

# THE ROLE OF THE CALIFORNIA COASTAL ZONE CONSERVATION COMMISSION IN PROTECTING THE CALIFORNIA COAST

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My goal is to describe what the role of the newly created California Coastal Zone Conservation Commission will be in preserving and managing the resources of California's coastal zone. I should make it clear that I do not work for the new Coastal Zone Commission. In fact, to my knowledge the total employed staff of the Commissions currently consists of one person, Mr. Joe Bodovitz, former Executive Director of the San Francisco Bay Conservation and Development Commission, who has accepted the position of Executive Director of the State Coastal Zone Commission. However, for various reasons, including my involvement in the California Comprehensive Ocean Area Plan Program of the Department of Navigation and Ocean Development, I am well acquainted with both the provisions of Proposition 20, whose passage created the California Coastal Zone Commission, and the political interactions that have influenced our State's effort to develop a comprehensive management program for coastal resources.

There are two facts about the Commissions that I would like to emphasize initially. First, the new Coastal Zone Commission has been given only the responsibility of preparing a comprehensive plan for the preservation and utilization of coastal zone resources while preventing incompatible developments during the planning period. The second fact is that the Coastal Zone Conservation Commission is an interim body which will go out of existence automatically 91 days after the final adjournment of the 1976 session of the California Legislature. The latter point is particularly important since the whole problem of developing a permanent management system for the coastal zone of our state will be back in the lap of the Legislature in 1976. And the same political forces which could not reach the compromises necessary to get a bill out of the Legislature over the last four years will once again come into play.

Before going on I suspect a brief description of the organizational makeup of the new coastal commission would be in order. The 15 coastal counties have been divided into 6 regions. Each of these regions has a commission

with from 12 to 16 members. These members are composed equally of representatives from local government (primarily city councilmen and members of boards of supervisors) and so called public members.

The principal job of the Regional Coastal Zone Commissions is to issue permits for all developments within the "permit area" and to prepare a plan for the "coastal zone". "Development" includes virtually any type of act which changes existing land or water uses. The "permit area" extends from the limit of State jurisdiction (e.g. three mile limit) inland 1000 yards with certain exceptions. The "coastal zone" extends from the 3 mile limit inland to the crest of the nearest coastal range or a maximum of 5 miles in the 3 southern counties of the state.

The State Commission, made up of one representative from each regional commission and 6 public members, establishes general policy for the guidance of the regional commissions, allocates funds to the regional commissions, establishes planning and permit processing procedures for the regional commissions, and hears appeals for reversals of decisions by the regional commissions.

Few will deny that Proposition 20 is a tough "conservation oriented" law designed to curb development within the permit area during the planning period. For example, the Act states that no permit shall be issued unless the regional commission has first found the following:

1. That the development will not have any substantial adverse environmental or ecological effects; and
2. That any proposed development is consistent with the following objectives:
  - a. Maintenance, restoration and enhancement of the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values.
  - b. Continued existence of optimum populations of all species of living organisms.
  - c. The orderly balance, utilization and preservation, consistent with sound conservation principles, of all living and non-living coastal zone resources.
  - d. Avoidance of irreversible and irretrievable commitments of coastal zone resources.

At this point it might also be in order to discuss briefly the Federal Coastal Zone Management Act of 1972 and its relationship to the California Coastal Zone Act. Both laws are the result of a strong feeling in our society that the coastline possesses unique resource values which aren't being properly managed. In the case of the Federal Law, it offers an incentive (e.g. grants) for the coastal states to develop effective coastal zone management "systems". The required management "system" must be comprehensive; that is, the goals and programs of all state agencies having coastal zone responsibilities must be coordinated and in harmony.

As would be expected, the definition of the "coastal zone" in the Federal Law is not the same as either the "permit area" or "coastal zone" in the California Act. The federal "coastal zone" for which a state must develop a management system extends from the limit of U. S. Territorial Sea (e.g. 12 mile limit) inland only to the extent necessary to control shorelands,

the uses of which have a direct and significant impact on the coastal waters. Obviously, there is much room for interpretation with respect to the landward boundaries of the federal "coastal zone".

If the federal program was fully funded, several million dollars a year over a 4 to 5 year period would come to California. However, at present there are no monies in the President's 1973-74 fiscal year budget for coastal zone grants. What future year budgets will contain, nobody knows.

Now to some of my thoughts on the influence and role of the new coastal zone commission in protecting the resources of California coastal zone. As indicated earlier the commission's direct management responsibility is an interim one. However, during this interim period all development landward 1000 yards from the mean high tide line and seaward 3 nautical miles, excluding areas inside the Golden Gate, must be approved by the coastal zone commission. This means development such as fishing piers, artificial reefs, habitat improvement projects, camp and picnic areas, and the like, will be subject to review by the Commission.

However, in my judgement the more important and long lasting impacts of the commission's activities will be related to their planning effort. If the Commission develops a management plan acceptable to the Legislature, and if a permanent state coastal zone authority is created by the Legislature based upon the Commission's plan, then the impact of the Commission will have been tremendous. Obviously there are two big "ifs" in the preceding sentence.

As all of you know, it is much easier to identify worthwhile public goals or projects than it is to raise the necessary funds or establish the governmental mechanism required to implement the required programs. In the case of the Coastal Zone Conservation Commission's efforts, it will be relatively easy to say what should happen in the coastal zone to protect that area's unique resource values.

The real "crunch" will come when the Coastal Commissions begin to talk to the Legislature about a permanent coastal zone management system. A characteristic of our system of government is that there are a large number of places in government where policy can be influenced. This allows individuals and groups to, at times, circumvent regulations which interfere with their goals. The more authority a single coastal zone management agency has (and the coastal commission has a lot of authority) the greater the number of political forces that will be attempting to circumvent and/or undermine its effectiveness. These same forces will try to weaken any legislation leading to a permanent management system.

It seems to me, that much of the Commissions' planning efforts over the next three years must be designed to educate the political decisionmakers regarding coastal zone problems, if the recommendations of the Commission for a permanent coastal zone management system are to be implemented by the Legislature. This education effort, or planning effort, will be made up of at least three parts. First will be the selection of facts and identifying clearly coastal zone issues. The next phase will be conducting open public hearings to discuss alternative solutions to the problems identified in phase one. Finally, there is the tough one with all its political ramifications of deciding who has the responsibility for administering which part of a management system and how much authority each "manager" is to have. Also, I think it should be understood that any management system chosen initially will be modified over time as more facts become available. There is no possibility that the perfect management system will be developed initially just as there is no reason to attempt to understand every ecological relationship in the coastal zone prior to making a decision on a management system.

There will be those who will argue before the Commissions long and loud that all development of man will modify adversely the coastal ecology and should therefore be prohibited. Certainly, developments do modify to various extent ecological relationships. But these modifications are not necessarily significant or adverse. For example, man constructs artificial reefs in off-shore waters which increase the availability of fish for recreational purpose. Such reefs certainly alter existing ecological relationships but not adversely from my point of view.

In fact, in many cases, I am convinced that man's activities along the coastline have significantly improved total societal benefits. In my opinion society is better off because of the existence of the charm of Carmel, the availability of oceanside camp and picnic grounds, the well designed commercial facilities that surround several of the berthing facilities for small commercial fishing boats and recreational craft and the private recreational facilities that are a part of the program of several of the harbor districts in the state. But to some, the above types of developments represent examples of man's immoral modification of the "natural" ecology and cannot be justified.

I believe that a major objective of a coastal management system is to improve the usefulness to man of coastal resources, which includes protecting natural ecological systems and preserving environmental amenities. This should be done in a way that is in harmony with the environmental and social and economic goals of our society. Avoidance of all modifications no matter how slight, of existing ecological relationships does not seem a reasonable goal.

At the same time, it has to be acknowledged that environmental errors of major proportion have been made in the coastal zone. And the longer the making of such errors is allowed to continue the more severe the total of the long term consequences. But I continue to maintain that development and environment degradation are not necessarily synonymous in the coastal zone. Good planning and design with a sensitive awareness of ecological conditions can minimize long term environmental impact and maximize societal benefits.

If there is such a thing as a key role, I suggest it is how the Commissions interact with the public to gain the latter's support. For without broad-based support, the Commissions will have a tough time convincing the Legislature in 1976 to adopt some type of permanent coastal zone management system.

Fortunately for the Commissions, I believe there is still strong support for environmental programs, even though it is claimed by some that the environmental movement is weakening. My personal assessment is that the public is becoming more knowledgeable on environmental matters and no longer readily joins with those who exhibit "super preservationist" or "growth at any costs" point of view. Before giving their support, our citizens are going to want an objective analysis by the Commissions of each major coastal issue, presented in concise language, along with a justification by the Commissions for its findings and recommendations. There is general support in California for the idea that some limitations upon exploitation of coastal resources is necessary. However, I suggest that we are a long way from having a consensus as to which social and economic values shall be reduced to protect the resources and the ecological systems found in the coastal zone.

If in their deliberations, the Commissions honestly attempt to educate the public as well as themselves on issues and alternatives, public confidence and support will follow. Conversely, recommendations challenging existing social and political institutions, which are not supported by thorough analysis and public debate are doomed to failure, or at least only limited success.

Now I will get off my "soap box" and open the program to any questions you may have about the role of the California Coastal Zone Conservation Commission. However, in closing, I would again like to emphasize that the preceding comments represent my own analysis of what the future holds for the Commission.

