts can assist the parties in identifying potential conflicts with the State's management program and, once identified, the Federal agency and the Coastal Commission can work towards early resolution of the problem.

(b) Federal Licenses and Permits Subject to Certification for Consistency.

(i) Federal License and Permit List.

The following Federal agency licenses and permits will be subject to the certification process for consistency with the management program, under Section 307(c)(3) of the CZMA, if the activity being licensed or permitted affects land or water uses in the coastal zone:

Department of Defense - U.S. Army Corps of Engineers:

- o Permits and licenses required under Sections 9 and 10 of the Rivers and Harbors Act of 1899;
- o Permits and licenses required under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972;
- o Permits and licenses required under Section 404 of the Federal Water Pollution Control Act of 1972 and amendments; and
- o Permits for artificial islands and fixed structures located on the Outer Continental Shelf (Rivers and Harbors Act of 1899 as extended by 43 U.S.C. 1333(f)).

Nuclear Regulatory Commission:

- o Permits and licenses required for siting and operation of nuclear power plants.

Department of the Interior - Bureau of Land Management - U.S. Geological Survey:

- o Permits and licenses required for drilling and mining on public lands (BLM).
- o Permits for pipeline rights-of-way on the Outer Continental Shelf.
- o Permits and licenses for rights-of-way on public lands.

Environmental Protection Agency:

- o Permits and licenses required under Sections 402 and 405 of the Federal Water Pollution Control Act of 1972 and amendments.
- o Permits and applications for reclassification of land areas under regulations for the prevention of significant deterioration (PSD) of air quality.

Department of Transportation - U.S. Coast Guard:

- o Permits for construction of bridges under 33 USC 401, 491-507 and 525-534.
- o Permits for deepwater ports under the Deepwater Port Act of 1974 (PL 93-627).

Department of Transportation - Federal Aviation Administration:

- o Certificates for the operation of new airports. (Federal Aviation Regulations, Part 139)

Federal Power Commission:

- o Licenses for construction and operation of hydroelectric generating projects including primary transmission lines.
- o Certifications required for interstate gas pipelines.
- o Permits and licenses for construction and operation of facilities needed to import, export, or transship natural gas or electrical energy.

This listing is intentionally limited to those Federal licenses and permits that may significantly affect coastal land and water uses. This is desirable to minimize the administrative burdens on the governmental entities as well as on the applicant. If it is found that the issuance of other Federal permits and licenses causes significant effects on coastal land and water uses, the consistency requirements will be applied to those permits or licenses through administrative addition to the list above.

(ii) License and Permit Activities Within the Coastal Zone.

Within the coastal zone, a Coastal Commission permit will be required from non-Federal applicants for the above activities. A memorandum of understanding will be requested from Federal agency applicants for the above activities. The issuance of a Coastal Commission permit* or agreement on a memorandum of understanding will be deemed to be a determination by the State that the proposed Federal license or permit activity is consistent with the management program, and no further certification will be required. In cases where no Coastal Commission permit has been applied for but where one is required, the Coastal Commission will process a certification of consistency concurrent with the permit application. The Coastal Commission will not review whether a Federal license or permit activity in the coastal zone is consistent with the management program except in connection with a Coastal Commission permit application if a permit is required.

To ensure that the national interest is adequately protected, where the State's primary management authority over the above activities has been delegated to a local government upon the certification of a local coastal program, the local decision will be automatically reviewed by the Coastal Commission. The Coastal Commission's decision on the appeal, or on the review of a local permit that was not or could not be appealed, will be deemed to be the State's determination of the consistency of the proposed activity with the California Coastal Management Program. Consequently, the Coastal Commission will have the lead role and during its deliberations it will consider the views of local governments with certified local coastal programs for the affected areas.

*The issuance of a permit for an electric transmission line or a thermal power plant by the State Energy Resources Conservation and Development Commission pursuant to Section 30413 of the Coastal Act is considered a Coastal Commission permit for purposes of this section.

(iii) License and Permit Activities Outside of the Coastal Zone.

Outside of the coastal zone (for example, on excluded Federal lands or on uplands beyond the coastal zone boundary), consistency certifications for the above licenses and permits will be required only in cases where the Coastal Commission determines that the activity being licensed or permitted could have a substantial effect on land and water uses in the coastal zone. This determination will be made on a case-by-case basis in the course of the monitoring program described in paragraph (a)(iii). It is not anticipated that many licenses and permits outside of the coastal zone will require certification. At the same time, those that do will probably be of considerable interest to the public because of the potential for substantial impact on the coast. Consequently, consistency certifications for Federal license or permit activities outside of the coastal zone will be processed as much as possible as if they were applications for Coastal Commission permits under the Coastal Act and its implementing regulations to allow for timely public notice and hearings. The local governments having jurisdiction over the area that would be affected by the proposed activity will be invited to participate in the public hearing. Local government representatives will be afforded the opportunity to participate in the Commission's deliberations and to present a determination of the consistency of the proposed activity with the certified local coastal programs for the affected jurisdictions.

(iv) Coastal Commission Objections to Federal License and Permit Activities.

If, in connection with the review of proposed Federal license or permit activities under paragraphs (ii) or (iii), the Coastal Commission determines that a non-Federal applicant's proposed license or permit activity is not consistent with the State's management program as required by Section 307(c)(3)(A) of the CZMA, the Federal agency may not issue the license or permit unless the Secretary of Commerce, on her own initiative or upon appeal by the applicant, finds, after providing an opportunity for comments from the Federal agency involved and from the Coastal Commission, that the activity is consistent with the objectives of the CZMA or is otherwise necessary in the interest of national security. If the Coastal Commission objects to the consistency of a Federal applicant's proposed license or permit activity, and the Federal agency decides to go forward with the activity, the Coastal Commission may use the mediation or judicial review dispute resolution procedures described in paragraph (a)(i). In its draft Section 307 regulations, NOAA has proposed to exclude Federal agencies from the license and permit certification requirements and the appeal provisions of the CZMA. While the Coastal Commission does not fully agree with this position, it will abide by NOAA's decision in the administration of the CCMP for purposes of the CZMP. The Coastal Commission, however, reserves the right to subject Federal agencies to the certification requirement in the event administrative, judicial, or legislative modification should occur.

(c) Federal Licenses and Permits Described in Detail in OCS Plans.

The following Federal agency licenses and permits will be subject to the certification process for consistency with the management program under Section 307(c)(3)(B) of the CZMA if the activity being licensed or permitted is described in detail in an OCS exploration or development plan and affects land or water uses in the coastal zone:

Department of the Interior - U.S. Geological Survey

Approval of offshore drilling operations.

Approval of design plans for the installation of platforms.

Approval of gathering and flow lines.

Any other OCS-related Federal license or permit activities described in paragraph (b)(i) (for example, BLM pipeline rights-of-way on the OCS) which U.S.G.S. determines should be described in detail in OCS plans.

In accordance with the CZMA, Federal license and permit activities described in detail within exploration or development plans for OCS areas adjacent to California waters that have been leased under the Outer Continental Shelf Lands Act, will be subject to certification and State review. This process will assure that Federal license and permit activities described in detail in such plans, and affecting land or water uses in the coastal zone, are consistent with the State's management program. Consistency certifications for OCS plans will be processed as much as possible as if they were applications for coastal permits under the Coastal Act and its implementing regulations to allow for timely public notice and hearings. Local governments having jurisdiction over areas affected by OCS activity will be invited to participate in the public hearing. Local government representatives will be afforded the opportunity to participate in the Coastal Commissions deliberations and to present determinations of the consistency of the proposed OCS activity with the certified local coastal programs for the affected jurisdictions.

If the Coastal Commission determines that one or more of the Federal license or permit activities described in detail in an OCS plan are not consistent with the coastal management program as required by Section 307(c)(3)(B) of the CZMA, Federal agencies may not issue the licenses or permits described in detail in the OCS plan unless the Secretary of Commerce, on her own initiative or upon appeal by the lessee, finds, after providing an opportunity for comments from the Federal agencies involved and the Coastal Commission, that the Federal license or permit activities are consistent with the objectives of the CZMA or are otherwise necessary in the interest of national security.

(d) Federal Assistance Subject to Consistency with the Management Program.

To review State and local government applications for Federal assistance under Federal programs affecting the coastal zone, the Coastal Commission will use the Project Notification and Review System of OMB Circular A-95 authorized under Title IV of the Intergovernmental Coordination Act of 1968 and administered by Regional Clearinghouses and statewide by the Office of Planning and Research.

The scope of Coastal Commission review will be limited to ensuring that the proposed project is consistent with the coastal management program. In the event the Coastal Commission determines that the proposed project is not consistent with the management program, the Coastal Commission will attempt to resolve the inconsistency through negotiation with the applicant. If no resolution is possible, the Commission will forward its determination to the appropriate Federal agency and, as required by Section 307(d) of the CZMA, the Federal agency will not approve the proposed project unless the Secretary of Commerce finds that the project is consistent with the purposes of the CZMA or is in the interest of national security.

C. Incorporation of Federal Air and Water Quality Standards

Although the Coastal Plan recommended that California institute air or water quality standards more restrictive than Federal requirements in certain areas in order to address unique problems, the Coastal Act did not go as far. The Coastal Act does uphold Federal standards as enforced by existing State agencies. Local coastal programs must also incorporate as necessary the air and water quality standards prior to certification. Section 30522 of the Coastal Act states, "Nothing in this chapter shall permit the commission to certify a local coastal program which provides for a lesser degree of environmental protection than that provided by the plans and policies of any state regulatory agency." While the Coastal Commission cannot require local governments to incorporate more stringent standards, nothing prohibits the local governments from incorporating more stringent standards into their LCPs; however, these standards will not be applicable until they have been officially approved by the State regulatory agencies pursuant to the provisions of the Federal air and water quality laws. Section 30253(3) requires new development to be consistent with requirements imposed by an air-pollution control district or the State Air Resources Control Board.

The State Water Resources Control Board is recognized as having primary responsibility for the coordination and control of water quality and the administration of water rights pursuant to applicable law. The Coastal Commission is responsible for seeing that proposed development and local coastal programs do not frustrate the State Water Resources Control Board's programs. However, Section 15 of the Coastal Act amended the State Water Code to ensure that water agencies support the Coastal Commission's management program to protect the coastal marine environment. Treatment works within the coastal zone and those outside the coastal zone that serve the coastal zone require a coastal permit determined on siting and visual appearance, geographic limits, and development projections. The Coastal Commission must make the final determination on a permit prior to the time of final approval of the project by the State Water Resources Control Board. (30412).

The State Air Resources Board and local air pollution control districts, having been established pursuant to State law and consistent with Federal law, are the principal public agencies responsible for air quality, emission standards, and air pollution control programs. The Coastal Commission is not to modify air pollution standards set by the Air Resources Board, which, it is expected, will recommend ways that the Coastal Commission can assist in air quality programs. (30414)

CHAPTER 12

FUNDING MANAGEMENT AND ACQUISITION ACTIVITIES

A. Sources of Funds

The California Coastal Management Program has several potential sources of funds for management and acquisition activities:

(1) Up to \$5 million may be available annually from the Federal government under Section 306 of the CZMA providing funds for Federally-approved State programs. The Coastal Act provides that 50 percent of the Federal funds must be made available for the preparation and implementation of local coastal programs discussed below.

(2) The State will be eligible for additional funds to address the impacts of coastal energy development under Section 308 of the CZMA.

(3) The California Legislature in 1976 approved AB 400, appropriating \$1,476,506 for operation of the Coastal Commission and regional commissions for the first half of 1977. Appropriations from the State General Fund to support the Coastal Commission are expected to be made by the Governor and the Legislature each fiscal year.

(4) AB 400, in addition, was to have provided \$31 million for near-city hostels on the coast and for various park and beach acquisitions, but the Governor reduced these appropriations to \$1.9 million for hostels and \$9.85 million of the acquisitions.

(5) Proposition 2, the State Urban and Coastal Park Bond Act of 1976 (formerly SB 1321), approved by the voters of California in November 1976, provides for \$280 million in bonds, of which about \$145 million will be applied to coastal acquisition and other activities. This total includes the initial \$10 million funding for the new State Coastal Conservancy's acquisition, restoration, and enhancement program; \$15 million as the State share of local government purchases to be made on the coast; \$10 million to the Fish and Game Department for acquisition of coastal habitat areas; and \$110 million to the Parks and Recreation Department for the purchase of coastal parks and beaches. (see Appendix 3, Bond Act of 1976).

(6) AB 2133, also passed in 1976, provides \$10 million for the purchase of coastal wetlands.

B. Coastal Act Financial Provisions

The Coastal Act itself made no appropriations for coastal management activities but has several provisions of interest:

(1) The Coastal Act specifies the Coastal Commission is responsible for the management and budgeting of funds appropriated, allocated, granted, or otherwise made available to the Coastal Commission and regional commissions (30340). The Coastal Commission may require, as it did under Proposition 20, reasonable filing fees and reimbursement of expenses in connection with processing development permit applications (30620(c)). (If appropriated by the Legislature, these will provide partial funding for the regulatory activities of the management program.)

(2) Two sections of the Coastal Act concern costs to local governments. The Coastal Act states the Coastal Commission cannot withhold approval of a local coastal program "because of the inability of the local government to financially support or implement any policy or policies" of the Coastal Act, though this does not require approval of a program "allowing development not in conformity with the policies" of the Coastal Act (30516(a)). The Coastal Act also acknowledges "there may be direct planning and administrative costs" imposed on local governments by the legislation and stated "it is the intent of the Legislature that such costs to local government shall be reimbursed by the State." It provides legislatively appropriated funds (and 50 percent of Federal funds available for such purposes) be deposited in a special local government coastal planning assistance account in the State General Fund, that the Coastal Commission review local government claims, and the State Controller consider this report as it reviews claims made by local governments against the account. Funds available under the CZMA cannot be used for reimbursement and, therefore, cannot be deposited in the account. However, CZMA funds can be used to support the development and implementation of local coastal programs if the work to be carried out with the funds is identified in advance and approved by the Department of Commerce as part of California's annual application for a coastal zone management grant. Because the projected availability of Federal funds that can be used for local coastal programs exceeds the estimated cost of developing the programs, the justifiable claims against the account are not expected to be excessive.

In general, the Coastal Commission expects no insurmountable problem in the funding of the preparation of adequate local coastal programs, which will enable the Coastal Commission to certify the programs and transfer much of the implementation of the California Coastal Management Program (including the general development permit authority in the coastal zone) to local governments.

However, much of this assumption is based on the Federal funding available to the State under Section 306 of the CZMA.

CHAPTER 13

CITIZEN AND GOVERNMENT INVOLVEMENT IN THE MANAGEMENT PROGRAM

A. Participation in Program Planning

The history of public participation in the development of the proposed management program extends back to 1970 when the groundwork for what became a citizen initiative, Proposition 20 (the California Coastal Zone Conservation Act of 1972), was started. It took a massive, statewide petition drive to place the initiative on the ballot. Because of that awesome public involvement, the Coastal Commission, in drafting the Coastal Plan and in regulating coastal development from 1973, wanted and was able to get an extremely high degree of continuing citizen interest. As the planning process began dealing in detail with the most serious coastal issues -- for example, offshore petroleum development -- large private interests and government agencies became increasingly involved in the Coastal Commission planning and regulatory activities.

How much involvement was there? When did it occur? How did the Coastal Commission and regional commissions relate the more theoretical planning procedures and the enormous quantity of public input? How were repeated concerns addressed by the Coastal Commission? How could a statewide plan be drafted that was sensitive to regional and local concerns? How could the Coastal Commissions deal seriously with technically, economically, or politically complex material without "losing" the public?

The Coastal Commission and regional commissions did not close the door to participation until the printer's deadline in October 1975--and it was reopened in December when the Coastal Plan came off the press and was sent to the Legislature for its consideration.

Due to the extensive documentation, with respect to local, regional, State, and Federal participation in the development of the Coastal Plan, prepared reports which document this participation are housed at the Coastal Commission and at OCZM. This documentation is available for review and includes the following appendices, which are made a part of this program and the FEIS, by reference, for purposes of meeting the NEPA coordination and consultation requirements: Evolution of a Coastal Plan Policy Through the Public Review Process; Coastal Planning Mailing List; Regional Coastal Commission Plan Element Public Hearings and Meetings; Summary of Public Hearings on the Preliminary Coastal Plan; Meetings on the Preliminary Coastal Plan; State and Regional Agency Involvement in the Coastal Planning Process; Federal Agency Involvement in the Coastal Planning Process; and Correspondence Between Coastal Commission and Federal Officials. This documentation, provided in attachments by reference, contains a list of Federal agencies which the State has worked with in developing the program, the names of the principle contacts, and the principle views of these agencies. This material will be considered, pursuant to Section 307 (15CFR 925.4) prior to approval of the CCMP.

Intensity of Participation

Beginning in 1973 technical experts, representatives of interest groups, property owners, local, State, and Federal agency staff, and interested citizens were encouraged to participate by being provided with preliminary material for review and comment. In some cases, the Coastal Commission and regional commissions learned who these people were through their unsolicited expressions of interest. Most of the time the staff learned of people who should be involved in planning through references in technical literature, mailing lists from professional and interest organizations, or knowing of groups and individuals from past experience. The number of people, groups, and agencies involved in coastal planning grew to almost 10,000. However, the total number of people receiving planning information is close to 20,000.

Through this early and continuing review process, the public and governmental agencies were extensively and intensively involved in the Coastal Plan development as evidenced by several thousand people being given the opportunity to have input into the development of the plan elements long before the elements ever reached public hearings held before the regional commissions.

The regional commission public hearings on the plan element findings and policies represented another major opportunity for public participation in the development of the coastal management program. In all, 259 public hearings were held at the regional commission level on the individual plan elements.

Each of the regional commissions, based on its study and public input, submitted recommended findings and policies to the Coastal Commission. The Coastal Commission prepared draft findings and policies on each of the nine plan elements from the recommendations of the regional commissions and held public hearings on its conclusions. At the public meetings, controversies that could not be resolved at previous meetings were discussed and revisions to material considered. While these meetings were not formal public hearings, general public input was normally allowed.

All of the material adopted individually in the plan elements was subsequently incorporated into the Preliminary Coastal Plan along with mapped information and alternative ideas for implementing the Coastal Plan.

In all, about 6,000 people attended the hearings and almost 8,000 pages of written comments were received. These written comments supplemented the oral presentations that had to be somewhat limited in length because of the large number of people making presentations. In addition, during April, May, and June 1975, the staff and regional commission members from the seven coastal commissions met with numerous groups to explain the provisions, answer questions about, and receive suggestions for improving the Preliminary Coastal Plan.

In the same fashion that the general public participated in the coastal planning process, State and regional agencies were encouraged to review and comment on the technical reports, draft findings and policies, hearing drafts, and tentatively adopted findings and policies of each of the nine plan elements. They were also provided with copies of the Preliminary Coastal Plan to allow for their input into the formulation of the final Coastal Plan.

Much emphasis was placed on participation during the planning phase. Public and government involvement continued when the Coastal Plan went to the Legislature, but necessarily the degree of participation was not as high--partly because of the nature of the legislative process, partly because the activity was confined to the State capital, and partly because of the less predictable and shortened schedule (the original coastal legislation was introduced in February 1976; the Coastal Act and companion legislation emerged in August).

When the original bill, SB 1579, was introduced, the Senate Natural Resources and Wildlife Committee held six hearings and the committee chairperson observed the amount of public participation allowed was probably greater than for any other bill in that session. The Senate Finance Committee held one hearing before failing to pass SB 1579 in June. Because little time remained in the session, the coastal legislation was revived as amendments to a minor bill, SB 1277, that had already passed the Senate. Consequently, most of the hearings on SB 1277 were in the Assembly, with the Resources, Land Use, and Energy Committee conducting three hearings--including two in Los Angeles during a mid-session break.

The majority of letters to legislators concerned the first bill, SB 1579. At each of the 10 hearings, an average of representatives from 20 groups appeared, and a varying number of individuals.

Federal Agency Cooperation in Planning

Federal agencies enjoyed the same opportunity to participate in the Coastal Plan development as did the general public and State, regional, and local agencies. In addition to this regular involvement in the planning process, special efforts were made to keep in close contact with Federal agencies. Wherever possible, Federal studies were incorporated into the background technical material and Federal officials were invited to provide input into the Coastal Plan preparation. Federal involvement was further facilitated by having two Federal employees, William Davoren of the Department of the Interior and David Mowday of the Environmental Protection Agency, work on the Coastal Commission staff. Both worked actively to coordinate the activities of the Coastal Commission and regional commissions and those of Federal agencies in the coastal regulatory process as well as coastal planning.

Clearly, Federal agencies were involved from the very beginning of the coastal planning process, but coordination with Federal officials intensified in 1975 for two reasons: (1) a broadening of Coastal Commission contacts with Federal agencies in response to the draft regulations on Section 307 of the CZMA, and (2) the distribution of the Preliminary Coastal Plan on March 1975. Over 200 copies of the Preliminary Coastal Plan were distributed to various Federal agencies and officials for review and comment. In addition, many meetings were held with Federal agencies to discuss the Preliminary Coastal Plan and explore any questions with reference to various policies. The most important of the meetings was held on May 15, 1975, with the Western Federal Regional Council, Environmental Protection Agency, Department of Housing and Urban Development, General Services Administration, Corps of Engineers, Maritime Administration, Coast Guard, and the Federal Power Commission, and on April 11 and June 11, 1975, with the Western Division Naval Facilities Engineering Command. These meetings generated many valuable ideas that were incorporated into revisions of the Preliminary Coastal Plan. Moreover, an entirely new section entitled "National Interest in the Coast" was prepared to briefly state the national importance of the California coastline, to explain how the national interest was taken into account in the preparation of the Coastal Plan, to set out the process proposed to ensure that the national interest in the coastal zone is considered and provided for in the future, and to outline the relationship of the Coastal Plan to the CZMA. Several revisions to this draft statement were made in response to comments by Federal agencies and additional meetings were held with representatives of the Navy to finally come to mutually acceptable language for the statement. Agreement was reached on September 8, 1975, and the Coastal Commission adopted the final wording on September 17, 1975. As subsequently refined, the national interest statement is included in Chapter 11. Based upon further comments received during the review of the combined Federal revised draft environmental impact statement and CCMP, further revisions were made and approved by the Coastal Commission in July of 1977.

Federal agencies will continue to be requested to provide technical assistance to local governments in the development of their local coastal programs as part of the overall participation process and in accordance with Federal regulations under the CZMA (see Local Coastal Program Manual, Part I.B.4).

B. Concerns Frequently Raised During Planning

During the planning period, the public and government agencies had the opportunity to express their concerns about the proposed coastal management policies. Through public hearings, telephone conversations, and letters to the Coastal Commission the State and regional staffs learned which of the developing plan's topics were of particular interest. Questions involving private property rights and economic impacts on individuals and coastal communities were raised most frequently. In fact, these two concerns were repeatedly linked. For example, where a parcel of agricultural land acted to restrict access to adjacent tidepools, the owner might argue that if the public was allowed coastal access, their activities would diminish the values of both agricultural lands and the tidepools. Consequently the Coastal Act's policies evolved to assure that constitutional, economic, and environmental values were protected in concert with the objectives of a sound coastal management program. The Coastal Plan "Summary and Introduction," which was circulated throughout the State as a separate publication, dealt with those concerns. Subsequently refined to reflect the Coastal Act, the statements addressing private property rights and economic impacts will now be discussed.

Rights of Property Owners

Consistent with the provisions of CZMA Section 303(b) the Coastal Act recognizes fully that ownership and use of private property are fundamental concepts in the law and traditions of the United States. The Constitutions of both the United States and the State of California protect property owners against the taking of their property without just compensation. The Coastal Act cannot violate these Constitutional mandates, and it does not.

The Coastal Act assures the rights of landowners will be protected. It states:

"The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the regional commission, the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States." (30010)

If coastal property is not purchased by the public for public use or environmental protection, the property owner may put it to other uses consistent with the policies of the Coastal Act. The Coastal Act includes development standards, similar to those in long-established city and county laws, under which new buildings would be designed to protect views to and along the ocean, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and to provide public access to the oceanfront where appropriate.

However the property rights of a landowner are not absolute. Rights can and do change over time, and the rapid urbanization of the United States during the 20th century has led increasingly to restrictions on the use of private property--restrictions held by the courts to be constitutional. For example, the U. S. Supreme Court held 25 years ago that property owners could not create an enforceable agreement requiring racial discrimination in the future sale of their land. For many years, laws have prohibited the use of property in a way that would result in health hazards or noxious effects on the public at large. Local zoning laws have been upheld by the courts since 1926.

The issue is not whether property owners rights could be violated; under Federal and State Constitutions they could not be. The issue, at least in many places, is that property owners' expectations may be affected. When people buy land, they often expect a certainty of financial return greater than when they buy securities or make other investments. Because they may live on the land and farm it, because they pay property taxes on it, and because of the recent rapid rise in land values in many areas, many people expect to make money by holding or using land, and they believe they deserve to be compensated if their expectations are not realized. Under the Coastal Act, as under many Constitutional land use laws, people can use their land in a variety of ways, but in some cases not as fully or intensively as they might like.

Just as the California Constitution protects private property rights, it also protects rights of public access. The State Constitution, adopted in 1879, provides in Article XV, Section 2, that:

"The People Shall Always Have Access to Navigable Waters. No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof."

In summary, the Coastal Act will not take away landowners' rights. In some cases, it may change a landowner's expectations, but there are many factors other than the Coastal Act that can influence future land values--for example, the value of land for second-home subdivisions depends, in part at least, on the price and availability of gasoline for driving to distant areas. Thus, there can be many reasons for financial success as well as financial reverses in the ownership of land, as in the ownership of securities or any other investment. Although no compensation for loss of expectations is legally required, perhaps there should be a public policy debate as to its desirability. At the very least, however, it could be difficult indeed to correctly measure declines in value, and to fairly assess the many factors that might be responsible. There is, yet, no tradition of public responsibility for guaranteeing the success of private investments in land or in anything else.

Economic Impacts of Coastal Development Regulations

Based on the recognition that protecting California's coast is essential for the State's long-term economic well-being and, in application of CZMA Section 303(b), the Coastal Act calls for economically sound measures: well-planned, orderly development to curb the wasteful use of land; vigorous protection of the coastal resources that are the basis of the multi-million dollar coastal tourist industry and the thousands of jobs it provides; and similar protection for coastal farm lands, timberlands, and ocean fisheries--all of which provide jobs and income for Californians.

Economic activity along the coast is affected by many factors of which the Coastal Act is only one. Interest rates, population growth, unsold or under used buildings, and the availability of energy are all factors that will affect building activity along the coast. The coastal economy, and indeed, the State's economy, may also be affected in less obvious ways. For example, there is an economic loss when low-quality, sprawling development is allowed to overrun land suitable for much better development. There is an effect on the consumer's food bill when prime agricultural land is converted to other uses--followed by efforts to achieve comparable production on less valuable land through energy-intensive applications of irrigation water and fertilizer. The past misuse of California's coastal resources has caused unmeasured but real economic losses.

The gradual, fragmented degradation of natural resources has not usually been recognized as a major economic loss. Rather, attention has been concentrated on short-term economic benefits: when a marsh was filled, attention was given to the jobs created by new construction, and a resulting increase in the local tax base. Similarly, building houses on prime farmland has usually been seen as economically beneficial. But there is increasing evidence of long-term losses that may not be so visible. Filling marshes, bays, and estuaries, which are essential nursery grounds for many species of fish and wildfowl, can gradually decrease the ocean fisheries--and the jobs and income, together with food supply, that ocean fishing provides. There may well be serious long-term consequences from the increasing loss of prime agricultural land--effects not only on food prices but on the ability of this Nation to help feed the world's growing population, and to export food in return for petroleum, metal ores, and other products from abroad.

The Coastal Act recognizes, in short, that protection of coastal resources is essential to a sound economic future for California. While it may not be possible to determine precisely the dollar value of a day of recreation or inspiration provided by ocean beaches, parks, bluffs, and trails, there are clear dollar values attributable to the coastal visitor economy. The Coastal Act seeks to increase public access to the oceanfront in appropriate areas; to provide tourist accommodations from campgrounds to hotels, resorts, and meeting centers; and to give preference to these public activities over private housing in suitable coastal areas. If Californians were to allow the coast to be further degraded, ocean views to be blocked by poorly-designed buildings, and access to beaches restricted, they would be risking the future of one of the most important economic assets of the State--coastal tourism.

Security Pacific Bank, in its 1975 Coastal Zone Economic Study, wrote,

"tourism is a vital economic base industry, i.e., its income accrues from sales to people from outside the State, and it brings in 'new dollars.' Some of its benefits include the direct and indirect support of a multi-industry infrastructure, the employment of many relatively unskilled workers, and the taxes paid by the tourist...Tourists make relatively small demands on a region's public services (police and fire protection, street maintenance, etc.) and yet they contribute heavily toward providing employment and income and in reducing the tax burden of local residents."

"The Costs of Sprawl," a study made in 1974 by Real Estate Research Corporation for the Federal government, showed that well-planned, concentrated development means savings to the public of between 5 and 33 percent when compared with wasteful, land-consuming development. The savings are in the costs of roads, sewer and water lines, etc., and also in travel time for residents, the need for services such as schools and fire stations, etc. Of increasing importance, well planned developments can save greatly on energy. The Coastal Act seeks not to stop growth and development, but to direct new construction primarily into the rebuilding and upgrading of already-developed areas where additional development can be accommodated. The issue is not whether there should be new development, but where.

Thousands of jobs and millions of dollars in annual crop production depend on the unique combination of California's coastal soils and climate. Protecting California's agricultural lands is not only a coastal issue; it is obviously a problem of statewide concern. But the Coastal Act seeks to maintain the long-term productivity of coastal farmlands, grazing lands, and timberlands for their long-term economic value. Similarly, the Coastal Act seeks to protect ocean fishing, both commercial fishing and sport fishing. The Coastal Act, therefore, seeks to protect the coastal estuaries and wetlands essential to California's ocean fishery, and to protect coastal water quality. The economic values are clear: the Security Pacific Study noted that in 1972, the most recent year for which detailed figures are available, California landings and shipments of commercial fish were valued at \$162.5 million. The study added that,

"the real value of commercial fishing to the State and regional economies of California in terms of primary, secondary, and tertiary income and employment is difficult to assess. In most cases, these values are probably understated. California fishermen range many miles from their home ports in search of their catch--from Alaska on the north to South America on the south--and in many instances, they market their catch at the nearest suitable port in order to shorten their turn-around time. Consequently, California's official published valuation figures are understated in that they include neither the value of the fishing catches, the profits, nor the wages, resulting from deliveries to non-California ports. There is a positive effect, however, in that these monies are brought back to California and introduced into the State and regional economies as export or 'new' dollars."

The Coastal Act recognizes that some future coastal sites may be needed for new or expanded power plants, that new port terminals may be needed for larger petroleum tankers, and that offshore petroleum production may be required as part of a national energy conservation and development program. The Coastal Act provides standards by which necessary energy installations may be accommodated, consistent with the protection of coastal economic and environmental resources.

The Coastal Act seeks to protect the coastal streams that deliver sand to ocean beaches; beach erosion costs property owners and government bodies several million dollars every year for building groins, jetties, and other erosion-combatting structures, and for importing sand. The Coastal Act also seeks to maintain and enhance coastal air quality; air pollution causes millions of dollars annually in crop damage and inestimable damage to human health.

C. Continuing Public and Government Involvement

The success of the Coastal Commission and regional commissions efforts to involve the public and government agencies in the planning process on virtually a continual basis from 1973 until now was recognized when coastal legislation was finally passed. In the Coastal Act the Legislature found "there has been extensive participation by other government agencies, private interests, and the general public." (30002(a))

This extensive public involvement is required to continue under the new Coastal Act--and therefore in most aspects of implementing the coastal management program. The Coastal Act states:

"The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development: that achievement of sound coastal conservation and development is dependent upon public understanding and support, and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation." (30339)

The Coastal Act enumerates specific measures required to achieve these goals:

"The commission and each regional commission shall:

- (a) Ensure full and adequate participation by all interested groups and the public at large in the commissions's and each regional commission's work program.
- (b) Ensure that timely and complete notice of commission and regional commission meetings and public hearings is disseminated to all interested groups and the public at large.
- (c) Advise all interested groups and the public at large as to effective ways of participating in commission and regional commission proceedings.
- (d) Recommend to any local government preparing or implementing a local coastal program and to any state agency that is carrying out duties or responsibilities pursuant to the provisions of this division, and additional measures to assure open consideration and more effective public participation in such programs or activities." (30339)

The Coastal Act does not limit this public and agency involvement requirement to the Coastal Commission. The chapter on ports requires public participation in the port master planning process; and Section 30500 (c) provides that: "The precise content of each local coastal program shall be determined by the local government, consistent with Section 30501, in full consultation with the commission and an appropriate regional commission, and with full public participation."

Finally, the Coastal Act provides:

"During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special district, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission." (30503)

The Coastal Commission will have on its staff a professional experienced in working with the general public who will be assigned the responsibility of ensuring these requirements are met. Beyond this specific effort, the Coastal Commission's planning and regulatory activities will continue to be oriented around a process that encourages the maximum of public involvement.

The calendar of management activities in Section A of Chapter 14 indicates the frequency with which the Coastal Commission and regional commissions, local governments, port authorities, and others have to schedule public hearings. In short, it is not only hoped but it is legislatively mandated that the public be allowed to continue its very active role in implementing the management program. A more thorough description on public participation in future program development and implementation can be found in the Coastal Commission regulations and Local Coastal Programs Manual.

CHAPTER 14

CONTINUING DEVELOPMENT OF THE COASTAL MANAGEMENT PROGRAM

The management program for the California coast established by the Coastal Act and other legislation outlines processes by which the general goals of coastal management are to be realized and requires particular management activities to be completed by specific dates.

Since coastal management is an evolutionary rather than a static process, the coastal policies are designed to be responsive to new issues. The program accordingly provides the mechanisms that will allow a coordinated but flexible management process involving both government agencies and the public at large.

A. Schedule of Coastal Management Activities

This section is basically a calendar that should aid in understanding how the various parts of the management program--for example, the Coastal Commission's development permit function, the preparation of local coastal programs and port master plans, coordination between the Coastal Commission and various State agencies on particular aspects of the management program--fit together. This schedule notes the dates certain Coastal Act requirements will be completed as part of the program. In many instances, the policies call for the transfer of Coastal Commission functions to appropriate State, regional, and local agencies. This will include active involvement by the public through numerous required public hearings that will become part of the schedule.

1977

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| January 1 | Effective date of the California Coastal Act of 1976 (SB 1277, as amended by AB 2948 and AB 400).

Effective date of AB 400 (coastal funding), AB 3544 (State Coastal Conservancy), and Proposition 2 (the \$280 million park bond issue approved by the electorate in the November 2, 1976, general election). |
| January 2 | Ports may notify Coastal Commission of completed master plans.

Last day for State and regional coastal commissions to be appointed. |
| January 11 | Last day for regional commissions to be formally established. |
| January 30 | Last day for the Coastal Commission to prepare interim coastal development permit and claim of exemption procedures. |
| No date | Public hearing on local coastal program procedures. |
| No date | Public hearing on urban exclusion(s), with Coastal Commission action sometime thereafter. |
| No date | Public hearing on categorical development exemptions, with Coastal Commission action sometime thereafter. |
| February 2 | First day of possible port district hearing on port master plan. |
| No date | Coastal Commission public hearing on port district boundaries and related wetland/recreation area maps. |
| April 1 | Last day for the Coastal Commission to adopt procedures for local coastal program preparation, submission certification, appeal, and amendment.

Last day for the Coastal Commission to adopt port district boundary and wetland/recreation area maps. |
| April 2 | Last day Coastal Commission may act on a port master plan that was submitted January 2. Time limit for Coastal Commission action is 90 days; otherwise the master plan is deemed certified. |

April 30	Last day for the Coastal Commission to adopt regulations for the timing of its review of proposed treatment works.
May 1	Last day for the regional commissions to adopt local coastal program processing schedules. Last day for Coastal Commission to adopt permanent development permit procedures.
May 30	Last day on which a regional commission must begin reviewing a developed through 1976 pilot project for the local coastal program to qualify for the Section 30521 accelerated schedule.
July 1	Last day a local government may request the Coastal Commission to prepare its local coastal program. Last day for the Coastal Commission to identify special treatment areas for submission to the Board of Forestry.
No date	Public hearing by Coastal Commission on sensitive coastal resource areas.
September 1	Last day for the Coastal Commission to designate sensitive coastal resource areas for submission to the Legislature.
No date	Public hearing by the Coastal Commission on coastal energy facility locations.
1978	
January 1	Final day for the Coastal Commission to designate unacceptable coastal energy facility locations for submission to the State Energy Commission.
January 2	First annual report from Department of Parks and Recreation concerning public accessways required by Division 21 of the Public Resources Code (State Coastal Conservancy).
No date	Public hearing(s) by each local government submitting a local coastal program to the Coastal Commission for certification. Such hearing(s) must be held on the aspect(s) of the local program that have not been publicly heard within the last four years.
July 1	First day on which local coastal program (other than one evolving out of a pilot project) may be submitted for review to the appropriate regional commission. Last day for Director of the Office of Planning and Research to publish the first report on coastal management agency duplication and conflicts. Thereafter, the report may be published at his discretion. Last day for presentation to the Legislature of the mandated joint Coastal Commission-BCDC report on their future relationships. Effective this day, at least 50 percent of CZMA funds received by California will be deposited in a local government coastal planning assistance fund for use in developing and implementing the local coastal programs.
No date	Public hearing by the Coastal Commission on interim coastal development permit appeal procedures.
August 1	Last day for the Coastal Commission to adopt public notice and appeal procedures for interim coastal development permit applications.
October 31	Last day for local governments to submit claims to the State Controller for State-mandated local costs incurred in fiscal year 1977.

1979

- January 1 Commission must submit first biannual report on coastal program implementation to the Governor and Legislature.
- Last day for the Departments of Parks and Recreation and Fish and Game to make recommendations concerning establishment of resource protection zones to the Coastal Commission.
- June 30 Last day on which regional commissions may exist.
- September 1 Last day for the Legislature to approve of a Coastal Commission designated sensitive coastal resource area.

1980

- January 1 Last day on which local coastal programs may be submitted to the Coastal Commission for review.
- First biannual update of the Coastal Commission designation of unacceptable coastal energy facility locations.
- January 2 First triannual report by the State Coastal Conservancy to the Governor and Legislature is due.
- July 1 Last day for Coastal Commission prepared local coastal programs to be completed.
- December 1 Last day for Coastal Commission prepared local coastal programs to be certified.

1981

- January 1 Coastal Commission may preempt certain local government jurisdictions in the coastal zone if required implementing devices are not in place. At least every five years after certification of a local coastal program, the Coastal Commission is required to review it.

B. Management Coordination

Inherent in the Coastal Act is the objective of maintaining a strong State/local interrelationship and to improve intrastate agency and program coordination. In addition, the California Coastal Management Program refines and integrates decision-making with Federal agencies, consistent with Federal requirements.

C. State Program Administration

The Coastal Commission bears the principal responsibility for the administration of coastal management in California. Its functions in this program element include:

- (1) Administration of local coastal program development grants.
- (2) Review and approval of local coastal programs (see below).
- (3) Coordination of local program development with other State and Federal planning and operational programs.
- (4) Facilitation of public involvement in coastal management program refinement and application.
- (5) Administration of special contracts and interagency agreements for program implementation and refinement.
- (6) Review, coordination, and involvement of Federal agencies in implementing Section 307 of the CZMA (see below).

- (7) Assessment of management program effectiveness, and legislative liaison for management program refinement and conflict resolution.
- (8) Development of regulations, procedures, and recommended legislative amendments to effectuate program implementation.
- (9) Review of regulations developed to implement recent CZMA amendments and administration of regulations when officially promulgated.
- (10) Coordination with other coastal States including participation in and administration of interstate coastal organizations.
- (11) Facilitation of public involvement in coastal management through a program of public information disseminations and public awareness development.

Administration of a program for the intrastate allocation of funds available through the Coastal Energy Impact Program (CEIP) under Section 308 of the CZMA, including determination of the consistency with the California Coastal Management Program of CEIP supported planning, public facilities and services, and environmental and recreational loss mitigation efforts.

D. State Regulatory Program

The Coastal Commission continues to regulate development along the coast through its regional commissions until local coastal programs are certified. After certification, issues of statewide significance will be appealable to the Coastal Commission, as would regional commission decisions in the interim. Federally supported activities in this program element include:

- (1) State coastal agency appeals program.
- (2) Regional commission permit program.
- (3) Local government administration of local coastal programs after State certification.
- (4) Legal defense of coastal regulatory program.
- (5) Coordination of the State coastal regulatory program.
- (6) Enforcement of coastal management regulations and decisions, including inspection of coastal development and monitoring of coastal activities.

E. State Program Refinement

The State coastal program represents the general policy goals and objectives of California. These have to be refined for application to specific areas along the coast and to assist local governments in the preparation of the local coastal programs. Activities in this program element include:

- (1) Subregional planning which would develop carrying capacity data to be used in program refinement and local coastal program development.
- (2) Collaborative planning which would coordinate the efforts of all affected interests whenever two or more jurisdictions would be involved in the regulation of a single coastal area.
- (3) Special area planning which would focus on developing specific area plans and other detailed management programs for areas of particular environmental concern.
- (4) General program refinement which would monitor regulatory and planning decisions to generate more specific guidelines for the application of the coastal management program to specific coastal areas.
- (5) Data collection, activity monitoring, and program analysis which would develop necessary revisions to the management program over time.
- (6) Coastal water planning which would relate this ongoing management program activity to efforts by other agencies in the fields of fisheries management, navigation, marine recreation, OCS production, etc.
- (7) Special studies mandated by the Coastal Act or any subsequent amendments to the Coastal Act including, the designation of sensitive resource areas, the determination of sites inappropriate for power plant siting, and the development of procedures for review of waste treatment facilities.

F. Local Coastal Program Development

Local plans will be brought into conformity with the State management program over a two-year period. In order to accomplish this, the following activities are necessary:

- (1) Local coastal program development to be carried out primarily by local jurisdictions.
- (2) Coastal Commission assistance in local coastal program development in the form of program interpretation, supplementary planning activities, and coordination with other planning.
- (3) Administration of local coastal program certification including regional commission approval, Coastal Commission approval, public involvement, etc.
- (4) Resource data collection to apply State management principles to specific location conditions.

G. State Coordination

Coordinating the management program refinement, local coastal program development, and program implementation with the activities of other State agencies involve the following:

- (1) Facilitating the involvement of State agencies in providing technical and policy input into the development of local coastal programs.
- (2) Monitoring the activities of State agencies to determine their consistency with the State and local coastal management programs.
- (3) Utilizing the capacities of State agencies in providing information needed in the coastal regulatory process.
- (4) Ensuring that the principles of sound coastal management are reflected in the planning and operational activities of other State agencies.
- (5) Coordinating the development of a unified State position on activities subject to the Federal consistency provisions in Section 307 of the CZMA.
- (6) Coordination of planning and projects eligible for funding under Section 308 of the CZMA with State supported planning and projects.

H. Federal Coordination

Coordinating the management program refinement and implementation with Federal agency decision-making involves the following activities:

- (1) Monitoring Federal agency activities and applications for Federal agency approvals.
- (2) Administration of Coastal Commission Federal consistency procedures for the implementation of Section 307 of the CZMA.
- (3) Involving Federal agencies in the development of local coastal programs and the refinement of the State management program.
- (4) Reviewing and commenting on Federal activities or applications for Federal permits not subject to 307 requirements.
- (5) Coordination of other Federally supported planning activities with coastal planning.
- (6) Legal and technical research for a case-by-case application of Federal consistency provisions.
- (7) Coordination of planning and projects eligible for funding under Section 308 of the CZMA with other Federally supported and sponsored planning and projects.

I. San Francisco Bay Management Program

San Francisco Bay is a segment of the California Coastal Management Program administered separately by BCDC. Activities in this program element include:

- (1) Development of proposals for integrating the management program for the Bay into the overall California Coastal Management Program.
- (2) Development of regional public access and recreation plans to provide more specific guidelines for the location and development of future shoreline public access and recreation areas.
- (3) Development of "special area plans" for specific shoreline and water areas within BCDC's jurisdiction.
- (4) Increased surveillance and enforcement capability to monitor compliances with the now numerous outstanding BCDC permits and to prevent violations of the BCDC law.

J. Energy Planning and Energy Impact Management

The Coastal Commission will continue its energy planning, which has most recently concentrated on planning for the impacts of petroleum exploration and development on the outer Continental Shelf (OCS), as discussed in Chapter 9. The 1976 amendments to the CZMA which established the Coastal Energy Impact Program, California's activities in managing energy development and its impacts will expand to include:

- (1) Collection and analysis of data to determine the location and size of OCS petroleum deposits.
- (2) Evaluation of plans for the exploration, development, and production of OCS lands to determine their consistency with the California Coastal Management Program.
- (3) Planning for the onshore impact of OCS development.
- (4) Coordination of CZMA funded energy studies with other energy projects.
- (5) Administration of energy impact planning funds available under Sections 308(b) and 308(b)(4)(b) of the CZMA and the planning for energy facilities impacting the coastal zone.
- (6) Assistance in the determination of public facilities and public services needed as the result of coastal dependent energy activities that would be eligible for Federal financial support under Sections 308(d)(1) and (2) and 308(b)(4)(b) of the CZMA.
- (7) Assistance in the determination of unavoidable environmental and recreational losses resulting from coastal dependent energy development, and in the determination of appropriate actions to prevent, reduce, or ameliorate such losses eligible for Federal financial support under Sections 308(b)(4)(C) and 308(d)(3)(D) of the CZMA.

PART III

PROBABLE IMPACT OF THE PROPOSED ACTION ON THE ENVIRONMENT

The intent of the CZMA is to promote the wise use of the Nation's coasts. The CZMA encourages States to achieve this goal through better coordination of government actions, explicit recognition of long-term implications of development decisions, and the institution of a more rational decision-making process in concert with the overall CZMA policies. This process, which could affect much of the future activity in the coastal zone will have a substantial environmental impact.

Both beneficial and adverse environmental and socio-economic effects will result from Federal approval and State implementation of the California Coastal Management Program. The fundamental criterion for assessing these impacts should be the CZMA's declaration of policy "to achieve wise use of land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and aesthetic values as well as to needs for economic development."

Protection of the coastal zone may be viewed as beneficial to the environment and to the public welfare for many reasons, but it also may have adverse socio-economic effects on property owners and would-be property owners whose plans are limited or curbed by the program.

In an attempt to fully understand the impacts associated with Federal approval, it was determined there should be an exploration of the impacts which have resulted from the implementation of Proposition 20 as well as what may happen under the California Coastal Management Program. However, the experience of the Coastal Commission and regional commissions under Proposition 20 is not necessarily guiding as to the impacts that may occur under the proposed California Coastal Management Program. This EIS is based on a comprehensive program which will be implemented over many years. It is impossible to assess discrete impacts that may occur over time, but a few points can be made. There are safeguards built into the coastal management program system because both the CZMA and the Coastal Act require the intent of the National Environmental Policy Act (NEPA) be met. Resource inventories, designation of boundaries, permissible uses, areas of particular concern, areas to be preserved or restored, and consideration of alternatives are all a part of the overall process associated with managing coastal resources in the State of California. Additionally, almost all major actions (i.e., urban exclusion, local coastal plan adoption, permits) associated with the California Coastal Management Program come under the scrutiny of either NEPA or the California Environmental Quality Act requirements. So, while actions will be studied for compliance on an individual basis, the overall purpose of this EIS is to determine if implementation of the California Coastal Management Program process can reasonably meet the objectives the State has set forth and further the aims of the broader national CZMA and NEPA goals.

A. Impacts Directly Resulting from Federal Approval

Impacts associated with the Federal approval of the California Coastal Management Program fall into two categories: (1) impacts due to a direct increase of funds and funding options to the State and local governments, and (2) impacts from the implementation of the CZMA.

Although the Coastal Act could be implemented as a State coastal management program separate from CZMA, Federal approval offers several advantages to the State and allows a more comprehensive program.

1. Program Funding

Federal approval will permit the OCZM to award program administrative grants (Section 306) to California. This will allow increased employment of specialists such as planners, scientists, permit review and enforcement officials at both the State and local government levels. The effect will be to raise the professional level of resource management decision-making in the coastal zone. Section 306 grants will be used to help administer and enforce the State and local implementation programs, and for continual improvement of those programs. Funds will allow more detailed studies related to the human and natural environments which will increase the quality of the information base from which coastal zone management decisions will be made. An increase in the staff will speed the permit review and appeals system and provide better enforcement of the program regulations, and thus help meet the CZMA objective of more coordinated governmental action.

Under Section 306 of the CZMA, California would be eligible for funds approximating the order of \$3 to \$5 million annually to carry out the management program.

Under the provisions of Section 16 of the Coastal Act, 50 percent of the Federal funds available to the Coastal Commission would be used for the development and implementation of local coastal programs, to allow for the transfer of the primary coastal regulatory authority from the State to local governments. The Office of Planning and Research has estimated that about \$3.4 million would be required over three years to complete local coastal program preparation. As local coastal programs are certified, the regional commissions will be phased out and an increasing portion of Federal assistance would be made available to local governments to assist them in carrying out the regulatory function of the State's coastal management program.

California has described the types of activities and functions California would like to carry out with Section 306 funds in Part II, Chapter 14.

Section 308 Coastal Energy Impact Funds and Formula Grants could amount to substantial financial aid in ameliorating the impacts associated with offshore oil and gas production. While Section 306 program approval is not a prerequisite for Section 308 funding eligibility, active program participation is. Additional funding for interstate coordination, beach and island preservation and access, research, and training will also be available.

2. Implementation of the CZMA

Federal Consistency Provisions. Federal approval and State implementation of California's Coastal Management Program will have implications for Federal agency actions. Approval of the State's program will lead to activation of the Federal consistency provisions of the CZMA (Section 307(c) and (d)). These provisions and the manner in which California intends to implement them are described in Part II, Chapter 11 B.

The overall purpose of the Federal consistency provisions is to provide for closer cooperation and coordination among Federal, State, and local government agencies involved in coastal related activities and management. This is considered to be a desirable impact and is one of the principal objectives of the CZMA.

The California Coastal Management Program has evolved with the considerable assistance and input of numerous Federal agencies with responsibility for activities in or affecting the coastal zone. (See Chapter 13 for details of this coordination.) Because of this opportunity for coordination during the program planning stage, it is not anticipated that many conflicts will arise during implementation of the California Coastal Management Program between the State's substantive policies and Federally licensed or conducted activities. No activities of relevant Federal agencies are excluded from locating in the coastal zone although these activities may have to meet environmentally protective policies to obtain coastal sites and/or be located outside the coastal zone if adverse environmental effects cannot be sufficiently mitigated.

OCZM has received some comments from energy companies expressing concern that OCS and OCS-related development may be "vetoed" by California during the exercise of Federal consistency. California's policies on oil and gas development (e.g., Sections 30260, 30262, 30263, Coastal Act), which would form an important basis of a consistency determination, are not so restrictive as to preclude all OCS development or related on-shore development. To the extent that California's policies on oil and gas development require additional environmental protective measures be taken, this would carry out the intent of Congress in amending the CZMA in 1976 (P.L. 94-370) to give coastal states a greater role in OCS development.

Certain safeguards are built into Section 307 of the CZMA to prevent unreasonable use of Federal consistency provisions to block activities which are necessary in the national interest, for national security, or are otherwise consistent with the CZMA. These are discussed in Chapter 11 and below.

When Federal agencies are undertaking activities including development projects directly affecting the State's coastal zone, they must notify the State of the proposed action and the parties will then have an opportunity to consult with one another in order to ensure that the proposed action not only meets Federal requirements but is also consistent, to the maximum extent practicable, with the State's management program. In the event of a serious disagreement between the State and a Federal agency, either party may seek Secretarial mediation services to assist in resolving the disagreement. By virtue of the availability of early Federal-State consultation and the mediation services of Secretary of Commerce, the potential for conflict resolution is enhanced. These procedures will provide all parties with an opportunity to balance environmental concerns along with other National, State and local interests.

In cases where the State judges that proposed Federal license, permit or assistance activities affecting its coastal zone are inconsistent with the State's coastal program, the Federal agency will be required to deny approval for the activities. State objections must be based upon the substantive requirements of the management program which include consideration for issues such as air and water quality protection, prevention of shoreline erosion, protection of valuable wetlands and other environmentally related objectives. Accordingly, State objections will often result in preservation of the environmental quality of coastal resources. On the other hand, State objections may require Federally regulated and assisted projects to locate in alternative sites thereby causing adverse impacts in non-coastal areas.

In certain instances, a State objection to a proposed Federally licensed or assisted activity may be set aside by the Secretary of Commerce if the proposed activity is consistent with the objectives of the CZMA or is in the interest of National security. In the former case, the Secretary must find that (1) the activity will not cause an adverse impact on the coastal zone sufficient to outweigh its contribution to the National interest, (2) there is no reasonable alternative available which would permit the activity to be conducted in a manner consistent with the management program, and (3) that the proposed activity will not violate requirements of the Federal Water Pollution Control Act or the Clean Air Act. Accordingly, even if State objections are set aside by the Secretary, the override will be dependent upon consideration of environmental protection needs. This procedure conforms with NEPA's objective for incorporating environmental values in Federal agency decision-making.

Where the State determines that a proposed Federally regulated or assisted project is consistent with the requirements of the management program, the Federal agency may approve the project and the result is that the project will be in conformance with the State's management program requirements including those related to environmental protection. Notwithstanding State approval for the project, the Federal agency is not required to approve the license, permit or assistance application. The proposed project may still require Federal Government disapproval based upon NEPA, Endangered Species Act, Fish and Wildlife Coordination Act, or other overriding national interest grounds when Federal criteria are more stringent than the State's management program requirements. Accordingly, as between Federal and State environmental requirements for the coastal zone, the more stringent ones would apply, thereby fulfilling NEPA's objectives to administer Federal programs in a manner which enhances the quality of the environment.

National Interest.

Federal approval of a State's program will also signify the State has an acceptable procedure to insure the adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature. Such facilities involve energy production and transmission; recreation; interstate transportation; production of food and fiber; preservation of life and property; national defense; historic, cultural, aesthetic, and conservation values; and mineral resources to the extent they are dependent on or relate to the coastal zone.

This policy requirement of the CZMA is intended to assure that national concerns over facility siting are expressed and dealt with in the development and implementation of State coastal management programs. The requirement should not be construed as compelling the States to propose a program which accommodates certain types of facilities, but to assure that such national concerns are not arbitrarily excluded or unreasonably restricted in the management program.

The provisions might have two impacts. First, it will prohibit a State from arbitrarily or categorically prohibiting or excluding any use or activity dependent on the coastal zone. In the absence of a comprehensive program such considerations might simply be ignored by oversight or default. This requirement will insure they are specifically considered. On the other hand, the existence of a consultative procedure should lead to the more deliberate and less fragmented decision-making concerning siting of facilities in the coastal zone.

B. Impacts of Proposition 20 Implementation

1. General

The California Coastal Zone Conservation Act of 1972 (Proposition 20) declared the following policy which was to guide the Coastal Commission and regional commissions in preparing the Coastal Plan and their permit decisions on coastal development while a permanent coastal program was being developed:

"The people of the State of California hereby find and declare that the California coastal zone is a distinct and valuable natural resource belonging to all the people and existing as a delicately balanced ecosystem; that the permanent protection of the remaining natural and scenic resources of the coastal zone is a paramount concern to present and future residents of the state and nation; that in order to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to preserve the ecological balance of the coastal zone and prevent its further deterioration and destruction; that it is the policy of the State to preserve, protect, and, where possible, to restore the resources of the coastal zone for enjoyment of the current and succeeding generations..." (Section 27001)

Proposition 20 established an interim permit process designed to regulate "development" as defined in the Coastal Act. The permit process allowed the commissions to accept, condition, or deny permits based on the objectives of the Coastal Act. An affirmative two-thirds vote of the total authorized membership of the Coastal Commission or regional commission if on appeal, was required for approval of the following activities:

- "(a) Dredging, filling, or otherwise altering any bay, estuary, salt marsh, river mouth, slough, or lagoon.
- (b) Any development which would reduce the size of any beach or other area usable for public recreation.
- (c) Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches and the mean high tideline where there is no beach.
- (d) Any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast.
- (e) Any development which would adversely affect water quality, existing areas of open water free of visible structures, existing and potential commercial and sport fisheries, or agricultural uses of land which are existing on the effective date of this division." (Section 27401)

In addition, the regional commissions had to find that development would not have any substantial adverse environmental or ecological effect, and that development was consistent with the declarations above and with the following objectives:

- "(a) The maintenance, restoration, and enhancement of the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values.
- (b) The continued existence of optimum populations of all species of living organisms.
- (c) The orderly, balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources.
- (d) Avoidance of irreversible and irretrievable commitments of coastal zone resources." (Section 27302)

With some notable exceptions, the Coastal Act objectives are similar to those of Proposition 20. In order to evaluate the impacts that may result as a consequence of Coastal Act implementation, a review of the previous experience of the Coastal Commission and regional commissions will be helpful as a guide. This is not to say the impacts would be the same. The Coastal Act policies are more specific, and the social and economic needs of the people of the State are to be taken into account in order to assure orderly balanced utilization as well as conservation of coastal zone resources. The management program will rely mostly on local governments once the local coastal programs have been approved. The focus should be on the State policies, criteria, and regulations, since they will be used to determine acceptability of local programs.

2. Results of Proposition 20 Implementation

The Opinion of Others. Any evaluation of Proposition 20 must be subjective as well as objective. A review of the articles published in newspapers, journals, and other documents shows the existence of a wide variety of views (see Reference 8). Some suggest the Proposition 20 process was costly to the economy of the State with very little beneficial results. They look to the beaches and see them still littered. Others disagree and feel the Coastal Commission and regional commissions have done a very good job during the Proposition 20 period. They point to successes in increased public access and provision of low-income housing in Santa Monica, Venice, and Redondo Beach. Proposition 20 has prevented some development in natural hazard areas and set higher standards for water and other environmental quality controls. Proposition 20 has minimized the development of prime agricultural lands until further studies could be conducted to determine the impacts associated with the loss of these lands. Because the results are not easily quantified, and may not show up immediately, it would be difficult to look only at specific data to interpret whether the implementation of Proposition 20 was successful or not.

It is important to remember that the regulatory authorities of the Coastal Commission and regional commissions were designed for an interim period "to ensure that development which occurs in the permit area during the study and planning period will be consistent with the objectives" of Proposition 20. The Coastal Commission and regional commissions did not have authority to allocate development in any positive way but had to react to development proposals. Their function was to preserve planning options and to maximize the objectives of Proposition 20 through permits.

Once local government agencies can guide development according to their general plans consistent with the Coastal Act, it can be assumed the impacts of program implementation will be more definable. This holds true for State and Federal agency development proposals as well.

In an effort to determine people's perception of how well the Coastal Commissions were performing interviews were conducted midway through the Proposition 20 period. (A summary of the interviews is provided to give the reader another perspective of public opinion, see Reference 1.)

The Planning Process. Proposition 20 required the Coastal Commission and regional commissions "to prepare, based upon such study reference to coastal zone and in full consultations with an affected governmental agency, private interests, and the general public, a comprehensive, coordinated, enforceable plan for the orderly, long-range conservation and management of the natural resources of the coastal zone." The Coastal Plan was the product of that effort and subsequently, the Coastal Act was the final product of the legislative deliberations of the Coastal Plan.

The institutional mechanisms created by Proposition 20 permitted special purpose planning to occur in the process of developing the Coastal Plan, which sought a "balance" between conservation and development. One such effort of the San Diego Coastal regional commission resulted in the adoption of guidelines for bluff-top development.¹ Bluff-tops cover nearly two-thirds of the ocean shoreline in that region. Residential development blocked both physical and visual access to the shoreline, caused erosion, which created hazards and modified the natural configuration of the bluff face. These guidelines reconciled the needs for development and the need to preserve the natural values of the bluffs. Both the developers of bluff-top private property and the general public were able to benefit. With regard to future impacts of the program, an appropriate institutional setting will now be available to handle such problems during the local planning and program development period. The Statewide and regional perspective will be integrated into local coastal programs with the guidance provided by the Coastal Act and the Coastal Commission and regional commissions. After this integration has taken place, authority will once again rest with local governments.

3. The Permit Process

There will be many differences between the Coastal Commission's regulatory activities under Proposition 20 and those under the Coastal Act which is based largely on the Coastal Plan. Proposition 20 required a permit process and the development of a comprehensive plan for the coast. The permit process involved the Coastal Commission and regional commissions in diverse issues, where decisions were based on a general interpretation of the Proposition 20 mandate, rather than the more specific and comprehensive policies of a plan for the coast. In a report presented to the Legislature by the legislative analyst, he stated:

"The plan is not the same as Proposition 20. Its explicit extension into social, housing, energy, agricultural, esthetic and transportation policies associated with coastal conservation and development means that the experience under Proposition 20 of reviewing individual permits for projects cannot be assumed as a guide to the impact of the plan. The plan, for example, contains social and economic goals with respect to housing and the type of employment available along the coast line. It is much more comprehensive than a series of individual project permits."²

However, the experience gained by the Coastal Commission through the permit process was very valuable in confronting these issues on a broader basis in their very important role in preparing the Coastal Plan.

During their four years of existence, the regional commissions processed almost 25,000 permits. The figures reported through the regional commissions follow:

North Coast (Del Norte, Humboldt, and Mendocino Counties)	1,555
North Central Coast (Sonoma, Marin, and San Francisco Counties).....	850
Central Coast (San Mateo, Santa Cruz, and Monterey Counties).....	3,050
South Central Coast (San Luis Obispo, Santa Barbara, and Ventura Co.).....	3,500
South Coast (Los Angeles and Orange Counties).....	11,700
San Diego Coast (San Diego County).....	4,170

Approximately 97 percent of the proposed projects received permits. Many of those permits were conditioned by the regional commissions to help meet the objectives of Proposition 20. The Coastal Commission received an average of 305 appeals a year. Of 655 appeals processed by the Coastal Commission as of January 1, 1976, 222 (34 percent) permits were granted, 122 (19 percent) were granted with conditions, and 311 (47 percent) were denied. The number of permits denied each year declined from 58 percent in 1973 to 39 percent in 1975 while the share of permits granted and those granted with conditions rose from 42 percent in 1973 to 61 percent in 1975.

The Coastal Commission's rate of permit denials was much higher than that of the regional commissions because of the following: (1) The Coastal Commission was confronted with a more serious and formal adversary process than any of the regional commissions; (2) the mass of routine actions that seemed to permit approval were sifted out by the regional bodies and never reached the Coastal Commission; (3) proposals that had been denied at the regional level came for review to the State level where the likelihood of denial in support of the prior action was very great; and (4) in cases approved in the regions, the appeals process brought to the State level the most difficult and potentially intrusive developments proposed for the coastal zone.³

Several independent studies have been conducted on the activities of the Coastal Commission and regional commissions with respect to permit decisions. These studies will be incorporated into this EIS by reference. Since they are lengthy, only a summary of the findings will be made. References are provided at the end of this section. These studies were conducted on a sample survey basis and/or for a specific geographic area and do not necessarily reflect an overall accurate assessment. Some of the findings of various studies on the Proposition 20 permit experience include the following:

- The Coastal Commission usually upheld regional commission permit denials but also denied permits after a regional commission had granted them or put additional conditions on permits granted.
- Damage to the natural ecology of the coastal environment was a major issue in relatively few permit decisions. The record of the Coastal Commission and regional commissions in protecting natural environments is quite good.
- Almost two-thirds of the applications were concerned with residential development. Others in descending order of magnitude, were commercial, public utilities, recreation, and industrial permits.
- Delays and mitigation measures have been costly to some, particularly large-scale, multi-unit developers and utility companies.
- The price of developed property and subdivided lots generally rose during the Proposition 20 period and usually fell in large tracts of vacant land.
- Most of the permits were evenly distributed throughout the permit area. Recreation and industry were the two largest use categories for permits approved from the mean high tide seaward. Single- and multi-family residences accounted for over half of all permits within 50 yards shoreward of mean high tide.

- The permit process brings a range of coastal problems into public discussion:

Cumulative impacts on land use,
 Consistency with existing development,
 Foreclosing planning options,
 Public access and recreation,
 Aesthetics and facility design,
 Transportation,
 Concern about foreclosing planning options,
 Geologic hazards,
 Preservation of agricultural lands or open space,
 Water quality,
 Sewage/septic tanks,
 Economic hardship on applicant,
 Habitat protection,
 Air quality,
 Economic development and jobs,
 Respect local control or other State or Federal agencies,
 Subdivision conditions,
 Government services, fiscal impact tax rate,
 Property rights/government regulation,
 Minimize sprawl,
 Preservation of unique coastal communities.

Reference 6 contains a sample list of conditioned permits and reasons for permit denials.

The substance of many of the permit conditions flow from the language of Proposition 20. Others are derived from the Proposition's general injunction to the Coastal Commission for "preservation, protection, restoration, and enhancement" of the coastal zone. The general intent of a conditioned permit is to enable development, while imposing on the development the values implicit or explicit in Proposition 20.

Denied permits are meant to stop development, but many of the permits which are denied leave the message for the developer to return with a more suitable proposal.

References on Proposition 20 include:

Healy, Robert G., "Saving California's Coast. The Coastal Zone Initiative and its Aftermath," Coastal Zone Management Journal, vol., no. 4, 1974, 365-394.

Rosentraub, Mark S. and Robert Warren, "Information Utilization and Self-Evaluation Capacities for Coastal Zone Management Agencies," Coastal Zone Management Journal, vol. 2, no. 3, 1976, 193-222.

Sabatier, Paul A., "Regulating Development Along the California Coast," Journal of Soil and Water Conservation, July-August 1976, 146-151.

Mogulof, Melvin B., "Saving the Coast-California's Experiment in Intergovernmental Land Use Control," The Urban Institute, Lexington Books, Lex., Mass., 1975.

Sabatier, Paul A., "State Review of Local Land-Use Decisions: The California Coastal Commissions," Coastal Zone Management Journal, vol. 3, no. 3, 1977.

C. Impacts of the California Coastal Management Program

This impact assessment is based on the assumption that the California Coastal Management Program will achieve the objectives which have been identified in Part II, Chapter 3. The nature of the Federal action analyzed is one of Federal support for a State program in which, the Nation benefits from the State's efforts to manage its coastal resources in a manner consistent with the national objectives of the CZMA.

The California coastal management effort began prior to the passage of the CZMA and will continue even if Federal approval is not received. However, Federal funding support and the Federal consistency provisions of the CZMA will materially aid the implementation and administration of the program, as discussed previously. Additionally, some of the requirements of the CZMA have affected the overall development of the California Coastal Management Program as the State has attempted to qualify for Federal financial assistance. One example is the incorporation of the "national interest statement" into the California Coastal Management Program (see Part II, Chapter 11).

Because of its comprehensive nature, coastal management must address public needs as well as natural resources and economic considerations. The California Coastal Management Program policies include public access needs, recreation requirements, and development interests as well as the marine environment and land resources. The major purpose of the program is to meet the human needs of present and future generations in a manner that protects, enhances, and restores environmental quality and irreplaceable coastal resources.

During the development of the California Coastal Management Program the impacts of the proposed program were examined. In the development of each of the Coastal Plan elements, the impacts and implications of certain policies and processes were assessed by all affected interests. In addition to participating in the Coastal Commission's planning process, newspapers, banks, industry groups, and environmentalists all expressed their opinions on certain issues by publishing articles.

Special natural resource management studies were conducted in areas like Bodega Harbor. Planning and impact assessments were conducted in places like Half Moon Bay and Marina Del Rey. Numerous other studies and local pilot programs were undertaken to determine both the feasibility of local government implementation of the management program and the impacts of this action. Reports were also prepared by the legislative analyst of the State of California as directed by Senate Resolution 41 (1975-76 Session), to determine generally the "costs, economic effects, and benefits" of the Coastal Plan. Since many of the policies of the Coastal Act are based on the recommendations of the Coastal Plan (see Reference 7 for the relationship between Coastal Plan and policies of the Coastal Act), these studies will be useful in helping to assess the general impact of the California Coastal Management Program.

In order to fully understand the impacts of this program, it is important to have an understanding of the environment in which it is going to be implemented. Perhaps no study can do justice to the extensive, outstanding resources and social environment to be found within the 1,072 miles of coastline in California. The coastal zone is a tremendously varied place containing, for example, major population centers and small coastal villages, ports and industrial areas, agriculture and timber lands, nuclear power plants and oil refineries, and a wide range of recreational opportunities. In addition, diversity can be found in the landforms and physical processes that characterize the California coast. The best source of information which not only describes the coastal environment but the problems associated with this area and on which policy development was based, is in the Coastal Plan. The "Findings" in Part II are extremely informative (pages 26-176) and the "Regional Summaries" in Part IV (pages 200-273) describe the regional and subregional environments in a detailed fashion. While the coastal zone boundary has changed from the recommendations made in the Coastal Plan, the information is still very relevant for describing the environment.

Section 30200 of the Coastal Act lays the foundation for interpreting what the overall impacts of the program should be.

"Consistent with the basic goals set forth in Section 30001.5, and except as may be otherwise specifically provided in this division, the policies of this chapter shall constitute the standards by which the adequacy of local coastal programs, as provided in Chapter 6 (commencing with Section 30500), the permissibility of proposed developments subject to the provisions of this division are determined. All public agencies carrying out or supporting activities outside the coastal zone that could have a direct impact on resources within the coastal zone shall consider the effect of such actions on coastal zone resources in order to assure that these policies are achieved."

The basic goals referred to in Section 30001.5 are:

"(a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.

(b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

(c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

(d) Assure priority for coastal-dependent development over other development on the coast.

(e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone."

The full implementation of the policies as they are used to meet the goals will not necessarily avoid past conflicts which have occurred over the use of coastal resources. The Legislature recognized that:

"conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division, such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies." (Sec. 30007.5)

Priority is therefore given to the protection of "significant coastal resources" as defined by the Coastal Act, subsequent interpretation by the Coastal Commission and local governments through their local coastal programs, and by the public through the review and appeals process.

1. Socio-Economic Impacts

Based on a study of the potential impacts of coastal management programs conducted by the Real Estate Research Corporation,⁴ benefits of coastal management will accrue to people living and working within the coastal zone area as well as to people throughout the State and Nation. These benefits will be of various kinds and will occur in different ways and degrees. The following major categories of beneficiaries can be identified: owners of property directly affected by implementation decisions, neighboring property owners, owners of businesses whose productivity or market attractiveness would be enhanced by the California Coastal Management Program policies, government at all levels, and the general public.

This study also concludes that benefits of coastal zone management will be the positive changes which occur in the nature, scale, distribution, and pace of elements such as the following: production (including manufacturing, agriculture, mining, fishing), utility services and costs, business sales, employment opportunities, population and the labor force, housing demand and supply, construction, financing and investment, property values, government costs and revenues, educational and recreational opportunities, and aesthetics.

Planning and managing the coastal zones of the United States consists of the use of foresight in cooperatively determining how to both preserve valuable natural resources and accommodate the needs of an expanding population and economy. To achieve this balance involves trade offs which include some short-run positive and negative effects. Long-run benefits from enhanced productivity of renewable resources -- fisheries, agriculture, forests -- would also be realized.

Potential economic benefits of the coastal zone policies have the following attributes:

- ° They can be "one time only" or "recurring,"
- ° They can cause net increases in economic activity or merely shift benefits among individuals or groups,
- ° Costs may be incurred in their attainment -- such as, expenditures for shore-line restoration or pollution control, and
- ° Secondary "spin-off" effects may be felt -- both positive and negative, depending on the nature of the policies and the economic activities affected.

The following list of benefits of coastal zone planning and management is similar to the benefits of most State and local planning activities:

- Reduced cost of new development,
- Reduced cost of transportation,
- Better preservation of natural environment,
- Better preservation of existing buildings,
- Less pollution,
- Less congestion,
- Higher quality development,
- Better utilization of sunk investments,
- Better fit of supply and demand,
- Greater awareness of needs and opportunities,
- Less uncertainty regarding future potentials, and
- Improved possibilities for effective actions based on understanding and consensus regarding goals.

Potential economic benefits can include increased productivity, higher sales, more jobs, greater demand for facilities and services, increased property values, lower taxes, reduced or stabilized consumer prices, and heightened satisfaction with one's physical environment. Prudent coastal zone planning, therefore, results in a balance between conservation of irreplaceable natural resources and the needs -- job creation, housing, recreation, and shopping -- of an expanding economy. While some coastal zone actions result in net gains or net losses for the local economy, in most instances the short-term effects of the program cause a redistribution of assets.

Some lost expectations will undoubtedly be encountered, but gains elsewhere should offset these losses. In those cases where regulations would actually result in a legally-determined taking, the regulations would be declared void or compensation paid. Reduced property taxes could help offset severe losses. Planning stabilizes erratic "swings" in expectations because it results in less uncertainty in future prospects of land investment. While there may be short-term lags as the economy adjusts to changes induced by the California Coastal Management Program, long-run benefits are likely to balance or exceed costs. For example, some industrial plants may not be built in the coastal zone, in part because environmental protection regulations may make them too costly. They would yield an inadequate rate of return on equity when compared to alternative opportunities. However, that same development proposal may be equally unattractive outside the coastal zone. Moreover, lower financing costs or improved marketing outlook could result in a decision to ultimately go ahead with a deferred project despite the costs of complying with coastal zone regulation. These same regulations will result in heightened opportunities in coastal dependent economic activities--tourism, recreation, agriculture, fisheries, and forestry.

a. Property values

Assessed valuation of land along the coast has continued to increase at a rate well above that of the inland portions of coastal counties. From 1970 to 1974, local tax bases for coastal communities increased 40 percent while inland areas grew by 26 percent. Table A summarizes these trends on a county basis.

The Real Estate Research Corporation report states the following with respect to property values:

The key determinants of land values include:

- Natural site characteristics and environment,
- Man-made site characteristics and environment,
- Community image,
- Demand for particular land uses,
- Access,
- Utilities,
- Public facilities and services,
- Taxes, and
- Land use and development regulations.

TABLE A

ASSESSED VALUATION OF LAND IN THE COASTAL ZONE

COUNTY	PLANNING AREA IN THE COASTAL COUNTIES (1970)	(%+/-) (1974)	BALANCE OF THE COASTAL COUNTIES AREA (1970)	(%+/-) (1974)		
Del Norte	29,600,000	76,600,000	158.8	10,836,000	29,355,000	171
Humboldt	183,200,000	296,000,000	61.6	80,800,000	118,896,000	47
Mendocino	35,100,000	55,800,000	59.0	119,376,000	198,760,000	66
Sonoma	8,000,000	12,600,000	57.5	518,993,000	816,635,000	57
Marin	45,100,000	69,000,000	53.0	481,893,000	901,665,000	87
San Francisco	836,000,000	952,000,000	13.9	1,465,660,000	1,671,721,000	14
San Mateo	551,000,000	795,000,000	44.3	1,352,798,000	1,799,265,000	33
Santa Cruz	307,000,000	462,000,000	50.5	37,116,000	60,856,000	64
Monterey	363,000,000	528,000,000	45.5	308,066,000	469,525,000	52
San Luis Obispo	102,000,000	153,000,000	50.0	199,149,000	305,244,000	53
Santa Barbara	438,000,000	530,000,000	21.0	261,543,000	361,973,000	38
Ventura	451,000,000	625,000,000	38.6	676,760,000	876,129,000	29
Los Angeles	4,909,000,000	6,053,000,000	23.3	14,757,577,000	17,216,976,000	17
Orange	1,617,000,000	2,693,000,000	66.5	2,492,997,000	3,618,074,000	45
San Diego	1,940,000,000	3,251,000,000	61.6	1,093,551,000	1,789,217,000	64
TOTAL COASTAL COUNTIES	\$11,815,000,000	\$16,552,000,000	+40.1	\$23,945,197,000	\$30,234,291,000	+26

Source: Security Pacific Bank, Research Department

In general, about 55 percent of land value is attributable to government action, with the balance resulting from the actions of the property owner, his or her neighbors, and the general public. Governments influence land values through use or design regulations, improving access, providing public facilities and services, preserving favorable "images," and through its tax rates and policies. Table B shows the different types of government action that impact property values, and their relative importance in determining the overall net effect of coastal zone regulations on land value. Restricting land use options will lower land values of subject properties, but will also transfer any unsatisfied demand to other competitive sites not subject to use restrictions. Regulations requiring mitigation of adverse environmental impacts result in higher development costs but also result in more attractive, desirable sites. Improved access and public facility provision generally impact positively on land values; however, access improvements can have such negative effects as increased noise and air pollution, or reduced privacy.

TABLE B

IMPACT OF GOVERNMENT ACTION ON PROPERTY VALUES

<u>Type of Action</u>	<u>Impact on Values of Subject Property</u>	<u>Impact on Values of Neighboring or Competitive Properties</u>	<u>Net Effect on Property Values</u>	<u>Relative Importance of Specific Actions in Determining Impacts</u>
Restrictions on land use	Value declines	Value rises	Redistributional	Very important
Developer required to make improvements or pay fees	Value declines	Value rises	Slightly negative	Unimportant compared to other public actions
Resource amenities protected or restored by government action	Value rises	Value rises	Slightly positive to very positive	Very important
Shore access by the public maximized and protected	Value declines	Value rises	Slightly negative	Less important than use restrictions or amenity protection
Concentrating development in existing communities	If still undeveloped, value declines; if already improved, value rises	Value rises	Positive	Very important
Providing infrastructure, public facilities, and services	Value rises	Values unchanged	Positive	Important
Tax reduction or deferral for regulated, restricted, or encouraged uses of coastal properties	Value rises	Values unchanged	Slightly positive	Less important than use restrictions or amenity protection

Source: Real Estate Research Corporation.

The California Coastal Management Program will be implemented through government action resulting in a loss in development potential (and hence lower profit expectations) for some sites -- presently unserved rural lands, prime agricultural and wooded acreage, areas with development hazards, and parcels with scenic, historic, or ecological significance. Recreation and other water dependent uses will be given priority over urban development along the waterfront. If a market for more intense use exists, the affected parcel will lose value. In a normal market, the demand for more intense use will be transferred elsewhere; this is encouraged by program policies fostering more compact development in already built-up communities. These cities and villages contain numerous sites previously "passed over" as development spread. The overall net effect of the program on land values will ultimately be positive because of better management, improved amenity protection, and reduced uncertainty about future governmental policies.

The impacts on housing and property values will vary throughout parts of the coast. In coastal communities where there is still significant amounts of developable land both outside the coastal boundary or within the urban exclusion areas, there may not be much affect especially if the land seaward of the coastal highway has already been built up. In those communities where the major part of the developable land lies in the coastal boundary and that land surrounds a significant coastal resource like an estuary or wetland, then the supply of homes in that area may be curtailed and the costs of the surrounding homes will increase because their property will be deemed more valuable or the environmental constraints required to build a house may increase the price beyond what was once normal expectations. Some homeowners will be impacted more than others, especially if their home may be closer to a visual resource and they want to build-out or make modifications which affect the visual view, then they may be subject to more stringent constraints than say a homeowner in the periphery.

When local governments revise their present general plans to reflect the policies of the Coastal Act, the zoning ordinances, maps, and other implementing actions must be consistent with the program or the local coastal element. This may require down-zoning in some instances which will cause a reduction in land values, affecting the assessed valuation and resulting in a decline in the tax base. The extent of the impact in each county and city will have to be weighed against increases in allowable development in other areas. This will be determined on an individual basis either through the local coastal program development process or the environmental impact report that is required with the submission of the local coastal program to the Coastal Commission (see Attachment A, Local Coastal Program Manual, Chapter II, Part E).

b. Property Rights

The individual right of a property owner is one of the most sensitive issues with respect to the management of resources, whether the management is accomplished through coastal zone programs, State land use plans, or local government regulation of development. Concern has been expressed about property regulation during the Proposition 20 experience, and this concern will undoubtedly continue in the future. It has been said while people hesitated to take legal action over property right disputes under the temporary Proposition 20 period; this type of litigation in the future will increase since the Coastal Act is permanent.

The State's position on this issue is contained in Part II, Chapter 13. The Coastal Act prohibits the taking or damaging of private property unless there is payment or just compensation. The State under the California Coastal Management Program will be better able to protect private property rights than was the case under Proposition 20. The Coastal Act requires that decisions affecting the use or conservation of coastal resources also take into account the social and economic needs of the people. Although the latter considerations were not clearly mandated by Proposition 20 they were considered by the Coastal Commission and incorporated into the Coastal Plan. In addition, the State is now in a better position to acquire land to meet the purposes of the policies of the Coastal Act through the Coastal Conservancy Act and the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976.

c. Economic Development

The most comprehensive attempt to assess the economic impact of the Coastal Plan was completed by the Office of the Legislative Analyst in April, 1976. The report, Review of the California Coastal Plan, looked at both the direct fiscal impacts of the Coastal Plan on the State budget (e.g., cost of administering the permit process and additional coastal planning) and at the expected impact on residential and commercial development. The conclusions were expressed in general terms and no effort to quantify future impacts was attempted. The failure to produce a specific dollar estimate resulted from the fact that the benefits of coastal management, which the report calls "significant," cannot be responsibly or meaningfully quantified.

Robert F. Rooney, a noted resource economist, concludes his article, "An Economic View of Coastal Plan," (Cry California, Spring 1976) with the following statement:

"When its quantifiable and qualitative implications are considered, it is plain that the plan will contribute greatly to the future strength of California's economy, protect both the living and nonliving resources of the coastal zone from unwise exploitation, and help significantly to improve the quality of life for all citizens of the state."

The management program's impact on employment and other business investments will vary for major industry sectors.

Investment and employment potential in agriculture, fisheries, tourism, and commercial recreation facilities will be enhanced through incentives and regulatory policies. The long-range viability and security of these industries in the coastal area will be protected and encouraged, but the costs of doing business in the coastal zone may go up for some industries which must purchase more expensive sites and allow for public access and environmental protection standards. This added investment stimulates other businesses, but it might also make certain business development or expansion programs financially questionable. Some industries may therefore choose not to locate in the coastal zone as a result of higher costs, but others will be drawn there because of the attractiveness of the physical setting. Coastal dependent industries will benefit as perhaps they have not done before from the priority siting they are given under the Coastal Act. The trend in many areas has been for high-rise buildings to displace smaller coastal dependent industries, such as fisheries, or to have development occur on sites which may later be needed by facilities that depend on shoreline access.

Table C summarizes various types of economic development impacts likely to occur for different sectors. Although California consumers may have to bear slightly higher costs for goods and services -- because of higher land costs (due to reduced availability of development sites) and greater production costs (because of regulations requiring greater on-site amenities and environmental protection devices) -- they will eventually benefit from stabilized productivity for agricultural produce and seafood.

TABLE C

POTENTIAL ECONOMIC DEVELOPMENT EFFECTS
OF SELECTED COASTAL ACT POLICY ACTIONS
(continued)

Primary Coastal Plan Policies	Primary Affected Sectors of the Economy	Potential Economic Effects			Benefits/Costs to the Consumer
		Employment (non-construction)	Construction Activity	Other Business Investment/Profitability	
Provide a variety of recreation opportunities near metropolitan areas (30212.5)	Recreation; housing and urban development	Positive	Positive	Positive	Minimize travel dis- tance to recreation; lessen congestion of coastal facilities
Require new residen- tial development to provide on-site recreation (30252(b))	Housing and urban development; recreation	Nominal	Positive	Increases investment; may reduce profitability	May increase housing costs borne by the ultimate consumer; greater amenity benefits; less crowding of public facilities
Foster recreational boating; improve access to marinas (30224, 30210, 30212)	Recreation and tourism	Slightly positive	Positive	Positive (investment in boats, equipment, etc.)	Satisfy public demand for boating
Maintain prime agri- culture through stabili- zation of urban/rural boundaries, zoning, easements, public acquisition, limitations or subdivision (30241, 30242, 30250(a))	Agriculture; housing and urban development	Slightly negative in that agriculture may be less labor inter- sive than urban uses	Negative	Positive re: agricultural productivity	More plentiful food resources at stable prices
Prohibit mining in fragile, valuable or highly scenic natural environments (30233(a)(b), 30240(a))	Mining; recreation and tourism	Negative	Nominal	Negative	Protect areas for public use; higher cost and less availability of mineral resources

TABLE C

POTENTIAL ECONOMIC DEVELOPMENT EFFECTS
OF SELECTED COASTAL ACT POLICY ACTIONS
(continued)

Primary Coastal Plan Policies	Primary Affected Sectors of the Economy	Potential Economic Effects			Benefits/Costs to the Consumer
		Employment (non-construction)	Construction Activity	Other Business Investment/Profitability	
Restrict thermal discharges and other forms of water pollution (Sec. 15, 30263(4))	Commercial and industrial development; recreation and tourism	Nominal	Nominal	Increased investment in pollution controls; reduced profitability. More productive marine industries	Higher prices for manufactured goods; protected marine resources
Give commercial recreation uses priority over other private development (30222, 30220, 30224)	Recreation and tourism; housing and urban development	Positive or negative, depending on whether other potential uses would be more labor intensive	Positive or negative, depending on whether other potential uses would entail larger construction outlay than recreation	Positive or negative, depending on whether other potential uses are more profitable	Preserve public access to recreational amenities of the coast
Protect the visual quality of natural, historic, or open areas, and the coastal viewshed (30251)	Recreation and tourism	Nominal	Slightly positive	Increased investment in site design, planning, and maintenance; development may be less profitable	Protect tourist enjoyment of visual resources
Encourage lower cost tourist facilities over exclusively expensive facilities (30213)	Recreation and tourism	Positive, but not to the same extent as more luxurious development	Positive, but not to the same extent as more luxurious development	Positive, but not as profitable as more luxurious development. Tax and other incentives a positive inducement.	Maintenance of access to coastal resources for citizens of all income groups
Evaluate public recreation potential and future demand before permitting other uses of oceanfront land (30221, 30220)	Recreation and tourism; housing and urban development	Positive or negative, depending on whether other potential uses would be more labor intensive	Positive or negative, depending on whether other potential uses would entail larger construction outlay than recreation	Positive or negative, depending on whether other potential uses are more profitable	Preserve public access to recreational amenities of the coast

POTENTIAL ECONOMIC DEVELOPMENT EFFECTS
OF SELECTED COASTAL ACT POLICY ACTIONS

Primary Coastal Plan Policies	Primary Affected Sectors of the Economy	Potential Economic Effects			Benefits/Costs to the Consumer
		Employment (non-construction)	Construction Activity	Other Business Investment/Profitability	
Designate use of re- maining agricultural parcels within highly developed areas (30241)	Agriculture; housing and urban development	Depends on use designated - probably positive	Depends on use designated - probably positive	Depends on use designated - probably positive	Highest and best use of site
Restrict conversion of productive timberlands (30243)	Forestry; housing and urban development	Depends on labor in- tensity of alternate use	Negative	Positive re: timber productivity	Greater availability and lower cost of wood products
Protect scenic quali- ties of timberland (30243)	Recreation and tourism; forestry	Nominal	Nominal	Slightly negative due to higher operating costs for lumber industry	Preserve opportunities for hiking, trails, etc.; slightly higher costs for wood products
Protect water quality from adverse effects of logging (30243)	Forestry; recreation and tourism	Nominal	Nominal	Slightly negative - higher operating costs	Higher cost of wood products
Allow for conversion of non-prime agricul- ture and forest sites where continued use is infeasible or to promote conservation of more productive sites (30242)	Agriculture; forestry; housing and urban development	Positive	Positive	Positive	More efficient use of land resources
Upgrade commercial fishing facilities (30233, 30234)	Commercial fishing	Positive	Slightly positive	Positive	More plentiful fish supplies at lower costs
Maintain healthy populations of marine organisms (30231)	Commercial fishing	Positive	Nominal	Positive	More plentiful fish supplies at lower costs
Upgrade marine, estuary, and wetland environments (30230)	Recreation and tourism; commercial fishing	Slightly positive	Nominal	Slightly positive	Increased opportunities for sport fishing and commercial fishing
Regulate diking, fill- ing and dredging in other coastal waters (30233, 30607.1, 30233(b))	Recreation and tourism; commercial fishing	Nominal	Slightly negative	Nominal	Preservation of natural environment

TABLE C

POTENTIAL ECONOMIC DEVELOPMENT EFFECTS
OF SELECTED COASTAL ACT POLICY ACTIONS
(continued)

Primary Coastal Plan Policies	Primary Affected Sectors of the Economy	Potential Economic Effects			Benefits/Costs to the Consumer
		Employment (non-construction)	Construction Activity	Other Business Investment/Profitability	
Concentrate develop- ment in already built- up areas; regulate expansion of utilities and transportation; set criteria for subdivision of rural land (30250, 30242, 30254)	Housing and urban development; transpor- tation; agriculture; energy development; commercial and indus- trial development	Employment oppor- tunities would be transferred to other locations in the coastal zone	Less activity in presently rural areas will be offset by greater opportunities in already built-up areas	Somewhat reduced op- portunities for firms supplying materials for or designing infra- structure extensions; increased opportunities for others	Preserve present open spaces for recreation use and productive agriculture (thus lowering food prices); lower costs of infra- structure
Establish priority of coastal dependent de- velopment over other uses (30255)	Recreation and tourism; housing and urban development; commercial and in- dustrial development; commercial fishing	Depends on labor in- tensity of alternate uses - could be positive or negative	Probably slightly nega- tive, as coastal-depen- dent uses will not require as much con- struction as other uses	Will increase invest- ment, although perhaps not as intense or profit- able as non-coastal dependent uses	Preserve coastal land and water resources for those uses which need them most
Protect and enhance special coastal com- munities (30253(5))	Housing and urban development	Slightly positive	Slightly positive	Positive	Greater security and value of homes
Prohibit or restrict de- velopment in hazardous areas (geologic and flooding) (30253(1) and (2))	Housing and urban development; commer- cial and industrial development	Nominal net effect; jobs would be created else- where	Nominal net effect; housing demand would be accommodated elsewhere	Nominal net effect	Minimize risk and insurance costs
Allow mining elsewhere in the coast only if there is no long-term adverse effects or coastal resources (30233(6))	Mining	Slightly negative	Nominal	Positive -- investment in buffers and site restoration	Higher cost of mineral resources

TABLE C

POTENTIAL ECONOMIC DEVELOPMENT EFFECTS
OF SELECTED COASTAL ACT POLICY ACTIONS
(continued)

Primary Coastal Plan Policies	Primary Affected Sectors of the Economy	Potential Economic Effects			Benefit/ Costs to the Consumer
		Employment (non-construction)	Construction Activity	Other Business Investment/Profitability	
Regulate signs to encourage visual quality of the coast (30251)	Commerce and industry	Nominal	Nominal	Reduced opportunities in the sign industry, perhaps offset by other forms of advertising	More attractive shop- ping and driving environments
Require sufficient on- site parking (30252 (4))	Housing and urban development; com- mercial and industrial development	Nominal	Positive	Increases investment; may reduce profitability	Higher housing costs; benefit of parking con- venience, less road congestion
Limit substantial al- terations of the shore for recreation pur- poses (30235, 30255)	Recreation and tourism	Nominal net effect	Slightly negative	Slightly negative	Preserve amenities in their natural state

Source: Real Estate Research Corporation, "Business Prospects Under Coastal Zone Management
A Report Prepared For The Office of Coastal Zone Management. March 1976.

Note: This Chart was originally Exhibit 3 of the reference Report. It has been modified
to reflect the Coastal Act where once the Coastal Plan Policies were annotated. Several
policies of the Coastal Plan which were not included in the Coastal Act have been deleted.

Note: Numbers in parenthesis refer to policies listed in the California Coastal Act.

1) Construction and Manufacturing Industries

The construction industry will suffer from reduced private sector opportunities and in lessened public facility development in some areas along the shoreline. Coastal controls will not be the exclusive cause for a slowdown in development but will certainly be the major contributor within specific geographic resource areas. The industry will gain from public investment in housing rehabilitation, provision for on-site recreation, higher quality design and amenity requirements, and more intense use of urban parcels. The "ups" and "downs" in the construction industry, however, cannot be totally attributed to coastal zone management since it is only one element in market forces.

Manufacturing is a major source of income for wage and salary workers in both the State and California's coastal area. Manufacturing accounted for more than one of every four dollars paid in wages in the coastal counties in 1972, a total of \$11.3 billion, and the total personal income in the coastal counties from manufacturing in the same year amounted to \$13.1 billion. Los Angeles is the State's leading manufacturing county and the center for California's major industrial complex. The largest infusion of new capital expenditure for permanent additions, major alterations, and new machinery and equipment occurred in Los Angeles county, outstripping not only the other coastal counties but the 43 inland counties, as well. The Southern Coast Region, including Los Angeles and Orange counties has the most industrial activity, followed by San Diego county and then the Central Coast Region.

There are several policies which may impact the manufacturing industries and subsequently employment as well. The implementation of the program over the next several years could mean that some new manufacturing industries that are not coastal-dependent facilities must be sited further inland and not near the more accessible waterfront areas. This could increase the costs of transportation for those industries whereas before they were in a more competitive market for those waterfront sites. Additionally, there have been concerns raised over whether or not the policies are so stringent that there will be difficulties in the location of energy facilities and that there will be continued energy supply customers. Experience has shown that where shortages occur, there are usually layoffs and the whole socio-economic environment is affected. While it is never easy to site large-scale energy facilities anywhere anymore, the process and policies described in the coastal management program do not envisage a moratorium on the siting of facilities although they will be precluded from specific sites in accordance with 30413(b).

2) Commercial Fishing and Recreational Boating

The California Coastal Management Program will protect and enhance the California commercial fishing industry and encourage recreational boating. The commercial fisheries have received high priority use designation under the Coastal Act which ensures that the landside support facilities in harbor areas will not be lost to non-water-dependent land uses. The estuaries and offshore water of the coastal zone produce about 850 million pounds of fish with a catch valued at approximately \$170 million. Not only does the program support the commercial fisheries by protecting their harbor facilities, but it also protects the waters and habitat necessary to support the fisheries. The continued discharge of wastes into coastal waters and the alteration of estuaries and wetlands, which the program seeks to prevent, would mean a significant loss of jobs and income for the State.

The recreational boating industry and partakers of this water sport will also benefit from the Coastal Act policies even though their location is not to interfere with the needs of the commercial fishing industry. The policy on recreational boating (30223) encourages a number of methods which can be used to increase recreational boating use. Because of the increased demand in this activity, it is expected that there will be increased demands in new marinas and support facilities. The program encourages the maximization of use of existing facilities with as few adverse environmental impacts as possible, and where feasible, the development of new facilities will restore some of the wetlands which have previously been degraded. These policies are not expected to adversely affect the economic interests of the boating industry although it can be assumed that there will be added costs to marina developers and ultimately the marina user.

3) Tourism/Recreation

The California Coastal Management Program seeks to protect tourism. California attracts millions of visitors each year who frequent the State's public and commercial recreational facilities. As in agriculture and ocean fishing, thousands of jobs and millions of dollars in income owe their existence to the protection of coastal resources which is one of the major reasons for California's policies on recreation to make sure that California remains a drawing card to vacationers. The southern California Visitor Council estimated that nearly 8.5 million out-of-state U. S. visitors to the 10 county southern California area spent almost \$2 billion in that region in 1973. The direct beneficiaries of these tourist dollars are establishments engaged in the sale of food and beverages, hotels, and motels (which provide between 5,000 and 8,000 direct full-time jobs), theaters, sports and other recreational business, automobile services, professional and personal services, and clothing. In addition, the U. S. Department of Commerce estimates that 7.2 percent of domestic tourist spending ends up in taxes (Federal, State, and local).

A recent national study showed that sport fishing in California's marine waters annually produce \$114 million in gross expenditures and \$10 million in wages. The State's public recreation facilities are heavily used by tourist and resident alike. For instance, during the 1973 to 1974 fiscal year, the parks and recreational facilities owned and operated by the State in the 15 coastal counties were visited by over 32 million people, amounting to 74 percent of the visitor attendance at all State owned and operated facilities.

Coastal Act policies like 30222 and 30223 will continue to encourage the further development of recreation and tourism in the coastal zone to perhaps the disadvantage of private, residential, general industrial, and general commercial development.

The policies on shoreline access, recreation and visitor-serving facilities protect the rights of the public to enjoy access to the coastal environment now and in the future and increases the opportunities for recreation which has been identified as an important social goal in California. Increased access and recreation may be especially important during drought years when the traditional inland recreation bodies of water are not accessible for use. It is expected that many inland recreationists will seek the waters of the coastal zone during these times. Although numerous attempts have been made, it is difficult to quantify the quality experience of a day at the beach or a look at a resource like the Big Sur coastline.

Potential adverse impacts will include increased maintenance and public service costs, and negative impacts on private property holders who prefer exclusive use. There will be additional costs to developers for conveyance of access rights, more parking lots, signs, and temporary construction activities to provide access trails, corridors, etc. New developments, oceanfront subdivisions and subdivisions involving waterways, tidal lands, lakes, or reservoirs in the coastal zone will be affected. The policies may be potentially growth inducing causing impacts on surrounding communities along with numerous other secondary impacts. There will be heavier use impacts on natural resources especially from the line of vegetation to the coastal waters, and, in some cases, the coastal waters and marine organisms even though other policies are provided to mitigate against these environmental impacts.

4) Agriculture

A combination of rich soils and the mild climate along the coast result in high productivity for agriculture. The moderating marine environment extends the effective growing season, provides timing and yield advantages for national markets, and reduces the danger of large-scale crop losses from freezing.

Many crops, including artichokes, avocados, and brussels sprouts, can grow well only in the coastal environment, being dependent on the warm winter temperatures and cool, foggy spring and summer weather that characterizes many coastal locations. Numerous other fruits and vegetables thrive in the special climate and soils that the coast provides. In some areas crops can be harvested several times during the year instead of just once, and the advantage of a coastal location is seen in higher yields per acre, or in higher quality fruit and vegetables. Another important benefit derived from a coastal location is the yield during off-seasons, often supplying national markets when other agricultural areas cannot (e.g. summer lettuce).

The coastal zone produces 98 to 100 percent of all California's artichokes, broccoli, brussels sprouts, celery, and avocados. In addition, well over half of all lima beans, cabbage, cauliflower, cucumbers, lettuce, green onions, spinach, apples, lemons, and strawberries are supplied from coastal counties. Coastal crops of snap beans, cucumbers, tomatoes, and grapefruit yield twice to three times the value per acre of these crops grown inland.

Even for grazing lands, which are less intensive agricultural uses than irrigated croplands, the advantage of a coastal climate can be considerable. Grazing lands in 10 of the 15 coastal counties support at least twice, and in some cases, five times as many animals per acre as the Statewide average.

While the amount of agricultural lands in the coastal zone is not as great under the Coastal Act as what was recommended in the Coastal Plan, there nevertheless remains important agricultural land to be protected under the California Coastal Management Program. A recent study by the Urban Land Institute notes that in California 3.5 million acres of agricultural land are located in the coastal counties, producing 350,000 jobs within five miles of the coast and an annual harvest valued at \$500 million. Every two years, an area the size of San Francisco is converted from agricultural use to development--a trend that reduces employment in the farming industry and cuts the value of the yearly harvest by several million dollars. Over the past 29 years more than 862,000 acres of land in the fifteen coastal counties, most of it farmland, have been subdivided creating 1.7 million lots. The California Coastal Management Program would greatly reduce the conversion of prime agricultural land in the coastal zone by rezoning, concentrating growth in already built-up areas and through public action such as purchase and leaseback of farm areas. These policies are important not only for the coast but for the State as a whole because the coastal counties include 13.5 percent of the total existing irrigated agricultural lands in the State and 20 percent of the potential new irrigable lands.

A positive impact of regulation stems from the fact that some of the coastal agricultural lands are not intensive users of water. In times of drought, the food raising capacity of these lands will become increasingly important as the competition for scarce water resources increase. Agricultural lands can guide urban growth, provide open space and wildlife habitats, provide beneficial use of land that is hazardous or inappropriate for other kinds of development, and maintain future land use options.

However, other crops are supplied from groundwater basins. Groundwater extraction has caused two major problems in some areas: (1) an overdrafting of the groundwater basins which has reduced water levels and led to the inland advance of seawater into portions of the upper aquifer system, and (2) there is increased mineralization of groundwater causing a reduction in water quality. Continued agricultural water use will be a major factor in the persistence and increasing severity of these conditions. In areas where this is a problem such as the Oxnard Plain, alternative agricultural water supplies and solutions to existing problems imply higher agricultural water costs and a trend toward production of higher payment capacity crops. It must also be noted that agriculture itself has altered the natural environment of the coastal zone by introducing toxic pesticides and nutrients that can cause the eutrophication of waterways, removing large areas of native vegetative cover and drawing heavily on surface and groundwater supplies. Therefore, the Coastal Act's strong policies to protect agricultural lands may not alleviate some of the other problems associated with agriculture practice.

The problem associated with agricultural land conversion is a Statewide problem and affects the Nation's well-being also. California is a great exporter of agricultural crops and therefore the national interest is affected by the loss of prime agricultural lands.

5) Ports

The major ports located on the coast of California serve import, export, and domestic waterborne commercial needs of California and the Nation. These ports provide, both directly and indirectly, a large proportion of the income of the State and a significant number of jobs on the coast. Estimated total traffic through the California ports within the Commission's planning area has risen from 26.5 million tons in 1970 to 38.2 million tons in 1974, an increase of 44 percent. The value of vessel shipments has grown 178 percent from \$3.7 billion in 1970 to \$10.4 billion in 1974.

Ports are treated somewhat like local governments in the Coastal Act in that they are required to produce a master plan (Part II, Chapter 8). The policies in the Coastal Act are designed to encourage efficient use of the ports, keep them competitive, protect the natural environment to the maximum extent possible in a high-use area, and give priority of use to the coastal dependent or port-related developments such as the commercial fishing industry. Non-dependent uses are discouraged and are subject to further appeals to the Coastal Commission after the port master plan has been certified. Ports are encouraged to do all they can to minimize or eliminate the necessity for creating new ports in new areas. This will protect coastal resources in non-developed areas. Since one of the legislative interests of the Coastal Act was to ensure that all major ports of California are kept on a competitive basis (see Section 30410(b)), it is not expected that there will be an economic impact or disadvantage to any one port because of these policies. Coastal planning requires no change in the number or location of the established commercial port districts.

While the port policies do not prohibit further expansion or new facilities, it is expected there will be some additional costs for port-related development to meet the environmental criteria and standards set forth in the Coastal Act. However, this is expected to be a short-term impact. The efficiencies required by port planning and development will have many positive impacts over the long-term for the public, the natural environment, and industry.

6) Aquaculture

Another coastal industry protected by the program is aquaculture, particularly the harvesting of giant kelp located along the southern California coast. Kelp has been harvested in California since 1910 and is used in processed form (algin) in the manufacture of pharmaceuticals, textiles; dairy products, adhesives, feed, paper, and rubber. The value of kelp harvest in 1970 was \$1 million and once processed the kelp produced \$28 million worth of algin. Other forms of aquaculture, such as the farming of oysters, clams, and shrimp, and the development of anadromous fisheries resources including salmon and steelhead trout, are protected by the Coastal Act.

7) Permits and the Economy

The Office of Coastal Zone Management has spoken with representatives of numerous special interests in an attempt to determine their feelings as to the impact the California Coastal Management Program will have on them. The majority stated that they were very pleased with the Coastal Act. They felt it would be beneficial for all Californians. Their major concerns are about the way the law will be interpreted as discussed below. The impacts industry cannot accept are the delays associated with permit approval (especially when numerous permits and appeals take place) and duplication of authorities among State agencies. Unexpected delays are costly. It has been shown that delays may not only frustrate development but hurt industry whose costs have been extraordinary in getting a permit. If the delays can be minimized, many of the representatives stated that the adverse economic impacts normally associated with environmental regulation could be made part of the development process and be made acceptable to industry.

While the avoidance of delay can never be fully guaranteed, provisions of the Coastal Act attempt to streamline the administrative procedures involved in management of the coastal zone.

Regional commissions will be terminated after they have accomplished their tasks of handling the interim permit process and certifying local coastal programs. Once local programs are approved, only special permit cases may be appealed to the Coastal Commission. The experience of Proposition 20 shows that this may be as little as three to five percent of the permits processed. Once local coastal programs are approved as consistent with the State coastal policies this figure could be less because the permit applicants have a consistent set of standards on which to base their projects.

Section 30610 and 30610.5 provide for numerous exclusions from the permit process which under normal conditions would have no direct or adverse impacts on the coastal environment. While these types of developments are excluded from a coastal development permit, Federal permits (e.g., Corps of Engineers, Environmental Protection Agency) are still necessary for some of them such as maintenance dredging.

Section 30333.5 is a "call-up" provision designed to avoid delays and insure that regional commissions process the "local coastal program or any portion thereof, a coastal development permit application, or appeal therefrom, in a reasonably expeditious and timely manner." This would allow the Coastal Commission to bypass the regional commission on development permits which it felt were important and involved more than one region or jurisdiction, such as a large energy facility or major road.

Coastal Act policies are made quite specific which will help all those required to interpret the intention of the legislation, especially in the early stages of development plans. These single policies will help all levels of government since the policies will be the focus for their actions in the coastal zone. In addition, State agencies are reviewing and revising their administrative rules, regulations, and statutes to make sure they are consistent with the policies of the Coastal Act. This will help avoid conflicting regulations from State agencies which have responsibilities in the coastal zone. Coordinated agency policies will allow for a greater degree of certainty in planning and decision-making, avoiding delays in the permit process and saving financial resources. Once the regulations are established, additional certainty and stability will be provided. While the policies are very specific, there are also words which allow for a reasonable difference of opinion as to the meaning. The Interpretive Guidelines (Attachment B) will help in this regard. However, industry and other developers have voiced a concern over the interpretation of words like "maximum feasible extent," "minimum risk," "sufficiently identified," the "maximum amount," etc. The interpretation will take place either when the development proposals come forth or through the local coastal program process. The Coastal Commission is the designated body to make such final interpretations. Any attempt to make an analysis of different interpretations is beyond the scope of this EIS other than to make recognition of the fact that some impacts will vary because of this.

Section 30337 provided for the Coastal Commission to establish a unified development permit application system and public hearing procedures with other permit-issuing agencies. One of the major concerns in recent years has been the proliferation of permits required for developments. The necessity of dealing with several agencies all requiring separate and sometimes inconsistent permits has been a source of substantial complaint from public officials, developers, and private citizens alike. In California the Water Resources Control Board, the Air Resources Board, the Coastal Commission, and the State Lands Commission for instance, issue permits. The multiple permit process is costly (to both the developer and the State), confusing, creates unnecessary delays, and is hard on citizens' groups required to testify at various hearings.

Section 30337 was included in the Coastal Act as an attempt to alleviate many of these problems. This does not imply that there is "one stop shopping" for all permits, but the provision does allow for streamlining in order to minimize the burden on all parties.

Temporary structures which are not excluded from the permit provisions (as a coastal development permit, administrative or emergency permit) will also cause some time delays and be an additional economic cost to those applicants. Sometimes, temporary structures such as one-time amusement shows which may only cause short-term impacts may be delayed if the permit is not processed fast enough. This has the potential of causing economic and social impacts to the community and the business.

The Coastal Act requires the Coastal Commission to review whether coastal developments will prejudice the ability of local governments to prepare a local coastal program (30604). This means for example that a facility requiring land divisions not in conformity with the policies of the Act may prejudice local governments planning during the interim period. Therefore permits may be denied causing some time delays for developments and increased economic costs as well. This may be particularly true for large-scale developments that require a major commitment of land and water resources. While this does not preclude these types of coastal developments it may narrow the sites such developments may be located at during the interim or cause a moratorium for this period.

Overall, it is believed that the economic benefits of the California Coastal Management Program will, at a minimum, offset non-compensated losses in land values or business opportunity. The positive effects of a more attractive, secure physical environment, combined with greater efficiencies attained from elimination of urban sprawl, and better coordinated governmental action will outweigh the projected overall losses.

d. Population Trends and Land Use Interaction

General. Since 1940, California's population has tripled to over 20 million, and 84 percent of this population lives within 30 miles of the coast. Sixty-four percent of the State's population is located in the 15 coastal counties, and 25 percent of the total State population lives within six miles of the coast. According to 1970 U. S. Census data, there are 47 coastal cities and 76 unincorporated coastal towns that front on the ocean with a total population of 3,851,330. An additional 34 cities and 43 unincorporated communities within six miles of the coast have a total population of 1,263,542, thus bringing the total population for cities and towns within six miles of the coast to 5,115,000. In 1970, approximately 700,000 persons lived within 1,000 yards of the coast.

But these general statistics do not provide a complete understanding of the population dynamics of the coastal zone. The population is not evenly distributed along the length of the coast, although 49 percent of the total State population is in the 15 coastal counties. Within five miles of the coast the population range among counties is from 3,600 in Sonoma County to 1,500,000 in Los Angeles County. The three southern counties (Los Angeles, Orange, and San Diego) contain 76.8 percent of the coastal county population whereas in contrast, the 5 counties north of San Francisco (Marin, Sonoma, Mendocino, Humboldt, and Del Norte) contain only 2.7 percent. The five northernmost coastal counties account for 39 percent of the length of the California coastline but for less than 3 percent of the State's coastal zone.

Trends. Past growth rates in California have been spectacular, but such rapid growth is not likely to continue into the future since in-migration has slowed substantially and is at or close to a zero net migration level. Similarly, the birth-rate is following the national trend and is near the replacement rate. A large percentage, however, of the present population is still emerging into the home market, especially as a result of the post-World War II baby boom, and thus, additional housing units will continue to be required. A substantial portion of this growth is expected to take place in the coastal zone.

The population growth of the coastal counties has, on the whole, roughly paralleled that of the State. In the decade from 1960 to 1970, the 15 coastal counties grew by 25.8 percent, compared with the State's 27 percent growth rate. However, some parts of the coast have experienced disproportionate amounts of this growth. For example, Orange County more than doubled and Ventura County grew by nearly 90 percent. Sonoma, Marin, Santa Cruz, and Santa Barbara Counties had rates ranging from about 40 to 60 percent, while the two northernmost counties and San Francisco all lost population during this same period.

The California Department of Finance has projected population for each county to the year 2000 that shows that the coastal counties will be absorbing 7.7 million new residents between 1970 and 2000. Based on population distributions in 1970, 39 percent (3 million) of this may be expected to occur in the five mile coastal area.

Population/Land Use Interaction. Population shifts also change land uses. For instance, Orange County was primarily a rural and agricultural area prior to 1950, but since then, land has been converted to urban uses at the rate of ten square miles per year. The major portion of this urbanization has taken place in the northernmost sections of the county, adjacent to the Los Angeles-Long Beach metropolitan area and within the coastal zone. While approximately 70 percent of the county remains undeveloped, present and pending proposals include most of the few remaining sizeable parcels of open space within the coastal zone of Orange County.

The tremendous growth of Orange County is part of a more general pattern of growth that has shifted away from congested urban centers. The growth rate in Los Angeles County, for example, has been much slower than in the adjacent coastal counties to the north and south, partly because of the migration of people out of Los Angeles into surrounding counties. Similarly, San Francisco has been losing population while the coastal counties immediately to the north and south are growing relatively rapidly.

Southern California, in particular, has been characterized by sprawling suburban development which has replaced former open space and agricultural lands with a continuous spread of low-density development. The construction of new transportation corridors has played a major role in facilitating this kind of development. The extension of freeways connecting to Los Angeles employment centers has been followed by a loss of agricultural lands in Orange County.

The last several decades have also been marked by increased second-home development along the California coast which, because of its mild climate and enormous recreational amenities, is highly desirable for such development. Unfortunately, rural sewage disposal and water supply systems displace public recreational traffic with private residential traffic on some of the State's most scenic coastal highways. Studies have shown that, if allowed to develop without restriction, second-home development could eventually cover many of the most attractive remaining natural areas of the shoreline.

A final characteristic of recent coastal development that should also be noted is the intensification of urban uses in some coastal cities. This intensification has taken two forms: (1) the construction of high-rise apartment buildings, and (2) the replacement of single-family homes with multiple unit buildings and apartment buildings. During the period from 1960 to 1973, 95 high-rise apartment buildings were built within 15 miles of the coast in Los Angeles and Orange Counties, and 35 percent of these were constructed within walking distance of the shoreline.

The California Coastal Management Program will place development restrictions on certain parcels of land. These include agricultural lands, open space areas, hazard areas such as fault zones, flood plains, and other sensitive coastal areas. These restrictions will inhibit some types of future development and growth in these sensitive areas. It is not anticipated that overall growth within cities and counties of the coast will be significantly affected by the restrictions. Some local governments may choose to limit population growth independently of the coastal management effect.

It appears that during Proposition 20 when 25,000 permits were processed, the experience has had no significant affect on population growth in the coastal zone. A study conducted by the Security Pacific National Bank of California (California Databank), indicated the population in the combined coastal counties planning areas (the planning area was larger than the 1,000-yard permit zone) increased by eight percent from 1970 to 1974 as compared to two percent for the rest of the combined counties. The program did not affect the rate of growth but rather the direction and placement of that growth within the coastal zone. There are many factors which contribute to population growth, including the general state of the economy, so it cannot be clearly demonstrated that coastal management is the cause of downturns in housing starts, and other indices, but only that it may be a contributing factor.

e. Public Access/Coastal Acquisitions

About 47 percent of the California coast is in public ownership, either Federal, State, or local, but not all of this area is available for public use. Several military bases, for example, occupy long stretches of the coast and are not accessible to the general public. However, thirty-three percent of the shoreline is in public parks and recreation areas, with some twenty percent of the State's coast being owned by the State in its recreation and park system and additional miles of ocean property having been reserved for public use by local governments.

Despite the relatively high percentage of public ownership of the State's coastline and the large number of recreational facilities already available along the coast, there is an increasing need for additional recreational opportunities. For example, less than half of the demand for campsites along the coastline is currently being met. All the new berthing spaces planned for the next five to ten years will barely cover the current demand of boaters. The proposed California Coastline Preservation and Recreation Plan estimates that the present supply of public swimming beaches in the central and southern portions of the coast is adequate to meet the demand for beach activities through 1980, but only if people are willing to travel up to two hours to reach public beach areas. Other activities currently enjoyed on the coast and for which there probably will be an increasing demand are fishing, hiking, horseback riding, bicycling, surfing, diving, picnicking, and sightseeing.

In addition to the recreational opportunities provided in public parks and recreation areas, the public is guaranteed the right to access and use of the publicly-owned tidelands. Irrespective of the California constitutional guarantee, 53 percent of the coastline is in private ownership and has gradually cut-off public access to the publicly-owned tidelands.

In the passage of the \$280,000,000 Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976 (Proposition 2), the State voters ratified the legislative findings on access and acquisitions for the sake of recreation and preservation (see Appendix 3). These findings declare that:

5096.112

- (a) It is the responsibility of this state to provide and to encourage the provision of recreational opportunities for the citizens of California.
- (b) It is the policy of the State to preserve, protect, and, where possible, to restore coastal resources which are of significant recreational or environmental importance for the enjoyment of present and future generations of persons of all income levels, all ages, and all social groups.
- (c) When there is proper planning and development, parks, beaches, recreation areas and recreational facilities, and historical resources preservation projects contribute not only to a healthy physical and moral environment, but also contribute to the economic betterment of the State, and, therefore, it is in the public interest for the State to acquire, develop, and restore areas for recreation, conservation, and preservation and to aid local governments of the State in acquiring, developing, and restoring such areas as will contribute to the realization of the policy declared in this chapter.

5096.113

- (a) The demand for parks, beaches, recreation areas, and recreational facilities, and historical resources preservation projects in California is far greater than what is presently available, with the number of people who cannot be accommodated at the area of their choice or any comparable area increasing rapidly.
- (b) The demand for parks, beaches, recreation areas, and historical resources preservation projects in the urban areas of our State are even greater: over 90 percent of the present population of California reside in urban areas; there continues to be approximately a 30 percent deficiency in open space and recreation areas in the metropolitan areas of the State; less urban land is available, costs are escalating, and competition for land is increasing.
- (c) There is a high concentration of urban social problems in California's major metropolitan areas which can be partially alleviated by increased recreational opportunities.
- (d) California's coast provides a great variety of recreational opportunities not found at inland sites; it is heavily used because the State's major urban areas lie, and 85 percent of the State's population lives, within 30 miles of the Pacific Ocean; a shortage of facilities for almost every popular coastal recreational activity exists; and there will be a continuing high demand for popular coastal activities such as fishing, swimming, sightseeing, general beach use, camping, and day use. Funding for the acquisition of a number of key coastal sites is critical at this time, particularly in the metropolitan areas where both the demand for and the deficiency of recreational

facilities is greatest. Current development pressures in urbanized areas threaten to preclude public acquisition of these key remaining undeveloped coastal parcels unless these sites are acquired in the near future.

- (e) Increasing and often conflicting pressures on limited coastal land and water areas, escalating costs for coastal land, and growing coastal recreational demand requires, as soon as possible, funding for the acquisition of land and water areas needed to meet demands for coastal recreational opportunities and recommendations for acquisitions of the Coastal Plan prepared and adopted in accordance with the requirements of the California Coastal Zone Conservation Act of 1972.
- (f) By 1980, the need for local parks, beaches, and recreation areas and recreational facilities will be nearly twice as great as presently required.
- (g) By 1980, unless the lands and waters that hold recreation potential today are acquired or reserved for recreation as soon as possible, there will be a marked shortage of recreation lands and waters on a local and regional basis.
- (h) Cities, counties, and districts must exercise constant vigilance to see that the parks, beaches, recreation lands and recreational facilities, and historical resources they should acquire additional lands as such lands become available; they should take steps to improve the facilities they now have.
- (i) Past and current funding programs have not and cannot meet present deficiencies.
- (j) There is a pressing need to provide statutory authority and funding for a coordinated State program designed to provide expanded public access to the coast, to preserve prime coastal agricultural lands, and to restore and enhance natural and man-made coastal environments.
- (k) In view of the foregoing, the Legislature declares that an aggressive, coordinated, funded program for meeting existing and projected recreational demands must be implemented without delay.

The Legislature concludes that:

"This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that this act may provide financing for urgently needed parks, beaches, recreation areas, and historical resources preservation projects, it is necessary that this Act go into immediate effect". (Section 10)

Priorities were set for the expenditure of funds within the coastal zone.

- (1) The first priority for the acquisition of coastal recreational resources is as follows:
 - (i) Land and water areas best suited to serve the recreational needs of urban populations.
 - (ii) Land and water areas of significant environmental importance, such as habitat protection.
 - (iii) Land and water areas in either of the above categories shall be given the highest priority when compatible uses threaten to destroy or substantially diminish the resource value of such area.
- (2) The second priority for the acquisition of coastal recreational resources is as follows:
 - (i) Land for physical and visual access to the coastline where public access opportunities are inadequate or could be impeded by incompatible uses.
 - (ii) Remaining areas of high recreational value.
 - (iii) Areas proposed as a coastal reserve or preserve, including areas that are or include restricted natural communities, such as ecological areas that are scarce, involving only a limited area; rare and endangered wildlife species habitat; rare and endangered plant species range; specialized wildlife habitat; outstanding representative natural communities; sites with outstanding educational value; fragile or environmentally sensitive resources; and wilderness or primitive areas. Areas meeting more than one of these criteria may be considered as being especially important.
 - (iv) Highly scenic areas that are or include landscape preservation projects designated by the Department of Parks and Recreation; open areas identified as being of particular value in providing visual contrast to urbanization, in preserving natural landforms and significant vegetation, in providing attractive transitions between natural and urbanized areas, or as scenic open space; and scenic areas and historical districts designated by cities and counties. All real property acquired pursuant to this chapter

shall be acquired in compliance with the provisions of Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code, and procedures sufficient to ensure such compliance shall be prescribed by the Department of Parks and Recreation.

It is the further intent of the Legislature that funds granted pursuant to subdivision (a) of this section may be used by counties, cities, and districts for the acquisition, development, and restoration of public indoor recreational facilities, including enclosed swimming pools, gymnasiums, recreation centers, historical buildings, and museums. For development, the land must be owned by, or subject to a long-term lease to, the applicant county, city, or district. Such lease shall be for a period of not less than 25 years from the date an application for a grant is made and shall provide that it may not be revoked at will during such period.

The Conservancy will have authority in six general areas:

- (1) preservation of agricultural lands,
- (2) coastal restoration projects,
- (3) coastal resource enhancement projects,
- (4) resource protection zones,
- (5) reservation of significant coastal resource areas, and
- (6) public coastal accessways.

The Conservancy may acquire lands through fee title, development rights, easements, other interests in lands located in the coastal zone, lease lands award grants, and request the State Public Works Board to exercise the power of eminent domain to acquire interest in lands to protect public resource values (Section 31305 of AB 3544). The State Lands Commission can exercise the right of eminent domain if it determines that inadequate access exists to public lands. It is expected that the impacts associated with the acquisition of lands will have a very beneficial effect on coastal resources but that potential use of condemnation, and purchase of private property will most always be controversial to the property owners which may be affected.

In addition, there will be coastal construction and development to provide day use and sanitary facilities, utilities, landscaping, and parking in many of these areas.

The principal impacts of putting additional lands into public ownership for the purposes sited above are:

- (1) For the enjoyment of present and future generations of persons of all environment levels, all ages, and all social groups.
- (2) Contributes (when there is proper planning and development) not only to a healthy physical and moral environment, but also to the economic betterment of the State.
- (3) Partially alleviate urban social problems.
- (4) To lower the property tax base of the local government.
- (5) To reduce costs proportional to the amount of property value removed from the service areas, resulting in a net economic loss.
- (6) Possibly raising or lowering of property values on private lands adjoining the acquisition site.
- (7) Possible additional revenue benefits or costs to localities due to such things as an increase in tourist sales.
- (8) The achievement of the objectives for which the land was purchased, i.e., preservation of land for habitat or recreation purposes, thereby minimizing the impacts associated with intense development.
- (9) The ability to justly compensate private property owners for the use of their lands for public purposes.
- (10) In most cases foreclosing future development options in the service area although this need not be an irreversible commitment of resources.

The principal effects of putting additional lands into public ownership are: (1) to lower the property tax base of the local government, (2) to reduce costs proportional to the amount of property value removed from the service areas, resulting in a net economic loss, (3) to possibly raise or lower property values on private lands adjoining the acquisition site, (4) for possible additional revenue benefits or costs to localities due to such things as an increase in tourist sales, (5) to achieve the objectives for which the land was purchased, i.e., preservation of land for habitat or recreation purposes, thereby minimizing the impacts associated with intense development, (6) to justly compensate private property owners for the use of their lands for public purposes, (7) for problems associated with maintenance of public property, and (8) in most cases, to foreclose future development options in the service area although this need not be an irreversible commitment of resources.

One of the more adverse impacts associated with public access, in general, deals with the problems associated with the maintenance of public property and the protection of the marine resources. Increased access to tidepools and the intertidal lands has been reported to be a particular problem because people like to capture and collect marine organisms notwithstanding the fact that there are laws prohibiting such actions. To the extent that these activities take place and there is inadequate enforcement, there would be adverse environmental impacts in these site specific areas which would be contrary to the objectives of the Coastal Act. Likewise, it is not the intent of the Coastal Act to see excess trash on the beaches, vandalism to adjoining private property or other indirect impacts such as congested parking problems. These activities are obviously unintended effects and must be mitigated through effective management.

The Coastal Commission procedure for providing access as a requirement for certain development permit approvals is such that even though an accessary has been dedicated, the opening up to the public may not take place until a responsible agency from local, or State government or a private owner (e.g., hotel owners) makes a commitment to maintain the area. There are places in the State where public lands are not open to the public because of maintenance and safety problems. Until adequate funding is provided for these areas, they will remain closed. State budgets are often increased to maintain the size of the State lands but it sometimes does not take into consideration the intensity of use.

There is no doubt that in some areas of the State, there is an inherent conflict between the desire to increase access and provide recreational opportunities to the public while at the same time trying to protect the rights of property owners and preserve the integrity of coastal resources, especially marine organisms. As the State Legislature declared, it takes proper planning and development to insure the success of the acquisition program. Difficult decisions must be made on these matters of concern by the Coastal Commission and other State agencies responsible for implementation of the acquisition program, local governments, and concerned citizens. Local governments will decide during phases I and II of local coastal program development the major issues regarding access and identify management tools that will best meet the intent of the Coastal Act policies.

One aspect of the California Coastal Management Program that lends itself more specifically to quantitative analysis is the proposal for acquisition of coastal areas adopted by the Coastal Commission in March 1976 and submitted to the Legislature as an addendum to the Coastal Plan. Attachment by Reference 4 contains the list of potential sites that may be acquired, especially those marked Priority I and Priority II. Based on the current levels of per capita assessed valuation, the Coastal Commission's recommendations would create an average per capita loss of \$4.50 in assessed valuation. In terms of a typical property owner on the coast, however, if property values are assessed to remain static, these acquisitions would increase the taxes on a \$36,000 home by \$1.61. As a percentage of assessed valuation, the acquisitions represent less than two-thirds of one percent. The removal of this land from the tax rolls would have little overall adverse economic impact on coastal property taxpayers, although it can be anticipated that their concerns might be substantial.

The Conservancy will have authority in six general areas: (1) preservation of agricultural lands, (2) coastal restoration projects, (3) coastal resource enhancement projects, (4) resource protection zones, (5) reservation of significant coastal resource areas, and, (6) public coastal accessways. The Conservancy may acquire lands through fee title, development rights, easements, other interests in lands located in the coastal zone, lease lands award grants, and request the State Public Works Board to exercise the power of eminent domain to acquire interest in lands to protect public resource values (Section 31305 of AB 3544). The State Lands Commission can exercise the right of eminent domain if it determines that inadequate access exists to public lands. It is expected that the impacts associated with the acquisition of lands will have a very beneficial effect on coastal resources but that the potential use of condemnation, and purchase of private property will most always be controversial to the property owners which may be affected.

f. Public Access/Housing

A basic policy of the Coastal Act is to provide more access to the coast for all. Chapter 3 of the Coastal Act states the policies on access. Of particular note is Section 30213:

"Lower cost visitor and recreational facilities and housing opportunities for persons of low and moderate income shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. New housing in the coastal zone shall be developed in conformity with the standards, policies, and goals of local housing elements adopted in accordance with the requirements of subdivision (c) of Section 65302 of the Government Code."

Some indication of the impact of this policy can be derived from an analysis of the Coastal Commission's actions under the California Coastal Act of 1972. Prior to the passage of Proposition 20, the coastal zone, especially in southern California, was becoming an area open to only those who could afford very expensive homes. This trend, documented by the U. S. Census and other studies, was caused by the impact of public agency programs as well as by the more subtle forces of the housing market. (Public projects, such as road improvements and redevelopment projects have eliminated much of the low- and moderate-income housing along the coast as well as across the Nation generally. The conversion of moderate rent apartments to condominiums and the replacement of lower income single family housing with high rise apartments was also common along the southern California coast.)

The Coastal Commission and regional commissions, through a broad interpretation of Proposition 20's mandate to provide access to the coast for all people, attempted to deal with both the market forces and public agency decisions so as to assure that the poor would not be precluded from enjoying the coast. Specifically, the Coastal Commission took the following action in its permit decisions:

- In responding to residents of the low-income, largely Chicano community of Barrio Logan in San Diego, the Coastal Commission denied a permit for a boiler warehouse in a neighborhood zoned for industry but occupied primarily by housing. The Coastal Commission was impressed by the efforts of neighborhood residents to try to open access to San Diego Bay and to otherwise provide a more livable environment.

The Coastal Commission's formal findings were that:

"The Coastal Zone contains many natural resources deserving of protection under the Coastal Act. It also contains manmade resources, such as low-income neighborhoods near the shoreline, that are just as threatened as are many of the natural resources, and are deserving of similar protection under the Coastal Act. The Coastal Commission finds that such protection is one of the prime reasons for the Coastal Act; without it, the forces of the market place would not only destroy natural resources but could make it virtually impossible for people of moderate means to enjoy the amenities of homes in the Coastal Zone."

The Coastal Commission urged the City of San Diego to either rezone the area for residential use, or, if industrial use was desired, undertake an orderly program to find housing for the present residents.

- The Coastal Commission and regional commissions have from the beginning been concerned by the market place forces leading to increasingly expensive housing along the coast; as the Los Angeles Times observed, "the coast shall not be inherited by the poor." The Coastal Commission and regional commissions have acted in two ways: (1) they have tried to protect the existing supply of low-cost housing and to encourage the construction of more wherever possible; and (2) they have tried to open many more parks, accessways, beaches, and other opportunities for all people to enjoy the coast, whether or not they can afford to live near it.
- In settling litigation with the Santa Monica and Redondo Beach Redevelopment Agencies, the Coastal Commission required units of low-cost senior citizen housing be provided.

- In approving demolition of low-cost student housing at San Francisco State University, the Coastal Commission required that replacement housing at comparable cost be provided.
- In approving highway construction projects in Los Angeles, San Diego, and Eureka, the Coastal Commission required measures to protect both the low-income neighborhoods through which the freeways were planned and low-income residents whose houses would be taken for the freeway improvements.
- In many parts of the coast, the Coastal Commission and regional commissions have required that where possible, existing low-cost housing be rehabilitated and used, not torn down to make way for much bigger, higher-cost housing.
- In Venice the regional commission approved a density bonus for a developer who agreed to commit some of his units to the Los Angeles Housing Authority for leased low-cost public housing.
- The Coastal Commission and regional commissions have imposed conditions on proposed conversions of apartment buildings to condominiums, to try to keep the conversion process from forcing elderly and low-income persons from coastal communities.
- In Malibu, in Marina del Rey, and in other areas already developed, the Coastal Commission and regional commissions have insisted that additional new development be accompanied by new access to the water, so that not just the people fortunate enough to live in these areas will have the opportunity to enjoy coastal beaches and parks.
- The Coastal Commission and regional commissions have required that in suitable areas, public facilities such as campgrounds, recreational-vehicle parks, etc., have preference over private housing, again to open coastal areas for public use and enjoyment.
- The Coastal Commission and regional commissions have encouraged construction in appropriate coastal areas of resorts, convention centers, hotels, etc., both for the public enjoyment of the coast they provide, and also--of great importance--for the many jobs for relatively unskilled persons that the coastal tourist industry provides.

This policy is perhaps one of the most unique for coastal zone management since it deals with the problems of social equity, the benefits of which cannot be easily quantified. The issue is directed toward the responsibility of a society to protect the rights of all of its citizens and meets the intent of the Coastal Act when it says "the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people..." The policy directs the State to meet the social needs of the people when using and conserving coastal resources. During the legislative process, lower cost housing and access were among the major issues discussed. This policy has to date been aggressively implemented as shown by the following newspaper article.

SF Chronicle March 3

Poor Get a Break At the Sea Shore

By Dale Champion

The newly formed California Coastal Commission set a precedent yesterday for seeing to it that people of low and moderate means share in the advantages of living next to the ocean.

At a meeting in Burlingame, the commission approved a compromise Santa Monica redevelopment project that calls for guaranteeing some housing for families and elderly persons of little income.

As a condition for going ahead with the big oceanfront project, the Santa Monica Redevelopment Agency agreed to acquire and refurbish more than 100 units of dilapidated housing in the vicinity and subsidize their rental.

The money for providing the low-cost housing will come from additional tax revenue generated by the construction of 400 luxury

condominium units in the city's Ocean Park redevelopment area.

The redevelopment agency also agreed to reserve a vacant parcel in the project site for about 50 subsidized housing units for the elderly and to finance improvements to a neighboring public beach.

The previous state coastal commission, which served from 1973 until the end of last year as a result of the passage of the Proposition 20 initiative in 1972, had acted to safeguard and promote new low-cost housing in coastal areas.

But this was the first time the new and permanent commission had administered a provision of the 1976 California Coastal Act that says coastal residential opportunities for people of low and moderate means should be provided "where feasible."

Other impacts that may result are that developers may not realize the full potential of the economic value of the land, the higher costs may be associated with subsidizing housing, and population may be increased in the coastal zone as more housing units are made available for low-moderate income persons.

g. Local Government

One of the largest immediate impacts will fall on local governments, because the process of local coastal program development is complex. It includes public hearings, plan and zoning revisions, and the resolution of potentially conflicting policies (recreation vs. preservation, etc.). Fortunately, this burden will be temporary, and after this process is over, the work load will become lighter. Preservation and growth of coastal development will take place in a more rational and acceptable manner based on approved general plans and zoning ordinances. With certified local coastal programs, local governments will be better able to reflect regional, State, and national interests in their decision-making, and thereby regain greater control over coastal land and water uses.

Some local governments have expressed reservations about the State coastal management program. Reasons for their concerns include: the difficulty of applying Statewide coastal policies to small geographic areas, the resistance to making changes in the general plans that have just recently been completed; the difference of perspective between local and State officials, the speculation that increased recreation use may require a higher level of development to pay for the costs of providing recreational facilities, the fear that the local coastal program will have to inhibit residential development which is seen as a paying proposition, and the concern that further recreational development would be detrimental in many localities.

A few of the local governments that participated in a pilot implementation program during 1976 found that the conflicts between the expectations of their communities and Coastal Commission and regional commissions Recreation policies were the causes of the main difficulties in meeting the requirements of the Coastal Act. Some of the smaller communities that are within the reach of the larger urban areas see themselves being used as a "playground" by non-residents. They are striving for no-growth, slow-growth, or long-term controlled growth development and dislike the idea of encouraging and allowing the use of private lands for commercial recreation facilities over other facilities (Section 30222) that might be more stabilizing to the economy. They would prefer permanent residential growth over temporary or seasonal recreational developments and the secondary impacts (maintenance and police). Therefore, Statewide and regional interests are often difficult for them to consider in light of their particular interest. The purchase of additional park and recreation lands will tend to aggravate this situation.

Some local governments are already well on their way toward meeting the objectives of the Coastal Act through their general plans by participating in the local implementation program pilot project. Others will have to start from scratch to prepare a local coastal program because their general plans are not yet complete. California law requires that general plans include the following elements: land use, circulation, housing, conservation, open space, seismic safety, noise, scenic highways, and safety. Under the provisions of the Coastal Act, they may also include a "local coastal element."

As an example, the county of San Mateo has a combined Open Space and Conservation Element which is implemented by a Resource Management District Ordinance. The county feels that most of the policies in its open space rural areas are already consistent with the policies of the Coastal Act. If adequate funds are available the county expects to be able to have a certified local coastal program within a year. The county anticipates that its major difficulties in implementing the policies of the Coastal Act will be in its unincorporated urban areas near the coast. Application of the Coastal Act's policies may limit growth to less than the county anticipated. Most growth that does occur over the years will be concentrated in existing urban areas and, on a lesser scale, near rural service centers.

The fiscal impacts of the acquisition program on local government can be burdensome or minimal, depending on the current budget, the amount of high revenue producing lands that would be taken out of production, and other factors. These impacts will be determined on a case by case basis at the time of purchase or during the development of local coastal programs. One example of the fiscal effect of land acquisitions on local governments was conducted in the Half Moon Bay area. The study showed that for two alternative land use patterns there would be a net revenue loss of approximately one-seventh of the sale value.

Many of the concerns which have been identified during the Proposition 20 experience have been potentially remedied by the establishment of the State Coastal Conservancy and the passage of Proposition 2 (November 1976). The California Coastal Management Program now has the backing of future acquisition funds and the institutional arrangements necessary to acquire lands for the purpose of meeting the objectives of the Coastal Act. Prior to this, the Coastal Commission did not have the power to act in a positive way but could only react to development permits which had to be approved or denied. The Conservancy, of which the Coastal Commission chairperson is a member (see Part II, Chapter 10 on powers of the Conservancy), has the ability to use acquisition for planning and management purposes, and not just for preservation and wildlife habitat protection.

TABLE D

Net Revenue Loss from State Land Acquisitions

	Sale Value	A/V of Land Acquired	Net Revenue Loss*
Alternative 1			
Montara	\$630,000	\$133,875	\$ 50,217
Miramar	430,000	95,625	6,450
Half Moon Bay	700,000	148,750	10,152
Other, County	650,000	138,125	9,330
Total	2,430,000	516,375	35,158
Alternative 2			
Miramar	430,000	95,625	6,450

*The net loss represents the difference between expenses related to property and the Assessed Valuation (A/V) revenues.

As to the impact of permit decisions on the tax base of the coastal counties, few assessors have hazarded a judgment. However, evidence suggests that the increase in developed property that may have occurred as a result of the Coastal Commission and regional commissions, has more than offset any real or opportunity costs as a result of adverse impacts on undeveloped property. However, the overall impact to the county is not expected to be overly damaging to the tax base.

The Office of Planning and Research prepared a report at the request of the Office of the Legislative Analyst on the costs of implementing the Coastal Plan to local governments. The results of this research are summarized below:

1. Several factors minimize the number of tasks to be performed by local government due to Coastal Plan requirements:
 - a. Existing Federal, State, or regional agency responsibilities.
 - b. Existing local planning requirements of other authority.
 - c. Plans, information, and assistance to be provided by State agencies as part of Coastal Plan Implementation.
 - d. Existing information and technical assistance.
2. The exact scope of each jurisdiction's implementation program would be determined by several factors unique to each jurisdiction:
 - a. Local conditions (the number of coastal issues to be addressed).
 - b. Relationship of the jurisdiction to the Coastal Resource Management area.
 - c. Consistency of existing local plans and programs with the Coastal Plan.
 - d. Number and type of existing special local government functions.

3. Generalizations about the costs to local government of preparing plans and programs for certification are difficult to make. However, the survey of local governments did indicate that:

- a. The total cost for all 75 affected jurisdictions to develop certifiable plans and programs may well exceed the \$2 million to \$2.5 million estimate in the Coastal Plan.
- b. There appears to be a minimum cost to each jurisdiction in the range of \$10,000 to \$20,000.
- c. The upper limit cost to any jurisdiction, except in rare cases, appears to be about \$100,000. Several local governments have indicated during the comment period on the DEIS that this figure was low and that their projected costs exceeded this figure considerably.
- d. Jurisdictions which have worked closely with the Coastal Commission in recent years will not be faced with significant costs in preparing for certification.
- e. More detailed guidelines for implementation and an examination of local plans and programs are required for an accurate estimate of costs.

4. Following certification, implementation of the Coastal Plan may involve additional responsibilities on the part of local governments. These increased responsibilities might result from:

- a. An increase in the number of permits which may be required to be issued by local government.
- b. More complex or involved analysis of project proposals.
- c. Amendment of local plans following Coastal Plan amendment.
- d. Litigation as a result of decisions made by local governments pursuant to certified plans or policies.
- e. Appeals of local decisions to the State coastal agency.

5. The cost associated with 4a and 4b could be largely covered by applicant fees, and costs associated with 4c, 4d, and 4e cannot be estimated at this time.

6. The survey indicated that roughly half of the jurisdictions felt the costs to local government of implementing the Coastal Plan following certification would be significant while the other half felt they would be minor.

It is not expected that the costs associated with developing local coastal programs under the Coastal Act will be substantially different from those which would have been necessary to implement the Coastal Plan at the local level. Section 16 of the Coastal Act includes provisions for providing funds to local governments to pay the cost of developing and implementing local coastal programs. The CZMA funds will also be available for this purpose. In addition, the State will provide technical assistance to local governments and to participating Federal agencies. See Introduction item No. 10.

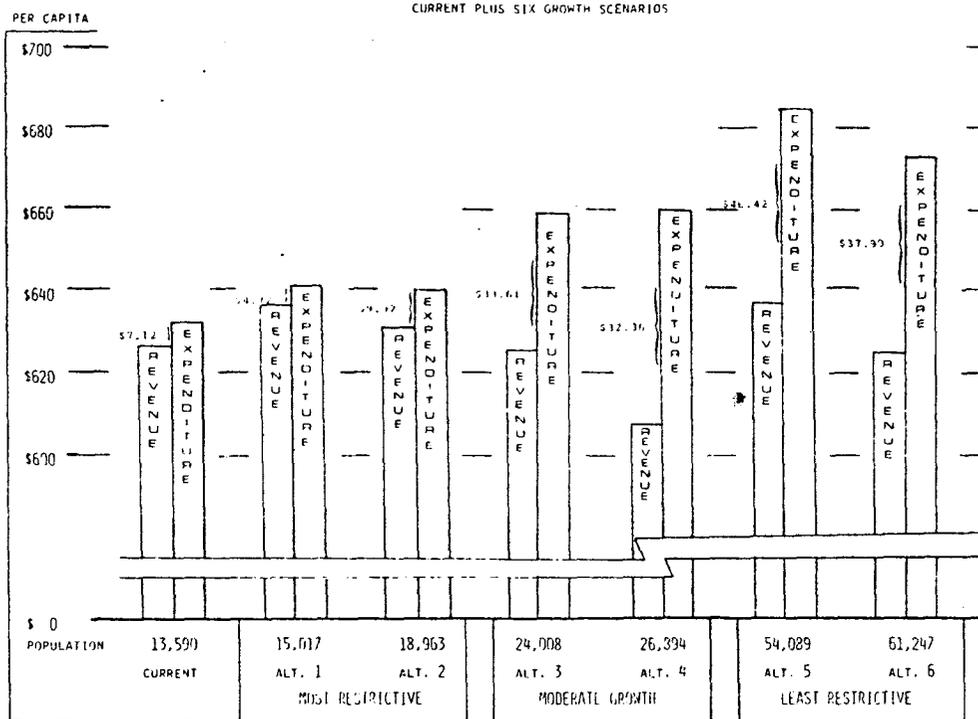
A study was conducted to determine what the costs and revenues to local governments would be if the Coastal Plan policies were implemented in the Half Moon Bay area of San Mateo County. Six alternative growth patterns for the sub-regional area were analyzed; four low and moderate growth alternatives based upon policies of the Coastal Plan and two less restrictive alternatives representing the general plans of the county and the city of Half Moon Bay. The major constraints were based on the interpretations of the agricultural lands protection policies. This study is therefore relevant in particular to the agricultural lands provisions in the Coastal Act.

The study found there to be no increase in the fiscal burden to local governments in the Half Moon Bay area as a result of applying the agricultural lands protection policies. Generally, the analysis indicated that the more growth there is, the more per person public service costs tend to exceed government revenues, as illustrated in Figure A.

The capital costs of sewer and water improvements to serve the larger populations were the major reasons for the differences in expenditures. The study points out an important caveat for any attempt to apply the findings to other areas, namely: "It is not known whether similar results regarding the increasing cost of servicing larger population growth would hold true in other communities. It would depend on the nature of capital improvements required, as well as on the nature of the community and its land use mix." This study points out that, in some cases, constraints on growth (within a period of time) based on the protection of certain natural resources (agricultural lands) may not have such a negative fiscal impact on the local government. These policies will produce medium to long-term socio-economic benefits to local governments.

FIGURE A

NINE AGENCY AGGREGATE PER PERSON REVENUE AND EXPENDITURE
CURRENT PLUS SIX GROWTH SCENARIOS



Source: George Goldman and David Strong. Government Cost and Revenues Associated with Implementing Coastal Plan Policies in the Half Moon Bay Subregion. U. of California, Berkeley: Coop. Extension Service, 1976

h. Intergovernmental and Public Involvement

The Coastal Act exhorts and/or requires the direct involvement of Federal, State, and local government agencies as well as further efforts from the public and private sectors.

Because of the Federal consistency requirements of Section 307 of the CZMA, Federal agencies will become more involved with local governments as they develop and implement the local coastal programs. Recent experience with a similar program in the State of Washington shows that this is no small task for Federal agencies. In many cases, this direct involvement and interest will be a new experience for local governments. Federal agencies will be asked to commit a substantial portion of their time over the next several years to both supply local governments (or the Coastal Commission and regional commissions as the case may be) with information and expertise and to review the local coastal programs and elements. Some agencies will not be budgeted to permit adequate expenditure of time on this effort, especially since some regional Federal offices will have to deal with 60 or more local governments. New partnerships and institutional arrangements will be formed, extra efforts on the part of Federal employees will be called for, and an increase in information exchange can be expected.

The proposed Federal approval of the CCMP will have an influence on the conduct of other Federal programs related to the management of land and water uses in or affecting the California coastal zone, primarily through the implementation of the Federal consistency provisions of the CZMA. Because California has had the assistance of many interested Federal agencies during the development of its Program and intends to continue to implement its Program by considering the national interest in facilities which are other than local in nature, the overall impact on the conduct of Federal programs should not be negative and, in fact, should serve to promote the coordination of State and Federal efforts in the coastal zone.

In the first place, the CZMA specifically disclaims any intent to derogate the existing jurisdiction and responsibility of Federal agencies. (Section 307 (e)). Therefore, the authority of Federal agencies to conduct programs that are in or affect the California coastal zone remains unchanged. The Federal consistency provisions of the CZMA, particularly Section 307(c)(1) and (2), may, however, influence the way in which Federal agencies conduct or support activities, including development projects, which directly affect the coastal zone, because these activities would have to be consistent, to the maximum extent possible, with an approved State program. What this requires, according to proposed NOAA 307 regulations (15CFR Part 930), is that each affected Federal agency consider the substantive policies of the State's management program as supplemental requirements to be adhered to in carrying out statutory obligations, unless compliance would be prohibited based upon the requirements of existing law applicable to the Federal agency's operations. This requirement will cause a Federal agency to consult with the Coastal Commission during the planning stages of project development to determine if the proposed activity will comply with the substance of the State's management program. Agencies will be encouraged to try to find ways, if necessary, to modify their activities to assure consistency. The mediation services of the Secretary of Commerce and the Executive Office of the President can be employed to help resolve any serious differences. However, we recognize that where an agency would be literally unable to comply with a Congressionally-authorized mandate if it had to conduct its activity in such a way as to be consistent with the State program, then the agency is free to pursue the activity. Because of the opportunities afforded Federal agencies to participate in the development of the CCMP, we anticipate that these exceptional cases would be rare.

A slightly different situation pertains to the conduct of Federally-regulated activities affecting the California coastal zone and which will be subject to the consistency requirements of Section 307(c)(3) and (d) of the CZMA. A State with an approved coastal management program is authorized to exert more influence over the issuance of Federal licenses, permits and assistance by virtue of the fact that the Federal agency would be barred from issuing such license or assistance in the face of a State's inconsistency determination, unless and until the Secretary of Commerce overrides this determination on the basis of consistency with the objectives of the CZMA or in the interest of national security. A greater role is given to the States in this area probably in recognition of the fact that these are only Federally-supervised activities and will involve private or local public applicants who will generally be more accountable to State controls, and in the case of California, may even have to obtain a coastal development permit. California has listed those permits and licenses which it wants to review for the purposes of Federal consistency at page . California has, in the establishment of procedures for exercising consistency, expressed a willingness to cooperate with both the applicant and the relevant Federal agency in processing permit certifications. In addition, the fact that the State may make a finding of consistency and/or the Secretary of Commerce may override a State's inconsistency determination on a particular permit decision would not obligate the Federal agency to issue the license or permit at issue.

Another way in which Federal programs would be affected by the approval and implementation of the CCMP is through the development of local coastal programs (LCP's). These programs, which are required of all coastal jurisdictions, would be partially financed through a Federal administrative grant to California. Local coastal jurisdictions have been instructed by the Coastal Commission, in regulations and in the LCP Manual, to solicit the participation of relevant Federal agencies in revising their land use plans and zoning ordinances to comply with the policies of the Coastal Act. Through this public process of LCP development, Federal agencies will have the opportunity to influence the content of these programs and assure that their interests are adequately accommodated. The Defense Department (DOD), for example, will be able to work with local governments to see that areas adjacent to DOD installations will be planned for compatible uses. The Fish and Wildlife Service could influence local governments to plan for and protect certain fish and wildlife habitats which may be within the management jurisdiction of the local government and at some future time to be subject to Federal regulatory control.

Many State agencies will go through a similar experience since their actions are to be consistent with the policies and certified local coastal programs. While these requirements will be of a temporary nature, it is believed that many benefits will be derived from this type of intergovernmental cooperation and coordination.

State agencies are working on new guidelines consistent with the coastal legislation for marina development, minimizing the amount of dredge and fill, design of breakwaters to minimize littoral drift, encouraging parking in upland areas, avoidance of dead end channels to ensure adequate flushing action, protection of historic properties, etc. As additional funding is provided to local governments to increase or improve the information and data base, along with assistance by Federal and State agencies, it is believed that the decision-making process on development permits and coastal planning will be improved significantly, especially in areas where such information is scarce.

One of the most important benefits of the Coastal Act is that it encourages citizens to become involved in the management of the coastal resources. Part II, Chapter 13, covers the provision for continued public involvement. Local coastal governments are required to adopt procedures for providing maximum opportunities for the participation of the public and all affected governmental agencies in the preparation of the local coastal program (see Section 00020 of Chapter 8 - Implementation Plans for the Local Coastal Program Regulations in Appendix 7).

The benefits of increased citizen participation are now well known and numerous. One of the purposes of using local governments to develop and implement the management program is that they are closer to and better able to respond to the desires of citizens. The California Coastal Management Program will allow for an increase in citizen participation (which includes all interested parties) in land and water use planning. It will provide for a broader base for decision-making and ensures that citizens can have their views heard without the need to resort to costly legal processes. It has been shown that public participation has significantly influenced many of the decisions made on individual permit applications under Proposition 20.

Some of the problems inherent in citizen participation are the delays caused by the need to inform and educate the public on complex, comprehensive problems. Many times citizens tend to focus on single issues and find it difficult to grasp the more complex problems which may take away some of the comprehensiveness of the program. The burden is on those preparing local programs to make them understandable to the citizens who do not have technical or planning backgrounds.

2. Environmental Impacts

The California coastal zone exists as a delicately balanced ecosystem. Sound resources management requires a comprehensive knowledge of the many factors which control the ecosystem. The policies of the Coastal Act are separated into distinct categories of land and marine resources. However there is a unique perception of how the coastal ecosystem works and must be managed. One activity not properly controlled will often have significant adverse impacts on other resources. It is believed that the implementation of the California Coastal Management Program should have a positive impact on the natural environment which should be discernable over the next five to ten years and longer. The program, through integrated land and marine resource management, is designed to prevent the further accelerated deterioration and destruction of the coastal resources for the benefit of all concerned.

In previous years, wetlands destruction occurred at an alarming rate. There are now many policies directed at the protection of the coastal wetlands. The boundary was extended to include significant coastal estuarine, habitat, and recreational areas. Special provisions were made to allow for the designation of "sensitive coastal resource areas" and "special treatment areas." Specific mitigation measures and criteria were written directly into the policies to protect coastal resources. The California Coastal Management Program requires broad public support and participation which helps to ensure sound planning and management. The Water Code was amended to take coastal waters and resources into account and, additionally, many State agencies will be revising their regulations to do the same. The State found that it was necessary to provide for continued coastal planning and management through the Coastal Commission in order to "protect regional, state, and national interests in assuring the maintenance of the long-term productivity and economic vitality of coastal resources." (30004(b)) While attempting to strike a balance between the insatiable appetite California has for growth and development and the need to protect coastal resources, the Coastal Act recognizes that the balance must lean toward the protection of significant coastal resources. (30007.5)

a. References

The following sources of information should be reviewed as part of this discussion:

- (1) "Program Objectives and General Management Policies," Part II, Chapter 3.
- (2) "Coastal Act Policies," of the Local Coastal Program Manual (Part II), Attachment A.
- (3) "Statewide Interpretive Guidelines," Attachment B and Attachment by Reference No. 8.
- (4) "California Coastal Plan," specifically the following sections:

Part II: Findings and Policies (The findings are extremely useful in describing the problems the Coastal Act policies were meant to remedy. Attachment by Reference 7 shows a correspondence list between the Coastal Plan and the Coastal Act policies.)

Part IV: Plan Maps and Regional Summaries

Note: Because of the widespread distribution of the Coastal Plan, it is presumed that most reviewers will have a copy. If not, a copy will be made available through the Office of Coastal Zone Management or the California Coastal Commission immediately upon request. Contact:

Office of Coastal Zone Management/NOAA
Pacific Regional Manager
3300 Whitehaven St., N.W.
Washington, D.C. 20235
202/634-4235

California Coastal Commission
1540 Market Street
San Francisco, CA 94102
415/557-1001

(5) "Areas of Concern in the Coastal Zone", Attachment by Reference No. 3 lists the multitude of areas which have been identified or are identifiable through the inventory process described in developing local coastal programs which may be impacted over the lifetime of the program consistent with the objectives of the Coastal Act.

(6) "Significant Coastal Estuarine, Habitat and Recreational Areas", Attachment by Reference No. 2 describes the 18 "bulges" to the inland coastal zone boundary, the resources and the reasons for their inclusion under coastal zone management.

(7) "Index of Land and Water Uses Referenced in the California Coastal Act", shows the various uses which will be impacted by the policies. The degree of impact, however, is not defined by this list. (See Attachment H)

(8) "Current List of Acquisition", Attachment by Reference No. 4 shows the potential sites which may be acquired for preservation, restoration, recreation, education, and habitat purposes.

b. Interpretive Guidelines

The Statewide Interpretive Guidelines adopted by the Coastal Commission are included in Attachment B. The final regional guidelines have not yet been adopted and therefore the interim guidelines are still used (see Attachment by Reference No. 8). These guidelines do not have the force and effect of law. They give an indication of what the problems are and a Coastal Commission recognition of those problems. They are used by the Coastal Commission in applying various Coastal Act policies to permit decisions during the interim period prior to local coastal program certification. The guidelines are cited but no findings are made on them.

With respect to assessing the impacts of the CCMP on the natural environment, the guidelines can be used as an indicator of some of the impacts that may be expected over the years since they deal with problems and recommendations on how to solve those problems in accordance with the policies of the Coastal Act. Generally, these guidelines indicate the following:

Protect scenic qualities: sand dunes; bluffs and cliffs; valuable wetland and riparian habitats; open space values; valuable anadromous fish resources; views and view corridors; fish and wildlife habitats (including marine mammal haul-out areas, bird nesting areas, endangered species); estuaries and marshes; timberlands and agricultural lands; rare and native plant species including significant individual trees; archaeological and historic sites; low-moderate income housing; and life and property from inappropriate development in hazard areas.

Maintain water quality standards; agricultural lands; character of special communities; buffer areas around osprey nests; and maintain and improve refuge facilities.

Enhance parts of the coastal highway and areas where oil-related structures could be removed as the petroleum resource is depleted.

Prevent overuse of areas in order to minimize environmental damage by placing controls on public access; further loss of estuarine ecosystem and wetlands from non-dependent uses.

Restrict commercial development; off-road recreational vehicles; division of agricultural lands; developments harmful to salmon and steelhead trout; linear development along coastal highways; new residential development; developments in the 10 year and 100 year floodplains; development to infilling of subdivided areas presently served by a sewer system; single family residences based on carrying capacity of highways, soil, water, sewer; and intensive beach recreation facilities.

Encourage the expansion of some visitor-serving facilities; development of some community water systems; expansion and improvement of boat launching facilities, bikeways, marine industry, and commercial fishing.

Produce Guidelines to minimize risks to life and property; undertake erosion control measures; control visual impacts through size, height, architectural design, and set-back requirements; and for continued use and development in State and local parklands.

In addition, the guidelines have recommended objectives for Federal coastal parklands and the consolidation of new oil facilities where possible.

c. The Marine Environment

Common to the entire coastal zone is the marine environment -- the State's coastal waters, estuaries, and wetlands. Coastal waters, in general, are known to be more productive than the open oceans, and a particular combination of physical factors make California's coastal waters among the most productive in the world. The rugged sea floor off California's coast, marked by extensive structural relief, provides habitat for a wide range of marine life, and deflects and channels currents and waves, thereby causing a turbulent mixing that brings nutrient-rich deep waters to the surface. Extensive kelp beds are found in rocky coastal environments from the intertidal zone to depths of 80 to 100 feet and cover approximately 75 square miles of the State's coastal waters, concentrated primarily in the offshore areas of southern California. The importance of this resource is largely unknown to the public. The kelp serves as a sanctuary, nursery area, habitat, and food source for an abundant variety of marine life, supporting a greater variety of species and a greater number of organisms than does a temperate land forest. Kelp beds may help to dissipate wave action and retard erosion on the shoreline.

Perhaps the most productive part of the marine environment is the intertidal zone which is inundated at high tide and exposed at low tide. Both tidepools and tidal salt marshes occur at frequent intervals along the entire length of the State. They comprise two distinct systems, each with its own location and role in the marine environment. Tidepools, most typically found off sandy or rocky shore, support a variety of marine organisms and are visible only at low tide. Coastal wetlands, on the other hand, constitute a very visible transition between the marine environment and the land environment, being found in association with lagoons, bays, and the mouths of coastal streams where a permanent connection between land and sea results in the periodic or occasional mixing of seawater and freshwater.

Coastal wetlands, made up of tidal marshes and mudflats and related freshwater marshes, are generally shallow in depth and sunlight is often able to penetrate to the bottom, thus allowing plant growth to occur. Cord grass and pickleweed are unique to salt marshes, requiring a particular mix of saltwater and freshwater, and common tule, California bulrush, cattails, spike rushes, pondweed, and sedges are typical of freshwater marshes.

As elsewhere, many fish, waterfowl, shorebirds, wading birds, and other animal species use coastal estuaries and wetlands either directly for spawning, nesting, resting, or feeding, or indirectly as a provider through the foodchain. Additionally, many rare or endangered species are entirely dependent on habitats found in California's coastal wetlands, as are the migratory waterfowl of the Pacific flyway. Some 33 species of shorebirds pass through or winter along the coast. A total of 10 to 12 million migratory waterfowl come into California each fall, and; about 20 to 35 percent winter in the coastal zone. An additional 25 species of waterfowl also utilize coastal wetlands as do some 27 species of other water associated birds.

"Rare and endangered animals are at the limit of their tolerance as a result of human disturbance and habitat destruction. Minimization of further encroachment on areas essential for their continued survival is the aim of Federal and State endangered species legislation. Major habitats of species on both the Federal and State threatened list have been extensively mapped".

Protective legal support for the preservation of threatened species is provided by the Department of Fish and Game (State of California) and the U. S. Fish and Wildlife Service (U. S. Department of Interior).

The State's Endangered Species Act, passed by the Legislature in 1970, defined rare and endangered wildlife and gave the Fish and Game Commission authority to designate which animals in California are endangered. Also, in 1970, the Legislature passed the California Species Preservation Act, directing the Department of Fish and Game to inventory all threatened fish and wildlife, and report to the Governor and the Legislature every two years on the status of these animals. Although Congress had earlier enacted Federal endangered species legislation, the California Legislature was the first to provide protective legislation prohibiting the importation, taking, possession and sale of endangered and rare species. Congress subsequently recognized the shortcomings of previous Federal endangered species legislation and the inability of many States and Nations to enact programs of protection and preservation for the world's endangered life forms and enacted a far-reaching act (California Dept. of Fish and Game, 1975) 6.

The coastal waters and offshore islands and outcrops are the habitat for many marine mammals. In a study conducted by the Federal Bureau of Land Management, they found that:

"Many thousand seals and sea lions are found in the Southern California Bight either as year-round residents or as seasonal transients. Major populations of the northern elephant seal, Mirounga angustirostris, the California sea lion, Zalophus californianus, and the harbor seal, Phoca vitulina, pup and breed each year on the rocks and beaches of the Channel Islands. In addition, the northern fur seal, Callarhinus ursinus, and the Steller sea lion, Eumetopias jubata, have the southernmost extension of their breeding range in these islands. With the presence of rare Guadalupe fur seals, Arctocephalus townsendi, an endangered species, the Southern California Bight possesses the largest and most diverse pinniped community in temperate waters".

Other important species include, but are not limited to: sea otters, Enhydra lutris, gray whales, Eschrichtus robustus, killer whales, Orcinus orca, Pacific bottlenose dolphins, Tursiops gilli, harbor porpoises, Phocoena phocoena, and a variety of other whales (Pacific Right, Blue, Sei, Humpback, and Sperm).

"Pinnipeds once bred in large numbers along the Southern California mainland coast, and still do in areas north of Pt. Conception where little or no human activity is present. Human activity in Southern California has disturbed these marine mammals to such an extent that they no longer breed at their previously established coastal rookeries. (BLM, 1975). Today, seals and sea lions breed and haul-out exclusively on the Channel Islands".

Management Issues

Sewage Disposal. The marine resources of the coastal zone are particularly vulnerable to the effects of human activities with water pollution and the filling and dredging of wetlands having the most serious consequences. There are at least 130 waste disposal outfalls along California's coast which annually discharge some 444 billion gallons of domestic and industrial sewage into the State's wetlands, estuaries, and coastal waters, and a good portion of this wastewater discharge is inadequately treated. This is a particular problem in heavily developed Los Angeles and Orange Counties where only 15 percent of all municipal wastewater discharged into coastal waters received secondary treatment in 1973.

Inadequately treated sewage discharges are also a problem in Monterey Bay and in other enclosed water bodies such as estuaries and lagoons. These areas, with limited water circulation and abundant plant and animal life, are the most susceptible to damage from water pollution. The discharge of poorly treated wastes in such areas has caused fish kills, algal blooms, stagnation, foul odors, and the smothering of bottom-dwelling organisms. Some losses in offshore kelp beds may have also resulted from exposure to inadequately treated sewage.

Thermal Discharges. Thermal discharges have an effect on marine resources. Over three trillion gallons of seawater are used every year to cool power plants on the coast with the water then discharged back into the marine environment at warmer temperatures. Some species, among them kelp, cannot tolerate warmer water, and thus thermal discharges may have a serious adverse effect. Other marine organisms, however, may be enhanced by the warmer water. It is thought that this may be true of some mollusks suited to aquaculture. Little is known about the general effects of cooled water on marine life, although the potential for cooled water discharges from liquefied natural gas facilities does exist on California's coast. It is known, however, that reduced temperatures can be fatal to some organisms.

*Norris, K.S., et al. 1975. The Distribution, Abundance, Movement, and Reproduction of Birds, Cetaceans, and Pinnipeds in the Southern California Bight. BIM-OCS Program Progress Report.

Entrainment of Marine Life. Industrial and power plants that use seawater have had another more local effect on the marine environment; that is, the entrainment of marine organisms as water is drawn into the plant. Organisms that are typically entrained and usually killed include phytoplankton, zooplankton, fish larvae, and small fish.

Oil Spills/Construction. In addition to sewage discharges and thermal discharges, two other sources of water pollution have periodically affected coastal waters. First, several serious oil spills have occurred along California's coast resulting in losses to marine organisms and waterfowl as well as to recreational use of sandy beaches. In addition to impacts caused by oil spills, the activities associated with oil drilling may have both short and long term impacts if the facilities are sited too close to breeding and hauling out areas. These areas are considered extremely sensitive according to the EIS for Lease Sale 35 off Southern California.

"The greatest danger to marine mammals is disturbance of pinnipeds from drilling operations and from platform construction or onshore separation and storage facilities location on the islands near breeding and hauling out areas. Activities associated with platform installation, exploratory drilling and production operations off San Miguel and Santa Barbara Islands could cause significant reductions in sea bird populations and the potential elimination of sea lions, fur seals, and harbor seals from their principal breeding area in Southern California. The ultimate outcome of rookery abandonment is the elimination of pinnipeds from Southern California waters." (BLM, 1975)

Secondly, runoff from construction, grading, removal of vegetation, and other upland developments have resulted in abnormal silt loads that are damaging to marine resources. Estuarine areas are especially sensitive to sedimentation and have, therefore, sustained the greatest damage from silt-laden runoff causing a decrease in biological productivity.

While water pollution has been a serious consequence of urbanization in the State's coastal zone, the effects of water pollution on the marine environment can, nevertheless, be reversed. As sewage treatment is improved and the State's coastal waters become cleaner, affected organisms can reestablish themselves and the health of the marine ecosystem can be improved. Most of the damage sustained over the past 75 years by California's coastal wetlands, however, is a permanent loss. Of an original 197,000 acres of marshes, mudflats, bays, lagoons, sloughs, and estuaries along the coast (excluding San Francisco Bay), the natural productivity of 102,000 acres have been destroyed by dredging for ports and marinas or by filling for residential, commercial, or industrial development. Of California's remaining estuaries and wetlands, 62 percent have been subjected to severe damage and another 19 percent has received moderate damage. The effect has been even more serious in southern California where 75 percent of the coastal estuaries have been destroyed or severely altered since 1900. Healthy, undamaged wetlands are still to be found along California's coast, but they are relatively scarce when compared to their abundance at the turn of the century. At that time, the importance of marshes and mudflats as a nursery area and food source vital to all marine organisms and many bird species was not understood, and the easily filled, shallow wetlands were valued only for the development potential of "reclaimed land." The result has been that a once plentiful resource has become a scarce one, increasingly vulnerable, and increasingly in need of protection.

The California Coastal Management Program will maintain, enhance, and restore marine resources by protecting the biological productivity of the coastal waters, estuaries, wetlands, intertidal areas, and inland lakes and coastal streams. This protection will result from the controls placed on coastal development and uses of the marine environment. The Coastal Act provides, what must be termed a significant amount of direction to guide planning and development in the coastal zone and to some degree outside of the coastal zone. The policies focus on the end point of resources management, namely, biological productivity.

Coastal development permits will be subject to performance standards and criteria for development which meets the objectives and policies of the Coastal Act. The policies on the marine environment (Chapter 3, Article 4 of the Coastal Act) state that the biological productivity and optimum population levels of marine organisms should be maintained and restored when feasible through "minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams." (30231)

It will be the responsibility of the Coastal Commission (and regional commissions), local governments, State and Federal agencies, and applicants for coastal development permits to see that the intent of these policies are met.

In addition to the policies in the Coastal Act, the Coastal Commission may designate special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part IV of the Coastal Plan as "sensitive coastal resources areas," which require zoning ordinances and implementing actions to be consistent with and protect those coastal resources (30116, 30502).

The coastal acquisition program will provide protection to significant wetland areas, habitat areas, and other areas sensitive to development pressures. This will act as a preventative measure to coastal protection rather than a reactionary one to development proposals.

Several sections in the Coastal Act deal with the problems associated with dredging, diking, and filling. Sections 30233(3), 30411, and 30607.1 deal with an approach to restoring coastal wetlands. These policies require the restoration of wetlands when new or expanded boating facilities desire a wetland location. If degraded wetlands are restorable, the boating developer is required to restore and maintain, as a biologically productive wetland, an area at least 75 percent greater than the area to be used by the facility.

Section 30607.1 requires that:

"(w)here any dike and fill development is permitted in wetlands in conformity with this division, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value of surface areas shall be dedicated to an appropriate public agency, or such replacement site shall be purchased before the dike or fill development may proceed."

This requirement of providing a functional equivalent as a means of mitigating the destruction of wetlands by diking and filling, has been successfully practiced by the San Francisco Bay Conservation and Development Commission and has practically limited the amount of Bay filling to zero while permitting development to continue. While this provision does not restore wetlands to a greater amount than that which is to be used, it nevertheless slows down the wetlands degradation rate which has been previously discussed. Wetlands receive additional protection under Section 30255.

Under Section 15 of the Coastal Act, the Water Code was amended to protect water quality as it relates to the coastal marine environment. It requires that wastewater discharges must be treated and sets priorities for restoring past beneficial uses of the receiving waters by either improving or eliminating the discharges. Wetlands, estuaries, and other biologically sensitive sites are to receive the highest priority. Other policies deal with minimizing entrainment, placing restrictions on thermal discharges, requiring baseline studies to be conducted in potentially impacted sites, and encouraging the use of reclaimed water.

Oil and gas development have the potential for causing significant damage to the marine environment either temporarily or over a long-term. The policy of the Coastal Act is that any development or transportation of crude oil, gas, petroleum products, or hazardous substances must protect against any spillage of those substances, and there must be effective containment and cleanup facilities to provide for accidental spills. This is, of course, a problem area that transcends all levels of government and the population, even though the major responsibility for regulating tanker traffic, oil spill cleanups, etc., rests with the Federal government.

The dependency and interdependency between the land and the sea is well recognized by the Coastal Act. There is always concern that decisions to be made on something as complex as the coastal environment are only as good as the data received on which the decisions are made. The funding provided by the CZMA is meant to help the States improve their decision-making, and it is important to recognize that local governments will need the best information available to update their general plans and make permit decisions.

During recent years, much attention has been focused on the protection of marine mammals. Major baseline assessments and studies conducted by the Bureau of Land Management have shown the potential problems of OCS related activities to the habitats of the pinnepeds and other marine mammals. Controversy has arisen over the proper management of sea otters and whales. Federal legislation in the form of the Marine Mammals Protection Act of 1972 expressed national concerns and interests in the protection of certain species that were in danger of extinction or significant depletion. This legislation emphasized that it was important to strive for optimum sustainable populations of certain species and this could be accomplished through minimizing man's adverse impacts, protection of the rookeries, mating grounds, and areas of similar significance, and by maintaining the health and stability of the marine ecosystem.

The CCMP is a comprehensive program that embodies these general principles as well as many others. California's concern for the marine environment is expressed not only in legislative intent and policy but in management as well. This is shown through the following provisions of the Coastal Act and the responsibilities of the State agencies.

- (1) Legislative findings (Section 30001) recognizes the coastal zone exists as a delicately balanced ecosystem, that permanent protection is a paramount concern, and that it is necessary to protect the ecological balance in order to promote marine fisheries and other ocean resources.
- (2) Legislative goals (Section 30001.5) declare that it is not only important to protect and maintain the quality of the coastal zone environment but it should be enhanced and restored where feasible.

(3) The legislature declared (Section 30007.5) that where conflicts over resource uses exist, such conflicts will be resolved in a manner which on balance is the most protective of significant coastal resources.

(4) The following major policies of the Coastal Act apply to the concept of protecting the habitat and the overall ecosystem of the marine environment: 30230, 30231, 30232, 30233, 30235, 30236, 30240, 30210, 30250, 30260, 30261(a), 30262(d), 30263(a). There are other policies and standards which would apply usually such as some of the Port policies and Section 15 on water quality.

(5) Chapter 5 of the Coastal Act directs State agencies to carry out their duties and responsibilities in conformity with the Coastal Act (30402). Attachment I has been included in this FEIS to show how one such agency, the State Lands Commission, has added new regulations which apply to development on all State lands. These regulations reflect the Coastal Act policies with regard to the responsibilities of the State Lands Commission. In addition, as was stated earlier, the Department of Fish and Game carries out the provision of the California Species Preservation Act.

(6) Local governments are also addressing the issues of the marine environments. Attachment F contains the proposed work program for Santa Barbara County and serves as our example of local government concern and proposed actions. While most parts of a work program are interrelated, see in particular pages F-10, and F-27 and F-28.

(7) The provisions of the State Coastal Conservancy Act (Appendix 2) can be applied to the protection, enhancement and preservation of coastal resources (see Chapters 5, 6, 7, and 8).

Based upon the objectives, policies, authorities, directives, and guidelines presented in the California Coastal Management Program, it appears that the Program is a program of substance and has an adequate process to bring about net beneficial environmental impacts to the marine environment as some of California's resources will be restored and other protected on a long-term basis.

d. The Land Environment

The coastal land environment is a combination of the soils, air, plants, animals, minerals and water courses as they are affected by or themselves affect the ocean -- from the pounding surf line to the quiet inland valleys where the coastal fog influences plant species and growth. Along much of the coast long stretches of sandy beach and rugged rocky shore give way to coastal bluffs which rise abruptly to the level of the coastal plain, and the gentle land of the marine terrace gives way to hillsides and canyons and then to the mountains of the coast range.

The coastal land environment includes unique wildlife habitats on sandy beaches and coastal bluffs immediately along the shorelines and further inland on upland terraces, hillsides and canyons. The State's sandy beaches serve as a habitat for hundreds of thousands of shorebirds annually, with many of them staying through the winter and moving north to breeding grounds during the summer months. Beach areas are especially critical to the survival of the snowy plover and the least tern. The rocky shoreline and coastal bluffs provide a special ecological niche for some birds. A 1970 study by the California Department of Fish and Game found that 133,000 pairs of birds were nesting on 37 major seabird rookeries located on coastal rocks, along with an undetermined number nesting along rocky stretches of the mainland shoreline. Large numbers of cormorants and gulls, along with pigeon guillemots and black oyster catchers are representative occupants of such communities. The rocks and islands of California's coast also are important breeding grounds for marine mammals such as seals and sea lions.

Upland areas provide habitats for a variety of birds and mammals, most of which range over coastal and upland areas. For instance, large numbers of brush rabbits, snipe, quail, pheasant, grouse, deer, elk, and bear also inhabit the coastal uplands. A few animals are restricted to these coastal uplands.

The rich soils of the coastal zone and certain climate conditions are also important in sustaining commercial timberland located primarily on the State's north coast. Timberlands constitute a valuable natural and economic resource, serving as a wildlife and fisheries habitat and having great scenic and recreational potential. Timberlands also help to protect watersheds from erosion and excessive runoff.

Management Issues

Natural Habitat Areas. Substantial destruction of natural areas along California's coast has been caused by such factors as expanding urban development, the noise and pressure of recreational activities, alterations of vegetative cover, and the indiscriminate use of pesticides. These activities are reducing the habitat areas available to all plants and animals and are threatening some species and some unique communities, which can exist only in limited areas, with extinction. The continued existence of abundant and varied life forms on the coast depends upon proper safeguards for whole living communities as well as for plant and animal habitats. An especially serious problem in coastal zone wildlife management is the degradation or reduction of wetlands, tidepools, and dunes -- the narrow and often fragile transition zone between marine and terrestrial ecosystems.

Forest Resources. In the past, unsound forest management practices, conversions of timberland to other uses such as residential development or agriculture, and site dominance by non-commercial successional species have contributed to the decline in the historical timber inventory in California. Land divisions have often produced small uneconomic parcels that force the harvesting of timber when it is not desirable.

Soils. Improper land use practices during construction, site locations, and the removal of the vegetative cover have caused accelerated erosion having ramifications to wildlife, human uses of the environment and aesthetics. Blufftop erosion is caused by not only natural processes but human activities as well.

Stream Alterations. The alterations to coastal streams have resulted in damage to coastal resources as well, including salmon and steelhead trout, that are dependent on coastal streams in their life cycles. The abundance of these two important species has declined over the last 30 years by at least 50 percent as a result of damage to upstream spawning and nursery areas. This damage has been caused by dams that do not provide adequate fish bypass facilities or that flood large spawning and rearing areas, water diversions and stream channelizations, sand and gravel mining from streambeds, grading or logging operations that cause habitat-smothering erosion or siltation along streambanks, land fills, removal of shade vegetation that bring increased water temperatures, and discharges of toxic, thermal or organic pollutants into habitat streams.

The California Coastal Management Program will protect habitats of many of the species mentioned from further degradation due to development and increased recreation pressure. The Coastal Act recognizes that some habitats need more stringent protection than others.

"(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

"(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas." (30240)

The Local Coastal Program Manual describes "environmentally sensitive areas" as:

"any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments(30107.5), including: areas of special biological significance as identified by the State Water Resources Control Board; rare and endangered species habitat identified by the State Department of Fish and Game; all coastal wetlands and lagoons; all marine, wildlife, and education and research reserves; nearshore reefs; tidepools; sea caves; islets and offshore rocks; kelp beds; indigenous dune plant habitats; wilderness and primitive areas."

The coastal zone boundary was extended inland to include significant habitat areas(see Reference 2) for a description of these inland extensions). This places these areas under the interim permit jurisdiction of the Coastal Commission and subsequently under the protection of certified local coastal programs. In addition, many of these special habitat areas can be designated as "sensitive coastal resources areas." Once again, the adequacy of this whole process may depend largely on the quality of the information and data which is incorporated into the general plans of local governments and the information available to the Coastal Commission and regional commission on which to judge the adequacy of coastal development permits. The coastal acquisition program will add additional acreage under protected status. The Coastal Act requires that sensitive habitat areas be protected from recreational demands when such demands create an overuse of the area and are environmentally damaging to the resources.

The Program will minimize the risks to life and property in areas of high geologic, flood, and fire hazard as well as assure stability and structural integrity of new development projects. (30253) The impacts associated with the types of control required to meet these policy directives will have a beneficial effect on natural resources and will provide direct benefits to development, home owners, and other applicants. The Interpretive Guidelines show that there will be some restrictions on development in floodplains, certain sloped lands, and shorelands that may be subject to tsunami inundation, to name a few.

All of the policies and guidelines presented in the California Coastal Management Program are intended to make the construction of new developments environmentally sensitive. The Program will restrict certain land uses within specific geographic areas, directly or indirectly guide growth and development in other areas, and requires that if development must take place, it do so with the least damage to the environment. Sometimes, special direction is given in the Coastal Act such as Section 30254 which states the legislative intent to keep State Highway Route 1 in rural areas as a scenic two-lane road, and effectively restricts new or expanded public works facilities from creating a growth pattern which would make the road no longer functional. This will add extra protection to the natural environment as well as protecting the scenic views from strip development.

Section 30243 provides for the long-term productivity of soils and timberlands. The policy was designed to prevent the conversion of timberlands to noncommercial sizes and uses which impact the timber industry. "Special treatment areas" may be designated by the Coastal Commission to protect the natural and scenic qualities of some of the forest areas within the coastal zone (30118.5 and 30417). While the designation of such areas would mean a long-term commitment of timber resources to protecting the natural and scenic values of those resources, it is not an irrevocable commitment since what is mainly affected is the regulation over forest practices in these areas (buffer areas, road construction, selective timber-harvesting, etc.).

Additional beneficial impacts to the land environment will result from the incorporation of air and water quality standards, limitations on channelizations, dams and other substantial alterations of coastal rivers and streams, development which decreases energy consumption and vehicle miles traveled, and appropriate siting of large-scale facilities.

e. Visual

Perhaps the most apparent impact of human activity on the coastal zone has been a visual one. In some areas the visual resource remains natural, and in others development has respected the special visual qualities of the coastal environment, but some of the coastline has been degraded by poorly designed development. In these areas there are buildings that are obtrusive, being inappropriate to nearby landforms and inconsistent with the pattern and scale of existing development. There are signs and overhead utility lines that block views and create visual clutter. There are visual scars left by cutting, grading, filling, and vegetation removal, and this is often accompanied by the erosion that results from the alteration of natural landforms. There are, also, inadequately landscaped developments that detract from their natural setting rather than being enhanced by it.

The California coastal zone as a visual, educational, and aesthetic resource is of considerable worth. The Coastal Act's policies on protecting visual resources and special communities (30251, 30253(5)) will provide long-term benefits, and will not be an irretrievable commitment of resources. While individuals may resent the permit process regulating the siting characteristics for development (design standards, location, landscaping, etc.) the Coastal Act's policy recognizes that scenic and visual qualities are resources important to the public as well as the economy of the State.

f. Historic Properties

Consistent with the intent of the National Historic Preservation Act of 1966 and Executive Order 11593, provisions in both the CZMA and the California Coastal Management Program require full consideration be given the historic values of coastal resources and properties.

The CZMA states "(i)mportant ecological, cultural, historic, and aesthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost" (Section 302(e)), and therefore, it is the national policy "to encourage and assist the States to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources giving full consideration to ecological, cultural, historic, and aesthetic values as well as needs for economic development" (emphasis added) (Section 305(b)).

The California Coastal Management Program gives recognition to the importance of historic (including archaeological and paleontological) resources and provides policies and direction for their protection. Section 30244 states: "(w)here development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required." The Coastal Act also recognizes the importance of scenic resources which in many cases are properties of historic interest such as Fort Ross (Sonoma County), El Castillo (Monterey County), and the historic scenic headland of Point Dume (Los Angeles County). It is the intent in many of these types of areas to integrate the management of these historic and archaeological resources with recreational and educational uses of the coastal environment when they are consistent with resource protection.

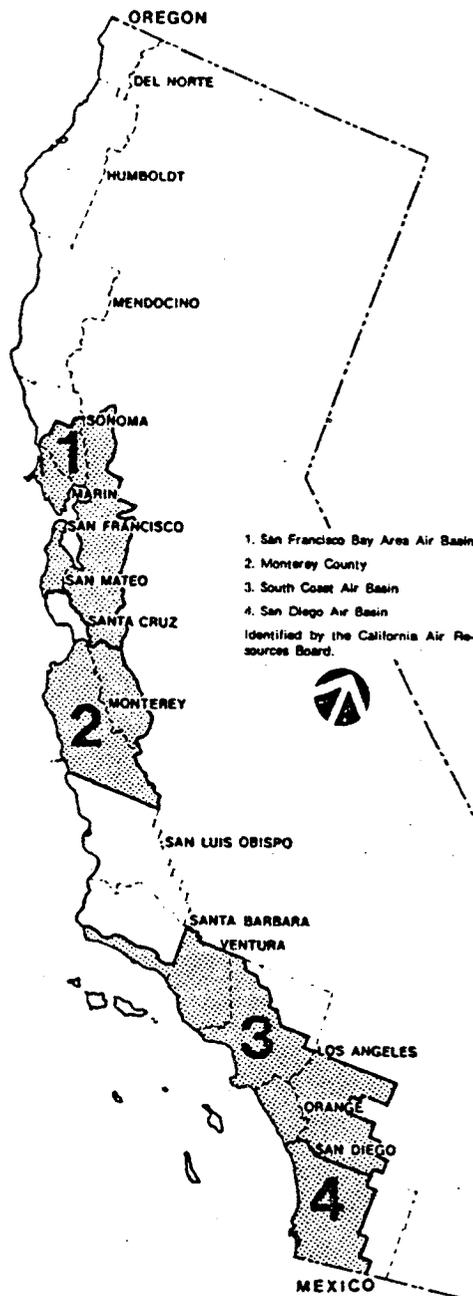
The State Historic Preservation Officer, citizen interest groups, and others will provide valuable information to local governments so sites can be identified in the general plans, and through this process of site identification, incorporation, and protection, it is believed the provisions of the National Historic Preservation Act will be achieved.

g. Air Quality

Air quality varies greatly among different sections of the coast. Pollution sufficiently severe to damage human health occurs in some locations (generally urbanized areas with adverse meteorological and topographic conditions) and contrasts with clean air in others. Certain areas of the State where the national ambient air quality standards are not expected to be achieved by 1980 or to be maintained through 1985 have been designated as Air Quality Maintenance Areas by the California Air Resources Board. Designations were based on the following criteria: (1) areas where the standards are currently exceeded and are not projected to be achieved by 1980, (2) areas currently meeting the national standards in which increased emissions are expected to cause a violation of the standards before 1985, and (3) in the San Francisco Bay Area and South Coast Air Basins, the entire air basin, if any county in the basin meets the criteria above. Coastal areas or air basins designated by the State include the South Coast, San Francisco Bay Area, and San Diego Air Basins, and Monterey County (see Figure 5).

FIGURE 5.

Coastal Air Quality Maintenance Areas



Air pollutants originate from many sources. Motor vehicles constitute the single largest source of nitrogen oxides, carbon monoxide, and organic gases; industry, including fossil-fueled electricity-generating plants, is the chief source of sulfur dioxide. Suspended particulate matter comes from mining, agricultural, and lumber operations, as well as from motor vehicles, incineration and the combustion of fuel. Air pollution from the flushing out of oil tanker compartments with sea water after unloading has become a problem in some areas and is currently a focal point of the controversial SONHO project. All these are in addition to mutual pollutants such as dust and salt water particulates.

Several distinct meteorological aspects of the coast affect air pollution problems. Temperature inversion layers, which trap pollutants by stopping upward air movement, tend to occur more frequently, at much lower levels, and last longer into the day along much of the coast, because of high pressure centers off the Pacific Coast or land-water temperature differentials. Land-sea breezes are caused by the temperature differential between the land surface and the ocean surface, on both a daily and seasonal basis. These breezes may push pollutants back and forth without dispersing them throughout a larger area, especially where the topography helps trap pollutants and when winds are relatively weak, as they are in winter. During the summer season, the fog and low clouds along the coast usually prevent formation of photochemical smog, but as winds move the air inland, pollutants produced in the coastal zone can contribute to severe smog at inland locations where the pollutants react with sunlight. Sulfur dioxide pollution is more dangerous in coastal fog areas, where chemical reactions can produce a weak solution of sulfuric acid, injurious to human, animal and plant health, and damaging to many materials.

Air pollution limits specifically set to protect human health are now being exceeded in some locations along the coast, creating not totally quantified but very real damage and human suffering. Studies made under Environmental Protection Agency (EPA) auspices are increasingly quantifying the detrimental effects upon health of air pollution levels even under existing secondary standards. In addition to the impacts on human health, the extent of air pollution damage to wildlife and vegetation (including native plants, forests, landscaping, and agricultural crops) is also increasingly being documented. A statewide study estimates crop losses alone from air pollutants in 1970 to be almost \$26 million, not including invisible damage.

The location and intensity of air pollution concentrations greatly influence its effect. Studies suggest intensive transportation corridors are major sources of concentrated vehicle emissions creating a special hazard for humans, wildlife, and plants located nearby. When freeways encourage a net increase in vehicular mileage, they also add to total air basin pollution. Buildings also affect pollution dispersal, generally slowing wind speed over urban areas and modifying wind patterns within particular building masses.

The problems associated with air pollution transcend the boundary of the coastal zone as the air quality maintenance areas clearly show. And while the activities within the coastal zone cannot be singled out as the major sources of pollution, they nevertheless play a significant role. Energy facilities requiring coastal waters for cooling, intensive recreation uses which concentrate traffic, ports and the problems of flushing of oil tanker compartments, much of the downtown commercial areas being located close to the shorefront, all add to the air quality impacts to the residents living throughout the air basin. Therefore, the air quality standards may often be the limiting factor in the coastal decision-making process.

Present regulation of air pollution in California is shared among local Air Pollution Control Districts, the State, and the Federal government, and is coordinated by the State Air Resources Board. Present regulations focus on limiting pollutants emitted from stationary and vehicular sources. The California Coastal Management Program provides for the incorporation of air quality standards promulgated by various State agencies in the following ways:

(1) The Coastal Act acknowledges the primary responsibilities of the State Air Resources Board, denies the Coastal Commission any right to modify ambient air quality or emission standards and allows the Board and local air pollution control districts to recommend to the Coastal Commission ways their programs can complement or assist in the implementation of air quality programs (30414);

(2) The Coastal Commission cannot certify a local coastal program unless it provides for at least the same degree of environmental protection established by the State's environmental agencies (30522); and

(3) New developments in the coastal zone must be consistent with the requirements imposed by an air pollution control district or the State Air Resources Board.

The Coastal Act has three major policies dealing with air quality. Section 30252 encourages energy conservation by locating new development in such a way as to encourage and allow for mass transportation to public accessways. Section 30254 shows the legislative intent to keep State Highway 1 in rural areas of the coastal zone as a scenic two-lane highway, thereby keeping traffic to a minimum and not inducing new developments. Section 30263(b) deals with new or expanded refineries and petrochemical facilities in air quality maintenance areas and the possibility for gaseous emission trade-off possibilities in order to maintain State and national ambient air quality standards.

As was mentioned before, air quality requirements may be the limiting factor in many cases, especially for large-scale facilities which may be sited in urban areas and air quality maintenance areas. Section 307(f) of the Coastal Zone Management Act requires a State to incorporate in its coastal management program those requirements established by State, regional or local governments pursuant to the Federal Clean Air Act, as amended. This section is intended to assure the coordination of air quality and coastal zone management programs and to assure that coastal zone management programs will not supersede or interfere with the air quality requirements established pursuant to this Federal law.

Air quality requirements which have been approved according to the procedures set forth in the Clean Air Act are considered as one important input to a State's deliberations to adequately consider the national interest in the siting of facilities which are other than local in nature (Section 306(c)(8) of the Coastal Zone Management Act). The air quality standards are incorporated into the California Coastal Management Program and, under Federal law, cannot be legally overridden by the Coastal Commission. Therefore, where major impacts are associated with decisions carried out pursuant to air quality as a limiting factor, such as those affecting national interests, the economy, or regional benefits, these impacts cannot be attributed to the State's coastal management program or the Coastal Zone Management Act. The impacts derived from air quality decisions must be associated with the Clean Air Act and state, regional, and local standards adopted pursuant to this Act. This incorporation complies with the statutory mandate of Section 307(f) that, notwithstanding any other provision of the CZMA, the primary pollution control mechanism in the coastal zone is the air quality requirements established by State or local governments under the Clean Air Act and the Federal Water Pollution Control Act. A State's coastal management program is not required or authorized to provide a means to balance the national interest in clean air against the national interest in energy facilities. In enacting Section 307(f), Congress specifically determined that a State's coastal program could not adversely affect the air quality standards promulgated under the applicable Federal law. Even if these standards are more stringent than Federal standards, they must be a part of the state's coastal zone management program. This is permitted not by the CZMA, but by virtue of the authority reserved to the States in the Clean Air Act (Section 116) to adopt more stringent emission standards. The CZMA does not provide NOAA with any discretion to require a State to impose less stringent pollution standards that it already imposes. In a letter received from the Federal Environmental Protection Agency in response to the request for comments on the revised DEIS, they found that the California Coastal Management Program appropriately incorporated the Federal air and water quality standards and that local coastal programs will require new development to be consistent with the plans and policies of the State regulatory agencies. In turn, the State agencies would support the Coastal Commission's management program to protect the coastal marine environment.

3. Industrial and Energy Development

Industrial and energy facility developments and their impacts sharply focus the issues surrounding the scope and nature of this "program statement." Some reviewers have held that the revised DEIS totally failed to evaluate the impacts of approving the California Coastal Management Program in a scientific and interdisciplinary fashion. The "third order" impacts of NOAA approval of the State's management program, which in turn reviews specific development projects, are inherent in the proposed action. This situation caused NOAA to review CEQ guidance on the matter.

The 1975 CEQ evaluation of the impact statement process¹ contains a discussion of the program statement. Essentially, program statements as then understood, ". . . may be necessary to assess the effects of individual actions on a given geographical area (e.g. coal leases), to assess environmental impacts that are generic or common to a series of agency actions (e.g. maintenance or waste-handling practices), or to assess the overall impact of a large-scale program or chain of contemplated projects (e.g. major lengths of highways, as opposed to small segments)." The EIS process as it applies to the California Coastal Management Program does not correspond directly to any of these examples, but appears to equate most closely with the first example.

In assessing under NEPA whether or not to award approval, NOAA must also be guided by the following relevant statement in the CEQ regulations: "The purpose of this (102(c)) assessment and consultation process is to provide agencies and other decision-makers as well as members of the public with an understanding of the potential environmental effects of the proposed actions, to avoid or minimize adverse effects wherever possible, and to restore or enhance environmental quality to the fullest extent practicable" (40 CFR 1500.2, "Policy"). The object of the impact review in the California Coastal Management Program, is not a project or series of projects, but a water and "land use program, including plans, policies and controls for the affected area" (40 CFR 1500.8(a)(2)), which, in the more usual NEPA review, is a necessary subject of consistency assessment prior to Federal decision-making. In this case, particularly as it relates to industrial and energy development, the evaluation of impacts must rely heavily upon the reasonableness of California Coastal Management Program plans, policies and controls -- within the framework of NEPA -- as the basis of review.

As a necessary introduction to the discussion of facility impacts, it is, therefore, appropriate to set forth the California Coastal Management Program's relationship to NEPA objectives:

- CCMP review of industrial and energy facilities is based, in part, on the same balancing policies contained in NEPA and the CZMA. For example, the Legislature declared, among other balancing policies: "The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature, therefore, declares that in carrying out the provisions of this division, such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources." (Sec. 30007.5)
- Specific impacts of major industrial and energy developments will be subject, under California law, to review not only under CCMP policies, but also the Environmental Impact Report system designed, in large measure, as a counterpart to NEPA.
- The particular siting decisions and impacts evaluation, that NOAA is admonished to refrain from, are an integral part of the CCMP.
- To the extent that this is a generic NEPA review of CCMP policies and impact procedures, the reasonableness and conformance of the CCMP to NEPA and CZMA policies becomes a critical focus of analysis.

Given these relationships, three levels of inquiry are appropriate for NOAA's assessment of impacts stemming from the approval of the industrial and energy facility planning and siting policies and procedures established by the CCMP. These are discussed below.

The following discussion of impacts is directly related to the discussion of national interest considerations "involved in planning for, and in the siting of, facilities (including energy facilities in, or which significantly affect, such State's coastal zone)" (306(c)(8)), discussed in Part IV of the EIS, and in Chapters 9 and 11 of the CCMP.

a. Impacts of NOAA Approval and Funding of the State's Program, Based on a Finding that it has Met Section 305(b)(8) Requirements of the CZMA:

If approved, California will be the first State in the national CZM program to meet the new requirements of the CZMA, Section 305(b)(8), added by the 1976 amendments. This section of the Act states:

"The management program for each coastal state shall include . . . a planning process for energy facilities likely to be located in, or which may significantly affect, the coastal zone, including, but not limited to, a process for anticipating and managing the impacts from such facilities."

NOAA regulations (15 CFR 923.19) establish that this process should include, at a minimum, the following elements:

- (1) a means of identifying energy facilities which are likely to be located in or which may significantly affect the coastal zone,
- (2) a procedure for assessing impacts for such facilities,
- (3) development of State policies and other techniques for the management of energy facility impacts, and
- (4) a mechanism for coordination and/or cooperative working arrangements, as appropriate, between the State coastal management agency and other relevant State, Federal and local agencies involved in the energy facility planning and management.

Chapter 9 of the CCMP, the California Coastal Act (Appendix 1), and the materials in support of Chapters 9 and 11 (Attachment G) fully demonstrate that the CCMP meets the requirements of these sections of the CZMA and NOAA regulations, without further demonstration in the EIS.

As the first program to be approved under Section 305(b)(8), the California energy facility planning process could be viewed by other States as establishing an example of how the NOAA requirements are to be met.

It should be clear in the CZMA and NOAA regulations that OCZM does not consider the approval of one State, under any of the provisions of the Act, as establishing a precedent or a model for other States. Each State program is likely to be unique, as are each of the planning procedures developed by the States in meeting the 305(b)(8) requirements. The regulations, together with the CZMA, establish the intent and minimum standards by which other States will be assessed by OCZM.

However, California does present an example of how certain issues of concern to other States and affected interest groups are dealt with in the general context of the NOAA regulations. These include, among others, the extent to which States are expected to project energy needs for the State, the coastal zone, or the State's share of the national needs; the extent to which States must have the authority to affirmatively override local land and water use regulations in siting energy facilities; the extent to which a single State agency must consolidate all authority for energy facility siting; and the extent to which affirmative siting policies must be provided on a geographically specific basis.

A discussion of the impacts associated with these issues is beyond the scope of the approval action for a particular State program. These issues are generic to the NOAA regulations, which articulate these standards and provide NOAA administrative clarification to Congressional actions.

On the other hand, if for reasons beyond the control or direction of OCZM, other States were to assume that the California 305(b)(8) process represented the standard by which other States could be judged for program approval, the Congressional intent in adding this section to the CZMA would be met, in an exemplary manner. As Chapters 9 and 11 and Part IV of the CCMP/EIS indicate, the California energy facility planning and siting process fully meets and exceeds the NOAA requirements to identify facilities, assess impacts, and develop policies and coordination and working arrangements. As the above parts (and Attachments) of the document show, this process also provides for adequate consideration of the national interest in such facilities.

The Federal consistency provisions of the Act add assurances to this process that Federal decisions will not frustrate the State's policies and procedures, but will create better coordination and cooperation among all levels of government toward the common objectives of better resource management and increased supplies of energy resources. The Federal consistency procedures could, however, create additional time delays in the processing of energy facility applications, if, for example, an applicant wished to exhaust all avenues of appeal of a State's consistency determination to the Secretary of Commerce and/or the courts. Because the State has parallel authority under the Coastal Act to approve or deny energy facilities in or affecting the State's coastal zone and Section 307(e) of the CZMA assures that a Secretary of Commerce opinion on a consistency matter cannot compel other Federal agencies or the State to issue permits pursuant to other State and Federal law; cases of such appeals to the Secretary or the courts are expected to be rare. It is more likely that the 305(b)(8) and 307 provisions of the CZMA would work together to provide greater certainty and predictability for those applying for energy facility permits, and eventually speed up the permit procedure. The California

needs will be accommodated in local coastal programs, future unanticipated needs can be accommodated by changes in local plans and controls, and that various levels of government will coordinate their permit decisions and planning with the same comprehensive and coordinated standards.

Additional funding available for this process after approval will further enhance the ability of the State to advise local government (through a special team of energy experts) on the energy facility needs for the State and Nation, on common approaches to accommodating these needs in local coastal programs (which should further enhance predictability), and on energy facility siting standards for approval of local coastal programs and permits. This funding will also assist the Commission in enhancing the level of expertise and information that can be brought to bear on permit evaluations for regional and State coastal development permits, thus improving the factual basis for Commission decisions.

b. Potential Impacts from Energy and Industrial Facility Planning and Siting Procedures

General

Energy facility planning and siting in California is conducted by several agencies of the State, as described in Chapter 9, including the California Coastal Commission, the State Energy Commission, the Public Utilities Commission, and the Governor's Office of Planning and Research. The impacts of the planning and siting procedures used by each of these agencies are relevant to this EIS only to the extent that these agencies' procedures are modified by, or conducted pursuant to, the California Coastal Act or the CZMA. For example, the impacts that could be attributed to the procedures of the State Energy Commission in revising or approving a thermal power plant project are relevant, only to the extent that the Federal consistency determination would be made by this Commission, pursuant to Chapter 10, Section 6 of the Coastal Act.

The California Coastal Commissions and other State and local agencies have an extensive record of planning for and siting energy facilities in the Coastal Zone, and allowing for the development of oil and gas, solar, geothermal, and nuclear energy resources. Nearly one million barrels of oil per day are now being produced from California. The OCS off of Southern California is currently being developed and supported by onshore facilities and services (see Maps of OCS Related Facilities, Attachment G). A substantial number of energy related industrial facilities exist within the Coastal Zone, and these are encouraged to expand, through special provisions in the Coastal Act. (30260)

Since 1972, the Coastal Commissions, established under Proposition 20 and the California Coastal Act of 1976 have received and acted upon eight (8) energy related projects which could be considered to have major regional and/or national significance. These are listed below along with the disposition of these applications by the Coastal Commissions.

MAJOR ENERGY FACILITIES - COASTAL COMMISSIONS ACTIONS

<u>Date</u>	<u>Name</u>	<u>Disposition</u>
1973	● Moss - Landing - Fuel Storage Tanks Pacific Gas and Electric	<u>Approved</u> (with conditions)
1973	● Terminal Island - Power Plant (Fossil) Southern California Edison Co.	<u>Approved</u> (with conditions)
1973	● San Onofre - Power Plant (Nuclear) Southern California Edison Co.	<u>Approved</u> (with conditions)
1974	● El Segundo - Refinery Standard Oil of California	<u>Approved</u> (with conditions)
1975	● Encina - Power Plant (Fossil) San Diego Gas and Electric Co.	<u>Approved</u> (with conditions)
1975	● Platform Holly - Santa Barbara ARCO (State waters)	<u>Denied</u> ¹
1975	● Los Flores Canyon - Santa Ynez EXXON Corp. (OCS Platform)	<u>Approved</u> ² (with conditions)
1977	● Ellwood - Onshore Petroleum Facilities ARCO	<u>Approved</u> (with conditions)

¹ Denied on basis that only part of total project was applied for -- court ruled State did not have jurisdiction (vested rights)

² Initial conditions were unacceptable to EXXON; conditions being renegotiated with assistance of Joint-Government Industry Task Force (see Attachment G)

Pending before the Coastal Commission at the present time are applications for a major oil trans-shipment terminal proposal by Sohio at Long Beach and three applications for alternative LNG processing plants at Terminal Island, Oxnard, and Point Conception.

Only one of the major energy projects proposed in the history of coastal management in California has been denied. The Platform Holly denial was based on an application which only included the drilling of wells in State waters, and did not include onshore developments which would have resulted from approval of the permit. After denial, in a separate court action brought by ARCO, the court permitted the development to proceed because of the lack of Coastal Commission jurisdiction over the activity due to vested rights that had been established.

All of the other major projects were approved by the Commissions, with conditions that were accepted by the applicants, except for the EXXON Santa Ynez unit. The initial conditions on this approval were unacceptable to EXXON. As discussed later, these conditions on the Santa Ynez unit are under renegotiation between the State, the Department of Interior, other affected State and local agencies and the industry.

Of particular relevance to the impacts of approval of the CCMP, is the fact that all of these decisions of the Coastal Commissions, with the exception of the approval of the Ellwood facility, were based upon the citizen passed initiative, Proposition 20, which was considerably more stringent and less balanced to favor environmental preservation, than the Coastal Act. Proposition 20 had few policies encouraging water dependent industrial development nor did it have as favorable procedures for such development as those cited in Chapter 9.

This history of energy facility siting decisions, within the context of coastal management in California, provides evidence contrary to the claims made by some reviewers of the DEIS, that California is hostile to energy facility and OCS development. This is not to deny that there have been some negative impacts associated with these previous decisions of the Coastal Commissions. These procedures have no doubt resulted in costly delays in construction and operation of such facilities due to permit procedures, hearings, appeals, litigation, and the related work necessary for preparing plans, applications, appeals, etc. These delays may have resulted in higher construction and operating costs, higher costs of the services to consumers, and a marginal cumulative impact on the overall economy of the State due to lost jobs, inflation, etc. In the short term, it could even be argued that certain of these costs associated with development of large scale energy facilities will carry over to the impacts of the new Coastal Commission.

However, most large energy facilities of the nature of those listed above require many local, regional, State and Federal permits; involve lengthy environmental impact studies and other materials and plans prior to the development phase. The California coastal permit is typically only one of many such permits, therefore the relative impacts associated with these past actions, which can be projected to future CCMP actions, may be minor. Furthermore, the environmental and economic impacts of these types of actions were assessed in general terms, considering on the balance, the benefits that might accrue to conditions placed on approved projects (to protect valuable natural resources, and mitigate negative community, economic, and environmental impacts) and to changes that were made in the design of projects prior to submission of applications in response to the Proposition 20 and Coastal Act policies. It is anticipated that these benefits will outweigh the costs of the process of seeking permit approvals under the CCMP, although there is no way that this can be precisely measured.

The California Coastal Act has established several procedures for planning and siting major energy related industrial facilities. Although it is not possible to accurately predict the impacts of these new procedures, a few potential impacts deserve to be mentioned, in response to comments received on the DEIS.

- (1) Preparation of Local Coastal Programs -- the adequacy of consideration given to energy facility needs:

Comments received on the draft EIS have caused a reassessment of whether local coastal programs will adequately identify energy facilities needed in the coastal zone, provide for a procedure for assessing impacts of these facilities, and incorporate State policies for these facilities. OCZM also evaluated the concern as to whether through Federal consistency, the local coastal programs, and the Local Coastal Development Permit (assumed by local government after LCP approval) could "shut out" energy facilities or prevent OCS related development in the coastal zone. The following parts of the CCMP include guidance to answer these concerns:

- Local Coastal Program Regulations (Appendix 5) require that general categories of uses of more than local importance, including but not limited to, "major energy facilities", "transportation facilities", and "general cargo ports" shall be considered in the preparation of local coastal programs. (00041(a))

- Local Coastal Program (LCP) regulations also require the Commission to make recommendations as to specific uses of more than local importance as part of the Interpretive Guidelines, or as a part of its review of the local government "issue identification" (developed pursuant to public hearing requirements). (00041(b))
- The Local Coastal Program Manual (Attachment A, Part II, N) includes a LCP checklist of elements of the: (1) Land Use Plan, which includes energy policy categories of the Coastal Act, designation of appropriate land use categories for industrial and energy facilities, and designation of overlay areas for potential future amendments to the LCPs, and (2) background information which includes existing energy facilities in the coastal zone, expansion plans and proposals by industry, currently zoned lands, assessment of environmental, economic and access impacts of industrial and energy facility development proposals.
- The LCP Manual lists as sources of information, the State and Federal energy agencies, electric and gas utilities and oil companies.
- As an example of a local coastal program work program, Santa Barbara County (Attachment F) includes as an objective: "assure that energy concerns and potential impacts are adequately addressed...", and includes as work elements: "Contact oil companies (30 companies) and request information about future development in the Coastal Zone." It should be noted that Santa Barbara County is one of the more active industrial development areas in the State due to the oil development in the channel and the potential LNG ports in the county.
- Local Coastal Programs, when completed must be approved by the State Commission, based on coastal policies which encourage coastal dependent industrial development (30260) and indicate that oil and gas development shall be permitted (30262) under conditions of the Act.
- The Coastal Act (30515) authorizes any person proposing an energy facility development to request any local government to amend its certified LCP to meet public need larger than the plan area that had not been anticipated in the development of the plan. Under certain conditions, and after balancing the social, economic and environmental effect, the State can amend a Local Coastal Program in the public welfare.

This analysis supports a conclusion that Local Governments are required to plan for and adequately consider the needs of energy facilities in the Local Coastal Programs.

Further assurance that energy facilities necessary to the public welfare of the State or Nation will not be precluded by local government, is provided by Section 30603(a)(5) of the Coastal Act which provides for appeal of local actions to the commission after local program certification for a major energy facility, upon certain grounds, including failure to provide public or private commercial use or interferes with such uses.

The impact of the Local Coastal Program development and approval process should be generally positive in terms of the energy industry. They will have a direct influence over the content of these local plans, their growth needs will be fully considered, and they will be able to know, in advance, where sites suitable or unsuitable for industrial development and expansion are located. Thus their growth and development plans and projections will be more predictable. Even in the interim period when local plans are being prepared, the policies and standards of the Coastal Act, the priority acquisition sites for the Coastal Conservancy, and the procedures for speedy consideration of major energy facilities by the Coastal Commission (e.g. the "call up" procedures of Section 30333.5) all provide greater predictability, and a sound basis for project planning and scheduling to help in industry projections.

(2) Siting procedures for LNG Facilities

New supplies of natural gas are critical to California's economy. Unless new supplies are found, industry and business currently dependent on gas as a clean source of fuel will be severely affected, particularly in Southern California where alternative sources of fuel may be precluded due to air quality regulations. Projections by the industry indicate that by the early 1980's major new sources of gas must be supplied to these businesses and industry if major unemployment and loss of production is to be avoided. The State of California is committed to finding these additional sources. Liquefied Natural Gas (LNG) imports from Alaska, Indonesia and other countries in a potential major source of that new supply, which is reflected in the policies and procedures of the Coastal Act.

In recognition of this critical issue, several bills have been introduced in the California Legislature and are being debated at the present time. If these bills result in a change in the policies or procedures outlined in the CMP these will be reflected in amendments or refinements to the program.

Until such time, the existing policies and procedures of the Coastal Act reflect the State's response to this coastal related issue and must serve as the basis for NOAA review.

Special procedures and policies have been incorporated into the Coastal Act and the Commission's process for handling LNG permit applications, largely due to the potential hazards associated with the transportation and processing of LNG. Analysis of such hazards or the impacts associated with the Coastal Act policies for siting LNG is beyond the scope of this EIS. The LNG policies and procedures become relevant to CZMA concerns, to the extent that local land and water use regulations could unreasonably restrict or exclude the siting of such facilities that are of regional benefit, or if it were found that the Coastal Commission did not give adequate consideration to the national interest in such facilities.

The Coastal Act and the Commission's procedures for handling LNG facility siting assure that local land and water use regulations will not unreasonably restrict or exclude the siting of LNG facilities. These facilities must be considered in the development of LCP's, as indicated in (1) above. In the interim, the State Coastal Commission will review applications for LNG facilities utilizing a procedure described in the Act, regulations, Chapter 9, and, in considerable detail in Attachment G, (letter to Keith McKinney from Joe Bodovitz). After Local Coastal Program approval, the Commission can hear, on appeal, any action taken by a local government approving or disapproving an LNG facility, and upon certain grounds and conditions (30603(a)(5)) permit the development of such facility in the public welfare.

Prior to the completion of the LCP's, a coastal development permit must be issued if the issuing agency (Regional Commission of Local Government) or the Commission on appeal, finds that the proposed LNG development is in conformity with the provisions of the Act (Chapter 3) (30604(a)).

The national interest in LNG facilities in California has not been determined at this time. FPC permits are being sought for the above siting alternatives concurrent with the state procedures, and considerable analysis has been conducted. Most, if not all, of the gas processed at these facilities, in the short term, (1980's) would be utilized within California to replace diminishing supplies from other sources. President Carter's National Energy Plan includes the following statements that may have some relevance to the CCMP program procedures:

"Due to its extremely high costs and safety problems, LNG is not a long-term secure substitute for domestic natural gas. It can, however, be an important supply option through the mid-1980's and beyond, until additional gas supplies may become available."

"The new policy further provides for distribution of imports throughout the nation, so that no region would be seriously affected by a supply interruption. In cases where the proposed supplier retains a unilateral right to cut off supply, consideration should be given to conditioning FPC certification on recognition of a reciprocal right to cancel on the part of the US purchaser."

Finally, strict siting criteria would foreclose the construction of other LNG docks in densely populated areas."

Other national interests in the siting of such facilities might include the risk to coastal resources that are nationally significant, i.e. marine resources such as fisheries and mammals, historical and archaeological sites, recreation, agricultural and forest lands. Of course, as the President's Plan indicates, the health and safety of the public is of national concern. These considerations appear to have been taken into account in the LNG policies and procedures, by assuring that safety concerns are met and that other policies of the Coastal Act will apply to protect these nationally significant resources. Chapter 11 of the CCMP indicates that the Coastal Commission will fully consider various sources of national interest expressions in these sites, including the above referenced Energy Plan, special reports and certificates and solicited opinions on the project by Federal regulatory agencies.

The California Coastal Commission is now considering three alternatives, for one or more LNG facilities in Southern California: Los Angeles (Terminal Island), Oxnard, and Point Conception. Some bills in the Legislature and proposals by interest groups have suggested consideration of an offshore site on one of the Santa Barbara Channel islands or a new island in State or Federal waters. The offshore site alternative is predicted to take 6 to 8 years longer to become operational than one of the three alternatives that are now being considered, although on the basis of consultant studies of the offshore alternative, these appear to be feasible. As indicated in Attachment G, the Commission has estimated that it might arrive at a decision on the permit application for the first site by November or December of 1977, (prior to enactment of new procedures that might be contained in one or more of the LNG bills being debated in the California Legislature).

Some reviewers of the DEIS challenged the approval of the California Coastal Program, based on their understanding that the LNG policies and procedures were too restrictive, and allowed for only one facility. As the language of the Act and the McKinney letter (Attachment G) indicates, the Commission will first consider the general safety issue, so that it can determine whether a "remote" site may be

considered, or whether a terminal may be permitted in "developed or industrial port areas." If the safety issue is satisfied, more than one terminal can be located in developed areas.

In summary, since this FEIS does not have the responsibility for discussing the merits of particular state CZM policies or project decisions (see introduction) the extent of the impacts of the LNG process appear to be limited to the finding that the national interest will be adequately considered, if and when defined, in the siting of LNG facilities; and that the State has methods to assure that local land and water use regulations will not unreasonably preclude this use of regional benefit. These and other matters of consideration will be monitored during implementation of the State's approved program pursuant to Section 312 of the CZMA.

(3) Siting procedures for Oil and Gas Facilities:

As cited in the discussion of Commission actions on major energy projects between 1972 and 1977, all major oil and gas related projects to come before the Coastal Commission have been approved, with the exception of the Platform Holly application of ARCO. One other project, the Exxon Santa Ynez unit in Las Flores was approved with conditions unacceptable to the applicant.

The national interest considerations of these oil and gas facility procedures have been thoroughly discussed in Chapters 9, 11 and part IV of this combined document.

Also, since some reviewers attributed impacts to the national policy of increasing domestic petroleum supplies from the state's air quality standards, it is important to clarify that these impacts are not relevant to this EIS discussion. Impacts resulting from air and water quality standards are not a valid consideration of NOAA due to the requirements of 307(f) of the CZMA that requires the standards of the Clean Air Act to be met in all CZM programs. These impacts relate to the implementation of the Clean Air Act by EPA, and to the state's separate regulatory authority under this Act. (see general response 10, Attachment J, page J.11)

Potential impacts from OCZM approval of the California program related to oil and gas facilities include those resulting from application of the Federal consistency provisions (307) of the CZMA, funding of permit procedures for such facilities, and funding of the development of Local Coastal Programs discussed above.

Since the Federal consistency procedures of the Act have not been tested long enough to measure their effect in other States (Washington's CZM Program, approved June 1976, has not been evaluated sufficiently to draw conclusions about the effect of Section 307) we can only describe potential impacts based upon the intent of the CZMA.

Recent OCS and oil and gas development issues on California indicate that there is much to be gained by a closer and more cooperative working partnership between the State and Federal agencies, regarding energy development issues in California. The controversy over the leasing of OCS tracts in the Santa Barbara Channel is one case where these Federal consistency and consultation provisions of the CZMA may have had an impact.

The oil industry, in comments on the DEIS, claimed that the State's opposition to the previous lease schedule demonstrates that Federal consistency could be used to halt OCS development, (See WOGA, API and Exxon comments Attachments J and K). On the other hand, the Director of the Office of Planning and Research has countered these claims stating that "California is working closely with the Department of Interior and the oil industry to avoid and resolve conflicts, and to promote efficient, responsible development of offshore petroleum resources." (see Attachment G, page G.2). This view by OPR appears to be supported by the Secretary of Interior, Cecil Andrus, in his letter in response to the revised conditions on the Santa Ynez application (Attachment G, page G-34). In his letter to Governor Brown, Secretary Andrus said: "As you are also well aware, this Administration seeks to cooperate with the states because of our confidence that the states will, when treated as partners, work in the national interest, as well as in their own, in developing offshore reserves while protecting the environment. My judgement that your revised conditions are reasonable is based, then, both on comparison to your first set of conditions previously found unreasonable, and on our policy of encouraging state responsibility in regulating the onshore phase of OCS development."

This spirit of cooperation and Andrus' intent to "encourage State responsibility" is one of the central purposes of Section 307 of the CZMA. To the extent that future cases, such as the Santa Ynez conflict between the Department of Interior, the State of California and the industry can be avoided or ameliorated by Section 307 procedures, the impacts of program approval will be positive. A detailed account of the Santa Ynez case is beyond the scope of this EIS, but it may present a relevant example of how impacts of unilateral decisions of State and Federal government can be avoided, in part, through the affect of the CZMA.

The revised conditions proposed by California for the Santa Ynez application were, in large part, a result of a "Joint Government-Industry Task Force" to study the feasibility of alternatives to offshore processing of oil and gas resources. This process is designed to assure that petroleum resources in

State and Federal waters of the Santa Barbara Channel can be developed, transported and processed in a manner that would:

- 1) Protect the resources of the coastal zone;
- 2) Reduce the risks and pollution from tanker operations in the Santa Barbara Channel;
- 3) Provide for the development of oil and natural gas resources needed in California and the rest of the nation.

Agencies of the Federal, State and local government participated along with major representatives of the oil and gas industry, in recommending revised conditions to the Coastal Commission's permit for the Santa Ynez project. It is an example of how federal consistency can work in the CCMP process. The increased influence gained by the state through Section 307 should foster similar working partnerships for dealing with complex government/industry energy problems. One might say that California has been operating with its own form of Federal consistency prior to program approval, which will be enhanced. Funding resulting from Federal approval for permit processing of oil and gas related applications, as described in Chapter 9 of the CCMP, should improve the quality of staff analysis for permit applications, help assure that these decisions are made on a sound factual basis, and expedite the review process by providing funds for staff service to guide applicants in interpreting the standards and procedures of the Act during project planning.

The permit procedures for oil and gas projects will, however, involve certain delays and costs, as discussed generically in the previous Part III.B. of the EIS. The Coastal Act and regulations should considerably reduce these from those previously encountered under Prop. 20. However, the Federal approval of this program would not have a negative impact on these aspects of the process, because the California program is now being implemented under state law (with or without Federal approval) and the Federal consistency procedures are being integrated into the existing permit systems, to the extent allowable under Federal law. Therefore, these costs should be reduced through enhanced funding as described above. Other impacts on oil and gas facilities related to the California program approval are discussed in terms of selected policies below in C.

One of the most significant petroleum related projects is now pending before the California Coastal Commission for review. SOHIO's proposal for a \$121 million port facility in the City of Long Beach to serve as a major terminal for transferring Alaskan North Slope oil to a pipeline to serve inland refineries and markets, embodies many complex issues two of which are related to the proposed action to approve the CCMP. Other issues are summarized in the Commission's staff briefing memoranda in Attachment G.

First, under separate procedures and standards, the South Coast Air Quality Management District, the California Air Resources Board, and the U.S. Environmental Protection Agency will exercise their authorities under the Federal Clean Air Act (CAA) and under State and Regional Air Quality laws adopted pursuant to the CAA. To approve, disapprove or condition the approval of this project. The Coastal Commission is bound by the standards of these State and Federal Air Quality laws by the Coastal Act and, in terms of OCZM's approval, by Section 307(f) of the CZMA. Therefore, the impacts associated with the fate of this major terminal, in terms of air quality, are not an issue for OCZM review prior to program approval--or after approval as a matter of Section 312 performance evaluation.

Second, if the SOHIO project is approvable under these air quality standards, this project will represent one test of how the Coastal Commission process for adequately considering the national interest in the siting of energy facilities in the coastal zone might work. Attachment G (page G-17) demonstrates that the national interests are being considered in this project to the extent that these interests have been articulated by the responsible Federal sources.

(4) Power Plant Siting Procedures

At present there are 22 electricity-generating power plants along the California coast. They occupy about 5 miles out of the State's 1,100 mile coastline.

Because of the authority exercised by the State Energy Commission over thermal power plants and related facilities prior to the passage of the Coastal Act--and in keeping with the Legislature's intent "to minimize duplication and conflicts among existing agencies"--the Coastal Act reserved to the State Energy Commission the powers for siting thermal power plants in the coastal zone.

However, the Coastal Act requires the Coastal Commission to designate areas of the coastal zone for "special treatment" with regard to the construction of power plants--in these areas the State Energy Commission cannot approve construction of a power plant until the Coastal Commission "first finds that such use is not inconsistent with the primary uses of such land and that there will be no substantial adverse environmental effects and the approval of any public agency having ownership or control of such land is obtained." The Commission is to complete the first such designation by January 1, 1978, and to revise it every two years thereafter. Since this is obviously a dynamic process, and the CZMA, as amended, does not require such siting decisions to be made prior to approval, these designations are not required for approval and are not now a part of the program.

Even if the demand for power were to double the number of power plants needed in the coastal zone, only a few more miles of the State's 1,100 mile coastline would be needed.

Power plants can have substantial impacts on the areas in which they are built. There is controversy about the effects on fisheries when power plants take in enormous amounts of ocean waters for cooling. There can be air pollutants from fossil-fuel plants. These are visual impacts of the power plants themselves and their transmission lines. And the construction of a power plant, with the influx of large numbers of workers, can have a substantial impact on nearby communities during the construction period.

In the portions of the coast that the Commission does not designate, a power plant may be built without a Coastal Commission permit or other approval. In those areas, the Coastal Commission is to make its views known in a utility application proceedings before the Energy Commission. It should be noted that Commission designation of these "special treatment" areas does not preclude the use of these areas for power plant sites, only that the Coastal Commission and the State Energy Commission and other agencies have certain responsibilities prior to approval, i.e., the Commission make certain findings required by Section 25526. This includes findings that a power plant or transmission facility would not have any substantial adverse effects and would be consistent with the uses of the land.

Demand forecasts of the need for future sites by the Energy Commission (which the Commission is required to consider in proposing sites) have indicated that only one candidate site is in the coastal zone.

Specific criteria are being developed by the Commission staff, based upon the policies of the Act, for these designated areas, including land use and concentration of development, view protection, recreation and public access, marine resources, environmentally sensitive habitat, agricultural lands, timberlands, natural land form and bluff protection, geologic hazards and air quality.

When this process is completed, and after considerable industry, government and public review of the proposed designations all affected parties will have a clear direction, and data base by which to evaluate Power Plant Siting proposals.

Clearly, this process meets the CZMA 305(b)(8) requirements in terms of power plant siting.

This process should expedite the review of projects, saving time and costs related to such project applications. It should enable the State to keep up with the demands for electricity generating power plants, while perhaps reducing the demand for hydroelectric facilities affecting the supply of fresh water resources necessary to maintain coastal ecosystems.

Enhanced Federal funding to support this process resulting from approval under the CZMA could support a high level of staff analysis for completing the designations and updating such designations on a biennial basis.

c. Potential Impacts from the Industrial and Energy Development Policies of the Coastal Act.

The purpose of this section is to discuss the policies of energy and industrial development (30260-30264) commensurate with the extent and expected impact of the Federal action to approve the CCMP. It is not required that the individual merits of each policy be systematically analyzed for all future management under the jurisdiction of the CCMP. However, because of the nature of the Federal action, it is important to analyze if the policies are or are not compatible with the intent of the CZMA under Section 303(a) and (b); i.e., "to preserve, protect, develop and where possible, to restore or enhance the resources of the Nation's coastal zone," and that the management program "gives full consideration to ecological, cultural, historic, and esthetic values as well as the needs for economic development."

With the amendments to the CZMA, Congress also found that there is a national objective to attain a greater degree of energy self sufficiency and that this objective could be realized in part by providing financial assistance to State and local governments through Section 308 of the CZMA (302(i)). While this was not a declaration of policy to the States, it was provided as an incentive to assist in this overall national objective. Therefore, an assessment should be made to determine if coastal management program policies are so unduly restrictive that regional or national interests are precluded.

Other sections of this EIS have shown that the CCMP gives full consideration for ecological, cultural, historic and esthetic values as issues unto themselves and as combined factors to be taken into consideration in coastal development. The industrial and energy development policies focus on the large-scale facilities generally associated with "economic development." In section 30001.2 of the Coastal Act, the Legislature found and declared that:

"notwithstanding the fact electrical generating facilities, refineries, and coastal-dependent developments, including ports and commercial fishing facilities, offshore petroleum and gas development, and liquefied natural gas facilities, may have significant adverse effects on coastal resources or coastal access, it may be necessary to locate such developments in the coastal zone in order to ensure that inland as well as coastal resources are preserved and that orderly economic development proceeds within the state."

This was included after testimony was received from many interest groups to assure that economic development could continue to proceed in an orderly manner and that coastal planning and management would not sacrifice the rest of California by forcing these large-scale developments to all be located inland where there would be major trade-offs with fresh water allocations and other resources.

Within the context of the industry and energy development policies, the comprehensiveness of the management program is clearly apparent. The policies on the siting of facilities are designed to allow the expansion and new location of industrial and energy facilities in the coastal zone while at the same time minimizing the adverse impacts associated with the siting of such facilities. The policies give preferential treatment to coastal-dependent industrial facilities, encourage their location or expansion within existing sites and recognize that some facilities may not be consistent with all the policies of the Coastal Act. If such is the case, they shall be permitted if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible. These criteria provide guidance for the siting of coastal-dependent facilities which require a degree of reasonableness and guard against decisions being made in an arbitrary or capricious manner.

Economic considerations are also taken into account because they permit "reasonable long-term growth," the "public welfare" is considered, they are "encouraged to the maximum extent feasible," and "alternative locations are not feasible."

Because these policies contain provisions to mitigate adverse impacts and risks, there will be increased economic costs associated with any future developments. The criteria and standards placed on these types of facilities may be reasons for the energy industry or other industries to find that the economic costs are prohibitive and therefore unacceptable. Because of the past experience during Proposition 20 on energy facility siting discussed in (B) above, it is clear that this has not been the case for the majority of permits processed. One permit applicant (EXXON) found the conditions were unreasonable and unacceptable. However, further efforts are underway to resolve these issues. The socio-economic impacts of permit conditions placed on developments to meet the intent of coastal legislation have been previously discussed. No dollar figures can accurately be projected as to the additional costs these policies would have on a long-term basis to the economy of California or other parts of the Nation.

The encouragement of coastal-dependent facilities to locate or expand within existing areas, and the priority of use given to these facilities, will have two major impacts. Efforts are made to reserve the sites where needed, such as in existing harbor and port areas where major dredging and filling have already taken place, so development can take place with a minimum of adverse impacts

on the environment in new areas. This may increase the environmental problems in existing areas causing environmental "hot spots." California is particularly plagued with some bad air quality problems which makes the siting of future facilities extremely difficult. Section 30263 does allow future facilities if they meet air quality standards if negative impacts of the project are "offset" by reductions of other gaseous emissions in the area.

Even though the policies are specific with regard to what is required and expected of the industrial and energy developers, they remain general enough to allow for the specific details to be made on a project by project basis according to the merits and conditions of each case. For instance, the Coastal Act policies recommend the consolidation of tanker terminals and oil and gas facilities. Increasing demands are being placed on the coastal resources of California due to outer Continental Shelf (OCS) activities and oil from Alaska. Many energy companies are involved, and the potential for duplication of facilities is great. This policy is an attempt to minimize the adverse impacts associated with energy facility siting by encouraging the companies to consolidate their facilities and avoid unnecessary duplication. Consolidation occurs when two or more companies use the same site or facility for exploration, development, transportation, processing, or storage functions, rather than each company constructing and operating a facility for its needs only.

"In the past, industry consolidated facilities when private company economics have favored sharing of facilities. Generally, companies operating off the California coast have preferred to construct and operate their own facilities, in order to maximize flexibility in production and marketing strategies. Historically this has resulted in a proliferation of offshore pipelines, small onshore oil and gas separation, treatment, and storage facilities, and tanker terminals along the coastlines of Santa Barbara and Ventura County, and in the San Pedro Harbor area." 7

Some advantages offered by consolidation include reduction in the following:

"(a) industrial land requirements near the coastline and conflicts with other coastal land uses and other environmental land use savings to onshore communities; (b) the number of potential sources of oil spill and air pollution; (c) the amount of energy and raw materials used in construction and operation of the facilities; (d) the costs of facility operations; (e) adverse scenic impact of additional industrial facilities in coastal areas. In some instances, consolidation of facilities may raise environmental problems more serious than those it solves. The increased activities at a single site could, for example, result in violation of air pollution standards at the consolidated site, when no such violations would have resulted at smaller, dispersed sites."

Some of the concerns the industry has relayed against the concept of consolidation include:

"(a) some consolidation strategies might increase capital costs, thereby making small-scale, marginal ventures uneconomic; (b) the information exchange and intercompany cooperation that must attend planning for consolidated facilities may lead to loss of competitive advantage and violation of antitrust laws; (c) the uncertainty of information regarding the petroleum resource on their own leases already makes facilities planning sufficiently difficult without adding the uncertainties of their companies' production prospects and actual production volumes; (d) their flexibility in production and marketing strategies will be impaired by facilities that must be designed and operated to meet the needs of other companies as well; (e) physical properties of oil and gas produced from different reservoirs might make the respective substances incompatible and preclude use of common facilities."

These Policies recognize that in some cases it may be extremely difficult to consolidate facilities and recognize that there are limits in which industry can operate. The policies nevertheless encourage consolidation to the "maximum extent feasible and legally permissible," or unless the siting would have more adverse environmental consequences brought on by the consolidation.

When viewed on the whole the possibility exists for heightened conflict between the preferred uses of the coastline and the State's and Nation's need for energy. As water becomes a scarcer quantity in the State, more and more energy facilities will have to be located along the coast where ocean waters are available. Considering all the constraints placed on these large-scale facilities, it is believed that there will be only a few sites available. Once again, the intergovernmental, public, and special interest involvement process described in the program is designed to resolve these conflicts between demands, uses, and interests.

4. Mitigation Measures

The California Coastal Management Program recognizes that development will continue within the coastal zone. Consistent with the concept of permanently protecting the State's natural and scenic resources for the present and future residents of the State and Nation (Section 30001(b)), the management program will look at future developments from a performance standards and criteria approach (see Part II, Chapter 5). The standards and criteria are based on existing State regulations such as air and water quality standards, and on specific guidance provided for by the policies in the Coastal Act. In addition, development will be guided by certified local coastal programs consisting of general plans, zoning regulations, and other implementing ordinances.

In order to show the adequacy of the program process, some examples of policy directives which are used in the permit process to mitigate adverse impacts associated with some types of development follow:

- Maximum access and recreational opportunities "shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse." (30210)
- "The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams." (30231)
- With regard to agricultural land conversion, "any such permitted conversion shall be compatible with continued agricultural use on surrounding lands." (30242)
- "New development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development. (4) Minimize energy consumption and vehicle miles traveled. (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses." (30253)
- "New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this division shall be permitted if (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas; and, (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property." (30263(a))

The Coastal Commission and regional commissions are responsible for assuring that the appropriate mitigation measures are taken by applicants for coastal development permits during the interim period while local governments are in the process of program certification. After that, the responsibility is given to local governments to assure that the policies are enforced.

In its simplest form, mitigation measures are usually expressed as conditions placed on development permits. Since development is allowed under a conditioned permit containing criteria and standards of conformance, it is often the conditions that become the focus of controversy and legal battles.

5. Impacts of Exclusions

Section 30608 states that persons who have obtained a vested development right prior to January 1, 1977, are not required to obtain a coastal development permit unless there is a substantial change involved. The impacts associated with these "grandfather" development rights are not considered as part of this program for impact analysis purposes. However, it can be shown that there was a rush to gain vested rights between the time of enactment of the Coastal Act and the January 1 deadline. The full implications and impacts of these excluded developments with regard to cumulative impacts and how they will affect new development subject to a coastal permit is to be determined over the next three years prior to the expiration of those rights.

Section 30610 excludes from the coastal development permit process certain improvements to existing single-family residences, maintenance dredging of existing navigation channels, certain repair and maintenance activities, and activities associated with necessary utility connections between an existing service facility and any new development. Additionally, the provision allows for categorical exclusions of development or of any category of development within a specifically defined geographic area. In each case, where the Coastal Commission finds that there is a risk of adverse environmental effects, the same would not be excluded. Therefore, while the potential for adverse impacts may exist by not including these activities or developments, the process outlined in the Coastal Act and further spelled out in the regulations, provides a safeguard to include such activities or developments when significant impacts may occur as a result of their exclusion.

In addition to the urban boundary being somewhat less than 1,000 yards, in most cases, a local government may request that an urban land area be excluded by the Coastal Commission from the permit provisions of the Coastal Act. Several conditions must be met before the areas can be excluded from the development permit process (see Section 30610.5(a)(1)(2), and (b)). The Coastal Commission requires that a local government submit an Initial Environmental Study and/or a Draft Negative Declaration concluding that the exclusion will have no significant adverse impact on the environment. Because these findings must be made, it is presumed that no adverse environmental impacts will occur as a result of this provision in the Coastal Act.

It is clear that the purpose of these exclusions is to minimize the administrative burdens on the State and local governments and on would-be applicants when normally such developments are not considered to directly or adversely impact the coastal zone.

6. Effect of Activities Outside the Coastal Zone

The planning and regulatory requirements of the Coastal Act do not apply inland of the boundaries of the coastal zone. The Coastal Commission has no direct permit or planning controls over any area or the activities of any other public agency outside the coastal zone. Section 30200 of the Coastal Act states however, that State agencies whose activities outside the coastal zone could have a direct impact on resources within the coastal zone, must consider the effect of such activities relative to the policies of the Coastal Act.

The legislative intent was clear in that the Coastal Commission's authority was not to extend beyond the coastal zone, but likewise, major activities outside the coastal zone that could have a direct impact on coastal resources are to be considered in the light of the coastal policies. Dams, flood control and water diversion projects, stream channelizations, mining, logging, power plants, roads leading to the coast, urban expansion, and other such inland projects and activities can directly affect the coast.

Although the coastal agency would not have any direct regulatory control over these projects and activities, it would have the opportunity to provide critical input into the decision-making process in two principal ways. First, projects requiring either an environmental impact statement under the California Environmental Quality Act would be reviewed by the coastal agency and would in turn provide its comments to the lead agency. The coastal agency (including local governments with certified programs) would have more direct authority over projects outside the coastal zone that have a direct impact on the coast if a Federal agency license or permit is required, it utilizes Federal assistance, or it involves Federal development projects. These activities and projects would have to be consistent with the California Coastal Management Program to the maximum extent practicable and would require applicant certification of consistency in order to obtain the necessary Federal approval under Section 307 of the CZMA. The coastal agency would review these projects and concur or disagree with the certifications under the procedures established for coordination with Federal agencies (see Part II, Chap. 11.B.). The effects of a negative consistency determination have been previously discussed. The provisions of Section 30200 and Federal consistency has the effect of reinforcing the policies, taking away any arbitrariness that may exist for any segment of the coastal boundary, and gives greater protection to the "coastal ecosystem" concept of resource management.

California's coastal zone is contiguous to the coastal zone of Oregon and the land and coastal waters of the Republic of Mexico. It is believed that the implementation of the California Coastal Management Program will not adversely affect the integrity or land and water uses of these two places. While Oregon's coastal zone boundary extends further inland than does California's, the boundary difference is unlikely to cause significant problems in the administration of either program. No significant problems have been reported during the implementation of Proposition 20.

In 1976, Alaska, California, Washington, and Oregon developed an interstate coordination program involving the directors of the State coastal management programs. This effort, largely generated by the regional impacts associated with oil and gas production in Alaska, will be utilized to examine and jointly resolve interstate problems and conflicts between adjacent States. Initial discussions have occurred about the need for joint standards and planning for offshore outer Continental Shelf petroleum development.

While the impacts associated with land and water uses do not necessarily stop at political boundaries, it is unlikely that the requirements of the Coastal Act will adversely affect Mexico.

Recently the Republic of Mexico has indicated that it may expand its offshore oil and gas activities. Should this occur in relatively close proximity to the California coastal zone, the Mexican environmental standards for such activities may not be comparable to those in the United States. In such a case, a potential future impact upon the California coastal zone from oil spills may exist.

7. Impact Assessment Based on Previous Studies

a. Half Moon Bay Case Study

The Half Moon Bay Case Study was a two-year study conducted by the Institute of Urban and Regional Development of the University of California, Berkeley.⁵ The study served as a means to test and evaluate specific policies proposed by the then California Coastal Zone Conservation Commission in the preliminary elements of the Coastal Plan and was later modified to include similar policies of the Coastal Act. The case study also served to evaluate the operability of the collaborative planning process required by the Coastal Act and to test specific analytical methods for subregional and local planning. An impact assessment process was conducted to evaluate the cumulative environmental, economic, social, public service, and access impacts of a local coastal program which results from a specified land use pattern, population level, and level of facility development. Specifically, the impact assessment was a means of measuring:

1. The extent to which land use designations are in conflict with coastal policies in resource areas -- soils, hazards, open space, recreational lands, protection (i.e., how much prime soil is pre-empted for urbanization in a local coastal plan).
2. The extent to which public services' capacities are exceeded by the increased levels of population (i.e., will the service requirements of full build-out of residential subdivisions exceed facility capabilities).
3. The extent to which the "carrying capacities" of any natural systems -- viewshed, airshed, watershed -- are exceeded by the amount (density) of development allowed (i.e., too much recreational beach use, too much impervious surface coverage, too many houses in a scenic viewshed).
4. The extent to which planned development is allowed adjacent to a resource area -- viewshed, habitats, watershed, so as to present an adverse impact, threat, or use conflict (i.e. development along a coastal stream, adjacent to agricultural land).

When the coastal policies were grouped into broad categories, it was found that the following areas, resources, uses, and users could be impacted (see Table E).

During the third year Section 305 grant period (January to December 1976) California conducted several sub-regional planning studies and provided funding to 11 local governments to conduct local implementation program pilot projects. These studies and projects have provided both local governments and the Coastal Commission with a wealth of information on which to assess the impacts of program implementation. A few of these studies are summarized below.

b. Subregional Planning

(1) Moro-Cojo Marsh (Elkhorn Slough, Monterey County)

The Moro-Cojo Marsh restoration project was directed toward providing the Coastal Commission not only with a restoration methodology, but also with a prototypical area in which to study the implementation of coastal wetland restoration policies. This marsh was diked off over fifty years ago and the reclaimed lands have been farmed continually since that time so that the resultant accumulation of pollutants in the marsh sediments is thought to be significant.

TABLE E
Impact Assessment Criteria

Environmental Impacts

1. Change in the extent of open space lands
2. Change in condition of habitat areas
3. Change in the type and extent of forest lands
4. Intrusion upon hazard areas and unstable landforms
5. Change in extent of prime soils
6. Change in the acreage of non-prime agricultural lands with productive soils
7. Change in condition of watershed and blockage of view
8. Change in condition of watershed and coastal waters and their buffer areas and change in sand supply
9. Change in the extent and type of mineral resource areas
10. Change in condition of airshed

Access Impacts

11. Change in the type and extent of public access to the shoreline and other coastal recreation areas
12. Change in the type and location of public and commercial recreation facilities
13. Change in convenience of traveling to the coastal zone
14. Change in the availability of transportation options
15. Change in the cost and availability of coastal housing and related social mix of coastal communities

Social/Economic Impacts

16. Change in amount of business
17. Change in amount of employment available
18. Change in yearly average income of coastal residents
19. Change in local jurisdictions' fiscal status and change in tax obligation of citizens
20. Change in the amount of State and Federal funding for projects and activities in the coastal zone
21. Change in community character and disruption of community way of life
22. Change in the condition of manmade resource areas
23. Change in quality of public health and safety

Public Service Impacts

24. Change in extent of water usage
25. Change in extent of use of electricity and natural gas
26. Change in extent of transportation facility usage

Table F shows the amount of acreage that would be displaced for six different "population projection" alternatives. Although this was a theoretical study, it does give some indication as to the potential impacts of the implementation of the policies in the Half Moon Bay Area (i.e. preservation of open space and views, increase in public access, etc.). Different degrees of policy implementation were used to determine the "population projection" alternatives. Coastal policies were used to define the populations under alternatives 1a, 1b, 1c, and 2a.

TABLE F
Impact Summary--Geographically Based Impact Measures

Impact Assessment Criteria	Baseline Condition (1972)	Measure	Measured Increment of Change for Alternatives					
			1a	1b	1c	1d	1e	1e
	13,369 existing population	additional population	1,427	5,378	10,422	13,304	40,499	47,657
		total population	15,016	18,967	23,911	26,893	54,088	61,246
1. Change in the extent of open lands	4150 acres of rural open space	Rural open space converted (acres)	136	140	191	444	2644	3358
		Percentage of existing rural open space converted	3.3	3.4	4.6	10.7	63.7	80.9
4. Intrusion upon hazard areas	240 acres of floodplains	Floodplains preempted (acres)	0	0	0	0	68	68
		Percentage of undeveloped plains preempted	0	0	0	0	28.3	28.3
5. Change in extent of prime soils	380 acres of Class I soil	Class I soils converted (acres)	0	0	79	47	139	129
		Percentage of existing Class I soils converted	0	0	10.3	12.4	36.6	33.9
	1700 acres of Class II soil	Class II soils converted (acres)	13	19	38	76	641	964
		Percentage of existing Class II soils converted	1.0	1.4	2.8	5.7	47.8	42.1
	770 acres of Class III soil	Class III soils converted (acres)	0	0	0	41	429	746
		Percentage of existing Class III soils converted	0	0	0	5.3	55.7	96.9
	400 acres of total prime soil	Prime soils converted (acres)	13	19	77	164	1209	1169
		Percentage of existing prime soils converted	.3	.4	1.7	3.7	26.9	26.0
7. Change in blockage of view	.6 miles of unblocked view north-bound	Unblocked view preempted (miles)	0	0	0	0	.6	.6
		Percentage of unblocked view preempted	0	0	0	0	100	100
	2.4 miles of unblocked view south-bound	Unblocked view southbound preempted (miles)	0	0	0	0	2.1	2.1
		Percentage of unblocked view southbound preempted	0	0	0	0	87.5	87.5
11. Change in the extent of public access to the shoreline recreation areas	218 acres of recreation land west of Highway 1	Additional recreation land (acres)	623	623	623	623	266	307
		Ratio increase of additional recreation land to existing recreation land	2.9	2.9	2.9	2.9	1.2	1.4
	5 miles of shoreline in public ownership	Additional shoreline in public ownership (miles)	11.1	11.1	11.1	11.1	10.6	10.6
		Ratio increase of additional shoreline in public ownership to existing shoreline in public ownership	2.2	2.2	2.2	2.2	2.1	2.1
15. Change in the availability of coastal housing	4504 existing housing units	Additional housing (units)	514	1787	3570	4832	12860	16533
		Ratio increase of additional housing units to existing units	.1	.4	.8	1.1	2.9	3.7
16. Change in amount of commercial activity	119 existing commercial units	Additional commercial (units)	45	69	100	117	283	327
		Ratio increase of additional commercial units to existing units	.4	.6	.8	1.0	2.4	2.7
24. Change in extent of water usage	2.59 MGD water used	Additional water to be used (MGD)	.43	1.30	2.41	3.01	8.84	10.40
		Ratio increase of additional water needed to current usage	.2	.5	.9	1.2	3.4	4.0
27. Change in extent of wastewater facility usage	.7 MGD wastewater generated in Montara	Additional wastewater in Montara (MGD)	.01	.10-.14	.27-.36	.23-.32	.54-.70	.49-.67
		Ratio increase of additional wastewater generation to current generation	.1	.5-.7	1.4-1.8	1.2-1.6	2.7-3.5	2.5-3.4
	2 MGD wastewater generated in El Granada	Additional wastewater in El Granada (MGD)	.08	.23-.31	.46-.61	.45-.51	.98-1.25	1.06-1.35
		Ratio increase of additional wastewater generation to current generation	.4	1.2-1.6	2.3-3.1	2.3-2.6	4.9-6.3	5.3-6.8
	.3 MGD wastewater generated in Half Moon Bay	Additional wastewater in Half Moon Bay (MGD)	.21-.29	.24-.29	.34-.42	.61-.77	1.63-2.39	2.27-3.03
		Ratio increase of additional wastewater generation to current generation	.7-.8	.8-1.0	1.1-1.4	2.0-2.6	5.4-7.3	7.6-10.1

The Moro-Cojo slough system, a portion of the Elkhorn estuarine complex, is a survivor and remnant of California's once vast coastal wetlands. The remaining coastal wetlands are now recognized as valuable natural resources and must be protected from further degradation and restored where possible. Because knowledge of the Moro-Cojo environment is inadequate, it has been necessary to define its present and potential value as a natural resource system and to evaluate proposed activities with respect to their degradation or restorational potential through a comprehensive analysis of this environment, its ecology, and relevant economic, political, and social concerns.

Preliminary conclusions of the study demonstrate that management practices of the past have severely degraded the natural resource value of the Moro-Cojo slough, and a new management program is needed to protect the coastal resource.

A critical step in the management of the remaining California wetlands will be the coordination of government actions. One of the major findings of the first phase of the study was that no single agency has comprehensively managed the wetland system in the context of a total natural system. Generally, policies and programs affecting the area have been determined by a number of agencies, each concerned primarily with its individual responsibility and jurisdiction. This secularization often conflicted with the processes of natural ecosystems.

(2) Trinidad

A geological and biological survey of Trinidad Bay was conducted and a development survey was conducted to determine the possible alternatives for developing the Bay as a commercial and recreation harbor. A joint study on moorings involving affected Federal, State, and local agencies was undertaken to determine the types and number of moorings that should be allowed and where they should be located so as to avoid the productive kelp area of the Bay. The subject of mooring placement also addresses both safety and aesthetics.

(3) Big Sur Coast - Northern San Luis Obispo County and Southern Orange County

These two subregional planning studies were intended to serve as models for how subregional planning could be incorporated into the local coastal planning process. The studies accomplished two very important tasks:

(a) They generated the information that will be useful to the local coastal programs and for the Coastal Commission to use in evaluating the adequacy of the programs for the two study areas as to their impacts on the larger-than-local issues (e.g., has the Monterey portion of the Big Sur coastline properly allocated the traffic capacity given the constraints identified in the subregional analysis?).

(b) They have established a workable methodology for conducting such studies that will be applicable in other regions where one or more coastal issues, such as road system capacity or limited water supply, transcend several local jurisdictions.

The central issue of each study was an analysis of the potential competition between local populations and recreational visitors for the use of public services such as wastewater treatment, water supply, or highway access during times of peak use both currently and in the future given proposed population levels.

c. Local Implementation Program Pilot Projects

Contractual arrangements were made with the Cities of Trinidad, Eureka, Santa Cruz, Laguna Beach, Chula Vista, Santa Monica, and Carlsbad, and with the Counties of Marin, Monterey, and Santa Barbara. The purpose was to see if local governments could incorporate the policies or specific policies of the Coastal Plan. This was later changed to conform to the standards of the new Coastal Act. Some of the projects focused on:

(1) Trinidad. A study of future growth limited by the septic tank carrying capacity of the soils in that area and increased tourist accessibility on appropriate parcels of land was undertaken.

(2) Eureka. Future development of the waterfront area proposed waterfront commercial developments, protection of existing low-income housing, a pedestrian walkway the length of the waterfront, and continuous linear berthing of vessels along the walkway so that no pier would project into the channel.

(3) Monterey County (Big Sur). A preliminary plan report was distributed for review by the public and all participating and affected agencies. The plan proposed a reduction in allowable development, protection of views, special treatment of the coast, and establishing a private trust which might acquire and trade lands to redirect growth from sensitive areas to appropriate ones.

(4) Santa Barbara County. The county staff studies the major policy differences between the Coastal Plan and a variety of local plans (existing general plan, proposed general plan, citizen group recommendations, special district policies, etc.). The report included simplified matrices on conformance or conflict between policies, based on a computerized system for retrieving all relevant policies on each subject, and a summary analysis of the issues.

d. Outer Continental Shelf Leasing Impact Planning

The Office of Planning and Research in the Governor's Office created an outer Continental Shelf (OCS) task force to conduct studies on the impacts associated with offshore oil and gas development in southern California. A number of scenarios for oil and gas exploration, production activities, and facility siting have been conducted or are ongoing in the Santa Barbara Channel. The task force has circulated draft findings and recommendations dealing with management, decision information, oil spills, air quality, impacts on sensitive coastal resources, economic effects, transportation, consolidation, and development choices. This is a continuing effort on the part of the State of California to determine its role in OCS activities and assisting local governments in preparing for the associated onshore impacts.

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PART IV

ALTERNATIVES TO THE PROPOSED ACTION

Throughout the development of the California Coastal Management Program a variety of alternatives to specific elements of the Program were considered. Many of these derived from comments received by the involved local and State government agencies, Federal agencies, and public interests. The Coastal Commission's consideration of alternative ideas, positions, and possibilities took place over nearly three years. The record of this process consists of tens of thousands of pages. Any attempt in this environmental impact statement to reconsider all policy and programmatic alternatives would only repeat the detailed record which the Coastal Commission and regional commissions have already compiled, in public, preparing the Coastal Plan. The Legislature also looked at alternatives to specific features in various coastal bills.

Normally, at the time a coastal management program is submitted for approval, most of the substantive decisions regarding the policies, how the program is to be implemented, etc., will have been made. This is not to say that changes in substance can no longer take place (see Alternative 6 below). What is mainly left in the way of alternatives deals with procedures. A brief description of some of the alternatives which were considered in the development of the Coastal Plan is reviewed in Attachment C. The procedural alternative still open to the State at this time are discussed below along with the Federal alternatives.

A. Federal Alternatives

The Secretary of Commerce could delay or deny approval of the California Coastal Management Program under the following conditions:

1. If Federal agency views were not adequately considered or the program does not fully meet the requirements of the CZMA.

Section 306(c) of the CZMA requires the Secretary of Commerce to make findings that a State coastal management program meets the requirements outlined in the CZMA prior to granting approval.

Section 307(b) of the CZMA states "(t)he Secretary shall not approve the management program submitted by a State pursuant to Section 306 unless the views of Federal agencies principally affected by such program have been adequately considered." NOAA believes this requirement has been met by the process described in Chapter 13 and based upon the comments received and resolved during Federal agency reviews of the CCMP and DEIS.

If it were shown that principal Federal agency views were not considered during development of the program, or that the State does not meet specific CZMA requirements, then the Secretary could deny the application or delay approval pending required changes. The impacts of a negative decision are clear:

The California Coastal Management Program would continue to be implemented, but without Federal assistance, since the program is a legislative mandate and funded through State appropriations. The considerable Federal funds which might have been made available to help implement the program would not be passed on to State agencies and local governments.

Potential delays in meeting the objectives of the Coastal Act could result. Many of the program elements, to be achieved as described in Part II, Chapter 14, would either be delayed or neglected. Many of the elements described could be achieved only through additional Federal funding assistance. The implications and the degree of magnitude of impacts this might have on the natural and social environment can only be conjectured.

The provisions of Section 307 of the CZMA (Federal consistency) would not apply to Federal agencies' activities in the coastal zone, meaning the coordinated governmental approach contemplated in the national program would not be fulfilled. This omission could mean that Federal agencies could take action which would conflict with the objectives of the State in the coastal zone.

Alternatives 2 and 4 focus on specific aspects of the program and include extensive examination of whether the program meets the relevant provisions of the CZMA.

2. If there is inadequate "consideration of the national interest involved in planning for, and in the siting of, facilities (including energy facilities. . .)."
 - a. NOAA must address the facility siting requirement within the context of the CZMA and implementing regulations.

Many governmental and private parties have made claims on or have objected to approval of the CCMP based upon the CZMA requirement at Section 306(c)(8) quoted in relevant part above. Adequate consideration of facility siting in California's Coastal Zone was a substantial part of the controversy surrounding the development of the Coastal Plan and later the Coastal Act. Adequate consideration of energy facility siting was a major issue in the California program development process, and also in the 1976 amendments to the CZMA. Heightened interest in energy facility siting has thus become a key part of the California coastal management effort and of NOAA's review responsibilities under the CZMA. Major comments on the CCMP and the revised DEIS concerning proposed approval of the management program continued this accelerating interest in facility siting.

The purpose of this subpart is to describe the statutory and regulatory basis upon which NOAA must assess the many claims made pursuant to Section 306(c)(8) of the CZMA. This assessment involves NOAA consideration of alternatives within its statutory charge, as well as evaluating impacts, and short term uses and long range productivity under NEPA. The latter point is discussed in Part VI. Where appropriate, references are made to other sections of this FEIS and the CCMP.

- b. Pertinent portions of the CZMA, as amended, include the following:
 - (1) Prior to granting approval of a management program submitted by a coastal state, the Secretary shall find that:

"The management program provides for adequate consideration of the national interest involved in planning for, and in the siting of, facilities (including energy facilities in, or which significantly affect, such state's coastal zone) which are necessary to meet requirements which are other than local in nature. In the case of such energy facilities, the Secretary shall find that the state has given such consideration to any applicable interstate energy plan or program." (Section 306(c)(8))

- (2) The CZMA sets forth broad balancing factors that shall guide the evaluation leading to adequate facility siting consideration. These factors include:
 - o Congressional findings (Section 302(a)-(g)) that stress coastal resource losses, their vulnerability to destruction, damage to resource values and natural and scenic characteristics and to protect and give high priority to natural systems. In short, there is a major need to balance the demands for and adverse impacts of development;
 - o The acknowledged need to balance development with the resource conservation thrust of the Act is reflected in acknowledgement of "beneficial uses", resource development and financial assistance to meet state and local needs resulting from new or expanded energy activity under Section 308; and
 - o The summation of interest balancing is expressed in the national policy to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development.
- (3) Although not a mandatory condition of approval until October 1, 1978, California also seeks approval under the following 1976 CZMA amendment, at Section 305 (b)(8):

"A planning process for energy facilities likely to be located in, or which may significantly affect, the coastal zone, including, but not limited to, a process for anticipating and managing the impacts from such facilities."
- (4) As a constraint on any decision related to approval, NOAA must adhere to Section 307(f) which states:

Notwithstanding any other provision of this title, nothing in this title shall in any way affect any requirement (1) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, or (2) established by the Federal Government or by any State or local government pursuant to such Acts.

c. Current NOAA regulations (15 C.F.R. 923.15) set forth broad consultative and evaluation criteria for considering national interests in the siting of facilities.

(1) NOAA regulations rely upon the consultation requirements of the Act, especially those involving Federal agencies, as the primary basis for national interest review. Specifically, the regulation requires:

- o integration of the national interest in facility siting into the management program's determination of uses and areas of Statewide concern;

In its "comment" guidance, the regulation:

- o calls for expression of national concerns over facility siting in the program; but,
- o qualifies such "expression" as not compelling accommodation of particular facilities;
- o applies the judgmental factor that a program not arbitrarily exclude or unreasonably restrict facilities without supporting rationale;
- o states that no separate national interest "test" is envisioned in the process of considering facility siting; and
- o assumes that an assessment of need is a preliminary to "adequate consideration," through consultation with Federal agencies and adjacent states;
- o refers to a general table of facilities and resources in which there may be a clear national interest related to siting.

(2) NOAA regulation thus required "integration" of national interests in facility siting into management programs but does not impose more affirmative State duties in siting facilities to meet this requirement. The adequacy of State consideration is related to the requirements for overall program development, especially its consultative elements. However, due to the CZMA amendments of 1976 and in response to the significant controversy that has emerged from the CCMP and the proposed NOAA approval the legislative intent concerning Section 306(c)(8) is examined below.

d. In weighing alternatives open to NOAA concerning various national interest claims and the CCMP's adequacy in considering them, reference must be made to the legislative history of the CZMA.

Because the CZMA does not amplify the meaning of or provide specific guidance concerning State duties associated with the "national interest" provision, it is appropriate to set forth relevant portions of the legislative history to determine what Congress intended by this provision.

- (1) In 1972, the Senate Report, No. 92-753, accompanying S. 3507, did not include a "national interest" provision in the bill reported, but created a National Coastal Resources Board, including eight Federal agencies, to deal with intergovernmental conflicts. (Pages 206-8)*

*All page references in this subsection are Legislative History of the Coastal Zone Management Act of 1972, as Amended in 1974 and 1976 With a Section-by-Section Index, Committee Print for the Senate Committee on Commerce and National Ocean Policy Study, 94th Congress, 2d Session (December, 1976).

- (2) The House Report, No. 92-1049, introduced the requirement at Section 306(c)(8), and explained its proposal as follows:

"As to the national interest requirements referred to under item I, your committee wishes to make it clear that the primary responsibility for developing the State program remains in the State. Nevertheless, if the program . . . is to be approved. . . the State must take into account and must accommodate its program to the specific requirements of various Federal laws . . . (and, after referencing Federal Constitutional interests and specific national interests in electric energy, transportation and other public services) recognize those Federal rights, powers, and interests." (321-22)

- (3) The Conference Committee (No. 92-1544) accepted the House provision "as to adequate consideration for the national interest involved in the siting of facilities representing regional or national requirements." (457)

- (4) The President's Statement on signing the 1972 Act reads:

"I will instruct the Secretary of Commerce to carry out this statute in a way which focuses Federal efforts on the adequacy of State processes rather than to become involved in the merits of particular land use decisions." (459)

- (5) The 1976 Amendments to the CZMA were spurred by the results of the Arab oil embargo and in the review of the legislative history; it states that "energy independence became an important priority and national objective." (577) A substantial record was developed that demonstrated a need to provide Federal financial and other support to the States to deal with energy developments in or affecting the coastal zone. The Senate Committee on S. 586, No. 94-277, states: "The core of the Committee's approach to the coastal impacts problem is found in section 308--as redesignated--which establishes a Coastal Energy Facility Impact Fund." (747) The Fund should be "administered in harmony with the larger purposes and spirit of the Coastal Zone Management Act." (749)

- (6) The 1976 Senate Report, No. 94-277, also comments specifically on the new planning requirement for energy facility siting and an addition to Section 306(c)(8) as follows:

"The additional provision for an energy facility planning process component of a state . . . program . . . complements the present section 306(c)(8). . ." The Committee wishes to emphasize, consistent with the overall intent of the Act, that this new paragraph 305(b)(8) requires a State to develop, and maintain a planning process, but does not imply intercession in specific siting decisions. The Secretary . . . is restricted to evaluating the adequacy of that process." (759-60) The Committee Report continues; "Because . . . energy facilities and protection and access for public beaches were already inherent in the Act without the specificity provided by S.586, it is not the Committee's intent to build in a delay factor for all beach access, protection and energy facility planning . . ."

The addition made by S.586 to Section 306(c)(8) is a requirement relating to such facilities which are energy facilities and provides that the Secretary . . . shall find that the State has given consideration to any applicable interstate energy plan or program that is promulgated by an interstate agency pursuant to a new Section 309 . . . "The requirement of such consideration by the existing provisions of Section 306(c)(8) is that it be 'adequate consideration'. Consistent with the intent of the Act, the Committee has not required automatic acceptance by the coastal States of these interstate energy plans . . . , but on the other hand, the requirement that the consideration be adequate is not superfluous." (762)

- (7) The 1976 House Report, No. 94-878, also documents the substantial increase in the need for energy development activity and discusses the State and local incentives and amelioration assistance warranted by this situation. (See 911-17, "Energy-Related Pressures on the Coastal Zone") Commenting on Subsection 305(b)(8), the Report states that "State coastal zone programs should . . . specifically address how major energy facilities are to be located in the coastal zone if such siting is necessary." The Committee in no way wishes to accelerate the location of energy facilities in the coasts; on the contrary, it feels a disproportionate share are there now. For those facilities which necessarily will be in the coasts, however, a specific planning process for siting such facilities . . . is desired. There is no intent here whatever to involve the Secretary of Commerce in specific siting decisions." (932)

- (8) The President's remarks and statement upon signing the Amendments (1111-12) further underscore the balancing nature of the Act, as viewed by the Executive in its specific attempt to reconcile energy and environmental protection issues.

e. Reexamination of the statutory basis for NOAA review of alternatives under Section 306(c)(8) reveals that "national interests" in energy facility siting are encouraged and must be evaluated, but need not be fully accommodated by the CCMP.

- (1) States are directed to consider national interests in the siting of facilities within the larger fabric of resource conservation and management mandated under the CZMA. Approval evaluation must therefore judge the CCMP as a whole, not as a collection of discrete functional elements. "Full consideration" must be given to ecological, cultural, historic and aesthetic values as well as adequate consideration of the national interest in the planning for and siting of facilities. The balance struck on the sometimes competing claims to coastal resources is a central focus of State coastal zone management, and of the Federal approval of State programs.
- (2) Congressional committee deliberations in 1972 stressed the State responsibility to protect Federal rights, powers, and interests--particularly accommodation to the specific requirements of various Federal laws. "Adequate consideration: is not further defined, but the facilities the siting of which must be taken into account are described as those meeting interstate or national requirements."
- (3) Congressional committee reports on the 1976 amendments clearly establish the salience of energy development as a national priority and goal. The means provided by Congress for Coastal Zone Management contribution to this national priority and goal were substantial financial incentives for planning, impact assistance and interstate coordination. Mandatory siting requirements were not added to the CZMA in 1976. Changes to Section 306(c)(8) involved specific reference to energy facilities and the planning for them. The new Section 305(b)(8) was seen as "complementary" to the earlier 306(c)(8) provision.

The House Report emphasizes that specific attention be given to major energy facility location in the coastal zone, but places a constraint on the "share" that must be located in coastal areas.

In reporting principally on the adoption of the Coastal Energy Impact Program (Section 308), the Conference Committee reemphasizes the importance of the coastal zone in meeting national energy goals, encourages OCS development through financial assistance to States, assumes State responsiveness to national energy objectives and limits Federal involvement in assessing needs of individual coastal States to respond to new energy activity. (1074) A key additional way in which States would be accountable to national interests involves their consideration of interstate energy plans and programs created under the new Section 309. (1080)

f. Alternatives to approval of the CCMP under 306(c)(8) therefore rest upon the following factors; (1) the opportunity provided by CCMP for national interests to be expressed and integrated in CCMP development; (2) the adoption of developmental and environmental conservation policies and administrative decision making procedures that evaluate and are responsive to such interests; (3) a reasonable balancing of environmental and energy objectives; and (4) protection of Federal rights, powers and interests.

The CCMP in revised and supplemented form addresses each of these decision factors in the following parts of the program narrative and EIS:

- (1) Public welfare and national interest claims-- Part II, Chapters 9A and 11A
- (2) Policies and administrative procedures-- Part II, Chapters 3,6,7,8,9 and 10
- (3) Balancing of interests-- Part II, Chapters 3,4,5,9 and 11, and 13
- (4) Protection of Federal rights-- Part II, Chapters 9,11 and 13

- g. The alternative of disapproval based on failure to meet Section 306 (c) (8) has been advanced strongly by some interests, based in part on factors other than those discussed above. (See EIS Attachment J). In exploring valid options to approval, NOAA finds that these claims exceed the requirements of the CZMA.
- 1) There are many interests that believe the 1976 amendments brought into force an affirmative duty on the CCMP to site particular energy or other facilities in the California coastal zone. Reliance for this position is placed upon the increased emphasis and specific energy facility planning processes added by the 1976 amendments. Regardless of the merits of a nationally mandated coastal facility siting requirement, it cannot be found in the CZMA or its legislative history. Nor do the Act or its regulations require that fundamental alteration be made in the existing energy facility planning and siting processes that rely upon private or public initiatives and governmental policies and administrative review of them. Denial of approval of a State's coastal management program or conditioning of an approval action by NOAA cannot be made on the basis of these critiques.
 - 2) Disapproval has also been recommended based upon alleged unreasonable restrictions placed upon energy facility siting by the State in the past. The record presented in Chapter 9 and Part III C.3 argues that these allegations are unfounded. Failure of the CCMP to carry out its national interest balancing considerations during program implementation would be cause for termination of assistance under Section 312 of the CZMA.
 - 3) Similarly, disapproval has been recommended based upon the anticipation that the CCMP, as presently constituted, will obstruct energy development through application of the Federal consistency provisions. The major thrust of the 1976 amendments was the provision of financial and other incentives that, taken together with an assumption of good faith state participation, would facilitate orderly energy development. It is inappropriate for NOAA not to approve the CCMP based upon predictions that are unfounded in the program itself. Additionally, the CCMP has incorporate revised consistency policies and procedures that include extensive provisions to assure reasoned use of these coordination mechanisms.
- h. NOAA has proposed to the State that it use the President's National Energy Plan, among other policy instruments, to assure continuing adequate consideration of national interests in the planning for and siting of facilities. The CCMP has agreed to use this expression of national policy as part of its continuing planning and review system, and, in fact, has applied it already.

One of many initiatives taken by the Coastal Commission and NOAA in response to program and DEIS reviewers concerning "adequate consideration" under 306(c)(8) involved identifying policy references for use in national interest evaluation. The President's Energy Plan * and its recommended policies have been identified as one important source in weighing national interests in facility siting and the balancing of alternative use of the coastal zone under the CCMP.

NOAA prepared excerpts from the National Energy Plan and other current sources of national policy for discussion with CCMP staff in June 1977. The CCMP agreed to consider this policy source, and the legislation or executive actions that may flow from it, together with a number of other relevant sources (see Chapter 9, 11). In fact, as the CCMP evaluation of the SOHIO Project shows (Attachment G), the state searches for clarification of specific national welfare views and has undertaken an independent assessment to place what is known concerning national policies in its own permit application reviews.

*Executive Office of the President, Energy Policy and Planning, The National Energy Plan, April 29, 1977. It should be noted that much of the program development leading to the final CCMP occurred prior to enunciation of a national energy plan, and was dependent on incomplete and sometimes contradictory statements of Federal agencies in this area. Since issuance of NOAA's DEIS, in April, OCZM and State officials have been able to use The National Energy Plan as one basis for discussion of how the State meets the 306(c)(8) requirement particularly with regard to energy facilities. Reference should be made to Chapter 11 of the CCMP to see how the State's processes for planning and siting of energy facilities takes into account the Plan.

In general, the following guidance is provided by the National Energy Plan:

"The U.S. has three overriding energy objectives:

- as an immediate objective that will become even more important in the future, to reduce dependence on foreign oil and vulnerability to supply interruptions;
- in the medium term, to keep U.S. imports sufficiently low to weather the period when world oil production approaches its capacity limitation; and
- in the long term, to have renewable and essentially inexhaustible sources of energy for sustained economic growth." (Plan Overview, p. IX)

"The salient features of the National Energy Plan are:

- conservation and fuel efficiency;
- rational pricing and production policies;
- reasonable certainty and stability in Government policies;
- substitution of abundant energy resources for those in short supply; and
- development of nonconventional technologies for the future." (Plan Overview, PP IX-X)

Elements of the National Energy Plan with particular application to the California Coastal Zone are as follows:

- (1) Conservation - "The cornerstone of the National Energy Plan is conservation" (p. 35 of the Plan).

Comment - Aspects of the California program dealing with this are focused on locational and design criteria for new development in Article 6 - Development and Article 7 - Industrial Development of the Coastal Act.

- (2) Alaska Oil - "Active Federal and State involvement will be necessary to assure expedited construction of the best project or combination of projects for receiving Alaskan oil on the West Coast and moving it in an environmentally sound way to inland markets where it is needed."

"As the United States reviews its options for transporting Alaskan oil, it is important that the needs of midcontinent and northern tier refiners be taken into account along with those of refiners on the West Coast. The establishment of a long-term transportation system for supplementing supplies in these regions is a matter of high priority. As assessment will also be made of all options that would enable the U.S. to benefit from Alaskan oil in the short term until permanent transportation systems are in place. The options include transshipment of surplus crude to Gulf Coast markets as well as exchanges with other nations."¹ (p. 55, Plan)

Comment - Chapter 9 of the CCMP describes procedures followed or to be followed by California for the planning and siting of all such facilities. The staff briefing to the Coastal Commission on the proposed SOHIO terminal at Long Beach is particularly relevant. (See Attachment G)

- (3) Outer Continental Shelf - "Oil and gas under Federal ownership on the Outer Continental Shelf (OCS) are important national assets. It is essential that they be developed in an orderly manner, consistent with national energy and environmental policies. The Congress is now considering amendments to the OCS Lands Act, which would provide additional authorities to ensure that OCS development proceeds with full consideration of environmental effects and in consultation with states and communities. These amendments would require a flexible leasing program using bidding systems that will enhance competition, ensure a fair return to the public, and promote full resource recovery." (p. 56, Plan)

Comment - Chapter 9 of the CCMP details procedures followed by California for the planning and siting of OCS-related facilities.

¹The President's recent decision not to allow sale of Alaska oil to Japan increases the national interest in developing ways to handle the surplus crude oil on the west coast.

- (4) Liquefied Natural Gas - "Due to its extremely high costs and safety problems, LNG is not a long-term secure substitute for domestic natural gas. It can, however, be an important supply option through the mid-1980's and beyond, until additional gas supplies may become available." (p. 57 of the Plan)

"The previous Energy Resources Council guidelines are being replaced with a more flexible policy that sets no upper limit on LNG imports. Under the new policy, the Federal Government would review each application to import LNG so as to provide for its availability at a reasonable price without undue risks of dependence on foreign supplies. This assessment would take into account the reliability of the selling country, the degree of American dependence such sales would create, the safety conditions associated with any specific installation, and all costs involved." (p. 57 of the Plan)

Comment - Chapter 9 of the CCMP includes procedures followed by California for the planning and siting of LNG facilities. See also the letter to Western LNG Associates discussing the Commission's plans to process an application for LNG terminals in the coastal zone.

- (5) Nuclear Power - "The United States will need to use more light-water reactors to help meet its energy needs. The Government will give increased attention to light-water reactor safety, licensing and waste management so that nuclear power can be used to help meet the U.S. energy deficit with increased safety." (p. 70 of the Plan)

"In addition, the President is requesting that the (Nuclear Regulatory) Commission develop firm siting criteria with clear guidelines to prevent siting of future nuclear plants in densely populated locations, in valuable natural areas, or in potentially hazardous locations." (p. 72 of the Plan)

Comment - Chapter 9 details procedures followed by California for the planning and siting of thermal power, including nuclear facilities.

In addition to this statement of national energy interests, consideration must be given as part of program approval under 306(c)(8) to other recent Presidential statements of the national interest, in particular the 1977 Environmental Program, including the emphasis on protection of wetlands, floodplains, and other land and water resources. Subsequent interpretative statements by the President and actions by the Congress are also considered. Finally, attention is drawn to Section 307(f) of the CZMA, which establishes a strong national interest in air and water quality and prohibits approval of any coastal zone management program which fails to incorporate all water pollution and air pollution requirements established pursuant to the Federal Water Pollution Control Act and the Clean Air Act. The latter provision is particularly important in the case of California, where controversy over the siting of energy facilities in the coastal zone has arisen over air quality requirements. (See general response (10) to comments for further discussion of the national interest in clean air and water.)

- i. Given this legislative direction and new executive policy, NOAA does not believe it necessary to further strengthen the "national interest" content of the program. Chapters 9 and 11 provide the substantive basis for this decision. The CZMA attempts to further the national purposes both of environmental conservation and major facility siting principally through balancing of competing intergovernmental interests in meeting this objective. In administering the CZMA, NOAA must also "balance" its role within the intergovernmental allocation of responsibilities of the Act. Many of the changes, clarifications and applications to the DEIS were undertaken to properly reflect this balancing role.
3. If there is no adequate assurance of the integration of the California Coastal Management Program with the San Francisco Bay Coastal Management Program.

For purposes of coastal zone management, California has been divided into segments including the areas covered by the Coastal Act and the Bay Plan (see Part II, Chapter 4). The San Francisco Bay Conservation and Development Commission (BCDC) submitted a program to OCZM in accordance with Section 306(h) of the CZMA. The submittal was coordinated through the Secretary of Resources. The program was approved by the Secretary of Commerce on February 16, 1977, and a grant made to administer the program. The Federal funding will help update the Bay Plan and increase monitoring and enforcement of the regulatory process.

There are differences in the two California management programs, including boundaries, organization, and in some of the policies which are used as a basis for permit decision-making. However, there have been attempts to integrate portions of the programs insofar as possible. Examples include the Coastal Commission and regional commissions' policies with respect to the national interest statement and Federal consistency.

The Coastal Act recommended that within 18 months after enactment of legislation, the State coastal agency and BCDC review the future relationships of the two programs and recommend changes as necessary. The Coastal Act states the following:

"The commission and the San Francisco Bay Conservation and Development Commission shall conduct a joint review of this division and Title 7.2 (commencing with Section 66600) of the Government Code to determine how the program administered by the San Francisco Bay Conservation and Development Commission shall be related to this division. Both commissions shall jointly present their recommendations to the Legislature not later than July 1, 1978." (30410)

Therefore, there is assurance that the State will undertake a study to integrate the two management systems. While there is no requirement that program approval be delayed until after legislative action, the Secretary could continue to fund the California Coastal Management Program under Section 305(d) until it is clear what the total program would look like. This would preclude funding under Section 306, administrative grants, and the implementation of Federal consistency provisions.

The 18-month study would focus on the need for changes, if any, in the BCDC management program in light of the information developed by the Coastal Commission in the course of preparing the Coastal Plan. To the extent changes appear to be warranted, the study could analyze and make recommendations with regard to changes in the institutional relationship of BCDC to the Coastal Commission and in the area included in the BCDC segment of the coastal zone.

Possible reasons to delay approval include the uncertainty associated with legislative approval of the Coastal Commission and regional commissions' recommendations and the potential for an imbalance in program administration between the two jurisdictions. If the statewide coastal policies do not apply to the San Francisco Bay Region, and one is more restrictive than another, then there may be increased pressure to develop in the Bay area without those State policies guiding the development or vice versa. In such a case, Federal consistency would be difficult to apply uniformly throughout the State. The impact of the latter would be minimized, however, because of the relatively short period (18 months or earlier), the degree of coordination and cooperation that exists between the two commissions, the identical policies on national interest facilities, and the legislative intent that the review should not distort the purposes of the Coastal Act. Section 30410(b) of the Coastal Act requires that all ports, including those covered by the Bay Plan, should receive equal treatment for the purpose of insuring competition.

The environmental impacts associated with this delay would be marginally greater than the alternative of approval prior to total integration. The California Coastal Management Program would continue to be implemented at the State level regardless of Section 306 approval, albeit at a lower level of funding. The use of Federal consistency provisions would also be changed. In this case, BCDC may be making use of consistency while the Coastal Commission and approved local government programs would not.

4. If a more appropriate alternative would be "preliminary approval" of the CCMP.

The alternative of "preliminary approval" of the CCMP under Section 305(a)(2) has been suggested in review comments. The basic argument presented is that the CCMP must be totally "completed" in terms of local programs, various studies now underway, prospective Commission designations and a number of other activities to be eligible for approval. The fundamental objection rests upon the fact that local coastal programs are not complete.

These objections to the proposed action have caused NOAA to re-examine the basis for approval of a management program in terms of its authority and implementing governmental techniques. The alternative of preliminary, rather than final approval, has substantial practical effects. Funding which would allow timely refinement and certification of local coastal programs would be significantly reduced. The policies, procedures and substance of the CCMP would not be altered, but the major State-Federal coordination tool of the Act--consistency determinations--would be denied. The two significant Federal incentives for State participation would be diluted or denied.

NOAA has considered the alternative of preliminary approval particularly with respect to CCMP's compliance with the authorities sections and implementing options pursuant to Section 306(c)(7), (d) and (e) of the CZMA. For, if a State has the necessary authorities in place and will employ acceptable implementation techniques, the "preliminary approval" option is inappropriate.

Chapters 6 and 7, Part II of this document describe CCMP authorities and implementation techniques in some detail. As these chapters indicate, the CCMP has authority to:

- o administer land and water use regulations through the Commission and its regulations now in force;
- o control development by issuance, conditions on or denial of a permit;
- o resolve conflicts through use of coastal policies, priorities and hearings;
- o acquire interests in lands and property by law, particularly through the State Coastal Conservancy;
- o use option 306(e)(1)(B), direct State land and water use planning and regulation now, and apply the option at 306(e)(1)(A) after certification of local coastal programs.

These are the requirements of an affirmative finding which would mandate approval and vitiate the need for preliminary approval. Nevertheless, in response to review comments, NOAA has evaluated the legislative history, its regulations and the details of the process proposed by the CCMP in terms of two fundamental and related questions:

- o Is the State-local option proposed by the CCMP allowable under the CZMA?
- o Can the management program, as proposed, be implemented fully if approved in its current status?

a. The Coastal Act declared that the management program is "to rely heavily on local government and local land use planning procedures and enforcement" (30004(a)); the Coastal Act concurrently declared that "it is necessary to provide for continued State coastal planning and management through a coastal commission;" (30004(b)). These declarations provide the legislative basis upon which the CCMP has selected the technique of direct State control allowed under 306(e)(1)(B) that is immediately available to implement the program, and has provided for a measured process for involving local governments to assume a major role in implementation after certification, as provided under 306(e)(1)(A).

The Senate Report commented on the authorities options in the original bill as follows:

"Key to this subsection is the flexibility permitted to each state to determine the level of government through which such authority will be exercised."*

NOAA Regulations (15 CFR 923.26) provide for the use of "...any one or a combination of the techniques specified in Section 306(e)(1)" as meeting this requirement.

There is evidence that the CCMP use of both techniques direct State controls and implementation, followed by primary local implementation if in conformance with the State management policies and subject to review, complies with the intent of the Act and NOAA regulations.

b. Perhaps the question of whether the program can be implemented fully if approved now is more germane to reviewer concerns. The House Report 94-878 (at pp. 934-35 of the Legislative History) discusses the preliminary approval alternative in some detail. The Report describes examples of instances where a

*U.S. Senate, Committee on Commerce. Legislative History of the Coastal Zone Management Act of 1972, as Amended in 1976 with a Section-by-Section Analysis. 94th Congress, 2d Session, Dec. 1976.

State program would be eligible for preliminary approval. The basic test is whether or not a management program meets the requirements of Section 306. One example of an instance where Section 306 might not be met is described as follows:

"...where a State program will call on local units of governments to prepare their own coastal programs in accordance with State guidelines."

The Committee continues by stressing authority to give "preliminary approval to state management programs, which, in their design and description, are satisfactory... which means that the program they have put together on paper is satisfactory once put into place." (p. 934).

The CCMP, while it does provide for local coastal program development, provides far more than "guidelines" and in fact, specifically provides for active State and regional implementation of the program unless and until there is certification of local coastal programs. At such time that local programs are certified, the Commission retains the minimum authority required by the CZMA for "administrative review and enforcement of compliance."

This CCMP process complies with NOAA regulations at 15 CFR 923.26(b)(2) that provides for "...the State (to) become directly involved in the establishment of detailed land and water use regulations and...apply these regulations to individual cases." and provides explicit continuity under the same standards to "Implementation by a local unit of government...consist(ing) of adoption of suitable local (plan) zoning ordinance or regulation." (FR 923.26(b)(1)).

NOAA review of the specific Coastal Act provisions (Appendix 1) in light of reviewer comments, reveals that this allowable mix of techniques and implementing authorities includes the following steps and continuity factors:

- o 30200 - standards by which adequacy of local programs are judged
- o 30310 - explicit provision for smooth transition and continuity between the coastal program of 1972 and the proposed CCMP
- o 30330 - Commission to have primary implementation responsibility
- o 30333 - Explicit provisions for regional consistency with the CCMP policies
- o 30333.5 - Ability of the State to directly review local programs or permits
- o 30341 - Commission may prepare and adopt additional plans, maps and studies
- o 30510 - Requires thorough and complete review of local programs based upon conformity with the policies and standards
- o 30519.5 - Review of certification.

Following the above examination, and considering the fact that the California coastal program controls have been operational since 1972 under the earlier Proposition 20, the alternative of "preliminary approval" cannot be supported. Furthermore, the environmental impacts of such an alternative, discussed in the general response to comments (Attachment J, Response (2)), would be negative.

B. State Alternatives

5. The State could withdraw the approval application and continue program development or attempt to use other sources of funding to meet the objectives of the State's shoreline and related coastal management programs.

In the voluntary, cooperative program provided for by the CZMA, there exists a possibility for a State to withdraw its application without sanctions or penalties, except withdrawal of OCZM funding. For a State which has made great strides in the development of a coastal management program, this would be considered a real fiscal loss to the State. It is also possible the overall national objectives of the CZMA would not be met.

The legislative history of the CZMA shows Congress did not intend the requirements of the CZMA to be so stringent or difficult to achieve that a State would be precluded from achieving program approval after reasonable effort and time. Nevertheless, experience has shown that the process of adequate program development is not an easy one. Of particular significance are the difficult "balancing" policies of the CZMA, especially State Federal relations. Programs must adequately consider varied interests which are often conflicting and in competition for use of scarce coastal resources. In many cases there are hurdles with absence of adequate State management authorities or lack of adequate resources or staff to accomplish everything that must be done within a relatively short time frame.

The reason for a withdrawal can be diverse. There may exist weaknesses in the development process that may go unnoticed even after the State has submitted its program for approval.

Another situation that could arise would be if there were a number of unresolvable issues which surface during the review process. For instance, a State may decide that the incentives are not strong enough to keep it in the national coastal management program at the sacrifice of what it sees as a compromise of its goals and objectives. Faced with this sort of conflict, a State might withdraw from the national coastal management program and support its efforts with local resources. A review of other related Federal assistance programs and management policies indicates that States could achieve some of their coastal objectives utilizing other Federal programs, but the unique managerial and integrative support contained in the CZMA would be diminished substantially, if not altogether.

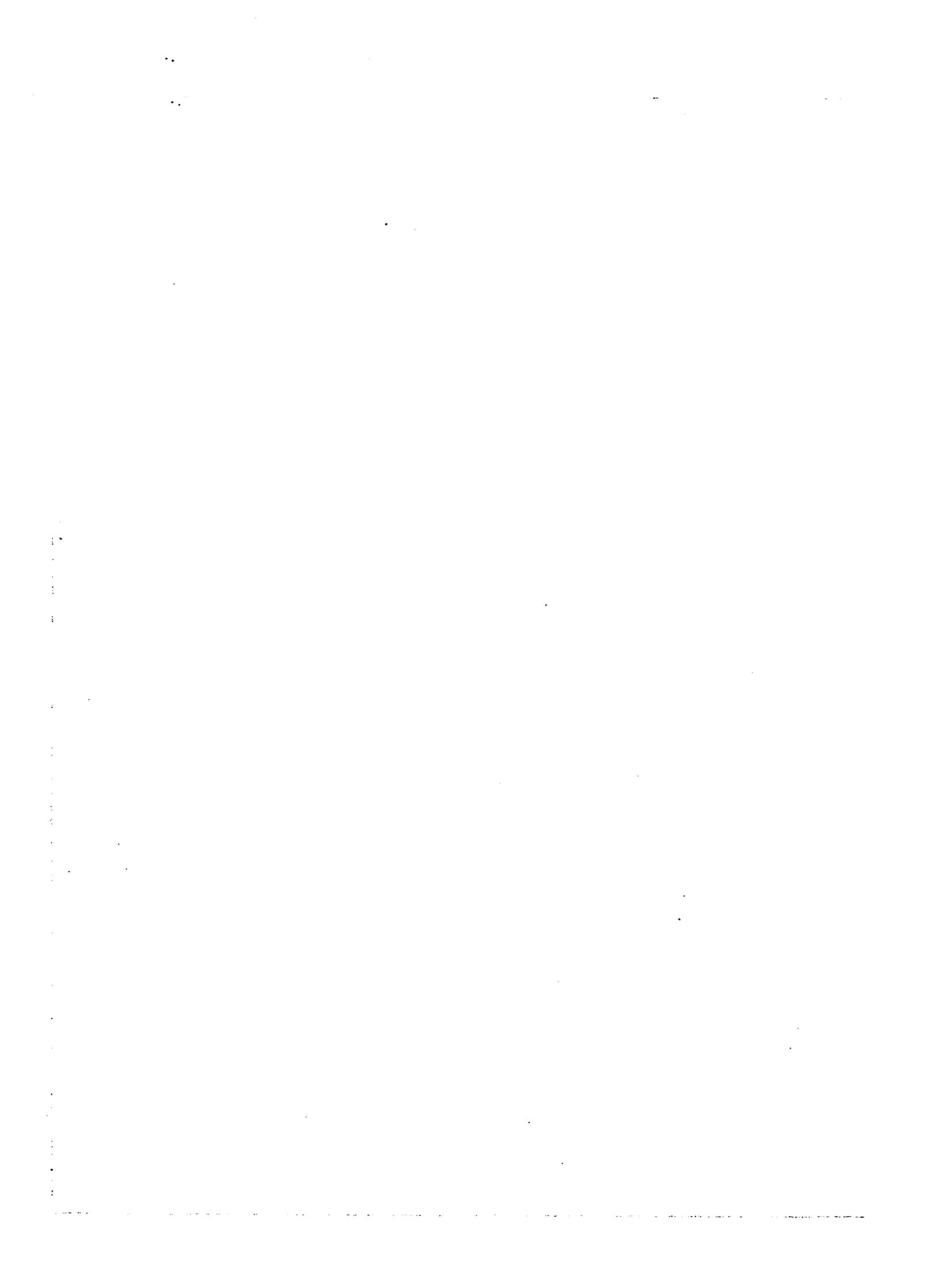
Although untested, it is believed that the CZMA established a process whereby State program withdrawal based on adverse program comments could be avoided and where serious disagreements can be mediated. "The Secretary shall not approve the management program submitted by a state pursuant to Section 306 unless the views of Federal agencies principally affected by such program have been adequately considered." Section 307(b)) In case of serious disagreement between any Federal agency and the State in the development of the program, the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences. Section 307(a) and (b) Interim Regulations establish guidance on meeting impasses. As a practical matter, the coastal management program is dependent for success upon reciprocal intergovernmental cooperation as the basis for achieving national coastal zone management goals.

While withdrawal remains a viable alternative, it is not expected that the California Coastal Management Program would be withdrawn. The Coastal Act (Section 30008 and Section 16) envisions the use of CZMA funding to implement the program, a certain percentage of which would be used by local governments to develop and implement the local coastal programs. The application of Federal consistency and the certainty of eligibility for assistance under the Coastal Energy Impact Program, which is part of the national coastal zone effort, are also strong incentives for California's participation.

6. The State could amend the coastal management program.

Actual use of this alternative has been put into practice, and the management program and this revised draft EIS are based on an alternative management program which the State has decided to implement. The Coastal Commission submitted a management program on July 30, 1976, based on the Coastal Plan and SB 1579. SB 1579 did not receive legislative approval, but SB 1277, the Coastal Act, did. The result was that several changes occurred in policies, boundaries, authorities, and other provisions and, therefore, a new management program and EIS were required at this stage of the review process. Based upon the circumstances which existed at the time of the State submission of its program to the Secretary of Commerce, the results of the Federal agency and public review process, and later program amendments, this alternative of amending the State program will always remain, although the chances have decreased considerably since the Legislature has enacted SB 1277, AB 400, and AB 3544.

In a program as complex as a comprehensive approach to coastal zone management, the number of alternatives to each provision of each policy and institutional managements are essentially infinite. For example, the Coastal Act provides that wetlands can be diked, filled, or dredged only if (a) the existing functional capacity of the wetland is maintained or enhanced; (b) there is no less environmental damaging alternative; and (c) the development conforms with an adopted comprehensive estuarine management plan, and for specific reasons. Using only the three activities regulated, the three conditions imposed, and the various allowed uses, there are many possible combinations that are alternatives to this policy (see Attachment F). As mentioned at the outset, these policy decisions were made in public after weighing reasonable alternatives. Also, the policies in the Coastal Plan have been subjected to legislative review, which led to incorporation of a number of changes contained in the present program.



PART V

PROBABLE ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

A review of the California Coastal Management Program policies which would be used as a basis for decision-making indicates that the probable effects of program implementation would be environmentally beneficial. However, there would probably be a number of adverse impacts to both the natural and socio-economic environments.

Development attributed to new growth and economic needs will be concentrated in some areas rather than continue the expanded use of new land whether that be sprawl or otherwise. While consolidation or concentrated development has the positive attribute that it preserves for a time other resources, it also can cause congestion or the concentration of pollutants, and be generally costly from an economic standpoint.

Numerous adverse impacts will continue to be associated with the siting of major facilities for purposes of defense, transportation, energy requirements, and others in which both the State and Federal governments have interest. The program makes provisions for consideration of the siting of facilities which are in the national interest. It is important to note, however, that each such project will be evaluated as to the impacts associated with development by both NEPA and CEQA. That is, investigations will be made, alternatives considered, etc.

Some agricultural lands would probably continue to be converted to other uses. Studies are now underway with a pilot project to determine the feasibility of carefully managing this growth conversion so that the taking of productive lands is minimized, the utilization of land is maximized, and the least social impacts occur at any one time.

It is very difficult to determine precisely what impacts will occur as a result of program implementation, but it is clear what impacts have occurred without it and which created the need in the eyes and minds of the California public. Because this is an evaluation of a comprehensive plan and ongoing program, two things should be remembered with respect to adverse impacts:

- (1) the development of this Program has been a very thorough process based on broad support, extensive input from all the various institutional interests, scientific and technical information and generally will represent the majority viewpoint of public interests in development and preservation of California's coastal resources. The basic thrust of the program has been to minimize adverse environmental impacts to these resources so that they can continue to be utilized and enjoyed by those future generations as well as by present users.
- (2) an adequate process has been established to ensure that environmental effects are kept to a minimum on a development project by project basis. This process has been described earlier (see discussion on "Mitigation Measures," Part III, 4).

PART VI

RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF THE ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

While approval of the California Coastal Management Program will restrict some local, short-term uses of the environment, it will also provide long-term assurance that the natural resources and benefits provided by the California coast will be available for future use and enjoyment. This time is central to the State and Federal programs.

The California Coastal Management Program does the following:

A. Short-Term Uses

- (1) Does not prohibit future development but creates a system of guided growth based on agreed upon State policies for coastal land and water uses.
- (2) Recognizes that some energy facilities and coastal-dependent developments have adverse environmental consequences, but that they may still have to be located in the coastal zone to protect the inland environment as well as help provide for orderly economic development.
- (3) Program allows some short-term uses in the coastal zone but requires future developments to restore other parts of the coastal zone, providing for long-term benefits.

B. Long-Term Uses

- (1) Recognizes the coastal zone is delicately balanced ecosystem.
- (2) Ensures the permanent protection of the State's natural and scenic resources.
- (3) Assures orderly and balanced utilization and conservation of coastal resources.
- (4) Sets forth sound resources conservation principles in objectives, goals, and regulations.
- (5) Provides for an infrastructure which can protect regional, State, and national interests by assuring the maintenance of the long-term productivity and economic vitality of coastal resources necessary for the well-being of the public, and to avoid long-term costs to the public and a diminished quality of life resulting from the misuse of coastal resources.

Without the implementation of rationally based land and water use management programs, intense short-term uses and gains, such as provided by residential or industrial development, might be realized. However, such uses would most likely result in long-term restrictions on coastal resource use and benefit because of degradation of the environment. Without proper management the traditional conflicts between coastal resource users -- residential, commercial, industrial, recreational, agricultural, and wildlife -- could be expected to occur.

By providing a sound basis for decision-making, and by protecting the important segments of the natural system, the management program will directly contribute to the long-term maintenance of the environment.

Public use and access preserves many options for future public use that may have been foreclosed without the program.

It has often been the case that where restrictions are imposed, on a proposed development, that technical and innovative improvements are generated, thereby bringing more returns from less opportunity.

Implementation of the program will result in minimization of the social costs which inevitably accompany environmentally destructive development, the mitigation of which requires public investment.

PART VII

IRREVERSIBLE OR IRRETRIEVABLE COMMITMENTS OF RESOURCES THAT WOULD BE INVOLVED IN THE PROPOSED ACTION SHOULD IT BE IMPLEMENTED

The approval of the California Coastal Management Program will not in itself lead to the loss of resources that a site specific project would. Tradeoffs will have to be made based on policy guidance from the Coastal Act. For instance, some urbanized areas or less intensive industrial areas may receive greater development pressures and a commitment of the surrounding resources because of the policy to concentrate development in already developed areas.

Also, the program provides that priority will be given to coastal-dependent development (industrial, commercial, and recreational) which in turn is often the most damaging to the environment and is located in the coastal zone to utilize the resources. However, in almost all cases, the program establishes criteria and standards for siting and requires that strong mitigation measures be taken. Development will occur in the absence of program approval, but the California Coastal Management Program will channel such activity toward appropriate but discreet sites based on specific land and water use consideration.

The existing economic system of allocating coastal resources among various uses has been labeled as "wasteful" and as not being a system which has generally allowed the theoretical maximization of economic benefits. It is believed that the most feasible way to correct the misallocation of resources resulting from the present system of the private market being regulated by an uncoordinated array of Federal, State, and local regulations, is to allow for a carefully reasoned and coordinated public intervention to take place. This is the basis of the Federal and State coastal management program. Therefore, until it is proven different, it can be expected that there will be a net economic as well as an environmental gain through the use of a coordinated comprehensive plan and program at both the State and local government level.

Approval of the CCMP is not an "irretrievable" commitment of Federal financial resources. A decision to go forward with approval is a Federal action subject to modification or termination based upon a review of performance of the CCMP mandated by CZMA. In terms of commitment of California's coastal natural resources, the entire program, within the limits of its scope and application, is designed to evaluate the commitment of specific resources prior to a particular action in terms of a "balancing" mechanism very similar to that contemplated by NEPA through the 102 (c) requirements.

The program contains numerous proposed immediate acquisition areas to come under public ownership. If these sites are acquired and/or restored, they would be taken off the tax base to local government and be precluded from further development. While this is a commitment of these resources, it does not necessarily follow that it is an irreversible or irretrievable commitment; indeed, one can state that future options will continue to remain open as long as these areas are properly managed.

PART VIII

CONSULTATION AND COORDINATION

Extensive consultation, coordination, and input has been received in developing the California Coastal Management Program and likewise this EIS. Because the program was developed with the natural and human environment in mind many alternatives have been considered.

The Office of Coastal Zone Management requires that a State conduct an environmental impact assessment on their coastal management program prior to any approval of the program. This assessment is then used in developing the EIS. Additional input has been received from various Federal agencies throughout the duration of a State's program development period, on such things as the impact of the program on the Federal agency programs as well as an analysis of the program.

The development of the California Coastal Management Program has been one of the most thorough, well publicized and documented processes ever, and rather than redescribe this very substantial State effort, the reader is invited to read several relevant sections of documents which pertain to consultation, coordination, and the public and private interest input which has been solicited and acted upon. The following references pertain:

1. "How the Coastal Plan Was Prepared," p. 430 of the Coastal Plan.
2. Part II, Chapter 13 of this EIS.
3. Additional documentation exists at OCZM dealing with Federal, State, and local government participation and public involvement.

Coordination with all local, State, Federal, public, and private interests remains a key component of the California Coastal Management Program. Local governments will have the major responsibilities for the Coast and they, are the most accessible and accountable to their constituents. Local governments are required to bring their General Plans into conformity with the Coastal Act after which the Coastal Commission would certify and approve their plans. Continuous consultation and coordination will thus continue at all institutional levels during the local plan development, the State permit and appeals system and subsequently, the local accountability to the public.

APPENDIX 1

THE CALIFORNIA COASTAL ACT OF 1976

(CALIFORNIA PRC 30000 et. seq.)

SB.1277 (Smith et al) 7/22/76
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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Division 20 (commencing with Section 30000) is added to the Public Resources Code to read:

DIVISION 20, CALIFORNIA COASTAL ACT

Chapter 1. FINDINGS AND DECLARATIONS AND GENERAL PROVISIONS

30000. This division shall be known and may be cited as the California Coastal Act of 1976.

30001. The Legislature hereby finds and declares:

(a) That the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.

(b) That the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation.

(c) That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction.

30001.2. The Legislature further finds and declares that, notwithstanding the fact electrical generating facilities, refineries, and coastal-dependent developments, including ports and commercial fishing facilities, offshore petroleum and gas development, and liquefied natural gas facilities, may have significant adverse effects on coastal resources or coastal access, it may be necessary to locate such developments in the coastal zone in order to ensure that inland as well as coastal resources are preserved and that orderly economic development proceeds within the state.

30001.5. The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:

(a) Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.

(b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

(c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.

(d) Assure priority for coastal-dependent development over other development on the coast.

(e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

30002. The Legislature further finds and declares that:

(a) The California Coastal Zone Conservation Commission, pursuant to the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000), has made a detailed study of the coastal zone; that there has been extensive participation by other governmental agencies, private interests, and the general public in the study; and that, based on the study, the commission has prepared a plan for the orderly, long-range conservation, use, and management of the natural, scenic, cultural, recreational, and manmade resources of the coastal zone.

(b) Such plan contains a series of recommendations which require implementation by the Legislature and that some of those recommendations are appropriate for immediate implementation as provided for in this division while others require additional review.

30003. All public agencies and all federal agencies, to the extent possible under federal law or regulations or the United States Constitution, shall comply with the provisions of this division.

30004. The Legislature further finds and declares that:

(a) To achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement.

(b) To ensure conformity with the provisions of this division, and to provide maximum state involvement in federal activities allowable under federal law or regulations or the United States Constitution which affect California's coastal resources, to protect regional, state, and national interests in assuring the maintenance of the long-term productivity and economic vitality of coastal resources necessary for the well-being of the people of the state, and to avoid long-term costs to the public and a diminished quality of life resulting from the misuse of coastal resources, to coordinate and integrate the activities of the many agencies whose activities impact the coastal zone, and to supplement their activities in matters not properly within the jurisdiction of any existing agency, it is necessary to provide for continued state coastal planning and management through a state coastal commission.

30005. No provision of this division is a limitation on any of the following:

(a) Except as otherwise limited by state law, on the power of a city or county or city and county to adopt and enforce additional regulations, not in conflict with this act, imposing further conditions, restrictions, or limitations with respect to any land or water use or other activity which might adversely affect the resources of the coastal zone.

(b) On the power of any city or county or city and county to declare, prohibit, and abate nuisances.

(c) On the power of the Attorney General to bring an action in the name of the people of the state to enjoin any waste or pollution of the resources of the coastal zone or any nuisance.

(d) On the right of any person to maintain an appropriate action for relief against a private nuisance or for any other private relief.

30006. The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation, and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.

30007. Nothing in this division shall exempt local governments from meeting the requirements of state and federal law with respect to providing low- and moderate-income housing, replacement housing, relocation benefits, or any other obligation related to housing imposed by existing law or any law hereafter enacted.

30007.5. The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.

30008. This division shall constitute California's coastal zone management program within the coastal zone for purposes of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.) and any other federal act heretofore or hereafter enacted or amended that relates to the planning or management of coastal zone resources; provided, however, that pursuant to the Federal Coastal Zone Management Act of 1972, excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the federal government, its officers or agents.

30009. This division shall be liberally construed to accomplish its purposes and objectives.

30010. The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the regional commission, the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.

Chapter 2. DEFINITIONS

30100. Unless the context otherwise requires, the definitions in this chapter govern the interpretation of this division.

30100.5. "Coastal county" means a county or city and county which lies, in whole or in part, within the coastal zone.

30101. "Coastal-dependent development or use" means any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

30101.5. "Coastal development permit" means a permit for any development within the coastal zone that is required pursuant to subdivision (a) of Section 30600.

30102. "Coastal plan" means the California Coastal Zone Conservation Plan prepared and adopted by the California Coastal Zone Conservation Commission and submitted to the Governor and the Legislature on December 1, 1975, pursuant to the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000).

30103. (a) "Coastal zone" means that land and water area of the State of California from the Oregon border to the border of the Republic of Mexico, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division, extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards. The coastal zone does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control or drainage channel flowing into such area.

(b) The commission shall, within 60 days after its first meeting, prepare and adopt a detailed map, on a scale of one inch equals 24,000 inches for the coastal zone and shall file a copy of such map with the county clerk of each coastal county. The purpose of this provision is to provide greater detail than is provided by the maps identified in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division. The commission may adjust the inland boundary of the coastal zone the minimum landward distance necessary, but in no event more than 100 yards, to avoid bisecting any single lot or parcel or to conform it to readily identifiable natural or manmade features.

30105. (a) "Commission" means the California Coastal Commission. Whenever the term California Coastal Zone Conservation Commission appears in any law, it means the California Coastal Commission.

(b) "Regional Commission" means any regional coastal commission. Whenever the term regional coastal zone conservation commission appears in any law, it means the regional coastal commission.

30106. "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

30107. "Energy facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

30107.5 "Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

30108. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

30108.2. "Fill" means earth or any other substance or material, including pilings, placed for the purposes of erecting structures thereon, placed in a submerged area.

30108.4. "Implementing actions" means the ordinances, regulations, or programs which implement either the provisions of the certified local coastal program or the policies of this division and which are submitted pursuant to Section 30502.

30108.5. "Land use plan" means the relevant portions of a local government's general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.

30108.55 "Local coastal element" is that portion of a general plan applicable to the coastal zone which may be prepared by local government pursuant to this division, or such additional elements of the local government's general plan prepared pursuant to subdivision (k) of Section 65303 of the Government Code, as such local government deems appropriate.

30108.6 "Local coastal program" means a local government's land use plans, zoning ordinances, zoning district maps, and implementing actions which, when taken together, meet the requirements of, and implement the provisions and policies of, this division at the local level.

30109. "Local government" means any chartered or general law city, chartered or general law county, or any city and county.

30110. "Permit" means any license, certificate, approval, or other entitlement for use granted or denied by any public agency which is subject to the provisions of this division.

30111. "Person" means any individual, organization, partnership, or other business association or corporation, including any utility, and any federal, state, local government, or special district or an agency thereof.

30112. "Port governing body" means the Board of Harbor Commissioners or Board of Port Commissioners which has authority over the Ports of Hueneme, Long Beach, Los Angeles, and San Diego Unified Port District.

30113. "Prime agricultural land" means those lands defined in Section 51201 of the Government Code.

30114. "Public works" means the following:

(a) All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission except for energy facilities.

(b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. For purposes of this division, neither the Ports of Hueneme, Long Beach, Los Angeles, nor San Diego Unified Port District nor any of the developments within these ports shall be considered public works.

(c) All publicly financed recreational facilities and any development by a special district.

(d) All community college facilities.

30115. "Sea" means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

30116. "Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:

(a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.

(b) Areas possessing significant recreational value.

(c) Highly scenic areas.

(d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.

(e) Special communities or neighborhoods which are significant visitor destination areas.

(f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.

(g) Areas where divisions of land could substantially impair or restrict coastal access.

30118. "Special district" means any public agency, other than a local government as defined in this chapter, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "Special district" includes, but is not limited to, a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefiting that area.

30118.5. "Special treatment area" means an identifiable and geographically bounded forested area within the coastal zone that constitute a significant habitat area, area of special scenic significance, and any land where logging activities could adversely affect public recreation area or the biological productivity of any wetland, estuary, or stream especially valuable because of its role in a coastal ecosystem.

30119. "State University or College" means the University of California and the California State University and Colleges.

30120. "Treatment works" shall have the same meaning as set forth in the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.) and any other federal act which amends or supplements the Federal Water Pollution Control Act.

30121. "Wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

Chapter 3. COASTAL RESOURCES PLANNING AND MANAGEMENT POLICIES

Article 1. General

30200. Consistent with the basic goals set forth in Section 30001.5, and except as may be otherwise specifically provided in this division, the policies of this chapter shall constitute the standards by which the adequacy of local coastal programs, as provided in Chapter 6 (commencing with Section 30500), and the permissibility of proposed developments subject to the provisions of this division are determined. All public agencies carrying out or supporting activities outside the coastal zone that could have a direct impact on resources within the coastal zone shall consider the effect of such actions on coastal zone resources in order to assure that these policies are achieved.

Article 2. Public Access

30210. In carrying out the requirement of Section 2 of Article XV of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

30211. Development shall not interfere with the public's right of access to the sea where acquired through use, or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

30212. Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 2 of Article XV of the California Constitution.

30212.5 Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

30213. Lower cost visitor and recreational facilities and housing opportunities for persons of low and moderate income shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. New housing in the coastal zone shall be developed in conformity with the standards, policies, and goals of local housing elements adopted in accordance with the requirements of subdivision (c) of Section 65302 of the Government Code.

Article 3. Recreation

30220. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

30221. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

30222. The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

30223. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

30224. Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Article 4. Marine Environment

30230. Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

30232. Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

30233. (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible, mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities.

(5) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and out-fall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource-dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited, to the 19 coastal

wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California" shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of South San Diego Bay, if otherwise in accordance with this division.

30234. Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

30235. Revetments, breakwaters, groins, harbor channels, seawalls, cliff-retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.

30236. Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or, (3) developments where the primary function is the improvement of fish and wildlife habitat.

Article 5. Land Resources

30240. (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

30241. The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses and where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(d) By assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(e) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

30242. All other lands suitable for agricultural use shall not be converted to non-agricultural uses unless: (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

30243. The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of non-commercial size shall be limited to providing for necessary timber processing and related facilities.

30244. Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Article 6. Development

30250. (a) New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases, for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

30252. The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high-intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development.

30253. New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

(4) Minimize energy consumption and vehicle miles traveled.

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

30254. New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

30255. Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland.

Article 7. Industrial Development

30260. Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-

dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

30261. (a) Multicompany use of existing and new tanker facilities shall be encouraged to the maximum extent feasible and legally permissible, except where to do so would result in increased tanker operations and associated onshore development incompatible with the land use and environmental goals for the area. New tanker terminals outside of existing terminal areas shall be situated as to avoid risk to environmentally sensitive areas and shall use a monobuoy system, unless an alternative type of system can be shown to be environmentally preferable for a specific site. Tanker facilities shall be designed to (1) minimize the total volume of oil spilled, (2) minimize the risk of collision from movement of other vessels, (3) have ready access to the most effective feasible containment and recovery equipment for oilspills, and (4) have onshore deballasting facilities to receive any fouled ballast water from tankers where operationally or legally required.

(b) Only one liquefied natural gas terminal shall be permitted in the coastal zone until engineering and operational practices can eliminate any significant risk to life due to accident or until guaranteed supplies of liquefied natural gas and distribution system dependence on liquefied natural gas are substantial enough that an interruption of service from a single liquefied natural gas facility would cause substantial public harm.

Until the risks inherent in liquefied natural gas terminal operations can be sufficiently identified and overcome and such terminals are found to be consistent with the health and safety of nearby human populations, terminals shall be built only at sites remote from human population concentrations. Other unrelated development in the vicinity of a liquefied natural gas terminal site which is remote from human population concentrations shall be prohibited. At such time as liquefied natural gas marine terminal operations are found consistent with public safety, terminal sites only in developed or industrialized port areas may be approved.

30262. Oil and gas development shall be permitted in accordance with Section 30260, if the following conditions are met:

(a) The development is performed safely and consistent with the geologic conditions of the well site.

(b) New or expanded facilities related to such development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.

(c) Environmentally safe and feasible subsea completions are used when drilling platforms or islands would substantially degrade coastal visual qualities unless use of such structures will result in substantially less environmental risks.

(d) Platforms or islands will not be sited where a substantial hazard to vessel traffic might result from the facility or related operations, determined in consultation with the United States Coast Guard and the Army Corps of Engineers.

(e) Such development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such subsidence.

(f) With respect to new facilities, all oilfield brines are reinjected into oil-producing zones unless the Division of Oil and Gas of the Department of Conservation determines to do so would adversely affect production of the reservoirs and unless injection into other subsurface zones will reduce environmental risks. Exceptions to reinjections will be granted consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water-quality problems.

Where appropriate, monitoring programs to record land surface and near-shore ocean floor movements shall be initiated in locations of new large-scale fluid extraction on land or near shore before operations begin and shall continue until surface conditions have stabilized. Costs of monitoring and mitigation programs shall be borne by liquid and gas extraction operators.

30263. (a) New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this division shall be permitted if (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas; and (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property.

(b) In addition to meeting all applicable air quality standards, new or expanded refineries or petrochemical facilities shall be permitted in areas designated as air quality maintenance areas by the State Air Resources Board and in areas where coastal resources would be adversely affected only if the negative impacts of the project upon air quality are offset by reductions in gaseous emissions in the area by the users of the fuels, or, in the case of an expansion of an existing site, total site emission levels, and site levels for each emission type for which national or state ambient air quality standards have been established do not increase.

(c) New or expanded refineries or petrochemical facilities shall minimize the need for once-through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from inplant processes where feasible.

30264. Notwithstanding any other provision of this division, except subdivisions (b) and (c) of Section 30413, new or expanded thermal electric generating plants may be constructed in the coastal zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development Commission to have greater relative merit pursuant to the provisions of Section 25516.1 than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable pursuant to the provisions of Section 25516.

Chapter 4. CREATION, MEMBERSHIP, AND POWERS OF COMMISSION AND REGIONAL COMMISSIONS

Article 1. Creation, Membership of Commission and Regional Commission

30300. There is in the Resources Agency the California Coastal Commission and, until not later than June 30, 1979, six regional coastal commissions.

30301. The commission shall consist of the following 15 members:

(a) The Secretary of the Resources Agency.

(b) The Secretary of the Business and Transportation Agency.

(c) The Chairperson of the State Lands Commission.

(d) Six representatives of the public, who shall not be members of any regional commission, from the state at large. The Governor, the Senate Rules Committee, and the Speaker of the Assembly shall each appoint two of such members.

(e) Six representatives from the regional commissions, selected by each regional commission from among its members. Within 60 days after the termination of any regional commission pursuant to Section 30305, the member on the commission shall be replaced by a county supervisor or city councilperson who shall reside within a coastal county of such region, to be appointed as follows:

(1) Upon the termination of the first regional commission, the Governor shall appoint the first member under this subdivision.

(2) Upon the termination of the second regional commission, the Senate Rules Committee shall appoint the second member under this subdivision.

(3) Upon the termination of the third regional commission, the Speaker of the Assembly shall appoint the third member under this subdivision.

(4) Upon the termination of the fourth, fifth, and sixth regional commissions, the process of appointment of the members of commissions under paragraphs (1), (2), and (3) of this subdivision shall be repeated in that order.

In any event, each regional commission's representative on the commission shall continue to serve until the new member has been appointed pursuant to this subdivision.

30301.2 (a) The appointments of the Governor, the Senate Rules Committee, and the Speaker of the Assembly, pursuant to subdivision (e) of Section 30301, shall be made in the following manner: Within 30 days after the termination of a regional commission, the boards of supervisors and city selection committee of each county within the region shall nominate supervisors or council members from which the Governor, Senate Rules Committee, or Speaker of the Assembly shall appoint a replacement. In regions composed of three counties, the boards of supervisors and the city selection committee in each county within the region shall each nominate one or more supervisors or council members. In regions composed of two counties, the boards of supervisors and the city selection committee in each county within the region shall each nominate no less than two supervisors and two council members. In regions composed of one county, the board of supervisors and city selection committee in the county shall nominate no less than three supervisors and three council members. Immediately upon selecting the nominees, the board of supervisors and city selection committee shall send the names of the nominees to either the Governor, the Senate Rules Committee, or the Speaker of the Assembly whoever will appoint the replacement.

(b) Within 30 days after receiving the names of the nominees pursuant to subdivision (a), the Governor, the Speaker of the Assembly, or the Senate Rules Committee, whoever will appoint the replacement, shall either appoint one of the nominees or notify the boards of supervisors and city selection committees within the region that none of the nominees are acceptable and request the boards of supervisors and city selection committees to make additional nominees. Within 60 days after receipt of a notice rejecting all the nominees, the boards of supervisors and city selection committees within the region shall nominate and send to the appointing authority additional nominees pursuant to subdivision (a). Upon receipt of the names of the nominees, the appointing authority shall appoint one of the nominees.

30301.5. (a) Members of the commission serving under subdivision (a), (b), or (c) of Section 30301 shall be nonvoting members and may appoint a designee to serve at his or her pleasure who shall have all the powers and duties of such member pursuant to this division.

(b) Any county supervisor or city councilperson appointed to the commission pursuant to subdivision (e) of Section 30301, may, subject to the confirmation of his or her appointing power, appoint an alternate member to represent him or her on the commission. The alternate shall serve at the pleasure of the county supervisor or city councilperson who appointed him or her and shall have all the powers and duties of a member of the commission. Applicable provisions of Section 30314 shall apply to alternates appointed pursuant to this subdivision.

30302. The six regional commissions shall be constituted as follows:

(a) The North Coast Regional Commission for Del Norte, Humboldt, and Mendocino Counties shall consist of the following members:

- (1) One supervisor and one city councilperson from each county.
- (2) Six representatives of the public.

(b) The North Central Coast Regional Commission for Sonoma, Marin, and San Francisco Counties shall consist of the following members:

(1) One supervisor and one city councilperson from Sonoma County and Marin County.

- (2) Two supervisors of the City and County of San Francisco.
- (3) One delegate of the Association of Bay Area Governments.
- (4) Seven representatives of the public.

(c) The Central Coast Regional Commission for San Mateo, Santa Cruz, and Monterey Counties shall consist of the following members:

- (1) One supervisor and one city councilperson from each county.
- (2) One delegate of the Association of Bay Area Governments.
- (3) One delegate of the Association of Monterey Bay Area Governments.
- (4) Eight representatives of the public.

(d) The South Central Coast Regional Commission for San Luis Obispo, Santa Barbara, and Ventura Counties shall consist of the following members:

- (1) One supervisor and one city councilperson from each county.
- (2) Six representatives of the public.

(e) The South Coast Regional Commission for Los Angeles and Orange Counties shall consist of the following members:

- (1) One supervisor from each county.
- (2) One city councilperson from the City of Los Angeles nominated by majority vote of such city council and appointed by the president of such city council.
- (3) One city councilperson from Los Angeles County from a city other than Los Angeles.

- (4) One city councilperson from Orange County.
- (5) One delegate of the Southern California Association of Governments.
- (6) Six representatives of the public.

(f) The San Diego Coast Regional Commission for San Diego County, shall consist of the following members:

(1) Two supervisors from San Diego County and two city councilpersons from San Diego County, at least one of whom shall be from a city which lies, in whole or in part, within the coastal zone.

(2) One city councilperson from the City of San Diego, selected by the city council of such city.

(3) One member of the San Diego Comprehensive Planning Organization.

(4) Six representatives of the public.

30303. The members of the regional commissions shall be selected or appointed as follows:

(a) All supervisors, by the board of supervisors on which they sit.

(b) All city councilpersons, except under paragraph (2) of subdivision (e) and paragraph (2) of subdivision (f) of Section 30302, by the city selection committee of their respective counties.

(c) All delegates of regional agencies, by their respective agency.

(d) All members representing the public at large, equally by the Governor, the Senate Rules Committee, and the Speaker of the Assembly; provided, however, that the

extra member under paragraph (4) of subdivision (b) of Section 30302 shall be appointed by the Governor and the extra members under paragraph (4) of subdivision (c) of Section 30302 shall be appointed one by the Senate Rules Committee and one by the Speaker of the Assembly, respectively.

30304. A member of a regional commission who is also a supervisor from a county or city and county with a population greater than 400,000 may, subject to confirmation by his or her appointing power, appoint an alternate member to represent him or her at any regional commission meeting. The alternate shall serve at the pleasure of the member who appointed him or her and shall have all the powers and duties as a member of the regional commission, except that the alternate shall only participate and vote in meetings in the absence of the member who appointed him or her.

An alternate shall not be eligible for appointment to the commission as a regional representative to the commission.

30304.5 (a) The regional commission shall be established pursuant to the provisions of this chapter and shall, no later than January 11, 1977, select their representatives to the commission.

(b) A regional commission shall take no action, other than selecting a representative to the commission as provided in subdivision (a), and shall have no powers, duties, or responsibilities pursuant to the provisions of this division unless and until the commission, pursuant to subdivision (c), has certified that the regional commission for any region is necessary to expedite the review of local coastal programs and coastal development permit applications pursuant to the provisions of this division.

(c) The commission shall review the anticipated workload relative to the processing and review of local coastal programs and coastal development permits within each region of the coastal zone. If the commission determines that its workload and the anticipated workload within any region is of such magnitude that unreasonable delays will result unless the appropriate regional commission is authorized to review and process local coastal programs and coastal development permit applications, the commission shall, by majority vote of its appointed members, certify that such regional commission is necessary to carry out the provisions of this division. Upon certification by the commission pursuant to this subdivision, the appropriate regional commission shall assume all the powers, duties and responsibilities provided in this division.

(d) In the absence of a certification pursuant to subdivision (c), the commission shall, within any region of the coastal zone, assume all the powers, duties, and responsibilities of the regional commission as provided in this division. After certification pursuant to subdivision (c), the powers, duties and responsibilities of the commission and the appropriate regional commission shall be exercised in the manner provided in this division.

30305. Each regional commission shall terminate within 30 days after the last local coastal program required within its region pursuant to Chapter 6 (commencing with Section 30500) of this division has been certified and all implementing devices have become effective or June 30, 1979, whichever is the earlier date. Upon the termination of any regional commission, the commission shall succeed to any and all of such regional commission's obligations, powers, duties, responsibilities, benefits, or legal interests.

Article 2. Qualifications and Organization

30310. (a) It is the intent of the Legislature to provide, to the maximum extent possible, for a smooth transition and continuity between the coastal program established by the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000) and this division. Except with respect to appointments made pursuant to subdivision (e) of Section 30301, at least one-half of each of the commission and regional commission member appointments by the Governor, the Senate Rules Committee, and the Speaker of the Assembly shall be persons who on November 30, 1976, were serving as members of the California Coastal Zone Conservation Commission or regional coastal zone conservation commissions established by the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000) unless such persons are not available for such appointment.

(b) In making their appointments pursuant to this division, the Governor, the Senate Rules Committee, and the Speaker of the Assembly shall make good faith efforts to assure that their appointments, as a whole, reflect, to the greatest extent feasible, the economic, social, and geographic diversity of the state.

30311. Notwithstanding any other provision of law, each member of the commission and each regional commission shall be appointed or selected on or before January 2, 1977.

30312. The terms of office of commission and regional commission members shall be as follows:

(a) Any person qualified for membership because he or she holds a specified office as a locally elected official shall serve at the pleasure of his or her selecting or appointing authority; provided, however, that such membership shall cease when his or her term of office as a locally elected official ceases.

(b) Any member appointed by the Governor, the Senate Rules Committee, or the Speaker of the Assembly shall serve for two years at the pleasure of their appointing power. Such members may be reappointed for succeeding two-year periods.

(c) Members of the commission who are representatives of a regional commission shall serve on the commission at the pleasure of the regional commission.

30313. Vacancies that occur shall be filled within 30 days after the occurrence of the vacancy, and shall be filled in the same manner in which the vacating member was selected or appointed.

30314. Except as provided in this section, members or alternates of the commission or any regional commission shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties to the extent that reimbursement for such expenses is not otherwise provided or payable by another public agency or agencies, and shall receive fifty dollars (\$50) for each full day of attending meetings of the commission or of any regional commission. In addition, members or alternates of the commission shall receive twelve dollars and fifty cents (\$12.50) for each hour actually spent in preparation for a commission meeting; provided, however, that for each meeting no more than eight hours of preparation time shall be compensated as provided herein.

An alternate shall be entitled to payment and reimbursement for the necessary expenses incurred in participating in regional commission or commission meetings; provided, however, that only the member or his or her alternate shall receive such payment and reimbursement, and if both the member and alternate prepare for, in the case of alternates to the commission, attend, and participate in any portion of a regional commission or commission meeting, only the alternate shall be entitled to such payment and reimbursement.

30315. The commission and regional commission shall meet at least once a month at a place convenient to the public. All meetings of the commission and each regional commission shall be open to the public.

Unless otherwise specifically provided for in this division, a majority of the total appointed membership of the commission or of the regional commission, as the case may be, shall constitute a quorum and shall be necessary to approve any action required or permitted under this division.

30316. The commission and each regional commission shall elect a chairperson and vice chairperson from among its members.

30317. The headquarters of the commission shall be in a coastal county, but it may meet and may exercise any or all of its powers in any part of the state.

The commission shall designate the location of the headquarters for each regional commission within the region of such regional commission. After the termination of a regional commission pursuant to Section 30305, the commission may maintain regional offices, if it finds that accessibility to, and participation by, the public will be better served or that the provisions of this division can be implemented more efficiently through the maintenance of such offices.

30318. Nothing in this division shall preclude or prevent any member or employee of the commission or any regional commission who is also an employee of another public agency, a county supervisor or city councilperson, member of the Association of Bay Area Governments, member of the Association of Monterey Bay Area Governments, delegate to the Southern California Association of Governments, or member of the San Diego Comprehensive Planning Organization, and who has in such designated capacity voted or acted upon a particular matter, from voting or otherwise acting upon such matter as a member or employee of the commission or any regional commission, as the case may be. Nothing in this section shall exempt any such member or employee of the commission or any regional commission, from any other provision of this article.

Article 3. Powers and Duties

30330. The commission, unless specifically otherwise provided, shall have the primary responsibility for the implementation of the provisions of this division and is designated as the state coastal zone planning and management agency for any and all purposes, and may exercise any and all powers set forth in the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.) or any amendment thereto or any other federal act heretofore or hereafter enacted that relates to the planning or management of the coastal zone.

In addition to any other authority, the commission may, except for a facility defined in Section 25110, grant or issue any certificate or statement required

pursuant to any such federal law that an activity of any person, including any local, state, or federal agency, is in conformity with the provisions of this division. With respect to any project outside the coastal zone that may have a substantial effect on the resources within the jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, and for which any certification is required pursuant to the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.), such certification shall be issued by the Bay Conservation and Development Commission; provided however, the commission may review and submit comments for any such project which affects resources within the coastal zone.

30331. The commission is designated the successor in interest to all remaining obligations, powers, duties, responsibilities, benefits, and interests of any sort of the California Coastal Zone Conservation Commission and of the six regional coastal zone conservation commissions established by the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000).

30333. The commission may adopt rules and regulations to carry out the purposes and provisions of this division, and to govern procedures of the commission and regional commissions.

Each regional commission may adopt any regulation or take any action it deems reasonable and necessary to carry out the provisions of this division; provided, however, that no regulation adopted by a regional commission shall take effect until the commission has first reviewed such proposed regulation and found it consistent with this division.

Except as provided in Section 30501 and subdivision (a) of Section 30620, such rules and regulations shall be adopted in accordance with the Administrative Procedure Act (commencing with Section 11370 of the Government Code). Such rules and regulations shall be consistent with this division and other applicable law.

30333.5. Notwithstanding any other provision of this division, the commission may, by a majority vote of the appointed members, remove any local coastal program or any portion thereof, any coastal development permit application or appeal therefrom, from any regional commission for direct consideration and action by the commission for direct consideration and action by the commission where to do so would expedite the review of such local coastal program or coastal development permit application pursuant to this division. The commission shall make such removal where it finds that the regional commission is not processing the local coastal program or any portion thereof, a coastal development permit application, or appeal therefrom, in a reasonably expeditious and timely manner.

30334. The commission and each regional commission, subject to the approval of the commission, may do the following:

(a) Contract for any private professional governmental services, if such work or services cannot be satisfactorily performed by its employees.

(b) Sue and be sued. The Attorney General shall represent the commission and any regional commission in any litigation or proceeding before any court, board, or agency of the state or federal government.

30334.5. In addition to the authority granted by Section 30334, the commission may apply for and accept grants, appropriations, and contributions in any form.

30335. The commission and each regional commission shall appoint an executive director who shall be exempt from civil service and shall serve at the pleasure of his or her appointing power. The commission shall prescribe the duties and salaries of each executive director, and, consistent with applicable civil service laws, shall appoint and discharge any officer, house staff counsel, or employee of the commission or any regional commission as it deems necessary to carry out the provisions of this division.

30336. The commission and each regional commission shall, to the maximum extent feasible, assist local governments in exercising the planning and regulatory powers and responsibilities provided for by this division where the local government elects to exercise such powers and responsibilities and requests assistance from the commission or regional commissions, and shall cooperate with and assist other public agencies in carrying out this division. Similarly, every public agency, including regional and state agencies and local governments, shall cooperate with the commission and any regional commission and shall, to the extent their resources permit, provide any advice, assistance, or information the commission or regional commission may require to perform its duties and to more effectively exercise its authority.

30337. The commission shall, where feasible, and in cooperation with the affected agency, establish a joint development permit application system and public hearing procedures with permit issuing agencies.

30338. By May 1, 1977, the commission, after full consultation with the State Water Resources Control Board, shall adopt regulations for the timing of its review of proposed treatment works pursuant to the provisions of subdivision (c) of Section 30412.

30339. The commission and each regional commission shall:

(a) Ensure full and adequate participation by all interested groups and the public at large in the commission's and each regional commission's work programs.

(b) Ensure that timely and complete notice of commission and regional commission meetings and public hearings is disseminated to all interested groups and the public at large.

(c) Advise all interested group and the public at large as to effective ways of participating in commission and regional commission proceedings.

(d) Recommend to any local government preparing or implementing a local coastal program and to any state agency that is carrying out duties or responsibilities pursuant to the provisions of this division, and additional measures to assure open consideration and more effective public participation in such programs or activities.

30340. The commission shall be responsible for the management and budgeting of any and all funds that may be appropriated, allocated, granted, or in any other way made available to the commission or any regional commission for expenditure.

30341. The commission or any regional commission, with the commission's approval, may prepare and adopt any additional plans and maps and undertake any studies it deems necessary and appropriate to better accomplish the purposes, goals, and policies of this division; provided, however, that such plans and maps shall only be adopted after public hearing.

30342. The commission shall evaluate progress being made toward implementation of the provisions of this division and shall submit a report to the Governor and Legislature on January 1 of every other year, commencing on January 1, 1979.

Chapter 5. STATE AGENCIES

Article 1. General

30400. It is the intent of the Legislature to minimize duplication and conflicts among existing state agencies carrying out their regulatory duties and responsibilities.

30401. Except as otherwise specifically provided in this division, enactment of this division does not increase, decrease, duplicate or supersede the authority of any existing state agency.

This chapter shall not be construed to limit in any way the regulatory controls over development pursuant to Chapters 7 (commencing with Section 30600) and 8 (commencing with Section 30700), provided however, neither the commission nor any regional commission shall set standards or adopt regulations that duplicate regulatory controls established by any existing state agency pursuant to specific statutory requirements or authorization.

30402. All state agencies shall carry out their duties and responsibilities in conformity with this division.

30403. It is the intent of the Legislature that the policies of this division and all local coastal programs prepared pursuant to Chapter 6 (commencing with Section 30500) should provide the common assumptions upon which state functional plans for the coastal zone are based in accordance with the provisions of Section 65036 of the Government Code.

30404. The commission shall: periodically in the case of the State Energy Resources Conservation and Development Commission, the State Board of Forestry, the State Water Resources Control Board and the California regional water quality control boards, the State Air Resources Board and air pollution control districts, the Department of Fish and Game, the Department of Parks and Recreation, the Department of Navigation and Ocean Development, the Division of Mines and Geology, the Division of Oil and Gas, and the State Lands Commission, and may, with respect to any other state agency, submit recommendations designed to encourage it to carry out its functions in a manner consistent with this division. The recommendations may include proposed changes in administrative regulations, rules, and statutes.

Each such state agency shall review and consider such recommendations and shall, within six months after receipt and in the event the recommendations are not implemented, report to the Governor and the Legislature its action and reasons therefor. Such report shall also include the agency's comments on any legislation which may have been proposed by the commission.

Article 2. State Agencies

30410. (a) The commission and the San Francisco Bay Conservation and Development Commission shall conduct a joint review of this division and Title 7.2

(commencing with Section 66600) of the Government Code to determine how the program administered by the San Francisco Bay Conservation and Development Commission shall be related to this division. Both commissions shall jointly present their recommendations to the Legislature not later than July 1, 1978.

(b) It is the intent of the Legislature that the ports under the jurisdiction of the San Francisco Bay Conservation and Development Commission, including the Ports of San Francisco, Oakland, Richmond, Redwood City, Encinal Terminals, and Benicia, should be treated no less favorably than the ports under the jurisdiction of the commission covered in Chapter 8 (commencing with Section 30700) under the terms of any legislation which is developed pursuant to such study.

30411. (a) The Department of Fish and Game and the Fish and Game Commission are the principal state agencies responsible for the establishment and control of wildlife and fishery management programs and neither the commission nor any regional commission shall establish or impose any controls with respect thereto that duplicate or exceed regulatory controls established by such agencies pursuant to specific statutory requirements or authorization.

(b) The Department of Fish and Game, in consultation with the commission and the Department of Navigation and Ocean Development, may study degraded wetlands and identify those which can most feasibly be restored in conjunction with development of a boating facility as provided in subdivision (a) of Section 30233. Any such study shall include consideration of all of the following:

(1) Whether the wetland is so severely degraded and its natural processes so substantially impaired that it is not capable of recovering and maintaining a high level of biological productivity without major restoration activities.

(2) Whether a substantial portion of the degraded wetland, but in no event less than 75 percent, can be restored and maintained as a highly productive wetland in conjunction with a boating facilities project.

(3) Whether restoration of the wetland's natural values, including its biological productivity and wildlife habitat features, can most feasibly be achieved and maintained in conjunction with a boating facility or whether there are other feasible ways to achieve such values.

30412. (a) In addition to the provisions set forth in Section 13142.5 of the Water Code, the provisions of this section shall apply to the commission and the State Water Resources Control Board and the California regional water quality control boards.

(b) The State Water Resources Control Board and the California regional water quality control boards are the state agencies with primary responsibility for the coordination and control of water quality. The State Water Resources Control Board has primary responsibility for the administration of water rights pursuant to applicable law. The commission shall assure that proposed development and local coastal programs shall not frustrate the provisions of this section. Neither the commission nor any regional commission shall, except as provided in subdivision (c), modify, adopt conditions, or take any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality or the administration of water rights.

Except as provided in this section, nothing herein shall be interpreted in any way either as prohibiting or limiting the commission, regional commission, local government, or port governing body from exercising the regulatory controls over development pursuant to this division in a manner necessary to carry out the provisions of this division.

(c) Any development within the coastal zone or outside the coastal zone which provides service to any area within the coastal zone that constitutes a treatment work shall be reviewed by the commission and any permit it issues, if any, shall be determinative only with respect to the following aspects of such development:

(1) The siting and visual appearance of treatment works within the coastal zone.

(2) The geographic limits of service areas within the coastal zone which are to be served by particular treatment works and the timing of the use of capacity of treatment works for such service areas to allow for phasing of development and use of facilities consistent with this division.

(3) Development, projections, which determine the sizing of treatment works for providing service within the coastal zone.

The commission shall make these determinations in accordance with the policies of this division and shall make its final determination on a permit application for a treatment work prior to the final approval by the State Water Resources Control Board for the funding of such treatment works. Except as specifically provided in this subdivision, the decisions of the State Water Resources Control Board relative to the construction of treatment works shall be final and binding upon the commission and any regional commission.

(d) The commission shall provide or require reservations of sites for the construction of treatment works and points of discharge within the coastal zone

adequate for the protection of coastal resources consistent with the provisions of this division.

(e) Nothing in this section shall require the State Water Resources Control Board to fund or certify for funding, any specific treatment works within the coastal zone or to prohibit the State Water Resources Control Board or any California regional water quality control board from requiring a higher degree of treatment at any existing treatment works.

30413. (a) In addition to the provisions set forth in subdivision (d) of Section 30241, and in Sections 25302, 25500, 25507, 25508, 25514, 25516.1, 25519, 25523, and 25526, the provisions of this section shall apply to the commission and the State Energy Resources Conservation and Development Commission with respect to matters within the statutory responsibility of the latter.

(b) The commission shall, prior to January 1, 1978, and after one or more public hearings, designate those specific locations within the coastal zone where the location of a facility as defined in Section 25110 would prevent the achievement of the objectives of this division; provided, however, that specific locations that are presently used for such facilities and reasonable expansion thereof shall not be so designated. Each such designation shall include a description of the boundaries of such locations, the objectives of this division which would be so affected, and detailed findings concerning the significant adverse impacts that would result from development of a facility in the designated area. The commission shall consider the conclusions, if any, reached by the State Energy Resources Conservation and Development Commission in its most recently promulgated comprehensive report issued pursuant to Section 25309. The commission shall transmit a copy of its report prepared pursuant to this subdivision to the State Energy Resources Conservation and Development Commission.

(c) The commission shall every two years revise and update the designations specified in subdivision (b) of this section. The provisions of subdivision (b) of this section shall not apply to any sites and related facilities specified in any notice of intention to file an application for certification filed with the State Energy Resources Conservation and Development Commission pursuant to Section 25502 prior to designation of additional locations made by the commission pursuant to this subdivision.

(d) Whenever the State Energy Resources Conservation and Development Commission exercises its siting authority and undertakes proceedings pursuant to the provisions of Chapter 6 (commencing with Section 25500) of Division 15 with respect to any thermal powerplant or transmission line to be located, in whole or in part, within the coastal zone, the commission shall participate in such proceedings and shall receive from the State Energy Resources Conservation and Development Commission any notice of intention to file an application for certification of a site and related facilities within the coastal zone. The commission shall analyze each notice of intent and shall, prior to completion of the preliminary report required by Section 25510, forward to the State Energy Resources Conservation and Development Commission a written report on the suitability of the proposed site and related facilities specified in such notice of intent. The commission's report shall contain a consideration of, and findings regarding, all of the following:

(1) The compatibility of the proposed site and related facilities with the goal of protecting coastal resources.

(2) The degree to which the proposed site and related facilities would conflict with other existing or planned coastal-dependent land uses at or near the site.

(3) The potential adverse effects that the proposed site and related facilities would have on aesthetic values.

(4) The potential adverse environmental effects on fish and wildlife and their habitats.

(5) The conformance of the proposed site and related facilities with certified local coastal programs in those jurisdictions which would be affected by any such development.

(6) The degree to which the proposed site and related facilities could reasonably be modified so as to mitigate potential adverse effects on coastal resources, minimize conflict with existing or planned coastal-dependent uses at or near the site, and promote the policies of this division.

(7) Such other matters as the commission deems appropriate and necessary to carry out the provisions of this division.

(e) The commission may, at its discretion, participate fully in other proceedings conducted by the State Energy Resources Conservation and Development Commission pursuant to its powerplant siting authority. In the event the commission participates in any public hearings held by the State Energy Resources Conservation and Development Commission, it shall be afforded full opportunity to present evidence and examine and cross-examine witnesses.

(f) The State Energy Resources Conservation and Development Commission shall forward a copy of all reports it distributes pursuant to Sections 25302 and 25306 to the commission and the commission shall, with respect to any report that relates

to the coastal zone or coastal zone resources, comment on such reports, and shall in its comments include a discussion of the desirability of particular areas within the coastal zone as designated in such reports for potential powerplant development. The commission may propose alternate areas for powerplant development within the coastal zone and shall provide detailed findings to support the suggested alternatives.

30414. (a) The State Air Resources Board and local air pollution control districts established pursuant to state law and consistent with requirements of federal law are the principal public agencies responsible for the establishment of ambient air quality and emission standards and air pollution control programs. Neither the commission nor any regional commission shall modify any ambient air quality or emission standard established by the State Air Resources Board or any local air pollution control district in establishing ambient air quality or emission standards.

(b) The State Air Resources Board and any local air pollution control district may recommend ways in which actions of the commission or any regional commission can complement or assist in the implementation of established air quality programs.

30415. The Director of the Office of Planning and Research shall, in cooperation with the commission and other appropriate state agencies, review the policies of this division. If the director determines that effective implementation of any policy, requires the cooperative and coordinated efforts of several state agencies, he shall no later than July 1, 1978, and from time to time thereafter, recommend to the appropriate agencies actions that should be taken to minimize potential duplication and conflicts and which could, if taken, better achieve effective implementation of such policy. The director shall, where appropriate and after consultation with the affected agency, recommend to the Governor and the Legislature how the programs, duties, responsibilities, and enabling legislation of any state agency should be changed to better achieve the goals and policies of this division.

30416. (a) The State-Lands Commission, in carrying out its duties and responsibilities as the state agency responsible for the management of all state lands, including tide and submerged lands, in accordance with the provisions of Division 6 (commencing with Section 6001), shall, prior to certification by the commission pursuant to Chapters 6 (commencing with Section 30500) and 8 (commencing with Section 30700) review, and may comment on any proposed local coastal program or port master plan that could affect state lands.

(b) No power granted to any local government, port governing body, or special district, under this division, shall change the authority of the State Lands Commission over granted or ungranted lands within its jurisdiction or change the rights and duties of its lessees or permittees.

(c) Boundary settlements between the State Lands Commission and other parties and any exchanges of land in connection therewith shall not be a development within the meaning of this division.

(d) Nothing in this division shall amend or alter the terms and conditions in any legislative grant of lands, in trust, to any local government, port governing body, or special district; provided, however, that any development on such granted lands shall, in addition to the terms and conditions of such grant, be subject to the regulatory controls provided by Chapters 7 (commencing with Section 30600) and 8 (commencing with Section 30700).

30417. (a) In additions to the provisions set forth in Section 4551.5, the provisions of this section shall apply to the State Board of Forestry.

(b) Within 180 days after January 1, 1977, the commission shall identify special treatment areas within the coastal zone in order to assure that natural and scenic resources are adequately protected. The commission shall forward to the State Board of Forestry maps of the designated special-treatment areas together with specific reasons for such designations and with recommendations designed to assist the State Board of Forestry in adopting rules and regulations which adequately protect the natural and scenic qualities of such special treatment areas.

30418. (a) Pursuant to Division 3 (commencing with Section 3000), the Division of Oil and Gas of the Department of Conservation is the principal state agency responsible for regulating the drilling, operation, maintenance, and abandonment of all oil, gas, and geothermal wells in the state. Neither the commission, regional commission, local government, port governing body, or special district shall establish or impose such regulatory controls that duplicate or exceed controls established by the Division of Oil and Gas pursuant to specific statutory requirements or authorization.

This section shall not be construed to limit in any way, except as specifically provided, the regulatory controls over oil and gas development pursuant to Chapters 7 (commencing with Section 30600) and 8 (commencing with Section 30700).

(b) The Division of Oil and Gas of the Department of Conservation shall cooperate with the commission by providing necessary data and technical expertise regarding proposed well operations within the coastal zone.

Chapter 6. IMPLEMENTATION

Article 1. Local Coastal Program

30500. (a) Each local government lying, in whole or in part, within the coastal zone shall prepare a local coastal program for that portion of the coastal zone within its jurisdiction. However, any such local government may request the commission to prepare a local coastal program, or a portion thereof for the local government; provided, such request is submitted to the commission, in writing, not later than July 1, 1977. Each local coastal program prepared pursuant to this chapter shall contain a specific public access component to assure that maximum public access to the coast and public recreation areas is provided.

(b) Amendments to a local general plan for the purpose of developing a certified local coastal program shall not constitute an amendment of a general plan for purposes of Section 65361 of the Government Code.

(c) The precise content of each local coastal program shall be determined by the local government, consistent with Section 30501, in full consultation with the commission and an appropriate regional commission, and with full public participation.

30501. The commission shall, within 90 days after January 1, 1977, adopt, after public hearing, procedures for the preparation, submission, approval, appeal, certification, and amendment of any local coastal program, including, but not limited to, all of the following:

(a) A common methodology for the preparation of, and the determination of the scope of, the local coastal programs, taking into account the fact that local governments have differing needs and characteristics.

(b) A schedule for the processing of all local coastal programs and specific guidelines to be followed by each regional commission in establishing, within 30 days after the commission has adopted such guidelines, its own schedule for processing local coastal programs within its region; however, in no event shall a local coastal program that is prepared by a local government be required to be submitted to any regional commission prior to July 1, 1978, or later than January 1, 1980.

Local coastal programs or portions thereof, prepared by the commission shall be completed not later than July 1, 1980, and certified not later than December 1, 1980.

(c) Recommended uses that are of more than local importance that should be considered in the preparation of local coastal programs. Such uses may be listed generally or the commission may, from time to time, recommend specific uses for consideration by any local government.

30502. (a) The commission, in consultation with affected local governments and the appropriate regional commissions, shall, not later than September 1, 1977, after public hearing, designate sensitive coastal resource areas within the coastal zone where the protection of coastal resources and public access requires, in addition to the review and approval of zoning ordinances, the review and approval by the regional commissions and commission of other implementing actions.

(b) The designation of each sensitive coastal resource area shall be based upon a separate report prepared and adopted by the commission which shall contain all of the following:

(1) A description of the coastal resources to be protected and the reasons why the area has been designated as a sensitive coastal resource area.

(2) A specific determination that the designated area is of regional or statewide significance.

(3) A specific list of significant adverse impacts that could result from development where zoning regulations alone may not adequately protect coastal resources or access.

(4) A map of the area indicating its size and location.

(c) In sensitive coastal resource areas designated pursuant to this section, a local coastal program shall include the implementing actions adequate to protect the coastal resources enumerated in the findings of the sensitive coastal resource area report in conformity with the policies of this division.

30502.5. The commission shall recommend to the Legislature for designation by concurrent resolution those sensitive coastal resource areas designated by the commission pursuant to Section 30502. Recommendation by the commission to the Legislature shall place the described area in the sensitive coastal resource area category for no more than two years, or a shorter period if the Legislature specifically rejects the recommendation. If two years pass and a recommended area has not been designated by statute, it shall no longer be designated as a sensitive coastal resource area. A bill proposing such a statute may not be held in committee,

but shall be reported from committee to the floor of each respective house with its recommendation within 60 days of referral to committee.

30503. During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.

30504. Special districts, which issue permits or otherwise grant approval for development or which conduct development activities that may affect coastal resources, shall submit their development plans to the affected local government pursuant to Section 65401 of the Government Code. Such plans shall be considered by the affected local government in the preparation of its local coastal program.

Article 2. Procedure for Preparation, Approval, and Certification of Local Coastal Programs

30510. Consistent with the provisions of this chapter, a proposed local coastal program may be submitted to a regional commission, if both of the following are met:

(a) It is submitted pursuant to a resolution adopted by the local government, after public hearing, that certifies the local coastal program is intended to be carried out in a manner fully in conformity with this division.

(b) It contains, in accordance with guidelines established by the commission, materials sufficient for a thorough and complete review.

30511. Local coastal programs shall be submitted in accordance with the schedule established pursuant to subdivision (b) of Section 30501. At the option of the local government, such program may be submitted and processed in any of the following ways:

(a) At one time, in which event the provisions of Section 30512 with respect to time limits, resubmission, approval, and certification shall apply; provided, however, that the zoning ordinances, zoning district maps, and, if required, other implementing actions included in the local coastal program shall be approved and certified pursuant to the standards of subdivisions (a) and (f) of Section 30513.

(b) In two phases, in which event, the land use plans shall be processed first pursuant to the provisions of Section 30512, and the zoning ordinances, zoning district maps, and, if required, other implementing actions, shall be processed thereafter pursuant to the provisions of Section 30513.

(c) In separate geographic units consisting of less than the local government's jurisdiction lying within the coastal zone, each submitted pursuant to subdivision (a) or (b); provided, that the commission finds that the area or areas proposed for separate review can be analyzed for the potential cumulative impacts of development on coastal resources and access independently of the remainder of the affected jurisdiction.

30512. (a) The land use plan of a proposed local coastal program shall be submitted to the regional commission. The regional commission shall, within 90 days after the submittal, after public hearing, either approve or disapprove, in whole or in part, the land use plan. If the proposed land use plan is not acted upon within the 90-day period, it shall be deemed approved by the regional commission.

(b) Where a land use plan is disapproved, in whole or in part, the regional commission shall provide a written explanation and may suggest ways in which to modify the disapproved provisions. A local government may revise a disapproved land use plan and resubmit the revised version to the regional commission or it may appeal either the disapproved portion or revised version thereof to the commission. Where the proposed land use plan is approved, in whole or in part, the land use plan or the approved portion thereof shall, within 10 working days of such approval, be forwarded by the regional commission to the commission for certification.

(c) The commission shall, not less than 21 days nor more than 45 days after a land use plan has been submitted or appealed to it, determine by majority vote, after a public hearing, whether specific provisions of the land use plan raise a substantial issue as to conformity with the policies of Chapter 3 (commencing with Section 30200). If the commission finds no substantial issue, the decision of the regional commission shall be final, and in the case of regional commission approvals, the land use plan shall be deemed certified. If the commission determines a substantial issue is raised, it shall, following public hearing and within 60 days from receipt of the land use plan, either refuse certification or certify, in whole or in part, the land use plan.

(d) If the commission refuses certification, in whole or in part, it shall send a written explanation for such action to the appropriate local government and regional commission. A revised land use plan may be resubmitted directly to the commission for certification.

(e) A regional commission shall approve and the commission shall certify, or the commission shall approve and certify where there is no regional commission, a land use plan, or any amendments thereto, if such commission finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200) of this division.

30513. The local government shall submit to the regional commission and the commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions which are required pursuant to this chapter.

(a) If within 60 days after receipt of the zoning ordinances, zoning district maps, and other implementing actions, the regional commission, after public hearing, has not rejected the zoning ordinances, zoning district maps, or other implementing actions, they shall be deemed approved. A regional commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the regional commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection specifying the provisions of land use plan with which the rejected zoning ordinances do not conform or which it finds will not be adequately carried out together with its reasons for the action taken.

(b) The local government may revise and resubmit the rejected zoning ordinances, zoning district maps, or other implementing actions to the regional commission or it may, within 10 days after receipt of a notice of such rejection, appeal to the commission.

(c) Any aggrieved person may appeal to the commission within 10 working days after approval or rejection of the zoning ordinances, zoning district maps, or other implementing actions by a regional commission or after the zoning ordinances, zoning district maps, or other implementing actions are deemed approved due to the failure of the regional commission to act.

(d) An appeal pursuant to subdivision (b) or (c) shall specify the action which is being appealed, the specific provision of the certified land use plan with which the zoning ordinances, zoning district maps, or other implementing actions either conform or do not conform or which will or will not be adequately carried out, and the appellant's reasons for such position. The commission, by majority vote of those present, may refuse to hear an appeal which it determines raises no substantial issue. If the commission refuses to hear an appeal, the action of the regional commission shall be final.

(e) In the absence of an appeal pursuant to subdivision (b) or (c), the commission, by a majority of those present, may, within 30 days after a zoning ordinance, zoning district map, or other implementing action has been approved by the regional commission, determine that a substantial issue is presented as to conformity with or adequacy to carry out the certified land use plan.

(f) If within 60 days after receipt of an appeal pursuant to subdivision (b) or (c) or within 30 days after a determination to review pursuant to subdivision (e), the commission, after public hearing, has not rejected the zoning ordinances, zoning district maps, or other implementing actions, such zoning ordinances, zoning district maps, or other implementing actions shall be deemed approved. The commission may only reject a zoning ordinance, zoning district map, or other implementing action on the grounds set forth in subdivision (a) and, if it does so, shall give written notice as provided in subdivision (a). The local government may revise and resubmit a rejected zoning ordinance, zoning district map, or other implementing action to the regional commission or directly to the commission in accordance with the provisions of this section.

30514. (a) A certified local coastal program and all local implementing ordinances, regulations, and other actions may be amended by the appropriate local government but no such amendment shall take effect until it has been certified by the commission.

(b) Any proposed amendment of a certified local coastal program shall be submitted to, and processed by, the appropriate regional commission and the commission, or the commission where there is no regional commission, in accordance with the provisions of Sections 30512 and 30513.

(c) The commission shall, by regulations, establish a procedure whereby proposed amendments to a certified local coastal program may be reviewed and designated by the executive director of the commission as being minor in nature. Proposed amendments that are designated as minor shall not be subject to the provisions of Sections 30512 and 30513 and shall take effect on the 10th working day after such designation. Amendments that allow changes in uses shall not be designated as minor.

(d) For the purpose of this section, an "amendment of a certified local coastal program" includes, but is not limited to, any action by the local government which authorizes a use of a parcel of land other than that designated in the certified local coastal program as a permitted use of such parcel.

30515. Any person authorized to undertake a public works project or proposing an energy facility development may request any local government to amend its cer-

tified local coastal program, if the purpose of the proposed amendment is to meet public needs of an area greater than that included within such certified local coastal program that had not been anticipated by the person making the request at the time the local coastal program was before the commission for certification. If, after review, the local government determines that the amendment requested would be in conformity with the policies of this division, it may amend its certified local coastal program as provided in Section 30514.

If the local government does not amend its local coastal program, such person may file with the commission a request for amendment which shall set forth the reasons why the proposed amendment is necessary and how such amendment is in conformity with the policies of this division. The local government shall be provided an opportunity to set forth the reasons for its action. The commission may, after public hearing, approve and certify the proposed amendment if it finds, after a careful balancing of social, economic, and environmental effects, that to do otherwise would adversely affect the public welfare, that a public need of an area greater than that included within the certified local coastal program would be met, that there is no feasible, less environmentally damaging alternative way to meet such need, and that the proposed amendment is in conformity with the policies of this division.

30516. (a) Approval of a local coastal program shall not be withheld because of the inability of the local government to financially support or implement any policy or policies contained in this division; provided, however, that this shall not require the approval of a local coastal program allowing development not in conformity with the policies in Chapter 3 (commencing with Section 30200).

(b) Where a certified port master plan has been incorporated in a local coastal program in accordance with Section 30711 and the local coastal program is disapproved by the regional commission or the commission, such disapproval shall not apply to the certified port master plan.

30517. The commission or the regional commission may extend, for a period of not to exceed one year, except as provided for in Section 30518, any time limitation established by this chapter for good cause.

30518. If a local coastal program has not been certified and all implementing devices become effective on or before January 1, 1981, the commission may take any of the following actions, if it finds that, in the absence of a certified local coastal program, any new development in the coastal zone would not be in conformity within the jurisdiction of the affected local government and would be inconsistent with the policies of this division:

(a) Prohibit or otherwise restrict, by regulation, the affected local government from issuing any permit or any type of entitlement for use for any development with the coastal zone, or any portion thereof, of such local government.

(b) By regulation, extend the permit requirements of Chapter 7 (commencing with Section 30600) by requiring a permit from the commission for any development within any area of the coastal zone under the jurisdiction of the affected local government.

30519. Except for appeals to the commission, as provided in Section 30603, after a local coastal program, or any portion thereof, has been certified and all implementing actions within the area affected have become effective, the development review authority provided for in Chapter 7 (commencing with Section 30600) shall no longer be exercised by the regional commission or by the commission where there is no regional commission over any new development proposed within the area to which such certified local coastal program, or any portion thereof, applies and shall at that time be delegated to the local government that is implementing such local coastal program or any portion thereof.

(b) Subdivision (a) shall not apply to any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, lying within the coastal zone, nor shall it apply to any development proposed or undertaken within ports covered by Chapter 8 (commencing with Section 30700) or within any state university or college within the coastal zone; however, this section shall apply to any development proposed or undertaken by a port or harbor district or authority on lands or waters granted by the Legislature to a local government whose certified local coastal program includes the specific development plans for such district or authority.

30519.5 (a) The commission shall, from time to time, but at least once every five years after certification, review every certified local coastal program to determine whether such program is being effectively implemented in conformity with the policies of this division. If the commission determines that a certified local coastal program is not being carried out in conformity with any policy of this division it shall submit to the affected local government recommendations of corrective actions that should be taken. Such recommendations may include recommended amendments to the affected local government's local coastal program.

(b) Recommendations submitted pursuant to this section shall be reviewed by the affected local government and, if the recommended action is not taken, the

local government shall, within one year of such submission, forward to the commission a report setting forth its reasons for not taking the recommended action. The commission shall review such report and, where appropriate, report to the Legislature and recommend legislative action necessary to assure effective implementation of the relevant policy or policies of this division.

30520. If the application of any local coastal program or part thereof is prohibited or stayed by any court, the permit authority provided for in Chapter 7 (commencing with Section 30600) shall be reinstated in the regional commission or in the commission where there is no regional commission. The reinstated permit authority shall apply as to any development which would be affected by the prohibition or stay.

30521. The Legislature hereby finds and declares that the early review of a limited number of local coastal programs may provide valuable experience for future review and processing of local coastal programs and that in consideration of the early commitments made by the involved local governments, any local coastal program prepared for that portion of a local jurisdiction designated as a pilot project area by the California Coastal Zone Conservation Commission between August 31, 1976, and October 31, 1976, shall receive priority from the regional commission and the commission by being processed ahead of other local coastal programs pursuant to the provisions of this chapter. Any such pilot project may be reviewed and approved by the appropriate regional commission and the commission without being subject to the procedures required by Section 30501; provided, that the proposed local coastal program, or portion thereof, is in conformity with the policies of Chapter 3 (commencing with Section 30200), serves as a useful model for future review of local coastal programs, and the regional commission has commenced formal review of the land use phase of a local coastal program by June 1, 1977.

30522. Nothing in this chapter shall permit the commission to certify a local coastal program which provides for a lesser degree of environmental protection than that provided by the plans and policies of any state regulatory agency.

Chapter 7. DEVELOPMENT CONTROLS

Article 1. General Provisions

30600. (a) In addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, on or after January 1, 1977, any person wishing to perform or undertake any development in the coastal zone, other than a facility subject to the provisions of Section 25500, shall obtain a coastal development permit.

(b) Prior to the certification of its local coastal program, a local government may, with respect to any development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620, and 30620.5, establish procedures for the filing processing, review, modification, approval, or denial of a coastal development permit. Such procedures may be incorporated and made a part of the procedures relating to any other appropriate land use development permit issued by the local government. A coastal development permit from a local government shall not be required by this subdivision for any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled, or for any development by a public agency for which a local government permit is not otherwise required.

(c) If prior to certification of its local coastal program, a local government does not exercise the option provided in subdivision (b), or a development is not subject to the requirements of subdivision (b), a coastal development permit shall be obtained from a regional commission, the commission on appeal, or the commission where there is no regional commission.

(d) After certification of its local coastal program, a coastal development permit shall be obtained from the local government as provided for in Section 30519.

30601. Prior to certification of the local coastal program and, where applicable, in addition to a permit from local government pursuant to subdivision (b) of Section 30600, a coastal development permit shall be obtained from the regional commission, or the commission on appeal, or the commission where there is no regional commission, for any of the following:

(1) Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.

(2) Developments not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

(3) Any development which constitutes a major public works project or a major energy facility.

30602. (a) Prior to certification of its local coastal program, any action taken by a local government on a coastal development permit application may be appealed by the executive director of the regional commission, any person, including the applicant, or any two members of the regional commission or the commission to the regional commission. Such action shall become final after the 20th working day after receipt of the notice required by subdivision (c) of Section 30620.5, unless an appeal is filed within that time.

(b) Any action taken by a regional commission on a coastal development permit application pursuant to this section or Section 30600, may be appealed to the commission, in accordance with the provisions of subdivision (a) of Section 30625. Such action shall become final after the 10th working day, unless an appeal is filed within that time.

30603. (a) After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for any of the following:

(1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.

(2) Developments approved by the local government not included within paragraph (1) of this subdivision located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

(3) Developments approved by the local government not included within paragraph (1) or (2) of this subdivision located in a sensitive coastal resource area if the allegation on appeal is that the development is not in conformity with the implementing actions of the certified local coastal program.

(4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).

(5) Any development which constitutes a major public works project or a major energy facility.

(b) The grounds for an appeal pursuant to paragraph (1) of subdivision (a) shall be limited to the following:

(1) The development fails to provide adequate physical access or public or private commercial use or interferes with such uses.

(2) The development fails to protect public views from any public road or from a recreational area to, and along, the coast.

(3) The development is not compatible with the established physical scale of the area.

(4) The development may significantly alter existing natural landforms.

(5) The development does not comply with shoreline erosion and geologic setback requirements.

(c) The standard of review for any development reviewed pursuant to subdivision (a) (3) shall be in conformity with the implementing actions of the certified local coastal program.

Such action shall become final after the 10th working day, unless an appeal is filed within that time.

30604. (a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

(b) After certification of the local coastal program a coastal development permit shall be issued if the issuing agency or the commission on appeal finds that the proposed development is in conformity with the certified local coastal program.

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

(d) Nothing in this division shall authorize the denial of a coastal development permit on grounds that a portion of the proposed development not within the coastal zone will have adverse environmental impacts outside the coastal zone; provided, however, that the portion of the proposed development within the coastal zone shall meet the requirements of this chapter.

30605. To promote greater efficiency for the planning of any public works or state university or college development projects and as an alternative to project-by-project review, plans for public works or state university or college long-range land use development plans may be submitted to the regional commission and the commission for review in the same manner prescribed for the review of local coastal programs as set forth in Chapter 6 (commencing with Section 30500). If any such plan for public works or state university or college development project is submitted prior to certification of the local coastal programs for the jurisdictions affected by the proposed public works, the commission shall certify whether such proposed plan is consistent with the provisions of Chapter 3 (commencing with Section 30200). The commission shall, by regulation, provide for the submission and distribution to the public, prior to public hearings on the plan, detailed environmental information sufficient to enable the commission to determine the consistency of the plans with the policies of this division. If any such plan for public works is submitted after the certification of local coastal programs, any such plan shall be approved by the commission only if it finds, after full consultation with the affected local governments, that the proposed plan for public works is in conformity with certified local coastal programs in jurisdictions affected by the proposed public works. Each state university or college shall coordinate and consult with local government in the preparation of long-range development plans so as to be consistent, to the fullest extent feasible, with the appropriate local coastal program. Where a plan for a public works or state university or college development project has been certified by the commission, any subsequent review by the commission of a specific project contained in such certified plan shall be limited to imposing conditions consistent with Sections 30607 and 30607.1. A certified long-range development plan may be amended by the state university or college, but no such amendment shall take effect until it has been certified by the commission. Any proposed amendment shall be submitted to, and processed by, the regional commission or the commission in the same manner as prescribed for amendment of a local coastal program.

30606. Prior to the commencement of any development pursuant to Section 30605, the public agency proposing the public works project, or state university or college, shall notify the commission and other interested persons, organizations, and governmental agencies of the impending development and provide data to show that it is consistent with the certified public works plan or long-range development plan. No development shall take place within 30 working days after such notice.

30607. Any permit that is issued or any development or action approved on appeal, pursuant to this chapter, shall be subject to reasonable terms and conditions in order to ensure that such developments or action will be in accordance with the provisions of this division.

30607.1 Where any dike and fill development is permitted in wetlands in conformity with this division, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface areas shall be dedicated to an appropriate public agency, or such replacement site shall be purchased before the dike or fill development may proceed. Such mitigation measure shall not be required for temporary or short-term fill or diking; provided, that a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time.

30608. (a) No person who has obtained a vested right in a development prior to the effective date of this division or who has obtained a permit from the California Coastal Zone Conservation Commission pursuant to the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000) shall be required to secure approval for the development pursuant to this division; provided, however, that no substantial change may be made in any such development without prior approval having been obtained under this division.

(b) If construction of the exempted development has not in good faith been pursued within three years after a claim of exemption has been requested and approved by the regional commission, the commission on appeal, or the commission where there is no regional commission, the vested right shall be presumed to have been abandoned and the development shall be required to be approved in accordance with the provisions of this division.

30609. Where, prior to January 1, 1977, a permit was issued and expressly made subject to recorded terms and conditions that are not dedications of land or interests in land for the benefit of the public or a public agency pursuant to the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000), the owner of real property which is the subject of such permit may apply for modification or elimination of the recordation of such terms and conditions pursuant to the provisions of this division. Such application shall be made in the same manner as a permit application. In no event, however, shall

such a modification or elimination of recordation result in the imposition of terms or conditions which are more restrictive than those imposed at the time of the initial grant of the permit. Unless modified or deleted pursuant to this section, any condition imposed on a permit issued pursuant to the former California Coastal Zone Conservation Act of 1972 (commencing with Section 27000) shall remain in full force and effect.

30610. Notwithstanding any provision in this division to the contrary, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:

(a) Improvements to existing single-family residences; provided, however, that the commission shall specify, by regulation, those classes of development which involve a risk of adverse environmental effect and shall require that a coastal development permit be obtained under this chapter.

(b) Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.

(c) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of such repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance that involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained under this chapter.

(d) Any category of development, or any category of development within a specifically defined geographic area, that the commission, by regulation, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast and resources or on public access to, or along, the coast and that such exclusion will not impair the ability of local government to prepare a local coastal program.

(e) The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this division; provided, that the commission lay, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

(f) Any development within an urban land area identified by the commission pursuant to this subdivision. Upon the request of the local government within whose jurisdiction the urban land area is located, the commission, in consultation with the appropriate regional commission and after public hearing, shall exclude from the permit provisions of this chapter residential areas zoned and developed to a density of four or more dwelling units per acre on or before January 1, 1977, or a commercial or industrial area zoned and developed for such use on or before January 1, 1977, if it finds both of the following:

(1) Locally permitted development will be infilling or replacement and will be in conformity with the scale, size, and character of the surrounding community.

(2) There is no potential for significant adverse effects, either individually or cumulatively, on public access to the coast or on coastal resources from any locally permitted development; provided, however, that no area may be excluded unless more than 50 percent of the lots are built upon, to the same general density or intensity of use.

(g) Every exclusion granted under subdivisions (d) and (f) shall be subject to terms and conditions to assure that no significant change in density, height, or nature of uses will occur without further proceedings under this division. An order granting such exclusion may be revoked at any time by the commission, if the conditions of exclusion are violated. Tide and submerged land, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject to the public trust shall not be excluded.

30610.5. Urban land areas shall, pursuant to the provisions of this section, be excluded from the permit provisions of this chapter.

(a) Upon the request of a local government, an urban land area, as specifically identified by such local government, shall, after public hearing, be excluded by the commission from the permit provisions of this chapter where both of the following conditions are met:

(1) The area to be excluded is either a residential area zoned and developed to a density of four or more dwelling units per acre on or before January 1, 1977, or a commercial or industrial area zoned and developed for such use on or before January 1, 1977.

(2) The commission finds both of the following:

(i) Locally permitted development will be infilling or replacement and will be in conformity with the scale, size, and character of the surrounding community.

(ii) There is no potential for significant adverse effects, either individually or cumulatively, on public access to the coast or on coastal resources from any locally permitted developments; provided, however, that no area may be excluded unless more than 50 percent of the lots are built upon, to the same general density or intensity of use.

(b) Every exclusion granted under subdivision (a) of this section and subdivision (d) of Section 30610 shall be subject to terms and conditions to assure that no significant change in density, height, or nature of uses will occur without further proceedings under this division, and an order granting an exclusion under subdivision (d) of Section 30610, but not under subdivision (a) of this section may be revoked at any time by the commission, if the conditions of exclusion are violated. Tide and submerged land, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject to the public trust shall not be excluded under either subdivision (a) of this section or subdivision (d) of Section 30610.

30611. When immediate action by a person or public agency performing a public service is required to protect life and public property from imminent danger, or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency, the requirements of obtaining any permit under this division may be waived upon notification of the executive director of the commission of the type and location of the work within three days of the disaster or discovery of the danger, whichever occurs first. Nothing in this section authorizes permanent erection of structures valued at more than twenty-five thousand dollars (\$25,000).

Article 2. Development Control Procedures

30620. (a) By January 30, 1977, the commission shall, consistent with the provisions of this chapter, prepare interim procedures for the submission, review, and appeal of coastal development permit applications and of claims of exemption. Such procedures shall include, but are not limited to, the following:

(1) Application and appeal forms.

(2) Reasonable provisions for notification to the regional commission, the commission, and other interested persons of any action taken by a local government pursuant to this chapter, in sufficient detail to assure that a preliminary review of such action for conformity with the provisions of this chapter can be made.

(3) Interpretive guidelines designed to assist local governments, the regional commissions, the commission, and persons subject to the provisions of this chapter in determining how the policies of this division shall be applied in the coastal zone prior to certification of local coastal programs; provided, however, that such guidelines shall not supersede, enlarge, or diminish the powers or authority of any regional commission, the commission, or any other public agency.

(b) Not later than May 1, 1977, the commission shall, after public hearing, adopt permanent procedures that include the components specified in subdivision (a) and shall transmit a copy of such procedures to each local government within the coastal zone and shall make them readily available to the public. The commission may thereafter, from time to time, and, except in cases of emergency, after public hearing, modify or adopt additional procedures or guidelines as it deems necessary to better carry out the provisions of this division.

(c) The commission may require a reasonable filing fee and the reimbursement of expenses for the processing by the regional commission or the commission of any application for a coastal development permit under this division. The funds received under this subdivision shall be expended by the commission only when appropriated by the Legislature.

30620.5 (a) A local government may exercise the option provided in subdivision (b) of Section 30600; provided it does so for the entire area of its jurisdiction within the coastal zone and after it establishes procedures for the issuance of coastal development permits. Such procedures shall incorporate, where applicable, the interpretive guidelines issued by the commission pursuant to Section 30620.

(b) If a local government elects to exercise the option provided in subdivision (b) of Section 30600, the local government shall, by resolution adopted by the governing body of such local government, notify the appropriate regional commission and the commission and shall take appropriate steps to assure that the public is properly notified of such action. The provisions of subdivision (b) of Section 30600 shall take effect and shall be exercised by the local government on the 10th working day after the date on which the resolution required by this subdivision is adopted.

(c) Every local government exercising the option provided in subdivision (b) of Section 30600, shall within five working days notify the appropriate regional commission and any person who, in writing, has requested such notification, in the manner prescribed by the commission pursuant to Section 30620, of any coastal development permit it issues.

(d) Within five working days of receipt of the notice required by subdivision (c), the executive director of the regional commission shall post at a conspicuous location in the regional commission's office, a description of the coastal development permit issued by the local government. Within 15 working days of receipt of such notice, the executive director shall, in the manner prescribed by the commission pursuant to subdivision (a) of Section 30620, provide notice of the locally issued coastal development permit to members of the regional commission, and the commission.

30620.6. The commission shall, not later than August 1, 1978, and after public hearing, adopt public notice and appeal procedures for the review of development projects appealable pursuant to Sections 30603 and 30715. The commission shall send copies of such procedures to every local government within the coastal zone and shall make them readily available to the public.

30621. The regional commission or the commission shall provide for a de novo public hearing on applications for coastal development permits and any appeals brought pursuant to this division and shall give to any affected person a written public notice of the nature of the proceeding and of the time and place of the public hearing. Notice shall also be given to any person who requests, in writing, such notification. A hearing on any coastal development permit application or an appeal shall be set no earlier than 21 days nor later than 42 days after the date on which the application or appeal is filed with the regional commission or the commission.

30622. A regional commission or the commission shall act upon the coastal development permit application or an appeal within 21 days after the conclusion of the hearing pursuant to Section 30621. Any action by a regional commission shall become final after the 10th working day, unless an appeal is filed with the commission within such time.

30623. If an appeal of any action on any development by any regional commission, any local government, or port governing body is filed with the regional commission or the commission, the operation and effect of such action shall be stayed pending a decision on appeal.

30624. The commission shall provide, by regulation, for the issuance of coastal development permits by the executive director of the commission or any regional commission without compliance with the procedures specified in this chapter in cases of emergency, other than an emergency provided for under Section 30611, or for improvements to any existing structure not in excess of twenty-five thousand dollars (\$25,000), and any other developments not in excess of twenty thousand dollars (\$20,000). Such permit for non-emergency development shall not be effective until after reasonable public notice and adequate time for the review of such issuance has been provided. If any two members of the regional commission or the commission so request, at the first meeting following the issuance of such permit, such issuance shall not be effective, and, instead, the application shall be set for a public hearing pursuant to the provisions of the chapter.

No monetary limitations shall be required for emergencies covered by the provisions of this section.

30625. (a) Except as otherwise specifically provided in subdivision (a) of Section 30602, any appealable action on a coastal development permit or claim of exemption for any development by a local government or a regional commission or port governing body may be appealed to the commission by an applicant, any aggrieved person except in the case of denials by a regional commission, or any two members of the commission. The regional commission, with respect to appeals pursuant to subdivision (a) of Section 30602, or the commission may approve, modify, or deny such proposed development, and if no action is taken within the time limit specified in Sections 30621 and 30622, the decision of the regional commission, the local government, or port governing body, as the case may be, shall become final, unless the time limit in Section 30621 or 30622 is waived by the applicant.

For purposes of this division failure by any regional commission to act within any time limit specified in this division shall constitute an "action taken."

(b) The regional commission with respect to appeals pursuant to subdivision (a) of Section 30602, or the commission shall hear an appeal unless it determines that the appeal raises no substantial issue, or it finds the following:

(1) With respect to appeals pursuant to subdivision (a) of Section 30602, that no significant question exists as to conformity with Chapter 3 (commencing with Section 30200).

(2) With respect to appeals to the commission after certification of a local coastal program, that no significant question exists as to conformity with the certified local coastal program.

(3) With respect to appeals to the commission after certification of a port master plan, that no significant question exists as to conformity with the certified port master plan.

(c) Decisions of the commission, where applicable, shall guide the regional commissions, local governments, or port governing bodies in their future actions under the provisions of this division.

30626. The commission may, by regulation, provide for the reconsideration of the terms and conditions of any coastal development permit granted by a regional commission or the commission solely for the purpose of correcting any information contained in such terms and conditions.

Chapter 8. PORTS

Article 1. Findings and General Provisions

30700. For purposes of this division notwithstanding any other provisions of this division except as specifically stated in this chapter, this chapter shall govern those portions of the Ports of Hueneme, Long Beach, Los Angeles, and San Diego Unified Port District, located within the coastal zone excluding any wetland, estuary, or existing recreation area indicated in Part IV of the coastal plan, are contained within this chapter.

30700.5. The definitions of Chapter 2 (commencing with Section 30100) and the provisions of Chapter 9 (commencing with Section 30800) and Section 30900 shall apply to this chapter.

30701. The Legislature finds and declares that:

(a) The ports of the State of California constitute one of the state's primary economic and coastal resources and are an essential element of the national maritime industry.

(b) The location of the commercial port districts within the State of California are well established, and for many years such areas have been devoted to transportation and commercial, industrial, and manufacturing uses consistent with federal, state, and local regulations. Coastal planning requires no change in the number or location of the established commercial port districts. Existing ports shall be encouraged to modernize and construct necessary facilities within their boundaries in order to minimize or eliminate the necessity for future dredging and filling to create new ports in new areas of the state.

Article 2. Policies

30702. For purposes of this division, the policies of the state with respect to providing for port-related developments consistent with coastal protection in the port areas to which this chapter applies, which require no commission permit after certification of a port master plan and which, except as provided in Section 30715, are not appealable to the commission after certification of a master plan, are set forth in this chapter.

30703. The California commercial fishing industry is important to the State of California; therefore, ports shall not eliminate or reduce existing commercial fishing harbor space, unless the demand for commercial fishing facilities no longer exists or adequate alternative space has been provided. Proposed recreational boating facilities within port areas shall, to the extent it is feasible to do so, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

30705. (a) Water areas may be diked, filled, or dredged when consistent with a certified port master plan only for the following:

(1) Such construction, deepening, widening, lengthening, or maintenance of ship channel approaches, ship channels, turning basin, berthing areas, and facilities as are required for the safety and the accommodation of commerce and vessels to be served by port facilities.

(2) New or expanded facilities or waterfront land for port-related facilities.

(3) New or expanded commercial fishing facilities or recreational boating facilities.

(4) Incidental public service purposes, including, but not limited to, burying cables or pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in biologically sensitive areas.

(6) Restoration purposes or creation of new habitat areas.

(7) Nature study, mariculture, or similar resource-dependent activities.

(8) Minor fill for improving shoreline appearance or public access to the water.

(b) The design and location of new or expanded facilities shall, to the extent practicable, take advantage of existing water depths, water circulation, siltation patterns, and means available to reduce controllable sedimentation so as to diminish the need for future dredging.

(c) Dredging shall be planned, scheduled and carried out to minimize disruption to fish and bird breeding and migrations, marine habitats, and water circulation. Bottom sediments or sediment elutriate shall be analyzed for toxicants prior to dredging or mining, and where water quality standards are met, dredge spoils may be deposited in open coastal water sites designated to minimize potential adverse impacts on marine organisms, or in confined coastal waters designated as fill sites by the master plan where such spoil can be isolated and contained, or in fill basins on upland sites. Dredge material shall not be transported from coastal waters into estuarine or fresh water areas for disposal.

30706. In addition to the other provisions of this chapter, the policies contained in this section shall govern filling seaward of the mean high tide line within the jurisdiction of ports:

(a) The water area to be filled shall be the minimum necessary to achieve the purpose of the fill.

(b) The nature, location, and extent of any fill, including the disposal of dredge spoils within an area designated for fill, shall minimize harmful effects to coastal resources, such as water quality, fish or wildlife resources, recreational resources, or sand transport systems, and shall minimize reductions of the volume, surface area or circulation of water.

(c) The fill is constructed in accordance with sound safety standards which will afford reasonable protection to persons and property against the hazards of unstable geologic or soil conditions or of flood or storm waters.

(d) The fill is consistent with navigational safety.

30707. New or expanded tanker terminals shall be designed and constructed to do all of the following:

(a) Minimize the total volume of oil spilled in normal operations and accidents.

(b) Minimize the risk of collision from movement of other vessels.

(c) Have ready access to the most effective feasible oilspill containment and recovery equipment.

(d) Have onshore deballasting facilities to receive any fouled ballast water from tankers where operationally or legally required.

30708. All port-related developments shall be located, designed and constructed so as to:

(a) Minimize substantial adverse environmental impacts.

(b) Minimize potential traffic conflicts between vessels.

(c) Give highest priority to the use of existing land space within harbors for port purposes, including, but not limited to, navigational facilities, shipping industries, and necessary support and access facilities.

(d) Provide for other beneficial uses consistent with the public trust, including, but not limited to, recreation and wildlife habitat uses, to the extent feasible.

(e) Encourage rail service to port areas and multicompany use of facilities.

Article 3. Implementation; Master Plan

30710. Within 90 days after January 1, 1977, the commission shall, after public hearing, adopt, certify, and file with each port governing body a map delineating the present legal geographical boundaries of each port's jurisdiction within the coastal zone. The commission shall, within such 90-day period, adopt and certify after public hearing, a map delineating boundaries of any wetland, estuary, or existing recreation area indicated in Part IV of the coastal plan within the geographical boundaries of each port.

30711. (a) A port master plan that carries out the provisions of this chapter shall be prepared and adopted by each port governing body, and for informational purposes, each city, county, or city and county which has a port within its jurisdiction shall incorporate the certified port master plan in its local coastal program. A port master plan shall include all of the following:

(1) The proposed uses of land and water areas, where known.

(2) The projected design and location of port land areas, water areas, berthing and navigation ways and systems intended to serve commercial traffic within the area of jurisdiction of the port governing body.

(3) An estimate of the effect of development on habitat areas and the marine environment, a review of existing water quality, habitat areas, and quantitative and qualitative biological inventories, and proposals to minimize and mitigate any substantial adverse impact.

(4) Proposed projects listed as appealable in Section 30715 in sufficient detail to be able to determine their consistency with the policies of Chapter 3 (commencing with Section 30200) of this division.

(5) Provisions for adequate public hearings and public participation in port planning and development decisions.

(b) A port master plan shall contain information in sufficient detail to allow the commission to determine its adequacy and conformity with the applicable policies of this division.

30712. In the consideration and approval of a proposed port master plan, the public, interested organizations, and governmental agencies shall be encouraged to submit relevant testimony, statements, and evidence which shall be considered by the port governing body. The port governing body shall publish notice of the completion of the draft master plan and submit a copy thereof to the commission and shall, upon request, provide copies to other interested persons, organizations, and governmental agencies. Thereafter, the port governing body shall hold a public hearing on the draft master plan not earlier than 30 days and not later than 90 days following the date the notice of completion was published.

30713. Ports having completed a master plan prior to January 1, 1977, shall submit a copy thereof to the commission and hold a public hearing in accordance with the provisions of Section 30712 for the purpose of reviewing such master plan for conformity with the applicable provisions of this division and, if necessary, adopting such changes as would conform such plan to the applicable provisions of this division. Notice of completion of a master plan shall not be filed prior to January 2, 1977.

30714. After public notice, hearing, and consideration of comments and testimony received pursuant to Sections 30712 and 30713, the port governing body shall adopt its master plan and submit it to the commission for certification in accordance with this chapter. Within 90 days after the submittal, the commission, after public hearing, shall certify such plan or portion of a plan and reject any portion of a plan which is not certified. If the commission fails to take action within the 90-day period, the port master plan shall be deemed certified. The commission shall certify such plan or portion of a plan if the commission finds both of the following:

(a) The master plan or certified portions thereof conforms with and carries out the policies of this chapter.

(b) Where a master plan or certified portions thereof provide for any of the developments listed as appealable in Section 30715 of this chapter, such development or developments are in conformity with all of the policies of Chapter 3 (commencing with Section 30200) of this division.

30715. Until such time as a port master plan or any portion thereof has been certified, the commission and regional commissions shall permit developments within ports as provided for in Chapter 7 (commencing with Section 30600). After a port master plan or any portion thereof has been certified, the permit authority of the commission provided in Chapter 7 (commencing with Section 30600) shall no longer be exercised by the regional commission or by the commission over any new development contained in such a certified plan or any portion thereof and shall at that time be delegated to the appropriate port governing body, except that approvals of any of the following categories of development by the port governing body may be appealed to the commission:

(a) Developments for the storage, transmission, and processing of liquefied natural gas and crude oil in such quantities as would have a significant impact upon the oil and gas supply of the state or nation or both the state and the nation. A development which has a significant impact shall be defined in the master plans.

(b) Waste water treatment facilities, except for such facilities which process waste water discharged incidental to normal port activities or by vessels.

(c) Roads or highways which are not principally for internal circulation within the port boundaries.

(d) Office and residential buildings not principally devoted to administration of activities within the port; hotels, motels and shopping facilities not principally devoted to the sale of commercial goods utilized for water-oriented purposes; commercial fishing facilities; and recreational small craft marina related facilities.

(e) Oil refineries.

(f) Petrochemical production plants.

30715.5 No development within the area covered by the certified port master plan shall be approved by the port governing body unless it finds that the proposed development conforms with such certified plan.

30716. (a) A certified port master plan may be amended by the port governing body, but no such amendment shall take effect until it has been certified by the commission. Any proposed amendment shall be submitted to, and processed by, the commission in the same manner as provided for submission and certification of port master plans.

(b) The commission shall, by regulation, establish a procedure whereby proposed amendments to a certified port master plan may be reviewed and designated by the executive director of the commission as being minor in nature and need not comply with Section 30714. Such amendments shall take effect on the 10th working day after the executive director designates such amendments as minor.

30717. The governing bodies of ports shall inform and advise the commission in the planning and design of appealable developments authorized under this chapter, and prior to commencement of any appealable development, the governing body of a port shall notify the commission and other interested persons, organizations, and governmental agencies of the approval of a proposed appealable development and indicate how it is consistent with the appropriate port master plan and this division. An approval of the appealable development by the port governing body pursuant to a certified port master plan shall become effective after the 10th working day after notification of its approval, unless an appeal is filed with the commission within that time. Appeals shall be filed and processed by the commission in the same manner as appeals from local government actions as set forth in Chapter 7 (commencing with Section 30600) of this division. No appealable development shall take place until the approval becomes effective.

30718. For developments approved by the commission in a certified master plan, but not appealable under the provisions of this chapter, the port governing body shall forward all environmental impact reports and negative declarations prepared pursuant to the Environmental Quality Act of 1970 (commencing with Section 21000) or any environmental impact statements prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.) to the commission in a timely manner for comment.

30719. Any development project or activity authorized or approved pursuant to the provisions of this chapter shall be deemed certified by the commission as being in conformity with the coastal zone management program insofar as any such certification is requested by any Federal agency pursuant to the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.), National Oceanic and Atmospheric Administration, and memoranda of understanding between the state and federal governments relative thereto.

30720. If the application of any port master plan or part thereof is prohibited or stayed by any court, the permit authority provided for in Chapter 7 (commencing with Section 30600) shall be reinstated in the regional commission or in the commission where there is no regional commission. The reinstated permit authority shall apply as to any development which would be affected by the prohibition or stay.

Chapter 9. Judicial Review, Enforcement, and Penalties

Article 1. General Provisions

30800. The provisions of this chapter shall be in addition to any other remedies available at law.

30801. Any aggrieved person shall have a right to judicial review of any decision or action of the commission or a regional commission by filing a petition for a writ of mandate in accordance with the provisions of Section 1094.5 of the Code of Civil Procedure, within 60 days after such decision or action has become final.

For purposes of this section and subdivision (c) of Section 30513 and Section 30625, an "aggrieved person" means any person who, in person or through a representative, appeared at a public hearing of the commission, regional commission, local government, or port governing body in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the commission, regional commission, local government, or port governing body of the nature of his concerns or who for good cause was unable to do either. "Aggrieved person" includes the applicant for a permit and, in the case of an approval of a local coastal program, the local government involved.

30802. Any person, including an applicant for a permit or the commission, aggrieved by the decision or action of a local government that is implementing a certified local coastal program or certified port master plan, which decision or action may not be appealed to the commission, shall have a right to judicial review of such decision or action by filing a petition for writ of mandate in accordance with the provisions of Section 1094.5 of the Code of Civil Procedure within 60 days after the decision or action has become final. The commission may intervene in any such proceeding upon a showing that the matter involves a question of the conformity of a proposed development with a certified local coastal program or certified port master plan or the validity of a local government action taken to implement a local coastal program or certified port master plan. Any local government or port governing body may request that the commission intervene. Notice of any such action against a local government or port governing body shall be filed with the commission within five working days of the filing of such action. When an action is brought challenging the validity of a local coastal program or certified master plan, a preliminary showing shall be made prior to proceeding on the merits as to why such action should not have been brought pursuant to the provisions of Section 30801.

30803. Any person may maintain an action for declaratory and equitable relief to restrain any violation of this division. On a prima facie showing of a violation of this division, preliminary equitable relief shall be issued to restrain any further violation of this division. No bond shall be required for an action under this section.

30804. Any person may maintain an action to enforce the duties specifically imposed upon the commission, any regional commission, any governmental agency, any special district, or any local government by this division. No bond shall be required for an action under this section.

30805. Any person may maintain an action for the recovery of civil penalties provided for in Section 30820 or 30821.

30806. Any civil action under this division by, or against, a city, county, or city and county, the commission, regional commission, special district, or any other public agency shall, upon motion of either party, be transferred to a county or city and county not a party to the action or to a county or city and county other than that in which the city, special district, or any other public agency which is a party to the action is located.

30807. Any person may maintain an action seeking an order to remove a local coastal program or any portion thereof, any coastal development permit application, or appeal therefrom, from the appropriate regional commission's consideration and to require that such local coastal program or any portion thereof, coastal development permit application or appeal therefrom, be reviewed and processed by the commission. The court may grant such order where to do so would better carry out the purposes of this division and where the court determines that such order would expedite the review of such local coastal program or any portion thereof, or of such coastal development permit application, or appeal therefrom.

Article 2. Penalties

30820. Any person who violates any provision of this division shall be subject to a civil fine of not to exceed ten thousand dollars (\$10,000).

30821. In addition to any other penalties, any person who intentionally and knowingly performs any development in violation of this division, shall be subject to a civil fine of not less than fifty dollars (\$50) nor more than five thousand dollars (\$5,000) per day for each day in which such violation occurs.

30822. Where a person has intentionally and knowingly violated any provision of this division, the commission may maintain an action, in addition to Section 30801, for exemplary damages and may recover an award, the size of which is left to the discretion of the court. In exercising its discretion, the court shall consider the amount of liability necessary to deter further violations.

30823. Any funds derived by the commission or regional commission under this article shall be expended for carrying out the provisions of this division, when appropriated by the Legislature.

Chapter 10. Severability

30900. If any provision of this division or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of the division which can be given effect without the invalid provision or application, and to this end the provisions of this division are severable.

SEC. 2. Section 4551.5 of the Public Resources Code

is amended to read:

4551.5 Rules and regulations shall apply to the conduct of timber operations and shall include, but shall not be limited to, measures for fire prevention and control, for soil erosion control, for water quality and watershed control, for flood control, for stocking, for protection against timber operations which unnecessarily destroy young timber growth or timber productivity of the soil, for prevention and control of damage by forest insects, pests, and disease, for the protection of natural and scenic qualities in special treatment areas identified pursuant to subdivision (b) of Section 30417, and for the preparation of timber harvesting plans. In developing these rules, the board shall solicit and consider recommendations from the State Forester, recommendations from the Department of Fish and Game relating to the protection of fish and wildlife, recommendations from the State Water Resources Control Board and the California regional water quality control boards relating to water quality, recommendations from the State Air Resources Board and local air pollution control districts relating to air pollution control, and recommendations of the California Coastal Commission relating to the protection of natural and scenic coastal zone resources in special treatment areas.

SEC. 3. Section 25103 of the Public Resources Code is amended to read:

25103. "Coastal zone" means the "coastal zone" as defined in Section 30103.

SEC. 4. Section 25115 of the Public Resources Code is repealed.

SEC. 5. Section 25302 of the Public Resources Code is amended to read:
25302. Upon receipt of a report required under Section 25300 from an electric utility, the commission shall forward copies thereof to the Legislature, the Public Utilities Commission, the Secretary of the Resources Agency, the Director of the Office of Planning and Research, the California Coastal Commission, and other concerned state and federal agencies. The report shall also be made available, at cost, to any person upon request. The commission shall also forward copies of the report to each city and county within the service area covered by the report, and shall request that the city and county review and comment on the report in relation to estimates of population growth and economic development, patterns of land use and open space, and conservation and other appropriate elements of the adopted city or county general plan. A copy of the report shall be maintained on file for public inspection in each county.

Sec. 6. Section 25500 of the Public Resources Code is amended to read:
25500. In accordance with the provisions of this division and Division 20 (commencing with Section 30000) division, the commission shall have the exclusive power to certify all sites and related facilities in the state; except for any site and related facility proposed to be located in the coastal zone, whether a new site and related facility or a change or addition to an existing facility. The issuance of a certificate by the commission shall be in lieu of any permit, certificate, or similar document required by any state, local or regional agency, or federal agency to the extent permitted by federal law, for such use of the site and related facilities, and shall supersede any applicable statute, ordinance, or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law.

After the effective date of this division, no construction of any facility or modification of any existing facility shall be commenced without first obtaining certification for any site and related facility by the commission, as prescribed in this division.

SEC. 7. Section 25507 of the Public Resources Code is amended to read:
25507. If any alternative site and related facility proposed in the notice is proposed to be located, in whole or in part, within the coastal zone, the commission shall transmit a copy of the notice to the California Coastal Commission. The California Coastal Commission shall analyze the notice and prepare the report and findings prescribed by subdivision (d) of Section 30413 prior to completion of the preliminary report required by Section 25510.

SEC. 8. Section 25508 of the Public Resources Code is amended to read:
25508. The commission shall cooperate with, and render advice to, the California Coastal Commission in studying applications for any site and related facility proposed to be located, in whole or in part, within the coastal zone, if requested by the California Coastal Commission. The California Coastal Commission may participate in public hearings on the notice and on the application for site and related facility certification as an interested party in such proceedings.

SEC. 9. Section 25514 of the Public Resources Code is amended to read:
25514. No later than 120 days after distribution of the preliminary report, a final report shall be prepared and distributed. The final report shall include, but not be limited to, all of the following:

(a) The findings and conclusions of the commission regarding the conformity of the alternative sites and related facilities designated in the notice or presented at the informational hearing or hearings and reviewed by the commission with both of the following:

(1) The 10-year forecast of statewide and service area electric power demands adopted pursuant to subdivision (b) of Section 25309, except as provided in Section 25514.5.

(2) The provisions of any state law or local or regional ordinance or regulation, including any long-range land use plans or guidelines adopted by the state or by any local or regional planning agency, which would be applicable but for the exclusive authority of the commission to certify sites and related facilities; and the standards adopted by the commission pursuant to Section 25216.3.

(b) Any findings and comments submitted by the California Coastal Commission pursuant to Section 25507 and subdivision (d) of Section 30413.

(c) The commission's findings on the acceptability and relative merit of each alternative siting proposal designated in the notice or presented at the hearings and reviewed by the commission. The specific findings of relative merit shall be made pursuant to the provisions of Sections 25502 to 25516, inclusive. In its findings on any alternative siting proposal, the commission may specify modification in the design, construction, location or other conditions which will meet the standards, policies, and guidelines established by the commission.

(d) Any conditions, modifications, or criteria proposed for any site and related facility proposal resulting from the commission's evaluation pursuant to subdivision (c) of Section 25512.

SEC. 10. Section 25516.1 is added to the Public Resources Code, to read:

25516.1. If a site and related facility found to be acceptable by the commission pursuant to Section 25516 is located in the coastal zone, no application for certification may be filed pursuant to Section 25519, unless the commission has determined pursuant to Section 25514 that such site and related facility have greater relative merit than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable by the commission pursuant to Section 25516.

SEC. 11. Section 25519 of the Public Resources Code is amended to read:

25519. (a) In order to obtain certification for a site and related facility, an application for certification of such site and related facility shall be filed with the commission. Such application shall be in a form prescribed by the commission and shall be filed with the commission no later than 18 months before any construction is to commence. Such application shall be for a site and related facility which has been found to be acceptable by the commission pursuant to Section 25516, or for an additional facility at a site which has been designated a potential multiple-facility site pursuant to Section 25514.5 and found to be acceptable pursuant to Sections 25516 and 25516.5. An application for an additional facility at a potential multiple-facility site shall be subject to the conditions and review specified in Section 25520.3. An application may not be filed for a site and related facility, if there is no suitable alternative for the site and related facility which was previously found to be acceptable by the commission, unless the commission has approved the notice based on the one site as specified in Section 25516.

(b) The commission, upon its own motion or in response to the request of any party, may require the applicant to submit any information, document, or data, in addition to the attachments required by subdivision (i), which it determines is reasonably necessary to make any decision on the application.

(c) Upon receipt of the application, the commission shall undertake studies and investigations necessary to comply with the environmental impact reporting procedures established pursuant to Section 21100. For purposes of preparation and approval of the environmental impact report on a proposed site and related facility, the commission shall be the lead agency as provided in Section 21165. Except as otherwise provided in Division 13 (commencing with Section 2100) the environmental impact report shall be completed within one year after receipt of the application.

(d) If the site and related facility specified in the application is proposed to be located in the coastal zone, the commission shall transmit a copy of the application to the California Coastal Commission for its review and comments.

(e) Upon receipt of an application, the commission shall forward the application to local governmental agencies having land use and related jurisdiction in the area of the proposed site and related facility. Such local agencies shall review the application and submit comments on, among other things, the design of the facility, architectural and aesthetic features of the facility, access to highways, landscaping and grading, public use of lands in the area of the facility, and other appropriate aspects of the design, construction, or operation of the proposed site and related facility.

(f) Upon receipt of an application, the commission shall cause a summary of the application to be published in a newspaper of general circulation in the county in which the site and related facilities, or any part thereof, designated in the application, is proposed to be located. The commission shall transmit a copy of the application to each federal and state agency having jurisdiction or special interest in matters pertinent to the proposed site and related facilities, and to the Attorney General.

(g) The adviser shall require that adequate notice is given to the public and that the procedures specified by this division are complied with.

(h) For any proposed site and related facility requiring a certificate of public convenience and necessity, the commission shall transmit a copy of the application to the Public Utilities Commission and request the comments and recommendations of the Public Utilities Commission on the economic, financial, rate, system reliability, and service implications of the proposed site and related facility. In the event the commission requires notification of the proposed facility, the commission shall consult with the Public Utilities Commission regarding the economic, financial, rate, system reliability, and service implications of such modifications.

(i) The commission shall transmit a copy of the application to any governmental agency not specifically mentioned in this act, but which it finds has any information or interest on the proposed site and related facilities, and shall invite the comments and recommendations of each such agency. The commission shall request any relevant laws, ordinances, or regulations which any such agency has promulgated or administered.

(j) An application for certification of any site and related facilities shall contain a listing of every Federal agency from which any approval or authorization concerning the proposed site is required, specifying the approvals or authorizations obtained at the time of the application and the schedule for obtaining any approvals or authorizations pending.

SEC. 12. Section 25523 of the Public Resources Code is amended to read:
25523. The commission shall prepare a written decision after a public hearing or hearings on an application, which shall include all of the following:

(a) Specific provisions relating to the manner in which the proposed facility is to be designed, sited, and operated in order to protect environmental quality, and assure public health and safety, and in the case of a site to be located in the coastal zone, to meet the objectives of Division 20 (commencing with Section 30000) as may be specified in the report submitted by the California Coastal Commission pursuant to subdivision (d) of Section 30413, unless the commission specifically finds that the adoption of the provisions specified in the report would result in greater adverse impact on the environment or that the provision proposed in the report would not be feasible.

(b) Findings regarding the conformity of the proposed site and related facilities with standards adopted by the commission pursuant to Section 25216.3 and subdivision (d) of Section 25402, with public safety standards and the applicable air and water quality standards, and with other relevant local, regional, state and federal standards, ordinances or laws. If the commission finds that there is noncompliance with any state, local, or regional ordinance or regulation in the application, it shall consult and meet with the state, local, or regional governmental agency concerned to attempt to correct or eliminate the noncompliance. If the noncompliance cannot be corrected or eliminated, the commission shall inform the state, local, or regional governmental agency if it makes the findings required by Section 25525.

(c) Provision for restoring the site as necessary to protect the environment, if the commission denies approval of the application.

(d) Findings regarding the conformity of the proposed facility with the 10-year forecast of statewide and service area electric power demands adopted pursuant to subdivision (b) of Section 25309.

SEC. 13. Section 25526 of the Public Resources Code is amended to read:

25526. The commission shall not approve as a site for a facility any location designated by the California Coastal Commission pursuant to subdivision (b) of Section 30413, unless the California Coastal Commission first finds that such use is not inconsistent with the primary uses of such land and that there will be no substantial adverse environmental effects and the approval of any public agency having ownership or control of such land is obtained.

SEC. 14. Section 402.1 of the Revenue and Taxation Code is amended to read:

402.1. In the assessment of land, the assessor shall consider the effect upon value of any enforceable restrictions to which the use of the land may be subjected. Such restrictions shall include, but are not limited to: (a) zoning; (b) recorded contracts with governmental agencies other than those provided for in Section 422; (c) permit authority of, and permits issued by, governmental agencies exercising land use powers concurrently with local governments, including the California coastal commissions, the San Francisco Bay Conservation and Development Commission, and the Tahoe Regional Planning Agency; (d) development controls of a local government in accordance with any local coastal program certified pursuant to Division 20 (commencing with Section 30000) of the Public Resources Code; (e) environmental constraints applied to the use of land pursuant to provisions of statutes.

There shall be a rebuttable presumption that restrictions will not be removed or substantially modified in the predictable future and that they will substantially equate the value of the land to the value attributable to the legally permissible use or uses.

Grounds for rebutting the presumption may include but are not necessarily limited to the past history of like use restrictions in the jurisdiction in question and the similarity of sales prices for restricted and unrestricted land. The possible expiration of a restriction at a time certain shall not be conclusive evidence of the future removal or modification of the restriction unless there is no opportunity or likelihood of the continuation or renewal of the restriction, or unless a necessary party to the restriction has indicated an intent to permit its expiration at that time.

In assessing land where the presumption is un rebutted, the assessor shall not consider sales of otherwise comparable land not similarly restricted as to use as indicative of value of land under restriction, unless the restrictions have a demonstrably minimal effect upon value.

In assessing land under an enforceable use restriction wherein the presumption of no predictable removal or substantial modification of the restriction has been rebutted, but where the restriction nevertheless retains some future life and has some effect on present value, the assessor may consider, in addition to all other legally permissible information, representative sales of comparable land not under restriction but upon which natural limitations have substantially the same effect as restrictions.

For the purposes of this section:

(a) "Comparable lands" are lands which are similar to the land being valued in respect to legally permissible uses and physical attributes.

(b) "Representative sales information" is information from sales of a sufficient number of comparable lands to give an accurate indication of the full cash value of the land being valued.

It is hereby declared that the purpose and intent of the Legislature in enacting this section is to provide for a method of determining whether a sufficient amount of representative sales information is available for land under use restriction in order to ensure the accurate assessment of such land. It is also hereby declared that the further purpose and intent of the Legislature in enacting this section and Section 1630 of the Revenue and Taxation Code is to avoid an assessment policy which, in the absence of special circumstances, considers uses for land which legally are not available to the owner and not contemplated by government, and that these sections are necessary to implement the public policy of encouraging and maintaining effective land use planning. Nothing in this statute shall be construed as requiring the assessment of any land at less than as required by Section 401 of this code or as prohibiting the use of representative comparable sales information on land under similar restrictions when such information is available.

SEC. 15. Section 13142.5 is added to the Water Code, to read:

13142.5. In addition to any other policies established pursuant to this division, the policies of the state with respect to water quality as it relates to the coastal marine environment are that:

(a) Waste water discharges shall be treated to protect present and future beneficial uses, and where feasible, to restore past beneficial uses of the receiving waters. Highest priority shall be given to improving or eliminating discharges that adversely affect any of the following:

- (1) Wetlands, estuaries, and other biologically sensitive sites.
- (2) Areas important for water contact sports.
- (3) Areas that produce shellfish for human consumption.
- (4) Ocean areas subject to massive waste discharge.

Ocean chemistry and mixing processes, marine life conditions, other present or proposed outfalls in the vicinity, and relevant aspects of areawide waste treatment management plans and programs, but not of convenience to the discharger, shall for the purposes of this section, be considered in determining the effects of such discharges. Toxic and hard-to-treat substances should be pretreated at the source if such substances would be incompatible with effective and economical treatment in municipal treatment plants.

(b) For each new or expanded coastal power plant or other industrial installation using sea water for cooling, heating or industrial processing, the best available site, design, technology, and mitigation measures feasible shall be used to minimize the intake and mortality of all forms of marine life.

(c) Where otherwise permitted, new warmed or cooled water discharges into coastal wetlands or into areas of special biological importance, including marine reserves and kelp beds, shall not significantly alter the overall ecological balance of the receiving area.

(d) Independent baseline studies of the existing marine system should be conducted in the area that could be affected by a new or expanded industrial facility using sea water in advance of the carrying out of the development.

(e) Adequately treated reclaimed water should, where feasible, be made available to supplement existing surface and underground supplies and to assist in meeting future water requirements of the coastal zone, and that consideration, in statewide programs of financial assistance for water pollution or water quality control, shall be given to providing optimum water reclamation and use of reclaimed water.

SEC. 28. Section 16 of Senate Bill 1277 is amended to read:

SEC. 16. There is no appropriation made by this act for the 1976-77 fiscal year pursuant to Section 2231 of the Revenue and Taxation Code. However, the Legislature acknowledges that there may be direct planning and administrative costs as set forth in Section 2207 of the Revenue and Taxation Code as a result of this act in the 1976-77 fiscal year, but that such costs are indeterminable at this time. It is the intent of the Legislature that such costs to local governments be reimbursed by the state. If such state-mandated local costs result from the enactment of this act in the 1976-77 fiscal year or subsequent years, reimbursement shall be provided pursuant to Section 2231 of the Revenue and Taxation Code in the annual state budget process, except that claims for such costs which may be incurred in the 1976-77 fiscal year shall be submitted to the State Controller by October 31, 1977.

If the Legislature fails to provide full funds for state-mandated local costs approved by the State Controller as costs qualified for reimbursement under Section 2231 of the Revenue and Taxation Code in the annual state budget process or in special legislation during the 1976-77 fiscal year and each year subsequent in which state-mandated local costs have been so approved, the dates specified for the submission of the local coastal program, the implementation of a local coastal program, and the performance of any other duty required of local government or an executive order to be performed after January 1, 1977, under the provisions of Division 20 (commencing with Section 30000) of the Public Resources Code, shall be postponed by the number of years elapsing between the date the local coastal program implementing act or duty is to be performed and the year in which such funds are provided. In the event that state-mandated costs are not funded by the Legislature, the provisions of Section 30518 of the Public Resources Code shall not be affected, except that any local government whose costs are not funded may elect that the California Coastal Commission implement either subdivision (a) or (b) of Section 30518 of the Public Resources Code.

It is the policy of the state that a major portion of the funds, but in no event less than 50 percent, received by the state from the federal government for the period following July 1, 1977, pursuant to the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.) shall be used for the development and implementation of local coastal programs.

Funds appropriated by the legislature for the purpose of, and pursuant to this section together with no less than 50 percent of any federal funds legally available for such purposes, shall be deposited in a local government coastal planning assistance account in the General Fund. The commission shall review and analyze all claims submitted and shall submit to the State Controller its recommendation. The State Controller shall consider the report of the commission and review claims submitted by any local government pursuant to this section to determine whether such claim planning and administrative costs are directly attributable to the operation of this act. Any such claimed costs found to be directly attributable to the operation of this act shall, when appropriated by the Legislature, be charged against and paid from the local government coastal planning assistance account.

SEC. 29. Section 17 of Senate Bill 1277 is amended to read:

SEC. 17. The coastal zone, as generally defined in Section 30103 of the Public Resources Code, shall include the land and water areas as shown on the map prepared by the California Coastal Zone Conservation Commission titled California Coastal Zone dated August 11, 1976, and on file with the Secretary of State.

SEC. 30. This act shall become effective only if Senate Bill No. 1277 is enacted by the Legislature at its 1975-76 Regular Session, and in such case, at the same time as Senate Bill No. 1277 takes effect.

SEC. 31. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

APPENDIX 2

STATE COASTAL CONSERVANCY ACT OF 1976

(AB 3544)

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

SECTION 1. Division 21 (commencing with Section 31000) is added to the Public Resources Code, to read:

DIVISION 21. STATE COASTAL CONSERVANCY

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

31000. Unless the context otherwise requires, the definitions in this chapter govern the construction of this division.

31001. "Certified local coastal plan or program" means any plan or program certified by the commission pursuant to Chapter 6 (commencing with Section 30500) of Division 20.

31002. "Conservancy" means the State Coastal Conservancy.

31004. "Commission" means the California Coastal Commission established under Chapter 4 (commencing with Section 30300) of Division 20.

31006. "Coastal zone" means that area of the state as defined in Section 30103.

31007. "Coastal restoration project" means any action taken by a local public agency or the conservancy to correct undesirable development patterns in the coastal zone, including those defined in Section 33032 or 33032.1 of the Health and Safety Code.

31008. "Coastal resource enhancement project" means actions taken by a local public agency or a state agency necessary to restore, as nearly as possible, degraded natural areas to their original condition or to enhance the resource values of a coastal zone.

31009. "Department" means the Department of Parks and Recreation.

31010. "Local public agency" means a city, county, or city and county.

CHAPTER 2. DECLARATION OF STATE POLICY AND GENERAL PROVISIONS

31050. The Legislature finds and declares that the agricultural lands located within the coastal zone contribute substantially to the state and national food supply and are a vital part of the state's economy.

31051. The Legislature further finds and declares that agricultural lands located within the coastal zone should be protected from intrusion of nonagricultural uses, except where conversion to urban or other uses is in the long-term public interest.

31052. The Legislature further finds and declares that lands within the coastal zone, principally in rural areas, are vacant or improperly utilized because of inadequate circulation patterns, poor lot layout, scattered ownerships, lack of recreation and open space, and other conditions which adversely affect the coastal environment and reduce opportunities for orderly development.

31053. The Legislature further finds and declares that important fish and wildlife habitat, natural areas, and scenic and environmental resources within the coastal zone have been degraded due to indiscriminate dredging, filling, and the intrusion of incompatible land uses.

31054. It is the policy of the state and the intent of the Legislature to provide for the State Coastal Conservancy, which should report to the Governor and to the Legislature, with responsibility for implementing a program of agricultural protection, area restoration, and resource enhancement in the coastal zone within policies and guidelines established pursuant to Division 20 (commencing with Section 30000).

31055. No funds may be expended or granted under this division, unless and until such funds are appropriated by the Legislature.

CHAPTER 3. ESTABLISHMENT AND FUNCTIONS OF THE STATE COASTAL CONSERVANCY

31100. There is in the Resources Agency the State Coastal Conservancy, consisting of the following five members:

- (a) The chairman of the commission.
- (b) The Secretary of the Resources Agency.
- (c) The Director of Finance.
- (d) Two members of the public appointed by the Governor.

Except for members appointed pursuant to subdivision (d), the members of the conservancy may designate one of their employees to serve on the conservancy in their absence.

31101. The members appointed under subdivision (d) of Section 31100 shall serve for a term of four years. Such members shall be compensated for attendance at regular meetings of the conservancy at the rate of one hundred dollars (\$100) per day, and shall be reimbursed for the actual and necessary expenses, including traveling expenses, incurred in the performance of their duties.

31102. The Secretary of the Resources Agency shall serve as the chairman of the conservancy. A majority of the total authorized membership of the conservancy shall constitute a quorum for the transaction of any business under this division. The conservancy shall adopt its own regulations.

31103. The conservancy shall determine the qualifications of, and it shall appoint and fix the salary of, the executive officer to the conservancy, who shall be exempt from civil service, and shall appoint such other staff as may be necessary to carry out the powers and functions set forth in this division. To the maximum extent possible, the conservancy shall utilize the staff of the commission for purposes of planning and project evaluation, and the staff of the Real Estate Services Division of the Departmental of General Services in carrying out acquisition, leasing, disposal, and other real property transactions authorized under this division.

31104. The conservancy may apply for and accept federal grants and receive gifts, donations, subventions, rents, royalties, and other financial support from public and private sources.

31105. The conservancy is authorized to acquire, pursuant to the Property Acquisition Law (Part 11 (commencing with Section 15850), Division 3, Title 2 of the Government Code) real property or any interests therein for all of the purposes specified in this division.

31106. The State Public Works Board may, pursuant to Section 31105, use the power of eminent domain for the purposes specified in this division.

31107. The Director of General Services, when so requested by the conservancy, may lease, rent, sell, or exchange any land acquired pursuant to this division; provided, however, that such action shall guarantee continued use of such lands for agricultural purposes, or for other purposes established in this division. Leases executed pursuant to the provisions of this division shall not provide for a period longer than 10 years.

31108. Commencing on January 2, 1980, and every third year thereafter, the conservancy shall prepare and submit to the Governor and to the Legislature a report describing progress in achieving the objectives of this division. The report shall include the following:

(a) An evaluation of the effectiveness of the conservancy's programs in preserving agricultural lands, restoring coastal habitat, providing public access to the coastline, and in undertaking other functions prescribed in this division.

(b) Identification of additional funding, legislation, or other resources required to more effectively carry out the objectives of this division.

CHAPTER 4. PRESERVATION OF AGRICULTURAL LAND

31150. The conservancy may acquire fee title, development rights, easements, or other interests in land located in the coastal zone in order to prevent loss of agricultural land to other uses and to assemble agricultural lands into parcels of adequate size permitting continued agricultural production.

The conservancy shall take all feasible action to return to private use or ownership, with appropriate use restrictions, all lands acquired for agricultural preservation under this division.

31151. In acquiring interest in agricultural lands, as provided in this division, the conservancy shall give the highest priority to urban fringe areas where the impact of urbanization on agricultural lands is greatest.

31152. Notwithstanding any other provisions of this division to the contrary, the conservancy shall not act to acquire any interests in lands in the coastal zone for agricultural purposes until the proposed acquisition has been submitted to the commission and the commission has certified that both of the following conditions apply to the proposed acquisition:

(a) The lands are specifically identified in a certified local coastal plan for program as agricultural lands.

(b) There is no other reasonable means, including the use of policy power, of assuring continuous use of such lands for agricultural purposes.

31153. If the conservancy is unable to purchase an interest in agricultural land which meets the provisions of Section 31152, the conservancy shall request the State Public Works Board to acquire such interest under the power of eminent domain pursuant to Section 31105.

31154. The conservancy is authorized to lease lands acquired in accordance with the provisions of Section 31150. When such leases are made to private individuals or groups, the conservancy shall annually, upon appropriation of such amounts by the Legislature, transfer 24 percent of the gross income of such leases to the county in which such lands are situated.

The county shall distribute any payment received by it pursuant to this section to itself, to each revenue district for which the county assesses and collects real property taxes or assessments, and to every other taxing agency within the county in which the property is situated. The amount distributable to the county and each such revenue district or other taxing agency shall be proportionate to the ratio which the amount of the taxes and assessments of each on similar real property similarly situated within that part of the county embracing the smallest in area of the revenue districts or other taxing agencies other than the county, levied for the fiscal year next preceding, bears to the combined amount of the taxes and assessments of all such property levied for that year. The county auditor shall determine and certify the amounts distributable to the board of supervisors, which shall thereupon order the making of the distribution.

Any money distributed pursuant to this section to any county, revenue district, or other taxing agency shall be deposited to the credit of the same fund as any taxes or assessments on any taxable similar real property similarly situated.

Where a county receives a payment pursuant to this section in an amount of twenty-five dollars (\$25) or less in respect to any parcel of leased property, all of such payment shall be distributed to the county for deposit in the county general fund.

31155. Proceeds from the sale or lease of lands acquired under the provisions of Section 31150 shall be deposited with the conservancy and, after transmission of any payments required by Section 31154, shall be available for expenditure when appropriated by the Legislature for the purpose of funding the programs specified in this division.

CHAPTER 5. COASTAL RESTORATION PROJECTS

31200. The conservancy may award grants to local public agencies for the purpose of restoration of areas of the coastal zone which, because of scattered ownerships, poor lot layout, inadequate park and open space, incompatible land uses, or other conditions, are adversely affecting the coastal environment or are impeding orderly development. Grants under this section shall be utilized for the installation of public improvements required to serve such areas. As provided in this chapter, the cost of acquisition of certain coastal access and open-space lands, other than those acquired through dedication, within restoration areas may be funded through the conservancy. Grants under this section may not be utilized as a method of acquisition of public park, recreation, or wildlife areas, except as such uses may be incidental to a coastal restoration project. After redesign and installation of public improvements, if any, lands containing coastal restoration projects, with the exception of lands acquired for public purposes as provided in this chapter, shall be conveyed to any person for the purpose of development in accordance with a restoration plan approved under Section 31208.

31201. All areas proposed for restoration by a local public agency or by the conservancy shall be identified in a certified local coastal plan or program as requiring public action to resolve existing or potential development problems.

31203. In reviewing grant applications and restoration plans, the conservancy shall seek to promote excellence of design and shall stimulate projects which exhibit innovation in sensitively integrating man-made features into the natural coastal environment.

31204. The conservancy may provide up to the total cost of any coastal restoration project, including the local share of federally supported projects. The conservancy may also require local funding participation in coastal restoration projects. The amount of funding available for coastal restoration projects, the fiscal resources of the applicant, the urgency of the project relative to other eligible coastal restoration projects, the degree to which the project meets the objectives set forth in Section 31203, and the application of other factors prescribed by the conservancy for the purpose of determining project eligibility and priority in order to more effectively carry out the provisions of this division.

31205. The conservancy shall request the commission, local public agencies, and other public and private groups to assist in the development of criteria and guidelines for the submission, evaluation, and determination of priority of coastal restoration projects. After considering comments received from such sources and ensuring that adequate opportunity for public review and comment has been provided, the conservancy shall adopt guidelines and criteria for the administration of the coastal program authorized under this chapter.

31206. In accordance with procedures adopted by the conservancy, local public agencies may submit proposed coastal restoration projects for consideration by the conservancy. After evaluation of the submitted project proposals, the conservancy shall annually prepare a schedule of projects proposed for grants under this chapter. The schedule shall be submitted to the commission for review. The commission shall have 90 days to review and to determine the consistency of the projects with Division 20 (commencing with Section 30000). If no comments are received at the end of such period, the projects shall be deemed to be in accordance with Division 20 (commencing with Section 30000). The conservancy shall not provide a grant for any project under this chapter unless the project has been certified by the commission as being in accord with the policies and objectives of Division 20 (commencing with Section 30000).

31207. Following certification of the annual schedule by the commission, the conservancy shall notify, in writing, local applicants whose projects have been approved for funding and shall request that each applicant prepare a plan for restoration of the area following guidelines established by the conservancy. Local public agencies shall have six months to prepare such plans. The conservancy may provide up to fifty thousand dollars (\$50,000) of the cost of preparing local coastal restoration plans.

31208. Following receipt of a restoration plan from a local public agency, the conservancy shall such plan to the commission for determination of conformity of such plan with the policies and objectives of Division 20 (commencing with Section 30000). The commission shall have 60 days to review the project and transmit the findings on such plan to the conservancy. If no comments are received within such period, the restoration plan shall be deemed to be in accord with Division 20 (commencing with Section 30000).

31209. Following approval of a restoration plan as provided in Section 31208, the conservancy shall so notify the local public agency and shall authorize the agency to proceed with actions required to implement the plan.

31210. Costs of providing parks, open space, or other public areas and facilities may be included as project costs within coastal restoration areas, if they are designed to serve the residents of the restoration area and do not constitute a disproportionate share of the total project costs. Costs of providing public coastal access sites and scenic easements serving the public may be permitted as project costs where such features are identified in the certified local coastal plan or program.

31211. The conservancy and local public agencies, in undertaking coastal restoration projects as provided in this chapter, shall be subject to the provisions of Division 24 (commencing with Section 33000) of the Health and Safety Code.

31212. Any funds over and above eligible project costs which remain after completion of a coastal restoration project as provided in this chapter shall be transmitted by the local public agency to the state and deposited with the conservancy and shall be available for expenditure when appropriated by the Legislature for the purposes of funding the programs specified in this division.

31213. Where a local public agency is unable or unwilling to undertake restoration of any deteriorating area within the coastal zone identified in a certified local coastal plan or program, including the acquisition of and disposal of lands and improvements, the conservancy may undertake such restoration. Such action, however, shall not be undertaken until the commission has done both of the following:

(a) Certified that the project is of high priority in terms of accomplishment of the policies and objectives of Division 20 (commencing with Section 30000).

(b) Approved a restoration plan for the area as provided in Section 31208.

31214. A restoration plan prepared for a project to be carried out by the conservancy as provided in Section 31213, shall, before any lands are acquired or other implementation actions taken, be submitted to the local public agency which exercises land use regulation over the area of the proposed project. The local public agency shall have 90 days to review and comment on the proposed coastal restoration project. If, during such period, the local public agency agrees to carry out the project within the guidelines established in the restoration plan, the conservancy may authorize the local public agency to carry out such restoration which shall then be subject to all provisions of this division.

31215. Prior to undertaking any restoration project under the provisions of Section 31213, the project shall be included within, and funded under, the Budget Act.

CHAPTER 6. COASTAL RESOURCE ENHANCEMENT PROJECTS

31251. The conservancy may award grants to local public agencies and to state agencies for the purpose of resource enhancement of coastal resources which, because of indiscriminate dredging or filling, improper location of improvements, or incompatible land uses, have suffered loss of natural and scenic values. Grants under this chapter shall be utilized for the assembly of parcels of land within coastal resource enhancement areas to improve resource management, for relocation of improperly located or designed improvements, and for other corrective measures which will enhance the natural and scenic character of the areas. As provided in this chapter, the cost of acquisition of certain lands within coastal resource enhancement areas may be funded through the conservancy. Grants under this section may not be utilized as a method of acquisition of public park, wildlife, or natural areas, except as such uses may be incidental to a coastal resource enhancement project.

31252. All areas proposed for resource enhancement by a local public agency or a state agency shall be identified in a certified local coastal plan or program as requiring public action to resolve existing or potential resource protection problems.

31253. The conservancy may provide up to the total of the cost of any coastal resource enhancement project, including the state or local share of federally supported projects. The amount of funding provided by the conservancy shall be determined by the total amount of funding available for coastal resource enhancement projects, the fiscal resources of the applicant, the urgency of the project relative to other eligible coastal resource enhancement projects, and the application of other factors prescribed by the conservancy for the purpose of determining project eligibility and priority in order to more effectively carry out the provisions of this division.

31254. The conservancy shall request the commission, local public agencies, and other public and private groups to assist in the development of criteria and guidelines for the submission, evaluation, and determination of priority of coastal resource enhancement projects. After considering comments received from such sources and ensuring that adequate opportunity for public review and comment has been provided, the conservancy shall adopt guidelines and criteria for the administration of the coastal program authorized under this chapter.

31255. In accordance with procedures adopted by the conservancy, local public agencies and state agencies may submit proposed coastal resource enhancement projects for consideration by the conservancy. After evaluation of the project proposals submitted, the conservancy shall annually prepare a schedule of projects proposed for grants under this chapter. The schedule shall be submitted to the commission for review. The commission shall have 90 days to review and make a formal finding on each of the projects included in the schedule. If no comments are received at the end of such period, the projects shall be deemed to be in accordance with Division 20 (commencing with Section 30000).

31256. The conservancy shall not provide a grant for any project under this chapter unless the project has been certified by the commission as being in accord with the policies and objectives of Division 20 (commencing with Section 30000).

31257. Following review and approval of the annual schedule by the commission, the conservancy shall notify, in writing, the state or local public agencies whose projects have been approved for funding and shall request that each applicant prepare a plan for resource enhancement for the area following the guidelines established by the conservancy. Such agencies shall have six months to prepare such plans. The conservancy may provide up to fifty thousand dollars (\$50,000) of the cost of preparing local coastal resource enhancement plans.

31258. Following receipt of a resource enhancement plan, the conservancy shall forward the plan to the commission for determination of conformity of the plan with policies and objectives of Division 20 (commencing with Section 30000).

31259. Following review and approval of a resource enhancement plan as provided in Section 31258, the conservancy shall so notify the agency and shall authorize the agency to proceed with actions required to implement the plan.

31260. As part of an approved coastal resource enhancement project, the conservancy may fund up to 40 percent of any costs of land acquisition.

31261. Private development may be permitted within the area of the coastal resource enhancement projects, where such development is compatible with the primary objectives of resource protection and enhancement of the coastal zone.

31262. Any funds over and above eligible project costs which remain after completion of a resource enhancement project as provided in this chapter shall be transmitted to the state and be deposited with the conservancy and shall be available for expenditure when appropriated by the Legislature for the purposes of funding the programs specified in this division.

31263. If a local public agency or state agency is unable or unwilling to undertake improvement of deteriorating area, the conservancy may undertake such coastal resource enhancement project. Such action, however, shall not be undertaken until the commission has done both of the following:

(a) Certified that the project is of high priority in terms of accomplishment of the policies and objectives of Division 20 (commencing with Section 30000).

(b) Approved a resource enhancement plan for the area as specified in Section 31258.

31264. A resource enhancement plan prepared for a project to be carried out directly by the conservancy as provided in Section 31263, shall, before any lands are acquired or other implementation actions taken, be submitted to the local public agency which exercises land use regulation over the area of the proposed project and to any state agency which exercises resource management responsibility in the project area. The local public agency or state agency shall have 90 days to review and comment on the proposed coastal resource enhancement project. If, during such period the local public agency or state agency agrees to carry out the project within the guidelines established in the resource enhancement plan, the conservancy may authorize the local public agency or state agency to carry out such enhancement which shall then be subject to all provisions of this division.

31265. Prior to undertaking any resource enhancement project under the provisions of Section 31263, the project shall be included within, and funded under, the Budget Act.

CHAPTER 7. RESOURCE PROTECTION ZONES

31300. It is the intent of the Legislature to establish buffer areas, to be known as resource protection zones, surrounding public beaches, parks, natural areas, and fish and wildlife preserves

in the coastal zone. The purpose of such zones shall be to ensure that the character and intensity of private development surrounding any such areas and preserves is generally compatible with, and does not adversely impact, sensitive resource values located within such public areas and preserves.

31300.1. The conservancy may award grants to state agencies for purposes of the acquisition of interests in lands within resource protection zones in accordance with Section 31304. Grants pursuant to this section shall not be utilized as a method of acquisition of lands which are intended to be an integral part of a public park, wildlife, or natural area.

31300.2. The conservancy may provide up to the full amount of the cost of acquisition of any interest in lands within a resource protection zone. The amount of funding provided by the conservancy shall be determined by the total amount of funding available for resource protection projects, the fiscal resources of the applicant, the urgency of the project relative to other eligible projects, and the application of factors prescribed by the conservancy for the purpose of determining project eligibility and priority in order to more effectively carry out the provisions of this division.

31301. The Department of Parks and Recreation, the Department of Fish and Game, and other state agencies which own or operate public resource areas within the coastal zone shall: (1) identify units under their jurisdiction which are particularly susceptible to adverse impacts from surrounding development, and (2) define the general boundaries of impact areas around such units.

Such state agencies shall complete the study of impact areas and shall forward recommendations for establishment of resource protection zones to the commission not later than January 1, 1979. The commission shall refer resource protection zone proposals to local public agencies which have jurisdiction over land use regulation in the proposed zones.

31302. Following receipt of the proposed resource protection zones from the commission, local public agencies shall have 60 days in which to submit comments to the commission regarding establishment of the proposed zones.

31303. After considering the comments of local public agencies, the commission shall adopt the resource protection zones and shall recommend their inclusion as part of the appropriate local coastal plan or program. The commission shall specify guidelines to guide local jurisdictions in bringing local land use plans and ordinances into conformity with the objectives of the resources protection zones.

31304. When private development of lands within an adopted resource protection zone will clearly damage resource values within an adjacent public area, and where exercise of the police power to protect such resource values would be unreasonable, a state agency may, through purchase, dedication, or other means, acquire development rights, scenic easements, or other interests, not including fee title, in private lands in resource protection zones. No state agency shall acquire such interest until the commission has certified that such action is in accord with Division 20 (commencing with Section 30000) and is necessary to assure the protection of the resource values within approved resource protection zones.

31305. When any state agency is unable to secure through negotiation, development rights, scenic easements, or other interests required to protect public resource values as provided in Section 31304, the conservancy may request the State Public Works Board to exercise the power of eminent domain to acquire such interests pursuant to Section 31105.

31305.5 The conservancy may provide funds to any state agency for the purpose of carrying out the provisions of Section 31301.

31306. The commission shall request that federal, regional, and local agencies which own or operate public resource areas within the coastal zone take appropriate action to establish resource protection zones surrounding such areas in a manner similar to that set forth in this chapter for areas under the jurisdiction of the state.

CHAPTER 8. RESERVATION OF SIGNIFICANT COASTAL RESOURCE AREAS

31350. It is the policy of the Legislature to assure that areas identified in any state, regional, or local plan as significant coastal resource sites shall be reserved for public use and enjoyment. To achieve this objective, it is the intent of the Legislature to vest in the Department of Parks and Recreation authority to acquire and hold key coastal resource lands which otherwise would be lost to public use.

31350.1. The conservancy may make interest-free loans to the department for the purpose of reserving lands specified in Section 31351. Such loans shall be for a period not to exceed 10 years. Upon the disposition of such lands, as provided in Section 31354, the department shall repay all funds advanced by the conservancy and shall be available for expenditure when appropriated by the Legislature for the purposes of funding the programs specified in this division.

31351. The department shall cooperate with the commission and with other state and local public agencies in ensuring that sites designated in the certified local coastal plans or programs for park, recreation, fish and wildlife habitat, historical preservation, or scientific study are reserved and ultimately utilized for such public purposes.

31352. In the event that any state or local public agency is unable, due to limited financial resources or other circumstances of a temporary nature, to acquire a site which is

a certified local coastal plan program, the department may acquire and hold the site for subsequent conveyance to the appropriate public agency.

31353. Notwithstanding any other provisions of law, the department may enter into an option to purchase the lands designated in Section 31350 if the total cost of any such option does not exceed one hundred thousand dollars (\$100,000), when the Legislature appropriates funds for purposes of carrying out the objectives of this section.

31354. The department shall not hold lands acquired in accordance with this chapter more than 10 years from the time of acquisition. A local public agency shall have the right to acquire the land at any time during such period for public purposes indicated in a certified local coastal plan or program. The acquisition price to local agencies shall be based upon the cost of acquisition under this division, plus administrative and management costs in reserving the land. The lands acquired under the provisions of this section shall not be disposed of under the provisions of Section 11011.1 of the Government Code.

If, at the expiration of such 10-year period, no public agency is willing or able to acquire the lands, the department shall request the Real Estate Services Division of the Department of General Services to dispose of such lands at fair market value without restriction on subsequent land use under this division.

31355. The department is authorized to lease lands acquired in accordance with this chapter. When such leases are made to private individuals or groups, the department shall annually, upon appropriation of such amounts by the Legislature, transfer 24 percent of the gross income of such leases to the county in which such lands are situated.

The county shall distribute any payment received by it pursuant to this section to itself, to each revenue district for which the county assesses and collects real property taxes or assessments, and to every other taxing agency within the county in which the property is situated. The amount distributable to the county and each such revenue district or other taxing agency shall be proportionate to the ratio which the amount of the taxes and assessments of each on similar real property similarly situated within that part of the county embracing the smallest in area of the revenue districts or other taxing agencies other than the county, levied for the fiscal year next preceding, bears to the combined amount of the taxes and assessments of all such districts and agencies, including the county, on such property levied for that year. The county auditor shall determine and certify the amounts distributable to the board of supervisors, which shall thereupon order the making of the distribution.

Any money distributed pursuant to this section to any county, revenue district, or other taxing agency shall be deposited to the credit of the same fund as any taxes or assessments on any taxable similar real property similarly situated.

Where a county receives a payment pursuant to this section in an amount of twenty-five (\$25) or less in respect to any parcel of leased property, all of such payment shall be distributed to the county for deposit in the county general fund.

31355.5. The conservancy may provide funds to the department for the purpose of carrying out the provisions of this chapter.

31356. All remaining revenue derived from leases, after allocation to counties as specified in Section 31355, shall be deposited annually with the conservancy and shall be available for expenditure when appropriated by the Legislature for the purposes of funding the programs specified in this division.

CHAPTER 9. SYSTEM OF PUBLIC ACCESSWAYS

31400. The Legislature finds and declares that it is the policy of the state that the right of the public to access and enjoyment of the coastal resources should be effectively guaranteed. To achieve such objective, it is the intent of the Legislature to vest in the Department of Parks and Recreation authority to implement a system of public accessways to and along the state's coastline.

31400.1. The conservancy may award grants to the department for purposes of the acquisition of interests in, and for initial development of, lands required for public accessways to the coast. The conservancy may also award grants to local agencies for the initial development of public accessways to the coast where it is determined that such accessways are to serve more than local needs.

31400.2. The conservancy may provide up to the total cost of the acquisition of interests in lands and the initial development of public accessways by the department. The conservancy may also provide up to the total cost of the initial development of public accessways by local agencies, as provided in Section 31400.1. The amount of funding provided by the conservancy shall be determined by the total amount of funding available for coastal public accessway projects, the fiscal resources of the applicant, the urgency of the project relative to other eligible projects, and the application of factors prescribed by the conservancy for the purpose of determining project eligibility and priority in order to more effectively carry out the provisions of this division.

31401. The department shall develop and adopt standards to guide state and local public agencies and federal agencies to the extent permitted by federal law or regulations or the United States Constitution in acquiring and developing public access to coastal resources.

31402. In order to assure that an adequate system of public accessways is provided along the entire coastline, the department may acquire fee title or lesser interests, develop, and maintain areas required for public access to significant coastal resources.

31403. The department may not acquire any public access site unless such acquisition is approved

by the Legislature as part of its annual approval of the Budget Act.

31404. When another local public agency is unable or unwilling to take title to an area required for public access to and along the coastline, the department may accept title to such an area. The department, however, shall not be required to open any area for public use when, in its estimation, the benefits of public use would be outweighed by the costs of development and maintenance. The department shall make a determined effort to identify local public agencies which will accept responsibility for maintenance and liability for public accessways which are located outside of the state park system. The department may lease any public access site to a public agency; provided, however, that the conditions of such transfer guarantee public use of the site for access to coastal resources.

31405. The department may accept from any state or local public agency fees collected for purposes of providing public access to coastal resources. Any funds collected from such source shall be expended by the department for the sole purpose of acquisition, development, and maintenance of public accessways to the coastline. To the maximum extent possible, such fees shall be expended in the general area where they are collected or in areas where public access to and along the coastline is clearly deficient. The department may transfer funds, including such fees, to a local public agency for the purposes of acquisition of sites for public access to and along the coastline.

31405.5 The conservancy may provide funds to the department for the purpose of planning and maintaining a system of public accessways to and along the state's coastline.

31406. Commencing on January 2, 1978, the department shall annually prepare and submit to the Governor, the Legislature, and the commission a report describing progress in achieving the objectives of this chapter, including requirements for funding, staffing, and further legislation.

SFC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SFC. 3. This act shall become operative only if Senate Bill No. 1277 of the 1975-76 Regular Session is enacted and shall become operative at the same time as Senate Bill No. 1277.

APPENDIX 3

CALIFORNIA URBAN AND COASTAL PARK BOND ACT OF 1976

Senate Bill No. 1321

CHAPTER 259

An act to add Chapter 1.68 (commencing with Section 5096.111) to Division 5 of the Public Resources Code, relating to financing of a program of acquiring, developing, and restoring real property for state and local park, beach, recreational, and historical resources preservation purposes by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of such funds; providing for the submission of the measure to a vote of the people at a special election to be consolidated with the 1976 general election; making an appropriation therefor; and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1976. Filed with Secretary of State June 24, 1976.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1321, Nejedly. Park, beach, recreational, and historical resources: bond issue.

Under existing law, general state obligation bonds have been issued pursuant to the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964 and pursuant to the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974 to provide funds to acquire and establish state and local beaches, parks, recreational facilities, and historical resources.

This bill would enact the "Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976," which, if adopted, would authorize the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$280,000,000 to provide funds to acquire, develop, and restore real property for state and local park, beach, recreational, and historical resources preservation purposes, as specified. The bill would provide for submission of the bond act to the voters at a special election to be consolidated with the 1976 general election, with the provisions of the bond act becoming operative January 1, 1977, if it is adopted by the voters at the special election.

The bill would appropriate \$100,000 to the Department of Parks and Recreation from the Bagley Conservation Fund for specified planning purposes.

The bill would take effect immediately as an urgency statute.

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

SECTION 1. Chapter 1.68 (commencing with Section 5096.111) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 1.68. NEJEDLY-HART STATE, URBAN, AND COASTAL
PARK BOND ACT OF 1976

5096.111. This chapter shall be known and may be cited as the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976.

5096.112. The Legislature hereby finds and declares that:

(a) It is the responsibility of this state to provide and to encourage the provision of recreational opportunities for the citizens of California.

(b) It is the policy of the state to preserve, protect, and, where possible, to restore coastal resources which are of significant recreational or environmental importance for the enjoyment of present and future generations of persons of all income levels, all ages, and all social groups.

(c) When there is proper planning and development, parks, beaches, recreation areas and recreational facilities, and historical resources preservation projects contribute not only to a healthy physical and moral environment, but also contribute to the economic betterment of the state, and, therefore, it is in the public interest for the state to acquire, develop, and restore areas for recreation, conservation, and preservation and to aid local governments of the state in acquiring, developing, and restoring such areas as will contribute to the realization of the policy declared in this chapter.

5096.113. The Legislature further finds and declares that:

(a) The demand for parks, beaches, recreation areas and recreational facilities, and historical resources preservation projects in California is far greater than what is presently available, with the number of people who cannot be accommodated at the area of their choice or any comparable area increasing rapidly.

(b) The demand for parks, beaches, recreation areas and recreational facilities, and historical resources preservation projects in the urban areas of our state are even greater: over 90 percent of the present population of California reside in urban areas; there continues to be approximately a 30 percent deficiency in open space and recreation areas in the metropolitan areas of the state; less urban land is available, costs are escalating, and competition for land is increasing.

(c) There is a high concentration of urban social problems in California's major metropolitan areas which can be partially alleviated by increased recreational opportunities.

(d) California's coast provides a great variety of recreational opportunities not found at inland sites; it is heavily used because the state's major urban areas lie, and 85 percent of the state's population lives, within 30 miles of the Pacific Ocean; a shortage of facilities for almost every popular coastal recreational activity exists; and there will be a continuing high demand for popular coastal activities such as fishing, swimming, sightseeing, general beach use, camping, and day use. Funding for the acquisition of a number of key coastal sites

is critical at this time, particularly in metropolitan areas where both the demand for and the deficiency of recreational facilities is greatest. Current development pressures in urbanized areas threaten to preclude public acquisition of these key remaining undeveloped coastal parcels unless these sites are acquired in the near future.

(e) Increasing and often conflicting pressures on limited coastal land and water areas, escalating costs for coastal land, and growing coastal recreational demand requires, as soon as possible, funding for, and the acquisition of, land and water areas needed to meet demands for coastal recreational opportunities and to implement recommendations for acquisitions of the Coastal Plan prepared and adopted in accordance with the requirements of the California Coastal Zone Conservation Act of 1972.

(f) By 1980, the need for local parks, beaches, and recreation areas and recreational facilities will be nearly twice as great as presently required.

(g) By 1980, unless the lands and waters that hold recreation potential today are acquired or reserved for recreation as soon as possible, there will be a marked shortage of recreation lands and waters on a local and regional basis.

(h) Cities, counties, and districts must exercise constant vigilance to see that the parks, beaches, recreation lands and recreational facilities, and historical resources they now have are not lost to other uses; they should acquire additional lands as such lands become available; they should take steps to improve the facilities they now have.

(i) Past and current funding programs have not and cannot meet present deficiencies.

(j) There is a pressing need to provide statutory authority and funding for a coordinated state program designed to provide expanded public access to the coast, to preserve prime coastal agricultural lands, and to restore and enhance natural and man-made coastal environments.

(k) In view of the foregoing, the Legislature declares that an aggressive, coordinated, funded program for meeting existing and projected recreational demands must be implemented without delay.

5096.114. Bonds in the total amount of two hundred eighty million dollars (\$280,000,000), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed hereinafter, and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. Said bonds shall, when sold, be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California are hereby pledged for the punctual payment of both principal and interest on said bonds as said principal and interest become due and

payable.

5096.115. There shall be collected each year and in the same manner and at the same time as other state revenue is collected such sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on said bonds maturing in said year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum.

5096.116. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this act, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal and interest on bonds issued and sold pursuant to the provisions of this chapter, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 5096.117, which sum is appropriated without regard to fiscal years.

5096.117. For the purposes of carrying out the provisions of this chapter the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the State, Urban, and Coastal Park Fund or the State Coastal Conservancy, which depositories are hereby created. Any moneys made available under this section shall be returned to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out the provisions of this chapter.

5096.118. The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the State, Urban, and Coastal Park Fund or the State Coastal Conservancy. The money in such depositories may be expended only for the purposes specified in this chapter and only pursuant to appropriation by the Legislature in the manner hereinafter prescribed.

5096.119. All proposed appropriations for the program specified in Section 5096.124 shall be included in a section in the Budget Bill for each fiscal year for consideration by the Legislature, and shall bear the caption "Nejedly-Hart State, Urban, and Coastal Park Bond Act Program." The section shall contain separate items for each project for which an appropriation is made.

All proposed appropriations for purposes specified in Section 5096.125 shall be included in a section of the Budget Bill for each fiscal year for consideration by the Legislature, and shall bear the caption "State Coastal Conservancy." The section shall contain separate items for each project for which an appropriation is made.

Such appropriations shall be subject to all limitations contained in the Budget Bill and to all fiscal procedures prescribed by law with respect to the expenditure of state funds unless expressly exempted

from such laws by a statute enacted by the Legislature. Such sections shall contain proposed appropriations only for the programs contemplated by this chapter, and no funds derived from the bonds authorized by this chapter may be expended pursuant to an appropriation not contained in such sections of the Budget Act.

5096.120. The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3, Division 4, Title 2 of the Government Code) and all of the provisions of that law are applicable to the bonds and to this chapter, and are hereby incorporated in this chapter as though set forth in full herein.

5096.121. The State Park and Recreation Finance Committee is hereby created. The committee consists of the Governor, the State Controller, the Director of Finance, the State Treasurer, and the Secretary of the Resources Agency. For the purposes of this chapter the State Park and Recreation Finance Committee shall be "the committee" as that term is used in the State General Obligation Bond Law. The Secretary of the Resources Agency is hereby designated as "the board" for the purposes of this chapter and for the purposes of the State General Obligation Bond Law.

5096.122. All money deposited in the State, Urban, and Coastal Park Fund or the State Coastal Conservancy which is derived from premium and accrued interest on bonds sold shall be reserved in such depositories and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

5096.123. As used in this chapter and for the purposes of this chapter as used in the State General Obligation Bond Law, the following words shall have the following meanings:

(a) "State grant" or "state grant moneys" means moneys received by the state from the sale of bonds authorized by this chapter which are available for grants to counties, cities, and districts for acquisition, development, or restoration of real property for park, beach, recreational, and historical resources preservation purposes.

(b) "District" means any district authorized to provide park and recreation services, except a school district.

(c) "Historical resource" includes, but is not limited to, any building, structure, site, area, or place which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

(d) "Historical resources preservation project" is a project designed to preserve an historical resource which is either listed in the National Register of Historic Places or is registered as either a state historical landmark or point of historical interest pursuant to Section 5021.

(e) "Coastal recreational resources" means those land and water areas adjacent to or in close proximity to the Pacific Ocean which are

- Schedule:
- (1) Fifteen million dollars (\$15,000,000) to the Department of Parks and Recreation, of which up to six million dollars (\$6,000,000) may be used for recreational facilities at Lake Eisnore, whether or not such facilities are a part of the State Water Facilities.
 - (2) Five million dollars (\$5,000,000) to the Department of Water Resources.
 - (3) Six million dollars (\$6,000,000) to the Department of Navigation and Ocean Development.

It is the intent of the Legislature that funds expended pursuant to subdivisions (a) and (b) of this section may be used for the acquisition of parks, beaches, open-space lands, and historical resources, and for development rights and scenic easements in connection with such lands and resources, and, in the case of grants to counties, cities, and districts, also for the development or restoration of such lands or resources and that funds expended pursuant to subdivision (c) of this section be in accordance with the following criteria and priorities:

- (1) The first priority for the acquisition of coastal recreational resources is as follows:
 - (i) Land and water areas best suited to serve the recreational needs of urban populations.
 - (ii) Land and water areas of significant environmental importance, such as habitat protection.
 - (iii) Land and water areas in either of the above categories shall be given the highest priority when incompatible uses threaten to destroy or substantially diminish the resource value of such area.
- (2) The second priority for the acquisition of coastal recreational resources is as follows:
 - (i) Land for physical and visual access to the coastline where public access opportunities are inadequate or could be impeded by incompatible uses.
 - (ii) Remaining areas of high recreational value.
 - (iii) Areas proposed as a coastal reserve or preserve, including areas that are or include restricted natural communities, such as ecological areas that are scarce, involving only a limited area; rare and endangered wildlife species habitat; rare and endangered plant species range; specialized wildlife habitat; outstanding representative natural communities; sites with outstanding educational value; fragile or environmentally sensitive resources; and wilderness or primitive areas. Areas meeting more than one of these criteria may be considered as being especially important.
 - (iv) Highly scenic areas that are or include landscape preservation projects designated by the Department of Parks and

suitable for public park, beach, or recreational purposes, including, but not limited to, areas of historical significance and areas of open space that complement park, beach, or recreational areas.

5096.124. Except as otherwise provided in this section or elsewhere in this chapter, all money deposited in the State, Urban, and Coastal Park Fund shall be available for appropriation as set forth in Section 5096.119 for the purposes set forth below in amounts not to exceed the following:

- (a) For grants to counties, cities, and districts for the acquisition, development, or restoration of real property for park, beach, recreational, and historical resources preservation purposes, including state administrative costs..... \$85,000,000
- (b) For acquisition, development, or restoration of real property for the state park system in accordance with the following schedule \$34,000,000

Schedule:

- (1) Thirteen million dollars (\$13,000,000) for acquisition and costs for planning and interpretation.
 - (2) Twenty-one million dollars (\$21,000,000) for development of real property, historical resources, and costs for planning and interpretation.
 - (c) For acquisition of coastal recreational resources, consisting of real property for the state park system and costs of planning and interpretation..... \$110,000,000
 - (d) For the acquisition or development of real property for wildlife management in accordance with the provisions of the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300), Division 2, Fish and Game Code), including costs for planning and interpretation in accordance with the following schedule \$15,000,000
- Schedule:
- (1) Ten million dollars (\$10,000,000) for coastal projects.
 - (2) Five million dollars (\$5,000,000) for all projects, including coastal projects.

(e) For recreational facilities of the State Water Facilities, as defined in paragraphs (1) to (4), inclusive, of subdivision (d) of Section 12934 of the Water Code, for allocation in accordance with the following schedule

\$26,000,000

Recreation; open areas identified as being of particular value in providing visual contrast to urbanization, in preserving natural landforms and significant vegetation, in providing attractive transitions between natural and urbanized areas, or as scenic open space; and scenic areas and historical districts designated by cities and counties. All real property acquired pursuant to this chapter shall be acquired in compliance with the provisions of Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code, and procedures sufficient to ensure such compliance shall be prescribed by the Department of Parks and Recreation.

It is the further intent of the Legislature that funds granted pursuant to subdivision (a) of this section may be used by counties, cities, and districts for the acquisition, development, and restoration of public indoor recreational facilities, including enclosed swimming pools, gymnasiums, recreation centers, historical buildings, and museums. For development, the land must be owned by, or subject to a long-term lease to, the applicant county, city, or district. Such lease shall be for a period of not less than 25 years from the date an application for a grant is made and shall provide that it may not be revoked at will during such period.

5096.125. Except as otherwise provided in this section and elsewhere in this chapter, all money deposited in the State Coastal Conservancy shall be available for appropriation, as provided in Section 5096.119, for the purposes set forth in this section, in a total amount not to exceed ten million dollars (\$10,000,000):

(a) For restoration and enhancement of degraded coastal lands, especially habitat areas and lands near urban areas, that are suitable for intensive or passive recreational use.

(b) For the selective acquisition of prime coastal agricultural lands proposed for conversion to nonagricultural use, to prevent urban intrusions into agricultural areas and to assemble coastal agricultural lands into parcels of economic size, using appropriate techniques such as purchase and leaseback or resale of lands for productive use.

(c) For the preacquisition of lands for reconveyance to other public agencies for coastal recreational resources preservation purposes.

(d) For the selective acquisition of easements and development rights on lands adjacent to public parks or wildlife preserves on or near the coast, to establish a buffer of privately owned land for use consistent with the purposes of the park or preserve and to minimize the need for future acquisitions around existing parks and wildlife preserves.

(e) For the acquisition or acceptance of lands providing public access to and along the coast.

(f) For the costs of administration and planning.

It is the intent of the Legislature that no funds allocated in this

chapter to the State Coastal Conservancy shall be expended unless and until the Legislature has enacted legislation authorizing the administration of the conservancy by an existing state agency or a new state agency and has, in such legislation, set forth the purposes, powers, and duties of such agency. If the Legislature has not assigned such authority to an existing or new state agency by January 1, 1980, the funds allocated in this chapter to the State Coastal Conservancy shall be transferred to the State, Urban, and Coastal Park Fund and shall be allocated for expenditure for the purposes specified in subdivision (c) of Section 5096.124.

It is the further intent of the Legislature that funds expended pursuant to this section may be used for acquisition of fee title to real property or any other interest in real property that is less than the fee.

5096.126. After the Legislature has authorized the administration of the State Coastal Conservancy by an existing or new state agency, any project involving state funds pursuant to Section 5096.125 shall originate and be processed in the manner to be specified by the Legislature in such authorizing legislation.

5096.127. (a) All of the funds authorized by subdivision (a) of Section 5096.124 for grants, shall be allocated to the counties, such allocation to be based upon the estimated population of the counties on July 1, 1980, as projected by the Department of Finance.

(b) Each county's apportionment of such funds shall be in the same ratio as the county's population is to the state's total population; provided, however, that each county having a projected 1980 population of 40,000 or fewer persons shall receive an allocation of two hundred thousand dollars (\$200,000); and provided, further, that any grant made to a city or district shall be subtracted from the total otherwise allocable under the provisions of this chapter to the county or counties in which the city or district is located.

(c) Each county shall consult with all cities and districts within the county and shall develop and submit to the state for approval a priority plan for expenditure of the county's allocation. The priority plan for expenditure shall consist of an allocation of the county's funds to the eligible recipients specified in subdivision (a) of Section 5096.124. The priority plan for expenditure may include the names of individual projects under each governmental jurisdiction. The priority plan for expenditure shall be submitted to the Director of Parks and Recreation prior to June 30, 1978. The priority plan for expenditure of the total county allocation shall be approved by at least 50 percent of the cities and districts representing 50 percent of the population of the cities and districts within the county, and by the county board of supervisors. Failure to submit an approved priority plan by June 30, 1978, shall result in a 10-percent annual reduction of the total county allocation until the priority plan is submitted. Any funds not allocated to a county shall remain in the State, Urban, and Coastal Park Fund and shall be expended under

the same conditions as set forth in Section 5096.128 in 1983. By June 30, 1980, if agreement on the priority plan for expenditure has not been submitted to the Director of Parks and Recreation, the county board of supervisors shall petition the Director of Parks and Recreation to distribute to high-priority projects the remaining 80 percent of the county's allocation.

(d) Applications for individual projects may be submitted directly to the Director of Parks and Recreation by individual jurisdictions. 5096.128. On July 1, 1983, the Secretary of the Resources Agency shall cause to be totaled the unencumbered balances remaining in the State, Urban, and Coastal Park Fund. A program shall be submitted in the budget for the 1984-1985 fiscal year to appropriate this balance. This program shall consist of projects deemed to be of highest priority from among the purposes expressed in subdivisions (a) to (e), inclusive, of Section 5096.124 and shall not be subject to the maximum amounts allocated to those purposes in Section 5096.124.

5096.129. Any project involving state funds only, pursuant to subdivisions (b), (c), and (e) of Section 5096.124, shall originate by resolution of the Legislature or of the State Park and Recreation Commission directing a study of the proposed project or by action of the Secretary of the Resources Agency, either on his own initiative, or, with respect to projects to be funded pursuant to subdivision (e) of Section 5096.124, at the request of the Director of Water Resources, directing a study of the proposed project.

The costs of these project studies shall be borne by the State, Urban, and Coastal Park Fund.

Allocations for the purposes of subdivision (d) of Section 5096.124 that are authorized by the Legislature and approved by the Governor shall be made from the State, Urban, and Coastal Park Fund and shall be expended in accordance with the provisions of the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300), Division 2, Fish and Game Code).

5096.130. (a) An application for a grant pursuant to subdivision (a) of Section 5096.124 shall be submitted to the Director of Parks and Recreation for review. The application shall be accompanied by a certification from the planning agency of the applicant that the project is consistent with the park and recreation plan for the applicant's jurisdiction.

(b) The minimum amount that may be applied for any individual grant project is ten thousand dollars (\$10,000). Any application for a state grant shall comply with the provisions of the Environmental Quality Act of 1970 (commencing with Section 21000).

(c) Upon completion of the grant application review by the Director of Parks and Recreation, approved projects shall be forwarded to the Director of Finance for inclusion in the Budget Bill.

5096.131. Projects proposed pursuant to subdivisions (b), (c), (d), and (e) of Section 5096.124 shall be submitted to the office of the

Secretary of the Resources Agency for review. The Director of Parks and Recreation shall provide the Secretary of the Resources Agency with a statement concerning each project originated pursuant to subdivisions (b), (c), and (e) of Section 5096.124, which statement shall include the priority of the project in regard to the need to correct the following deficiencies:

(a) Deficiencies in providing recreation.

(b) Deficiencies in preserving historical resources.

(c) Deficiencies in preserving or protecting natural, scenic, ecological, geological, or other environmental values.

5096.132. The Secretary of the Resources Agency, after completing his review, shall forward those projects recommended by the appropriate board or commission together with his comments thereon to the Director of Finance for inclusion in the Budget Bill. Projects proposed pursuant to subdivision (d) of Section 5096.124 shall be subject to the favorable recommendation of the Wildlife Conservation Board. Projects proposed for the state park system pursuant to subdivision (b) or (e) of Section 5096.124 shall be subject to the favorable recommendation of the State Park and Recreation Commission.

In submitting the list of projects recommended for inclusion in the annual budget, the secretary shall organize the projects on a priority basis within each of the purposes as set forth in subdivisions (b), (c), (d), and (e) of Section 5096.124. This priority ranking shall be based upon the provisions of Section 5096.124 and the needs specified in Section 5096.131.

In addition, the statement setting forth the priorities shall include the relationship of each separate project on the priority list to a proposed time schedule for the acquisition, development, or restoration expenditures associated with the accomplishment of the projects contained in such list. All projects proposed in the Governor's Budget of each fiscal year shall be contained in the Budget Bill as provided in Section 5096.119.

5096.133. Projects authorized for the purposes set forth in subdivisions (b), (c), and (e) of Section 5096.124 shall be subject to augmentation as provided in Section 16352 of the Government Code. The unexpended balance in any appropriation heretofore or hereafter made payable from the State, Urban, and Coastal Park Fund which the Director of Finance, with the approval of the State Public Works Board, determines not to be required for expenditure pursuant to the appropriation may be transferred on order of the Director of Finance to, and in augmentation of, the appropriation made in Section 16352 of the Government Code.

5096.134. The Director of Parks and Recreation may make agreements with respect to any real property acquired pursuant to subdivisions (b) and (c) of Section 5096.124 for continued tenancy of the seller of the property for a period of time and under such conditions as mutually agreed upon by the state and the seller so long

as the seller promises to pay such taxes on his interest in the property as shall become due, owing, or unpaid on the interest created by such agreement, and so long as the seller conducts his operations on the land according to specifications issued by the Director of Parks and Recreation to protect the property for the public use for which it was acquired. A copy of such agreement shall be filed with the county clerk in the county in which the property lies. Such arrangement shall be compatible with the operation of the area by the state, as determined by the Director of Parks and Recreation.

5096.135. Notwithstanding any other provisions of law, for the purposes of this chapter, acquisition may include gifts, purchases, leases, easements, eminent domain, the transfer or exchange of property for other property of like value, and purchases of development rights and other interests, unless the Legislature shall hereafter otherwise provide. Acquisition for the state park system by purchase or by eminent domain shall be under the Property Acquisition Law (commencing with Section 15850 of the Government Code), notwithstanding any other provisions of law.

5096.136. All grants, gifts, devises, or bequests to the state, conditional or unconditional, for park, conservation, recreation, or other purposes for which real property may be acquired or developed pursuant to this chapter, may be accepted and received on behalf of the state by the appropriate department head with the approval of the Director of Finance. Such grants, gifts, devises, or bequests shall be available, when appropriated by the Legislature, for expenditure for the purposes provided in Sections 5096.124 and 5096.125.

5096.137. There shall be an agreement or contract between the Department of Parks and Recreation and the applicant in the case of a state grant project which shall contain therein the provisions that the property so acquired or developed shall be used by the applicant only for the purpose for which the state grant funds were requested and that no other use of the area shall be permitted except by specific act of the Legislature. No state grant funds shall be available for expenditure until such agreement has been signed.

5096.138. Real property acquired by the state shall consist predominantly of open or natural lands, including lands under water capable of being utilized for multiple recreational purposes, and lands necessary for the preservation of historical resources. No funds derived from the bonds authorized by this chapter shall be expended for the construction of any reservoir designated as a part of the "State Water Facilities," as defined in subdivision (d) of Section 12934 of the Water Code, but such funds may be expended for the acquisition or development of beaches, parks, recreational facilities, and historical resources at or in the vicinity of any such reservoir.

5096.139. (a) The Director of Parks and Recreation may submit to the State Lands Commission any proposal by a state or local public agency for the acquisition of lands pursuant to this chapter, which

lands are located on or near tidelands, submerged lands, swamp, overflowed, or other wetlands which are under the jurisdiction of the State Lands Commission, whether or not such lands are state-owned or have been granted in trust to a local public agency; and the State Lands Commission shall, within one year of such submittal, review such proposed acquisition, make a determination as to the state's existing or potential interest in the lands, and report its findings to the Director of Parks and Recreation, who shall forward such report to the Secretary of the Resources Agency.

(b) No provision of this chapter shall be construed as authorizing the condemnation of state lands.

SEC. 2. Section 1 of this act shall become operative January 1, 1977, if the people at the special election provided in Section 3 of this act adopt the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976, as set forth in Section 1 of this act. Sections 2 to 8, inclusive, of this act provide for the calling of an election and contain provisions relating to, and necessary for, the submission of the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976 to the people, and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 3. A special election is hereby called to be held throughout the state on the second day of November, 1976. The special election shall be consolidated with the 1976 general election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used. Except as otherwise provided in this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to the measure submitted pursuant to this act. A ballot pamphlet shall be prepared, compiled, and distributed relating to the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976, set forth in Section 1 of this act. The Secretary of State shall distribute the ballot pamphlets to the county clerks not later than 45 days before the election, and the county clerks shall commence to mail those pamphlets to the voters not less than 15 days before the election. The distribution of ballot pamphlets in all respects shall be conducted in accordance with the provisions of Section 3573 of the Elections Code.

SEC. 4. At the special election called by this act there shall be submitted to the electors Section 1 of this act, which shall appear as Proposition 1 at such election. All provisions of this act shall control the submission of Section 1 of this act to, and the holding of, the special election called by this act.

SEC. 5. Upon the effective date of this section, arguments for and against the measure hereby ordered submitted to the electors shall be prepared in the time, form, and manner as provided in Article 1.8 (commencing with Section 3527) of Chapter 1 of Division 4 of the Elections Code.

SEC. 6. The special election provided in this act shall be

proclaimed, held, and conducted, the ballots shall be prepared, marked, collected, counted, and canvassed, and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the State Constitution applicable thereto and the law governing elections insofar as provisions thereof are applicable to the election provided in this act; provided, however, that the Governor need not issue his election proclamation until 30 days before the election.

SEC. 7. Notwithstanding any other provision of law, all ballots of said election shall have printed thereon and in a square thereof, the words: "For the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976," and the same square under said words the following in eight-point type: "This act provides for a bond issue of two hundred eighty million dollars (\$280,000,000) to be used to meet the recreational requirements of the people of the State of California by acquiring, developing, and restoring real property for state and local park, beach, recreational, and historical resources preservation purposes." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976," and in the same square immediately below said words, in eight-point type shall be printed, "This act provides for a bond issue of two hundred eighty million dollars (\$280,000,000) to be used to meet the recreational requirements of the people of the State of California by acquiring, developing, and restoring real property for state and local park, beach, recreational, and historical resources preservation purposes." Opposite the words "For the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976," and "Against the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words, "For the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976"; provided, that where the voting of said election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said election.

SEC. 8. The votes cast for or against the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976 shall be counted, returned, and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appears that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and

discharged.

SEC. 9. There is hereby appropriated to the Department of Parks and Recreation the sum of one hundred thousand dollars (\$100,000) from the Bagley Conservation Fund for advance planning on projects to be financed under subdivisions (a), (b), (c), and (e) of Section 5096.124 of the Public Resources Code.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that this act may provide financing for urgently needed parks, beaches, recreation areas, and historical resources preservation projects, it is necessary that this act go into immediate effect.

APPENDIX 4
CALIFORNIA COASTAL COMMISSION REGULATIONS--PERMIT
AND PORT PLANNING REGULATIONS

Note: more readable copies of these and all regulations
are available from the California Coastal Commission.

**CALIFORNIA
COASTAL COMMISSION**

**Permit and Port Planning
REGULATIONS**

These regulations are designed "to carry out the purposes and provisions of [the Coastal Act] and to govern procedures of the commission and regional commission," pursuant to Public Resources Code Section 30333, and to prescribe "procedures for the submission, review, and appeal of coastal development permit applications and of claims of exemptions," pursuant to Public Resources Code Section 30620. Chapter 8, Subchapter 2 of these regulations covers plans for the Ports of Port Hueneke, Long Beach, Los Angeles, and San Diego. Note that Chapter 8, Subchapter 1, the Local Coastal Program Regulations, were adopted and published separately and are not part of these administrative code provisions.

These regulations were adopted by the Commission in final form on May 4, 1977, to supersede the emergency regulations adopted on January 12, January 25, February 1, and February 15, 1977. This document, assembled by the Commission staff, is an unofficial version of these regulations; the official version may be obtained from the State Printer. Because of requirements of State law, these regulations will not be in effect until July 10, 1977. Until then, the emergency regulations remain in effect.

**ADOPTED: MAY 4, 1977
EFFECTIVE: JULY 10, 1977**

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13011. First Public Road Paralleling the Sea. "First public road paralleling the sea" shall mean the nearest road to the sea, as defined in Public Resources Code, Section 30115, that is dedicated for public use to a public agency and is in fact improved and suitable for public use. However, that in the event any such public road does not conform with other public roads, the first public road paralleling the sea shall mean the first public road that in fact conforms with other public roads providing a continuous public access system paralleling the shoreline. Each regional commission or the commission where there is no regional commission shall, following a properly noticed public hearing, adopt a map or maps designating the "first public road paralleling the sea" within 120 days of the effective date of the California Coastal Act of 1976. Wherever the commission approves a local government coastal development permit program as provided in Sections 13901-13927, the commission shall at the same time adopt a map showing such designated road(s) for the affected area if such map has not yet been adopted.

13012. Major Public Works. "Major public works" means any public works located within an area listed in Public Resources Code, Section 30601(1) and (2), the costs more than \$25,000 or is not governed by the provisions of Public Resources Code Section 30610, 30610.5, 30611 or 30624.

13004. Reference to Commission and to Regional Commission. Any reference to "commission" means the California Coastal Commission as defined in Public Resources Code, Section 30103(a). Any reference to "regional commission" means a regional coastal commission as defined in Public Resources Code, Section 30105(b); provided, however, that if at any time a regional commission does not exercise regulatory authority and such authority may be exercised by the commission pursuant to the provisions of the California Coastal Act of 1976 and these regulations, any reference to "regional commission" shall mean the "commission."

Article 2. Definitions
 13006. Appointed Person. An "appointed" person is any person who meets the requirements of Public Resources Code, Section 30801.

13007. Appointed Membership. "Appointed membership" means all the persons who have been appointed or designated to serve and have been sworn in as voting members of the commission or a regional commission; a vacancy on the commission or a regional commission shall not be computed in determining a majority or two-thirds of the appointed membership.

13009. Emergency. "Emergency," as used in Public Resources Code Section 30624, and these regulations means: a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss of damage to life, health, property or essential public services.

Article 3. Official Records.

13013. Inspection of Public Records. Public records of the commission and regional commissions relating to and acquired in the performance of their statutory duties, including statements filed pursuant to the Political Reform Act of 1974, are not to be taken from the custody of the commission or regional commission but access thereto and inspection thereof will be permitted during regular business hours in conformance with applicable State and Federal laws regulating access to public records.

13013.1 Copies and Certification. Copies of official records may be made and certified by the commission, or a regional commission, the expense thereof to be borne by the person or party requesting the same.

CHAPTER 2. MEETINGS

Article 1. Regular Meetings - Time

13014. Date and Hours. The commission and regional commissions may by resolution set a date and time for their regular meetings in conformance with the requirements of Public Resources Code Section 30315.

13014.1 Changes and Cancellations. The chairperson of the commission and each regional commission may for good cause change the starting time of any meeting, or reschedule or cancel the meeting.

Article 2. Regular Meetings - Notice

13015. Method of Notification. Notice of regular meetings of the commission or of a regional commission shall be by first class mail or other reasonable means, dispatched not later than 7 days preceding the meeting and containing an agenda listing each item to be considered. The agenda item description shall conform to Section 13063 where the item is a development permit application.

13016. Who Shall Receive Notice. Such notice shall be mailed to commission members, to all parties to proceedings on the agenda, to persons who are interested in specific agenda items, and to any persons who request such notice in writing. The commission or regional commission may require each person requesting such notice to supply self-addressed stamped envelopes for the purpose of providing such notice. The regional commission shall also mail the notices and agenda of the regional commission hearings to public libraries, building departments and city hall departments in counties that have a request that that be regularly provided to public libraries and to other places readily accessible to the public and shall provide the agenda to newspapers or general publications.

13017. Substantiated Notices. Substantiated notices shall substantially reflect the availability of the U.S. Postal Service, the commission chairperson or the commission or regional commission may substitute for any substantiated notice by these regulations to be mailed, such other form of notification as reasonable under the circumstances, such as newspaper publications, radio or television broadcasting, telephoning, posting or public display of an appropriate subject to a person's application or such other reasonable means as might be available.

Article 3. Special Meetings

13018. Time and How Called. A special meeting of the commission or of a regional commission may be called for any reasonable time by resolution or by written petition of a majority of the appointed members of the commission or regional commission, or by written call of the chairperson.

13018.1 Notice. Notice of any special meeting shall be given to the same manner provided in Sections 13015, 13016 and 13017.

Article 4. Emergency Meetings

13019. Time and Reason For. The chairperson of the commission or regional commission may call an emergency meeting for any day and time when a situation may exist that poses danger to life, health, or property and when commission action is or may be needed in the situation.

13020. Notice. Notice of any emergency meeting must be provided by telegram to all persons entitled to receive notice pursuant to section 13016 and, shall be sent not less than 24 hours prior to the meeting, if possible. In addition, commission members shall be notified by telephone prior to or immediately following placing of the telegraphic notice and a reasonable effort shall be made to notify the public of the meeting. Any such notice shall contain a listing of the items to be considered at the emergency meeting.

Article 5. Members-Quorum and Presiding

13021. Quorum. For all meetings of the commission or of a regional commission, a quorum shall be a majority of the total appointed membership of the commission or regional commission. No action shall be taken in the absence of a quorum, except that a lesser number of members may constitute a meeting or a hearing from time to time until a quorum is present; provided however that such a constituted meeting or hearing shall not substitute for the requirements of Public Resources Code, Section 30315.

13022. Voting - Member Required to Abstain Action. Except as otherwise required by the California Coastal Act of 1972 or in these regulations, actions of the commission or of a regional commission shall be by vote of a majority of the total appointed membership of that commission.

13023. Procedures - Robert's Rules of Order. Except where the provision of the California Coastal Act of 1972 or of these regulations provide to the contrary, or when the commission or a regional commission determines otherwise, each commission shall operate under the latest edition of Robert's Rules of Order.

13024. Agenda. (a) The agenda for regular meetings of the commission or of the regional commission, shall be set by the executive director of such commission at least 7 days prior to the meeting. (b) The chairperson may direct that the order of the agenda be altered for any particular meeting, or that any particular item on the agenda be taken out of order when in the chairperson's opinion such change is desirable. Any such action may be rejected or amended by a vote of a majority of members present.

13025. Vote-Participation of Members. The commission or regional commission shall not vote upon substantive or policy matters or financial matters, including personnel appointments, when adequate representation has not been given as part of the required notice of the meeting.

13026. Recording of Meetings. Commission and regional commission meetings shall be recorded electronically using video recording equipment by the proceedings staff. In the event of equipment failure, proceedings shall be recorded by the proceedings staff. The recording shall be made reasonably available for replaying at the commission or regional commission offices. The recording or transcript shall be retained for the period of time required by the applicable law governing the retention of records of state agency public proceedings.

13021. Retention of Records. (a) The Commission and each of its constituent agencies shall retain such records as are necessary for the proper conduct of its business and the public interest.

(b) Matters shall be referred to the appropriate regulatory agency by the person concerned or his representative or otherwise as may be determined by the Commission.

(c) If good reasons shall be shown the original record of actions taken by the Commission or the regulatory commission at any meeting, including the text of any resolutions adopted.

CHAPTER 3. OFFICE OF THE COMMISSIONER

Article 1. Office

13022. Location of Office. The Commission shall have its principal office in the City of New York.

The Commission shall also have such other offices as may be necessary for the proper conduct of its business.

13023. Hours of Office. The Commission shall be open for business from 9:00 a.m. to 5:00 p.m., Monday through Friday, except on public holidays.

The Commission shall also have such other offices as may be necessary for the proper conduct of its business.

13024. Records of Proceedings. The Commission shall maintain such records as are necessary for the proper conduct of its business.

The Commission shall also have such other offices as may be necessary for the proper conduct of its business.

Article 2. Staff

13025. Appointment of Staff. The Commission shall have such staff as may be necessary for the proper conduct of its business.

13026. Qualifications of Staff. The Commission shall employ only such persons as are qualified by education, training and experience to perform the duties of their positions.

The Commission shall also have such other offices as may be necessary for the proper conduct of its business.

(b) The Commission shall have such other offices as may be necessary for the proper conduct of its business.

(c) The Commission shall have such other offices as may be necessary for the proper conduct of its business.

The Commission shall also have such other offices as may be necessary for the proper conduct of its business.

1301. Acting Executive Director. (a) The executive director shall

designate a member of the staff to serve as acting executive director while the executive director is absent or unable to perform his or her regular duties.

(b) If the executive director is absent or unable to perform his or her regular duties and has not designated an acting executive director, the chairperson shall do so or in the absence of the chairperson, the vice-chairperson shall do so.

CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSIONS

1302. Scope of Chapter. Except as specifically provided by any subdivision hereof the provisions of this chapter shall govern all coastal development permits: applications required under Public Resources Code, Section 30601, and under Public Resources Code, Section 30600 where a local government has not exercised its option to administer permits as provided in Sections 3301-3327 of these regulations.

1303. Reference to Regional Commission. The provisions of this chapter and the local regional commissions apply to those regional commissions established by the commission pursuant to Public Resources Code Section 3304.5. The commission shall perform all duties and responsibilities required of a regional commission in this chapter in, for any region established under the California Coastal Act of 1972, where no regional commission was established over a proposed development: that the commission is authorized to review pursuant to Section 1309 or where the commission has received an application for direct review pursuant to Public Resources Code, Section 3033.5. Where the commission performs the same function(s) as the regional commission directly or on appeal, any reference to the regional commission in this chapter shall mean the commission unless the specific section provides otherwise.

1304. Reference to Executive Director. The provisions of this chapter using the term executive director refer to the executive director of the regional commission or commission before which the application under consideration is pending unless otherwise specifically provided.

Subchapter 1. Regular Permits

Article 1. When Local Applications Must be Made First

13012. When Required. When development for which a permit is required pursuant to Public Resources Code, Section 30600 or 30601 also requires a permit from one or more cities or counties or other state or local

governmental agencies, a permit application shall not be accepted for filing by the executive director unless all such governmental agencies have granted or a minimum their preliminary approvals for said development. An applicant shall have been deemed to have complied with the requirements of this Section when the proposed development has received approvals of any or all of the following aspects of the proposal, as applicable:

- (a) Tentative map approval;
- (b) Planned residential development approval;
- (c) Special or conditional use permit approval;
- (d) Zoning change approval;
- (e) All required variances, except minor variances for which a permit requirement could be established only upon a review of the detailed zoning drawings;
- (f) Approval of a general site plan including such matters as delineation of roads and public easement(s) for shoreline access;
- (g) A final Environmental Impact Report or a negative declaration, as required, including (1) the explicit consideration of any proposed grading; and (2) explicit consideration of alternatives to the proposed development; and (3) all comments and supporting documentation submitted to the lead agency.

(b) Approval of dredging and filling of any water areas;

(4) Approval of general uses and intensity of use proposed for each part of the area covered by the application, as permitted by the applicable local general plan, zoning requirements, budget, setback or other land use ordinances;

(j) A local government coastal development permit issued pursuant to the requirements of Chapter 7 of these regulations.

13013. When Preliminary Approvals are Not Required.

(a) The executive director may waive the requirement for preliminary approval by either federal, state or local governmental agencies for good cause, including but not limited to:

- (1) The project is for a public purpose;
- (2) The impact upon coastal area resources could be a major factor in the decision of that state or local agency to approve, disapprove, or modify the development;
- (3) Further action would be required by other state or local agencies if the coastal commission(s) requires any substantial change in the location or design of the development;

(4) The state or local agency has specifically requested the coastal commission to consider the application before it makes a decision or, in a manner consistent with the applicable law, refuses to consider the development for approval until the coastal commission acts, or

(5) A draft Environmental Impact Report upon the development has been completed by another state or local governmental agency and the time for any comments thereon has passed, and it, along with any comments received, has been submitted to the regional commission and the commission at the time of the application.

(b) Where a joint development permit application and public hearing procedure system has been adopted by the commission and another agency pursuant to Public Resources Code Section 30577, the requirements of Section 13052 shall be modified accordingly by the commission at the time of its approval of the joint application and hearing system.

(c) The executive director may waive the requirements of Section 13052 for developments governed by Public Resources Code, Section 30606.

(d) The executive director of the commission may waive the requirements for preliminary approval based on the criteria of Section 13053(a) for those developments involving uses of more than local importance as defined in Subchapter 1 of Chapter 8.

Article 2. Permit Application Form and Information Requirements
13051. Application Form and Information Requirements. The permit

application form shall require at least the following items:
(a) An adequate description including maps, plans, photographs, etc. of the proposed development, project site and vicinity sufficient to determine whether the project complies with all relevant policies of the California Coastal Act of 1976, including sufficient information concerning land and water areas in the vicinity of the site of the proposed

project, (whether or not owned or controlled by the applicant) so that the regional commission will be adequately informed as to present uses and plans, both public and private, insofar as they can reasonably be ascertained for the vicinity surrounding the project site. The description of the development shall also include any feasible alternatives or any feasible mitigation measures available which would substantially lessen any significant adverse impact which the development may have on the environment. For purposes of this section the term "significant adverse impact on the environment" shall be defined as in the California Environmental Quality Act and the Guidelines adopted pursuant thereto.

(b) A description and documentation of the applicant's legal interest in all the property upon which work would be performed; if the application were approved, e.g., ownership, leasehold, enforceable option, authority to acquire the specific property by eminent domain.

(c) A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness and accuracy of the contents of the application and, if the signer of the application is not the applicant, written evidence that the signer is authorized to act as the applicant's representative and to bind the applicant in all matters concerning the application.

(d) The applicant shall furnish to the regional commission, at the time of submission of the application, either one (1) copy of each drawing, map, photograph, or other exhibit approximately 8 1/2 in. by 11 in., or if the applicant desires to submit exhibits of a larger size, enough copies reasonably required for distribution to those persons on the regional commission's

existing lists and for inspection by the public in the regional commission office. A reasonable number of additional copies may, at the discretion of the executive director, be required.

(e) Any additional information deemed to be required by the commission or the regional commission's executive director for specific categories of development or for development proposed for specific geographic areas.

(f) The form shall also provide notice to applicants that failure to provide truthful and accurate information necessary to review the permit application or to provide public notice as required by these regulations may result in delay in processing the application or may constitute grounds for revocation of the permit.

13051.6. Amendment of Application Form. The executive director of the commission may, from time to time, as he or she deems necessary, amend the format of the application form, provided, however, that any significant change in the type of information requested must be approved by the commission. The regional commissions may add supplementary sheets to the application form requesting information pertinent to the specific region and subject to the approval of the executive director of the commission or of the commission consistent with the requirements of this section.

Article 3. Notice

13054. Notification Requirements. (a) The applicant shall furnish to the regional commission one stamped envelope addressed to the owner of each parcel of record within one hundred feet from each boundary of the proposed development. The envelopes may be addressed to "owner" at the address of the parcel except that where the parcel is vacant or does not have an address, the applicant shall ascertain the name and address of the owner from the records of the County Recorder or County Assessor. The envelopes shall be used by the regional commission to notify the addresses of the application for a

permit, pursuant to Section 13063. The executive director may waive this requirement and may require that some other suitable form or notice be provided by the applicant to these interested persons, upon a showing that this requirement would be unduly burdensome or pursuant to Section 13063(b); a statement of the reasons for the waiver shall be placed in the project file.

(b) At the time the application is submitted for filing, the applicant must post, at a conspicuous place, easily read from areas open to the public and as close as possible to the site of the proposed development, notice that an application for a permit for the proposed development has been submitted to the regional commission. Such notice shall contain a general description of the nature of the proposed development. The regional commission shall furnish the applicant with a standardized form to be used for such posting. If the applicant fails to so post the completed notice form and sign the declaration of posting, the executive director of the regional commission shall refuse to file the application, or shall withdraw the application form filing if it has already been filed when he or she learns of such failure.

(c) Pursuant to Sections 13064-13065 the regional commission or the commission may revoke a permit if it determines that the permit was granted without proper notice having been given.

Article 4. Schedule of Fees for Filing and Processing Permits Applications.

13055. Fees. (a) Permit filing and processing fees, to be paid by check or money order at the time of the filing of the permit application, shall be as follows:

(1) Twenty-five dollars (\$25) for any development qualifying for an administrative or emergency permit.

(2) Fifty dollars (\$50) for single-family homes or for any development of a type or in a location such that it would ordinarily be scheduled for the consent calendar.

(3) Seventy-five dollars (\$75) for divisions of land where there are single-family homes already built and only one new lot is created by the division and for multi-family units up to 4 units, or for any other development not otherwise covered herein with a development cost of less than \$100,000.

(4) Two-hundred and fifty dollars (\$250) or fifteen dollars (\$15) per unit, whichever is greater, but not to exceed two-thousand five-hundred dollars (\$2,500) for multi-unit residential development greater than 4 units, or for any other development not otherwise covered herein with a development cost of more than \$100,000 but less than \$500,000. Two-hundred and fifty dollars (\$250) for office, commercial, convention or industrial development of less than 10,000 gross square feet, or \$

(5) Five hundred dollars (\$500) for office, commercial, convention or industrial development of more than 10,000 but less than 25,000 gross square feet, or \$ for any other development not otherwise covered herein with a development cost of more than \$500,000 but less than \$1,250,000.

(6) One thousand dollars (\$1000) for office, commercial, convention or industrial development of more than 25,000 but less than 50,000 gross square feet or for any other development not otherwise covered herein with a development cost of more than \$1,250,000 but less than \$2,500,000.

(7) One thousand five hundred dollars (\$1,500) for office, commercial, convention or industrial development of more than 50,000 but less than 100,000 gross square feet or for any other development not covered otherwise herein with a development cost of more than \$2,500,000 but less than \$5,000,000.

(8) Two thousand five hundred dollars (\$2,500) for office, commercial, convention or industrial development of more than 100,000 gross square feet or for any other development cost of more than \$5,000,000 and for any major energy production and fuel processing facilities, including but not limited to, the construction or major modernization of offshore petroleum production facilities, tanker terminals and mooring facilities, generating plants, petroleum refineries, LNG gasification facilities and the like.

(b) Where a development consists of land division, each lot shall be considered as one residential unit for the purpose of calculating the application fee. Such residential unit shall include a single family house, if proposed together with the land division. Conversion to condominiums shall be considered a division of the land.

(c) The application fee shall be determined from the type and size of the proposed development, except that where there is conflict over the applicable fee, the executive director may use the project cost to determine the fee.

(d) In addition to the above fees, the regional commission or the commission may require the applicant to reimburse it for any additional reasonable expenses incurred in its consideration of the permit application, including the costs of providing public notice.

(e) The executive director may waive the application fee in full or in part where the application concerns the same site and a project substantially the same as an application previously processed by the regional commission and no substantial staff work is required.

(f) The executive director shall waive the application fee where requested by resolution of the commission.

Article 5. Determination Concerning Filing

1956. Filing. A permit application submitted on the form or format issued pursuant to Sections 1953.5 and 1953.6, together with all necessary attachments and exhibits, and a filing fee pursuant to Section 1955, shall be deemed 'filed' after having been received and found in proper order by the executive director of the regional commission. Said review shall be completed within a reasonable time, but unless there are unusual circumstances, no later than five (5) working days after the date it is received in the offices of the regional commission during the normal working hours of said office. A determination by the executive director that an application form is incomplete may be appealed to the regional commission for its determination as to whether the permit application may be filed. The executive director shall cause a date of receipt stamp to be affixed to all applications for permits on the date they are so received and a stamp of the date of filing on the date they are so filed.

Article 6. Application Summary

1977. Contents. (a) The executive director shall prepare and reproduce a summary of each application officially filed except as provided for administrative permits in Section 1953. The summary shall be brief and understandable, and shall fairly present a description of the significant features of the proposed development, using the applicant's words wherever appropriate. The application summary shall be illustrated as necessary with maps or drawings and shall contain either the Environmental Impact Report or the Environmental Impact Statement prepared for the development, if such a report was prepared, or a summary of the Environmental Impact Report

or Environmental Impact Statement as it relates to the issues of concern to the commission. Staff comments shall also be included in the summary concerning (1) questions of fact, (2) the applicable policies of the California Coastal Act of 1976 (3) related previous applications, (4) any issues of the legal adequacy of the application to comply with the requirements of the California Coastal Act of 1976, (5) public comment on the application, (6) written response to significant environmental points raised by members of the public or other public agencies, (7) prior decisions of the commission that, pursuant to the provisions of Public Resources Code Section 30625(c) may be a precedent(s) for the issues raised by the application and (8) other relevant matters. The staff comments shall be clearly labeled to distinguish them from the comments of the applicant and interested persons. The summary may include a tentative staff recommendation as to whether a permit should be granted or denied. If a tentative staff recommendation is included in the application summary, it shall conform to the requirements of Sections 1907-1977.

1958. Consolidation. The executive director may consolidate two or more applications which are legally or factually related for purposes of preparation of staff documents and/or public hearing unless a party thereto makes a sufficient showing to the regional commission that the consolidation would restrict or otherwise inhibit the regional commission's ability to review the developments for conformity with the requirements of the California Coastal Act of 1976. Any such consolidation of permit applications shall conform to the requirements of Public Resources Code, Section 30621. A separate vote shall be taken for each application if requested by the applicant.

13059. Distribution. The application summary, shall be distributed by mail to all members of the regional commission, to the applicant(s), to all affected cities and counties; all public agencies which have jurisdiction, by law, with respect to the proposed development; and to all other persons known or thought by the executive director to have a particular interest in the application, within a reasonable time to assure adequate notification to all interested parties prior to the scheduled public hearing. The application summary may either accompany the meeting notice required by Section 13015 or may be distributed separately. Each regional commission may require any person who desires copies of application summaries to provide a self-addressed stamped envelope for each desired mailing; where extensive duplicating or mailing costs are involved, the regional commission may also require that interested persons provide reimbursement for such costs.

Article 7. Public Comments on Applications.

13060. Distribution of Comments. The executive director shall reproduce and distribute to all regional commission members, the text or a summary of all relevant communications concerning applications that are received in the regional commission offices prior to the regional commission's public hearing and thereafter at any time prior to the vote. Such communications shall be available at the regional commission office for review by any persons during normal working hours.

13061. Transmittal of Similar Communications. When a readable number of similar communications is received, the texts need not be reproduced but the regional commission shall be informed of the substance of the communications; such communications shall be made available at the regional commission office for inspection by any person during normal working hours.

Article 8. Meeting Dates

13062. Scheduling. The executive director of the commission or regional commission shall set each application filed for public hearing so soon as the first day not later than the third day following the date on which the application is filed. All dates for public hearing shall be set with a view toward allowing adequate public dissemination of the information contained in the application prior to the time of the hearing, and toward allowing public participation and attendance at the hearing while affecting applicants expenditures consideration of their pending applications.

13063. Notice. (a) The executive director shall provide to each applicant and to all persons known or thought by the executive director to have a particular interest in the application, including those specified in Section 13054(a), notice of: (1) the filing of the application pursuant to Section 13056; (2) the number assigned to the application; (3) a description of the development and its proposed location; (4) the date, time and place at which the application will be heard by the commission or regional commission; and (5) the general procedure of the regional commission concerning hearings and action on applications.

(b) In the case of applications for single-family houses scheduled on the consent calendar, the executive director may substitute for mailed notice to landowners within 100-ft., published notice of the application in a newspaper of general circulation within the affected community.

Article 9 Oral Hearing Procedures

17064. Conduct of Hearings. The regional commission's public hearing on a permit matter shall be conducted in a manner deemed most suitable to ensure fundamental fairness to all parties concerned, and with a view toward securing all relevant information and material necessary to render a decision without unnecessary delay.

17065. Evidence Rules. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be considered if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Dubious repetitions or irrelevant evidence shall be excluded upon order by the chairperson of the regional commission.

17066. Order of Proceedings. (a) The regional commission's public hearing on a permit application shall ordinarily proceed in the following order:

- (1) Identification of the application; a summary of the application, its accompanying documents and other documents and materials submitted at the request of the applicant, interested persons or the staff, and staff comments thereon, and a summary of the correspondence received by the executive director, relating to the application;
- (2) Presentation by or on behalf of the applicant, if the applicant wishes to expand upon material contained in the application summary;
- (3) Other speakers for the application;
- (4) Speakers against the application;
- (5) Other speakers concerning the application;

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(6) Rebuttal by applicant subject to the discretion of the regional commission or if the vote is not to be scheduled for a subsequent meeting permitting time for rebuttal in writing;

(7) Motion to close the public hearing (or to continue it to a subsequent meeting).

(b) Questions by commissioners will be in order at any time following any party's presentation, subject to time limitations.

(c) All proceedings with regard to permits shall be recorded as provided in Sections 17026 and 17027.

17067. Speaker's Presentations. Speakers' presentations shall be to the point and shall be as brief as possible; visual and other materials may be used as appropriate. The regional commission may establish reasonable time limits for presentation(s); such time limits shall be made known to all affected parties prior to any hearing. Where speakers use or submit to the regional commission visual or other materials, such materials shall become part of the application file and identified and maintained as such. Speakers may substitute reproductions of models or other large materials but shall agree to make the originals available upon request of the executive director.

17068. Other Speakers.

(a) Subject to paragraph (b) of this section, and to the chairperson's right to accept a motion to conclude the taking of oral testimony or to close the public hearing when a reasonable opportunity to present all questions and points of view has been allowed, any person wishing to speak on an application shall be heard.

(b) Remarks shall be brief and to the point, and shall not duplicate those of previous speakers.

(d) One such removal may be made without regional commission concurrence; all subsequent such removals must have the concurrence either of the executive director or of the regional commission.

13072. Procedures for Amended Application.

(a) If an application for a permit for a proposed project is amended in any material manner, a public hearing must be held on the amended application unless the executive director determines that the subject matter of the proposed amendment was reviewed adequately at a prior public hearing.

(b) If prior to a public hearing at which an application is scheduled to be heard an applicant wishes to amend its permit application in a manner which the executive director determines is material, the applicant shall agree in writing to extend the final date for public hearing not more than 12 days from the date of such amendment. If the applicant does not agree to such an extension, the regional commission shall vote on the application as originally filed.

(c) Conditions recommended by the executive director or imposed by the regional commission shall not be considered an amendment to the application.

Article 12. Preparation of Staff Recommendations

13073. Staff Analysis. (a) If the vote on an application is scheduled for a later meeting than the oral hearing on the application, the executive director shall promptly perform whatever inquiries, investigations, research, conferences, and discussions are required to resolve issues presented by the application and to enable preparation of a staff recommendation for the vote. If further evidence is taken or received by the executive director, such evidence shall be made available in the administrative record of the application to the commission's office and all interested parties shall be given a reasonable opportunity to respond prior to the deadline for preparation and mailing of the staff recommendation.

Article 10. Field Trips

13069. Field Trips - Procedures.

Whenever the regional commission is to take a field trip to the site of any proposed project, the chairperson shall decide, and the executive director shall provide public notice of the time, location and intended scope of the field trip.

Article 11. Additional Hearings, Withdrawal and Off-Calendar Items, Amended Applications

13070. Continuing Hearings. A public hearing on an application may be completed in one regional commission meeting. However, the regional commission may vote to continue the hearing to a subsequent meeting.

13071. Withdrawal of Application and Removal from Active Consideration.

(a) At any time before the regional commission commences calling the roll for a vote on an application, an applicant may withdraw the application, or remove it from the regional commission's active consideration.

(b) Withdrawal must be in writing or stated on the record and does not require regional commission concurrence. Withdrawal shall be permanent except that the applicant may file a new application for the same development subject to the requirements of Sections 13056 and 13059.

(c) Removal from active consideration must be in writing or stated on the record, and shall be subject to the condition that upon request by the applicant the matter shall be reset for hearing, no less than 21 days and no more than 42 days from the date of said request and that any time limits for regional commission action are waived by the applicant.

(b) The executive director may request of the applicant any additional information necessary to perform the responsibilities set forth in subsection (a), and may report to the regional commission any failure to comply with such request, including the reliability of the requested information to the findings required by the California Coastal Act of 1976.

13074. Submission of Additional Written Evidence. At any point before or after the oral hearing on a permit application, up until the time the public hearing is closed by the regional commission, any interested party may submit written evidence including rebuttal arguments, to the regional commission. Rebuttal information shall ordinarily be submitted to the executive director prior to the deadline for preparing staff recommendations.

13075. Final Staff Recommendation. The executive director's final recommendation shall include specific written findings, including a statement of facts and legal conclusions, as to whether the proposed development conforms to the requirements of the California Coastal Act of 1976 including, but not limited to, the requirements of Public Resources Code, Section 30604.

The staff recommendation shall include any questions that have not been answered by the applicant or by interested parties and may include a recommendation that the regional commission take a field trip to the site of any proposed project when the executive director judges that this would materially assist in understanding and voting on the application. The staff recommendation shall be written except as provided in Section 13082.

The staff recommendation shall contain recommended written responses to significant environmental points raised during the evaluation in a manner consistent with the requirements of the California Environmental Quality Act. The staff recommendation shall also relate the proposed findings to prior decisions of the commission in order to assure consistency of the recommendation with decisions of the commission that, pursuant to the provisions of Public Resources Code Section 30623(c) are precedents for the issues raised by the application.

13076. Distribution of Final Staff Recommendation. The staff recommendation shall be distributed to the persons and in the manner provided in Section 13059 for application summaries.

13077. Written Response to Staff Recommendation. Any person may respond in writing to the staff recommendation subject to the requirements of Sections 13074 and 13084.

Article 13. Regional Commission Review of Staff Recommendation.

13080. Alternatives for Review of Staff Recommendation. Any vote on an application may be taken only at a properly noticed public hearing and shall proceed under one of the three alternatives set forth in Sections 13081 - 13083.

13081. Staff Recommendation Included in Application Summary. If the staff report and tentative recommendation described in Section 13057 is complete and has been distributed prior to the public hearing, and if adequate public notice has been given, the regional commission may vote upon an application at the same meeting during which the public hearing on the application is held. The parties shall be afforded the opportunity for rebuttal to any information presented at the public hearing in the manner set forth in Section 13084 before the regional commission proceeds to vote on the application.

13082. Verbal Staff Recommendation Upon Conclusion of Public Hearing.

(a) If the application summary does not include a staff recommendation, but the regional commission is prepared to vote immediately upon conclusion of the public hearing, the executive director shall provide a verbal recommendation and summary of proposed findings and the applicant and interested parties shall be afforded an opportunity to respond to the recommendation in the manner set forth in Section 13084 before the regional commission proceeds to vote on the application.

13081. Consideration of Staff Recommendation at a Meeting Subsequent to the Oral Hearing. Upon conclusion of the oral hearing, the regional commission may put the voter on the application over to a subsequent meeting, but no later than 21 days following the conclusion of the public hearing unless the applicant in writing waives any right to a decision within that time limit. Notice of such hearing shall be given in the manner and to the persons provided in Section 13062 except that those persons notified pursuant to Section 13057(a) need not be notified under this section unless they specifically request such notice.

13081. Procedures for Presentation of Staff Recommendation and Responses of Interested Parties.

(a) The executive director shall summarize orally the staff recommendation, including the proposed findings and any proposed conditions, in the same manner provided for application summaries in Section 13066.

(b) Immediately following the presentation of the executive director's recommendation, the parties who testified at the hearing conducted pursuant to Section 13066 or their representative(s) shall have an opportunity to state their views on the recommendation orally and specifically. The order of presentation shall be the opponents and other concerned parties speaking first to be followed by the applicant.

(c) At the discretion of the chairperson, the applicant or other parties may present rebuttal materials after the close of the public hearing only if the chairperson determines that the materials are primarily visual in nature, or, if the materials are in written form, that the written materials are merely rebuttal arguments and do not constitute new evidence.

(d) Where the regional commission votes to vote on an application with conditions different from those proposed by the applicant in the application or by the staff in the staff recommendation pursuant to subsection (a) above, the parties who responded to the staff recommendation under subsection (b) above, shall have an opportunity to state their views on the conditions briefly and specifically. The order of presentation shall be as provided in subsection (b).

13081. Applicant's Postponement. In addition to the procedures set forth in Section 13071 the applicant may request the regional commission to postpone consideration of the application pursuant to this section. Where the applicant determines that he or she is not prepared to respond to the staff recommendation at the meeting for which the vote on the application is scheduled, the applicant shall have the right, pursuant to this section, to postpone the vote to a subsequent meeting. Such a request shall be in writing or stated on the record in a regional commission meeting and shall include a waiver of any applicable time limits for regional commission action on the application. Any other requests for postponement shall be granted solely at the discretion of the regional commission and then only where the applicant waives any applicable time limits for regional commission action.

(a) Where the staff recommendation is distributed seven (7) or more days prior to the date of the scheduled regional commission meeting, the applicant must submit a request for postponement under this section to the executive director in writing at least two (2) working days before the meeting. The executive director shall establish procedures for notification, to the extent feasible, to all persons interested in the application, of the postponement.

(b) Where the staff recommendation is not distributed within the time specified in subsection (2) above, the applicant may request postponement either in writing or in person at the commission meeting prior to the presentations provided for in Section 13081(b).

13087. Rescheduling. Where consideration of an application is postponed at the request of the applicant, the executive director shall, to the extent feasible, schedule further consideration of the application by the regional commission at a time and location convenient to all persons interested in the application.

Article 14. Voting Procedures

13089. Voting - After Recommendation by the Regional Commission

shall not vote upon an application until it has received a staff recommendation under one of the three alternative procedures set forth in Sections 13081 - 13083.

13091. Voting Yes and No.

The regional commission should normally vote on a permit application at the next regular regional commission meeting following the public hearing concerning the permit application unless the regional commission elects to follow one of the two procedures set forth in Sections 13081 - 13082.

13092. Effect of Vote Under Various Circumstances.

- (a) Votes by a regional commission shall only be on the affirmative question of whether the permit should be granted; i. e., a "yes" vote shall be to grant a permit (with or without conditions) and a "no" vote to deny.
- (b) Any application to a permit proposed by a commission shall be voted upon only by affirmative votes.

(c) A majority of members present is sufficient to carry a motion to require or delete proposed terms, conditions or findings.

(d) Unless otherwise specified at the time of the vote, the action taken shall be deemed to have been taken on the basis of the reasons set forth in the staff recommendation. In other words, if consistent with the staff recommendation and not otherwise specified, the vote of the regional commission shall be deemed to adopt the findings and conclusions recommended by the staff.

1302j. Straw Votes. The regional commission may take straw votes on any question when in the chairperson's opinion this will facilitate consideration of any application.

1302k. Voting Procedure.

- (a) Voting upon permit applications shall be by roll call, with the chairperson being polled last.
- (b) Members may vote, "yes" or "no" or may abstain from voting, but an abstention shall not be deemed a "yes" vote.
- (c) Any member may change his or her vote prior to the tally having been announced by the chairperson, but not thereafter.

1302l. Voting by Members Absent from Meetings. A member may vote on any application, provided he or she has furnished himself or herself with the presentation at the hearing where the application was considered, and with pertinent materials relating to the application submitted to the commission and has so declared prior to the vote. In the absence of a challenge raised by an interested party, inadvertent failure to make such a declaration prior to the vote shall not invalidate the vote of a member.

1306. Regional Commission Findings.

- (a) All decisions of the regional commission relating to permit applications shall be accompanied by written conclusions about the consistency of the application with Public Resources Code, Section 30604, and this section, and findings of fact and reasoning supporting the decision.
- (b) Approval of an application shall be accompanied by specific findings of fact supporting the following legal conclusions:
 - (1) that the development is in conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Public Resources Code, Section 30200);
 - (2) that the permitted development will not prejudice the ability of any affected local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976,
 - (3) if the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976; and

Article 16. Revocation of Permits

13104. Scope of Article. The provisions of this article shall govern proceedings for revocation of a coastal development permit previously granted by a regional commission or the commission. References to the regional commission shall be deemed to apply to the commission if the permit at issue was granted by the commission or if there is no regional commission with jurisdiction over the project site at the time of the request for revocation.

13105. Grounds for Revocation. Grounds for revocation of a permit shall be (a) willful inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the regional commission finds that accurate and complete information would have caused the regional commission to require additional or different conditions on a permit or deny an application; (b) failure to comply with the notice provisions of Section 13036, where the views of the person(s) not notified were not otherwise made known to the regional commission and could have caused the regional commission to require additional or different conditions on a permit or deny an application.

13106. Initiation of Proceedings. (a) Any person who did not have an opportunity to fully participate in the original permit proceeding by reason of the permit applicant's failure to provide information as specified in Section 13105 may request revocation of a permit by application to the executive director of the regional commission which issued the permit specifying, with particularity, the grounds for revocation. The executive director shall dismiss requests which are patently frivolous and without merit. The executive director may initiate revocation proceedings on his or her own motion on the basis of the grounds for revocation set forth in Section 13105.

(b) The executive director of the commission may initiate proceedings by the commission to revoke a permit issued by a regional commission where he or she determines that there is good cause to do so and the regional commission has not reviewed any requests to revoke the permit.

13107. Suspension of Permit. Where the executive director determines in accord with Section 13106, that grounds exist for revocation of a permit, the operation of the permit shall be automatically suspended until the regional commission votes to deny the request for revocation. The executive director shall notify the permittee by mailing a copy of the request for revocation and a summary of the procedures set forth in this article, to the address shown in the permit application. The executive director shall also advise the applicant in writing that any development undertaken during suspension of the permit may be in violation of the California Coastal Act of 1976 and subject to the penalties set forth in Public Resources Code, Sections 30820 through 30823.

13108. Hearings on Revocations. (a) At the next regularly scheduled meeting, and after notice to the permittee and any persons the executive director has reason to know would be interested in the permit or revocation, the executive director shall report the request for revocation to the regional commission with a preliminary recommendation on the merits of the request.

(b) The person requesting the revocation shall be afforded a reasonable time to present the request and the permittee shall be afforded a like time for rebuttal.

(c) The regional commission shall ordinarily vote on the request at the next meeting, but the vote may be postponed to a subsequent meeting if the regional commission wishes the executive director or the attorney general to perform further investigation.

(d) A permit may be revoked by a majority vote of the appointed membership of the regional commission if it finds that any of the grounds specified in Section 13105 exist. If the regional commission finds that the request for revocation was not filed with due diligence, it shall deny the request.

13108.2. Finality of Regional Commission Decision. The determination of a regional commission on a request for revocation shall be final and not subject to appeal to the commission.

Article 17. Resubmission

13109. Resubmission. Following a final decision upon an application for a coastal development permit, no applicant or the applicant's successor in interest may reapply to a regional commission for a development permit for substantially the same development for a period of six months from the date of the prior final decision. Whether an application is "substantially the same" as that upon which a final determination has been rendered shall be decided by the executive director of the regional commission within (5) working days from receipt of such application. Where the executive director is unable to make such decision, the executive director may refer the application to the regional commission for its decision as to whether the application is substantially the same. Elimination of conditions required for a permit shall not be considered a substantial change. Until such a determination is made, the re-application shall not be deemed "filed" within the meaning of Public Resources Code, Section 30221. Any project which has been denied by a regional commission or the commission and which may be submitted as a new permit application under the guidelines set forth above, may be considered by the regional commission without requiring that the revised project has received preliminary approval under Section 13052 from the local government entity or entities which originally approved the project. The regional commission may require that the revised project be subjected to informal review by appropriate local government entities prior to regional commission review. The six-month waiting period provided in this section may be waived by the commission for good cause.

Subchapter 2. Appeals to State Commission

Article 1. Appeal Requirements

13110. Appeals from Regional Commission Actions. This subchapter shall govern commission review of appeals to the commission from regional commission actions pursuant to Public Resources Code Sections 30600, 30601, 30602, 30608 and 30625.

13111. Appeal from Permit Action. An applicant whose application for a permit has been denied or who challenges conditions imposed on a permit issued, any person aggrieved by approval of a permit by a regional commission, or any two (2) members of the commission, may appeal to the commission before the end of the tenth working day following the vote on the application by a regional commission. Such appeal shall be filed as provided in this subchapter. In instances where the regional commission votes on a permit application but fails to adopt findings until a subsequent meeting, the tenth working day appeal period shall run from the date of the vote, not from the date the findings are adopted.

Article 2. Filing of Appeals

13113. Appeals on Claims of Vested Rights. Any person aggrieved by the determination of a regional commission on a claim of vested rights or any two (2) members of the commission may appeal to the commission within ten (10) working days following the regional commission determination. Such appeal shall be filed as provided in this subchapter. In instances where the regional commission votes on a claim of vested rights but fails to adopt findings until a subsequent meeting, the ten working day appeal period shall run from the date of the vote, not from the date the findings are adopted.

13114. Qualifications of Appellant. The determination of the executive director of the commission shall be conclusive regarding whether the appellant informed the regional commission of the nature of his or her concerns or was, for good cause unable to do so.

13115. Effect of Appeal. The filing of an appeal from any order of decision of a regional commission granting or denying a permit or a claim of vested rights, shall suspend the operation and effect of such order, decision, or permit until final action on said appeal by the commission. Pending appeal of an action relating to a permit, no development pursuant to any such appealed order, decision, or permit shall take place. The substance of this section shall be set forth in every such order and decision adopted and every permit issued by a regional commission.

13116. A Description of the Appeal Form. The commission shall issue a form for filing appeals which shall require the following information: the name, address and the telephone number of the applicant for the permit and the appellant, the date of the regional commission action on the application, the regional commission file number, a description of the development, the governing body of each county, city, or other governmental agency having jurisdiction over the project area, all persons who spoke and left his or her name and address at the public hearing on the project before the regional commission, all other persons known by the appellant to have an interest in the matter appealed, the specific grounds for appeal, a statement of the facts upon which the appeal is based and a summary of the substantial issue(s) raised by the appeal. The executive director of the commission may issue the format of the appeal form as needed to facilitate its use, provided that any significant change in the type of information requested must be approved by the commission. Failure to provide truthful or accurate information necessary to review the appeal may be cause for dismissal of the appeal by the commission. The notices of all other appeals permitted by this Chapter shall contain substantially similar information as required for appeals from permit determinations.

13119. Notice to Interested Parties. As soon as possible after the filing of the appeal, the appellant shall notify the applicant and any person(s) known to be interested in the application, as well as the regional commission, of the appeal. Such notification shall be by delivering a copy of the completed Notice of Appeal to the domicile(s), office(s) or mailing

address(es) of said parties. In any event, however, such notification shall be by such means as may reasonably advise said parties of the pendency of the appeal. Unexcused failure to perform such notification may be grounds for dismissal of the appeal by the commission.

13120. Period of Appeal.

(a) Notice in writing of the appeal must be received in the commission office by 5:00 p.m. on the tenth working day following the decision of the regional commission. Such written notice may be either by delivery of the completed Notice of Appeal provided for in Section 13113 or by other communication in writing, such as a telegram, stating the name, address and telephone number of the applicant and appellant, the date and nature of the regional commission decision, the regional commission file number, and identification of the development proposed.

(b) Where the appellant complies with the requirements of subsection (a) above, but does not file the completed Notice of Appeal by 5:00 p.m. on the tenth working day after the regional commission decision, the completed Notice of Appeal must be transmitted within five days of filing the appeal.

(c) The executive director of the commission shall declare the appeal void if it is clearly defective or not timely.

Article 3. General Provisions

13121. Dates of the Regional Commission. Upon receipt of a Notice of Appeal, the regional commission shall refrain from issuing a coastal development permit for the proposed development and shall forward the entire contents of the application file to the commission as soon as possible:

13122. Substantial Issue Determination. (a) At the meeting next following the filing of an appeal with the commission, or as soon thereafter as practicable, the executive director shall make a recommendation to the commission as to whether the appeal raises a substantial issue or a significant question as to whether the appeal raises a substantial issue or a significant question as to the meaning of Public Resources Code, Section 30625(b). Prior to the meeting for which the appeal is scheduled, the executive director shall prepare and distribute a written appeal summary in the same manner provided for regional commissions applications submitted in Sections 13057-13059. The substantial issue determination questionnaires and criteria shall be described in the meeting notice sent to all parties to an appeal.

13123. Finality of Regional Commission Decision. If the commission declines to hear an appeal pursuant to Public Resources Code, Section 30625(b) and Section 13122 of these regulations, the action of the regional commission shall become final forthwith.

13124. Procedure on Appeal. If the commission determines to hear an appeal it shall substantially follow the format and procedures prescribed in Sections 13057-13059 for permit matters before a regional commission.

13125. Withdrawal of Appeal. At any time before the commission commences the roll call for a final vote on an appeal, the appellant may withdraw the appeal. The withdrawal must be in writing or stated on the record and does not require commission concurrence. If the appellant withdraws the appeal, the action of the regional commission shall automatically become final unless the appeal period of Public Resources Code, Section 30622 has not run.

13126. Qualifications to testify before commission. Only the applicant and persons who opposed the application before the regional commission (or their representatives) shall be qualified to testify at commission hearings on any stage of the appeal process. All other persons may submit comments in writing to the commission or the executive director, copies or summaries of which shall be provided to all commissioners pursuant to sections 13060 - 13061.

13127. Evidence. Evidence before the commission includes, but need not be limited to, the record before the regional commission. Except in unusual circumstances the record will not include a transcript of the regional commission proceedings unless provided by a party to the proceedings.

Article 4 Relationship to Regional Commissions

13128. Recall to Regional Commission. At any time prior to the final vote of the commission on an application being considered on appeal, the commission, with the concurrence of the applicant, may order the application returned to the appropriate regional commission for further proceedings. Any such order shall be conditional on the applicant's agreement to waive any applicable time limits so that the regional commission shall not be required to hear the application sooner than twenty-one (21) days after the date of the commission's order.

Article 5 Resubmission

13129. Resubmission. Following a final decision upon an application for a coastal development permit, no applicant or the applicant's successor in interest may reapply to a regional commission for a development permit for substantially the same development for a period of six months from the date of prior final decision. Whether an application is "substantially the same" as that upon which a final determination has been rendered shall be decided by the executive director of the regional commission within (5)

working days from receipt of such application. Where the executive director is unable to make such decision, the executive director may refer the application to the regional commission for its decision as to whether the application is substantially the same. Elimination of conditions required for a permit shall not be considered a substantial change. Until such a determination is made, the re-application shall not be deemed "filed" within the meaning of Public Resources Code, Section 30621. Any project which has been denied by a regional commission or the commission and which may be submitted as a new permit application under the guidelines set forth above, may be considered by the regional commission without requiring that the revised project has received preliminary approval under Section 13022 since the local government entity or entities which originally approved the project. The regional commission may require that the revised project be subjected to informal review by appropriate local government entities prior to regional commission review.

SUBCHAPTER 3 APPLICATIONS FILED UNDER THE CALIFORNIA COASTAL ZONE CONSERVATION ACT OF 1972 (FORMER DIVISION 18 OF THE PUBLIC RESOURCES CODE)

13131. Some of Subchapter. The provisions of this subchapter shall govern the procedures for permit applications filed under the California Coastal Zone Conservation Act of 1972 (former Division 18 of the Public Resources Code) for which a final decision was not rendered by a regional commission or the commission on appeal on or before December 31, 1976.

13132. Priority. The applications covered by this subchapter shall be given priority in scheduling over applications filed after January 1, 1977 under the California Coastal Act of 1976 unless the executive director of the regional commission or the commission on appeal determines that the applicant has failed to provide all additional information that may be required under the provisions of the California Coastal Act of 1976 or that notice of filing consistent with the requirements of these regulations has not been given.

13133. Regional Commission Hearings. Where a regional commission acting under the California Coastal Zone Conservation Act of 1972 did not take final action on a permit application on or before December 31, 1976, the application shall, with the concurrence of the applicant, be deemed to have been submitted to the regional commission on January 1, 1977 and shall be subject to the provisions of the California Coastal Act of 1976 and these regulations. The application shall be deemed filed on the date the executive director of the regional commission determines that all required information has been included in the application in accordance with the provisions of Section 13056 and that notice consistent with the requirements of these regulations has been given.

13134. Appeals Filed with the California Coastal Zone Conservation Commission prior to December 31, 1976. Where the California Coastal Zone Conservation Commission did not take final action on an appeal filed on or before December 31, 1976 the applicant shall be deemed to have submitted an application to the regional commission on January 1, 1977 and shall be subject to the provisions of the California Coastal Act of 1976 and these

regulations; provided, however, that when the permit applicant has submitted any additional information requested by the executive director of the commission to meet the requirements of the California Coastal Act of 1976, the application shall be deemed filed with the commission and shall be reviewed directly by the commission, without prior regional commission review for purposes of expediting review of such applications.

13135. Applicant's Option. An applicant whose application is subject to the provisions of this article may elect to resubmit the application to the regional commission or the commission as provided in Sections 13133 and 13134 in application under the California Coastal Act of 1976 without payment of additional application fees.

CHAPTER 4. PERMITS FOR AN APPROVAL OF EXERCISES WHERE ARTICLE 1. APPLIES

13136. Scope of Subchapter. This subchapter governs procedures for processing applications for permits to perform work to resolve problems resulting from a situation arising within the definition of "exercise" in Section 13009 and pursuant to the provisions of Public Resources Code Section 36624.

13137. Multiple Action Permitted. It is recognized that in some instances a person or public agency performing a public service may need to undertake work to protect life and public property, or to maintain public services before the provisions of the subchapter can be fully complied with. Where such persons or agencies are authorized to

proceed without a permit pursuant to Public Resources Code, Section 30611, they shall comply with the requirements of Public Resources Code Section 30611 and to the maximum extent feasible, with the provisions of this subchapter.

Article 2. Applications

13118. Method of Application. Applications in cases of emergencies shall be made to the executive director of the appropriate regional commission by letter if time allows, and by telephone or in person if time does not allow.

13119. Necessary Information. The information to be reported during the emergency, if it is possible to do so, or to be reported fully in any case after the emergency is required in Public Resources Code Section 30611, shall include the following:

- (a) The nature of the emergency;
- (b) The cause of the emergency, insofar as this can be established;
- (c) The location of the emergency;
- (d) The remedial, protective, or preventive work required to deal with the emergency; and
- (e) The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.

Article 3. Procedures

13120. Verification of Emergency. The executive director of the regional commission shall verify the facts, including the existence and nature of the emergency, insofar as time allows.

13121. Consultation with Executive Director of the Commission. Insofar as time allows, the executive director of the regional commission shall before granting an emergency permit obtain the concurrence of the executive director of the commission.

13122. Criteria for Granting Permit. The executive director shall provide public notice of the proposed emergency action required by Public Resources Code Section 30624, with the extent and type of notice determined on the basis of the nature of the emergency itself. The executive director may grant an emergency permit upon reasonable terms and conditions, including an expiration date, if the executive director finds that:

- (a) An emergency exists and requires action more expeditiously than permitted by the procedures in administrative permits, or for emergency permits;
- (b) Public comment on the proposed emergency action has been reviewed in the allowed; and
- (c) The work proposed would be consistent with the requirements of the California Coastal Act of 1976.

13123. Report to Regional Commission and the Commission.

(a) The executive director shall report in writing to the local government having jurisdiction over the project site and to the regional commission at each meeting the emergency permits applied for or issued since the last report, with a description of the nature of the emergency and the work completed. Copies of this report shall be available at the meeting and shall have been mailed at the time that application summaries are filed. Recommendations are normally distributed to all persons who have requested such notification in writing.

13151. Refusal to Grant - Notice to Applicant. If the executive director determines not to grant an administrative permit based on a properly filed application under this Subchapter, the executive director shall promptly mail written notice to this effect to the applicant with an explanation of the reasons for the denial of the permit application.

13152. Applications to Regional Commission. In situations described in Sections 13147 and 13151 the applicant may proceed to file an application as provided in Section 13056.

Article 4. Reports on Administrative Permits

13153. Reports on Administrative Permits. The executive director shall report in writing to the regional commission at each meeting the permits approved under this Subchapter up until the time of the meeting for the meeting, with sufficient description of the work authorized to allow the regional commission to understand the development proposed to be undertaken. Copies of this report shall be available at the meeting and shall have been mailed to the commission and to all those persons wishing to receive such notification at the time of the regular meeting for the meeting. Any such permits approved following the deadline for the mailing shall be included in the report for the next succeeding meeting. If any two (2) members of the regional commission so request, the issuance of an administrative permit governed by Public Resources Code, Section 30624 shall not become effective, but shall, if the applicant wishes to pursue the application, be treated as a permit application under Subchapter 1 of this chapter, subject to the provisions for hearing and appeal set forth in Subchapters 1 and 2 of this chapter.

together with two copies of whatever maps and drawings are reasonably required to describe the proposal. A reasonable number of additional copies may, at the discretion of the executive director, be required.

13149. Notice. The applicant shall post notice at the project site as required by Section 13054(b) and provide any additional notice to the public that the executive director deems appropriate. The executive director shall notify any persons known to be interested in the proposed development.

Article 3. Criteria for Granting Administrative Permits

13150. Criteria and Content of Permits.

(a) The executive director may approve, modify or deny an application for repairs or improvements or other development governed by this Subchapter on the same grounds that the regional commission may approve an ordinary application and may include a statement of reasonable terms and conditions required for the development to conform with the policies of the California Coastal Act of 1976.

(b) Permits issued for such developments shall be governed by the provisions of Sections 13156 and 13158 concerning the format, receipt, and acknowledgment of permits, except that references to "Regional Commission Resolution" shall be deemed to refer to the executive director's determination. A permit issued pursuant to Public Resources Code Section 30624 shall contain a statement that it will not become effective until completion of the regional commission review of the permit pursuant to Section 13153.

Article 5. Appeals

13134. Appeal of Administrative Permit. Where the regional commission does not stay the issuance of an administrative permit pursuant to Section 13135, any person aggrieved by the decision of the executive director to issue the administrative permit may appeal that decision to the commission. The ten working day period for appeal shall run from the date of the regional commission meeting at which the executive director reports the issuance of the administrative permit to the regional commission.

13134.5 Procedure. Processing of an appeal filed pursuant to Section 13134 shall be governed by the provisions of Subchapter 2 of this Chapter.

SUBCHAPTER 6. PERMITS

Article 1. Format of Permits

13151. Reference to Regional Commission. Any reference to a regional commission in this subchapter shall be deemed to refer to the commission if the permit in question was issued by the commission or if the regional commission which issued the permit no longer has the authority to issue permits for the matter in question.

13156. Contents of Permits. Permits shall be issued in a form stipulated by the executive director, and shall include:

- (a) a statement setting out the reasons for the regional commission or

- (b) any other language or drawings, in full or incorporated by reference, that are consistent with the decision, and required to clarify or facilitate carrying out the intent of the regional commission;
- (c) any conditions approved by the regional commission;
- (d) Such standard provisions as shall have been approved by resolution of the regional commission or the commission;
- (e) A statement that the permit may not be assigned except as provided in Section 13170.
- (f) A statement that the permit shall not become effective until the regional commission receives an acknowledgment as provided in Section 13102.
- (g) The fee for commencement of the project except that where the regional commission or the commission on appeal has not imposed any specific fee for commencement of construction pursuant to a permit, the fee for commencement shall be two years from the date of the regional commission or commission vote upon the application. Such permit shall contain a statement that any request for an extension of the time of commencement must be applied for prior to expiration of the permit.

13162. Notice of Permits. Notice of the issuance of a permit shall also be filed with the Secretary of the Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(b)(v).

Article 4. Minutes Over Contents of Permits

13163. Minutes Over Contents of Permits.
(a) Any permittee who feels that the permit issued does not correctly embody the action of the regional commission shall immediately so inform the executive director. Any such questions that cannot be resolved by consultation between the permittee and the executive director shall promptly be referred by the executive director to the regional commission for decision.

Article 5. Amendments to Permits

13164. Applications for Amendments. Applications for amendments to permits shall be made in writing and shall include an adequate description of the proposed amendment, including maps or drawings where appropriate.

13165. Amendments to Administrative Permits.

(a) Amendments to administrative permits may be approved by the executive director upon the same criteria and subject to the same reporting requirement and procedures, including public notice and appeals to the commission, as provided for the original issuance of such administrative permits in Section 13163-13164.5.
(b) If any proposed amendment would, in the opinion of the executive director, increase the cost of the proposed development to an amount over the amount specified by Public Resources Code, Section 20622 the application shall thereafter be treated in the manner prescribed by Section 13164.

13166. Amendments to Permits Other Than Administrative Permits.

(a) Applications for amendments to previously approved developments shall be filed with the commission or regional commission which issued the permit. An application for an amendment shall be rejected if, in the opinion of the executive director, the proposed amendment would lessen or avoid the intended effect of a partially approved or conditioned permit:

Article 2. Notice of Receipt and Acknowledgment.

13158. Notice of Receipt and Acknowledgment.

(a) No permit shall become effective until a copy of the permit has been returned to the regional commission, upon which copy all permittees or agent(s) authorized pursuant to Section 13053(c) have acknowledged that they have received a copy of the permit and have accepted its contents.

(b) Each permit shall contain a blank acknowledgment to be signed by each permittee.

(c) The acknowledgment should be returned within ten (10) working days following issuance of the permit but in any case prior to commencement of construction. If the acknowledgment has not been returned within the time for commencement of construction under Section 13156(g), the executive director shall not accept any application for extension of the permit.

Article 3. Time for Issuing Permits and Distribution

13160. Issuance of Permits. The executive director of the regional commission shall not issue a permit until the expiration of the 10 working days for filing an appeal and then only if no valid appeal is filed or, if an appeal is filed, upon the commission's determination that the appeal raises no substantial issue.

13161. Distribution of Permit Copies. Copies of permits shall be sent to the permittee(s), to the local government with jurisdiction over the area in which the proposed development is to be located and to any person who requires or would be interested in such a copy in the opinion of the executive director. Copies of relevant project plans shall be transmitted to the local government where feasible.

13169. Application Fee. All applications for amendments to permits shall be subject to a twenty-five (\$25) dollar fee. If the amendment is determined to be material, fees shall be charged in accord with Section 13055 as for a new application except that the executive director of the regional commission may reduce the fees in accord with the staff work involved.

Article 6. Extension of Permits

13169. Extension of Permits. (a) Prior to the time that commencement of construction under a permit granted by either the regional commission or the commission must occur under the terms of the permit or Section 13156, the applicant may, upon payment of a \$50 fee (or a \$25 fee in the case of extension of permits for single-family houses) apply to the executive director of the applicable commission for an extension of time not to exceed an additional one year period. The application shall be accompanied by evidence of a valid, unexpired permit, acknowledged pursuant to Section 13158 and of the applicant's continued legal interest in the property involved in the permit. After notice has been given to all parties who participated in the initial permit hearing, to any other person(s) the executive director has reason to know may be interested and by posting the project site as provided in Section 13054(b), the executive director shall report all requests for extensions to the regional commission and shall include in such report a description of any pertinent changes in conditions or circumstances relating to each requested permit extension. If two (2) commissioners object to an extension on the grounds that the proposed development may not be consistent with the California Coastal Act of 1976, the application shall be set for a full hearing of the applicable regional commission as though it were a new application. If no such objection is raised, the executive director shall issue the extension authorized by this section. Any action of the

unless the applicant presents newly discovered material information, which he could not, with reasonable diligence, have discovered and produced before the permit was granted. For those applications accepted by the executive director shall determine whether or not a proposed amendment is a material change to the permit. If the executive director determines that the proposed amendment is immaterial, notice of such determination including a summary of the procedures set forth in this section shall be posted at the project site and mailed to all parties the executive director has reason to know may be interested in the application. If no written objection is received at the commission office within ten (10) working days of publishing notice, the determination of immateriality shall be conclusive. If the executive director determines that the proposed amendment is a material change or if objection is made to the executive director's determination of immateriality or if the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access consistent with the findings required by Public Resources Code, Section 30604, the application shall be referred to the commission after notice to any person(s) the executive director has reason to know would be interested in the matter. The commission shall determine by a majority vote of the appointed membership whether the proposed development with the proposed amendment is consistent with the requirements of the California Coastal Act of 1976. The decision shall be accompanied by findings in accordance with Section 13056. Decisions of the regional commission under this section may be appealed to the commission as permit decisions under Subchapter 2 of this chapter.

(b) The procedures specified in this section shall apply to amendments of permits which were previously approved on the consent calendar unless the regional commission adopts expedited procedures for amendments to such permits.

(b) The applicant for assignment shall submit the above documents to the executive director of the applicable commission together with a completed application form provided by the executive director. The assignment shall be effective upon the executive director's written approval of the documentation submitted. The executive director's review shall ordinarily be completed within ten (10) working days of the receipt of a completed application for assignment. The completed application form and supporting documentation shall become part of the project file maintained by the applicable commission.

(c) Prior to completion of all development authorized by the permit and satisfaction of all permit conditions, no person other than the permittee may perform or undertake development under the permit without assignment of the permit under this section.

CHAPTER 7. ENFORCEMENT AND VIOLATION OF PERMITS

Article 1. Enforcement Responsibilities

1171. Staff Inspection. The executive director of the regional commission shall within the limits of staff availability, periodically inspect all areas subject to the regional commission's jurisdiction to insure compliance with the terms of all permits approved pursuant to the California Coastal Act of 1976. The executive director shall notify the executive director of the commission of any observed violations of permit terms and conditions or of the California Coastal Act of 1976.

regional commission under this section may be appealed to the commission as a permit decision under Subchapter 2 of this Chapter. Any extensions applied for prior to the expiration of the permit shall automatically extend the expiration date of the permit until such time as the applicable commission has acted upon the extension request; provided, however, that if construction has not commenced at the time the application for extension is made, construction may not commence during the period of automatic extension provided in this section.

(b) The procedures specified in this section shall apply to extensions of permits which were previously approved on the consent calendar or as administrative permits unless the regional commission adopts expedited procedures for extensions to such permits.

Article 7. Assignment of Permits

1170. Assignment of Permits. (a) Any person who has obtained, pursuant to the California Coastal Act of 1976 and these regulations, a permit to perform a development may assign such permit to another person subject to the following requirements:

- (1) submission of a \$25 application fee to the commission or regional commission which issued the permit;
- (2) affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;
- (3) evidence of the assignee's legal interest in the real property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit; and
- (4) the original permittee's request to assign all rights to undertake the development to the assignee; and
- (5) a copy of the original permit showing that it has not expired.

CALIFORNIA EXCLUSIONS FROM PERMIT REQUIREMENTS

Subchapter 1. Claims of Vested Rights

13200. Scope. Any person claiming a vested right in a development and who wishes to be exempt from the permit requirements of the Act pursuant to Public Resources Code Section 30608 must substantiate the claim in a proceeding under this subchapter. In such a proceeding the claimant shall assume the burden of proof.

Article 1. Review Provisions

13201. Obligation to file. Any person who claims that a development is exempt from the permit requirements of Public Resources Code, Section 30600 or 30601 by reason of a vested right under Public Resources Code, Section 30608 must file a claim of vested rights with the appropriate regional commission or the commission where there is no regional commission and obtain approval under this subchapter.

13172. Violation of Permits. Violation of a permit or any term, condition, or provision of a permit is grounds for enforcement under this Section and under Chapter 9 of the California Coastal Act of 1976. Whenever the executive director of the commission determines that a violation of a permit or term, condition, or provision of a permit has occurred or is threatened, the executive director shall refer the matter to the Attorney General for appropriate action. Where such a violation has occurred or is threatened, the Attorney General may file an action in the name of the commission for equitable relief to enjoin such violation of, or for civil penalties, or both, or may take other appropriate action pursuant to Chapter 9 of the California Coastal Act of 1976.

13173. Enforcement of the Coastal Act. Whenever the executive director of the commission determines that any violation of the provisions of the California Coastal Act of 1976 has occurred or is threatened, the Attorney General may file an action in the name of the commission for equitable relief to enjoin such violation, or for civil penalties, or both, or may take other appropriate action pursuant to Chapter 9 of the California Coastal Act of 1976.

deadline for submission of evidence established by the applicable commission.
13204. Notice. Notice of the recommendation and the date of the public hearing on the claim shall be made in the manner prescribed by Section 13059.

13205. Acknowledgment Hearing Procedure.

(a) Commission action on a claim of vested rights shall be supported by written findings of fact. If the commission or regional commission finds that a claim of vested rights is substantiated, it shall acknowledge the claim. If it finds that a claim is not substantiated, it shall deny the claim. However, if the circumstances suggest that a claimant may be able to provide additional information to substantiate the claim or that other evidence is pertinent to the claim, the matter may be continued for the purpose of submitting further evidence and for action at the next succeeding meeting following the receipt and review of the information.

(b) Claims which the executive director recommends be acknowledged may be placed on a consent calendar and processed in the manner provided by Sections 13101 and 13103.

(c) All other claims shall be processed in the manner provided by Sections 13080 - 13096.

13206. Appeal to the Commission. An action by a regional commission approving a claim of vested rights may be appealed to the commission, pursuant to Section 13113 by any aggrieved person or by any two (2) members of the commission. An action by a regional commission denying a claim of vested rights may be appealed pursuant to Section 13113 by the claimant to the commission. As soon as practicable after the filing of an appeal, the executive director or the executive director's designee, in consultation with the Attorney General's Office shall prepare preliminary conclusions to be

13202. Claim Form. Claims of vested rights forms shall be published by the commission. The executive director of the commission shall revise the form as necessary to assist claimants in providing the information necessary to substantiate a claim, provided, however, that any significant change in the type of information requested must be approved by the commission. A claim of vested rights shall be filed only after the claimant has provided the commission or appropriate regional commission with all the information called for by the form, as well as any other information which the executive director of the commission or regional commission deems necessary to review the claim. In no event shall a claim of vested rights be deemed filed until after the passage of five (5) working days from the date it is received by the commission or appropriate regional commission.

13203. Initial Determination. As soon as practicable after the filing of a claim, and in no event later than 30 days from the filing date,

the executive director of the commission or appropriate regional commission shall make an initial determination whether the claim of vested rights appears to be substantiated; notice of the initial determination shall be transmitted to the claimant and to any person(s) requesting notice or known by the executive director to be interested. Based on that initial determination, the executive director shall make a written recommendation to the commission or appropriate regional commission for consideration at the hearing on the claim of vested rights application at the next succeeding regularly scheduled meeting. At such hearing, the executive director shall introduce into evidence all evidence submitted by the applicant and all evidence submitted either supporting or in opposition to the application up to the

reviewed with the claimant(s) and the appellant(s) if either so desires. Following such review, the executive director shall distribute a written recommendation in the manner and within the time limits provided for permit application summaries in Section 13059. All interested parties may communicate and submit evidence to the commission in writing in response to the recommendation prior to the meeting of the commission. At the next meeting of the commission following the distribution of the staff recommendation, the commission shall determine whether the appeal raises no substantial issue in the same manner provided in Section 13122. If the commission fails to find no substantial issue, no oral testimony shall be taken unless three (3) or more commissioners so request. If oral testimony is not taken the commission shall vote on the written recommendation of the executive director. In the event oral testimony is taken the commission shall determine whether to proceed immediately to a vote or whether to defer voting until the next regularly scheduled meeting of the commission. The parties to the appeal shall be allowed a brief opportunity to respond to the staff recommendation prior to the vote.

Article 2. Grant of Claim

13207. Effect of Vested Right. A final determination of the regional commission or the commission on appeal recognizing a claim of vested rights shall constitute acknowledgment that the development does not require a coastal development permit under Public Resources Code, Section 30600 or 30601 provided that no substantial change may be made in the development except in accordance with the permit requirements of the California Coastal Act of 1976. If the approvals upon which the acknowledgment is based lapse either by their own terms or pursuant to any provision of law, the

acknowledgment made under this subchapter shall no longer be in effect and the development shall become subject to the permit requirements of the California Coastal Act of 1976.

13208. Notification to Local Government. As soon as practicable after final action on a claim of vested rights by the commission or after ten (10) working days following final action by a regional commission if no valid appeal is filed, the executive director shall transmit a notice of the action taken to the local government having jurisdiction over the area in which the development is located, to the claimant and to any person known by the executive director to be interested in the matter.

SUBCHAPTER 2. VESTED RIGHTS UNDER THE CALIFORNIA COASTAL ZONE CONSERVATION ACT OF 1972

13210. Effect of Grant of Vested Rights under the California Coastal Conservation Act of 1972. (a) Regardless of the other

provisions of this Subchapter, a claimant who has a claim of vested rights granted by the commission or a regional commission under the California Coastal Zone Conservation Act of 1972, need obtain no further approvals under the California Coastal Act of 1976 or these regulations, provided that no substantial change is made in the development plans previously accepted and all necessary governmental approvals are still in effect. An application for any substantial change in the development shall be made in accordance with the permit requirements set forth in Chapter 5 of these regulations.

SUBCHAPTER 3. PERMITS APPROVED BY THE CALIFORNIA COASTAL ZONE
CONSERVATION COMMISSION PRIOR TO JANUARY 1, 1977

13211. Effect of Permit Granted under the California Coastal Zone
Conservation Act of 1972. No person who obtained a permit under the California
Coastal Zone Conservation Act of 1972 (Division 19 of the Public Resources
Code) shall be required to secure approval under the California Coastal Act
of 1976 for development authorized by such permit, provided that the develop-
ment is completed as approved in full compliance with the terms and conditions
of the permit. The provisions of this subchapter shall apply where (a) prior
to January 1, 1977 a final action to approve a development was taken by a
regional commission followed by the expiration of the ten (10) working day
appeal period without the receipt of a valid appeal by the California Coastal
Zone Conservation Commission or (b) in the case of applications on appeal,
a final action by the California Coastal Zone Conservation Commission was
taken approving a development before January 1, 1977. This subchapter shall
not apply to any permit action under judicial review brought pursuant to
the provisions of the California Coastal Zone Conservation Act of 1976 until
such time as such review becomes final.

13212. Amendment of Recorded Conditions in 1972 Act Permits. In
application under Public Resources Code Section 30609 for modification or
elimination of the recodification of terms or conditions in permits other than
dedications of land or interests in land for the benefit of the public or a
public agency granted under the California Coastal Zone Conservation Act of
1972 shall be treated as an application for a permit as provided in Subchapter
1 and 2 of Chapter 5 of these regulations and shall be subject to the procedures
thereof. Approval of an application under this section shall not result in the
imposition of terms or conditions which are more restrictive than those required
at the time of the initial grant of the permit. The commission or regional

13213. Extension of Permits Granted Under the 1972 Act. (a) The time

limits for commencement of construction under a permit granted under the
California Coastal Zone Conservation Act of 1972 shall be determined from the
regulations of the California Coastal Zone Conservation Commission in effect
on December 31, 1976, or by any specific actions taken pursuant to the California
Coastal Zone Conservation Act of 1972, if not expressly stated in the terms
and conditions of the permit. Prior to the time that commencement of
construction under a permit granted by either the regional commission or the
commission may occur under the terms of subsection (a) the applicant may,
upon payment of a \$50 fee (or a \$25 fee in the case of extension of permit
for single-family houses) apply to the executive director of the applicable
commission for an extension of time not to exceed an additional one year period.
The application shall be accompanied by evidence of a valid, unexpired permit;
acknowledged pursuant to the requirements in effect at the time the permit was
issued, and of the applicant's continued legal interest in the property
involved in the permit. After notice to all persons who participated in the
initial permit hearing and to any other persons the executive director has reason
to know are interested and posting the project site as provided in Section 13054
the executive director shall report the application to the commission or
regional commission together with an analysis of whether the circumstances
on which the original approval of the permit was based remain substantially
unchanged and whether the findings made for the original permit are consistent
with the requirements of the California Coastal Act of 1976. The commission
or regional commission shall approve the extension for a period of up to one (1)
year if it finds that the proposed development is consistent with the requirements
of Section 30604 of the Public Resources Code and Section 13054 of these
regulations.

(b) Any extensions applied for prior to the expiration of the permit shall automatically extend the expiration date of the permit until such time as the applicable commission has acted upon the extension request; provided, however, that if construction has not commenced at the time the application for extension is made, construction may not commence during the period of automatic extension provided in this section.

(c) Any action of the regional commission under this section may be appealed to the commission as a permit decision under Subchapter 2 of Chapter 5.

(d) Each regional commission may establish expedited procedures for reviewing applications for extensions of administrative and consent calendar permits granted under the California Coastal Zone Conservation Act of 1972, provided that the regional commission finds that the procedures convey adequate public notice consistent with the intent of the California Coastal Act of 1976.

SUBCHAPTER 4. Urban Land Exclusion

Article 1. Commission Review Procedures

1721. Urban Land Exclusion. The provisions of this subchapter shall govern the exclusion of any urban land area from the provisions of Chapter 7 of the California Coastal Act of 1976 pursuant to Public Resources Code, Section 30610.5.

17216. Local Government Request. A local government may request, in writing, that an urban land area be excluded by the commission from the permit provisions of the California Coastal Act of 1976. The request for exclusion shall include, or be accompanied by the following:

(a) A description specifically identifying the land area for which the exclusion is requested.

(b) Information describing the zoning in effect on January 1, 1977.

(c) A description of the zoning as to the density of the development existing on or before January 1, 1977.

(d) A description of any existing or proposed regulatory or other controls on development within the area which will insure that any future development will be consistent with the intent of the California Coastal Act, and that any locally permitted development will have no potential for significant adverse effects, either individually or cumulatively on public access to the coast or on coastal resources.

(e) Information as to the number of lots within the area requested for exclusion and the number of lots which are built upon to the maximum density or intensity of use.

17217. Material Supporting Request for Exclusion. The request for exclusion shall contain or be accompanied by the following supporting material:

(a) The precise language of existing regulatory or other controls on development within the area requested for exclusion that would insure that any development within said area, either individually or cumulatively, would meet the standards of Public Resources Code Section 30610.5; or proposed regulatory or other controls on development within the area requested for exclusion that the

Local government intends to adopt and enforce in order to assure that any development within said area, either individually or cumulatively, would meet the criteria of Public Resources Code Section 30610.5) or any combination of the above. The description of regulatory controls may include any land use controls such as height limits or open space requirements that could affect allowable density, height or nature of uses.

(b) A general description of existing development within the area to be examined, the amount of privately-owned use acreage to be examined, and the resulting density (units per acre).

(c) A reasonable estimate of the most intense development that could occur, based on the regulatory controls of the proposed ordinance. This estimate may include any combination of geographic uses deemed appropriate by the local government and may include an analysis of the likely effects of regulatory controls such as height limits, off-street parking requirements, floor area ratio, etc.

(d) An analysis of the effects of the development projected in subdivisions (c) above on public access to the coast and on coastal resources.

(e) Any other information as may deem this to be requested by the executive director of the commission or by the commission to determine whether and on what terms and conditions, if any, such area may be excluded pursuant to Public Resources Code, Section 30610.5.

17218. Preliminary Review of Exclusion Request. Any local government desiring the exclusion of any urban land area within its jurisdiction, pursuant to Public Resources Code Section 30610.5, may request a preliminary advisory review of the proposed exclusion by the commission. Because the purpose of the preliminary review is to provide substantially detailed information to make the determinations required in Public Resources Code Section 30610.5, the exclusion request need not be in the final language required of an adopted ordinance. The commission will grant a request for a preliminary advisory review if this allows, provided such review will not adversely affect the commission's ability to conduct a properly noticed public hearing of the exclusion. The commission shall establish predetermined time limits for action by the local government and interested persons. Individual members of the commission may ask questions and make statements but no vote shall be taken.

17219. Submittal of Plans of Projects and Supporting Materials. The executive director of the commission shall determine whether the request and supporting materials provide sufficient information to permit evaluation of the request pursuant to Public Resources Code Section 30610.5. These determinations shall be made by the executive director within five (5) working days after the material is received. If it is determined that the

1321. Commission Action on Request. (a) If the staff report contained an initial staff recommendation, the commission may, at its discretion, vote on the request at the next meeting following the conclusion of the public hearing in the same manner as provided in Sections 13081-13083. (b) If the staff report did not contain an initial recommendation, the executive director shall prepare a written recommendation on the request for exclusion after the close of the public hearing. The executive director's staff recommendation shall be prepared and distributed as provided in Sections 13075 and 13076 but the proposed action, findings, and conclusions shall be stated only in terms of the requirements of Public Resources Code, Section 30610.5. The commission shall act on the request for exclusion approving or denying it in whole or in part, at the next regularly scheduled meeting following completion of the public hearing, unless the commission finds that good cause exists for completing its action at a later time.

1322. Effective Date of Urban Exclusion. No urban exclusion approved by the commission shall be effective until the following occur:

(a) The requesting local government, by action of its governing body, acknowledges receipt of the commission's resolution of approval including any conditions which may have been required pursuant to Public Resources Code, Section 30610.5 and

(b) The requesting local government, by appropriate action of its governing body, accepts and agrees to the terms and conditions, if any, to which the urban exclusion has been made subject and takes final action to implement all such conditions.

material is legally sufficient and technically complete, the request for exclusion shall be filed and the requesting local government shall be informed of the filing. If the executive director determines that the material is not sufficient, the executive director shall provide the requesting local government with a statement of the reasons why the request was not filed. Upon curing any defects, the requesting local government may resubmit the request for exclusion. Any local government submitting an application for exclusion may also request a determination from the commission as to the adequacy of the material that it has submitted for purposes of conducting the review of the urban exclusion request pursuant to Public Resources Code, Section 30610.5.

1323. Commission Review of Request. The request for exclusion shall be scheduled for public hearing before the commission no earlier than 21 days nor later than 42 days after being filed unless the local government requests the executive director's approval of additional time to supplement a request for exclusion. The executive director of the commission shall prepare a report for the commission summarizing the nature and effects of the request after consultation with the executive director of the appropriate regional commission. The report shall be prepared and distributed in the same manner as an application summary, as provided in Sections 13057 and 13059 but shall deal only with those issues raised by the requirements of Public Resources Code, Section 30610.5. Notice of the hearing shall be provided in the manner set forth in Section 13016. Oral hearing procedures shall be those set forth in Sections 13064-13068. The executive director of the regional commission may present testimony at the public hearing expressing the views of the regional commission.

1727. Right of Request for Exclusion. If the Commission denies a request for exclusion it shall adopt a resolution and reasons for such, and shall transmit the resolution to the requesting local government. Nothing shall be done to carry out the date of the Commission's action, provided that the local government shall not have any request for denial have been exercised in the past.

1728. Right of Appeal. The local government may appeal the resolution of the Commission and shall file a request for appeal with the Commission of the Civil Service Commission Act of 1976. The request for an appeal shall be filed with the Commission of the Civil Service Commission within 30 days of the date of the Commission's action.

1729. Right of Appeal. The local government may appeal the resolution of the Commission and shall file a request for appeal with the Commission of the Civil Service Commission within 30 days of the date of the Commission's action. The Commission shall have the right to request the local government to provide information necessary to the Commission's action. The Commission shall have the right to request the local government to provide information necessary to the Commission's action. The Commission shall have the right to request the local government to provide information necessary to the Commission's action.

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1730. Right of Appeal. The local government may appeal the resolution of the Commission and shall file a request for appeal with the Commission of the Civil Service Commission within 30 days of the date of the Commission's action. The Commission shall have the right to request the local government to provide information necessary to the Commission's action. The Commission shall have the right to request the local government to provide information necessary to the Commission's action.

2. Right of Appeal.

1731. Right of Appeal. The local government may appeal the resolution of the Commission and shall file a request for appeal with the Commission of the Civil Service Commission within 30 days of the date of the Commission's action. The Commission shall have the right to request the local government to provide information necessary to the Commission's action. The Commission shall have the right to request the local government to provide information necessary to the Commission's action.

1732. Right of Appeal. The local government may appeal the resolution of the Commission and shall file a request for appeal with the Commission of the Civil Service Commission within 30 days of the date of the Commission's action. The Commission shall have the right to request the local government to provide information necessary to the Commission's action. The Commission shall have the right to request the local government to provide information necessary to the Commission's action.

1733. Right of Appeal. The local government may appeal the resolution of the Commission and shall file a request for appeal with the Commission of the Civil Service Commission within 30 days of the date of the Commission's action. The Commission shall have the right to request the local government to provide information necessary to the Commission's action. The Commission shall have the right to request the local government to provide information necessary to the Commission's action.

17228. Effects of Comments. Comments on Initial Environmental Studies or Draft Negative Declarations by the commission or the executive director shall not be binding on the commission regarding its decision on what action the commission may take with regard to the request for exclusion or with regard to terms and conditions on the exclusion pursuant to Public Resources Code Section 30610.5(b).

17229. Submission of Negative Declaration. After the local government has certified a negative declaration on the proposed urban land exclusion, it shall submit such to the commission together with the exclusion request and such additional environmental information as may be requested by the commission or the executive director. If the local government has certified a final environmental impact report concluding that the exclusion will have no significant adverse impact on the environment, such final Environmental Impact Report shall be submitted in lieu of a negative declaration.

Article 34. Implementation of Urban Exclusion Code:

17230. Effect of an Order Granting Exclusion. An order granting exclusion removes the area in question from the provisions of Chapter 7 of the California Coastal Act of 1975, from the effective date of the exclusion order until the certification of a local coastal program or January 1, 1981, whichever is earlier, and thereafter no permit application otherwise requiring a local government permit for the proposed development activity shall be filed for such an area with the regional commission or the commission. No development inconsistent with such order may take place unless the order is amended or terminated as provided in this Subchapter.

17231. Implementation of Exclusion. Any person may request an interpretation of the order granting an exclusion from the executive director of the commission. The executive director shall, as soon as practicable and resources allow, make such interpretations; such interpretations shall be reviewed by the commission at its next regularly scheduled meeting for which notice can be provided pursuant to Section 17220. The decision of the executive director shall be conclusive unless three (3) or more members of the commission request to review the interpretation, in which case the commission shall make the interpretation by majority vote of the appointed members. The affected local government shall be notified of any such interpretations. The commission will review any interpretation of the executive director if requested by the affected local government.

Article 6. Relationship to Local Coastal Program:

17232. Relationship upon Adoption of Local Coastal Program. Upon the effective date of the adoption of development review authority to a local government pursuant to Public Resources Code, Section 30519, an urban exclusion order shall automatically be deemed terminated for that portion of the urban exclusion land area included in the approved local coastal program. Any permit granted pursuant to an exclusion order shall remain in effect, provided that no substantial change is made in the development plan previously approved and all necessary governmental approvals remain in effect.

1721. Applicability of an Exclusion to the Local Coastal Program. The circumstances, provisions, terms conditions, etc., related to an urban exclusion shall not prejudice the approval or disapproval of the Local Coastal Program by the regional commission or commission.

SUBCHAPTER 9. Categorical Exclusions
1726. Categorical Exclusions. The provisions of this subchapter shall govern the procedure of the commission in considering the exclusion of any category of development or any category of development within a specifically defined geographic area from the coastal development permit requirements of Chapter 7 of the California Coastal Act of 1976 (commencing with Section 30600) pursuant to Public Resources Code, Section 30610(d).

Article 1. Commission Review Procedures
1721. Request for Exclusion. (a) In the case of a local government or other public agency requesting that a category of development or categories of development within a specific geographic area be excluded from the coastal development permit requirements of Chapter 7 of the California Coastal Act of 1976 (commencing with Public Resources Code, Section 30600), such agency shall provide the executive director of the commission with materials and information that the executive director deems necessary to make the findings required by Public Resources Code, Section 30610(d) and 30610.5(b) and the documents required by Sections 1726 and 1729. The executive director shall cause a public hearing on such a request to be scheduled within a reasonable time of the receipt of materials and information sufficient to allow him to evaluate whether the request for exclusion meets the requirements of Public Resources Code, Sections 30610(d) and 30610.5(b).

(b) In the case of a request by a person not representing a public agency, the executive director shall review proposed requests for categorical exclusions and submit for commission review only those requests that appear to meet the requirements of Public Resources Code, Sections 30610(d) and 30610.5(b).

(c) Regional commission or commission requests shall be reviewed in the same manner as provided in subsection (a) above.

1722. Hearing Procedures. The executive director of the commission, after consultation with the public agency that approves development activity for the particular category of development proposed for exclusion with any affected local government and with any persons known to be interested in the development activity, shall prepare and distribute a report in the same manner provided in Section 1720. If the commission determines after the public hearing is closed that the proposed categorical exclusion warrants commission action, the executive director shall prepare a recommendation in the same manner as provided in Section 1721.

1723. Commission Action in Other Governing Exclusions. The commission shall, after complying with the public hearing and notice requirements of the Administrative Procedure Act, and by a majority (2/3) vote of its appointed members adopt regulations amending such categories of development or categories of development within specific geographic areas that it finds meet the criteria of Public Resources Code, Section 30610(d); the commission shall require such terms and conditions as it deems necessary pursuant to Public Resources Code, Section 30610.5(b). The commission's order granting the exclusion shall contain the following:

(3) Landscaping on the lot.

(b) Pursuant to Public Resources Code, Section 30610(a), the following classes of development require a coastal development permit because they involve a risk of adverse environmental effects:

(1) Improvements to a single-family structure on a beach,

wetland or anywhere seaward of the mean high tide line or in an area designated for protection as a small-scale neighborhood by resolution of the commission or a regional commission after public hearing.

(2) Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland or sand dunes within 50 feet of the edge of a coastal bluff, or in areas of natural vegetation designated by resolution of the commission or regional commission after public hearing as significant natural habitat;

(3) The expansion or construction of water wells or septic systems;

(4) On property located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, and in significant scenic resources areas as designated by the commission or regional commission, any improvement that would result in an increase of 50% or more of internal floor area of an existing structure, and or any significant non-attached structure such as garages, fences, shorelines protective works, docks or trees.

(b) Upon the effective date of the delegation of development review authority to a local government pursuant to Public Resources Code, Section 30515, a categorical exclusion order shall automatically be deemed terminated for any category of development included in the geographic area of the approved local coastal program.

(c) At the time of the termination of an exclusion order pursuant to subsection (a) above, the commission shall indicate any prior permits approved during the term of the exclusion order that will require coastal commission permit review pursuant to these regulations. Any permit approved prior to the termination of an exclusion order pursuant to subsection (b) above shall remain in effect, provided that no substantial change is made in the development plans previously approved and all necessary governmental approvals remain in effect.

Subchapter 6. Existing Single-Family Residences

11250. Additions to Existing Single-Family Residences.

(a) As used in Public Resources Code, Section 30610(a), the term "existing" shall mean residences completed as of January 1, 1977 or thereafter. For purposes of Public Resources Code, Section 30610(a) where there is an existing single-family residential building, the following shall be considered a part of that structure:

(1) All fixtures and other structures directly attached to a residence;

(2) Structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self-contained residential units;

and

CHAPTER 7 Coastal Development - Permits Issued by
Local Governments and Other Public Agencies

Subchapter 1 - Coastal Development Permits Issued by Local Governments

13300. Applicability of Chapter to Developments within the Coastal Zone

This chapter shall govern the issuance by local governments of coastal development permits pursuant to Public Resources Code Section 30600(b) and shall be applicable to any person wishing to perform or undertake any development in the coastal zone except for the following:

- (a) Any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled.
- (b) Any development by a public agency for which a local government permit is not otherwise required.
- (c) Any development subject to the provision of Section 30608, 30610, 30610.5, 30611 and 30624 of the Public Resources Code.

Article 1. Local Government Coastal Development Permit Process

13301. Coastal Development. (a) Following the implementation of a coastal development permit process by a local government as provided in Section 13307, any person wishing to perform a development within the affected jurisdiction except as specified in Section 13300 shall obtain a coastal development permit from the local government. If the development is one specified in Public Resources Code 30601, a permit must also be obtained from the regional commission or the commission where there is no regional commission, in addition to the permit otherwise required from the local government; in such instances, an application shall not be made to the regional commission or the commission until a coastal development permit has been obtained from the appropriate local government.

(5) The construction of any development not essential to residential use such as a swimming pool, spa, fountain or the construction or extension of any landscaping irrigation system in areas which the commission or a regional commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreation use.

(6) Any addition to a single-family residence where the development permit issued for the original structure by the commission or regional commission indicated that any future additions would require a development permit.

(c) In any particular case, even though a repair or improvement falls into one of the classes set forth in subsection (b) above, the executive director of the regional commission may, where he or she finds the impact of the development on coastal resources or coastal access to be significant, waive the requirement of filing an application. Provided, however, that any such waiver shall not be effective until it is reported to the regional commission at its next regularly scheduled meeting at which time any three (3) commissioners may require that the application be treated as a regular permit application.

(b) Where any proposed activity involves more than one action concerning a development under Public Resources Code, Section 30106, the sum of such actions may be incorporated into one coastal development permit application and into one coastal development permit for purposes of notification requirements of Section 13715; provided, however, that no individual development activity may be commenced or initiated in any way until the overall development has been reviewed pursuant to the provisions of Sections 13715-13725.

Article 2. Requirements for the Local Government Coastal Development Permit System

13702. Coastal Development Permit Procedure Contract. In order to meet the requirements of the California Coastal Act including Public Resources Code, Sections 30602(a), 30604, 30620 and 30620.5 a local government coastal development permit procedure shall include, but not be limited to, the following:

(a.) Application forms that require, as a minimum, the same information required in the application forms adopted by the commission pursuant to Public Resources Code, Section 30620(a)(2).

(b.) Definition of a discretionary body or bodies which will review applications for and issue coastal development permits pursuant to the requirements of Public Resources Code, Section 30604, 30620.5(a) and 30625(c).

(c.) Procedures which incorporate in the permit review process the administrative guidelines issued by the commission pursuant to Public Resources Code, Section 30620(a)(3).

(d.) Procedures for providing notice to the public, including all persons who request notice of pending permit applications and of right of appeal within the local government and to the regional commission or commission as a condition equivalent to the notice required by Sections 13094 and 13067.

(e) Procedures which specify:

(1) that the permit shall be issued by the discretionary body or bodies which issue coastal development permits.

(2) that the permit shall be issued by the local government.

(3) that the local review process shall include a coastal development permit review process.

(4) that the permit shall be issued by the discretionary body or bodies which issue coastal development permits.

(5) that the permit shall be issued by the local government.

(6) that the permit shall be issued by the local government.

(7) that the permit shall be issued by the local government.

(8) that the permit shall be issued by the local government.

(9) that the permit shall be issued by the local government.

(10) that the permit shall be issued by the local government.

(11) that the permit shall be issued by the local government.

permit review into any existing local permit procedure which provides for reviewing public comment, the taking of evidence and the adoption of findings on all permits at a duly noticed public hearing or it may establish a separate coastal development permit application review procedure. A local government wishing to establish a local government coastal development permit program shall meet the requirements of the California Coastal Act of 1976 either by submitting its proposed program pursuant to Section 17304 or by adopting the ordinance set forth in Section 17305.

17304. NOTICE OF INTENT ALTERNATIVE. At least 30 days prior to the final adoption of a coastal development permit program a local government shall file a notice of intent with the commission. The notice of intent shall state the intent of the local government to adopt a coastal development permit program. Within 10 working days of receiving a notice of intent, the executive director of the commission shall prepare and distribute to the commission, to the local government and to any person known or thought to be interested an analysis of the local government's coastal development permit program. The analysis shall specify any provisions or conditions in the program which in the opinion of the executive director cause such program to be inconsistent with the requirements of the California Coastal Act or of Section 17302. The report may include recommended modifications of the program to cure the legal defects. The executive director shall make every effort to consult with the local government and suggest modifications to the coastal development permit program in order to resolve any areas of disagreement between the local government and the executive director prior to the commission's next regularly scheduled meeting.

After giving notice in the manner prescribed in Section 17305, the commission shall review the executive director's report at its next regularly scheduled meeting and shall, following a public hearing on the report, adopt a resolution setting forth modifications, if any, in the local government coastal development permit program that it determines to be necessary to make such program consistent with the requirements of the California Coastal Act and Section 17302.

Following 30 days after filing with the commission a notice of intent the local government may adopt a coastal development permit program for the entire area of its jurisdiction within the coastal zone. If a coastal development permit program is adopted, the local government shall by resolution transmit to Public Resources Code, Section 6620.5(b) within the appropriate regional commission, the commission and all contiguous local governments within the coastal zone and shall publish the resolution in the same manner as it would publish a notice of a proposed general plan amendment; however, that such notice shall also be published in the newspaper in the nearest jurisdiction in the portion of the local government jurisdiction lying within the coastal zone. The commission to the commission and the appropriate regional commission shall include a special statement as to whether or not any modifications determined by the commission to be necessary pursuant to this section have been incorporated in the coastal development permit program.

17305. Local Government Ordinance Alternative. (a) As an alternative to the procedure set forth in Section 17304, a local government wishing to establish a local government coastal development permit program shall adopt the following ordinance:

Section I. Purpose. Pursuant to Public Resources Code, Section 30600(b) the City/County of _____ hereby establishes the following procedures for filing, processing, review, modification, approval or denial of coastal development permits.

Section II. Interpretation. The provisions of this ordinance are intended to implement the California Coastal Act of 1976. Except as otherwise indicated the definitions, provisions and exceptions of the act and regulations adopted pursuant thereto are incorporated herein. This ordinance shall be interpreted and applied in a manner consistent therewith.

Section III. Title/Subject. No one shall undertake or perform any development in the portion of the coastal zone (as defined by Public Resources Code, Section 30103) that is governed by Public Resources Code, Section 30600(b) and is located within the _____ (city or county) within the _____ and is located within the _____ Planning Commission.

Section IV. Application. All applications for a coastal development permit shall be submitted on forms required by the California Coastal Commission pursuant to Public Resources Code, Section 30620(a)(1).

Section V. Schedule/Effective Date/Notice. Upon receipt of a substantially completed application the Planning Director shall:

1. Set the application for hearing at a regular meeting of the Planning Commission, scheduled not less than 21 days nor more than 42 days after application is filed. Notice of the hearing shall be provided as set forth in Section 17502 of Title 14 of the California Administrative Code and as said Section may be amended from time to time.

Section VI. Hearing. The Planning Commission shall conduct a public hearing on the application. All interested persons shall be afforded a reasonable

opportunity to testify and present evidence. Upon completion of the hearing, the Commission shall determine, on the basis of the testimony and other evidence, whether the application conforms with the coastal resources plan and development policies established in Public Resources Code, Sections 30200-30620 and applicable, Section 30604(e). If the Commission is unable to make a determination pursuant to Section 17502 of Title 14 of the California Administrative Code and as said Section may be amended from time to time, the application shall be denied. Verbal notification shall be provided to the applicant within a reasonable time and the application is deemed denied.

Section VII. Duration of Permit. A permit shall be issued for a period of not less than 25 days after the expiration of the permit; provided, however, that the Commission of the applicant of the permit shall, upon receipt of the application and the permit, be deemed to have accepted the application and the permit. A copy of the permit shall be provided to the applicant. The permit shall not be extended beyond the expiration date of the permit. If, within 30 days after the expiration of the permit, the applicant has not received the permit, the permit shall be deemed to have expired. Notice of any extension of the permit shall be provided to the applicant.

Section VIII. Other Requirements. The applicant shall submit a copy of the proposed development plan to the Planning Commission and the applicant shall submit a copy of the proposed development plan to the Planning Commission and the applicant shall submit a copy of the proposed development plan to the Planning Commission.

other procedures, however, compliance with standards does not relieve the applicant of the obligation to secure all other required local or state resources and, in addition, the local government, the state and the federal government.

Section II. General. This section may not be applied, amended or repealed unless authorized pursuant to Title 14 of the California Administrative Code.

(b) The request of a local government, whether direct or indirect, for assistance, including financial assistance, from the state or federal government, shall be subject to the following conditions:

(1) The local government shall have a demonstrated need for the assistance requested.

(2) The local government shall have a demonstrated ability to repay the assistance requested.

(3) The local government shall have a demonstrated ability to match the assistance requested.

(4) The local government shall have a demonstrated ability to manage the assistance requested.

(5) The local government shall have a demonstrated ability to comply with the conditions of the assistance requested.

Section 17706. General Development Fees. Following certification of the local government's general development permit system, the local government may require fees from development applicants not exceeding those set forth in Section 17705 except for costs incurred above the fee schedule in compliance with the requirements of these regulations and of the California Administrative Code.

Section 17707. Map of Areas Where General Certification Permit is Required. The local government shall submit a map of the territory of the local government to the state and the federal government for their review and approval. The map shall show the territory of the local government and the territory of the state and the federal government.

Section 17708. Local Government Issuance of General Development Permit.

(a) The local government shall issue a general development permit to an applicant who has applied for such a permit and who has satisfied the requirements of this section.

(b) The local government shall issue a general development permit to an applicant who has applied for such a permit and who has satisfied the requirements of this section, provided that the applicant has also satisfied the requirements of the state and the federal government.

(c) The local government shall issue a general development permit to an applicant who has applied for such a permit and who has satisfied the requirements of this section, provided that the applicant has also satisfied the requirements of the state and the federal government, and that the applicant has also satisfied the requirements of the local government.

(d) The local government shall issue a general development permit to an applicant who has applied for such a permit and who has satisfied the requirements of this section, provided that the applicant has also satisfied the requirements of the state and the federal government, and that the applicant has also satisfied the requirements of the local government, and that the applicant has also satisfied the requirements of the state and the federal government, and that the applicant has also satisfied the requirements of the local government.

gated by Section 30623 of the Public Resources Code. Within five (5) working days of the receipt of a notice of appeal from the regional commission, the affected local government shall deliver to the executive director of the regional commission all relevant documents and materials used by the local government in its consideration of the coastal development permit application.

1772. Regional Commission Consideration of Appeal. Unless the regional commission finds that the appeal raises no substantial issue in accordance with the requirements of Public Resources Code Section 30623(b), and Section 17722 of these regulations, the regional commission shall schedule a de novo consideration of the application in accordance with the procedures set forth in Section 17724 of these regulations.

1773. Appeal to Commission. Decisions of the regional commission may be appealed to the commission in accordance with the procedures set forth in Section 17727 of these regulations.

1774. Notification of Decision of Local Government. Within 10 days of the receipt of a request for appeal from a local government, the regional commission shall notify the local government of the decision of the regional commission and the reasons therefor. (19) Working days of the receipt of the request for appeal from the regional commission.

1777. Petition Involving Local Government Consent. In any case where no appeal has been filed from the decision of a local government or where an appeal has been filed but neither the regional commission nor the commission has determined to hear the appeal, and where petition has subsequently been commenced against the local government concerning its decision, the local government shall promptly forward a copy of the complaint or petition of the executive director of the commission. At the request of the local government, or of the executive director of the commission or upon an order of the commission, the executive director shall request the Attorney General to intervene in such petition on behalf of the commission. Mediation services pertaining to coastal development permits are not deemed to have been exhausted unless all appeal procedures provided for by the California Coastal Act of 1976 and these regulations have been exhausted.

CHAPTER 8 - IMPLEMENTATION PLANS

Subchapter 2. Ports

Article 1. Scope and Jurisdiction

13600. Ports Covered by this Subchapter

The provisions of this subchapter are promulgated pursuant to Chapter 8 of the California Coastal Act of 1976. That Chapter and the organizational and procedural provisions of Chapters 1, 2, 3, and 5 of these regulations as applicable shall govern any development, the issuance of any coastal development permit, and the certification of any port master plan within the legal geographical boundaries of those portions of the Ports of Eureka, Long Beach, Los Angeles, and San Diego Unified Port District within the coastal zone except as provided herein.

13601. Identification of Port Boundaries

(a) After consultation with the governing bodies of the ports specified in Section 13600, other known, interested persons, and the executive director of the appropriate regional commission, the executive director shall cause the following documents to be prepared:

- (1) a map or series of maps of the legal geographical boundary of each such port at a scale sufficient to determine with a reasonable degree of certainty the location of any parcel;
- (2) a map or series of maps delineating the boundaries of any wetland, estuary, or existing recreation area indicated in Part IV of the California Coastal Plan within the legal geographical boundaries of each port within the coastal zone; and
- (3) a written report providing such documentation as necessary to support the identification of such areas. Such maps and supporting material shall be transmitted to each port, the regional commission

and the commission, other known, interested persons and shall be made available for inspection by the public at least seven (7) working days prior to the public hearing conducted pursuant to subsection (b) below. Where reproduction of such maps would result in unnecessary delays, distribution of summary maps may be substituted.

(b) Unless additional time is requested by the governing body of any port to supplement the material prepared by the executive director, the commission shall, after receiving the material prepared by the executive director, and after notice as provided in Section 13602 and within 90 days of January 1, 1977, at a public hearing adopt, certify, and file with each port district such maps.

(c) Such maps may be amended from time to time by the commission after notice and public hearing in the manner provided in subsections (a) and (b) above, but only for the following purposes: (1) to correct a clerical mistake or other similar error made in preparing the original map, (b) to enlarge the areas identified as wetlands, estuaries or recreation areas but only at the request of the port, or (c) to modify the legal geographical boundary of the port if such boundary is changed.

(d) The preparation and/or approval of any maps pursuant to Public Resources Code, Section 30710 and this section is for planning purposes only and not to establish rights of ownership.

Article 2.

Delineation of an Area as a Wetland, Estuary, or Existing Recreation Area

13610. Effect of Delineation as a Wetland, Estuary, or Existing Recreation Area.

(a) Until such time as the commission certifies a plan for an area identified as a wetland, estuary, or existing recreation area

pursuant to Public Resources Code, Section 30710, any development proposed to be undertaken in such an area shall require a coastal development permit as provided in Chapter 7 of the California Coastal Act of 1976 and those regulations.

- (b) A port governing body with jurisdiction over an area identified as a wetland, estuary, or existing recreation area pursuant to Public Resources Code, Section 30710 may choose to either (1) submit a plan for such area to the commission in conjunction with the proposed port master plan pursuant to Public Resources Code, Section 30711, and the procedures for reviewing a port master plan set forth in Article 4 of this subchapter; or (2) submit a plan for such area for inclusion in a local government's local coastal program pursuant to Public Resources Code, Section 30519(b), and the procedures for reviewing a local coastal program set forth in these regulations. Certification of a plan for a wetland, estuary, or existing recreation area identified pursuant to Public Resources Code, Section 30710 shall be governed by policies of Chapter 7 of the California Coastal Act. Local coastal certification of a plan for such an area, any proposed development in the area governed by the plan shall be subject to the procedures governing review of development following certification of a local coastal program as set forth in Public Resources Code, Section 30603 and these regulations.

Article 3.

Coastal Development Permits Prior to Certification

1980 Inter-Certification Coastal Development Permit

Prior to certification of a port master plan, any person wishing to undertake

a development within the geographical boundaries of a port governed by this subchapter shall obtain a coastal development permit as provided in Chapter 7 of the California Coastal Act from the regional commission or the commission in the manner provided in Section 13610(a), including blanket permits where consistent with the California Coastal Act of 1976. Any such development shall be governed by the policies of Chapter 8 of the California Coastal Act of 1976, except in the case of a development proposed in an area subject to Section 13601(a)(2) or a development identified in Public Resources Code, Section 30714(a)-(c) which shall be governed by the policies of Chapter 7 of the California Coastal Act of 1976.

Article 4.

Port Master Plan

Port Certification of a Master Plan

Any person wishing to undertake a development within the geographical boundaries of a port governed by this subchapter shall obtain a coastal development permit as provided in Chapter 7 of the California Coastal Act from the regional commission or the commission in the manner provided in Section 13610(a), including blanket permits where consistent with the California Coastal Act of 1976. Any such development shall be governed by the policies of Chapter 8 of the California Coastal Act of 1976, except in the case of a development proposed in an area subject to Section 13601(a)(2) or a development identified in Public Resources Code, Section 30714(a)-(c) which shall be governed by the policies of Chapter 7 of the California Coastal Act of 1976.

- (a) Any person wishing to undertake a development within the geographical boundaries of a port governed by this subchapter shall obtain a coastal development permit as provided in Chapter 7 of the California Coastal Act from the regional commission or the commission in the manner provided in Section 13610(a), including blanket permits where consistent with the California Coastal Act of 1976. Any such development shall be governed by the policies of Chapter 8 of the California Coastal Act of 1976, except in the case of a development proposed in an area subject to Section 13601(a)(2) or a development identified in Public Resources Code, Section 30714(a)-(c) which shall be governed by the policies of Chapter 7 of the California Coastal Act of 1976.

- (b) Any person wishing to undertake a development within the geographical boundaries of a port governed by this subchapter shall obtain a coastal development permit as provided in Chapter 7 of the California Coastal Act from the regional commission or the commission in the manner provided in Section 13610(a), including blanket permits where consistent with the California Coastal Act of 1976. Any such development shall be governed by the policies of Chapter 8 of the California Coastal Act of 1976, except in the case of a development proposed in an area subject to Section 13601(a)(2) or a development identified in Public Resources Code, Section 30714(a)-(c) which shall be governed by the policies of Chapter 7 of the California Coastal Act of 1976.

1967 Notice of Commission

In order to determine which areas under the jurisdiction of a port governing body are governed by the policies of Chapter 3 of the California Coastal Act of 1976 and which areas are governed by Chapter 8 of the California Coastal Act of 1976, on notice of completion of a port master plan adopted prior to January 1, 1977 or of a draft master plan adopted pursuant to Public Resources Code, Sections 30712 and 30713 shall be submitted to the Commission for purposes of Public Resources Code, Sections 30712 and 30713 until the Commission has adopted maps delineating such areas as provided in Section 1967. The notice of completion shall contain information which, in the judgment of the executive director of the Commission, is sufficient to allow the Commission to determine the port governing body's compliance with the provisions of Public Resources Code, Sections 30712 and 30713. The notice of completion shall include a listing of the members of the public, organizations and governmental agencies contacted for comment on the Port Master Plans along with copies of their comments, if any. As used in these regulations, notice of completion means that notice pursuant to Public Resources Code, Sections 30712 and 30713.

1967 Notice and Public Hearings

After publication and submission of the notice of completion pursuant to Public Resources Code, Sections 30712 and 30713, the port governing body shall, on notice in a manner comparable to that provided in Section 19659, hold a public hearing on hearings on any master plan adopted prior to January 1, 1977, or on a draft master plan adopted pursuant to Public Resources Code, Sections 30712 &

California Coastal Act of 1976. Provided, however, that in the event a proposed development has not reached the stage where it is in sufficient detail to meet this requirement, the port governing body may submit a plan that is comparable to a public works plan under Public Resources Code, Section 30603 and that meets the requirements of Public Resources Code, Section 30603 and those regulations, any project undertaken pursuant to a plan approved in this manner shall meet the requirements of Public Resources Code, Sections 30603, 30606, 30607, and 30607.1.

(e) All other requirements set forth in Chapter 8 of the California Coastal Act of 1976. Where a proposed development described in the master plan has not reached a stage of project definition that would allow the Commission to determine compliance with the requirements of Chapter 8 of the California Coastal Act of 1976, the port governing body may request that the Commission employ the public works plan procedure set forth in subsection (b) above but subject to the policies of Chapter 8 of the California Coastal Act of 1976 rather than the policies of Chapter 3.

(4) Copies of written comments on the master plan received from any person and responses thereto and a detailed summary of oral testimony given at any hearing on the master plan.

(5) Such supporting factual data as necessary for the commission to review the adequacy of the plan to carry out the policies of the California Coastal Act of 1976.

(6) A draft Environmental Impact Report that contains the responses to public comments and during the period for public comment as provided in the California Environmental Quality Act.

(b) The executive director of the commission shall determine whether the material submitted or resubmitted conforms to the requirements of subsection (a) within ten (10) working days of receiving such material. Upon the determination by the executive director that such material is insufficient, the master plan shall be deemed submitted to the commission for the purposes of Public Resources Code, Section 30714. If the executive director determines that such material is not sufficient, the executive director shall inform the port governing body of the determination and the reasons for the determination.

13629 Informal Commission Review

A port governing body shall be entitled to one preliminary plan review prior to formal submission. The procedure for conducting the informal review shall be the same as those set forth in Section 13219, governing the informal review of urban exclusion requests. Such review should be conducted with any commission review of an Impact Report as provided in Section 13645(a).

provided in Public Resources Code Section 30712. Upon the publication or submission of the notice of completion the governing body of the port shall make copies of such plans available upon request to other interested persons. When such master plans cannot be readily duplicated, a detailed summary shall be made available for public distribution and the port shall make complete copies of such plans available for inspection in a reasonable manner by the public. Upon the publication or submission of the notice of completion, the port governing body shall submit copies of the plans to the commission and the appropriate regional commission; if the port governing body so desires, such plans may be combined with the draft environmental review documents as provided in Section 13640.

Public hearings required pursuant to Public Resources Code, Sections 30712 and 30713 may be combined with any amicable hearings on draft Environmental Impact Reports held pursuant to the California Environmental Quality Act.

13628 Submission of Master Plan by Port.

(a) No master plan shall be deemed submitted to the commission for the purposes of Public Resources Code, Section 30714 until the executive director certifies that it contains or is accompanied by the following:

- (1) A notice of completion conforming to Section 13625.
- (2) Certification of the conformance to the publication on notice and hearing requirements of Section 13627.
- (3) A resolution adopted by the port governing body adopting such plan for the purpose of authorizing its submission to the commission.
- (4) Comments and testimony received during the public hearings and response thereto. Where applicable, such comments and responses may be combined with those in subsection (6) below.

13630. Public Hearings.

At least one public hearing shall be held by the commission after providing notice as provided in Section 13629 on any port master plan submitted pursuant to Public Resources Code, Section 30714 prior to taking final action. No public hearing shall be held prior to the 21st day after submission of the plan as provided in Section 13628. Where practicable, public hearings on a port master plan should be held near the port involved.

13631. Staff Reports.

Prior to the public hearing provided in Section 13630, the executive director shall provide a summary of the port master plan and the issues presented by such plan to the commission and parties that the executive director has reason to know are interested in the plan. Such report may also contain an initial recommendation as to whether the master plan should be certified in whole or in part or rejected in whole or in part in its form as submitted.

13632. Certification of Port Master Plan.

(a) After consultation with the regional executive director and after the close of the public hearing, the executive director shall make a written recommendation to the commission as soon as practicable as to whether the port master plan should be certified in whole or in part or rejected in whole or in part. Such recommendation shall be provided to parties that the executive director has reason to know are interested in the master plan prior to the vote by the commission in the same manner as provided in Section 13629.

(b) The recommendation of the executive director shall be written and shall contain proposed findings of fact and conclusions of law to support the recommendation.

(c) The commission shall take action on the port master plan within ninety days of submission pursuant to Public Resources Code, Section 30714. Such action may take the form of certification in whole or in part or rejection in whole or in part. Failure to take any such action with respect to any portion of the port master plan within such time period shall constitute certification of that portion of the port master plan. A majority of the appointed members of the commission shall be required to take any action.

(d) The commission shall approve a port master plan only if the commission finds that sufficient information has been submitted to allow the commission to determine the adequacy and conformity of the proposed plan(s) with the applicable policies of the California Coastal Act of 1976, pursuant to the requirements of Public Resources Code, Section 30711 and of Section 13625 of these regulations, and that the master plan substantially meets the requirements of Public Resources Code, Section 30714(a) and (b). Further, the commission shall make any findings required pursuant to the California Environmental Quality Act. Where a port master plan includes a wetland, estuary or existing recreation area pursuant to Section 13610(b)(2), the commission shall base its findings on adequacy and conformity with the policies of Chapter 3 of the California Coastal Act of 1976.

(e) The certification of a port master plan shall not become effective until the port governing body takes formal action adopting such plan as certified by the commission and the commission has received notice of such action, including the final EIR adopted for such action and the commission has accepted the formal action as consistent with its certification.

1367L. Withdrawal of Master Plan or Postponement of Action on Master Plan.

(a) The port governing body may withdraw its submission of the port master plan at any time up to the commencement of the calling of the roll for a vote on any portion of the port master plan. Upon making such a request, the submission of the port master plan shall be considered withdrawn and removed from commission consideration. Resubmission of the port master plan pursuant to Public Resources Code, Section 30714 shall not take place for 45 days following the request to withdraw.

(b) The port governing body or any interested party may request a postponement of commission action on the port master plan at any time prior to commencement of the calling of the roll for a vote on any portion of the master plan. The commission may grant such request provided that such postponement will not unduly hinder the participation of the public in the deliberations of the commission and would not result in the action of the commission taking place after the 90-day time limit specified in Public Resources Code, Section 30714 unless the port governing body waives its right to action by the commission within such 90-day limit.

1367M. Postponement of Port Master Plan Prior to Commission Action.

If the governing body of a port amends its master plan after submission of its plan pursuant to Public Resources Code, Section 30714 and prior to the commencement of the calling of the roll for a vote on any portion of the master plan, the executive director shall determine if such amendment is material and includes changes that have not been the subject of public review and comment before the commission. If the executive director finds that both of these factors exist, the amendment shall not be considered by the commission unless a new public hearing is scheduled no less than 21 days from the submission of the amendment and the governing body of the port waives the 90-day time period specified in Public

Resources Code, Section 30714 in order to permit adequate time for commission consideration of the amendment and public comments on such amendment. If such amendments are not material or have been the subject of adequate public comment at the public hearing, the commission, unless it disagrees with the findings of the executive director, shall consider such amendment and take action on it rather than the master plan as initially submitted.

1367N. Effect of Rejection.

If the commission rejects the submitted master plan in whole or in part, it shall make findings on all portions of the plan deemed insufficient. Those portions that are rejected shall not be resubmitted to the commission pursuant to Public Resources Code, Section 30714 for 90 days following such rejection unless the executive director finds that there is a substantial change in the portions of the master plan that was rejected.

1367O. Amendments to Master Plan After Certification.

An amendment to the port master plan by the governing body of the port shall not become effective until the commission has certified it in the manner provided in Public Resources Code, Section 30714 for certification of master plans, or after the 10 working day following the date that the executive director has certified such amendment as being minor in nature as provided in Section 1367J of these regulations.

1367P. Minor Amendments.

(a) The governing body of a port may request the executive director of the commission to designate an amendment to the port master plan as being minor in nature pursuant to Public Resources Code, Section 30714(b).

Any such amendment shall be submitted to the executive director and shall be accompanied by the same information supporting such amendment as would be required for any other amendment. Notice of such amendment shall be given to all persons who the executive director has reason to know may be interested. No sooner than 15 working days from the date that such notice was transmitted, the executive director shall make a determination as to whether to designate such amendment as minor in nature. Any such determination shall be in writing with findings supporting the determination and the reasons of the amendment with the provisions of this division. The determination shall be transmitted to those receiving notice. No amendment shall be designated minor in nature if it involves significant findings, dredging or diking or a type of use not specifically provided for in the certified master plan or if in the opinion of the executive director the proposed amendment would not be consistent with the provisions of this division, would materially alter any significant condition or situation that formed a basis for certification of the port master plan, would result in any substantial adverse environmental effect, or would have a reasonable risk of producing such a result. An amendment designated as being minor in nature shall not become effective for 10 working days following the designation by the executive director.

(b) Any determination pursuant to subsection (a) shall be reported to the commission at its next regularly scheduled meeting by the executive director.

Article 5. Notification and Appeals After Certification
 1960. Notification of Appealable Developments After Certification of Master Plan

After certification of a port master plan, the governing body of the port shall notify the commission on a form adopted by the executive director of the commission of any appealable developments proposed within the jurisdiction during the planning and design phase of the development or as soon as the governing body becomes aware of such proposed development, if the governing body of the port is not involved in the planning or design of such development. Such notice shall include a description of the purpose and design of the development to the extent that is known, and the estimated time when the development will be acted upon by the port governing body.

1961. Appeals After Certification of Master Plan

- (a) Upon approval of any appealable development by the port governing body, the port governing body shall notify the commission, and other interested persons, organizations and governmental agencies of the approval, on a form made available by the executive director of the commission. Such notification shall include a description of the proposed development, its location, and shall indicate how it is consistent with the certified port master plan and the California Coastal Act of 1976.
- (b) The approval of any appealable development by the governing body of the port shall become effective after the 10th working day following receipt of notice by the commission unless an appeal is filed with the commission

within that time. Any permit issued for an appealable development shall contain a written statement to this effect.

(c) Appeals shall be filed and processed by the commission in the same manner as appeals from local government actions as set forth in Chapter 7 of the California Coastal Act and Chapter 7 of these regulations. The filing of an appeal shall suspend the effectiveness of the port governing body's approval until the commission takes final action on the appeal. No appealable development shall be commenced until final approval by the commission becomes effective.

Article 6. Environmental Impact Review-Port Master Plans and Developments Undertaken in Port Areas

17614. Review and Comments on Environmental Documents.

(a) The port governing body shall submit any initial studies, draft Environmental Impact Report, draft Negative Declaration, or draft Environmental Impact Statement concerning the port master plan or, after certification of the port master plan, concerning any development which may be appealed to the Commission pursuant to Public Resources Code Section 37015, to the executive director of the commission as soon as practicable after such are prepared. For purposes of this subchapter the proposed port master plan and appropriate environmental documents may be submitted as a single combined document, when such document meets the substantive and procedural requirements of both the California Environmental Quality Act and the California Coastal Act of 1976.

(b) The executive director shall:

- (1) Review any Initial Environmental Study sent to him or her for commission purposes, determine what comments should be made on behalf of the commission, and forward such comments to the port governing body; and
- (2) Review any draft environmental documents, received either through the State Clearinghouse review process or through other review procedures, determine what comments should be made on behalf of the commission, and forward such comments to the port governing body and the State Clearinghouse.

(c) The commission, in its discretion, may hold a public hearing on any environmental document submitted and direct the staff to take whatever action, or to obtain whatever additional information, the commission deems appropriate.

17616. Submission of Final Environmental Impact Reports or Negative Declarations

After the port governing body has certified a final Environmental Impact Report, Environmental Impact Statement, or Negative Declaration, it shall submit such to the commission together with the adopted master plan or, in the case of an appealable development, with the notice required by Section 17615. For purposes of this section and to avoid unnecessary duplication, the Environmental Impact Report and Port Master Plan may be submitted as a single document, when such single document meets the substantive and procedural requirements of both the California Environmental Quality Act and the California Coastal Act of 1976.

1967. Notification of Non-appealable Developments After Certification.
For developments approved by the commission in a certified master plan, but not appealable, the port governing body shall forward any draft environmental impact report(s) and negative declaration(s) prepared pursuant to the California Environmental Quality Act of 1970 or any draft environmental impact statement(s) prepared pursuant to the National Environmental Policy Act of 1969 to the commission in a timely manner to ensure sufficient time for the commission to comment on such developments prior to approval by the port governing body.

1968. Effects of Comments

Comments on environmental documents submitted by the commission or the executive director are intended to aid the port governing body in preparing adequate environmental documents. They do not indicate what action the commission may take with regard to certification of the port master plan or appealable developments when submitted to the commission for review, nor do they preclude the commission from requiring additional environmental information in the course of any review process or from taking any action with respect to any developments authorized by the California Coastal Act of 1976.

APPENDIX 5

CALIFORNIA COASTAL COMMISSION REGULATIONS--LOCAL
COASTAL PROGRAM REGULATIONS

CALIFORNIA
COASTAL COMMISSION

Local Coastal Program
REGULATIONS

These regulations prescribe the "procedures for the preparation, submission, approval, appeal, certification, and amendment of any local coastal program", adopted by the California Coastal Commission pursuant to Public Resources Code Section 30501.

The regulations include a common methodology for the preparation of, and the determination of the scope of, the local coastal programs; establishment of a schedule for the processing of LCPs; and recommended uses of more than local importance that should be considered in the preparation of LCPs.

These regulations were adopted by the Commission, after public hearing, on May 17, 1977. This document supersedes all previous drafts of the LCP Regulations, dated January 27, March 23, April 27, May 10, and May 17.

ADOPTED
MAY 17, 1977

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CHAPTER 6. IMPLEMENTATION PLANS

Subchapter 1. LOCAL COASTAL PROGRAMS

Article 1. Scope of Chapter

00010. Scope of Chapter. This chapter is promulgated pursuant to Chapter 6 of the California Coastal Act of 1976 and shall govern the preparation, submission, review, certification and amendment of local coastal programs and the procedures governing developments appealable to the commission following the implementation of a certified local coastal program.

Article 2. Issue Identification

00020. Purpose of Issue Identification. Pursuant to Public Resources Code Sections 30500(c) and 30501(a), an identification of coastal conservation and development issues shall be made as the first step in the preparation of a local coastal program. The purpose of the "issue identification" is to: (1) determine the policies of the Coastal Act that apply in each jurisdiction; (2) determine the extent to which existing local plans are adequate to meet Coastal Act requirements; and (3) delineate any potential conflicts between existing plans and development proposals and the policies of the Coastal Act.

00021. Methodology for Identifying Issues. Local government, in consultation with the appropriate regional commission and the commission and with opportunity for full public participation, shall review the policies of Chapter 3 of the Coastal Act to determine which are applicable to the particular portion of the coastal zone under consideration. Further review shall be made to determine the extent of analysis needed to address the applicable policies in the preparation of the local coastal program. In addition, pursuant to Section 00041, identification shall be made with respect to uses, existing or

anticipated, of more than local significance which must be addressed in the program. Existing or potential conflicts shall be identified between the policies of Chapter 3 of the Coastal Act and (1) existing conditions in the coastal zone, (2) the kinds, location and intensity of development currently allowable by local regulations, and (3) major developments proposed by any port or harbor district, special district, state or federal agency or public utility that are made known to the local government. Where the local government proposes to revise substantially its current regulations, this identification of conflicts should be based on a general assessment of areas needing revision rather than a detailed impact analysis. Substantial existing or potential conflicts shall be set forth as coastal planning issues for specific geographic areas that are to be addressed in the local coastal program.

00022. Commission Review of Issue Identification. Each local government preparing a local coastal program shall submit an issue identification to the regional commission and commission for review before formal submission of its local coastal program for certification.

(a) Any local government requesting funding assistance shall submit its issue identification as part of its work program proposal, and the regional commission and commission shall review it, together with the work program, as provided in Section 00023.

(b) Any local government that does not request funding assistance shall transmit copies of its issue identification, including a statement regarding the manner in which the local government intends to address coastal planning issues, to interested persons and agencies and to the applicable regional commission and the commission before beginning any substantial work on its local coastal program, but in no event less than seventy-five (75) days prior

to the submission of its local coastal program to the city council or board of supervisors for adoption pursuant to Public Resources Code Section 30510(a) or by March 1, 1978, whichever occurs first. The applicable regional commission shall hold at least one public hearing on the local government's issue identification and shall transmit any recommendations to the local government and the commission prior to the commission hearing on the issue identification. The commission public hearing shall take place within sixty (60) days of the receipt of the local government issue identification. The commission, after public hearing, shall transmit combined regional commission and commission comments to the local government, interested persons and public agencies.

(c) A local government that intends to submit existing plans as all or a portion of a local coastal program may submit the issue identification together with such existing plans and a discussion of the manner in which such plans meet the requirements of the Coastal Act of 1976; this may be combined with a submittal for preliminary review pursuant to Section 00061. 00023. Work Programs for State of Federal Funding. In addition to any requirements of the appropriate state and federal agencies, any grant of state or federal funding available to the commission for disbursement to local governments for the preparation of local coastal programs shall be based on either an initial application or a work program approved by the commission.

(a) An initial application may be made for purposes of obtaining funding for the preparation of a work program. The initial application shall describe the tasks and costs to be incurred by the local government for the development of the total work program for the preparation of the

local coastal program. Such an initial application may be approved by the commission, after public hearing, authorizing a grant to cover the minimum costs of developing the total work program.

(b) A total work program must be submitted by any local government seeking state or federal funding from the commission for the preparation of the local coastal program.

The total work program shall include:

- (1) an identification of coastal planning issues, pursuant to Section 00021;
 - (2) an outline of the methodology proposed to address the planning issues, pursuant to Section 00040;
 - (3) a description of the major tasks required to bring local plans, zoning, and, if required, other implementing actions into conformity with the Coastal Act policies and to assemble sufficient information for a thorough and complete review of such plans;
 - (4) the methods proposed for involving the public and affected agencies and districts in the LCP preparation;
 - (5) a time line indicating approximate dates of completion for major work items, and the schedule, pursuant to Section 00031, proposed for submitting local coastal program documents to the regional commission and commission; and
 - (6) an estimated budget for the local coastal program work items.
- Because of the need to allocate grant funds within specified grant periods (generally fiscal years from July 1 through June 30), the total work program shall also indicate the portion that will be undertaken in the first annual grant period. Tasks and budget for subsequent years may be very general

in the total work program. The first annual increment will be processed by the commission at the same time as its review of the total work program. Subsequent annual grants would be processed in the same manner, together with any refinements and modifications to the total work program as needed. If grant funds in subsequent years are inadequate to cover all aspects of an approved work program, the program shall be revised accordingly.

(c) A proposed total work program and any annual increment thereof shall be submitted by the local government to the applicable regional commission and commission. The regional commission shall hold a public hearing, combined with any such hearing on the issue identification pursuant to Section 00022, and shall transmit any recommendations to the local government and the commission prior to the commission hearing. Unless there are unusual circumstances, the commission hearing and action on the work program shall take place within 60 days of the work program submittal by the local government.

(d) The commission shall approve the work program and authorize the grant for disbursement of state or federal funds to the local government where it finds, after public hearing, that: (1) the scope of tasks outlined appears to address adequately the policies of Chapter 3 of the Coastal Act, including uses of more than local importance and potential cumulative impacts or conflicts with other jurisdictions; (2) the costs of undertaking such tasks are reasonably related to the amount of work needed to resolve coastal planning issues; (3) tasks to be contracted for under such grants are not already required under other statutes or more appropriately undertaken by other agencies; and (4) the work program includes measures for involving the public and other agencies adequate to comply with the Coastal Act and

with the requirements of the funding authority. If any issues not included in the work program are later determined to require further analysis as part of the local coastal program preparation, the work program shall be renegotiated to include the additional items and any additional funding assistance that may be required.

Article 3. Scheduling for Review of Local Coastal Programs

00030. Guidelines for Establishing LCP Review Schedules. To the maximum extent practicable, the commission and regional commission review schedules shall (1) be based on the local governments' desired schedule for submittal of documents; (2) provide for consideration at the same meeting of proposed local programs for areas that have coastal planning concerns extending beyond one jurisdiction (e.g., coastal road access capacities, energy facilities) or that have common types of coastal planning concerns; (3) provide for hearings on proposed local coastal programs to be held within a reasonable distance of the affected area; and (4) take into account the overall workload of the commission.

00031. Regional Commission Schedule for Processing Local Coastal Programs.

(a) Within thirty (30) days of the adoption of the regulations governing local coastal programs, the executive director of each regional commission shall establish a proposed initial regional commission review schedule for calendar year 1977, based on preliminary indications of local governments wishing to submit during this year and on the guidelines of Section 00030. The executive director of the commission may modify the proposed 1977 initial regional commission review schedule, from time to time, consistent with the scheduling requirements of the California Coastal Act of

1976 and of this article. Affected local governments and interested persons and agencies shall be notified of any modifications.

(b) By September 1, 1977, each local government shall submit to the regional commission a preliminary indication as to whether it intends to submit the land use plan and zoning in two stages or at one time, whether it intends to submit the local coastal program for the entire jurisdiction in the coastal zone or for separate geographic units, and an approximate schedule of when local coastal program documents could be completed by the local government.

(c) By October 1, 1977, the executive director of each regional commission shall establish a proposed long-range regional commission review schedule, based on the scheduling guidelines of Section 00030 and the indications of local governments pursuant to paragraph (b). The proposed regional commission review schedules shall be transmitted to the commission and to affected local governments and interested persons and agencies.

(d) The executive director of the commission shall revise and integrate the proposed regional schedules into an overall regional commission and commission review schedule, to be adopted by the commission, after public hearing and consultation with the regional commissions.

This review schedule may be revised from time to time by the executive director of the commission, consistent with the scheduling requirements of the Coastal Act and of this article. The affected local governments and interested persons and agencies shall be notified of any such changes and may request commission review of the executive director's action.

00032. Preparation of Local Coastal Program for Separate Geographic Units.
Pursuant to the requirements of Public Resources Code, Section 30511(c),

a local government wishing to submit its local coastal program in separate geographic units consisting of less than the local government's jurisdiction lying within the coastal zone shall first file a request with the commission that it be permitted to do so. Such a request may be made as part of the work program, pursuant to Section 00023. As soon as practicable after such a request and after consultation with the executive director of the regional commission, the executive director of the commission shall recommend in writing whether the request is consistent with the findings required by Public Resources Code, Section 30511(c). If the commission determines by majority vote of appointed members, after public hearing and consultation with the regional commission, that the request is consistent with Public Resources Code, Section 30511(c), the executive director of the commission shall notify the local government and shall make any necessary change in the overall local coastal program review schedule.

00033. Commission Preparation of a Local Coastal Program. Any local government requesting that the commission prepare a local coastal program or a portion thereof shall do so by appropriate resolution of the city council or board of supervisors and shall transmit said resolution to the commission not later than July 1, 1977. Upon the receipt of such a request the executive director of the commission shall determine the staff requirements necessary to comply with the request and, after consultation with the executive director of the appropriate regional commission and with representatives of the requesting local government, shall make the necessary change(s), if any, in the overall local coastal program review schedule. Upon the completion of the proposed local coastal program documents in accordance with the public participation requirements of Section 00030, the executive director

of the commission shall submit this proposal to the local government for review pursuant to Public Resources Code, Sections 30503, 30504, 30510(a), 30512, 30513 and 30519.5(b).

00024. Special Provisions for Pilot Projects. In recognition of the work done in pilot projects at a time when no format or other guidelines had been prescribed by the Commission, the regional commission and commission shall, to the extent possible consistent with the requirements of the Coastal Act of 1976 and of these regulations, make special provisions to allow non-substantive deviations in the form or timing with which the scope and procedural requirements of these regulations are met and to give funding and scheduling priority to these pilot local governments. The local governments to which this section applies are the Cities of Trinidad, Eureka, Santa Cruz, Santa Monica, Laguna Beach, Carlsbad, and Chula Vista, and the Counties of Marin, Monterey (Big Sur Area), Santa Barbara, and Orange (Irvine Coastal Area).

Article 4. Common Methodology.

00040. Common Methodology for the Preparation of a Local Coastal Program.

Following the identification of coastal planning issues as provided in Section 00021 and the determination of separate geographic planning areas as provided in Section 00032, each local government shall, pursuant to Public Resources Code Section 30501(a) include the following in the scope of its local coastal program:

- (a) Where the application of the policies of Chapter 3 of the Coastal Act of 1976 require limits or conditions as to the amount, timing, or location of public works facilities, an analysis shall be made to determine:
 - (1) existing and proposed capacities of such relevant public works systems;
 - (2) key decision points for stages of facility expansion; and
 - (3) what portion

of public works facilities capacity is allocated to new development within the area and what portion is reserved for the priority uses as required by Public Resources Code, Section 30254. A similar analysis and allocation shall be made of public recreational facilities to comply with Public Resources Code, Section 30252 (c).

(b) The policies of Chapter 3 of the California Coastal Act of 1976 that apply to specific coastal resources, hazard areas, coastal access concerns, and use priorities, including consideration of public access and recommended uses of more than local importance, relating to the area governed by the local coastal program shall be applied to determine the kind, location and intensity of land and water uses that would be in conformity with the policies of the Act. This determination shall include an analysis of the potential significant adverse cumulative impacts on coastal resources and access of existing and potentially allowable development proposed in the local coastal program.

(c) If the level and pattern of development recommended for the local coastal program require the phasing of public service or recreational facilities to be consistent with the requirements of the California Coastal Act of 1976, the proposed measures for implementing public service and recreational facilities shall be specifically identified.

(d) The level and pattern of development selected by the local government shall be reflected in a land use plan, zoning ordinances and zoning district maps and shall include any other implementing actions for areas that are designated pursuant to Public Resources Code, Sections 30502 and 30502.5. The local coastal program shall include measures necessary to achieve conformity with the policies of Chapter 3 of the California Coastal

and timing of development standards based on public service capacities and recreational use needs, and any other similar ordinances within the scope of zoning measures.

- (3) The scope of measures for designated sensitive areas shall include the implementing actions necessary to conform with the requirements of Public Resources Code, Section 30902(c) as applied to the particular area.

00040.5. Alternative Methodology. Any local government proposing to use an alternative methodology shall include its proposal, along with a statement explaining how and why the alternative differs from the above methodology at the time of the issue identification review pursuant to Section 00022. Within a reasonable period of closing the public hearing, the commission shall determine whether the alternative methodology addresses the policy requirements of Chapter 3 of the California Coastal Act of 1976 and should therefore be approved for use pursuant to Public Resources Code, Section 30901(a).

00041. Uses of More than Local Importance.

(a) General categories of uses of more than local importance that shall be considered in the preparation of local coastal programs include but are not limited to: (1) state and federal parks and recreation areas and other recreational facilities of regional or statewide significance; (2) military and national defense installations; (3) major energy facilities; (4) state and federal highways and other transportation facilities (e.g. railroads and airports) or public works facilities (e.g. water supply or sewer systems) serving larger-than-local needs; (5) general cargo ports and commercial fishing facilities; (6) state colleges and universities; and

Act of 1976; such measures shall be based on the authority inherent in the reasonable exercise of police power, and specifically to the authority provided in the California Coastal Act of 1976 to control or prevent uses harmful to the coastal resources of the state.

- (1) The land use plan component of a local coastal program shall incorporate a statement of applicable development and resource protection policies in the substantive text or geographic provisions of the general plan, including as may be appropriate in each jurisdiction the mandatory or optional elements of a general plan as provided in Government Code Sections 65901-65903 and 65560-65567, that are capable of carrying out the policies of Chapter 3 of the California Coastal Act of 1976.

- (2) The zoning ordinances and zoning district map shall conform with and be adequate to carry out the policies, objectives, principles, standards and plan proposals set forth in the land use plan. The scope of measures contained in the zoning ordinance and/or district maps shall extend to the authority granted by the planning laws of California, including Government Code, Sections 65850-65862 and 65910-65912. Where applicable and necessary to carry out the policies and provisions of an approved land use plan, these measures may include: exclusive use zones, overlay zones, conditionally permitted uses based on certain findings, sign and/or design controls, landscaping and grading regulations, hazard or geologic review requirements, open space and lot coverage standards, minimum lot sizes (including minimum acreages for agricultural and timberland conversion), density

Article 5. Public Participation

00050. Public Participation and Agency Coordination Procedures. Each local government shall meet the requirements of Public Resources Code, Sections 30503 and 30504 by establishing procedures providing maximum opportunities for the participation of the public and all affected governmental agencies in the preparation of the local coastal program.

(a) At a minimum, all notices for public review sessions, availability of review drafts, studies, or other relevant documents or actions pertaining to the preparation of a local coastal program shall be mailed to: (1) any member of the public who has so requested; (2) each local government contiguous with the area that is the subject of the local coastal program; (3) local governments, special districts, or port or harbor districts that could be directly affected by or whose development plans should be considered in the local coastal program; and (4) all of the state and federal agencies listed in Appendix A of the Local Coastal Program Manual. Any reference in this subchapter to "interested person" or "public agency" shall include the aforementioned persons or groups.

(b) Proposed local coastal program documents (e.g. draft zoning ordinances, general plan amendments, etc.) shall be made available to relevant state agencies and to other interested persons and agencies upon request at no cost, to the extent that state funds are available to pay for duplicating and mailing costs. The cost of duplicating and transmitting such materials shall be reimbursed under the public participation provisions of the work program. To the extent that requests for materials exceed funding, materials shall be made available at cost.

(7) uses of larger-than-local importance, such as coastal agriculture, fisheries, wildlife habitats, or uses that maximize public access to the coast, such as accessways, visitor-serving developments, as generally referenced in the findings, declarations, and policies of the California Coastal Act of 1976.

(b) To the extent possible the commission shall make recommendations as to specific uses of more than local importance as part of the Interpretive Guidelines or as part of its review of the local government "Issue Identification." Provisions for local government consideration of such uses shall be included in work programs, pursuant to Section 00023. From time to time the commission, or the executive director of the commission pursuant to commission authorization, may make additional recommendations for specific uses to be considered by a particular local government that were not anticipated earlier. Where necessary, work programs shall be renegotiated to include the additional items and any additional funding assistance that may be required.

00042. Public Access Component. The public access component of a local coastal program pursuant to Public Resources Code Section 30500 may be set forth in a separate plan element or it may be comprised of various plan components that are joined together in a text accompanying the submission of the local coastal program. The public access component shall set forth in detail the kinds and intensity of uses, the reservation of public service capacities for recreation purposes where required pursuant to Public Resources Code Section 30254, and specific geographic areas proposed for direct physical access to coastal water areas as required by Public Resources Code, Sections 30210-30224 and 30604(c).

00061. Preliminary Review of Proposed Local Coastal Programs by the Commission.

(a) In addition to any commission review of local government issue identification or work programs, each local government preparing a local coastal program shall be entitled, at a minimum, to one preliminary review by the regional commission and the commission of its proposed local coastal program prior to formal submittal. Where a local government has been authorized to prepare a local coastal program in separate geographic units, pursuant to Section 00032, each geographic portion is entitled to at least one such preliminary review. Additional review may be granted if the regional commission or the commission determines that the review is required to clarify a major issue which prevents progress on the local coastal program and on which prior decisions or interpretations of Coastal Act policies do not offer sufficient guidance and that the review will not interfere with the processing of other local coastal programs.

(b) The procedures for conducting the informal review shall be the same as those set forth in Section 13218, governing the informal review of urban exclusion requests. Such review may be consolidated with any commission review of draft environmental documents as provided in Section 00170.

(c) If a local government intends to submit existing plans or regulations as all or a portion of a local coastal program, the local government may submit such existing plans for this preliminary review together with a discussion of the manner in which existing plans or regulations meet the requirements of Sections 00040-00042 and of Chapter 3 of the California Coastal Act of 1976. This review may be combined with the issue identification review, as set forth in Section 00022(c).

(c) Notice of the availability of review drafts of local coastal program materials and transmittal of said documents pursuant to paragraphs (b) shall be made as soon as such drafts are available, but at a minimum at least six (6) weeks prior to any final action on them by local government. Review drafts shall be made readily available for public perusal in local libraries, in the local government's offices and at the regional commission and commission offices.

(d) Notice of local government hearings on local coastal program documents shall be given general publication and shall be transmitted to all interested persons and public agencies not less than ten (10) working days before the hearing. The hearing required by Public Resources Code Section 30510(a) should be set for a time certain. Where the local government determines that it is legal, practical, and would increase public participation, the hearing should be held in the coastal zone or in a place easily accessible to residents of the coastal zone.

Article 6. Coordination with Coastal Commissions and Preliminary Review

00060. Staff Review During Preparation of Local Coastal Programs. During the preparation of a local coastal program, the local government shall to the extent possible coordinate with and be assisted by commission and regional commission staff in resolving issues as to conformity and sufficiency in meeting the requirements of the California Coastal Act of 1976. The executive director of the commission may from time to time give non-binding informal opinions on such issues, based on staff interpretations of the Coastal Act and decisions of the commission pursuant to Public Resources Code, Section 30625(c).

program process, pursuant to Public Resources Code, Section 30503; a listing of members of the public, organizations, and agencies appearing at any hearings or contacted for comment on the local coastal program; and copies or summaries of significant comments received and of the local government response to the comments (these materials may be set forth in a final EIR as provided in Section 00172).

(b) All policies, plans, standards, objectives, diagrams, drawings, maps, photographs, and supplementary data, in accordance with guidelines established by the commission, that are in sufficient detail to allow review for conformity with the requirements of the California Coastal Act of 1976. Written documents should be readily reproducible. Land use plans shall include a readily identifiable public access component as set forth in Section 00042. Land use maps shall be at a scale sufficiently detailed to show clearly the land use designations applicable to specific areas of the coastal zone and shall to the extent possible be correlated with and at a comparable scale to resource information and other mapped data.

(c) An analysis that meets the requirements of Section 00040 or an approved alternative and that demonstrates conformity with the requirements of Chapter 6 of the California Coastal Act of 1976.

(d) Any environmental review documents, pursuant to CEQA, required for all or any portion of the local coastal program. As provided in Section 00172, environmental review documents may be integrated into the local coastal program materials.

(e) A general indication of the zoning measures that will be used to carry out the land use plan (unless submitted at the same time as the land use plan); and in designated sensitive coastal resource areas, a listing of

(d) Any preliminary review of a proposed local coastal program by a regional commission or the commission shall, where practicable, be held within a reasonable distance of the affected area.

(e) Any such commission advisory review is intended to assist local governments in preparing a local coastal program but shall be advisory only and shall not constitute a final decision by the commission as to the conformity of the local coastal program with Coastal Act policies.

Article 7. Submission of Local Coastal Programs

00070. Local Government Resolution. (a) A local coastal program or any portion thereof, shall be accepted for filing by the regional commission or the commission only if the local coastal program is submitted pursuant to a resolution adopted in accordance with the provisions of Public Resources Code, Section 30510(a). If a local coastal program is submitted in two phases or for separate geographic units, a resolution shall be required for each phase or separate geographic area.

(b) A local government may submit its proposed local coastal program either (1) as a program that will take effect automatically upon coastal commission approval pursuant to Public Resources Code Sections 30512, 30513, and 30519, or (2) as a program that will require formal local government adoption after commission approval. Under either of the alternative procedures, the requirements of Section 00140 must be fulfilled following commission approval of the local coastal program.

00071. Contents of Local Coastal Program Submittal. Pursuant to Public Resources Code, 30510(b) the local coastal program submittal shall include:

(a) A summary of the measures taken to provide the public and affected agencies and districts maximum opportunity to participate in the local coastal

the manner set forth in Sections 00090-00133. If a local coastal program is submitted at one time pursuant to Public Resources Code, Section 30511(a), the time requirements for regional commission and commission action shall be the same as for the review of the land use plan; hearing procedures and findings shall be the same as those required in Sections 00133-00081. Direct Commission Review. If the commission determines to review a local coastal program directly without prior regional commission review pursuant to Public Resources Code, Section 30333.5, the time requirements and hearing procedures for commission action shall be the same as those applicable to regional commission review in Sections 00090-00114 and 00130.

Article 9. Hearing Procedures for Review of Proposed Land Use Plans of Local Coastal Programs

00090. Hearing Schedule. No public hearing on the land use plan of a local coastal program shall be held by a regional commission sooner than the 21st day nor later than the 60th day following the day on which the land use plan was properly submitted. All dates for public hearing shall be set with a view toward allowing thorough public dissemination of the information contained in land use plan of the local coastal program prior to the time of the hearing, and toward allowing full public participation and attendance at the meeting.

00091. Summary of the Land Use Plan. The executive director shall prepare a summary of the land use plan of the local coastal program including any relevant attachments and exhibits. The summary shall be brief and shall fairly present the essential features of the plan with a reasonable degree of specificity. The summary shall be adequately illustrated with maps or drawings and shall contain relevant portions of any Environmental Impact Report(s). Staff comments shall also be included in the summary as to (1) questions of fact (2) the applicable policies of the California Coastal

any other implementing actions that are intended to be carried out, and a timetable for such, to achieve the goals and policies of the land use plan. 00072. Review of Filing. A local coastal program together with all necessary attachments and exhibits shall be deemed "submitted" after having been received and found by the executive director of the regional commission to be in proper order and legally adequate to comply with Public Resources Code, Section 30510(b). Said review shall be completed within a reasonable time, but unless there are unusual circumstances, no later than ten (10) working days after the date it is received in the commission offices during normal working hours. The executive director shall cause a date of receipt stamp to be affixed to all local coastal program submissions on the day they are so received and a stamp of the date of submittal on the day they are found to be properly submitted. If the executive director determines that the materials received are not sufficient to satisfy the requirements of Public Resources Code, Section 30510(b), the executive director shall transmit to the local government specific written comments regarding the inadequacy of the submission within the aforementioned 10 working days. Any disagreement between the executive director and the local government as to information requirements may be resolved by the regional commission. If the local coastal program is found to be properly submitted, the executive director shall immediately notify the local government that submitted the local coastal program and all persons known or thought to be interested in the local coastal program. Such notice may be part of regular meeting notices.

Article 8. Alternative Review Procedures

00080. Alternatives. If a local coastal program is submitted in two phases, pursuant to Public Resources Code, Section 30511(b), it shall be reviewed in

particular interest in the land use plan, within a reasonable time but in no event less than 8 days prior to the scheduled public hearing to assure adequate notification.

00093. Distribution of Public Comments. The executive director shall reproduce and distribute to all members of the regional commission and to the affected local government the text or summary of all relevant communications concerning the land use plan that are received in the regional commission office prior to the commission's public hearing and thereafter at any time prior to the vote. When a sizable number of similar communications is received, the texts need not be reproduced but the regional commission shall be informed of the substance of the communications; such communications shall be made available at the regional commission office for inspection by any persons during normal working hours.

00094. Conduct of Initial Hearing. At the time of the initial hearing on the land use plan of the local coastal program, the executive director of the regional commission shall make a brief oral presentation to the regional commission. Immediately following the presentation of the executive director, a representative or representatives of the local government may make a presentation of the major features of the local coastal program to the regional commission. Upon the conclusion of the local government presentation, interested members of the public and agencies may comment on the proposed local coastal program. The chairperson of the regional commission may establish predetermined time limits for all presentations and shall notify all interested parties of such time limits in advance of the hearing, provided that the local government shall be allotted at least the same amount of time as the staff presentation.

Act of 1976 as they apply to the geographic area of the coastal zone included within or affected by the local coastal program (3) prior decisions by the commission-related permit questions or local coastal programs (4) important policy issues raised by the local coastal program (5) public comment received on the local coastal program (6) comments received from governmental agencies, including comments submitted by the State Lands Commission pursuant to Public Resources Code, 30416(a) and (7) other relevant matters. The staff comments shall be clearly labeled to distinguish them from the description of the proposed land use plan itself. The summary may include a tentative staff recommendation as to whether the land use plan should be approved or denied and whether any specific modifications would bring the local coastal program into conformity with the requirements of the California Coastal Act of 1976. If a tentative staff recommendation is included in the application summary, it shall conform to the requirements of Section 00101. The executive director shall also include in the summary any description or analysis of the local coastal program that the submitting local government requests be included in the summary; provided, however, that the local government analysis shall be readily reproducible at a reasonable cost.

00092. Written Notice. The executive director shall, prior to the public hearing, provide written notice of the public hearing which shall consist of the following: (a) a brief description of the proposed land use plan; (b) the date, time and place at which the land use plan will be heard by the regional commission; (c) the general procedure of the regional commission concerning hearings and actions on land use plans; and (d) staff summary prepared in accordance with Section 00091. The notice shall be distributed by mailing to all commissioners, to the local government, to all affected cities and counties, and to all other agencies, individuals and organizations who have so requested or who are known by the executive director to have a

00097. Continued Hearings. Ordinarily, the taking of oral testimony on a local coastal program will be completed in one regional commission meeting. However, the regional commission may vote to continue the hearing to a subsequent meeting.

00096. Withdrawal of or Postponement of Action on Land Use Plan.

(a) The local government may withdraw its submission of the land use plan at any time up to the commencement of the calling of the roll for a vote on any portion of the land use plan. Upon such a request, the submission of the land use plan shall be considered withdrawn and removed from commission consideration. Resubmission of the land use plan shall take place when the regional commission determines that the land use plan can be reviewed without adversely affecting the review of other land use plans previously scheduled.

(b) The regional commission may postpone action on the land use plan at any time prior to commencement of the calling of the roll for a vote on any portion of the land use plan if it finds that such postponement will not unduly hinder the participation of the public in the deliberations of the commission and would not result in the action of the regional commission taking place after the 90-day time limit specified in Public Resources Code, Section 30512 unless the local government waives in writing its right to action within such 90-day limit.

00097. Amendment of Land Use Plan Prior to Regional Commission Action. If the local government amends its land use plan after submission of its plan and prior to the commencement of the calling of the roll for a vote on the land use plan, the regional commission shall determine whether such amendment is material and includes changes that have not been the subject of

public review and comment before the commission. If such amendments are found to be minor or to be material but have been the subject of adequate public comment at the public hearing, the regional commission shall consider such amendment and take action on it rather than the land use plan as initially submitted. If the regional commission finds that the amendment is material and that the subject matter of the proposed amendment was not reviewed adequately at a prior public hearing, the vote on the land use plan shall be continued until after a public hearing on the amended land use plan; such hearing shall be scheduled no less than 21 days nor later than 45 days from the submittal of the amendment. If the next public hearing would occur after the expiration of the ninety (90) day review period set forth in Public Resources Code, Section 30512, and the local government does not agree in writing to extend the review period, the regional commission shall proceed to vote on the land use plan as originally submitted.

Article 10. Staff Recommendation and Findings on the Land Use Plan Section 00100. Staff Analysis. (a) If the vote on a land use plan is scheduled for a later meeting than the oral hearing on the application, the executive director shall promptly perform whatever inquiries, investigations, research conferences, and discussions are required to resolve issues presented by the land use plan and to enable preparation of a staff recommendation for the vote. If further information is taken or received by the executive director, it shall be made available in the administrative record of the application at the commission's office and all affected parties shall be given a reasonable opportunity to respond prior to the deadline for the preparation and mailing of the staff recommendation. New information shall be accepted by the executive director up to the time the

CO102. Comments on Staff Recommendation. (a) Immediately following the executive director's presentation of the staff recommendation, a representative or representatives, of the local government and members of the public and agencies shall have an opportunity to state their views on the recommendation. The chairperson of the commission may establish predetermined time limits for such presentations. The local government representatives may have a period to respond to questions raised by the commission.

(b) If the representative(s) of the local government is not prepared to state his or her views on the recommendation but desires such an opportunity, the vote of the regional commission shall not be taken until the next regularly scheduled meeting and until after the local government has had an opportunity to state such views; provided, however, that if the next regularly scheduled meeting of the commission would be more than ninety (90) days after the submittal of the local coastal program, the commission shall not postpone the vote on the land use plan unless the local government waives the requirement of Public Resources Code, Section 30512(a).

Article 11. Voting Procedure and Requirements

CO110. Effect of Vote Under Various Conditions. (a) Votes by a commission shall only be on the affirmative question of whether the land use plan should be certified; i.e., a "yes" vote shall be to approve a land use plan (with or without conditions) and a "no" vote to deny. A majority vote of appointed members shall be required to approve a land use plan.

(b) Any condition to a land use plan proposed by a commissioner shall be voted upon only by affirmative vote.

(c) If consistent with the staff recommendation and not otherwise specified at the time of the vote, the action taken shall be deemed to have been taken on the basis of the reasons set forth in the staff recommendation

regional commission determines by resolution to be a reasonable deadline for staff review of information. Such deadline shall be a date after the oral public hearing and before the regional commission vote that will allow a reasonable time for staff to prepare the staff report and recommendation required by Section CO101. The public hearing on the land use plan shall be deemed closed as of the deadline date unless the regional commission determines, prior to the vote, to re-open the hearing.

(b) The executive director may request of the local government any additional information necessary to perform the responsibilities set forth in subsection (a), and may report to the regional commission any failure to comply with such request, including the relationship of the requested information to the findings required by the California Coastal Act of 1976.

CO101. Final Staff Recommendation. The executive director's final recommendation shall be written and shall set forth specific findings, including a statement of facts and legal conclusions, as to whether the proposed land use plan conforms to the requirements of Chapter 6 of the California Coastal Act of 1976 and of these regulations. The proposed findings shall include any terms and conditions necessary to bring the local coastal program into compliance with the California Coastal Act of 1976, and any additional documentation, governmental actions or other activity necessary to carry out the requirements of the Coastal Act. The staff recommendation shall also relate the proposed findings to prior decisions of the commission that, pursuant to the provisions of Public Resources Code, Section 30625(c) shall guide local governments in preparing local coastal programs. The staff recommendation shall include any questions that have not been answered by the applicant or by interested parties.

and shall thus be deemed to adopt the findings, conclusions, and conditions, if any, recommended by the staff.

00111. Straw Votes. The regional commission may take straw votes on any question when in the chairperson's opinion this will facilitate consideration of the land use plan.

00112. Voting Procedure.

- (a) Members may vote "yes" or "no" or may abstain from voting.
- (b) Any member may change his or her vote prior to the tally having been announced by the chairperson, but not thereafter.

00112.5. Voting by Members Absent from Hearing. A member may vote on a land use plan provided he or she has reviewed the substance of the testimony presented at the hearing where the land use plan was considered and pertinent materials relating to the land use plan submitted to the commission and has so declared prior to the vote. In the absence of a challenge raised by an interested party, inadvertent failure to make such a declaration prior to the vote shall not invalidate the vote of a member.

00113. Findings for Approval. Approval of the land use plan component of a local coastal program by a regional commission shall be based on specific written findings adopted by majority vote of appointed members that the proposed land use plan is in conformity with the provisions of the California Coastal Act of 1976 including specific factual findings supporting the following legal conclusions:

- (a) the land use plan meets the requirements of, and is in conformity with, Chapter 3 of the California Coastal Act of 1976;
- (b) the land use plan contains the specific public access component as required by Public Resources Code, Section 30500(a);

(c) the land use plan is consistent with any applicable decisions of the commission that shall guide regional commission or local government actions pursuant to Public Resources Code, Section 30625(c); and

(d) the land use plan is consistent with the requirements of the California Environmental Quality Act and any regulations issued pursuant thereto.

00114. Regional Commission Decision on Land Use Plan.

(a) Within ten (10) working days of the denial of a land use plan, in whole or in part, the executive director of the regional commission shall transmit to the local government a written explanation of the reasons for the denial and may suggest ways in which the land use plan can be brought into conformance with the requirements of the California Coastal Act of 1976. Where the regional commission disapproves all or a portion of a land use plan, a local government may elect either to resubmit a modified land use plan pursuant to the procedures set forth in Section 00070-00071 or it may appeal the decision of the regional commission to the commission. Such appeal shall be made in writing and shall be received at the commission's office within 45 days of the transmittal of the explanation of the regional commission's action to the local government. Where the regional commission approves the land use plan in part and disapproves it in part, the local government may request the state commission to delay review of the approved portion of the land use plan until such time as the regional commission has reviewed any modifications of the disapproved portion.

(b) Within five (5) working days of the approval of a land use plan, the executive director of the regional commission shall transmit to the commission office a copy of the findings adopted by the regional commission and the regional commission file on the land use plan.

Article 12. Commission Review of Land Use Plans

00120. Commission Determination of Substantial Issue. When a land use plan is submitted or appealed to the commission, the executive director of the commission shall prepare and distribute a summary staff report and notice in the manner prescribed in Section 00091-00092. The summary shall include a recommendation as to whether specific provisions of the land use plan raise a substantial issue as to conformity with the policies of Chapter 3 of the California Coastal Act of 1976. Not less than 21 days nor more than 45 days after the land use plan was received by the commission, following the close of a public hearing conducted pursuant to the requirements of Section 00094, the commission shall make a determination on substantial issue as provided in Public Resources Code, Section 30512(c).

00121. Commission Action on a Land Use Plan. (a) Unless the commission finds no substantial issue, it shall conduct a public hearing on the specific provisions of the land use plan that it has determined raise a substantial issue as to conformity with the policies of Chapter 3 of the California Coastal Act of 1976. The hearing may be conducted at the same meeting at which substantial issue is determined or at a later meeting. Commission and staff review procedures, including staff analysis and the preparation of a staff recommendation, shall be the same as those set forth in Sections 00091-00114. Final action shall be taken within sixty (60) days of the receipt of the land use plan.

(b) If the commission, by a majority vote of appointed members, makes the findings required by Public Resources Code, Section 30512(e), it shall certify the land use plan, in whole or in part. Certification of the land use plan component of a local coastal program shall be based on specific

findings and any conditions necessary to support the findings as provided in Section 00113.

(c) If the commission refuses certification, in whole or in part, the executive director shall within ten (10) working days, send a written explanation of the commission's action to the affected local government and to the regional commission. If a local government wishes to resubmit a modified land use plan following such disapproval, it may do so 21 or more days following the commission's action. The commission shall schedule a hearing on such modified land use plan for a time that will not interfere with the review of other land use plans previously scheduled.

Article 13. Review of Zoning Ordinances, Zoning District Maps and Other Implementing Actions

00130. Regional Commission Review and Action. (a) Regional commission review of zoning ordinances, zoning district maps and other implementing actions shall take place in the same manner as provided for the review of land use plans as set forth in Articles 9 - 12, except Section 00110(a) and Section 00113, and except that the review period is limited to sixty (60) days instead of ninety (90) days. The regional commission shall hold a public hearing and vote on the zoning ordinances within the sixty (60) day period. The regional commission shall reject such aspects of a local coastal program if it finds by a majority vote of appointed members that said ordinance(s), map(s), or other implementing action(s) do not conform with or are inadequate to carry out the provisions of the certified land use plan as provided in Public Resources Code, Section 30513(a) and in these regulations. If any zoning ordinance, map or implementing action is rejected, the regional commission shall within ten (10) working days of its action

transmit to the local government a specific statement of the reasons for its action. The local government may revise and resubmit any rejected zoning ordinance map or implementing action to the regional commission for action in the same manner as provided in Section 00097 or it may appeal to the commission.

(b) The action of the regional commission shall become effective after thirty (30) days have elapsed from the date of its action or after ninety (90) days have elapsed from the initial filing of the zoning ordinance(s) without any final action being taken by the regional commission unless any of the commission review procedures provided by Public Resources Code, Section 30513 has been initiated. If an appeal is filed pursuant to Section 00131 or direct commission review is undertaken pursuant to Section 00132, the effect of the regional commission action shall be stayed pending action by the commission.

Section 00131. Appeal to the Commission. Pursuant to Public Resources Code, Section 30513(b) and (c) any affected local government or any aggrieved persons may, within ten (10) working days appeal a regional commission action, or its failure to act. All such appeals shall contain the information required by Public Resources Code, Section 30513(d) on a form made available to the public by the executive director of the commission. The executive director shall notify the affected local government and all interested parties and agencies within five (5) working days of the receipt of a valid appeal in the same manner as provided in Section 00092. The commission may refuse to hear an appeal if, after public hearing the commission determines that the appeal raises no substantial issue as to conformity of the zoning or implementing actions with the certified land use plan.

Section 00132. Direct Commission Review. In the absence of an appeal pursuant to Section 00131, and within 30 days of a regional commission action or failure to act pursuant to Section 30513(a) of the Public Resources Code, the executive director shall prepare and present to the commission at a public hearing a report comparable to that required by Section 00091. Immediately upon the close of the public hearing the commission shall determine whether a substantial issue is presented as to conformity of a zoning ordinance(s), zoning district map(s) or other implementing action(s) with the certified land use plan for the affected area. If the commission determines that a substantial issue has been presented, the regional commission's action shall be stayed pending final action by the state and all interested parties shall be notified to this effect as provided in Section 13122.

Section 00133. Commission Action. Within 60 days of the receipt of an appeal pursuant to Section 00131 or within 30 days of the commission's determination of substantial issue pursuant to Section 00132 the commission shall follow the same procedures as provided for the review of a land use plan and shall take action as provided by Public Resources Code, Section 30513(f). If the commission rejects any zoning ordinance(s), zoning district map(s) or other implementing action(s), the executive director of the commission shall provide a written explanation and allow for local government revisions in the same manner as provided in Section 00121 for land use plans.

Article 14. Effect of Certification of a Local Coastal Program

Section 00140. Effective Date of Certification of a Local Coastal Program.
After the certification of a local coastal program, the executive director

REAL PROPERTY OWNED BY UNITED STATES GOVERNMENT

SERIAL NUMBER	SERIAL NUMBER	C	U	S	DESCRIPTION	ACRES	DATE ACQUIRED	MILLIONS		LAND		COST
								CONSTRUCTION	EQUIPMENT	ACRES TO NEAREST TENTH	PERCENTAGE OF DOLLARS	
1700	24285	06	3260	073	AIR STATION	1	12-2	1943			15421.3	2845
1700	24286	06	3260	073		1	12-7	1943			40.0	423
1700	24286	06	3260	074		7	10	1943	14	82534		474
1700	24286	06	3260	073		2	21	1943	2	1444		3
1700	24285	06	3260	073		2	29	1943	21	250299		4474
1700	24285	06	3260	073		7	29	1943	1	20200	100%	746
1700	24286	06	3260	073		2	30	1943	113	734307		10866
1700	24286	06	3260	073		2	40	1943	32	618396		1349
1700	24286	06	3260	073		2	50	1943	1	940	100%	27
1700	24286	06	3260	073		2	60	1943	181	1517142		24319
1700	24286	06	3260	073		2	70	1943	1	164		13
1700	24286	06	3260	073		2	80	1943	29	44996		927
1700	24286	06	3260	073		3	12					10422
1700	24286	06	3260	073		3	40					1454
1700	24286	06	3260	073		3	60					291
1700	24286	06	3260	073		3	70					18
1700	24286	06	3260	073		3	71					10472
1700	24286	06	3260	073		3	72					261
1700	24286	06	3260	073		3	73					1820
1700	24286	06	3260	073		3	76					7346
1700	24286	06	3260	073		3	77					317
1700	24286	06	3260	073		3	79					5950
1700	24286	06	3260	073		3	79		401	3270372	15461.3	93691
1700	24290	06	3260	073	FLT ANTI-SUB WARP TRN C	1	11-2	1943			-8	4
1700	24290	06	3260	073		2	10	1943	4	70751	100%	377
1700	24290	06	3260	073		2	23	1943	4	200664	100%	3817
1700	24290	06	3260	073		2	29	1943	1	6130	100%	37
1700	24290	06	3260	073		2	30	1943	2	135095	100%	2334
1700	24290	06	3260	073		2	40	1943	5	13882	100%	54
1700	24290	06	3260	073		2	60	1943	4	5786		35
1700	24290	06	3260	073		2	80	1943	3	2176		118
1700	24290	06	3260	073		3	13					590
1700	24290	06	3260	073		3	40					11
1700	24290	06	3260	073		3	60					44
1700	24290	06	3260	073		3	72					14
1700	24290	06	3260	073		3	76					67
1700	24290	06	3260	073		3	79					135
1700	24290	06	3260	073		3	79		27	434504	-8	7627
1700	24378	06	3260	073	FLT COMBT DIR SYS TRN C	1	11-2	1943			90.9	40
1700	24378	06	3260	073		2	10	1943	1	1650	100%	21
1700	24378	06	3260	073		2	23	1943	8	140139	100%	2943
1700	24378	06	3260	073		2	40	1943	6	5729	100%	24
1700	24378	06	3260	073		2	60	1943	9	45337	100%	845
1700	24378	06	3260	073		3	71					433
1700	24378	06	3260	073		3	72					17
1700	24378	06	3260	073		3	76					21
1700	24378	06	3260	073		3	79					91
1700	24378	06	3260	073		3	79		24	192849	90.9	4596
1700	24515	06	3260	073	UNIVERSITY OF CALIFORNI	3	40					4
1700	24515	06	3260	073		3	60					3
1700	24515	06	3260	073		3	79					1
1700	24555	06	3260	073	SUBMARINE SUPPORT FAC	1	11-1	1963			307.5	4
1700	24555	06	3260	073		2	10	1963	3	67896	100%	290
1700	24555	06	3260	073		2	21	1963	2	2248		16
1700	24555	06	3260	073		2	27	1963	5	45637	100%	543
1700	24555	06	3260	073		2	30	1963	11	146216		2976
1700	24555	06	3260	073		2	40	1963	1	324	100%	1
1700	24555	06	3260	073		2	60	1963	25	87531		1110
1700	24555	06	3260	073		2	70	1963	4	6556	100%	32
1700	24555	06	3260	073		3	13					3837
1700	24555	06	3260	073		3	40					104
1700	24555	06	3260	073		3	60					114
1700	24555	06	3260	073		3	70					5
1700	24555	06	3260	073		3	76					173
1700	24555	06	3260	073		3	79					489
1700	24555	06	3260	073		3	80					2514
1700	24555	06	3260	073		3	80		51	356408	307.5	12208
1700	24784	06	3260	073	ELECTRONIC SYS ENG CTR	1	11-2	1966			2.7	24
1700	24784	06	3260	073		2	40	1966	1	12138	100%	44
1700	24784	06	3260	073		2	60	1966	3	48056	100%	236
1700	24784	06	3260	073		3	71					97
1700	24784	06	3260	073		3	72					4
1700	24784	06	3260	073		3	79					13
1700	24784	06	3260	073		3	79		4	50194	2.7	344
DEPT OF THE AIR FORCE												
5700	24891	06	3260	073	AF PLANT 19 APP	1	50-2	1941	1974		70.0	562
5700	24891	06	3260	073		2	10	1941	1974	3	96425	350
5700	24891	06	3260	073		2	50	1941	1974	5	1397734	4938
5700	24891	06	3260	073		2	80	1941	1974	3	81256	276
5700	24891	06	3260	073		3	40					129
5700	24891	06	3260	073		3	71					1201
5700	24891	06	3260	073		3	77					61
5700	24891	06	3260	073		3	79					61

REAL PROPERTY OWNED BY UNITED STATES GOVERNMENT

OFFICE SYMBOL	OFFICE SYMBOL	OFFICE SYMBOL	OFFICE SYMBOL	OFFICE SYMBOL	OFFICE SYMBOL	DESCRIPTION	ACRES	DATE ACQUIRED	DATE ACQUIRED	ORIGINAL COST		LAND		COST
										AMOUNT	PERCENTAGE	AMOUNT	PERCENTAGE	
SANTA BARBARA														
DEPARTMENT OF THE ARMY														
2100	21735	04	3430	081		USARC SANTA BARBARA	11	2	1956	1974				
2100	21735	04	3430	081			23		1956	1974	1	11316	100%	2.0
2100	21735	04	3430	081			60		1956	1974	1	2534	100%	
2100	21735	04	3430	081			60							7
2100	21735	04	3430	081			71							182
2100	21735	04	3430	081			74							34
2100	21735	04	3430	081			79							3
											2	13850		4
											2	13850	2.0	37
														279
SANTA CRUZ														
DEPARTMENT OF THE ARMY														
2100	22124	04	3450	087		USARC SANTA CRUZ	11	2	1959	1974				
2100	22124	04	3450	087			23		1959	1974	1	4442	100%	4.0
2100	22124	04	3450	087			60		1959	1974	1	1302	100%	
2100	22124	04	3450	087			71							1
2100	22124	04	3450	087			72							131
2100	22124	04	3450	087			74							36
2100	22124	04	3450	087			79							10
											2	5744		1
														2
														214
DEPARTMENT OF THE NAVY														
RESERVE CENTER														
1700	23320	04	3450	087			23		1948		1	15772	100%	
1700	23320	04	3450	087			40		1948		3	408	100%	150
1700	23320	04	3450	087			60		1948		1	960	100%	4
1700	23320	04	3450	087			60		1948		2	248		11
1700	23320	04	3450	087			71							2
1700	23320	04	3450	087			72							1
1700	23320	04	3450	087			74							28
1700	23320	04	3450	087			79							2
														23
VANDENBURG AFB														
DEPT OF THE AIR FORCE														
5700	25149	04	4023	081		VANDENBERG AFB	12	2	1941	1974				
5700	25149	04	4023	081			10		1941	1974	43	409798		98338.0
5700	25149	04	4023	081			21		1941	1974	3	124390		12303
5700	25149	04	4023	081			23		1941	1974	29	148632		4988
5700	25149	04	4023	081			30		1941	1974	2044	3510330		8844
5700	25149	04	4023	081			40		1941	1974	255	374136		2558
5700	25149	04	4023	081			50		1941	1974	1	10513		31146
5700	25149	04	4023	081			60		1941	1974	259	1445002		2469
5700	25149	04	4023	081			70		1941	1974	208	2230779		779
5700	25149	04	4023	081			12							61419
5700	25149	04	4023	081			13							111917
5700	25149	04	4023	081			13							3760
5700	25149	04	4023	081			13							328
5700	25149	04	4023	081			13							1925
5700	25149	04	4023	081			13							19697
5700	25149	04	4023	081			13							40014
5700	25149	04	4023	081			13							43070
5700	25149	04	4023	081			13							5018
5700	25149	04	4023	081			13							794
5700	25149	04	4023	081			13							26859
5700	25149	04	4023	081			13							12400
5700	25149	04	4023	081			13							18437
5700	25149	04	4023	081			13							384205
2100	20238	04	9999	041		CROWNITE FT	11	2	1937	1974	2844	8273558		98338.0
2100	20238	04	9999	041			23		1937	1974	11	47850	100%	304.0
2100	20238	04	9999	041			30		1937	1974	20	81971		35
2100	20238	04	9999	041			40		1937	1974	10	19580	100%	107
2100	20238	04	9999	041			60		1937	1974	21	45589	100%	442
2100	20238	04	9999	041			12							26
2100	20238	04	9999	041			13							445
2100	20238	04	9999	041			13							11
2100	20238	04	9999	041			13							675
2100	20238	04	9999	041			13							70
2100	20238	04	9999	041			13							169
2100	20238	04	9999	041			13							1454
2100	20238	04	9999	041			13							87
2100	20238	04	9999	041			13							258
2100	20238	04	9999	041			13							986
1700	23118	04	9999	073		AIR STATION	11	1	1917				1674.9	
1700	23118	04	9999	073			11	2	1917				5718.4	2987.4
1700	23118	04	9999	073			10		1917		41	482023	100%	7644
1700	23118	04	9999	073			21		1917		1	5357		6335
1700	23118	04	9999	073			23		1917		25	285468	100%	16
1700	23118	04	9999	073			29		1917		3	67289		3145
1700	23118	04	9999	073			30		1917		81	804781		315
1700	23118	04	9999	073			40		1917		155	2333552		7034
1700	23118	04	9999	073			60		1917		309	3484110		6139
1700	23118	04	9999	073			70		1917		2	2700	100%	33522
1700	23118	04	9999	073			80		1917		35	24744		193
1700	23118	04	9999	073			12							629
1700	23118	04	9999	073			13							11274
1700	23118	04	9999	073			13							7575
1700	23118	04	9999	073			40							2874
1700	23118	04	9999	073			50							2
1700	23118	04	9999	073			60							2954
1700	23118	04	9999	073			71							15303
1700	23118	04	9999	073			77							1146
1700	23118	04	9999	073			77							758
1700	23118	04	9999	073			76							877
1700	23118	04	9999	073			77							124
1700	23118	04	9999	073			79							3918
1700	23118	04	9999	073			80							9
											452	7670004		7393.5
														2567.4
														104907

REAL PROPERTY OWNED BY UNITED STATES GOVERNMENT

OFFICE	SECTION	SUBSECTION	BLOCK	LOT	ACRES	DESCRIPTION	TAXES		ASSESSMENT		REMARKS
							1954	1955	1954	1955	
1700	23130	06	9994	07	11	DISTRICT COMMANDANT	164	150	2.6	2.6	
1700	23130	06	9994	07	11	PETROLEUM RESERVES	1927	1927	46223.3	46223.3	
1700	23130	06	9994	07	11	ELECTRONICS LABORATORY C	1906	1906	18.7	18.7	
1700	23152	04	9994	04	9994	WEAPONS CENTER	1943	1943	502476.3	502476.3	
1700	23152	04	9994	04	9994	RESERVE CENTER	1946	1946	1083.3	1083.3	
1700	23152	04	9994	04	9994	SHIPYARD	1943	1943	335.0	335.0	
1700	23190	06	9994	06	9994	SPACE SURVEILLANCE SYST	1958	1958	5083.6	5083.6	
1700	24490	06	9994	06	9994	WEAPONS STATION	1946	1946	8852.3	8852.3	
1700	24490	06	9994	06	9994	SUPRA SMIRBLC CONVEYER	1957	1957	6653	6653	

REAL PROPERTY OWNED BY UNITED STATES GOVERNMENT

FEDERAL AGENCY	FEDERAL LOCATION	LOCATION				DESCRIPTION	ACRES	DATE ACQUIRED	BUILDINGS			LAND		SQ FT PERCENTAGE OF TOTAL
		COUNTY	STATE	CITY	ZIP				NO	TOTAL AREA (SQUARE FEET)	NO	ACRES - TO NEAREST TENTH		
												Urban	Rural	
1700	24521	08	9999	073	PUBLIC WORKS CENTER	40	1963				1483.2		1295	
1700	24521	08	9999	073		10	1963	5	33753	1000			129	
1700	24521	08	9999	073		23	1963	1	420	1000			4	
1700	24521	08	9999	073		30	1963	1439	4377496	1000			31887	
1700	24521	08	9999	073		40	1963	230	226367				604	
1700	24521	08	9999	073		60	1963	51	334207				1170	
1700	24521	08	9999	073		80	1963	57	61357				1149	
1700	24521	08	9999	073		40							25	
1700	24521	08	9999	073		60							97	
1700	24521	08	9999	073		71							39245	
1700	24521	08	9999	073		72							1741	
1700	24521	08	9999	073		74							640	
1700	24521	08	9999	073		77							948	
1700	24521	08	9999	073		79							2450	
1700	24521	08	9999	073		80							175	
1700	24750	04	9999	999	UNDERSEA CENTER	11	1940				31538.4		8	
1700	24750	04	9999	999		11	1940				7.8		67	
1700	24750	04	9999	999		12	1940	21	71974	1000			465	
1700	24750	04	9999	999		21	1940	3	2903	1000			30	
1700	24750	04	9999	999		27	1940	2	8100	1000			32	
1700	24750	04	9999	999		30	1940	27	159237				2737	
1700	24750	04	9999	999		40	1940	19	11041				154	
1700	24750	04	9999	999		60	1940	79	139262				1794	
1700	24754	04	9999	053	FLT NUM WEATHER CENTRAL	70	1961	1	11220	1000			429	
1700	24754	04	9999	053		71							11	
1700	24754	04	9999	053		72							5	
1700	24754	04	9999	053		74							1	
1700	24754	04	9999	053		79							7	
1700	24774	04	9999	999	SHIPYARD	50	1941	1	11220				448	
1700	24774	04	9999	999		10	1941	14	245681	1000	982.0		5088	
1700	24774	04	9999	999		21	1941	3	24515	1000			1610	
1700	24774	04	9999	999		23	1941	3	52892	1000			808	
1700	24774	04	9999	999		24	1941	2	33838				242	
1700	24774	04	9999	999		30	1941	44	480513				194	
1700	24774	04	9999	999		40	1941	38	1106297				6765	
1700	24774	04	9999	999		50	1941	2	43962	1000			7401	
1700	24774	04	9999	999		60	1941	284	2708555				98	
1700	24774	04	9999	999		70	1941	14	331978				24904	
1700	24774	04	9999	999		80	1941	20	38718				10102	
1700	24774	04	9999	999		13							1530	
1700	24774	04	9999	999		40							24498	
1700	24774	04	9999	999		60							1017	
1700	24774	04	9999	999		70							17142	
1700	24774	04	9999	999		71							117	
1700	24774	04	9999	999		72							17041	
1700	24774	04	9999	999		73							484	
1700	24774	04	9999	999		74							120	
1700	24774	04	9999	999		77							1499	
1700	24774	04	9999	999		74							1012	
1700	24774	04	9999	999				448	4586949		982.0		4074	
1700	24774	04	9999	999									121385	
1700	24775	04	9999	999	SHIPYARD	50	1854				3790.3	241.8	1145	
1700	24775	04	9999	999		10	1854	27	730262				5000	
1700	24775	04	9999	999		23	1854	3	42900	1000			139	
1700	24775	04	9999	999		27	1854	2	16494	1000			113	
1700	24775	04	9999	999		40	1854	42	1580266				6927	
1700	24775	04	9999	999		50	1854	1	33224	1000			66	
1700	24775	04	9999	999		60	1854	226	3159482				25910	
1700	24775	04	9999	999		70	1854	8	53944				244	
1700	24775	04	9999	999		80	1854	19	84084				1347	
1700	24775	04	9999	999		13							12680	
1700	24775	04	9999	999		40							7725	
1700	24775	04	9999	999		60							945	
1700	24775	04	9999	999		71							17252	
1700	24775	04	9999	999		72							26478	
1700	24775	04	9999	999		73							371	
1700	24775	04	9999	999		74							2	
1700	24775	04	9999	999		77							2469	
1700	24775	04	9999	999		74							1924	
1700	24775	04	9999	999		74							2710	
1700	24775	04	9999	999		80							133	
1700	24804	04	9999	073	COMMUNICATION STATION	11	1924				622.3		305	
1700	24804	04	9999	073		30	1924	1	5750	1000			22	
1700	24804	04	9999	073		40	1924	4	12640	1000			24	
1700	24804	04	9999	073		60	1924	28	79092				1420	
1700	24804	04	9999	073		17							34	
1700	24804	04	9999	073		40							1045	
1700	24804	04	9999	073		60							18	
1700	24804	04	9999	073		71							76	
1700	24804	04	9999	073		72							1448	

REAL PROPERTY OWNED BY UNITED STATES GOVERNMENT

FUNDING NUMBER	OFFICE SYMBOL	OFFICE NAME	OFFICE CITY	OFFICE STATE	DESCRIPTION	UNIT	ACRES	DATED ASSIGNED		BUILDINGS			LAND		CONY	
								FROM	TO	NUMBER	FLOOR AREA (SQUARE FEET)	VOLUME (CUBIC FEET)	ACRES TO NEAREST TENTH			
													URBAN	RURAL		
1700	24804	06	9999	073		3	76								360	
1700	24804	06	9999	073		3	79			33	97482		622.3		240	
1700	24827	03	9999	073	DEVELOPMENT & TRNG CTR	2	10	1972		1	33444	100X			5000	
1700	24827	06	9999	073		2	23	1972		13	260546	100X			291	
1700	24827	06	9999	073		2	40	1972		2	44796	100X			1034	
1700	24827	06	9999	073		2	60	1972		2	11492	100X			141	
1700	24827	06	9999	073		3	40								39	
1700	24827	06	9999	073		3	79								3	
1700	24827	06	9999	073		3	79								16	
1700	24827	06	9999	073		3	80			18	352278				54	
															1574	
1700	24828	0A	9999	999	SUPPORT ACTIVITY	2	10	1971		5	125166	100X			937	
1700	24828	06	9999	999		2	21	1971		1	1129	100X			4	
1700	24828	06	9999	999		2	23	1971		17	385843	100X			5408	
1700	24828	06	9999	999		2	29	1971		2	47191	100X			360	
1700	24828	06	9999	999		2	30	1971		342	1937386				15336	
1700	24828	06	9999	999		2	49	1971		134	1193518				4817	
1700	24828	06	9999	999		2	60	1971		71	613579				3627	
1700	24828	06	9999	999		2	70	1971		1	6952	100X			94	
1700	24828	06	9999	999		2	80	1971		7	2676				37	
1700	24828	06	9999	999		3	13								908	
1700	24828	06	9999	999		3	40								14	
1700	24828	06	9999	999		3	60								784	
1700	24828	06	9999	999		3	71								1529	
1700	24828	06	9999	999		3	76								568	
1700	24828	06	9999	999		3	79								282	
1700	27249	0A	9999	073	REGIONAL MEDICAL CENTER	1	40	1972		580	4308444				36205	
1700	27249	06	9999	073		2	10	1972		3	36044	100X			316	
1700	27249	06	9999	073		2	21	1972		33	880609				11934	
1700	27249	06	9999	073		2	23	1972		4	111654	100X			560	
1700	27249	06	9999	073		2	30	1972		9	208541	100X			2651	
1700	27249	06	9999	073		2	40	1972		1	750	100X			2	
1700	27249	06	9999	073		2	60	1972		18	121447				945	
1700	27249	06	9999	073		2	80	1972		2	939	100X			14	
1700	27249	06	9999	073		3	12								5	
1700	27249	06	9999	073		3	40								2	
1700	27249	06	9999	073		3	60								35	
1700	27249	06	9999	073		3	71								2	
1700	27249	06	9999	073		3	76								331	
1700	27249	06	9999	073		3	79								726	
1700	27249	06	9999	073		3	80								26	
1700	27249	06	9999	073		3	80								N	
										70	1359984		77.1	.7	17573	
1700	27254	06	9999	999	RESERVE CENTER	2	23	1973		1	67480	100X			1307	
1700	27254	06	9999	999		2	40	1973		1	150	100X			1	
1700	27258	06	9999	999		3	40								20	
1700	27258	06	9999	999		3	60								1	
1700	27258	06	9999	999		3	71								25	
1700	27258	05	9999	999		3	76								10	
1700	27258	06	9999	999		3	79								30	
										2	67630				1393	
5700	24270	06	9999	111	OANARD	EDM	1	E	1953	1974					1.0	15
5700	24270	06	9999	111		3	73								1.0	4
5700	24270	06	9999	111		3	76								7	
5700	24270	06	9999	111		3	79								2	
5700	24280	04	9999	045	POINT ARENA	AFS	1	11	1951	1974					74.0	11
5700	24280	04	9999	045		2	10	1951	1974	4	6752				75	
5700	24280	04	9999	045		2	23	1951	1974	1	192				1	
5700	24280	04	9999	045		2	30	1951	1974	49	73019				960	
5700	24280	04	9999	045		2	40	1951	1974	32	4478				81	
5700	24280	04	9999	045		2	60	1951	1974	32	56285				2012	
5700	24280	04	9999	045		3	40								81	
5700	24280	04	9999	045		3	60								20	
5700	24280	04	9999	045		3	71								1227	
5700	24280	04	9999	045		3	72								2	
5700	24280	04	9999	045		3	73								24	
5700	24280	04	9999	045		3	76								165	
5700	24280	04	9999	045		3	79								164	
										118	140726				4823	
5700	24281	04	9999	015	KLARATH	AFS	1	11	1959	1974					40.0	14
5700	24281	04	9999	015		2	30	1959	1974	33	64475				894	
5700	24281	04	9999	015		2	40	1959	1974	4	6973				131	
5700	24281	04	9999	015		2	60	1959	1974	36	50555				1451	
5700	24281	04	9999	015		3	60								704	
5700	24281	04	9999	015		3	71								1585	
5700	24281	04	9999	015		3	76								207	
5700	24281	04	9999	015		3	79								151	
										73	122003				4627	
5700	24282	04	9999	074	CAMBRIA	AFS	1	11	1950	1974					34.0	4
5700	24282	06	9999	074		2	10	1950	1974	1	3381				79	
5700	24282	06	9999	074		2	23	1950	1974	1	196				2	
5700	24282	06	9999	074		2	30	1950	1974	5	27246				372	
5700	24282	06	9999	074		2	40	1950	1974	3	5547				93	
5700	24282	06	9999	074		2	60	1950	1974	14	37010				1381	
5700	24282	06	9999	074		3	60								17	
5700	24282	06	9999	074		3	71								722	
5700	24282	06	9999	074		3	72								14	
5700	24282	06	9999	074		3	73								17	
5700	24282	06	9999	074		3	76								155	
5700	24282	06	9999	074		3	79								97	
5700	24886	06	9999	074	CAMBRIA	FHC	1	11	1955	1974					12.0	17
5700	24886	06	9999	074		4	30	1955	1974	21	28315				314	
5700	24886	06	9999	074		3	73								120	
5700	24886	06	9999	074		3	76								10	
5700	24886	06	9999	074		3	79								27	

REAL PROPERTY OWNED BY UNITED STATES GOVERNMENT

LAND ACQUISITION NO.	LOCATION	DESCRIPTION	ACRES	DATE ACQUIRED	REAL OFFICE	LAND		COST	
						ACRES	PERCENTAGE OF GALLONS		
5700 25179 06 9999 015	KLAMATH	CON	11	1951	1974	1	1306	2.0	1
5700 25179 06 9999 015			60	1951	1974				61
5700 25179 06 9999 015			71						1
5700 25179 06 9999 015			76						1
5700 25179 06 9999 015			79						1
5700 25180 06 9999 015	KLAMATH	WSS	11	1951	1974	1	1306	2.0	70
5700 25180 06 9999 015			71						1
5700 25233 06 9999 079	CAMBRIA	WSS	40	1951	1974	0	0		12
5700 25233 06 9999 079			71						76
5700 25233 06 9999 079			79						1
5700 25236 06 9999 095	TRAVIS	VOR	71					1.0	87
5700 25236 06 9999 095			75						2
5700 25236 06 9999 095			76						15
5700 25236 06 9999 095			79						3
5700 25369 06 9999 071	GEORGE	ION	11	1958	1974				19
5700 25664 06 9999 045	POINT ARENA	WSS	11	1951	1974	1	68	1.0	1
5700 25664 06 9999 045			60	1951	1974				1
5700 25664 06 9999 045			71						269
5700 25664 06 9999 045			76						31
5700 25664 06 9999 045			79						3
5700 25813 06 9999 083	VANDENBERG	ION	72						7
5700 25813 06 9999 083			74						15
5700 25813 06 9999 083			79						5
5700 26111 06 9999 045	POINT ARENA	CON	11	1961	1974	1	3031	7.0	27
5700 26111 06 9999 045			40	1961	1974				143
5700 26111 06 9999 045			71						67
5700 26111 06 9999 045			72						13
5700 26111 06 9999 045			76						2
5700 26321 06 9999 045	POINT CABRILLO	NTR	40	1962	1974	2	450		2
5700 26321 06 9999 045			60	1962	1974				14
5700 26321 06 9999 045			71						1
5700 26321 06 9999 045			79						1
5700 27288 06 9999 081	PILLAR POINT	APS	11	1959	1974	1	330	13.0	5
5700 27288 06 9999 081			10	1959	1974				19
5700 27288 06 9999 081			40	1959	1974				14
5700 27288 06 9999 081			60	1959	1974				637
5700 27288 06 9999 081			70	1959	1974				165
5700 27288 06 9999 081			70						1
5700 27288 06 9999 081			71						765
5700 27288 06 9999 081			72						102
5700 27288 06 9999 081			76						151
5700 27288 06 9999 081			79						168
5700 28439 06 9999 053	VANDENBERG 02	NTR	71						25
5700 28439 06 9999 053			79						7
5700 28440 06 9999 083	VANDENBERG	SMC	11	1961	1974			1.0	1
5700 28440 06 9999 083			71						30
5700 28440 06 9999 083			76						2
5700 28440 06 9999 083			79						3
5700 28441 06 9999 083	VANDENBERG 02	WSS	11	1961	1974			1.0	1
5700 28441 06 9999 083			71						133
5700 28441 06 9999 083			76						1
5700 28441 06 9999 083			79						1
5700 28454 06 9999 083	VANDENBERG 03	NTR	70						24
5700 28758 06 9999 083	VANDENBERG CON		70	1960	1974	1	5573		596
5700 28758 06 9999 083			71						59
5700 28758 06 9999 083			72						151
5700 28758 06 9999 083			76						40
5700 28758 06 9999 083			79						79
5700 28759 06 9999 083	VANDENBERG NTR 04		60	1972	1974	1	1		11
5700 28759 06 9999 083			70	1972	1974				27
5700 28759 06 9999 083			60						2
5700 28759 06 9999 083			71						45
5700 28759 06 9999 083			72						2
5700 28759 06 9999 083			79						12
5700 28760 06 9999 083	VANDENBERG WSS 01		71						656
5700 28760 06 9999 083			74						7

ATTACHMENT E

COASTAL COMMISSION LETTER OF JULY 1, 1977, TO LOS ANGELES

Letter from Peter Douglas of the California Coastal Commission to Assemblyman Charles Imbrecht. This letter was direct response to the comments of the City Council Planning Committee of Los Angeles on the Revised Draft Environmental Impact Statement. Because it covers many significant points of concern to local governments and perhaps others, it is included in this appendix in full text. Copies of the City Council's letter are available upon request from OCZM.

CALIFORNIA COASTAL COMMISSION

140 MARKET STREET, 2nd FLOOR
SAN FRANCISCO, CALIFORNIA 94102
PHONE: (415) 557 1001

1107 Ninth Street, Room 910
Sacramento, CA 95814



July 1, 1977

Assemblyman Charles Imbrecht
State Capitol, Room 6009
Sacramento, CA 95814

Dear Assemblyman Imbrecht:

Thank you for your letter of June 16 to Mr. Lane in which you raised some concerns about the City of Los Angeles' critique of the federal draft environmental impact statement on California's coastal management program. I asked Chairman Lane if I could respond directly since the Los Angeles memo raises some questions about legislative intent. I am uniquely familiar with the background of the Coastal Act of 1976 since I served as a consultant to the Assembly Resources, Land Use and Energy Committee in 1976 and drafted most of the provisions referred to by the Los Angeles Planning Department.

The memorandum from the Los Angeles City Planning Department is replete with factual errors which, when taken together, tend to distort how California's coastal program is being implemented by the Coastal Commission.

- On page 167 (page references appear to be to a City Council agenda) the "Interpretative" guidelines are described as "regulations" which they are not. These guidelines do not have the force and effect of law and are intended merely to "guide" local governments, the public, and the commissions in permit and planning matters.
- On page 168, the Local Coastal Program Manual is referred to as a set of regulations. The manual was prepared by the Commission as a tool to aid local governments with the planning work required by the Coastal Act. Again, the manual does not constitute a set of regulations. To characterize the manual as a set of regulations is akin to elevating the Legislative Handbook to the status of Joint Rules.

It is important to differentiate between regulations and documents intended merely to aid and assist because they have different consequences. Regulations can only be changed if certain fixed public notice and hearing requirements are met. Guidelines and the manual, which are not binding, can be refined and modified more quickly where experience and changed circumstances warrant it. I want to emphasize

that the Commission has made every effort to allow full public participation in the promulgation of the Interpretive Guidelines. It was largely for this reason the Commission decided to delay adoption of more specific regional guidelines until later this summer.

The Legislature, in adopting the Coastal Act of 1976, imposed very short time deadlines by which the Commission is required to prepare and adopt a variety of rules, maps, regulations, guidelines and recommendations to other State agencies. At the time the Coastal Act was before the Legislature many interest groups insisted on short time-frames to avoid delays to permit applicants and to get the planning program going as soon as possible. The Coastal Commission has met these legislatively imposed deadlines and now many of the same interests are asking the Commission to "slow down" because their own machinery is not able to keep up. From our standpoint, we would have welcomed more time. As it is, we have met these short deadlines, but only at great personal sacrifice by our staff and commissioners. We are proud of these accomplishments.

Finally, the regulations adopted by the Commission can be amended if we find it necessary to do so. We have already made several changes warranted by new information.

- The memo asserts that "little or no changes were made" to the regulations before their adoption. This is simply not true. Perhaps the Commission did not make the changes asked for by Los Angeles, but we did make many substantial changes. We have letters on file from local governments (e.g., San Diego) expressing appreciation to the Commission for working with them and revising proposed regulations. The Commission considered all the comments that were received and when legitimate points were made, modified the regulations accordingly.
- On page 169, the Coastal Commission is accused of "misinterpretation" of the Coastal Act relative to urban exclusions and provisions allowing local governments to assume coastal permit issuing responsibility prior to completion of local coastal programs. Urban Exclusions: During the 11th hour negotiations preceding passage of the Coastal Act by the Senate last year, exclusion by the Commission of urban areas meeting certain conditions was made mandatory. In addition, the Commission's authority to revoke such exclusions if the conditions of exclusion are violated was deleted. Instead, judicial remedies for violations were provided. The effect of this last-minute amendment to the Coastal Act has been that some city attorneys and county counsels have advised their governing bodies that these provisions require so much work on the part of the local government that an exclusion is not worth pursuing. This is a rather technical point, but the essence is that, had the urban exclusion provision been retained as an administrative procedure (i.e., had the Commission retained authority to revoke exclusions) less detailed preparatory work would have been necessary. As it is, any local government

that asks for (note that local governments must ask for an urban exclusion) and is granted an exclusion must be prepared to defend against court actions if violations are charged. It is for these reasons so few urban exclusions have been granted. Local Options for Coastal Permits: The notion of local options was developed late in the 1976 Session. The idea was to provide a vehicle whereby local governments could assume coastal permit review responsibilities prior to adoption of local coastal programs. However, this option, like the provision for exclusions, was carefully circumscribed in the legislation. The Legislature recognized the potential for chaos if the many coastal cities and counties were simply left free to apply the Coastal Act's policies as they saw fit, and to do so pursuant to procedures that could vary drastically among jurisdictions. Accordingly, the Coastal Act requires that the Commission adopt basic procedures for notice, public hearing, etc., and interpretive guidelines so that some degree of uniformity and equal application of Coastal Act policies could be ensured. This is what the Commission did. From my perspective, I am not surprised that no local government has opted to take over the permit process. The coastal permit process is substantially different from the permit review procedures used by cities and counties. Major adjustments to those local procedures would necessarily have to precede any local assumption of coastal permit authority. The costs and added burdens inherent in such an assumption of responsibilities explains, in my view, why every coastal city and county, to date, has elected to leave the interim coastal permit review authority with the Coastal Commission. The point is, however, it was the Legislature and not the Commission which established the ground rules about which the Los Angeles Planning Department memo complains.

On page 169, the proposed regional interpretive guidelines are characterized as being, in effect, equivalent to zoning regulations. This characterization is a blatant distortion of fact and legal effect. The proposed regional specific guidelines have not yet been adopted by the Commission. When they are, they will not, as mentioned above, have the force and effect of law. These regional specific guidelines derive largely from Part IV of the Coastal Plan and not from permit conditions promulgated under Proposition 20 as the memo asserts. Part IV of the Coastal Plan was prepared by each of the six regional commissions under Proposition 20 to show how the policies of the Coastal Plan would apply within a particular region. Regional guidelines are intended to help decision-makers with permit decisions. They are also designed to guide further planning by governmental agencies and property owners. Each proposed guideline derives from a Coastal Act policy. Many recommendations in Part IV of the Coastal Plan were not included among the proposed guidelines because the policy on which they were based in the Coastal Plan had not been adopted by the Legislature as part of the Coastal Act.

Finally, on this point, the Legislature did not reject the Coastal Plan. On the contrary, Section 30002 of the Public Resources Code specifically

Assemblyman Charles Imbrecht
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recognizes that the Coastal Plan was prepared by the Coastal Commission for the "orderly, long-range conservation, use and management of the natural, scenic, cultural, recreational, and manmade resources of the coastal zone". The Section goes on to state that:

"Such plan contains a series of recommendations which require implementation by the Legislature and that some of those recommendations are appropriate for immediate implementation as provided for in this division while others require additional review."

Without question, the Legislature did not adopt the Coastal Plan. To state, however, that the Legislature rejected that Plan is patently false and misleading. Thus the statement at the bottom of page 169, that "the Coastal Commission has reinstated that which was rejected by the State Legislature" is a plain misstatement of fact.

- The reference on page 170 to "sensitive coastal resource areas" reflects an obvious lack of understanding about the purpose underlying the "sensitive coastal resource area" provisions of the Act.
- The discussion on page 171 relative to local costs is confused. The costs to local governments for the preparation of local coastal programs as estimated in the draft environmental impact statement may well be low. We simply don't know what the precise costs will be at this time. However, the City's estimate of \$570,000 for preparation of their local coastal program is exaggerated. The Coastal Commission recognizes that cities and counties should be paid their costs for local coastal planning work. This is one reason why the Commission pushed hard to include some funding for SB 90 (state mandated) costs in the fiscal year 1977-78 budget. We are also seeking maximum federal funding to defray local government costs for coastal planning.

The memo from the City of Los Angeles Planning Department reflects, in my personal opinion, a continuing hostility by some people with the City of Los Angeles to state-level involvement in the planning and management of coastal resources. I don't believe this attitude is shared by a majority of the City Council. I know it does not reflect the position of the City's Mayor. I am convinced that we can work with the City of Los Angeles in the preparation of a local coastal program that conforms to the requirements of the Coastal Act of 1976. Our success in

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this effort, however, will depend largely on the spirit of cooperation that key personnel from the City bring to the task. I regret that the Planning Department memo has created impressions that you term as "a rather severe indictment of the Commission".

I hope I have adequately responded to your concerns. I will be happy to discuss with you any points I may not have fully explained here.

Sincerely,

A handwritten signature in cursive script that reads "Peter Douglas". The signature is written in dark ink and is positioned above the typed name and title.

Peter Douglas
Deputy Director

cc: Mr. Melvin B. Lane
Mr. Bill Travis
Mr. Joseph E. Bodovitz
Mr. David Beatty
Mr. Norman Emerson
Mr. Melvin Carpenter
Mr. Grant de Hart

ATTACHMENT F

SANTA BARBARA LLP PHASE II WORK PROGRAM (PROPOSED)

California Coastal Commissions
SOUTH CENTRAL COAST REGIONAL COMMISSION
1224 COAST VILLAGE CIRCLE, SUITE 36
SANTA BARBARA, CALIFORNIA 93108
(805) 969-5828



TO: INTERESTED PARTIES
FROM: SOUTH CENTRAL COAST REGIONAL COMMISSION
DATE: JULY 1, 1977
SUBJECT: SANTA BARBARA CO./CITY OF CARPINTERIA
PHASE II WORK PROGRAM AND ISSUE IDENTIFICATION
FOR LOCAL COASTAL PROGRAM

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the South Central Coast Regional Commission on Santa Barbara Co./City of Carpinteria Phase II work program and issue identification for the Local Coastal Program. The first hearing will be on July 15, 1977, in the Board of Supervisors Hearing Room, 105 E. Anapamu St., Santa Barbara, California where testimony will be taken. This item is scheduled for 9:35 a.m. A second hearing for decision will be on July 29, 1977, in the Board of Supervisors Hearing Room, 1035 Palm Street, San Luis Obispo, California.

Any interested person may attend and present testimony at the public hearing on July 15, 1977, or submit letters to the Coastal Commission office at 1224 Coast Village Circle, Suite 36, Santa Barbara, CA. 93108 (805) 969-5828.

Copies of the above material for public hearing are available for review at the Coastal Commission office, and at the County of Santa Barbara Planning Department.



California Coastal Commission
SOUTH CENTRAL COAST REGIONAL COMMISSION
1774 COAST VILLAGE CIRCLE, SUITE 36
SANTA BARBARA, CALIFORNIA 93108
(805) 963-5828

HEARING ON THE SANTA BARBARA COUNTY/CITY OF CARPINTERIA LOCAL COASTAL

PROGRAM PHASE II WORK PROGRAM AND ISSUE IDENTIFICATION

Santa Barbara County Board of Supervisors Chambers
105 E. Anapamu, Santa Barbara

July 15, 1977

RECOMMENDATION: The staff recommends the Regional Commission take public testimony at this hearing and continue the item to the July 29, 1977 Regional Commission hearing in San Luis Obispo. Prior to that hearing, staff will prepare a final recommendation for approval, reflecting staff changes, public testimony and the concerns of the Commission. This two stage hearing will provide the Commission a better opportunity for review of all testimony, facts and documents.

ANALYSIS: As a portion of the Local Coastal Program (LCP) mandate of the Coastal Act of 1976, the County of Santa Barbara and the City of Carpinteria have prepared their Phase II Work Program. Phase II is the work phase leading to the completion of the Land Use Plan, the first required segment of the LCP. The Land Use Plan will be followed by Phase III, the Implementation Phase, which will be undertaken after State Coastal Commission Certification of the Land Use Plan.

During the Coastal Pilot Study Program in 1976, critical issues were identified by the County. These issues were presented in Santa Barbara Co. Coastal Pilot Study Final Report - Nov. 1976. This report was presented to both Regional and State Commissions. A summary of the critical issues identified are: agriculture, access, urban development, recreation, energy, housing, and special habitats. These issues are reflected as tasks within the total Work Program and will constitute the major portions of the Land Use Plan.

Phase I of the LCP was a 6 month work program and continuation of the Coastal Pilot Study program. This phase consisted of policy group studies of several of the critical areas identified in the Coastal Pilot Study final report. This phase involved primary work in access, recreation, and special habitats, with start-up work on agriculture and energy. A program for Public and Agency participation was also begun during this phase. The Pilot Program and Phase I work have laid the foundation for Phase II and are reflected in the Proposed Work Program. A continuation of data collection,

final reports based on collected data and other policy issues are to be addressed and resolved during this phase. All of this work leads to the finished product, the Land Use Plan.

The County/City LCP staffs have been the Statewide pioneers in drafting an LCP Work Program and "guinea pigs" in working out procedures and formats to respond to emerging state criteria. Inherent with being the lead program is the additional administrative time required to innovate, organize and set-up procedures, formats, programs, etc. Their successive work will continue to point out problems and pitfalls, giving Commissioners and Staffs additional opportunity to resolve potential problems and work out methods and criteria.

The total Work Program proposal is the first comprehensive Work Program for the Land Use Plan. It appears to be thorough, well thought out and detailed. The policies of chapter 3 of the Coastal Act of 1976 are adequately addressed, as mandated, a are issues of more than local importance (energy, recreation, etc.) Areas of potential conflict with other jurisdictions have been identified and should be resolved (LAFCO Study). The County/City undertaking this program jointly attests to this, as do recent meetings with the City of Santa Barbara LCP Staff. Methods proposed for public involvement are innovative in scope and detail, particularly the slide show, which will be coordinated with other programs in the State. In addition, the newsletter appears to be effective and well received, with interest in it being expressed by other jurisdictions.

The total work program, with the recommended changes to be forwarded prior to the July 29, 1977 Regional Commission hearing and decision in San Luis Obispo, specified and defines the critical tasks which are required to produce the Land Use Plan segment of the LCP and at that time should be so recommended with the specified changes to the State Commission for approval.



COUNTY OF SANTA BARBARA
CALIFORNIA

DEPARTMENT OF PLANNING

ENGINEERING BUILDING
123 E. ANAHEIM ST.
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CALIFORNIA
93101
Phone: 966-1011 Ext. 239

BRITT A. JOHNSON
Planning Director

June 8, 1977

Mr. Phil Berry and Tom Zanic
Regional Coastal Commission
1224 Coast Village Circle
Montecito, CA 93108

Dear Phil and Tom:

Enclosed is the final draft of the Phase II Work Program.
It will be presented to the Board of Supervisors and City Council
on Monday, June 13, 1977.

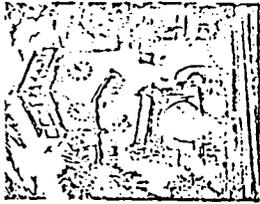
I will send the minute orders as soon as they are available.

Thanks for your comments on the initial draft.

Sincerely,

Ken

KIM SKINARLATHO
LCP Project Manager



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BRITT A. JOHNSON
Planning Director
PAUL W. WACK
Assistant Planning Director

June 7, 1977

TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

RECOMMENDATION: That your Board approve the Phase II Work Program of
the Joint County of Santa Barbara - City of Carpinteria
Local Coastal Program.

BACKGROUND:

Preparation of a Local Coastal Program is mandated by the California
Coastal Act of 1976. Under the provisions of the Act, all local
governments with land in the Coastal Zone must submit land use plans,
zoning, and other implementing measures by January 1, 1980. Plans and
zoning must be in conformity with the provisions of the Coastal Act
and must be certified prior to January 1, 1981.

On February 7, 1977, your Board voted to initiate Phase I of the Santa
Barbara County Local Coastal Program. The accomplishments of Phase I,
which terminates on July 15, include: frameworks for involving the
public and affected agencies in the planning process, a sound data base
for land use decisions related to recreation, access, and special
habitats, initiation of a special study of greenhouses and agriculture
in the Carpinteria Valley, the LCP Newsletter, and this Phase II Work
Program.

The Work Program now before you describes the planning activities re-
quired for Phase II, which culminate in a land use plan for Santa
Barbara County's Coastal Zone (including the entire Carpinteria Valley).
The focus of the LCP land use plan will be on the critical planning
issues identified in the Santa Barbara County Coastal Pilot Study Final
Report, i.e., agriculture, access, recreation, energy development,
housing, special habitats, and urban development.

The land use plan, which will be based on resource and infrastructure
constraints, will implement coastal policy within the context of local
needs and community goals. Preparation of the land use plan will re-
quire a review of the Proposed Comprehensive Plan and Elements to
resolve any potential policy conflicts with the Coastal Act, preparation

THE HONORABLE BOARD OF SUPERVISORS

June 7, 1977

of the text to accompany the land use map, preparation of EIR documentation, and an outline of zoning procedures that may be necessary to implement the land use plan. These tasks will be closely coordinated with affected County departments and the General Plan Advisory Committees.

The land use plan and EIR will take 15 months to prepare and present in public hearings before your Board, the City of Carpinteria, and the Regional and State Coastal Commissions. Once approval of the plan is obtained from the Regional and State Commissions, the third and final Phase of the LCP will be initiated. Phase III will implement the Plan through zoning and other appropriate measures. Upon the completion of Phase III (requiring a new set of hearings) and approval by the Regional and State Commissions, the County and City will assume sole responsibility for issuing permits for development in the Coastal Zone.

The full costs of the Phase II will be borne by the Coastal Commission as required in the Coastal Act. Thus, no appropriation of funds is being requested of the Board.

Respectfully submitted,


Britt A. Johnson
Planning Director

BAJ:KS:dc

cc: Raymond Johnson, Administrative Officer
William L. Parsons, Auditor-Controller
George P. Kading, County Counsel

County of Santa Barbara - City of Carpinteria
Phase II Work Program
July 25, 1977 - November 10, 1978

OUTLINE

Program Category 100: Phase II of the Joint City-County Local Coastal Program

- P.S. 100.01 Administration of the Local Coastal Program
- P.S. 100.02 Service System Capacity Studies
- P.S. 100.03 Coordination with Affected Agencies
- P.S. 100.04 Public Participation
- P.S. 100.05 Housing
- P.S. 100.06 Water and Marine Resources
- P.S. 100.07 Special Habitats
- P.S. 100.08 Hazards
- P.S. 100.09 Diking, Dredging, Filling, and Shoreline Structures
- P.S. 100.10 Development of Recreation Plan and Public Access Component
- P.S. 100.11 Agriculture and Soils
- P.S. 100.12 Energy and Industrial Development
- P.S. 100.13 Coastal Visual Resources and Special Communities
- P.S. 100.14 Mapping
- P.S. 100.15 Preparation of Land Use Plan
- P.S. 100.16 Review City and County General Plans and Elements for Policy Consistency
- P.S. 100.17 Prepare Phase III Work Program
- P.S. 100.18 Local Public Hearings
- P.S. 100.19 Coastal Commission Public Hearings

Program Category 100: Phase II of the Joint City-County Local Coastal Program

Goals:

The primary goal of Phase II is to prepare the Local Coastal Program (LCP) land use plan (including map, text, and the public access component). Support goals for completing the land use plan include: 1) finishing data collection to support coastal land use decisions; 2) incorporating development plans of special districts and other governmental agencies in the land use plan; 3) determining the constraints on land use imposed by existing resources and infrastructure; 4) carrying out an effective program for public participation; 5) meshing the land use plans of the General Plan Advisory Committees with the LCP. During the preparation of the LCP, priority will be given to agriculture, access, urban development, recreation, energy, housing, and special habitats. These were the critical issues identified in the Final Report of Santa Barbara County's Coastal Pilot Study, November 1976.

ISSUES, PROBLEMS, AND OPPORTUNITIES

Background:

Accomplishments of Phase I include: frameworks for involving the public and affected agencies in the planning process, a sound data base for land use decisions related to recreation, access, and special habitats, initiation of a special study of greenhouses and agriculture in the Carpinteria Valley, the LCP Newsletter, and the Phase II Work Program.

Problems:

Given the absence of firm guidelines and the lack of precedents for preparing an LCP, Santa Barbara County has been in a pioneering position with respect to its LCP. Consequently, problems have been encountered due to oversights and changing directives.

Although the County had participated in the Pilot Study program, considerable gearing up was necessary to switch into the LCP phase. A major time commitment was necessary to initiate coordinative arrangements with County and City departments, special districts, and governmental agencies. This was partially a consequence of the large number of contacts required; about 150 agencies need to be involved in the LCP planning process. In addition, time was required to overcome resistance on the part of some agencies and departments to having another agency (i.e., the Coastal Commission and the LCP staff) involved in their affairs and, in particular, ignorance about what is involved in the Local Coastal Program.

Another time-consuming task, unanticipated when the LCP began, was that of coordinating the LCP planning process with on-going programs, i.e., Air Quality Maintenance Task Force, Proposed Comprehensive Plan, LAPCO sphere of influence studies, County socio-economic base study, and the UCSB internship program. In most cases, it became the responsibility of the LCP staff to initiate joint programs or attempt to modify the schedules of other programs so that they would proceed in a timely manner with the LCP.

Perhaps the largest problem was the underestimation of administrative time required to interface with the Commission and to respond to the large number of telephone and mail requests for information about the LCP.

Opportunities:

The focus of the LCP land use plan will be on the critical planning issues identified in the Santa Barbara County Coastal Pilot Study Final Report, i.e., access, recreation, energy, urban development, agriculture, housing, and special habitats. The majority of LCP staff time during Phase II will be directed to these issues.

In addition, there are other background information needs for the policy group areas described in the Draft LCP Manual which were not covered in Phase I. These policy group areas are water and marine resources; hazards; diking, dredging, filling, and shoreline structures; and visual resources and special communities. Other tasks required by the LCP Regulations and LCP Manual include assessing infrastructure constraints, buildout, coordination with special districts and affected agencies, and a public participation program.

Upon meeting the information requirements of the LCP Regulations and Draft LCP Manual, the LCP staff will develop the land use plan. Based upon service system capacity constraints, LCP staff will formulate a land use plan that is consistent with priorities for land use established by the Coastal Act, allow for the logic completion of existing urban neighborhoods, and designate stable urban/rural boundaries. This will involve a parcel-by-parcel review of all undeveloped and partially developed land in the coastal zone. The draft land use plan will then be presented to each of the General Plan Advisory Committees and the special Advisory Committee on Agriculture. An attempt will be made to mesh the LCP plan and the plans of the Advisory Committees.

Preparation of the land use plan will also require a review of the Comprehensive Plan and Elements (City and County) to resolve any potential policy conflicts with the Coastal Act; preparation of the text to accompany the land use map; preparation of EIR documentation; and sketching zoning procedures that may be necessary to implement the land use plan.

Once assembled, the land use plan will be presented to the City and County Planning Commissions, City Council, and Board of Supervisors for review prior to submission to the Regional and State Coastal Commissions.

Program Subcategory 100.01: Administration of the Local Coastal Program

Summary:

Administrative time for the LCP will be substantial. Administrative tasks involve the following: maintaining a filing system; providing information to people who call or write; attending meetings with City and County Planning staff to ensure coordination of planning functions; sending for background materials and requesting information; overseeing the budget; reviewing all invoices, time cards, etc.; scheduling and coordinating tasks and staff; supervising and reviewing staff work and bulk mailings.

Objective:

Evaluate service system capacity constraints as a basis for designating areas for potential urban development and designating stable urban/rural boundaries.

Major Work Elements:

- A. Sphere of Influence - Carpinteria Valley
 1. Identification of County and City plans which affect the future orderly growth and development of the Carpinteria Valley.
 - a. Review land use plan of Summerland-Carpinteria General Plan Advisory Committee.
(LCP = 2 staff days)
 - b. Review Regional Transportation Plan.
(LAFCO = 3 staff days)
 - c. Review City of Carpinteria's General Plan, policies, proposed expansion/development plans, and community goals.
(LCP = 1 staff week)
 - d. For all of the above, identify and summarize any conflicts between County and City land use plans and Coastal policies.
(LCP = 3 days)
 2. Determine social and economic interdependence between the City of Carpinteria and the Carpinteria Valley.
(LCP Intern = 1.5 staff months)
 3. Determine service system capacities for water, sewer, and transportation in the Carpinteria Valley.
 - a. Water:
 - Review hydrologic investigation of the Carpinteria Water Basin, Geotechnical Consultants, June 1976.
 - Obtain map of water distribution system from Carpinteria County Water District and the Summerland County Water District. Description of treatment and storage facilities.
 - Identify recharge areas. Map facilities and recharge areas on base maps used for coastal research. (This data will also be used for P.S. 100.06 and 100.11.)
 - Estimate present peak demand, projected future demand, water quality.
 - Review contract for Cachuma water and agreements with other County Water Districts.
(LCP = 2 staff weeks)

Also included under administrative tasks is LCP staff review of coastal development permits being processed by the Regional Commission. Section 30604 of the Coastal Act requires that development permitted in the Coastal Zone prior to certification of the LCP not prejudice the preparation of the LCP. This issue assumes more importance as the land use plan takes shape; therefore, Regional Commission and LCP staffs will coordinate on permits that could prejudice the LCP in preparation.

Objective:

Provide adequate staffing for administrative responsibilities.

Major Work Elements: Described in Summary.

Products: None

Estimated Staff Time: 12 staff days per month x 15 months = 9 staff months

Program Subcategory 100.02: Service System Capacity Studies

Summary:

When application of the policies of the Coastal Act requires conditions on the expansion or location of public service facilities (Section 00040, LCP Regulations), LCP staff must analyze existing and proposed public service system capacities and key threshold points for facility expansion. To satisfy this requirement, LCP staff will conduct service system capacity studies concerning water, sewer, and transportation.

This requirement was partially addressed during Phase I of the LCP in two ways: 1) All special districts having jurisdiction in the Coastal Zone of Santa Barbara County were identified, contacted, and included in plans for involving affected agencies; and 2) LCP staff initiated a proposal to Santa Barbara County LAFCO to conduct a joint sphere of influence study for the Carpinteria Valley. As explained in a letter from the LCP staff to LAFCO (April 21, 1977), considerable overlap exists between the mandates of the Knox-Nisbet Act and the Coastal Act as they pertain to the Carpinteria Valley, particularly concerning the orderly growth and development of the City of Carpinteria and the need for stable urban/rural boundaries. On April 28, 1977, LAFCO granted permission to the respective staffs to develop a joint work program for the Carpinteria Valley, subject to the Commission's final approval. This work is currently in progress.

The service system capacity studies scheduled for Phase II of the LCP will focus on two major areas: 1) the Carpinteria Valley, including Summerland, through a coordinated sphere of influence study, and 2) the South Coast areas of Montecito, Goleta, and Isla Vista. Data compiled through these studies will identify current facility capacities, excess capacities where they exist, and threshold points for facility expansion. These data will then be used to evaluate the impact of potentially allowable land uses on public service systems and coastal resources. In this context, priorities for provision of public services will be given to the land uses stipulated in Section 30254 of the Coastal Act.

- b. Sewers: (Sumnerland Sanitary District, Carpinteria Sanitary District)
 - Obtain map of existing collection and treatment facilities; proposed expansion; design capacity of major components.
 - Map these facilities on appropriate base maps.
 - Estimate demand or usage and the supply/demand balance. (LAFCO = 2 staff weeks)

- c. Transportation:
 - Obtain map of major arterials and collectors.
 - Identify design capacities of streets and peak flows. (LAFCO = 1 staff week)

- 4. Land Use:
 - Obtain current land use map of the City and County areas in the Carpinteria Valley. (Done under Work Element A-1 above.)
 - Catalog land use permitted under present zoning. (LCP Intern = 2 staff weeks)

- Define urban and agricultural land use. (Done as part of Program Subcategory 100.11.)
- Identify prime agricultural lands and preserves. (Done as part of Program Subcategory 100.11.)
- Identify recreational lands under public ownership. (Done as part of Program Subcategory 100.10.)
- Identify hazards to development. (Done as part of Program Subcategory 100.08.)
- Project growth rate of population and economic development. (LCP = 1 staff week)

- 5. Taking all of above factors into consideration, determine appropriate land uses and alternative sphere boundaries. (LCP = 3 staff weeks; LAFCO = 2 staff weeks)

- 6. EIR on Sphere of Influence Study (LAFCO = 3 staff weeks)

Total Estimated Staff Time for Sphere of Influence Study:

LCP = 2 staff months
 LCP Intern = 2 staff months
 LAFCO = 2 staff months

B. Other South Coast Areas

- 1. Contact water, sewer, and transportation agencies for existing and proposed development plans. (LCP = 2 weeks)

- 2. Review data and compile capacity information. (LCP Intern = 3 weeks; LCP staff = 1 week)
- 3. Identify key stages for expansion. (LCP = 1 week; LCP Intern = 1 week)
- 4. Mapping (see Program Subcategory 100.14)

Total Estimated Time for Other Areas:

LCP = 4 weeks = 1 staff month
 LCP Intern = 4 weeks = 1 staff month

Products:

- 1. Sphere of influence study for the Carpinteria Valley.
- 2. Matrix of service system capacity data for the South Coast.
- 3. Maps of service systems for the South Coast.

Total Estimated Staff Time:

Carpinteria Valley Sphere of Influence Study	LCP Staff	LCP Intern	LAFCO Staff
	2 months	2 months	2 months
Other South Coast Areas	1 month	1 month	
	3 months	3 months	

Program Subcategory 100.03: Coordination with Affected Agencies

Summary:

The program for involving County departments, neighboring jurisdictions, special districts, and governmental agencies was described in detail in a report issued to the Coastal Commission on May 23, 1977, and therefore will only be summarized here. In summary, the program for coordination involves four steps: 1) designate liaison persons (completed under the Phase I Work Program); 2) obtain relevant information; 3) review development plans, activities, etc.; 4) continue coordination (i.e., meetings, incorporating agency plans into the LCP, sending out LCP materials for review and comment). There is some overlap in this special program to involve and coordinate with affected agencies and the tasks involved in preparing a data base for the land use plan. However, enactment of this program will ensure that every agency is given equal opportunity to participate.

The exchange of information between the LCP staff and County and City departments has already been considerable. The LCP staff intends to continue this high level of involvement.

Objective: Provide maximum opportunities for agency involvement in preparation of LCP.

* These will be working documents for staff use; no separate reports will be issued.

Major Work Elements:

1. Compose letters to go to the designated liaison person of every special district, utility company, oil company, and State and Federal agency. Letters will request specific information, i.e., plans for development in the Coastal Zone, description of existing or proposed activities in the Coastal Zone, a listing of property and/or easements, etc., which LCP staff must consider in the preparation of the land use plan.
2. Review information provided by each agency. Determine whether a follow-up letter or meeting is required. Develop a schedule for determining which regulatory agencies should be sent drafts of relevant material for review and comment.
3. Provide for on-going coordination. Incorporate submitted materials into the LCP land use plan and inform agencies about how their plans have been affected. Submit drafts of pertinent materials to agencies for review and comment. Inform special districts and utilities about constraints that LCP may place on the timing and phasing of their development activities.
4. Send all agencies a draft of the land use plan.

Products:

1. LCP staff will keep records of letters, meetings, etc., but no reports will be produced.

Estimated Staff Time:

Estimated time to carry out all work elements (includes composing and mailing letters, review materials received, follow-up letters or meetings, sending review materials, distributing copies of draft land use plan):
(Estimates are calculated by multiplying number of agencies by estimated staff days needed to carry out tasks related to each.)

City and County departments: 18 x 2 staff days = 36 staff days
Special districts: 45 x 1/2 staff day = 23 staff days
Neighboring jurisdictions, UCSD, LAFCO, VAFB: 4 x 1 staff day = 4 staff days
State agencies: 20 x 1/2 staff day = 10 staff days
Federal agencies: 25 x 1/2 staff day = 13 staff days
Utilities (see Program Subcategory 100.12)
Oil companies (see Program Subcategory 100.12)

Total staff days = 86 = 4.5 staff months

Materials: Costs of reproducing and mailing land use plan =
\$7 x 140 agencies = \$980

Program Subcategory 100.04: Public Participation

Summary:

The County of Santa Barbara-City of Carpinteria Program for Public Participation has been described in detail in a report issued to the State Commission on May 23, 1977, and will only be summarized here. The Public Participation Program attempts to increase understanding of and support for the Coastal Act through a slide show, continuing education forums, special news reports, LCP bi-monthly newsletter, General Plan Advisory Committees, and Special Advisory Committees.

Objective: Provide maximum opportunities for public participation.

Major Work Elements:

1. Prepare a one-half hour slide show. Slide show objectives:
 - a) to acquaint the public with the concerns which culminated in the Coastal Act of 1976.
 - b) to clarify the objectives of the LCP.
 - c) to present the policies of the Coastal Act and illustrate how these policies impact Santa Barbara County and the City of Carpinteria.
 - d) to illustrate the progress LCP staff will follow in preparing a land use plan.
2. Conduct a continuing education forum (Santa Barbara Community College) during the winter of 1977. The forum will include four one-evening sessions to cover public access and recreation, special habitats, energy, and agriculture.
3. Produce a series of special reports on critical LCP issues in cooperation with the Santa Barbara News-Press. These reports will coincide with the continuing education forum and address public access and recreation, special habitats, agriculture, and energy.
4. Publish and distribute on a bi-monthly basis a newsletter providing summary progress information on the LCP. Distribution will cover civic organizations, interested individuals, committee members, and all affected governmental agencies. The LCP Newsletter will advise the public and agencies of the availability of drafts of public review materials, and how they may be obtained.
5. Conduct three meetings with each affected General Plan Advisory Committee. The purpose of these meetings will be to establish the role of the LCP in County planning, to receive comments on the initial Land Use Plan, and to obtain support for the final Land Use Plan.
6. Establish Special Advisory Committees to the LCP as needed. Continue meeting with the currently functioning LCP Agricultural Advisory Committee. Draw out from this Committee concerns, criticisms, and constructive ideas concerning the development of the agricultural portion of the LCP for the Carpinteria Valley.
7. Distribute copies of draft land use plan to interested individuals.

response to County Planning's request to expedite the study, the Board referred the matter to the APC, County Administrative Office, and County Office of Environmental Quality for further coordination. At this time, it appears highly probable that the County-wide Socio-Economic Study will not be conducted within a useful time frame for the LCP.

In the absence of a County-wide study, LCP staff will rely on data from existing reports and documentation to assess housing needs in the Coastal Zone, e.g., APC's Housing Element, UCSB Housing Study, County and City Housing Elements, and the 1975 Census. The results of this assessment will be especially significant for the City of Carpinteria, where an appropriate mix of housing opportunities (single-family residences, multiple dwelling units of varying types and price ranges, mobile home parks, etc.) will need to be identified and incorporated into the land use plan. Additional staff assistance (intern) will be necessary to accomplish this important task.

Objective: To evaluate housing needs in the Coastal Zone and translate those needs into land use designations.

Major Work Elements:

1. Review and extract pertinent data from existing documents and sources: 1975 census data, Area Planning Council's Housing Element, UCSB Housing Study, County and City Housing Elements, etc.
2. Evaluate the housing stock relative to present and projected housing needs.
3. Estimate projected need for low and moderate income housing.
4. Translate housing needs into land use designations.

Products:

1. The text of the land use plan will contain an evaluation of the housing stock relative to housing needs and the map will show land use designations that provide for balanced housing opportunities.
2. A program for the protection, encouragement, and provision of low and moderate income housing (to be completed during Phase III).

Estimated Staff Time:

	LCP Staff	Intern
1. Review of existing information sources.	2 staff weeks	
2. Evaluation of housing stock and housing needs.		2 staff months
3. Translate housing needs into land use designations.	2 staff weeks 1 staff month	2 staff months
Total		

Products:

1. Slide show
2. Continuing education forums
3. Special news reports
4. LCP Newsletter

Estimated Staff Time:

	LCP Staff Time	Photography Student
Slide show		
Photography and processing	1 week	1 week
Graphics	1 week	1 week
Composition and script	1 week	
Presentation (10 presentations)	2 weeks	
Continuing education forum	1 week	
Preparation	2 weeks	
Presentation	4 weeks	
Special news reports	2 weeks	
Newsletter (8 issues)		
Special advisory committees		
General Plan Advisory Committees (see Program Subcategory 100.16)		
Total	12 LCP staff weeks = 3 staff months	2 weeks

Materials:

Slide show (film, processing, graphics, etc.) = \$200.00
 Newsletter = 7 mailings @500 pieces per mailing = \$340.00
 (7.5¢/piece) and cost of bulk permit = \$700.00
 100 copies of land use plan @\$7.00/each

Program Subcategory 100.05: Housing

Summary:

To meet the requirements of the Coastal Act, the LCP staff needs to evaluate the existing housing stock and projected need for low and moderate income housing in the Coastal Zone. A program for protecting, encouraging, and providing low and middle income housing is also required. For the Carpinteria Valley, these requirements necessarily entail an analysis of the social and economic interrelationships between the Valley and the South Coast area. To accomplish this, LCP staff, in conjunction with the County Planning Department, requested the Board of Supervisors, on May 23, 1977, to expedite a County-wide Socio-Economic Study for the period July 15, 1977, to January 15, 1978. The Board of Supervisors had previously supported the need for such a study on February 14, 1977, and referred the matter to the Area Planning Council (APC) staff for location of a possible funding source. The APC subsequently recommended delaying the study 8 to 12 months, thus establishing a time frame that would not accommodate the preparation of the LCP. In

Program Subcategory 100.06: Water and Marine

Summary:

Background information will be obtained and reviewed as required by the Local Coastal Program Manual. This will include an inventory and review of existing plans and programs of State and Federal agencies to determine the extent of their control over local marine resources; an inventory of areas and species of biological significance; an inventory of riparian areas and issues; identification of existing or potential areas with runoff, sedimentation, and septic tank problems; identification of aquifer recharge areas; a special study to determine the effects of new dam developments on sedimentation, riparian environments, and anadromous fish resources at the request of the South Central Regional Commission.

A study to determine the impacts of development on groundwater recharge in Montecito, Summerland, and the Carpinteria Valley should be undertaken, but it is beyond the scope of the LCP. Such a study is available for the Goleta Valley, and will be incorporated in the land use plan.

Objective: Identify adverse impacts on marine resources and local water quality. Incorporate protective measures and conservation strategies into land use plan.

Major Work Elements:

1. Inventory and review State and Federal agency plans and programs to determine their control over local marine resources. Obtain plans and programs from these agencies.
2. Inventory of riparian areas and issues. A study of the effects of dams on anadromous fish resources will be the subject of a special study per the request of Carl C. Hetrick, Executive Director of the South Central Regional Coastal Commission.
3. Inventory existing and/or potential areas with runoff, sedimentation, and septic tank problems, and incorporate in land use plan.
4. Map aquifer recharge areas. Incorporate existing information on the impacts of development on groundwater recharge in LCP land use plan.

Products:

1. Support documentation for decisions related to Water and Marine Resources.

Estimated Staff Time:

1. Inventory and review State and Federal agency plans and programs to determine their control over local marine resources. 2 staff weeks
2. Inventory riparian areas and issues and conduct a study on the effects of new dams on sedimentation, riparian environments, and anadromous resources. 1 staff week
3. Inventory existing and/or potential areas with runoff, sedimentation, and septic tank problems, and incorporate in land use plan. 1 staff week

4. Map aquifer recharge areas and incorporate existing information on the impacts of development on groundwater recharge in the LCP land use plan. (This will be accomplished in conjunction with P.S. 100.02 and 100.11.)

Total

1 staff month

Program Subcategory 100.07: Special Habitats

Summary:

There are many environmentally sensitive habitats in Santa Barbara County. These habitats, which range from several wetland areas and endangered species habitats to easily disturbed sand dunes, have been identified and mapped during Phase I of the Local Coastal Program.

Additional data are needed which will assess impacts on these habitats resulting from existing land use. These data are needed to develop measures for continued protection of habitats as well as means of mitigating impacts on disturbed areas. Such measures will include appropriate land use designations, compatible adjacent land uses, recommendations for acquisition, and a policy framework.

Objectives:

1. Documentation of land use impacts on habitat areas.
2. Designation of compatible land uses in special habitat areas.

Major Work Elements:

1. Determination of land use including ownership, current and/or proposed uses, adjacent uses. (Most of this work will be completed during Phase I)
2. Evaluate land use and human activity impacts in these areas, assess condition of the habitat, and estimate degree of disturbance (i.e., DRY's, increased sedimentation, dredging).
3. Determine land use plan designations based on habitat sensitivity. Determine compatible adjacent land uses; make acquisition recommendations. Identify potential Coastal conservancy projects.
4. Review current policy language for consistency with the Coastal Act. Develop policy framework for text of land use plan.

Products:

1. No separate report will be produced. All products will be incorporated into the LCP land use plan.
2. Review drafts will be circulated to relevant agencies.

Program Subcategory 100.09: Diking, Dredging, Filling, and Shoreline Structures

Summary:

Research in this policy area will need to examine where these activities now exist or are planned, the impacts of such activities on coastal resources, and the adequacy of existing regulations to meet the standards of the Coastal Act. Since activities of this kind are generally under the purview of agencies and departments other than Planning, the LCP staff will have to rely heavily on information provided by other agencies.

Objective: Identify diking, dredging, and filling activities which affect the Coastal Zone and assess the impact of these activities on coastal resources.

Major Work Elements:

1. Inventory of existing and proposed shoreline structures.
2. Identify areas where diking, dredging, filling, and spoils disposal are occurring or are planned.
3. Assess the impact of these activities on coastal resources. Identify alternatives or mitigation measures. Review relevant EIR's.
4. Review County ordinances and statutory powers given to other agencies to determine adequacy to implement coastal policy. Identify deficiencies in existing regulations.
5. Incorporate policy into text of land use plan.
6. Designate appropriate land uses on map.

Products:

1. All products will be incorporated into the land use plan. No separate reports will be produced.

Estimated Staff Time: 2 months

Program Subcategory 100.10: Development of Recreation Plan and Public Access Component

Summary:

RECREATION

While much of the data related to recreational needs has been collected during Phase I, these data need to be analyzed and interpreted. For the entire Coastal Zone, parcels of land with recreation potential need to be identified and assigned

Estimated Staff Time:

Determine existing land use, etc. 1 staff week
 Evaluate impacts 3 staff weeks
 Determine appropriate land uses, permitted activities, recommend alternatives 2 staff weeks
 Prepare draft report for circulation 2 staff weeks
 Total 8 staff weeks =
 2 staff months

Program Subcategory 100.08: Hazards

Summary:

Requirements for Items #1 and #2 of Section 30253 of the Coastal Act concerning hazards will be met by incorporating existing data on geologic, flood, fire, bluff, and cliff erosion in the LCP land use plan. Since all of this data has been carefully compiled in the Conservation and Seismic Safety Elements of the Proposed Comprehensive Plan, a simple transfer of the data to LCP land use maps is all that is necessary for the LCP land use plan.

County zoning and other implementation measures (including the County's policies on industrial sitings) appear consistent with Coastal Act hazards policies, as already specified in the Santa Barbara County Coastal Pilot Study Final Report of November 1976.

Objective: Ensure that the LCP land use plan reflects coastal policy regarding appropriate location of new development.

Major Work Elements:

1. Transfer existing fire hazard, flood, seismic, and bluff erosion data to LCP land use plan maps.
2. Incorporate this data in LCP land use plan.

Product:

1. LCP base maps showing hazard areas will be incorporated in the LCP land use plan.

Estimated Staff Time:

1. Transfer existing fire hazard, flood, seismic, and bluff erosion data to LCP base maps. 3 staff weeks
 2. Incorporate hazards information into LCP land use plan. 2 staff weeks
 Total 5 staff weeks =
 1.25 staff months

- 11. Map and describe all potential access areas.
- 12. Gather necessary data to enable the County to proceed with implied dedications for areas where it is determined such a case exists, i.e., signed affidavits, statistics on level of usage, etc.
- 13. Meet with County Park Department and other interested agencies.
- 14. Prepare public access component.

Products:

- 1. Public Access Component

Estimated Staff Time:

Recreation: (all tasks except mapping and coordination with other agencies)	= 2 staff months
Access: (all tasks except mapping and coordination with agencies other than State Attorney General)	= 3 staff months
Special ORV study (all tasks)	= 6.5 staff months
Total	

Program Subcategory 100.11: Agriculture and Soils

Summary:

Agricultural lands within the Coastal Zone of Santa Barbara County, particularly the South Coast portion, are subject to conflicting and complex economic and resource pressures. These pressures include spiraling land values, increasing conversions to greenhouses (currently the most economically viable use of Carpinteria Valley lands with respect to their current costs), continued pressure for urban conversions of agricultural lands, uncertain long-range water supply, uncertain long-range natural gas supplies for greenhouse operations, lack of economic incentives for greenhouse operators to enroll in the County's agricultural preserve program, and the presence of small agricultural parcels which are unable to qualify for agricultural preserve status.

The LCP must unravel these complex issues and, in the process, formulate a land use plan which respects the agricultural industry's need to maintain a wide range of use options in light of ever-changing market conditions.

To accomplish these objectives, a series of special tasks must be undertaken during Phase II. These include an agricultural economics study for the Carpinteria Valley in particular and the Coastal Zone in general; a parcel-by-parcel review of agricultural parcels to determine if they meet the "prime" standards as set forth in Section 30241 of the Coastal Act and Section 51201 of the California Government Code; the preliminary formulation of zoning and taxation policies which could extend greater protection to existing agricultural lands that either do not meet

priorities for acquisition. Permissible types of recreational uses for areas with recreational potential need to be identified within the context of other coastal goals related to the protection of resources. A special study of ORV use needs to be undertaken. Finally, all recreational planning must be coordinated with the County Park Department and other agencies involved with recreation or the protection of special habitats. In particular, LCP staff must participate in development of a Recreation Master Plan, currently in preparation for the City of Carpinteria.

ACCESS

At the start of Phase I of the LCP, there was little existing data on public access to the coast. Data collected during Phase I indicate that existing access is inadequate, and that a substantial amount of the current access to the ocean is illegal. Clearly, implementation of the Coastal Act will require the County and City to develop an aggressive program designed to increase public opportunities for beach access. The public access component of the LCP will attempt to solve existing problems related to illegal and unsafe access, as well as implement the policies in Chapter 3.

Major Work Elements:

RECREATION

- 1. Interpret and refine data base.
- 2. Identify all areas with recreational potential. Describe areas and rank order.
- 3. Map areas.
- 4. Review findings with County Parks Department, City of Carpinteria Community Services Department, and other agencies.
- 5. Determine what constraints, if any, the presence of special habitats, hazards, etc., place on the kinds of recreation uses permissible.
- 6. Describe kinds of recreational activities for each site.

SPECIAL ORV STUDY

- 7. Perform literature search to compile data on impacts of ORV use on special habitat areas.
- 8. Meet with ORV clubs to discuss problem.
- 9. Identify alternative solutions to problem.

ACCESS

- 10. Determine which areas are suitable for beach access and determine what kind of access would be appropriate (i.e., pedestrian only). This task was initiated during Phase I and will continue into Phase II.

the parcel size requirements of the Williamson Act or are too economically lucrative to enroll in the agricultural preserve program; and to define the role of greenhouse operations in preserving prime agricultural land in order to determine the extent of expansion and location of future greenhouse operations in the Coastal Zone.

Objective: Analyze the land use planning and economic aspects of agricultural production in the Carpinteria Valley and in other coastal areas of the County. Identify potentially viable types of agriculture for the Coastal Zone and establish stable urban/rural boundaries that will allow for the preservation of prime agricultural lands.

Major Work Elements:

1. Conduct an agricultural economics study for the Carpinteria Valley which includes but is not limited to the following tasks:
 - Summarize the physical factors (i.e., climate, soil, water, and air) affecting agriculture and any agricultural-related problems.
 - Analyze the costs and revenues of agricultural production to determine profitability levels and identify the types of agricultural production that could remain profitable under current market conditions.
 - Determine the role of greenhouse operations in preserving prime agricultural land.
 - Estimate the future growth of the greenhouse industry in the area.
 - Explore alternative uses for greenhouses under various market conditions.
2. Assess the extent, if any, of biocide and fertilizer contamination of the Carpinteria estuary environment and establish mitigation measures in conjunction with the Regional Water Quality Control Board, if contamination is documented, for existing and proposed agricultural operations.
3. Conduct a parcel-by-parcel review of agricultural parcels to determine which lands meet "prime" standards as set forth in Section 30241 of the Coastal Act and Section 51201 of the California Government Code.
4. Formulate, in a preliminary manner, zoning and taxation policies which could extend greater protection to existing agricultural lands.
5. Determine preferred locations for future greenhouse expansions.

Products:

1. Agricultural economics study
 2. All other information will be incorporated in the land use plan.
- Estimated Staff Time: (excludes staff time required for meetings with the Carpinteria Agricultural Advisory Committee which are included under Program Subcategory 100.04)

	<u>LCP Staff</u>	<u>LCP Intern</u>
1. Agricultural economics study	8 staff weeks	10 staff weeks
2. Biocide and fertilizer contamination analysis	---	4 staff weeks
3. Parcel-by-parcel review (see Program Subcategory 100.15)	4 staff weeks	3.5 staff months
Total	3 staff months	3.5 staff months

Program Subcategory 100.12: Energy and Industrial Development:

Summary:

Energy development is one of the key issues in Santa Barbara County's Coastal Zone. The County faces a surge of OCS development and related onshore facilities with the lifting of the Department of Interior's drilling moratorium imposed after the Platform A blowout in 1969. Meanwhile, Point Conception is being seriously considered as a site for California's first LNG terminal. These energy facilities, particularly LNG, could greatly impact coastal land use. Santa Barbara's traditional approach of handling new energy facilities on a case-by-case basis will be inadequate to properly evaluate and manage this new level of development.

An Energy Management Team concept was proposed in the Final Report of the Coastal Pilot Study as one mechanism for implementing energy-related coastal policy. Energy management capability is essential if the County is to implement coastal policies, effectively oversee OCS development, produce an energy element for the Comprehensive Plan, and minimize land use impacts of an LNG facility, if approved. LCP staff have assisted in further expansion and refinement of the County's energy management needs. LCP staff, in cooperation with the County's Office of Environmental Quality, have been responsible for OPR's selection of Santa Barbara County as a demonstration project for the preparation of a work program to plan for the impacts of LNG and OCS energy development on the coast of Santa Barbara County.

Initial research for this work program suggests that energy management tasks can be funded through grants from the Coastal Energy Impact Program (CEIP). However, CEIP regulations disallow funding for tasks that can be financed through other sources. Therefore, energy-related tasks required under the mandate of the Coastal Act must be funded by the Coastal Commission. To be effective, any energy planning tasks related to the Coastal Act should be integrated into a framework for overall County energy management.

Four specific energy-related tasks are proposed for the LCP. They are as follows: 1) incorporating into the LCP land use plan all development plans of the oil companies active in Santa Barbara County; 2) including the Coastal Act energy and industrial development policies in the text of the land use plan; 3) examining recreation and access possibilities for coastal energy developments; and, 4) preparing a contingency land use plan for the Hollister Ranch-Gaviota area in the event a LNG facility is sited at Point Conception.

Objective: Identify coastal areas where scenic and visual qualities require protection.

Major Work Elements:

1. Develop criteria for identifying scenic coastal areas and special communities and neighborhoods. Request assistance from existing design review boards.
2. Apply criteria and determine which coastal areas qualify for such a designation. Map areas.
3. Develop text for this section of the land use plan.

Products:

1. All products will be incorporated into the land use plan.

Estimated Staff Time: All tasks except mapping = 1 staff month

Program Subcategory 100.14: Mapping

Summary:

The LCP staff intend to use a mylar overlay system as a tool in developing the land use plan. Preliminary data for each of the major policy group areas will be mapped onto the U.S.G.S. 2600 scale coastal maps. Data from these maps will then be transferred to mylars which will overlay County base maps. The LCP staff intend to use 1000 scale County base maps for most of the South Coast area (Ellwood to Rincon) and 2000 scale County base maps for the rest of the Coastal Zone (Ellwood to Guadalupe).

Objective: To produce a set of maps that will serve as a record of the baseline data and as a useful tool for determining appropriate land use.

Major Work Elements:

1. Working Maps. The following information will be put on the Coastal Commission 2000 scale U.S.G.S. base maps:
 - a. Recreation and Access - existing recreational areas, support facilities classified by uses and ownerships; areas with recreational potential; existing visitor accommodations (campgrounds, motels, inns); existing and potential access areas; State and County parks.
 - b. Habitat Areas - all known habitat areas; sensitivity to disturbance (completed during Phase I).
 - c. Agriculture - land use by general crop categories; prime land.
 - d. Hazards - areas subject to hazards from geologic, flood, and fire factors.

Objective: Ensure that energy concerns and potential impacts are adequately addressed in the LCP land use plan.

Major Work Elements:

1. Contact oil companies and request information about future development in the Coastal Zone (see Program Subcategory 100.03).
2. Review development plans and determine land use impacts.
3. Examine existing and proposed coastal facilities to determine if recreation and access opportunities appear feasible. Discuss recreation and access opportunities with oil companies. Incorporate into land use plan.
4. Determine appropriate vehicles, i.e., map, text, ordinances, for implementing energy policies from Chapter 3.
5. Coordinate with County Office of Environmental Quality to determine potential land use, growth, etc. impacts of proposed LHG facility. Develop contingency land use plan to minimize and control land use impacts.

Products:

1. All products will be incorporated into the land use plan.

Estimated Staff Time:

1. Contacting oil companies and reviewing development plans (30 oil companies)	2 staff months
2. Examine recreational and access possibilities.	1.5 staff months
3. Discuss with oil companies. Incorporate coastal policies into text of land use plan and/or other ordinances.	.5 staff month
4. Coordinate with OEQ in developing contingency land use plan.	2 staff months
Total	6 staff months

Program Subcategory 100.13: Coastal Visual Resources and Special Communities

Summary:

The LCP staff will need to develop criteria for identifying highly scenic coastal areas and special communities. The South Central Coast Regional Commission staff has substantiated the need for such criteria as a part of the local permit review process. Once developed, these criteria will be applied to determine geographic areas which are highly scenic or which qualify as special communities. Overlay zones, which require design review or include special criteria for developments, will be refined in Phase III.

- e. New Development - archeological and paleontological resources.
- f. Visual Resources - historic sites.
- g. Public Works - water and sewerage facilities, district or service area boundaries, existing and proposed treatment and storage facilities, and major trunk lines.
- h. Transportation System - existing and proposed highways and roads, State and local scenic highways and specific identification of two-lane portions of Highway 1; other transportation facilities including airports, railroad lines, and terminals.
- i. Industrial Development and Energy Facilities - existing coastal-independent industries and existing energy facilities.
- j. Land under City, County, State, and Federal Ownership - partially completed during Phase I.
- k. Utility Easements, Accessways, and Right-of-Ways.
- l. Open Space Dedications.
- m. Aquifer Recharge Areas.
- 2. Mylar Overlay System: The information contained in the Working Maps will be drafted onto mylars which will overlay County base (1000 scale) maps. Mylar overlays will be produced for the Ellwood to Rincon area only. The following overlays will be produced:
 - Overlay 1 - Existing and proposed recreation and access areas; State, County, and City parks; utility easements; open space dedications. (This overlay will be extended to Gavjota.)
 - Overlay 2 - Habitat areas, historical sites.
 - Overlay 3 - Existing agricultural use; areas with agricultural potential.
 - Overlay 4 - Hazards; aquifer recharge areas.
 - Overlay 5 - Infrastructure (water and sewerage lines).
 - Overlay 6 - Industrial and energy developments (existing and proposed).
 - Overlay 7 - Existing land use.

The base map will contain the following information: parcel lines, transportation system, sphere of influence, and jurisdictional boundaries.

3. Land Use Plan Map

- a. Land use plan designations will be put on County 1000 and 2000 scale base maps. The land use plan will indicate the kinds, intensity, and location of land uses.
- b. This information will be drafted onto 1000 and 2000 scale reproducible mylars that will be available for purchase by the public.
- c. Smaller scale maps (1" = 4000') will be developed for inclusion in the text of the land use plan.

Products:

- 1. Base map with seven overlays.
- 2. 1000 and 2000 scale land use plan map on reproducible mylars.
- 3. 4000 scale maps for policy document.

Estimated Staff Time:

- 1. LCP staff time for research and rough mapping 2 months
- 2. Draftsperson (for final drafting) 5 months

Materials:

- 1. Photosensitive mylar \$ 75.00
- 2. Drafting materials (zipitone, etc.) 50.00
- 3. Overlay mylar 140.00
- 4. Coastal work maps 100.00
- 5. County maps 20.00

Program Subcategory 100.15: Preparation of the Land Use Plan

Summary:

Preparation of the land use plan involves three interrelated elements: preparation of a map, accompanying support text, and the Environmental Impact Report (EIR). Research and data related to each of the 14 major policy group areas will serve as the basis for the land use plan and the EIR analysis.

The principal task involved in preparing the land use map will be a parcel-by-parcel review of undeveloped or partially developed land in the Coastal Zone. Appropriate land uses will be determined for each parcel according to LCP staff's analysis of the development needs of the local area and the requirements of Chapter 3 of the Coastal Act. Build-out calculations for the designated land uses will be made to identify impacts on public service systems, local coastal resources, and the local economy as per the EIR requirement for the LCP. Thus, the completed land use plan will incorporate an EIR analysis.

The text of the land use plan will incorporate the policies from the Coastal Act and establish a framework for land use decisions once the County and City are certified. The text will address all of the 14 major policy group areas identified in the Draft LCP Manual, but will focus on the County's critical planning issues, i.e., energy, agriculture, recreation, access, special habitats, and housing.

The land use plan will also address the possible importation of State Project water (to be decided by the voters in a bond issue election in November 1978) and construction of an LNG facility at Point Conception. These projects could have significant impacts on the LCP and must be anticipated on a contingency basis.

Under Program Subcategory 100.12 (Energy), an Energy Planning position has been requested to prepare an LNG contingency plan based on information generated by the County's EIR for the LNG (scheduled for completion in November 1977). It is

unclear at this time when an EIR will be prepared for the proposed importation of State water. A reconnaissance report on the impacts of water importation has been commissioned by the Board of Supervisors, but this report is not intended to fulfill CEQA requirements. Until a full EIR is made, a full land use contingency analysis on importation of water will not be possible.

Upon completion of an initial draft of the land use plan, the LCP staff will request a preliminary review of the plan by the Commission, as provided under Section 00061 of the LCP Regulations. Commission review will give LCP staff an indication of the adequacy of the plan prior to formal public hearings at the local level.

Objective: Prepare land use plan which implements the policies in Chapter 3 of the Coastal Act and is responsive to local needs and community goals.

Major Work Elements:

1. Develop land use classification system.
2. Begin parcel-by-parcel review of undeveloped and partially developed land in Coastal Zone using an overlay system. Determine land use consistent with coastal policy and accumulated data.
3. Prepare draft land use map.
4. Organize research and findings from 14 major policy group studies. Prepare text for land use plan incorporating documentation and policy framework.
5. Prepare EIR.
6. Obtain preliminary review by Commission of land use plan.

Products:

1. Draft land use plan, including map, text, and EIR.

Estimated Staff Time (excluding mapping):

1. Parcel-by-parcel review 4 staff months
2. Text and EIR 4.5 staff months
3. Preliminary review by Commission (staff preparation and attendance at hearings) 9.5 staff months

Program Subcategory 100.16: Review County and City General Plans and Elements for Policy Consistency

Summary:

Upon completion of the Draft LCP Land Use Plan, the LCP will review County and City General Plan documents to ensure that they are compatible. LCP staff will prepare

a brief report to go to the Planning Commissions of the County and City which will identify conflict areas. Resolution of differences will be the responsibility of the County and City, not LCP staff.

Most of the potential conflicts in land use will be worked out through meetings with the General Plan Advisory Committees and the City of Carpinteria. LCP staff will also review Committee and City goals for consistency with coastal policy.

Objective: Obtain support from General Plan Advisory Committees for LCP land use plan.

Major Work Elements:

1. Review County and City General Plan documents for consistency with coastal policy. Identify potential conflicts with Draft LCP land use plan.
2. Review land use maps of Advisory Committees. Review Committees' goals and policies. Meet with Committees to resolve differences.
3. Prepare draft report summarizing conflicts for City and County Planning Commissions.

Products:

1. Draft report summarizing conflicts between LCP and City and County General Plans.

Estimated Staff Time:

1. Review City and County General Plans and Elements 6 staff weeks
 2. Review Advisory Committee maps and goals 2 staff weeks
 3. Meet with six Advisory Committees to present draft LCP land use map. Identify and resolve conflicts between plans. 2 staff weeks
 4. Revise LCP plan. 2 staff weeks
 5. Meet again with Committees. Try to achieve consensus. 1.5 staff weeks
- 3.5 staff month

Program Subcategory 100.17: Prepare Phase III Work Program

Summary:

The focus of Phase III of the LCP will be to develop zoning to implement the LCI land use plan. Phase III will involve preparation of a zoning ordinance and zoning district map. In some cases, these planning tools may not be adequate to

Substantial revision of the text and maps of the Proposed Comprehensive Plan has occurred since completion of the Pilot Study, necessitating another review of these documents.

implement the land use plan, and further actions may be warranted. Other County ordinances than zoning may need to be developed or revised. The Phase III Work Program will identify the timetable and tasks which will prepare the County for final certification of the LCP.

Objective: Design Work Program to achieve implementation of land use plan.

Major Work Elements:

1. Identify all major tasks and estimate staff and time required to accomplish tasks.
2. Determine scheduling.
3. Design Phase III Work Program and Grant Request. Submit draft to County Board of Supervisors and City Council for approval.
4. Submit Phase III Work Program and Grant Request to Regional and State Coastal Commissions for approval.

Products:

1. Phase III Work Program
2. Grant Request

Estimated Staff Time: 1.5 staff months

Program Subcategory 100.18: Local Public Hearings

Summary:

Upon completion of the draft land use plan and preliminary review by the Commission, LCP staff will schedule public hearings on the plan at meetings of the Carpinteria City Council, County and City Planning Commission, and Board of Supervisors. The purpose of these hearings will be to identify and resolve any questions or problems raised by the public in order that a resolution endorsing the land use plan may be adopted by the affected local governments.

Objective: Obtain resolutions from City Council and Board of Supervisors endorsing the LCP land use plan.

Major Work Elements:

1. Send out drafts for review to pertinent agencies and send out all notices regarding time and date of hearings.
2. Staff preparation prior to public hearing: coordination of the staff's presentation, preparation of documents for distribution, etc.
3. Attendance at the hearings.

4. Follow-up staff work to resolve any issues raised at the hearing.
5. Repetition of Tasks 1 through 3 until a consensus for endorsement is reached.
6. Text rewrites and revisions of maps in preparation for hearings at Coastal Commissions.

Products:

1. The adoption of resolutions by County and City governments that endorse the land use plan.

Estimated Staff Time:

- | | |
|--|---|
| 1. Preparation for public hearing. | 4 staff days/hearing
x 4 hearings =
16 staff days |
| 2. Attendance at hearings.
Estimate three hearings per government unit,
and there are four of these = 12 public
hearings. | 4 staff days/hearing =
48 staff days =
10 staff weeks |
| 3. Rewrite text and revise maps. | 2 staff weeks
4 staff months |
| Total | |

Estimated Costs:

Notices of public hearings: \$8 per notice x 7 newspapers x 12 hearings = \$672.00

Program Subcategory 100.19: Coastal Commission Public Hearings

Summary:

Upon completion of public hearings at the local level, LCP staff will submit the LCP land use plan (map, text, and public access component) to the Regional and State Coastal Commissions for certification. The land use plan will be revised to incorporate changes recommended by the Regional or State Commission. Nothing will be developed to implement the plan during Phase III.

Objective: Obtain certification of land use plan by Regional and State Commissions.

Major Work Elements:

1. Staff preparation prior to public hearing, coordination of the staff's presentation, preparation of documents for distribution.
2. Attendance at hearings.
3. Follow-up staff work to resolve any issues raised at hearing.

Estimated Staff Requirements for Phase II

Program Subcategory	Estimated Time In Staff Months		
	LCP Staff Time	Intern*	Other Staff*
100.01	9		
100.02	3	3	
100.03	4.5		
100.04	3		.5
100.05	1	2	
100.06	1		
100.07	2		
100.08	1.25		
100.09	2		
100.10	6.5		
100.11	3	3.5	
100.12			6
100.13	1		
100.14	2		5
100.15	9		
100.16	3.5		
100.17	1.5		
100.18	4		
100.19	1		
Total	58.25	8.5	11.5

Staff Resources** (based on 33 pay periods):

- Project Manager = 13.64
- Senior Planner = 6.82
- Assistant Planner = 13.64
- Research Assistant = 13.64
- Total = 47.74 staff months

Total LCP staff requirements = 58.25 staff months

Note: 10.5 staff months will not be funded. LCP staff intend to absorb this deficit through the use of U.C.S.D. interns.

*Funds for these positions are included in the Grant Request.

**10.75 months = 1 staff year; 0.4135 staff months per pay period.

Estimated Staff Time:

Preparation - two days for each Commission
Attendance at hearings (two days each)

4 staff days
4 staff days
8 staff days

Total

GRANT REQUEST
July 25, 1977 - November 10, 1978*

Position	Hourly Rate**	Hours/Week	No. of Pay Periods	Total
Project Manager (390)	\$9.9055	40	33	\$ 26,150.52
Senior Planner (380)	9.4309	20	33	12,448.92
Assistant Planner (Carpinteria)	9.00	40	33	23,760.00
Research Assistant (263)	5.3275	40	33	14,065.59
Energy Planner (351)	8.1809	40	15	9,817.05
Draftsperson (256)	5.1502	40	10	4,120.20
Intern (235)	4.6530	40	18	6,700.32
Special Projects (Slide Show) (256)	5.1502	30	1	309.01
			Subtotal	\$97,371.61

Operating Expenses***	Santa Barbara County	Contingency for Carpinteria
Telephone @\$60/month	\$ 900.00	\$ 75.00
Office Expense @\$100/month	1,500.00	175.00
Newsletter	340.00	
Public Hearing Notices	675.00	
Distribution of Land Use Plan	1,680.00	
Slide Show	200.00	
Xerox @\$60/month	900.00	75.00
Mapping	400.00	
Transp. & Travel @\$100/month	1,500.00	175.00
	\$8,095.00	\$500.00
	Subtotal	\$8,595.00

TOTAL DIRECT: \$105,966.61
 (0.1493) INDIRECT: 15,820.81
 TOTAL: \$121,787.42

*This grant request covers 34 two-week pay periods. However, one pay period will be for LCP staff vacation and no funds are requested for this period.
 **Hourly rate includes \$0.15 Workman's Compensation, no other benefits.
 ***Based on 15-month grant period.

A-PROVED AS TO ACCOUNTING FORM
 WILLIAM L. PARSONS
 AUDITOR-CONTROLLER
 BY *Carly A. Kirkwood, Deputy*

INTRODUCTION

This final report of the Santa Barbara County Coastal Pilot Study outlines steps that may be necessary to implement the Coastal Act of 1976 and prepare this County for certification. While the focus of the August 30, 1976, Progress Report was on a comparison of Coastal and local policy, this Report looks at more practical issues such as existing and proposed land use and zoning.

The policy comparisons in the Progress Report were based on the policies of the California Coastal Plan (1975). In September, the Coastal Pilot Study Staff received approval from the State Coastal Commission to convert the Study to the policies contained in the Coastal Act (SB 1277), as passed by the Legislature in August 1976. On the whole, the policies of the California Coastal Act differ from those in the Coastal Plan in both specificity and scope but not in intent. The only subject areas in which the policies in the new Act have been substantially revised are water and transportation.

This Report does not reanalyze any of the policy comparisons made in the August Progress Report. The most straightforward part of the implementation phase is at the policy level, whereas interpretation of Coastal policy in terms of land use and zoning is more difficult and requires actual parcel-by-parcel analysis. And, land use designations and zoning are the instruments through which most Coastal policy will be effectuated.

In this Report, implementation is addressed at a general level. Time and staff constraints preclude parcel-by-parcel review, which will eventually be necessary. Rather, the Coastal Pilot Study Staff has attempted to identify potential problem areas and obstacles to implementation of Coastal policy, and to point the direction for further work.

One of the most important factors in insuring an expedient certification process in Santa Barbara County is interagency and intergovernmental coordination. This is vital if the County is to avoid duplication of effort and to take advantage of work and research being done elsewhere, i.e., by the California Natural Areas Coordinating Council on special habitats and the State Office of Planning and Research (OPR) on Outer Continental Shelf (OCS) development in Santa Barbara Channel. Coordination among agencies and departments is also necessary to insure that the recommendations contained in this Study with regard to implementation are consistent with the plans and proposals of other County departments or Special Districts. As most Coastal policies must be implemented through General Plan policies, ordinances, land use and zoning, it is essential that the Planning Department assume the role of lead agency in the implementation and certification process. The responsibility of the Planning Department would be twofold - initiating the implementation process as well as overseeing the work of other departments to insure consistency.

Although most Coastal policies can be implemented through zoning and land use, the Pilot Study Staff believes that a major component of the implementation program will involve coordination with the Citizens' General Plan Advisory Committee. These Committees have been working for two years with the Advance Planning Staff to come up with policy recommendations and land use plans

SANTA BARBARA COUNTY COASTAL PILOT STUDY

Final Report - November 1976

(Extraction of Discussion Sections, Compiled by Commission Staff)

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for their respective jurisdictions. For the most part, these recommendations and plans reflect many of the concerns which are addressed in Coastal policy.

However, a careful review of the Committees' plan proposals is necessary to ensure that all Coastal concerns are addressed. Thus, the plans presented to the Planning Commission when hearings begin will have already been checked for consistency with Coastal policy. The result of this approach would be that the plan adopted by the Board at the end of the hearings would be ready for final review and certification by the State Coastal Commission.

Certification of County policies, land use plans and zoning, however, will not complete the County's implementation process. While these tools form the planning foundation for achieving the basic goals of the State for the Coastal Zone (see Section 30001.5 of SB 1277), they are not adequate to insure that all Coastal concerns will be given due consideration, i.e., maintenance activities of flood control and public works, construction methods in sensitive areas, protection of views, etc. Therefore, it is recommended that a Coastal Zone Coordinating Committee be created to oversee the implementation of Coastal policy.

The principal function of the Coastal Coordinating Committee would be the enforcement of Coastal policy. This Committee would be "in-house", composed of representatives from the Office of Environmental Quality (OEQ), Planning, Flood Control, Air Pollution Control District (APCD), Public Works, Parks, and the Agricultural Commissioner's Office, as well as two public appointees with strong biological or land use planning backgrounds. While further study will be needed to determine exactly what kinds of projects and activities should be subject to Coastal Committee review, some possibilities include new developments, dredging or other activities in estuaries, requests for rezoning or subdivision of agriculturally-zoned land. A core section of the Committee (composed perhaps by the members from Planning, OEQ, and the public sector) would take responsibility for initially advising developers of Coastal concerns related to their particular projects.

It is uncertain at this time whether this Committee should be empowered with permit approval or denial authority. Further study of the administrative mechanism for implementing the Coastal Act after certification will be needed.

SUMMARY OF FINDINGS.

The main problems in Santa Barbara County are not outright conflicts with Coastal policy but weaknesses within existing policies with respect to assuring that Coastal concerns are met.

One of the most critical problems facing Santa Barbara County in the immediate future is an increase in energy-related facilities resulting from OCS developments. The impacts on air quality from proposed OCS development could prevent the County from meeting Federal and State Air Quality standards. An Energy Management Team is proposed to deal with this problem and to implement Coastal policy related to energy facilities. It is also proposed that the information and conclusions about energy development generated by this Management Team form the basis for Energy and Air Elements to the County's Proposed Comprehensive Plan.

Agriculture policies appear to be headed toward conformity with Coastal policy; however, a general strengthening of land use designations and zoning will be needed to assure preservation of agricultural land. Further studies need to focus on the Carpinteria Valley and lands between Goleta and Gaviota, and concentrate on zoning, greenhouse operations, and agricultural preserves.

Closely related to agriculture are Coastal policies addressing the need to concentrate urban development. These policies can be implemented by strengthening local land use plans and zoning. Well-defined plans and policies are especially important at this time because new urban pressures are likely to arise once the local water shortages are resolved in the Goleta, Summerland, and Montecito areas.

There are some gaps in local policies and procedures with respect to providing access to the coast, and lower cost housing and recreational facilities, as well as regulations for controlling development in areas with natural hazards.

The County needs to give further study to identify means for protecting rare habitat areas from incompatible developments. The County must also achieve some balance between accommodating intensive recreational uses and preserving fragile habitat areas.

METHODOLOGY

In the process of assessing the impact of Coastal policy on local policy, the Pilot Study Staff reviewed both existing and proposed County policy documents and ordinances, and contacted all Special Districts and Government agencies whose policies might impact the Coastal Zone in Santa Barbara County. This review and inventory of local policies resulted in the collection of approximately 850 policies. These policies were coded according to subject category (i.e., agriculture, energy production, urban development, etc.) and entered into a computer file. A comparison of the degree of conflict and/or conformity between Coastal and local policy for each of the subject categories was then made. The results of these comparisons are summarized in the August 30, 1976, Progress Report.

As previously mentioned, the Pilot Study Staff received approval from the State Coastal Commission in September to switch the emphasis of the Study from the old Plan to the new Coastal Act, which becomes effective on January 1, 1977. This Report discusses specific local actions that may be necessary to prepare Santa Barbara County for certification.

The format of this final Report is similar to that of the Progress Report. The few changes that were necessary reflect modifications in the Coastal Act from the original 1975 Plan. Specifically, this Report does not include sections on Water or Transportation, and what was previously called Parks and Recreation is now Access and Recreation.

Each section in this Report is preceded by those Coastal policies which were deemed relevant to that particular subject category. In several instances, the same Coastal policy was repeated in more than one section. The list of Coastal policies is followed by a discussion of the implications of Coastal policy for planning in Santa Barbara County and recommendations for implementation of Coastal policy.

AGRICULTURE

PLANNING IMPLICATIONS FOR SANTA BARBARA COUNTY

Recent planning and land use decisions reflect favorable attitudes towards agricultural preservation, and the policies of the Proposed Comprehensive Plan and Citizens' Advisory Committees also show a commitment to this goal.

Santa Barbara County's Agricultural Preserve Program is among the most successful in the State. Since its inception in 1968, approximately 85 percent (463,207 acres) of the eligible privately-owned prime and non-prime agricultural land in the County has been placed into preserves and under contract. Based on this record, it would appear that the County Agricultural Preserve Program could serve as one of the major tools for implementing Coastal policy.

Agricultural preserve status implies a fairly long-term commitment to agriculture, as contracts are for a ten-year period and are automatically renewed each year. The benefit to the landowner is economic, since agricultural preserve land is taxed according to its agricultural value, not urban standards. The minimum qualifying acreage for an agricultural preserve is presently 40 acres for prime land and 100 acres for non-prime land.

While the County Agricultural Preserve Program has been most successful in the non-urbanized areas of the County, as can be seen on Map B, Agricultural Preserves have recently made inroads into urban and urbanizing areas. Over 20,000 acres of prime land within one mile of city limits are now enrolled in the Agricultural Preserve Program. The minimum 40 acre size requirement for agricultural preserve status may disallow some urban parcels from participating, although highly productive parcels as small as five acres (to form a total of 40 contiguous prime acres) are eligible.

During the past decade, urban pressure in the South Coast area has declined because of water shortages, limited employment opportunities, and more stringent development requirements. Agriculture has begun to re-emerge as a prime concern of local government. This is partially a result of growing recognition of the substantial contribution that agriculture makes to the County's economy. While in many places the existing General Plan map reflects the more urban-oriented thinking that was prevalent in the early 60's, there has been considerable effort in amending the Plan and rectifying existing zoning which allows subdivisions of agricultural land. "Down zoning", especially in the South Coast area, has been a complex process, but there has been some success in establishing minimum lot sizes that are viable for agriculture, particularly lemon and avocado groves. Some hillside areas on the South Coast have been rezoned from one and five acre minimum parcel sizes to 40 and 100 acre minimums. The process is slow, since each parcel must be examined individually.

Even with these changes, existing zoning may be inadequate to protect agriculture against the pressures of urbanization. Much of the undeveloped coastal land west of Goleta is zoned "U" (see Map C and zoning key to Map C) which allows parcels as small as ten acres. This area, according to the local director of the Cooperative Extension, could accommodate major agricultural expansion in tree crops (citrus and avocado) if supplemental

water becomes available. However, there is serious question about the economic viability of ten acre citrus and avocado orchards and maintenance of the "U" zone could prove detrimental to long-term agricultural development. It may be necessary to increase parcel sizes in this area to a minimum of 40 prime or 100 non-prime acres, which would make them eligible for preserve status and be consistent with the rezoning that has occurred recently in the hillside above Goleta in the area from Ellwood to Gavito as shown on the attached map. Determination of actual minimum acreage requirement for this area should be subject to further study.

Much of the unincorporated area surrounding the City of Carpinteria is zoned A-1-X (five acre minimum parcel size). In recent years conversions to urban uses have decreased and several agricultural preserves have been formed -- all indicative of favorable community attitudes towards agriculture. Yet, even with the move towards agricultural preserves, the preservation of prime agricultural lands in the Carpinteria Valley is not assured. There is strong urban pressure from the City of Carpinteria (which is currently experiencing a six percent annual growth rate) and, while much of the undeveloped land surrounding the City is zoned A-1-X (a five acre exclusive agricultural district zone), the agricultural viability of five acre parcels is questionable for uses other than greenhouses or nurseries.

There is growing local concern about the proliferation of Greenhouses within the Valley from an aesthetic and agricultural preservation standpoint. There are approximately 41 commercial greenhouses in the Carpinteria Valley with approximately 113 acres under cover and an additional 387 acres under the ownership of greenhouse operators. An additional 1,362 acres of land in the Valley below Foothill Road is zoned A-1-X, which permits, in addition to orchards and field crops, the commercial raising of plants in hot houses, greenhouses, or other plant protection structures. Only a small proportion of this acreage is currently enrolled in agricultural preserves.

The Coastal Pilot Staff believes that 1,362 acres is excessive area for possible greenhouse expansion. Even at their current level of development, greenhouses have been criticized by many Valley residents for their negative visual impact, and there is growing concern that once lands are developed in greenhouses it may not be economically feasible to convert back to other agricultural uses.

If the Coastal objective of insuring the preservation of prime agricultural lands is to be realized, it is recommended that the County proceed with developing land use regulations which reduce the total potential acreage for greenhouses and investigate methods of bringing lands now involved in greenhouses and nurseries into permanent agricultural status. The Williamson Act is, of course, one obvious tool that could be employed to accomplish this goal, but the tax incentives offered by the Williamson Act are apparently not economically advantageous to the commercial greenhouse operations. Consequently, only a very few growers have voluntarily enrolled in the program to date.

Other methods for preserving this land will have to be explored. The Coastal Pilot Staff suggests that a study of the complex land use economics prevalent in the Valley be undertaken as a basis for determining County policy with respect to expansion of greenhouse activity, and the appropriate planning or zoning tools for implementing this policy. This study will need to explore such issues as water rate structuring for agriculture, minimal feasible preserve size for lands under intense cultivation, the impacts of the greenhouse option in the A-1-X zone on land values, and the potential for conversion to less intensive agricultural uses.

It is further suggested that the State Department of Fish and Game, as well as the Central Coast Regional Water Quality Control Board (RWQCB) cooperate with local officials to determine the impacts of nursery and greenhouse operations on water quality within the Carpinteria watershed. There is evidence that biocide contamination has occurred in the ocean near Carpinteria Slough according to the RWQCB. The source of the biocide contamination is believed to be greenhouse operations.

Proposed Plan policies for the Carpinteria Valley and the remainder of the Santa Barbara County Coastal Zone are strongly supportive of agriculture. However, land use designations on its maps may not be a substantial improvement over current land use designations and zoning. Extensive zoning which allows ten-acre parcels, particularly outside the urbanized South Coast area, may pose a threat to maintaining viable agricultural parcel sizes. Ranchette development (residential estates of 5-20 acres) as defined in the Proposed Plan may also be incompatible with the goal of agricultural preservation. Within the urban areas the Proposed Plan shows considerable land in open space; however, the proposed lot sizes may be too small for viable agricultural production.

The General Plan Advisory Committees, particularly Carpinteria and Goleta, have looked specifically at the conflict between urban uses and agriculture, and are currently formulating plans that would preserve agriculture through land use designations and zoning which would protect viable parcels. It is likely that final decisions regarding these parcels will have to be done on a case-by-case basis.

A possible process for implementation of Coastal agriculture policy is outlined below. This process would involve a coordinated effort between the Planning Staff and Advisory Committees.

The initial step would include a review and evaluation of all land within the Coastal Zone to determine which parcels are currently used for agriculture or possess agricultural potential. These areas should be zoned for agriculture and shown as such on the proposed land use maps. Care should be taken that agricultural designations do not become a catch-all open space category; a specific designation should reflect a real potential for this use.

It is evident that more land will be needed to accommodate urban growth. This growth should be directed to areas of marginal agricultural value which are proximate to existing development.

An urban growth framework should be formulated which, in addition to indicating where growth is to be accommodated, specifies the phasing of such growth. Legal studies will be required to determine the feasibility of phased development as a tool for controlling urbanization. While it may not be feasible to preserve all agricultural land within an urban or urbanizing area, those parcels

which have the least potential for agriculture should be converted first to accommodate growth, and growth should be accommodated within urban boundaries before expanding into non-urban areas.

AIR QUALITY

PLANNING IMPLICATIONS FOR SANTA BARBARA COUNTY

Santa Barbara's Air Pollution Control District estimates that violations of the National and State Ambient Air Quality Standards are likely to occur until the early 1980's in Santa Barbara's South Coast, Santa Maria, and Lompoc areas even without major increases in air pollutants from OCS development in the Santa Barbara Channel. This projection rests on two fundamental assumptions: adoption of a 0.9 percent annual growth rate by the County and maintenance of the State of California Auto Emission Standards.

The APCD has established stringent controls over all major stationary emission sources which include oil operations up to three miles off the coast. This control program involves a recovery program which will result in a 90 percent hydrocarbon recovery within the next few years.

On October 12, 1978, the Santa Barbara County Board of Supervisors tightened controls on industrial air pollutants as part of its effort to conform to the mandated provisions of the Federal Clean Air Act of 1970. The adopted "new source review rule" gives the County APCD authority to measure emissions of new or modified existing sources of pollution on an hourly rather than a yearly basis. With certain exceptions, the maximum hourly discharge of these sources will now be five pounds. The maximum under the previously yearly standard was 25 tons, or about 5.7 pounds per hour.

Air quality officials believe the revision was necessary to clamp down on "seasonal" polluters who, because they do not operate on a full year calendar year, may have excessive emissions when they do operate while still falling short of yearly maximums. The goal of "new source review" is to prevent a net increase in emissions, thereby maintaining air quality standards in the tri-counties area: Santa Barbara, San Luis Obispo, and Ventura. "New source review" coupled with State Automobile Emission Standards and the Proposed Comprehensive Plan's 0.9 percent annual growth rate provide the basis for the APCD's prediction that National Ambient Air Standards could be met sometime in the early 1980's.

The most serious air quality concern in Santa Barbara is the impact of Outer Continental Shelf (OCS) development on onshore air quality. In testimony before the United States Geologic Survey in August 1975, Dr. Alan Eschenroeder, air quality specialist, noted the potentially large increases in reactive organic emissions coupled with enhancement of photochemical reaction efficiency from OCS development will aggravate a pre-existing problem.

The pre-existing problem is that the south coast portion of Santa Barbara County experiences over a hundred hours per year in violation of the National Ambient Air Quality Standards. It has been noted that, without adequate recognition of the air quality

COASTAL APPEARANCE AND DESIGN

PLANNING IMPLICATIONS FOR SANTA BARBARA COUNTY

While Santa Barbara County, especially the South Coast area, is fairly conscientious about protecting scenic beauty, both for aesthetic and economic reasons, some strengthening of policies, zoning, and the design review process will be necessary to ensure implementation of Coastal policy.

The County currently has no regulations or policy which address the need to protect views. There are height and bluff setback requirements, but since these do not specifically address the need to protect views they are inadequate. Hope Ranch and Isla Vista are the only areas of the County which have standard bluff setback requirements (30 feet in Isla Vista and 50 feet in Hope Ranch, from the official bluff line). Thus, the majority of the setbacks are covered on a case-by-case basis. The Department of Public Works, which is responsible for assessing suitable setback requirements for each new project, is principally concerned with safety, and has no authority to protect or guarantee access. Factors which are taken into consideration in determining bluff setback include surface drainage, height of bluff, geology, soil parameters, wind, etc. While these are important considerations, they do not meet the intent of Coastal policy, either in terms of protecting views or coastal access.

Building height is currently regulated through zoning. Most zones in the County have a maximum height requirement of 35 feet or two stories, but there are several zones which allow taller structures. Within the Coastal Zone of the South Coast area, current zoning would allow structures up to 45 feet in residential, and up to 60 feet in some industrial zones.

Current zoning allows the potential for impacts on views, since the requirements do not relate building height to the protection of viewsheds. Some further regulation will be needed to ensure that Coastal policy is implemented. Possible alternatives include strengthening of current zoning, overlay zoning, and case-by-case review.

While the County Board of Architectural Review (BAR) process addresses some of the coastal concerns regarding regulation of design, its jurisdiction is spotty, since not all zones are subject to review. It is therefore suggested that an overlay zone for design review be applied to the Coastal Zone so that the design review process will have comprehensive coverage of the County coastline. Such an overlay will increase the workload for the Board of Architectural Review. However, this may not necessarily be an overwhelming problem. There are several unofficial review boards in the County which review projects before they go to the County BAR that could be given the responsibility for overseeing Coastal concerns. In addition to the County Board, there are review boards for Isla Vista and Summerland as well as review committees for Montecito and Hope Ranch. Exclusion of individual single family residences in the Coastal Zone from County design review, except those within a 300 foot zone contiguous to the ocean, may be appropriate.

problem and subsequent development of mitigation measures, it is likely that the proposed OCS developments will place Santa Barbara County in violation of the Clean Air Act Amendment of 1970 indefinitely, even if the new source review rule, the 0.9 percent growth rate, and the State Automobile Emissions Standards are all operable.

If these assertions of the APCD and independent specialists in the air quality field are correct, it would appear that conformance to Federal and State Emission Standards is dependent upon Federal decisions regarding the development and ongoing operations of the OCS program. In the interim, the air quality controls and enforcement mechanisms established by the APCD appear consistent with Coastal policy, and do not appear to require modification.

It should be noted that Santa Barbara County, through grants from NOAA and HUD, is engaged in a program of assessing the impacts of offshore oil development on onshore air quality and determining the relationship between land use planning and air quality. It has been suggested that the information obtained from these studies could serve as the basis for an Air Quality Element of the Proposed Comprehensive Plan for Santa Barbara County. Such an Element would appear essential at this time because of the imminent expansion of the oil industry. Santa Barbara County has no comprehensive air quality maintenance plan as a guide for planning.

Until an Air Quality Element is developed and becomes policy, the County will continue to use the CEQA and NEPA environmental assessment documents along with the Petroleum Ordinance and "Statement of Policy Relative to the Location of On-Shore Oil Facilities" in its air quality deliberations related to existing and proposed oil storage and separation facilities and residential, commercial, and transportation development.

Air quality analysis in the northern portion of Santa Barbara County has been limited to continuous gaseous monitoring by the Air Resources Board in Santa Maria. However, in 1976, the APCD's minimal suspended particulate monitoring (Lompoc and Santa Maria) will be expanded to include ozone in the Santa Ynez Valley. The APCD also established, through an independent foundation, a base-line SO₂/H₂S meteorological study incorporating continuous monitoring stations in Santa Maria, Lompoc, Orcutt, and the Cat Canyon area southwest of Santa Maria. This monitoring will begin in January 1977, with the goal of establishing baseline meteorology and hydrogen sulfide/sulfur dioxide levels in the specified areas. The Air Resources Board and San Luis Obispo County's APCD are also participating in this joint County venture.

In reference to the relationship between air quality maintenance and transportation planning, SCOTS (Santa Barbara County Transportation Study) has been evaluated by County consultants to determine its potential air quality impact. The consultants conclude that the proposed transportation plan will not adversely affect the County's goal of meeting National and State Air Emissions Standards, provided that Federal Automobile Emission Standards are not overruled, that stationary emissions are not relaxed, and that the proposed oil development in the Outer Continental Shelf does not adversely impact onshore air quality.

Santa Barbara County has a long history of offshore oil and petroleum activity, and is currently subject to intense activity offshore with State leases to 37 tideland parcels and Federal leases to 68 OCS tracts in the Channel. Most of these tracts have undergone or are experiencing some degree of exploration, development, or production activity. According to the Final Environmental Impact Statement of the U. S. Geologic Survey, U. S. Department of Interior, over 30 oil and gas fields are currently under production in State and Federally leased areas, accounting for 220,000 barrels of oil produced per day. Total Santa Barbara Channel production is 52,000 barrels of oil and 36,581,000 cubic feet of gas per day. Serving these leases are 13 offshore platforms, 42 subsea wells, 5 marine terminals, as well as numerous oil and gas pipelines. Onshore, separation and treatment facilities process all the offshore production from the Channel. These onshore facilities and their service pipelines are shown in the accompanying map (Map H).

Offshore oil development is in the process of expansion since completion of the Santa Barbara Channel Environmental Impact Statement and suspension of the Proposed Energy Reserve. In OCS Lease Sale #35, the Department of the Interior accepted bids totaling 420 million dollars on 56 tracts comprising 310,049 acres. Another OCS Lease Sale #48 is proposed for February 1978. This second frontier OCS area in the Southern California borderland lies south of Point Conception and ranges seaward from the mainland as far as 190 miles and encompasses over 13.2 million acres. The tracts most nominated for leasing by the oil and gas industry in Lease Sale #48 are those in the Santa Barbara Channel.

To serve expanding oil development from current Federal leases, the U. S. Geologic Survey estimates that 9 to 18 new platforms, 1 to 8 submerged production systems, 1 or more onshore treatment and storage facilities, related crew staging and equipment layover areas, and a 5 to 10 percent increase in tanker traffic may be proposed by the industry to explore and develop existing leased areas in the Channel. These estimates may increase as a result of development in the Santa Rosa Cortez North leased area of OCS-35, and may be further increased by the proposed OCS Lease Sale #48, especially if that sale includes unleased portions of the Channel.

The potentials for significant adverse environmental impacts resulting from oil development expansion are of great concern to the County. The Air Quality Section of this Report indicates that the development of the Outer Continental Shelf will prevent the County from meeting National Ambient Air Quality Standards unless stringent steps are taken to control vapor emissions from tanker loading and unloading operations. Air quality degradation could significantly impact coastal agriculture and be detrimental to the tourist industry and the retirement community.

The County is also concerned about the increased probability of major oil spills resulting from increased tanker traffic within the Channel and from the cumulative effects of daily operations. (i.e., loading, unloading, equipment cleaning) on the marine and beach environments.

Implementation of Coastal policy would be facilitated if, in addition to design review, the criteria for evaluation is explicit and consistently applied. The policy statements contained in 30251 of the Coastal legislation should be added to those currently described in the Board of Architectural Review enabling legislation so that developers, as well as board members, would be cognizant of Coastal concerns.

The County has made some progress toward reducing unnecessary development of ocean front areas through its adoption of the Beach Development (BD) zone. A substantial portion of the coastline has already been zoned BD (Ellwood to Jalama and some portions of the South Coast urban area). The BD district covers the land from the mean high tide line to the bluffs and generally allows, subject to a Conditional Use Permit, only recreationally oriented development or support facilities in this area. However, this zone still allows development on the beach and uses that may be too intense in environmentally sensitive areas. It may be in conflict with Coastal policy intent to preserve upland areas (i.e., on top of bluffs) for recreational support facilities rather than putting them directly on the beach.

The portion of Coastal policy 30251 which calls for minimizing the alteration of natural landforms should be addressed by the County's Grading Ordinance No. 1795 as well as the BAR process. The Ordinance should be amended to include stringent requirements for minimizing the alteration of natural landforms, and this Ordinance should be applied equally to all development, including agriculture.

ENERGY PRODUCTION

PLANNING IMPLICATIONS FOR SANTA BARBARA COUNTY

Presently, oil-related development is being controlled through the General Plan amendment, rezoning, and Conditional Use Permit review processes. The oil industry requires onshore facilities to process a majority of its mined oil and gas, and these onshore support facilities must be approved by the Santa Barbara County Planning Commission and Board of Supervisors, based upon information provided by the Planning Department, Office of Environmental Quality, the Air Pollution Control District, and applicant compliance with the County's Petroleum Ordinance and Statement of Policy Relative to the Location of Onshore Facilities.

Requirements for General Plan amendments, rezonings, and Conditional Use Permits, coupled with the Petroleum Ordinance and Statement of Policy Related to the Location of Onshore Oil Facilities, have helped to mitigate the environmental impacts of individual oil and gas facilities at their present level of development. But in the face of a host of proposed Outer Continental Shelf (OCS) and related onshore developments now before the County, these local mechanisms are not comprehensive enough to respond to the cumulative impacts of a greatly expanded oil and gas development program.

In order to judge the extent of the problem, it will be helpful to briefly review the magnitude of the OCS program as it affects Santa Barbara County and to analyze the County's response thus far.

The County Air Pollution Control District (APCD) is another local mechanism for mitigating oil-related impacts on the local environment. The control authority and activities of the District have been described separately in the Air Quality Section.

The Office of Environmental Quality (OEQ) is also involved in the oil development review process. The primary function of OEQ has been to use the CEQA and NEPA environmental assessment processes to generate sufficient information for evaluating the Conditional Use Permit, General Plan, and rezoning review process which is required for oil-related development.

The recent practice of applicants hiring outside consultants to challenge information developed by the County OEQ staff or OEQ-directed consultants has increased OEQ's workload, especially since the additional information submitted by the applicants is often at variance with that developed by OEQ. For example, both EXXON and ARCO hired their own consultants to challenge the estimates of emissions from the Las Flores processing plant and the South Ellwood treatment plant expansion, respectively. Controversy developed over the oil companies' measurement of tanker loading emissions, fugitive emissions from onshore facilities, and routine operating emissions, some of which were calculated from the outdated EPA formula. Because of the excessive demands on the limited staff of OEQ, the County has sought and is receiving staff assistance from the Federal Office of Coastal Zone Management (OCZM) through the State Office of Planning and Research. OEQ is requesting major grants to analyze seeps, to devise methods of capturing flows from natural and oil operation leaks, to obtain basin-wide air quality and meteorological monitoring systems, to analyze tanker loading operations, and, through the State ARB, County APCD, and Federal EPA, assistance to establish valid emissions estimates and consistent evaluation procedures. Although funds for air quality research have been forthcoming from NOAA, additional support from the State and the Federal Government will be required to conduct these studies.

It is recommended that a joint County-State program of research and management be formulated to oversee the analytical studies outlined above and to deal with the immediate problems of responding to the onshore need of the OCS program.

This program could begin with the formation of an Energy Management Team, composed of high level environmental, petroleum, planning, and management specialists. The responsibilities of this team would be to formulate and conduct specific research projects that will provide sufficient information to enable the County to determine how, where, and under what conditions oil operations can be conducted within the Santa Barbara County Coastal Zone. This information should be formalized as an Energy Element to the General Plan.

An interim task of this proposed Energy Team would be to convene a meeting with representatives of the oil and gas industry requiring onshore facilities and settle the question of consolidation and the onshore pipeline which is proposed to transport all of the local OCS oil to refineries in the Los Angeles or San Francisco areas. Santa Barbara County, through its "Statement of Policy Relative to the Location of On-Shore Facilities" and recent decision regarding the EXXON's Las Flores oil and gas separation facilities, has encouraged oil facility consolidation and has taken a policy position favoring the onshore pipeline. So far, the oil industry has not agreed to the consolidation program including the onshore pipeline.

Historically, Santa Barbara County has sought through various mechanisms to mitigate the impacts of this industry. Beginning in 1951, Santa Barbara County passed a Petroleum Ordinance intended to insure that onshore wells would be drilled and cased carefully enough to protect the fresh water aquifers so important to local agriculture.

In 1957, the Petroleum Ordinance (#9080) was amended to correct hazardous conditions created by onshore oil operations and to extend the sphere of the Ordinance to the entire County. In 1968, this Ordinance was amended due to poor drilling practices prevalent in the County, and because of stream pollutions and erosions caused by grading and poor drainage. Loopholes were closed that allowed drillers to avoid their responsibilities to abandon wells properly.

The County replaced Petroleum Ordinance #9080 by a new Petroleum Ordinance (#2795) effective January 14, 1976. The current Ordinance prohibits surface petroleum operations in all County parks and the Cachuma Recreation area unless specifically approved by the Planning Commission, Park Department, and the Board of Supervisors. It establishes specific criteria for drilling, processing operations, safety, well casing and cementing, abandonment, and a host of details reflecting technical advances in industry and increasingly sophisticated County regulations.

A County-appointed Petroleum Administrator oversees the enforcement of this Ordinance (in unincorporated areas of the County only) and has the authority to shut down oil-related operations if violations of air pollution emission standards are discovered. The Administrator has not used this authority to shut down processing or on-shore offshore-connected facilities thus far.

In 1967, the County adopted a "Statement of Policy Relative to the Location of On-Shore Oil Facilities." This Statement of Policy is Santa Barbara County's most definitive response to the OCS program. The Policy applies to all applications from Point Conception to the Ventura County line, extending inland to the ridge line of the Santa Ynez mountains, and to the three mile limit offshore.

The County maintains that each application for an onshore facility for the purpose of handling oil or gas production (i.e., marine terminals, tank farms, oil and gas handling facilities) shall be considered on the basis of: appearance of the facility from the surrounding areas, and impacts of noise, vibration, odor, and air pollution; visibility, lighting, traffic, grading, flood and erosion, land and water. Presently, the Policy favors "no more than one additional marine terminal." It discourages any tank farms or oil and gas handling facilities within three miles of any existing facilities. This three mile spacing limit is not considered to constitute automatic approval of facilities where the spacing exceeds three miles.

The Policy only supports expansion of existing facilities onto adjacent land provided all other criteria of the Policy are met. In addition, it encourages consolidation of facilities (in keeping with Section 30261 of the Coastal Plan) on existing sites or on adjacent land as an alternative to the establishment of new separate sites.

Presently, much of the undeveloped portion of the County's coastline is zoned "U", which permits "the production of oil, gas, and other hydrocarbon substances," upon approval of a Conditional Use Permit. The "U" zone should be amended and careful study of the Oil Drilling Combining Regulations and Exclusive Controlled Oil Drilling and Producing Site Combining Regulations should be made by the Energy Management Team.

Other tasks of the Energy Team would be to establish local policy for liquefied natural gas terminals (LNG) and deep-water ports. Two current proposals make the formulation of such policy extremely important. The first concerns an application currently on file with the County by Western LNG Terminal Company for General Plan changes and a rezoning to permit an LNG facility three miles east of Point Conception. The second involves a proposal (in its formative stage) to develop a marine terminal in the Guadalupe Dunes area near Santa Maria for the purpose of transporting Alaskan oil to onshore refineries and a surplus of crude to eastern portions of the United States.

HAZARDS

PLANNING IMPLICATIONS FOR SANTA BARBARA COUNTY

The County has a number of existing ordinances and programs pertaining to fire, flood, and geologic hazards. The Subdivision Ordinance (County Code Chapter 21), for example, provides the authority to require preliminary soil reports for specific projects. Grading is regulated by Ordinance No. 1795, and gives control to Public Works relative to geologic problems when grading is involved. Additionally, the Public Works Department has authority to require geologic and soil engineering reports, and regulates bluff setback requirements. Development in fire hazard areas is regulated by the High Fire Hazard Zones Ordinance.

The County's draft Safety Element proposes a general strengthening of the current regulations. The report also recommends that further studies be conducted (in such areas as fault locations and recurrence intervals, fire and fuel management incorporating controlled burns, and flood plain zoning) to update existing information or fill gaps where adequate data presently are not available. The proposed Comprehensive Plan recommends zoning ordinance amendments to add "Geologic Problems Combining District" and an "Earthquake Fault Zone District." Also, it is proposed that the existing FH-Flood Hazard Combining Regulations, which presently prohibit construction, grading, and excavation only in designated floodways where flood control projects are proposed, be expanded to cover all stream channels, floodways, and areas which may be inundated by a 100-year flood.

Slope steepness is currently taken into account for each individual project by the Subdivision Committee. The Committee is composed of members of the Planning, Public Works, Fire, Flood Control, Health, Surveyor, Parks, Assessor, and Transportation Departments. The HI-Hillside Terrain Combining Regulations call for review of development plans and authorize reducing the number of dwelling units otherwise permitted in the underlying zone on the basis of capacity of access roads, traffic circulation, soil stability, natural cover, fire and flood hazards, and availability of utilities. Various types of limitations may be imposed,

including prescribing special lot design and rules on location, coverage, height, architectural treatment, and landscaping of buildings. However, the HT District is virtually useless because it can only be applied at an applicant's request.

The Proposed Comprehensive Plan Implementation Program recommends that the County, rather than the applicant, apply the HT Combining Regulations to all lands with an average slope of 25 percent or greater. Where slope exceeds 40 percent, development would be prohibited. However, if a portion of a parcel has a less than 40 percent slope, that portion could be permitted to be developed, subject to appropriate limitations imposed under the HT requirements.

Potential hazardous industrial development is regulated by the zoning ordinances on a case-by-case basis. There has not been a great deal of pressure for heavy industrial development in the County, and the existing heavy industry has generally located away from residential areas. It is County policy to assure the safety of people and properties adjacent to oil development on the South Coast ("Statement of Policy Relative to the Location of On-Shore Oil Facilities," 1967). There is a need, however, to develop County-wide guidelines for the establishment of minimum distances or buffer areas between hazardous industries, including airports, and other types of land uses.

MARINE USES

PLANNING IMPLICATIONS FOR SANTA BARBARA COUNTY

As was noted in the August 30, 1976, Progress Report, Santa Barbara County has few marine-related policies. Portions of Coastal policy on marine uses are not directly relevant to current County activities since the County's recreation and commercial fishing and boating facilities are minimal. Goleta Pier, which has limited facilities for launching small boats, is operated as a concession by County Parks. There are no current plans for expanding these facilities. There is also a boat launching facility at Gaviota State Beach. If Ellwood Pier is acquired, the County may allow limited capability for boat launching there, also. The County Parks Department could perhaps take the initiative to determine the feasibility of providing more launching facilities. There are no commercial fishing facilities within County jurisdiction.

With respect to Coastal policies regarding the preservation of the biological productivity and quality of coastal waters, streams, wetlands, estuaries, and lakes, most of the policies affecting these environments are under the control of the Regional Water Quality Control Board and the State Department of Fish and Game. Although the effectiveness of these policies has not been a subject of study by the Coastal Pilot Study staff, it should be noted that, with respect to the marine environment, there is only sporadic monitoring of these areas.

Concern for these environments is warranted as there is some evidence of pesticide impacts in the coastal waters of Carpinteria. An Environmental Specialist from the Regional Water Quality Control Board has recently documented sand crab kills and traced the cause of the kills to biocides from greenhouse operations upstream.

It is suggested that the State Coastal Commission, the County Office of Environmental Quality, the Department of Fish and Game, the State Regional Water Quality Control Board, and the University of California collaborate to determine the extent to which onshore activities within the Coastal Zone are affecting the biological productivity of the local marine environment. If the investigation uncovers adverse onshore impacts, those regulatory agencies which have the mandate for protecting the marine environment should take appropriate action.

With respect to the control of the depletion of groundwater supplies and the encouragement of wastewater reclamation, the County has done extensive research on both subjects. The Goleta, Montecito, and Summerland water moratoriums have promoted in-depth investigations into the feasibility of wastewater reclamation for agriculture and landscaping uses. These investigations indicate that wastewater reclamation is not particularly cost-effective at this time, although the economics must eventually be weighed against the costs and quality associated with other supplemental water sources such as conjunctive use or State water importation.

The extensive local search for supplemental water sources has resulted in proposals for additional mining of coastal groundwater basins and consideration of a conjunctive use program involving several local water districts. It is beyond the scope of this report to determine whether or not the implementation of these proposals would result in the depletion of groundwater supplies.

The Energy Section of this Report indicates the County's concern over the possible harmful marine impacts of the proposed OCS program, and urges the establishment of an Energy Management Team to undertake studies to determine the full impact of the proposed program on Santa Barbara County natural resources. One of the duties of the Energy Management Team should be to oversee the development of effective containment and cleanup facilities for the accidental oil spills that, in all probability, will occur. Although the oil companies have established a local spill and cleanup program, the effectiveness of this program has been contested by local authorities. Potential marine impacts of an LNG facility should also be studied by the Energy Management Team.

Both new project construction and maintenance activities of Flood Control, Public Works, and the Water and Sanitary Districts have direct and indirect effects on the marine environment. Existing policy to regulate these kinds of activities is weak and should be strengthened. While major projects are required to go through environmental review, maintenance activities are exempt. Requiring all projects and maintenance activities to go through a standard environmental review process would be too costly and time consuming, and the review process does not guarantee that the intent of Coastal policy will be fulfilled. A scaled-down review procedure would be one alternative for ensuring that small projects and major maintenance activities are monitored but, in order to be effective, strong County policy should be the guideline for evaluation. Perhaps one or two members of the Office of Environmental Quality staff

could be assigned responsibility for reviewing those specific types of construction and maintenance activities that are discussed in Sections 30233, 30235, and 30236 of the Coastal Act. Particularly close attention should be paid to maintenance dredging activities in estuaries, to ensure that the process maintains their biological productivity.

RECREATION AND ACCESS

PLANNING IMPLICATIONS FOR SANTA BARBARA COUNTY

County plans relating to recreation and access appear to be moving toward conformity with Coastal policy. In the past few years, there has been considerable effort, both at a State and local level, directed toward increasing recreational opportunities and, while it may be some time yet until the results of these efforts come to full fruition, progress is evident. Existing and proposed policies aimed at protecting and increasing recreational opportunities are quite strong. Implementation of these policies through zoning and acquisition is progressing, although more attention could be paid to future needs rather than simply accommodating present demands.

The County has adopted uniform rules and procedures that allow for the formation of recreational and open space preserves. While recreational preserves appear to be a viable alternative to acquisition of additional parkland, there have been no such preserves formed to date.

Much of the northern portion of the County's coastline is in Federal ownership (Vandenberg Air Force Base), and thus access is limited due to Federal controls. Along the South Coast there are four major State beach parks. Further expansion of these parks along the coast is presently under way through State bond monies. In addition to these parks, the County of Santa Barbara and the Cities of Santa Barbara and Carpinteria, all have sizeable beach parks to accommodate public use. Map G shows access points to the beach and those portions of the County's coastline which are in public ownership.

Access to the County coastline outside the urbanized South Coast area is limited to State or County beach parks, as can be seen on Map G. Control of ORV use at the County parks at Guadalupe and Surf, as well as an improvement of facilities, would result in improved recreational opportunities. Increased access to the North County coastline would be difficult, since it would necessarily involve building roads through natural areas or agricultural lands. Improvement of the road to Point Sal may be an alternative in the future to improve access. Although this area cannot tolerate intensive recreational use, unless there is a substantial increase in population in this area, increased demand for recreation could probably be accommodated by expansion of existing facilities rather than the development of new areas.

Most of the land along the coast contiguous to Summerland is currently County-owned. There is access provided at Lookout Beach County Park and further east along the Summerland Bluffs. The County has plans to acquire Lookout Point for a park, which will provide additional access and recreational opportunities in this area. The stretch of coastline between Look Point and Sand Point is privately owned and not accessible to the public. However, it is not a highly desirable area for public recreation, since much of the beach is under water during high tide.

East of the City of Carpinteria to the County line there are two parks, Carpinteria State Beach within the City of Carpinteria and Rincon Beach County Park, which provide access and recreational opportunities. The State Department of Parks and Recreation has plans to expand Carpinteria State Beach east to the County Park at Rincon.

Public overnight camping facilities are provided at Carpinteria, Refugio, El Capitan, and Gaviota State Beaches, as well as at the Jalama Beach County Park. There is also one private overnight camping facility near El Capitan. The County does not presently encourage overnight camping facilities on their beach parks since the priority is for day use. The County Parks Department has no plans for providing more camping facilities in the Coastal Zone. Further study needs to be done to determine the adequacy of existing hotels and motels, as well as other recreational facilities in the County's Coastal Zone.

SPECIAL HABITATS

PLANNING IMPLICATIONS FOR SANTA BARBARA COUNTY

The County has made some progress towards protection of its special habitat resources. Heightened concern and awareness about the need to protect fragile habitat areas has resulted in the cessation of development in the County's three major sloughs - Devereux, Goleta, and Carpinteria. However, further protection is needed to assure that development will not encroach on slough fringe areas and that development in areas surrounding the sloughs does not impact the viability of the slough habitat. The proposed Conservation Element, if adopted, will bring County policy into substantial conformity with Coastal policy in regard to protection of fragile habitats. The Proposed Conservation Element has identified and mapped all of the County's important ecological communities that represent fragile ecosystems or endangered species, and these areas are considered in the Proposed Plan Land

The Cities of Santa Barbara and Carpinteria, as well as Vandenberg Air Force Base and the Channel Islands, were not part of the study according to the contract. Therefore, the Goleta Slough is not discussed in this study.

In the stretch of coastline between Gaviota and Winchester Canyon there are three State parks (Gaviota, Refugio, and El Capitan), which provide access to the beach and recreational and camping facilities. However, increased recreational access should be provided to meet a heavy demand for beach use in this area, especially access to surfing areas. Weekend use of this section of the County's coastline is extensive, as evidenced by cars parking on either side of Highway 101 wherever the road widens enough to accommodate cars. This illegal access creates a hazardous situation due to the speed of the traffic and the narrowness of the freeway.

The State and County have been working for several years to increase recreational opportunities in this area. The State has acquired considerable land along this portion of the coast already, as is shown by X-6 G, and is currently negotiating to acquire more land. Joint plans between the State and County include acquiring two additional beach areas, Edwards Beach and the Ellwood Pier area, which would supplement the three State beach areas that currently exist. The State is currently negotiating for the purchase of Edwards Beach, and the County is attempting to acquire Ellwood Pier and the area around it for a beach park.

In addition to planning to increase access and beach parks, the State and County have been working toward the goal of establishing a coastal riding, hiking, and bike trail between the Santa Barbara Mission and Gaviota. In September 1975, the State of California authorized approximately \$500,000 for the purchase of the right-of-way and construction of this trail. Completion of the trail is expected to take up to a decade.

The South Coast area between Coal Oil Point and Rincon currently provides several access points and recreational opportunities. However, some improvements need to be made. The area between Ellwood and Devereux has only one access at Santa Barbara Shores subdivision, which is private. Some blufftop and additional public access to beach areas should be acquired. While there are numerous access points between Devereux and Goleta Beach, these access areas, especially in Isla Vista, need some renovation and better signing. No legal public access exists between Goleta Beach and Arroyo Burro Beach. However, there is considerable use of the beach at More Mesa, as people cross private land to reach the site. More Mesa is also considered an unusual habitat, since it provides the nesting ground for White-Tailed Kites, an endangered species. It should be acquired and preserved in open space, and well-defined trails to the beach should be provided. Between Goleta and Arroyo Burro there is also the Hope Ranch Park, a private beach, to serve residents in the exclusive Hope Ranch area. The County should acquire the bluff tops and beach east of Goleta Beach County Park and west of Arroyo Burro to increase recreational opportunities.

Portions of the beach and bluff along Channel Drive in Montecito are under County jurisdiction. There is some access to the beach from Channel Drive. There is also access to the Montecito Beach at the base of Eucalyptus Lane. West of this access point is Hammonds Meadow, which is on the list of properties recommended for acquisition by the State Coastal Commission (Priority IA). If acquired, public use of the area should be carefully managed, since it is an archeological site (Chumash Indians).

inland. In this area, such migration would overrun land that is currently used for agriculture.

Uncontrolled and excessive ORV use is incompatible with other forms of recreational activity. The noise and physical threat posed by rapidly moving vehicles have made Guadalupe Beach unsuitable for sunbathing, fishing, or other kinds of passive recreation. Since access to the coast in northern Santa Barbara County is quite limited, exclusive use of one area for any one form of recreation cannot be justified.

Recommendations in the Proposed Conservation Element call for restriction and protection of dunes from all but scientific and educational use. However, there is a substantial demand for this form of recreational activity, and it provides tourist income to the Santa Maria area. Nevertheless, ORV use should be restricted, if not prohibited, to minimize destruction of the remaining dune vegetation and to allow for other kinds of recreation in this area.

Careful study and consideration will have to be given to this matter. While County Parks is planning to acquire sites for ORV use, Guadalupe Dunes is not one of the proposed sites. Since ORV use at Guadalupe is currently established on private land, the County does not have control over it. However, implementation of Coastal Policy will require the solution of this problem because the Guadalupe Dunes area is an "environmentally sensitive habitat area." The County, in cooperation with the State Coastal Commission, should explore means for regulating ORV use on private land.

Acquisition of this area is another alternative. The County currently owns only about three acres in the Guadalupe area. Acquisition of as much of the dune and estuary area as feasible, both north to the County line and south toward Point Sal, would facilitate the preservation of the dune and estuarine ecosystems and the control of intensity and type of recreational use. The Guadalupe Dunes area is on the Coastal Commission's recommended list for acquisition; however, it is not top priority.

The Gordon Sand Company operates a small sand mining operation in the Guadalupe Dunes area. This is the sole mining operation currently within the Coastal Zone in Santa Barbara County. A draft Environmental Impact Statement was completed in January 1973, with the general findings that the facility was not having an irreversible environmental impact on the dunes. This is a very small operation. The actual mining is on an advancing dune where there is little or no vegetation. The location of the processing area, as well as the mining site, is sufficiently set back from the beach so as not to interfere with recreational use, with the exception of ORVs which occasionally pass near the area of the mining pits.

ORV use is also occurring on other privately-owned parcels in the County, including More Mesa, a habitat for white-tailed kites.

Use Maps and are designated as open space or parks. However, in terms of actual human activities, some attempt must be made to resolve an inherent conflict between intensity of recreational use and habitat protection. While public education will probably be the most salient tool in the long run for accomplishing this goal, other measures, i.e., acquisition, zoning, controlling intensity of usage, need to be adopted.

Recommendations are made in this report for the County's major habitat areas which are also identified in both the Proposed Conservation Element and the 1975 Coastal Plan. Protection of habitat areas of lesser significance and general minimization of environmental impact during development are currently addressed in the EIR process through the County Office of Environmental Quality.

Adoption and implementation of the recommendations in the Ecological Systems Chapter in the Proposed Conservation Element will bring the County into substantial conformity with Coastal Policy. The California Natural Areas Coordinating Council (CNAC) is currently in the process of identifying and mapping habitat areas throughout the State and this information could supplement that provided in the Proposed Conservation Element. It is also recommended that the Advisory Committees identify habitats within their jurisdictions and designate land uses that will protect these areas, especially if these habitats do not represent potential acquisition sites. The Advisory Committee Members should further designate land uses around sensitive areas that will serve as buffer zones between development and habitat areas. These areas should be appropriately zoned to assure habitat preservation. Identifiable buffer areas could be subject to a "buffer" zoning overlay requiring special review by the Office of Environmental Quality, or by the proposed Coastal Zone Coordinating Committee.

Guadalupe Dunes

The Guadalupe Dunes area is a scenic and unique portion of the County's coastline and a place that is in need of immediate action to prevent further destruction of its fragile ecosystem. The access road to the small County park situated just south of the Santa Maria River Estuary passes by the Gordon Sand Extraction Company and terminates in a small parking lot which is contiguous to the Thriftway Oil Company drilling site. The County's park facilities are minimal and poorly maintained. In recent years, the area has become a popular spot for ORV (offroad vehicle) use. The dune area is heavily used by all varieties and types of offroad vehicles, especially on weekends and holidays when thousands arrive in campers from all over California.

This activity is harmful to the delicate dune vegetation which currently shows considerable deviation from its natural state. In addition to disruption of plant and animal ecosystems, one potential long-range impact of dune defoliation is the migration of dunes

south. The area has an overnight camping facility and is a popular surfing spot. It is an area considered to be a special land habitat by the Coastal Plan and a scientific study area by the Proposed Plan but, other than estuarine protection via fencing and signing, it is not in need of further protection.

Carpinteria Slough

The Carpinteria Slough is one of California's major wetlands. It covers about 230 acres and is fed by Franklin and Santa Monica Creeks. Land ownership within the slough is mostly private; however, the University of California is in the process of acquiring approximately 120 acres for inclusion in its Statewide Natural Land and Water Reserve System.

The University plans and policy regarding the estuary are compatible with Coastal policy relating to the protection of wetlands. Activities in the slough will be overseen by a management committee which will include biologists from the University of California at Santa Barbara. Access into the slough will be subject to committee approval and restricted to scientific and educational activities.

Public entry into the slough is currently restricted severely by fencing and private patrol. Presently, both individual landowners and homeowners associations which own the land do not want either development or public access into the sloughland.

Other activities in the estuary which may conflict with Coastal policy regarding estuary protection relate to flood control and mosquito abatement. These activities and their potential impacts are discussed in a report entitled "The Natural Resources of Carpinteria Marsh," prepared for the State Department of Fish and Game, February 1976. Briefly, items of potential concern are sedimentation, flood control mitigation projects, maintenance, pollution from septic discharge and runoff, mosquito abatement, possible pesticide impacts from nursery and greenhouse operations, and urban encroachment. According to the report, none of these impacts appear to be serious at this time. However, it is the recommendation of the Study that the University assume responsibility for managing the slough and monitoring any activity that will impact it. In particular, the dredging activities for flood control purposes and pesticide use by the Mosquito Abatement District should be coordinated with the University Management Committee. (There is already some communication occurring between the University and Flood Control regarding this matter.) It is also recommended that the University acquire the rest of the slough for inclusion into its preserve system.

Devereux Dunes, Slough, and Campus Lagoon

The Devereux Dunes, slough, and Campus Lagoon are currently under University of California management and ownership. The dunes are part of the Statewide Natural Land and Water Reserves, whereas the slough and lagoon are part of a campus environmental reserve system proposed in the U.C.S.B. Long-Range Development Plan. Access is restricted into the slough and dunes area by fencing, and it is patrolled by student caretakers and Campus police. The area also contains signs to inform the public of the function and fragility of the ecosystem. The Campus Lagoon is a less

Point Sal

Point Sal, although a particularly scenic area, is fairly inaccessible since the access road to the site is long, narrow, and mostly unpaved. Approximately 49 acres to the east of the Point are currently State park lands. The Point Sal area, although not as fragile as the Guadalupe Dunes, is classified as an endangered species and scientific study area by the Proposed Conservation Element, and is judged to be tolerant only to very light recreational use. While difficult access discourages intensive usage of Point Sal, it is not known how close to Point Sal ORV use from the Guadalupe area has penetrated. The California Coastline Preservation and Recreation Plan proposes the acquisition and expansion of Point Sal State Park to over 4,000 acres. A portion of this area is to be included in the proposed Statewide Natural Preserve System.

Surf

The area around Surf is designated by the Proposed Conservation Element as a delicate habitat, endangered species, and scientific study area, and is deemed tolerant only to regulated scientific study. It is an area somewhat similar to Guadalupe, in that it is characterized by dunes and an estuary where the Santa Ynez River enters the ocean. The County also owns a 40-acre park here, although, interestingly, the parcel does not extend to the shoreline. However, Vandenberg AFB has granted public access to a short stretch of coastline from Ocean Park. While the dunes at Surf are not as extensive or large as those at Guadalupe, ORV enthusiasts do make use of this area. ORV use should be prohibited in this area and access into the estuary should be restricted by signs and fencing.

Vandenberg Air Force Base

Vandenberg Air Force Base was excluded from this study by the contract; however, a few points should be made regarding habitat protection. There are three wetlands in VAFB - Shuman, San Antonio, and Canada Honda - as well as portions of Santa Ynez and Jalama. A fairly thorough study of these wetlands was done for the Department of Fish and Game and is described in a report entitled "The Natural Resources of Coastal Wetlands in Northern Santa Barbara County." (May 1976) The recommendations in this report should become part of the County's local implementation program.

Jalama

Between Surf and Gaviota there is only one public accessway to the beach, via a road 15 miles in length (Jalama Road) from Highway 1 southeast of Lompoc. There is a County park at Jalama (23 acres) which borders on the Jalama Creek estuary and extends

natural area; the water level is artificially maintained, and natural vegetation has been altered by landscaping. Access into the lagoon is restricted.

URBAN DEVELOPMENT

PLANNING IMPLICATIONS FOR SANTA BARBARA COUNTY

The main focus of implementation for Coastal policy related to urban development will be on the South Coast. While the goal of limiting and concentrating urban development is fairly well accepted in the South Coast, there is considerable diversity of opinion as to how much growth should be allowed and where it should occur. At present, water shortages and moratoriums have greatly curtailed urban development. Obviously, moratoriums are a negative planning tool which do not take the place of well-formulated land use plans, policies, and zoning.

The existing General Plan land use map and zoning would require substantial revision in order to achieve conformity with Coastal policy. Although there have been amendments since the General Plan was adopted in 1965, the current County land use map and zoning continue to reflect a former philosophy that envisioned major urban expansion and decreased agricultural use. For example, there is extensive "U" (Unlimited Agriculture) zoning in the coastal zone outside the urbanized South Coast area which would allow the subdivision of large tracts of land into ten-acre parcels.

In order to implement the urban development and agricultural policies of the Coastal Act in Santa Barbara County, two steps seem necessary. The initial step would involve defining an urban limit line which would represent the boundary of urban growth for the period of time covered by the Proposed Comprehensive Plan, i.e., 1990. The urban limit line would be predicated on the adoption of a growth rate (e.g., .9 percent) by the Board of Supervisors and determined by a parcel-by-parcel review of all land within the coastal zone. The main difference between urban and rural areas would be the minimum parcel sizes allowed. The minimum parcel size which would be allowed outside the urban area should be 40 to 100 acres. The land use and zoning within the urban area would allow sufficient development to accommodate projected growth within the designated time frame as well as continued or expanded agriculture, recreational, and open space uses.

The second step would require a determination of specific land uses within the urban limit based on the parcel-by-parcel review. The review process would involve a careful study to determine the value of the land for agriculture, whether it was subject to natural hazards, or a known archaeological or special habitat site. Land use designations and zoning would be applied based on the criteria in the Coastal Act. For example, smaller parcels which are non-prime and contiguous to urban development should be scheduled for development. At the other end of the

A final figure will be based on an examination of the relationship between parcel size and agricultural viability, as well as the effects of water costs on minimum parcel size.

spectrum would be parcels that are prime agricultural land and at the urban fringe on which development would be prohibited. Habitat areas should be protected by inclusion in a preserve or open space system and surrounded by buffer areas. Areas with recreational potential should be acquired, or zoned for such use.

Much of the baseline data collection and required research for this review process has already been completed with the studies undertaken in the preparation of the Proposed Comprehensive Plan and the Citizens' Advisory Committees. A refinement of the Advisory Committees' land use maps may be all that is required to bring the County into conformity with Coastal policy regarding urban development.

Not all of the sections in the Coastal Act relating to urban development can be implemented through land use maps and zoning, and adoption of policy is only the first phase in the implementation process. The following paragraphs discuss subject areas in which the County lacks both an equivalent policy and the tools for implementing Coastal policy.

The County has no existing or proposed programs which would encourage either lower cost visitor and recreational facilities or housing opportunities for persons of low and moderate income within the coastal zone. Since the Planning Department is in the process of initiating studies and compiling data which will form the basis for a new Housing Element, this would be an appropriate time to consider ways of implementing Coastal policy.

Existing County regulations to protect archaeological sites are also inadequate. Areas of known significance are somewhat protected through the environmental review process, but there is not a procedure to cover instances where sites are discovered in the development process. Known archaeological sites have been kept from public knowledge for security reasons. The conclusions and recommendations in the Archaeological Sites Chapter of the Proposed Conservation Element Study as well as in the Proposed Comprehensive Plan seem appropriate and should be implemented. For example, the Proposed Conservation Element suggests that archaeological sites be incorporated into parks or used as outdoor museums. Another alternative which is suggested is to give tax relief to property owners for protecting archaeological resources. Recommendations in the Proposed Comprehensive Plan call for an Archaeological Sites Ordinance and County Advisory Archaeological Sites Committee to aid in the preservation of significant sites.

Some of the County's current policies, regulations, and procedures address the need to provide public access and recreational areas in new developments. Some potential accessways and open space areas are acquired by Flood Control through the required dedication of floodways, streambeds, and outlets to the ocean. Policy contained in the County's Subdivision Regulations encourages the preservation of open space and/or scenic areas. However, the County has no specific policy requiring the dedication of public access to the beach in new developments, except for the subdivision of property adjacent to the coastline as per the State Subdivision Map Act (Section 65478.11 a), which requires beach access. Such a policy should be adopted and implemented through the review process of the proposed Coastal Zone Coordinating Committee.

There is no one County agency which currently has the mandate to oversee expansion of public works or special districts' activities. The agencies that handle these matters are fairly autonomous

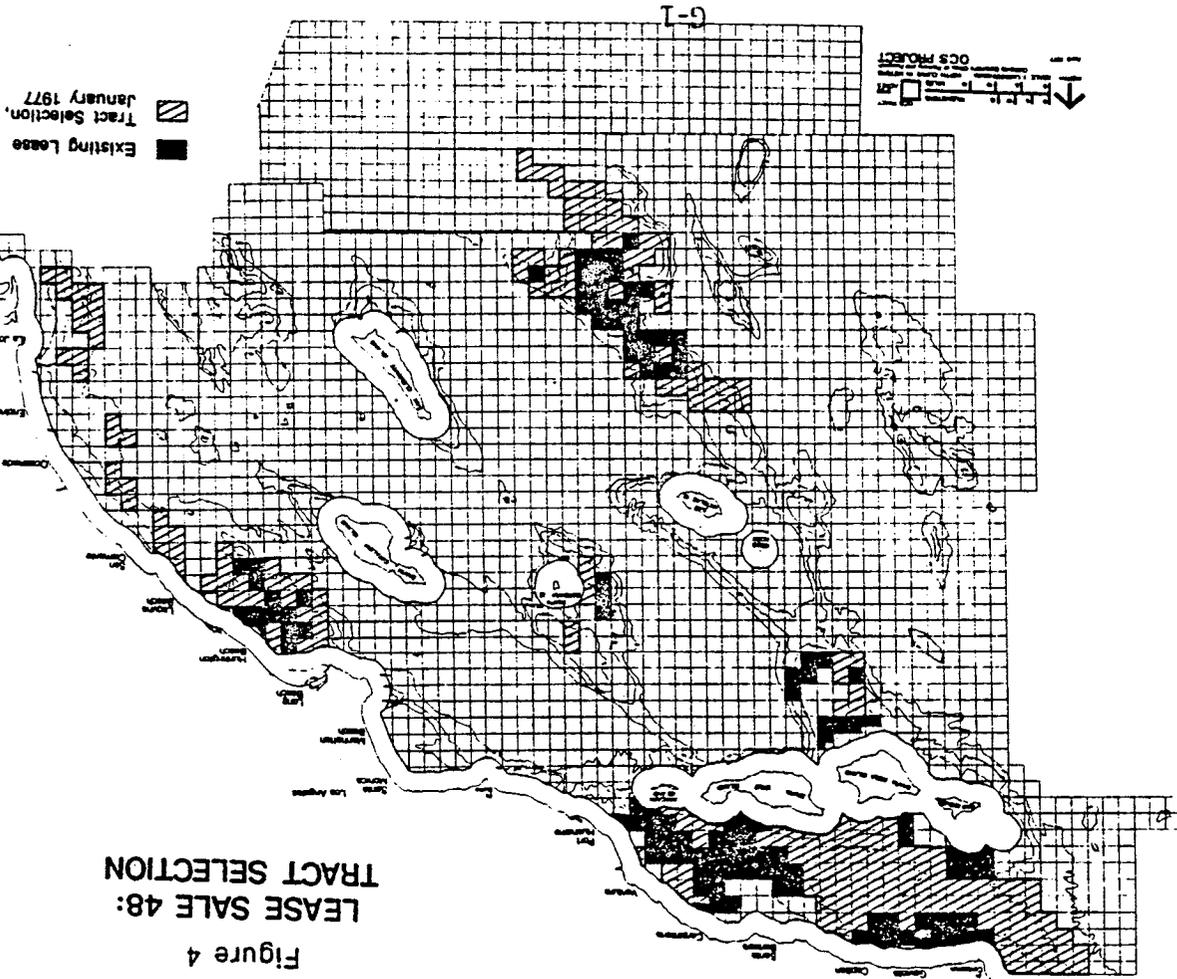
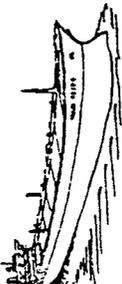
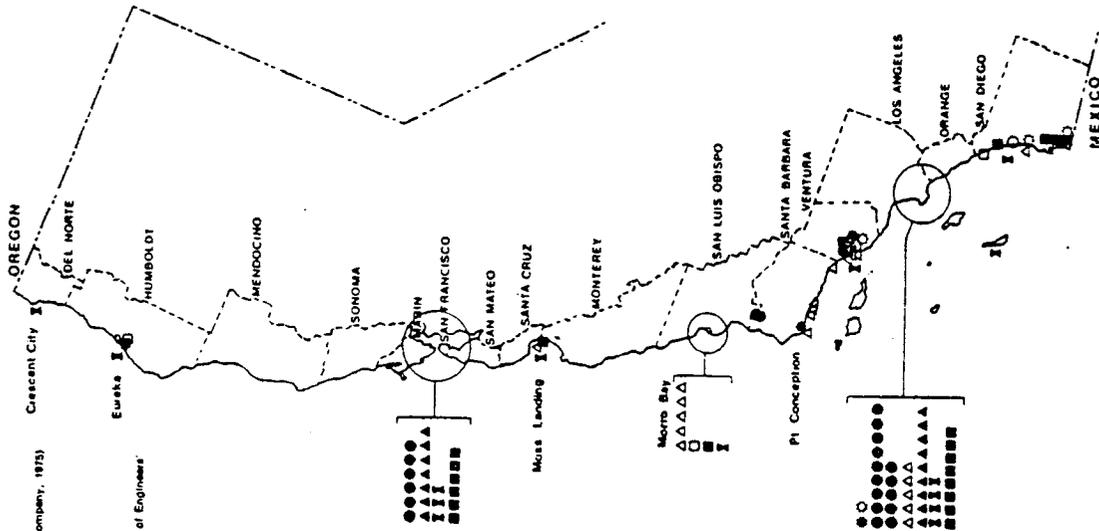
and, for the most part, the County respects district policies. The Goleta and Montecito Water Districts, for example, are quite restrictive in regard to expansion of public facilities. The County Health Department operates in a limited capacity as a regulatory agency for extension of public utilities into semi-urban and rural areas. Urban development policies directed at concentrating urban growth may be an implicit means of meeting the concerns of Section 30254 of the Coastal Act. Another possibility may be to mandate to LAFCD the responsibility for implementing this policy, at least where annexation is concerned. When annexation is not involved, the expansion of public works facilities should be required to be consistent with County policy and land use plans.

ATTACHMENT G

MATERIALS IN SUPPORT OF CHAPTERS 9 AND 11

STING, PROPOSED, AND POTENTIAL COASTAL ENERGY FACILITIES

- 1 Proposed liquefied natural gas (LNG) marine terminal
- 2 Possible alternative LNG marine terminal (Both LNG identifications by Southern California Gas Company, 1973)
- 3 Existing refinery
- 4 Proposed refinery
- 5 Existing tanker berthing facilities
- 6 Offshore tanker terminal, conventional buoy mooring
- 7 Potential deepwater port sites (identified in Army Corps of Engineers' West Coast Deepwater Port Facilities Study, 1971)
- 8 Existing fossil fuel power plant
- 9 Existing nuclear power plant



State of California

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EDMUND G. BROWN JR.
GOVERNOR

July 26, 1977

Mr. Robert Knecht
Office of Coastal Zone Management
3300 Minkhaven Street, N.W.
Washington, D.C. 20235

RE: MOGA's comments on the Coastal Zone Management Program

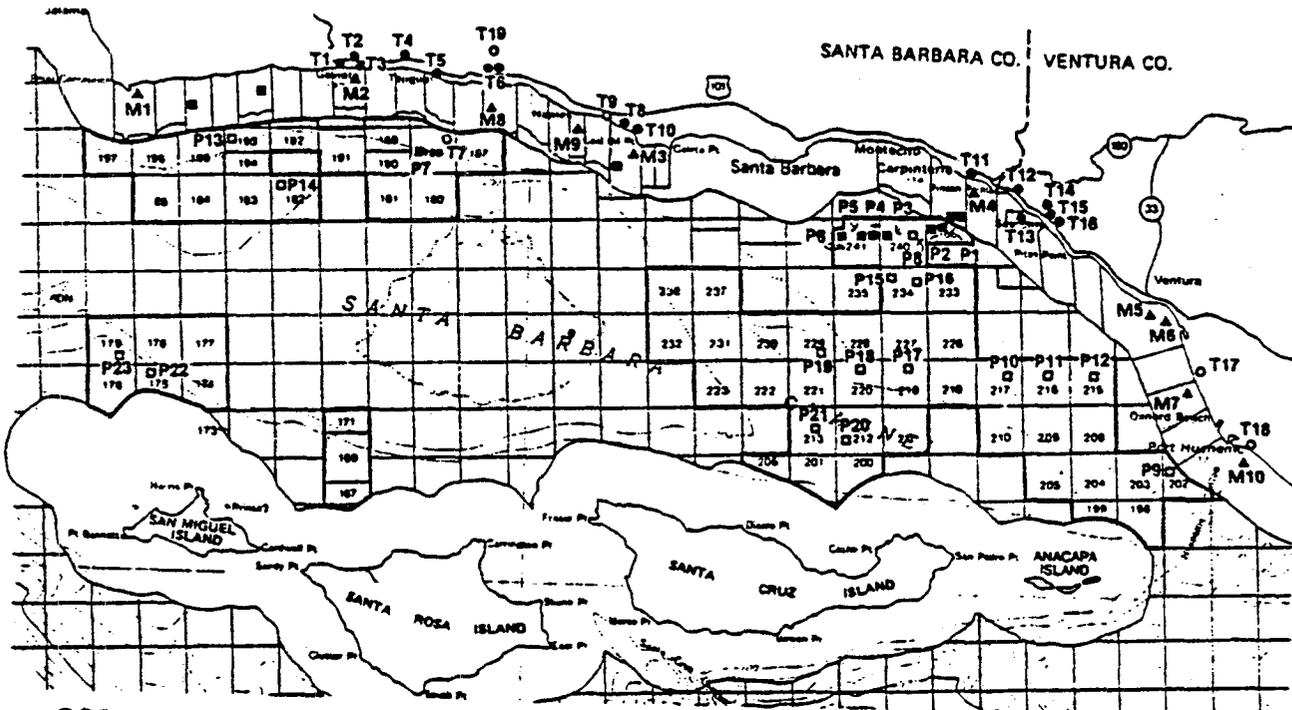
Dear Mr. Knecht:

Enclosed is the response of the OCS Task Force to the written statement delivered on behalf of the Western Oil and Gas Association by Philip K. Vorleger on May 19, 1977. Several references are made in the MOGA statement to a draft report prepared by the Task Force.

The statement of Western Oil and Gas Association with respect to the California Coastal Zone Management Program and the draft EIS (hereinafter referred to as the MOGA statement) contains several inaccuracies that could be misleading and prejudicial against approval of the California Coastal Program. References in the MOGA statement to a draft report prepared by the OCS Task Force are not applicable to a discussion of the adequacy of the Coastal Management Program. The OCS Task Force draft report is mistakenly referred to as representing the policy of the Executive of the State; in fact, it is no more than an OPR staff report commissioned by the California Coastal Commission for its use. Once submitted, the Commission will then decide whether or not to adopt it, in part or in whole, as its policy. None of the specific recommendations in the OCS report has yet been adopted as official State policy.

The OCS Task Force distributed copies of the draft report to all offshore operators in California, asking them to comment on the many complex issues the report discusses. A number of the comments received from the oil industry have been incorporated into the final report and have led to the revision or deletion of several recommendations.

The most important inaccuracy in the MOGA statement is California's alleged hostility toward offshore development. The State is certainly cognizant of our national energy needs, and it realizes that protection of California's marine and atmospheric environments is not necessarily incompatible with development of the OCS. In contrast to the MOGA allegation, California is working closely with the Department of Interior and the oil industry to



OCS - RELATED FACILITIES:
SANTA BARBARA CHANNEL

Figure

- Leased Area
- Existing Platform
- Proposed or Possible Platform
- Existing Processing Plant
- Proposed or Possible Processing Plant
- ▲ Existing Marine Terminal
- ▲ Proposed or Possible Marine Terminal

0 15 30 KILOMETERS
 0 15 30 MILES
 SCALE 1:50000 DEPTH CURVE IN FATHOMS
 Approved by the California Governor's Office of Planning and Research
OCS PROJECT

Mr. Robert Knecht
Page Two
July 26, 1977

avoid and resolve conflicts and to promote efficient, responsible development of offshore petroleum resources.

Detailed responses to the concerns raised by MOGA are attached. In sum, the MOGA statement contains a misunderstanding of the work of the OCS Task Force and its relationship to State policy. Since it is neither adopted State policy nor a component of California's Coastal Zone Management Program, references made to the OCS Report should have no bearing on the approval or disapproval of California's Coastal Management Program.

Sincerely,



Bill Press
Director

BP:c

cc: Mel Lane
Joseph Dodovitz

CALIFORNIA OFFICE OF PLANNING AND RESEARCH
RESPONSE TO WESTERN OIL AND GAS ASSOCIATION
COMMENTS OF MAY 19, 1977 ON THE REVISED DEIS,
CALIFORNIA COASTAL ZONE MANAGEMENT PROGRAM

MOGA alleges that the Coastal Management Program and Draft EIS is inadequate because it fails to address the environmental consequences of the State using its "veto power" either to impede or prevent OCS development. The OCS draft report prepared by the staff of the Office of Planning and Research is cited as evidence of the State's hostile policy towards offshore development. As previously stated, the report does not represent State policy, nor is its purpose the prevention of offshore development. On the contrary, the OCS report identifies areas of conflict, makes recommendations to mitigate these conflicts, which in turn will expedite the efficient recovery of offshore oil and gas resources. The following discusses specific references made by MOGA's counsel to recommendations contained within the draft report.

RECOMMENDATION FOR PROTECTING AIR QUALITY

The OCS Task Force recommendation for protecting air quality would not prevent offshore development; rather, it would submit such development to the same permits and regulations required for similar onshore development which emit pollutants. The recommendation specifically states that:

"OCS leasing and development should not be permitted in areas or under conditions which would allow violation of standards or further degradation of southern California air quality."

Ambient air quality standards are currently exceeded over 200 days per year in the South Coast Air Basin; therefore, any new source, no matter how small, is critical. If California fails to impose controls necessary for reducing emission levels within critical air basins, the EPA is then empowered, under the Clean Air Act, to assume overriding authority and to establish stringent regulations in order to achieve ambient air quality standards.

Our recommendation goes no further than what is currently required under EPA regulations and the federal Clean Air Act. Offshore OCS facilities currently enjoy a de facto exemption from the Clean Air Act. The Department of the Interior which regulates offshore facilities has no regulations specifically pertaining to air emissions. Neither DOI nor the EPA have specified equipment or operating procedures to minimize air emissions.

OCS oil operations (production, processing, and transportation) generate substantial amounts of reactive hydrocarbons. Since the dominant winds in southern California blow onshore from the northwest, OCS emission contributions must be taken into account in any air quality planning for southern California. While there is considerable controversy about the actual level

of emissions from each type of operation, it appears that tanker loading is the largest OCS-related source of reactive hydrocarbons. An air quality analysis for the Santa Barbara County Regional Transportation Plan states that:

"...should tankships continue to be the only mode of crude oil transport, the South Coast would not be expected to meet the 0 ppm federal oxidant standard by 1995. If all tank-ship emissions are eliminated through vapor recovery or conversion to pipeline transport, the oxidant standard would be achieved by 1984 (Nordstreck, ERT Inc., Santa Barbara, Ca. 1976)."

The air quality analysis contained within the OCS report identifies several conditions, including operational procedures for loading tankers, which would allow for both the attainment of air quality standards and development of the OCS.

RECOMMENDATION FOR PROTECTING SENSITIVE AREAS

The statement made by WOGA's counsel that recommendations for protecting biologically sensitive areas involving the termination of leases would "leave very little left," is grossly exaggerated; only a few tracts would be affected leaving the bulk of the Santa Barbara Channel and Outer Banks clear for development. Shallow areas within the photic zone are highly productive. We specifically recommend that the USGS not approve any permit for the location of a structure within or above the seventy meter depth contour of the Osborne Bank, Tanner Bank, Cortes Bank, or Santa Rosa-Cortes North Ridge until studies on the effects of oil and gas operations of the biological productivity of the offshore banks are completed and specific protection strategies are devised for those resources. This 70 meter limitation would affect only one tract and parts of four others in the Cortes Bank, and parts of two tracts in the Tanner Bank.

COMMENTS ON WOGA MEMORANDUM WITH RESPECT TO THE CALIFORNIA COASTAL ACT OF 1976 AND THE FEDERAL COASTAL ZONE MANAGEMENT ACT OF MAY 18, 1977

Opposition to OCS Lease Sales, pg. 19

The State of California and local governments oppose Lease Sale #48 on the following grounds: 1) critical environmental and oil and gas resource information has not been provided for their analysis; 2) leases do not permit the Secretary of the Interior to cancel a lease if new information reveals extraordinary environmental hazards; 3) state and local governments are given an inadequate role in the Federal OCS management process; 4) leases are proposed for sale near sensitive environmental and recreational resources; and, 5) the enactment of amendments to the OCS Lands Act embodying many needed reforms is expected soon. The State of California does not oppose OCS oil and gas leasing and development per se, but does object to leasing and development without the above safeguards.

Opposition to Approved OCS Development Plans -- The Santa Ynez Unit, pg. 20

The OCS Task Force report does not oppose development of the Santa Ynez Unit. However, California is deeply concerned that if Exxon is allowed to proceed with their offshore alternative, this State will lose a conservatively estimated 370 to 550 billion cubic feet of gas. The major issue, however, is the means of transporting processed crude oil to refineries: marine barges vs. onshore pipelines. Exxon argues that it must use tankers or barges because production levels and economic factors make a pipeline infeasible. State and local agencies believe an onshore pipeline would be economically viable, would reduce air pollution and oil spill risks, and could be used by other Santa Barbara Channel operators who would otherwise use tankers and barges. The Coastal Commission issued a permit to Exxon containing provisions for interim use of a marine terminal and an onshore processing facility pending completion of a pipeline feasibility study, with feasibility being determined by a public agency. Exxon believes that the decision regarding economic feasibility of the onshore pipeline alternative must remain exclusively within the Exxon boardroom, and hence, Exxon has pursued an offshore alternative beyond state jurisdiction.

We recommend that the Department of the Interior withdraw its approval of Exxon's offshore alternative on the grounds that the conditions offered Exxon are fair and reasonable. Implicit in this recommendation is an approval of Exxon's onshore processing plant and interim use of tankers, under operating procedures comparable to those negotiated for Arco's South Elwood facility, while the onshore pipeline is evaluated. The interim use of tankers should be permitted to continue until detailed design and construction of the pipeline are complete, or, if the pipeline is infeasible, we recommend that the interim permit should be made permanent.

Impact of California's New Source Review Upon Energy Development, pg. 23

The OCS Task Force recommended that OCS facilities should be subject to reviews, permit controls, and emission standards equivalent to those imposed upon similar facilities within state jurisdiction. A number of avenues are available to approach this objective and they are documented in the report.

Again, the purpose of this recommendation is not to prevent development of the OCS, but to insure a uniform application of the law. We see no reason why activities offshore which contribute significant amounts of pollutants to the South Coast Air Basin should be exempt from the same regulations that similar activities onshore are subject to. This places an unfair burden on industrial operators within the state's jurisdiction who must compensate for emissions coming from offshore which go unchecked.

S.9 OUTER CONTINENTAL SHELF LANDS ACT AMENDMENTS OF 1977

TESTIMONY OF
BILL PRESS, DIRECTOR
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
STATE OF CALIFORNIA
BEFORE THE
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
APRIL 25, 1977

Good morning. I am Bill Press, director of the California Office of Planning and Research and member of the Department of Interior's National OCS Advisory Board.

I appreciate this opportunity to express to the distinguished members of this committee California's strong support for S.9, the Outer Continental Shelf Lands Act Amendments of 1977.

California is no stranger to OCS development. Oil and gas production began in the Santa Barbara Channel in the early 1950s. That area, of course, was the scene of the Union Oil blowout in January, 1969, resulting in the Santa Barbara oil spill -- of which today's North Sea spill (Phillips Petroleum) is too ugly a reminder -- and, some say, the awakening of the environmental consciousness of this nation, thanks to the miracle of television. And California was the first target for President Nixon's accelerated OCS leasing program.

California has never opposed orderly and necessary development of the outer continental shelf. But we do oppose any federal leasing program which has a life and timetable of its own, absent any federal energy policy; which ignores other federal energy initiatives; which carries with it immense environmental, social and economic impacts on the most populated and recreational areas of a state; and over which affected states have, at best, nominal influence. That, sadly, is an accurate indictment of our present federal OCS leasing policy from California's perspective.

In August 1975, Governor Brown testified in Los Angeles before the House Ad Hoc Select Committee on the Outer Continental Shelf in support of amendments to the OCS Lands Act similar to those under consideration by this committee today. And today, two years and one lease sale later, California is still suffering from an unreasonable, unresponsive, and mismanaged federal leasing program -- and still waiting for relief. That's why we are here before you today.

Lease Sales #35 and #48

In our opinion, the best argument for passage of S.9 is California's recent and sad experience with two lease sales off the southern California coast.

Lease Sale #35 was the first OCS activity under the Nixon administration's accelerated leasing program. The rush to complete the sale, not the sale itself, was unanimously opposed by California state, city and county governments because of inadequate baseline resource information and incomplete environmental evaluation and coastal legislation. But Interior persisted. The sale took place and the results were disastrous.

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California's objections to Lease Sale #35 have since been confirmed by a report of the U.S. General Accounting Office, which concluded:

1. that use of inadequate data led the DOI to select tracts for lease with little or no oil and gas resource potential;
2. that tracts with no resource potential were added to the list merely to meet the Department's acreage goal;
3. that 53% of tracts offered were in water depths exceeding present technological capabilities to produce from platforms;
4. that 85% of tracts selected contained insufficient resources to make them economically attractive;
5. that bidding was not competitive: only 70 out of 231 offered ever received bids and only 56 (24%) were ever leased;
6. that, as a result, Interior overestimated by 500% the revenue from Lease Sale #35;
7. and, generally, that Interior's entire tract selection and evaluation process is not reliable.

California is now in federal court, challenging the procedures that led to Lease Sale #35.

Only seven months after Lease Sale #35 was executed, the Department announced its intention to proceed with a second sale, #48 -- in the very same area.

This sale already has won the dual distinction of earlier involvement by state and local government agencies and more complete rejection of their concerns.

After denying California's request to delay Lease Sale #48, BLM issued its call for nominations. State and local agencies submitted negative nominations and the oil industry positively nominated areas which they wished to be offered for lease. The two sets of nominations greatly overlapped. State and local governments were given almost no information about oil and gas resource potential, geologic hazards or environmental sensitivity with which they could analyze the Bureau of Land Management's (BLM) proposed tract selections. BLM announced tracts for inclusion in the Lease Sale #48 EIS on January 18 -- two days before the new administration took office. Of the 217 tracts selected, most were areas of particular concern to California state and local governments -- The Santa Barbara Channel, San Pedro Bay, and just off the San Diego County Coast.

I regretfully add that BLM is continuing full steam ahead with Lease Sale #48 despite our strong protestation to the Carter Administration and Secretary of Interior Andrus that the sale should be postponed until the Outer Continental Shelf Lands Act is amended and the National OCS Leasing Schedule is reevaluated in the context of the President's Energy Program.

S.9

This experience has taught us that the nation's OCS leasing program will never be a successful and productive one -- nor will coastal states have any voice in major petroleum production off their coast, with all its attendant onshore problems -- until major changes are made in federal law.

S.9 addresses most of the deficiencies we have experienced in the current program by providing:

1. a five-year leasing program to balance energy and environmental goals and national, state and local interests;
2. a federal exploration program to gather oil and gas resource information and make this information available to state governments for use in pre-lease decision-making;
3. separate review of exploration and development plans so that new information can be used and evaluated to assure maximum recovery of OCS resources without undue environmental risk;
4. cancellation of a lease when the environmental risks of development outweigh the benefits of oil and gas recovery;
5. timely dissemination of information on proposed activities and expected effects so that state and local governments can plan to mitigate potentially adverse environmental and economic impacts;
6. stronger voice for states in leasing and development decisions;
7. stringent environmental and safety regulations; and
8. an equitable liability system to compensate for oil spill damage.

California Amendments

In addition, there are six additional amendments which California respectfully submits for the committee's consideration:

1. Consistency with state coastal zone management plans
2. Air quality impact
3. Remove Santa Barbara exemption
4. Environmental Baseline Studies
5. OCS Information Clearinghouse
6. National OCS Advisory Board

Consistency With State Coastal Zone Management Plans

Protection of our coastal environment demands that OCS development be conducted in a manner consistent with California's Coastal Act. Our coastal management program is one of our most valuable tools in mitigating against

potentially adverse impacts of OCS operations. That is why we share a concern expressed to this committee by Robert White, Administrator of the National Oceanic and Atmospheric Administration. Section 25 of S.9, which deals with approval of development and production plans, requires such plans to be consistent with federally-approved state coastal programs "to the maximum extent practicable." This language raises the fear that assurances of compatibility with state coastal planning efforts may be less than those intended by the by the Federal Coastal Zone Management Act.

I urge you to consider Mr. White's testimony and assure that nothing in S.9 inhibits a state's ability to manage and protect its coastal zone according to the provisions of the Federal Coastal Zone Management Act.

Air Quality Impact

Offshore development in southern California is "upwind" of our major metropolitan areas which already suffer the worst air pollution in this country. Photochemical oxidant (Ozone) standards in the Los Angeles area, for example, are exceeded over 200 days a year. Our California OCS Project study indicates that offshore production, processing and transportation activities will result in significant increases in hydrocarbons and smog formation onshore.

Our concern is that offshore OCS facilities enjoy a de facto exemption from the Clean Air Act. The Department of Interior which regulates offshore facilities has no regulations specifically pertaining to air emissions. They neither specify equipment nor operating procedures to minimize air emissions. The Environmental Protection Agency has no regulations or permit requirements which extend beyond three miles, and the states at present appear to have no jurisdiction beyond their boundaries.

In California, hydrocarbon emissions from OCS operations could present several air quality problems, but we see no way to address those problems under current legislation. We would request that in amending the OCS Lands Act you make explicit provision for establishing air emission controls for OCS facilities at least as strong as those adjacent states impose within their own jurisdictions.

Santa Barbara Channel Exempt From S.9

Several sections of S.9 exempt the Santa Barbara Channel from the legislation's provisions. In particular, operators in the Channel would be exempted from provisions requiring submission of exploration and development plans.

The philosophy behind these exemptions appears to be that the Santa Barbara Channel is an area comparable to the Gulf of Mexico in its development history. This, however, is not the case.

Historically, there has been substantial onshore and offshore petroleum production and related activity in the Channel area. What few observers realize, however, is that 80% of the offshore production has been from state tideland leases and that the period of greatest development and production activity may be, in fact, just beginning.

Onshore oil and gas recovery activities around the Channel began several decades ago. Offshore oil and gas leases within the three-mile limit of state jurisdiction were first sold in the 1950s. Today there are approximately 33 existing state leases. Oil production on these leases was never greater than 30,000 barrels per day (B/D), and has now declined to under 10,000 B/D.

75 federal leases were sold on the Channel OCS in 1966 and 1968, accounting for approximately 40% of the Federal OCS of the Channel. 65 leases remain active, but of these 65, only 33 have had any exploration. Of these 65 leases, only 17 have been explored with more than one well. Of nine fields found on the OCS leases to date, only two are already in production. Hence, despite the fact that the leases have existed for nine or more years, the Channel is still in an early stage of development.

California state agencies and local government require the information and opportunity to review development plans and proposed activities in the Santa Barbara Channel afforded by the provisions of S.9 governing frontier areas. We, therefore, strongly urge that the Channel be removed from exemptions under the Act.

Environmental Baseline Studies Program

There is widespread dissatisfaction with the Bureau of Land Management's Environmental Baseline Studies Program. There are four different studies now underway to evaluate the operation and effectiveness of this program. While S.9 attempts to correct noted deficiencies in the Program, we believe the legislation ignores the major failing of the Environmental Baseline Studies: They now serve only to produce information on OCS development after the damage is done. They are not designed to provide advance information to prevent us from committing sensitive and unique resources to OCS development where the benefits of oil and gas production are clearly outweighed by the environmental risks.

The overriding immediate need of federal decision-makers and state and local governments is for accurate and complete environmental resource data upon which to base pre-lease decisions, including lease area definition and tract selection.

We recommend that Section 20 be amended to require one year of baseline studies to be completed before tracts are selected for inclusion in the environmental impact statement on a lease sale.

Need for a Federal OCS Information Clearinghouse

One significant impediment to effective state and local government participation in the OCS leasing and development process is the lack of complete and timely information on all aspects of the program. This problem could be somewhat alleviated if an OCS Information Clearinghouse were established jointly by the Bureau of Land Management and the Office of Coastal Zone Management. The purpose of the Clearinghouse would be to disseminate technical, institutional, and leasing and development information to the states on a continuous and timely basis.

This recommendation is supported by the National OCS Advisory Board and in a report on State Information Needs published jointly by the Bureau of Land Management and the Office of Coastal Zone Management.

Regional OCS Advisory Boards

S.9 specifies throughout a role for Regional OCS Advisory Boards in the OCS leasing and management process. It makes no mention, however, of a National OCS Advisory Board or its possible functions.

West Coast states are confronted with a different situation from Atlantic and Gulf Coast states. In most cases, a lease sale affects only one West Coast state, while several Atlantic or Gulf Coast states can be affected by a single lease sale. A Regional OCS Advisory Board may assume greater importance for these states than it does on the West Coast. Meanwhile, California has enjoyed its participation in the National OCS Advisory Board which is a valuable forum for exchange of information and views among states and federal agencies. I, therefore, urge that S.9 provide for continuation of the National Board and its advisory function.

California's Position

California is not opposed to timely development of our offshore oil and gas resources. We recognize that such development may be necessary in order to sustain domestic sources of energy and economic well-being. However, such development must proceed within the context of a comprehensive energy policy that recognizes conservation and the pursuit of alternative energy forms as equally critical national objectives. OCS development must proceed in a manner consistent with environmental protection and a state's coastal planning program.

California has been doing everything in its power to assure that OCS oil and gas production can progress in a manner that is consistent with our environmental programs. California's efforts include the development of a coastal zone management program and a two-year long OCS Project to plan for the impacts of offshore oil and gas production activities.

Conclusion

In short, we know it's coming; we know it's needed. We want to be involved; we want to be able to prepare and plan for its impacts -- positive or negative. We're doing our best through our coastal and OCS planning programs. This bill will bring all parties together and promote orderly development of offshore resources.

I appreciate the opportunity to testify on this legislation. It is a subject to which we in California have given considerable attention during the past two years. With major leasing and development decisions facing us in the months and years ahead, I ask your favorable attention to S.9 and the additional amendments proposed today. We will be happy to work with you and the committee staff in developing language to implement these recommendations.



State of California

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EDMUND G. BROWN JR.
GOVERNOR

July 15, 1977

Alan D. Powers, Director
Office of OCS Program Coordination
Office of Assistant Secretary
Policy, Budget, and Administration
Department of the Interior, Room 4160
18th and C Streets, N.W.
Washington, D.C. 20240

Dear Mr. Powers:

This letter responds to the Department of the Interior's "Request for Comments on Potential Future Outer Continental Shelf Oil and Gas Leasing" to assist the Department in its efforts to prepare an OCS Planning Schedule for 1979 to 1981. Our response is limited to the Pacific OCS areas: 7. Southern California Borderland, 8. Santa Barbara, and 9. North and Central California, as listed in the notice requesting comments. We are also taking this opportunity, however, to mention other factors we feel should be considered in the process of preparing an OCS planning schedule affecting California.

We are encouraged by Secretary Andrus' comment in his letter dated June 28, 1977, to Governor Brown that "This Administration seeks to cooperate with the states because of our confidence that the states will, when treated as partners, work in the national interest, as well as in their own, in developing offshore reserves while protecting the environment." This change in perspective from the previous Administration, coupled with new planning tools created by the Federal Coastal Zone Management Act amendments of 1976 and the California Coastal Act of 1976, and the potential planning tools that could be created by passage of the pending amendments to the OCS Lands Act, will afford far greater state/federal cooperation in OCS planning than has existed in the past.

California's willingness to cooperate with, and participate in, federal OCS decisions is exemplified by the following: the California Coastal Commission has approved every major coastal energy permit it has received, including all permit applications for oil and gas facilities; California has continued its efforts to ensure that the development of the Santa Ynez Unit in the Santa Barbara Channel proceeds in the most efficient and environmentally responsible manner possible under the present circumstances; and this Office has established an Energy Policy Unit with specific responsibilities for coordinating OCS planning efforts of state and local agencies with industry and the federal government.

In the preparation of future OCS planning schedules affecting California, we feel there are several important factors that should be given thorough consideration:

Alan D. Powers

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ation jointly by the state and federal governments prior to implementing such schedules. Specifically, past experience in California has shown that there has been:

- a complete lack of any comprehensive planning on the part of the federal government for pipeline corridor studies and the transportation of crude oil from offshore producing sites to processing sites and refinery centers;
- inadequate federal assessment of air quality impacts caused by OCS activities;
- multiple-use conflicts between military activities, wildlife management, recreational uses, coastwide and foreign vessel traffic patterns, and offshore oil and gas development;
- insufficient time to complete and evaluate environmental baseline studies prior to a lease sale;
- a complete disregard in prior OCS environmental impact assessments and an apparent lack of commitment by the Department of the Interior to conduct leasing and development on the OCS in a manner consistent with California's Coastal Management Program;
- no actual test of the available oil spill containment equipment required to control a large spill in rough seas;
- conflicting reports produced by industry and federal agencies on the amount of potentially recoverable oil and gas reserves in offshore areas; and
- no direct communication between the Geological Survey and the California Coastal Commission regarding OCS activities in general and development plans in particular that the Survey has been or is now reviewing.

In addition, we feel that passage of the currently proposed amendments to the Outer Continental Shelf Lands Act is also an essential prerequisite to implementing the 1979 to 1981 OCS Planning Schedule.

Attached please find our comments on the seven points of information requested by your office, separated according to geographic area. These comments were compiled by the staffs of the California Coastal Commission, the State Lands Commission, the Resources Agency, and the Governor's Office of Planning and Research. In summary, we recommend that:

1. the Southern California Borderland is worthy of consideration for the 1979 to 1981 OCS Planning Schedule and that the several potential leasing areas within the borderland be treated separately;
2. the OCS Planning Schedule should reflect a concern for achieving orderly development in the Santa Barbara Channel primarily through careful tract selection and completion of an implementable channel-wide oil and gas transportation plan; and

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3. the North and Central California area should not be considered in the 1979 to 1981 OCS Planning Schedule because of inadequate information on this area.

Further, we recommend that tracts selected for the previously scheduled and now postponed Lease Sale #48 be completely reconsidered, and that the possibility of holding several smaller lease sales rather than one large sale be evaluated.

Sincerely,



Michael Fischer
Deputy Director

MF/ln

Attachment

cc: Cecil Andrus, Secretary of the Interior
Huey Johnson, Secretary, Resources Agency
Joseph E. Bodovitz, Executive Director,
California Coastal Commission
William Northrop, Executive Officer,
State Lands Commission
Peter Tweedt, Department of the Interior
Bill Grant, Manager, BLM Pacific OCS Office
W. C. Gere, Conservation Manager,
Pacific Area, USGS

SOUTHERN CALIFORNIA BORDERLAND

The Southern California Borderland is the offshore area adjacent to Los Angeles, Orange, and San Diego Counties and generally bounded by the Santa Barbara Channel Islands on the north, the Patton Escarpment on the west, and the U.S./Mexico international boundary on the south. In many respects, it is a highly complex area. As a result of Lease Sale #35 held on December 11, 1975, there are 56 OCS tracts leased for oil and gas exploration and development in four geographically distinct areas of the Borderland: San Pedro Bay, Tanner/Cortes Banks, Santa Rosa Island Offshore, and Santa Barbara Island Offshore. An additional 110 tracts, divided between the same four areas and the San Diego Coastline, are being considered as part of the now postponed Lease Sale #48. These five areas are the only areas that could possibly be developed as the remaining Borderland area is comprised of extremely deep (3000 feet plus) basins.

Prior to Lease Sale #35, then Secretary of the Interior Thomas Kleppe withdrew the Santa Monica Bay area from that sale for several reasons. In the tract selection process for Lease Sale #48, Secretary of the Interior Cecil Andrus also excluded Santa Monica Bay from that proposed sale for similar reasons. State and local governments in California applaud the wisdom of these decisions and recommend that Santa Monica Bay continue to be excluded from any potential future OCS lease sale.

Any OCS Planning Schedule that includes the Southern California Borderland should consider the significant differences between the geographically distinct subareas of the Borderland. San Pedro Bay OCS has known petroleum potential and is an offshore extension of the well known Los Angeles Basin petroleum province; it is in close proximity to an extensively developed state tideland area backed up onshore by support facilities, pipelines, and refineries. The Outer Bank Areas with existing leases-- Tanner/Cortes, Santa Rosa Island Offshore, and Santa Barbara Island Offshore--are isolated, relatively shallow (less than 1000 feet) areas surrounded by deep basins but connected to the mainland by submarine ridges. The Outer Banks are part of a geologic province with no proven petroleum resource potential. Their isolation and distance from shore pose unique problems for exploration and development, oil spill contingency planning, and crude oil and natural gas transportation planning. The San Diego Coastline OCS area is part of yet another geologic province; resource potential is unknown, and state tideland and onshore petroleum-related development are essentially non-existent.

If the Borderland is included in the 1979 to 1981 OCS Planning Schedule, it may be advisable to treat separately the areas described above. Tracts in San Pedro Bay and the Outer Banks could be offered for lease sale simultaneously or separately. At this time, we can see no justification for including the San Diego Coastline area in any future potential OCS lease sale scheduled between 1979 and 1981.

Information Requested

1. Identification of possible multiple use conflicts.

San Pedro Bay has significant potential multiple use conflicts. This area is the most heavily used recreational boating and sport and commercial fishing area along the California coastline. Similarly, nearby beaches are among the most popular beach areas in the nation. The Ports of Los Angeles and Long Beach and the naval facilities in the area draw significant numbers of large vessels into the area as well. These larger ships are required to use existing vessel traffic lanes which

intersect many of the existing leases in San Pedro Bay. The principal conflicts then are with respect to navigational safety and the threat to commercial fishing and recreational uses in the area, from oil spills resulting either from collisions or ramings at sea with OCS petroleum-related structures, or from accidents at production sites.

Multiple use conflicts in the Outer Banks are related primarily to habitat management. The shallower areas of the Outer Banks are important seabird foraging areas and also provide food for pinnacleds. The Outer Banks are also important commercial fishing areas. In a report titled Offshore Oil and Gas Development: Southern California (hereafter referred to as the OCS Report) to be released in August, 1977, we recommend that no further leasing occur in Outer Bank areas where water depths are less than 70 meters. Tracts in deeper water than this may be considered as part of future lease sales.

Attached are maps generally locating popular diving sites and commercial, recreational, and sport fishing sites.

2. Areas of critical environmental concern.

Areas of critical environmental concern in California have been documented in numerous publications. See, for example, the California Coastal Plan, California Coastal Zone Conservation Commission, 1975; Marine Life Refuges and Reserves of California, California Department of Fish and Game (DF&G), 1972; State Water Resources Control Board Resolution 74-28 establishing "Areas of Special Biological Significance" (ASBS), 1974; Protected Waterways Plan, DF&G, 1971; California Coastal Preservation and Recreation Plan, Department of Parks and Recreation, 1972; Acquisition Priorities for the Coastal Wetland of California, DF&G, 1974; Coastal County Fish and Wildlife Resources and their Utilization, DF&G, 1975; California Seabird Breeding Ground Survey, DF&G, 1969-1970; and others.

In the OCS Report we identify areas of critical environmental concern that will require special protection from OCS activities if they are to maintain their ecological integrity. Categorically, the most significant areas of environmental concern are pinnacled and seabird rookeries, all offshore islands, shallow (70 meters and less) ocean bank areas, kelp beds, wetlands, rocky intertidal areas, seabird ocean foraging areas, and all officially protected areas such as ASBS, Oil and Gas Sanctuaries, the Federal Ecological Preserve and Buffer Zone (Santa Barbara Channel), the Channel Islands National Monument, and others. In addition, the OCS Report recommends offshore leasing be excluded from areas where oil and gas development would unavoidably result in violation of state and federal air quality standards.

Areas of critical environmental concern are mapped in detail in the OCS Report which will be forwarded upon completion (tentatively set for mid-August).

3. Planning time needed to accommodate onshore development.

Planning time needed to accommodate onshore development will differ depending on the timing, type, and scale of development and the location of the offshore producing area requiring the onshore development. California is interested in accommodating onshore development in an expedient and effective manner. In the OCS Report we provide recommendations to industry and the Department of the Interior for the location and use of onshore facilities and offshore pipeline corridors that are intended to satisfy both local coastal planning requirements as well as the physical and economic constraints of offshore development. Adherence to these recommendations

will reduce the planning time needed to accommodate onshore development. In addition, if state and local governments are allowed to participate in the development plan formulation and review phases of offshore development, planning for onshore development could occur simultaneously, thereby permitting approvals of onshore developments in a more timely manner than has occurred in the past. For example, the development plan for the Santa Ynez Unit experienced significant delays because federal, local, and state permits were acquired more or less sequentially. In particular, the initial Plan of Operations was submitted to the USGS in January, 1971, but it was not until July, 1973, that the Plan was made public and not until 1974 that the first local permits were solicited. By that time, the Plan had grown into a massive report and had gained such momentum in the eyes of Exxon and the Department of the Interior that neither were open to the kinds of fundamental changes necessary to bring the project into agreement with local and state planning goals for the area. Accordingly, we believe the federal Coastal Zone Management Act as amended, the California Coastal Act, and the proposed amendments to the OCS Lands Act will facilitate simultaneous permit reviews and enable industry and the various public agencies to cooperate more fully at the initiation of an offshore project, thereby substantially reducing the planning time needed to accommodate onshore development. There is no reason to believe that planning for the accommodation of onshore development should take any longer than the planning required for the offshore development.

4. Identification of studies which might be needed.

In addition to the standard issues covered by an EIS and prior to any lease sale taking place in the Southern California Borderland, we believe the Environmental Baseline Studies already underway should be completed. The Environmental Baseline Studies Program goal of evaluating post-OCS development environmental impacts is much less important to southern California state and local governments, however, than the goal of having sufficient information on which to base pre-leasing and pre-development decisions. The Environmental Baseline Studies Program therefore should be restructured to fulfill federal, state, and local government needs for site-specific information on:

- a. location of marine mammal and bird habitats;
- b. identification of critical non-mineral and recreational resources;
- c. location of areas critical to the preservation of commercial and recreational fisheries; and
- d. the potential of oil and gas development at particular sites to disturb these habitats, resources, and areas, especially those which are unique and irreplaceable.

This information should be published and made available to the public and used in selecting tracts to be included in the EIS.

Additional studies needed prior to a lease sale include: oil spill trajectory analyses, spill contingency planning, resource evaluation by geologic structure and tract, geologic hazards evaluation, air and water quality baseline studies, identification and precise mapping of biologically sensitive areas (especially the shallow bank areas and ocean foraging areas), hydrocarbon characterization to catalogue the types of hydrocarbons produced from manmade structures or released through natural seeps, identification of vessel traffic patterns and potential conflicts with OCS activities, pipeline corridor studies from the various offshore leased areas, and determination of jurisdiction for enforcing air quality standards on the OCS.

California's continuing concern for navigational safety is particularly important. Lease Sale #35 resulted in the sale of tracts lying wholly or partially within navigation and shipping lanes. Additional tracts in conflict with the same lanes were

selected for leasing consideration as part of Lease Sale #48. California has received assurances from the Corps of Engineers since the December 11, 1975, lease sale that effective regulations for navigational safety and protection of the environment will be promulgated. Yet, 20 months later, final regulations have yet to emerge. California opposes offering additional tracts for sale in navigation and shipping lanes until some acceptable mechanism for eliminating conflicts between oil and gas exploration and development and vessel traffic is established.

5. Rank by order of oil and gas potential.

California is unable to rank the 18 areas listed for comments on future OCS leasing, except for the three areas directly offshore of California. Ranked by greatest potential first, the three would be placed in the following order: Santa Barbara Channel, Southern California Borderland, North and Central California. Within the Southern California Borderland, areas ranked from high to low potential are: San Pedro Bay, the Outer Banks, and San Diego Coastline.

6. Estimated time period to achieve initial and peak production.

The time required to achieve initial and peak production rates in southern California is less dependent on the physical constraints of the region than it is on the political and corporate policies of the public agencies and petroleum companies involved. Although all leases in a given area may be leased at the same time, exploration activity often proceeds on widely variant schedules depending on: the amount of capital invested in the lease purchase, the prospects for petroleum recovery under given technical constraints of water depth and distance from shore, the success of initial wells, and internal company investment decisions. Offshore of California, initial production has occurred within eight months of a discovery on some fields (see, for example, the Dos Cuadras Offshore field) and has taken as long as nine years from discovery in others (see, for example, the Hondo Offshore field). Peak production will generally occur within two to five years following initial production.

In the Southern California Borderlands, initial production could begin within three years of a discovery in San Pedro Bay but may not likely occur until six to ten years for the Outer Banks or San Diego Coastline after a discovery is made in those areas. Peak production for all three areas would likely follow initial production by two to five years.

7. Technological feasibility of conducting exploration and development.

Geologic hazards and water depths will pose the greatest constraints to the technological feasibility of conducting exploration and development operations offshore of California.

California's offshore areas that have been studied at all are generally considered high seismic risk areas, but most of California's offshore areas will require additional study before their relative seismic risk can be determined. For this reason, California has consistently requested that the Department of the Interior conduct thorough seismic risk studies and that selection of tracts for future lease sales exclude known or suspected high seismic risk areas such as the Santa Barbara Channel.

Water depths, according to industry, at existing and contemplated leased areas generally do not pose significant constraints to the technical capability of petroleum industry exploration operations. However, water depths exceeding 1000 feet--which

occur in each of the existing and contemplated offshore lease areas--will test industry's development and production technology to the limits of their abilities. For these reasons, California has generally not opposed conducting exploration in such deepwater areas, but California strongly endorses the concept of separating the exploration and development phases of offshore operations in a manner that would permit the Secretary to lease for exploration only, or to cancel a lease after exploration if it is determined that constraints encountered, including water depth, would pose a significant risk to the environment, human life, property, or mineral deposits.

California is also committed to the mitigation of potential adverse environmental effects of offshore oil and gas development through the use of pipelines, where technically and economically feasible, as opposed to marine transport. To further this objective, California encourages the Department of the Interior to consider the feasibility of pipeline corridors prior to the selection of tracts to be offered in any future lease sales offshore of California.

SANTA BARBARA CHANNEL

The Santa Barbara Channel is the offshore area bounded by Santa Barbara County on the north, Ventura County on the east, and the Santa Barbara Channel Islands (Anacapa, Santa Cruz, Santa Rosa, and San Miguel) on the south. As a result of a one-tract drainage sale in 1966 and a general lease sale in 1968, there are 65 active oil and gas leases in the Channel today. An additional 107 tracts, essentially the entire remaining Channel area available to leasing, were selected for the now postponed Lease Sale #48.

The Channel area is well known for its recreational, cultural, and aesthetic amenities, all of which are dependent on or enhanced by proximity to the shoreline. In addition, the Channel Islands and extensive portions of the mainland shoreline remain in a near pristine condition today because of a determined effort on the part of local and state governments to protect these irreplaceable resources. The Channel Islands themselves are of such unique importance to the history of the area as well as habitat to the largest populations of pinnipeds along the Pacific Coast, to concentrations of many rare and endangered flora and fauna species, that special protection of them is incumbent on any major federal action in the area. The State has designated the coastal waters of these islands as an Oil and Gas Sanctuary, expressly prohibiting oil and gas development within three miles of the islands and their offshore rocks. Congress will soon be considering legislation that would purchase these islands as part of a national recreation area, preventing forever their use for other than public purposes.

Prior to the 1968 lease sale, the Department of the Interior designated an area directly offshore of the City of Santa Barbara as a Federal Ecological Preserve, thereby excluding it from that sale. Subsequent to the sale, an additional area was added as a buffer to the Preserve, creating what is now known as the Federal Ecological Preserve and Buffer Zone. California and local governments are encouraged by and will continue to support the Department's efforts to preserve this unique area by excluding it from any future OCS lease sale.

Although oil and gas leases have existed in the Channel's state tidelands and federal OCS for some time, few observers realize that large scale OCS development is just beginning. Of the nine fields discovered, two are in production, one has just had an initial platform installed, and two others are the subject of proposed

plans of development. The remaining four are or will be undergoing further exploration to confirm or delineate the prospects at hand. Still, these nine discoveries represent only a portion of the Channel's potential oil and gas reserves, according to the Geological Survey. Considering the fact that only half of the 65 existing leases have been explored with more than one well, we conclude that additional discoveries and development are still to come.

With the large scale development of the Channel OCS essentially at hand, now is the time to firmly establish the planning goals and criteria for efficient and environmentally sound offshore-related operations. Issues of a Channelwide nature requiring attention of the Department of the Interior are related to the preservation of unique environments such as the Channel Islands and the flora and fauna they support, the maintenance of federally and state mandated air quality standards, the coordination of offshore transportation operations for oil and gas, and the enhancement of navigational safety in the Channel. These concerns are dramatized by recent events:

- The Department of the Interior's approval of the Santa Ynez Unit "offshore alternative" --against the advice of state and local governments--will, according to the local Air Pollution Control Districts, prevent Santa Barbara and Ventura Counties from ever attaining federally mandated air quality standards as long as the offshore alternative is in place;
- Proposals to move significant numbers of crude oil tankers through the Channel, including the Alaskan trade and Elk Hills Oil via Port Huemala, as well as the additional coastwise tanker traffic caused by increased Channel production, will increase the risk of oil spills from tanker-related accidents.
- Proposals to import LNG to Point Conception at the west end of the Channel and/or Ormond Beach at the east end of the Channel will risk a potential hazard of unpredictable dimensions.

The OCS Report proposes several strategies for dealing with these issues for Interior's and Industry's consideration, including: an onshore pipeline to transport crude oil from the Channel to refineries, two offshore pipeline networks (east Channel and west Channel) to deliver crude oil and natural gas to shore, use of the existing Mobil/Rincon processing plant and the proposed Exxon/Las Flores Canyon plant for handling all future production from existing leases, and designation to the vessel traffic lanes as a safety fairway. On this last point, California and local governments urge the Department of the Interior to support a recent proposal by the Coast Guard to the Corps of Engineers that the Vessel Traffic Separation Scheme from Point Conception to Point Fermin (Los Angeles County) be designated a Safety Fairway and thereby prohibit fixed structures of any kind from being located in these lanes.

Affirmation of the planning goals mentioned above and a commitment to implement them by the Department of the Interior are prerequisite to a California endorsement for any future OCS lease sale in the Channel. Should another lease sale be contemplated for the Channel, we recommend that the Department of the Interior consider only those tracts that will encourage an orderly development of the Channel. Such tracts would be adjacent to existing leases, developable with proven technology, and able to be accommodated by the Channelwide planning strategies mentioned above (i.e. they would be leased and developed in a timely manner that permits their use of existing offshore pipelines and onshore facilities as the requirements of preceding users for these facilities declines). Tracts selected for a future lease sale in the Channel should not endanger the biological environments of the Channel, conflict with vessel traffic lanes, encompass high seismic risk areas, or coincide with deep water beyond proven pipelaying capability.

Information Requested

Information contained in the response for the Southern California Borderland is generally applicable here.

1. Identification of possible multiple-use conflicts.

The major conflict of competing uses for the Channel is between offshore oil and gas operations, tanker and freighter traffic, and commercial and recreational boating uses. It has been predicted by the OCS Report that spilled oil anywhere in the Channel will be washed ashore either on the islands or the mainland or both. Hence, the reduction or elimination of possible multiple-use conflicts that could result in an oil spill should be seriously considered before authorizing future OCS lease sales in the Channel.

2. Areas of critical environmental concern.

Please see the references and discussion included in the comments on this point for the Southern California Borderland.

3. Planning time needed to accommodate onshore development.

Please see the discussion of this point for the Southern California Borderland. A major unprecedented effort is now underway in the Santa Barbara Channel to deal with critical planning problems for that area. A joint industry/government working group comprising representatives of Channel offshore operators and local, state, and federal agencies has been formed to evaluate alternatives for transportation of Channelwide crude oil to refinery centers. The Department of the Interior's participation in this group is a welcome improvement to the previous Administration's philosophy of non-participation in such matters. We appreciate your continued involvement in the working group and look forward to the time when the Department will take a leadership role in implementing the final recommendations of that group.

4. Identification of studies which might be needed.

Please see the discussion of this point for the Southern California Borderland. As mentioned in the introduction to this section, critical study needs for the Channel are in the areas of transportation of crude oil and control of hydrocarbon emissions.

5. Rank by order of oil and gas potential.

Please see the comment on this point for the Southern California Borderland.

6. Estimated time period to achieve initial and peak production.

Please see the discussion on this point for the Southern California Borderland.

7. Technological feasibility of conducting exploration and development.

Please see the discussion on this point for the Southern California Borderland.

NORTH AND CENTRAL CALIFORNIA

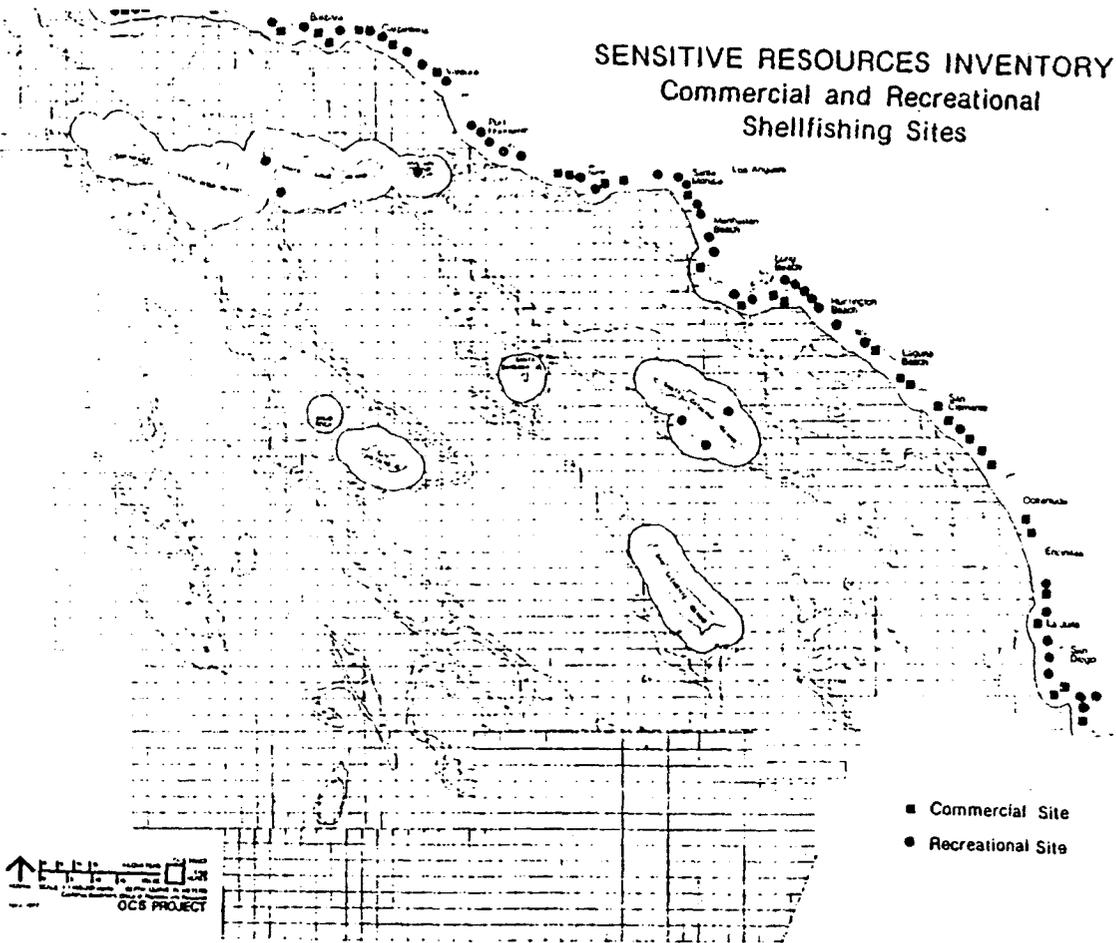
The North and Central California area is the offshore area adjacent to San Luis Obispo, Monterey, Santa Cruz, San Mateo, San Francisco, Marin, Mendocino, Humboldt, and Del Norte Counties. The outer continental shelf in this area is relatively narrow-- 15 to 30 miles as compared to the 100+ miles in southern California--with extremely deep water close to shore over most of its length. In 1963, a total of 50 OCS oil and gas leases were acquired. These tracts, separated in five different geologic basins from Santa Maria to Crescent City, were all relinquished after initial exploration was unable to establish production. State tideland oil and gas development has never been established in these areas as well.

The coastline from Santa Barbara County north is significantly different from that of southern California; extensive portions are essentially wilderness in quality, being extremely rugged and inaccessible; the predominant upland land use is agricultural or timber-related; offshore weather conditions in general and winter storm conditions in particular are considerably more severe; and the offshore petroleum industry has never found promising prospects despite the efforts that grew out of the 1963 lease sale.

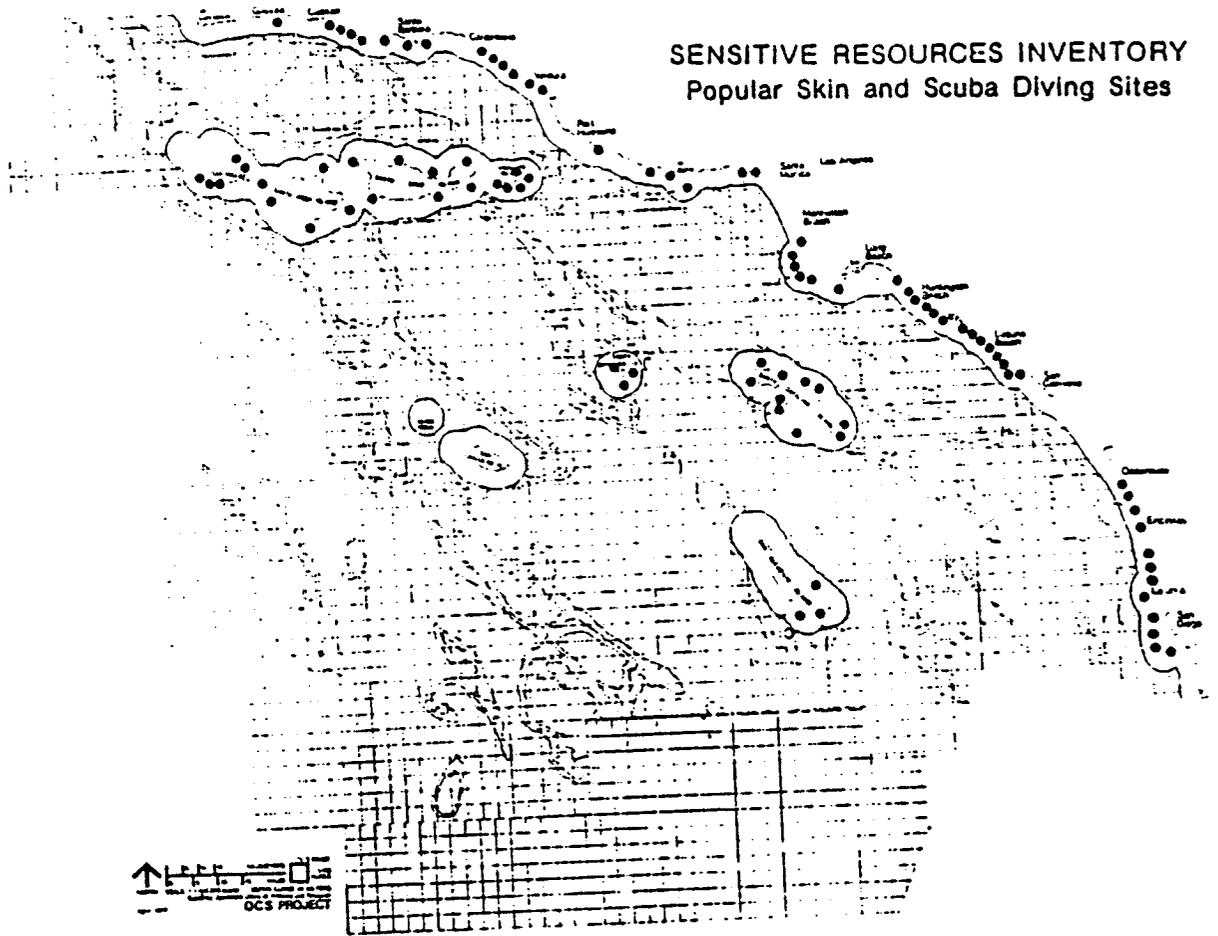
In 1976, preliminary work was begun on identifying available information pertinent to holding an offshore lease sale for North and Central California. The results of this study have not been published, but it has been generally known that such information is lacking. Further, the BLM has in the last year initiated an Environmental Baseline Studies Program for the same area. The paucity of information that exists for a possible OCS lease sale, the negative results of past efforts to identify any petroleum resources offshore in the area, the complete absence of any support industry for offshore oil and gas development, and the unmerited risks of environmental degradation to pristine areas argue persuasively against holding any lease sale in this area in the foreseeable future. California recommends that the Environmental Baseline Studies and extensive geological and geophysical analyses be completed by the federal government before this area is seriously considered for a possible future OCS lease sale.

At this time, we are unable to provide the specific information you requested on this area.

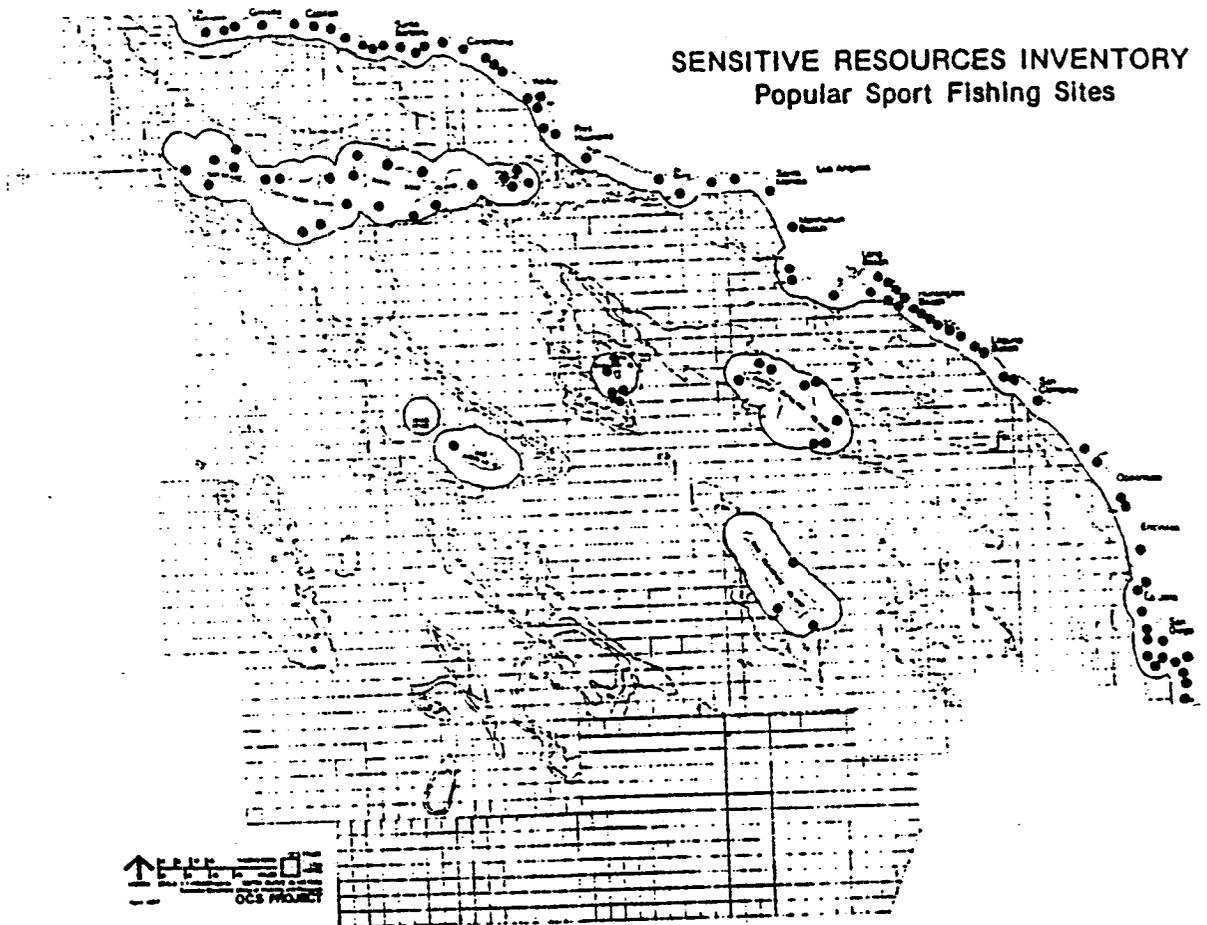
SENSITIVE RESOURCES INVENTORY
Commercial and Recreational
Shellfishing Sites



SENSITIVE RESOURCES INVENTORY
Popular Skin and Scuba Diving Sites



SENSITIVE RESOURCES INVENTORY
Popular Sport Fishing Sites



CALIFORNIA COASTAL COMMISSION
1840 Market Street, San Francisco 94102 - (415) 567-1001

May 24, 1977

To: All Commissioners
From: Joseph E. Bodovitz, Executive Director
Subject: Recommended consideration by State Commission of Port of Long Beach Permit Application for a crude oil receiving, storage and distribution terminal (The SOHIO Project)
(For Commission consideration on May 31)

Staff Recommendation

The staff recommends that, pursuant to Section 30333.5 of the Coastal Act, the Commission take initial jurisdiction over the permit application of the Port of Long Beach for the SOHIO project. The staff further recommends that the South Coast Regional Commission be invited to participate fully in the Commission's processing of the application.

Background

The Coastal Act of 1976 establishes specific procedures for direct Commission review of permit applications:

Notwithstanding any other provision of this division, the commission may, by a majority vote of the appointed members, remove any local coastal program or any portion thereof, any coastal development permit application or appeal therefrom, from any regional commission where to do so would expedite the review of such local coastal program or coastal development permit application pursuant to this division. (Section 30333.5)

Staff Analysis

The Port of Long Beach has submitted a permit application for the SOHIO project to receive oil from Alaska. The project consists of a new breakerwater, a three-berth trestle 4,700 feet long to accommodate tankers of the 70-165,000 DWT class, a tank farm on Pier J consisting of six 615,000-barrel storage/surge tanks, and a 48-inch crude oil transmission pipeline from Pier J to an inland terminal.

In submitting the application at this time, the Port has agreed to waive the normal time limits of the Coastal Act, with the understanding that the Commission will process the application expeditiously. Because approvals from several other governmental agencies are needed before the project can proceed, and because these agencies are now evaluating various aspects of the project, Commission review at this time will enable the Commission to make its views known as early as possible to the other agencies, and this will help achieve a speedy, coordinated review of the total project by public agencies.

The staff believes that the provisions of Section 30333.5 of the Coastal Act should be used sparingly, but that major energy installations, having statewide and, in some cases, nationwide, implications are clearly matters upon which State Commission decisions are needed.

Specifically, the staff believes that initial State Commission jurisdiction is warranted with regard to this permit application because:

1. The SOHIO project site is in the South Coast Region, and the principal California alternative lies in another Coastal Region (South Central). Thus the State Commission is in a better position than either Regional Commission to assess the alternatives. (Other alternatives would not affect California; they include shipment of the Alaskan oil to other nations, or to the midwestern United States via pipelines and terminals in other West Coast states.)
2. The State Commission, rather than Regional Commissions, is required under the Coastal Act of 1976 to certify port master plans, and the SOHIO project involves major planning issues in the use of the Los Angeles-Long Beach harbor complex for petroleum installations.
3. Now pending on appeal before the State Commission is the Shell application for bringing tankers into another area of the Port of Long Beach. The Commission's hearings on the Shell appeal have indicated that a multi-company oil terminal at the SOHIO site is at least a possible alternative to the Shell proposal.
4. State Commission work on the application will provide for maximum coordination with agencies now evaluating various aspects of the SOHIO proposal. These agencies include the State Air Resources Board and the SOHIO task force directed by the Governor's Office of Planning and Research.

Status of Application

The Port of Long Beach application has been accepted by the staff as consistent with Section 13053 of the Commission's regulations; this section provides for the acceptance of applications, under certain circumstances, without the required prior approvals of other public agencies.

Major approvals for the SOHIO project are needed from: the Federal Bureau of Land Management, the Federal Power Commission, the Southern California Air Quality Management District, and the Federal Environmental Protection Agency. These agencies are presently reviewing applications. There have been no final permit actions taken by any Federal, State or local agency on the project.

The draft Environmental Impact Report, prepared jointly by the Port of Long Beach and the State Public Utilities Commission, has been certified by the Port of Long Beach and will be considered by the PUC on June 1.

Recommended Procedures

The staff recommends that the State Commission follow these procedures in processing the SOHIO application:

SONHO TASK FORCE MEMBERS

1. A duplicate permit application file should be maintained in the offices of the South Coast Regional Commission, for the convenience of interested parties.
2. The staff should prepare a briefing for the Commission—before the public hearing on the application—to summarize Coastal Act issues presented by the application. The briefing should be held in southern California, and members of the South Coast Regional Commission should be invited to attend.
3. The public hearing should be held in southern California, with members of the South Coast Regional Commission invited to attend and participate. After the hearing the South Coast Regional Commission should be invited to forward to the State Commission any suggestions or recommendations it wishes to submit.
4. Upon conclusion of the public hearing, as with all other permit applications under the Coastal Act, a staff recommendation should be prepared, and the Commission should follow its customary voting procedures.

Agency	Name	
Office of Planning and Research	Rich Hammond	(916) 322-4245
Resources Agency	Frank Goodson	(916) 445-9057
	Jim Rote	(916) 322-5228
Department of Fish and Game Long Beach Office	John Day	(916) 445-1383
	Walter Putnam	(213) 435-7741
	Rolf Hall Bruce Eliason	
Department of Water Resources	Lloyd Harvego	(916) 445-9200
Department of Navigation and Ocean Development	Bill Felts	(916) 322-4165
Department of Conservation- Division of Oil and Gas	Harold Bertholf	(916) 445-9656
Department of Parks and Recreation	James M. Doyle	(916) 445-8006
State Water Resources Control Board	Archie Matthews	(916) 445-0975
	Lawrence Klapow	(916) 445-7762
Los Angeles Regional Water Quality Control Board	Raymond Hertel	(213) 620-4460
Air Resources Board	Alan Goodley Peter Venturini	(916) 322-6020
State Lands Commission	Dwight Sanders	(916) 322-3317
Public Utilities Commission	Fred John Alex Lutkus	(415) 557-0558
Energy Resources Conservation and Development Commission	Rob Solomon	(916) 322-2021
Coastal Zone Conservation Commission	Frank Broadhead	(415) 557-1001
South Coast Regional Commission	Gordon Craig	(213) 436-4201

infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.
(Emphasis added)

Thus, if there were clear statements from the appropriate officials and agencies that this project would benefit the national and state public welfare, the project could be permitted under the Coastal Act so long as adverse environmental impacts are mitigated. In the absence of such determinations, the Commission itself must consider the public welfare aspects of the project based on available analysis and conclusions by other agencies. This report, therefore, covers the following areas: (1) project description; (2) environmental issues; (3) federal and state energy policy and project alternatives; and (4) the relationship of the Sobio project to other oil transportation projects affecting the California coast.

1. Project Description

The Port of Long Beach plans to finance and construct new oil terminal facilities at Pier J and to lease the facilities to the Sobio Transportation Company of California. The facilities, to cost about \$121 million, include three fixed moor berths for tankers, a breakwater to protect the berths, a pile-supported trestle connecting the berths to an oil storage tank farm with six tanks on Pier J, and a 48-inch wide pipeline from the tank farm through the Port (Attachments 1 and 2). No solid fill is proposed. The pipeline would extend inland across the coastal zone boundary to another oil storage facility at Dominguez Hills (Attachment 2). From Dominguez Hills pipelines connect to California refineries. A major pipeline is to transport most of the oil landed at the Port to Midland, Texas, where existing pipelines connect to refineries on the Gulf Coast and in the Midwest (Attachment 3).

Dredging is proposed only in the new berthing area off Pier J, where navigable depths would be increased from the present 42 feet to 62 feet. This would allow entry and docking of tankers in the 165,000 deadweight ton class (Attachment 4). About 2.5 million cubic yards of dredged material are to be removed from 77 acres in the berthing area. Some of the dredged material is to be deposited within the breakwater; the remaining material is to be deposited at an Environmental Protection Agency disposal site more than three miles from shore.

A new breakwater is to be built to protect the berthing area from wave action on the ocean side. The Port will construct the breakwater with about 2.6 million tons of rock from Santa Catalina Island quarries and 700,000 cubic yards of dredged material. The 4,700-foot concrete trestle will carry three 48-inch oil pipelines to an oil storage tank farm on Pier J. Six tanks, each about 62 feet high and 270 feet in circumference, will cover the 42-acre site. About two years will be needed for construction of these facilities after all necessary approvals have been obtained.

When completed, the facilities would receive each week about six supertankers between 70,000 and 165,000 deadweight tons in size. They would offload oil at a rate of about 700,000 barrels a day, with 500,000 barrels of this intended for the pipeline to Texas.

2. Environmental Issues

The project poses a number of environmental issues. It will result in increased supertanker traffic not only in the San Pedro Bay Port area but also along the California coast, including the Santa Barbara Channel. This would add to the risk of collisions and resulting major oil spills from existing coastal tanker traffic and increased construction of platforms for offshore oil production. The extensive dredging will cause the temporary loss of harbor bottom marine habitat. A question exists as

CALIFORNIA COASTAL COMMISSION
1840 Market Street, San Francisco 94102 - (415) 557-1001

TO: State Coastal Commissioners
FROM: Joseph E. Bodovitz, Executive Director
SUBJECT: Staff Briefing on the SOBIO Project, Permit Application No. 185-77 of the Port of Long Beach

The permit application of the Port of Long Beach for the Sobio Project, now pending before the Commission, raises unusual issues of energy policy under the California Coastal Act. The application itself will be described in detail in a forthcoming staff summary, but this briefing covers the broader aspects of the application: the implications with regard to national and state energy policy.

The application itself calls for the construction of three new oil tanker berths, dredging in the berthing area, construction of storage tanks, and other related installations to receive oil from Alaska at the Port of Long Beach. The principal purpose of the project is not to provide oil for use in California, but rather to carry oil from Alaska to Long Beach for further shipment by pipeline across California to Texas and to other oil markets east of the Rocky Mountains. The benefits of the oil will thus be largely in eastern and midwestern parts of the United States; the environmental effects--the possibility of oil spills and of air pollution from large tankers will be largely in California; and a key question is: has any level of government determined that this allocation of benefits and burdens is reasonable as part of a national or state energy policy?

Clearly, California should and must fully consider the national interest in the use of its coast, and clearly the use of its coast to make possible the transportation of oil from Alaska to inland areas may well be fully required by the national interest. But has any appropriate agency of government yet found this to be the case? What is the status of possible alternatives to this project--alternatives that affect other nations and other states? These are the questions to which this briefing is addressed.

The staff, under the direction of William Ahern, has carefully researched the documents and policy positions of all the appropriate Federal and State agencies and concludes that, at least as of this writing, there is no clearly adopted national or state policy on the matter. Many agencies are actively pursuing these questions, however, it is possible more information and guidance will be available soon; but it is also possible the Commission may be required, under the deadlines in the Coastal Act, to vote on this permit application before there are clear national or state policy determinations.

The present guidance to the Commission for considering the energy policy aspects of the application is contained in Section 30260 of the Coastal Act, which states:

Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are

to whether the filled land at Pier J can adequately support the oil storage tanks in case of an earthquake. Other issues relate to coastal views from the City of Long Beach, explosion risks from tankers, etc.

These and other issues related to Coastal Act policies will be discussed in detail in the staff project summary. The most serious environmental impact of this project does not come under Commission review. This is the air quality impact in the Los Angeles area that would be caused from additional oil tanker and oil storage emissions. Sohio has applied to the South Coast Air Quality Management District (SCAQMD) for air quality permits. The Sohio Project cannot be built unless it meets the air quality protection requirements of SCAQMD, the California Air Resources Board (ARB), and the U.S. Environmental Protection Agency.

Because the Port of Long Beach is in the critical South Coast Air Basin where air quality standards are exceeded, Sohio can be approved by the air quality agencies only if the project will result in an improvement in air quality. Sohio can achieve this by minimizing emissions and obtaining "offset" emissions, i.e., reductions of emissions from existing air pollution sources. Under EPA and ARB policies the project can be approved if enough "offsets" are obtained (examples: paving dusty areas, modifying dry cleaning facilities, etc.) so the project results in no net deterioration of air quality.

The "offset" policy is only now evolving in negotiations between Sohio and the ARB and SCAQMD. There are many points of disagreement, and Sohio may withdraw the project or decrease its size to two berths because of the need for "offset" emissions. These air quality protection policies can affect coastal development proposals in many ways. For example, an evaluation of a possible San Luis Obispo Bay alternative site for the Sohio Project was made by the Governor's Office of Planning and Research, motivated by the need to consider alternative locations if Sohio could not meet ARB requirements at Long Beach (Attachment 5).

3. National Energy Policy and Alternatives to the Sohio Project

Staff review of available federal and state energy policy statements and documents concludes that there is, at this time, neither a federal or state position that the Sohio Project is one of the most favorable alternatives for marketing Alaskan oil.

It is not clear which possible alternatives to the Sohio Project are truly valid. Problems are associated with each alternative. To understand these Alaskan oil marketing and transportation proposals, some background is necessary.

In 1973 Congress and the Nixon Administration approved the Alaskan Pipeline Act which authorized construction of the Alaska Pipeline to carry North Slope oil to the Port of Valdez (Attachment 6). The participating oil companies, including Sohio, assured Congress that all the Alaskan oil could be absorbed on the West Coast. Such assurances were necessary because an alternative to the Alaska Pipeline was another pipeline across Canada, carrying oil directly to northern U.S. and Midwest markets, and completely bypassing California.

However, some Congressmen were concerned that the intended destination of the oil was in fact Japan. Others wanted to insure that their inland states would benefit from the Alaskan Pipeline. So two important conditions were included in the Alaskan Pipeline Act that are now national policy with respect to the disposition of Alaskan oil. First, the oil cannot be exported to a foreign nation without special Presidential approval and the concurrence of Congress. Second, Section 410 of the Act states:

"The Congress declares that the crude oil on the North Slope of Alaska is an important part of the Nation's oil resources and that

the benefits of such crude oil should be equitably shared, directly or indirectly, by all regions of the country. The President shall use any authority he may have to ensure an equitable allocation of available North Slope and other crude oil resources and petroleum products among all regions and all of the several States."

(Emphasis in original.) This national policy presents an obvious problem because it is clear to all analysts that the West Coast will not be able to absorb a large portion of the Alaska oil. Instead, an increasingly large surplus of domestic oil will develop on the West Coast, in part because the growth in the use of oil has decreased after the OPEC oil export embargo and price increases. Now West Coast oil production from offshore Alaskan areas, offshore California, and the Elk Hills Naval Petroleum Reserve will add to the surplus. But there is at present no transportation system to move Alaskan oil from the West Coast to the interconnected pipeline network east of the Rocky Mountains.

This creates a special problem for Sohio, which with British Petroleum owns 53 percent of the North Slope Alaskan oil. Soon after production starts, BP will own a controlling interest in Sohio. Exxon and Atlantic Richfield each own 20 percent of the North Slope oil, but they also own West Coast refineries. Sohio/BP own no West Coast refineries to use their oil nor do they have any West Coast marketing system. Therefore, Sohio seeks to transport its oil to its markets. There are alternatives; The following proposals would, in some combination, market Sohio/BP's oil and the West Coast domestic oil surplus. The size of the surplus is expected to be about 500,000 barrels of oil a day (bbl/day) into the 1980's, when it may range from 400,000 to 1.4 million bbl/day (4-Sohio/BP's ownership will be about 600,000 bbl/day).

a. The Sohio Project. Of all the Alaskan oil transportation proposals, this project, now pending before the Commission, is the most advanced in the permit stages. It is to move 500,000 bbl/day eastward to Texas in Phase I. A Phase II, not part of this application, is possible in the 1980s to move 1.2 million bbl/day eastward

b. The Panama Canal. Tankers can carry Alaskan oil from Valdez through the Panama Canal to Gulf Coast refineries (Attachment 7). Because only relatively small tankers, not larger than 65,000 deadweight tons, can pass through the Canal, a variant of this would be to transport the oil to the Pacific end of the Canal in super tankers and transfer the oil there to smaller tankers for the trip to the Gulf Coast. This alternative would be more costly to the oil companies than pipeline transportation and would increase tanker traffic down the Pacific Coast to Panama.

c. Exchanging Alaskan Oil with Japan. This proposal, advocated by the California Energy Commission, involves exporting the surplus Alaskan oil to Japan in exchange for oil imported to the U.S. Gulf Coast from the Persian Gulf. The Energy Commission points out this would not increase the shortage caused by any new embargo because, under the International Energy Program, the industrial nations, including Japan, have agreed to share any shortages. In addition the U.S. strategic oil reserve storage program would protect the Gulf area.

This proposal would cause no increase in supertanker traffic to California and would probably cut tanker transportation costs to the oil companies. However, President Carter has indicated he would not approve such exchanges because of feared adverse reactions from U.S. consumers being asked to reduce energy use and thus to curtail oil imports, while at the same time seeing Alaskan oil being sent abroad. Another reason seems to be the President's desire to maintain pressure on oil companies to build a pipeline from the West Coast to mid-continent markets (James Schlesinger, Meet the Press, July 10, 1977).

d. Selling More Alaskan Oil to West Coast Refineries. Even though there is an upcoming surplus of Alaskan oil of about 500,000 bbl/day, it appears that West Coast refineries will be importing at the same time about 500,000 bbl/day from Indonesia and other foreign nations. This is because the Alaskan oil has a high sulfur content and many refineries cannot use it. They need low-sulfur imports in their facilities to produce fuel oil that meets California air quality standards.

However, if Sohio/HP offers contracts with low enough prices to West Coast refiners to justify new investments retrofitting refineries to handle high-sulfur oil, those refineries could replace the imports with Alaskan oil and reduce the size of the surplus.

This would also solve Sohio/HP's marketing problem, but under complicated oil pricing schemes Sohio/HP probably stands to make a higher profit by shipping the oil to mid-continent markets where the price could be higher and the payments to the State of Alaska smaller than with West Coast sales (President's April 15, 1977 Report to Congress on the Pricing of Alaska North Slope Crude Oil). Selling as much oil as possible to West Coast refiners would minimize tanker traffic and might eliminate Sohio/HP's need for the Sohio Project.

e. A Northern Tier Pipeline. It is generally agreed that the part of the U.S. most in need of Alaskan oil is the Northern Tier and Upper Midwest, those states ranging east from Washington to Minnesota and Ohio (Attachment 8). Canada is cutting oil exports to those states, so their refineries need a steady new source of oil. There are three competing alternatives for moving Alaskan oil to these states by pipelines. Only one would be feasible. They are:

(1) Trans-Mountain Reversal. Probably the most likely of the three because it involves limited new construction, this project would reverse a pipeline that has been carrying Canadian oil to Puget Sound. It connects with existing pipelines in Canada which serve Northern Tier states. The Alaskan oil would be unloaded at an existing terminal site at Atlantic Richfield's refinery on Puget Sound. The major disadvantage of this project is increased supertanker traffic into Puget Sound. This project could carry up to 950,000 bbl/day.

(2) Northern Tier Pipeline. This project would receive tankers at a new terminal at Port Angeles at the entrance to Puget Sound. A new pipeline would be built through the Northern Tier states to Minnesota. The project could carry up to 1.3 million bbl/day, but environmental analysis is only now starting.

(3) Kitimat. A new oil terminal would be built at Kitimat, British Columbia, with a pipeline connecting to Edmonton, Alberta, where existing pipelines serve the Northern Tier states. Kitimat would be a difficult port for supertankers because the entrance is long and narrow. This project would be a contender only if the Trans-Mountain Reversal is withdrawn.

f. Decreasing West Coast Oil Production. Because of the impending surplus on the West Coast, the President is seeking Congressional authorization to cut required Elk Hills production from 350,000 bbl/day to 80,000 bbl/day. Friends of the Earth has suggested shutting-in Alaskan North Slope oil production, making it a reserve, to eliminate the transportation problem.

g. Cape Horn. Supertankers could carry Alaskan oil all the way around South America's Cape Horn to planned supertanker terminals off the Gulf Coast.

h. Unit Trains. A number of railroads are proposing the use of oil tanker unit trains to carry oil from Los Angeles and Portland, Oregon, to inland markets. Such transportation would be more costly to oil companies than pipelines but would involve limited construction of new facilities. The amount that could be carried is probably about 200,000 bbl/day.

4. Federal and State Energy Policy

a. Federal Energy Policy. The President has not yet decided which of these projects or combination of projects would provide the most benefits to the U from Alaskan oil. His April 1977 National Energy Plan contains this section on the issue:

ALASKAN OIL

By the end of 1977, the Alaska pipeline terminal in Valdez, Alaska, should be receiving approximately 1.2 million barrels of oil per day. The current capacity for absorbing additional crude oil on the West Coast is no more than 800,000 to 800,000 barrels per day, leaving another 400,000 to 600,000 barrels of Alaskan oil as surplus.

Active Federal and State involvement will be necessary to assure expedited construction of the best project or combination of projects for receiving Alaskan oil on the West Coast and moving it in an environmentally sound way to inland markets where it is needed. A Federal project coordinator has been designated to coordinate Federal involvement and to work with States in ensuring timely and thorough review of all proposals in order to expedite projects. The Administration will consult with the Canadian Government to encourage timely Canadian consideration of projects that could be constructed in that country.

As the United States reviews its options for transporting Alaskan oil, it is important that the needs of midcontinent and northern tier refiners be taken into account along with those of refiners on the West Coast. The establishment of a long-term transportation system for supplementing supplies in these regions is a matter of high priority. An assessment will also be made of all options that would enable the U.S. to benefit from Alaskan oil in the short term until permanent transportation systems are in place. The options include trans-shipment of surplus crude to Gulf Coast markets as well as exchanges with other nations.

The 500,000 barrels per day of imports now expected to arrive on the West Coast could also be phased out by a refinery retrofit program that, over the course of the next several years, would enable more high-sulfur Alaskan oil to be refined in California.

In order to reduce the West Coast oil surplus, legislation will also be sought to provide authority to limit production from the Elk Hills Naval Petroleum Reserve to a ready reserve level. This action could reduce the West Coast surplus until the west-to-east transportation systems for moving the West Coast crude surplus are in place or California refiners have completed a major retrofit program. (p. 55)

5. Sohio Project Relationship to Other Oil Transport Projects

The Southern California ports are inadequate for receiving the newer, larger and more modern supertankers. Only Texaco and ARCO have operating deepwater terminal and they have limited offloading capacities and are on narrow channels where vessel maneuvering room is restricted in the Port of Long Beach (Attachment 10). Only Chevron has relatively convenient deepwater terminals in Santa Monica Bay off its El Segundo refinery.

Therefore, there is some urgency in dealing with the issue of supertanker terminals in the ports. Without adequate and safe terminals in the outer harbor area the oil companies will continue to bring older, smaller, and more risky tankers into the inner harbors. They will also increase lightering operations in which small tank or barges unload supertankers at sea and bring the oil to the existing terminals. Such lightering increases the risks of oil spills off the coast and also increases air pollution emissions that may be beyond the control of the air quality protection agencies Chevron and Shell Lighter 4-5 supertankers a month near San Clemente Island (Attachment 5). The Coast Guard reports lightering is increasing at the ports inside the San Pedro breakwater.

a. Port of Long Beach. There are three major oil terminal projects under different stages of consideration for the Port of Long Beach. The Shell pipeline project to increase the offloading capacity of the ARCO terminal is before this Commission (Application No. 359-76), in addition to the Sohio Project application. Staff had recommended denial of the Shell application because it should be considered with the other Port oil terminal projects, which might result in less-environmentally-damaging alternatives to intensification of use of the ARCO terminal (Attachment 10). This terminal seemed less than optimal for supertankers because it is far inside the port, requiring large ships to maneuver into relatively narrow channels (Coastal Commission Staff Recommendation, Application No. 359-76, Shell Oil Co.). At the March 16, 1977 Commission meeting Shell requested that the hearing on its application be kept open so additional discussions can take place and so the application can be considered simultaneously with the Sohio Project application.

The second project is a proposal by Macmillan King Free Oil Co. to construct a new marine oil terminal at Pier A (Attachment 10). This project would receive supertankers up to 165,000 deadweight tons and would carry the oil to a new Macmillan refinery near Carson. The Port of Long Beach expects to carry the oil on this project by the end of July. But the location of the terminal raises problems: The U.S. Coast Guard has expressed concerns about the safety of the site, which could present maneuvering problems to ships in the Long Beach Channel.

With the Sohio Project these proposals constitute the major part of what would be the oil transportation part of a Port of Long Beach master plan.

At present, it appears Sohio may want only two berths for Alaskan oil because of air quality restrictions (Attachment 11, A). Port of Long Beach staff have suggested that the Macmillan one-berth project might be relocated to the Sohio location (B, Attachment 11), retaining the three-berth configuration there while avoiding any vessel traffic problems at the current proposed Macmillan terminal location.

Port staff have also suggested that the ARCO terminal vessel maneuverability problem in the narrow Back Channel might be eliminated by construction of a new two berth terminal for ARCO and Shell extending seaward of the present ARCO terminal (C, Attachment 11). With indenting at the current ARCO terminal, and removal of part of Terminal Island the berths could be constructed to accommodate supertankers without

This statement places the highest priority on serving the Northern Tier states, which would generally not be served by the Sohio Project. The Federal Alaskan Oil project coordinator mentioned by the President has prepared a report to Congress on Equitable Sharing of North Slope Crude Oil (April 1977). This Federal Energy Administration report makes the following conclusions:

-the most logical market for North Slope crude oil in the U.S. is the West Coast market.

-because West Coast refineries cannot absorb the production there are several proposals to transport the oil from west to east.

-one or more of these proposals would satisfy the Congressional requirement of equitable sharing of the benefits of the oil.

-only one of the Northern Tier pipeline alternatives is feasible.

-the Sohio Project, combined with one of the projects designed to serve the Northern Tier, would provide the most direct means of achieving equitable distribution of Alaskan crude oil to those areas of the country which can economically use it.

-however, because the oil system is integrated, any project to move oil east of the Rocky Mountains would indirectly benefit all areas of the country. (pp. 87-8)

While these conclusions do say the Sohio Project would benefit areas of the country east of the Rocky Mountains, there is no federal conclusion that it is one of the desired alternatives. Apparently, the federal agencies are continuing to review all the options.

b. California Energy Policy. The main purpose of the Sohio Project is to enable transport of Alaskan oil to and across California to eastern markets. An uncertain proportion of oil landed at the marine terminal is to be for California refineries. The major energy policy impact on California involves the abandonment of a gas pipeline that was used to carry Southwest gas to California (Attachment 9). This line is to be reversed to carry the Alaskan oil part way to Texas. Concerns have been expressed that this abandonment could limit future gas supplies to the State. However, the Energy Commission has concluded, "Under most supply scenarios, the abandonment of a single El Paso line should not jeopardize future gas supplies from the Southwest, as up to 400 million cubic feet per day (mcf) of the 670 mcf/d proposed for abandonment could be reinstated if necessary". (Fossil Fuel Supply Issues, p. 11)

The State Public Utilities Commission is representing the People of California before the Federal Power Commission's proceeding on this gas pipeline abandonment. The FPC's current position is that any statement the Sohio Crude Oil Project is in the national interest is premature. The FPC sees possible gas supply and economic disadvantages to California consumers from the abandonment and argues that consumer interests should not be sacrificed until and unless the Sohio Project, of all the North Slope oil transport alternatives, is shown to be economically and environmentally feasible and in the overall public interest (Cross-Answering Brief, California Public Utilities Commission, before the Federal Power Commission, Docket No. CP75-362, March 10, 1977). The Federal Power Commission is expected to decide whether or not this abandonment is in the national interest later this summer.

Primary Reference Documents

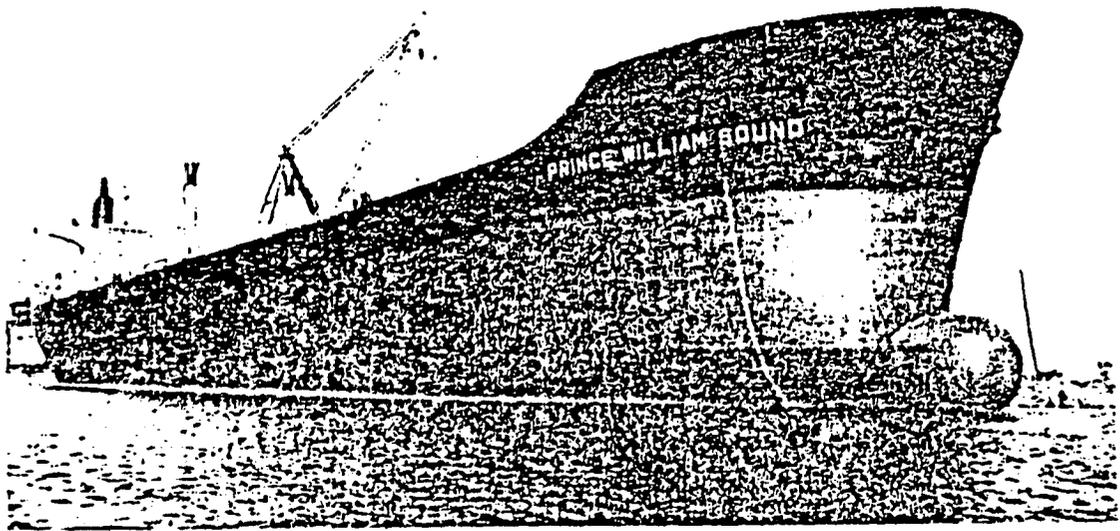
- (1) Final Environmental Impact Report, Sohio West Coast to Mid-Continent Pipelines, Port of Long Beach/California Public Utilities Commission, April 1977
- (2) Final Environmental Impact Statement, Crude Oil Transportation System: Valdez, Alaska to Midland, Texas, Bureau of Land Management, U.S. Dept. of the Interior, May 1977
- (3) Environmental Assessment Report, Crude Oil Transportation System: Valdez, Alaska to Midland, Texas (Sea Leg), Tetra Tech, Inc. for U.S. Army Corps of Engineers, 1977
- (4) California Energy Trends and Choices, Volume 4, "Fossil Fuel Supply Issues", 1977 Biennial Report of the State of California Energy Conservation and Development Commission
- (5) California and the Disposition of Alaskan Oil and Gas, State Lands Commission, June 1976 (working paper)
- (6) "North Slope Crude - Where to? - How?", An analysis of the Alternatives Available for the Transportation and Disposition of Alaskan North Slope Crude. Federal Energy Administration for the Energy Resources Council, November, 1975
- (7) Equitable Sharing of North Slope Crude Oil, Federal Energy Administration, April 1977
- (8) Preliminary Draft, Port of Long Beach Master Plan, July 1977 (working paper)
- (9) Responses of the People of the State of California and the Public Utilities Commission of the State of California (El Paso Natural Gas Company statement proceedings before the Federal Power Commission, Docket No. CP75-322).
- (10) The National Energy Plan, Executive Office of the President, Energy Policy and Planning, April 1977
- (11) President's April 15, 1977 Report to Congress on the Pricing of Alaska North Slope Crude Oil

conflicting with traffic on the Back Channel. Some current oil transport activities could also be moved out from the old harbor area (D, Attachment 11) to the new facilities. This would leave only Texaco receiving large tankers in the inner harbor area. The Port would have five new berths to accommodate modern supertankers. The advantages and disadvantages of these Port staff suggestions will be evaluated with other alternatives such as consolidating all supertanker operations in the outer harbor.

b. Elk Hills. The Sohio Project pipeline to Texas could result in environmental advantages if the President does not obtain authority to limit Elk Hills oil production.

The Navy's preferred alternative for transporting Elk Hills oil production is through an onshore pipeline connecting with the proposed Sohio pipeline near Redlands (Attachment 12). In this way the oil could move eastward both to refining markets and to the strategic storage salt domes in the Gulf of Mexico coastal area. Without this alternative, the Navy will probably deliver some oil to coastal marine terminals at Port Hueneke or San Luis Obispo, Estero and San Francisco Bays. These alternatives would involve increased coastal tanker traffic and attendant risks of oil spills and air emissions.

Note: the Commission's public hearing on the Port of Long Beach application will be held August 16, 1977 in Long Beach.

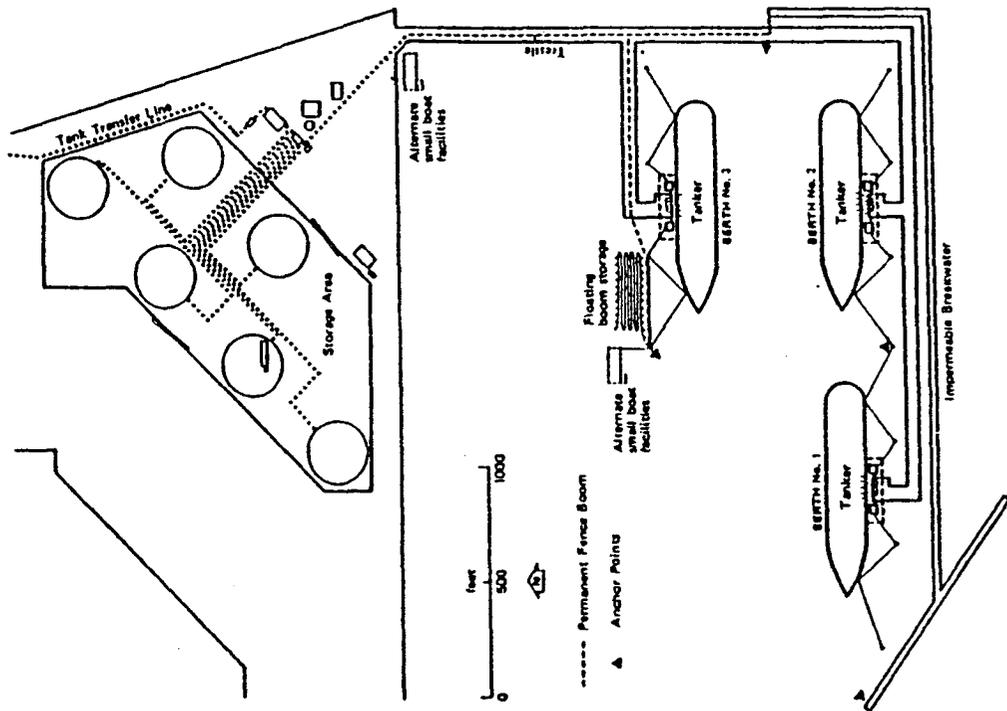


Source: Furnished through the courtesy of SOHIO Transportation Company, Cleveland, Ohio, 1976.

Prince William Sound 120,000 ton ecological tanker, Sun Shipbuilding and Drydock Company

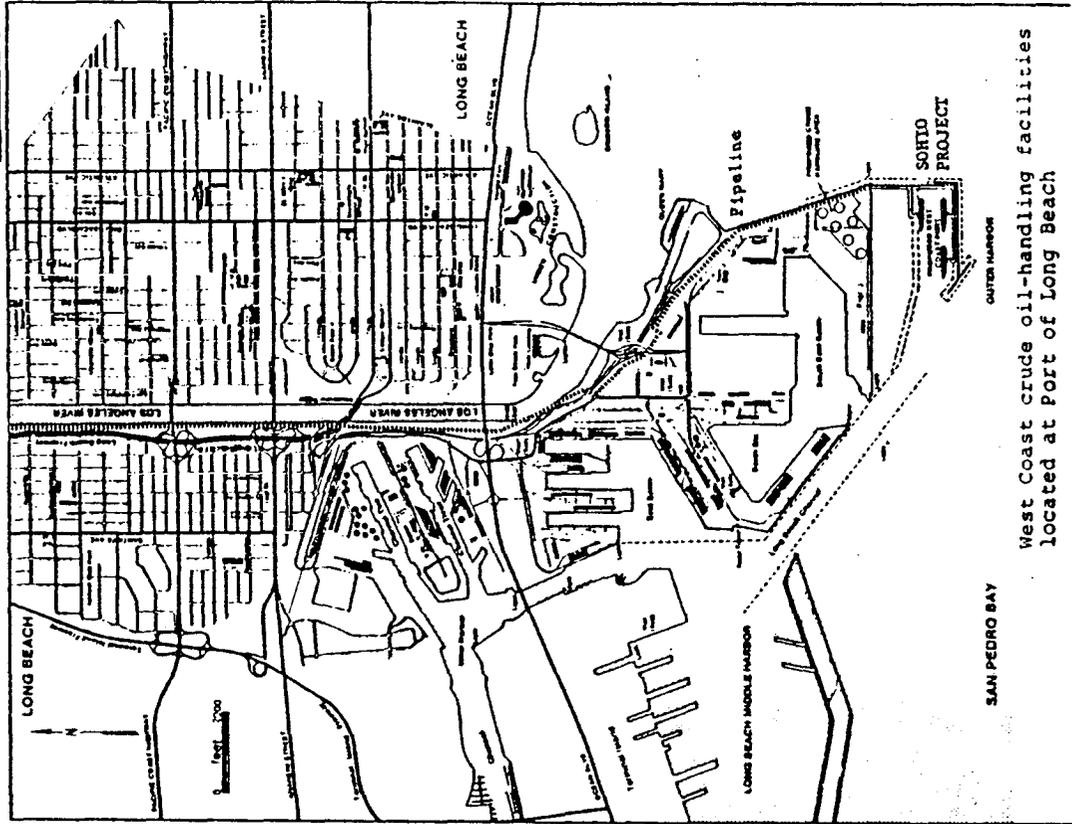
ATTACHMENTS

Attachment 1

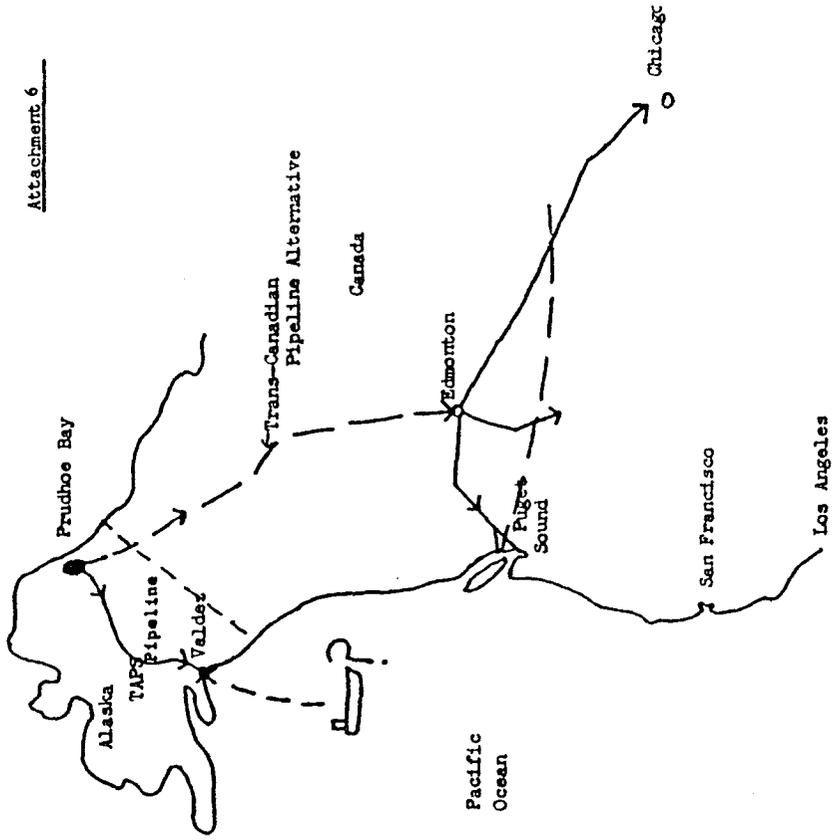


PORT OF LONG BEACH, SORIO PROJECT
PIER J PORT FACILITY

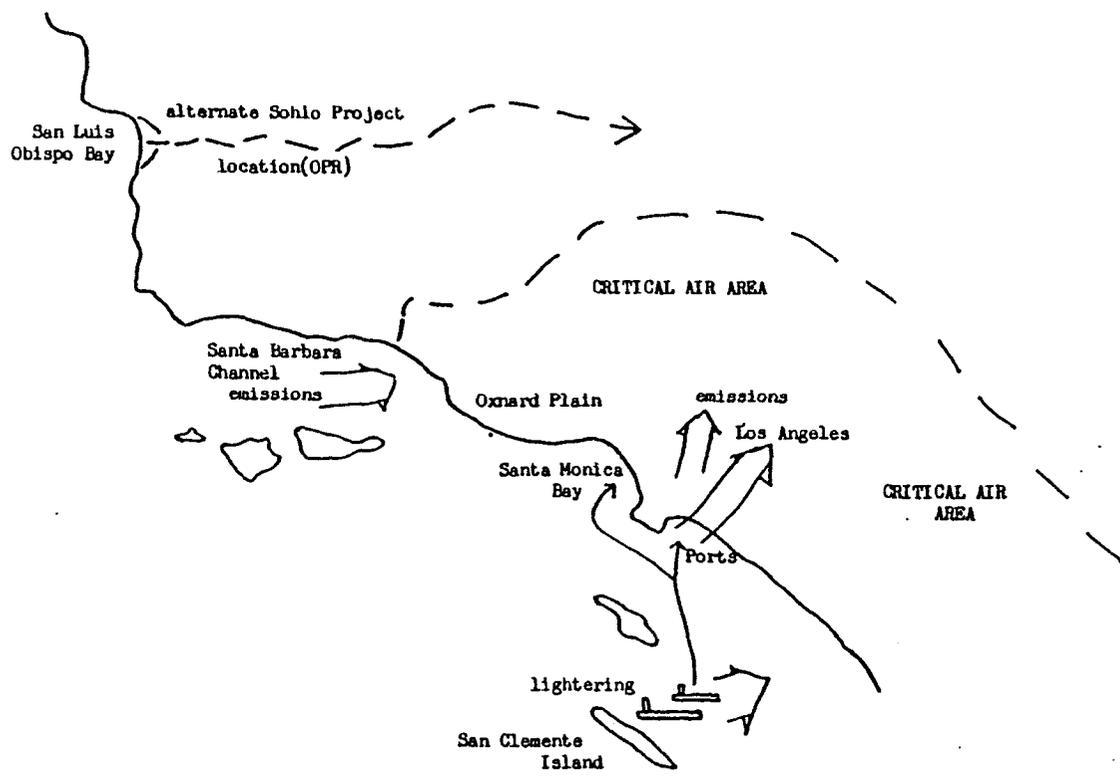
Attachment 2



West Coast crude oil-handling facilities
located at Port of Long Beach



CHOICE OF THE TRANS - ALASKA PIPELINE SYSTEM (TAPS)

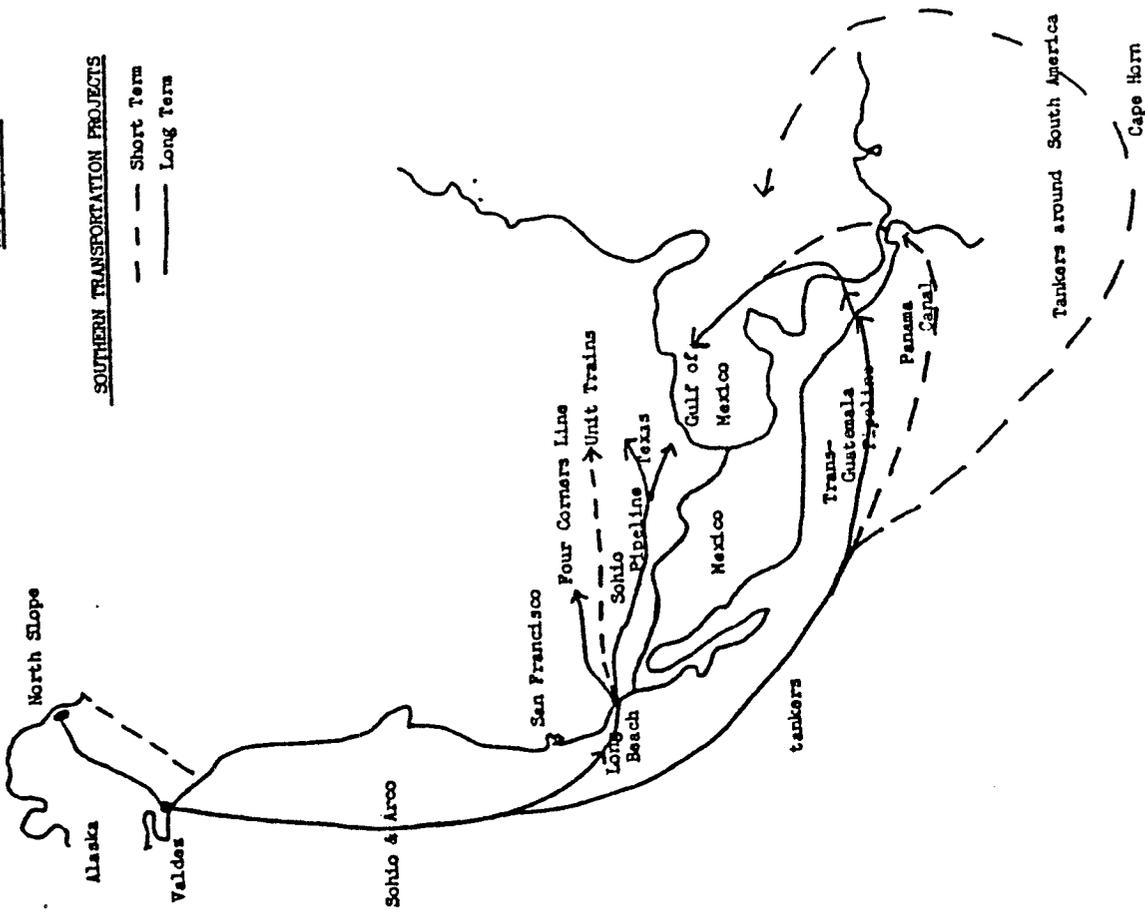


AIR QUALITY CONSIDERATIONS

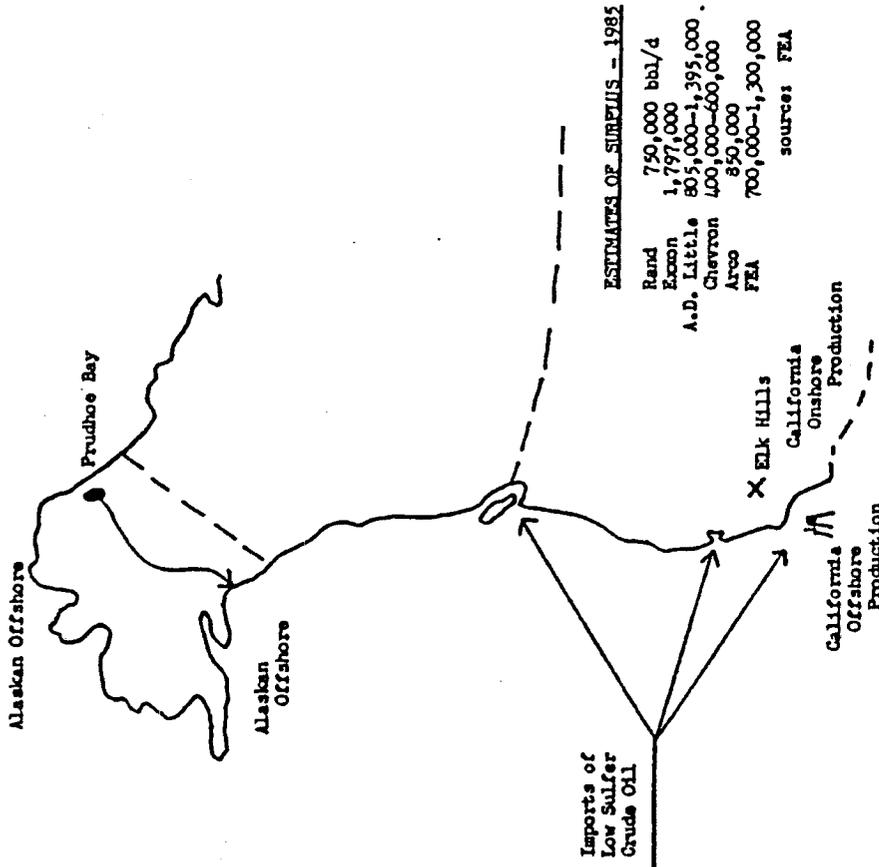
Attachment 7

SOUTHERN TRANSFORMATION PROJECTS

--- Short Term
 --- Long Term



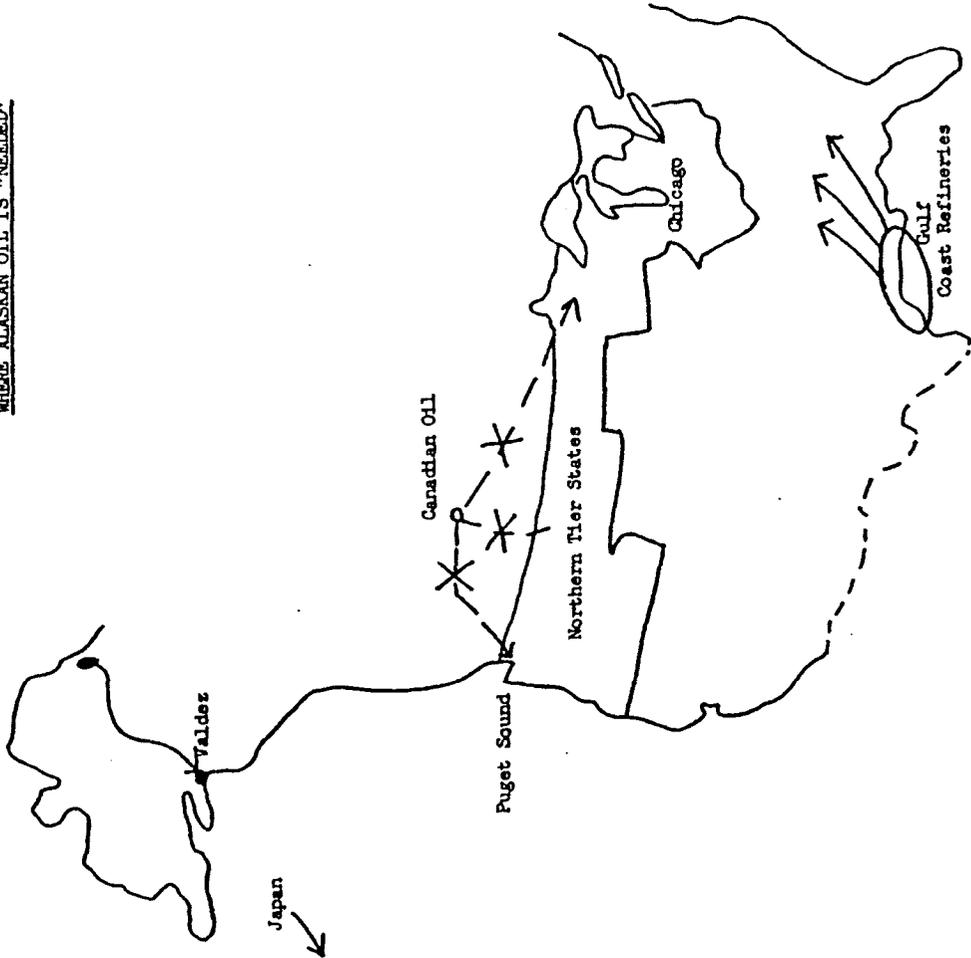
Attachment 6a



WEST COAST DOMESTIC OIL SURPLUS

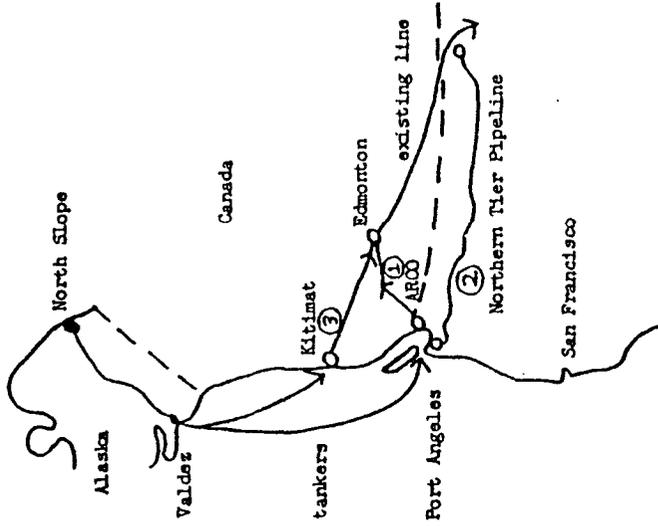
Attachment 8a

WHERE ALASKAN OIL IS "NEEDED"

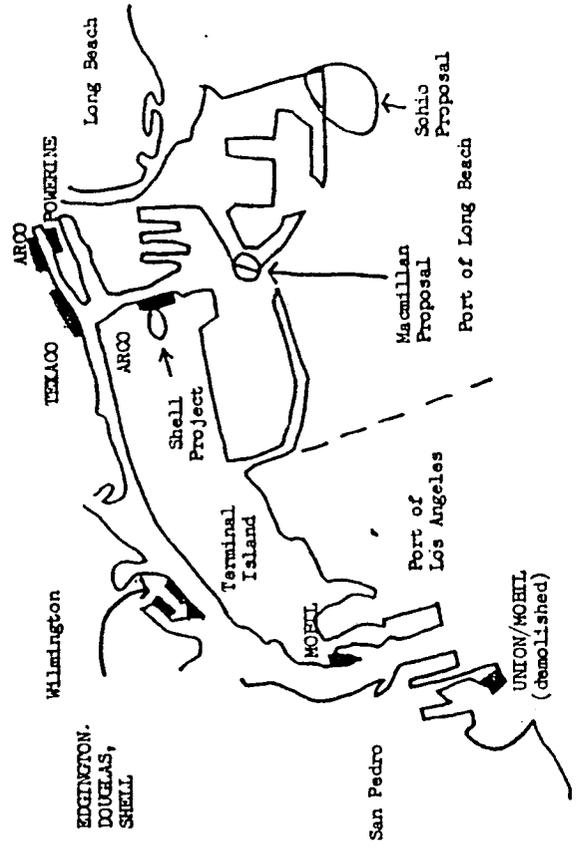


Attachment 8b

THREE NORTHERN TRANSPORT ALTERNATIVES



MAJOR EXISTING AND PROPOSED OIL TERMINAL LOCATIONS, PORTS OF LOS ANGELES AND LONG BEACH



- e. References
 - (1) Terminal
North Slope Crude. Where to? - How?, a draft FEA report, November 18, 1976, and USCG's Chart 5403.
 - (2) Pipeline
"Feasibility Study, West Coast-Midwest Crude Oil Pipeline," prepared for the Standard Oil Company (Ohio) by the Williams Brothers Engineering Company, August, 1974.

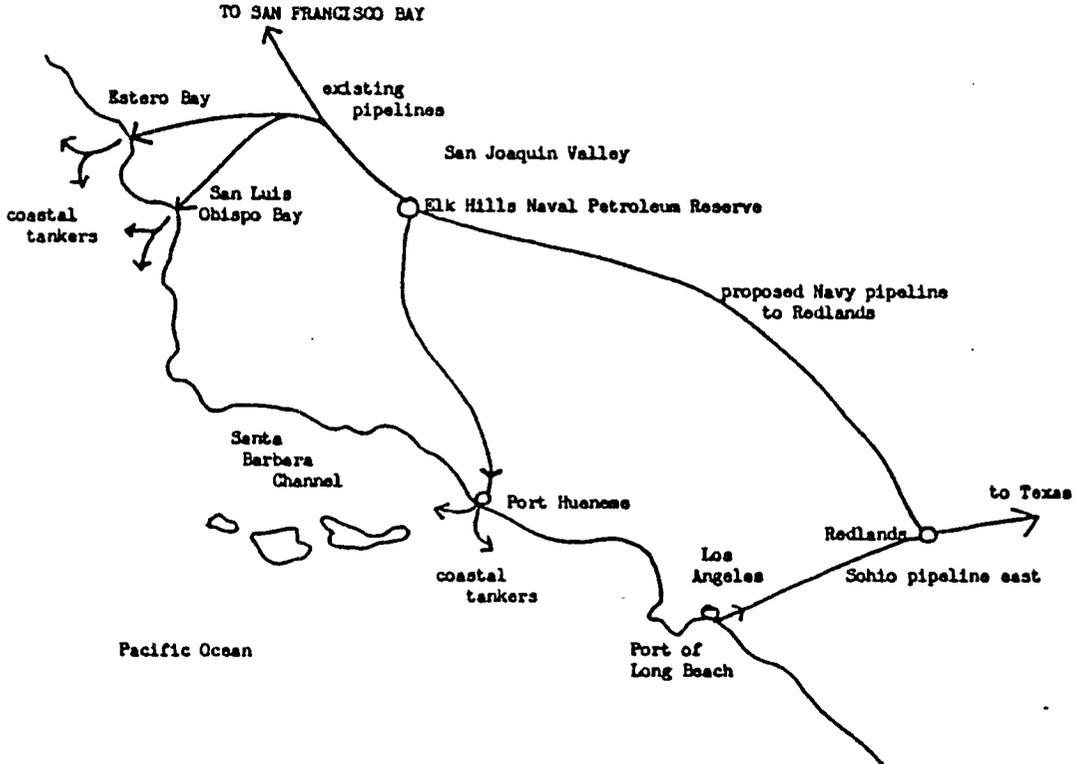
6. SOHIO PIPELINE PROJECT

a. Introduction

In 1970, the Standard Oil Company of Ohio (Sohio) became, through its agreements with the British Petroleum Company, the major future producer of Prudhoe Bay oil. Based on oil-in-place, Sohio estimates that it will be entitled to in excess of 54% of Prudhoe Bay production. Faced with limited markets on the West Coast, Sohio has considered several options to dispose of surplus North Slope crude oil in the crude-deficient Midwest and Gulf Coast refining areas of the U.S. A series of studies were made for Sohio by Williams Brothers Engineering Company starting in 1974, based on which Sohio determined to proceed with plans for a Long Beach to Midland, Texas route.

In 1975, Sohio reached agreement with El Paso Natural Gas Company (EPNG) to lease and convert to oil service an idle EPNG pipeline, which runs from the Colorado river into New Mexico. Within California the Sohio project could use an underutilized Southern California Gas Company (SoCal) natural gas pipeline (see Map IV-7). FPC approval must be obtained for the conversion of the EPNG pipeline and CPUC approval must be obtained to convert the SoCal line. Due to concern over the conversion of these gas lines, this report evaluates the economics of several alternative versions of the Sohio proposal.

- Sohio - Conversion Project - involving the conversion of both the SoCal and El Paso Natural gas lines. This is the project as currently proposed by Sohio.
- Sohio - Partial Conversion - uses the EPNG pipeline but with a new line built in California.
- Sohio - All New Project - same route as the existing gas lines but all new pipelines.

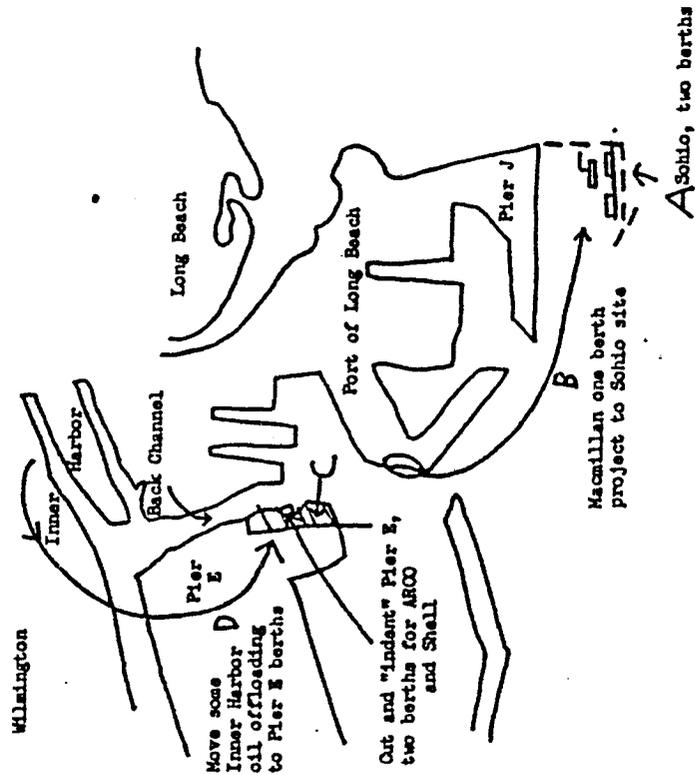


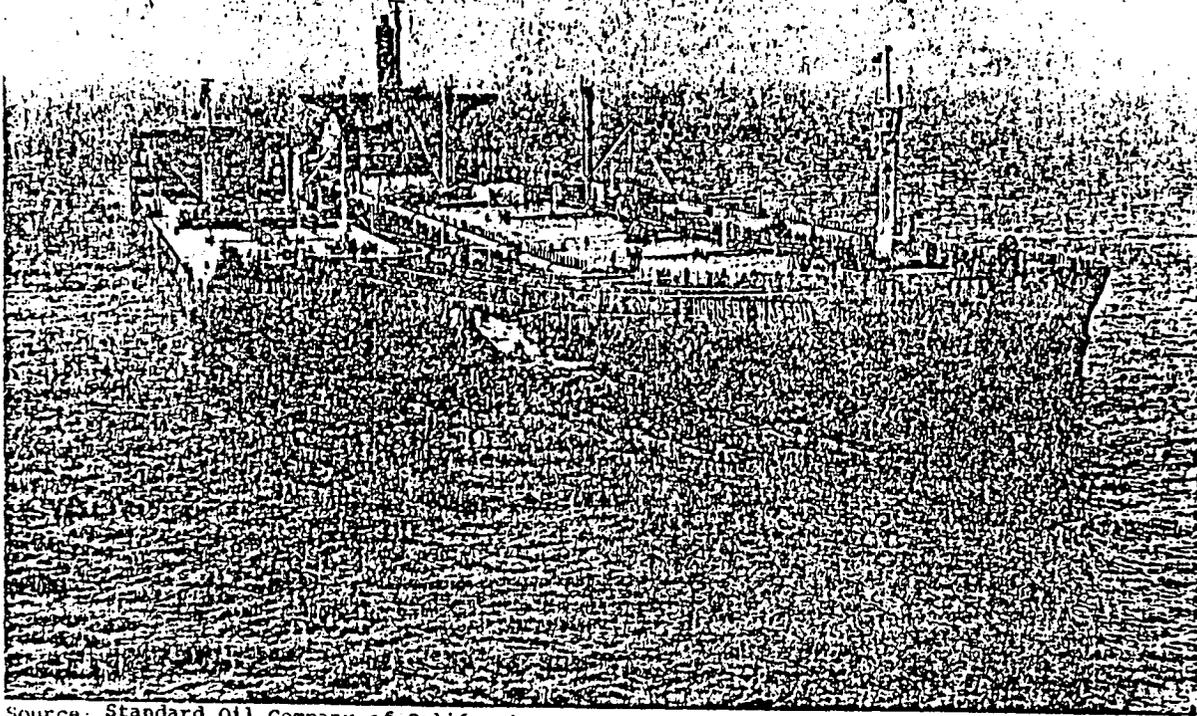
ALTERNATE ELK HILLS OIL TRANSPORT ROUTES

Attachment 12

Attachment 11

ALTERNATE SUPERTANKER TERMINAL LOCATIONS,
PORT OF LONG BEACH





Source: Standard Oil Company of California.

ENCLOSURE

State of California

GOVERNOR'S OFFICE
OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET
SACRAMENTO 95814
(916) 445-3282



EDMUND G. BROWN JR.
GOVERNOR

RECEIVED
JUL 07 1977
CALIFORNIA
GOVERNOR'S OFFICE

July 5, 1977

Melvin B. Lane, Chairman
California Coastal Commission
1540 Market Street, 2nd Floor
San Francisco, CA 94102

Dear Mel:

On June 29, 1977, Secretary of the Interior Cecil Andrus endorsed California's revised proposed conditions governing the Exxon Corporation's Santa Ynez Unit development plans as a reasonable approach to solving the problems of storage, treatment, and transportation of Santa Ynez oil. A copy of Secretary Andrus' letter is enclosed.

As you know, these revised conditions were jointly developed by the California Coastal Commission, Santa Barbara County, and the Governor's Office of Planning and Research in consultation with the State Lands Commission and the Air Resources Board. In endorsing California's proposed revised conditions governing the Exxon facility, the Secretary raised some points requiring explanation and clarification by the State. In addition, further meetings and negotiations with Exxon and the appropriate representatives of the Department of the Interior and the State of California will be required before this issue is finally resolved.

I am, therefore, requesting you to authorize the appropriate technical personnel from your staff to work cooperatively with other State agency staff and the staff of Santa Barbara and Ventura Counties to develop technical responses to Secretary Andrus' comments. In addition, I would also appreciate having you or your designee participate in meetings and negotiations held with Exxon to reach a final agreement on the Exxon Santa Ynez Unit development plan permit. Please notify us as soon as possible of both the technical staff and the Coastal Commission representative who will participate in this effort.

Thank you for your cooperation in resolving this difficult issue.

Sincerely,

Edmund G. Brown Jr.
Edmund G. Brown
Director

Enclosure
cc: Joseph Bodovitz

STATE OF CALIFORNIA
CALIFORNIA COASTAL COMMISSION
1540 MARKET STREET, 2ND FLOOR
SAN FRANCISCO, CALIFORNIA 94102
PHONE: (415) 987-1081

LETTERS WITHIN A SQUARE



Mr. Bill Press
Page Two

June 17, 1977

June 17, 1977

Mr. Bill Press
Director, Office of Planning
and Research
1400 Tenth Street
Sacramento, CA 95814

Dear Bill:

On May 31st the State Coastal Commission voted to "pull up" the Port of Long Beach/Sohio project application from the South Coast Regional Commission for direct review. Our schedule for processing the application includes a public hearing on August 16 and possible voting as early as September.

It is generally recognized that the project may cause significant coastal impacts from increased supertanker traffic in addition to the air quality impacts being analyzed by the Air Resources Board and the South Coast Air Quality Management District. In addition to making findings on such environmental impacts, the Coastal Act requires the Coastal Commission to determine whether or not denial of the project would adversely affect the public welfare (Section 30260, Public Resources Code).

We would appreciate your help in making this finding, especially with respect to the energy policy and economic welfare impacts of the Sohio project as applied for or in some modified form. This help might be in the form of a letter from the Governor expressing a coordinated State position on the project. At present we can rely on published positions of the Public Utilities Commission and the Energy Commission. However, these positions may not reflect additional statewide concerns. Perhaps other agencies, including the Resources Agency, Business and Transportation Agency, and State Lands Commission, should be involved.

With respect to public welfare aspects of the project, the PIC in proceedings before the Federal Power Commission, raised significant questions regarding the project, concluding "...there is no basis, legal or otherwise, in concluding the Grude Oil Project is in the overall public interest." (Cross Answering Brief of the People of the State of California, PUC, March 10, 1977, PIC Docket 87-5-363). The Energy Commission, in its recently adopted Annual Report Volume 4 on Fossil Fuel Supply Issues, concluded that "...a carefully managed exchange program (of Alaskan oil) with Japan would have significant benefits for California." (p.12) and raised concerns about abandonment of gas pipelines associated with the Sohio project. In making public welfare findings the Coastal Commission will consider such conclusions, but it would obviously be better for us to have an updated position coordinated by JPH.

Such a position statement, in the form of a letter or testimony for our scheduled hearing on August 16 would be extremely helpful.

Please let us know if we can help in providing further information.

Very truly yours,

JOSEPH S. SOLOVITZ
Executive Director

cc: Suzanne Reed
OPR

bcc: Bill Boyd
Bill Ahearn
Mike Dadarovich ✓
Carol Pillsbury

M. Lane
L. Ewen

State of California
GOVERNOR'S OFFICE
SACRAMENTO 95812



EDMUND G. BROWN JR.
GOVERNOR

916/445-2843

Thursday, June 30, 1977
Andrus Gives Offshore Oil Leverage To State

SACRAMENTO (REE)
Exxon's federal permit to switch to an offshore facility. Andrus noted the permit allows the company to process only 40,000 barrels a day — well below its expected production level in the channel.

If the company fails to show some flexibility, he hinted, the Carter administration will not look kindly on any Exxon request for bigger offshore operations.

"Further departmental approvals are necessary for Exxon to reach full development and such approvals will be granted only in conformance with this administration's policy of cooperation with the affected state," Andrus told Brown.

The secretary said he has instructed his staff to begin talks with Exxon aimed at "promptly reaching a fair, long-term solution" agreeable to the state, Exxon and other oil firms operating in the channel.

Andrus has delayed the leasing of additional drilling sites off the California coast pending congressional action on new ground rules for environmental safeguards, royalty fees and state involvement in offshore production.

His position in the dispute over the Exxon storage depot is seen as an attempt to overcome California's traditional opposition to offshore production by giving the state a bigger say in how such operations will be controlled.

Brown administration officials described the Andrus letter as a major victory. State Planning Director Bill Press, who accompanied Andrus on a June 16 inspection trip to Santa Barbara, said the secretary has, for all practical purposes, reversed the previous administration's carte blanche support of Exxon's position.

The Santa Ynez unit is the most promising oil and gas field in the channel. Its recoverable reserves have been estimated at more than 1 billion barrels of oil and up to 550 billion cubic feet of natural gas.

Brown, who discussed the Exxon depot controversy with Andrus earlier this month, sees it as a major precedent for the state's role in coastal and energy planning.

By LEO RENNERT

Bee Washington Bureau Chief
WASHINGTON — In a sharp break with the pro-industry position of the Ford administration, Interior Secretary Cecil Andrus has given California more leverage to impose environmental safeguards on a planned Exxon storage depot for oil from the Santa Barbara Channel.

Andrus, who toured the channel during a recent visit to California, outlined the new federal policy in a "Dear Jerry" letter to Gov. Brown.

"This administration seeks to cooperate with the states because of our confidence that the states will, when treated as partners, work in the national interest, as well as in their own, in developing offshore reserves while protecting the environment," Andrus wrote Brown.

The secretary endorsed a set of new California permit conditions for the Exxon facility as a "reasonable approach to solving the problems of storage, treatment and transportation" of oil from the Santa Ynez unit of the channel.

The on-shore depot, near Point Conception, would become the initial gathering and processing point for oil from the offshore field.

To keep tanker traffic to a minimum in the channel and to avoid spills, the state has pressed for construction of a pipeline to take the oil from the depot to the Los Angeles area. It also has insisted on fairly tight anti-pollution rules for operation of the depot.

Exxon balked at some of the restrictions. To strengthen its negotiating hand, it obtained advance approval from the Ford administration to locate the storage facility offshore, just outside the three-mile limit. If the impasse over offshore construction continued, Andrus now has changed the bargaining equation with a Carter administration tilt away from Exxon and toward the Brown administration.

In his letter to the governor, the secretary stipulated the state for making "important modifications" in its permit conditions which may make it easier to reach an accord. While stopping short of revoking

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JUL 07 1977

CALIFORNIA
COASTAL COMMISSION

The Honorable Cecil Andrus
Secretary of the Interior
Washington, D.C. 20510

Dear Secretary Andrus:

I want to congratulate you on your EXXON/Santa Ynez decision.

Your approval of the revised permit conditions means that California can now proceed to develop its coastal energy resources in a way that is both environmentally and economically sound.

I am directing our state agencies to work closely with members of your staff and EXXON to implement the approved conditions.

Sincerely,

EDMUND G. BROWN JR.
Governor



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

THE SACRAMENTO BEE Monday, July 4, 1977

Welcome Mat For Business . . . Brown Won't Forget Environment

WASHINGTON (UPI) — California Gov. Jerry Brown says his state welcomes new businesses but will not sacrifice the environment for the sake of profit.

Streamlining government regulations and reviewing the tax structure will make California even more attractive as a place for business location and expansion, Brown said in an interview published in U.S. News and World Report.

"Much of the problems of business can be traced to its multiple layers of government," he said. "Cutting government forms" is a mind boggling for business," he said. His administration has created a state office "to help businesses negotiate their way through the labyrinth of local, state and federal regulations."

Brown said the state tax on business inventories, which has caused warehousing and distribution firms to move elsewhere, is being reviewed by committees in the legislature and probably will be phased out over the next several years.

He said he stands by California's clean air and water standards and believes industry can co-exist with a protected environment.

"We're looking for clean industries and for ways to accommodate people at higher standards of living, but with good standards of environmental quality," Brown continued.

He said the recent cancellation by Dow Chemical Co. of plans to build a \$200 million complex near Sea Franchises, which Dow said it dropped because of long delays in getting government approval, "was largely a matter of the local air pollution

control districts saying 'N.'"
But Brown said a bill that would speed up the process of issuing permits for new plants is now before the legislature.

"We'll give the businessmen assistance — even to the point of changing a law, if appropriate — but we're not going to destroy the environment to create profit," the governor said.

Cutting California's top credit rates, \$10 billion-plus market for commercial goods and growing labor market, Brown said "business is booming" and the healthy economic climate will continue to attract new businesses.

"We welcome the businessmen," Brown said, "but we try to create the kind of balance that makes for a society that people want, not only for this generation but for those to come."

The Honorable Edmund G. Brown, Jr.
Governor
State Capitol
Sacramento, California 95814

CCNY 2 8 1977

Dear Jerry:
This is in response to your letter of May 5, which enclosed the letter from Bill Press proposing alternative permit conditions for Exxon's onshore facility for production from the Santa Ynez Unit.

I appreciate your prompt and detailed response to my request for alternative permit conditions. I also appreciate your view that the State's original permit conditions were fair and reasonable.

My staff's analysis of your proposal is attached. Although it indicates some need for further information and clarification, I believe the new conditions reflect important modifications in your position. I believe, moreover, that these changes are sufficiently significant to allow me — subject to our being furnished with the necessary information and clarifications — to endorse your new permit conditions as a reasonable approach to solving the problems of storage, treatment and transportation of Santa Ynez oil.

As you know, the previous Administration, which found your first set of conditions unreasonable, had a different perspective on federal/state relationships in OCS development. As you are also well aware, this Administration seeks to cooperate with the states because of our confidence that the states will, when treated as partners, work in the national interest, as well as in their own, in developing offshore reserves while protecting the environment. My judgment that your revised terms and conditions are reasonable is based, then, both on a comparison to your first set of conditions, previously found unreasonable, and on our policy of encouraging state responsibility in regulating the onshore phase of OCS development.

Besides a need to clarify some of your conditions, there remains the question of whether, and when, I will take steps to revoke Exxon's permit for the offshore storage and treatment facility. As you know, Exxon believes it is entitled to place its offshore storage and treatment facility in operation. Litigation to decide that question would be unnecessary and unproductive if, as I believe, a fair, long-term solution to the problem of processing Santa Barbara Channel oil can be reached between Exxon, the other companies holding leases in the Channel, and the State.

Certain facts argue powerfully for the desirability of a more encompassing and longer term solution. Exxon presently has Departmental approval to process only 40,000 bbl/day in an offshore facility. That approval was, moreover, limited to Exxon's initial plan of development in the Hondo field. By contrast, the Company's expected production from all its Channel leases is much larger. Therefore, further Departmental approvals are necessary for Exxon to reach full development, and such approvals will be granted only in conformance with this Administration's policy of cooperating with the affected state. Second, Exxon's limited investment to date in the offshore facility would not be lost if that facility could be used elsewhere. Third, I understand that other companies operating in the Channel are interested in cooperating on a study of the feasibility of an onshore pipeline to transport all the oil produced in the Channel. Finally, the Department is studying its authority to impose reasonable air emission limitations on operations of offshore OCS facilities. The Environmental Protection Agency has already taken some action to do the same. Federal air emission standards applied to Exxon's offshore facility could affect its processing capacity without regard for the capacity authorized in 1974.

In light of these facts, I have instructed my staff to pursue with Exxon the possibility of promptly reaching a fair, long-term solution including, as one possibility, operation of the O&T until the onshore pipeline is built or the concept of it abandoned. If such a solution seems possible, we will begin talks with you and, if necessary, with all the companies operating in the Channel. In the meantime, I would appreciate receiving your staff's comments on the questions raised in the attached analysis.

I look forward to further productive exchanges toward resolving this situation.

Sincerely,

David D. Andrews
SECRETARY

Attachment
cc: Randall Meyer, Pres.
Exxon Corporation

DEPARTMENT OF THE INTERIOR'S
ANALYSIS OF THE STATE OF CALIFORNIA'S
MAY 5, 1977 ALTERNATIVE PERMIT CONDITIONS
FOR THE EXXON SANTA YNEZ UNIT

1. The pipeline feasibility determination. We are pleased to be informed that the California Coastal Act now allows for balancing of a kind not authorized under the prior statute. The State's former approach to balancing environmental and economic costs in reaching a pipeline feasibility decision was a major objection of the former Administration to your permit, and remained of concern to us. A permit that incorporated balanced decision-making standards dissolves one of the bases on which the Department found the State's Permit unreasonable last July.

We are concerned, however, that the proposed condition for making the pipeline feasibility determination does not clearly reflect this new authority. Balancing of the type sought by the Department and allowed by the new Coastal Act might fit only under condition III.A.7, "other relevant considerations," last of the criteria. Is this the intention of the State, and is there any objection to making it explicit?

Further, the new permit says the Department of the Interior will be bound by the Arbitration Committee's conclusion although the Department would not participate in any way in its deliberations. The Department would like to participate in the feasibility determination if we might become bound by it, especially since we seek the same information for our planning purposes that a feasibility study will give the State. However, the Department could agree to bind itself to the pipeline committee's determination as part of an overall settlement of the dispute, involving all interested parties.

2. The State Lands Commission suit. We are troubled by the assumption that Exxon would still have to settle its lawsuit with the State Lands Commission over the State Lands lease. One of the chief bases of the former Administration's decision was the uncertain regulatory climate about the future of the onshore terminal. This lawsuit is one aspect of that uncertainty. If the State's appeal is not withdrawn as part of the settlement and the courts ultimately rule in favor of the State, new conditions could be imposed in a new State Land Commission lease that were not part of the old lease. We

hope that the State would, as part of an overall settlement, withdraw its appeal of the State Lands lease case, in order to clear all obstacles to prompt initiation of construction.

3. Hydrocarbon emissions. Air pollution emissions are another regulatory uncertainty. It is clear that air pollution emissions are the chief constraint to the operation of the onshore facility. The State indicates that Exxon could not operate its onshore facility except at sharply-reduced volumes under the New Source Review Rule. As explained below, however, the strictest limitations appear to be in excess of New Source Review Rule requirements.

a. It is our understanding that the State's proposed emissions standards are more stringent than the best available control technology emissions standards the local Air Pollution Control District (APCD) has adopted. We understand that the onshore facility would contain best available control technology, and if it did, it would be authorized to emit 10 lbs/hr (approximately 44 tons/year) without a variance from the APCD rule. Rule 9.1.A(2)(i). Is there an additional variance procedure?

After five years, the State's proposal requires Exxon to halve its emissions -- down to 5 lbs/hr -- without reference to the provision of the rule authorizing emissions of 10 lbs/hr with best available control technology. This reduction would be imposed whether or not the onshore pipeline was found infeasible. Is this a correct interpretation and is it fair to Exxon?

b. Tanker operations generate a substantial portion of the hydrocarbon emissions from the total operation, and the State's proposal regulates tanker operations as part of the 10 lbs/hr "variance." We are interested in finding out how Exxon's production rate under Condition 2(b), the vapor recovery system, would be changed by a best available control technology APCD permit. We also would like to know whether the State can offer any contingency condition in case such a recovery system is not then workable, because we understand it is not now workable.

It is our understanding that tanker operations are not stationary sources of air pollution and are not subject to the New Source

Review Rule. Aside from the reasonableness of the restrictions, we are reluctant to endorse the extension of State air pollution control jurisdiction in this manner. We are, however, considering our own authority, and that of other federal agencies, over air emissions in offshore development.

C. We wish to discuss the propriety of making the onshore facility hydrocarbon emissions standards part of the Coastal Commission's permit. We recognize their relevance, and the importance of hydrocarbon emissions to the judgment of the best development method, but will this permit bind the Air Pollution Control District? If the APCD imposes different limitations, can Exxon still be in violation of its Commission permit? It would seem that a settlement containing these emission limitations should either bind the Air Pollution Control District or else indicate that the parties will accede to APCD's authority if it chooses to impose different standards.

In short, the terms of, and differences between, the CCZCC permit and an APCD permit should be resolved or explained.

Other issues. We are pleased to note that a number of former provisions have been favorably modified including "IV, Removal of Terminal," and "XI, Civil Suits." We also judge that the possibility of onshore marine terminal operation beyond five years is realistically addressed in the discussion of Condition 2.

STATE OF CALIFORNIA

CALIFORNIA COASTAL ZONE CONSERVATION COMMISSION

1540 MARKET STREET, 24th FLOOR
SAN FRANCISCO, CALIFORNIA 94102
PHONE (415) 397-1001

EDMUND G. BROWN JR., Governor



May 19, 1977

Keith McKinney, President
Western LNG Terminal Associates
720 West 8th Street
Los Angeles, California 90017

Dear Mr. McKinney:

I am writing to confirm the discussions we have had as to the manner in which the Coastal Commission will process a permit application for an LNG terminal under the provisions of the California Coastal Act of 1976. This letter reflects the general concurrence of the Coastal Commission; our staff briefed the Commission on this matter at the Commission's meeting of May 3, 1977.

As you know, we believe the most expeditious way for the Commission to reach an LNG terminal decision is for your company to apply for one site, listing three alternatives: Los Angeles, Oxnard, and Point Conception. We are aware that you do not intend to apply at this time for an offshore site, and that you believe such a site nor to be in fact a realistic alternative because it would take longer for such a site to be in operation than would be the case with the onshore sites; we are also aware that the possibility of an offshore alternative is certain to be raised in the permit hearings.

Once you have applied, we propose to proceed as follows:

—Because the three alternative sites are in two different coastal regions (Los Angeles is in the South Coast Region and both Oxnard and Point Conception are in the South Central Region), and because the LNG issue is clearly of statewide significance, we will recommend that the State Commission, pursuant to the provisions of Section 30333.5 of the Coastal Act of 1976, take direct jurisdiction over the application.

—We understand that, in recognition of the importance of this matter, and of the expedited processing we propose by proposing that the State Commission take direct jurisdiction over the application, you will waive the permit processing time limits in the Coastal Act, with the understanding that the Coastal Commission will use its best efforts to arrive at a decision on the permit application by November or December of this year.

—Although we had once considered it desirable for the Commission to form an LNG Safety Advisory Committee, consisting of the most knowledgeable people we could find about LNG safety, it now appears that there has been so much published information on the subject as to be adequate, in conjunction with

public hearings, to guide the Commission in making the findings required under Section 30261(b) of the Coastal Act.

--We propose to maintain a full file of documents submitted with regard to the application, and to have copies available to interested parties at the State Commission office in San Francisco, at the South Coast Regional Commission office in Long Beach, and at the South Central Coast Regional Commission office in Santa Barbara.

To file an application, you should submit one copy to the South Coast Regional Commission office and one to the South Central Coast Regional Commission office. As required in Title 14, Section 3055(a)(8) of the Administrative Code, a check for \$2,500, made payable to the California Coastal Commission, will be required as an application filing and processing fee. Pursuant to Commission regulations, we anticipate requiring an additional fee to help reimburse the Commission for the substantial amount of work that will be entailed in processing this application.

We realize that one or more of the sites in the application may not fulfill requirements of Section 3052 of the Commission's regulations regarding prior approvals and draft EIRs. We intend that the two Regional Commission Executive Directors waive requirements for preliminary approvals, as authorized by Section 3052, and accept the applications as filed, if after staff review, they appear sufficient for processing. A staff summary of the application will then be prepared and distributed, as is the case with every permit application.

The first stage of the proceedings will relate to the findings that are required by Section 30261(b) of the Public Resources Code:

Only one liquefied natural gas terminal shall be permitted in the coastal zone until engineering and operational practices can eliminate any significant risk to life due to accident or until guaranteed supplies of liquefied natural gas and distribution system dependence on liquefied natural gas are substantial enough that an interruption of service from a single liquefied natural gas facility would cause substantial public harm.

Until the risks inherent in liquefied natural gas terminal operations can be sufficiently identified and overcome and such terminals are found to be consistent with the health and safety of nearby human populations, terminals shall be built only at sites remote from human population concentrations. Other unrelated development in the vicinity of a liquefied natural gas terminal site which is remote from human population concentrations shall be prohibited. At such time as liquefied natural gas marine terminal operations are found consistent with public safety, terminal sites only in developed or industrialized port areas may be approved.

The Commission must thus first consider the general safety issue, so it can determine whether only a "remote" site may be considered, or whether a terminal may be permitted in "developed or industrialized port areas". The

Los Angeles site is in the Port of Los Angeles and the Oxnard site is adjacent to a power plant and industrial developments in an area zoned for heavy industry. The Point Conception site is the most remote from population concentrations. In this first stage, the Commission will be asked to make determination on the proper classifications of the three terminal site alternatives under Section 30261(b).

Staff will prepare a summary on the safety issue to serve as a basis for hearings. We anticipate at a minimum that hearings will be held in Los Angeles and in Oxnard. These will be focused only on the safety aspects of the particular sites. Regional Commissioners will be invited to participate in these hearings. The sequence, subjects, and time allotted to speakers will be determined before the hearings to make them as fair, focused, and informative as possible. We anticipate that these hearings would be held in mid- to late summer, followed by a noticed comment period during which written comments on the safety findings would be accepted.

After the close of the safety hearings and comment period, staff will prepare a recommendation on the Section 30261(b) findings, which will be distributed for comments. A Commission decision will then be scheduled on the findings to be made under Section 30261(b). We anticipate that this vote will occur by late summer or early fall.

If the Commission finds that it is permitted to approve "industrialized or port areas", the Los Angeles and Oxnard sites could be considered for a coastal development permit. If the site must be "remote", only the Point Conception site would be considered and the Commission would be required to determine that Point Conception is remote from human population concentrations.

In the second stage of the proceedings, the other Coastal Act policies would then have to be applied to an LMR terminal eligible under Section 30261(b). The major policies would be those of Section 30260, which states:

30260. Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

This language means that the application site(s) would be compared with alternative locations. If only a "remote" site can be approved, Point Conception would be compared with any feasible alternative remote onshore and offshore sites. Section 30108 of the Public Resources Code defines "feasible" as meaning "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors".

Keith McKinney
Page 4
May 19, 1977

The potential impacts on public welfare of denying or delaying an initial LNG terminal and the feasibility of alternate sites would involve impacts on California's future gas supply and attendant energy, economic, and environmental consequences. The Public Utilities Commission and the Energy Commission have studied this issue and have made findings and conclusions that will be taken into full account by the Commission in its deliberations.

If a "remote" site is approved, Section 30261(b) requires the Commission to prevent unrelated development in the vicinity of the terminal. In addition, Section 30604 requires the Commission to find that a permitted LNG terminal "will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3" of the Coastal Act.

After the safety findings are made, staff would prepare and distribute a summary on how these other Coastal Act policies relate to the eligible site(s). As with any coastal development permit application, the Commission would hold a hearing followed by a period of time for written rebuttal. A staff recommendation would be prepared and the Commission would then allow for oral rebuttal and proceed to vote. We anticipate the final decision would be made by the end of 1977, barring unforeseen circumstances.

If two industrialized or port area sites are eligible for a permit, the Commission would be asked to determine which is the least environmentally damaging and to make other comparisons to select one as the initial terminal.

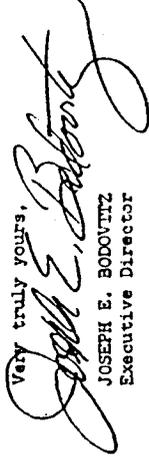
If you have any comments, questions, or concerns about these procedures please let us know as soon as possible. We will be pleased to meet with you and your staff to attempt to resolve any questions as to proceedings. We similarly solicit comments from the parties to whom copies of this letter are being sent.

cc: State Commission
Tom Willoughby
John Gerard
Franklin J. Keville
Malvin Carpenter
Carl Hetrick
Richard Valtheun
Randy Deutsch
Albert McCurdy
John Greenwood
John White
Calvin Hurst
Fred B. Crawford
Maurice Sherb

Keith McKinney
Page 5
May 19, 1977

continued cc:

Albert F. Reynolds
Peter A. Stromberg
Richard F. Page
Assemblyman Terry Goggin
Assemblyman Victor Calvo
Tim Davis
Terry Stewart
Dwight Sanders
James Rove
Richard Hammond
Robert Shinn
Fred John
Kim Skinnarland
Myrna Alrich
William R. Miller
Gene L. Hoarford
Joe E. Hunter
Gerard Kapuscik
Rob Solomon
Suzanne Reed
David Calef
Roger Beers
Norbert Dahl
Mike Eaton
Tom Hofweber
David Krinsky
George Allen

Very truly yours,

JOSEPH E. BODOVITZ
Executive Director

ATTACHMENT H
INDEX OF LAND AND WATER USES REFERENCED IN
THE CALIFORNIA COASTAL ACT

ATTACHMENT H

INDEX OF LAND AND WATER USES REFERENCED IN THE CALIFORNIA COASTAL ACT

Following is a non-exclusive list of land and water uses specifically cited in the California Coastal Act. See Chapter 5 for a discussion of the development of performance standards that, in general, comprise the management system.

Development: 30106 (definition), 30107.5, 30200, 30212, 30233(c), 30240(a) & (b), 30241(e), 30244, 30250(a), 30251, 30252, 30253, 30261(b), 30519, 30600, 30601, 30604, 30607, 30610(d), 30620.5, 30621, 30622, 30623, 30624, 30625, 30626.

Structure: 30106 (definition).

Human activities: 30107.5.

Electrical generating facilities: 30001.2, 30264, 30413, 30600.

Coastal-dependent developments: 30001.2, 30001.5(d), 30101 (definition), 30235, 30255.

Ports (coastal-dependent development) and port facilities: 30001.2, 30233(a), 30519(b), 30700 through 30720.

Commercial fishing facilities (coastal-dependent development): 30001.2, 30233(a)(1), 30233(c), 30234, 30703, 30713(d).

Offshore petroleum and gas development (coastal-dependent development): 30001.2.

Liquefied natural gas facilities (coastal-dependent development): 30001.2, 30261(b), 30715(a).

Energy facilities in general: 30107 (definition), 30233(a)(1), 30515, 30601(3), 30603(a)(5).

Public works: 30114 (definition), 30254, 30515, 30601(3), 30603(a)(5), 30605, 30606.

Services or improvements of special districts benefitting the area: 30118, 30254, 30504.

Treatment works: 30120 (definition), 30412 (c, d, e).

Coastal-dependent industry: 30222, 30233(a)(1), 30260.

Development, transportation, or spillage of crude oil, gas, petroleum products, or hazardous substances: 30232, 30261(a), 30715(a).

Containment or cleanup facilities for oil spills, etc.: 30232.

Incidental public service purposes, including burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines: 30233(a)(5), 30233(c), 30705(a)(4).

Public service facility expansion: 30241(d).

New hazardous industrial development: 30250(b).

Formation or expansion of special districts: 30254

Tanker facilities: 30261, 30707.

Onshore development associated with tanker operations: 30261

Oil and gas development: 30262, 30418.

Drilling platforms or islands: 30262(c) & (d).

Refineries or petrochemical facilities: 30001.2, 30263, 30715(e) & (f).

Geothermal wells: 30418.

Public agency developments: 30600(b).

State University and Colleges: 30119, 30519(b), 30605, 30606.

Installation, testing and placement in service or replacement of necessary utility connections: 30610(b).

Wastewater treatment facilities in ports: 30715(b).

Roads and highways in ports: 30715(c).

Public agency activities outside the coastal zone: 30200.

Portion of developments outside the coastal zone: 30604.

General industrial use: 30222.

General commercial use: 30222.

Water supply projects: 30236.

Flood control projects: 30236.

Mutually beneficial State and local government uses: 30001.5.

Recreational boating use: 30224.

Recreational boating facilities, including dry storage areas, public launching facilities, berthing space, support facilities: 30224, 30233(a)(2, 3, 4), 30234, 30411(b) 30703, 30715(d).

Maintenance of depths in navigational channels, turning basins, vessel berthing and mooring areas: 30233(a)(2), 30610(b), 30705(d)(1).

Entrance channels for new or expanded boating facilities: 30233(a)(3).

Construction, deepening, widening, lengthening or maintenance of ship channel approaches, ship channels, turning basins, berthing areas, and other port facilities: 30705(a)(1).

Commercial, recreational, scientific, and educational use of the marine environment: 30230.

Wastewater discharges: 30231.

Once-through cooling: 30263.

Entrainment: 30231.

Runoff: 30231.

Depletion of groundwater supplies: 30231.

Drafting of subsurface fluids, leading to subsidence: 30262(f).

Substantial interference with surface waterflow: 30231.

Reclamation of waste water: 30231.

Waste or pollution of resources: 30005(c).

Alteration of natural streams: 30231.

Channelizations, dams, or other substantial alterations of rivers and streams: 30236.

Alterations of natural landforms: 30251.

Diking: 30233(a), 30233(c), 30607.1, 30705(a).

Filling: 30108.2 (definition), 30233(a) & (c), 306071., 30705(a), 30706.

Dredging: 30233 (a, b, c), 30610(b), 30705.

Spoils disposal: 30233(b), 30705(c).

Protective construction against erosion, etc.: 30253(2).

Existing marine structures: 30235.

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and similar construction: 30235.

Aquaculture (or mariculture): 30233(a)(8), 30705(a)(7).

Mineral extraction, including sand for restoring beaches: 30233(a)(6), 30705(a)(5), 30705(c).

Wetland-dependent activities: 30233(a)(8).

Wetland restoration: 30233(a)(7), 30233(c), 30411(b), 30705(a)(6).

Developments to improve fish and wildlife habitat: 30236.

Uses dependent on environmentally sensitive habitat areas: 30240(a).

Habitat uses: 30708(d).

Educational uses: 30001.5(e).

Nature study: 30233(a)(8), 30233(c), 30705(a)(7).

Recreational use and development: 30210, 30221, 30708.

Public recreational facilities including parking: 30212.5.

Visitor-serving facilities: 30250(c).

Lower-cost visitor and recreational facilities: 30213.

Water-oriented recreational activities: 30220.

Private visitor-serving commercial recreational facilities: 30222.

Support facilities for coastal recreation: 30223.

Beach replenishment: 30233(a)(6), 30233(b), 30705(a)(5).

Low- and moderate-income housing or replacement housing: 30007.

Housing opportunities for low- and moderate-income persons: 30213.

Housing: 30213.

Private residential use: 30222.

Improvements to existing single-family residences: 30610(a).

Repair or maintenance activities: 30610(b).

Improvements to existing structures, or any other developments, not more than \$25,000: 30624.

Infilling or replacement development: 30610.5 (a)(2)(i).

Completion of logical and viable neighborhoods: 30241(b).

Office and residential buildings in port areas: 30715(d).

Hotels, motels, and shopping facilities in port areas: 30715(d).

Non-water-dependent land uses: 30224.

Non-agricultural development: 30241(d).

Urban land uses: 30241.

Establishing stable boundaries separating urban and rural areas, including clearly defined buffer areas:
30241(a) & (b).

Divisions of land: 30116(g), 30250.

Division of prime agricultural land: 30241(e).

Division of coastal commercial timberland: 30243.

Conversion of coastal commercial timberland: 30243.

Conversion of agricultural lands: 30241(b).

Conversion of (non-prime) lands suitable for agricultural use: 30241(e).

Conversion of coastal commercial timberland: 30243.

Agricultural uses: 30241.

Logging: 30118.5, 30417.

Nuisances: 30005(b) & (d).

ATTACHMENT I
STATE LANDS COMMISSION REGULATION, ARTICLE 6.5, IN
RESPONSE TO CALIFORNIA COASTAL ACT

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Permitted by Government Code Section 11360.1)

Form 400a

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Permitted by Government Code Section 11360.1)

assessment, license, or approval of any environmental impact report required by the Public Resources Code, the California Administrative Code, or other relevant provisions of the law.

- (b) Commission. The California State Lands Commission.
- (c) Division. The Division of State Lands.

2510. Basic Goals for Conservation and Development.

The basic goals for conservation and development on State lands in the coastal zone shall be: (a) protect, maintain, and where feasible, enhance, and restore the overall quality of the environment and its natural and manmade resources on State lands within the coastal zone; (b) assure orderly, balanced utilization and conservation of coastal zone resources located on State lands taking into account the social and economic needs of the people of the State; (c) maximize public access to State lands located in the coastal zone and maximize public recreational opportunities on State lands consistent with sound resources conservation principles, and constitutionally protected rights of private property owners; (d) assure priority for coastal dependent development over other development on State lands located in the coastal zone.

2511. Basic Policy.

The Commission shall seek to maintain, enhance and where feasible, restore marine resources. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

2512. Protect and Restore Biological Productivity.

(a) The Commission, in cooperation with other State agencies, shall seek to maintain and where feasible restore the biological productivity and the quality of coastal waters, streams, wetlands, estuaries and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

(b) The Commission shall review and comment on development outside State lands that could directly or cumulatively aggravate runoff problems or create a significant adverse impact on coastal waters (because of such factors as induced erosion, harmful runoff materials, failing septic tanks, and animal wastes) and through the environmental impact report review process, recommend appropriate mitigation measures.

2512. Protect Against Oil Spills.

(a) Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

(b) After "Regulations for Offshore Petroleum Piping" have been approved by the Commission, all new or expanded pipelines on State lands transporting liquids capable of polluting the marine environment must meet or exceed the standards contained therein.

(c) Prior to Commission approval of the "Regulations for Offshore Petroleum Piping", the Division shall review all aspects of new or expanded pipelines on State lands and shall not permit the siting or continued operation of any new or expanded pipeline transporting liquids capable of polluting the marine environment where protection against spillage, and/or containment and cleanup facilities procedures and personnel are inadequate. Such review shall include as a minimum siting, design, construction, testing, operation, maintenance and accident reporting aspects of all pipelines.

(d) All offshore oil developments on State lands and onshore oil developments pursuant to Commission approval shall comply with the Commission's "Procedures for Drilling and Production Operations from Existing Facilities on Tide and Submerged Lands Currently Under State Oil and Gas Leases" and all statutes and regulations of the Division of Oil and Gas as a minimum.

2513. Dredging, Diking and Filling Generally.

Dredging, diking and filling of open coastal waters, wetlands, estuaries and lakes on State lands may be permitted only where there is no feasible less environmentally damaging alternative; feasible mitigation measures have been provided to minimize adverse environmental effects; and the dredging, diking or filling is for one of the following purposes:

(a) New or expanded port, energy, and coastal dependent industrial facilities, including commercial fishing facilities.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Form to be submitted with Section 11000.1)

- (b) Maintaining existing or restoring previously dredged depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- (c) New or expanded boating facilities.
- (d) Incidental public service purposes, including but not limited to, burying cables and pipes, or inspection of piers, and maintenance of existing intake and outfall lines.
- (e) Mineral extraction, including sand for restoring beaches.
- (f) Restoration purposes.
- (g) Nature study, aquaculture or similar resource-dependent activity.

2514. Specific Requirements for all Dredging, Diking or Filling.

All dredging, diking, and filling on State lands shall be carried out in compliance with the following requirements:

- (a) All dredging, diking, or filling shall be planned, scheduled, and carried out to minimize disruption to fish and bird breeding and migrations, marine habitats, and water circulation.
- (b) Where there is a danger of pollution of State lands, the Commission may require a sediment analysis be carried out prior to approval. Where required, bottom sediments or sediment slurries shall be analyzed for toxicants prior to dredging or mining, and dredge spoils disposal regulated in accordance with the most recent approved dredging criteria requirements or orders promulgated or adopted by the State Water Resources Control Board or the Regional Water Quality Control Boards.
- (c) The need for both initial and maintenance dredging shall be minimized by careful design and location of facilities with respect to existing water depths and water circulation and siltation patterns and by efforts to reduce controllable sedimentation.

2515. Additional Criteria for Estuaries and Wetlands.

In addition to the criteria specified in Sections 2513 and 2514 above, dredging, diking, and filling of existing estuaries and wetlands on State lands shall be permitted only where the functional capacity of the wetland or estuary is enhanced or maintained.

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(a) Any alterations of coastal wetlands identified by the Department of Fish and Game, including but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California," shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Rodega Bay, and development in already developed parts of South San Diego Bay, if otherwise in accordance with the Coastal Zone Conservation Act of 1976.

(b) Dredging, diking, or filling of wetlands or degraded wetlands areas for new or expanded boating facilities may be permitted provided the development meets the criteria of Section 30233(a)(3) of the Public Resources Code.

2516. Dike and Filling Requirements in Wetlands.

Where the Commission permits any dike and fill development in wetlands on State lands in conformity with the Coastal Act of 1976, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface area shall be dedicated to the Commission, or such replacement site shall be purchased before the dike or fill development may proceed. Such mitigation measures shall not be required for temporary or short-term fill or diking; provided, that a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time.

2517. Disposal of Dredged Sediments.

Unless modified by the Commission, the following shall apply to the disposal of dredged sediments on State lands:

(a) The Commission may require dredge spoils suitable for beach replenishment be transported for this purpose to appropriate beaches or into suitable longshore current systems.

(b) Dredged sediments meeting criteria specified by the State Water Resources Control Board and the Regional Water Quality Control Boards may be deposited in open coastal water sites designated to minimize potential adverse impacts on marine organisms, or in confined coastal waters designated as fill sites by the Division where such spoils can be isolated and contained, or in fill basins on upland sites. Dredge material shall not be transported from coastal waters into estuarine or fresh water areas for disposal.

(c) Dredged material exceeding approved water quality criteria must be placed either on dry land in a manner that prevents pollution of marine, underground, or surface water or, if land disposal is infeasible or environmentally unacceptable, at designated ocean sites of depths greater than 100 fathoms.

2518. Commercial Fishing and Recreational Facilities.

Facilities on State lands serving the commercial fishing and recreational boating industry shall be protected, and where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of commercial fishing industry.

2519. Criteria for Seawalls, Breakwaters, and Other Shoreline Structures.

(a) Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted on State lands when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

(b) The design and methods of construction of any such structure must (1) minimize impairment and movement of sand supply to the maximum extent feasible; (2) be as visually unobtrusive as feasible; (3) be compatible with maximum feasible shoreline access and use; and (4) minimize adverse effect on marine life to the maximum extent feasible.

(c) Where inadequate data exists to evaluate possible adverse impacts, the Commission may require incremental construction to allow on-going evaluation and appropriate modifications.

(d) Existing marine structures that are found to cause water stagnation contributing to pollution problems and fish kills shall be phased out or upgraded where feasible or removed in accordance with the provisions of Section 6216.1 of the Public Resources Code.

2520. Initiate Positive Programs to Restore Sand Supply.

Because of the extensive alteration of sand supply from past human activities, and because of the importance of beaches for preventing erosion damage and for public recreation, positive programs for managing and restoring sand supply shall be given

high priority and appropriate measures, including recycling sand from downcast sinks to upcast beaches, removing sediment buildup behind upstream dams, sand bypassing techniques, or possibly innovative new techniques, such as modifying the height, steepness, and direction of wave approach shall be undertaken to provide continued beach sand replenishment. To this end, the Commission shall cooperate with the Department of Navigation and Ocean Development, the Coastal Commission, and other governmental agencies to develop a comprehensive program to conduct and evaluate studies of sand supply and movement and to recommend and undertake management and restoration measures.

2521. Review Major Projects Affecting Coastal Streams.

Because of their potentially severe impacts on coastal streams, wetlands, and estuaries, structures such as permanent dams, flood control and water diversion projects, or stream channelizations, and major activities such as mining, removal of riparian vegetation, road construction, logging, grading, or discharge of toxic thermal or organic pollutants in or near (within 100 feet of) navigable coastal streams or wetlands may be reviewed to avoid or mitigate significant adverse impacts on State lands.

(a) The Commission may review and comment on projects outside State lands that would adversely affect State lands in the California Coastal Zone, and through the Environmental Impact Report review process, recommend appropriate mitigation measures.

(b) Channelizations, dams or other alterations of navigable rivers and streams shall be permitted only for (1) necessary water supply projects; (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and such protection is necessary for public safety or to protect existing development; and (3) developments where the primary function is the improvement of fish and wildlife habitat. Permitted flood control project shall be of the minimum size necessary to protect existing development. In the case of water supply projects shall be of a size consistent with the long-term protection of surface water and groundwater resources and with the maintenance of optimal habitat functions of streams, wetlands, and estuaries.

(c) The Commission shall require that such structures incorporate the best mitigation measures feasible. Such measures may include (1) provision of anadromous fish runs or fish ladders; (2) maintenance of sand transport capability within the streams or alternative supply or other replacement for the loss of needed beach sand; and (3) replacement of any fish, wildlife, or valuable plant habitat adversely affected by the project to a substantial degree. Costs of such mitigation measures shall be included in the operating budgets of the projects.

2530. Control Development on or Adjacent to Environments...
Sensitive Habitat Areas.

(a) Environmentally sensitive habitat areas on State lands shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

2531. Protect Archaeological and Paleontological Resources.

Where development would adversely impact archaeological or paleontological resources, the Commission in consultation with the State Historic Preservation Office, shall require reasonable mitigation measures.

2532. Locate New Development in Already Developed Areas.

Except as otherwise provided in this article, new development on State lands shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or where such areas are not able to accommodate it, in other areas where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

2533. Protect Scenic and Visual Qualities of the Coast.

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development on State lands shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development on State lands in highly scenic areas shall be subordinate to the character of the setting.

2534. Review Projects for Geologic, Flood and Fire Hazard.

New development on State lands shall:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(1) Where project review is necessary, geologic and soils reports of the site prepared at the applicant's expense shall be required unless adequate and currently applicable

information is already available. Project review shall be by the Commission or under its direction.

(2) Proposed structures for human occupancy or developments that could contribute to potential hazards, such as cuts and fills in landslide areas, shall be permitted in high geologic hazard areas only if site treatment and construction techniques are adequate to minimize risks to life and property

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

2535. Give Priority to Coastal Dependent Development.

(a) Coastal-dependent developments shall have priority over other developments on State lands or near the shoreline. Except as provided elsewhere in this article, coastal-dependent developments shall not be sited in a wetland.

(b) Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

2536. Encourage Recreational Boating.

The Commission shall encourage increased recreational boating use of coastal waters in cooperation with other public agencies by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

2540. Coastal Dependent Industrial Facilities.

Coastal-dependent industrial facilities on State lands shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this article. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this article, they may nonetheless be permitted in accordance with this Section and Sections 2541, 2542, 2543 and 2544 if: (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect

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the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible; (4) all other environmental requirements of Divisions 6 and 13 of the Public Resources Code, including Section 6370 et seq. and Title 2 of the California Administrative Code are met.

2541. Criteria for New or Enlarged Tanker Terminals.

(a) New or expanded tanker terminals on State lands shall be permitted when:

- (1) The proposed terminal will minimize the total volume of oil spilled;
 - (2) The location, design, and construction of the new capacity minimize the risks of other adverse effects to the environment to the maximum extent feasible, including the risk of collision from movement of other vessels;
 - (3) The terminal will have ready access to the most effective feasible containment and recovery equipment for oil spills; and
 - (4) Where operationally or legally required, the terminal will have onshore deballasting facilities to receive any fouled ballast water from tankers.
- (b) Multicompany use of existing and new tanker facilities shall be encouraged to the maximum extent feasible and legally permissible, except where to do so would result in increased tanker operations and associated onshore development incompatible with the land use and environmental goals for the area.
- (c) New tanker terminals outside of existing terminal areas shall be situated as to avoid risk to environmentally sensitive areas and shall use a monobuoy system, unless an alternative type of system can be shown to be environmentally preferable for a specific site.

2542. Tanker Technology and Operating Procedures.

The Commission shall not issue or renew leases for tanker terminals on State lands when it finds that tankers or other vessels using these facilities are substandard or are operated in a manner inconsistent with environmental policies of the State. The Commission shall take direct action to terminate existing leases when it finds that tankers or other vessels using leased facilities are violating the Commission's operating regulations once such regulations are adopted.

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2543. Criteria for Siting and Design of LNG Facilities.

It may be desirable to locate some LNG facilities on State lands. Any proposed LNG facility shall meet the following criteria:

- (a) In accordance with Section 30261(b) of the Public Resources Code, the number of LNG marine terminals on State lands in the coastal zone shall be limited to one terminal, or prohibited if a terminal has been approved in the coastal zone not on State lands until:
 - (1) Engineering and operational practices can eliminate any significant risk to life due to accident; or
 - (2) Guaranteed supplies of LNG and distribution system dependence on LNG are substantial enough that an interruption of service from a single LNG facility would cause substantial public harm.
- (b) Until the risks inherent in LNG terminal operations can be sufficiently identified and overcome and such terminals are found to be consistent with the health and safety of nearby human populations, terminals shall be built at sites remote from human population concentrations. Because of the public safety concerns and the goal of protecting against unnecessary development in a remote, pristine area, other unrelated development on State lands in the vicinity of such an LNG terminal site shall be prohibited. At such time as LNG marine terminal operations are found consistent with public safety, terminal sites in developed or industrialized port areas on State lands may be approved.

2544. Criteria for Siting and Design of Petroleum Facilities.

On State lands in the coastal zone, offshore and onshore drilling and production and related facilities shall be permitted where all of the following criteria are met. Compliance shall be required by the Commission as a condition of a lease of State-owned lands.

- (a) Proposed well sites shall be the least environmentally hazardous and aesthetically disruptive sites feasible.
- (b) The geologic characteristics of proposed well sites shall be adequately evaluated and determined by the Division to be consistent with safe drilling and production.
- (c) New or expanded facilities related to such development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse

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environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.

(d) Where drilling platforms or islands would substantially degrade coastal visual qualities, environmentally safe and feasible subsea systems shall be used unless drilling platforms or islands will result in substantially less environmental risks.

(e) Where drilling platforms or islands are to be used, the following criteria shall apply:

(1) The number of offshore platforms shall be minimized by using each platform to drill as many wells, and/or to service as many subsea completion and production systems, as is technically and economically feasible and environmentally safe.

(2) The design of the platforms or islands will be consistent with the general design criteria of the Commission.

(3) The waters surrounding new platforms or islands shall be open to sport fishing, diving, and boating, consistent with safety and security.

(4) Adequate measures have been taken to prevent the discharge into or passage into State lands of oil, tar, residuary product of oil or refuse of any kind from any source, including polluted rainwater, in accordance with the provisions of Section 6873(b) of the Public Resources Code.

(5) Platforms or islands shall not be sited where a substantial hazard to vessel traffic might result from the facility or related operations.

(6) Drilling, production, and support facilities on State lands onshore, including separation and treatment plants, pipelines, transfer terminals, storage facilities, and equipment laydown areas, shall be designed and located to minimize their adverse environmental impacts consistent with recovery of the resources.

(7) Such development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such subsidence.

(8) With respect to new facilities the Commission shall require the reinjection of all oilfield brines unless the State Lands Division and the Division of Oil and Gas determine

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that to do so would adversely affect production of the reservoirs and unless injection into other subsurface zones will reduce environmental risks. Exceptions to reinjections will be granted consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water quality problems.

(i) Where appropriate the Commission shall require monitoring programs to record land surface and near-shore ocean floor movements be initiated in locations of new large-scale fluid extraction on land or near shore before operations begin and the continuation of such program until surface conditions have stabilized. Costs of monitoring and mitigation programs shall be borne by liquid and gas extraction operators.

(j) Prior to leasing, each applicant for permission to drill on State tide and submerged lands shall be required to show the State Lands Commission evidence of secured financial responsibility in an amount determined by the Commission to be sufficient to insure liability to the State for oil spills will be satisfied.

(k) All lessees must comply with 2512(d) of this article.

2545. Refineries and Petrochemical Facilities.

(a) New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this article shall be permitted on State lands if: (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas; (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property; and (6) all other environmental requirements of Divisions 6 and 11 of the Public Resources Code including Section 6370 et seq., and Title 2 of the California Administrative Code are met.

(b) In addition to meeting all applicable air quality standards, new or expanded refineries or petrochemical facilities shall be permitted on State lands in areas designated as air quality maintenance areas by the State Air Resources Board and in areas where coastal resources would be adversely affected only if the negative impacts of the project upon air quality are offset by reductions in gaseous emissions in the area by the users of the

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uels, or in the case of an expansion of an existing site, total
ice emission levels, and air levels for each emission type for
high national or state ambient air quality standards have been
established do not increase.

(c) New or expanded refineries or petrochemical
activities on State lands shall minimize the need for once-through
cooling by using air cooling to the maximum extent feasible and
y using treated waste waters from inplant processes where
feasible.

2550. Basic Policy: Provide Access to the Coast for All
People.

A major long-term goal of coastal conservation and
development shall be the provision of maximum amounts of oceanfront
area for public use and enjoyment. Access to the coast for persons
of all income levels, all ages, and all social groups shall be the
goal, consistent with the need to protect coastal areas from
destructive overuse and to protect both public rights and the rights
of property owners.

2551. Guarantee Legal Rights of Public Access to the Coastline.
The rights of public use of the coast, protected by
Section 2 of Article XV of the California Constitution, recognized
by the courts of California, and acquired through implied dedication,
shall be effectively guaranteed. To this end:

(a) Development shall not interfere with the public's
right of access to the sea where acquired through use or legislative
authorization.

(b) As a condition of granting approval to a develop-
ment located in whole or in part on State lands, the Commission
shall require the dedication of public access to State lands except
where: (1) to do so would be inconsistent with public safety,
military security needs, or the protection of fragile coastal
resources; (2) adequate access exists nearby, or (3) agriculture
would be adversely affected. Such dedication may be required to be
by written instrument duly recorded to guarantee permanent access.

(c) The Commission, in cooperation with the Office of
the Attorney General and other appropriate State agencies, shall
take all legal action necessary to enforce public access acquired
through implied dedication.

(d) Where the Commission determines inadequate public
access exists to State lands in a particular area, the Commission
may exercise its power of eminent domain contained in Section 6210.9
of the Public Resources Code to secure such access.

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2560. Conflict of Policies.

Where conflicts occur between one or more policies
of this article such conflicts shall be resolved by the Commission
in a manner which on balance is the most protective of significant
coastal resources

2561. Review of Local Coastal Programs

In addition to reviewing all local coastal programs
and port master plans as provided in Public Resources Code
Section 30416(a), the Division shall also review all local coastal
programs and port master plans regulating development on lands
granted by the Legislature to any local government, port governing
body or special district to determine whether such program or plan
is consistent with the terms of the grant.

2562. No Preemption of Other Agencies.

Nothing in these regulations shall obviate the need
for securing any other permit, license, certificate or other
approval from any other governmental entity, required by law

2563. Severability.

If any provision of this article or the application
thereof to any person or circumstances is held invalid, such
invalidity shall not affect other provisions or divisions of this
article which can be given effect without the invalid provision or
application thereof.

* * * * *

These regulations will not create any new or increased costs to
local government pursuant to Section 2231 of the Revenue and Taxation
Code.

ATTACHMENT J
RESPONSE TO COMMENTS

Responses to Comments Received on the State of California
Coastal Management Program and Revised Draft
Environmental Impact Statement

The following section summarizes the written comments received on the draft combined document and provides OCZM's response to these comments. Generally, the response to the comments is provided in one or a combination of forms:

- 1) expansion, clarification, or revision of the State of California Coastal Management Program by the Coastal Commission staff,
- 2) expansion, clarification, or revision of the EIS by OCZM,
- 3) comments by OCZM in response to issues of concern raised by several reviewers, and
- 4) brief responses by OCZM to detailed comments received from each reviewer.

The State and Federal responses to these comments have been coordinated between the Coastal Commission and OCZM.

No attempt has been made to distinguish between comments made on the DEIS and those made on the Management Program, due to the combined format of the document and the interrelated nature of most comments received.

Issues of concern raised by several reviewers:

1. What is the California Coastal Management Program?

Several reviewers questioned the content of the Management Program, its basis in state law, and the basis upon which determinations of consistency of Federal actions would be made. Some reviewers challenged California's authority to include more than the California Coastal Act of 1976 in its program, due to Section 30008 of this Act, which states:

"This division shall constitute California's Coastal Zone Management Program within the coastal zone for purposes of the Federal Coastal Zone Management Act of 1972 (16 USC 1451 et seq.) and any other Federal Act heretofore or hereinafter enacted or amended that relates to the planning or management of coastal zone resources..."

Some reviewers questioned whether certain reports, studies or documents from various state agencies referred to in the program and DEIS, such as the 1976 OCS Project by the Office of Planning and Research, and a Power Plant Siting Study, were an official part of the management program.

The combined document has been revised to include a summary of each of the components of the management program, which also serves to clarify what is and what is not a part of the state's program pursuant to the Coastal Zone Management Act of 1972, as amended. These official components of the management program, including its official appendices, have been printed in the final document with a special border distinguishing the program from the remainder of the combined final management program and environmental impact statement.

In addition, the Introduction to the CCMP explains the State's rationale and authority for including more than the California Coastal Act in its official management program. This summary also explains the role of other reports and studies referred to in the management program, but which are not official parts of the program until it is amended or refined. The California Coastal Plan is not a part of the State's Management Program, although it is of important historical significance in documenting the development of the state's program. For this reason alone, parts of the "plan" are frequently referred to in the Management Program and EIS.

The California Coastal Management Program for the main segment¹ of its coastline includes the following:

- a) The California Coastal Act of 1976 (Appendix 1) Division 20, California Public Resources Code 30000 et seq.
- b) California Coastal Conservancy Act of 1976 (Appendix 2) Division 21, Cal. PRC 31000 et seq.
- c) California Urban and Coastal Park Bond Act of 1976 (Appendix 3) Division 5, California PRC 5096.777 et seq.

- d) California Coastal Commission Regulations adopted pursuant to the California Coastal Act of 1976 - California Admin. Code Title 14 Section 15000-14000 (Appendices 4 and 5)
- e) Part II - State of California Coastal Management Program - Introduction and Chapters 1 through 14 of this combined document, which includes the National Interest Statement and Procedures for Evaluating the Consistency of Federal Actions (Chapter 11)

The Coastal Zone Management Act of 1972 provides a definition of the term "management program" which includes but is not limited to:

"a comprehensive statement in words, maps, illustrations, or other media of communication, prefaced and adopted by the state in accordance with the provisions of this title, setting forth objectives, policies and standards to guide public private uses of lands and waters in the coastal zone" (304(11)).²

The CZMA and NOAA regulations call for the inclusion of several elements in a management program in addition to the means by which the state proposes to exert control over the land uses and water uses (305(b)(4)), the authority for the management of the coastal zone (306(d)), and the techniques for control of land and water uses (306(e)(1)), provided by the California Coastal Act. The state's management program includes all of the program document (Part II) and the Appendices necessary to meet the requisite provisions of Sections 305 and 306 of the Act, and the definition of management program provided by 304(11) above.

Under 306(c)(4) of the CZMA, the management program and any changes thereto, must be reviewed and approved by the Governor, which is provided in the case of the CCMP by the letter from Governor Brown on page . Due to this requirement, it is the Governor of California, supported by the lead coastal zone management agency, the Coastal Commission, that establishes the content of the state's coastal zone management program to be submitted for Federal approval, pursuant to Section 306 of the Act.

Section 30008³ of the California Coastal Act does not limit the content of the state's program to the Coastal Act. It was the intent of the California legislature to authorize the development of a program which would meet the purposes of the Federal Act. Since Section 30009 of the California Coastal Act indicates that it "shall be liberally construed to accomplish its purposes and objectives", and the Coastal Act alone would not accomplish the purpose of Section 30008; this Section could not constrain the State from including in the state's management program all of the requisite elements of an approvable management program. Furthermore, Section 30330 of the Coastal Act designates the California Coastal Commission "as the state coastal zone planning and management agency for any and all purposes, and may exercise any and all powers set forth in the Federal Coastal Zone Management Act of 1972--that relates to the planning and management of the coastal zone". Implicit in this section is the authority to include the requisite elements of the state's coastal management program necessary to meet the requirements of the CZMA, including a description of the adequacy of the state's "consideration of the national interest involved in planning for, and in the siting of, facilities (including energy facilities in, or which significantly affect, such state's coastal zone) which are other than local in nature" (306(c)(8) (Chapter 11).

All other reports, policy documents, or other attachments or references cited in Part II are not official parts of the program unless they are included as appendices, or until the Commission adopts such materials and refines or amends its program following procedures established in NOAA regulations. However, since Local Coastal Programs will be an integral part of the State's management system and will be in conformance with this program when certified by the Coastal Commission, these programs will become a part of the California Coastal Management Program at the time of certification.

1. The CCMP is the second and main segment of the California Coastal Zone, the BCDC segment for San Francisco Bay being the first segment under 307(h).
2. The sections of the Federal CZMA are in 300 series, i.e. 305, 306.
3. Sections of the California Public Resources Code are in 30000 series.

2. Completion of local coastal programs:

Some reviewers of the DEIS claimed that the California Coastal Management Program could not be approved by the Secretary of Commerce until local coastal programs required by the California Coastal Act, have been completed and approved by the California Coastal Commission, after review by the affected Federal agencies and interest groups. Arguments have been presented that the California Coastal Act only provided for a process for program development, rather than a completed management program prescribing permissible land and water uses and areas of particular concern. In the absence of geographically specific local plans, it was argued, Federal agencies and applicants for Federal permits would not have a sufficiently specific basis for making determinations of consistency with the state's management program, pursuant to Section 307 of the CZMA. Other concerns regarding the local coastal programs related to the ability for each local government to preclude uses of regional benefit, or facilities which are necessary in the national interest, by establishing differing and stricter standards and by their own determinations of Federal consistency for projects or activities which affect more than one local jurisdiction.

This issue has been brought to the attention of OCZM in the context of the approval of both the Washington State and Oregon Coastal Management Programs because these states have utilized, in large part, the same technique for control of land and water uses provided in the California Coastal Management Program--state standards and criteria for local implementation--allowed by Section 306(e)(1)(A) of the CZMA.

OCZM's response has been in the past (e.g., with regard to Washington and Oregon) that a state program is approvable in cases when local plans and ordinances have either not been developed or revised in accordance with state standards and criteria where:

- 1) the state can demonstrate it has adequate interim authority to implement its program,
- 2) the standards and criteria are specific enough that one can generally predict what minimum standards the local plans will contain when they are completed, and
- 3) the program provides predictable standards and/or procedures for state decisions on specific projects, uses, and Federal consistency cases during the interim period.

Under the second factor, OCZM has required that the local jurisdiction be required to comply with the standards (i.e., coastal policies) in developing or revising its land use plans and ordinances. These factors can all be met in the case of California and on this basis, at least, the CCMP is eligible for 306 approval.

Congress granted the states considerable flexibility in developing their programs and in choosing how to administer them. This was in recognition of the fact that some states already provided for direct land and water use regulation, but in most states this authority was delegated to local governments. Congress determined that a state could exercise one or a combination of the three techniques listed in Section 306(e)(1) to control land and water uses within the coastal zone.

There is little in the legislative history of the CZMA which speaks to the legislative intention concerning states using a combination of these techniques. Congress may have intended by this phrase that there would be a division of subject matter responsibility between the state and local governments in that the state regulated certain uses of statewide significance (e.g., water resources) and the locals controlled other uses through their zoning ordinances and building permits (e.g., height limitations on structures). It is equally reasonable that the "mix" of techniques means that a state can use these techniques by exercising one or the other or a combination at different times in the development and administration of the CZMP. The coastal policies would provide the continuity for this transition.

This latter option is precisely the California situation. The state is primarily using the Section 306(e)(1)(B) technique to control development in the coastal zone prior to the certification of the LCPs and the Section 306(e)(1)(A) technique after the certification of the LCPs. At all times, however, the program substance remains essentially the same. Because the coastal policies that provide the basis for issuance of the Coastal Commission (or Regional Commission) permit (Section 30600(a), 30604(a)) are the same policies to which the local government must conform in amending its land use plan and ordinances. (Section 30108.6).

Congress recognized, in providing the 306(e)(1)(A) technique of control, that local governments would have existing land use plans and ordinances on the books at the time of the development of a state coastal zone management program (Sen. Rep. No. 92-753, Legis. History of the CZMA at 205). Implicit in this recognition is the fact that local governments would require time to amend these plans and regulations to conform to the new standards or coastal policies established by the state. There is no evidence that Congress intended the state and/or Commerce to wait until all these local plans were revised.

before approving a state's coastal management program. The legislative history of Section 306 is not clear on this point, but it is not unreasonable for OCZM to determine that where the state has some alternate means of implementing its program either through state controls or even local implementation prior to plan revision, this would be an acceptable method. As mentioned above, California will principally rely on a form of state control--through the issuance of a coastal development permit--until the local programs are certified. However, the local jurisdictions do have the option of issuing coastal permits prior to certification if they establish procedures for doing so (Section 30600(b)). Any action a local government takes on a coastal development permit application prior to certification is appealable to the Coastal Commission (Section 30602(a)).

Several reviewers held that Federal approval should be withheld until the State completes a "plan" for the Coastal Zone. The Coastal Act does not provide for a geographically specific "plan" to be prepared by the Commission prior to or after the completion of Local Coastal Programs. Such a plan is not required under the definition of "Management Program" for approval under the CZMA.

Some of the reviewers concerned with the completion of local plans appeared to expect some site specific designation of appropriate locations for energy facilities. The local coastal programs, when completed, will be more specific because they will consist of land use plans which probably will include appropriate geographic locations of present and future energy development; however, the Coastal Act policies do establish specific performance standards against which an applicant for a State permit can determine the acceptability of his proposal and an applicant for a Federal license or permit for an activity described in an OCS plan can assess the consistency. The applicant for a coastal permit, prior to LCP certification, will obtain one if the Commission determines that the proposed development is in conformity with the policies of the Act and the permitted development will not prejudice the ability of the local government to prepare its LCP (Section 30604(a)).

There is ample evidence from the experience of Proposition 20 (under which the Commission was operating with more general policies that were predominantly oriented to environmental protection rather than the more specific and balanced policies of the Coastal Act) that California will not exercise this section of the Coastal Act in an arbitrary manner, so as to preclude energy development which is necessary in the regional, state, or national interest, until these local programs are developed.

Of the eight major energy facility proposals submitted for state and regional commission approval since the passage of Proposition 20, described in Part III, Chapter C page 159 of the combined document, all but one project was approved with conditions. The only application disapproved, after appeal to the Coastal Commission was the "Platform Holly" project submitted by ARCO, in which the applicant applied for only a part of the total development that would result from its approval. The conditions applied to all of the approved projects were agreed to by the applicants with the exception of the EXXON application for the Los Flores and Corral Canyons development off of Santa Ynez. These conditions are under renegotiation and are proposed for revision by a multi-agency/industry task force between local, State, and Federal agencies and representatives of the oil and gas industry. Further information on this record of energy facility siting by the California Coastal Commission is provided in the FEIS, Part III, Chapter 3. The revised discussion of the National Interest and Energy Facility Siting procedures provides the assurance that the state management program can be implemented on the basis of the policies of the Coastal Act, prior to the completion of local coastal programs.

Based on comments received on the draft, Chapter 11 of the revised management program, reflects a change in the Commission's earlier intention to delegate the Federal consistency decisions to local units of government after the approval of local coastal programs. This change in policy--to maintain consistency decisions at the state level subject to review and comment by affected local, state, and Federal agencies and interest groups--will assure that these decisions will reflect continuing statewide, regional, and national interests in the decisions.

The consequences or impacts of delaying approval of the California Coastal Management Program until local coastal programs are completed are potentially significant, both from an environmental and economic point of view.

Local jurisdictions are very dependent on the receipt of their share of Federal funds to fulfill the statutory responsibility for completing local coastal programs within four years. Without this infusion of Federal funds to the local level, estimated at approximately \$1,400,000 for the first year with continuing funding thereafter, local coastal programs will be developed at a slower rate and may not be completed by the statutory deadline. The quality of the information and analysis used in the development of these programs, as well as the direction that could be provided from the state and regional commissions, would suffer from a substantial reduction in Federal funds. The quality of staff analysis on applications or appeals to the coastal commissions would also be lessened. These effects could result in postponing the time when local plans would increase the level of predictability for major development projects, lengthen the time until local governments begin taking over the responsibility for coastal permit decisions, and reduce the factual basis for state and local decisions, thereby generally increasing the level of personal judgement and uncertainty in major project decisions of government.

Permit decisions made without the benefit of better resource and economic information and coordinated local policies, which would result from maximizing the level of Federal funding for local program development, could be more costly to the applicant and could result in further degradation of resources which are valuable to the state and national interest and to the general economy.

In general, more expedient implementation of the state and local programs resulting from enhanced Federal funding, could improve predictability, protect coastal resources, reduce delay in processing project applications, and improve the factual basis for government decisions.

The alternative of continuing funding of the development of Local Coastal Programs, pursuant to Section 305(a)(1) or 305(a)(2) of the CZMA, would not mitigate these negative impacts or provide a reasonable alternative to the proposed action, due to the limited funding available to California under these sections. By the time California completes this approval process, most of the fourth and last year of eligibility for Federal funds under 305(a)(1) will have been exhausted. The grants available to the state under 305(a)(2) could be no more than a third of that available under Section 306, and these funds are currently allocated to other states. A reallocation of these funds from the Section 305 budget to serve California's local program development needs could have the effect of slowing the progress of other states in completing their management programs, slowing the implementation of the national program, and thereby causing a negative environmental impact for protection of the nation's coastal resources.

Furthermore, since the Federal Consistency provisions of the CZMA would not apply to a program until it is approved under Section 306, effect of continued funding under Section 305 would be to postpone enhanced intergovernmental coordination and cooperation in land and water use decisions. Heretofore, unilateral decisions by State and Federal agencies in the coastal zone have had the negative effects of delay in approval of projects requiring State and Federal permits, conflicts among competing uses of coastal resources, and inefficient use of public funds to resolve conflicts between levels of government.

3. National Interest in Siting Facilities

Several reviewers, notably the oil and gas industry and the Federal agencies regulating this industry, commented that the California Coastal Management Program failed to provide for adequate consideration of the national interest involved in planning for, and in the siting of, facilities which are other than local in nature. Some reviewers claimed that the state would exercise a veto over the approval of Federal licenses and permits through 307(c)(3), to block such facilities from locating in the coastal zone and those activities in the OCS off of California. These assertions seemed to be based on statements and in draft reports from state agencies, and previous positions the state had taken on OCS lease sales. Reviewers pointed out defects in the DEIS in terms of discussion of the environmental effects of these positions or draft policies, or the effects they might have on one objective, in the amendments to the CZMA, of attaining a greater degree of energy self sufficiency.

In response to these comments, the California Coastal Zone Management Program has been:

- 1) clarified to establish what is, and is not a part of the program for consistency purposes,
- 2) expanded to assure adequate consideration of the national interest involved in the planning for, and siting of, such facilities in the implementation of its Program and to further demonstrate how the state has considered the national interest in passing the Coastal Act and in developing its Coastal Management Program (Chapter 11), and
- 3) expanded to describe, in more detail, the energy facility planning and siting process (Chapter 9) for various types of facilities, some of which are important in terms of the national interest.

Also, in response to these comments, OCZM has expanded the EIS to discuss the adequacy of California's process for consideration of the national interest, as it relates to the proposed action under the CZMA and NEPA, and further discussed the potential impacts of such a finding of adequacy (see revised Part III, Section C.3 and Part IV (Alternatives) FEIS).

In summary, these new portions of the management program and final EIS attempt to establish that:

-draft reports and policies of other agencies have no official substantive basis for guiding consistency decisions of the Coastal Commission and are not a part of the California Coastal Program, except where cited in the Introduction, Part II, or as it may be changed by formal amendment or refinement procedures,

-California adequately considered the national interest in the development of its program, by providing special procedures and treatment in the Coastal Act for energy facilities and other uses which are in the national interest; and that this Act and revised Chapter 11 provides authority and a process for consideration of the national interest in these facilities in the future,

- the national interest claims and interpretations provided by some reviewers are not adequately balanced, or are taken out of context with other national interests, and the revised EIS provides a more complete and accurate interpretation of national interest considerations,
- the CZMA, as amended, (e.g., the "maximum extent practicable", mediation and secretarial override provisions of Section 307, and the performance evaluation and review provisions of Section 312) provides adequate safeguards for assuring that Federal consistency provisions will not be used to preclude activities or facilities that are necessary in the interest of national security or national interest, and
- the California Coastal Commission has established a good record of consistently providing for the siting of major energy facilities which may be necessary in the interest of the State and nation (if there is any need to predict the manner in which the Commission will exercise its discretion on these projects, given the specific language of the Coastal Act policies).

In summary, it is important to consider the overall effect of the provisions of the Coastal Act which provide special and priority consideration to facilities and resources such as ports, industrial development, recreation, and marine and land resources because of their Statewide and national significance, rather than focus on the term "national interest", where it appears in the Coastal Act. For example, it is implicit in the special language for energy facilities in the Coastal Act, and the special criteria and procedures for these facilities, that there is a broad State and national interest in such facilities.

4. Energy Facility Planning and Siting Process:

Some reviewers challenged the adequacy of the California Coastal Management Program in terms of energy planning and facility siting. Concerns that the program is very restrictive of LNG facility siting were raised. According to some reviewers, the program should identify where future energy supplies may be obtained, should assess future energy needs as a part of coastal zone management and should describe how the State plans to meet these needs. One reviewer claimed that the CZMA expressly requires that the State management program include provisions for siting of national energy facilities.

In response to these comments, the State has substantially expanded Chapter 9 of its management program to more fully describe the energy planning and siting responsibilities of the State, under the Coastal Act, the 1976 amendments to the Warren-Alquist Act (establishing the State Energy Commission), and other State programs and to describe the specific procedures to be followed in planning for and siting certain types of energy facilities. Attachments in support of this Chapter of the program provide detailed descriptions of the procedures being followed by the Coastal Commission, involving other Federal and State agencies, for a recent application submitted for the SOHIO Oil Port Terminal at Long Beach and for the three LNG terminal applications from Western LNG Terminal Associates. These additions to the management program provide assurance that the appropriate State agencies in California are fulfilling the need for energy systems planning, that the Coastal Commission will give adequate consideration to the findings and recommendations of reports of the State Energy Commission and other energy planning agencies of the State and Federal government, and that the specific siting policies and procedures defined in the Coastal Act and in the revised program document assure that the Coastal Commission will not act in an arbitrary or capricious manner to exclude energy development activities that are necessary to the state or nation. These procedures ensure adequate consideration of the views of Federal agencies and the oil, gas, and power industries, while assuring a reasonable balance between conservation and development of all energy and natural resources, and the economy of the State.

The final EIS expands the discussion of the environmental impacts of the energy facility planning and siting provisions of the program to document the prior experience of the state in siting major energy facilities. The revisions also discuss the state's responsibility for siting national energy facilities, pursuant to the CZMA, in terms of the Act's language to provide "adequate consideration" to the national interest in planning for, and in the siting of, such facilities. Potential impacts of the State's procedure for siting major facilities are further discussed. For further detail on these responses, see Chapters 9 and 11, CCMP, and Parts III.C.3 and IV of the FEIS.

In summary, it appears that the California Coastal Management Program meets the requirements of Section 305(b)(8) of the CZMA and the applicable NOAA regulations (15 CFR 923.19) for a "planning process for energy facilities likely to be located in, or which may significantly affect, the coastal zone". The program also provides for adequate consideration of the national interest involved in planning for, and in the siting of, facilities which are necessary to meet requirements which are other than local in nature, pursuant to 306(c)(8).

5. Definition of permissible land and water uses

Some reviewers have suggested that the CCMP does not contain an adequate definition of what constitutes permissible land and water uses within the coastal zone and therefore cannot meet the requirement of Section 305(b)(2) of the CZMA. These reviewers have questioned the ability of an applicant for a Federal license or permit to make a determination of consistency with the State's management program until the State identifies particular areas of the coastal zone within which certain uses are or are not permitted. In addition, these commentators do not believe this determination can be satisfactorily made until local coastal programs (LCP's) are completed.

Chapter 5 of the CCMP has been revised to clarify how California is meeting this requirement. In general, the CCMP does not deny any use on a generic, statewide basis. However, some uses are or may be denied within certain geographic areas such as hazard areas or wetlands on the basis of the policy direction of the Coastal Act. The permissible uses are defined as those land and water uses subject to the management program. This includes all uses identified in the definition of "development" (30106) and requiring a coastal development permit from the Coastal Commission, regional commissions or local governments (including Port Districts). These land and water uses in the coastal zone are permitted with such exceptions as noted above, subject to their complying with various performance criteria and standards. The criteria used to determine if developments are consistent with the objectives of the Coastal Act are the policies of Chapter 3 (commencing with Section 30200). The standards include those required by State and local government regulatory agencies including air and water quality standards and such other standards that are placed on development projects in the form of conditions which are used to bring the project into conformance with the policies and intent of the Coastal Act. These performance criteria and standards are based on numerous technical reports and studies as well as four years of practical work experience processing thousands of development permits all of which have provided input in evaluating the impacts of various activities on coastal resources.

Certain coastal resources (e.g., wetlands, agricultural lands) were determined, by these studies, to be areas of major concern and significance to the state; therefore, more protective and specific policies were developed to address these resources. Even so, the Coastal Act permits certain uses (e.g., port, energy and coastal-dependent industrial facilities) to occur in wetlands, provided adequate environmental measures are taken. Yet other policies contain performance standards that apply directly to specific types of development, e.g., general or industrial development. Coastal-dependent industrial facilities are, for example, encouraged to be located or expanded within existing sites but can be located anywhere in the coast if certain conditions are met.

It should be noted that these coastal zone performance criteria and standards apply in addition to the existing local standards which normally provide more specific guidance on permitted and prohibited uses. There are cases where preliminary approval from local governments may not be required, including those developments involving uses of more than local importance. (See Sections 13052 and 13053 of the Permit and Port Planning Regulations.)

An applicant for a Federal license or permit can make a determination of consistency on the same basis that a local applicant will pursue in obtaining a coastal development permit - namely, by reviewing the proposed activity for conformance with the relevant coastal policies and/or asking assistance from the Coastal Commission as described in Part II, Chapter 11.B. This approach is, in NOAA's view, an acceptable way for the state to fulfill the Section 305(b)(2) requirement. (See 15 C.F.R. 920.12.) NOAA regulations do not require a State to make a site-specific designation of areas throughout the coastal zone in which specific uses will be permitted and/or prohibited. There will, admittedly, be more assurance of where a proposed use will be permitted once the local jurisdictions develop their coastal programs which translate the policies into land use plans and zoning maps. On the other hand, the interim system for administering land and water use controls, before the LCP's are certified, should provide applicants with greater flexibility.

6. Areas of Particular Concern and Priorities of Uses

Some commentators have argued that California has failed to designate areas of particular concern and to establish guidelines on priorities of uses in particular areas, which are required by Section 305(b)(3) and (5) of the CZMA.

California has, in fact, conducted inventories on the resources of its entire coastal zone during the process of developing its coastal management program and from these inventories has designated a large number and variety of areas of particular concern ranging from the coastal zone itself to ports and wetlands. Chapter 4 contains a list of these areas and an explanation of the rationale for their designation. This designation has occurred principally through the enactment of the Coastal Act. The Coastal Act also establishes the criteria for the development and/or protection of these areas, which will, in turn, be implemented by the issuance of coastal development permits, by the development of local coastal programs, port master plans, and through acquisition.

One reviewer has questioned the appropriateness of California's designating the entire coastal zone as an area of particular concern and the decision of the Coastal Commission not to designate sensitive coastal resource areas pursuant to Sections 30503 and 30502.5 of the Coastal Act. Admittedly this designation of the entire coastal zone is unusual in the general experience of states' developing coastal management programs. However, NOAA believes that this designation is acceptable in the case of California because:

- 1) the designation reflects the high level of citizen and legislative concern for the management of the entire California coast and is expressly stated as such in legislation and not just by administrative declaration,
- 2) the State exercises an intense amount of regulatory control throughout the coastal zone,
- 3) there are, in addition, more specific geographic areas and special resources which are capable of being mapped and/or identified within the coastal zone which are designated of particular concern to the state, and
- 4) priorities of use are established within the entire coastal zone through the Coastal Act policies.

The Coastal Commission was authorized to designate, by September 1, 1977, sensitive coastal resource areas within the coastal zone where the protection of coastal resources and public access requires, in addition to the review and approval of zoning ordinances, other implementing actions (Section 30502, Coastal Act). As of this date, the Coastal Commission has not designated sensitive coastal resource areas for various reasons. The Coastal Commission, the regional commissions, and local jurisdictions have under State law, such as the Coastal Act, the Coastal Conservancy Act, the General Plan and zoning ordinances, all the requisite authority to protect coastal resources and assure public access to the coast. If designated, these areas could have been considered as additional elements of Section 305(b)(3) of the CZMA. However, since California has already designated other areas of particular concern, as indicated above, this potential omission should not prevent the state's complying with this requirement.

Through the enactment of the Coastal Act, California has established broad guidelines on priorities of uses throughout the coastal zone as well as in geographic areas of particular concern. The Coastal Act established as its highest priority the protection of significant coastal resources such as wetlands, environmentally sensitive areas and prime agricultural lands, where ever they occur, and directed that any conflicts among competing uses be resolved in favor of the protection of these resources. On lands not suited for agricultural use or designated for preservation, coastal-dependent development has the highest priority. The Coastal Act acknowledges that certain types of coastal-dependent industrial facilities will require sites on the coast in spite of their potentially adverse environmental impacts. Public recreational uses have priority for areas not designated for preservation or required for coastal-dependent development. If coastal property is not required for any of these purposes, other types of development can occur. In addition to these broad guidelines, the policies of the Coastal Act also establish priorities on uses within particular geographic areas. For example, wetlands are generally to be protected from dredge and fill activities, but these activities are permitted for certain specified facilities such as new or expanded port, energy and coastal-dependent industrial facilities. Other examples of priorities within geographic areas of concern are discussed in Chapter 4.

While it is true that certified local coastal programs will provide a greater degree of specifying for permit applicants than what currently exists, it cannot be concluded that there is insufficient guidance to permit development and preservation to take place in the coastal zone.

7. Interpretive Guidelines:

Some reviewers objected to specific statements interpreting the Coastal Act, contained in the "Draft Interpretive Guidelines for Coastal Planning and Permits," (Attachment E of DEIS) developed by the Coastal Commission pursuant to Section 30620 of the Act. Because these Guidelines will continue to be refined, the Management Program does not include them at this time. When these Guidelines are adopted in their final form, the Commission may want to submit them as an amendment or a refinement to the Management Program, pursuant to CZMA and NOAA procedures. Until such time, the interpretive guidelines are included in the Attachments for information only, and they will not serve as a basis for Federal consistency.

8. Mapping and Exclusion of Federal Lands:

Some Federal agencies objected to the approval of the California Coastal Management Program on the basis that the program does not provide for specific identification and mapping of Federal properties to be excluded from the coastal zone boundary. The Department of Transportation objected to the exclusion of only Federally owned lands, rather than all lands under the control of the Federal government. The Defense Department objected to the inclusion of Federal properties in the state's "Current list of Acquisition Sites" (Appendix 5 (DEIS)), prior to the designation of these lands as surplus.

Most states developing coastal management programs have been unable to obtain an accurate and up-to-date description of Federal land holdings from the agencies, although some agencies have supplied better property information than others. In California, the best source of information on Federal land holdings is the General Services Administration's report, "Real Property owned by the U.S.", which includes a listing of the property of all agencies. Portions of this list of Federally owned property are included as an attachment to the final management program document. The properties in this list, and any other Federal property are excluded from the California Coastal Zone for purposes of the Coastal Zone Management Act. In response to a recently announced interpretation of the Justice Department, which has been accepted as current OCZM policy, California will exclude, by definition, all lands owned or leased by the Federal government, until this policy is changed by the courts or Congress. The generic approach to identifying and excluding Federal land seems to be the most practical and one that has been accepted by OCZM in the approval of the Washington, Oregon and BCDC management programs for the following reasons:

- 1) Federal agencies have not been able to provide accurate and current information on property holdings in a uniform mapped form.
- 2) Property boundaries of Federal land holdings are subject to frequent changes, due to new acquisitions, transfers, excess designations, and sales.
- 3) The scale of mapping sufficient to show property line information on Federal land holdings in the 1072 miles of the California coast would be too large to include in 2000-2500 copies of the state's management program circulated for review.
- 4) Refinements and amendments to the official management program would become an administrative burden to the responsible state and Federal agencies, if changes to maps were required to update Federal property transactions.

Consequently, the response to this concern consists of the inclusion of the GSA list of Federally owned property rather than maps of these properties, and by excluding by definition all lands owned or leased by the Federal government. Working maps for use by local government in local coastal programs will indicate the locations of major Federal "property."

The California Coastal Act and the CCMP excludes all Federal land from the coastal zone for purposes of the CZMA. The state and OCZM have adopted this position in accordance with the Justice Department's legal opinion of August 10, 1976 on this matter. In a more recently announced interpretation the Justice Department extended the Section 304 (1) exemption to lands held by the Federal government in other than fee ownership. This review necessitates a change in OCZM's position on this matter which will be reflected in proposed regulations. California has agreed to abide by this opinion until this provision is changed by the courts or Congress. The "Current list of Acquisition Sites" which was objectionable to one agency has been removed from the program, and has no official status other than as a reference document.

9. Sacramento-San Joaquin River Delta:

Two Federal agencies, Interior and the National Marine Fisheries Service, commented that the Sacramento-San Joaquin River Delta should be included in the coastal zone boundary of either the San Francisco Bay Segment (BCDC) (approved February 16, 1977), or the main coastline segment of the State's overall management program. These agencies suggested that the Delta should be included because of (1) the ecological relationships between the Delta and the Bay, particularly for fisheries and waterfowl resources, (2) the direct impacts of uses of the Delta on the waters of the Bay, and (3) the need for more comprehensive management of the Delta resources. The Department of the Interior suggested that if the Delta is not included at this time, inclusion of the Delta should be studied during the first year of program implementation. At the present time, the State of California does not propose to include the area of the Delta in either segment of the coastal program.

The issue of the inland extent of the coastal zone in major river basins or deltas is one that is common to several coastal States. The issue has been raised in the context of the Columbia River between Oregon and Washington, the Delaware and Hudson Rivers in New York and New Jersey, and in the Mississippi River Delta in Louisiana.

A literal interpretation of the definition of the coastal zone in Section 304 of the CZMA could require states to draw boundaries far inland along these and other major coastal rivers, including, in California, to the Sierra-Nevada Mountain Range. In its regulations and in the approval of the Washington and Oregon Management Programs, NOAA has allowed the boundary of the coastal zone to be based upon a "measurable quantity or percentage of seawater", as provided in the definition of coastal waters in the CZMA (304(b)). This quantity or percentage may vary from State to State due to differences in currents, seasonal variations, availability of data on salinity, the existence of legal definitions, such as those for fish and game licensing, and the relative significance of these factors for management.

Official and scientific recommendations to OCZM for the "measurable quantity of seawater" have varied. The precise definition of this boundary is, therefore, left to the States.

NOAA regulations recognize that: "Specific Coastal Zone programming and regulations must take into account current developmental political and administrative realities as well as biophysical processes, that may be external to the restricted zone eventually selected for direct coastal management." (15 CFR 920.11(i))

The Sacramento-San Joaquin River Delta is one of the more intensively managed river basins for the purpose of maintaining its fresh water characteristics, because the freshwaters of the Delta are critical for agricultural irrigation.

The boundaries of the San Francisco Bay Segment (BCDC), established by the McAteer Petris Act, approximates a boundary in which the extent of the seawater is a primary criteria. The "null zone", where currents from the Delta and ocean currents through the Golden Gate Channel cancel each other out, ranges, at most, 50 miles inland from the Golden Gate Bridge generally in the vicinity of Collinsville and the BCDC boundary.

In terms of salinity content, the seasonal average at times of lowest outflow at Collinsville ranges from .3 parts per thousand (ppt) to 2.1 ppt¹. A dramatic increase in this seasonal average has been observed in the Bay waters immediately west of Collinsville, or 8.3 ppt 10.5 miles away.

Since the operation of the Lake Shasta Reservoir (in 1943¹) waters with a salinity content exceeding 1 ppt. have never extended further upriver in the Delta than 15 miles beyond the BCDC jurisdiction.

Moreover, the location of the null zone and salinity content is largely determined by the policies and actions of DOI's Bureau of Reclamation which controls the amount of freshwater released into the Delta. Thus, it can be argued that DOI is in a better position presently to protect the Delta than the State would be by including the Delta in its coastal zone.

In summary, the Delta is intensively managed to retain its freshwater values, and will be more intensively managed as a result of future state and Bureau of Reclamation water projects. On the basis of currents, salinity and legislative and administrative policy of the State of California, the Delta is not now considered a part of the State's coastal zone.

However, this current position does not preclude the State from including the Delta in the coastal zone at some future time when circumstances or State policy might change.

¹ These data do not include 1976-1977 drought years.

10. Air and Water Quality Elements of the California Coastal Management Program

Section 307(f) of the CZMA requires a State to incorporate in its coastal management program those requirements established by State or local government pursuant to the Federal Water Pollution Control Act, as amended, and the Clean Air Act, as amended. In addition, the State's management program may not in any way affect any such requirements. This section is intended to assure the coordination of the CZMA with these significant Federal environmental laws and further to assure that a State's coastal management program which regulates land and water uses in the coastal zone, does not supersede or interfere with the air and water quality requirements established pursuant to these Federal laws which may also involve the regulation of land and water uses.

In California, the responsibility to implement the requirements of the Federal Water Pollution Control Act is vested in the State Water Resources Control Board and its regional water quality control boards while the responsibility to implement the requirements of the Clean Air Act is vested in the State Air Resources Board and its local air pollution control districts. The California Coastal Management Program provides for the incorporation of air and water quality standards promulgated by these State agencies in the following ways. First, the California Coastal Act specifically acknowledges the primary responsibility of these agencies for the establishment of water quality and air pollution control standards pursuant to applicable Federal law. (Section 30412(b), 30414(a)). Second, the Coastal Commission (or regional commission) cannot take any action that would conflict with a determination of the State Water Resources Control Board (or any regional water quality board) in a matter relating to water quality; nor can the Commission (or regional commission) modify any ambient air quality or emission standard established by the Air Resources Board or any local air pollution control district. (Sections 30412(B), 30414(a)). Third, the Coastal Commission cannot certify any local coastal program unless it provides for at least the same degree of environmental protection established by the State's environmental agencies (Sec. 30522). The Coastal Commission can certify LCP's with more stringent air and water quality standards, but these standards cannot be applied by the Commission unless the local agencies have also received approval for the standards from the State agencies responsible for implementing the Federal Water Pollution Control Act and Clean Air Act. Fourth, new development in the coastal zone must be consistent with the requirements imposed by an air pollution control district or the Air Resources Board. (Section 30253(3)). These provisions of the Coastal Act establish the air and water quality standards promulgated by State and local agencies as the air and water quality criteria of the California Coastal Management Program. More stringent water quality standards are mandated by Section 15 of the Coastal Act, which amended the State Water Code to protect the coastal marine environment.

One commentator has recommended that NOAA not approve the California CMP because the new source review standards established by the California Air Resources Board are so stringent that they may preclude the siting of certain energy facilities in the coastal zone. This commentator argues that the inability of the Coastal Commission to override these regulations prevents the Program from meeting the Section 306(c)(8) requirements of the CZMA - to adequately consider the national interest in the siting of facilities, including energy facilities, which are other than local in nature. While NOAA does not necessarily agree with the premise that the ambient air standards promulgated by the California Air Resources Board would prohibit energy development in the coastal zone¹, we do acknowledge that those air standards established by the Board pursuant to the Clean Air Act are incorporated per se in the California Coastal Management Program and, under Federal law, cannot be legally overridden by the Coastal Commission. This incorporation complied with the statutory mandate of Section 307(f) that, notwithstanding any other provision of the CZMA, the primary pollution control mechanism in the coastal zone are the air and water quality control requirements established by State or local governments under the Clean Air Act and Federal Water Pollution Control Act. A State's coastal management program is not required or authorized to provide a means to balance the national interest in clear air and water against the national interest in energy facilities. In enacting Section 307(f) Congress specifically determined that a State's coastal program could not adversely affect the air and water quality standards promulgated under applicable Federal laws. Even if these standards are more stringent than Federal standards, they must be a part of the State's coastal zone management program². This is permitted not by the CZMA but by virtue of the authority reserved to the States in both the Clean Air and Water Pollution Control Acts (Sections 116 and 510, respectively) to adopt more stringent discharge and emission standards. The CZMA does not provide NOAA with any discretion to require a State to impose less stringent pollution standards than it already imposes.

¹For example, the California Air Resources Board permits new sources to employ the EPA policy of trade-off of emissions which would permit a project to be sited in an area where air quality standards are exceeded provided enough offsets are obtained so that no net deterioration of air quality exists.

²The Senate debate on the passage of S. 3507, the Coastal Zone Management Act of 1972, emphasized this point in adopting a floor amendment incorporating the FWPCA and CAA requirements.-Cong. Rec. (April 25, 1972).

11. Inadequate description of the environment.

Both EXXON and Western Oil and Gas Association stated that the RDEIS was inadequate because there was inadequate description of the environment which was to be affected. OCZM has concluded after consideration of Council on Environmental Quality (CEQ) guidelines for preparation of environmental impact statements (40 CFR, Section 1500.1 et seq.) and other sources of information, and in consultation with NOAA and CEQ officials responsible for interpretations of guidelines and procedures, that the EIS contains sufficient information to allow interested parties an opportunity to understand what the environment is like in which the proposed action is to take place. In particular, OCZM's conclusion is based on the following:

1. CEQ Guidelines, Section 1500.8(a)(1), states that the EIS should "succinctly describe the environment of the area affected as it exists prior to the proposed action". It further states that "specialized analyses and data should be avoided in the body of the draft impact statement. Such materials should be attached as appendices or footnoted with adequate bibliographic references". Also, "The amount of detail provided in such descriptions should be commensurate with the extent and expected impact of the action; and with the amount of information required at the particular level of decision-making (planning, feasibility, design, etc.)".
2. Memorandum to Heads of Federal Agencies dated February 10, 1976, from CEQ. The memo identifies the need to make EIS's more useful to decision-makers; it focuses on reducing the size and detail in EIS's.

The memo states that an "unnecessarily large portion of many EIS's has been devoted to descriptions of the proposed action and the existing environment". The memo goes on to state that "It is the Council's position, therefore, that descriptions of the existing environment and the proposed action should be included in an EIS only to the extent that they are necessary for a decision-maker to understand the proposal, its reasonable alternatives, and their significant impacts".

3. Executive Order 11991 (May 24, 1977) amended EO 11514 and authorizes CEQ to issue regulations which are "designed to make the environmental impact statement process more useful to decision-makers and the public; and to reduce paperwork and the accumulation of extraneous background data, in order to emphasize the need to focus on real environmental issues and alternatives. They the regulations will require impact statements to be concise, clear, and to the point..."

OCZM has made every effort to follow all relevant guidelines and procedures in the preparation of EIS's for coastal zone management programs, including the need to be concise as well as informative. The California document is the first combined program document/draft EIS to be circulated. The development of the combined document, closely coordinate with CEQ officials, has resulted in considerable reduction in duplication and bulk, and has streamlined the Federal agency and public review process. Extensive cross referencing and use of appendices has been adopted in line with CEQ guidance, and CEQ officials have indicated informally that the approach taken is exemplary. In addition, the Environmental Protection Agency, the only Federal agency which ranks EIS's, has given its highest rating of LO-1 to the draft EIS. The rating refers both to the environmental impact of the action and the adequacy of the EIS.

Considerable cross-referencing is provided to the California Coastal Plan, a document prepared by the State under Proposition 20 and submitted to the Legislature as the basis for enactment of the Coastal Act. The OCZM has funded the State of California under Section 305 of the CZMA with over \$1.6 million. Much of this was used to develop the data and analysis for the Coastal Plan; OCZM reviewed and commented on this document throughout the development stage. The Plan contains a greater level of detail description of the California coastal zone. It was not necessary for OCZM to duplicate this lengthy description of the affected coastal environment in preparing its EIS. Twenty-five thousand copies were distributed and the DEIS identified clearly where copies could be readily obtained. It is felt that through such cross-referencing to a widely disseminated document, the bulk and complexity of the EIS is reduced in line with CEQ and Presidential directives.

In addition to the Coastal Plan, pages 120-136 have descriptions and references of the environment to be affected by the proposed program approval. Attachment A of the DEIS contained 204 pages of newspaper and magazine articles describing the environment of California with respect to coastal zone management related issues so that the perspectives of other interested parties could be taken into consideration. One major section of this attachment deals extensively with the energy dimension over the last few years.

*See pages 96 and 120 of DEIS in particular.

Comment

Response

Advisory Council on Historic Preservation
(L. S. Wall, 5/16/77)

- For compliance with Section 106 of the National Historic Preservation Act of 1966, the Council must have evidence that the most recent listing of the National Register of Historic Places has been consulted, and that:
 - 1) If no property is affected, a section detailing this should be in the EIS, or
 - 2) If a property is affected, the EIS must contain an account of steps taken in compliance with Section 106.
- Federal agency must demonstrate consultation with appropriate State Historic Preservation Office (SHPO).

- In the preparation of the Recreation Technical Report and in individual permit decisions the Coastal Commission consults the latest listing of the National Register.
- Properties may be affected by the individual permit decisions carried out in implementing the Coastal Act, and in the development of Local Coastal Programs. The LCP Manual assures that National Park Service and State Preservation Offices are to be consulted.
- Properties will not be affected by the Federal action, other than to provide funding for implementation for Sections 30244 and others of the Act to protect historic resources. Open space is to be preserved by the Coastal Conservancy Act, which includes historic resources.
- DEIS was sent to SHPO and SHPO was involved in the review and development of the Coastal Plan.

Office of the Assistant Secretary of Defense
(P. J. Fliakas, 7/7/77)

- Federal lands are not clearly identified as excluded from the coastal zone.
- National defense is not adequately provided for in the consideration of the national interest.
- The Program does not exempt Federal agencies from State permit requirements.
- Program fails to include DOD and its activities as coastal dependent uses.
- National defense is not included as a consideration for requesting amendments to local government coastal program.
- The program continues to designate for future State uses, access or acquisition several military installations excluded from the coastal zone.

- See general response (8) above.
- The previous national interest discussion of National Defense was, in large part, contributed by DOD Agencies for the Coastal Plan and Chapter 11. Revised Chapter 11 recognizes national defense and national security as of "paramount importance" and "highest priority". This statement is a policy instrument adopted by the Commission.
- This is a misinterpretation of the Coastal Act. Federal agencies are not required to obtain State permits.
- "Coastal dependent development or use" is defined in the California Coastal Act to include "any development or use which requires a site on, or adjacent to, the sea to be able to function at all." If DOD activities meet this definition they will be considered as coastal dependent uses.
- Section 30515 of the Coastal Act provide such amendment procedures for "public works" projects proposed by Defense agencies. Most national defense projects will be on Federal lands excluded from local coastal programs for the purposes of the CZMA.
- This appendix of proposed acquisition sites has been removed from the program, and is cited for reference purposes only.

Comment

Response

Office of the Assistant Secretary of Defense (cont.)

- The program is based upon local government coastal programs; and regulations and guidelines are still being developed and not yet adopted by the Commission.
- Fundamental inconsistencies exist between the CCMP and NOAA's proposed regulations for consistency.

- See general response (2) above. Commission Rules and Regulations have now been adopted and are included in the final program.
- Chapter 11 has been revised in accordance with latest NOAA and OMB guidance. Proposed NOAA regulations are to be revised and republished.

Department of Defense (Army Corps of Engineers)
(5-27-77, Brigadier General Wilson)

- Requests California treat Federal development projects separately from Federal activities for Federal consistency purposes. (Section 307(c)(1) and (2), CZMA)
- Suggests clarification of permit and consistency requirements for local sponsors of Corps' water resource projects.
- Objects to treating Federal agencies as applicants for Federal licenses or permits under Section 307(c)(3)(A) of the CZMA.
- Requests clearer description of coastal zone boundary, including identification of Federal installations.
- Recommends approval of Program if additional descriptive materials necessary to meet energy planning and national interest requirements of the CZMA are included.
- Suggests that the California Program provides only a description of procedures established by the Coastal Act; requests more substantive determinations, such as uses permitted in the coastal zone and administrative regulations.
- Federal consistency determinations will be difficult to make without more substantive findings in the Program.

- California has adopted NOAA's current interpretation of these CZMA sections, which is to treat them together.
- California and NOAA do not find any authority in the CZMA to exempt local applicants on Corp's projects from State permit or Federal consistency requirements; therefore no substantive program change is necessitated. Chapter 11B has been revised to clarify consistency procedures.
- See response to DOT above.
- See general response (8) above.
- Program includes a more complete description of the role of the Energy Commission and other key State agencies in the energy facility planning process. Final local coastal program regulations and manual are also included. The 1976 OCS Project is not in final form yet and is not included. The Coastal Commission's designations of coastal areas inappropriate for power plant siting will not be finalized before the end of 1977.
- As noted above, final program regulations are included in the Program. The Program is not site-specific but permits uses in the coastal zone subject to their meeting the performance standards established in the Coastal Act policies. The Program contains more detailed description of important policy interpretations. See revised Chapter 5 and general response 5 above.
- Consistency can be judged against the substantive standards of the coastal policies. California is already implementing these policies through the issuance of coastal permits.

Comment

Response

Dept. of the Army, South Pacific Division,
Corps. of Engineers (Vandenberg, June 22, 1977)

- Concern over shoreline erosion planning process.

- Additional information has been provided for this program element.

Department of Agriculture, Soil Conservation Service
(Davis, June 1, 1977)

- Correction p. 91

- Correction made with page revision.

National Marine Fisheries Service, NOAA
(G. Howard thru Wallace, 5/18/77)

- Basically sound, well designed concept for conserving natural resources.
 - Important that NMFS participates in local plan development.
 - FEIS should discuss potential impact on Fish and Wildlife Coordination Act programs (FWCA).
 - How will local coastal program permit system affect the manner in which living marine resources are considered in Federal agency permit decisions.
 - Will the State system impair or enhance effectiveness of NMFS, USFWS, and California Fish and Game procedures under FWPCA.
 - Policy concerning construction of new or expanded boating facilities in degraded wetlands is not in the best interest of restorable natural resource.
 - OCZM should seriously consider 305 (d) funding to speed up the process of integration of the Coastal Plan with the BCDC Plan.
 - Diagram for "processing local coastal programs" should be clarified to depict required agency, public and local coordination.
 - Commissions should develop uniform criteria for public participation.
 - Work programs should be coordinated with affected agencies.
- Local Coastal Program Manual (attached) assures such participation.
 - When FWCA standards and criteria are more stringent than the State's management program requirements, these Federal standards will govern. Section 307 of the CZMA should enhance cooperation and coordination between agencies in implementing their respective statutes. Section 307 (e) preserves the authority of the FWCA.
 - Consistency of licenses and permits of Federal agencies will be determined by the State Commission with advice and participation of local government.
 - Procedures should be enhanced to the extent that these permit decisions will also be consistent with comprehensive coastal policies.
 - OCZM and the State disagree. Boating facilities are prohibited in wetland areas unless degraded wetlands can be restored to productive use at a quantity three times the amount of wetlands area. This would create a net environmental benefit.
 - The time period for integration of the two segments has been set by the Coastal Act. 305 (d) funding would have no effect speeding up this statutory timeline. Due to limited appropriations funding under 305 (d) would reduce quality of 18 month study and could postpone process of integration. See general response (2) above.
 - These requirements are covered in the revised Local Coastal Program Manual.
 - This is covered in the Local Coastal Program Manual.
 - The work programs will be coordinated with affected agencies, and public hearings will be held on the work programs prior to submission to the Commission.

Comment

National Marine Fisheries Service, NOAA (cont.)

- Commission finding that separate geographic units can be analyzed for potential cumulative impacts should be coordinated with affected agencies.
- Negative declarations for land use plans should be subject to review by affected agencies.
- Should consider circulating LCP's to all government agencies during preliminary review stage.
- Justification for allowing even one LNG terminal before risks are sufficiently identified must be provided.
- Consequences of non-compliance with intent of policy 30007.5 should be spelled out.
- Arrangements should be made for free public review of coastal maps.
- Detailed maps of areas drawn "significantly seaward" should be included in EIS.
- Substantiations should be provided that San Francisco Bay was adequately protected under the Bay Plan, thus not incorporated into the program.
- There is little justification for allowing the Delta to be developed in the absence of an overall management scheme. Delta should be incorporated into the State program.
- National interest aspects of commercial fisheries and related habitat conservation should receive equal exposure as farm production.
- Criteria need to be established to decide what coastal development is or is not in the true interest of national defense or security.
- NMFS suggests stronger wetlands policy than one to merely "slow down" wetlands degradation.

Response

- Such findings of the Commission will be made at public meetings with adequate notice to affected agencies.
- They will be.
- This is covered in Local Coastal Program Regulations.
- One LNG terminal is not guaranteed.
- LNG terminals will not be provided until sufficient procedures are followed for Coastal Commission and other agency review. See letter to Western LNG Terminal Associates in Attachment G.
- Chapter 9 of the Coastal Act provides explanation of consequences.
- Coastal maps are available for free public review at offices of State and Regional Coastal Commissions, GRAPHCO 450 Mission St., San Francisco, the County Clerk of each coastal county; and at OCZM in Washington, D.C..
- These maps are available for review as cited above. Example is provided in Figure 1 of the CCMP. All other areas would require too many maps for distribution as a part of the final program.
- Segmentation provision of CZMA does not require such a finding until various segments are integrated into a uniform program. Such substantiations will be provided as a part of the supplemental EIS at the time the two segments are integrated. An environmental impact assessment on the BCDC segment is available for review at the office of OCZM.
- See general response (9) above.
- Chapter 11, national interest has been revised to reflect this.
- This is a responsibility of the national defense agencies rather than the coastal program. Until such definition is provided, the Commission will consider sources identified in Chapter 11.
- When viewed in the context of the entire Act, the policies for wetland protection and restoration are stronger.

Comment

Response

Asst. Secretary of Defense, Environment and Safety
(Marienthal, June 24, 1977)

- Correction to be made on Federal agencies, not applicants

- Correction made in FEIS.

Energy Research and Development Administration
(Pennington, June 2, 1977)

- No comments.

- No response required.

Environmental Protection Agency
(Calkins, July 1, 1977)

- Rated lack of objections - Adequate
- Correction on population projection.

- No response required.
- Correction made; 49 percent deleted.

Federal Energy Administration
(6/14/77, Goldman)

- Recommends approval of Program if additional descriptive materials necessary to meet energy planning and national interest requirements of the CZMA are included.
- Suggests that the California Program provides only a description of procedures established by the Coastal Act; requests more substantive determinations, such as uses permitted in the coastal zone and administrative regulations.
- Federal consistency determinations will be difficult to make without more substantive findings in the Program.

- Program includes a more complete description of the role of the Energy Commission and other key State agencies in the energy facility planning process. Final local coastal program regulations and manual are also included. The 1976 OCS Project is not in final form yet and is not included. The Coastal Commission's designations of coastal areas inappropriate for power plant siting will not be finalized before the end of 1977, and are not a part of the program.
- As noted above, final program regulations are included in the Program. The Program is not site-specific but permits all uses in the coastal zone subject to their meeting the performance standards established in the Coastal Act policies. The Program contains more detailed description of important policy interpretation.
- Consistency can be judged against the substantive standards of the coastal policies. California is already implementing these policies through the issuance of coastal permits.

Federal Power Commission
(5/27/77, Chairman Dunham)

- Objects to failure of California Program to provide for statewide energy systems planning, coordinated with regional planning.
- Suggests the Program does not meet the requirement of Section 306 (c) (8) of the CZMA because it fails to specify, *inter alia*, how the Program will meet its share of regional and national energy needs.
- Seriously objects to the policy of permitting only one LNG terminal in the coastal zone for an indefinite period of time.

- The Program includes an expanded chapter on the energy facility planning process, referencing the relevant State and Federal agencies with which the Coastal Commission will coordinate in order to carry out its permit and administrative responsibilities.
- This is not a requirement of Section 306 (c) (8). The Program acknowledges the need to locate a variety of energy facilities in the coastal zone to meet national needs and explains the procedures California will follow in carrying this out in an expanded chapter on the national interest.
- California will permit more than one LNG terminal in its coastal zone if it finds that significant risks can be eliminated or that public harm would otherwise result from dependence on only one.

Comment

Response

Federal Power Commission (cont.)

- Suggests that the State's Federal consistency determinations on LNG permit applications be limited to siting decisions.
 - Fears that approval of the California Program will delay implementation of LNG projects pending before the FPC if Federal consistency is applied.
 - Recommends NOAA require California to (1) review coastline and identify potential LNG sites, or (2) incorporate specific criteria for evaluating LNG siting issues, considering the national interest and expediting decisions.
 - Requests review of study for designation of sites inappropriate for LNG terminals.
 - Recommends California establish a process for combining State and local permits for major energy facilities.
- The CZMA does not provide for this narrow application of Federal consistency, which can be based on all policies of the State's approved program.
 - California is already processing an application for the first LNG terminal in the coastal zone and anticipates a decision by the end of 1977. California would generally be limited to making future consistency determinations within the 6 months' statutory period provided by the CZMA.
 - California will evaluate any proposed LNG sites against the criteria in the Coastal Act, particularly Section 30261(b). The Program's energy facility planning process describes how California considers the public interest in LNG facilities.
 - The study mentioned only encompasses electric power plants.
 - California will principally call-up permit applications for major energy facilities to the State Coastal Commission level.

Department of Health, Education, & Welfare, Environmental Affairs

- No comments.
- No response required.

Department of Housing and Urban Development
(Robert Embry, 6/9/77)

- Approval of CCMP cannot be construed as HUD approval for purposes of 701 land use requirement.
 - FIA's extensive mapping efforts can play a major role in satisfying the provisions of the CZMA and the California Coastal Act. EIS reflects a failure to recognize the role that HUD's flood hazard area identification efforts can play in the development of State's Management Program.
 - EIS does not discuss impacts on historic resources under "Probable Adverse Environmental Effects which Cannot be Avoided."
- OCZM and the State recognize that separate criteria will be used by HUD to make this determination, but encourages a favorable determination consistent with the HUD/OCZM joint agreement.
 - OCZM and the State concur. These mapping efforts will be particularly helpful to local governments preparing Local Coastal Programs. The LCP Manual, attached, provides guidance to insure HUD participation.
 - Federal consistency provisions will assure better coordination and consistency between programs for carrying out the Act, but remains untested. Coastal Act reserved powers of existing State agencies but required conformance with Coastal Act. A detailed analysis of the affects on each program is beyond the scope of this EIS.
 - California Coastal Act (30244) specifically requires mitigation of such impacts, therefore they are avoidable and do not require mention in this Chapter.

Comment

Response

Department of the Interior

(7/5/77, Heather L. Ross) "Exemplary Program"

- Approval of the CCMP prior to State's certification of Local Coastal Programs will cause DOI to focus its efforts to assist State and local governments and Port Authorities in developing effective CZM Plan.
 - Suggest there is no mechanism for resolving potential conflicts between the national interest and actions taken in compliance with local coastal programs or port master plans after approvals.
 - The CCMP does not provide for implementation of a comprehensive water use management process at the State level.
 - Objects to not including the Sacramento - San Joaquin Delta in the coastal zone.
 - There are inconsistencies in the boundary of the San Francisco Bay segment of the CCMP and the balance of the CCMP.
 - Questions if the State's designation of the entire coastal zone as an area of particular concern complies with NOAA regulations.
 - Sensitive coastal resource areas, if designated, should include areas of critical habitat of endangered or threatened species.
 - The Coastal Commission should prescribe criteria for the identification of degraded coastal areas which local governments can recommend to the Coastal Conservancy for resource enhancement or coastal restoration.
- See general response (2) above. This assistance will be welcomed by these agencies. LCP's will provide DOI unique opportunity to assure that their missions are carried out at the level of local land and water use plans, ordinances and policies. LCP Manual assures full input of Federal agencies to the development of local programs.
 - There is a process by which the Coastal Commission can require an amendment to a LCP to accommodate a major energy or public works project unanticipated during the development of the LCP. The State Commission will retain the role for Federal consistency decisions.
 - This is incorrect. Land and water use management should not be viewed separately, i.e. separating land uses from water impacts. The Coastal Act establishes policies to plan for and manage the uses of the marine environment, which the LCP's must also adopt to the extent of their jurisdiction. (See Attachment F, Draft Phase II Work Program, Santa Barbara County). The State Lands Commission, the State Department of Fish and Game, the Fish and Game Commission, the Water Resources Control Board and others must also coordinate their regulations with the Coastal Commission to further implement comprehensive land and water use management. The CCMP deals with OCS development, ports, and transportation, coastal water quality, recreation, marine organisms, mineral extraction, significant coastal resources like wetlands and estuaries, preservation of the commercial fisheries and many others.
 - See general response (9) above.
 - The compatibility of the San Francisco Bay coastal zone boundary with that established for the rest of the State is one issue to be examined during the official 18-month study on the integration of these two segments of the CCMP.
 - See general response (6) above.
 - The Coastal Commission is not proposing sensitive coastal resource areas at this time; however, if it should, at some future time, these critical areas can be accommodated. Critical habitat of endangered species can be protected through other provisions of the Act.
 - The Coastal Commission will make a preliminary identification of areas appropriate for Coastal Conservancy action prior to designation in LCP's.

Comment

Response

Department of Interior (cont.)

- OCZM should modify their regulations to clarify the interpretation California is taking on APCs.
 - The CCMP should describe how the national interest will be considered in the development of and certification of Port Master Plans.
 - The CCMP should be clarified to point out that all wetlands officially designated within the Port's jurisdiction shall be subject to Chapter 3 of the Coastal Act.
 - 'Minor' amendments to Port Master Plans should be clarified.
 - Licenses and Permits Section of Federal Consistency Section (Chapter 11) overextends authority given to the State.
 - DOI does not accept the position that OCS leasing is subject to consistency review.
 - Relationships between the Coastal Commission and State Energy Resources Conservation and Development Commission should be clarified.
 - Analysis of supply and demand in the Energy Facility Planning Process should consider national needs as well as State needs.
 - The CCMP document does not call for a systematic survey to identify and designate historic and cultural resources.
 - EIS should describe how the CCMP will "interface" or replace existing programs and evaluate the impacts that acceptance of the Program will have on existing programs and authorities.
 - DEIS fails to note consequences that would arise should the Coastal Commission judge a particular permit consistent with State's program if application does not qualify for Federal regulatory permit approval.
 - EIS could be improved by noting effects Program will have on existing Federal/State programs and authorities.
- Section 306 regulations are being revised to clarify the APC requirement, but the California Program meets the intent of the requirement outlined in the existing regulations.
 - The Chapter 11 on national interest has been revised. The Port Regulations are an official appendix to the program. These documents demonstrate that national interests will be considered in Port Master Programs.
 - This is provided for by Sections 30710 and 30711 (4) of the Coastal Act.
 - Article 13637 of the Port Regulations, Appendix 4, define "minor" amendments.
 - This Section of Chapter 11 is revised to be consistent with NOAA guidance on the interpretation of Section 307 (c) (3) (B).
 - This Chapter is revised to be consistent with NOAA and OMB guidance on this matter.
 - Revised Chapter 9 clarifies these relationships; the Coastal Act specifies the relationships in some detail.
 - This Chapter is revised to allow for a broader needs' evaluation.
 - This is not a requirement of the CZMA or the Coastal Act. It is a responsibility of other State and Federal programs. Local general plans and other State planning programs have provided for some of these inventories. The CZMA was not intended to require States to implement standards of other Federal agencies, such as those for National Park Service's historic preservation plans.
 - The Coastal Act, Chapter 5, provides the statutory basis for this "interface".
 - The impacts of Federal acceptance of the CCMP on existing programs are limited to Federal programs due to Section 307, and enhanced coordination with State programs due to enhanced funding. These impacts are discussed to the extent they can be predicted in the EIS.
 - Federal agencies would not be compelled to issue permits. Section 307 (e) preserves Federal authority and powers under other laws.
 - The FEIS has been expanded to discuss major affects on other agencies. References to the Program cite Federal views during development of the Program.

Comment

Response

Department of the Interior (cont.)

- The CCMP should pay more attention to mineral development and historic resources.
 - CCMP options for certification procedures and material amendments need clarification.
 - The CCMP document and DEIS are particularly weak in addressing enforcement aspects of the Program.
 - Federal agency involvement in the development of Local Coastal Programs is not clearly defined.
 - A mechanism to resolve potential conflicts between approved Local Coastal Programs and national interest concerns should be included in the final program.
 - CCC staff and OCZM agreed to make changes in 30501 (c) and p. 70 to word "should" indicating that coordination with Federal agencies would be obligatory.
 - 1976 OCS Project Study report recommendations should be discussed in depth before they are incorporated into the CCMP.
 - The CCMP document fails to strongly encourage Federal cooperation on LCP's and Port Master Programs.
 - Clarification to Chapter 11 is needed for the revised 307 procedures.
 - The CCMP does not deal substantively with (cited) aspects of water use management.
 - The California Program does not provide for a strong water use program to insure that sufficient freshwater is allocated for natural coastal processes.
- Section 30244 assures protection and mitigation for archaeological or paleontological resources. Sections 30233 (a) (6) and 20705 (a) (5) specifically provide for mineral development. The State Historic Preservation Officer provides information of historic and archeological resources to local government for the development of Local Coastal Programs.
 - These have been clarified in page 88.
 - The Coastal Act provisions are a part of the Program and are self explanatory.
 - The revised Local Coastal Program Manual is attached for greater detail.
 - Section 30515 authorizes persons to seek amendments in Local Programs to meet public needs greater than the Local Program's area (natural) which were not anticipated in the original program. These amendments can be made by the State Commission. Section 30514 allows amendments to Local Programs by the local government with the Commission's approval.
 - Neither Commission staff nor OCZM have authority to change language of State Law. No such agreements were made.
 - These recommendations are not a part of the CCMP. They will have no official status until adopted by the Commission and incorporated into the Program through refinement or amendment procedures of NOAA regulations. These procedures will fully involve affected Federal agencies.
 - The revised LCP Manual attached provides this strong encouragement.
 - This part of Chapter 11 has been rewritten to be in conformance with latest NOAA guidelines.
 - A detail documentation of California's response to each listed issue will be provided in correspondence to DOI. The Coastal Management Program was not viewed by the legislature as a mechanism for solving all State management problems regarding the oceans. Other State agencies and authorities are more appropriate for dealing with matters of statewide concerns such as ocean transportation.
 - The State Legislature clearly rejected the notion that the Coastal Commission should take over the responsibilities of the State Water Resources Control Board, which is established by State Laws for the purpose of allocating

Comment

Response

Department of the Interior (cont.)

- and conserving water resources, or the responsibilities of other State agencies with ongoing air, land and water management functions. Section 30400 of the Act states: "It is the intent of the legislature to minimize duplication and conflicts among existing agencies carrying out their regulatory duties and responsibilities." Section 30412 of the Act specifically reserves to the State Water Resources Control Board responsibility for administration of the complex field of water rights. To suggest that the Coastal Program assume these responsibilities does not take into account the administrative and legal realities of water resource management in Federal and California law.
- We suggest that the water use elements of the California Program be considerably strengthened to be on a par with the land use elements prior to approval by the Secretary of Commerce.
 - If the Delta is not included DOI recommends that approval be conditioned that California undertake a 306 study of the Delta for future inclusion.
 - Diked wetlands in the San Francisco Bay segment should be addressed in the joint review of the two segments and all efforts should be made to strengthen the BCDC boundary in these areas.
 - Changes in the permissible use section are needed for clarification.
 - The CCMP document should state that although certain types of coastal developments are excluded from the State's permit process, Federal permits are necessary for these developments.
- The scope of the State's Program was defined by the California Legislature to minimize duplication and overlap with other State and Federal responsibilities. The California Program deals comprehensively with those aspects of water use where additional State authority was appropriate and needed. It is unrealistic to expect a single State agency or program to assume the scope of responsibility for all matters dealing with water use. Certain aspects of State management suggested by DOI could even be an unconstitutional expansion of State jurisdiction, e.g. ocean navigation beyond the 3 mile limit.
 - The California Coastal Zone boundary meets the definition and process established in the OCZM and NOAA regulations without the Delta. OCZM cannot require or allow the State to expend 306 funds for research outside of the State's coastal zone. The State of California, in cooperation with Interior and other State and Federal agencies has and will continue to study the management problems of the Delta outside the context of Coastal Zone Management. To require the Coastal Commission to duplicate such studies would be an inappropriate expenditure of funds. The BCDC and Coastal Commissions will consider the question of the Delta, based on these other studies in its subsequent action to integrate the two segments. The Delta will be further discussed in the Supplemental EIS on this action after the end of the 18 month study.
 - OCZM concurs. Federal funding of the joint study will be tied to the study of these areas, and the boundary of the two segments will be reevaluated at the time of integration and supplemental EIS.
 - This Chapter has been rewritten to clarify how the State has met the permissible uses requirement.
 - CCMP has been changed to indicate this. These Federal permits cannot be issued to non-Federal applicants unless consistent with the CCMP.

Comment

Response

Marine Mammal Commission

(J. R. Twiss, Jr. 7/19/77)

- It is necessary to provide a greater degree of specificity in order to evaluate impacts on marine mammals and the consistency of the program with the Marine Mammal Protection Act of 1972.
- There is a need for more complete discussion of the policies, criteria, and mechanism by which the biological and ecological values of the coastal zone will be identified, evaluated and protected.
- The CCMP and DEIS makes only brief or vague reference to marine mammals.
- Uncertainties concerning the Federal consistency provision of the CZMA and the effect of approval on Marine Mammal Act activities; additional information must be provided.
- Approval of the program should not be deemed to have any effect upon a determination that provisions of the Marine Mammal Protection Act do not apply.
- DEIS and CCMP should be supplemented to include "policies, criteria, standards methods and processes for dealing with land and water decisions of more than local significance."
- DEIS should be supplemented to contain evaluation of potential impacts of program and its consistency with the Marine Mammal Protection Act and such other Federal legislation as may be applicable.
- Approval of the program should be deferred, pending revision and evaluation of supplemental discussion and further consultation with the Commission.
- A group of knowledgeable persons should be designated and convened to provide advice on the program and its continued implementation.
- The DEIS has been revised to provide some additional specificity. The Coastal Act must deal generally with ecological values, natural resources, wildlife habitat, etc., in order to provide adequate consideration to all such resources, including marine mammals. Approval of the program will have a positive impact on the protection of marine mammals. The Federal Consistency provisions of the CZMA are to assure that Federal activities are consistent with the State's approved program, but do not preempt the standards of other Federal Laws, due to Section 307 (e).
- Response to this complex but general request is provided throughout the Coastal Act and CCMP document. Without more specific identification of weaknesses in the documents or needs for additional description the revised EIS should suffice.
- The EIS has been expanded to further discuss marine mammals. An example of how the marine environment is addressed in local coastal programs is attached.
- The Chapter 11 discussion of the Federal consistency provisions and procedures provide more detail, consistent with NOAA guidance.
- Section 307 (e) of the CZMA and the California Act 30003 assure that provisions of other Federal Laws are not affected by approval of the State's program.
- These are all provided in the Coastal Act as described in the CCMP. Marine mammals are included in several categories of these elements such as "Marine Environment," "Marine Resources," "All Species of Marine Organisms."
- The CZMA does not require consistency of State programs with Federal legislation other than the Clean Air Act, Federal Water Pollution Control Act and Coastal Zone Management Act. Detailed discussion of the applicability of other Federal legislation in the California coastal zone is beyond the scope of this FEIS.
- The Commission has had since April 16, 1977, to provide comment on the program and discuss any misunderstanding regarding the program. Comment period closed on May 30, but additional comments were received after this period. Additional 30 day comment period will be available for resolution of questions based on the FEIS before approval action is taken. All supplemental revisions expected by Marine Mammal Commission were not possible due to late receipt of comments (July 19) and lack of specificity of comments.
- OCZM and the state would welcome further advice and assistance from the MMC and experts in Marine Mammals. Suggestion for convening group will be further explored with Commission and MMC.

Comment

Response

Department of Transportation
(5-26-77, Hawley)

"Serious disagreement"

- All Federally-controlled land, including leased land, should be excluded from the coastal zone.
 - Objects to use of Memoranda of Understanding (MOU) as basis for Federal consistency determinations.
 - Does not interpret Section 307 (c)(3)(A) of the CZMA as applying to a Federal agency applicant for a Federal license or permit.
 - Prefers Coastal Commission, not local governments, to make Federal consistency determinations.
 - Suggests clarification of FAA licenses.
- See general response (8) above.
 - California requests MOU's on a voluntary basis only; Federal agency can use A-95 process instead if timely notice and sufficient information are provided.
 - California has agreed to adopt NOAA's current view to not treat Federal agencies as applicants for purposes of Section 307(c)(3)(A).
 - Coastal Commission will retain final authority for consistency determinations. Local governments will advise Coastal Commission and participate in public hearings on these determinations.
 - Program was revised in accordance with suggestion.

Department of Treasury (Office of Administrative Programs)
(DiSilvestre, May 12, 1977)

- No comments.
- No response required.

Department of Defense (Navy)
(5-20-77, Captain Collins)

- Coastal zone maps do not adequately identify and map Federally-owned lands.
 - Objects to designation of Navy and Marine Corps property for proposed future civilian use prior to excessing.
 - Coastal Act should acknowledge the national interest in national defense and security needs.
 - Requests clarification of what documents are in the Program.
 - Recommends inclusion of Navy activities as coastal-dependent development and inclusion of national defense functions within Coastal Act's permitted activities.
- See general response (8) above.
 - Acquisition list has been omitted from Final program. It is cited as a reference only.
 - The national interest statement of the Program, which expands and interprets the policies of the Coastal Act, recognizes national defense as one of the highest priorities in the coastal zone.
 - See general response (1) above.
 - The national interest statement recognizes the Navy as an important coastal-dependent activity. Navy is not specifically mentioned in Coastal Act because Federal agencies do not have to get coastal development permits.

Comment

Response

The Resources Agency of California
(Dedrick, June 22, 1977)

- Reviewed by Departments of Conservation, Fish and Game, Parks and Recreation, Water Resources, Navigation and Ocean Development, Health, Food, and Agriculture, Transportation, Air Resources Board, State Water Resources Control Board, Solid Waste Management Board, Energy Resources Conservation and Development Commission, Public Utilities Commission, State Lands Division of the State Lands Commission.

- No response required.

California Regional Water Quality Control Board, Los Angeles Region
(Hertel, May 2, 1977)

- Water quality impacts of the Program are adequately and correctly considered.

- No response required.

South Coast Air Quality Management District
(May 12, 1977)

- The DEIS contains no information on existing air quality and air contaminant emissions in project area nor does it attempt to project any effects the Coastal Zone Management Program might have on future air quality.

- Verbal communications with the SCAQMD on June 22, 1977, concluded that the wrong form was submitted for this type of an EIS. However, the observation was a good one and additional information on air quality and the Coastal Management Program has been provided in the FEIS.

Santa Catalina
(Piltch, April 22, 1977)

- Does the inclusion of the proposed Interpretive Guidelines which include the Guidelines for Santa Catalina Island provide sanction or permanency to the Guidelines?

The inclusion of the Draft Interpretive Guidelines as an attachment to the DEIS did not give either sanction or permanency to their status. They were distributed for review purposes prior to any adoption as part of the Management Program. See general response (7) above. These guidelines are not a part of the program at the present time.

Comment

Response

City of Chula Vista, Dept. of Planning
(Peterson, May 27, 1977)

- Excellent Presentation of Program.

- No response required.

City of Huntington Beach, Department of Planning and Environmental Resources
(May 31, 1977)

- DEIS does not address the effect the Program will have on the existing low-cost housing supply in the coastal zone or urbanized areas adjacent to it.
 - Some attempt should be made to determine the extent to which the Coastal Act has added to the soaring housing prices in Coastal Southern California.
 - The DEIS underestimates the cost to local government to prepare local coastal programs.
 - There are problems associated with the specific interpretive guidelines especially as they may predetermine the contents of the local coastal programs.
- The DEIS was expanded to address this issue under f. Public Access/Housing.
 - The soaring costs of housing is not a phenomenon unique to the Coast of Southern California. The DEIS discusses the fact permit processing, coastal policies, etc., may and in many cases does, increase the costs of housing. It is unreasonable to expect any study to put an accurate and meaningful dollar figure on increases which can be attributed to Prop 20 and Coastal Act actions. A study was conducted by the Real Estate Research Corporation for the Office of Coastal Zone Management and the results were incorporated in the EIS. A major feature in the L.A. Times (May 20, 1977 by John A. Jones) states that one of the major reasons for the increased cost of homes is due to speculation. Other major reasons include the increased cost of running local governments, and other market factors of demand and supply. However an addition was made to the EIS to give recognition to the fact that certain areas in the coastal zone are more susceptible to housing cost increases as a result of the policies of the Coastal Act.
 - These estimates were based on a study conducted by the State Legislative Analyst which was presented to the Legislature. However, since OCZM has talked with staff of several affected local governments, it is clear that they consider the estimates to be low. Therefore, the estimates have been revised upward in the FEIS. The \$100,000 figure was not stated as an upper limit. The purpose of including the estimates was not to precisely predict the costs for purposes of reimbursing local governments but to show an order of magnitude. The Coastal Act guarantees cost reimbursability to local governments and Federal CZMA funds would be provided for this purpose also.
 - The Coastal Commission is required to produce interpretive guidelines in accordance with the Coastal Act. The guidelines included in the DEIS were commented on by interested parties. The guidelines are not regulations which have the force and effect of law. They are intended as a "guide" to coastal development permits until local governments have a certified program. Since these guidelines are in draft form they have not been included as a part of the program at this time. See general response (7) above.

Comment

Response

City of Long Beach Planning Commission
(Paternoster, June 3, 1977)

Request expansion of EIS to address following impacts:

- Temporal and economic impacts due to the maintenance of the definition of "project" to include temporary structures.
 - Temporal and economic impacts due to present policy of denying coastal permits for major projects on the basis of prejudice of the local coastal plan.
 - Impacts both environmental and socio/economic caused by the implementation/enforcement of interpretive guidelines and the manual.
 - Social impacts caused by a divergence of views and principles of the Commission and municipal agencies.
 - Economic and temporal impacts caused by the appeal process.
 - Temporal and economic impacts caused by potential need for updating the local coastal plan and for issuing local development permits once the local coastal plan is certified.
 - Economic impacts caused by the limited State and Federal funds available to prepare the local coastal plan.
 - Address the provision that if adequate funds are not provided, then the program can be voided.
- See FEIS discussion in Part III.C.7.
 - See FEIS discussion in Part III.C.7.
 - See Attachment B which discusses the role of the interpretive guidelines in the management program. The environmental impacts of the Draft Guidelines were included in the DEIS on page 121 and the economic impacts of the Program were discussed as well. Interpretive guidelines are not a part of the program at this time. See general response (7) above.
 - The social impacts caused by a divergence of views were adequately described in the DEIS on pages 93-95, Attachment A and B.
 - The impacts associated with permits and the right to appeal decisions were discussed on pages 94-95 (including the references), Attachments A and B and pages 110-111 of the DEIS. Appeals are a right granted in the Coastal Act and recognition is given to the fact that appeals are most always costly to the applicants for development permits and in many cases the public and even the appellant.
 - See FEIS Part III.g.
 - See FEIS Part III.g.
 - See FEIS Part III.g.

Comment

Response

City of Los Angeles

(City Council Planning Committee, May 13, 1977)

The Program is deficient in three major areas:

- Public and local agency participation in the preparation of coastal management programs.
- The Coastal Commission misinterpretation and negation of significant parts of the Coastal Act is not described.
- Estimated costs relating to the implementation of the Coastal Act are understated.

See Attachment E which is a direct response by the Coastal Commission to the concerns raised in the letter.

- Chapter 13 of Part II dealing with participation in the development of the management program over a four year period of time does not bear out the fact that there has been an inadequate participation process. With respect to the regulations, guidelines, etc., which were mentioned, there is no evidence that improper procedures were applied even though it is recognized that the time frame required by the Act was a limiting factor. If it were so, legal remedies would have been available.
- The Coastal Commission was given the responsibility by the Coastal Act to interpret and administer the provisions of the Act. It is not for OCZM to judge whether the Commission has correctly interpreted the Act, but rather to adequately describe and understand what the impacts of implementation of the Program would be.
- Based on the comments of several local governments the figure of \$100,000 has been revised.

County of San Mateo

(Gankin, May 24, 1977)

- A "summary" section put in the front would be helpful in speeding comprehension and enabling the reader to decide quickly what material is of interest and turn to it. This would be of particular assistance for the impact section (Part III).

- The Revised Draft EIS provided in the "Note to Readers" a suggested list of the important parts to read if time for reviewers was limited. In addition, there was a summary of the California Coastal Management Program provided. Beyond this, it would be extremely difficult to capsule such a complex program and the resultant impacts of its implementation in any meaningful way without unnecessarily lengthening the EIS.

Comment

Response

Exxon

(J. Miller, Jr. 5/26/77)

- Program does not include adequate consideration of the national interest in energy planning and siting.
 - Program insufficiently defined to allow local program development and evaluation.
 - Approval of program and activation of consistency provisions would cause virtual halt or protracted delays of any petroleum activity in the OSC.
 - The EIS is inadequate, does not follow NEPA or Commerce regulations, ignores and fails to quantify impacts.
 - Commerce approval would set a precedent for other states which only address local concerns.
 - California Program does not meet requirements of CZMA or DOC regulations.
 - Program makes it virtually impossible to conduct energy related operations in the OCS lands.
 - What is the California Program? Exxon concludes that the Coastal Act constitutes the entire program.
 - The program does not include the descriptive material in Parts I through VIII of the DEIS, the California Coastal Plan or anything not included by or issued pursuant to provisions of the Coastal Act.
 - Consideration of the national interest in energy planning and siting is non-existent in the program.
- See general response (3) above and revised Chapters 9 and 11, and Part IV of the EIS.
 - Coastal Act Policies are specific enough, and regulations and local coastal program manual will provide more detailed guidance. Ongoing issue identification process of 1st year will provide further detailed guidance.
 - Statement is unfounded. Coastal Commission has approved most major OCS related projects applied for under Prop. 20, and the Coastal Act assures that future OCS activities can be accommodated with environmental safeguards. Considerable OCS activity is ongoing in southern California.
 - EIS has been expanded where appropriate for programmatic statement, impacts are discussed, but not quantified to the extent a development project statement would be.
 - California program addresses national, state, regional and local concerns--see revised Chapter 11 and general response (3) above.
 - Revised program and EIS describes in more detail how requirements are met.
 - Statement is unfounded--major concern here was air quality standards, which override CZM program requirements; and local consistency decisions, which will now be made at the state level. There are operations on OCS lands now and on-shore operations are being approved. The specific language of the Act provides that the commission "shall encourage" and "shall permit" such activities.
 - See general response (1) above.
 - See general response (1) above. Chapters 1-14 of Part II are a part of the program along with official appendices- The Coastal Plan is not a part of the program, for more than reference purposes.
 - See general response (3) above and revised Chapters 9 and 11 of Management Program.

Exxon (cont.)

- If there is a sound basis for approval of the program insofar as national interests are concerned, it should be stated in Chapter 9.
- The Coastal Plan's policies cited in Chapter 9 of the DEIS are not a part of the program and would serve only the western part of the U.S.
- The Coastal Act uses references to the national interest only insofar as they are needed to assure benefits for the well being of the state.
- None of the intentions of the national interest Chapter (11) are included in the California Coastal Act.
- The California Program failed NOAA's prescribed "test" of adequate consideration of the national interest.
- Program does not contain a body of information recognizing or planning for shipments of Alaskan crude oil to serve inland populations.
- Program does not contain a "body of information" covering probability, extent and possible location of OCS petroleum reserves offshore California.
- Approval on the basis of national interest considerations is provided in revised Chapters 9 and 11 and Parts III C, and IV of the EIS.
- The Coastal Plan policies are not a part of the State's program. Certain parts of the plan are cited for historical description of the process by which the program was developed.
- See general response (3) above, revised Chapter 11, Part III C and Part IV of the EIS. The national interest considerations are broader than the needs of the state in the revised program.
- The California Coastal Act provides a broad legislative mandate for consideration of national interests and indicates that the Act can be "liberally construed" (30009). The national interest chapter is a part of the program adopted by the commission pursuant to the Coastal Act.
- NOAA regulations (15CFR 923.15(b)) explicitly indicate that "no separate national interest 'test' need be applied". Revised Chapter 11 and Part III C and Part IV of the EIS describes how the national interest considerations have been integrated into the coastal Act and other components of the management program.
- Revised national interest Chapter (11) recognizes FEA Report to Congress on Disposition of Alaskan Oil, the President's National Energy Plan, Federal Legislation and other expressions of national interest in the transshipment of Alaskan Oil, which the Commission will consider. The Commission has specifically requested an interpretation of the national welfare interest in the SOHIO Terminal Project from FEA, and will solicit similar national interest comments on other oil transshipment projects, when proposed. Special sections of the Coastal Act provide priority and standards for ports and tanker terminals (30700 et seq., 30261). 30715 allows for "developments for the storage, transmission and processing of liquefied natural gas and crude oil in such quantities as would have a significant impact upon the oil and gas supply of the state or nation" to be appealed to the state commission; and these developments shall be defined in port master plans.
- This is not required by CZMA or NOAA regulations to meet Section 305, 306 requirements. Revised Program (Chapter 9 & 11) describes manner in which data supplied by State and Federal agencies are "considered" in Coastal Commission decisions and in development of Local Coastal Programs. These are "resource documents" which will be considered by the commission rather than "policy documents" binding the Commission.

- Program does not project needs for pipelines, refineries, or deep water ports to serve local and inland populations in the national interest.
- Program does not contain body of information recognizing or planning for number of boards and commissions independent of executive that must be concerned with national interest for energy facilities.
- No reference is given to the state lands commissions authority to thwart the national interest.
- No evidence is provided where Federal agency views have been articulated.
- Specific projections of need are not required for approval pursuant to Sections 305, 306. Program's policies provide standards for such developments, and assure consideration of local, state and national needs. See Coastal Act provisions for: Pipelines (30232, 30261, 30262, 30233 (a) (5), 30705 (a) (4)); Refineries (30001.2, 30263, 30715 (e) & (f) and Ports (Chapter 8). Commission will consider relevant projections of need for such facilities from Federal and state agencies and public and private interest groups. Under the local program development process (30515), energy companies are to make known to the local governments and the ports anticipated needs for such facilities. Local governments have the requirement to inventory existing sites. The inventory of needs should start with those companies that construct such facilities or use such facilities.
- Coastal Act and revised program describe roles and responsibilities of other agencies pursuant to the Management Program. Other agencies have separate national interest considerations. For example, the national interest in air quality decisions is an overriding requirement of the CZM program, but administered by the State Air Resources Control Board. See general response (10) above.
- Section 30402, 30403 of the Coastal Act applies to the State Lands Commission and assures that the Coastal Act policies will apply to their functional plans and responsibilities. The Coastal Commission periodically submits recommendations to the State Lands Commission. Section 30416 specifically describes the roles and responsibilities of the State Lands Commission under the Act. These provisions do not provide or reserve to the Commission any rights to thwart the "national interest". On the contrary, the State Lands Commission is obligated to carry out their duties and responsibilities in conformity with the Act, which includes national interest considerations.
- Chapter 13 of the Management Program provides evidence and a discussion of how the principle views of Federal agencies and other parties have been addressed in the Management Program. References to the Management Program (15) include the names of the principle contacts in each Federal agency and evidence of each agency's involvement in the development of the program. Extensive documentation submitted with the program, cited in Chapter 13 (A), contains the principle views of each agency. These views and the views of the agencies expressed on the DEIS and the Draft Management Program are considered in approving the program. These documented views are available at OCZM or the Coastal Commission Office for review. They are too extensive to be circulated with the Program.

Exxon (cont.)

- Data, information and long term planning expressed in Federal and State documents are not furnished as an integral part of the program.
- There is no requirement for integration of all such information into the program. Revised Chapters 9 and 11 of the program describe a process for "considering" other such reports. Some of the information and long term planning recommendations of other state reports have been objected to by the oil and gas industry, and would be inappropriate for integration into the program without further review and comment.
- Guidelines and directives for local program development provide no consideration of national interests in energy planning and siting.
- Revised Chapter 11, includes a special Section (4) on "Local Coastal Program Development" which describes how local programs will assure consideration of the national interest in energy planning and siting. Chapter 9 also describes how the revised Local Coastal Program Manual and regulations assure that energy facility siting will be accommodated in local coastal programs. A special state staff for energy matters will assist local agencies in development of local programs and preparing inventories of industrially zoned land.
- The ideas of the national interest Chapter (11) have a national interest orientation but are not a part of the program.
- The national interest chapter has been expanded and is a part of the program.
- Program approval would cause a moratorium in important Federal activity because of the Federal consistency provisions.
- This is unfounded in light of the experience of the California Commission in approving important Federal activity. The Federal Consistency provisions of the CZMA provide adequate safeguards that Section 307 will not be used to preclude Federal activities necessary in the national interest or national security. See general response (3) above.
- It will be impractical to validly assess consistency until local programs have been developed.
- The standards of the Coastal Act and regulations are sufficiently specific to determine consistency. The experience of the Coastal Commission processing over 25,000 permits on the basis of more general policies of Prop. 20, indicates that the Commission will be able to make determinations on the basis of more specific policies of the Coastal Act. The Act specifically encourages the expansion of existing industrial sites, of which there are many. There are special provisions of the Act for energy facilities.
- Local management programs would likely make OCS operations virtually impossible. Each and every permit would have to proceed through the fortuitous negotiation route and appeal procedure if any one of the local programs was offended.
- The state has agreed to modify its consistency procedures to make determinations at the state level. It has agreed to "call up" most major energy projects to the State Commission for quicker review, and appropriate areas for these facilities are to be included in the local plans--this will make siting of such facilities easier as a result of the program. Companies are now required to obtain State and local permits for development. The Coastal Act and local programs should increase the certainty for such development, particularly when local programs are completed.
- Must operators wait for a sequential review (6 months each) by each local government for a consistency determination?
- No--6 month limit for review applies to the total time period, unless extended by mutual agreement of the involved parties.

Exxon (cont.)

- Consistency provisions of 307 could be abused to the point of virtually halting OCS development.
- DEIS does not adequately describe the environment affected.
- No attempt was made to include a description of other Federal activities affected by the proposed action.
- Population and growth characteristics have not been identified.
- EIS has inadequately assessed the negative effects upon petroleum supplies to the nation.
- EIS has not assessed the negative impacts on beaches, intertidal pools, and coastal waters of increased access by the public.
- Secondary or indirect impacts have not been adequately evaluated.
- An environmental impact cannot be properly assessed by looking at what the stated objective of the action is, nor the mere opinion of the writer.
- Adequate safeguards exist due to language of Section 307 for "maximum extent practicable", mediation provisions and Secretarial override for Federal activities which are consistent with policies of the CZMA are necessary in the interests of national security.
- See general response (11) above.
- Chapter 13 of the program addresses the involvement of Federal agencies in the development of the program. Reference 15 to the program include evidence of how such agencies were involved. Detailed background material is available in the offices of OCZM and the Commission describing the comments from these agencies throughout its development, on the effects of the proposed program. The Federal review of the Draft Program and EIS is designed to solicit further comments on these effects.
- See general response (11) above.
- There is inadequate evidence that such supplies will be negatively affected by the coastal program. See general response (3) and (4) above and Parts III.C.3, and Part IV of the EIS. Evidence provided by Exxon has no official status in the Management Program and is a misrepresentation of other reports and statements of State officials. All of this evidence prejudices the actions of the Coastal Commission on the basis of news clippings taken out of context, and cannot be used to prejudice the Coastal Management Program. A more accurate assessment of probable outcome of Commission action should be based on the specific provisions of the Coastal Act and the history of Commission actions under Proposition 20, discussed in the general response (2) above, and in Part III.C.3 of the EIS.
- The Coastal Act provides that areas that will be dedicated for access will not be open for public use until a local government takes on responsibility for maintenance, policing and liability, including that required to protect these resources.
- See general response (11) above.
- The projected impacts of a "program" such as California's, as opposed to a "project", is dependent upon the best judgement of how the state will exercise its discretion in making future decisions within the guidance provided by the Act's objectives. The opinions of others who have examined the California program are used only to the extent that the history of the state's previous actions, and the Act's specific provisions do not stand by themselves. The opinions of some of the most credible experts in the field of environmental and economic analysis have been used where appropriate.

Comment

Response

American Petroleum Institute

(P. N. Gammelgard, May 31, 1977)

- The California Program does not meet the national interest requirements of the CZMA.
 - Program cannot be demonstrated to be in accordance with the national policy of increasing domestic petroleum supplies.
 - Statement on page 70 on State's "willingness to respond with broader State role in meeting Nation's energy requirements" is unsubstantiated.
 - The legislative history of CZMA is clear; Congress wanted "energy facilities... to be appropriately dealt with".
 - The DEIS is deficient in not providing a thorough and specific decision of how the program meets the national interest "test".
 - Chapter 11 quotes only language of CZMA prior to 1976 amendments.
 - Congress did not intend that funds and a partnership role in Federal decisions be granted to States which did not meet the national interest "test".
 - Federal approval of California's program will extend the Coastal Act's provisions and policies to Federally owned submerged lands of the OCS.
 - The Act confines new or expanded energy facilities to existing sites.
 - The Act provides for only one liquefied natural gas terminal.
 - The Act places restrictions on oil and gas development.
- See general response (3) above.
 - Part IV of the EIS describes how the California program addresses a more balanced approach to the national energy policy than increasing domestic petroleum supplies.
 - Revised Chapter 11 has been adopted by Coastal Commission as a policy instrument. This substantiates the previous statement and provides further evidence of California's consideration of national interests. Attachments supporting this chapter provide additional substantiation.
 - In California they are. See Chapter 9.
 - NOAA regulations (15 CFR 923.15(b)) explicitly indicate that "no separate national interest 'test' need be applied." Part IV provides a thorough discussion of NOAA's evaluation.
 - Chapter 11 has been revised and Part IV discusses the intent of the amendments in some detail.
 - NOAA regulations indicate no "test" need be applied. The California program has adequately considered the national interest. See general response (3) above.
 - Section 307 will enable California to influence Federal activities in the OCS only to the extent that these activities affect the state's coastal zone.
 - This is a misinterpretation of the Act. They are "encouraged" to locate within existing sites. "Where new or expanded coastal dependent facilities cannot feasibly be accommodated, they may be located elsewhere, with conditions (30260).
 - This is a misinterpretation of the Act. See testimony from Southern California Gas. Other terminals are allowed if "engineering and operational practices can eliminate significant risks or if dependence on LNG are substantial enough that an interruption of service from a single LNG facility would cause substantial public harm (30261(b)).
 - Reasonable restrictions of oil and gas development to protect statewide and nationally significant coastal resources is also in the public interest.

Comment

Response

American Petroleum Institute

- The Act does not address what happens when restrictions conflict with national policy.
 - What mechanism is provided for in the Act by which the policies could be overridden in the national interest?
 - The Commission is only one of several state regulatory agencies that would have to make "national interest" determinations.
 - Program delegates federal consistency to local units of government - A single city or county government could veto an action which may be in the national interest.
 - Under the California program there would be an extended moratorium on lease sales and petroleum exploration and development on the California OCS.
- Part IV of EIS reviews the considerations of national energy policy and the "balance" of national interest in other policies.
 - Several sections of the Act have qualifying terms such as "feasibility", "maximum extent feasible" and "adversely affect the public welfare". These provisions could be used where appropriate national interest considerations were involved and circumstances warranted.
 - Section 30402 states that "all state agencies shall carry out their duties and responsibilities in conformity with (the Act)". This includes the national interest provisions of the Act. The Act, however, does not preempt all other state standards or national interest considerations of other agencies.
 - This has been changed. Consistency is determined by the State Commission.
 - This is an unfounded statement; OCS development and onshore facilities are going on currently under the Coastal Act provisions which now have the force of law. The "Joint Government/Industry Pipeline Working Group" is attempting to assure that the OCS can be developed with environmental safeguards. The history of the Commission's decisions on major energy facilities leads to a contrary assumption.

Pacific Gas and Electric Co.
(Baumgartner 6/1/77)

- Certification (approval) is premature because the Coastal Act by itself is not a management program -- Local Coastal Programs are not completed.
 - Coastal Act does not:
 - define permissible land and water uses
 - provide an inventory and designation of areas of particular concern
 - adequately consider the national interest in the siting of facilities
 - California agencies have taken a position which discourages siting of energy facilities in the coastal areas.
 - California Energy Commission has refused to designate any sites in which electrical generating plants may be located.
- See general responses (1) and (2) above.
 - See general comment (5) above, and revised Chapter 5.
 - See general comment (6) above.
 - See comment (3) above and Chapters 11 and 9 of Part II and Parts III.C.3 and IV.
 - See general response (4) above.
 - The California Coastal Commission is in the process of completing its power plant siting study. This report will become a part of the program only after formal review and adoption by the Commission and refinement or amendment of the program. Sections 305 and 306 of the CZMA do not require specific siting decisions as a prerequisite for approval.

Comment

Response

Pacific Gas and Electric Co. (Cont.)

- Coastal Act does not contain any provisions mandating consideration of national energy requirements.
 - The CCMP fails to provide necessary standards for project planning.
 - The DEIS is legally deficient and does not contain a comprehensive discussion of impacts.
- See general response (3) above.
 - Given the performance standard approach, the California Coastal Act and regulations adopted by the Commission provide these standards. Future projects will be subject to conditions established on a case-by-case basis. See general response (5) above.
 - The EIS has been expanded and clarified where appropriate. The DEIS had an extensive discussion of potential impacts as appropriate in a program, rather than a project statement.

Western Oil and Gas Association

(P. Verleger, Public Hearing, May 19, 1977)

- California legislators did not provide a CZM program, only a mechanism for bringing a program into existence - only when local agencies make a program will there be a program.
 - Program contains no inventory or designation of areas of particular concern and priorities of use have not been formulated.
 - To approve the program in advance of the inventory and guidelines leaves consistency in the air - would threaten to bring offshore operations and tanker and pipeline operations to a "screaming halt".
 - It appears to be the policy of the Executive in California to prevent such development totally.
 - The EIS is totally inadequate under NEPA and the CZMA.
 - EIS fails to consider probability that California will use its right to veto certifications of consistency.
 - It has been the consistent policy of California to oppose all development of the OCS.
- Coastal Act and other components of the program are implementable now through direct state controls. See general response (2) above.
 - See general response (6) above.
 - California program is operational prior to completion of local plans. California Coastal Commissions have permitted offshore, tanker, and pipeline operations on the basis of Proposition 20 and Coastal Act policies. See Part III.C.3.FEIS.
 - Statement is unfounded - Coastal Commission is guided by the policies of the Coastal Act. See Attachment G for OPR's response.
 - Statement has been revised and supplemented with additional material appropriate for a program -- it is not a development project statement. EPA rated the DEIS as "LO-1" (lack of objections - adequate) - the top rating. See general response (11) above.
 - There is no basis for such speculation in the EIS. History of Commission's actions in approving 7 out of 8 major energy projects in the coastal zone, the encouragement for such facilities in the Coastal Act, and the safeguards built into Section 307 of the CZMA assure that such veto authority will not be unreasonably exercised.
 - This is a misrepresentation of certain draft reports that are not a part of the state's program. The OCS in California is being developed and facilities needed onshore are being permitted with reasonable conditions to protect other state and national interests. See general response (1) above.

Western Oil and Gas Association (Cont.)

- New source rules of State Air Resource Board restrict loading and unloading of tankers in the Los Angeles Harbor.
- It is the policy of the State to eliminate all tanker transportation in the Santa Barbara Area.
- Impact of President Carter's energy policies are not discussed as alternatives to oil and gas production of the OCS.
- EIS does not contain a description of the environment or provide a discussion of the effects of the proposed action.
- Impacts of Prop. 20 which escalated the value of property, affected availability of housing, and inflation are not dealt with in any detail.
- There is an absence of or discussion of the effect on the national energy situation if California uses the consistency provisions to carry out its present policy of frustration of OCS development.
- Federal CZMA requires that State program include provisions for siting of national energy facilities. Since the Act is general on this topic, actual policies carried out by State agencies must be used and are negative toward energy facilities of national concern.
- WOGA opposes approval of the Program and suggests an increase in the size of planning grants to continue development of local programs.
- Reasonable restrictions on air emissions are necessary to meet National, State and regional air quality standards pursuant to the Clean Air Act. See general response (10) above.
- This policy has never been articulated by any state agency and is not a part of the State's coastal program.
- EIS has been revised to include discussion of President Carter's National Energy Plan.
- See general response (11) above for comments on description of the environment. Effects of the proposed action were discussed - and these are now expanded in the FEIS.
- Part III.B of the DEIS addressed the impacts of Prop. 20 in sufficient detail using the studies and reports of experts that focussed specifically on these impacts as well as the potential impacts of the Coastal Act.
- There is no California policy of frustration of OCS development. On the contrary, the Coastal Act encourages and provides special provisions for energy development, consistent with environmental safeguards. Speculation that the national energy situation could be adversely affected has no basis in the State's previous or current policies. See general response (3) above and Part III.C of the EIS and Chapter 9 and 11 of the program.
- The State program has specific provisions for siting energy facilities described in Chapter 9 and addressed in Part III.C.3 of the EIS. These are not negative, but are positive toward energy facilities, so long as reasonable environmental standards can be maintained or mitigation measures can be provided. Other references to policies carried out by State agencies are inaccurate, taken out of context from draft reports. Even if these reports and statements were official policies of State agencies, which they are not, they are not a part of the California Coastal Program.
- See general response (2) above.

Western Oil and Gas Association(McCutchin, Black, Verleger and Shea, May 18, 1977)

- Approval not permissible until completion of program contemplated by Coastal Act. No standard measurement to certify consistency exists.
- See general response (2) above. Standards of the Coastal Act are specific enough for 307 decisions when supplemented by regulations and case-by-case guidance. The Commissions have a history of making decisions on the basis of such policies (25,000 permits under Prop. 20 and over 5,000 under the Coastal Act). These permit decisions were responsive to the need for oil and gas development and the national interest.

Comments

Responses

Western Oil and Gas Association (Cont.)

(McCutchin, Black, Verleger and Shea, May 18, 1977)

- Deferral of approval has become critical due to indications of hostility to energy development by various State agencies.
 - The CZMA contains affirmative provisions directing programs to contain information for purposes of certification of consistency.
 - The Coastal Act is a "process law" - the process must be completed before one can certify operations are consistent.
 - Program must meet requirement for affirmative provisions for installation of essential energy facilities (306(c)(8) and 923.15(b)).
 - Program must state what uses are permissible- Coastal Act defers this question to future process.
 - Inventory and designation of "sensitive coastal resource areas" does not exist.
 - A classification of priorities of uses in particular areas are not provided by the statute.
 - Provisions on coastal dependent industrial facilities do not provide enough certainty for siting new facilities for certification.
 - Program should set forth some objectives in measurable terms.
- There is no basis for assumed hostility. See Attachment letter from OPR. References cited in WOGA response are not a part of CCMP. No policies of the Coastal Act could be inferred as "hostile" to energy development.
 - The components of the CCMP listed in (1) above and in the introduction of the CCMP contain such information and policies.
 - The Coastal Act contains a process and the substantive policies upon which certification can be based.
 - The expanded national interest (Chap. 11) and energy facility siting (Chap. 9) chapters describe how energy facilities will be sited with "adequate consideration" of the national interest. Part IV of the EIS demonstrates that "affirmative" siting provisions are not required.
 - Revised Chapter 5 of the CCMP clarifies permissible uses which are established by the Coastal Act. See general response (5) above.
 - See general response (6) above.
 - Several of the sections of the Coastal Act establish priorities of use in particular areas, including uses of lowest priority. Chapter 5.C describes priority designations. Other priority setting provisions of the Act include 30001.5(d), 30007.5, 30213, 30220, 30221, 30222, 30233, 30234, 30240(a), 30241, 30251, 30253(5), 30255, 30260, 30263.
 - Coastal dependent industrial facilities can not be guaranteed unless these facilities meet the standards of the Coastal Act, which are clearly established. Commission staff can provide further guidance during project planning. Provision of energy facility needs to local governments during local program development should further increase this certainty when programs are completed.
 - The overall objectives of the State's program are established in the Coastal Act and in Chapter 14. Chapter 1 of the Act provides the overall direction for the program. Some objectives are in the form of specific "Coastal Management Activities" prescribed by the program (or CCMP). These latter objectives are, in fact, in measurable terms, some of which have been achieved by the Commission prior to program approval.

Comments

Responses

Western Oil and Gas Association (Cont.)
(McCutchin, Black, Verleger and Shea, May 18, 1977)

- The Act does not say that pipelines to bring oil ashore from OCS operations throughout the coastal zone shall be permitted.

- Other policies "adopted" by California which must be considered as part of the Coastal Program conflict with National Energy Policy.
RE: Energy Commission Report.

A. Opposition to OCS Lease Sales

B. Santa Ynez Recommendations

C. Impact of California's New Source Review upon Energy Development

D. Legislation preventing OCS Pipeline from crossing State Lands

- Coastal Act's general statements do not, in themselves, contain sufficient detail to establish a definite policy mechanism for LNG and generally.

Western Oil and Gas Association, Supplemental Memorandum
(Wrede, June 2, 1977)

- EIS fails to deal meaningfully with economic, social and environmental impacts in terms of energy need or energy facility siting.

- Coastal Act provides that only the Act shall constitute the CCMP.

- Section 30262 says that oil and gas development "shall be permitted" if conditions of the Act are met. "development" includes placement of structures including "pipes" (30106). The general standards of the Act apply to these developments.

- This statement conflicts with WOGA's assertions that only the Coastal Act can be considered as the California Coastal Program. The Energy Commission has no authority to determine what policies apply to the Coastal Program. Other examples:

A. Opposition to OCS lease sales was based on interim accelerated lease sale schedule, which has now been postponed, partly on the basis of the State's concerns. Although this issue is now moot, the previous position of the State has no bearing on the implementation of the CCMP. See Attachment G, statement of Bill Press, OPR.

B. The Santa Ynez unit was approved by the Coastal Commission with conditions unacceptable to Exxon. The Coastal Commission has renegotiated these conditions with a joint government/industry task force. See Part III.C.3 and Attachment G for a discussion of these negotiations.

C. Impact of New Source Review regulations are not under the control of the CCMP. These standards stand independent of the program: See general response (10) above.

D. Legislation preventing OCS pipelines crossing state lands is no longer in effect. Has been superceded by the Coastal Act which says such developments shall be permitted.

- Coastal Act policies for LNG siting are very explicit. More detailed descriptions of the procedures for LNG siting are provided in Chapter 9 and Attachment G.

- Revised Part III.C.3 of the EIS describes the impacts of energy facility siting in more detail. See general response (11) above.

- See general response (1) above and revised introduction to the CCMP (Part II).

Comments

Responses

Western Oil and Gas Association, Supplemental Memo (Cont.)
(Wrede, June 2, 1977)

- Coastal Act makes no mention of, or attempts to deal with, the national objective of attaining a greater degree of energy self-sufficiency.
- Assertions that national interests are considered are not found in anything of legal substance.
- Implications in the DEIS that the Coastal Plan represents the policy of the State are misleading.
- Materials intrinsic to the Act do not satisfy 305(b)(4) of the CZMA.
- Coastal Act does not provide for attaining a greater degree of energy self-sufficiency through development of OCS, transshipment or processing of oil resources, or proper siting of energy facilities.
- DEIS contains unsupported conclusions insufficient to satisfy NEPA.
- DEIS fails to assess the probable impacts of California energy attitudes.
- The State has consistently opposed both energy resource development on the OCS and transshipment of petroleum products for use in the nation.
- Possibility exists that State will use "consistency provisions to obstruct the pursuit of energy self-sufficiency".
- See now Chapter 11 and revised Parts III.C.3 and IV of the EIS. Special section (30262) provides that oil and gas development shall be permitted. Legislative history cited by WOGA deals primarily with Section 308 of the CZMA, not 306. Other policies of the Act encourage coastal dependent industrial development and expansion of existing industrial facilities, of which there are many. California already produces almost a million barrels of oil per day.
- The Coastal Act provides the legal mandate. See general comment (3) above and revised Chapter 11.
- EIS has been revised to remove such implications. The Coastal Plan is not a part of the program. See general response (1) above.
- See general response (1) above. The Coastal Act and other listed statutes are sufficient to control land and water uses.
- See general response (4) above, revised Chapters 9 and 11 and Part III.C.3 and Part IV of the EIS.
- EIS has been revised to provide more support for assertions cited, where necessary.
- Attitudes asserted by WOGA are out of context and misrepresented. Cited attitudes have no status in the CCMP, other than Air Quality standards which are in accordance with Federal law and required to be incorporated in the CCMP. There is no single attitude in California regarding energy development. Energy policies are continually being assessed by the Energy Commission and the Public Utilities Commission.
- Chapter 9 and Part III.C.3 of the EIS demonstrate that the State has consistently allowed OCS related development, and is actively processing applications for transshipment of petroleum products for use in the nation (SOHIO and LNG projects). Also see Attachment . The Coastal Act encourages such development.
- Adequate safeguards exist in Section 307 to prevent unreasonable obstructions. Evidence of California's performance indicates probability that this will not take place.

Comments

Responses

Western Oil and Gas Association, Supplemental Memo (Cont.)
(Wrede, June 2, 1977)

- CEQ guidelines require agencies to assess the positive and negative effects of proposed actions.
 - Local programs have not been completed - it is premature to grant blanket approval.
 - It is contrary to the CZMA to approve a plan which does not specifically and in detail serve the national objective of attaining a greater degree of energy self-sufficiency.
- See general response (11) above. Revised EIS discusses impacts in more detail.
 - See general response (2) above.
 - See general response (3) above and Part IV. The "Joint Government/Industry Pipeline Working Group" to study the feasibility of onshore pipeline to replace tanker traffic in the Santa Barbara channel is designed to minimize the adverse environmental impacts of such an objective while permitting the full development of existing leases in the channel.

Southern California Gas Co. / Western LNG Terminal Associates
(S. J. Spurgeon 6/1/77)

- The DEIS description of LNG provisions must be corrected. Paraphrasing is inaccurate.
 - DEIS statement pertaining to California's certification procedure is inaccurate.
 - California Coastal Act fails to adequately consider the national interest in energy resource development - DEIS is incorrect in its claims that Coastal Act considers national interest.
 - interpretive guidelines reflect no concern for energy needs
 - recommend deficiency be corrected or condition approval on inclusion of statement in regulations recognizing that development of new oil and gas resources is in the national interest.
 - CCMP fails to provide necessary standards for project planning.
- EIS has been corrected to include precise language of Coastal Act.
 - EIS/CCMP has been corrected.
 - Coastal Commission will now determine consistency or comment on Federal determination where appropriate.
 - See general responses (3) and (4) above and revised Chapter 11.
 - Interpretive guidelines have been revised but they are not an official part of the program until it is amended or refined.
 - Chapter 11 (national interest) has been substantially revised to amplify the description of California's consideration of the national interest.
 - Performance standards provided by the Coastal Act and revised rules and regulations are generally adequate for project planning.
 - Further standards for major projects will be provided by the local coastal programs and Port Master Programs.
 - In the interim, State and Regional Commission staff can provide more detailed guidance.

Comment

League of Women Voters (J. Lovejoy, May 20, 1977)

- Urges the Commission to provide all possible assistance to local governments with their citizen participation efforts and assure a commitment through the review of local work programs.

Malibu Township Council
(Love, Public Hearing, May 19, 1977)

- A strong positive commitment to, and implementation of a program to protect the marine habitat and natural values of Pacific Ocean resources is sadly lacking in CCMP and DEIS.
- Feels that the objectives of achieving low and moderate income housing and of minimizing traffic impacts are not addressed realistically.
- Concern for funds available for resource management and preservation.
- EIS needs to better describe the impacts on sensitive areas caused by public access requiring compensation to manage and protect accessible areas.
- Would like to see an orderly long term acquisition program rather than piecemeal acquisition.
- The EIS should address Federally regulated leading practices under "management issues."
- Program should encourage multi-modal transportation.
- A fourth alternative should be added to the EIS to delay or deny approval.

Response

- The Coastal Commission is required by the Coastal Act to assure that the widest possible opportunities are provided to the public and governmental agencies. Participation is required in all phases of future program development and implementation. Both the Local Coastal Program Regulations and Administrative Regulations require participation opportunities provided and the Local Coastal Program Manual provides sources of information on how this objective might be accomplished.
- This is a matter of interpretation. OCZM feels this commitment is there. See policies on Marine Environment, Section 15 of the Coastal Act, revised Article 6.5 of the State Lands Commission, State acquisition program to preserve wetlands and other special habitats, FEIS-the Marine Environment, etc. While most developments occur on the landward side of the coastal zone, there is a need to focus much attention on land uses because those uses impact coastal waters and habitats. The CCMP is a comprehensive program that deals with many issues in addition to marine habitat but it is not clear that this means there is a lack of commitment on the part of the State to deal with marine resources.
- Without further definition of term "realistically" or specific concerns--it is not possible to respond to concern...EIS address impacts on low and moderate housing.
- Federal assistance may become available for these needs as a part of the total program. The State Coastal Conservancy and Bond Act funding can also be supplemented by other sources of Federal funds when appropriated.
- EIS has been expanded to further address issue of public access and acquisition.
- The Coastal Act, Local Coastal Programs and the Coastal Conservancy should provide the planning and resources to develop such an acquisition program. The initial list of acquisition sites has been omitted from the final CCMP.
- Certain Federal assistance and activities related to housing construction and financing may need to be consistent with State's approved program due to Section 307.
- Coastal Act provides such encouragement (30252).
- This option is discussed in general response (2) above, and Alternatives section.

Comment

Response

Playa Del Rey Business Association, Tom Ennis

- Expressed concern over compensating land owners when their property is the subject of a Coastal Commission decision which may deny redevelopment rights or place restrictions on property use.

- The impacts of decisions affecting property rights and values were adequately addressed in the DEIS on pages 98-101, 80-81 and 67-68.

Gallup and Stribling Orchids, Inc.
(Gallup, Public Hearing May 19, 1977)

- There is no Plan.
- Should be adequate provisions for energy production and the siting of energy facilities.

- No final Coastal Plan will be produced for the State under the Coastal Act. Local Coastal Programs are the only Plans that will be produced. The CZMA calls for a Program rather than a plan.
- See general comments (3) and (4) above.

California Farm Bureau Federation
(Fagan, Public Hearing, May 20, 1977)

- Hope that the Program will not close off development of coastal Energy Reserves.
- Hopes that no policy will discourage, prevent or outlaw farming of coastal land areas.
- Hopes that the Program would advance the Coast siting of nuclear power plants.

- See response to general comments (3) and (4).
- There is no reason to believe that this would be the case. See Sections 30212 (3), 30241-30242 of the Coastal Act. Agriculture is given priority in the Coastal Act.
- See Part II, Chapter 9 on thermal power plant siting.

Arne Kalm
(Public Hearing, May 19, 1977)

- Only one city (Marina in Monterey County) has expressed an interest in state help to develop the local program.
- Federal approval of the California Program before a single community has drafted or submitted a local plan, endorses the placement of the entire California coastline in the hands of the Coastal Commission.
- Once you approve and give the state 50% Federal funding plus complete control of Federal lands, there is nothing left.

- Three local governments have requested the Commission to prepare a local coastal program for their area of jurisdiction. These are the cities of San Clemente, Marina, and Capitola.
- See response to general comments (2) above.
- This is an inaccurate statement. Federal lands are excluded from the coastal zone.

Comment

Response

Charles R. Nelson

(Public Hearing, May 19, 1977)

- Believes the State Commission has not yet developed a Coastal Plan.

- A copy of the Coastal Plan was sent to Mr. Nelson. Coastal Commission is now working with a Coastal Program based on legislation which regulates lands and water uses, has maps, provides guidance to local governments while they develop their local coastal programs.

Ringsby Truck Lines, Inc.

(Ringsby, May 25, 1977)

- The California Program does not contain sufficient commitment to the national interest, especially in the field of energy development.
- OCZM must require that the California Plan (Program) include a comprehensive list of positive actions that the States will actively pursue in support of the national interest.

- See general comments (3) and (4) above.
- This is not seen as a requirement under the Coastal Zone Management Act and regulations promulgated pursuant thereto. The Act requires that the Program provides for adequate consideration of the national interest involved in the siting of facilities which meet greater than local requirements. Further discussion on this matter can be found under general comments (3) and (4) above.

Vetco Offshores, Inc.

(Huntsinger Public Hearing, May 19, 1977)

- Difficult to distinguish what the program is.
- Need to know what to be consistent with
- Parts of program not approved prior to DEIS.
- Policies of Coastal Act are to protect State and say nothing about the nation as a whole.
- Needs more consideration of interstate cooperation on energy plans.

- See general response (1) above.
- See Part II, Chapter 3, 5, & 11.
- The purpose of submitting draft documents in the RDEIS was to allow for more people to respond to drafts. FEIS contains adopted regulations, Local Coastal Program Manual and revised sections dealing with national interests and energy facility siting.
- Chapter 11 dealing with National interests was adopted by the Commission and the Coastal Act specifically talks about the interests of the Nation in 30001(b), 30004(b), 30254, 30701(a)
- The CCMP and FEIS have been expanded considerably to address this issue. (See Chapter 9, 11, Attachment G.)

George S. Kukuchek

(Public Hearing, May 19, 1977)

- I ask that a decision favorable to Arco's continued operation be reached.

- The process for energy facility siting was expanded in the FEIS to more readily show how the CCMP takes national interests into account and processing energy related permits.

Comment

Stan H. Shryock
(Public Hearing, May 19, 1977)

- The Program contains no "plan" but, instead, is a decision process.
- How does an applicant for a Federal permit know if they are consistent if there is no State Plan.
- There appears to be little national interest shown by the State of California on energy-related matters.

Response

See general response (2) above.

- See Part II, Chapter 11 B of FEIS. Applicants for State Coastal Development Permits are making consistency determinations on a daily basis.

See general responses (3) and (4) above.

Jack Tobin & Associates, Inc.

(John G. Tobin, Public Hearing, May 19, 1977)

- Attributes Proposition 20 and the Coastal Act as the major escalator in the price of homes and tax assessments in his region.

- The FEIS adds additional information on the impact on private property rights and tax assessments. Full recognition is given to the fact that beach-front property is valuable and with growing populations, scarce resources, it becomes even more so.

- The Coastal Act attempts to benefit all the people and has policies which have been applied numerous times to provide access and housing for low and moderate income families.

C. F. Braun and Co.

(Curran, Public Hearing May 19, 1977)

- The California Plan is too generalized to provide protection for the national interest and to provide a base on which California industry can base its planning. The Plan should be specific, and should have the concurrence of California business before submission.

- See response to general comments (3) and (4) above. It has generally been thought that the California Coastal Act (SB1277) was supported by California Business, as indicated by the support of several business organizations.

- Difficulty for an applicant of a Federal permit to make a consistency determination because of the lack of specificity of the State Plan.

- See Part II, Chapter 11 B of the combined State Program and FEIS. Also see Chapter 5.

C. Norman Peterson Contractors

(Butler, May 23, 1977)

- Program needs to have a clearer definition of the national interest in the siting of facilities.

- See general comments (3) and (4) above.

- The State is following a "no growth" policy and Federal approval would have the effect of approving this no growth policy.

- Whether the State is following a "no growth" policy is a matter of interpretation. The RDEIS showed that coastal management under Prop 20 did not produce a no growth policy with 97% of 25,000 permits being approved. With respect to coastal development permits being currently processed, the number of permits has increased significantly over the previous years. Federal CZM approval endorses only the State Management Program as meeting the requirements of the Federal Coastal Zone Management Act.

Comment

Response

Hobbs-Baunerman Corporation

- The national interest is not spelled out clearly enough to comply with the Federal Act to justify approval.
- Approval of the Coastal Act will only add to the excessive restrictions that already are discouraging to both the big and little business concerns that are battling to stay alive.

- See general comments (3) and (4).
- Federal approval of the California Coastal Management Program will not add to the restrictions which are currently in place. The State Program has force and effect without Federal approval.

Gene Bowman

(Public Hearing May 19, 1977)

- The Plan (Program) is undefined at the time the EIS was submitted and therefore OCMZM should not approve the (Program) until regulations, guidelines and manuals have been approved.

- The purpose of submitting the Draft EIS and Management Program along with the draft regulations, guidelines and manual was to allow for a greater audience to comment on those draft documents. Over 2,000 Draft EIS's were circulated which allowed numerous individuals and public representatives the opportunity to comment even though many of these individuals and interest groups received copies through the Coastal Commission. See general response (2) above.

- Because of the time schedule mandated by the Coastal Act, it was felt that draft documents could be submitted for the draft EIS and final approved documents with the final EIS. Therefore, prior to any Federal approval decision which is to be made, the essential regulations will be approved. In addition, the explicitness of the provisions of the Coastal Act assure that the program can be implemented.

Gene Bowman

(Public Hearing, May 19, 1977)

- The Local Coastal Program Manual is supposed to tell us how to prepare a local plan.
- The earliest our local plan can be submitted is July of 1978.
- Federal approval carries with it 50% Federal funding of the state program.

- The Manual is provided as guidance to local governments but is not a requirement on how they must prepare a program.

- This is a misinterpretation. The Coastal Act prohibits the Commission from requiring programs before this date, but the Commission expects to certify several programs submitted by local governments prior to this date.

- This is not correct. The State budget for implementation will exceed 50% of the Federal share. The Coastal Act requires that at least 50% of Federal funds be passed on to local governments.

Comment

Response

Sierra Club

(Dohl, May 19, 1977)

- Oral statement submitted for the record.

No response required.

Alice E. Fries

(May 11, 1977)

- Support of document.

- No response required.

San Diego Region's Council of Government, June 6, 1977

- No comment.

- No response required.

Herbert Eilertsen

- The parking requirement on appendix page E-46 are based on bias, ignorance and collusion and should be eliminated.

- No response required.

Mike Chapman

(Public Hearing, May 19, 1977)

- Concerns raised over the national interest in the siting of energy facilities and how national interests are considered.

- See general response (3) and (4) above. Because of the many concerns, both the CCMP and the FEIS have been expanded to address this issue.

John Swanson

(May 23, 1977)

- California coast is of prime national significance and must be adequately preserved.

- No response required.

Hood Corporation

(McGraw, May 27, 1977)

- Program will subject all Federal lands to approval and regulations.
- Expresses concerns over California role with energy development.

- Federal lands are excluded from the coastal zone and only to the extent that uses on such lands spill over into the State's coastal zone will the uses be subject to State consistency. This is as Congress provided in the Federal CZMA.

- See general response (3) and (4) above.

Stanley Wilson

(May 24, 1977)

- Feels program should provide for maximum access and provide for maximum protection of areas opened to public.

- Program policies to provide maximum access are being enforced and FEIS was expanded to address issue of impacts associated with increasing public access.

George Castagnola

- Should not approve the Program until a clear and complete Plan is developed which will show how it affects the fishing industry.
- There would be perpetual controversy if the Coastal Commission had to approve the permits and licenses required by commercial fisherman.
- The California Coastal Management Program addresses commercial fisheries from a comprehensive basis. The policies deal with protecting and upgrading commercial fishing industries, especially the facilities required to support the industry (Section 30245); and most important, the Program is intended in part to protect the critical habitat of the species of marine organisms caught by the commercial fisherman.
- This authority is retained by existing State and Federal authorities and fishing permits are not considered licenses and permits which require certifications for consistency within the Program.