

Hi, this is Chris Micheli with the Sacramento governmental relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law. Today's podcast is on the California Coastal Commission.

The California Coastal Commission is charged with protecting and enhancing California's coast and ocean for all generations. According to the Coastal Commission, it does this through careful planning and regulation of environmentally sustainable development as well as the rigorous use of science, strong public participation, education, and effective intergovernmental coordination.

The voters of California actually established the California Coastal Commission. It was on the 1972 statewide ballot as Prop 20. It was later made permanent by the Legislature in 1976, four years later, when the Legislature enacted the California Coastal Act. The CCA, the Act itself, is found in Division 20 of the Public Resources Code.

The following are the major provision of the California Coastal Act of 1976, including findings and declarations, general provisions, definitions, revisions to the coastal zone boundary, coastal resources planning, and management policies, creation and memberships and powers of both the Coastal Commission and regional commissions, implementation, development controls, ports, judicial review, enforcement of the Act, penalties, and the final is severability.

Now, the Coastal Commission is an independent quasi-judicial state agency. It's quasi-judicial because it does have enforcement capabilities. It has twelve voting members who are appointed equally - i.e. four individuals - by the Governor, the Senate Committee on Rules, and the Speaker of the Assembly. Six of the voting commissioners are locally elected officials, and the other six are appointed from the public at large. There are also three ex-officio, or non-voting, members of the Coastal Commission. They represent the Natural Resources Agency of the state of California, the Transportation Agency, and the State Lands Commission.

The Coastal Commission works closely with, as you would imagine, coastal cities and counties in an effort to plan and regulate the use of both land and water in the coastal area. Pursuant to the Coastal Act, development activities include such things as construction of buildings, divisions of land, activities that change the intensity of the use of land, as well as public access to the coastal waters. As a result of the Coastal Act itself, these development activities generally require a coastal permit that a developer either obtains from a coastal commission or from a local government.

The coastal zone was actually developed by the Legislature. It includes both land as well as a three-mile band of the ocean. Again, this zone is established formally in statute by the Coastal Act. There is one notation, it doesn't include the San Francisco Bay. The development of the San Francisco Bay area is actually regulated by the Bay Conservation and Development Commission, often known by its acronym BCDC.

According to the Coastal Commission, the Coastal Act contains specific policies that address a wide variety of issues, including shoreline public access and recreation, low-cost visitor accommodations, marine habitat protection, landform alteration, agricultural lands, commercial fisheries, water quality, offshore oil and gas development, certain

transportation, power plants, ports, public works. Note that the policies contained within the Coastal Act actually constitute statutory standards that are then applied to planning and regulatory decisions that are made by the Coastal Act and by local governments.

Pursuant to federal law, the Coastal Commission actually has regulatory control over all federal activities as well as federally licensed, permitted, or assisted activities. These include the outer continental shelf oil and gas leasing, exploration, and development, as well as the designation of dredged material disposal sites in the ocean, military projects at coastal locations, and several other specified activities under federal law.

Concerning development in the coastal zone, the basic rule is that development activities within that coastal zone may not commence until a coastal development permit has been issued by either the Coastal Commission or a local government. That local government must have Coastal Commission certified local coastal programs. The reason why we refer to the Coastal Commission at the outset of this podcast as being quasi-judicial is because the Commission actually has appellate authority over developments that have been approved by local governments in specified geographic areas.

The Commission also has oil prevention, preparedness, and response programs as well as a statewide enforcement program of the provisions of the Coastal Act.

The public is able to participate in Coastal Commission hearings as well as the ability to talk with Commissioners regarding proposed development activities and securing permits for those activities.

That's our overview of the California Coastal Commission. I hope you learned something. Thanks for joining.