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Governing California's Coast

STANLEY SCOTT

assisted by

PHYLLIS BARUSCH, who conducted the interviews

and

ORA HUTH, who prepared Chapter I
and the historical appendix

INSTITUTE OF GOVERNMENTAL STUDIES
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1975

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Foreword

Passage of the initiative statute called "Proposition 20" at the November election in 1972 placed California at least temporarily in the forefront of states trying to deal with issues of coastal-zone planning and land-use control. The electorate's approval of Proposition 20 by a substantial majority was truly a landmark event, one that created a strong system of state and regional commissions with full planning and land-use control powers in the coastal zone.

On the other hand, Proposition 20 was drafted with a "self-destruct" provision. As modified in the 1973-74 legislative session, the law currently calls for termination of the coastal commissions on January 1, 1977. This will create great pressures for further legislation or initiative action in 1976.

Recognizing that no plan has lasting value unless effectively carried out, the California initiative directed the coastal commissions to recommend a successor agency or agencies. The present study was undertaken in this context, at the request of the California Coastal Zone Conservation Commission. It was supported by University of California Sea Grant funds, by Coastal Commission money, and by in-house contributions of staff time and other support from the Institute of Governmental Studies.

The aim of the study was twofold. First it attempted to develop broad-brush qualitative, impression-

istic and even subjective evaluations of the coastal commissions and their effectiveness, principally through the use of interviews that provided a rich source of ideas and information. Second, the study addressed a host of new policy issues and questions raised by the establishment of the commissions, their performance, and the future implications of their experience.

For example, discussion of the future of coastal planning leads inevitably to consideration of the larger issues of statewide land-use planning and environmental control. Relations between coastal commissions and other state agencies with interests in the coastal zone must also be considered, as well as their relations with California's many regional agencies, and with local governments. A necessarily brief discussion of relations with the federal government has also been attempted, with special reference to the emerging federal program to encourage state-level coastal zone planning and management efforts.

In addition, the study looked at the existing organization of the state and regional coastal commissions, including possible changes in their membership, methods of appointment, and boundaries. Further analysis dealt with the sharing of powers among coastal commissions, and between the commissions and other state, regional and local agencies.

In none of this does the writer claim to have attempted or produced a definitive document. Rather the intent has been to explore the thinking of people who are informed on the issues, and by reviewing and commenting on their ideas, to contribute to the early stages of a dialog on the future of the coastal governance.

Consequently, the study was framed largely as an interview program. The principal aim was to formulate hard questions about how the coastal commissions and related institutions are seen to be working, and how the respondents think they ought to be organized, and why.

More than a hundred people gave formal, in-depth interviews, in a striking demonstration of courtesy, patience, and interest in the subject. All the interviews were conducted and written up by Phyllis Barusch, my colleague in the Institute and an expert interviewer. Moreover at least another hundred persons participated with us in informal discussions and correspondence. In summary, the highly rewarding interviews and related discussions have shed light, provided guidance, given stimulus, caused occasional frustration, and supplied helpful documentation for the analysis presented in this book.

Thus the study did not depend principally on the literature of political science or related social sciences for its main findings and conclusions. Instead we have tried to provide initial evidence and evaluations of this new, ongoing experiment in governance for which the existing literature has little to offer.

The conventional social sciences should be useful over time in helping us monitor and better understand our various governmental experiments. But for the immediate future, they can only be of limited help. To be sure, long-term methodical observations and evaluations should and will be made; initial efforts already in progress can offer preliminary assessments, to be modified in turn on the basis of later findings.

But we must recognize that research efforts aimed at evaluating complicated human enterprises--like the new system of planning and governance created by Proposition 20--are necessarily partial, halting and incomplete, particularly in their early stages. The time and resource limitations of studies like this one, as well as the short life of the coastal commissions to date, made it inappropriate, indeed impossible, to obtain early guidance from evaluations that require much longer time spans.

Moreover, partly because of the need to oversimplify in developing theories about the phenomena

observed, social science research must be used with caution and sensitivity in formulating normative judgments--decisions about what *ought* to be done--on complex and highly controversial issues of public policy. The prudent approach calls for multiple research efforts, much experience, and incisive thinking over periods long enough to allow transitory events to be sorted out from longer-run trends.

The following comments by two political scientists addressed some of the limitations of the social science literature, specifically that of political science. Although the authors found the literature wanting in quality and clarity, what pained them most was the content of the principal journals in their field:

> Professional journals in political science, as currently organized, simply cannot deal with policy questions in any "relevant" way. Standards of research and evidence create a gap between events and findings....The enormous back-log of articles...slows the process further, almost guaranteeing that a monograph will be dated by the time it appears in print.
>
> ...[Moreover] the most readily available quantitative data, and the most appropriate uses of quantitative methods, do not lend themselves easily and unambiguously to the discussion of policy issues. And from that, political science has suffered....
>
> There has always been an alternative. Political scientists concerned with policy and with public life generally have invariably turned to journals outside the

> profession which addressed interested citizens and public men....
>
> The journals of opinion, of course, have their own limitations, tied as they are to concerns and issues of the moment. But a political scientist who wishes to escape those limitations will not find a home in the general reviews of his own profession. He will find his forum and his audience among those who retain... a concern for the public order and the common life.[1]

A dialog is only now beginning to address state-regional environmental governance questions like those involved in coastal conservation and development. The few exceptions have appeared in discussions and conference debates, exhortative articles in conservationist journals and related media, and in the staff work--regional, state and federal--related to improved environmental protection. But people are still moving in different directions, and talking past rather than to each other on issues of state and regional environmental planning.

Nevertheless, many individuals have developed valuable insights into the working of emerging governmental processes. Consequently the project attempted to identify and analyze current thinking as expressed by participants and observers of California's coastal governance. For this, the interview program proved essential.

Obviously the interviews were not intended as a typical public opinion survey sample. Nor was there an attempt to test the viewpoints of equal numbers of people who had voted for and against the coastal initiative. Instead, the interviews included a wide range of respondents, many of whom no doubt favored the initiative, and some of whom were against it. The object

was to seek the views and judgments of well-informed persons, most of whom have followed the work of the coastal commissions, or who otherwise have had relevant experience with governmental institutions.

Both the first and second drafts were circulated extensively for comment and criticism. Many sections were reworked into third and fourth drafts that were circulated for further review and comment. In short, a wide range of opinion was considered in preparing the final draft. Included were responses from coastal commissioners and staff, concerned environmentalists, landowners and would-be developers, other affected business and labor organizations, interested staff of both the legislative and executive branches, and a variety of other parties and observers. The state coastal commission used the earlier versions of this book as background for the plan element on government, powers and funding.

The writer's role as observer of California's experiment in coastal planning and governance has been a privilege, for which thanks are due those who provided this opportunity by encouragement and support. As noted above, these include the California Coastal Zone Conservation Commission and staff, the University of California Sea Grant program, and the management and staff of the Institute of Governmental Studies.

The work could not have been done without the willing contributions of the many astute participant-observers who took pains to be helpful in many ways, and especially by consenting to interviews that were often rather lengthy. Cumulatively, the thoughtful attention and energies contributed were both formidable and invaluable.

In addition to the fine interview skills of Phyllis Barusch, mentioned above, the writer gratefully acknowledges the help and advice of colleagues in the Institute of Governmental Studies, especially the Director, Eugene C. Lee, the Editor, Harriet Nathan,

and my secretary, Hazel Karns, who tried valiantly to see that Phyllis and I kept our voluminous interview and correspondence files in order. Thanks also are due to Catherine Winter, who typed the photo-ready pages. Tim Lozier and Sheridan Pugh methodically verified footnotes and quotations. Adrienne Morgan prepared the maps and diagrams.

Ora Huth, also an Institute colleague, must be singled out because she is the principal author of Chapter I and the historical appendix. In a small space, she has been able to present much background information on coastal conservation in California, and on the origins of Proposition 20. This was a substantial effort, because the written record was scattered and diffuse, and participants' memories proved both retentive and inventive. (It is remarkable how many principal authors and architects can later be found for social inventions that begin to look successful.) In any event, we believe that the version presented here is accurate and fair to those who played important roles leading to the design and enactment of Proposition 20.

Stanley Scott
Assistant Director
September, 1975

I

Introduction: Background and Origins of the California Coastal Commissions

For nearly a century attitudes toward the California coast have gradually shifted, and a pronounced change has taken place since 1960. Californians have become increasingly concerned about present and future threats to the state's 1,100-mile shoreline. Where the public once had largely accepted the view that coastal land was a commodity to be bought, sold, and exploited, many are now convinced that only carefully planned development should be permitted, and that the coastal environment deserves thoughtful conservation. This shift in view helped power the thrust behind California's coastal initiative, Proposition 20. Its approval by the voters in November, 1972 established the temporary California coastal commissions that are currently planning for and protecting the Pacific Ocean shoreline.

TEMPORARY CONTROLS AND A PLANNING MANDATE

After several years of inconclusive effort to obtain new state legislation, the impatience and frustration of the environmentalists led them to try the initiative process. To place the measure on the statewide ballot, supporters of the proposition needed to obtain

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Note: Ora Huth is principal author of Chapter I and the historical appendix. Readers may consult Appendix A for additional information on Proposition 20, its background, history, and principal provisions.

325,804 signatures; they collected 403,815. When the votes were counted after the November election, Proposition 20--the California Coastal Zone Conservation Act of 1972[1]--had won by a respectable majority of 55.1 percent.

The initiative created the California Coastal Zone Conservation Commission and six regional commissions. Among the act's objectives were: preservation, protection, restoration and enhancement of the coastal environment, which was described as "a distinct and valuable natural resource belonging to all the people...." To this end, Proposition 20 directed the coastal commissions to prepare a statewide "comprehensive...enforceable plan for the orderly, long-range conservation and management of the coastal zone...." Pending the plan's completion, the state and regional commissions were given interim land-use control in the "permit area," a coastal strip extending from the seaward limit of the state's jurisdiction--currently three nautical miles out--to a line 1,000 yards inland from mean high tide. The object was to stop or modify any proposed development contrary to the objectives of Proposition 20.

Developments proposed in the permit area must be approved by the appropriate regional commission, which must find by an affirmative majority of its total membership that the proposal will not have "any substantial adverse" effect on the environment or ecology, and is consistent with the purposes of Proposition 20. Approval may be subject to conditions insuring reasonable access and environmental protection. Affirmative majorities of two-thirds must approve dredging projects or others having specified environmental impacts. Applicants may appeal regional permit decisions to the state commissions, and any aggrieved person may appeal permit approvals.

By February, 1973, the commissions had made their presence felt. They began regulating physical development along the coast, and initiated work on the coastal plan that must be completed and adopted by the state commission on or before December 1, 1975. The plan is to be based "upon detailed studies of all the factors

that significantly affect the coastal zone," and must recommend the organization and authority of the governmental agency or agencies that will carry it out.

The state and regional commissions will continue to exist through 1976, handling permit-review while the Legislature debates the plan. But Proposition 20, as amended, provides for its own repeal as of January 1, 1977, when the entire coastal enterprise goes out of existence unless the Legislature and the Governor act to extend its life or to create a successor.[2] In case of legislative inaction, an obvious alternative would be to present a new coastal initiative to the voters.

In summary, Proposition 20 has three principal aims: (1) to establish a state policy of coastal protection, (2) to create commissions to exercise interim controls through a permit system, and (3) to provide for the study of coastal zone needs, including preparation of a plan and a final report for submission to the Governor and the Legislature "not later than the fifth calendar day of the 1976 Regular Session of the Legislature."

The 1972 initiative campaign was fueled by growing citizen awareness of California's inability to give the coast adequate protection. Pre-1972 law had relied heavily on city and county governments. Many observers see the turn away from local government as signalling perhaps the nation's most significant statewide effort at effective coastal planning and land-use control.

PUBLIC CONCERN FOR THE COAST'S FUTURE

The California coastal effort really began long ago when some citizens became aware of land as a resource to be prudently conserved, carefully managed, and equitably allocated to beneficial uses. Moreover people began to recognize the shoreline as a unique landform with unusual appeal that justified strong protective measures.

Nearly a century ago a visitor from Scotland--Robert Louis Stevenson--observed the prime qualities of California's coast as seen from his Monterey vantage point:

> On no other coast that I know shall you enjoy, in calm, sunny weather, such a spectacle of Ocean's greatness, such beauty of changing colour, or such degrees of thunder in the sound. The very air is more than usually salt by this Homeric deep.[3]

The coast has been a rewarding place for most people, whether they came from far away to take a rare look, or lived nearby and could view it often. Almost 100 years after Stevenson's homage, another able writer and coast lover described what it meant to him:

> There is one small place along the coastline, I won't say where....a visitor can sit on a rock and feel surrounded by good, silent things.... No sound or smell intrudes by itself, although it may seem separate for a short time. There is the rhythmic sound of surf ...bushes, and grasses swaying, and the rush of wind about the ear.
>
> .....
>
> By comparison, political processes and the works of man seem insignificant....[4]

Philip Fradkin wrote these words after a recent trip along the entire California shoreline. He was then living in Southern California, where the highly urbanized coast has been heavily used for residences, business, industry and transportation, in striking contrast to other, far more primitive and untouched portions of California's coastline.

The Coast as an Endangered Resource

The passage of time brought abundant evidence that valuable coastal uses were being threatened by urbanization, developmental pressures and speculative investments. Commercial fishing was endangered, as well as the growing of crops that flourish in California's coastal environment, e.g., many forage plants, flowers, fruits and vegetables--especially artichokes, avocados, brussels sprouts, cauliflower, mushrooms and strawberries. Also threatened were recreational uses like sunbathing, swimming, surfing, fishing, boating, picnicking, beach-walking, bird-watching, nature study, or just contemplating the sea and shore. Without a policy of conservation none of the coastal environment--even in remote areas--seemed really secure.

Coastal Overuse: The Southern California Example

By the 1970's, approximately 85 percent of the state's 20 million population lived within 30 miles of California's Pacific shore.[5] Moreover, over half of California's residents, some 10 million, lived within a few hours drive of the coast in the three most southern counties. A third of the state's population was concentrated in Los Angeles County alone.

Because it was so near to so many people, the coast has been subject to heavy demands and aroused much public concern over its uses. The south coast has provided facilities for power plants, oil refineries, real estate developments, ports, industry, military bases, sewage discharge conduits, garbage disposal sites, and freeways. Demands for mineral exploitation and increased petroleum imports have added to the coastal pressures, especially in the southern region, with its offshore oil and gas deposits. Pressures have continued for more recreational facilities, including new marinas, golf courses, surfing areas, trailer parks, areas for off-road vehicles,

and food stands. Meanwhile sectors of the coast given to uses like surf casting and bird watching have become scarce. They have also often become hard to reach and enjoy, especially in the urbanized regions, because of traffic congestion.

Before the passage of Proposition 20 similar pressures were at work in other California coastal locations. Thus despite long-term public use of coastal areas, and legal guarantees of public access, significant shoreline was being lost as buildings were constructed, mudflats filled, fences built, and signs and other structures erected. In the face of these pressures the needs of coastline conservation, planning and development were receiving inadequate attention from public agencies.

LEGAL POWERS OVER THE COAST

In the early 1960's, public concern about the coast centered on development proposals that threatened to dredge and fill on or near the shore, despite the historic concept of the shore as a public trust, regulated by local zoning ordinances. Concern mounted because the applicable laws were complex, the public policies divergent, the coastal jurisdiction fragmented, and the interests threatening the shore powerful. Given the circumstances, California's local governments were not effectively in charge.

Moreover, previous state policies had been inadequate, despite constitutional guarantees and major powers vested in the State Lands Commission. Consequently by the 1970's California had only some 260 miles of shore accessible to the public; in other words, there was little or no public access to nearly *three-quarters* of the state's entire coastline.

Without a comprehensive coastal plan and an agency to enforce the plan, it seemed clear that public and private owners would continue to fill, dredge and build

on many portions of the coast. The lure of profits, plus the assumed advantages of industrial development and expansion of the local tax base, would probably continue to outweigh the long-term interest in coastal preservation.

The federal government's regulatory powers over navigable waters provided one of the few practical vehicles for effective coastal management. Under the Rivers and Harbors Act of 1899, the U.S. Army Corps of Engineers could regulate the construction of dams, dikes and other improvements. The Corps granted or denied permits "depending [mainly] upon their effect on navigation."[6] Today, in response to public opinion and recent broadened court interpretations that increase federal powers under the 1899 act, environmental and social needs must be considered as well. But this regulatory role is necessarily limited, and as employed has been in no way adequate to the full range of needs for coastal protection.

Until Proposition 20 passed, the coast was under the fragmented management of 15 counties, 45 cities, 42 state units and 70 federal agencies (1972 figures).[7] Moreover ownership of the coast was distributed widely, as shown by the following figures (based on p. 4, 1973 *Annual Report* of the California Coastal Zone Conservation Commission):

Privately owned:	662 miles (approximately 61 percent)
Publicly owned:	410 miles (approximately 39 percent)
Federally owned:	145 miles (47 miles open to the public)
State owned:	202 miles (approximately 150 miles open to the public)
County owned:	34 miles
City owned:	29 miles

In short, a complex and disorderly system of coastal management had been established through a composite of federal, state and local laws and ordinances, judicial and administrative decisions, and interest group pressure. But as noted below, a new state coastal policy has been needed for years to promote effective planning and conservation.

ACKNOWLEDGING THE NEED FOR STATE ACTION

Although the coastal management problem has been present for a long time, official acceptance of the need for improved state coastal regulation grew slowly. The first clear public acknowledgement that the coast should be better protected came when the Joint Legislative Committee on Seacoast Conservation reported to the Legislature on January 19, 1931:

> ...there is need for general supervision of the beach area both tidelands and uplands, so that development may be orderly. We find that... enforcement of existing and future laws with regard to the seacoast, should all be centered in one governmental agency.

California witnessed great changes between 1931 and 1964, due especially to the wartime boom and postwar growth. Population tripled from 5,677,251 (1931) to 17,734,800 (1964). These changes affected the coastline, but there were no further reports on the need for coastal zone management until the 1960's.

By the late 1960's, however, concern for the coast had pushed the state into limited planning efforts. The growing sentiment for protection and expanded public access was spurred by the establishment in 1965 of the temporary San Francisco Bay Conservation and Development Commission (BCDC). The movement gained momentum when BCDC's accomplishments were recognized and the agency

given permanent status in 1969. Observers noted the impact of BCDC's successes on the coast, and the similarity of coastal and Bay environmental issues, including shoreline protection, water pollution and restricted access. Peter Douglas, Consultant, California Assembly Select Committee on Coastal Zone Resources, commented that: "The fact BCDC has operated as well as it has, inspired and fueled the greater movement on behalf of the entire coast."[8]

BCDC's success with conservation measures for the Bay led many citizens to press for an equivalent planning agency for the San Francisco Bay Area's ocean coast. There were also similar moves for state legislation providing better land use regulation for other sections of the coast, particularly in Southern California. When these attempts failed, environmental leaders sought a statewide coastal plan and strong state protection for California's entire Pacific shore.

State Attention in the 1960's

The coast began to receive statewide public attention about the time when the 1964 "Governor's Conference on California and the World Ocean" was held. The conference was followed by establishment of the Governor's Advisory Commission on Ocean Resources, "GACOR I", appointed by Governor Edmund G. (Pat) Brown. GACOR I met only 6 times during the next two years, and "GACOR II" was appointed by Governor Ronald Reagan in 1967. It only had three meetings.

These stirrings spurred the California Assembly Subcommittee on Marine Resources (of the Assembly Committee on Natural Resources, Planning and Public Works) under the chairmanship of Winfield A. Shoemaker, to call for creation of a permanent California Commission on Marine and Coastal Resources. With passage of the Marine Resources Conservation and Development Act of 1967 the Governor was directed to develop the California Comprehensive Ocean Area Plan to "ensure...[the]

wise multiple use [of marine and coastal resources] in the total public interest."

The act also created the California Advisory Commission on Marine and Coastal Resources to review the plan, to suggest changes, and to recommend the organizational structure of state government which "can most effectively carry out its provisions." It called for a yearly report, beginning in 1969, to the Governor and the Legislature recommending legislative and administrative action, plus funding required for "conservation and development of marine and coastal resources during the succeeding fiscal year."*

Next came the Interagency Council for Ocean Resources (ICOR) created in 1968, as recommended by GACOR II. The agency was placed in Lieutenant Governor Ed Reinecke's office in 1969. It had no funding, and was assigned to produce an inventory of coastal resources as part of the coastal plan. That year a reorganized Department of Navigation and Ocean Development was given the related duty of compiling information and statistics about the coast, with special reference to its responsibilities for boat registration, marina planning, and beach erosion control.

Environmentalists Reorganize

Before 1965 most environmental groups had shown little active interest in coastal matters. In that year, however, BCDC was created, and several such groups recognized the need for more effective conservation efforts in Sacramento. They joined in creating

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*The act set no deadline for either completion of the plan or termination of the commission, but the plan, called COAP,[9] was published in May 1972 (see below, p. 14). In effect Proposition 20 dismantled the California Advisory Commission on Marine and Coastal Resources, and transferred all "elements of the California Comprehensive Ocean Area Plan...to the [state coastal] commission...."

the Planning and Conservation League (PCL), whose first paid lobbyist, John Zierold, worked on behalf of BCDC and participated in legislative discussions of coastal management needs.

While a few coast-related bills were introduced in the 1960's, none of any real importance passed, except the 1967 Marine Resources Conservation and Development Act noted above. Probably the most important legislative spadework was done in the Assembly Committee on Natural Resources, Planning and Public Works, under the chairmanship of Assemblyman Edwin Z'berg. For three years, 1967-1969, the group explored the possibility of creating a "California Coastside Commission," with powers roughly equivalent to those of BCDC.

THE IMPACT OF FEDERAL ACTIVITY

While these initial California efforts were taking place, national interest in coastal conservation was also growing. In the late 1960's several federal reports urged effective coastal zone management in the national interest, and recommended moves to counteract state and local inattention.

A significant federal-level contribution was the 1969 document, *Our Nation and the Sea*, produced by the presidentially appointed Commission on Marine Science, Engineering and Resources (The Stratton Commission). The report proposed national legislation to ensure the survival and beneficial use of the country's coastal areas, and urged coastal regulation through the permit power, rather than through conventional land-use zoning. It recommended that:

> ...Federal legislation be enacted to encourage and support the creation of State Coastal Zone Authorities to carry out specified national objectives with regard to the [coastal] zone. The

> Authorities should have clear powers to plan and regulate land and water uses and to acquire and develop land in the coastal zone.[10]

The Stratton Commission recommendations spurred activity by the 91st Congress, and stimulated the coastal states, especially California, where attempts were made to "get moving before a federal mandate." The major 1969 congressional bills were S 2802 by Senator Warren G. Magnuson, to establish a Coastal Zone Management Act, and a similar House bill, HR 14845 by Representative George H. Fallon, known as the Nixon administration's bill. In supporting the House bill, Secretary of the Interior Walter J. Hickel said that it was designed to get the states moving by calling for comprehensive state coastal planning and effective regulation.[11]

Testimony at California legislative hearings in 1969 often mentioned the pending federal bills, and state legislators urged early action to "allow California to affirmatively shape its destiny." But the debate also disclosed much reluctance to change the existing governance of the coast. Thus the central issue in 1970 was the extent to which the state should--in the interest of coastal conservation--preempt the traditional land-use powers of local government.

CALIFORNIA COASTLINE PROPOSALS: 1970 AND 1971

Four coastline protection bills were submitted, all with features later incorporated in Proposition 20: creation of a state commission and regional subcommissions, preparation of an enforceable statewide land-use plan, and dissolution of the commissions on the plan's completion. Moreover, all provided for state and regional review of proposed developments in certain areas within the coastal zone, and extending seaward to the three-mile limit.

Conservationists Active, But Spread Thin

1970 was the first year that environmentalists developed their legislative strategy effectively, operating as a new "public interest" pressure element in the Legislature. In what was called the "year of the environment," conservationists worked for many ecology bills with substantial public backing, but with limited success. Despite a strategy of compromise, none of the major proposals backed by the PCL and other environmental organizations passed in 1970.

In retrospect, environmental leaders concluded that the bills were defeated in 1970 because conservationists spread their forces among too many competing proposals. 1970 saw some 1,100 environmental bills introduced, in addition to the four principal coastal measures mentioned above. In response to their inability to muster support for important coastal bills, conservation leaders reorganized their forces, and the California Coastal Alliance came alive as a vigorous force. It had previously been a loosely knit body, but now had Janet Adams as Executive Director, and its leadership was intent on presenting a united front in 1971.

Continued Efforts in 1971

The 1971 proposal of the Coastal Alliance, Assembly Bill 1471, was introduced by Assemblyman Alan Sieroty, and also had as co-sponsors Assembly Speaker Bob Moretti, and Assemblymen John Dunlap and Edwin Z'berg. (In the upper house, Senate Bill 1555 was the companion measure to AB 1471.)

Drafters of the new bill, as well as of five others also submitted in 1971, incorporated the basic concepts of coastal management that had emerged in 1970. These included: (1) coordination of multiple agency efforts, (2) jurisdiction vested in a statewide

agency with regional subagencies, (3) adequate regulatory powers, including permit review power over development, (4) adequate funding, and (5) development of a coastal plan with a clear listing of land use priorities.

But there were also differences. The thrust of the 1970 coast proposals had been clearly conservationist. But in 1971 another school of thought emerged, centering on the "taking" or "compensation" issue. On one side were those favoring "tough" coastal legislation treating the coastal zone as a public resource. On the other were proponents of "weak" legislation who saw the coastal zone principally as private property. This side argued that any regulations reducing potential property uses in the coastal zone should be accompanied "immediately" by monetary compensation to landowners.

Despite the stepped-up efforts and an improved legislative climate, none of the six measures passed in 1971. Moreover, the Coastal Alliance conceded that their original bill suffered considerable watering down before it was killed. A contributing factor was the split in the conservationist effort that occurred when a coalition member group agreed to a compromise amendment that proved unacceptable to the Coastal Alliance leadership. Reviewing the 1971 results, and acknowledging the possibility that strong legislation could fail again in 1972, Janet Adams said the alliance might "go to the electorate with an initiative measure on the ballot. There is every reason to believe the people would support it."[12]

1972: THE THIRD ATTEMPT

As noted earlier, in May, 1972 the California Ocean Area Plan (COAP), approximately five years in the making, was completed and released. The COAP plan was not really a comprehensive coastal plan, but it was an excellent statement of the need for a plan. It outlined important guidelines and criteria for future

coastal planning decisions. Moreover the COAP plan and the difficulties in drafting it were seen by many knowledgeable observers as convincing evidence that California needed strong new legislation soon in order to do something effective about the coast.

Meanwhile the Coastal Alliance strategy in 1972 promised more success for conservationists than in 1971, because it was designed to forestall unexpected or adverse legislative maneuvering. A principal element was a reserve plan to submit a coastal initiative measure to the voters if the Legislature failed to act.

The alliance supported two companion bills: SB 100 by Senator Donald Grunsky, and AB 200 by Assemblyman Sieroty. As the session proceeded, compromise amendments were added to make the bills more acceptable to the opposition. But proponents finally lost hope that a good bill could pass the Legislature in 1972.

After having tried for legislative action in three consecutive years, and anticipating another defeat, conservationists mounted an all-out petition-circulating effort to place a coastal initiative on the November ballot. On May 17, 1972, an editorial in the Los Angeles *Times* commented:

> Under the circumstances, the Coastal Alliance and all the friends of the coastline should double their efforts to qualify an initiative placing its proposal on the November ballot.... a monumental task, but it must be accomplished.

THE CAMPAIGN FOR PROPOSITION 20

The "Save Our Coast" campaign, spearheaded by the Coastal Alliance, began with the speedy recasting of AB 200 (1972) as an initiative. Using only minimal funds but with help from an ever-growing corps of

volunteers, the measure got more than enough signers, and qualified in June 1972.

Support and Opposition

Supporters of Proposition 20 argued that there should be better public access to the coast, and that where possible it should be protected from developers, real estate speculators, utilities, and the petroleum industry, who were seen as concerned principally with profits, rather than coastal conservation. They also emphasized that most coastal problems transcend local boundaries, and are thus beyond the power of local government to solve.

As the campaign progressed, supporters accomplished at least two "firsts" in California citizens' politics. They secured the endorsement of 60 state legislators (half the two-house membership), and they obtained a broadcast-fairness ruling from the Federal Communications Commission (FCC) that gave proponents useful free television time.

Opponents argued that approval of Proposition 20 would cause a severe economic depression in the 15 coastal counties, with a loss of jobs, land values, and local tax revenues. They termed this a "power grab" or "land grab" by "elitists" who wanted to take over the coastline for their own special purposes. They said that giving the regional commissions permit power would stifle "citizen participation in local affairs" and institute a "new bureaucracy."

A Voters' Mandate for Coastal Conservation

Proposition 20 was approved on November 7, 1972, less than two weeks after final approval of the federal Coastal Zone Management Act of 1972. The initiative established the temporary California Coastal Zone Con-

servation Commission and six regional commissions, comprising a total membership of 84 members, all of whom serve without pay, except per diem (see p. 295).

REGULATING DEVELOPMENT IN THE COASTAL ZONE

Since early 1973 the state and regional coastal commissions have been meeting regularly, in an attempt to assess and guide the extent and quality of development in the coastal zone. Development permits are normally granted when a majority of a commission's total membership vote "yes." In addition, specified kinds of "irreversible" or other adverse changes require a two-thirds vote of the total membership for approval. These include developments that would (1) dredge or fill marshes or bays, reduce the size of a beach or other recreational area, or restrict public access to the ocean; (2) significantly interfere with views of the water from the nearest state highway; or (3) be likely to have an adverse effect on open water or agricultural areas.[13]

By late summer 1973, as required by the act, the state commission outlined objectives, guidelines and criteria for background studies on which to base the several "specific components" of the coastal zone plan. In addition to regulating coastal uses and drafting comprehensive plans, another principal assignment was to recommend appropriate governmental organization to succeed the coastal commissions on their termination, and to implement the coastal plan.

SUMMARY AND CONCLUSION

Only recently have enough Californians become sufficiently aware of the threat to their coastline to do something about it. By approving Proposition 20, they temporarily reorganized California's governmental power over the coastal zone, initiated work on a

comprehensive plan, and established a temporary permit program to regulate the uses of the coast.

Modeled in part after the San Francisco Bay Conservation and Development Commission, Proposition 20 represents a solution somewhere between two extremes: (1) continuation of coastal development with little or no effective state control, or (2) preserving all of the remaining coastline "as is." The model offered a way to balance conflicting objectives in achieving the conservation goals implicit in the California Coastal Zone Conservation Act of 1972 (Proposition 20).

Californians took a landmark action when they voted for Proposition 20. The resulting system of planning and land-use control is unique in the nation. Moreover many consider the California coastal commission one of the nation's best state coastal agencies. Accordingly California's experience under Proposition 20 ought to provide constructive lessons both in comprehensive state-level planning and in effective coastal zone management. The remainder of this volume will assess several important aspects of that experience and seek to identify some lessons learned from it.

II

How Well Are the Commissions Functioning?

This chapter on evaluation begins with a modest disclaimer. Final or definitive answers were neither sought nor found. It is much too early for that activity. Instead, as noted in the Foreword, the writer has relied on formal interviews with more than a hundred people chosen principally for knowledgeable observation, experience in government, and representation of interest-group viewpoints. Informal conversations and correspondence reached at least another hundred. Nearly always the question was asked: "How well do you think the coastal commissions are performing?" This chapter is based largely on the response, plus the writer's own reading and efforts to think about the issues.

A NEW DECISION PROCESS

There is general agreement that the deliberations, hearings and decisions of the coastal commissions have focused public attention on the coast in a way that has never been done before. Moreover a vehicle has been created that can bring different affected interests together--and before the coastal commissions--to present their cases, negotiate, and attempt to resolve issues. Thus California has made at least a respectable start in establishing a process of planning, identifying interests and values affecting the coast, trying to synthesize objectives, making trade-offs, and rendering public decisions on coastal controversies. In short, California has at least temporarily achieved a public

process for governing coastal resources, and for allocating them in the public interest. Moreover so far the governing process is characterized by a welcome style of "openness" and an air of public visibility and accessibility. In this, the coastal commissions seem appreciably different from most other state-regional public bodies.

In evaluating the creation of the coastal decision process, most respondents sounded two central themes, which the writer shares. First they acknowledge the inadequacy of the former "system" of coastal regulation under local government, and second they recognize the need for new processes and a stronger state role in coastal policy. Proposition 20 has met these needs, temporarily.

EVALUATING PERFORMANCE: "IT DEPENDS ON WHAT YOU WANT"

Evaluating something means measuring it against a standard. Particularly when quantitative or objective standards are unavailable, the observer's judgment is often based on his own values and views as to what ought to be done. Accordingly those who had hoped to stop all coastal development are at least partially disappointed by coastal commission performance. Also disappointed are those preferring continued coastal development by individual and corporate owners, without the new state and regional controls. Between these extremes is a wide spectrum of views and values that influence judgments on the performance of the state and regional coastal commissions. These views are sampled here.

A Friendly Critic's Overview

Judy Rosener, conservationist and member of the South Coast Regional Commission, recently presented her own evaluation of state-regional performance at a national conference of public administrators in Chicago.[1] She found both successes and failures. First the successes:

> 1. We have put coastal zone management on the front pages of newspapers and on television screens....
>
> 2. We have brought groups with conflicting demands...together in a public forum where these...issues have been exposed and debated.
>
> 3. We have utilized public participation in such a way that citizens have been given some hope that they can influence decisions....
>
> 4. We have required developers to take into account environmental concerns and resource management problems which traditionally they have been able to ignore. As a result, we have gained public access to privately used beaches. We have mandated the use of solar energy in pools and buildings where it is feasible. We have stopped the building of structures which cascade over coastline bluffs, and we have made sure that waste materials are monitored at their source prior to being dumped into streams, bays, and rivers.

She also pointed to three principal failures:

> 1. We have not really controlled development in the permit zone, although most would agree that development...has been of better quality.
>
> 2. We have not dealt with the economic and social impact of our actions.... looking at environmental problems only in their physical and biological context is necessary but not sufficient.

> 3. We have not convinced local governments...that working with the commissions...is no threat to their legitimacy. As a result, we anticipate that some local...officials will lobby against adoption of the Plan should it include any indication that the state or a successor agency will retain veto power over local...land use planning.

Evaluating the State Commission

The following discussion samples the substantial array of favorable comment on the performance of the state commission, and then gives the principal criticisms.* The writer then presents some additional perspectives to help in judging the comments.

Review of comments favorable on most counts. The "mix" of local-regional appointees and state government appointees, is often noted as being helpful and constructive, because members with different backgrounds learn from each other. Moreover, there are many different interests in and views of coastal problems, and the mix of appointments is seen as providing representation and fostering communication.

On the other hand, there is some conservationist complaint that the local-regional appointments have selected a number of commission members who are not really dedicated to the objectives of Proposition 20. For example, an environmentalist noted that a regional commission filled a state-commission vacancy by replacing a respected environmentalist with "an ex-lumberman and consultant to Georgia Pacific." Nevertheless this same observer found the state-regional commission system "a very workable setup."

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*Readers will note that some of the comments relate to both state and regional commissions, although the latter are discussed separately below.

The following are typical of expressions of favorable opinion respecting the performance of the state coastal commission:

> *(An environmental writer on the staff of a major Southern California daily newspaper, who requested anonymity)* ...the current commissions are functioning well....The saving grace is the appeal process to the state board. It works well not only because of the concern of the environmentalists, but also because of the citizens' groups which seem to have sprung from the woodwork....
>
> *(Ridder)* The state commission is working well now because it is environmentally oriented....[also] the system is working well because of the sound watchdogs in the environmental movement.
>
> *(Mendelsohn)* [It] is vital...to have a permanent mechanism similar to the existing one. The coastal commission's procedures now have been finely honed after a year's experience. The commissions are operating well; the procedures are appropriate.
>
> *(Peart)*...the state commission does an excellent job--just great.
>
> *(Stead)* The present state board is a good size--no one S.O.B. dominates it.
>
> *(Azevedo)*...the state commission is functioning well. It is efficient. It uses consistent guidelines. Once in a while it flips but then it hears about that.

Note: Names and affiliations of persons interviewed are listed in the roster, pp. 393-402.

> *(Press)* The state commission is excellent....We have the best commission we could hope for.
>
> *(Styles)* The coastal commission setup is working surprisingly well, and probably the best thing to do would be to leave it the way it is.
>
> *(Todd)*...the current commissions are functioning pretty well.
>
> *(Bliss)* The state commission should get an A.
>
> *(G. Smith)* The state commission is performing in sterling fashion....
>
> *(P. Wilson)* The state commission has done a good job.

Publication of the statewide preliminary plan sparked favorable editorials in a number of newspapers. For example, the Los Angeles *Times* commented on March 16, 1975:

> The preliminary report of the California Coastal Zone Conservation Commission justifies the hopes that accompanied the adoption of Proposition 20....
>
> Here...is a plan to protect the coast as a unique resource for the benefit of present and future generations, and at the same time making use of the coast for human needs.
>
> It is a sensible plan, with an appropriate balance that holds the promise of avoiding economic disruption while working for the long-range goal of making more of the coast available to more people....

> In its search for balance, the commission is advocating a variety of coastal uses, and that too makes sense....
>
> The commission has dealt intelligently as well with petroleum, surely one of the most controversial coastal problems. It opposes offshore development unless its need is supported by a comprehensive analysis of natural energy needs....
>
> The proposals [for implementation] provide a broad outline of the potential for a useful cooperative relationship between existing local governments and a new statewide agency....

A second example of a largely favorable editorial is the following comment that appeared on April 20, 1975, in the San Francisco *Chronicle*:

> At both the regional and statewide level the [coastal] planners have bumped into conflicting interests.... One regional plan differs somewhat from another, some are in conflict with the statewide plan, and there are...wide differences between the proposals for the highly developed coast of southern California and the relatively wide-open northern coast.
>
> But these are preliminary plans....
>
> In drafting their...plans, the commissions have adhered to Proposition 20's implicit dictate that inasmuch as coastal property differs...from ordinary real estate, its unique

> qualities demand priority for conservation and controlled development, with special attention to public usage, and the protection of wetlands, coastal streams, air quality, and scenic values....
>
> This planning is on the whole highly commendable, and in detail is awaiting alteration as justified by public comment and criticism by local officials.

Some Critics and Criticisms. Among the critics were San Francisco attorney Reverdy Johnson, who finds the conservation policies of Proposition 20 and the coast commissions much too simplistic:

> The permanent commissions are going to have to be concerned with more than just conservation....[but the current]...commissions are biased *against* use. There is no reference to the economic effect of this. [emphasis in original]

Moreover he disapproves of commission members taking an advocacy role:

> Commission members should not come into permit matters as advocates themselves....These people have the big-city, urban conservationist bias against the rural governments' use of land.

Long Beach attorney Charles Greenberg thinks there is an "inherent conflict between broad open space and other good things, versus housing for any but the very rich":

> The commission is doing a fine job of preserving the natural resource. However in the trade-off between natural resources and habitable areas, the latter are getting short shrift. The commission is afraid of screwing up the natural resource, so is short-shrifting the ability of people to live on the coast.

In a 1974 interview, Joseph Edmiston, Sierra Club, complained of lack of precision in the planning effort, and of a consequent excessive dependence on the permit system. In a subsequent letter dated April 24, 1975, after release of the preliminary plan, Edmiston commented further:

> Sadly, though the document *is* a good policy plan, it needs much more detailed amplification, and puts a much greater burden upon the successor agency. Regional differences will only be accentuated under the successor coastal management scheme, because political reality will dictate a much more influential role for local government. This fact of life will result, I fear, in relatively stronger protection for the Bay Area than for Southern California. [emphasis in original]

Phillip Steinberg, Pacific Merchant Shipping Association, refers as much to Proposition 20 as to the state commission when he says:

> ...the coastal commission has no goals at all for the shipping industry....the commission is one-sided; it has been instructed to look out only for environmental aspects. There are no defined goals for shipping....Shipping

> has been played down because the coastal commission is designed to stop destruction of the environment.

Labor representatives express concern about the impact of coastal regulation on growth, and argue persuasively that good comprehensive planning must consider the economic impacts of land use control, along with other factors:

> *(Kidder)*...labor was opposed to Proposition 20 because it saw the organization as another governmental agency that would stand in the way of growth... [but] the product of a recent conference was acknowledgement that there is common ground between controlled growth and the environmentalists' desire to preserve the environment. [Accordingly]... the Federation has a bill...AB 938 in the legislature [in 1974]....It calls for an *economic* impact statement whenever there is a requirement for an *environmental* impact statement....in relation to coastal planning, labor faces a dilemma....Their primary function is to preserve...jobs, but the unions are also asked to protect their members' living environment as well as working environment. [emphasis supplied]

In recent hearings, the appearance and perhaps the reality of strong labor opposition was shown by seemingly well-organized demonstrations, featuring many participants wearing distinctive "hard hats," particularly at Orange County hearings before the South Coast Regional Commission. The same was true of hearings before the North Coast Regional Commission, although in Eureka logging was the principal issue, rather than development. Moreover there was confusion between coastal commission policy and the environmental impact report requirement for logging operations. The environmental impact

requirement, which has drawn strong opposition from logging interests, is a separate issue and not a policy of the coastal commission. But many observers do not make this distinction.

Recent critical comments in the editorial section of the San Francisco *Examiner*, April 20, 1975, expressed views on a range of issues, including energy planning, nuclear reactor sites, offshore drilling, and relationships between the coastal commissions and the energy commission:

> How would you like to be told by a bureaucrat how brightly you may light your home, what kind of lamps you may burn, and how much energy you may use for heating and cooling?
>
> How would you like to be informed that you can't build a new home or remodel your present one unless you agree to install a solar-assisted heating and cooling system....
>
> These big brother proposals and much, much more...are contained in the energy section of the preliminary state coastal plan....
>
> It is...hostile to offshore oil drilling ...wants to push nuclear power plants into the California interior...and...in general carries the worthwhile concept of energy conservation to...[an] extreme.
>
> ...energy conservation in the home and wider use of household solar energy units are clearly a public good. They should be encouraged by the tax laws and in other ways. But compulsion...by an agency whose assignment was to protect the coast.... should never happen....

> We hope public protests will cause... [the coastal commission] to jettison these...proposals, along with...gratuitous advice it offers the energy commission, the utilities commission, and others.

Finally, many conservationists are critical of what they see as too-lenient policies toward development, principally by some of the regional commissions (see discussion of regional commissions, below), but also by the state commission. In a recent telephone conversation (April 25, 1975) State Commissioner Ellen Stern Harris commented:

> Despite the best of intentions, Proposition 20, instead of saving the coast, seems to have all-too-frequently legitimized its destruction.

She believes that the public interest would have been better served by a virtual moratorium on coastal development while the plan was being prepared, or by having very stringent criteria written into Proposition 20 to guide permit decisions.

Another observer offers this comment on what she sees as leniency toward single-family projects:

> *(Von der Muhll)* The prevailing philosophy of all commissioners is the desire to grant, not deny, single-family permits. This tendency is often inimical to the objectives of the act.

"On the Other Hand": Some Crucial Perspectives on Coastal Planning

There are probably elements of truth in several of the criticisms noted above. Obviously the coastal commissions must weigh conflicting objectives in seeking a

workable course that also achieves the goals of Proposition 20. Presumably additional attention will be given to economic factors in planning the coast's future. Certainly the economic impacts of key decisions need to be considered.

On the other hand, several important perspectives on coastal preservation must also be considered when reviewing criticism of strict, environmentally oriented coastal regulation. Some of these perspectives are outlined below.

1. The coastal commissions were created to stop uncontrolled development and exploitation of many portions of the coast and shoreline. The commissions are therefore under a virtual directive--imposed by Proposition 20--to give preeminent attention to environmental matters and coastal protection. This is especially true of situations where irreversible changes are likely if permissive policies are followed.

2. It is misleading to argue that economic growth and environmental protection are mutually exclusive. With proper planning it will not be necessary to make "either-or" decisions between (1) saving the environment, and (2) creating jobs, insuring a thriving economy, or building homes for the nonaffluent. Accordingly all of these objectives should be sought simultaneously and accommodated to each other.

3. Appropriate state and national policies will help in this quest. National goals of prosperity, employment and housing will be achieved largely through national and international policies that reach far beyond California's coast. These points deserve strong emphasis, especially because some critics would have us believe the conservation measures may have contributed materially to current adversities brought on by a worldwide recession and energy crisis.

Exploiting the coast in trying to increase employment will be of little help if the national economy

is in a shambles. On the other hand, protecting the coast with strict regulations will not cause a recession if the economy is thriving. Similarly, good housing for the poor and not-so-poor depends on enlightened state and federal housing policies dedicated to providing such housing on terms that people can afford.

Leaving the coast or choice open space vulnerable to unregulated development would not provide low-cost housing for the poor, in the absence of strong new state and national housing measures. On the other hand, closing the shoreline to further development would not impair a strong and well-designed low-and-middle-income housing program, if we ever get one. In short, policies on coastal conservation will not be the determining factors on issues of economic prosperity, housing or employment.

4. Trying to solve economic problems through lenient policies on coastal development would not only be ineffective, but also would probably cause other kinds of economic loss. For example, Russell Peterson, Chairman, Council on Environmental Quality, was quoted in the following news story:

> Environmentalists must argue that conservation is essential for economic health and not a burden on the economy, Russell Peterson... said yesterday.
>
> "There is a real struggle today between economics and the environment, a struggle which I believe is unwarranted," Peterson said in a speech to the National Audubon Society.
>
> He urged the society to learn about dollars and cents....
>
> "We must be able to demonstrate to our critics that our concern for

> the environment is every bit as practical--even more so, in fact--than their concern for the economy."
>
> He said, for example, ecologists should argue that depletion of wetlands and estuaries "is not simply a matter of disturbing a few birds." The wetlands are economically valuable...because they clean air and water, supply food for marine fisheries, and buffer hurricanes.
>
> [Moreover] Peterson estimated that federally mandated environmental cleanup will cost $195 billion over the next decade.[2]

5. Federal and state funding for a variety of necessary programs would enable entrepreneurs and workers to redirect their skills and resources into areas where housing, transit and other needs are paramount: the existing cities and urban areas. The public investment required to meet the nation's housing and transportation needs would provide large numbers of jobs for the long-term future.

Comprehensive planning for the nation's needs, and effective programs to meet them, can serve the interests of all. Planning can achieve a workable balance between the desires of labor, industry and the environmentalists, while simultaneously helping promote employment, anti-pollution measures and conservation programs, as well as other social objectives:

> *(Erwin)*...pollution control would provide lots of jobs. Remember the WPA built roads, schools and parks that we are still using. Everyone should be working towards pollution control systems. With a modified WPA there would be plenty of work

> and there would be an economic spurt forward in this country.
>
> Environmentalists have been too determined to stop projects rather than to find out alternatives....This is especially true in transportation. If the environmentalists had been as active in promoting mass transit as in stopping minor projects, we would have had a decent mass transit system. This would truly have been an anti-pollution program. Furthermore, in many communities the environmentalists are oriented in such a way that they never are given the big picture.
>
> ...labor, the environmentalists, and the construction industries should get together under state and federal aegis to determine the proper land use in the nation. This involves water, transportation and various other problems. They should seek solutions together.

This will require balanced planning for a variety of goals, which again emphasizes the insufficiency of "either-or" alternatives, and the need for reasonable accommodations among objectives. Michael R. Peevey, principal spokesman for the California Council for Environmental and Economic Balance, said this:

> ...there are extremists at both ends of the spectrum. At one end are some environmentalist leaders and groups who wish to preserve the coast "as is." The other end...includes those who want no control. An example of this group would be some local governmental officials and developers....Neither extreme is realistic or desirable for...the state.

6. Returning specifically to the evaluation of coastal commission policies, Charles Greenberg, one of the critics quoted above, makes some insightful comments. Among other things, he points to uncertainty, insecurity and time lags as the real hazards. If this is so, business and labor really should be urging a good plan, reasonably definitive guidelines, and an expeditious process--rather than lenient policies:

> ...[I have] one other quarrel with the commission...[I] hope their future mechanism will avoid this particular problem, which is *uncertainty*, plus great delay in processing, plus changing standards as time goes on....the commission is an experiment....Many lessons have been learned in the two years of agonizing. These are the lessons I have learned: (1) From the [housing] industry's standpoint, *certainty* is most important. The industry can live with strict environmental controls if it knows what they are, and (2) it now takes about six months for the permit process.... That kind of time span only succeeds in substantially raising the price of development and discourages the industry from trying anything new and creative. This is especially true now, since money costs so much....(3) There is another form of uncertainty.... [the plan as it is emerging] is so vague that it is unusable....[I] would hate to see the future enforcing mechanism not have a decent plan to work with. It would be inundated with appeals.... There must be criteria for each particular piece of real estate on the coast. (4) The major problem with the coastal commission under Proposition 20 is that it is understaffed, underfinanced, and overpressed for time. [emphasis in original]

ESSENTIAL STATE COMMISSION ROLES: PLANMAKING AND PERMIT REVIEW

The generally favorable assessment of the performance of the state-regional system of coastal governance is based in substantial part on the role and policies of the state commission. Most observers evaluate the state commission as being somewhat pro-conservation in policy, and also most see this as appropriate, given the objectives of Proposition 20. Moreover the permit review procedure, backed by a quest for consistency and respect for the mission assigned by Proposition 20, has seen the state commission redress the balance by overruling what were viewed as excessively lenient and pro-development decisions by some of the regional commissions:

> *(Ridder)* The state commission has to act as watchdog over some of the regional commissions--this is especially true of San Diego and South Coast, which are development oriented.
>
> *(An environmental writer on the staff of a major Southern California daily newspaper, who requested anonymity)* The saving grace is the appeal process to the state board....The south coast is different from the north-central coast, and political realities are different, but the appeal to the state board evens out the differences.

Frank Stead, veteran environmental consultant, sees the role of the state commission as far more constructive than just "policing" regional commissions; during the initial period, however, the monitoring role must be enforced as needed by reversing regional decisions. But as the outlines of the coastal plan are made more precise, a clearer sense of direction emerges. Then if all goes well:

> *(Stead)*...the state would be supportive, rather than a threat. The state could be a tower of strength rather than competitive with the regional boards.

If it is sufficiently specific, the plan will then be a guide to all concerned, from environmentalists and citizen activists to developers. But this again emphasizes the prime role of the state commission both now and later, in developing and validating the plan, revising it as changed conditions or policies warrant, and ultimately in enforcing it. With a good plan each party can help hold the other "to the law," depending ultimately if necessary on the state commission:

> *(Moss)*...the real hazard is in not having a specific-enough plan that would still be flexible enough for future needs.
>
> *(Todd)* The state role is to provide the guidelines and mandated elements that are of regional, state or national interest.
>
> .....
>
> *(Silva)*...the balance of power between the state concern and municipal [local] discretion will hinge on the amount of detail that is included in the plan in identifying state concerns. If the plan is detailed and identifies critical resources along the coast, including...performance standards for developable areas, then there would be room for the exercise of some local powers....
>
> [Hopefully the]...coastal plan will articulately provide for a rational balance of local power, and...the policies and goals of the plan will be clear enough

> so that local agencies will have some degree of certainty in the exercise of local police power. Further, it is important that the state set forth the objectives to which the local planning process should be directed. These "objectives" should be stated in measurable terms and should be directed toward attainable results....
>
> Unfortunately, in the past, state objectives have been in the form of [idealistic] "motherhood" statements, seldom attainable and never measurable.[3]

Still others point to the importance of the state commission's overview role and to the value of the state-regional relationship in suggesting that "the current commissions serve as a good model." The drawn-out and confusing effort to deal effectively with the Tahoe region indicates the need for the kind of overview provided by the state coastal commission:

> *(H. Johnson)* What is lacking at the Tahoe agency is that there is no overview by the voters at large. Thus it is dominated by local commercial interests.

Moreover a special coastal study committee of the County Supervisors Association of California strongly stresses the need to continue the state commission. Its role as a monitoring and review agency is considered essential to the protection of statewide interests in the coastal zone. The League of California Cities' Action Plan, adopted October, 1974 is less explicit, but does point to the need for effective state-level environmental planning, which would include the coastal zone. (See the initial pages of Chapter VI for further references to these reports by the state's two principal associations of local governments.)

In summary, the current success of coastal governance in California depends on the existence of the state commission. The commission provides a comprehensive perspective and a forum for statewide policy. Its permit-review process introduces wider considerations that the regional commissions might otherwise ignore. In short, the need for both the statewide policymaking role and the monitoring function argue powerfully for the state commission's continuation in the future:

> *(R. Carpenter)* Where there is a clear and overriding state or regional interest, locals must conform, and local plans, to that extent, must ultimately be approved by a higher level of government.
>
> *(Douglas)* There has to be some mechanism to assure implementation of state interests.

THE REGIONAL COMMISSIONS

For this discussion, the regional commissions are treated separately from the state commission. But in judging regional-commission performance, readers are reminded that one of the key roles of the state commission is the overview of regional commissions. Without this "watchdog" function it seems clear that the regional commissions--or at least several of them--would have functioned rather differently, and probably less in the spirit of Proposition 20.

Support for Continuation

Nevertheless there is strong support for continuing the regional commissions. They are seen as crucial to the visibility that coastal governance has achieved, as well as its accessibility to the public. Moreover conflict makes news, especially at the local and regional

levels. The local press, TV and radio can cover regional deliberations, and report on many local controversies and viewpoints that would get little or no attention if appeals were taken directly to a statewide commission.

The following comments further indicate why most observers consider a regional role essential:*

> *(Rosener)*...regional commissions are necessary...one large state commission just won't work.
>
> *(Weinreb)* There is a need for local orientation .... the regional commission meets this need....
>
> *(Reid)* There is need for a regional entity...the regional and state commissions should be continued.
>
> *(H. Johnson)* Regional commissions are necessary because only they would have the proper level of local expertise... thus the current setup should be continued.
>
> *(Remy)*...if the regional commissions are retained, they should continue the permit and regulatory authority.
>
> *(Grader)*...keep the regional-state structure as it is.
>
> *(May)* In order to understand regional problems, there have to be regional commissions....keep the regional-state structure as is.

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*Additional comments favoring the retention of regional commissions are found at the beginning of Chapter V.

> *(Von der Muhll)*...[I] do not want a reversion to local control. There is definite need for a regional entity.
>
> *(M. Carpenter)*...the [L.A.-Orange] coastal commission has been successful, useful and constructive....[The] commission has been successful in providing more open space around projects, and in reducing overall density of development. It has been very successful in having a better quality product because of less density and more open space.

Thus the concept of a regional entity between the state commission and local government has very strong support.* Without regional commissions it is hard to see how a state-level body would (1) give adequate opportunity for community participation, (2) allow for regional differences in the state plan, and (3) effectively monitor local governments' performance.

Local Appointments and Attitudes Toward Proposition 20

Despite evidence of support for the regional concept, however, some of the commissions' workings are criticized. In particular, several regional commissions have given evidence of being, and were seen by most observers as being, either substantially pro-development or unsympathetic to the aims of Proposition 20. Because local appointees appeared to be the principal source of these tendencies, the appointive role of local government drew fire.

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* Some observers who support the regional concept suggest changes in the composition or boundaries of the regional commissions. (See Chapters IV and V for discussion.)

Conservationist-oriented observers tended to see several "favorable" commissions and several "development-oriented" commissions. For example, Bill Press, Executive Director of the Planning and Conservation League, commented that the San Diego, South Coast, and North Coast commissions were pro-development in orientation. Peter Douglas, Assembly coastal committee consultant, would substitute the South Central Coast Commission for the South Coast Commission in the "development-oriented" listing. In any event, however, conservationists attribute much of this coloration to the presence of local governmental appointees:

> *(H. Fisher)* Local governments are likely to appoint people interested in the economic development of the tidelands.
>
> *(Hedgecock)*...the current method of having appointed local government officials has placed on the San Diego Commission five people who in their official capacity oppose Proposition 20....In summary the mechanism for choosing commissioners insures non-enforcement of the law.*

Another commentator suggests that three members of the South Coast Commission "are out to destroy the commission," and that two others are more or less against the objectives of Proposition 20. A North Coast observer says that "on the North Coast Commission there are eight people who violently opposed Proposition 20."

But there is also substantial evidence that sitting on the regional commissions has influenced and modified some of the local officials' views. For example, a member of the San Diego Commission states that he had "seen

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*Author's note: The composition of this commission has changed since Hedgecock's comment was made.

the San Diego Commission change direction in its thinking." This is viewed in part as a response to the more conservationist orientation of the state commission, and its actions in upsetting many of the local commissions' decisions.

Further, the interplay of opinions and exchange of experience among regional commission members influence their views on coastal policy issues. The following comments relate to county attitudes toward coastal subdivisions:

> *(Kier)* As supervisors begin to reinforce each others' distastes for such things as Shelter Cove and Pacific Shores they start to operate as a regional team. This is different from previously when the supervisors were isolated....
>
> *(M. Carpenter)*...a year ago the people who had been anti-Proposition 20 were very much opposed to limiting any projects. However, a year of experience has brought a great deal of understanding. A city councilman is not able to assess the impact of a project outside *his* city boundary. It's only when he gets exposed to these impacts and learns that adding various projects together causes a major impact that he understands the importance of the commission's work. [emphasis in original]

The Propriety of Pro-Development Leanings: Pro and Con

Several observers saw pro-development commissioners as doing more than just balancing or out-voting pro-conservation members; they saw such pro-development

views as a threat to the integrity of coastal zone conservation, and as contrary to the aims of Proposition 20. The observers ask, in effect: "How can someone enforce a law he doesn't believe in?"

Accordingly, a regional commissioner said flatly:

> *(Rosener)*...if elected officials are to serve at all they should constitute a numerical minority because they generally have a "home rule" bias which prevents them from recognizing the legitimacy of the commission.

Another commented:

> *(Fay)*...[I] firmly believe that commissioners should be selected to achieve the objectives of the act.... there are many throughout the state who are trying to discredit or thwart the act.

A close observer of the Santa Barbara scene suggests that local governments tend to dominate the South Central regional commission, many of whose public members have backgrounds in local government. Moreover there is a tendency to look at the alternatives on the basis of local constituency interests, rather than statewide interests as represented in Proposition 20.

Two north coast observers, one a former regional and state commissioner, commented:

> *(Thomsen)*...[I] would not like to see local government make appointments to any continuing commissions....local government [should]...enforce...[the plan,] that should be its only role.

> *(May)*...in setting up new commissions absolutely no local governmental officials should be involved, as no person can serve two masters at the same time.

On the other hand, several observers see a clear need for pro-development representation, and tend to find it appropriate and practical:

> *(Krueger)*...Under the Proposition 20 precept the policymakers were to be devoid of land developers...[or] user groups....Actually this isn't what happened when the appointments were made. The demands of the proposition were ignored for practicality....the boards that developed from Proposition 20 are reasonably balanced, but they certainly are not what was contemplated by the proponents of the proposition.

> *(Hotchkis)*...there is a danger of planning without considering the judgment or dictates of the marketplace. This is what Proposition 20 seeks to do. But the marketplace does not always put enough or the right kind of value on environmental concerns such as aesthetics, etc.

THE PLANNING PROCESS

The planning process and its outcome are the crux of the coastal zone enterprise. The principal objectives are to prepare a plan, keep it current, and see to its enforcement and implementation. Accordingly many respondents offer their views on coastal planning, but few venture definitive comments on "how well the process is functioning," because to most it is still a partially known quantity, based largely on staff-prepared

documents, many only recently receiving close public scrutiny. Nevertheless a few main themes can be reviewed here. These help establish the dimensions of the problem of planning satisfactorily for the coast, and of fitting the process into the bigger picture.

A New Kind of Planning

Proposition 20 introduced a new kind and level of planning. It provided ongoing public forums to work out consistent state and regional policies for the coast. This had never been done before. The citizenry has also been able to observe the deliberations, and has seen the plans being revised in successive "go-rounds," affording substantial and continuing opportunity for public participation.

This new kind of planning should be viewed as the beginning of a more comprehensive process of planning for environmental protection, future land uses, and other human and economic values. Accordingly coastal planning should give special heed to coastal environmental preservation--and even to restoration--as those were among the principal objectives of Proposition 20. But also it must consider the full range of human, environmental, economic and other values involved in the coastal area:

> *(May)*...we're in the first phase of overall land use planning....Soon we ...[will] have to take into consideration what we are doing and how this will affect future generations. This concern was expressed by the people in passing Proposition 20. This initiative was the first real happening of this sort in the United States.

Another observer urges the primacy of land-use planning:

> *(Peevey)* The one big issue now is not air pollution or water pollution, but

> *land-use* planning. This is the unresolved issue which our society has not come to grips with. [emphasis in original]

Responding generally to the scope-of-planning question and the need for breadth, a number of observers urge that coastal staff and consultant capability include substantial expertise in a number of relevant fields and disciplines beyond city and urban planning. University of California marine scientist, Jeffrey D. Frautschy, who is also a state and regional coastal commissioner, calls for:

> ...a strong staff with special technical competence in the physical and biological sciences.

In speaking of the kinds of expertise required for the policy questions before the commissions, Frautschy also enumerated the following: law, social sciences including economics, urban planning, biological sciences, and physical sciences.

Regional commissioner and marine geologist Ruth Andresen suggests the following as some functional areas coastal commissions and staff should be able to deal with: land development, utility development, management of inland streams, watershed management, riparian regulations, and timbering. Bill Press suggests a slightly different listing of subject areas: economics, land-use planning, air pollution, water quality, solid waste, and local government. Judy Rosener urges that the staff, and/or the commission, have people who are familiar with the public policy process, including "generalists" and "synthesizers" who can judge trade-offs and deal with ambiguity in working out policy interrelationships. These recommendations emphasize the breadth of the general-purpose planning process the commissions and staff must pursue.

Emphasis on Conservation

Conservationist goals appear to be both implicit and explicit in Proposition 20. Accordingly, in carrying out these objectives, it seems necessary for the plan to emphasize preservation and conservation, especially of natural areas. Thus irreversible changes anywhere need to be treated with great caution. Moreover nothing should go on the coast that does not have a definite need to be there. Conversely, the only new activities permitted there should be clearly marine-related.

Furthermore the planning and siting of new facilities that *must* go on or near the coast should be done carefully so as to minimize additional harm. Where damage is unavoidable, the choice of sites should insure that adverse effects are restricted to areas that have already been damaged. This will avoid opening up new areas to such treatment. Finally, any new development of whatever nature should, wherever possible, be limited to areas already possessing such development.

Both Policies and Maps

The coastal plan will have to embody a combination of *policy* planning--which some respondents call "narrative writing"--and more precise *mapped* planning:

> *(Peart)*...[I] would like to see maps and guidelines or narrative policy promulgated....[with] very stringent guidelines in the state plan.

> *(Edmiston)* There is nothing precise.... The permit system cannot be continued ad infinitum. That...takes away any certainty as to what will occur.... There should be a plan, a specific document which is to be implemented by the continuing agency....The conservation areas should be specifically defined.

> *(Kier)* There are two factions in planning--the mappers and the narrative writers....[I] like good narrative for a plan, but...everyone can relate to a line on a map. It takes a sophisticated system to interpret a narrative plan, especially if it is going to be used in different areas.

Regulation v. Purchase

The coastal commissions should explore possible implementation of the plan through regulation, without extensive purchase, except where purchase is considered essential for reasons of equity, policy, or law. In this connection, note the following instructive remarks by Fred Bosselman, an authority on conservation law:

> Courts have become steadily more willing to sustain regulation without payment, especially when the restriction is based on careful planning or on guidelines set up by regional agencies.
>
> The Supreme Court of California has seemed particularly willing to uphold regulation, even when almost every practical use of a piece of land is ruled out.
>
> At the moment, [therefore] the legal situation seems rather clear. But the "taking issue" remains enormously important, not as a legal problem, but as a political one. Both landowners and local governments often assume that owners have a more absolute property right than in fact they have; this belief makes local officials cautious in their attempts to control land use.[4]

Conceivably much of the coastal plan, at least its conservation and preservation features, can be realized through a combination of regulation, aid to ailing enterprises like coastal agriculture, tax reform to reduce or remove tax-caused development pressures, and perhaps other incentives. On the other hand, purchase or easement-acquisition may be essential where state purposes are better served that way, as in state park acquisition or creation of a land bank. Even where purchase is found appropriate, however, prudent plans will employ regulation to minimize the bailing out of speculative investment and to head off raids on the public purse. On the other hand, fair and consistent policies on compensation will be needed in order to avoid undue hardship.

THE HEARING AND PERMIT PROCESS

The permit power and review process have proven reasonably effective, and are essential to the implementation of coastal planning. The permit hearings, with their review of facts and views, have helped clarify the issues that must be faced in planning the future of the coast.

Crucial Functions

It is doubtful that anything short of the actual confrontations involved in permit hearings could bring out the basic issues, political forces, and other relevant considerations as effectively as the hearings do. Thus state commission Chairman Mel Lane emphasizes the importance of the close relationship between coastal planning and the permit process:

> ...it is the permit-granting function that keeps an agency vital and realistic in the planning area.

Furthermore the open hearings have enabled all interested parties, including "the public," to present

their concerns, preferences and recommendations, and to criticize the thinking and objectives of their opponents. Accordingly the permit process has crucial functions in planning, policy implementation, and civic participation.

State Initiation: A Necessary Improvement

Giving the state commission authority to initiate reviews constitutes one of the most important ways of strengthening the review process suggested by experience to date. The commission must now wait for an interested party or group to appeal a decision made by a regional commission. This could be a very serious weakness when the successor agency attempts to implement the coastal plan, monitor local and regional activities, or correct instances of nonconformance. Accordingly, an important recommendation must be that the successor have the power to initiate action. The following are illustrative relevant comments:

> *(Frautschy)* There will have to be a state auditing activity. Even now there have been oversights because of lack of citizens' monitoring.
>
> *(R. Johnson)*...now there is an abundance of local citizenry interest ... but...5 or 10 years from now, when there is less interest...there may be a need for the state--either staff or commission--to initiate the review process.
>
> *(Edmiston)* To see that the plan is carried out, the ongoing state commission would have the power to draw things up [for review]. Lack of this mechanism was one of the failures of Proposition 20. But most of the responsibility for enforcement of the

> plan would still lie with the citizens.
>
> *(Laufer)*...state staff of the successor agency should maintain an overview of local government and be able to review anything that is not in conformance.
>
> *(Douglas)* There is a need for a procedure, in addition to citizen appeals, that allows regionally approved development proposals to be brought before the state commission. Perhaps the state level staff ought to have the power to bring questionable developments approved at the regional level before the state commission.

This added power obviously would not substitute for the functions performed by citizens' groups. Energetic group participation has been partially responsible for the openness and vitality of the commissions' hearings. Moreover citizens are "thicker on the ground" than commission staff can ever be, and thus can play a crucial informational and monitoring function, advising on future planning decisions, and helping alert commission staff to possible infractions. Accordingly citizens' group activity must be continued and strengthened as a necessary component of the review process. Public funding is one way of doing this--for further discussion, see below, page 63.

Setting Precedents

Several observers suggest that the state commission's appeal function would be strengthened by a clearer understanding--perhaps aided by appropriate language in the law--that regional commissions and local governments should treat state-level decisions as precedents. Peter Douglas and others point out that regional commis-

sions have sometimes persisted in a line of permit-decisions, despite having already been overruled by the state commission in similar cases.

Expediting Procedures

A number of suggestions deal with ways to expedite permit processes and reduce delays. For example, several observers suggest that commission members now become too involved in the permit process, probably due in part to the lack of overall policy and to the fact that they are building policies while granting permits. Still, some commissioners see the agendas as cluttered with detail, surrounded with questions on matters that should be routine. Others, however, urge the importance of careful scrutiny of each request. Thus Ilene Weinreb comments: "There is no substitute on controversial issues for exhaustive hearings."

A stronger staff role. With future staffing at higher levels the commissions may be able to do both. That is, they may receive dependable staff documents analyzing all controversial matters, thus preparing the way for commission hearings that cover the major questions adequately for fair and informed decisions, without exhausting everyone involved. In addition, simplified hearing processes, delegating many or all of the initial permit reviews to hearing officers, may prove acceptable when the basic issues have been better clarified in the coastal plans, and the basic objectives and coastal guidelines are generally understood by commission members and others. Obviously, however, such delegation would need to be done with caution, and the results monitored and reported to the commissions.

Focus on major issues and delegation of permit processing. As coastal plans and objectives are developed, it may be possible to simplify the permit process and relieve some of the pressures by focusing permit

review primarily on the major issues of coastal resource control and environmental protection, and also concentrating on important "test cases."

In fact, delegating permit-processing to local governments is contemplated in current drafts of proposed coastal policies with respect to government, powers and funding. Delegation would help preserve options for local activities, as long as the latter comply with the coastal plan. It would also help expedite hearing procedures, as much of the detailed technical review needed could be left to local governments.

The proposed delegation could be done when the state and regional commissions find (1) that local plans and policies reflect the objectives of the coastal plan, and are detailed enough to assure compliance, and also (2) that permit procedures will insure effective public participation. The state and regional commissions would still hear appeals, and review local actions.

Concurrent hearings. A related simplification would call for much closer coordination among the many agencies that process complicated and controversial proposals. Unquestionably, long delays are caused when a project--for a proposed power plant, for example--must be reviewed and approved by several different agencies, and when each successive review must wait until the preceding review has been completed. The cumulative time-lags can be substantial, frustrating and costly.

Commenting critically on this, Mayor Pete Wilson of San Diego said that he "would like to see the various permits in the processing concurrent instead of sequential." While concurrent procedures might take some careful coordinating, this is a very attractive idea, if it can be implemented without reducing the effectiveness of each agency's review process.

"Somebody to help ordinary people." Dwight May has a slightly different but closely related suggestion that staff or other assistance be available to help "ordinary people." May observes that, to build a home in his county, an applicant must go to the planning commission, building inspector, board of supervisors, water board, and "on and on" up to the coastal commission. May calls for:

> ...somebody to help the permit seeker go through the line....an ombudsman.... The big corporations know how to do this and have someone who has the time to take care of all the details.... [but] many of the small potential builders have thrown up their hands in despair....There is need for a liaison of all the various departments involved in a coastal building permit. There is also a need for someone to help ordinary people through this process.

Time pressure. Finally, the problem of time pressure on commissioners and staff must be mentioned. Coastal commission business places heavy demands on the part-time commissioners, and on the staff.

One solution, noted above, is to up-grade staff in both quantity and quality. But delegating decisions to the staff must be done with caution, as it risks making the commissions captives of the staff. Another possible approach would be to make the commissions full-time, or else to pay commissioners more money than now, and expect them to devote more time--but less than full-time--to commission business.

Obviously there are no simple or easy solutions to the problem of time pressure. On the other hand, the problem cannot be ignored. Particularly if the flow of commission work experiences significant delays, it will be essential to seek effective remedial measures.

The Affirmative Vote Requirement

Some observers question the Proposition 20 language that makes it difficult for commissions to grant permits: requirements include (1) an affirmative vote by a majority of the total authorized membership, or (2) in specific actions with a direct environmental impact, an affirmative vote by two-thirds of the total authorized membership. This language was no doubt deliberately written to shift the balance, which had previously favored development. Requiring preponderant majorities is, of course, a way of saying that the presumption is now against development, rather than for it.

But several respondents criticize the affirmative vote requirement as leading to "government by minority." Certainly it makes more difficult the task of assembling sufficient votes to gain permit approval:

> *(Greenberg)* Currently...under Proposition 20 at the regional level it is necessary to have seven favorable votes even if only eight people are there. In the appeal process there is also the need for seven votes at the state level regardless of the number of people there. I quarrel with this, and believe that the state commission should take seven votes to overturn the regional commission rather than to approve a project.

Interestingly enough, Greenberg seems to approve the concept of affirmative majority, but wants the "tight shoe" on the environmentalist's foot, so to speak, rather than the developer's.

On the other hand, the existing affirmative vote requirements may be appropriate for the coast. Coastal decisions relate to irreversible changes affecting a resource needing protection. Thus affirmative majorities may be justifiable where irreversible decisions are involved:

> Both simple majority and two-thirds majority are used as decision rules... depending on the gravity of the issue ....We are now aware of a number of subject areas, among them land-use controls and environmental protection ...where what is done cannot be undone. A wilderness cannot be recreated, nor can a coastal bay area be depopulated. Extra caution is required in taking irreversible decisions. Special majorities...are...ways whereby the body politic could protect itself against hasty decisions on irreversible matters.[5]

Commenting on another consequence of the requirement, Jeffrey Frautschy, a state and regional commission member, said:

> This actually places a burden on conscientious commissioners to get to the meetings. This is good....perhaps it would not be a good idea to change the voting requirements [yet]. During the planning period the current setup is really very good.

Thus after the commissions have produced a strong and reasonably precise coastal plan--and the Legislature has approved it--reduced voting requirements might be permitted for approval of projects that clearly comply with the plan. Still, there might need to be some safeguard to insure that individual permit approvals granted under reduced majority requirements do not somehow become a backdoor way of weakening the plan.

Finally, it should be emphasized that affirmative majorities of at least one-half, and sometimes of two-thirds, are in no way unusual but instead are standard requirements in the principal legislative bodies in California: city councils, county boards of supervisors,

and both houses of the state Legislature. Thus, while most business requires a simple affirmative majority of the full membership of each house, preponderant state legislative majorities of two-thirds of the total membership are required for several kinds of measures considered especially important. These include budget bills, appropriations from the general fund, urgency statutes, and a few additional matters.

COMMISSION EXPERIENCE AS AN EDUCATIONAL PROCESS

As was suggested earlier, coastal commission experience has helped to educate commissioners, staff, interested groups, and the public. The commissions' hearings and planning-draft reviews have been a vehicle for discussion and study of environmental and coastal issues, and for the integration and accommodation of public- and private-sector interests. Moreover the commissions have facilitated citizen participation in the development of public policy.

Communication and Information Flow

Nearly two years ago--January 1974--one perceptive coast-watcher commented:

> *(Kelley)* The commission must build into itself an educational process for its members...this is the most important function of the commission.

In fact, the process seems to have been working reasonably well, and the commissioners appear to have learned a lot from it. The "openness" of the commissions has expedited the flow of information. The commissions' regular meetings and permit review activities have focused attention on the difficult questions involved in such decisions. The element-by-element examination of plans in draft form has also helped commissioners, other interested groups and the public to

inform themselves on coastal issues. Numerous workshops and hearings have also aided the educational process.

Particularly important is the maintenance of good communications between the state and regional commissions. This has not always been easy. More than one year ago Mel Lane commented:

> ...it is absolutely crucial to have each regional commission represented on the state commission. There is need for a communication link between the regions and the state.

But even with each regional commission having a representative on the state body, Mel Lane still found:

> ...a lack of communication between the state commission and regional commissions as to what each is doing and why it is being done.

In the meantime, the workshops and hearings noted above have promoted state-regional understanding. The state and regional reviews of proposed plan elements have highlighted policy differences and areas of agreement. Exchanges of views between the two levels have also been facilitated by joint state-regional hearings up and down the state.

Special Help for Commissioners and the Public

Staff competence probably should be broadened in several subject areas, especially marine-related biological and physical sciences. In addition, depth in relevant social or policy sciences may help to strengthen associated processes of education and planning. With adequate funding, special kinds of staff help could assist commissioners, interested groups, and concerned members of the public. As Judy Rosener comments:

> ...the local official has a staff to help him with his commission business...the public member does not*...[accordingly] if commissioners are not going to be paid, there is need for the public members to have something equivalent to an assistant.

Moreover commission members may on occasion benefit from the help of coastal commission staff having technical and professional expertise. For example, if the commissions obtain ample funding and staffing, it might be well for selected staff members to contribute to an "on-call" pool of expertise that commission members could draw upon.

Such a service would have to be administered with care, so as not to interrupt regular staff duties or interfere with the orderly flow of staff documents and policy recommendations to the commissions. But if these hazards can be avoided the service ought to help resolve an important question discussed later: "Should eligibility to be a member of a coastal commission require the possession of specified technical expertise?"

Having access to a good source of expert advice should make it easier for the intelligent and well-informed but not technically trained citizen commissioner to serve effectively. Furthermore, the service should be equally helpful to commission members who possess technical expertise in one subject area but not in another. In such situations the expert member is, in effect, only a well-informed layman, like his non-technical colleagues.

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*Some local governmental members of coastal commissions debate this point, maintaining that the staff available to them do not help with coastal commission matters.

"OPEN" STYLE, VISIBILITY, AND CITIZENS' PARTICIPATION

Perhaps the most widely recognized and universally applauded characteristic of the coastal commissions is their visibility and the "open" style with which they transact public business. This is a powerful asset. Moreover their style and visibility distinguish the coastal commissions rather sharply from most if not all other similar state and regional bodies:

> *(Weinreb)* The Coastal Commissions have public visibility. The people have a right to talk to them. This is very important. There is an open forum in the Coastal Commissions; all of the other state agencies are invisible.

The Importance of Citizens' Monitoring[6]

Many factors contribute to this good record: style, leadership, and staff attitudes and motivation, for example. But watchful monitoring by concerned individuals and organizations is certainly important, and probably crucial:

> *(Ridder)* The system is working well because of the sound watchdogs in the environmental movement...the San Diego Coast Watchers, Sierra Club...Environmental Coalition of Orange County [and others]....These groups serve a definite function and are highly respected.

> *(Adams)* The most significant thing... now...is for the Alliance to try to hold the forces together...so they won't lose sight of the goals...of Proposition 20.

This last comment is far more than a call to rally conservationists. Many businessmen have also been quietly working in the interests of coastal planning and conservation. The fact that experts volunteer time to the conservation movement, and appear at permit hearings, is important both to the commissions' visibility and to the balance and completeness of their proceedings. But there is no assurance that such volunteer contributions can continue indefinitely:

> *(Adams)* There should be some way to fund the conservation experts, because the opponents always have their "experts" present, and conservation experts are not financially able always to be present.

A Coastal Ombudsman?

A coastal or environmental Ombudsman or task force has been suggested by several observers, and the Ombudsman idea is one of several considered last year by a joint staff committee of the Environmental Protection Agency and the International City Management Association. Of course, the "classical" Ombudsman's function is principally to help citizens through the governmental maze, to protect ordinary people against mistreatment by bureaucrats, and to resolve misunderstandings between individuals and agencies.

Nevertheless the Ombudsman has a performance-monitoring role that might be adapted to help insure that regulatory and other public bodies like the coastal commissions function effectively, and in the public interest. In any event, a coastal Ombudsman or task force could conceivably have several functions beyond handling citizens' complaints. In addition to monitoring agency performance, one charge could be to facilitate and encourage civic awareness and activity. Workshops and educational sessions could help citizens who want to learn and thereby participate more effectively.

Such support might stimulate the formation of additional citizens' groups, thus giving civic participation a broader and more effective base:

> *(Douglas)*...credibility starts wearing down if some groups like the Sierra Club protest everything. It is much better for there to be lots of groups.

Some students of the Ombudsman might, however, criticize involving the office so directly in an activist and advocacy role. Accordingly it is appropriate to consider other methods of giving public support to citizens' and constituency organizations.

Public Funding and Other Support for Citizens' Groups

Instead of a coastal Ombudsman, or better still, in addition to such an office, public funds and support could be given to established and emerging environmental groups. This was suggested in a 1971 Brookings Institution report as a way of making regulatory processes function more effectively in the public interest.[7] Moreover, there are persuasive arguments for the environmental agency itself acting to promote citizens' and constituency groups as a means of forestalling client capture.[8]

Public support for constituency groups can, of course, be a sensitive matter. Problems can arise in determining equitable ways of funding various kinds of constituency groups, or of deciding when to recognize or otherwise help one group and not another. But the crucial role that constituency groups can play in encouraging sustained high-quality agency performance, and forestalling client capture, argues strongly for public support of such groups.

SUMMARY AND CONCLUSION

A New Decision Process

Proposition 20 gave California a respectable start in establishing a process of planning, identifying interests and values affecting the coast, trying to reconcile conflicting objectives, and rendering public decisions on the protection and allocation of coastal resources.

Performance Evaluation

Evaluation of the commissions' performance depends on the backgrounds and standards of the evaluators. Accordingly one finds a wide spectrum of opinion on specific coastal commission policies and actions. In general, however, the commissions appear to be receiving strong support, and their work so far is favorably viewed by most observers. On the other hand, a number of criticisms are voiced. Both favorable comments and criticisms are sampled in this chapter.

Comments on the State Commission

The state commission got favorable comment on at least four points, including: (1) the "mix" of commission appointments, with members from a variety of areas, jurisdictions and backgrounds, (2) the environmental orientation of the commission, and a record of decisions in accord with the goals of Proposition 20, (3) the effectiveness of commission procedures and decision processes, and (4) the balance of the preliminary plan in attempting to deal with a wide range of controversial issues, while also looking to the interests of coastal conservation.

On the other hand, the state commission has drawn critical comment from observers who see it as: (1) showing too much concern with conservation, and bias

against development, housing and other uses of the coast, (2) adopting excessively lenient policies on coastal development, (3) giving inadequate consideration to the economic impact of coastal regulation, (4) not paying sufficient attention to the needs of the shipping industry, (5) opposing early leasing for further offshore oil drilling, and (6) urging that nuclear power plants not be placed on the coast.

Some Useful Perspectives on Coastal Planning

Much of the coastal debate has been on a high level, the basic policy issues being explored thoroughly, fairly and publicly. But a number of questionable or limited viewpoints have also been given currency, and deserve attention. Accordingly several relevant perspectives and comments are outlined to help the reader redress the balance and draw his own conclusions.

1. The coastal commissions were created to stop coastal destruction. In effect, Proposition 20 directed them to give preeminent attention to coastal preservation, at least until the plan has been considered by the Legislature.

2. It is misleading to argue that economic growth and environmental protection are mutually exclusive. Instead of "either-or" alternatives, accommodation of a variety of goals should be sought, including both economic development and environmental preservation. Prudent and comprehensive planning measures should make it possible to maintain desirable growth levels without unacceptable environmental change.

3. What happens on California's coast will not determine the supply of jobs or housing, either statewide or nationally. National goals of prosperity, employment and housing will be achieved through national and international policies that reach far beyond California's coast.

4. Trying to solve economic problems through lenient policies on coastal development is likely to prove both ineffective and destructive. The resulting ecological damage would bring economic losses and cause serious environmental degradation. Moreover a damaged, polluted environment will be costly to clean up.

5. Measures to stop environmental damage before it occurs can provide employment and stimulate economic activity. One labor spokesman comments that "pollution control would provide lots of jobs." Moreover federal and state funding for other important enterprises--such as housing construction and public transportation--could provide large numbers of jobs, while also helping reduce the nation's huge list of unmet domestic needs.

6. Finally, it is argued that both business and labor will be better served by a good coastal plan than by lenient policies. A coastal plan with reasonably definitive guidelines, and backed by an expeditious hearing process, could remove many of the uncertainties and time lags that often harass businessmen and developers, slowing projects and escalating costs.

Essential State Commission Roles: Planmaking and Permit Review

Observers' generally favorable assessment of coastal governance is based substantially on the role and policies of the state commission. The commission provides a comprehensive perspective and a forum for statewide policy. Its permit-review process introduces wider considerations that local government or the regional commissions might otherwise ignore. Accordingly, the commission has and should continue to have a prime role in developing and validating coastal plans, revising them as changed conditions or policies warrant, and ultimately in enforcement. In short, the need for a statewide policymaking role and for a policing function argue powerfully for the state commission's continuation.

The Regional Commissions

There is strong support for continuing the regional commissions in some form. They are seen as crucial to the visibility and public accessibility that characterize coastal governance. Without regional commissions, it is hard to see how a state-level body could (1) give adequate opportunity for community participation, (2) allow for regional differences in the state plan, and (3) effectively monitor local governments' performance.

Despite support noted for the regional concept, the performance of some regional commissions is criticized, especially by conservationists. In particular, several regional commissions have given evidence of being, and were seen by most observers as being either substantially pro-development, or unsympathetic to the aims of Proposition 20. Because local appointees appear to be the principal sources of these leanings, the appointive role of local governments drew fire.

Accordingly some observers suggest that local governmental appointments should be reduced in number or eliminated. Similarly, some conservationists believe that persons unsympathetic to the objectives of Proposition 20--regardless of who appoints them--should not sit on the commissions at all. The question is posed: "How can someone enforce a law he doesn't believe in?"

Other observers, oriented more favorably to the interests of the private sector, urge the value of having some commission members who are sympathetic to "the needs and dictates of the marketplace." They see such members as providing a balance to the pro-conservation policies of Proposition 20.

In any event, many observers point out that a number of regional commission members have shifted their policies appreciably as they have gained experience, becoming more receptive to the views of their fellow commissioners, and perhaps more understanding of the basic goals of Proposition 20.

The Planning Process

The planning process is the crux of the entire coastal zone effort. At this writing, four principal conclusions are suggested with respect to the planning process and its implementation:

1. Proposition 20 has introduced a new kind and new level of planning. It provided a public forum charged with working out consistent state and regional policies for the coast, and conferred interim state-regional police power over land use changes in the coastal zone. This accomplishment will almost certainly be followed by the development of still further and more comprehensive planning processes. In time, these processes presumably will deal with environmental protection, future land use, natural resource conservation and development, plus a wide range of other human and economic values.

2. Proposition 20 embodies conservationist goals both implicitly and explicitly. Thus the coastal plan is virtually required to emphasize preservation and conservation, especially of natural areas. Accordingly the coastal plan is justified in treating further irreversible changes with great caution, and in attempting to minimize additional harm to the coastal environment. Moreover, if additional injury cannot be avoided entirely it is appropriate to concentrate further damage in as few places as possible. Other essential objectives of the emerging coastal plan include the difficult dual goal of increasing public access to the coast, while also protecting the environment against pressures caused by large numbers of people.

3. The coastal plan must combine policy planning ("narrative writing"), and precise mapping. The balance between the two will be difficult to work out to the satisfaction of all. Those who seek certainty and predictability prefer concrete and precisely mapped plans. But the entire coast obviously cannot be mapped precisely "all at once." Accordingly it may be years before

substantial portions of the coast are precisely planned and zoned, and much of it (e.g. the natural areas) may never be.

On the other hand, the coastal plan must recognize the need for concreteness and clarity, especially in those areas under greatest developmental pressure, such as the urbanized coast and its vicinity. This will also take time. The act of translating general policies and narrative into explicit statements and precise maps is an integral part of the planning process, requiring skilled staff drafting efforts and successful negotiations. The latter is essential, because precise plans cannot be drawn until all the significant policy issues have been resolved.

4. Recent court cases appear to support the implementation of plans through strong measures limiting the uses of private property. Accordingly, the coastal commissions should explore plan implementation through regulation, without extensive purchase. Except where purchase is considered essential for reasons of equity, policy, or law, it may be feasible to implement much of the coastal plan through land-use controls, tax measures, aid to coastal agriculture, and perhaps several incentive programs.

On the other hand, outright purchase or acquisition of easements may be essential to create new state parks along the coast, or to establish a public land bank of coastal properties. Purchase or payment of compensation may also be necessary in specific cases to avoid undue hardship. But buying coastal properties or paying compensation primarily to guarantee the success of speculative ventures in coastal land--or to guarantee "risk" capital against losses--would be questionable, especially when the proposed developments would contravene the coastal plan.

Hearings and the Permit Process

The permit power and permit review have been reasonably effective, and are essential to coastal plan implementation. The permit review examines facts and opinions, and helps clarify the issues that must be faced in coastal planning. Open hearings have enabled all interested parties, including "the public," to present their views and recommendations. Accordingly the permit process has crucial functions in planning and civic participation, as well as policy implementation through regulation.

Suggested changes: initiating reviews, and setting precedents. Two suggested changes would strengthen the state commission's role in the review process. First, the state commission should be authorized to initiate reviews of regional permit decisions. At present, the state commission must wait for an interested group or party to appeal a regional permit decision.

Second, there should be a clearer understanding, perhaps aided by appropriate language in the law, that regional commissions and local governments should treat state-level decisions as precedents. As things stand, regional commissions have sometimes persisted in a line of decisions, despite having already been overruled in similar cases.

Expediting procedures. Delay caused by permit review and hearing processes seriously concerns many students and critics of governmental regulation. Accordingly several ways of expediting procedures ought to be considered, while bearing in mind the prudent counsel that, in controversial matters, "there is no substitute...for exhaustive hearings." Several expediting measures are outlined here:

1. Future staffing at higher levels is one way to deal with a heavy workload. In addition, simplified hearing processes, delegating many or all of the initial permit reviews to hearing officers may be a workable solution.

2. Another form of delegation would shift most permit processing to local governments, subject to adequate monitoring for compliance with the coastal plan. Employing either or both kinds of delegation would help the state and regional commissions to focus attention on the major issues of coastal planning, and to concentrate hearing activity on important test cases.

3. Holding concurrent hearings is another way of expediting procedures. It would require much closer coordination among the many agencies processing permit applications, allowing most of the review work to be done at one time, rather than in separate and successive hearings.

4. Special staff help for private individuals applying for permits seems highly desirable. Because most citizens do not have the staff resources that corporate applicants enjoy, assistance is needed "to help ordinary people" through the permit application and review process.

5. Coastal commission business makes substantial time demands on the members. Perhaps work pressures will decline after the coastal plan has been formulated and some of the landmark decisions made. Part of the workload could be alleviated by delegating activities to staff or hearing officers, suggested above. Other approaches would be full-time commissions, or part-time commissions whose members are paid compensation that is commensurate with the demands on their time. On the other hand, as Chapter III emphasizes, there are definite advantages to the present coastal-commission formula, using part-time, non-expert citizen members.

The affirmative vote requirement. Under Proposition 20 a permit must receive an affirmative vote by a majority of the total authorized membership of a coastal commission. A permit getting fewer votes is denied. Moreover specific actions with a direct environmental impact must be approved by an affirmative vote by two-thirds of the total authorized membership.

Requiring affirmative majorities means that the presumption is against change and against development, rather than for it. Some observers view this as particularly appropriate for irreversible environmental changes: they see it as a safeguard against hasty decisions to do things that cannot be undone. Others find the requirement a heavy, perhaps even unfair burden on coastal property owners and potential developers: they see it as "government by minority."

But it should be emphasized that affirmative majorities of at least one-half, and sometimes of two-thirds, are quite common. They are standard requirements in California's principal legislative bodies: city councils, county boards of supervisors, and both houses of the state Legislature.

Commission Experience: An Educational Process

Coastal commission experience has helped educate commissioners, staff, interested groups and the public. Communication and information flow appear to be reasonably effective, and the commissioners have learned from the process. The "openness" of the commissions, and the many hearings, workshops and study sessions have helped interested parties inform themselves on matters under consideration.

One suggested improvement would provide additional expert assistance for commissioners and the public. It would be helpful to have an on-call pool of staff members or consultants available to advise commission members and interested citizens on coastal issues and related technical matters.

Visibility and Citizens' Participation

High public visibility is one of the coastal commissions' most widely applauded characteristics. This

is a powerful asset, attributable partly to the composition and structure of the commissions, as well as to the style of the leadership and staff.

In addition, alert and vigilant participation by "coast-watchers" and a variety of citizens' groups has contributed to the commissions' visibility and air of openness. But effective coastal monitoring makes heavy demands of volunteer groups. Accordingly public funding and other support for citizens groups is urged as a way of insuring effective perpetuation of these activities on a long-term basis.

Moreover there are reasons to believe that public funding and other support for constituency groups may be the most effective way to encourage sustained, high-quality commission performance. It may be the best way to guard against client capture, i.e., the eventual domination of an agency by the interests it is supposed to regulate.

III

The Appointment Formula, and Related Considerations

THE MEMBERSHIP "MIX": APPROVAL, IN GENERAL

Experience with the coastal commission appointment formula, and with the resulting "mix" of representation, seems to have produced approval that is substantial but not universal, and ranges from enthusiastic to grudging. The workability of the formula appears to be generally accepted on the basis of experience to date. Although a number of suggestions are made for changes, only a few respondents feel that radically different methods of selecting commissioners need be considered now. Moreover many commented favorably on the mix of persons on the commissions as providing a good range of backgrounds, viewpoints and interests.

While there is a relationship between the mix of backgrounds and interests on a commission, and the mechanism by which the appointments are made, the issues are nevertheless separate and should at the outset be considered separately. Nevertheless, final judgment on any formula for choosing commission members will hinge in part on its anticipated effects on the mix i.e., on the kinds of people who will tend to be chosen under one formula as compared with another.

SUGGESTED CHANGES

Many respondents generally approved of the current formula, but there are also numerous criticisms,

giving rise to several recommendations for change. Some, of course, are mutually contradictory:

1. Perhaps the foremost criticism comes from observers--responding to the alleged parochialism and pro-development views of some local government representatives--who flatly call the inclusion of local appointments a mistake. Others think the proportion of local appointments should be reduced from half to perhaps one-third of the total membership, or, conversely, suggest additional state-level appointments to the regional commissions, deliberately placed there to represent the statewide interest:

> *(Press)*...the local government appointments were, for the most part, a mistake--and in any future coastal commission their number should be reduced.
>
> *(May)*...in setting up new commissions absolutely no local governmental officials should be involved, as no person can serve two masters at the same time.
>
> *(Rosener)*...no elected officials should be serving. They have...a home rule bias....
>
> *(Douglas)* The real problem is with the local governments' appointments.... Some...were...good....The majority however were bad....There should be no representative of local government, as such....If there has to be representation from local government, this should not be a majority.

Another suggestion is that county supervisors and mayors' conferences continue to figure in the appointment process, but that they appoint representatives who do not themselves also sit as county supervisors or city councilmen. It is also recognized, however, that some loss in

capability for intergovernmental communications, as well as of political acceptance by local government, would result if the local units were removed from the appointment process entirely.

2. Some means of "neutralizing" the commissions is suggested by very few respondents, but is mentioned because it relates to numerous comments on the "political" nature of the appointment process. Thus the paying off of political debts is seen as an important consideration in the appointment process. It is not suggested that these influences necessarily produced unsatisfactory appointments, but only that political considerations *as such* are not relevant to the appointee's qualifications as an effective commissioner.

Only a few respondents see any realistic non-political alternatives. Those few suggest establishment of a non-political commission to make the coastal commission appointments, at least at the state level. But even the proponents recognize that members of the special commission would themselves have to be appointed, and the latter task could be just as difficult and fraught with politics as the appointment of coastal commissioners in the first place. Moreover there would be substantial risk of increasing remoteness, and the existing mix of members might be lost.

Instead of attempts to neutralize political influences by legalistic formulas, a more realistic means of helping insure balance would seem to be political in its own right: maintaining an open appointment process, with many organized groups bringing their influence to bear and stating their preferences.

3. A number of respondents suggest the appointment of one or more "public" members from outside the coastal zone, to represent non-coastal residents, or to represent the statewide interest. An alternative was the suggestion that each regional commission have one member appointed from the state level, placed there with the explicit purpose of representing the statewide

interest, and counterbalancing the alleged prodevelopment orientation of some regional commissions.

4. Furthermore, appointment of a few state and federal agency representatives is urged by some observers as a good way of providing in-puts from appropriate agencies, building on the BCDC model:

> *(Weinreb)* Have the highest level in each region serve on the regional commission [as voting members]. This works well as it commits the state agency to both the process and the plan...it worked well with BCDC...there should be federal representation at the regional level too.

5. An interesting variation, based on Bay Area discussions, would have the legislative appointments to regional commissions made by a caucus of State Senators and Assemblymen in the regions concerned, rather than by the Speaker and the Senate Rules Committee. Proponents of this suggestion believe that the regional caucus would name appointees more representative of their areas, and thus more responsive to regional public opinion.

6. Direct election of the state coastal commission is mentioned occasionally, by respondents casting about for means of insuring a responsive and responsible body, "democratically" chosen. Most who suggest it nevertheless seem to consider direct election unrealistic, and perhaps even almost unworkable, entailing costly campaigns, especially in the more populous coastal regions and in races for statewide commission seats.

Although the concept of direct election of coastal commissions, as such, elicits little general support, the situation for future *regional* governments, or comprehensive *regional* land-use planning agencies, might be quite different. For example, there is substantial support in the San Francisco Bay Area for directly electing all or part of a regional government or comprehensive land-use

planning agency, as embodied in several different legislative proposals, the "Knox bills". (Assembly Bill No. 2040 was the 1973-1974 version of the "Knox bills," named for Richmond Assemblyman John T. Knox, author of the current bill and of several predecessors. AB 2040 is discussed below on pages 155 - 156, along with the 1975 version, Assembly Bill No. 625.) But for the time being, and with respect to either a regional or state-level limited-purpose agency like a coastal commission, direct election does not seem worth considering. It would be, in effect, creating additional autonomous directly elected special districts, at a time when the main current of opinion appears to be running strongly against such districts.[1]

7. While several participants comment on the difficulties of the "three-headed" appointment process at the state level, they also acknowledge its overall effectiveness. As to the difficulties, William Kier, who was intimately involved in the Senate appointment process, suggests:

> There was a three-way Alphonse-Gaston dance at the state level...everyone was trying to psyche out the other guy to find out what he was going to do.

Moreover the task was time-consuming, tedious and exhausting. After a lengthy screening session, one weary legislator was quoted as saying:

> ...don't ever do anything this way again...it would be better to send the appointment list to the Pope.

Nevertheless reasonably systematic ad hoc processes were devised to handle appointments by the Senate and Assembly. Kier, and William Hauck, who was closely connected with the Assembly appointment process, comment:

> *(Kier)*...considering the way the current system works...there is no better....

> *(Hauck)*...in any case the appointment process with the Speaker, the Governor and the Senate Rules Committee should be continued at least for a state commission, and presumably for regional commissions....

For a more consciously thought-out balance of commission membership, one suggestion would have the three state-level appointing authorities agree on a common pool of appointments. It is suggested that this might take some of the "politics" out of the appointment process, as well. On the other hand, it is not clear how the "common pool" agreement would be worked out, in practice. Who, for example, would make the first move? And if all three tried to deliberate and sift names together, would this practice increase the complications of an already complex process?

"EXPERTS" V. CITIZENS AND THE STATE WATER RESOURCES CONTROL BOARD MODEL

Special attention must be given to one important question discussed by many respondents and also raised in a report issued by the Office of the Legislative Analyst.[2] Should members of bodies like the coast commission be required to have expertise or background in a special discipline? Although the categories for the coastal commissions would presumably be somewhat different, the principal model for such expert representation is the State Water Resources Control Board. The statutory language reads:

> [The board consists of] five members appointed by the Governor. One of the members appointed shall be an attorney admitted to practice law in this state who is qualified in the fields of water supply and water rights, one shall be a registered civil engineer under the laws of this state who is qualified in

> the fields of water supply and water rights, one shall be a registered civil engineer under the laws of this state who is experienced in sanitary engineering and who is qualified in the field of water quality, one shall be qualified in the field of water quality and one member shall not be required to have specialized experience.[3]

The "Resources Conservation Board"

This model is advocated by the Legislative Analyst's report, calling for a consolidated system of resources conservation, under one statewide "Resources Conservation Board" and eight regional boards. The state board would comprise five full-time members appointed by the Governor, and chosen from disciplines. The eight regional boards of five full-time members each would also be appointed by the Governor, and presumably also represent disciplines.

The consolidated state-regional system would assume responsibilities for water and air quality control, transportation, and solid waste management planning. Future take-over of the powers of the coastal zone conservation commissions is also suggested.

Thus the proposal would bring together major related planning and regulatory functions that have a significant environmental impact. The principal purpose would be to insure that the planning and the regulatory activities now handled by several disparate state and regional agencies proceed from a common ground of policy, instead of being conducted independently and perhaps at cross purposes. Proponents of the integrated state-regional system of environmental planning and regulation also believe that it would provide an improved "interface" with local government.

The proposed powers and objectives of the proposed conservation board need not be detailed further, except to say that it could substantially further the movement toward comprehensive regional and state land-use and environmental planning. It would also probably preempt several of the proposed roles of strengthened COGs,[4] or of a Bay Area regional government as envisioned in the "Knox bills." Much of the work, in fact, would be done by the regional boards, and the state level board would probably act mostly in a review capacity, examining and approving regional planning efforts, and considering appeals from regional board decisions.

These and related policy implications of the "Resources Conservation Board" are discussed later with respect to COGs, comprehensive regional planning, regional government, and state planning. At this point, however, it is important to take note of the water resources control board as a model for appointments of coastal commission members, especially as it was suggested as the basis for an agency that might take over coastal commission responsibilities.

The following discussion reviews and analyzes the principal argument and viewpoints respondents expressed when asked to address the issue of the "expert" v. the "intelligent layman" for commission appointments, and to suggest the reasoning behind their stated preferences.

The State Water Board: Early Ineffectiveness and Recent Success

In summary, a number of respondents were quite enthusiastic about the "disciplines" requirement and water board model. They expressed the view that, following substantial reorganization, the state water board is now considered strong and effective in its regulatory program. Earlier, of course, the state board had compiled a dubious and unsatisfactory record

when--under the Dickey Act (1949)--it was composed of ex officio members and representatives of the industries and sectors regulated.[5] Not surprisingly, this "fox watching the chickens" approach did not work well. The board was then reconstituted as a five-member board of experts, and has clearly improved its performance in water quality control.

What Can We Learn From the Water Board Experience?

Accordingly those who prefer a small, full-time board, composed of experts rather than non-expert citizens serving part-time, to handle environmental planning and regulation (including coastal matters) seem to base their opinions largely on the recently improved record of California's State Water Resources Control Board:

> *(Press)*...the current water board is the best regulatory agency in the country. It also has the best statute in the country. It's a strong, independent board with a good staff....[I] give the board high marks, and we can learn a lot from them. I like what they are, that is, full-time, salaried and term--as opposed to pleasure--appointments.
>
> *(Vinyard)*...I like the water board set-up...would like to see experts....[perhaps] the board should really be made up of equal representation of experts and public members. At the state level they should be paid adequately and full time.

Moreover the decision favoring a small, full-time, expert board appears to be motivated in part by dissatisfaction with the previous part-time, ex officio, interest-dominated, and ineffective state water board:

> *(Robie)*...previously the water board was a very weak board under the Dickey Act. It was a part-time board with nine public members and five state department heads. It was then that I became disturbed by citizen boards. The department heads dominated that board and ground their own axes.

In addition, thinking about the water board model may be influenced by the contrast between the full-time, expert state board, as reorganized, and the regional boards, which continue largely as in the past:

> *(Stead)* Although the state board has full-time people, the regional boards are still composed of people who have other jobs. The state board thus has a far better grasp of the problems than the regional boards....There is a hybrid situation....the political and special interest groups make up the regional boards while full-time professionals sit on the state boards....

An important caveat must be emphasized when evaluating arguments against citizen commissions, when based primarily on the water board experience. That is, the water quality control formula at the state level was changed from (1) ex officio membership and interest-group dominance to (2) full-time, salaried, expert membership. *The citizen or "intelligent-layman" model was never tried.*

Moreover a recent comment by a friend of the water board who knows and respects its performance suggests that expertise may not be the determining factor:

> *(Kier)*...I like the model of the water board, which has some imperfections but also has some very good factors. It is a good board but this is not due to the

> design of it in the Porter-Cologne Act. It is good because [Ronald] Robie is there and is so determined to make it good....Because there is nobody better than Robie on the board, no one argues with him. Furthermore he wrote the...thing.

Questions: Is a good deal of the support for the state water board "expert" model unwittingly based on *ad hominem* thinking? Is it an unusually able individual, rather than a good formula, that accounts for the water board's record?

So what have we learned? Clearly we have learned that one does not get good results by setting the "fox to watch the chickens, or the cat to guard the goldfish." Beyond that, the evidence seems inconclusive. The water board's improved performance could be due to scrapping an inadequate board and appointment formula; it could be due to the expertise requirement; it could be due to the good luck or wise choice that placed Ronald Robie on the board; it could be due to the influence of anti-pollution opinion and the environmental movement; or it could be any combination of these, plus still other factors. But water board experience does not prove that we can best be saved by experts.

"An Executive-Branch Function, Staffed With State Employees..."

Speaking of the proposed conservation board, one respondent emphasized both disciplinary expertise and full-time salaried employment as ways of making it clear that the undertaking is to be a state-level, executive-branch affair, staffed by full-time, paid state employees, as with the water board:

> *(Benedict)*...[It] should follow the water quality type of appointment in which there would be a mixture of dis-

> ciplines....would emphasize that this is a state function. These people would be state employees. There would be no local government representatives, per se. This board would function as part of the executive branch of the government just as the water quality control board does.

But another knowledgeable government-watcher expressed judgments and philosophy on both state planning and budgeting that suggest we already may be overemphasizing the "state employee" and bureaucracy role in basic decision-making:

> We are far nearer the Technocracy of the 1930's right now than most people realize. All of the major decisions in government budgeting (and that means *all* the major decisions) are made by faceless people in the top civil service echelons who formulate their agency needs in a total vacuum and submit them...to the governor, who in turn submits them--again as cast in concrete truisms--to the legislature. No one ever questions the basic assumptions implicit in the annual budget presentation....[emphasis supplied]
>
> I referred to Technocracy. We have it and it's not good. High level bureaucrats (but below the directorates of the departments) run government. They rose through its ranks and are comfortable with the system and have absolutely no reason to initiate change.[6]

"...But What About Openness, Visibility, and the Forum Role?"

The salaried-employee, executive-branch concept may conflict with the need to nurture the more open, visible, forum-like functioning that characterizes the coastal commissions, but not most other state boards. Thus many see the water board, along with other state-level agencies, as having limited visibility and responsiveness. This contrasts sharply with the accessibility and open style of the coastal commissions. Many voice concern that these important characteristics might be lost if, as some phrase it, the coast were "turned over to a bunch of experts:

> *(Weinreb)*...on the water quality control board question...emphatically no. The coastal commissions have public visibility....This is very important. There is an open forum in the coastal commission: all of the other state agencies are invisible....[The members] ...should be representatives of the public because this is a political body. They should not be experts, people just simply won't stand for experts deciding how they are to live.

> *(Kirkwood)*...sole appointment by the governor to the regional boards as is done with the water boards is "disastrous." These appointees are not of the regions, but [instead the boards act] more like the administrative districts of the highway department.

> *(Peart)*...the water board is absolutely authoritarian and not accountable to anyone.

> *(Halcomb)* The need for a board is for public exposure and for appellate

> decisions. That is, the board serves as a buffer....There has to be a place for a public forum. When new programs are to be promulgated which affect people economically or as individuals, there is need for input from the public....this should be done by a lay board.

Will the Expertise Requirement Insure Reasonable "Standards"?

Proponents of expertise are also motivated by concern for a lowering of performance standards, should a series of poor appointments be made. Thus, while acknowledging that many coastal commission appointments have been good, they rightly point out that this has resulted partly from visibility, public concern with the coast, and the concerted efforts of many organized groups. But, as Robie says, if this interest flags, and "citizens can't be kept at a high pitch of mission forever," the quality of appointments could change drastically, whereas "a full-time board, meaning an expert board, would be more middle of the road."

If the appointing authorities should abandon the public interest or accede to special-interest pressures, then there may be something in the hope that an expertise requirement would help maintain at least a minimum level of competence. On the other hand, this relevant comment regarding a significant change in a state regulatory agency suggests that expertise requirements are no insurance against mediocre appointments, or even worse:

> *(Kier)* [----] was a world-renowned scientist and was replaced by a hack engineer with a degree from an engineering mill. [The law]...specified "learned in science" and both...met this requirement.

The Uses of Expertise...and Its Limitations

Several respondents emphasized the direct and active use of expert members' technical knowledge in helping with commission deliberations and judgments on subject-matter issues. Jeffrey D. Frautschy makes this explicit, and it also clearly seems to be implied in a comment by Bill Press:

> *(Frautschy)* There should be several commissioners on each commission with some technical background so as to have the ability to understand and to evaluate the staff reports.
>
> *(Press)*...there should be a couple of public members, but there must also be some disciplines represented on the commission. There should be at least one planner, one economist, some representation from local government... some representation of water quality, probably solid waste, and maybe even the business community. It should be a board of various disciplines and not a collection of amateurs.

It does appear obvious that a highly qualified expert sitting on a commission can, should and will employ his knowledge in helping formulate his own opinions, and if listened to, perhaps in assisting some of his fellow members as well. On the other hand, there are distinct limits to this role, as Frautschy's own testimony shows, based on his experience as a state and regional coastal commission member, as a marine geologist, and as head of the University of California's statewide Sea Grant research program. His remarks are paraphrased as follows:

> ...asked whether he thought the commission should be made up of people who were experts, he said no. As an expert himself he feels ineffective. He will

> frequently talk to the top authority in some field and bring back what that authority has said, and yet the commission ignores him.

Frautschy has since confirmed to the writer a definite shift in his views. He now thinks that a wide range of expertise should be available from staff and consultants, but that commission members should not be required to have an expert background.

The Crucial Role of the Staff

Commissioner Frautschy's comment helps emphasize an important further consideration. Choosing between the expert and the layman or citizen models has important implications for the role of the staff. That is, a commission lucky enough to have several members whose professional qualifications are high, and who represent a number of relevant disciplines, is obviously less dependent on its own staff than a lay commission would be.

On the other hand, to function effectively a lay commission needs a superior, motivated, highly qualified staff. There is likely to be trouble if the staff is not competent and energetic, or lacks access to the necessary expertise. Moreover there is probably less chance of an expert commission being led astray--or even "captured"--by a perhaps well-meaning but misguided staff, or one that is not fully competent, especially if the expert members are highly qualified. But this comment should not be construed as an argument against citizen commissions. It simply emphasizes the crucial role of the staff, and the need for excellence in staff recruiting if a citizens' commission is to work well.

The Need for "Generalist" Qualifications

Given such limitations on the role of expertise, and the wide range of subject matter that coastal com-

missions must deal with, as well as the narrow concentration of technical expertise, per se, particularly in an age of specialization, one wonders whether detailed technical knowledge really does add significantly to an individual's basic competence as an effective coastal commissioner. Could an intelligent, energetic and motivated citizen, assisted by competent staff and consultants, do fully as well as most experts in evaluating a wide range of technical data--plus social, economic, and public-interest considerations--and then formulating appropriate policy and value judgments?

In fact, it seems likely that specific expertise, as such, may be virtually irrelevant. The vice chairman of the state coastal commission appears to think so, and so do a number of other knowledgeable participant-observers, as the following selected quotes demonstrate. None of them like the expertise requirement, and all emphasize a more generalized concept of intelligence, ability and background. Moreover they appear to consider the breadth of the informed citizen more appropriate for the range of value judgments than the narrowness sometimes associated with the "expert":

> *(Harris)* More important than being an expert is the intelligence to assess the experts....A healthy curiosity is a far more valuable commodity than a degree. This along with dedication and determination and integrity....[moreover I] believe that [including] people skilled in dealing with other people insures success. People should be able to deal with their fellow commissioners, the staff, the media and the public.... it's critical....[Whereas]...the commission can always get experts.
>
> *(P. Wilson)*...prefer generalists to experts, but...would add the qualifying term "knowledgeable." What we really want is a board member to make a reasoned

objective, fair, honest decision.... [On the other hand] would not exclude a person for being an expert if that person is qualified by temperament and attitude. Some specialists have tunnel vision.

(Hauck) There should be no mandatory requirement for expertise. Perhaps the legislation could say "shall consider certain things." But it should *not* be a requirement. [emphasis in original]

(R. Johnson)...the concept of an "expert" commission is not satisfactory....[One] likes to see well-informed laymen on such commissions.

(Ridder)...an hydraulic engineer's judgment on something like density would be no better than mine. What I would really like to see as a basis for appointments is a liberal arts education. But...would not preclude people with technical backgrounds. There is nothing inherently bad with people from technical backgrounds.

(Keen)...the law should not narrowly spell out specific disciplines, but the appointing power should go into the background of the person at some length, taking into account the working experience of that person.

(Hughes)...would not like to see any disciplines written into the legislation.

(Braude) I believe in lay boards, with staff experts; relying on technical people alone often gets us in trouble.

> *(Harry)*...wouldn't appoint any doctors or lawyers...or engineers--or, in fact, any specialization....very much against specialists.

Exclusion of Able People...Without Insuring Crucial Capabilities

The most telling argument against the expertise requirement is a double-edged criticism. That is, requiring expertise excludes a large number of extremely able people, without insuring possession of such crucial capabilities as good judgment, fairness, integrity, and ability to deal effectively with others. Thus several respondents emphasized that an expertise requirement would have prevented the appointment of a commissioner like Dwight May, who served with distinction on both state and regional coastal commissions, and seems to have been universally respected. Two knowledgeable observers--Mr. and Mrs. W. F. Grader--called him "the perfect commissioner," characterizing him as bright, understanding, fair and experienced. Two other respondents commented:

> *(Reid)*...don't like this [water board] approach. It restricts the discretion of the appointing authority and leaves out too many good people....a bad idea....

> *(Todd)*...about the state board's composition...I do not believe in pin-pointing disciplines on a board because one can't always find the right people. Anyway the technical input should come from the staff and the consultants, and let the peer group make the decisions.

In short, requiring expertise would exclude people like Dwight May and Mel Lane, without insuring possession

of those capabilities that Mayor Pete Wilson, Vice Chairman Ellen Stern Harris and others referred to above as necessary: a healthy curiosity, dedication, determination, integrity, understanding, experience, skill in dealing with people, and ability to make a reasoned, objective, fair and honest decision. Members of two regional coastal commissions put it in a somewhat different but still relevant light:

> *(Halsted)*...the man with expertise may have knowledge but poor judgment.

> *(Lodato)*...[We] would need people with broad perspectives....[I am] wary of having experts on the commission. Experts tend to do what they have always done before, and that is to use the procedures of their own profession....a different kind of thinking is necessary.

Another long-term student and observer of California government sees the appointment of experts as a dubious and limited way to obtain expert advice:

> *(Halcomb)* A full-time board cannot possibly be made up of *world* experts, because board members are restricted in their outside interests. How could one possibly get five of the real experts?...If technical people are needed they should be procured on an ad hoc basis, and hired to solve a particular problem. [emphasis in original]

Is an Expert Board too "Narrow" as a Model?

The water board formula is criticized as too narrowly focused to be a good model for a much broader

program of comprehensive planning. That is, the water board concentrates on the single central issue of achieving acceptable water quality, and its basic criteria and decisions must principally be determined by that objective. Moreover the water board's program has been fundamentally one of regulation, not planning. In contrast, the coastal zone commissions are concerned with the full range of values, issues, and judgments comprised in comprehensive land-use planning. Such endeavors are much broader than policing the quality of air or of water, and require a broader-gauged policy-making body.

Accordingly it is argued that appointive bodies concerned with wide-ranging public values and policies should not be limited by expertise requirements. Further, it is pointed out that the (elective) legislatures of all governmental levels are comprised of *generalist* decision-makers, or at least that special expertise is not required:

> *(Weschler)*...the water quality board [model]...is the wrong approach, for two reasons. First, the water board is too narrowly focused to be usable for the coast, and the water board is not primarily for planning but for regulation....A planning board has a broader view. Second, the water board is under-staffed from the point of view of the coastal commission. The water board only serves a monitoring function.
>
> *(G. Smith)*...the mayor [of Los Angeles] never thinks about disciplines on a board....the body which is to implement the plan, and which is under stress... [should be composed of] public citizens with no expertise. They will learn quickly to offset any lack of original expertise....[there are important ex-

> ceptions but] most experts are too narrow in their viewpoints....there should be people with broad public interest....The commission is in the business of determining broad public values rather than specific technical tradeoffs.
>
> *(Lane)*...very much against having "experts." It would be like having a school board made up of teachers.... All branches of government from the legislatures to the city councils are made up of generalists.
>
> *(R. Carpenter)*...experts should be hired to give expert opinions, but... experts should *not* be decision-makers. [emphasis in original]
>
> *(Graves)*...disciplines don't represent people. This procedure doesn't work well on the water board. People on it are not qualified to represent the public....should not have experts on the commission....The commission...should have broad-based public representatives.

On the question of breadth of responsibilities, Peter Douglas contrasts the role of the state air resources board--which he sees as having done a poor job--with the coastal commissions:

> ...the coast board is not analogous to the air resources board because the latter deals with very technical subjects. This is not the same as the implementation of a coastal plan....If one were to go the way of the air resources board, how does one have all the interests represented? Does one just have people professionally qualified?

> There is no such person as a qualified coastal zone manager....The air board looks to scientists for answers. With the coast there is the whole gamut of disciplines--transportation, water quality, fishing, mineral extraction, subsidence control, densities, carrying capacities of systems, architectural design. So many areas are involved, which explains why the commission is now the most powerful one ever seen in the state.

Finally, in arguing for citizen membership, William Hauck also emphasizes the essentially political nature of coastal commission decisions:

> There could be an environmentalist versus labor conflict with a showdown at some point. This is why the regulatory agency should not be dominated by experts. It should be in the hands of plain, average citizens who can learn. If the commissioner isn't good, it doesn't make any difference whether he's an expert or not.

Hauck's comment on the relevance of political and policy conflict leads to this final point. With growing sophistication, there is increasing citizen awareness that "technical expertise" and "professional opinions" rest on and sometimes even conceal underlying value judgments or assumptions that may shape the expert's position, especially on controversial issues. This realization has caused many to question assigning experts to deal with political or policy decisions. Such healthy skepticism is well expressed by a British scholar, commenting on an exhaustive review of planning in the London region:

> In London the Layfield Inquiry [into the Greater London Development Plan]

> has led more people to see the limitations of, and assumptions in, planners' models and tools. Economists are seen to be right wing or left wing, transportation experts are seen to be supporters of public transport or supporters of private transport and so on. The professionals are seen, like the Emperor, to have no clothes.[7]

Overview and Conclusion

Among the respondents interviewed, proponents of the "intelligent-layman" model substantially outnumber those who argue for professional disciplinary and expertise requirements. The majority prefer coastal commissions and other similar policy-making bodies to be composed of intelligent, well-informed laymen, chosen for their interest, ability, motivation, fair-mindedness, and good judgment, rather than because of any special expertise.

After reviewing the discussion and attempting to analyze and explore the implications of what was said, the author concludes that the case against requiring special expertise is very strong. Even more compelling is the case for generalists and the "intelligent-layman" model. In short, requiring expertise would fail to insure possession of "generalist" abilities, and instead would severely limit the appointing authorities and hamper their search for well-qualified candidates.

TERM OF OFFICE, REMOVAL AND ALTERNATIVES

Term of Office and Removal

Proposition 20 specified no term of office, simply providing that unless commissioners stepped down or

otherwise vacated their posts, they would serve until the coastal commissions lapse in 1976. The new legislation obviously should set a term of office. A four-year term is the most generally accepted practice in California. Accordingly unless there is good reason to depart from that practice, the appointments to the successor commission should be for four-year terms.

A recent Attorney General's opinion holds that coastal commission appointments are presently "at the pleasure" of the appointing authorities.* Question: for the future, will such appointments fail to give commission members sufficient independence to stand up to pressures possibly transmitted through the appointing authorities? Would there also be some risk of the "instructed-delegate" voting practice, especially in highly controversial cases (as has happened with some COG-type appointments to regional bodies)?

Regardless of other provisions, the power to remove "for cause" is imperative, to take care of serious incapacity, protracted absences, failure to vote, misconduct, or conflicts of interest. At least one regional commission member who is also a political scientist contemplates removal for actions contravening the objectives of the law:

> *(Rosener)*...there must be cranked into any new law a method of removing someone who is not acting in the interest of that law....The method of removing commissioners should be clearly stated in the beginning before there is any question as to who is to be removed.

Such a provision would help guard against "sabotage from within" by unsympathetic commissioners. (Also see below for discussion of "Commitment to the Objectives...")

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*This opinion was challenged in litigation but has since been upheld by the California Supreme Court (see p. 298).

Alternate Commissioners

Both the coast commission and BCDC experience demonstrate the need for alternate members to insure that the commissions can operate consistently at full strength. The alternate-member system worked well for BCDC, and its absence is a handicap to the coast commissions.* Having alternates makes possible near-perfect attendance levels, and otherwise relieves some of the time-stresses:

> *(Lane)* A real problem is that of [having] either an alternate or a proxy. There has to be *something*. The supervisors just don't have the *time* to serve properly....An alternate would have freedom to vote his own mind, as it works on BCDC....I like the idea of the commissioner picking his alternate with the appointing body of that commissioner confirming the alternate....alternates are a good solution to the absentee problem. [emphasis in original]

APPROPRIATE COMPENSATION

What is appropriate compensation? The answers hinge on a host of considerations. First is the decision on whether commission service is full-time or part-time. If service is full-time, compensation should be commensurate with that paid for full-time service on other state and regional boards that have approximately equal responsibilities and time demands.

If service is part-time, the next question is: how much time, i.e., how frequent and how long are commission meetings, hearings and other scheduled activities? Further important questions include: How demanding is good performance on a commissioner's own

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* Cal. Stats. 1974, Chap. 897 permits supervisor members in the larger counties to appoint alternates.

time? How much "homework" must a commissioner do for an adequate understanding of the issues, proposals and projects under consideration? Will a commissioner incur substantial out-of-pocket expenses for travelling to meetings, site visits, phone calls, correspondence and the like?

If these demands and costs are minor, then perhaps they can be absorbed in a reasonably generous rate of compensation for attendance at meetings, and a realistic but not padded allowance for travel in connection with essential commission business. On the other hand, if the time demands and other costs of effective service are substantial, they must be considered when appropriate compensation levels are set. Otherwise eligibility would be limited to those who are willing and able to meet the costs of public service from their own personal resources, or perhaps are able to serve because of business or professional affiliations. It is no longer acceptable, if it ever was, to exclude the less well-heeled from important public posts.

These conclusions seem quite persuasive, but still do not answer the hard questions: Who is paid for what kind of service, and in what circumstances, and how much? What about the officer or employee of a professional firm or business that permits "released time" service, and perhaps helps with out-of-pocket expenses? What about the wage earner for whom service will be impossible if he must thereby lose salary? What about the nonsalaried person, a housewife, for example? The following remarks by state coastal commission Chairman Mel Lane help highlight some of these and related problem situations:

> *(Lane)*...there is a need for some sort of different financial arrangement.... [sometimes] it is the employer who... needs to be reimbursed. Everyone on a commission makes a different salary. There should be some way for the low-

> income person to serve on such a commission. For a man who works on an assembly line or at a city desk maybe there should be a ceiling on the reimbursement to the employer, to insure that it is commensurate with the employee's normal earnings. Maybe it would be necessary to give the employer enough so that he could hire someone else when his employee is at commission meetings. Probably service on the coastal commissions should be looked upon by employers like military leave or jury duty. Expenses should be paid to board members but they should not be allowed a net gain.

Whatever the financial arrangements, there should be some safeguards against both the more obvious kind of expense padding and freeloading, and also against pro forma participation primarily to collect the fee. One observer commented:

> It came as a big surprise...that there are supervisors who go to a meeting simply because the $50 can be collected. Frequently these people don't stay very long--only as long as the law requires for the $50.

In conclusion, there should be fairness "both ways." Commissioners should be compensated by reasonable payments that are related to the cost and time demands placed on them. Moreover their own personal employment or financial circumstances may need to be taken into consideration. On the other hand, the public has a right to expect and receive energetic and wholehearted participation, and not mere presence. Members of the successor commissions should feel that they are charged with a major public trust, and are reasonably compensated for their efforts on behalf of that trust. Hopefully the arrangements for appointment, replacement,

and conflict avoidance will be both realistically fair and firm enough to insure that the public interest is well served.

COMMITMENT TO THE OBJECTIVES... CAMPAIGN REFORM...CONFLICT OF INTEREST

Several observers argue that a crucial qualification for commission membership should be a commitment to the basic objectives of the law: coastal conservation, planning and systematic management:

> *(Fay)*...commissioners should be selected to achieve the objectives of the act.

> *(Vinyard)* There should be named to the commissions known conservationists, with no quibbling as to who they represent.

The suggestion of appointing only known conservationists may strike some critics as not sufficiently balanced. Reverdy Johnson, for example, comments:

> The permanent commissions are going to have to be concerned with more than just conservation....the commissions [now] are biased against use. There is no reference to the economic effect of this.

In any event, however, it does seem reasonable to question the appointment of anyone who is philosophically opposed to the intent of the law. But John Lahr defended one known opponent:

> ...Mayfield, the current chairman of the North Coast Commission, was an opponent of Proposition 20; yet he doesn't subvert the act. He just says that the act is not a good idea.

But beyond the question of philosphical disposition is the question of other motivations--and conflicts--that clearly must be guarded against. Relevant comments like these are made on campaign finance and conflict-of-interest legislation:

> *(Peart)*...I like the idea of elected officials making decisions, but unfortunately they are financed by large developers. The major need is for campaign reform.
>
> *(Harris)*...all is for naught unless the basis for all environmental decisionmaking by government is changed ...[thus we need] campaign funding reform....Until there is a cleanup of the campaign contributions situation, there is little chance for success for any regulatory board.... There should be a stringent conflict of interest amendment.
>
> *(Bliss)*...there should be written into the act a clause defining conflict of interest.

Finally, there seems to be substantial interest in financing political campaigns with public funds, thus acknowledging and helping counterbalance the influence of private money:

> The way campaigns are conducted in the United States, it takes a lot of money to pay expenses and communicate with the voters on a mass basis....Accordingly, the prospective candidate is forced to draw on personal or family resources, or else to rely on the largess of wealthy individuals or special interests.[8]

Public funding of political campaigns, perhaps on an experimental basis at first, is one way of trying to reduce the influence of money provided by special interests.

REVIEW OF CANDIDATES: AN "OPEN" NOMINATING PROCESS

Campaign reform and conflict of interest laws are important ways of avoiding awkward or even pernicious conflicts in motivation. Other measures can also be taken in the interest of obtaining good appointments and encouraging good performance. For example, it seems an excellent idea to have as much information as possible on candidates' backgrounds, experience, views, philosophy and stated motivations, if the appointing authorities are to be reasonably sure of selecting first-rate commissioners:

> *(Keen)*...the appointing power should go into the background of the person at some length, taking into account the working experience of that person.

In fact, reasonably careful information-collecting and candidate-review processes were employed--although ad hoc and somewhat hectic--in sifting the hundreds of names submitted to Proposition 20's three state-level appointing authorities. The efforts had both strengths and limitations, as indicated by these comments from the Assembly and Senate side, respectively:

> *(Hauck)* There is a system...[in the Governor's office] because the Governor has so many appointments to make. The Speaker [however] only has a few appointments, and with the coastal commissions all of a sudden it was necessary to come up with 15 commissioners....The Speaker's office

> received more than 500 letters*.... Without an established system and with the huge volume, it became a major job....It took a lot of time and effort to look for qualified people....
>
> *(Kier)* There was a folder prepared on each applicant. The Rules Committee was very pleased with the job....A set of binders was made; one or more for each region and one for the state commission....Despite going through the long process, many of the Senate appointees were not even in those binders!...you could design the best system in the world, and the Senators will still appoint whomever they want.

An "open" nominating process has been suggested to help shed still more light on the procedures, as well as publicly to solicit information and responses from individuals and organizations wishing to voice their opinions before the appointments are made. A number of observers have urged formulas like the following:

> *(Andresen)*...all of the media should be used to announce the coming appointments....Organizations who want to should submit candidates to the Board of Supervisors. There must be a screening process either by the board itself or a committee of the board.

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* Ned Hutchinson, Governor Reagan's Appointment Secretary, indicates that the Governor's office received 360 letters. William Kier, Senate Office of Research, reports that the Senate Rules Committee received 382 applications.

> *(Douglas)*...the list of possible appointees should be made public.... There should be a specific time for the public to submit lists, along with adequate background material. Then the appointing powers should make a 20-person list public and ask for comments....all three appointing powers should make the lists public.

A similar proposal has been under consideration for some time by the Citizens League of the Twin Cities area (Minneapolis-St. Paul). The Citizens League recently considered draft language involving possible appointments to a transportation board, to be made by the Metropolitan Council.[9]

In summary, the appointing authority would be required publicly to solicit nominations. After the nominations have been received, the appointing authority could add other names. After that, the appointing authority would have to publish the names of all who are being considered, but without revealing the sources of the nominations. The appointing authority would then be required to make its appointment from the published list.

While the Twin Cities proposal does not call for *public hearings*, such a requirement would seem likely to contribute to opening up the appointment process. It also might help remove or neutralize some of the pressures for political debt-paying that often accompany appointments such as these.

The proposal is designed to let everyone know that it is legitimate to campaign for appointive offices, and also to make it clear that citizens and citizens' organizations can have direct access to the appointive process. By publishing the names, the appointing authority would be in effect asking for pre-appointment responses by interested groups. Moreover

if some less-qualified person were chosen from the list, this action would have been taken in the open.

There seem to be obvious advantages to the proposal. Would there be counter-balancing adverse effects? Would nominees be embarrassed to have their names listed publicly, and then fail to receive the appointment? Probably not, once the system was in place, working, and accepted as one of "the rules of the game."

INTEREST GROUPS AND CLIENT CAPTURE

Agencies exercising policy and regulatory powers over economic interests often show substantial responsiveness to the interests they regulate. There is concern that this might happen to the coastal commission in time, especially if public awareness and organized activity in the interest of environmental protection should die down. There are no clear-cut suggestions for appointment or organizational formulas to guard against such an effect, although one observer sees the mix of appointments as being slightly less susceptible to client capture than if all were appointed by a single authority. Another suggests that any governmental body is likely to be taken over in time, and that perhaps in ten years the entire coastal commission set-up should be abolished and replaced by a new or restructured body. Probably restructuring will happen anyway, given the prospect of rapid change in attitudes toward comprehensive environmental and land-use planning, with major reorganizations and a stronger state-regional role likely.

One astute government-watcher suggests deliberate inclusion of identifiable economic interests, emphasizing *identification*. His objective is to get all the cards on the table, and insure that public representatives are really representing the public:

> *(Graves)*...[I am] concerned over the power of appointment. This is extremely difficult. The more you obscure power the more a bad governor can do what he wants....[I would] like to have *identifiable* economic interests; that is ...both *representation* and *identification*....these people [should not]...pretend they are representing the public interest when they are actually representing, for example, the lumber interests. There should be six to eight identifiable interests on the board, but there should be twice that many *general public* representatives. [emphasis in original]

This might work, if there were some way of insuring that the "public" members are not predisposed in favor of some of the interests being regulated. But local government already has a tendency to favor clientele groups (see Chapter IV, pp. 119-121). Consequently if local government is to retain a strong role in the appointment process, this proposal might give away too much. Nevertheless, the suggestion is presented here both for its own intrinsic merit, and because it helps highlight the difficulty of insuring true public representation.

A husband-and-wife team of seasoned observers, one a former coastal commissioner and one a current commissioner, urge instead the explicit exclusion of persons who are likely to act either consciously or unconsciously on behalf of special interests. Thus they would:

> *(Grader)*...like to have spelled out people who cannot qualify. For example, someone who has worked for a lumber company for 40 years. It would be ridiculous to put him on the commission.

All these suggestions are symptoms of deep concern with an exceedingly important and difficult problem of representation and public decision-making: how to reduce the covert, undue, and improper, but nevertheless often prevalent influences that interested individuals, firms, and organizations exert on public-body decisions.

Future coastal-zone land-use decisions necessitate careful safeguards against undue influence. Consequently conflict-of-interest provisions applying to coastal commissioners should be as tightly drawn as any applying to councilmen, supervisors, state legislators and other responsible public officials.

A 1971 Brookings Institution report on federal regulatory agencies has some relevant comments on the problem of industry influence and client-capture:

> The [Brookings Institution] conferees generally regarded the tendency of regulators to be too responsive to the interests of regulated industries as the main cause of undesirable regulatory policies and industry performance. This...means that regulatory agencies, in striking some sort of "balance" between the regulated industry and the general public, persistently assign too much weight to the interests of the former. The principal explanation for this tendency offered at the conference was the environment in which regulation operates. Specifically, most of the information and external contacts of the agency are supplied by the regulated industry.[10]

One major remedial suggestion was:

> ...either to make regulatory mandates and procedures fool-proof, or to

> change the constituency of the agency so that groups other than the regulated industry are effectively represented.[11]

In this connection the report concluded:

> ...the regulatory process just might be made to function better if the constituency of the regulatory agencies could be broadened. Thus proposals to give public interest groups public financial support and legal standing before regulatory agencies might prove effective.[12]

Under Proposition 20, the coastal commissions already have a rather strong and broad coastal-preservation mandate. Substantial protection against client take-over may be provided if this mandate can be retained, and its terms made more definite and clear in coastal plans and guidelines. Moreover the relative freedom to seek appeals from local or regional decisions should not be reduced without careful thought.

Also, the Brookings comment on public financing of public interest groups suggests a way of giving such groups effectiveness and staying power. In other ways, the Brookings material helps place the appointment-formula discussion in context. That is, workable appointment formulas are very important to organizational effectiveness, but a host of other factors and influences--and especially the interest groups an agency deals with--constitute an "agency environment" that helps determine how regulatory bodies perform.

In fact, Paul Sabatier, University of California, Davis, finds the existence of an organized constituency, supporting aggressive regulation, to be a *necessary condition* if capture by the interests regulated is to be avoided in the long run. According to Sabatier an effective constituency organization must have continuity,

staff assistance and expert advice, as well as some degree of popular support. Thus he sees three resources that are crucial for an effective constituency organization: (1) an executive director, (2) access to areas of expertise relevant to the regulatory agency, and (3) a fairly large membership (he suggests 0.1 percent of the voting population in the relevant political subdivision).

Sabatier studied the National Air Pollution Control Administration's successful activist role in stimulating formation of local groups supporting control of air pollution. While there was some criticism of this activity, Sabatier considers that it was essential in transforming air pollution control efforts from a program characterized by industry domination--prior to 1969--into one aggressively promoting pollution reduction.

Moreover he considers such an agency role not only defensible, but also advisable:

> ...industries with a salient interest in forestalling aggresive regulation have not been at all reluctant to make their preferences known. Given this situation, there is certainly a plausible argument from democratic theory that *regulatory officials have an affirmative duty* to see that all other affected and/or interested people are effectively represented. This is particularly the case when other government agencies have played a significant role in organizing industrial associations. [He footnotes the example of the Department of Commerce taking an active role in forming the National Industrial Pollution Control Council, as well as many trade associations.] Moreover, the stimulation of an adversary process itself has

> several advantages. The conflicting constituencies can...help supplement the agency's expertise and thus assist it in uncovering the relevant facts. In addition, the interaction among partisans may stimulate among each an awareness of the other's point of view and an appreciation of the difficulties encountered by public officials in resolving competing claims. Finally, the stimulation of effective representation from all affected parties provides regulatory officials with greater freedom to seek the common good. If--as was generally the case in air pollution control prior to 1969--only the regulated industries are effectively represented, it is rather unlikely that regulatory officials will risk their jobs and programs by proposing policies which have no organized political support. [emphasis supplied][13]

SUMMARY AND CONCLUSION

Approval of the "Mix"

The appointment mechanism employed by Proposition 20 seems to work reasonably well. In fact, the appointment concept has few competitors as a means of constituting a broadly based set of state and regional policy-making bodies for assignments like those given the coastal commissions. Moreover many observers comment quite favorably on the membership "mix" produced by the coastal appointments. Of course, the precise formula could be modified, and a number of suggestions have been made. For example, in the interest of encouraging a stronger conservationist policy, several of the principal changes suggested would reduce representation from

local government (see also the material on the role of local government in Chapter IV).

"Expert v. Citizen" Appointments

The issue of "expert v. citizen" appointments generates much discussion. Reasoning largely from experience with the State Water Resources Control Board several proponents argue that members of such policy bodies should be required to have relevant professional expertise in order to qualify for appointment. After many years of inadequate performance, the state board was reorganized to eliminate ex officio members and representatives of regulated industries. Simultaneously expertise requirements were written into the law. Since then, state-level water quality performance has improved substantially, leading some observers to conclude that limiting appointments to experts is the way to get a "good" board.

Nevertheless a clear preponderance of persons interviewed in this investigation consider the expertise requirement unduly limiting. Thus the crucial capabilities needed by members of policy bodies like the coastal commissions are seen to include intelligence, good judgment, fair-mindedness, motivation, interest, and willingness to work as a commissioner. Possession of expert knowledge, as such, seems secondary, at best. Requiring expertise would fail to insure the "generalist" abilities needed, while severely limiting the appointing authorities by excluding many capable people from consideration.

Furthermore, many observers consider expert domination of general policy bodies like the coastal commissions to be downright inappropriate. Generalist qualifications and the "intelligent-layman" model are seen as far more suitable for a policy commission.

Term; Removal; Compensation

Other features probably conducive to effective performance include a reasonable term of office (four years is accepted practice in California), removal for cause, the use of alternate commissioners, and the payment of appropriate compensation.

Open Nominations

An "open" nominating process is also urged, with careful review of nominees' backgrounds, philosophies and past public performance. Openness would seem desirable in enabling citizens, civic groups and others not only to submit their own lists of nominees, but also to comment on the qualifications of other candidates for appointment.

A few observers fear that publicity surrounding an "open" process may inhibit some able people, who would not permit their names to be considered and possibly rejected. On the other hand, it is suggested that establishment of an open system and its acceptance as the rules of the game would minimize any residual embarrassment. Moreover, persons able to withstand the pressures accompanying membership on bodies that must deal with controversy presumably would not be unduly offended by the public scrutiny attending an open nominating and appointment process.

Avoiding Client Capture

Perhaps the greatest danger to satisfactory public-interest performance of regulatory and policy-making bodies is client capture, i.e., undue influence by interests that are directly and financially affected by policy decisions rendered. Past experience at both the state and federal levels has shown such influence to be almost universal. This has led some scholars to develop theories holding client capture to be inevitable, because

regulatory agencies suffer a "natural cycle of decay," rendering long-term good performance virtually impossible.

But recent writings suggest several measures that can guard against undue influence and client capture. For example, conflict-of-interest legislation and reforms in the conduct and financing of political campaigns, are suggested as ways of reducing special-interest influence on the entire political system. Strongly felt dissatisfaction with some of the operations of political processes has already produced significant recent legislation on conflict-of-interest and campaign-finance regulation. The future may bring further measures of a similar and perhaps more far-reaching nature. These reforms should help change established patterns of unacceptable performance, including client capture of regulatory bodies.

Support Groups and Citizen Participation

Other counter-measures to avoid or minimize the likelihood of client capture call for positive action affecting the agency environment within which public bodies operate. Instead of permitting them to remain surrounded by the regulated interests, to the virtual exclusion of the "public," strong support is urged for public-interest groups and others that support the agencies' basic objectives. In the case of bodies like the coastal commissions, this would include environmentalist and conservationist groups. The temporary strength of such groups is not only largely responsible for the passage of Proposition 20, but also partly responsible for the pro-conservationist tone of some of the state coastal commission's basic policies. Moreover such groups have served as monitors and watchdogs at all levels. If this role can be sustained on a long-term basis, a new kind of agency environment can be maintained.

In this connection, two significant recent studies urge public funding of support groups, as well as an active role by regulating agencies, especially at the outset of their programs, to encourage the formation or activation of support groups. These measures are seen as perhaps the only realistic ways of guarding against client capture. Accordingly they seem appropriate for policy bodies like the coastal commissions and others that may be established for environmental or land-use planning. Finally, such measures are likely to encourage citizen participation and awareness of government, which is held by most observers to be a laudable end in its own right.

IV

The Role of Local Government

Our basic local governments occupy the bottom tier in the federal-state-local hierarchy, but they nevertheless loom large on the governmental landscape. Their capabilities and limitations must be assessed carefully in determining what future role cities and counties should have in coastal governance.

OVERVIEW OF LOCAL ROLE: THE CURRENT SITUATION

For coastal planning, the primary legal authority of local governments lies in their basic power of land-use control, i.e., planning and zoning, subject, of course, to the coastal commissions' power of veto over developmental decisions or land-use changes. In addition, Proposition 20 has given local governments near the coast a crucial role in determining the composition of the regional coastal commissions, because local governments are the appointing authorities for one-half of the regional members. Moreover local representatives have a substantial voice in the selection of the regional coastal commissions' representatives on the state commission.

Further, local governments collectively are organized in many different ways for governmental action, interest-group representation, and political influence. Examples include the countywide conferences of mayors, the regional councils of governments (COGs) like the

Southern California Association of Governments (SCAG) and the Association of Bay Area Governments (ABAG), and the statewide League of California Cities and County Supervisors Association of California. These organizations carry significant weight at all levels, and pay close attention to state-level affairs, particularly legislation on matters affecting local governments.

Local governments deal with a wide range of matters, including several especially relevant here, such as urban planning and land-use control, environmental preservation, and coastal zone regulation. Many local governments have played roles that are rather ambiguous--and many conservationists would term them downright negative--in recent efforts to develop strong coastal-zone controls. Moreover, most thoughtful observers consulted during this study, including some closely identified with local governments, agree that it is impossible for local governments acting alone, or only through voluntary associations, to implement policies on controversial regional and statewide matters. Expecting local governments to accomplish statewide objectives is a futile hope in the absence of strong state decisions that can override local action--or inaction--when necessary.

Nevertheless, local governments exist in large numbers in California, and represent an important institutional resource that can be effective if used properly. This poses a critical question: How can cities and counties be involved significantly in the future of coastal planning without relying on them so heavily that important regional and statewide goals are endangered?

This is a difficult question and in fact cannot be answered definitively. Many value judgments and a few political compromises will probably help shape the answer that California formulates for coastal governance after 1976. This chapter addresses some of the principal issues and points of view that ought to be considered.

WHY CITIES AND COUNTIES MUST RELINQUISH SOME POWER

Observers interviewed are nearly unanimous in two divergent but mutually consistent conclusions with respect to cities and counties, and the future government of California's coast. First, no one urges a deliberate return to the pre-Proposition 20 situation of unrelieved local home rule for land-use control along the coast. Second, there is agreement that cities and counties should continue to play a basic role as local planning and plan-implementing agencies in the coastal zone.

A Huge Resource...and Many Jurisdictions

Several reasons justify the conclusion that future unrestricted local home rule of the coast would be unacceptable. Perhaps the most telling lies in the very size, importance and complexity of the coast. It is a 1,100-mile-long zone of land and water, where much of California's population resides. The coastal zone is a huge, varied and beautiful resource with great statewide significance, as well as national and international implications.

Moreover the coast cuts through a host of local units in heavily urban territory, as well as in remote and unpopulated regions. Consequently each local government individually has charge of only small pieces of the extensive coastline, and there appears to be no conceivable way that the localities, unaided, could cope with the need to plan and govern the coastal zone overall in the statewide public interest.

Poor Performance and Special Interests

As suggested earlier, partly because of jurisdictional limitations, local governments' past performance in governing the coast has been unsatisfactory:

> *(P. Wilson)* Local government was entrusted with the regulation of land use in the coastal region. It defaulted.
>
> *(Adams)* Local governments have failed in the past....
>
> *(Bruske)* When the people of California voted for Proposition 20 they were saying that local government was not doing its job.

Local jurisdictional inadequacies have been exacerbated by another cause of poor local performance in planning and conservation: substantive influence by special interests. For example, in a 1970 study the California Legislature's Joint Committee on Open Space Land found that 52.9 percent of city planning commission members were persons who represented direct or indirect "beneficial interests" in planning decisions; 62.3 percent of county planning commission members represented such interests.[1] The report concludes that:

> ...economic interest in the disposition of competing demands for the use of private property, is a major if not dominant factor in the composition of city and county planning commissions in California.[2]

Without necessarily suggesting undue influence, the study of Bay Area councilmen directed by Heinz Eulau of Stanford University found servicing of special clienteles was a standard procedure for many city councils:

> ...as many as three-fifths [of the councils] very regularly accommodate the preferences of a clientele.[3]

This clientele-serving role needs to be monitored and counter-balanced by watchful groups concerned with the public interest in a range of other community matters. Otherwise the special interests may dominate local decisions. One knowledgeable respondent comments pithily, for example:

> *(Douglas)* The City of Eureka is controlled by logging interests.

Another speaks more generally:

> *(Keen)* The economic interests work through the city governments.... Local officials are much more subject to pressures because the only responsibility they really have is control of land use.

A former executive director of the League of California Cities makes this trenchant observation:

> *(Graves)* The most corruptive force in government has to do with the use and development of land. The developers and the building industry have been extremely destructive in California ....[over the years] Scores of men in local government have been corrupted by these developers....

Another respondent offers this wry but basically charitable evaluation, based in part on regional coastal commission experience:

> *(Harry)* Local government members are not crooked; they just find it hard to say "no" to their friends.

Overriding State and Regional Concerns

The former official of the League of California Cities quoted above extends his remarks to the issue of statewide concerns by stating:

> *(Graves)*...a statewide policy of conservation cannot be administered by local governments.

Another seasoned and pro-local-government observer--also a former executive director of the League of California Cities--says this on the coastal planning issue:

> *(R. Carpenter)* Where there is a clear overriding state or regional interest, locals must conform; and local plans, to that extent, must ultimately be approved by a higher level of government.

Without belaboring the issue, two added comments seem appropriate to the discussion of the need for a recourse that can help protect interests which local governments may otherwise fail to consider:

> *(Muhly)* People feel the need to have a recourse when local government ignores them.

> *(Towbes)*...an individual city or county can't take a broad view. There is a need for a higher level of government to tell cities and counties what they have to do to share in the responsibilities....This should be done at the regional level, and then the state must coordinate among regions.

Not Fully Representative: A Conservative Tilt

Still other factors support the conclusion that local governments' responsibilities with respect to matters of substantial controversy should be shared with higher-level institutions. In summary, local governments are often not fully representative of the political complexion of the electorate, but tilt or skew it somewhat. The precise causes are complex and even obscure, although local nonpartisan elections are responsible in part. But for our purposes, attention should be focused on the consequences.

The skewing phenomenon can show up in several ways, as illustrated here by two documented examples. Several years ago an analysis of the partisanship of Bay Area county supervisors and city councilmen disclosed that both city and county governing bodies tended to be substantially more Republican than their electorates. The report concluded:

> ...local government as a representational mechanism is not politically neutral. It confers a distinct--although not universal--advantage on persons of Republican registration.[4]

A recent book on nonpartisanship by Willis Hawley, based on Bay Area data and on a review of other studies, found a presumably related skewing in policy attitudes:

> ...nonpartisan elections...seem to reduce the priorities placed on the solution of social problems and the propensity of local governments to exploit more thoroughly the full public power that might be employed in solving...problems....[5]

> ...partisan elections generally tend...to move legislative policy making somewhat to the left of what we...find in a non-partisan legislative process.[6]

These influences appear to affect most local governments, but smaller cities seem especially susceptible to special-interest influence or to nonprogressive ideologies that restrict the role of government:

> *(Muhly)*...the little communities are at the mercy of the developers.

> *(G. Smith)* The role of the smaller city--and there are 78 in Los Angeles County--is that it has the power of doing nothing and resisting anything. Smaller cities are more reactionary.

These findings and conclusions are not presented here to argue either for partisan elections or against small communities, but to emphasize some policy consequences of decisions dominated by local home rule. The findings also help us understand local government's apparent reluctance if not actual incapability in the matter of using its powers to meet public needs, including the need for coastal planning and conservation.

WHY LOCAL GOVERNMENT SHOULD CONTINUE A ROLE IN COASTAL CONSERVATION

Despite negative findings like those noted above, most observers seem convinced that local governments should retain a first-line function in coastal zone planning and land-use control. Most would, of course, also prefer to have decisions guided by adequate state and regional plans and policies, and bolstered by a monitoring function and an appellate process.

Civic Participation and Community Concerns

There are several good reasons for insisting on a continued strong planning role by local government, despite indifferent or even damaging past performance. Local government is considered essential to civic participation, and its actual and potential abilities to serve local communities are substantial.

But unrealistic expectations beget unwanted consequences. This has happened when California expected local governments to cope with the public policy demands of an overwhelmingly powerful regional, statewide, and national private-sector economy. But if relieved of such pressures, and properly shielded from the more pernicious anti-public influences, local government can have a brighter future. In fact, a partially restructured and renovated local government is our best if not only hope for effective local civic participation of a "grass-roots" nature at the neighborhood, city and county levels. Accordingly virtually none of the observers would remove from local government the first-line task of local planning and land-use control in the coastal zone.

The very intimacy and even downright parochialism that makes it "hard to say 'no' to friends" is in its better manifestation the basis for a commendable sensitivity and awareness of local concerns and needs. These needs should be considered. When it is working well, local government can best express local community concerns. Moreover the local scale is better adapted to the "fine-grain" decisions involved in local planning and zoning.

To sum up, local government has good legal tools for effective planning, but often they are not properly used. In fact they have been abused. Still, given proper circumstances, including state and regional guidelines, and review of local performance, cities and counties should be able to assume a significant

responsibility for local aspects of coastal plan implementation and become effective members of local-state regional planning and plan-implementation teams. Under these conditions--plus some thoughtful restructuring--local governments will also be more effective instruments of civic participation and community representation.

Some "Political" Reasons

Several conservationists referred to another real but somewhat more opportunistic or "political" reason for continued involvement of local government in coastal planning and zoning. They were suggesting, in effect, that local government should have a key role in enforcement, partly to avoid criticism that cities and counties have been by-passed.

Moreover, several observers commented on political changes affecting many local governments, whereby "anti-environmentalists" were defeated and replaced by successors having noticeably different views. Some consider this--plus the other demonstrated successes of conservationist causes--as persuasive evidence that local governments' propensities for "development-and-growth-at-any-cost" are changing.

A North Coast environmentalist (who was formerly a Southern Californian, and is now a recently elected Arcata city councilman) comments:

> *(Chesbro)*...local government is generally going in the right direction. In five years it will be quite satisfactory, in many areas, to permit local government to handle environmental considerations. Development in this area (North Coast) is slow enough to allow this five year leeway. In Southern California the problems are different.

Two other seasoned observers, one a prominent mayor, and the other an environmentalist leader who has taken a special interest in coastal conservation, both see significant shifts in local attitudes:

> *(P. Wilson)*...there has been a dramatic change in the attitudes of local government....different kinds of people now serve in government. The most significant change has been the change in gender. The females are a welcome addition. Like those members of minorities when they were first admitted to positions of power, the women are both wiser and better than the equivalent men....not only the women but the young and the environmentalists are now gaining positions in local government.
>
> *(Adams)* [Although local]...governments have failed in the past....there were many changes in last November's election all over the state. The anti-environmentalists have been removed from office just about every place.... Now the environmentalists are organized....More and more the young people are coming in to take over....They don't look to coastal legislation as the solution, but to survival and a whole new life system....there will be a total change of leadership within 10 years in the entire local governmental scene ....this [is] very heartening....[But we are] still cautious. It may be that local government control won't work.

These changes in local policy, actual and anticipated, reflect changes in accepted values that increase the emphasis on environmental, anti-pollution, open-

space concerns, and underscore expectation of growing civic activism and participation in the local political processes.

Local Reform

Finally, other modest or more drastic reforms are seen as desirable for helping local government to better future performance in environmental matters. Sub-units are suggested for counties and for many cities (notably the larger ones) to handle some aspects of the planning and zoning powers. A concrete example is that of Sea Ranch in Sonoma County, where a planning and issue-resolving capability is needed below the county level. This role could be institutionalized in many ways, but one good possibility is the municipal advisory council, building on the model pioneered so effectively by the community of East Palo Alto.[7]

Deserving special note is the City of San Diego's long-standing effort to encourage citizen involvement in city government and particularly in community planning. Under a council policy adopted in 1966, these efforts have been encouraged systematically in communities throughout San Diego. The following comments are based on an interview with a city planning staff member:

> *(Foxworthy)* This has been a very successful activity. The City of San Diego has won the All-America City Award for these projects because of the large citizen involvement....The various community planning organizations work with the Planning Department, which coordinates with various city managerial departments in the process of developing plans containing all of the usual elements, land use, housing, transportation, public facilities, open space, etc., including

> capital improvement programs, budgetary and priority listings....It is mandatory that there be *many* community meetings to be sure that the public is in accord during the development of the plan. A great use of the media is essential.... Each community planning organization must keep a file to prove that effort has been made to contact the public....It usually takes 18 to 24 months to produce a community plan ....There are currently 28 community planning organizations....approximately 20 have completed plans which have been adopted by the City Council. [emphasis in original]

Another noteworthy experiment in citizen participation is the Venice Town Council, an informal neighborhood government, within the City of Los Angeles. The project was initiated by Councilmember Pat Russell, who reports as follows:

> We divided Venice into six areas, based on geographical divisions and differences in crucial problems. Each area held elections for five members each to be on the Venice Town Council, and each area set the criteria for nomination (residents vs. property owners, terms of office, qualifications, etc.).
>
> Since March 1973, each area has been meeting monthly, and all areas have been meeting jointly, also on a monthly basis. Certain issues are handled at the area meetings, and others which are thought to be of importance Venice-wide are brought up for discussion at the meetings attended by all representatives.

> The purpose of the organization was to find a way of helping community residents to deal with specific problems in a local way, and to create a better pipeline for communication between my office and the community people. We also hoped to provide a forum for people not involved in any of the existing organizations, and to find a largely representative group to work with on matters of planning, etc.
>
> In the one-and-one-half years since its inception, the Council has evolved into a viable organization which has taken strong stands on many issues pertinent to Venice and reached solutions to several community problems. Committees have been formed to appear before governmental bodies such as the City Council or the Coastal Commission.
>
> The Town Council does not have any legal authority, but as a united community voice it does carry weight.[8]

Other measures would also do much to improve the policy environment of local government. One example would be improved revenue structure, including regional or statewide equalization that would reduce local governments' motivation to fight for lucrative new revenue bases, such as industries or supermarkets. These struggles cause much poor planning and zoning, and often produce local development policies at cross purposes with the larger public interest. Another necessary reform would remove the assessors' compulsions to tax property on the price it would bring on the open market, rather than on its real current use and the income it produces. As it is, current assessment policies support powerful pro-development forces, and are major obstacles to methodical planning.

Finally, substantially more drastic reorganization and restructuring of local governments seems essential--probably including a reduction in the number of units--if local governments' full capabilities are to be realized. Examples include the sophisticated city-county consolidation proposal considered but overwhelmingly defeated by Sacramento County's voters, as well as Alameda County's proposal to junk its home-rule charter because it is a severe handicap to effective governmental performance. Basic local reorganization is obviously a long-term affair, and in any event would not by itself offer an effective solution to California's problems of coastal zone planning and conservation.

HOW MUCH POWER SHOULD LOCAL GOVERNMENT HAVE?

A reasonable consensus on the extent of local power could be described as: about the same as now. That is, local government should make the first try, guided by plans developed by the state and regional commissions, and subject to review.

If that is done, the next question relates to the strictness of the state and regional plans, guidelines and review processes. The answer depends in part on a "reciprocal balance" between the stringency of the state and regional plans, and the leeway that could safely be permitted local government. That is, under a stringent upper-level plan, local government could be given relative freedom to prepare its own plans. But if the upper-level plan were general and non-specific, then there would need to be much stronger monitoring, review and interpretation at the regional and state level. In summary, the objective is a state-regional-local process that involves local government in active, constructive ways; it also must provide safeguards to forestall local actions that might, either individually or cumulatively, contravene the state and regional plans, or defeat their intent and purpose.

The process should also be thorough enough both to insure fair, full consideration of the issues and to provide expeditious decisions. This requirement argues for state and regional staff that are high in quality and adequate in numbers.

Nevertheless local government would clearly have the initiative, as long as it remains within the state-regional guides. That is, there should not be a virtual state takeover of all planning responsibilities:

> *(Benedict)* State land-use controls in depth would be administratively infeasible. Local government must be the major ball carrier.

LOCAL ROLE IN THE APPOINTMENT PROCESS

There are many disparate views on local government's role in the appointment process for the regional commissions:

> *(Douglas)* The real problem is with the local governments' appointments... some...were...good...the majority however were bad.

Many of the more conservation-oriented respondents have substantial misgivings about perpetuating a system under which local governments are responsible for half of the appointments. They see this method as risking subservience to parochial concerns and to development interests. Moreover concern is expressed over the dual roles of councilmen and supervisors, who must attempt to represent local interests on their local councils, and also to give adequate consideration to regional and state concerns when sitting on regional and state coastal commissions:

> *(May)*...in setting up new commissions, absolutely no local governmental offi-

> cials should be involved....There is [admittedly] great need for *local* input...[but] local input can occur without local governmental bodies being represented. [emphasis in original]

Nevertheless many express satisfaction with the existing appointment mix, suggesting that consideration be given to a continued local role in the future formula, along with a modest reduction in the proportion of local appointments. Another suggestion is that local elected officials continue to make some of the appointments, but not be eligible themselves to sit on the commissions. Moreover we have noted in an earlier chapter Mel Lane's emphasis on the importance of alternates or proxies, if local officials themselves should continue to serve:

> The real problem is that of either an alternate or a proxy. There has to be *something*. The supervisors just don't have time to serve properly. [emphasis supplied]

Despite its drawbacks, the inclusion of local representatives has an educational and communications function:

> *(Weinreb)* There has to be a lot of coordination with local government. The reason BCDC succeeded was that the local government representatives were educated to respond to regional needs and the regional group was educated to local needs. This was a healthy mix.
>
> *(Lane)* The educational process will work. I remember when supervisors on BCDC wanted only to protect their domains.... The educational process is a tough one, however.

One commentator emphasizes that there has to be both a policy and a commitment at all levels, to see that the needs of each level are met most fully. This requires much discussion and interchange, to make each group aware of the others' ideas. Local membership on the coastal commissions is one means of achieving such communication.

Finally, notice should be taken of policies of the national Advisory Commission on Intergovernmental Relations (ACIR), urging all states to work to establish regional multijurisdictional umbrella organizations (UMJOs) with comprehensive land-use planning responsibilities. The recommended formula would require that at least 60 percent of the membership "be composed of elected officials of units of general local government..."[9] California's Council on Intergovernmental Relations has adopted similar policies. These and other regional issues are discussed in Chapter V.

SUMMARY AND CONCLUSION

For coastal purposes, the principal power of local government lies in planning and zoning, i.e., land-use control. But under Proposition 20, of course, any local decisions that allow development or other significant changes in land use are subject to veto by the coastal commissions. Local governments in the coastal zone also participate as the appointing authorities for one half of the regional coastal commission members, and have an indirect voice in the regional commissions' selection of representatives to the state commission. The several local, regional and state-level associations of cities and counties provide other focuses for local political and policy influence.

There are good reasons for concluding that cities and counties should relinquish some of the power they once held, before Proposition 20 changed things at least temporarily. The huge size of the coastal resource, and the multiplicity of local governments,

combine to support the view that further "unrestricted" home rule of the coast would be unacceptable. There is no way that the numerous localities, with their fragmented authority, could cope effectively with regional and statewide coastal issues. Consequently, state and regional concerns must be protected by adequate regional and state-level policy machinery.

Many local governments have a record of inadequate performance with respect to conservation and environmental issues, especially on the coast. In part, this is due to the fragmentation of authority and multiplicity of jurisdictions, noted above. But it is also partly attributable to the substantive influence of special interests on many local planning decisions. Local governments have often tended to be especially sympathetic to interests with a growth-and-development orientation, sometimes with scant regard to environmental or other consequences.

A different but nevertheless related phenomenon is the "conservative tilt" of many local councils--although this may be changing. There is evidence that historically local governing bodies have been both more conservative politically and more resistant to policy innovations than higher levels of government.

These are the principal reasons to avoid returning to the pre-Proposition 20 situation, when cities and counties held principal control of the coast. Nevertheless, local governments can and should continue to play a constructive role, under appropriate arrangements for a state-regional-local sharing of power and functions.

Accordingly most observers urge a continued local involvement in coastal affairs for several reasons. In the first place, local governments can or should be employed in expressing the views and preferences of their citizens. If civic participation at the grass-roots level is to have any meaning, local governments should

be playing a key role. If local government is relieved of responsibilities that are too large--like making policy for the coast--local units should be able to perform well. They should be active members of a local-state-regional decision-making network, subject to monitoring. Moreover, local actions must not be permitted to contravene regional or statewide interests. But to sum up, with state and regional guidelines, support, help and scrutiny, cities and counties should be able to play an effective role in coastal planning and plan implementation.

Second, some observers point to reasons for local involvement that are more obviously "political". Some suggest, for example, that statewide coastal planning will be more palatable and politically acceptable if local governments have a substantial role. Others point to recent changes in the composition and political tone of many local councils that have given greater emphasis to environmental and conservationist concerns. If these trends continue, improved future local performance with environmental planning can be anticipated.

Third, reforms in local governments--such as changes to encourage greater citizen participation and governmental responsiveness, better and more equitable revenue sources and distribution, and structural reorganization for stronger and more effective local units--can also improve local performance. If these measures can be implemented, local government should be better able to manage a substantial role in future environmental planning.

In summary: local government should have some power over the coast, but not too much. How much is enough? In legal authority, the answer seems to be: about the same as now, under Proposition 20. That is, local government has initial responsibility for planning and land use policy, but under state and regional plans, goals and guidelines. Moreover local actions are now subject to review by the coastal commissions. The objective is to involve local governments constructively in coastal planning and regulation, but under

safeguards that protect regional and statewide public interests.

There is a strong consensus on the appropriate legal power of local government, outlined above. But there is substantially less agreement on local government's role in the coastal appointment process. True, the appointment "mix" as such meets with general approval, but some observers, especially those with environmental orientations, suggest a reduction in the proportion of local appointments. Some argue for their elimination, entirely. On the other hand, *some* local governmental appointment role, probably including continued eligibility of councilmen and supervisors to sit on the commissions, is considered by many to be a useful way of encouraging necessary intergovernmental communication and the growth of mutual understanding.

V

Dealing With the Regions

INTRODUCTION

A strong and flexible program of coastal planning and control seems almost inconceivable without regional mechanisms of some kind. Admittedly coastal planning *could be done* by a powerful state agency overseeing local government, or even taking direct charge of the coast. But it seems very doubtful that this approach would be acceptable to the multiple interests that ought to be heard.

Moreover the structural distance between a state coastal agency and local governments seems too great to be bridged effectively unless intermediate regional mechanisms are continued. Without a regional planning and decisionmaking capability, only a single state agency would be available to complement and review local activities affecting the coast. Conversely, if regional coastal agencies are continued they would be able to support local governments where necessary, and also monitor their performance. In doing this, regional agencies presumably should be capable of greater sensitivity to local desires than a single statewide agency, and also able to devote closer attention to a multitude of projects. Further, experience shows that the regional coastal agencies provide an appropriate forum for the educational process whereby local representatives on the commissions learn about the views and concerns of their neighbors within the region.

VIEWS ON THE REGIONAL ROLE

Observers generally support conclusions that favor a role for regional bodies, although a few reservations are also expressed and alternatives suggested. These are summarized here.

A Rationale for Regional Commissions

The regional coastal commissions were written into Proposition 20 principally because of a fear that a single state agency would be too remote, as well as to facilitate representation of local concerns and to encourage citizen participation. Furthermore working models of successful regional organizations provided both guidance and encouragement. One of the designers of the state-regional coastal formula--and vice chairman of the state commission--outlines its rationale as she sees it:

> *(Harris)* The idea was to pattern the agency after BCDC and the State Water Resources Board with its Regional Boards...a coastal commission had to be regional; it should meet no more than a two hours' drive from its furthest members. It couldn't be successful unless it was economically available to the public. Everyone can't afford to go to Sacramento for hearings.

A San Francisco supervisor who also sits on both a regional commission and the state commission sees a crucial communications and local representational role for the regional commissions--as long as it is kept in perspective:

> *(Mendelsohn)*...it would be a serious mistake to abolish regional commissions. This is where local government

> really has a say. Furthermore, the regional representative...takes that point of view to the state commission. It would be very difficult to get the local government point of view on the state commission if there were no regional commissions....local government ought to be involved...not...in a controlling way, but in a *participatory* way...there must not be control by local government. [emphasis in original]

A research associate of Los Angeles Mayor Tom Bradley also calls the regional commissions an essential part of an important new experiment and a larger new process:

> *(G. Smith)*...planning revision becomes a constant process....there is need for vital on-going regional and state commissions. This would be new in state land use law....Society will be more and more informed. The coastal commission is an exercise in this process. It is important that it not stop in 1976. This [planning and decision process] is the major role of the state and regional commissions....

Some Questions and Reservations...

On the other hand, the chairman of the state commission adopts a wait-and-see policy for the time being, suggesting that the future need for regional commissions depends largely on how big the tasks ahead prove to be. But he is not suggesting their discontinuance without further experience:

> *(Lane)*...hope regional agencies will not be necessary, but do not know if there is enough other machinery to make sure the plan will be enforced. The real problem is that California has such a long coast with such a tremendous population on the coast.... it boils down to a size problem. [Moreover]...if there are no regional agencies the problem of selecting state commission members becomes much tougher.

The mayor of San Diego sees the regional commissions as necessary now for both coastal planning and implementation, but also thinks it conceivable that in time perhaps one or both of these activities could be shifted elsewhere:

> *(P. Wilson)*...ultimately the plan can be so set up that local bodies can implement it. In order to change the plan, there would have to be an appeal to a regional body. Eventually perhaps the regional body could be eliminated and the appeal would go directly to the state.

A few observers, apparently for disparate reasons, would eliminate the existing regional commissions after 1976, and rely on other institutions entirely. For example, one north coast observer, seeming to despair of adequate protection under existing regional machinery--"The state commission is the only hope for the north coast"--urged a state organization like the present one to administer the coastal plan, backed up by appeals to the courts:

> *(Thomsen)* There should be no need for regional commissions any more.

A top planner on the staff of the Irvine Company, and an associated governmental consultant, in a joint interview both suggest the county as a likely candidate for taking over the regional functions:

> *(Moore)*...the power structure in a regional body has to be far enough removed from the local constituency to be able to see the forest, not just the trees. But it must not be so far removed that the voters have no power....a single state agency is too far removed....The county level is just about the right level.
>
> *(Shelton)*...if brand new regions are considered, cutting across established jurisdictions, a whole new Pandora's box is opened. Maybe it would be wiser to opt for viable governments such as counties, of which there are 15 on the coast.

...But General Support

Most respondents who comment support a regional role in coastal planning and control. Moreover most seem reasonably content to keep something closely resembling the existing regional commissions, at least until we have another regional alternative that promises to work better. Some suggest a multipurpose regional government as an alternative, but this hardly seems a reasonable early possibility except perhaps in the Bay Area.

If a Bay Area regional government is created, it could conceivably take over some or all of the regional coastal commissions' responsibilities. But there are many uncertainties, partly because no one knows whether a Bay Area government will be formed, or what its governmental pattern or performance will be.

In fact, one astute observer who is also a regional government proponent argues against bringing statewide resources like the coast under the direct control of any regional government:

> *(Mendelsohn)*...the coastal commission should not become a part of the regional agency. It must be separate. If there should be tough directly elected regional [government] mechanisms, even then I question including the coastal commissions, because the regional entities would be "horizontal" organizations. The coast is a "vertical" resource, and it does not properly belong in a regional mechanism. The coastal zone is a resource that transcends the regional area. I believe in having a directly elected regional structure, but it should not have authority over things that are statewide.

A Marine-Resource Component

Finally, regardless of decisions on regional governmental organizations for "urban" purposes, it seems clear that there will need to be a statewide system of coastal marine-resource management, with special powers and policies running outward at least to the three-mile limit, and probably in time much farther.[1] Almost certainly this management system will also need regional components whose appropriate composition and structure remain unclear at this writing.

COGS AND THE COAST

The council of governments (COG) alternative to coastal regions is mentioned often, but there is very little support for giving COGs any of the regional

coastal zone function at this time, except perhaps planning. Virtually no one sees COGs as a realistic alternative for the regional permit review function.

In short, because COGs lack the power, strength, vigor and openness of the coastal commissions, folding the coastal planning function into the existing COGs would substantially weaken the process. On the other hand, if one or more coastal COGs are converted into or superseded by full-fledged regional or metropolitan governments, the latter presumably should have a not-yet-clearly defined role in coastal planning.

Voluntary COGs Lack Coastal Commission "Mix"

A great weakness, of course, is the COGs' voluntary character, which permits any dissenting member government to secede at will. But many observers are also concerned lest the policies promoted by legislative bodies selected under COG appointment formulas be more pro-local and pro-development, and less regionally oriented and environmentally sensitive, than is warranted by public opinion and the needs of the time.

The coastal commissions' own experience is relevant to the question. Thus with half their members selected by a COG-type formula, the coastal commissions can be viewed as California's (and perhaps the nation's) first effective statewide experiment testing the way COG-formula regional legislators behave when given real powers of planning and land use control. (Chapter IV reviews circumstantial evidence and the opinions of knowledgeable observers that local governments often serve special local interests, and that many local members of the coastal commissions tend to be more sympathetic to pro-development policies, and less sensitive to environmental concerns, than the commissions' overall membership.)

In any event, many environmentalists and other observers question whether commissions, comprised exclusively of local officials selected by COG-formula appointments, can become effective governments for regional planning and land use control. Because COGs comprise exclusively or principally local governmental representatives, COGs lack the "mix" that seems to have helped temper the parochial and locally oriented views of city and county members in the case of BCDC and the coastal commissions.

Furthermore COGs in California are not equally effective in various parts of the state. One respondent comments:

> *(Goecker)* North of ABAG COGs have had little or no impact on multi-county planning and land use control and, ABAG itself seems far removed from the community interests in the Sonoma and Marin County coast.

A COG Role in Coastal Planning?

Nevertheless, there appears to be a measure of support for giving the more advanced COGs some rather vague role in the coastal planning process. In this view, linkages are needed among the several planning processes affecting the regions--including coastal planning, planning for air and water, and also the comprehensive regional planning that some of the COGs are trying to do. But how these linkages should be established remains a mystery to most observers, although a few make thoughtful suggestions (see below). Regardless of the COGs' future role in coastal planning, there is a clear consensus that the coastal commissions themselves should retain final say on all matters affecting the coastal zone.

Coastal planning but not regulation? Perhaps the most elaborate concept for a COG role comes from a prominent COG representative. Ray Remy, Executive Director of SCAG, suggests the following plan. He would keep both the state and regional coastal commissions. The state commission would retain both its planning and regulatory powers. The regional coastal commission would also keep all of its regulatory power, as well as the *initial* regional plan-drafting function. These plans would then be submitted to the COG, which could adopt or modify them, and make the final planning decision. As a safeguard, the COG-approved regional plan would not be permitted to contravene the state coastal guidelines and criteria.

In evaluating this proposal, it appears that separating the key planning decisions from permit-review and enforcement could be unwise. Thus, several respondents comment on the desirability of keeping both activities together.

Casey Buchter and Mel Lane, for example, made the following remarks, based on regional and state coastal commission experience, respectively:

> *(Buchter)* In the [South Central] coastal agency now the permit process tempers the planning process. We have not split the staff between people who work on permits and planners. The staff finds it difficult to switch its thoughts from one to the other. If this is so the planning is wrong or the permitting is wrong. These two activities should not be separate.
>
> *(Lane)*...it is the permit-granting function that keeps an agency vital and realistic in the planning area.

Moreover giving a voluntary COG crucial planning decisions and expecting it to make the necessary tough judgments on "who gets what" among member governments may be unrealistic. The expectation might be more realistic if membership were mandatory under state law. Otherwise the COGs may find themselves threatened by resignations when some member governments do not get their way in controversial planning decisions.

Mutual plan and project review: a workable process. The COG-coastal planning conundrum might be partially solved by the simple expedient of *mutual* plan reviews, giving each agency an opportunity to comment on the other's concepts and objectives. COG plans would be submitted to the regional and state coastal commissions for review and comment. Similarly coastal commission plans would be submitted to the appropriate COGs for review and comment.

If this could be done *without unduly slowing the processes of coastal planning*, it should be well worth the effort.* It would help insure the exchange of pertinent views and enlarge the number of participants in both coastal and COG planning processes. It might also help weave together what could otherwise become a worrisome and perhaps even a critical planning discontinuity, i.e., a failure to tie together the kind of planning done in the coastal zone, and that done outside by COGs or other agencies.

In fact, this process might provide another advantage to the coastal commissions. Mutual plan review would mean giving the commissions an advisory role in the plan-drafting for areas outside the coastal zone.

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*The emphasis given the words "*without unduly slowing*" is deliberate. Several observers comment on COG planning as being both "mediocre" and "slow." Moreover as noted above, a strong case is made for reasonably expeditious coastal planning and permit procedures. The timing of the mutual plan reviews must respect these important objectives.

In sum, it seems like a workable process that is worth trying. At the very least, it would ensure that the agencies talk to each other.

Drawing on Florida's recent experience, David B. Walker, of the Advisory Commission on Intergovernmental Relations (ACIR), suggests possible COG review of permits or projects--the bigger ones--that are considered by regional coastal commissions:

> In Florida's new state land use control package...applications for developments of regional impact (DRI's) are acted upon by county planning and zoning officials only after mandatory referral to and review by the designated multicounty regional planning body serving the official substate district within which the county is located.
>
> While the county is not bound to act in accordance with the comments from the regional planning body, that body...may appeal the county's action to a state administrative review board. This system has now been in operation for over six months, and it seems to be working.
>
> In California, if the coastal zone regions were considered to be analogous to the Florida counties, they would simply refer a development application to the affected COG and then crank that organization's comments into its own decision-making process. If the COG was dissatisfied, it could appeal the [regional] coastal... [commission's] decision to the state coastal zone commission. This would not add another layer, but simply another participant to the present process.[2]

Joint task forces? ABAG's Executive Director Revan Tranter urges the use of joint task forces in each metropolitan region. The task forces would be comprised of representatives of the regional coastal commissions and the COGs and would study and advise on a number of important issues involving boundaries and inter-relationships in planning and plan implementation. Tranter suggests the following matters for exploration:

> Appropriate boundaries of the... regional coastal jurisdictions and their relationship to the comprehensive regional planning agency [the COG].
>
> How such comprehensive regionwide agencies [the COGs] might assist in carrying out the coastal plan.
>
> How the...coastal agency might carry out the comprehensive regional plan.
>
> How the comprehensive regionwide agency might participate in... coastal planning and permit review.
>
> How the...coastal agency might participate in on-going regional planning and plan and project review.[3]

Conclusion. In summary, there is substantial interest in trying to involve the more advanced COGs in aspects of planning for the coastal zone. But there is also a good deal of reluctance to give up any of the independent planning and regulatory power the regional coastal commissions now have. This suggests that for a time we may have to devise untidy arrangements--informal or otherwise--to develop linkages between the coastal commissions' planning efforts and those of COGs and other important organizations and activities in the

regions. It does not suggest strong support for relinquishing any substantive powers that the coastal commissions now have, at least not until COGs have developed and "proven themselves" as stronger planning agencies than they are now, or until one or more regional governments have been formed.

Both the potentials and limitations of the voluntary COGs are summed up well in the following perceptive comments by Fred Silva:

> One of the important activities that the COG can undertake is to deal with the impact beyond the coastal plain, or stated another way, the impact of actions outside the coastal plain. If a COG is willing to "bite the bullet" and take on some of those issues, then it can play a viable role. I doubt that any of the COGs are politically stable enough to accomplish that task unless there is specific legislation dealing with comprehensive planning. Assuming that the COGs will still be operating [as voluntary bodies] under the Joint Powers Act, I see virtually no role for the COGs when the state plan is recommended in 1976. Again, it would be difficult to take a resource management oriented plan and give any implementation responsibility to a voluntary Council of Governments which is organized for consensus decision-making. The system simply would not work....
>
> The only basis upon which the future planning and management responsibilities should be placed in something other than a permanent coastal agency would be on the ACIR-UMJO model, and that would have to come about through

> some kind of statutory action on the part of the state creating an UMJO.[4]

Future Relationships and the UMJO Effort

The UMJO* and regional government issues merit further consideration. The struggle with difficult problems of regional governance appears to be intensifying. We must be prepared to experiment with both familiar and novel mechanisms, and to rethink, revise and reorganize our instrumentalities of planning and governance--coastal, COG and others--as we learn from experience.

Remaking COGs into UMJOs. Especially notable is an emerging national strategy to strengthen COGs, and if possible to press toward their conversion into workable agencies of regional governance. The Advisory Commission on Intergovernmental Relations is backing this policy with intensive homework reported in its multivolume compendium of studies and reports. The policies are summarized concisely in journal articles.[5] In summary, the ACIR is promoting federal and state policies leading to agreement on a system of regional districts in each state: one umbrella multijurisdictional organization (UMJO) is to be designated in each district. The designated organization might be either a COG or some other existing or newly created organization. But for the major metropolitan areas, ACIR clearly hopes to see UMJOs created by strengthening the COGs.

Mel Mogulof's 1971 study foreshadowed this policy and gives the basic rationale:

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*UMJO is an acronym popularized by the Advisory Commission on Intergovernmental Relations. It means: umbrella multijurisdictional organization.

> The sense of this report has been that the COG is not now capable, and must be severely strained and restructured if it is to become capable, of performing the necessary tasks of regional governance.[6]

He would have both the federal and state governments place greater emphasis on COGs, and help in the restructuring process. Thus COGs would be expected to play a stronger role--as in setting priorities when reviewing local requests for federal grant money. In case of inadequate performance, a lagging COG would have its knuckles rapped or worse--e.g., its certification as a recognized grant review agent would be withdrawn.

The main point is that the proposed policy is not to give up on COGs, but to try to work them over and force them to become effective governments, or at least to use the COGs as experiments to find out what *is* needed for adequate performance as a regional government.

An awkward question. But public opinion and the passage of Proposition 20 posed the coastal challenge too early for the COGs to play a major role. The question is: can the coastal commissions nevertheless aid and encourage the COGs to become more effective, while at the same time not relying on COGs for the hard decisions that widespread opinion holds to be beyond the capabilities of even the more advanced COGs?

This is an awkward question, that may not have a really good answer. Clearly the state and regional permit review power must not be given to COGs now. As suggested above, COGs should not take principal responsibility for important coastal planning decisions. The preparation of a plan becomes significantly controversial--"turns on the heat"--precisely when there is some assurance that the plan will *change* previously prevailing *priorities, alter the rules* and *be enforced.* This

was obviously the intent of Proposition 20: to change the way the coastal zone had been managed.

According to this logic, it would be inappropriate to turn over significant coastal planning responsibilities to voluntary COGs, except under stringent state-regional coastal agency power to review, amend, and approve the content of the COGs' plans, as they affect the coastal zone. Even the statutory UMJOs with mandatory membership envisioned by ACIR would still be controlled principally by representatives of local government. Such local dominance departs from the membership "mix" of California's coastal formula, and would obviously cause concern among environmentalists who fear a too-strong influence by representatives of local government.

Stages in an Evolutionary Process

The future of state-regional governance for land use, environment and related matters abounds with unresolved issues. For example, while Proposition 20 helped focus attention on the coastal zone with special reference to the regions, there are many competing organizations in each region, but no comprehensive decisionmaking mechanisms to pull things together. Nor is there agreement on how an umbrella agency should be designed, or how coastal responsibilities should be related to it. Because the Bay Area appears to have given much attention to these questions, some thoughtful comment by ABAG's Revan Tranter (in a letter of June 18, 1974) offers helpful perspective. He views these developments as stages in an evolutionary process:

> ...the present coastal planning effort is only cycle one of a continuing effort to increasingly define local, regional, state, and federal interests in the balanced conservation and development of the coastal zone. The focus is primarily on the

regional interest in this cycle....

[But the first-cycle] plan will need to be more flexible than...[many] would like. Conversely, it is likely that the next stage of the coastal management system will need to be equally flexible until these interests can be more clearly stated and the necessary powers and responsibilities identified and organized to reflect those interests.

This augurs for an evolutionary process for both planning and management systems for the coast. We believe that metropolitan-regionwide planning and governing mechanisms are a key answer to the questions of growth tradeoff and the source of compensation for coastal preservation.

Until these questions are adequately addressed in the coastal plan and a regional plan, the coastal regulatory and management process will need to be ad hoc....Therefore, the evolution of the coastal governing mechanisms should be closely linked to the evolution of regionwide governing mechanisms. We hope that such linkages can be established specifically for the Bay Area by regional legislation, e.g., AB 2040 [1974 proposal], or statewide by the Legislature in the implementation of the cycle one coastal plan. In the meantime, ABAG is developing such linkages on an informal basis with the regional commissions in the Bay Area through Memoranda of Agreement.

The Bay Area Bills

Mention of Assembly Bill 2040* calls for emphasis of four points that are crucial to understanding what is being attempted in the Bay Area. In illustrating the four essential points it is appropriate to use one of the principal forms of AB 2040 as it passed the Assembly in 1974 (rather than the last and somewhat weakened version):

1. It would have been governed by a COG-type body composed of local elected officials for eighteen months; thereafter a new 50-member governing body would have been created. Half of the members were to be local governmental officials chosen by the COG formula, and half directly elected from districts established for that purpose. (This may approximate the "mix" noted on the coastal commissions, although the "counterweight" to local government representation would be provided by direct election, not appointment by state-level authorities.)

2. Local governmental "membership" would, of course, be mandated by the law. There could be no voluntary withdrawals.

3. By the time the 50-member governing body had been established, the new government would have taken over the regional Metropolitan Transportation Commission (MTC)

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*AB 2040 passed the Assembly in 1974, and seemed likely to get Senate approval, but was stopped in a Senate committee. Similar in most respects is AB 625, a 1975 legislative proposal for a Bay Area planning agency. It passed the Assembly with a Speaker-initiated amendment calling for an elected "super mayor," which later was deleted. A subsequent amendment introduced a controversial regional referendum, and the measure passed the Senate. Although differences between the two versions were reconciled in conference committee, the revised draft of AB 625 was later defeated in the Senate.

and the Bay Area Sewage Services Agency (BASSA), as well as the regional planning responsibilities of the Association of Bay Area Governments (ABAG). Further, within another 2 1/2 years it would have been required to take over the San Francisco Bay Conservation and Development Commission (BCDC) and the nine-county Bay Area Air Pollution Control District (BAAPCD).

4. The new government's principal powers would have been: (a) the powers of the governmental agencies it superseded; (b) the COG-type power to review and comment on local requests for grants and financial assistance exercised by ABAG; (c) the power to require that local agency plans be consistent with adopted regional plans (this power was deleted from the final versions of AB 2040). All of these powers were included in most versions of AB 625, the 1975 Bay Area proposal.

In summary, the recent Bay Area legislative proposals would meet most of the objections cited by critics of the COG approach. First, the governing body would have a "mixed" membership, instead of being dominated by local councilmen and supervisors chosen under the COG formula. Under both AB 2040 and AB 625, representatives of local governments would comprise only half the membership. Second, membership in the new government would be mandatory, and not dependent on voluntary action by local governments. Third, the proposal would assemble in one government the powers now dispersed among three or four regional governments and one voluntary association (ABAG). The bringing together of existing but scattered powers would surely have strengthened regional planning substantially. Finally, in one of AB 2040's versions the regional agency would have had power to prevent local governments from contravening the regional plan, and most versions of AB 625 included this power.

Enactment and implementation of either of the 1974 or 1975 Bay Area bills would go a long way toward establishing an UMJO--an umbrella regional government--in the Bay Area.

If Regional Government Comes?

What if an effective regional government should be established, in the Bay Area or elsewhere? Development of workable relationships between the regional government and the state-regional coastal policy-making machinery would be both imperative and difficult. Clearly the regional government must have some kind of role in the coastal zone; the coast is the site of concentrated urban-metropolitan populations, as well as of a multitude of local-regional-state concerns that transcend arbitrary coastal-zone boundaries. But precisely what the power and organizational relationships ought to be remains unclear and requires further investigation, as well as perhaps additional experience with both coastal planning and regional government.

One helpful suggestion would sort out for separate treatment the urban-metropolitan concerns from the rural-resource management concerns. Presumably, then, the regional governments of the future would have a major say regarding urban-metropolitan matters in their respective areas, but state-level interests would also be protected by some form of state monitoring and review. Rural-resource management would be subject to more stringent state-level controls, and would be governed under a different regional framework--perhaps like the existing regional coastal commissions--outside the urban-metropolitan areas with recognized regional governments.

The following comments by Fred Silva helped stimulate this line of thought:

> [We should work]...toward a more rational, comprehensive and formal planning process for the metropolitan and rural-resource management areas. There are really two problems here. One is an urban-metropolitan concern and the other is a rural-resource management concern.

> I think these issues could be handled in two different ways.
>
> In the metropolitan high-density populated areas, density formats and floor-area ratios, and other kinds of standards could be used to protect public access and to maintain the coastal areas for use by the metropolitan population. In addition, outright purchase of developed areas through condemnation could be part of the plan for the metropolitan area.
>
> In the rural-resource management areas, the problem is the existence of a natural resource, such as agricultural lands or scenic vistas. These issues should be separated out from the metropolitan issues. Organizationally then they should be dealt with in separate ways.[7]

WHAT BOUNDARIES FOR THE REGIONAL COMMISSIONS?

Regardless of future evolutionary development of regional governance in urban California, the question of boundary-setting for coastal commissions deserves further discussion.

Conform to the COGs?

If a principal objective were to work with and through COGs in pushing toward an effective system of regional governance, then the existing coastal zone regional boundaries clearly pose a problem. The coastal zone boundaries do not coincide with those of any other state-designated or regionally adopted district or agency boundaries. In fact, they cut up COG areas

quite remarkably, especially the state's two largest metropolitan COGs, SCAG and ABAG.

If we are engaged in institution-building, having the coastal zone regions coincide reasonably well with COG areas would have helped establish or reinforce patterns of intra-regional communication and decision-making. Using identical areas would probably help achieve more effective patterns of regional governance. Accordingly, some attention should be addressed to the question of restructuring the coastal regions so as to avoid cutting existing COG boundaries where possible, or placing portions of a single COG in two coastal regions. Mel Mogulof, who is both a critic of COGs and a proponent of the UMJO thrust, has outlined a six-region scheme as being plausible, and as doing minimum violence to the COG boundaries.[8]

Clearly the objective of establishing a close relationship between coastal planning and COG planning would be facilitated by such boundary changes. Moreover the boundary revisions would be in line with the ACIR's policy to "make UMJOs out of COGs," noted above. Still, effective relationships are not impossible under the existing boundaries. In fact, the mutual plan reviews, joint task forces, and memoranda of agreement--approaches suggested above by Revan Tranter and David Walker--can be made to work regardless of boundary congruence. Nevertheless the current coastal alignments presumably do make such relationships more complicated.

"Down" to the Counties

Two other possibilities for boundary revision tend to point in opposite directions. One, perhaps largely academic, would utilize the county framework and deal with coastal problems below the state level on a county-by-county basis, either through the board of supervisors (and city councils), or through a specially created coastal commission in each county, like the one in San

Diego. This would seem to risk overemphasizing the local viewpoints, because the single-county model would actually be, or be very closely related to, the existing local governments. Accordingly, to counter the local tendency toward a pro-development policy, the single-county model would presumably be accompanied by a somewhat more detailed state coastal plan, and/or closer monitoring by the state commission, than in the case of larger regions.

A regional coastal commissioner from Orange County argues for the multicounty model:

> *(Rosener)*...Orange County can vote against L.A. and vice versa....If there was a separate Orange County commission, it would be much more sensitive to the developers. It's very valuable to have more than one county represented on the commission ....In other words when one does *not* have a specific geographic constituency, and thus a need to be reelected, it's easier to make the anti-development decisions. [emphasis in original]

Another Orange County observer said:

> *(Secord)*...there is a movement to break...[the South Coast] commission into [separate] Los Angeles and Orange County commissions....believe very strongly that it should not be broken up. This is a cohesive region, and is part of the same air basin. Also the water basins in the two regions have similar water quality problems. And there are regional traffic circulation problems.

Moreover, especially in the non-metropolitan regions, a single-county formula would tend to concentrate and emphasize the rural orientation of some

counties, unleavened by the inclusion of urban centers. Further, it would increase the difficulty of the state commission in trying to reconcile the approaches and interests of the various regions.

"Up" to Larger Regions?

The other possibility, suggested by several respondents, was for a drastic reduction in the number of commissions, preferably to three very large regions. One set of boundaries was suggested as: from the Mexican border through Ventura County; Santa Barbara County through Santa Cruz County; and San Mateo County to the Oregon border. A few comments are in order, because much more is at stake than administrative convenience or a casual numbers game. First, like the current coastal commission boundaries, the three-region model departs substantially from all other existing or proposed districts for regional environmental planning and plan enforcement in California.

Second, under the three-region model, the regions would be sufficiently large, diverse, and removed from local influences to take over a good deal of the state-level monitoring. Thus the state plan could be phrased in more general terms, and the state-level monitoring activity would focus on fewer test cases than might be possible with a larger number of smaller regions.

Third, on the other hand, the three large regions could prove too remote from local problems, as compared with the existing regions, or those proposed by Mogulof. Finally, any proposed change in boundaries should be measured against Ellen Stern Harris's appealing criterion of geographic accessiblity, noted earlier. With the exception of the North Coast Commission, all the existing coastal regions seem to come close to meeting her criterion of permitting all to attend regional commission meetings with no more than a two-hour drive.

Effect on Existing Coastal Organizations

In weighing alternative boundaries, a crucial question is: "What would be the effect on existing relationships of the coastal commissions?" Without doubt, almost any significant realignment would sever a host of relationships built up during the initial years. Moreover what we have now appears to be working fairly well, and is at least a "known quantity" to those who have had dealings with the coastal commissions. Accordingly it would appear questionable at this point to recommend changing the regional boundaries unless there are compelling arguments for doing so. No really compelling arguments have been advanced.

Probably the strongest points relate to support of the COG effort, mentioned earlier. It is a worthy objective in itself, but not if it means doing violence to California's first and only working process of state-regional planning and land use control.

Uniform Boundaries: A Difficult Quest

In any event, the future will see some hard decisions (like those required if the regional government legislation for the Bay Area should pass) and a good deal of redrafting of other regional boundaries before COGs could be converted into effective regional governments. These developments could begin fairly soon in the Bay Area, may take much longer in some regions, and may never occur in other areas. Consequently we may never have "uniform" regional governments up and down the length of California's coast, whether based on COGs or not. Again, Fred Silva's suggestion mentioned above, for treating different areas' resources differently--urban-metropolitan v. rural-resource--may be helpful.

No Compelling Reason to Change

While we are waiting for COG transformations and similar developments, however, boundary incongruence does not loom as a formidable impediment to joint or cooperative action. In fact, the constructive and flexible measures suggested above by David Walker and Revan Tranter should do much to facilitate constructive working relationships between COGs and coastal commissions. Accordingly, for the time being at least, the boundary mismatch does not seem to pose problems sufficiently important to justify redrawing coastal commission boundaries, unless new boundaries are likely to improve coastal commission performance. There is, however, no persuasive evidence that new boundaries would bring better coastal planning. Moreover a change could do some harm. Thus, for the time being, the boundaries should be left as they are.

On the other hand, we should also acknowledge that the regional boundaries of the successor agencies are not in themselves sacrosanct and that they are not being established "for all time." Later changes should be anticipated in the light of experience. As Revan Tranter emphasizes, the whole regional governance matter is a complex evolutionary process whose probable outcome is not now clear. Thus no existing boundaries or structures should be considered as either permanently adopted or permanently precluded. Viewed in this light, there are no compelling reasons to change the coastal boundaries until some even more difficult boundary questions have been resolved.

Coastal Commission Boundaries: Only the Tip of the Iceberg

Finally, to keep the matter in perspective, the coastal commissions' relatively small role in the boundary problem must be emphasized. In fact, as demonstrated below, the coastal commissions are only the "tip of the iceberg."

Boundary issues: controversial and unresolved. The government boundary tangle goes far beyond the simple mismatch between regional coastal commission boundaries and COG boundaries. A closer look shows the regional boundary mismatches to be so pervasive and varied, that revision of coastal boundaries would hardly do more than approach the much larger problem. But we have not yet even sorted out our thoughts sufficiently to know for sure the directions and criteria we want for comprehensive boundary changes in the future.

To be sure, the COG-UMJO theory sounds persuasive. And a strong case can be made for using whole counties, rather than the topographically determined boundaries of some of our regions. Further, in the San Francisco Bay Area, for example, nature and urban settlement have combined to make the nine-county grouping seem by far the most logical for most regional purposes. But in many other parts of California the situation is substantially different, and there is far less agreement on desirable future alignments. (Maps 1-13 show many of the regional boundaries discussed below.)

Bay Area boundaries. The boundaries of both voluntary and mandatory agencies of regional and near-regional governance show substantial mutual non-conformance. For example, in the San Francisco Bay Area's nine counties, the region's COG, ABAG, is attempting to do regional planning for the entire nine counties. Only seven counties, however, are currently members of the association. Both the state Council on Intergovernmental Relations' Region No. 4 planning district, and the Bay Area Comprehensive Health Planning Council also have jurisdiction extending to all of the nine Bay Area counties.

There are three other governments whose boundaries include all of the nine-county region: the San Francisco Bay Conservation and Development Commission (BCDC), the Metropolitan Transportation Commission (MTC), and the Bay Area Sewage Services Agency (BASSA). The Bay Area Air Pollution Control District includes all of seven of

the counties, but only parts of the other two. The San Francisco Bay Area Rapid Transit District (BART) covers all of three Bay Area counties (Alameda, Contra Costa, and San Francisco). The Golden Gate Bridge, Highway and Transportation District includes a different selection of Bay Area counties (San Francisco, Marin and Sonoma), and in addition extends far beyond the nine-county region all the way to the Oregon border.

Four other large districts serve substantial but varying portions of Alameda and Contra Costa counties: the East Bay Municipal Utility District (EBMUD), the East Bay Regional Park District (EBRPD), the Alameda-Contra Costa Transit District (A/C Transit), and the Valley Community Services District (VCSD).

The California Water Quality Control Board-San Francisco Bay Region includes all of San Francisco and San Mateo counties, and parts of the other seven Bay Area counties. The state-designated San Francisco Air Basin, like the Bay Area Air Pollution Control District, includes all of seven counties, and parts of Solano and Sonoma counties. The CalTrans District 4, designated by statute in 1961, and intended principally for administrative and highway-related purposes, includes nine counties--eight of the nine Bay Area counties, plus Santa Cruz County (Solano County is part of District 10). Moreover for transportation planning purposes, CalTrans is also currently dealing with MTC in the Bay Area, which includes Solano County, but excludes Santa Cruz.

For purposes of criminal justice planning, Region E includes the four northern Bay Area counties, while the remaining five counties each comprise separate planning regions designated F through J. The California coastal zone conservation planning regions divide the Bay Area by including one Bay Area coastal county (San Mateo) in the Central Coast Commission, and the other three (San Francisco, Marin and Sonoma) in the North Central Coast Regional Commission.

This is an illustrative but not comprehensive overview of boundary non-conformance in the Bay Area, where boundaries may be closer to a rational system than anywhere else in the state.

Boundaries in Southern California. The mismatch of boundaries is even more pronounced in Southern California, where the counties are either brought together or separated in a variety of ways for several different planning purposes. Thus six counties--Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura--are cooperating in SCAG, a regional COG. These six counties also comprise the planning district designated by the Council on Intergovernmental Relations--Region No. 8. The Metropolitan Water District of Southern California also includes six counties, but it drops Imperial County from SCAG's six, while adding San Diego County.

The Southeast Desert Air Basin takes in portions of five counties, and all of a sixth (Imperial), but in still a different combination: four that are members of SCAG (Imperial, Los Angeles, Riverside and San Bernardino) as well as two that are outside SCAG (Kern and San Diego). Moreover the South Coast Air Basin takes in portions of Los Angeles, Riverside and San Bernardino counties, as well as all of Orange and Ventura counties. It also includes the settled urban coastal area of Santa Barbara County. In addition to the state-designated air basins, there are several locally organized single-county air pollution control districts. At this writing, moves were in progress to consolidate the latter into a unified air pollution control district covering most or all of the SCAG territory.

For transportation planning purposes, CalTrans works with the two COGs, SCAG and the San Diego County Comprehensive Planning Organization. But for administrative and highway-related purposes, CalTrans still employs the 1961 statutory highway districts, which divide essentially the same Southern California area into three areas quite different from those of the two COGs.

For water quality planning and regulation, the territory of the seven principal Southern California counties (the SCAG area plus San Diego) is distributed in a complicated fashion by the topographically determined districts. Thus the seven counties are in six different water quality control regions. Only Imperial County is entirely within one region. The others are carved up in a variety of ways.

Similarly, for comprehensive health planning purposes, the principal seven counties are in five different regions, which they also share with other counties, including Santa Barbara, San Luis Obispo, Inyo and Mono. For criminal justice planning the seven are in four single-county regions (Los Angeles, Orange, San Diego, and Ventura), and one three-county region (Imperial, Riverside and San Bernardino).

For coastal planning purposes, the principal coastal counties are portioned into three regions: San Diego is in a single-county region; Los Angeles and Orange are joined in the South Coast Commission; and Ventura is placed in the South Central Coast Commission, along with San Luis Obispo and Santa Barbara.

Again, this is only a thumbnail sketch intended to illustrate the complexities and non-conformance of some existing regional boundaries in Southern California.

Elsewhere in California. The boundary issue probably does not deserve further belaboring, except to indicate that outside the Bay Area and Southern California the issues are, if possible, even more complex, controversial and unresolved. For example, the San Joaquin Valley area is joined with the Sacramento Valley area and the western slope of the Sierra Nevada into one water quality control region. But in designating air basins, the Air Resources Board has separated the San Joaquin and Sacramento valleys into two basins, and also has removed the mountain counties. In addition, there are several single-county air pollution

control districts. The locally determined boundaries of the councils of governments divide the two valleys into approximately twelve COGs and one area (in Mariposa and Madera counties) not covered by a COG at all. For transportation planning purposes, CalTrans is working with the COGs, or with single-county transportation planning agencies where there are no COGs. But for administrative and highway related purposes, CalTrans still uses the older statutory highway district boundaries of 1961. These divide the area of the two valleys among four highway districts that also include the mountain counties.

Similar boundary discrepancies can be found in other California regions.

Conclusion. To sum up, the regional boundary question appears terribly complicated, and often controversial. We obviously need further sorting-out of conflicting criteria and objectives before a single, uniform system of regional boundaries can be devised. Until that task is complete, there seems to be no compelling reason to change the coastal commission boundaries established by Proposition 20. By the same token, however, if and when the regional boundary and regional governance questions have been resolved, the coastal planning function should be fitted into the pattern along with everything else that belongs there.

In this connection, it is useful to note a recent report by the California Council on Intergovernmental Relations, which has been reviewing substate districting and planning systems in California, as part of its 1974-1975 program. The council will attempt to resolve differences in the districting activities among state agencies and departments, reexamine the status and relevance of the CIR's own districts, and recommend a new substate districting system for areawide planning.

A background report issued in September 1974 contains a large number of maps. Many of these are

presented here--see Maps 1-13--because they are helpful in understanding the complexity of the districting issue. The CIR report also has additional maps showing "landform provinces," soil regions, prevailing vegetation, federal land ownership, agricultural production, and population distribution, thus illustrating important physiographic, economic and social factors that need to be considered in the review of regional boundaries.

In calling for a fresh look at factors to be considered in substate districting, the CIR report concludes with these remarks:

> The nearly universal use of sub-state districts by State departments and by local planners is evidence of a broadly perceived functional need for mutually supportive areawide planning. The myriad districting systems have created an overall system so complex that any comprehensive analysis must of necessity begin with a pilgrimage back to "first base"....It is intended that this introductory report will stimulate discussion on sub-state districting issues. Districts can be effective only if they serve the needs of all who are involved in the planning process.[9]

A final note: The complexity and inherent conflicts encountered in trying to devise a single, uniform set of regional boundaries for all governmental planning purposes are well illustrated by a new legislative proposal--Assembly Bill 551, 1975--which reads, in part:

> The...[Office of Planning and Research] shall divide the state into regional planning districts. Insofar as possible, the districts shall be established to include:

> (1) Natural physiographic regions containing complete watersheds of major streams, and the land upon which the waters of such watersheds are put to beneficial use.
>
> (2) Areas having mutual, social, environmental, and commercial interests as exemplified by connecting routes of transportation, by trade and by common use of open space and recreation areas within the region.

With admirable conciseness the bill thus enumerates the bases for several very different kinds of districts, like the non-congruent ones we have now. It is not clear how these inherent conflicts can be resolved. No single set of regional boundaries can recognize equally all these different concerns, including: varied socioeconomic and commercial interests; manmade linkages for transportation, communications, and utility supply; preexisting and perhaps "arbitrary" local governmental boundaries; as well as California's basic landforms and principal geographic features.

ANOTHER BOUNDARY QUESTION: POWER OUTSIDE THE COASTAL ZONE AND PERMIT AREA

As things stand, there is a planning discontinuity at the 1,000 yard line, reaching inland from mean high tide, which defines the *permit area*, and where effective coastal power leaves off and local land-use control takes over. Actually, the matter could be a great deal more troublesome than simply permitting an "unesthetic" discontinuity. Conceivably principal uses and densities in the coastal zone's permit area could depart markedly from those prevailing outside the area. The effect of developments allowed outside the permit area could reach inside the 1,000 yard line, and interfere with planning objectives. Accordingly it is

important to consider some extension of coastal commission review and approval power over proposed developments beyond the existing permit area that could have substantial adverse effects on the coastal commissions' plans.

"Outside" developments must also be considered with respect to the wider jurisdiction of the *coastal zone* proper--i.e., the highest elevation of the nearest coastal range, or five miles inland, as the case may be. Thus the effect of developments outside the zone may also have a substantial impact within the zone, and consequently will influence implementation of the coastal plan. Accordingly it is essential to consider some extension of "extraterritorial" coastal commission review power over major developments outside the zone.

Presumably the extension of authority would be a variable or discretionary matter, depending on the nature and location of actions found likely to affect the coast in a material way. For example, the coast commissions should be able to enforce policies affecting all roads leading into the coastal zone. Probably this power should reach out at least far enough to include the first major highway paralleling the coast. For sewerage systems, the control should go inland far enough to include any proposed developments whose effluent or growth-inducing potential might affect the coastal zone. For logging, the control should go inland along tributary streams as far as logging activities are found that can have adverse downstream effects on the coastal zone and marine environment. Controls over activities concerning sand and gravel should reach inland as far as the coast's sources of sand and gravel supply. For dams and possibly other remote watershed developments, the power might have to extend to the entire drainage system emptying into the Pacific Ocean.

A substantial extension of power would argue strongly for a greater de facto representation by persons outside the coastal zone. It might also argue

for a somewhat increased representation of statewide or state-level interests on the state and regional commissions. The state commission might, for example, appoint one or more regional commission members; the state-level appointing authorities could choose a larger proportion of the state and regional commissions' membership.

OTHER PLANNING AGENCIES IN THE REGIONS

Many other regional and sub-regional planning efforts are in progress in California's major metropolitan areas and coastal regions. Some have their own regional structures and reasonably consistent boundaries, but there is a wide variety of patterns.

Some of the activities that are most important to the coastal commissions have to do with key "environmental" questions of water rights and water quality, air pollution, transportation planning, and solid waste disposal. Collectively this grouping of functions is crucial to the future of environmental planning. Accordingly as a group they are being considered for state-regional reorganization with potential impact on the coastal commissions.

The state's existing structures are as follows: there is a five-member State Water Resources Control Board, with nine nine-member regional boards, responsible for water quality planning and regulation. A five-member State Air Resources Board is responsible for air quality planning and regulation at the state level. There is one regional air pollution control agency: the nine-county Bay Area Air Pollution Control District. Elsewhere air quality is in the hands of countywide districts governed by boards of supervisors.

State-level transportation planning is handled by the newly created State Transportation Board (with seven voting members) and the new Department of Trans-

portation (CalTrans) to provide comprehensive statewide and regional transportation planning. The regional transportation planning agencies affecting the coastal zone include SCAG and the Bay Area's nine-county Metropolitan Transportation Commission. Elsewhere on the coast, transportation planning has been consistently single-county, either in the hands of a COG or single-county local transportation commission. Finally, a 1972 law created a State Solid Waste Management Board, and required the counties to prepare comprehensive solid waste management plans.

THE LEGISLATIVE ANALYST'S PROPOSAL

Assembly Concurrent Resolution No. 16 (ACR 16), passed during the 1973 session of the California Legislature, directed the Office of Legislative Analyst to study and make recommendations on the organization of an environmental resources control board with land use and other powers. The analyst's report was published early in 1974, outlining in general terms a state-regional system of environmental planning and regulation patterned after the State Water Resources Control Board. Furthermore, for the future the report says:

> ...any combination of the powers of the state and regional coastal zone conservation commissions can be consolidated into this new structure on both a regional and statewide basis.[10]

Under the Legislative Analyst's proposal, the "structure" outlined above would be replaced by a full-time five-member State Resources Conservation Board, along with eight regional resources conservation boards of five members each. The regions would be "relatively coterminous with the existing water quality regions and air quality basins." This is the proposed state-regional structure that might also take over the state-regional coastal control function.

The basic idea behind the proposal is to bring together the major environmentally related state-regional efforts and see that they work together and not at cross purposes. The consolidation would focus attention on implications of environmental controls, which could strengthen the state's influence on land use. The report anticipates that this consolidation would not disarrange existing state powers, but utilize them more effectively, and in a concerted and planned manner.

The Legislative Analyst's recommendation can best be viewed as a trial balloon: an effort to advance the debate on issues of state and regional planning. Viewed this way, his report is a useful and constructive document that outlines quite eloquently some of the deficiencies of environmental planning that is divided into compartments, and the difficulties of trying to enforce regulations without first establishing comprehensive policies on objectives.

The existence of huge voids in policy should not be surprising, because we still lack a planning and consensus-building process. But the magnitude of the void helps emphasize the reasons why the critics should be dubious about a simplistic proposal to consolidate several existing activities under five-member state and regional gubernatorially appointed boards. Such a proposal does not look like an adequate solution to governance problems of great complexity, including environmental planning, land-use control and coastal conservation. In fact, as suggested below, it might even risk losing the effectiveness of the present arrangements in the coastal zone, and would not assure any significant gains in governmental responsiveness.

This is not to suggest throwing up our hands, but rather persevering in the quest for more effective state-regional planning processes. Improved processes will probably not be simplistic or solely structural (e.g., appointing a few five-member boards) and almost certainly will involve many organizations and individuals.

Perhaps in the quest we can learn from experience with the trials, successes and failures that have gone before. Instructive examples include such organizations as the Southern California Association of Governments, the Association of Bay Area Governments, the Metropolitan Transportation Commission, the San Francisco Bay Conservation and Development Commission, the Tahoe regional planning agencies, the coastal commissions themselves, and the many other efforts at regional planning. The Legislative Analyst's proposal seems to be based primarily on the State Water Resources Control Board model. California has had much more experience than that of a single board, and the full range of patterns and activities deserves to be considered.

Moreover even with respect to our principal regulatory agencies, the public may not be fully aware that we are already moving away from a strictly "regulatory" stance. Thus the broader consequences of regulatory actions are being considered by regulatory agencies, as well as the need to take far-reaching actions, like the air pollution control and environmental protection measures taken at the urging or demand of the federal Environmental Protection Agency.

New attention is focused on a wide range of growth-inducing influences as they relate to air pollution control. Urban transportation capabilities and modes are also seen as affecting air pollution levels both now and in the future. Analogous logic applies to water pollution and energy supply. A host of other related issues, including the national transportation system, also come under scrutiny in the regulatory processes.

There is a ground swell of realization that "everything is related to everything else," and that the purposes of many narrowly based regulatory policies will be defeated if a wider range of other determinants is not also dealt with. This perception leads to more comprehensive measures, and demands far more effective future planning processes than we have managed so far.

The change in both perspective and demand is brought out clearly in a recent paper by Bruce D. McDowell, Senior Analyst, Advisory Commission on Intergovernmental Relations:

> ...intergovernmental relationships in...[land use] are now changing rapidly...[but] this...change is only a symptom. The basic change...is in what we expect to get out of land use controls. While we used to expect only that land use controls would give us a nice neighborhood...now we expect them to give us efficiency in government, protection of natural resources, conservation of energy, a better social structure, and countless other benefits. To achieve these benefits, every level of government has now joined the effort to control land use.
>
> ...what we are really faced with now is a very broad set of objectives to be obtained at least partially through land use controls. These range from national and state growth policies to metropolitan fair-share growth formulas and local no-growth or limited-growth objectives. On the environmental front, we have everything from coastal zone management to land use and transportation measures which would reduce air pollution and energy consumption. On the social side, there are fair-share housing policies and requirements...designed to overcome past racial discrimination and prevent it in the future.
>
> ...land use controls...are now being asked to produce benefits to whole metropolitan areas, other substate regions, whole states, interstate areas, and the nation itself....

> The central message of this paper is that land use decisions are so complex that they need to be worked out as part of a comprehensive planning process involving ordinary citizens at the local and regional levels.[11]

For these reasons it may be downright unwise to use a relatively simple regulatory model as the starting point for building a planning process that we hope will become comprehensive, broad-gauge, and able to deal with the many interests of a complex society. Planners are coming to grips with the need to find new methods and approaches that will work. For example, John Friedmann's recent book describes what he calls "transactive planning," characterized by dialog and communication, and emphasizing the human factor, interpersonal relations, participation and mutual learning. He would give the non-expert, non-planner, citizen-participant a crucial role in the process of mutual learning and planning for both experts and lay people. In short, processes emphasizing participation and flexibility would replace the "established style of planning in the United States [which] is as sober and rationalistic as the engineering design for a bridge."[12,13]

The real-life experiments of BCDC and the coast commissions have shown a greater openness and sense of participation than those of any other state agency or regional agency in California to date. Again, if broadly based citizen participation is a crucial requirement for effective future planning, perhaps it would be wiser to build on successful experience with such participation, instead of returning to "technical" decisionmaking. Limited objectives, however desirable in themselves, can no longer be sought while ignoring the full range of consequences of all public decisions. Thus instead of being either taken over or displaced by a "technical" model, in the words of Richard Carpenter, by building on successful experience, the "coastal structure would serve as a pattern for the entire state land use control."

THE INTERIM ADVANTAGE OF LIMITED-FUNCTION AGENCIES

Until we have made more demonstrable progress toward workable and comprehensive state-regional planning processes, perhaps we would do better to continue the existing admittedly limited planning and regulatory efforts. Meanwhile we should try to make them function more effectively, work together on mutual problems, and otherwise smooth off the rough edges of the planning processes.

Speaking specifically of coastal governance, several observers see the present system of coastal planning and regulation as more desirable in its own right than the more grandiose systems, at least for the foreseeable future. This conclusion is, of course, based in part on the coast commissions' successful experience in planning. But these observers also believe that coastal planning under the existing structure will be stronger than if folded into comprehensive environmental planning, as well as have a sharper focus, and consequently be able to deal more effectively with the principal issues of coastal conservation and regulation:

> *(H. Johnson and G. Archbald)* Coastal planning must be kept separate from statewide land use planning. Saving the coast should be made the focus now. BCDC is strong because it is a separate agency.

Commenting on COGs, another observer and COG representative suggested that the regional councils continue with the regional planning efforts now in progress, but urged that coastal planning be kept separate:

> *(Hughes)* Coastal planning would only serve to dilute [responsibilities]... the coastal commissions must be autonomous to be effective.

The state-level coastal responsibility could in time be taken over by a state environmental or land-use planning agency, if one is created. But even so there would be a strong case for keeping the state coastal planning function separate, at least for a time, or until the comprehensive planning process has had a chance to prove itself.*

A MIDDLE GROUND: SEVERAL CRITICAL-AREA COMMISSIONS AND AN UMBRELLA

An intriguing "middle ground" could be based on John Maga's suggestion that the principal state regulatory agencies (e.g., for water, air, etc.) continue to set standards and issue permits within the coastal zone for activities falling in their respective areas of responsibility. The coastal commissions would also be continued, but under the *general* umbrella of a state land use agency with statewide authority. This agency would set basic guidelines and be able to require the other agencies to conform with the guidelines:

> *(Maga)* Certain critical elements could be mandated; the other elements would be left to local option.

Presumably a parallel pattern would be followed at the regional level.

A more elaborate system of multiple state-regional commissions, each for a major threatened resource, has been suggested by several observers. Robert Mendelsohn outlines the idea as follows:

> The coastal zone governing mechanism should...be plugged into

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*See Chap. VI, pp. 223-226 for further discussion of the merits of keeping functions such as coastal planning separate until more experience is gained.

> a statewide mechanism, using either the same kind of organizational formula as the coast commissions, or different mechanisms for different resources. The resources that need protection include the desert, the inland water bodies and streams, the timberland, and the mountain areas. There should be similar protection to that of the coast for other natural resources, using some overall governmental structure. This could be the top of a pyramid....
>
> ...if there were five separate resources commissions, each of these should have not only a planning function, but--and this is essential--a development-control program....There would be a right of appeal from... county decisions to a regional... coastal or desert commission, for example; there would be a right of appeal from the regional commission for each resource to the state commission for that resource. However there would *not* be another appeal to the statewide coordinating land use body. The development control program would be up to each resource commission. [emphasis in original]

Reverdy Johnson also thinks such an arrangement with several commissions is a good idea, concluding that there should be "...a state land use agency with various commissions in areas of critical concern... one...being the coast...."

RELEVANT LEGISLATIVE PROPOSALS

In any event, comprehensive planning and environmental control promises a lively future. No really

definitive or "permanent" solutions have started to emerge, since we are only beginning to experiment with planning processes. To that end, the Jackson bill at the federal level aimed at pushing the states to take a step ahead in environmental planning. The measure was thought to be near passage in 1974 until it was derailed by unforeseen setbacks related to Watergate. At the state level the Priolo bill (Preprint AB 1) and Z'berg bill (AB 3) for limited state land-use planning and environmental controls were considered in 1974. New proposals have been introduced in 1975. These will be considered further under the section on the state's role, Chapter VI.

THE PERSISTENCE OF CHANGE

Whatever governmental structures we design--coastal or otherwise--should be drafted in recognition that they will probably be modified or reorganized sooner or later, or folded into a more comprehensive organization, or have a larger "umbrella" unfurled above them. In a letter to the writer, John C. Bollens, Professor of Political Science, University of California, Los Angeles, comments:

> Maybe commissions are more temporary and more easily modified than governmental *units* like cities and counties. I suspect the trend will support the umbrella commission idea. [emphasis in original]

A forthright recognition that many of our structures are probably temporary should make us feel a little easier about experimenting with organizational complexity and seeming redundancy, as long as we thereby make reasonable progress.* On the other hand, this recognition

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*Redundancy *as such* should not be considered bad. For thoughtful exploration of some benefits of organizational redundancy, see Martin Landau, "Redundancy, Rationality, and the Problem of Duplication and Overlap," *Public Administration Review*, 29(4):346-358 (July/August 1969); and Landau, "On the Concept of a Self-Correcting Organization," *Public Administration Review*, 33(6):533-542 (November/December 1973).

should also make us more impatient of existing mechanisms if they cannot perform acceptably. Inadequate organizations should not be considered sacrosanct, although admittedly some are treated almost as if they were formed by holy writ. Instead, they should be "part of the experiment," and subject to change, like all other ongoing efforts to formulate and carry out public policies.

SUMMARY AND CONCLUSION

Need for Regional Commissions

The task of planning and governing a coastline as extensive and varied as California's seems to demand regional machinery to discharge important responsibilities that are not fully appropriate for either local government or the state. Recognizing the importance of the regional machinery for public representation, Proposition 20 provided for six coastal commissions. The regional boundaries were drawn, for the most part, so that meeting sites could be located within a two hours' drive for commission members and the public.

When it is working well, the regional coastal process involves a flow of communication both ways, from local governments and citizens upward to the regional and state commissions, and also downward from the state to the regional and local levels. Moreover there is substantial evidence that the thinking of regional commissioners is influenced significantly and constructively by their representational and communication assignments.

In summary, many observers see the regional commissions as an essential component of a new and promising experiment in large-scale planning. Accordingly, although a few people have expressed reservations, there seems to be strong general support for continuing the regional coastal commissions in some form.

Relationships to COGs and Regional Government

But retaining the commissions leads to further questions. These questions arise from regional coastal commissions' relationships with COGs and other regional agencies, as well as their role or place in proposed state environmental or land-use planning enterprises, which presumably will also have regional components. These and other related issues are dealt with below.

As presently organized, none of California's COGs in coastal areas are strong contenders for assuming the principal responsibilities of the regional coastal commissions. Being voluntary associations of local governments, COGs lack the appointment and membership "mix" of the coastal commissions, and they have no statutory power to implement or enforce their plans. Moreover many observers consider the COGs, as presently organized, too closely aligned with local governmental interests to be given full regional responsibility for the conservationist objectives of Proposition 20.

Accordingly there is justifiable reluctance to give COGs any of the planning and regulatory power the coastal commissions now have. On the other hand, there is substantial interest in giving the more advanced COGs at least an advisory role in the coastal planning process. This suggests informal or contractual arrangements--such as mutual plan reviews, or joint task forces--to build linkages between the coastal commissions and the COGs. Presumably, however, the coastal commissions would retain final authority until the COGs have been significantly strengthened, or until one or more regional governments have been formed.

In this connection, attention is directed to (1) the national strategy of the Advisory Commission on Intergovernmental Relations (ACIR) to encourage the conversion of COGs into stronger agencies called UMJOs (umbrella multijurisdictional organizations), and (2) the continuing effort to create a regional government

in the San Francisco Bay Area, related in part to the structure and experience of ABAG.

Only the future will tell us the results of the UMJO effort. As suggested above, it would be inappropriate to assign coastal planning and plan implementation responsibilities to COGs yet. On the other hand, a true regional government could be established in the Bay Area quite soon. If regional government does come to some portion of California's coast, presumably it should have at least a degree of control over its coastal zone. But the state-level and national objectives for the coast must also be protected, which a regional government may not be able to do to the full satisfaction of all affected interests.

In short, we will probably go through an experimental, evolutionary process, as COGs are strengthened, and some of them converted into regional governments. After we have some experience with such strengthened regional agencies, we can then decide better how they should fit into the coastal planning process, or vice versa.

Regional Commission Boundaries

Meanwhile, a discussion of the regional coastal commissions must take up several difficult boundary questions. Presently boundaries of various regional commissions depart sharply from those of the COGs in coastal areas, and some observers believe that the two types should be brought into better alignment. California has a general policy goal to the effect that boundary differences among a variety of planning activities should be resolved, if possible, in order to develop a single, uniform substate regional districting system for planning purposes. The question is currently being studied, but the problems are extremely complicated. Existing planning boundaries are highly diverse, each being drafted with special attention to its own set of purposes.

Obviously, one possibility would be to make the coastal commission boundaries conform to those of the COGs, on the theory that sooner or later the latter will become regional governments, or at least provide the basis for a uniform system of substate planning districts. But we do not know whether this will happen. In any event, readers may wish to examine the thoughtful design of a boundary scheme that would keep six coastal regions, while doing minimum violence to the boundaries of the COGs in coastal regions (see page 159).

Other possibilities include creating smaller regions for coastal planning, perhaps coterminous with the counties. But this seems to risk too-local a view, and would lose some of the regional exchange and development of multicounty views and policies facilitated by the existing coastal commission boundaries.

On the other hand, larger regions might be tried for coastal planning and some observers suggest three for the entire state. But this approach might make the regional commissions too remote. In any event, larger regions would clearly thwart one of the objectives of the existing boundaries: to insure that commission meetings can take place within a two-hour drive for members and the public.

It should be recognized that a general re-drawing of coastal commission boundaries would sever many relationships built up by the commissions' initial years of experience. Perhaps modest shifts of territory--hopefully without dividing individual cities or counties--can be made from one coastal region to another without undue disruption. But until the larger and very complex issues of regional boundaries and regional governance have been resolved, no compelling reasons are seen for a general overhaul of the coastal boundaries established by Proposition 20. Of course, if the regional issues can be resolved and uniform boundaries agreed upon, presumably the coastal commission boundaries should then conform.

Meanwhile we should recognize that the issues of regional planning boundaries remain both complex and unresolved. Further sorting out of criteria and objectives are needed to determine whether a single, uniform and workable system of boundaries can be designed.

Boundaries of the Coastal Zone

A different boundary question relates to the planning discontinuity at the 1,000 yard line, where coastal permit power leaves off and local land-use control takes over. Accordingly it is important to consider some extension of coastal review and approval power over proposed developments inland from the existing *permit area* that may have adverse effects on the coast. Moreover developments beyond the *coastal zone* proper--the ridge of the coastal range, or five miles inland--may also have a substantial impact on the coast. Accordingly it is important to consider some territorial extension of coastal commission authority, perhaps by giving the coastal commissions "extraterritorial" power over major developments beyond the coastal zone.

Other Planning Agencies and Proposals

Several regional or state-regional planning efforts are in progress in the major metropolitan regions. Questions of their future relationship to coastal planning are still to be resolved. In addition, proposals for consolidating several state-regional planning and regulatory programs have been put forth, e.g., the one outlined in February 1974 by the Legislative Analyst (see below, pp. 219-220). Moreover a major new study sponsored by the Planning and Conservation League, and announced in March 1975, urges a comprehensive state-regional system of land-use control. These and other proposals should be evaluated in considering the future of the coastal commissions. For the time being, of course, most of these ideas are only organizational concepts. (See also below, pp. 218-226.)

In contrast, the coastal commissions are an active ongoing experiment in one form of environmental governance. So far the experiment appears successful, and we have learned much from it. Accordingly, similar experimentation with more comprehensive statewide planning efforts seems appropriate when a consensus can be reached on a workable design for such a complex enterprise. So far, some of the proposals envision rather simple structures, which may be too limited to facilitate free and easy citizen participation, and representation of a wide range of views. In short, the proponents of comprehensive statewide planning may be able to learn a good deal from coastal commission experience.

Interim Agencies and a Middle Ground

In any event, interim limited-function agencies like the coastal commissions, with a clear mandate to work with a large but identifiable resource--the coast--have definite advantages over a comprehensive environmental planning organization. The attention of the coastal commissions can be more sharply focused on the issues that must be resolved in adopting and implementing suitable policies for the coast. Accordingly California's experiment with coastal governance should be continued until we have some other equivalent experience with state-regional land-use planning.

Meanwhile a possible middle ground has been suggested, calling for some consolidation under an overall state body, but also retaining commissions with clear responsibility for specified resources. These could include the air, water, and coastal commissions, to which might be added commissions for other major state resources, like the deserts, the mountainous areas and timberlands, agricultural resources, and perhaps others.

Conclusion

Any new governmental mechanisms should be considered experiments, and subject to future modification,

based on practical experience with organizational performance. For example, the coastal agencies might in time be folded into a more comprehensive statewide planning organization, or they might be retained, but under the "umbrella" of a statewide planning body. In any event, a forthright recognition that many of our structures are temporary should encourage experimentation and even some apparent duplication, as long as performance is acceptable, and there is reasonable progress toward major policy objectives. On the other hand, we should be impatient with any existing organizations that do not perform satisfactorily, and be willing to change them. Both the old and the new organizations should be considered part of the experiment, and subject to change as we learn more about ways of governing ourselves and our surroundings.

VI

At the State Level

A CONTINUING STATE ROLE

It is imperative that California maintain effective state-level functions in coastal planning, policy-making, implementation and enforcement. Coastal conservation requires a strong state role; the electorate supported the concept in passing Proposition 20; and the national government is giving encouragement under the federal Coastal Zone Management Act of 1972. Moreover virtually everyone interviewed, from both the public and private sectors, appears to agree with this position. Following are illustrative comments by Preston B. Hotchkis, Bixby Ranch Company; John Gilchrist, California Seafood Institute; Graham Smith, City of Los Angeles; and Joseph Edmiston, Sierra Club:

> *(Hotchkis)* The critical policy level for managing the coast is the state level.
>
> *(Gilchrist)*...to insure proper planning there should be a state agency.... [it] should be for *all* land use in the coastal zone....[but] it should be a coastal authority only. [emphasis supplied]
>
> *(G. Smith)* The state coastal commission should continue for appeals and revision of the plan. The latter will...reflect

> the rapidly changing values of society....this will be a major function of the state commission--i.e., to keep responding to changing public values. This will be in the nature of policy planning, not *map* planning. [emphasis in original]
>
> *(Edmiston)*...the state commission would have two functions. One would be to oversee the consistency of local planning decisions, and the second would be the refining and updating of the plan.

A 1973-1974 reconnaissance study commissioned by the Urban Institute reached a similar conclusion on the need for a state agency:

> The two things that appear too risky to experiment with are the absence of state policy and the weakening of the appeals and planning functions lodged in an independent state commission.[1]

A recent report by a special coastal policy committee of the County Supervisors Association of California--dated April 11, 1975--supported continuation of the state coastal commission in its monitoring and enforcement role:

> The State Commission is...a necessary state agency to continually monitor and enforce the protection of the state's interest in the coastline.... Only the state can determine the state interest in the coast, and the commission will provide a means by which this can be accomplished.[2]

Similarly the Action Plan adopted by the League of California Cities in October, 1974 recognizes the need for a strong state-level role in environmental planning and land-use control. The Action Plan would not continue a separate state coastal commission, but instead would include coastal planning as part of a comprehensive planning process conducted by a State Coordinating Council. Moreover the Action Plan acknowledges that Proposition 20 designated the coastal zone as an area whose protection and development are of statewide interest. The document comments further that the proposed state council should: "identify and preserve non-urban areas of critical statewide concern."[3] Achieving such protection for the coast obviously requires strength at the state level.

On the other hand, a few observers appear to believe that the drafting of a good coastal plan will make continuation of state and regional coastal commissions unnecessary. Thus, John M. Mayfield, then chairing the North Coast Commission, urged the need for effective coastal management but argued that a state plan could be enforced locally:

> You don't need another agency to enforce the coastal plan....local governments will enforce the plan, but with state guidelines and goals.

With respect to support for a continuing state responsibility for the coast, the rationale is as follows:

1. The coastal zone is both a major resource and a vulnerable one; all Californians have an interest in its protection. This position was asserted by the approval of Proposition 20 in November 1972.

2. Protection of the general interest requires effective state-level coastal governance machinery.

3. Conversely, local government cannot insure uniform and even-handed statewide implementation of

coastal conservation policy, *even under a statewide plan,* unless continuing supervision and monitoring are provided by a state-level agency with power to insure compliance with the plan.

4. Moreover the state plan will not be static. It will require ongoing modification, revision, extension and improvement. Again, a state agency will have to discharge this responsibility either by doing the work or supervising it.

5. Finally, strong collateral evidence of the need for a state role appears in the federal Coastal Zone Management Act of 1972.[4] Under the act a conditional grant program will encourage states to develop coastal policies and workable programs of management and control. To comply, each state must have adequate "authority for the management of the coastal zone...."

For all these reasons California needs a continuing state coastal planning and regulatory agency with powers at least as strong as those of the present commission.

WHAT KIND OF STATE AGENCY?

Not an Operating Agency

The broad-gauge nature of coastal planning argues against assigning coastal governance to an operating department whose principal policies would be set by a single appointed department or agency head, assisted by a civil service staff. The coastal policymaking function seems to demand a plural state body like the coastal commission established by Proposition 20. This also appears to accord with recent experience elsewhere, limited as it is. Thus Bosselman and Callies commented in their 1973 study of state land-use control:

> Line agencies have been used primarily for systems of regulation that focus

> on a single purpose or a small number of purposes....
>
> Where more comprehensive statewide land use regulation has been tried, independent state commissions have been chosen. Hawaii, Vermont and Maine have all used this model, and public attitudes in the three states would all seem to favor continuation of independent commissions for statewide land use regulation--existing state agencies are thought to be too biased towards the existing programs they administer to do a fair job in balancing the full range of policies that go into these decisions....
>
> Where the regulation is concentrated in a specific geographical area of the state, the states have generally chosen to set up independent commissions having a regional orientation.[5]

On the other hand, a state environmental management study supported by the Ford Foundation--also discussed elsewhere[6]--appears to have reached somewhat different conclusions. Thus authors Haskell and Price favor the single-agency administrator as the prime decisionmaker, rather than a board.[7] They find that policy-making boards often cause delay and sometimes are too sympathetic to and representative of the interests they regulate. The findings are, however, based primarily on the experience of pollution-control agencies, rather than on land-use control efforts. Further, the authors do not make it clear how a single-agency administrator and civil service staff would deal with the complex problems of social, economic, and policy issue resolution, although they do refer to adjudication by the governor or an interagency council. Finally, the three states mentioned by Haskell and Price as having the most comprehensive approaches to land-use control--

Hawaii, Maine and Vermont--all use policy-making boards. Thus, the very limited state-level experience with land-use controls still seems to bear out the plural-body findings of Bosselman and Callies, noted above.

Advantages of a Commission

Growing support for concepts such as "participatory planning" as well as our fledgling experience with "mixed" commission planning efforts--like those of BCDC and the coastal commissions--strongly suggest the merits of continuing the commission principle after 1976.[8]

A "mix" and participation. As suggested earlier, a commission can represent a mix of backgrounds and viewpoints. It can facilitate communication with many interested groups, aid in the exploration of alternatives and their consequences, encourage public participation as well as a sense of openness, and promote the development of consensus.

Of course, the commission formula does not guarantee the practice of openness and the other attributes that encourage citizen participation. Obviously commissions can be remote, and many are just that. Despite California's Brown Act requirements for open meetings, some commissions have discouraged meaningful participation by the public. But these practices appear to be changing. Moreover if a commission wants to communicate and encourage participation, its multiple membership--whether numbering five or twenty-five--probably can be more effective than a single-agency administrator in "reaching out." If this is so, continuation of the commission formula after 1976 would be an attractive prospect--either under the current membership formula, or with modifications.

Relations with the Legislature. Senate and Assembly participation in California's coastal commission appointments seems well designed to answer some allegations of dominance of state planning by governors and the

executive branch. A recent evaluative survey of advisory state planning organizations elicited complaints such as these:

> ...the staff nature of the elements of state planning were so tied in with the chief executive that the roles of the legislative and even judicial branches had been overlooked....
>
> ...the dominant organizational form indeed is oriented to the chief executive and may work...some detriment in developing relationships with the legislature or judiciary.
>
> It would be nice to say simply that we need to develop state planning organizations that allow primary relationships with the chief executive, but [that also promote] viable and direct relationships with the legislature and perhaps judicial branch. Effectively implementing such an organization is a source of puzzlement....[9]

California cannot claim to have brought the judiciary directly into coastal planning, but the legislative branch has an even stronger role than the executive in making appointments to the state and regional coastal commissions. Moreover in the language of Proposition 20:

> The [state] commission shall prepare, adopt, and *submit to the Legislature for implementation* the California Coastal Zone Conservation Plan.[10] [emphasis supplied]

In short, the legislative branch participates in commission appointments, and also reviews and ratifies the coastal plan. In terms of formal involvement, perhaps that is sufficient. But a more pragmatic and on-

going kind of involvement of legislators may also be needed. Thus some respondents suggest the desirability of better current "lateral" communication between legislators and the state and regional commissions in the development and refinement of the coastal plan.

There seems to be a good deal of merit in this concept as long as the coastal commission keeps the initiative, guards the integrity of the coastal plan, and does not try to please everybody or try too hard to avoid a legislative fight. On this point two respondents warned:

> *(H. Johnson and Archbald)*...when the plan gets to the legislature there will be a real battle to weaken it. If it is wishy-washy to begin with it will be cut away. If it is a strong plan...it will be nicked a lot but there may be something left....If the recommendations are guarded the whole plan will go down the hole.

In any event it is essential to keep legislators and their staffs informed on the basic reasoning behind the plan, because the Legislature will review it in 1976. For the future, one key legislative staff officer urges the establishment of systematic relationships between the commissions and the Legislature:

> *(Hauck)* There should be oversight by a select committee. This committee is now chaired by Assemblyman Alan Sieroty and staffed by Peter Douglas. The Legislature will want to be kept informed.

Note: Comments on this page were written before the coastal plan was adopted by the state commission in September 1975, for submission to the Legislature in December 1975.

TWO SPECIAL ISSUES: (1) ACQUISITION AND MANAGEMENT, (2) THE SEAWARD SIDE

This study deals only briefly with the formal powers needed by the coastal commissions, because other consultants and coastal commission staff had the principal responsibility for dealing with such questions. In general, the powers of planning and regulation conferred by Proposition 20 should be continued in some form. Additional capabilities, e.g., for property acquisition, eminent domain and payment of compensation, will be required for effective coastal governance, but all these powers need not necessarily be in the hands of the coastal commissions themselves. In addition, the future of the coast's "seaward side" demands further investigation and perhaps new governmental mechanisms.

Acquisition and Management of Coastal Lands: A New State Agency?

Much of the coastal plan can probably be implemented through land-use control and related regulations. But many essential activities cannot be carried out solely by private developers, guided only by public regulations. Coastal commission staff have identified numerous programs that require public ownership of property or easements, as well as rehabilitation, restoration, and development of new facilities. Some of these programs are: (1) purchasing and leasing-back selected agricultural lands, (2) removing structures to restore access, views or natural areas, (3) rehabilitating coastal neighborhoods that are declining, (4) acquiring and reserving lands for future uses, and (5) restoring marshes, wildlife sanctuaries and marine environments.

Some of the necessary acquisitions can be accomplished through the authority of existing federal, state and local agencies, but in many instances that authority is limited or too specialized. Moreover, the use of such powers is often restricted because of heavy costs, e.g., local governments may find that their coastal

redevelopment needs outweigh their resources. Furthermore existing powers are inadequate for some programs, such as land banking or purchase-leaseback of agricultural property. Finally, many coastal resources are inappropriate for acquisition and management by existing agencies. William Kier puts it well, using the example of state parks:

> ...there are cases where it is unwise to commit property to state parks. The Department of Parks and Recreation, once it has acquired property, has responsibilities such as access, and providing sanitary facilities. There is a need to come up with a new device to hold land out of development and to compensate the owner, or to provide continuous use in agriculture. We don't have a governmental entity which could be called "open space management." Everything always goes to the state parks system. There is a need for a new creature with powers and *money*. [emphasis in original]

Accordingly, for purposes of property acquisition, land banking, restoration and redevelopment, one possibility is a new state agency. The new agency could be responsible for many of the affirmative, public-sector actions that are required to implement the coastal plan, but do not seem suitable for an existing state agency. Such a separate state agency for land acquisition and management would probably generate less political opposition than attempting to set up one overall coastal agency to encompass all the state's principal responsibilities in the coastal zone. Of course, it would be essential for the acquisition and management agency to work closely with the state and regional coastal commissions, which should continue their roles as coastal planners, regulators, and ultimate overseers.

Finally, there is also merit in considering either (1) a more comprehensive land banking agency that would acquire other critical or endangered resources, or (2) alternatively the establishment of separate agencies for major types of resources, like desert lands, mountainous regions, and open space. The land banking approach can also be applied to urban or urbanizing land, and is now receiving widespread attention in the search for better ways of safeguarding resources and encouraging their orderly development.[11]

Dealing with the Seaward Side

The seaward side of the coast is an exceedingly important region whose significance ranges from local to international. Yet it is now almost in limbo, occupying a virtual policy vacuum, awaiting future governmental organization, planning and regulation that will help conserve marine resources and develop them appropriately. Meanwhile the federal coastal legislation of 1972, the continuing international Law of the Sea conferences, and the imminence of developments affecting the outer continental shelf provide urgent signals that creative policies and approaches to the seaward side are needed now. The coastal states must either assume a strong role in future developments from the shoreline to the edge of the outer continental shelf or else abdicate control to the federal government and/or the private sector.

Many substantive problems of conservation and development must be addressed, such as pollution and contamination of seawater and the seabed, aquaculture, fishing, petroleum exploration, mining the ocean floor, and a variety of other activities. They will pose difficult policy issues that emphasize the need to seek (1) ways of anticipating problems of the seaward side before they become serious, (2) ways of organizing institutions and using governmental authority for necessary policy making and implementation, and (3) ways of regulating the impact of seaward-side development on the coast and its environs, as well as farther inland.

Existing organizational machinery is not adequate for these purposes. Filling this gap, and developing constructive federal-state relationships, will pose crucial problems in planning for the future of the seaward side.

Many observers of the coast and its related marine life are distressed about the present mode of management. They see numerous areas of inadequacy, and believe that earlier policies and governmental controls have permitted destruction of major marine resources. Marine biologist and regional commissioner Rimmon Fay tells the story as he sees it (interview, March 20, 1974):

> ...renewable natural resources must be protected. The worst record in the world is the story of the California fisheries. First the Russians, then the Yankee whalers...took not only the whales, but otters, seals, birds, etc. The whole area was over-fished. The production of fish peaked in the 1930's when there were no electronic searching devices or synthetic nets or power winches....Fishing then was backbreaking labor. Yet the fisheries held out till the 1940's. With the arrival of DDT and the introduction by Los Angeles industry of sewage and industrial waste into the ocean, the majority of this renewable resource has been destroyed.
>
> The fisheries should be restored. With the growing world population there is a continuous need for more protein. Currently we import fish. Coastal management should be such that this is not necessary. Now we cannot compete in a world market. Yet the California coastal fisheries used to produce enough protein to meet the needs of the current state population with lots left over to export

> to other states. The potential for this resource is still there. It is a question of managing the environment to realize this great potential.
>
> ....Land use planning decisions will have impact on fishery production.... This is the key issue....concern with the importance of the fisheries to both the state and nation....is a big part of the coastal commission's job.

Another critic of present state policy related to seaward-side development is Russell E. Train, Administrator, federal Environmental Protection Agency. Train has this general comment on the states' present inability to handle off-shore and on-shore interrelationships:

> ...any outer continental shelf development, any deepwater port, that results in the bringing ashore at any given point on the Atlantic seaboard of substantial volumes of petroleum would tend to give rise at that point to major petrochemical development and other industrial development. I think the states really must undertake to build the institutional capability to deal with that kind of development effectively. Most of them don't have it now.[12]

Proposition 20 has given California at least part of the necessary constitutional capability to which Train alludes. That power should be continued after 1976. Moreover, the other complicated problems of managing the seaward side will have to be dealt with soon.

RELATIONSHIPS WITH OTHER STATE AGENCIES: SOME BASIC CONCEPTS

Many agencies will be involved in carrying out the plan for the coast, but the coastal commissions should provide the principal orchestration for the entire enterprise. It is essential that the activities of all agencies affecting the coast not only avoid contravening the coastal plan, but actively contribute to its timely implementation. This means that the state coastal commission must have the final decision on matters within the scope of the coastal plan.

A "Double Approval"

Future relationships with other state agencies are clearly important, and, in the legal sense, seem comparatively simple and clean-cut now. Several state agencies share significant responsibilities for the coastal zone. In fact, the older agencies have all the responsibilities they had before Proposition 20 passed. In this respect, the other state agencies appear to occupy the same position as local governments: they can do anything they did before, but any action in the "permit area" that Proposition 20 defines as "development" must now be approved by the appropriate regional commission, and is subject to appeal to the state commission. This relationship should be continued after 1976.

A Veto Over Acquisition and Related Actions

The coastal commission should review acquisition of property in the coastal zone by other state agencies, if the commission is to lead the implementation of the coastal plan. For example, if the Department of Parks and Recreation should propose to acquire land in the coastal zone, the coastal commissions would need to explore the proposed uses in order to evaluate their

implications for the coastal plan. Accordingly, good informational interrelationships should characterize the planning processes of all agencies with coastal concerns.

Requiring the state coastal commission to review and approve other agencies' acquisition proposals would provide important leverage for implementing the coastal plan. Accordingly the authority to review proposals should accompany the coastal agency's assignment of principal responsibility. Many respondents are explicit and emphatic on this point:

> *(Azevedo)*...the coastal commission would have to have a veto power over any state agency such as Beaches and Parks.
>
> *(Bliss)*...state agencies...should be advisory only. Superseding them would be the coastal commission...[agency planners]...tend to be spot planners.... They are not comprehensive planners. The coastal agency would have a broader view than these agencies.
>
> *(Crandall)*...most state agencies have their own bias and their own clienteles. They tend not to have an overall view.... The state coastal authority would have veto power for anything that concerned the coast....
>
> *(Halsted)*...once there is a plan it is *the* plan. Other agencies whether they're state or local...are compelled to follow the plan....The state agencies should have input into the state plan; in fact, they should be a very strong influence, and then, once the plan is completed, they will be subject to that plan. [emphasis in original]

> *(McCarthy)*...any governmental agency could take the initiative, but it would have to go to the state coastal commission to get approval....
>
> *(May)* Fish and Game....must be consulted when the coastal zone commission is making decisions, but the coastal commission must have veto power over them, as the coastal commission is responsible for conservation of more resources than Fish and Game is.
>
> *(Press)*...a whole host of agencies... relate to coastline management....[but] the coastal commission...must have the final say-so on land-use decisions in the coastal zone.
>
> *(Ridder)*...it is absolutely essential that the coastal commission retain veto power over the state agencies.
>
> *(An environmental writer for a large Southern California daily newspaper)* The coastal agency would have the last word.

Close Interrelationships: Opportunities and Risks

Successful implementation of the coastal plan requires close interrelationships between the coastal commission and state agencies charged with several functions, including air and water quality, parks and recreation, transportation, fish and game, harbors and navigation, energy and utilities, geology and seismic safety, education and marine studies, and perhaps other matters. Opportunities for constructive collaboration in carrying out the coastal plan will

abound. As Judge Hugo Fisher, head of the Resources Agency during the early part of BCDC's activities, pointed out:

> BCDC got a lot of backup from the Resources Agency....it couldn't have been so successful without the in-put of Fish and Game, Water Quality and so forth....

But the opportunity for cooperation also carries the possibility of conflict, if independent agencies disagree. The supporting relationship noted by Judge Fisher assumes a basic agreement on objectives, involving the Governor, the management of each state agency, and the coastal commission.

Different Clienteles...and Disparate Objectives

Reconciling conflicts may prove difficult because of the basic administrative facts of life. Thus different departments accept different assignments, and agency staff members accordingly work with and seek the approval of disparate clientele groups. When two departments' objectives clash on an important issue, reconciling viewpoints invariably requires more than a friendly chat between the department heads.

When conflicts occur, strong efforts should be made to allay the fears of--or at least explain the situation to--staff members and clientele groups who are apprehensive about the way their interests will be affected. Unless the differences prove irreconcilable, skilled negotiation and imaginative planning may avoid conflicts that might otherwise cause damaging interagency confrontations.

But if negotiation is to succeed, these complicated facts of administrative life must be recognized and dealt with forthrightly. Failure to acknowledge

the complexities is one reason why "intergovernmental coordination" often accomplishes little of significance. Merely setting up another "coordinating committee" will not do the job when controversial issues are at stake.

Essential: Early Understanding, High-Level Encouragement, and the Coastal Veto

Successful interagency negotiation requires realistic mutual understanding of the sources of policy differences. If the relevant facts are acknowledged and considered early, negotiations may enable several state agencies to cooperate in carrying out the coastal plan. Success will depend largely on the agencies' willingness and ability to accommodate conflicting objectives and reformulate any that fail to support the coastal plan.

To improve the chances of interagency cooperation, persistent encouragement may have to come from the highest executive levels: the Governor and heads of key departments. This effect would be strengthened by a statement of intent by the Legislature, specifying that interagency coordination is expected to develop in the interest of coastal plan implementation.

But it would be unwise to rely solely on interagency cooperation to resolve highly controversial conflicts. Other measures must be available. For example, arbitration at the top--by the Governor on the advice of his cabinet--is sometimes suggested as a way of settling interagency disputes when appeals for cooperation do not work. While arbitration sounds like a logical way to resolve major clashes, it could also entail threats to the integrity of a coastal plan. Thus if the final decision in a disputed matter is a "collegial" judgment, made jointly by several cabinet members--or by the Governor on their advice--a form of log-rolling may occur. That is, the cabinet member representing the agency being challenged is likely to seek votes

from his cabinet colleagues. They, in turn, may side with the challenged member, being mindful that their own agencies could be in a similar position later.

If this happens, the appearance of impartial high-level adjudication would in fact risk undermining the integrity and implementation of the coastal plan. This is one reason why arbitration at the top should be rejected in favor of a coastal commission veto over other state agencies whose actions threaten to contravene the coastal plan.*

Conclusion

There is substantial unanimity among commentators: the coastal commissions should have the final word when there are policy differences on matters affecting the future of the coast. Commissioner Ridder's strongly worded plea (noted above) is indicative:

> ...it is absolutely essential that the coastal commission retain veto over the state agencies.

---

*While this discussion focuses on state-level conflicts, regional and local conflicts are also critical. The coastal commission must have a veto power if it is to deal effectively at any level where it encounters the kinds of conflicts that Peter Douglas has described, involving "major urban development projects, harbor improvements, water and sewer facilities...highways, park development efforts, and waste treatment facilities." Douglas comments further: "Such cases pit public agency against public agency and often involve sizable commitments of public funds, and always involve difficult legal entanglements." Peter Douglas, "Coastal Zone Management: The Experience with a Citizens' Law in California," (unpublished manuscript prepared for the California Legislature, Assembly Select Committee on Coastal Zone Resources, March 1974), p. 47.

Underlying these comments is the central concept that, with an agreed-upon set of policies for the coast, many agencies can cooperate in carrying out the plan, so long as the plan's integrity is protected. Planning and Conservation League executive Bill Press pointed out that "a whole host of state agencies relate to coastline management," while also insisting that the coastal commission

> ...must have the final say-so.... The coastal commission has to be the ultimate authority because none of the others does the planning or knows what the other agencies are doing.

PRINCIPAL AGENCY INTERRELATIONSHIPS: AN OVERVIEW

In adopting Proposition 20, the voters gave the coastal commissions several responsibilities in areas where existing state agencies also have assignments. Considering the potential for friction in such an arrangement, so far there seems to have been remarkably little. True, some of the department heads of the Reagan administration had little enthusiasm for Proposition 20, and at this writing it is not yet clear how the Brown administration will influence the policies of the departments with respect to the coastal plan.

Where there have been conflicts, so far they have generally been of two kinds: (1) when an existing state department such as transportation, or parks and recreation, has needed permits from the coastal commissions for new highways or parks, and (2) when individual coastal commissioners possessing special expertise have criticized an existing agency's policy or performance. (Two members of the South Coast Regional Commission, for example, are marine biologists, and they have sometimes argued forcefully for stronger environmental standards than the existing agencies consider necessary.)

The following discussion deals in summary fashion with a number of state agencies whose individual areas of concern involve the coast in significant ways. The present treatment is intended as a suggestive but not definitive exploration of the subject.

Sooner or later, particularly if the coastal commissions are continued after 1976, it will be necessary to give sustained attention to state agencies and their interrelationships, their organizational structures, powers, policy objectives, and agency performance. Such research should focus on bringing all relevant state resources to bear on coastal issues, thus helping insure that all parts of the state's machinery work together in implementing the coastal plan.

Achieving that goal may also take some governmental reorganization. For the time being, however, this discussion is intended principally to give the general reader a "feel" for early experience with relations between the coastal commissions and several state agencies.

Fish and Game Commission

The Fish and Game Commission is a constitutional body of five members appointed by the Governor for six-year terms. The commission formulates general policies for implementation by the Department of Fish and Game. Over many years the Legislature assigned the commission a wide range of responsibilities, with particular reference to the taking of fish and game by sportsmen (as opposed to commercial fishermen). Many species of commercial fish are controlled by direct action of the Legislature, through statute. Nevertheless, the Fish and Game Commission has been delegated certain regulatory powers over the commercial take of ocean species.

A partial list of the commission's responsibilities includes: adopting regulations on the *sport* take of all fish and game, control over tidal invertebrates, establishing clam refuges and ecological preserves, and controlling the *commercial* take of mussels, sea urchins,

lobster, abalone, herring, shrimp and kelp. This illustrative listing emphasizes the relevance to coastal management of the commission's policies.

Department of Fish and Game

The Department of Fish and Game is charged with administering and enforcing the Fish and Game Code. In doing so, the department regulates the taking and possession of *all* species of *sport* fish, and of *commercial* species for which the Legislature has given it specific responsibility. Through cooperative agreements with the federal government, the department also has authority to enforce federal regulations on the importation, take and possession of fish and wildlife.

The department undertakes numerous habitat-preservation activities. For example it acquires and manages fish and wildlife habitats for preservation and recreational use. Moreover the department attempts to influence proposed development projects by its review of waste discharge proposals, environmental impact reports (EIRs), and environmental impact statements (EISs). The department comments on federal projects under the federal Fish and Wildlife Coordination Act. It also participates in A-95 (state clearinghouse) review of project proposals, and is thus able to comment on projects receiving federal funds.

The department has provided reports and supplied the state and regional coastal commissions with background information on coastal fish and wildlife, and their habitats. Fish and game personnel also testify at coastal commission hearings and assist planning and permit staff. Working relations between fish and game and the coastal commissions appear to have been very good. Coastal commission staff have characterized the department as "reasonably good" on environmental issues, at least when another agency has to make the final decisions.

Despite the department's rapport with the coastal commissions, some experts and observers concerned with marine resources are critical:

> *(Wilt)*...the Fish and Game attitude on marine resources is that there has to be a clear and present danger before they could be considered endangered....Fish and Game has total power over the intertidal region... [but] it is necessary to prove that a disaster exists for a species to be considered "endangered."
>
> .....
>
> The problems of mariculture are statewide...[and I feel] strongly that the coastal commission would be a happier home for this activity than the Fish and Game Commission. The other possibility would be to change Fish and Game so that it became an environmentally protective board.

Wilt's comments drew a rejoinder from Charles Fullerton, Director, Department of Fish and Game, who characterized the statement, as "erroneous, misleading and basically uninformed." Fullerton continued

> Contrary to [the] statements...employees of the Department...pioneered marine fisheries management and continue to provide major contributions to the field. These contributions have received international acclaim.[13]

Furthermore, spokesmen associated with fish and game argue that establishing a one-unit jurisdiction over sea life may be premature, and urge instead that this come about by evolution. Thus Leslie Edgerton,

Executive Secretary of the Fish and Game Commission, warns that an early effort at consolidation will cause "a tremendous battle between the sportsmen and the commercial fishermen due to the latter's fear of the sportsmen, and fear that the commission is sports oriented."

In conclusion, the department and the coastal commissions have many jurisdictional interrelationships. These appear to demand formulation of compatible and mutually supportive programs. This will remain true whether commercial and sport fisheries continue to be treated separately, or a single state agency is established to manage both.

Water Resources Control Board

The Water Resources Control Board establishes water quality discharge standards, reviews on appeal some standards and decisions of the regional water quality control boards, manages grant programs for sewage treatment facilities, and has responsibility for water quality planning.

Good relationships between coastal staff and the grant section have prevailed in dealing with major sewer projects. Collaboration between water resources staff, federal Environmental Protection Agency (EPA) grant reviewers, and coastal staff has resulted in each supporting the other in an arrangement characterized as working "very well." Contacts with water quality regulatory staff have also been fairly good. One conflict was noted when the South Coast Regional Commission set more stringent discharge standards for sewer plants than required by the state water resources board. It was suggested that coastal commission staff have "more flexibility" and can "work faster" than the state board.

Aquaculture and fisheries restoration may, however, require stronger measures than state-regional water quality control has yet provided. Thus South Coast Commissioner Rimmon Fay, while praising the plan

of the State Water Resources Control Board, also alleges deficiencies in treatment and policing:

> ...treatment is insufficient, suspended solids loadings are too great...waste dischargers monitor their [own] discharges and assess the impact of these on the environment.

Fay also comments that the South Coast Regional Commission implemented more stringent waste water quality criteria, and provided for continuous water monitoring, when granting a permit to a water management agency. This action was seen as an affront by the regional water quality control board, which felt that its function was being infringed upon. Here as elsewhere, issues related to the seaward area, marine resources, aquaculture, and fisheries pose major organizational and policy questions for the future of California's coastal plan.

Regional Water Quality Control Boards

Relationships with the regional boards depend on the individual body, its personnel, and its policies toward pollution control. Some take time in moving against the big polluters, and can also be jealous of their jurisdictions. Others seem more aggressive, but may not have much interest in the effects of their actions on the coast and its waters. The biggest problem seems to be their sensitivity to having another agency, e.g., one of the coastal commissions, criticize their standards or set higher standards. While such actions may cause some observers to conclude that the water boards have not been doing their jobs, in fact the coastal commissions may simply be applying broader criteria in accord with Proposition 20.

Department of Parks and Recreation

The Department of Parks and Recreation is the principal state agency that purchases and manages lands for parks and recreation purposes; it can also comment on other agencies' projects. The relationship with the coastal commission appears to be two-fold. It has been characterized as "very good" when both are dealing with a third agency's project. Parks and recreation staff testify before the coast commissions about areas that should be acquired or protected, or projects that would adversely affect existing parks. In this connection, they keep up with coast commission activities and initiate contact with coastal staff.

But relationships are not as good when parks and recreation projects are involved. They have their own clientele groups, and accordingly may make compromises that look questionable to the coast commissions in the light of their interpretations of Proposition 20.

Department of Transportation

The Department of Transportation (CalTrans) is responsible for statewide multi-modal transportation planning, and is now attempting to shift gears from its former single-minded focus on freeway construction. This is a difficult process, and it remains to be seen how quickly and successfully it can be accomplished. But there is substantial evidence that some of the nearly irresistible vigor that once supported highway building is now abating.

Nevertheless future conflicts are likely, because improved highway facilities are a principal means of introducing development pressures to remote areas. The coast is vulnerable in many places. It seems essential to insure by legislative action or otherwise that CalTrans recognizes coastal planning considerations and criteria. Further, there is need to assure that transportation developments affecting the coast not only avoid

contravening the coastal plan, but also actively help to achieve its objectives.

Public Utilities Commission

The commission issues certificates of convenience and necessity that are required for all power plants and major transmission lines. Relationships with the coastal commissions do not appear to be particularly close at present. There may be problems ahead, as energy production and supply issues can affect the coast profoundly and in many ways, including nuclear power installations, superports, supertankers, and petroleum importation.

Energy Resources Conservation and Development Commission

The energy commission is a new and powerful agency established by a 1974 law (AB 1575, Chapter 276). The act became effective on January 7, 1975, calling for gubernatorial appointment of a commission with five voting members within 30 days. The commission forecasts and assesses future energy demands and supplies; pursues a program of research and development on energy supply, consumption, and conservation; and can regulate building construction and assorted energy uses to reduce wasteful, inefficient and unnecessary energy consumption.

Perhaps the commission's most important power is that given by Public Resources Code sec. 25500, which confers "the exclusive power to certify all sites [for any electric transmission line or thermal powerplant] and related facilities in the state, except for any site and related facility proposed to be located in the [coastal zone] permit area...." Thus the two commissions have the "double approval" power referred to above (p. 202). Accordingly the coastal commission retains the authority to veto power sites in the coastal zone; the coastal commission must give its approval before the energy commission can do so.

Continuation of this relationship after 1976 seems appropriate and necessary to insure the integrity of the coastal zone plan. But there is already evidence that relationships between the two agencies could generate controversy. For example, on December 8, 1974, a month before the energy law came into effect, an environmental writer commented as follows:

> A major confrontation is developing between the state Coast...Commission and the emerging state Energy Commission over which agency will have the final authority over energy matters as they relate to the coastline.
>
> The Energy Commission, which will begin functioning next month when the commissioners are appointed by the new governor, is favored by developers and public utility companies who hope they will fare better there than they have with the Coast...Commission.
>
> Environmentalists, at least at this point, generally favor the Coast... Commission....[14]

Summary and Conclusion

Each of the agencies treated above has an interest in the coast, consequently each can help achieve the aims of the coastal plan. Moreover the list is not complete, because numerous other agencies have interests related to coastal conservation. These include, but are not limited to (1) the powerful State Lands Commission, which has broad powers to sell, exchange or lease state-owned lands, including tidelands and submerged lands; (2) the Department of Navigation and Ocean Development, which administers programs for marinas and small boat facilities; (3) the Division of Mines and Geology,

concerned with mineral resources and geological matters; (4) the new Seismic Safety Commission, created to study ways of reducing earthquake hazard; and (5) the University of California, with extensive research and educational programs in marine studies and oceanography, and several coastal research installations, plus scholarly and conservationist interest in the preservation of natural areas and habitats and other areas having substantial value for scientific study.

It will not be easy to orchestrate such a large number of coast-related activities housed in many separate agencies, although this will have to be done to insure that their efforts contribute to implementation of the coastal plan. Presumably this task will be one of the principal jobs of the coastal commission. As suggested earlier, it will take "good faith" negotiation among agencies to make the machinery work reasonably well, and even this may not succeed. Accordingly the commission ought to receive a clear assignment giving it principal responsibility for coastal management, along with sufficient authority to see that the plan is carried out. If this is done, the commission may be able to work effectively with the various agencies presently concerned with the coast.

But the Governor and Legislature should also keep a watchful eye on the records of all the agencies, with special attention to their contribution to good coastal management and achievement of California's objectives. Suitable measures can be taken, such as reorganization or consolidation, if results prove unsatisfactory.

COMPREHENSIVE STATE PLANNING: WHERE SHOULD THE COAST FIT IN?

The probable establishment of some form of comprehensive statewide planning will pose unprecedented questions of organization and interagency relationships. Moreover as the planning system acquires power and influence, it may have profound implications for most

state agencies, particularly those concerned with the environment.

The future role of statewide planning has special relevance for California's experiment in coastal zone planning. Coastal planning under Proposition 20 is, in fact, probably the nation's first full-fledged example of comprehensive state-regional planning that includes effective powers of implementation. That is to say, the coastal planning system looks comprehensive in every way except its territorial application, which is focused on the coast.

If California introduces one or more additional state-regional systems of environmental planning, how will the new endeavors relate to coastal planning? Should California go directly to a single comprehensive planning mechanism that occupies the field? Or should two or more planning systems be run "in tandem" for a trial period until experience is acquired? These provocative questions can be raised but not dealt with definitively here. In fact, no one presently seems to know the "best" or most appropriate answers, although many opinions are expressed.

Several Alternatives Being Explored

A number of approaches to comprehensive planning are being explored. For many years, the private, nonprofit conservationist group called California Tomorrow has worked on the general concept of state-regional planning. Their ideas, considered visionary by some, seem increasingly relevant as other groups, including legislative committees, executive branch staff, associations of local governments, and conservationists have addressed the need for comprehensive statewide planning. The California Tomorrow Plan, developed during the past five years by Alfred Heller and associates, proposes a comprehensive system of planning, accompanied by state, regional, local, and community-level institutions, each with appropriate roles.[15]

In 1973 the League of California Cities stepped up its forward-looking efforts by addressing four major topics: (1) environmental control and land use authority, (2) social responsibilities of cities, (3) employee relations, and (4) the tax base. The first topic received principal attention and produced a report and a vigorous public relations effort as part of the League's action program. This program advocates regional and statewide comprehensive plans for resources, conservation and development, to be prepared by regional councils and a state coordinating council.[16] Assemblyman John Knox has proposed implementing legislation in the form of Preprint Assembly Bill No. 1 (1975-76 regular session).

Meanwhile the state's Legislative Analyst has recommended a rather different approach, envisioning consolidation of several environmental planning and regulatory activities under one system of state-regional boards.[17] The functions thus brought together would include air and water quality control, solid waste disposal, and transportation planning. Using only existing state enforcement powers, this approach would attempt to influence future environmental and land-use changes in a constructive manner by coordinating the several planning and regulatory efforts.

Two of the most active groups currently on the legislative scene are: (1) the Land Use Task Force, working under the general direction of Assemblyman Edwin Z'berg to prepare a state land-use planning bill, and (2) the Land Use Task Force of the Planning and Conservation Foundation. The latter recently published recommendations based on a year-long study of land use in California.[18] The two efforts are separate, but until his death on August 26, 1975, Assemblyman Z'berg had hoped that the end result would be one land-use proposal carrying the support of both groups. In general terms, certainly the Foundation's Task Force report backs up the Z'berg effort, although differences may have to be resolved with respect to organization, enforcement, and other matters. Also the relationships between existing

regional organizations and the proposed state land-use agency or agencies must be worked out.

In June, 1975, Assemblyman Z'berg introduced a redraft of his 1973-74 environmental quality control bill. The new measure, AB 2422, would establish both a state Commission on Land Use and Environment and substate regional commissions. Plans for state and regional land use and resources management would be prepared, and enforced through cease-and-desist orders issued by the respective commissions. Violations of the orders could be enjoined by the Superior Court. Unlike the coastal commissions under Proposition 20, the proposed commissions would not be able to enforce their decisions by issuing or withholding permits to develop.[19]

The PCL Foundation's report recommends a State Land-Use Council to coordinate all state land-use planning. The council would comprise five full-time members appointed to 4-year staggered terms by the Governor and confirmed by the Senate. The Governor would designate the chairman. Other recommendations include appointment of a 15-member citizen advisory group; preparation of a comprehensive state land-use plan designating substate planning regions; and legislative creation of comprehensive "areawide planning councils." Local land-use plans would conform to regional plans which, in turn, should conform to state plans. Most planning decisions would be retained at the local level.

Finally, the results of a state effort to devise an environmental planning process are now available after four or five years of work. Principal participants were state executive staff responding to such policy statements as AB 2070 (Chap. 1534, Statutes, 1970 Regular Session). This law directed the Governor to prepare and maintain a comprehensive State Environmental Goals and Policy Report. The staff work was done by the Office of Planning and Research in the Governor's office. The following section deals with this effort in some detail, to help the reader understand one of the principal current approaches to comprehensive environmental planning.

Environmental Goals and "Critical Areas": Overview of One Approach

The staff effort initiated under AB 2070 produced a preliminary report for the Legislature in March 1972, with the first full report dated June, 1973.[20] The basic state policy thus outlined called for identification and evaluation of the state's geographic areas that possess environmental resources, or contain environmental hazards with statewide importance. After evaluation, such areas would be designated as of "statewide interest" or "critical concern." The concepts are contained in the policy report noted above, and several other documents that have grown out of the effort.

In summary, California is considering a program that would emphasize environmental resources and evaluate the degree to which each is "critical," rather than the more traditional zoning approach to land use. In addition, the resources would be mapped and guidelines established for their management, and a monitoring system would keep track of land-use changes or other factors that might adversely affect each resource. The entire system would be established on a regulatory basis, permitting all appropriate levels of government--local to federal--to participate in environmental planning and regulation.

Three resource groupings. In designing the system, the state's resource areas have been divided into three major groupings.

1. *Scenic, scientific, educational and recreational resource areas* either have significant natural beauty, provide opportunities for recreation and outdoor pursuits including observation of natural processes, or yield materials useful in research. They include: (a) park, reserve and wilderness areas, (b) recreation areas, including access and connecting links, (c) historic, archeological and cultural areas, (d) wildlife habitats, and (e) open spaces surrounding metropolitan areas.

2. *Resource production areas* provide raw materials necessary to the economy. They include: (a) forest lands, (b) agricultural lands, (c) mineral areas, (d) water sources, and (e) energy sources.

3. *Hazardous areas and phenomena* endanger lives and property. They include: (a) geologic hazard areas, (b) fire hazard areas, (c) flood-prone areas, and (d) areas whose air quality is endangered, or already too low (critical air areas).

Definitions of "critical concern." The designation "critical concern" would be applied to the above resources and hazards, in the following manner: all lands would be included that provide or contain (a) an essential economic resource base, (b) a rare or unique environment, (c) unique cultural or scientific assets, or (d) natural hazards of varying intensity.

Criteria for action. Action to protect areas of "critical concern" would be based on several criteria. These include the immediacy of threatened land-use changes, high value for production of food and fiber, extent to which the areas are vital to the survival of certain life forms, the degree to which the areas are superlative representatives of their kind, and the immediacy and severity of hazards to the welfare of Californians.

Steps toward implementation. Studies by several state agencies would help formulate guidelines and identify actions to be encouraged or prohibited. These studies would describe (a) the effects on a resource or hazard of different kinds of development, (b) the kinds of mitigating measures that might reduce adverse impacts, (c) types of development that should be avoided, except under strict controls, and (d) incompatible land uses. Other studies could spell out more specifically the socioeconomic considerations that should guide future planning.

Implementing steps would include preparation of matrices analyzing adverse impacts and measures for their mitigation, mapping to a scale of one inch per mile, preparation of environmental data notebooks for all counties, and arrangements for satellite monitoring (accurate to 10 acres and able to identify use *changes* down to one acre).

An "implementation process" would attempt to integrate the development guidelines and other information into the normal governmental processes. To this end, any of the statewide planning proposals outlined earlier would help, although the Z'berg proposal seems particularly relevant.

In summary, the "environmental goals" approach represents a remarkable shift in thinking about state-level involvement in environmental planning and regulation. The objectives are desirable, and the measures proposed to achieve them are encouraging. Nevertheless this approach falls far short of providing a comprehensive basis for land-use planning and regulation. Moreover most of the legislative proposals considered so far would employ substantially weaker controls than those now applying to the coast under Proposition 20.

Comprehensive Planning and a Strategy for the Coast

With all the activity outlined above, comprehensive planning in some form may be imminent. If it becomes a reality, how should the coast fit in? The answer lies in developing a strategy for coastal zone planning, to determine its proper place in the larger picture.

The following considerations are suggested as appropriate during an interim period of experimentation, because, despite the progress noted, it seems unlikely that a program *as strong as coastal planning* will soon be a reality. Assembly Consultant Bob Connelly graphi-

cally emphasizes the difficulty of proceeding immediately to a system of statewide planning that is as effective as coastal planning:

> The reason for the massive failure of state planning to date...is the direct result of state failure to give the planning function any teeth. We have had...an office of planning for more than 15 years and have almost nothing to show for it. The reason is that we have kept planning on the periphery all these years, out of touch with the real world of government. The real world is the money world, naturally....[21]

He also said, in an interview:

> [I do]...not have high hopes for a change in state planning. A change means creating an agency, not [the existing] Office of Planning and Research, which has no statutory power. There would have to be a complete reorganization. There would be brutal civil service in-fighting. It would be very difficult.

In any event, until the struggle for effective state-level planning is fought and won, it would seem unwise to give up the only working form of comprehensive planning that California has, the one initiated by Proposition 20. Retaining the system of coastal planning during an experimental period would avoid the risk of loss while permitting movement toward comprehensive statewide planning.

Findings by the Haskell and Price study of environmental management in nine states may be relevant here, although as we have seen the study deals primarily with pollution regulation, not coastal or land-use controls. Writing on Minnesota's experience, the

authors see several advantages of agencies that are less-than-comprehensive, as opposed to environmental "superdepartments." They comment:

> An initially small, single-purpose organization can focus all of its attention, from the beginning, on effective pollution regulation.[22]
>
> Minnesota's PCA [Pollution Control Agency] demonstrates that a small, single-purpose advocacy agency can unite its constituency better than a larger department can.[23]

In Illinois they found similar support for the effectiveness of the more limited agencies. They also obtained collateral evidence from the experience of New York and Wisconsin, which recently created environmental "superdepartments." Accordingly they conclude that the more comprehensive agencies lack the focus of those with more limited assignments, and that relationships with supporting interest groups are also affected adversely:

> Superdepartments seem to have a negative effect on environmental and conservation interest groups, at least in the short run. Conservationists... have typically objected to the merging of the state's conservation and anti-pollution work on grounds that they may lose control over the consolidated department and that the popular anti-pollution work may dominate the mix. Pollution control interest groups have often protested that resource management programs...compromise tough pollution regulation....Focusing on the same department has turned normal competition among these groups into more direct conflict, thus undercutting the

> base of political support for both antipollution and traditional conservation work.[24]

The writer interprets the findings of Haskell and Price as supporting the merit of cautious experimentation before consolidating a smaller and more clearly focused program, like coastal planning, into a larger and more comprehensive planning enterprise. In any event, it seems prudent to gain experience with the larger endeavor before making final decisions. Future observation should provide evidence for appropriate ways to relate coastal planning to comprehensive state-level planning. Good answers to the serious organizational questions are not available now, and the issues deserve further thoughtful exploration. We can then determine whether coastal planning should be absorbed entirely, or retain a substantial degree of its separate identity.

THE 1972 FEDERAL ACT: IMPLICATIONS FOR CALIFORNIA

The federal Coastal Zone Management Act of 1972 was cited previously as evidence that California should continue a state-level coastal planning and control function at least as strong as that established by Proposition 20. The federal program is treated here because it has many critical implications for state coastal planning.

Overview of the Federal Act

The principal administering agency for the federal act is the Office of Coastal Zone Management (OCZM), which is housed within the National Oceanic and Atmospheric Administration (NOAA), in the Department of Commerce. OCZM will play a crucial role in the complicated efforts to secure state compliance with the federal act, and to obtain comments and reviews from other federal

agencies on state coastal plans while they are being formulated. OCZM will assist with negotiations when there are conflicts between federal and state agencies. The Secretary of Commerce, in conjunction with the Executive Office of the President, will be the final mediator.

The law's principal purpose is to encourage state planning and management of coastal resources in a systematic and unified way. For approval, state efforts must meet federal criteria for good management. In outlining its objectives, Congress included this declaration of national policy:

> ...it is the national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations, (b) 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 of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development, (c) for all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate with state and local governments and regional agencies in effectuating the purposes of this title, and (d) to encourage the participation of the public, of Federal, state, and local governments and of regional agencies in the development of coastal zone management programs....[25]

These objectives will be sought in several ways. First, the federal government will give financial and technical assistance to states complying with the law and its guidelines:

> To qualify for grants, state programs must include: (1) a definition of the boundaries of the coastal zone, (2) an inventory of permissible land and water uses which have a direct and significant impact on the coastal waters, (3) inventory and designation of "areas of particular concern" within the coastal zone, (4) identification of mechanisms the state proposes to use to control the use of land and water, (5) guidelines for establishing the priority of uses in particular areas, and (6) an organizational structure to implement the management program.[26]

The states clearly are expected to take primary responsibility for coastal zone planning and plan implementation. But state plans will also be subject to initial and continuing federal reviews, conducted by the OCZM, to insure compliance with federal criteria on the substance of the plans, as well as on the adequacy of state organization and authority to carry them out.

Moreover the act requires that federal agencies affected be consulted while the plans are being developed. Thus federal agencies will presumably play a considerable but as yet undetermined role in perfecting the state plans. Furthermore, after a state's coastal plan has been approved by the Secretary of Commerce, the federal agencies are obligated to comply with the plan.

The law's requirement for federal agency compliance is modified in two places by the phrase, "to the maximum extent practicable."[27] While this phrase offers what conceivably could be a substantial loophole, it may not actually be used that way. Thus an OCZM staff member says "the congressional history indicates that this [loophole] is *not* substantial."[28] Moreover William Brewer, General Counsel, NOAA, commented recently to the effect that the language is probably intended "primarily for unforeseen circumstances arising after the adoption of a state program, and perhaps also for relief in situations involving minor discrepancies."[29]

In fact, in current OCZM thinking, states with high-quality coastal plans will be in a strong position vis-à-vis federal agencies. That is, a state's position will be strong if its plan is reasonably concrete and specific, seeks supportable goals in accord with the general "good-management" thrust of the federal act, and proposes policies consistent with those goals. A federal agency attempting to depart from such a state plan will have the burden of proving that its action is required by a clear and substantial national interest.

State Plans: Comprehensive Subject Matter and Coverage

The states' coastal plans will be expected to deal comprehensively with land and water uses that have a direct and significant impact on coastal waters. (F.R. sec. 923.10)[30] The federal expectation is outlined in the rules and regulations published on January 9, 1975, stating that a comprehensive program should consider at least the following representative elements:

> (1) Present laws, regulations, and applicable programs for attainment of air and water quality standards, on land and water uses, and on environmental management by all levels of government;

(2) Present ownership patterns of the land and water resources, including administration of publicly owned properties;

(3) Present populations and future trends, including assessments of the impact of population growth on the coastal zone and estuarine environments;

(4) Present uses, known proposals for changes and long-term requirements of the coastal zone;

(5) Energy generation and transmission;

(6) Estuarine habitats of fish, shellfish and wildlife;

(7) Industrial needs;

(8) Housing requirements;

(9) Recreation, including beaches, parks, wildlife preserves, sport fishing, swimming and pleasure boating;

(10) Open space, including educational and natural preserves, scenic beauty, and public access, both visual and physical, to coastlines and coastal estuarine areas;

(11) Mineral resources requirements;

(12) Transportation and navigation needs;

(13) Floods and flood damage prevention, erosion (including the effect of tides and currents upon beaches and

> other shoreline areas), land stability, climatology and meteorology;
>
> (14) Communication facilities;
>
> (15) Commercial fishing; and
>
> (16) Requirements for protecting water quality and other important natural resources. (F.R. sec. 923.4)

The states will be required to develop adequate procedures for defining "permissible" coastal zone land and water uses that have a direct and significant impact on coastal waters, as well as broad policies or guidelines on priorities for various permissible uses. (F.R. sec. 923.12) The states will also be required to make an inventory of and to designate "areas of particular concern" in the coastal zone. (F.R. sec. 923.13-14) These include areas that have unique or fragile habitats, are highly productive of fish and wildlife, possess recreational value, are dependent on coastal access, possess unique geologic significance, have urban concentrations, are subject to competitive demands, or are needed to protect coastal lands or resources.

The "areas of particular concern" are closely linked with a related requirement concerning preservation and restoration:

> the management program must show evidence that the State has developed and applied standards and criteria for the designation of areas of conservation, recreational, ecological or esthetic values for the purpose of preserving and restoring them. (F.R. sec. 923.16)

In addition to being comprehensive, state coastal planning is expected to consider both regional and

national concerns. Thus the act requires state programs to provide "adequate consideration" of the "national interest" in the siting of facilities:

> This policy requirement is intended to assure that national concerns over facility siting are expressed and dealt with in the development and implementation of State coastal zone 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 included at an early stage in the State's planning activities and that such facilities not be arbitrarily excluded or unreasonably restricted... without good and sufficient reasons. (F.R. sec. 923.15)

Enumerated needs and their supporting facilities that are "other than local in nature," and whose siting may have a clear national interest, include: energy production and transmission; interstate recreation; interstate transportation; food and fiber production; storm protection and disaster warning; national defense and aerospace; historic, cultural, esthetic and conservation values; and mineral resources. (F.R. sec. 923.15)

Conversely, states are required to insure that local land and water use controls do not unreasonably or arbitrarily restrict or exclude uses that have regional benefits:

> This requirement is intended to prevent local land and water use decisions from arbitrarily excluding certain land and water uses which are deemed of importance to more than a single unit of local govern-

> ment. For the purposes of this requirement, a use of regional benefit will be one which provides services or other benefits to citizens of more than one unit of local, general-purpose government.... (F.R. sec. 923.17)

Finally, special status is given the principal federal environmental legislation enacted earlier, i.e., the federal Water Pollution Control Act and the Clean Air Act. Thus state coastal programs are not permitted to *reduce* duly established air and water quality requirements. In fact, the law directs that federal and state requirements adopted pursuant to these two acts be incorporated in the state coastal programs. (F.R. sec. 923.44) But also, this special federal status could cause a breach in the comprehensiveness of state coastal plans if, as one federal document suggests, the coastal agencies cannot order *stricter* standards, even when the state's coastal objectives require such action:

> State CZM programs cannot preempt or supplant the setting of air or water requirements under the Federal Water Pollution Control Act...or the Clean Air Act....In short, the air and water programs administered by EPA are "givens" in the development of State CZM programs. State CZM agencies, of course, may choose to seek more stringent air and water standards in limited areas of particular environmental concern or to "fine tune" CZM and water or air plans and requirements. However, if this action were initiated it would be advisory to the appropriate State air and water agencies, not prescriptive.[31]

State Plans: Adequate Authority and Organization

To comply with the federal act, states must have a management program that carries governmental authority and organization sufficient to implement its coastal plan. Although states are given maximum flexibility in organizing for coastal plan implementation, each state management program is expected to provide clarity, unity, and definite assignments of responsibility. Moreover it is assumed that a single state agency or entity will be in charge of the overall program, at least for administrative and policy purposes:

> Although the Act does not prescribe the creation of a central management agency at the State level, it envisions the creation of a coastal zone management entity that has adequate legislative and/or executive authority to implement the policies and requirements mandated in the Act.... (F.R. sec. 923.22)

> ...the management program must contain...documentation that the Governor of the coastal State has designated a single agency to be responsible for receiving and administering grants...for implementing an approved management program. (F.R. sec. 923.23)

Thus because many different agencies will probably be involved in coastal plan implementation, there is a clear central responsibility for each state to demonstrate that it has provided the power and organization needed to get the job done:

> ...the management program must contain documentation...that the agencies and governments chosen by the State to administer the management program have the

> authority to administer land and water regulations, control development in accordance with the management program and to resolve use conflicts. (F.R. sec. 923.24)

In discussing the range of controls that may be used, the regulations emphasize that the act provides three basic options: (1) The state could establish general criteria and standards for local implementation, but with state administrative review and enforcement of compliance. (2) The state could exercise direct controls over uses of land and water. This role would preempt local government's traditional zoning function, as it relates to coastal land and waters. (3) Local units could be free to adopt zoning ordinances or regulations without state criteria and standards, *other than the program itself*, but plans, projects, regulations and variances would be subject to automatic state administrative review for consistency with the management program. A state may employ any one of these options, or a combination of them. (F.R. sec. 923.26)

There is emphasis on the critical need for states to deal effectively with the public and private bodies that have an interest in coastal planning or a role in its implementation. Each state is free to develop its own ways of dealing with such bodies and agencies, but their methods should be effective:

> Each State will have to develop its own methods for accommodating...the varying, often conficting interests of local governments, water and air pollution control agencies, regional agencies, other State agencies and bodies, interstate organizations, commissions and compacts, the Federal government and interested private bodies. It is the intent of these requirements...to assure that the State...is aware of the full array

> of interests...that opportunity for participation was provided, and that adequate consultation and cooperation...has taken place and will continue.... (F.R. sec. 923.30)

To this end, fairly detailed and elaborate criteria for notification, consultation and participation are provided.

Federal Participation and Review

The federal reviews of state coastal planning organization and efforts have two principal objectives. First, to insure that the organization and processes of state coastal management, as well as the substance of the state plans, measure up to the criteria of the 1972 act and the administrative guidelines; second, to give all appropriate federal agencies an opportunity to examine and comment on state plans while they are being formulated.

Review by the Office of Coastal Zone Management. The OCZM's review of state coastal planning will extend to both (1) the state's organizational and legal machinery for making and carrying out coastal zone plans, and (2) the content of those plans.

It appears that the initial OCZM reviews will largely consider the procedures followed and the kinds of information employed in coastal planning. Presumably, at least for a "first-cut" effort, it would be difficult for the federal review to go much beyond such considerations. In time, however, and probably soon, the federal review will need to deal in some detail with the substance of coastal plans, in order to help establish a baseline of environmental and resource-use quality that all states must meet. Moreover the reviews by individual federal agencies (see below) will have to consider the substance of state coastal planning decisions as these affect the interests and objectives of the agencies.

Further, by quoting and reemphasizing an earlier comment, the regulations of January 9, 1975 make it clear that Congress intended to emphasize environmental values. Accordingly the federal review must soon go substantially beyond procedures and processes to assure achievement of the lawmakers' intent:

> Management programs will be evaluated in the light of the Congressional findings and policies.... [these] make it clear that Congress...was concerned about the environmental degradation, damage to natural and scenic areas, loss of living marine resources and wildlife, decreasing open space for public use and shoreline erosion....The Act thus has a strong environmental thrust, stressing the "urgent need to protect and to give high priority to natural systems in the coastal zone." (F.R. sec. 923.4)

For the time being, however, an initial heavy emphasis on procedure may be hard to avoid, given OCZM staffing limitations. Still, the procedural emphasis could be pressed too far, especially as the states ought to be encouraged to push ahead with innovative and imaginative plans for their coasts. Innovation should include seeking new and better ways of doing things. For example, one astute California coastal observer--in a June 1974 letter to OCZM--argued that the proposed federal guidelines:

> ...attempt to mandate a specific and limited way of achieving a particular objective, when we think the same objective can be met in other and better ways. Our emphasis is on results--sound, publicly accepted coastal zone management programs--and not on rigid processes.

No doubt the future will see much pulling and hauling, particularly as some of the larger and more "advanced" states plead for greater freedom and flexibility to plan in their own manner. While the prescriptive federal guidelines apply to all states, they are especially designed to include the smaller states. But it may be a huge task to apply and adapt these guidelines for the larger states with extensive and complex shorelines.

Meanwhile in promoting good coastal planning nationwide, the "feds" will try to hold the line by insisting on state compliance with guidelines, which will, in fact, be the principal means of insuring a reasonable common denominator of coastal planning throughout the nation. In short, a degree of state-federal conflict seems inevitable, but if handled with imagination, forthrightness and good will, a constructive outcome should emerge.

Participation and review by federal agencies. Interested federal agencies are expected to participate in coastal planning by reviewing state plans during their formulation. The interchange is intended to be a two-way street, with one of its principal objectives the disclosure by federal agencies of their own policies and intentions with respect to the coast, and open consultation among state and other agencies concerned. The OCZM notes that these requirements will help to resolve

> ...an issue that has become increasingly important to the States--the lack of early, sustained and open consultation by Federal agencies in the *development* of their policies, plans and program decisions. Coastal zone management mandates this process, along with other recent laws, and also seeks reciprocity in State-Federal dealings.[32] [emphasis in original]

Better federal planning. The review process is a way of bringing the various federal programs together to determine how they relate to each other and to state programs, as well as to highlight emerging conflicts and facilitate their reconciliation. The process will also force the "feds" to plan ahead further and more comprehensively than they have done in the past, if only to keep up with the states. Moreover, the federal agencies will find it necessary, in complying with state coastal plans, to give up some of the options hitherto available to them.

States have the initiative. The states have an opportunity to take the initiative in this complicated process, assisted by the federal OCZM. The OCZM handbook has these comments on the states' role:

> First, the vast majority of State-Federal interactions should and will take place within the States, or with Federal regional organizations. OCZM activities both in Washington and with the Federal regions should complement this initiative....
>
> Second, States can take a leadership role in shaping Federal review mechanisms such as river basin commissions, FRCs [federal regional councils] or other appropriate forums to prepare for the program approval process. Third, States can take an active role in tapping the diverse array of Federal information, technical assistance and scientific support in conjunction with OCZM. Finally, the States will at times assume advocacy roles that reflect strongly held positions emerging from their CZM effort and its reflection of State objectives, State law and State environmental or cultural preferences. The role of seasoned

> advocacy will no doubt develop through interaction with Federal agencies....[33]

The federal regional councils. Reviews will take place at both (1) the federal field or regional* level and (2) in Washington. The regional level seems clearly intended as the site of the initial and most careful scrutiny, except for conflicts that cannot be reconciled regionally. Furthermore, the councils in each federal region and/or, where appropriate, the river basin commissions, should facilitate agency review of state coastal plans, and perhaps try to reconcile conflicts. Such a coordinative function seems appropriate because the new decentralization of the A-95 review process has given the councils a major role.[34] The A-95 program is potentially an important tool for implementing state coastal plans.

Pressures from the federal agencies. While it provides opportunities for better federal-state understanding, the federal review also holds some hazards for coastal conservation. The process gives the bureaucracies and clientele groups concerned with each affected federal agency an opportunity to influence the states' coastal plans. But comprehensive coastal planning and conservation may rank comparatively low in the priority lists of some federal agencies. Potential conflicts can be of utmost importance, because the federal interest in the coast is far-reaching, and the influence of the federal agencies is powerful:

> Nearly all Federal agencies have a...degree of interest...in the

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* The term "regional" as used here differs from its usage elsewhere. Except where applied specifically to the *federal* regions, the term designates *substate* regions, such as the San Francisco Bay Area. In contrast, the federal regions are multistate. The one covering California (Region IX) also includes Arizona and Nevada, as well as Hawaii and the other Pacific islands.

> coastal zone. One has only to think of large military bases, national parks and Federally aided highways to recognize this fact. One purpose of the Coastal Zone Management program is to define these Federal interests in sufficiently concrete terms that they can be made a part of the state's program for managing the coastal zone. This effort will require a good deal of cooperation between the states and Federal agencies and enlightenment and good will on all sides.[35]

The difficulties of dealing with the diversity of federal interests is emphasized in the following comment. It has specific reference to coastal waters, but applies with at least equal force to the landward portions of the coastal zone:

> Just as there is no single Federal interest or over-arching program on the land side of the coastline, so different laws and agencies represent different approaches to regulating the use of coastal waters. A coastal state that wishes to participate in the Coastal Zone Management program must thread its way through the confusing and often contradictory Federal presence in coastal [land and] waters in sufficient detail to (1) assure Federal approval of its management program, and (2) facilitate Federal agency compliance with that management program.[36]

Help from OCZM. The main job will fall to the state coastal agencies, which will have to pursue their own planning efforts while also dealing with federal

agency critiques. But the states will also have the assistance of OCZM, which presumably will be one of the principal advocates of state coastal policies that meet OCZM requirements. But OCZM will itself also need strong support, especially in view of the pressures caused by the shifting of environmental attitudes due to the energy shortage and the depressed economy. To be fully effective OCZM will need the active support of the White House, the Executive Office of the President, and the Domestic Council (secretaries and administrators of agencies involved in domestic issues). Moreover OCZM is not presently strong at the level of the federal regions. As one knowledgeable observer says: "there is no OCZM presence in the region, there are only field representatives who are spread too thin." He suggests that there should be an OCZM person in Washington representing each federal region, or else a key OCZM official stationed in each region.

Resolving conflicts. In case of conflicts between a state coastal plan and one or more federal agencies,

> ...final responsibility for approval of a state's program rests with the Secretary of Commerce, implying that he can override any [federal] agency objections; of course, he can also refuse to approve a state's program. Section 307 (b) [calling for mediation by the Secretary of Commerce and the Executive Office of the President] is designed to obviate such deadlocks.[37]

Some federal observers express concern that the Department of Commerce, considered "not the most responsive to environmental issues," will have a crucial role in resolving controversial matters. Consequently it was suggested that it might be better for the federal regional councils to resolve as many issues as possible, and for the others to come before the Undersecretaries' Group in Washington. The latter comprises the same

departments that are included in the regional councils, is chaired by a top official of the Office of Management and Budget, and is part of the Executive Office of the President. Accordingly it would seem a more appropriate location for the "final arbiter" function than the Secretary of a single department like Commerce.

The role of constituency groups. The magnitude of federal involvements in the coastal zone, and the fact that serious conflicts will be referred to Washington, argue strongly that coastal constituency groups should make certain efforts. First, they should learn about the principal federal agency interests in their own regions, and establish working contact with appropriate federal personnel. They should keep federal staff informed of their interests, and watch for possible conflicts with federal agencies. When conflicts occur, they should be prepared to play a constructive role in resulting negotiations. Second, the groups should establish working contacts with their own state's congressional delegation, as well as the leadership and staff of key congressional committees in Washington. Third, they should reinforce their presence in Washington by contacts with the federal establishment, and by cooperating with other conservationist organizations that have national headquarters in the capital. Fourth, they should develop relationships with similar groups in other states, both directly and through national conservation organizations.

A vigorous state role, with federal overview. To repeat, the broad scope of the task emphasizes the state coastal agencies' need for help, which should come in part from constituency groups as suggested above. In addition, of course, the federal OCZM can play a significant role. But vigorous policy support for the content of each state plan should also come from the states themselves.

This activity is appropriate, because the state coastal agencies will be the locus of most attempts to think comprehensively and concretely about the substance

of coastal plans. State agencies that have done adequate research and preparation will be their own best advocates. If other states follow the California example, state plans will be developed with local, regional and state-level participation and contributions. If conflicting interests are then resolved in a well-designed comprehensive plan, the latter will merit and probably get strong support within the state.

On the other hand, some of the important federal agencies (and perhaps a few state-level agencies) may reflect the wishes of the commercial interests of their clienteles or else be focused rather single-mindedly on the individual agency's functional assignment. To be sure, a number of federal agencies have a conservation or "good planning" orientation, e.g., EPA, HUD, and Fish and Wildlife. Also Interior, Navy and others are giving more attention to coastal zone management needs. Nevertheless, the policies of many agencies, as they affect the coast, may be special-purpose rather than comprehensive. Where these conflict with a state coastal plan, the latter will need substantial bolstering by support-group efforts like those envisioned above.[38] Hopefully the federal regional councils, noted above, composed of several federal agencies with a variety of interests, can help foster a comprehensive approach by the federal agencies.

State agencies, of course, are also vulnerable to special-interest pressures, but federal agencies such as OCZM, and others with a conservationist or comprehensive-planning orientation, can help counterbalance special-interest pressures. Accordingly a nationwide program like coastal zone management needs federal-level reviews to assure that the broad conservation objectives of Congress are realized. Federal review can also require individual states to measure up to reasonable standards in the quality of their planning efforts.

Most of the actual planning, however, will take place at the state level. Creation of a *strong state*

coastal planning agency will provide a necessary home for these efforts. Moreover, without such an agency, a state will be vulnerable to special-purpose influences, from whatever source. The state coastal agency will also need adequate power to enforce its plan, because formidable obstacles must be overcome. In conclusion it seems unlikely that a state can comply with the spirit of the federal legislation unless it has a strong state coastal planning agency with enforcement powers, like the California Coastal Zone Conservation Commission.

Federal-State Relations in Coastal Plan Implementation

If the difficulties discussed above can be overcome, a constructive and imaginative federal-state relationship offers opportunities for sensible and well-planned coastal policies. The federal government can help implement state coastal plans in many ways. Harold F. Wise and associates, for example, identified three categories of activities whereby the federal government could help: (1) federal grants, loans and guarantees, (2) federal regulatory programs (permits and licenses), and (3) direct federal activities.

Grants, loans and guarantees. About 20 major grant programs provide funds to state and local governments for planning and management. One of the most important is 701 comprehensive planning assistance. In addition, there are grants for state, local and private development--principally for land acquisition, construction and services, as distinguished from planning. Almost all the grants receive A-95 clearinghouse review. Coastal plan implementation will be aided by requiring projects to comply with state coastal plans before receiving federal funds.

Federal regulatory and licensing responsibilities. Wise points out that the federal act:

> ...requires applicants for any Federal license or permit in the coastal zone to provide a certification from the appropriate state agency that the application is consistent with the approved state management program.[39]

This gives the states conditional veto over such federal licenses, which can, however, be overridden by the Secretary of Commerce under extraordinary circumstances. Regulatory controls by state or federal agencies under the Water Pollution Control Act and Clean Air Act can also be used to implement state coastal plans, if the administering agencies adopt the environmental goals set forth by the plans.

Direct federal actions in the coastal zone. Direct federal actions can be crucially important, because the federal government owns and manages more than one-third of the nation's land, much of it along the coasts. Federally owned lands are excluded from state coastal zone responsibilities, but federal agencies are nevertheless required to insure that "to the maximum extent practicable" any projects undertaken in a coastal zone are consistent with the state's coastal plan.

On the coast proper, the direct-action category includes defense installations, national forests and parks, and the public domain. On the coast's seaward side, the federal government will probably be involved in future superports, petroleum exploration and development, seabed mining, and other forms of mineral exploration, and perhaps fishery development, mariculture, and other economic uses of the sea's resources.

The federal government not only controls activities on federally owned land, but also it is responsible for operations, research and service functions, such as NOAA's scientific research, and the Coast Guard's policing of coastal waters. These can help in coastal plan implementation.

Summary: Federal-state roles in implementation. To sum up, if appropriate federal-state policy accommodations can be reached, the federal government can be of significant help in carrying out state coastal plans. With such accommodations, all the direct and indirect federal influences can be brought to bear, including but not limited to the A-95 review process, and the environmental impact statement requirements of the National Environmental Policies Act (NEPA), as well as the federal Clean Air Act and Water Pollution Control Act, with their powerful enforcement provisions.

William Matuszeski, senior staff member, Council on Environmental Quality, recently emphasized the excellent opportunity now offered "for state coastal zone management to pull together disparate programs the way they should be." He identified seven federal laws and programs as lending themselves particularly well to the integrative role that coastal agencies can play in seeking help to implement state coastal plans.[40] Many other programs are listed in the *Federal Register* (April 15, 1975) accompanied by the instructions that state applications for coastal grants "shall reflect, and the coastal zone management program...will provide methods to integrate Federally assisted programs."[41]

The federal programs can also strengthen the state coastal agencies in dealing with their fellow non-coastal agencies at the state level. Thus OCZM emphasizes that regulations on coastal management refer to some nineteen federally funded programs operative in state coastal areas, and also comments:

> The significant thing...is that, although these are all Federal programs, *in every case*, the programs are administered either partially or totally through state or local public agencies, *usually state agencies*....[Accordingly] Coastal Zone management...if it is... to develop a unified framework for categorical program interests, economic

> interests, conservation interests, and define the overall public interest...[ought to be placed] in state government in a way and in a manner that will permit the exercise of these... integrative and management responsibilities....[emphasis in original][42]

This role would be facilitated if the coastal agency had authority like that of the California Coastal Zone Conservation Commission. Such powers would give it a predominant state-level policy voice over what happens in the coastal zone. In addition, the state coastal agency would need close and continuing relations with the grant-administering agencies, so that it would be assured an active role in the state grant-review process.

A Strong State Agency Essential

The federal coastal act and OCZM's rules do not explicitly require a single state coastal agency with all the powers of the present California Coastal Zone Conservation Commission. Nevertheless the objectives outlined by the federal legislation make it difficult to see how the intent of Congress can be realized, or effective and comprehensive coastal management achieved, without a state coastal organization with powers equivalent to those of the California agency.

The coastal planning task of the larger states will be massive; implementation will be difficult, and will involve several governmental levels and many units. Strong central direction will be essential to accommodate conflicting goals of individual governments in a comprehensive coastal plan, or to carry out the plan. State coastal agencies need positions of power for leverage with fellow agencies at the state level. Moreover the states need strong coastal organizations to cope with the federal agencies and their interests, and to capitalize on the opportunities offered by the federal

programs noted. Finally, states with weak programs will have abdicated their responsibilities for good coastal management, thereby losing an opportunity to determine their own future, and leaving themselves open to preemptive action taken by the federal government to counter continued poor performance. These coastal "facts of life"--and the clear intent of the federal legislation to bring a semblance of order out of chaos--argue for state coastal agencies as strong as California's.

Some states may arrive at this conclusion after a period of trial and error. This is presumably legitimate, and probably permitted under the federal law, if it does not take too long. But California would be imprudent to "throw away" after 1976 what it has already achieved and learned under Proposition 20.

SUMMARY AND CONCLUSION

Despite several years of study and legislative effort, systematic coastal planning and conservation were virtually nonexistent in California before Proposition 20. The initiative's passage in 1972 made coastal planning at least temporarily effective, through 1976. California's experience offers valuable lessons on the organization and powers needed to continue a workable system of coastal governance after Proposition 20 expires on January 1, 1977.

A Continuing State Role is Essential

There is wide agreement that coastal conservation requires a strong state role, which is best assured by assigning one agency at the state level principal responsibility for revising and implementing California's coastal plan. The basic rationale for these conclusions follows:

1. The coastal zone is a major vulnerable resource that all Californians have an interest in protecting, as a majority of the voters asserted by approving Proposition 20.

2. Protection of the statewide interests requires effective state-level coastal-governance machinery.

3. Local government cannot insure uniform and evenhanded statewide implementation of coastal conservation policy, even under a statewide plan, unless there is state-level supervision to insure compliance.

4. The coastal plan will need modification, revision, extension and improvement over time. A state agency will have to take principal responsibility for this.

5. The federal coastal zone management program initiated in 1972 encourages states to develop comprehensive policies and workable programs for coastal-resource management. The intent of Congress, as expressed in the Coastal Zone Management Act of 1972, appears to require a state coastal organization with powers equivalent to those given the California coastal commission under Proposition 20.

What Kind of State Agency?

1. The broad-gauge nature of coastal planning argues against assigning the function to an operating department whose policies would be set by a single director and a civil service staff. Moreover past experience in other states appears to support a plural body like the one established by Proposition 20.

2. Growing interest in participatory planning, plus encouraging experience in California with such plural groups as the Bay Conservation and Development Commission, and the state and regional coastal commis-

sions, strongly support continuance of a plural state body after 1976.

3. Proposition 20 brought the state Legislature and local governments into the commission appointment process, along with the Governor. Many observers see the appointment formula as the source of a healthy "mix" in commission membership, viewpoints and backgrounds. The mix may have also contributed to the commissions' "openness" to public participation. Moreover bringing the Legislature into the appointments clearly helps guard against executive-branch dominance of the planning process, which some regard as undesirable.

Two Special Issues: (1) Acquisition and Management, (2) The Seaward Side

1. Much of the coastal plan can probably be implemented through land-use controls and regulations. But many essential activities cannot be carried out solely by private developers, guided only by public regulations. Some programs will require public acquisition of property or the use of easements, as well as authority to rehabilitate, restore and develop. Such programs include purchase and leasing-back of agricultural lands, removing structures to restore access, views or natural areas; rehabilitating coastal neighborhoods that are declining; restoring marshes, wildlife sanctuaries and marine environments; and reserving lands for future uses.

2. Some of the acquisition can be done by existing federal, state, and local agencies, but present authority is often too limited and specialized, or underutilized. Accordingly, new state authorization is needed for property and easement acquisition, restoration and development, and land banking.

Creation of an additional separate state agency would generate less political opposition than one major

coastal agency encompassing all of California's principal responsibilities in the coastal zone. But the separate agency would have to work closely with the successor to the state coastal commission, which should continue its role as ultimate overseer.

3. Proposition 20 gave the coastal commission part of the power required to formulate policy for the seaward side. That authority should be continued after 1976, but is probably not adequate to handle the state's emerging responsibilities in what is virtually a policy vacuum. Many substantive problems must be addressed, including pollution and contamination of seawater and the seabed, mariculture and fishing, petroleum exploration, mining the ocean floor, recreational uses, and a variety of other activities. The seaward side requires intensive study, which the California coastal commission should pursue in search of better ways to formulate and implement appropriate policies, as well as to anticipate and regulate the impact that seaward-side activities will have on the mainland.

Relationships with Other State Agencies: Some Basic Concepts

Many agencies will have to help carry out the plan for the coast, but the coastal commissions should provide the principal orchestration and final decisions.

1. The existing "double approval" should be continued after 1976. This would enable the state coastal commission to stop proposed public actions in the permit area that run counter to the coastal plan.

2. The coastal commission should also review the acquisition of coastal-zone property by other state agencies. Requiring such approval would give essential leverage to use in implementing the plan. Moreover the review power seems imperative if the coastal commission's authority is to match its responsibility.

3. Implementing the coastal plan will require close interrelationships between the coastal commission and other state agencies. Opportunities for constructive collaboration abound, if potential conflicts can be obviated or overcome.

4. On the other hand, resolving conflicts can be difficult because many clienteles are involved and the individual agencies have disparate goals.

5. It would be unwise to rely solely on interagency cooperation and negotiation to resolve highly controversial conflicts. Arbitration at the top--by the Governor on the advice of his cabinet--is sometimes suggested, but can be vulnerable to a form of logrolling by department heads. Accordingly it is preferable to continue an effective coastal commission veto over other state agencies on actions that could threaten the coastal plan.

Principal Agency Interrelationships: An Overview

In adopting Proposition 20, the voters gave the coastal commission several responsibilities in areas where existing state agencies also have assignments. Considering the potential for friction in this arrangement, so far there seems to have been remarkably little. The conflicts that have occurred have been of two kinds: (1) when existing departments, such as those responsible for transportation or state parks, have needed coastal permits for new highways or parks, and (2) when individual coastal commissioners possessing special expertise have criticized the performance of certain agencies.

The quick overview that follows is intended to give the general reader a "feel" for some of the interagency relationships in the coastal zone. It summarizes in outline form a suggestive but not definitive exploration of the subject.

1. Fish and Game Commission

   a. Function
      Formulates policies for the Department of Fish and Game
      Responsible for fish and game taken by sportsmen
      Responsible for commercial take of certain other species, such as mussels, lobsters, shrimp, and kelp

2. Department of Fish and Game

   a. Function
      Responsible for all sport fish
      Responsible for commercial species assigned by Legislature
      Enforces state regulations and, by agreement, federal regulations on fish and wildlife
      Makes habitat studies; acquires habitats
      Provides background information to coastal commissions
      Participates in A-95 grant reviews

   b. Relationships
      Good working relations with coastal commissions
      Some experts consider regulations protecting endangered species and encouraging mariculture to be inadequate

3. State Water Resources Control Board

   a. Function
      Drafts water quality plans, and establishes water quality discharge standards
      Reviews appeals from regional water quality boards
      Manages grant programs for sewage treatment facilities

   b. Relationships
      Good relations with coastal commissions; only occasional conflicts
      Criticism by some fisheries experts that water quality plans call for insufficient treatment and rely too heavily on waste dischargers to monitor themselves

4. Regional Water Quality Control Boards

   a. Function
      (water quality regulations, under State Water Resources Control Board)

   b. Relationships
      Some boards slow to move against polluters
      Some defensiveness when higher quality standards are set by coastal commissions

5. Department of Parks and Recreation

   a. Function
      Principal responsibility for acquiring and managing lands for parks and recreation

   b. Relationships
      Good relations with coastal commission on projects involving a third agency; but not so good when own projects are involved

6. Department of Transportation (CalTrans)

   a. Function
      Shifting from concentration on highways to new statewide multimodal transportation planning

   b. Relationships
      Future conflicts likely with coastal commissions, because transportation facilities can bring unwanted development to coast

7. Public Utilities Commission

   a. Function
      Issues permits for power plants and transmission lines (but siting decisions have been taken over by state energy commission, see below)
      Regulates utilities

   b. Relationships
      Uncertain, but energy production and supply can affect the coast

8. State Energy Resources Conservation and Development Commission

   a. Function

      Statewide authority to approve power plant sites, (exercised jointly with coastal commissions in coastal permit area under "double approval")

      Powerful role in energy research and development

      Regulations to reduce energy consumption

   b. Relationships

      "Double approval" important because of possible policy conflicts with coastal commissions; without double approval, energy siting decisions may contravene the coastal plan

9. Other State Agencies With an Interest in the Coast Include:

   State Lands Commission: can sell or lease state-owned lands

   State Department of Navigation and Ocean Development: administers programs for marinas and small boat harbors

   Division of Mines and Geology: concerned with minerals and geological matters

   Seismic Safety Commission: studies ways to reduce earthquake hazard

   University of California: with other educational institutions, has educational and research interests in coastal environment, marine studies and oceanography

Conclusion. Orchestrating the coastal activities of these and other agencies will not be easy. If the coastal commission is to succeed, it should receive a clear assignment giving it principal responsibility for coastal management, and adequate authority to see that the plan is carried out. But the Governor and Legislature should also keep a watchful eye on the future performance of all the agencies, to guide further reorganization, if necessary.

Comprehensive State Planning: Where Should the Coast Fit In?

Several approaches to comprehensive statewide planning are being considered in California, where some sort of implementation seems imminent. Unanswered questions include:

If California introduces one or more additional state-regional systems of environmental or land-use planning, how will the new endeavor(s) relate to coastal planning? Should California move directly to a single comprehensive planning mechanism that occupies the field? Or should two or more planning processes be run "in tandem" for a trial period?

Approaches being explored. A number of approaches are being explored by various California groups:

1. The California Tomorrow plan proposes a comprehensive system of governance, with state-, regional-, local-, and community-level planning organizations, each with appropriate assignments to plan and implement the resulting policies.

2. The League of California Cities' Action Plan would create a state coordinating council, assisted by regional councils, to conduct state planning and reconcile conflicts among state agencies.

3. The Legislative Analyst has recommended consolidating several environmental planning and regulatory activities under one system of state-regional boards. The functions would include air and water quality control, solid waste disposal, transportation planning, and perhaps coastal planning.

4. Two of the most active groups currently on the legislative scene are: (1) the Land Use Task Force sponsored and guided by Assemblyman Edwin Z'berg, until his recent untimely death, in work on a state land-use bill, and (2) the Planning and Conservation Foundation's

Land Use Task Force. These related efforts focused on reaching agreement on land-use planning and environmental control legislation; in June, 1975 Assemblyman Z'berg introduced AB 2422, which would establish a state Commission on Land Use and Environment, plus substate regional commissions. The resulting state and regional land-use plans would be enforced through cease-and-desist orders by the respective commissions.

5. Meanwhile state staff work on the State Environmental Goals and Policy Report has identified environmental resources and hazards meriting statewide interest or critical concern, and outlined a system to monitor environmental change. This would enable California to keep track of land-use and other changes that might adversely affect the resources or increase the hazards, and serve as a guide and "trigger" for appropriate preventive measures, if the state establishes implementing machinery. Any of the statewide planning proposals summarized above would help, although the Z'berg environmental control bill seems particularly relevant.

A strategy for the coast. Despite much activity and progress toward acceptance of the need for comprehensive state-level planning in some form, it seems doubtful that a program *as strong as coastal planning* will soon be a reality. The state-level environmental and land-use controls actively being considered in California are substantially weaker than Proposition 20's coastal permit power. Until the struggle for effective comprehensive statewide planning has been fought and won, it would not be prudent for California to abandon its only working form of comprehensive planning, i.e., the system of coastal governance instituted by Proposition 20.

The Federal Coastal Zone Management Act: Implications for California

The federal Coastal Zone Management Act of 1972 encourages systematic and unified state planning and

management of coastal resources. It provides for a grant program to states meeting federal criteria for good coastal management. The federal act and subsequent administrative regulations make it clear that the intent of Congress was to encourage comprehensive state coastal planning with an environmental thrust.

Adequate authority and organization. To comply, states must have a management program that includes adequate governmental authority and organization to implement the coastal plan. Moreover it is assumed that a single state agency will--at least for administrative and policy purposes--be in charge of the overall program.

The federal act outlines the following options for carrying out the coastal plans: (1) local implementation subject to state standards, criteria and review, and state enforcement of compliance where necessary. (2) Direct exercise of state controls over land and water uses, preempting local government's traditional zoning function as it relates to the coast. (3) Local zoning and regulation without state standards, but subject to state administrative review for consistency with the state's coastal management program. (4) Any combination of the above three.

Federal participation and review. The Office of Coastal Zone Management (OCZM) in the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA), administers the program and reviews state efforts.

1. OCZM's review will include both (1) the state's organizational and legal machinery, and (2) the substance and content of the plans. This is necessary to insure reasonable compliance with the environmental thrust of the law and the federal objectives of effective coastal management.

2. Interested federal agencies are also expected to review state coastal plans during their formulation, in a two-way interchange, with federal agencies disclosing their policies and intentions concerning the coast, and consulting freely with state and other agencies.

3. The states have an opportunity to take the initiative in this complicated process, assisted by the OCZM.

4. Federal agency reviews will take place initially at the federal field or regional level, which is to be the site of the most careful scrutiny. The federal regional councils may be able to help mediate emerging federal-state conflicts at this level. Conflicts that cannot be reconciled regionally will go to Washington for resolution.

5. While providing welcome opportunities for better federal-state understanding, federal reviews of coastal plans also hold hazards if individual agencies give comprehensive goals a low rank as compared with their own limited-purpose objectives.

6. The state coastal agencies will have the main job of dealing with the federal agency reviews, but they will be assisted by OCZM. To be fully effective, however, OCZM will need the active support of the White House and Executive Office of the President.

7. In case of conflicts not otherwise reconciled, mediation by the Secretary of Commerce and the Executive Office of the President is designed to break deadlocks. Commerce, however, is seen as "not the most responsive to environmental issues." A better place seems to be the Undersecretaries' Group in Washington, chaired by a top official of the Office of Management and Budget, and located in the Executive Office of the President.

8. If conservation organizations and coastal constituency groups make special efforts to express their views, both within their own states and in Washing-

ton, this will substantially strengthen the hand of the state coastal agencies and OCZM.

9. The state coastal agencies ought to be the principal focus of work on the substance of coastal plans, and creation of *a strong state coastal planning agency* will provide a necessary home for these efforts. Without such an agency, a state will be vulnerable to special-purpose influences, both public and private. It follows that the state agency will need effective power to enforce the plan, whose implementation may otherwise be thwarted by formidable obstacles. Finally, it is hard to see how a state can comply with the spirit of the federal legislation unless it has a strong state coastal planning agency, with powers like those of the California commission.

Federal-state relations in implementation. If the review process can reach appropriate accommodations, the federal government can be a major help in carrying out state coastal plans, with action including but not limited to the A-95 grant reviews, the environmental impact statement requirements of the National Environmental Policies Act (NEPA), and the federal Clean Air Act and Water Pollution Control Act, as well as many others. Such federal programs can also support the state coastal agencies in getting their fellow state-level non-coastal agencies to assist in carrying out the plan.

Conclusion. The objectives of federal coastal policy appear to require a state coastal organization with powers equivalent to those of the California commission. Without strong central direction, it will be difficult to draft and carry out comprehensive coastal plans that preserve their integrity while also reconciling the conflicting goals of the many interested agencies and groups.

States that are content with weak coastal organizations will abdicate their responsibilities and

forego opportunities for creative self-determination of their coast's future. They will lack adequate protection against further coastal degradation, while being open to eventual preemptive federal action in case of continued poor performance. These facts argue for state coastal agencies as effective as California's.

California achieved its current position through several years of study and legislative effort, a successful statewide initiative campaign, and nearly three years of coastal control under the present strong system. Consequently it is essential to extend or replace the coastal law before it lapses in 1977. Otherwise California will abandon the policy advances made and forfeit the experience gained with coastal governance under Proposition 20.

Notes

NOTES

NOTE TO FOREWORD

[1]Wilson C. McWilliams and Alan M. Cohen, "The Private World of Political Science Journals," *Change: The Magazine of Higher Learning*, 6(7):53-55 (September 1974).

NOTES TO CHAPTER I

[1]California Coastal Zone Conservation Act of 1972, commencing with Public Resources Code sec. 27000 and ending with sec. 27650. These 1972 additions to the code were placed there by initiative November 7, 1972. California, Department of General Services, Documents Section, *Laws Relating to Conservation and Planning: 1972 edition*, compiled by George H. Murphy, Legislative Counsel (Sacramento [1972]), pp. 149-158. The initiative was popularly termed "Proposition 20" because it was the twentieth in the list of statewide propositions appearing on the ballot in November 1972. Under the California Constitution, Art. IV, sections 1, 22 and 24, such propositions may be placed on the ballot by either state legislative action (referendum) or voters' petition (initiative). California ballot measures are assigned numbers by the Secretary of State, following a drawing in which he formally takes numbers out of a bowl.

[2]Cal. Stats. 1974, Chap. 897.

[3]From "The Amateur Emigrant" in *From Scotland to Silverado* as quoted in Gilbert E. Bailey and Paul S. Thayer, *California's Disappearing Coast* (Berkeley: Institute of Governmental Studies, University of California, 1971), p. 1.

[4]Philip L. Fradkin, *California: The Golden Coast* (New York: The Viking Press, 1974), pp. 109-110. Fradkin was recently appointed Assistant Secretary of the

Notes to Chapter I cont'd

California Resources Agency and was formerly an environmental writer for the Los Angeles *Times*.

[5]California Coastal Zone Conservation Commission, *Annual Report: 1973*, p. 4.

[6]Lindell L. Marsh, an attorney specializing in coastal management and law of the sea matters, of Nossaman, Waters, Krueger, Marsh & Riordan, Los Angeles, on page 2 of a letter to Stanley Scott, dated April 14, 1975.

[7]Peter Douglas, "Coastal Zone Management--A New Approach in California," *Coastal Zone Management Journal*, 1(1):1-25 (Fall, 1973), see p. 2. See also John K. Gamman, Shavaun Towers, and Jens Sorensen, *State Involvement in the California Coastal Zone: A Topical Index to Agency Responsibility*, Sea Grant Publication No. 44 (Berkeley: Institute of Urban and Regional Development, University of California, August 1975). Late figures noted in the introduction to this directory of state agencies indicate that in 1975 there were 42 state units and 82 federal agencies with responsibilities for California coastal management. And see Gamman, Towers and Sorensen, *Federal Involvement in the California Coastal Zone: A Topical Index to Agency Responsibility*, Sea Grant Publication No. 29 (Berkeley: Institute of Urban and Regional Development, University of California, November 1974). Available from the Institute of Marine Resources, La Jolla, CA.

[8]Peter Douglas, "Coastal Zone Management: The Experience with a Citizens' Law in California" (unpublished manuscript: prepared for the Assembly Select Committee on Coastal Zone Resources, March 1974), p. 3. See also Douglas, "Coastal Zone Management--A New Approach in California," p. 15. He commented that at its first meeting (January 24, 1973

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in San Francisco), the California Coastal Zone Conservation Commission elected Mel Lane, former Chairman of BCDC, as Chairman and appointed Joseph E. Bodovitz as Executive Director. At that time Bodovitz was Executive Director of BCDC.

[9]California, Resources Agency, Department of Navigation and Ocean Development, *California Comprehensive Ocean Area Plan* (Sacramento [1972]). See also *California Comprehensive Ocean Area Plan Supplement* (Sacramento [1972]).

[10]Commission on Marine Science, Engineering and Resources, *Our Nation and the Sea: A Plan for National Action* (Washington, D.C.: January 1969), p. 8.

[11]California, Legislature, Assembly, Committee on Natural Resources and Conservation, *Transcript of Proceedings: Public Hearing on Protection of the Public Interest in the California Coastline*, held December 18-19, 1969 in Los Angeles (Sacramento), p. 134.

[12]Adams, as quoted in Bailey and Thayer, *California's Disappearing Coast*, p. 65.

[13]Joseph E. Bodovitz, Executive Director, California Coastal Zone Conservation Commission, "The Coastal Zone: Problems, Priorities, and People" (June 13-14, 1973), text of address to the Conference on Organizing and Managing the Coastal Zone, United States Naval Academy, Annapolis, Maryland, p. 3.

NOTES TO CHAPTER II

[1]Judy B. Rosener, Graduate School of Administration, University of California, Irvine, "The California

Notes to Chapter II cont'd

Experience: Emerging Issues and Research Needs," paper presented at the 1975 national conference of the American Society for Public Administration, Chicago, April 13, 1975.

[2]San Francisco *Chronicle*, April 21, 1975, "Economic Asset: Tactical Tip for Conservation," p. 4.

[3]Letter from J. Fred Silva, Chief, Research and Policy Development, California State Office of Planning and Research, December 6, 1974.

[4]Planning and Conservation Foundation, *The California Land: Planning for People* (Los Altos, California: William Kaufmann, Inc., 1975), p. 92. The report is the result of a year-long study by the California Land-Use Task Force, sponsored by the Planning and Conservation Foundation.

[5]Edwin T. Haefele, *Representative Government and Environmental Management*, published for Resources for the Future, Inc. (Baltimore: Johns Hopkins University Press, 1973), p. 11.

[6]Constituency organizations are also discussed in a section on interest-group influence and client capture (the domination of a regulatory agency by those it is intended to supervise). Effective monitoring can be an important counterforce to prevent client capture. See Chap. III, pp. 107-112.

[7]See Chap. III, pp. 109-110.

[8]See Chap. III, pp. 110-112.

NOTES TO CHAPTER III

[1]See Advisory Commission on Intergovernmental Relations, *Regional Decision Making: New Strategies for Substate Districts* (Washington, D.C.: 1973), p. 26; also, Randy H. Hamilton, *Special Districts or Special Dynasties? Democracy Denied* (Berkeley: Institute for Local Self Government, 1970).

Readers should note, however, that despite the adverse opinion of students of government, many directly elected special district boards are in operation, and new ones being created. A prominent recent example is the transformation of the San Francisco Bay Area Rapid Transit District's governing board from appointive to directly elected. This change was proposed by state legislation submitted to the voters in response to dissatisfaction with BART's performance, and was approved by the electorate of the three counties (Alameda, Contra Costa and San Francisco) in June, 1974.

[2]California, Legislative Analyst, *Resources Conservation Board* (Sacramento: February 1974).

[3]California Water Code, Chap. 2, Art. 3, sec. 175.

[4]COG is the acronym for regional "council of governments," of which the Association of Bay Area Governments (ABAG), the Southern California Association of Governments (SCAG), the Association of Monterey Bay Area Governments (AMBAG), and the San Diego County Comprehensive Planning Organization are some well-known California examples. With federal encouragement and financial support, COGs have been organized in urban regions throughout the nation, and many are preparing advisory regional plans intended to be comprehensive.

[5]For further information see: California, Commission on California State Government Organization and Economy, *The Use of Boards and Commissions in the Resources Agency* (Sacramento: April 1965); California,

Notes to Chapter III cont'd

Department of Finance, Resources Agency, *A Study of Resource Policy Directions for California* (December 1965); Engineering-Science, Inc., *A Dynamic Model of Water Quality Management Decision-Making*, by Richard M. Males, William E. Gates, and Junius F. Walker (May 1970) (submitted to the Office of Water Resources Research, Department of the Interior).

[6]Letter to Phyllis Barusch from Bob Connelly, Consultant, California, Assembly, Committee on Ways and Means, September 27, 1974.

[7]R. E. Pahl, "Social Processes and Urban Change," in Richard Rose, ed., *The Management of Urban Change in Britain and Germany* (Beverly Hills: Sage Publications, 1974), p. 35.

[8]James Fay and Thomas Leatherwood, "Public Funding of Political Campaigns: Attitudes and Issues in California," *Public Affairs Report*, 16(1) (Berkeley: Institute of Governmental Studies, University of California, February 1975), p. 1.

[9]Draft language supplied by the Twin Cities Citizens League:

> Six weeks prior to making appointments provided for by this subdivision, the Metropolitan Council shall give public notice in such manner as it deems appropriate that nominations to the transportation board from any individual or group are being accepted. Nominations from any individual or group shall be accepted if accompanied by a statement from the nominee of willingness to serve. Nominations may also be submitted by any member

Notes to Chapter III cont'd

> of the Metropolitan Council, including its chairman. Not less than seven nor more than 14 days before making appointments, the chairman of the Metropolitan Council shall make public a list of all persons nominated for positions to be filled on the transportation board, without revealing the source of any nominee. Appointments shall then be made only from this public list.

[10]Roger G. Noll, *Reforming Regulation: An Evaluation of the Ash Council Proposals* (Washington, D.C.: The Brookings Institution, 1971), pp. 99-100.

[11]Ibid., p. 101.

[12]Ibid., p. 111.

[13]Paul Sabatier, Division of Environmental Studies, University of California, Davis, "Social Movements and Regulatory Agencies: Toward a More Adequate--and Less Pessimistic--Theory of 'Client Capture.'" Paper published in *Policy Sciences*, 6:301-342 (September 1975) Sabatier's work, done principally in connection with his Ph.D. dissertation at the University of Chicago, has put a large dent in, and maybe effectively demolished, earlier theories that eventual client capture of regulatory agencies is somehow inevitable, and the effectiveness of their efforts is subject to a "natural cycle of decay."

NOTES TO CHAPTER IV

[1]California, Legislature, Joint Committee on Open Space Land, *Final Report* (Sacramento: February 1970),

Notes to Chapter IV cont'd

p. 49. Also in California, Legislature, *Appendix to the Journal of the Senate* (Sacramento [1970]), vol. 1.

[2]Ibid., pp. 49-50.

[3]Heinz Eulau and Kenneth Prewitt, *Labyrinths of Democracy: Adaptations, Linkages, Representation, and Policies in Urban Politics* (Indianapolis: Bobbs-Merrill, Inc., 1973), p. 435.

[4]Stanley Scott and John C. Bollens, *Governing a Metropolitan Region: The San Francisco Bay Area* (Berkely: Institute of Governmental Studies, University of California, 1968), pp. 118-119.

[5]Willis D. Hawley, *Nonpartisan Elections and the Case for Party Politics* (New York: John Wiley and Sons, 1973), p. 122.

[6]Ibid., pp. 130-131.

[7]Phyllis Barusch and Harriet Nathan, "The East Palo Alto Municipal Advisory Council: A Black Community's Experiment in Local Self-Government," in Harriet Nathan and Stanley Scott, eds., *Emerging Issues in Public Policy: Research Reports and Essays 1966-1972* (Berkeley: Institute of Governmental Studies, University of California, 1973), pp. 185-191.

[8]Letter to the writer from Los Angeles City Councilwoman Pat Russell, Sixth District, July 8, 1974.

[9]Advisory Commission on Intergovernmental Relations, *Regional Decision Making: New Strategies for Substate Districts* (Washington, D.C.: October 1973), p. 354.

NOTES TO CHAPTER V

[1]These issues are also discussed in a section of Chap. VI, "Dealing With the Seaward Side," p. 199 and following.

[2]Letter to the writer from David B. Walker, Assistant Director, Advisory Commission on Intergovernmental Relations, Washington, D.C., June 18, 1974.

[3]Letter to the writer from Revan A. F. Tranter, Executive Director, Association of Bay Area Governments, Berkeley, California, June 18, 1974.

[4]Letter to the writer from J. Fred Silva, see Chap. II, note 3.

[5]See David B. Walker and Carl W. Stenberg, "A Substate Districting Strategy," *National Civic Review*, 63(1):5-15 (January 1974). See pp. 5-9, 15; and Robert E. Merriam, "State-Designated Districts and Local Modernization," *National Civic Review*, 63(2):67-71 (February 1974).

[6]Melvin B. Mogulof, *Governing Metropolitan Areas* (Washington, D.C.: The Urban Institute, 1971), p. 112.

[7]Silva letter, December 1974.

[8]Mogulof groups the coastal counties in six regions, as follows: (1) San Diego County, (2) Orange, Los Angeles, and Ventura counties, (3) Santa Barbara County, (4) Monterey, Santa Cruz, and probably San Luis Obispo counties, (5) San Mateo, San Francisco, Marin, and Sonoma counties, and (6) Mendocino, Humboldt, and Del Norte counties. Mogulof was ambivalent about San Luis Obispo County, which has its own COG. Recent cooperation among San Luis Obispo, Monterey, and Santa

Notes to Chapter V cont'd

Cruz counties in a coastal study suggests some common interests with respect to coastal preservation. See Melvin B. Mogulof, *Saving the Coast: California's Experiment in Intergovernmental Land Use Regulation* (Lexington, Mass.: Lexington Books, 1975), pp. 82-83.

[9]California, Office of Planning and Research, Council on Intergovernmental Relations, *Substate Districting in California: An Update* (September 1974), p. 33.

[10]California, Legislative Analyst, *Resources Conservation Board* (Sacramento: February 1974), p. 51.

[11]Bruce D. McDowell, "Land Use Controls and the Federal System," in Robert W. Burchell and David Listokin, eds., *Future Land Use: Energy, Environmental, and Legal Constraints* (New Brunswick: Center for Urban Policy Research, Rutgers--The State University of New Jersey, 1975), pp. 43-57. See pp. 43, 46, 47 and 56.

[12]John Friedmann, *Retracking America: A Theory of Transactive Planning* (Garden City, New York: Anchor Press/Doubleday, 1973), p. 85. Friedmann's ideas are also outlined in a recent article: "The Public Interest and Community Participation: Toward A Reconstruction of Public Philosophy," *Journal of the American Institute of Planners*, 39(1):2, 4-7 (January 1973), see pp. 2, 4-5.

[13]The draft of a working paper prepared for the Urban Institute discusses the crucial importance of citizen participation in land use governance and the wide variety of measures and mechanisms that may encourage the process. See Nelson M. Rosenbaum, "Citizen Involvement in Land Use Governance: Issues and Methods," draft (Washington, D.C.: Land Use Center, The Urban Institute, July 1974). The paper notes that

Notes to Chapter V cont'd

the current political climate strongly supports both the concept and practice of "participatory democracy." It continues:

> ...beyond the general political climate, concern about citizen involvement has been stimulated by the fact that land-use governance is an extraordinarily sensitive area of public policy-making.... Land-use decisions affect the essentials of the quality of life--the character of the neighborhood, the journey to work, the availability of recreation....In such a context, it is clearly expedient to provide full opportunity for the ventilation of all points of view in the decision-making process. (p. 4)

NOTES TO CHAPTER VI

[1]Mogulof, *Saving the Coast*, p. 90.

[2]County Supervisors Association of California, *CSAC Special Coastal Policy Committee: Report to the CSAC Executive Committee* (April 11, 1975).

[3]League of California Cities, *Environmental Control and Land Use Element: Action Plan for the Future of California Cities* (October 1974).

[4]Public Law 92-583, 92nd Congress, S. 3507, October 27, 1972.

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[5]Fred Bosselman and David Callies, *The Quiet Revolution in Land Use Control* (Washington, D.C.: 1973), a publication of the Council on Environmental Quality, p. 325.

[6]See pp. 224-226, below.

[7]Elizabeth H. Haskell and Victoria S. Price, *State Environmental Management: Case Studies of Nine States* (New York: Praeger Publishers, 1973), p. 255ff.

[8]See earlier discussion, especially Chap. II, pp. 39-41, and Chap. V, pp. 173-177.

[9]Anthony James Catanese, "Reflections on State Planning Evaluation," in *State Planning Issues: 1973* (Lexington, Kentucky: Council of State Planning Agencies, and Council of State Governments, May 1973), pp. 24-25.

[10]California, Public Resources Code, sec. 27300 (added by the California Coastal Zone Conservation Act of 1972, also known as Proposition 20).

[11]The land banking idea deserves further exploration by the State of California. Highly favorable comments on the concept have appeared recently from a variety of sources. Huey D. Johnson, President, Trust for Public Land, prepared a brief but useful overview and commentary for presentation at the National Conference on Managed Growth, New York City, February 19, 1974. Based on a review of recent writing as well as his own experience, Johnson's paper entitled "Land Banking" is available from The Trust for Public Land, 82 Second St., San Francisco, 94105. Johnson commented:

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> Land Banking is an idea whose time has come....The public has suddenly realized that resources of our nation and world are limited, including fuels, minerals, air, water and especially land, and is accepting the reality that we will have to manage them in better fashion. I see land banking as part of our maturing process....Land banking refers to the process of the community entering the real estate market, buying land by direct purchase or often with borrowed money, and then leasing, or on occasion selling, sites for development. Thus the community influences land use decisions, not only as the government but also by participating in the ownership and orderly development of ... its lands. (pp. 1-2)

The Rockefeller Brothers Fund Task Force on Land Use and Urban Growth strongly favored land banking. Their report answered affirmatively the rhetorical questions "Should governments borrow from the land banking experience of Western Europe (where land is bought by the public and reserved or banked for future use) or from the urban renewal experience of the United States?" (p. 257)

Accordingly, the report urged establishment of new state agencies that would have full power of land acquisition and development. The agencies would assemble and protect land, and hold it for future development, affording the "opportunity to capture, for the public, land-value increases resulting from designation of land for intensive use," as well as to recoup "governmental investments in public works...that increase the value of benefited land...." (p. 260)

Land banking would also provide a powerful lever for guiding development: "Planners and others have long recognized the desirability of using positively the

leverage provided by the enormous investment in transportation. Without governmental land ownership, however, the forces have proven exceedingly difficult to channel" (pp. 260-61), in William K. Reilly, ed., *The Use of Land: A Citizens' Policy Guide to Urban Growth* (New York: Thomas Y. Crowell Co., 1973).

A 1974 version of the American Law Institute's Model Land Development Code for the first time included a tentative draft article on land banking. The accompanying commentary referred to the use of land banking in Europe, "notably Sweden and the Netherlands," and pointed out that its proponents rely on two arguments: (1) it reduces land costs by eliminating speculation, and (2) it encourages more orderly urbanization patterns (p. 254). See American Law Institute, *A Model Land Development Code* (Philadelphia: The American Law Institute, April 15, 1974).

The Agriculture Committee of the National Planning Association urged a sweeping "rebirth of land-use planning," and, among other things, recommended that consideration be given to establishing a

> federal land agency to administer the buying, selling and leasing of federally owned land....[Moreover] land transfer agencies might be established to handle such functions at the state level....The state land transfer agency could be authorized to cover not only traditional uses, such as parks, forests and highways, but also to hold land for future private or public development.

See *Looking Ahead*, 22(6):3 (March 1975), "A Statement by the NPA Agriculture Committee: Land-Use Policy."

The new British Labor Government has prepared a White Paper on the land bank concept, strongly urging

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that in urban and urbanizing areas, land scheduled for development or redevelopment in the next 10 years be purchased by local government and leased to individuals or developers to construct needed privately owned homes, factories and other facilities. This proposal is summarized in the November 1974 issue of *Regional Exchange*, available from People for Open Space, 46 Kearny St., San Francisco, 94108.

Writing for a 1974 American Assembly on land use, Lyle C. Fitch and Ruth P. Mack pointed to many advantages of land banking; they also expressed some reservations concerning its full fiscal potential: "Land banking may be most profitable when land is acquired far in advance of expected development." (p. 148)

Moreover they saw other obstacles to early widespread use of land banking in this country, while remaining optimistic about its value, especially in specific situations:

> The major obstacles to land banking in the United States are organizational and political.
>
> Land banking is a highly complex undertaking which is dependent on integration with a comprehensive, flexible mechanism for planning and guiding urban growth. Few agencies of metropolitan scale or larger are equipped with jurisdictional authority or organizational capacity to operate a land bank....As for...acceptability...nationally, and probably in most states and metropolitan areas, public support for large-scale land acquisition for urban development...has still to materialize. Moreover, it is opposed by a formidable set of private landowners, land developers, and their cohorts of the real estate lobby.

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> It is at these levels of organizational and administrative capability that the viability of land banking will meet its real test. Is there any hope, then, of its becoming a significant tool? Fortunately, the answer is yes. It is possible to proceed with a variety of situations that are favorable to advanced land acquisition ventures. (p. 151)

State or regional acquisition of selected coastal lands presumably could be one of these "favorable situations" for early use of the land banking concept. See Lyle C. Fitch and Ruth P. Mack, "Land Banking," in American Assembly, *The Good Earth of America: Planning Our Land Use* (Englewood Cliffs, New Jersey: Prentice-Hall, 1974).

Other useful discussions of land banking include the following: (1) two articles in the October, 1974 issue of *Plan Canada,* the Journal of the Canadian Institute of Planners: one by Hans Blumenfeld, "On Land Taxes and Land Banking," and the other by William T. Perks, "Lessons from the Swedish Experiment in Municipal Land Ownership;" (2) Mary Elizabeth Holbein, "Land Banking: Saving for a Rainy Day," *Planning* 41(1):19-21 (January, 1975); and (3) Kermit C. Parsons and others, *Public Land Acquisition for New Communities and the Control of Urban Growth: Alternative Strategies* (Ithaca, New York: Center for Urban Development Research, Cornell University, March, 1973).

[12]"Russell E. Train: Speaking Out at EPA," *Science,* 184(4133):139-140 (April 12, 1974), "News and Comment" Section. See p. 139.

[13]Memo to Joseph E. Bodovitz, December 13, 1974.

[14]Philip Fradkin, "Battle Shaping Up Between Coastline, Energy Commissions," Los Angeles *Times,* December 8, 1974, Part II, p. 1.

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[15]Alfred Heller, ed., "The California Tomorrow Plan: Revised Edition," *Cry California* 7(3): entire issue (Summer 1972). See also John W. Abbott, ed., *Democracy in the Space Age: Regional Government Under a California State Plan* (San Francisco: California Tomorrow, 1973).

[16]League of California Cities, *Environmental Control and Land Use Element: Action Plan for the Future of California Cities* (October 1974).

[17]California, Legislative Analyst, *Resources Conservation Board* (Sacramento: February 1974). See also Chap. V, above, pp. 173-177 for a discussion of this report's implications with special references to regional questions.

[18]See Chap. II, note 4.

[19]Assemblyman Edwin Z'berg's AB 2422, introduced only two months before his untimely death on August 26, 1975, would establish a California Commission on Land Use and Environment with nine voting members serving staggered four-year terms, plus four regional commissions in specified parts of the state. It would also authorize creation of seven additional regional commissions. The Governor would appoint seven of the state commission's nine voting members, and the Senate Rules Committee and Speaker of the Assembly would appoint one voting member each.

Regional commissioners would be named in two ways: (1) one-half would be city council members and county supervisors appointed by local governments, and (2) one-half would be public members either directly elected from districts, or appointed in equal numbers by the Governor, Senate Rules Committee, and Speaker of the Assembly.

The bill would allow transfer of all BCDC's functions to the regional commission created in the San

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Francisco Bay Area. The bill would also transfer to the new state commission the following entities, among others: the State Energy Resources Conservation and Development Commission, the Commission for Economic Development, the Air Resources Board, the Solid Waste Management Board, the State Water Resources Control Board, and all the regional water quality control boards.

The new commissions would prepare state and regional land use and resource plans, to become effective when adopted by the state commission. In case of conflicts with the actions of other state, regional or local agencies, or private persons, the state commission could adopt cease-and-desist orders. Violations could be enjoined by the Superior Court. Regional commissions would have similar cease-and-desist powers over nonconforming plans and actions of regional or local agencies, or private persons. The proposal does not provide for Proposition 20's type of enforcement, i.e., the power to issue or withhold permits to develop.

[20]California, Office of Planning and Research, *Environmental Goals and Policy Report* (June 1, 1973).

[21]Letter to Phyllis Barusch from Bob Connelly. See Chap. III, note 6.

[22]See Haskell and Price, *State Environmental Management*...p. 59.

[23]Ibid., p. 61.

[24]Ibid., p. 253.

[25]Public Law 92-583, 92nd Congress, October 27, 1972, sec. 303.

Notes to Chapter VI cont'd

[26]U.S. Senate, Committee on Commerce, *Outer Continental Shelf Oil and Gas Leasing Off Southern California: Analysis of Issues* (Washington, D.C.: November 1974), pp. 43-44.

[27]Public Law 92-583, 92nd Congress, sec. 307 (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. [emphasis supplied]

See also sec. 307 (c) (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." [emphasis supplied]

[28]Note from Timothy Alexander, Interagency Coordinator, OCZM, February 10, 1975.

[29]Extemporaneous comments, Third Annual Coastal Zone Management Conference, Asilomar, California, May 27-30, 1975.

[30]"Coastal Zone Management Program Approval Regulations," *Federal Register*, 40(6):1683-1695 (January 9, 1975). (Hereafter, section references apply to this issue of the *Federal Register*, cited as F.R.).

[31]U.S., Department of Commerce, Office of Coastal Zone Management, *State-Federal Interaction in the Development and Approval of Coastal Zone Management Programs: A Handbook for the Coastal States* (1974), pp. 21-22.

Notes to Chapter VI cont'd

[32]Ibid., p. 2.

[33]Ibid., p. 47.

[34]A memorandum dated June 25, 1974, and signed by Roy L. Ash, Director, Office of Management and Budget, stated:

> ...it is desirable that the [OMB Circular No. A-95] implementation function be decentralized. The Federal Regional Councils are clearly the proper instrumentality for coordinating the efforts of the Federal departments and agencies to effect better implementation of the Circular at the field level....Councils are accorded the widest flexibility in seeking improvements in A-95 by regional offices of the departments and agencies. To this purpose, as the priorities of each Council indicate and as agency resources permit, Councils may undertake to coordinate such actions and initiatives as they may deem appropriate.

In a memorandum dated March 21, 1974, Victor Jones, Professor of Political Science, University of California, Berkeley, recommended:

> First, that the Federal Regional Council set up an intergovernmental task force to develop a common core of federal planning requirements largely in the form of performance standards. Secondly, that the Federal Regional Council use this occasion to develop and institutionalize a

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> close and continuing collaboration among all public agencies involved in the governance of Region IX. (p. 2)

In Region IX the council's Natural Resources Standing Committee brings together the agencies that would be most directly affected by and concerned with coastal planning. Consequently the standing committee presumably could give coastal matters closer attention than the full council would be likely to do.

[35]Harold F. Wise, with David K. Hartley and John J. Bosley, "State-Federal Relationships in the Development of Coastal Zone Management Programs: A Handbook for the Coastal States," draft (Washington, D.C.: Office of Coastal Zone Management, July 26, 1974), p. 47.

[36]Ibid., p. 60.

[37]Ibid., p. 25.

[38]The hazards of federal agency efforts on behalf of special interests have been highlighted by the Department of Interior's recent effort to proceed quickly with massive leasing of the outer continental shelf for petroleum exploration and development, despite persuasive arguments that such decisions should be postponed and dealt with in a more methodical and carefully planned fashion. Sources in Interior and elsewhere have maintained that the energy crisis requires early action. Others debate this. In any event, this effort is clearly an example of limited-purpose goals sought by a federal agency, threatening to overwhelm comprehensive planning and also serving the interests of a powerful commercial group, the petroleum industry.

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See U.S. Senate, Committee on Commerce, *Outer Continental Shelf Oil and Gas Leasing*... (November 1974).

[39]Wise, et al., "State-Federal Relationships...," p. 53.

[40]Matuszeski enumerated the following laws and programs as especially pertinent to coastal plan implementation: (1) NEPA (2) the Clean Air Act (3) the Water Pollution Control Act (4) the Noise Control Act, especially when employed jointly with the Airport and Airways Safety Act (5) programs related to energy facilities, including the new Deepwater Ports Act (6) 701 comprehensive planning assistance and (7) the federal flood insurance program. (Based on remarks at the Third Annual Coastal Zone Management Conference, Asilomar, California, May 27-30, 1975.)

[41]"Coastal Zone Management Program Development Grants," sec. 920.45 (e) (4) *Federal Register*, 40(73): 16833-16834 (April 15, 1975).

[42]U.S. Department of Commerce, OCZM, *State-Federal Interaction*... Appendix I, p. I-3.

Appendix A

Background and History of California's Coastal Legislation

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Note: Ora Huth is the principal author of this historical appendix.

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1

STATE BALLOT MEASURES:

THE INITIATIVE AND REFERENDUM

Through the *initiative process* the voters of California have the authority to enact or repeal statutes or amend the state Constitution. Initiative statutes cannot be amended or repealed except by a subsequent statewide popular vote unless the statute itself provides otherwise (as in Proposition 20).

Through the *referendum process*, statutes or portions of statutes newly enacted by the Legislature, with a few exceptions, may be challenged by petition and have their effective dates delayed until after a statewide referendum election. A statute rejected by referendum vote is thereby repealed. A statute sustained by referendum vote takes effect the day after the election, and may subsequently be amended or repealed by the Legislature, like other typical statutes.

The principal constitutional provisions governing the initiative and referendum at the state level appear in the following sections of the California Constitution, Article IV:

Reservation of Power

> Sec. 1. The legislative power of this State is vested in the California Legislature which consists of the Senate and Assembly, but the people reserve to themselves the powers of initiative and referendum.

The Initiative Process

Sec. 22. (a) The initiative is the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them.

(b) An initiative measure may be proposed by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution and is certified to have been signed by electors equal in number to 5 percent in the case of a statute, and 8 percent in the case of an amendment to the Constitution, of the votes for all candidates for Governor at the last gubernatorial election.

(c) The Secretary of State shall then submit the measure at the next general election held at least 131 days after it qualifies or at any special statewide election held prior to that general election. The Governor may call a special statewide election for the measure.

(d) An initiative measure embracing more than one subject may not be submitted to the electors or have any effect.

The Referendum Process

Sec. 23. (a) The referendum is the power of the electors to approve or reject statutes or parts of statutes except urgency statutes, statutes calling elections, and statutes providing for tax levies or appropriations for usual current expenses of the State.

(b) A referendum measure may be proposed by presenting to the Secretary of State, within 90 days after the enactment date of the statute, a petition certified to have been signed by electors equal in number to 5 percent of the votes for all candidates for Governor at the last gubernatorial election, asking that the statute or part of it be submitted to the electors.

(c) The Secretary of State shall then submit the measure at the next general election held at least 31 days after it qualifies or at a special statewide election held prior to that general election. The Governor may call a special statewide election for the measure.

Initiative and Referendum Statutes: Effective Dates, Repeal, and Related Matters

Sec. 24. (a) An initiative statute or referendum approved by a majority of votes thereon takes effect the day after the election unless the measure provides otherwise. If a referendum petition is filed against a part of a statute the remainder shall not be delayed from going into effect.

(b) If provisions of 2 or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

(c) The Legislature may amend or repeal referendum statutes. It may amend or repeal an initiative statute by another statute that becomes effective only when approved by the electors unless the

initiative statute permits amendment or repeal without their approval.

(d) Prior to circulation of an initiative or referendum petition for signatures, a copy shall be submitted to the Attorney General who shall prepare a title and summary of the measure as provided by law.

(e) The Legislature shall provide the manner in which petitions shall be circulated, presented, and certified, and measures submitted to the electors. [See also Elections Code, sec. 3500ff.]

2

PROPOSITION 20: THE CALIFORNIA COASTAL ZONE CONSERVATION ACT OF 1972*

Proposition 20, the California Coastal Zone Conservation Act, was one of 22 statewide measures on the ballot in the general election of November 7, 1972. Its passage established the temporary California Coastal Zone Conservation Commission, to be assisted by six regional commissions operating within the coastal zone.** The act directed the commissions to develop a comprehensive plan for the orderly long-range conservation and management of California's coastal zone from Oregon to Mexico.

Meanwhile development within a specified coastal strip--the permit area--must have a permit from a regional commission, or, on appeal, from the state commission. Proposition 20 appropriated $5 million from the Bagley

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*California Coastal Zone Conservation Act of 1972, Public Resources Code secs. 27000-27650, added by initiative measure, November 7, 1972.

**"'Coastal zone' means that land and water area of the State of California...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 shall be the highest elevation of the nearest coastal mountain range or five miles from the mean high tide line, whichever is the shorter distance." (sec. 27100) "The area of jurisdiction of the San Francisco Bay Conservation and Development Commission is excluded." (sec. 27104[a])

Conservation Fund to support the commission's operations until their termination on January 1, 1977. (sec. 27650, and Cal. Stats. 1974, Chap. 897)

The Commissions and the Appointment Process

The state commission is composed of 12 members: six representatives of the public and six representatives of the regional commissions. (sec. 27200) Public members are appointed, two each by the Governor, the Speaker of the Assembly, and the Senate Rules Committee. (sec. 27202[d]) Each regional commission selects one of its members to serve on the state commission. (sec. 27200) The Senate confirms public members appointed by the Governor. (sec. 27221)

The coastal zone is divided into six regions, each under the jurisdiction of a separate regional commission. The regions are: (1) North Coast (Del Norte, Humboldt, and Mendocino counties); (2) North Central Coast (Marin, San Francisco and Sonoma counties); (3) Central Coast (Monterey, San Mateo and Santa Cruz counties); (4) South Central Coast (San Luis Obispo, Santa Barbara and Ventura counties); (5) South Coast (Los Angeles and Orange counties); and (6) San Diego Coast (San Diego County). (sec. 27201) The regional commissions are composed of varying numbers of representatives of the public (selected equally* by the Governor, Speaker of the Assembly, and Senate Rules Committee) plus an equal number of representatives of local governments or regional agencies. (sec. 27202)

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*There are two exceptions: The North Central Coast Commission with seven public members has one extra gubernatorial appointee, making a total of three gubernatorial appointees. The Central Coast Commission with eight public members has one extra member appointed by the Senate Rules Committee and one extra member appointed by the Speaker of the Assembly, making a total of three each. (sec. 27202[d])

The Governor's appointees must be confirmed by the Senate. (sec. 27221) Four of the regional commissions have 12 members each; the North Central Coast Commission has 14, and the Central Coast Commission has 16. Half of each regional commission's members are public representatives, and half are local officials representing city and county governments or regional agencies. (secs. 27201, 27202)

With respect to the local elected officials serving on regional commissions, the following appointment methods apply: supervisors are chosen by their respective boards; city councilmen, with certain exceptions, are chosen by the city selection committee in their respective counties; representatives of regional agencies are chosen by their respective agencies (councils of governments and the San Diego Comprehensive Planning Organization).* (sec. 27202)

All commissioners serve without pay but may receive $50 per diem, if they are not employed by other public agencies. (sec. 27223) The public representatives must be "exceptionally well qualified to analyze and interpret environmental trends and information, to appraise resource uses in the light of [Proposition 20's] policies...[and] be responsive to the [state's] scientific, social, esthetic, recreational and cultural needs...." In addition Proposition 20 specifies that expertise in "conservation, recreation, ecological and physical sciences, planning, and education shall be

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*A 1974 law permits a regional commissioner who is also a supervisor from a county or city and county of over 650,000 to select an alternate member to represent him at any regional commission meeting. An alternate member serves at the pleasure of the member who appointed him, but must also be confirmed by the authority who appointed the principal member. An alternate can serve on a regional commission (but not on the state commission) with full voting rights when the member he represents is absent. (Cal. Stats. 1974, Chap. 897.)

TABLE 1: REGIONAL COMMISSIONS: APPOINTMENT FORMULA

Regional commissions	Counties	Representatives of local gov't or regional agencies	Representatives of the public, appointed by: Governor	Senate Rules Com.	Assembly Speaker	Total all members
(a) North Coast	Del Norte Humboldt Mendocino	1 supervisor & 1 city councilman, each county (Total 6)	2	2 (Total 6)	2	12
(b) North Central Coast	Sonoma Marin San Francisco	1 supervisor & 1 city councilman (Sonoma & Marin) 2 supervisors (S.F.) 1 ABAG delegate[c] (Total 7)	3[a]	2 (Total 7)	2	14
(c) Central Coast	San Mateo Santa Cruz Monterey	1 supervisor & 1 city councilman, each county 1 AMBAG delegate[d] 1 ABAG delegate (Total 8)	2	3[b] (Total 8)	3[b]	16
(d) South Central Coast	San Luis Obispo Santa Barbara Ventura	1 supervisor & 1 city councilman, each county (Total 6)	2	2 (Total 6)	2	12

(e) South Coast	Los Angeles Orange	1 supervisor, each county, & 1 city councilman (city of L.A.) 1 city councilman (elsewhere in L.A. County) 1 city councilman (Orange County) 1 SCAG delegate[e] (Total 6)	2	2 (Total 6)	2	12
(f) San Diego Coast	San Diego	2 supervisors & 2 city councilmen (1 from city in permit area) 1 city councilman (city of S.D.) 1 San Diego CPO delegate[f] (Total 6)	2	2 (Total 6)	2	12

[a]One extra public member, beyond the basic six, is appointed by the Governor.
[b]Two extra public members, beyond the basic six, are appointed, one each by the Senate Rules Committee and the Speaker of the Assembly.
[c]Association of Bay Area Governments.
[d]Association of Monterey Bay Area Governments.
[e]Southern California Association of Governments.
[f]San Diego Comprehensive Planning Organization.

represented...." on the commissions. (sec. 27220) Conflict of interest requirements apply to all commissioners. (secs. 27230-27234) There are no stated provisions on terms of office, but a recent opinion of the California Supreme Court ruled that commissioners may be replaced at will by the appointing power.* Where holding a specified office is a condition for serving on the commissions, such membership ceases when the original term of office ends. (sec. 27222) Vacancies are filled in the same manner in which the commissioner was originally selected or appointed. (sec. 27222)

The Coastal Plan

Proposition 20 directed the state commission to prepare, adopt and submit the California Coastal Zone Conservation Plan to the Legislature by December 1, 1975. (sec. 27320) Further, the final report, including the plan, was to be submitted to the Governor and the Legislature by the fifth calendar day of the 1976 Regular Session of the Legislature. (sec. 27600)

The plan is required to be consistent with sound conservation principles and practices, and to provide for the maintenance, restoration and enhancement of the quality of the coastal zone environment, for the orderly, balanced utilization and preservation of the

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*When the Attorney General reversed an earlier opinion that commissioners serve for the life of the commissions, Governor Brown replaced three of Governor Reagan's appointees. One of the ousted commissioners obtained a Superior Court restraining order holding that members should serve for the life of the commissions. The California Supreme Court overruled the lower court in a 5-2 decision. Because Proposition 20 does not specify a term, the high court applied the general law provision, i.e., "...office is held at the pleasure of the appointing authority." (Brown v. Superior Court of Mendocino County, filed August 21, 1975)

coast, and for the avoidance of irreversible and irretrievable commitments of coastal resources. (sec. 27302) The plan is to contain the following separate elements:

land use,
transportation,
conservation,
public access,
recreation,
public services and facilities,
ocean mineral and living resources,
population, and
educational or scientific use.

The plan is also to outline governmental policies and powers for its implementation. (sec. 27304)

The planning process outlined in Proposition 20 called for the state commission to publish objectives, guidelines and criteria for background work on plan preparation, within six months of its first meeting. Each regional commission was directed to prepare its conclusions and recommendations and submit them to the state commission by April 1, 1975. (sec. 27320) In practice, the regional commissions have done their own independent planning and also utilized preliminary drafts of the statewide planning elements that were submitted by the state commission as part of the planning process.

The Permit Process

Permits are required for development in the permit area: the portion of the California coastal zone lying between the seaward limit of the state's jurisdiction and 1,000 yards inland from the mean high tide line. (secs. 27104, 27400) After a public hearing, the commissions may exclude from the permit area land already substantially developed and stabilized for urban uses. (sec. 27104[c]) The jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC) is also excluded. (sec. 27104[a])

A permit may be issued only when the regional commission finds that the proposed development will not have any substantial adverse environmental or ecological effect, and that it is consistent with the objectives of Proposition 20. Applicants have the burden of proof on all issues. (sec. 27402)

To be approved, a permit must receive at least the affirmative vote of a majority of the total authorized membership of the regional or state commission hearing the matter. (sec. 27400) Moreover an affirmative vote of two-thirds of the total authorized membership is required for actions that involve dredging or filling, altering bays or wetlands, reducing the size of a beach or recreation area, impairing the view from the nearest state highway, or adversely affecting water quality, open water areas, fisheries, or agricultural uses. (sec. 27401)

A permit applicant who is not satisfied with a regional decision affecting him may appeal to the state commission. Moreover any aggrieved person may appeal a regional permit approval. When considering appeals, the state commission may affirm, reverse, or modify the regional decision. (sec. 27423) Under the terms of Proposition 20, as modified by Cal. Stats. 1974, Chap. 897, the permit system continues until the coastal commissions go out of existence January 1, 1977.

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GOVERNMENT'S ROLE IN CONSERVATION AND DEVELOPMENT: THE CHANGE IN PUBLIC VIEWS

Proposition 20 begins with this declaration of intent:

> 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 national 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 the enjoyment of the current and succeeding generations....(Public Resources Code, sec. 27001)

On November 7, 1972, 55.1 percent of California's voters ratified this statement of objectives by voting for Proposition 20. Its supporters during the campaign represented a variety of interests with conservationist concerns who sought a program of strong state-regional coastal zone management. In general, the measure's opponents favored the status quo of weak regulation under local government auspices biased toward development.

A HISTORY OF GROWTH PROMOTION

Governmental policies favoring growth and development go back to the early days of California's statehood. According to Janell Anderson: "Californians have perceived state government from its inception as an instrument for promoting the growth of the community and for increasing its prestige and stature among sister states to make it 'first' among equals." Moreover, she added, "...this emphasis upon the promotional role of state government was accompanied by simultaneous neglect of the development of public institutions...."*

California's early eagerness to promote growth reflected the attitude of the federal system and earlier, that of Britain. Government's role in promoting California's economic development has been expressed this way:

> The functions of government were to promote and regulate private enterprise, to engage in research where needed, and to undertake public ownership and operation under certain conditions. Techniques...had been developed over the course of two centuries, ranging from non-coercive methods to formal sanctions.

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* Anderson, *Economic Regulation and Development Goals: The California Coastal Initiative* (Davis: Institute of Governmental Affairs, Univ. of Cal., 1974), p. 88.

> In 1850, California...derived its constitution from the older states...[and] acquired the elements of an American institutional system to govern the relationships between the state and the economy.*

In addition, Gerald Nash commented on the persistence of California's encouragement of growth-related business and industry:

> For almost a century after 1850 the relationships of government and the economy in California reflected persistent...characteristics....Successive generations adhered to loyalties inspired by existing institutions and accepted the pattern of their political and administrative inheritance....Men of the Exploitative Era saw little necessity to make alterations.**

The bias toward economic growth has had many ramifications, one of the most important being its effect on legislative policy. Thus Anderson noted the traditional pro-growth legislative position:

> Promotion of economic growth has been a primary aspect of legislative regulatory policies since the beginning of...[the Legislature's] history. Growth of the state has always been one of the primary governmental purposes in California....government

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*Gerald D. Nash, *State Government and Economic Development: A History of Administrative Policies in California, 1849-1933* (Berkeley: Institute of Governmental Studies, University of California, 1964), p. 26.

**Ibid., p. 357.

> must be perceived as following those policies deemed "healthiest" for the economy.*

CHANGING VIEWS OF THE ROLE OF GOVERNMENT

Events in the 1930's caused many to question the emphasis on government as a promoter of development, productive capacity, and profits. Thus the Great Depression and the New Deal saw fundamental shifts as new government policies were directed toward reducing unemployment, promoting economic stability, securing a better distribution of income, and achieving other forms of social justice.

Moreover, after World War II, a variety of environmental concerns emerged, stimulating new governmental policies aimed at limiting the adverse effects of growth. For example, in Los Angeles air pollution became a public issue in the 1940's. The continued increase of smog in Southern California, despite control efforts, revealed the state's vulnerability to at least one form of environmental degradation. By 1950 the smog threat was also recognized in the San Francisco Bay Area, and has since appeared in virtually every urban community in the state, as well as more remote areas.

Similarly, by 1949, concern with water pollution produced a weak state-regional control system that was progressively strengthened as experience increased. Other events brought growth policies into question. For example, the San Francisco Freeway Revolt in 1959 gradually grew and spread until a virtually statewide policy of "no more freeways" developed. Moreover concern with the future of San Francisco Bay resulted in creation of the Bay Conservation and Development Commission (BCDC) in 1965, and its establishment as a

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*Anderson, pp. 60 and 61 (see above).

permanent body in 1969. Other highly significant actions included passage of federal legislation on environmental protection, water pollution, air pollution and coastal zone management.

To sum up, by the 1970's a nationwide cumulative change had occurred and it had major repercussions in California. As Janell Anderson commented: "In 1970 environmental quality was the most popular issue in the state." The stage was set for further confrontations, and the environmentalists were in a position to play a strong role in the conflict, with reasonable hope for success.

CHANGING VIEWS OF COASTAL NEEDS

Understandably, the changing climate of opinion affected attitudes and policies on the coast. Lindell Marsh summed it up:

> ...the views of the public with respect to the oceans and the coast have changed dramatically over the past century and particularly during the last 15 years.... The sloughs, mud flats and estuaries that we now value for wildlife purposes were at one time considered to be valueless. In fact, legislation was passed to encourage the filling and reclamation...of such lands, including those in San Francisco Bay.
>
> ...it is appropriate to recognize the changing values of our society upon which legal concepts such as the law relating to the trust for navigation, commerce and fisheries...are based. [For example]...the California Supreme Court expressly stated that the uses protected by the trust may change from

> time to time. In that case [Marks v. Whitney], the owner of water covered lands was precluded from filling... because the lands were valuable for wildlife purposes.*

Recognition of the Coastal Threat

The public began to see the coast as a valuable but endangered natural resource. Growing fears for coastal lands were supported by abundant evidence that high taxes and urban expansion threatened coastal agriculture. In the absence of stronger controls, urban development on the coast would convert irreplaceable farmland into housing or commercial sites. In some coastal neighborhoods, land values had risen so high that it was difficult to maintain small homes, and some older homes were being replaced by costly condominiums that effectively excluded low and moderate-income residents. New structures often blocked ocean views, and their occupants contributed to traffic congestion. Water pollution, waste discharges and overfishing were seen as threatening and endangering the marine life of the coastal zone and its wetlands.

Information published by the California Coastal Commission (1973 Annual Report) conveyed a sense of threat to coastal resources as well as their magnitude. The coastal strip between mean high tide and one-half mile inland encompasses 545,000 acres, including 52,000 acres of prime agricultural land, and 150,000 acres of grazing land. Coastal waters and lands provide habitats for more than 108 species and subspecies of mammals, 260 birds, 54 reptiles and amphibians, and a wide variety of fish. The very survival of many species of coastal fish and wildlife depends on the coastal wetlands, i.e., the marshes, mudflats, estuaries and lagoons.

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*Lindell L. Marsh, Attorney, of Nossaman, Waters, Krueger, Marsh and Riordan, Los Angeles, in a letter to Stanley Scott, April 14, 1975.

Losses of these essential resources have been severe. While California had about 381,000 acres of coastal wetlands in 1900, today the total has dwindled to 126,000 acres--and 60 percent of these remaining wetlands are in San Francisco Bay.*

The Army Corps of Engineers: Growing Environmental Concern

Coastal and water-resource policies of the Army Corps of Engineers also reflect these shifts in public concern. Thus the federal Water Quality Control Act of 1972 expanded the authority of the Corps as spelled out in the Rivers and Harbors Act of 1899. In addition, Bertrand H. Voss of the Corps recently suggested that the courts are broadening their interpretation of the 1899 act with respect to the public interest. He saw a reinforcing effect as court decisions and changing public opinion supported each other.**

Another old federal law has recently been put to use by the Corps. The Refuse Act of 1899 prohibited

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*See Gilbert E. Bailey and Paul S. Thayer, *California's Disappearing Coast* (Berkeley: Institute of Governmental Studies, University of California, 1971) pp. 14-15. The authors quote John Speth, California Department of Fish and Game, an authority on California wetlands. He notes that of the remaining 126,000 acres of wetlands (marshes and mudflats), "...Only about 8,500 acres...remain in Southern California from Santa Barbara County south to the Mexican Border. [And much of]...the remaining wetland acreage...is threatened by existing plans for development and utilization...." In a telephone conversation on April 10, 1975, Mr. Speth said that the 381,000 figure in the year 1900 represents a "rough estimate taken from the study of historical maps."

**Voss, Chief, Water Resources and Urban Planning Branch, U.S. Army Engineers District, San Francisco. Telephone conversation, April 24, 1975.

the discharge of "any refuse matter of any kind or description" into navigable waters without a permit from the Corps. (The act made an exception for wastes "flowing from streets and sewers and passing therefrom in a liquid state.") Lindell Marsh observed that the act lay dormant for almost 70 years before being employed effectively to fight pollution in navigable waters. He also emphasized the earlier-day limitations on constructive pollution regulation:

> In stark contrast to recent legislation increasing the liability of ship owners and operators with respect to the pollution of navigable waters...federal law enacted during the last century...[substantially limited] such liability in order to promote commerce.*

A 1971 report by the Secretary of the Army illustrated the Corps' shift in emphasis:

> We, in the Corps of Engineers, are not complacent in our attitude toward the need for improvement in our planning process to bring about a wiser use of the Nation's water resources in harmony with the broader interests of mankind....
>
> ...[to] provide a basis for selecting systems best suited to a particular area...[and] for meeting concerns related to environmental quality, social well-being and national and regional development.**

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* Marsh, letter (see above).

** Secretary of the Army, *Interim Report...on the Pilot Wastewater Program* (Washington, D.C.: August 19, 1971) (Department of the Army, Office of the Chief of Engineers: letterhead) Section on "Feasibility Study Results," pp. 1 and 2.

Anticipated Developmental Pressures

Writing in 1969, Richard Babcock outlined persuasive evidence for anticipating heavy land development pressures in the 1970's. These pressures were seen as too powerful for effective regulation by local government:

> Private development in the 70's will increasingly be carried on by organizations that treat land development as only one of a variety of investments. Major industrial organizations will be investing heavily in real estate....Land has traditionally been a hedge against inflationary periods. More importantly, many concerns manufacturing consumer products see land development as a synergistic operation which will help to merchandise other goods or services provided by the industry....
>
> ...what can be expected [is]...a major invasion of the real estate field by companies who 10 years ago had no interest at all....
>
> ...these organizations have vast resources. Unlike many smaller developers, they can sweat out the customary delays put forward by municipal bodies....*

Proponents of California's coastal legislation were in part motivated by disappointment with the previous performance of local government, and by fears

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* Richard F. Babcock, "Issues and Innovations in Planning," in *Regulatory Devices* (Chicago: American Society of Planning Officials, 1969), pp. 60-68. See page 66.

that future developmental pressures would accelerate the process of coastal degradation.

Bertram C. White called attention in 1971 to predictions like those of Babcock, and indicated that they were already coming true. He concluded:

> Little doubt should remain that... it is a statewide purpose of the highest importance and priority to realize the coordinated planning and use of the coastal zone as a unitary, finite, precious resource....The legislature...must be put on notice by the public itself that it is time to act.*

Further Evidence: The Success of Proposition 20

Proposition 20's success in 1972 was further evidence of the changing times and the shift in basic attitudes towards ownership and use of land, especially coastal land. Important contributions to the favorable vote included the work of many citizens' groups, concerned individuals and the news media. Behind such efforts lay growing citizen concern for such problems as urban-suburban sprawl, population growth, and deterioration of environmental quality. With some 85 percent of California's population living within a 30-mile drive of the coast, many of them could easily see what was "irretrievable" and had been lost, as well as what was "irreplaceable" and should be protected.

Peter Douglas, Consultant to the Assembly Select Committee on Coastal Zone Resources, commented on the timeliness of the coast law:

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*Bertram C. White, "Coastline Crisis," *Pacific Law Journal* 2(1):226-244 (January 1971). See p. 244.

> Proposition 20....rejects...exploitation, and the subjugation of concerns for the natural environment and the conservation of its resources to the almighty dollar....By emphasizing conservation and protection of natural resources, the Act represents an effort to shift away from anthropocentric mentality that has dominated American culture....*

He added:

> The Act's passage signaled a public acceptance of severe limitations on the scope of private property rights, at least with regard to coastal properties....Proposition 20 is largely the result of public recognition that the realization of individual benefits by...unrestricted uses of private property is actually accomplished at public expense. The reason...many private developments are able to bestow special benefits on...selective...coastal property owners is because the public is asked to give up previously uninterrupted vistas to the sea, to sacrifice heretofore ready access to the coastline, to tolerate low quality...coastal construction, and to bear the loss of environmentally sensitive and scenically spectacular lands....**

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*Peter Douglas, "Coastal Zone Management: The Experience with a Citizens' Law in California" (unpublished manuscript: prepared for the Assembly Select Committee on Coastal Zone Resources, March 1974), pp. 5 and 6.

**Ibid., p. 69.

4

THE TIDELANDS TRUST:

EROSION AND ATTEMPTED REINFORCEMENT

The so-called "tidelands trust" requires the state and local governments to administer tidal and submerged lands so as to insure their use for purposes compatible with fisheries, navigation and commerce. This is a basic legal principle of long standing, one that has been reiterated in many forms. As one example, "the public trust of commerce, navigation and fisheries ('tidelands trust') goes back to the common law of England." The same author noted that "California received title to such lands together with submerged lands underlying navigable waters by virtue of its sovereignty upon being admitted to the union in 1850."*

A report by the State Lands Commission commented:

> The public has traditionally enjoyed the common law right to use tide and submerged land for commerce, navigation and fisheries. The most succinct statement of these rights is found in Section 3 of the Act admitting California into the Union where it is noted that "...all the navigable waters within said State shall be common highways, and forever free."**

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* N. Gregory Taylor, Deputy Attorney General, California, "Patented Tidelands: A Naked Fee? Marks v. Whitney and the Public Trust Easement," *California State Bar Journal* 47(5):420-425, 484-487 (September-October 1972). See p. 424.

** California, State Lands Commission, *A Program for Managing the Ocean and Tidal Areas* (Sacramento: December 1, 1970), p. 1.

Nearly 30 years after California's admission as a state, when much of the coastal transformation still lay ahead, a delegate to the California Constitutional Convention of 1879 commented on the observance of the trust:

> If there is any one abuse greater than any other that I think the people of California have suffered at the hands of their lawmaking power, it is the abuse that they have received in the granting and disposition of lands belonging to the state....Swamplands, tidelands, and marsh and overflow lands have been taken in such quantities that now the people are hedged off entirely from reaching tidewater, navigable water or salt water.*

Sedway/Cooke, urban planners, noted these early developments and the public response at that time:

> In the early years of statehood, California conveyed large tracts of trust lands and swamplands into private ownership. By 1879, public concern about the rapidly dwindling tidelands was reflected in the State Constitution.**

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*Quoted in Michael Freed, "Reaching the Sea Around Us: Interests Clash Over Coastline Access," *California Journal*, 3(9):297-301 (October 1972). See p. 301.

**Sedway/Cooke, Urban and Environmental Planners and Designers, San Francisco, with Roslyn Rosenfeld, *Selected Legal and Legislative Issues Relating to Planning California's Coastline* (report submitted to the California Comprehensive Ocean Area Planning Program, State of California, Department of Navigation and Ocean Development, Sacramento, January 31, 1972), p. 24.

Specifically, Article XV, section 2 of the California Constitution of 1879 illustrated this concern in these words:

> 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....

Despite this constitutional limitation, the patenting of tidelands into private ownership continued apace, although in time court decisions slowed the process somewhat. Lindell Marsh, an attorney specializing in law-of-the-sea matters, commented recently that "the Federal and State governments proceeded to dispose of [swamp and overflow lands] with widespread sales." He concluded:

> Had it not been for restrictive court decisions with respect to these conveyances, it is predictable that, for example, a substantial portion of San Francisco Bay would now be filled and appropriated to private use.
>
> The practical result...was to increase the lands in private ownership, particularly in the coastal zone, and to decrease the amount of government regulation which was exercised over these lands. It has only been recently with the urbanization of the country generally, and in particular the coastal zone, that regulatory schemes have begun to impinge significantly on the

> assumed domain of private property, thereby raising the question of the limits of non-compensatory regulation.*

Historically, governmental responsibility includes regulating the use of navigable waters and tidelands. Further, lands patented into private ownership as tidelands are subject to easements giving the state power to take all or any part conveyed for these purposes without the payment of any compensation, except for the value of improvements. This power has been used sparingly.

Since 1937, the State Lands Commission has had exclusive rights and jurisdiction over all the state's ungranted tide and submerged lands adjacent to navigable waters. The commission acts as the state's representative in disputes involving title to or boundaries of tide and submerged lands, and with respect to "easements appurtenant to the lands underlying such waters."**

With respect to the Attorney General's power under California law and the 1971 "Environmental Bill of Rights," Lindell Marsh observed,

> ...among other things, [it] authorized the Attorney General on his own

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*Lindell Marsh, "An Analysis of the 'Taking' Issue in Connection With the Development of a Proposal for State Legislation to Provide for State-wide Land Use Planning and Regulation" (draft paper: prepared for the Land Use Task Force of the California Council of the American Institute of Architects, November 8, 1974), pp. 5 and 6.

**Jay L. Shavelson, Assistant Attorney General, California, "Gion v. City of Santa Cruz: Where Do We Go From Here?", *California State Bar Journal* 47(5): 414-419, 482-483 (September-October 1972). See footnote 16(e), p. 419.

> initiative to intervene in any case where facts were alleged "concerning pollution or adverse environmental effects which could affect the public generally" and authorized him to maintain an action for equitable relief "against any person for the protection of the natural resources of the State from pollution, impairment or destruction." The Attorney General has used this authority to threaten litigation in order to prevent private landowners from filling in artificial non-tidal water area within the coastal zone...[giving] evidence [of] the willingness of the legislature and administrative agencies to move in this direction.*

In short, despite the continued disposition of public coastal lands and the tidelands trust, and possibly also in response to it, the legal interest of the public in coastal tidelands has expanded greatly in the last century. This has produced several significant statutes and court decisions. Most notable were the California Supreme Court's affirmation in 1913 (People v. California Fish Co.)** of the limited nature

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*Marsh, "...'Taking' Issue," pp. 17 and 18. See also the California Standard Code of Civil Procedure, Part II, Title 3, sec. 389.6 and Part II, Title 8, Chap. 6, sec. 641.2; and the California Government Code: Government of the State, Title 2, Division 3, Part 2, Chap. 6, Article 8 (commencing with sec. 12600). These additions were inserted by Cal. Stats. 1971, Chap. 1518, pp. 2993-2996, popularly termed the "Environmental Bill of Rights," quoted by Marsh above.

**"People v. California Fish Company," *Reports of Cases Determined in the Supreme Court of the State of California: Volume 166* (San Francisco: Bancroft-Whitney Company, 1914), pp. 576-613. For further discussion see Taylor, "Patented Tidelands..." above.

of private interests acquired in "patented tidelands;" and a 1971 decision by the same court (Marks v. Whitney) reaffirming public easement rights. The 1971 opinion stated that tidelands, either privately or publicly owned, can be preserved to serve as "ecological units for scientific study, as open space, and as environments which provide food and habitat for birds and marine life, and which favorably affect the scenery and climate of the area."* (On the other hand, the opinion also reaffirmed the California Legislature's ability to terminate the public trust over tidelands. Thus if the Legislature finds "that such lands are no longer useful for trust purposes...they may [then] be irrevocably conveyed into absolute private ownership.")

This decision expressly noted that uses protected by the trust

> ...may change from time to time [to encompass changing public needs]. In that case, [for example] the owner of water covered lands was precluded from filling those lands because the lands were valuable for wildlife purposes.**

In effect, both decisions upheld and recast the tidelands trust to reflect the changing values of society and to recognize the fact that prevailing views of acceptable or desirable coastal uses shift over time.

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* "Marks v. Whitney," *Reports of Cases Determined in the Supreme Court of the State of California: Third Series, Volume 6* (San Francisco: Bancroft-Whitney Company, 1972), pp. 259-260.

** Lindell Marsh, in a letter to Stanley Scott, April 14, 1975.

N. Gregory Taylor summed up both the shift in public attention given the tidelands, and the current legal situation as clarified by Marks v. Whitney:

> Little attention was paid to the effect of the retained public interests upon patented tidelands... until recent years. The vast extent of open lands and smaller population of past years in California apparently did not necessitate the formal assertion of such public rights.
>
> .....
>
> Unless terminated by legislative action, [however] the public trust over patented tidelands continues today just as it was at the time of the original issuance of the patent, undiminished by the passage of time....This is the unmistakable message of Marks....*

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* Taylor, "Patented Tidelands...", pp. 422 and 487.

5

THE CALIFORNIA COAST:

POLICY STUDIES AND LEGISLATIVE PROPOSALS

FROM THE 1960'S TO PROPOSITION 20

Coastal and ocean-related problems began to receive significant state-level attention when Governor Edmund G. "Pat" Brown convened the Governor's Conference on California and the World Ocean in Los Angeles, January 31-February 1, 1964. One of the principal speakers was Roger R. Revelle, then head of Scripps Institution of Oceanography, University of California, San Diego. After reviewing the resources of the seas and emphasizing the need for greater public concern, he commented:

> The most critical region of the sea from the standpoint of forward planning...is the coastal zone, from the beach out to perhaps ten or twenty miles....Without access to the shore line, the land-based population cannot make use of the resources of the sea....[Moreover we]...must find ways to accommodate the requirements of fishing, public recreation, vacation housing, agriculture, industry, business, highway transportation, and permanent residences, and we must create the tools to carry out a rational plan.*

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*See "Ocean Resources, Education and Research: The Introduction of Science and Government," in *California and the World Ocean* (proceedings of a conference co-sponsored by the California Department of Finance, [the] California Museum of Science and Industry, and [the] California Museum Foundation [Sacramento: 1964]), pp. 10-18. See p. 17.

COASTAL PROPOSALS IN THE LATE 1960'S

Following the conference, Governor Brown established the Governor's Advisory Commission on Ocean Resources, "GACOR I," which met six times in two years. Its successor, "GACOR II" was appointed by Governor Reagan in 1967, and met three times. While these initial discussions dealt principally with threats to coastal economic resources, one legislative committee (through subcommittee hearings) considered testimony on the need for coastal conservation as such.

Assemblyman Edwin L. Z'berg (D, Sacramento), chairman of the parent committee, acknowledged the impact of these stirrings (in a letter of transmittal that accompanied the 1967 report of the Subcommittee on Marine Resources):

> ...we must demonstrate that we have learned from our mistakes by ensuring that the short-term, single-purpose philosophy...is replaced by a long-range, multi-purpose policy guaranteeing the conservation and development of our marine and coastal resources in the total public interest.
>
> ...the adoption of this approach... is vital to the...resolution of the increasingly serious conflicts in resource allocation posed by California's explosive growth.*

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* California, Legislature, Assembly, Committee on Natural Resources, Planning and Public Works, Subcommittee on Marine Resources, *The Last Frontier* (in Part IV, *1965-67 Committee Reports*, Vol. 25, Report 9 [Sacramento: 1968]), Sec. 1, p. viii. Also in California, Legislature, *Supplement to the Appendix to the Journal of the Assembly* (Sacramento [1968]).

The subcommittee, chaired by Assemblyman Winfield A. Shoemaker (D, Santa Barbara), emphasized the need for comprehensive coastal planning:

> A master plan should be developed... ensuring the consideration of all potential values in determining land use in the coastal zone...including the siting of...commercial and urban development.*

Accordingly the subcommittee called for creation of a permanent California Advisory Commission on Marine and Coastal Resources (CMC).** The Marine Resources Conservation and Development Act was passed in 1967, and the 36-member advisory commission was appointed. The measure required the Governor to develop a comprehensive coastal area plan by 1972, to be reviewed by the advisory commission.

Many considered the act to be development-oriented rather than conservation-oriented because it called for "encouragement of investment by private enterprise in the exploration, technological development, marine commerce, and economic utilization of the resources of the marine environment." On the other hand, the law also contained language that seemed to give conservation goals equal standing:

> ...the policy of the State of California [is] to develop, encourage, and maintain a comprehensive, coordinated state plan for the orderly,

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*Ibid., p. 9.

**Ibid., pp. viii and 16. There were no provisions for dissolving the CMC, but it was abolished in 1973 after the coastal commissions were activated.

> long-range conservation and development of marine and coastal resources which will ensure their wise multiple use in the total public interest.*

But conservationists were keenly aware that the program was strictly advisory and thus did not seem likely to protect the coast. CMC Chairman Robert B. Krueger commented in 1972:

> [The Commission]...was entrusted with a number of advisory responsibilities... including the important assignment of reviewing the California Comprehensive Ocean Area Plan ("COAP"), making recommendations with respect thereto and recommending the "organization structure...which can most effectively carry out its provisions."
>
> ....
>
> The COAP is now complete and was delivered to the California Legislature in May of 1972. The COAP is not a plan, as such, but a useful compendium of information and management concepts and policies.**

In short, COAP's four-year effort produced an excellent statement of the need for a comprehensive plan,

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*Cal. Stats. 1967, Vol. 3, Chap. 1642, sec. 1, pp. 3934-3938. See p. 3934. Also in: California Government Code: Government of the State, sec. 8800. See also Fred C. Doolittle, *Land-Use Planning and Regulation on the California Coast: The State Role* (Davis: Institute of Governmental Affairs, University of California, May 1972), Environmental Quality Series No. 9, p. 7.

**Robert B. Krueger, "Coastal Zone Management: The California Experience," *California State Bar Journal* 47(5):402-407, 444-453 (September-October 1972). See pp. 447-448.

outlined relevant criteria and guidelines, and suggested some appropriate management principals for the coast. The criteria and guidelines published as part of COAP in 1972 pointed to the need for a more effective state regulatory system. The work on COAP had helped make it clear that a comprehensive coastal plan would be very difficult to draft, and could not be enforced by an advisory body.

Meanwhile in 1967, a proposal based on the San Francisco Bay Conservation and Development Commission (BCDC) was being urged. Assembly Bill 1391, by William T. Bagley (R, San Rafael) would have created an 11-member statewide Coastline Conservation Study Commission to report to the Legislature within one year on "the public interest" in the coastline, and to recommend appropriate legislation. After the Assembly Committee on Ways and Means defeated the Bagley bill, no other such coast-related bills were introduced until 1969.

By mid-1968 the state's failure to act on coastal preservation aroused leaders of environmental groups, who called for legislation. Testimony at hearings of the Assembly Committee on Natural Resources, Planning and Public Works, and at subcommittee hearings, provided a strong initial push. The committee and its 1969 successor, the Assembly Committee on Natural Resources and Conservation,* discussed a statewide coastal commission with powers roughly equivalent to those

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*A 1969 reorganization reconstituted the committee as the Assembly Committee on Natural Resources and Conservation. A 1975 reorganization dissolved that one and two others--the Assembly Committee on Planning and Land Use, and the Assembly Committee on Water--giving the functions of all three to the Assembly Committee on Resources and Land Use, with Edwin Z'berg as Chairman. After Assemblyman Z'berg's death in August, his new committee and the Assembly Committee on Energy and Diminishing Materials were combined into another new grouping, the Assembly Committee on Resources, Land Use and Energy, with Assemblyman Charles Warren (D, Los Angeles) as Chairman.

of BCDC. Principal legislative participants included Assemblymen Edwin L. Z'berg, Winfield Shoemaker, Alan Sieroty (D, Beverly Hills), William T. Bagley, John F. Dunlap (D, Vallejo), and George W. Milias (R, Los Gatos).

In an October 1968 meeting of the subcommittee on beaches, a number of environmentalists testified, including Ellen Stern Harris of Beverly Hills, member of several conservationist groups and of the Regional Water Quality Control Board for the Los Angeles region. She said:

> There is a growing awareness among the public that their treasured shoreline, along with the rest of their irreplaceable environmental heritage has been squandered through indifference and inaction....*

She urged that the public acquire all coastline property, and that a Southern California Shoreline Conservation Commission be formed, modeled after the "most applicable aspects" of BCDC. Richard H. Ball, Chairman of the Conservation Committee, Sierra Club, Angeles Chapter, noted that:

> ...no one is making an overall decision about...uses of the coastline...
>
> ...I would...[urge] that there be an agency with sufficient powers of enforcement created to oversee planning for...the coast and far enough

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*California, Legislature, Assembly, Committee on Natural Resources, Planning and Public Works, Subcommittee on Conservation and Beaches, *Transcript of Proceedings: Hearing...on the Public Interest in the Shoreline*, Santa Monica: October 11, 1968 (Sacramento), p. 94.

> inland to be able to effect those values directly related to the coastline and use thereof....*

In an accompanying printed statement Ball concluded:

> ...There is a need for a statewide, or at least regional, coastal commission that could *objectively* evaluate coastal utilization priorities and coordinate planning, with the power to veto projects (logical Southern California region would extend from Pt. Conception to the Mexican Border)....[emphasis in original]**

Assemblyman Sieroty introduced AB 2090 (April 8, 1969), to create a Southern California Beach Study Commission to consider developing a regional plan and creating a Southern California coastal agency modeled on BCDC. After being drastically amended, the measure passed the Assembly and the Senate Committee on Natural Resources, but died in the Senate Committee on Finance on September 8.

1970 COASTAL PROPOSALS

When four major coastal bills were introduced in 1970, some observers commented that any one would probably have been a positive step toward a strong coastal policy. Three of the proposals were oriented toward conservationists' interests: AB 2131 by Assemblyman

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*Ibid., pp. 204-205.

**Ibid., p. 211.

Pete Wilson (R, San Diego),* AB 640 by Assemblyman George W. Milias, and AB 730 by Assemblyman Alan Sieroty.** AB 2131 received the most attention. It had been launched well before leaders of the coastal conservation effort called on Wilson. Later the Wilson, Milias and Sieroty measures were in effect merged into one proposal, the amended Wilson bill, which passed the Assembly but died in the Senate Committee on Governmental Organization. A fourth bill, SB 371

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*Wilson had promised to work for coastal legislation in 1970. Earlier, in his election campaign, he had emphasized his concern for the future of California's coast. Wilson left the Legislature in 1971, having been elected Mayor of the City of San Diego. Janet Adams, Executive Director of the California Coastal Alliance, in recent written comments noted the failure to pass coastal legislation. She said: "If the coast folk had ever bothered...to work with Wilson in '70, an initiative could have been avoided. Wilson was a superbly able legislator and an outstanding leader."

**Paul S. Thayer, Public Information Officer, University of California, noted in a letter to Stanley Scott dated November 15, 1974, that Sieroty's role in the "Save the Coast" struggle was considered central by many observers. Thayer said some considered the Assemblyman to be an "ineffective visionary;" others thought he had no need for his bills to win, but that he saw his role as "breaking new ground with ideal bills (in his view) that won't be enacted immediately, but that will prepare the way for something approaching it later. This certainly seemed to fit one side of his participation in the coastal preservation issue." See also Bailey and Thayer, *California's Disappearing Coast*, p. 52. Sieroty later became a leading legislative supporter of Proposition 20 and was named by Assembly Speaker Bob Moretti (D, North Hollywood) to be chairman of the Assembly Select Committee on Coastal Zone Resources. Sieroty also served on the Coastal Alliance executive team and provided Southern California office space for the initiative effort.

by Senator John A. Nejedly (R, Walnut Creek), was amended to resemble AB 640, and died in the same Senate committee. Observers noted that much of the revision came from the authors' attempts to adjust to political reality and accommodate the opposition. For example, Wilson's proposal was introduced as a skeleton bill, and was changed as he refined his thinking.

Committee Chairman Milias held his bill (AB 640) in committee, and supported Wilson's AB 2131 as being more politically viable. In a straight party vote (6 Republicans to 3 Democrats) AB 2131 was sent to the Assembly floor. AB 2131 passed the Assembly 42 to 30 on August 4th, moving on to the Senate Committee on Governmental Organization (Nejedly's SB 371 had also been assigned there). Hearings on the Wilson bill (AB 2131) were repeatedly delayed, but were finally set for August 20th, one day before the legislative session closed. The hearing was cancelled without notice by the then President Pro Tem of the Senate, Republican Jack Schrade (R, San Diego), as Wilson and his supporters waited outside the hearing room to testify. Later, in a blistering statement, Wilson called the action "gutless default" of duty and a disservice to the public interest.*

Growing Support, and Developing Problems

Amendments to AB 2131 would have given local government control over coastal management, and won the support of the League of California Cities, the state Advisory Commission on Marine and Coastal Resources and the

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* Doolittle, *Land-Use Planning*...p. 50; see also Bailey and Thayer, *California's Disappearing Coast*, pp. 57 and 58.

American Institute of Planners. This adjustment also obtained the "reluctant" support of the California Real Estate Association (CREA), Lieutenant Governor Ed Reinecke and his Task Force on Coastal Preservation, and Governor Ronald Reagan. A number of political conservatives as well as environmentalists, however, continued to oppose the measure.

Land developers testified in opposition to AB 640 and AB 2131, as did the County Supervisors Association of California (CSAC), and the state Public Utilities Commission. Milias's AB 640 received "qualified" support from the Sierra Club, the Planning and Conservation League (PCL) and the newly formed Coastal Alliance, which seemed to be waiting to see which bill would come out of committee before acting.

Lack of unequivocal support by the Reagan administration, and the absence of a coordinated strategy on the part of conservationists, were blamed for the failure to pass any coast bill in 1970. Several close observers considered it ironic that Republican Assemblyman Wilson's Republican-supported bill had been effectively defeated by Senator Schrade, a conservative Republican supporter of the Governor. One observer noted that the only reference indicating the Governor's position was a sentence in Lieutenant Governor Reinecke's support statement during the Assembly hearing saying that the Governor "favors the concept of the Wilson bill."*

Conservationists Spread Thin

Some 1,100 environmental bills were introduced in 1970. Moreover, observers reported conservationist efforts were often disorganized, and support could not be mustered when important bills required concerted

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* Doolittle, p. 50.

action. The poor showing was also attributed in part to other factors such as intense partisanship, with both houses operating under shaky balances between the two parties, and legislators' personal ambitions and rivalries.*

The relatively unfocused nature of the coastal efforts was illustrated in May 1970, when several spokesmen for a fledgling "Coastal Alliance" testified on pending legislation at a hearing of the Assembly Committee on Natural Resources and Conservation. (In 1970, the alliance was a loosely knit organization of several environmental interest groups and individuals.) When asked which bill the alliance would support, the principal spokesman, W. Eric Carruthers (planner, Santa Clara County), said "...we are not supporting any one single bill because each one has major important qualities..." Another alliance representative, Bert Muhly (Planning Director, Santa Cruz County), said "...all of them in our opinion would be most helpful....the regional approach that has been expressed by Mr. Sieroty has a great deal of merit, although [there are] many admirable and useful aspects [to]...the Wilson bill."

Attorney John Hamilton said the alliance would "favor...a broadly based state commission" with a "majority of public members" and "regional boards" that will be "subject to close public scrutiny," prepare a "comprehensive plan" and "have a permit power." He said that "basically [they] want a bill with teeth," and that their policy also differed from the bills being considered because the conservationists wanted an appointment formula that would give the coastal commissions a majority of public members.**

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* Bailey and Thayer, p. 54.

** California, Legislature, Assembly Committee on Natural Resources and Conservation, *Transcript of Proceedings: Hearing on Coastal Zone Legislation, May 13, 1970* (Sacramento [1970]), pp. 42, 46, 48-51.

Strategy of Compromise

Seasoned observers of the Legislature questioned whether any of the measures could have succeeded, or any other "meaningful bill" could have escaped "the morass of political infighting characteristic of an election year." In any event, most were certain such a bill would never have been signed by the Governor.* One such observer noted that:

> ...Liberal Democrats clustered around a bill [AB 730] similar to that which had established the Bay Conservation and Development Commission (BCDC) the year before.... With aplomb, lobbyists of several conservation groups tried to walk a tightrope between the two legislative proposals, seeking a compromise "committee bill" [AB 640] that would combine the best of each.**

The tightrope strategy failed and neither the "liberal bill," (AB 730) nor the "committee bill" (AB 640), the would-be compromise measure, got out of committee. One contributing factor may have been the lame duck status of AB 640's author, Assemblyman Milias.

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* T. H. Watkins, "To Save the Golden Shore," *Cry California* 5(2):34-39 (Spring 1970). See p. 38. Janet Adams maintained that Governor Reagan would have considered support of the coast bill to be politic, and he would have signed the proposal if it had passed both houses. See also Peter Douglas, "Coastal Zone Management: The Experience with a Citizens' Law in California" (unpublished manuscript: prepared for the Assembly Select Committee on Coastal Zone Resources, March 1974), p. 59.

** Janet Adams, "Proposition 20--A Citizens' Campaign," *Syracuse Law Review* 24(3):1019-1046 (Summer 1973). See p. 1024.

Wilson, principal author of the other and more locally oriented Republican proposal, moved his bill out of the Assembly late in the session but conservationist forces never gave it the backing it needed. Instead, they gave limited support first to the Sieroty bill and then to the Milias bill, in an office-hopping venture described later by newsmen as "preordained doom."

In retrospect, Janet Adams noted that:

> 1970 was an education year for conservationists....The glories of the previous year, which had seen permanent enactment of BCDC, did not carry over into 1970. Those from the San Francisco Bay Area, who with support from eighteen of their nineteen state legislators, had conducted a well-planned campaign in support of BCDC, did not continue as a conservationist power block the following year. The leaders of that fight had dispersed to become leaders in state election campaigns....aimed at electing a state legislature more responsive to conservationist values.*

ORGANIZING CITIZEN SUPPORT FOR COASTAL PROTECTION

Late in 1970, following the November general election, a reorganized coastal conservation effort pulled together the California Coastal Alliance. The prime movers included Janet Adams, a leader in the establishment of the San Francisco Bay Conservation and Development Commission (BCDC); O. James Pardau, Consultant to the Assembly Committee on Natural

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*Adams, "Proposition 20..." pp. 1023-1024.

TABLE 2: CALIFORNIA COASTAL PROPOSALS, 1970

(final form of bills)

Bill	Membership	Planning Process	Coastal Zone	Exclusions
AB 640-Milias (R-Los Gatos)	State commission 49 members, 20 public 5 regional commissions 9 members, 4 public	State commission responsible for final plan. Consider recommendations of regional boards.	Permit power: one mile inland Planning power: to height of nearest mountain range	Urban areas BCDC
AB 730-Sieroty (D-L.A.) Dunlap (D-Napa) Z'berg (D-Sacto.)	State commission 31 members, 14 or more public 5 regional commissions 21 to 31 members, 8 to 10 public	State commission responsible for final plan. Consider recommendations of regional boards.	Permit power: 1/2 mile Planning power: to height of nearest mountain range	BCDC Can exclude areas more than 500 feet inland on vote of commission
AB 2131-Wilson (R-San Diego)	State commission 15 members, 5 public 5 regional commissions 9 members, 5 public	State proposes guidelines used by the local agencies in detailed planning. State plan is summation of smaller ones.	Permit and planning power: 1,000 yards inland	Urban areas BCDC Subsidence areas for oil and gas
SB 371-Nejedly (R-Walnut Creek)	State commission 39 members, 20 public 5 regional commissions 7 members, 4 public	State commission responsible for final plan. Consider recommendations of regional boards.	Permit power: one mile Planning power: no more than 5 miles inland	For permits: developed urban areas

Source: Doolittle, *Land-Use Planning...*, p. 44.

Resources and Conservation; E. Lewis Reid, former minority counsel to the U.S. Senate Interior and Insular Affairs Committee; Assemblyman John Dunlap; and Assemblyman Alan Sieroty. Janet Adams became Executive Director; Dr. William Kortum, past president of COAAST (Californians Organized to Acquire Access to State Tidelands) was made Chairman; and eight members were named to an interim executive committee: Richard H. Ball, W. Eric Carruthers, E. Lewis Reid, Celia Von der Muhll, Mike Jacobs, Gerald Fox, Norman Sanders and Ray Peart.*

Growth in Statewide Strength

The new group's strength grew statewide. The alliance chose Assemblyman Sieroty as principal sponsor for its legislation, and work began on a "tough" 1971 bill. Members sought to round up support among legislators and others as they saw time running out. One observer noted that the coast had become what was referred to as the construction industry's "golden goose." Another commented:

> This coastline is but a red dot on the land investment maps of the largest industrial giants and conglomerates now in the world real estate market. We are losing it now....**

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* Later the Coastal Alliance worked with an executive committee of six and a steering committee of 34.

** *Transcript of Proceedings: Hearing on Coastal Zone Legislation*, p. 46. See also Bertram C. White, "Coastline Crisis," *Pacific Law Journal* 2(1):226-244 (January 1971). See pp. 227-228. White commented that "continued influx of population density to the coastal areas has brought...an increase in property tax which has forced some owners to dispose of their properties for development purposes while others have undertaken development plans of their own."

A Coastal Alliance letter (March 3, 1971) addressed to "Friends of Conservation Coordinators" called for help to "Save Our Coast in 1971."* It urged united effort behind one bill and continued:

> ...This year let there be no tangents. The "special interests" are hoping for a schism....
>
> Legislative representatives of the Planning and Conservation League, COAAST, and the Sierra Club are working with key legislators, legislative staffs, and the Coastal Alliance's legislative consultants on "The Bill".... a strengthened version of 1970's amended AB 640....
>
> The Coastal Alliance, with your aid, must organize a campaign involving every citizen....

With Reid as the alliance's legislative chairman, the group set out to pass a state coastal law within two years, i.e., in 1971 or 1972. Initially, however, the allied conservationist effort had several problems to overcome. For example, large organizations like the Sierra Club and the Planning and Conservation League could function within the alliance only by sacrificing some of their separate identity and customary competitiveness with other groups. Moreover they had

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*Conservation Coordinators, the core group of the Coastal Alliance, was a non-profit corporation formed by ten participants following a partially successful late 1962 battle between conservationist residents of Palo Alto and Woodside and the U.S. Atomic Energy Commission. The issue was a proposed power line in the communities. Later the group was active in the "Save the Bay" efforts and worked for the election of Congressman Pete McCloskey, one of the ten "coordinators."

to permit their volunteer representatives to attend alliance meetings "informed but not instructed," so as to have a degree of freedom in negotiating and voting on policy matters.

Sub-alliance groups were formed, and local chapters of several statewide organizations became "key cooperators" in local alliances who shared a "genuine dedication and determination to get on with the job of saving the coast." This called for widespread and vigorous use of "the ultimate conservationist weapon": a telephone network to solicit resources, follow leads, dispense information, and muster help when it was needed. By March 1971, 34 organizations were participating in the alliance.

Organizing the 1971 Coast Lobby

On April 1, 1971 the "Save Our Coast" campaign was launched at the State Capitol at a formal press conference organized by Assemblyman Sieroty and co-sponsors of the alliance proposal, AB 1471. The co-sponsors included Assembly Speaker Moretti (a new and influential 1971 supporter), as well as Assemblymen Dunlap and Z'berg. Support by such powerful legislators was considered crucial to the alliance's chances of success,*

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* Paul S. Thayer noted in a letter to Stanley Scott, November 15, 1974, that: "Other legislators, of course, associated themselves with the cause later, and with varying degrees of effectiveness. Probably the most important was Bob Moretti. It was with some surprise and no little suspicion that environmentalists found him...on the side of strong coastal legislation.... he was probably instrumental in the considerable success coast bills then had in the Assembly."

because there was sure to be strong opposition to the bill whose passage would "change the pattern of land use in California."*

The Coastal Alliance asked its supporters to send pro-AB 1471 letters to the homes of legislators, particularly including Assemblyman Paul Priolo (R, Los Angeles), Chairman of the Assembly Committee on Planning and Land Use, where the bill would have its first hearings. Carbon copies of all letters were to go to Speaker Moretti and Governor Reagan. Anyone with "substantive information" or who felt "qualified to testify" was urged to notify either Richard Ball in Santa Monica or E. Lewis Reid in San Francisco so that testimony at the committee hearings could be coordinated. The announcement noted:

> It is the Alliance prediction that AB 1471 will be pushed fast, will be attacked ruthlessly, will be amended into pablum, if we are not organized, vociferous in expressing our support to our legislators, and constantly on guard.
>
> The tough "conflict of interest" section, patterned after federal regulations that have held up in court, is enough to start the "special interest" oil, highway, developer gang on the warpath. This will be one commission they can NOT sit upon and control.

1971 COASTAL PROPOSALS

In 1971 the most conservation-oriented measures were companion bills initially sponsored by the

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*Adams, "Proposition 20..." p. 1028.

California Coastal Alliance, AB 1471 and SB 1555. AB 1471 was introduced by Assemblyman Sieroty, with Dunlap, Z'berg, and Moretti as co-authors. Senator Alfred E. Alquist (D, San Jose) was the author of SB 1555. Assemblyman Wilson reintroduced his 1970 proposal (AB 2131) as AB 16. Three new Senate bills were introduced: SB 1354 by Senator James Q. Wedworth (D, Inglewood), SB 1482-1483 (two bills incorporating one measure) by Senator Donald L. Grunsky (R, Watsonville), and SB 1619 by Senator Ralph C. Dills (D, San Pedro).

The three Senate bills were backed by developer and resource-user interests, including many local governments on the coast. The Grunsky measure (SB 1482-1483), sponsored by the County Supervisors Association of California, would "let existing local governments do the job." The Wedworth bill (SB 1354) was sponsored and supported by local governments interested in coastal development, and by private groups including developers and owners of coastal property. Senator Dills' proposal was supported by Southern California land developers.

Conservationists' New Strength

The coast effort was better organized in 1971 than the year before, with the Coastal Alliance providing a united force in support of its bill.* The 1971 measure was sponsored by Democrats including Assembly Speaker Moretti, in a Legislature under Democratic control;

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*By mid-1971 an alliance effort to garner bipartisan support statewide gathered in more than 100 organizations, with some 1400 local chapters. All took part in the campaign in varying degrees, and spokesmen estimated that over 1 1/2 million people were receiving Coastal Alliance information either directly or indirectly through cooperating organizations. See Table 3.

TABLE 3: ORGANIZATIONS ENDORSING THE 1971 LEGISLATIVE EFFORT

(partial list)

The American Association of University Women (AAUW), California State Division
American Institute of Planners (AIP), California Chapter
American Youth Hostels
Aquajets Skin Diving Club
Associated Sportsmen of California

Benedict Canyon Association

California Council of Diving Clubs, Incorporated
Californians Organized to Acquire Access to State Tidelands (COAAST)
Citizens Coordinate, San Diego
Committee for Green Foothills
Council for Planning and Conservation
Council on Environment, Santa Cruz County

Ecology Action, Palo Alto
Environmental Quality Coalition

Federation of Western Outdoor Clubs
Friends of the Earth
Friends of the Foothills

Headlands Committee

Jenner Coalition

League of Women Voters of California

People's Response on Better Environment
Planning and Conservation League

Santa Barbara Citizens for Environmental Defense
Sierra Club and its wildlife subcommittee
Southern Council of Conservation Clubs
Southern Oregon-Northern California Wilderness Coalition
Steuben Society of America
Sunnyvale Jaycees

Transport Workers Union, AFL-CIO Local 505, Air Transport Division

Underwater Photographic Society
Unitarian Universalist Ministers Association, Pacific Southwest District
United Auto Workers
United Electrical, Radio, and Machine Workers
United Rubber Workers, Local 131
United Ship Builders, Local 9
United Transportation Union

Van Nuys-Sherman Oaks Ecology Council

Western Assoc. of Surfers

Zero Population Growth, Los Angeles Chapter

Source: Janet Adams, "Proposition 20..." p. 1029.

25 additional Assembly Democrats became co-sponsors, as well as seven Democrats and three Republicans in the Senate. In addition, legislators learned from opinion polls that many of their home-district constitutents were responding favorably to the "Save Our Coast" mailings.

The first hearing on AB 1471 and AB 16 came in May, in the new Assembly Committee on Planning and Land Use, chaired by Republican Paul Priolo. AB 1471 (Sieroty) demonstrated conservationist strength when the Coastal Alliance, the Sierra Club and other environmental groups presented testimony with back-up letters and petitions.

Striving to work out an acceptable version and move AB 1471 through the committee, E. Lewis Reid and his alliance legislative group met with representatives of local governments--the League of California Cities and the County Supervisors Association of California--as well as with real estate interests, large property owners, utilities, and the building trades unions. But no compromise materialized, and testimony opposing AB 1471 came from the California cities, the county supervisors, local governments, and land development interests, including the California Real Estate Association.*

Amendments to AB 1471 worked out in consultation with the Sierra Club allowed regional commissions to

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*Doolittle, *Land-Use Planning...* p. 58. Doolittle noted that: "Dugald Gillies of the CREA [California Real Estate Association] summed up the main argument of many when he said that he believed the coast should participate in the growth of the state....He argued that by restricting the use of the coast, especially for housing, one is in effect practicing 'snob zoning' which will prevent those of moderate means from using the coast."

exclude urban areas. These were accepted by Sieroty, presumably "to get needed support for the measure."* But this move had only a limited effect because testimony in June showed most of the previous opposition still intact. Moreover Assemblyman Z'berg withdrew his support, citing the Tahoe Regional Planning Agency (TRPA) experience for his disappointment with land use planning in which local representatives have a substantial or controlling vote.

Meanwhile, Assemblyman Wilson dropped his own bill (AB 16) in support of the alliance's Assembly measure, AB 1471, which moved through the Assembly Committee on Planning and Land Use and the Assembly Committee on Ways and Means to the floor. Because the measure included a $600,000 appropriation from the state's general fund, it was held in the Assembly pending a round-up of the two-thirds vote required for passage of bills funded in that manner.

A Split in the Alliance

Meanwhile, the Senate alliance proposal, SB 1555 (Alquist) was before the Senate Committee on Natural Resources and Wildlife, along with the other Senate coast bills. With the help of the Planning and Conservation League, the measure was amended to make it more acceptable to the committee, but the altered version was criticized as weak because it provided for implementation only by commission review of local government permits within the coastal zone.

By way of explanation, a PCL spokesman said that the organization's leaders (1) expected the session to end in August, (2) were certain the Senate would not approve a strong measure like AB 1471, and (3) hoped nevertheless to get a bill with a commitment to coast

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*Bailey and Thayer, *California's Disappearing Coast...* p. 74.

protection through the Senate before the 1971 session ended.

The alliance labeled PCL's compromise a "sellout" and opposed the bill,* but later the breach was mended through the efforts of a PCL task force. Janet Adams commented that "PCL was led sadly astray and was looking mighty odd with members lobbying for Irvine, Sea Ranch, etc." With the conservationists split, SB 1555 was easily killed on September 30, along with the other Senate coastal bills, which lacked votes to get out of committee. Significantly, the Wedworth and Dills measures got only the votes of their own authors, who were committee members. One observer of the PCL action also noted they had lost their lobbyist, John Zierold, widely known as an articulate spokesman for the environment. He had become the Sierra Club advocate in late 1970.

Later, in the Assembly, a major amendment to AB 1471 added a city councilman appointed by the Governor to each regional commission, thereby giving local governments a majority of one. On September 22 the amendment garnered enough support so that the Assembly passed the bill 56 to 17, one more than the two-thirds majority required. Successive reconsideration efforts failed and in early October the bill went to the Senate.**

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* "Environmental Lobby Suffers Second Year of Defeat for its Major Proposals," *California Journal,* 2(10): 296-301, 309-313 (November 1971). See p. 298.

** Adams, "Proposition 20..." p. 1031. She commented: "There is no way to measure how much of that victory was due to the efforts of Speaker Moretti, to polls indicating as high as ninety percent support for the bill in some districts, to Assemblymen Paul Priolo and Pete Wilson or to the superb editorial support which...[AB] 1471 received from all the major news

(continued p. 344)

TABLE 4: CALIFORNIA COASTAL PROPOSALS, 1971

(Bills as originally introduced)

Bill	Membership	Planning Process	Coastal Zone	Exclusions
AB 16-Wilson (R-San Diego)	State commission 15 members, 5 public 5 regional commissions 9 members, 4 public	Plan is amalgamation of regional plans which are amalgamation of local plans. All must follow state-established criteria.	Permit and planning [power]: 1,000 yards inland	Urban areas BCDC subsidence areas for oil and gas
AB 1471-Sieroty (D-L.A.) Dunlap (D-Napa) Z'berg (D-Sacto.) Moretti (D-No. Hollywood)	State commission 12 members, 6 public 6 regional commissions 12 to 16 members, one-half public	After consulting other levels, state commission prepares the state plan.	Permit power: 1,000 yards inland Planning power: to height of nearest mountain range	In Los Angeles, Orange, and San Diego Counties Planning area is 5 miles or less May exclude areas more than 500 feet inland from permits
SB 1555-Alquist (D-San Jose)	Same as AB 1471	Same as AB 1471	Same as AB 1471	Same as AB 1471
SB 1482-Grunsky (R-Watsonville)	State commission 15 members, 5 public 5 regional commissions undetermined, chairman or vice-chairman public	State establishes guidelines followed by local governments in detailed planning. State plan sum of smaller plans.	Permit and planning [power]: 1,000 yards inland	Urban areas BCDC

SB 1619-Dills (D-Gardena)	State board 5 members, 4 of whom are experts on some facet of coastal management. Chairman serves full time 7 regional boards 9 members, 6 of these representatives of economic and government interests 3 experts in environmental planning	Final plan is regional elements which are sum of local plans plus the COAP.	Permit and planning power: 1,000 yards inland	BCDC
SB 1354-Wedworth (D-Hawthorne)	State authority 15 members, 5 public 5 regional boards 9 members, 4 public	Authority required to adopt criteria to guide development and plan for public acquisition and development of the coastline.	Permit and planning power: to a line approximately parallel to the coast, encompassing the first hydrographic or drainage area contiguous to the ocean irrespective of distance	None

Source: Doolittle, *Land-Use Planning...* pp. 53-54.

The Senate Rules Committee sent AB 1471 to the Committee on Natural Resources and Wildlife,* where hearings drew opposition from realtors, builders, local governments, and the Los Angeles Chamber of Commerce. Major amendments included one that would have excluded four important coastal harbors from the commissions' jurisdiction. At a second hearing, the measure failed by one vote to clear the committee. Senator Wedworth, who had agreed to vote for the measure, was absent from the committee that day on personal business, reportedly buying horses for his ranch.**

The 1971 Effort Fails

Thus AB 1471 died in committee after being amended six times during the 1971 session. It had been characterized as "the most controversial conservation legislation of the year." Even if it had gotten out of committee, another hurdle presumably would have been its expected assignment to the Senate Committee on Finance with its influential chairman, Senator Randolph Collier (D, Yreka).

Adams, cont'd.

media in Southern California. In San Francisco most of the radio and television stations had supported the bill, too, but the newspapers bought the 'Chicken Little' line of the utilities and opposed it."

*Following their disorganized effort in 1970, conservation groups had worked with the Senate Committee on Natural Resources and Wildlife in hopes of winning committee support for their concerns. They hoped the coast bills would be sent there and not to the Senate Committee on Governmental Organization, where many environmental bills had died.

**Adams, "Proposition 20..." p. 1032; and Doolittle, *Land-Use Planning...* p. 68.

When asked why he voted not to report AB 1471 out of the Senate committee, committee member Gordon Cologne cited the many exemptions accepted by the author, especially the one relating to exclusion of urban areas, where development was likely to continue at a rapid rate. Assemblyman Sieroty said he thought the lack of support from the Governor and his administration was the principal cause for the bill's failure. Finally, Richard Wilson, 1971 President of the Planning and Conservation League, described the campaign as "a good example of everything going wrong for environmentalists." Presumably, he was referring especially to the crucial split in the coastal conservation lobbying effort.

Obviously many factors were involved in the 1971 defeat of the alliance proposal. During the legislative debate it was clear that a major controversy centered around alignments in the "quiet revolution," where one side favored "tough" coastal legislation, treating the coastal zone as a public resource; while the other side supported "weak" legislation, viewing the coastal zone principally as private property. Many proponents of tough legislation saw public regulation appropriately playing a strong role in coastal protection, perhaps without extensive purchase. On the other hand many who favored weak legislation also argued that any regulation diminishing the potential use of property in the coastal zone should be "immediately" accompanied by monetary compensation to land owners.

1972 COASTAL PROPOSALS: THE THIRD TRY

In May 1972, with conservationists attempting for the third consecutive year to push through strong coastal legislation, the Governor released the California Comprehensive Ocean Area Plan (COAP), and billed it as "the answer" to coastal resource use problems. Preparation of the COAP had been stimulated principally by concern about the impact of offshore oil drilling, and the future of commercial fisheries. The result was not so

much a plan approved by the state executive as it was a compilation of information and statistics.

The COAP contained an inventory of coastal zone resources, land use, water use and ownership, plus state agency policies regarding the use of these resources. It included some strongly worded recommendations for statewide coastal planning policy as well.* Probably the COAP effort's greatest significance lay in the valuable information collected, which was useful to advocates of strong coastal regulation.**

1972 Proposals and the Threat of an Initiative

The California Coastal Alliance's 1972 strategy was designed to forestall unexpected or adverse legislative maneuvering. The alliance called on Donald Grunsky, the senior Republican Senator from a central California coastal area, to sponsor an alliance-backed Senate bill to conform with an Assembly bill being reintroduced by Alan Sieroty. The alliance agreement supporting both proposals included an understanding that the drive for an initiative would be postponed until there was no hope for legislative passage of the measures.

In late January 1972, SB 100 (Grunsky) and AB 200 (Sieroty) were introduced as modified versions of Sieroty's AB 1471 from the previous year. When introduced the bills were identical, but they were changed considerably by amendments inserted to gain greater legislative support. Still later, in a move designed to provide easy conversion of the proposals into initiative form, major amendments put much of the original conservation-oriented language back in. For example,

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* Harold D. Bissell, "Coastal Zone Planning in California," *Shore and Beach: Journal of the American Shore and Beach Preservation Association*, 40(1):24-25 (April 1972).

** See also above, pp. 322-323.

the last amendments deleted many of the urban area and harbor exclusions that had been accepted previously, and also returned provisions giving the regional commissions an equal number of local elected officials and appointed members. (The amendments had previously added one more local official to each regional commission, thus giving local governments majority control.)

Each bill would have established a 12-member Coastal Zone Conservation Commission and six regional commissions, charged with developing a comprehensive coastal management plan within three years. In the meantime, the commissions would have had veto power over adverse development in the coastal zone. Both bills were designed to include most of the guidelines and criteria outlined by COAP, and they contained a $5 million appropriation from the Bagley Conservation Fund to be expended over a four-year period.

But until the state budget has been passed each year, such appropriations require a "letter of permission" from the Governor. The bills' authors considered such a letter virtually impossible to obtain. Nothing significant happened to the measures until the legislative session was well along, despite a long list of co-sponsors and a good deal of bipartisan support.* Added as new co-authors of both companion bills were Assemblymen William Bagley and Bob Wood (R, Salinas) plus Senators Randolph Collier and the President Pro Tem of the Senate, James R. Mills (D, San Diego).

Life and Death of the Alliance Proposal

Soon after its introduction in January, SB 100 (Grunsky) was sent to the Senate Committee on Natural

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*Doolittle, *Land-Use Planning...* pp. 66 and 67. Adams commented that she was not certain whether anyone ever asked Governor Reagan if he would approve a "letter of permission."

Resources and Wildlife, where it was amended four times in committee and scheduled for hearing on May 14. Conservationists hoped the amendments and a recent change in the committee's makeup would help pass a good coastal bill. They knew they could count on the vote of Senator Peter H. Behr (R, San Rafael), who was one of many coauthors of the alliance measures and a "strong conservationist." Senator Gordon Cologne (R, Indio) was appointed to a judgeship and replaced by Senator George N. Zenovich (D, Fresno), considered likely to support the alliance proposals. But alliance hopes were dashed on May 15 when SB 100 was held in committee. Soon afterward a report in the *California Journal* explained what happened. Senator Zenovich was quoted as explaining his vote against what was considered to be the strongest coastal bill at that time:

> [He said] "Land management basically is the responsibility of local government.... Whether we like it or not, this measure completely changes that whole aspect".... His vote [the deciding vote] ended several weeks of suspense during which all other members of the Senate Committee on Natural Resources and Wildlife had announced their position. As the final roll call vote confirmed, the committee was divided 4-4, with Senators Behr, Gregorio, Lagomarsino, and Nejedly for the bill and Senators Carpenter, Dills, Wedworth, and Richardson against it (although Richardson did not participate in the final vote), until Zenovich, who was appointed to the committee in January, joined the opposition.
>
> According to newspaper reports, lobbyists Robert Hanna of the California State Council of Carpenters and Richard Mansfield of the Building and Construction Trades Council took a large share of the credit for killing SB 100....it

> was clear that the Senate committee vote meant defeat for the environmentalists....
>
> Following their defeat...the... Alliance announced plans...to put a strong coastline protection initiative on the November ballot. "The Legislature has failed," said Mrs. Janet Adams...."We trust the people will not. The coast is still out there, but it won't be there long"....*

This action by the Senate committee was the single most crucial event pushing conservationists to try the initiative route. Thus on May 17, 1972 an editorial in the Los Angeles *Times* concluded that the alliance ought to make an all-out effort to qualify a coastal initiative (and incidentally provided evidence of the important role the media played in the move for strong coastal control):

> Adequate protection for California's 1,100-mile coastline has been denied, once again, by the Senate Natural Resources [and Wildlife] Committee. Instead that nine-man body has opted for a woefully weak measure which would leave coastline control in the hands of local governments....
>
> Under the circumstances, the Coastal Alliance and all the friends of the coastline should double their efforts to qualify an initiative placing its proposal on the November ballot....

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*"Senate Again Rejects Strong Coastline Bill," *California Journal*, 3(5):164 (May 1972).

As Janell Anderson commented:

> After the defeat of the Grunsky bill (S.B. 100)...the Coastal Alliance knew that the companion Sieroty proposal, A.B. 200, had no chance in the senate committee....They decided to bypass the legislature and take the Sieroty proposal directly to the people....the Coastal Alliance was attempting to wrench control of the game from the hands of the economic interests and play it their way.*

Meanwhile AB 200 (Sieroty) moved from the Assembly Committee on Planning and Land Use to the Assembly Committee on Ways and Means in March, and to the floor on June 16. On July 6 it passed the Assembly and went to the Senate, where it was also assigned to the Senate Committee on Natural Resources and Wildlife. AB 200 was amended a number of times during Assembly consideration, and at least once in the Senate committee. Both bills (AB 200 and SB 100) picked up substantial bipartisan legislative support, but the amendments weakened the bills in the eyes of coastal conservationists. In any event the road-block of the Senate Committee on Natural Resources and Wildlife had already convinced conservationists that they must take the initiative route.

Other 1972 Coast Bills

Other unsuccessful coastal bills were SB 2 (Wedworth), which had only one favorable vote in the Senate Committee on Natural Resources and Wildlife, and SB 860 (Dennis E. Carpenter, R, Newport Beach). SB 860 called

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*Anderson, *Economic Regulation and Development Goals: The California Coastal Initiative* (Davis: Institute of Governmental Affairs, University of California, 1974), pp. 61-62.

for a 15-member California Coastal Resources Board to be appointed by the Governor. Nine members were to be chosen from a list submitted by local governments. The state commission was to establish guidelines to be used by local governments over a six-year period as they prepared detailed coastal plans. The plans were then to be submitted to the state commission for approval. Private property owners were to be compensated whether or not an actual "taking" of property occurred, that is, owners would be compensated for any significant restrictions imposed.

SB 860 passed the Senate Committee on Natural Resources and Wildlife in May, the Committee on Finance and the Senate proper in July. In the Assembly it was assigned to the Assembly Committee on Planning and Land Use, where it died the same month. SB 860, in addition to favoring local control of the coastline, called for $200 million to purchase coastal property for public access and recreational purposes. It designated the California Advisory Commission on Marine and Coastal Resources as technical advisor. There were no provisions for regional commissions, but the agency was to adopt a state coastal zone plan. Conservationists opposed this bill, saying it only continued the same policies that had already brought extensive development to the coast.

Two other coastal measures were introduced by Senator Carpenter: (1) SB 173, which died in the Senate Committee on Natural Resources and Wildlife, and (2) SB 861, a funding proposal for SB 860. SB 861 passed the Senate Committee on Natural Resources and Wildlife but died in the Senate Committee on Finance.

Conclusion

Thus ended the saga of California's struggle for stronger coastal legislation through the regular channels. Meanwhile the conservation movement had won widespread support as it circulated petitions, assuring

the coastal initiative a place on the ballot in November 1972. Accordingly most of the conservationists' attention and energy in the fall of that year went to the campaign for Proposition 20.

6

THE CAMPAIGN FOR PROPOSITION 20*

Interest groups active during the Proposition 20 campaign appeared to be divided between supporters of a new coastal organization and those who wished to maintain the status quo. Some business and industrial interests who opposed the measure were concerned about loss of local control, which they considered more likely to favor development.

Supporters of Proposition 20 argued that local governments were unable to insure effective and consistent coastal protection, because of their limited jurisdiction, vulnerability to pressures, and lack of resources for necessary environmental planning. Conservationists were concerned about a variety of coastal issues, including the adverse impacts of the property tax system, the effects of intense development, especially in urban areas where single-family residences were being converted into high-density uses, and construction activities threatening irreplaceable coastal resources.

Qualifying the Initiative

The "Save Our Coast" campaign was spearheaded by the Coastal Alliance, and began with the recasting of AB 200 (1972) as an initiative,** when the alliance

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*This account is based principally on the writings and recollections of several participant-observers, most of whom were supporters of the initiative and were also active in the campaign on behalf of Proposition 20.

**Peter Douglas, "Coastal Zone Management--A New Approach in California," *Coastal Zone Management Journal*, 1(1):1-25 (Fall 1973). See pp. 3 and 10.

became convinced that strong coastal measures had little chance of passage that year. If the measure could qualify for the November 1972 ballot, there would be only a short time for gathering and validating the required 325,000 signatures by the legal deadline (131 days before election). Although some observers maintained it was "statistically impossible" for volunteers to gather enough signatures within about a month's time, the measure did qualify in June 1972. Two months later, proponents estimated that they were working with funds that amounted to barely one-tenth those of the opposition, but support continued to grow, including many volunteers who worked full time.

Legislators' Support

The campaign saw a number of firsts in citizen politics, including endorsement of the proposition by 60 state legislators, a coup described as unprecedented for initiative drives.* Leaders in this effort were

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*Adams, "Proposition 20..." p. 1037. Despite this show of enthusiasm, Douglas (ibid.) recalled that before the passage of Proposition 20 "neither the administrations of at least three Governors, nor the State Legislature had displayed the degree of commitment that a meaningful coastal zone planning and management program required. When comprehensive coastal zone legislation finally did succeed in California in November 1972, it was through the efforts of citizen organizations and not their elected government." (p. 2)

"[Conservationists']...many years of work and compromise...to produce a viable piece of coastal zone legislation were not wasted. It was through these efforts that the conservationists were able to bring the issue to the attention of the public. In the process they were also able to educate many legislators about the concepts embodied in the legislation that eventually became Proposition 20." (p. 10)

Assemblyman Alan Sieroty, Senator Donald Grunsky, Assembly Speaker Bob Moretti, and Senate President Pro Tem James R. Mills. Senator Mills summed up the aspirations of many supporters in a letter to the editor of the Sacramento *Bee*, October 26, 1972:

> On Nov. 7 Californians will decide by their vote on Proposition 20 whether or not our coast will be saved.
>
> .....
>
> California has 1,072 miles of coastline, but only 263 miles are legally available for public access. And, if something is not done immediately, we will continue to lose access to publicly owned tidelands and beaches.
>
> Over $1 million will probably be spent by wealthy special interests to defeat Proposition 20. Their campaign tactics are designed to deceive and confuse the voters. They want our few remaining miles of beaches left as they are--available for development by them in any way they want.
>
> .....
>
> Unless Proposition 20 is approved, the "public be damned" attitude of the special interests will prevail.

The $1 million referred to by Senator Mills was the amount rumored as likely to be spent by the opponents of Proposition 20. The advertising agency coordinating the opposition, Whitaker & Baxter International, spent most of the money on billboards, radio and television spots, as well as direct mailings, all pointing to the dire consequences of a successful initiative.

Access to Radio and Television

As the campaign progressed, proponents were concerned about reports of the other side's employment of considerable radio and television time. Accordingly attorneys advised the Coastal Alliance to obtain information on the opposition's logged air time, and on the time they proposed to buy before the election. (Some conservationists called the quantities "awesome.") In any event the data were used in a formal complaint to the Federal Communications Commission (FCC). The complaint was based on the FCC's "fairness doctrine," requiring broadcast licensees to give reasonable opportunities for the discussion of conflicting views on significant public issues. The complaint was intended to force radio and television stations to balance air time *for* and *against* Proposition 20. In its oral ruling the FCC noted that Proposition 20 was a controversial issue, was important to California voters, and that consequently the radio and television stations had a duty to present both sides in a balanced and fair manner. The FCC also noted that several stations had failed to do this. The result of the FCC action was to give proponents a good deal of free television time, and also insured acceptance of more advertising in favor of Proposition 20.*

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*Adams, "Proposition 20..." p. 1040. In written comments on an earlier version of this appendix, Janet Adams also referred to the Coastal Alliance complaint to the Federal Communications Commission: "[The] fairness hearing...made a mountain of difference in inland areas. It was the first such ruling regarding propositions and was [the result of]...superb legal research..."

Opposing Proposition 20*

Opponents included, among others, Citizens Against the Coastal Initiative,** the California Chamber of Commerce, the California Real Estate Association, the California Manufacturers Association, the Teamsters Union, the Council of Carpenters, and the Building and Construction Trades Council of California. They argued

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*See Adams, "Proposition 20..." pp. 1036 and 1037 for a listing of contributors and their contributions to the fight against Proposition 20. The following were selected from the list, which was based on information in a report to the Secretary of State required by California law:

Contributor	Amount of Contribution
The Irvine Company	$50,000
Deane & Deane, Inc.	50,000
Standard Oil Company of California	35,000
Bechtel Corporation	30,000
General Electric Company	30,000
Southern California Edison Company	27,633
Southern Pacific Land Company	25,000
Mobil Oil Corporation	15,000
Gulf Oil Corporation	15,000
Texaco, Inc.	15,000
Occidental Petroleum Company	10,000

**California, Legislature, Assembly Committee on Elections and Reapportionment, *Public Hearing on the Initiative Process*, held October 10, 1972 in Los Angeles (Sacramento [1972]), p. 162. At the hearing, John Zierold, Sierra Club Lobbyist, stated "there are no citizens...in the so-called Citizens Committee Opposed to Proposition 20. There are major corporations with all manner of wealth and resources to confuse and obfuscate the election process."

that the permit requirement would be confiscatory, since it

> would...establish a two to four year moratorium on virtually all building in the coastal area, including development for recreational purposes. The result would be a sharp reduction in land values, assessments and local tax collections which would create a severe economic depression in every one of the 15 coastal counties.*

Opponents argued further that conferring both permit and planning powers on regional and state commissions would introduce "super-government," dilute the authority of local elected officials, and limit their ability to serve their communities. They concluded that as a result, citizen participation in local governmental affairs would be stifled not just for an interim period but permanently. They described the initiative as an attempt to by-pass local grass-roots institutions and to replace these with "a vast new bureaucracy and appointive commissioners largely representative of a single purpose point of view."**

Support from Citizens' Organizations

Supporters of Proposition 20 responded that development would continue under the act, but with the

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* California, Secretary of State, *Proposed Amendments to Constitution: Propositions and Proposed Laws, Together With Arguments*, compiled by the Legislative Counsel, George H. Murphy, for the November 7, 1972 General Election (Sacramento: 1972), p. 54. [booklet mailed to voters]

** Loc. cit.

public interest safeguarded. They also noted that local government would appoint half the members of the regional commissions, and thus in turn also have a strong influence on regional-commission appointments to the state commission. They also emphasized that no important decisions would be made without first holding public hearings.

Supporters argued that the purpose was to provide public access to the coastline, and where possible to protect the coast from "the oil industry, real estate speculators and developers, and the utilities--[who were] primarily concerned with profits, not the public interest." Moreover they contended that most problems affecting the coast transcended local boundaries, and were thus beyond the power of local agencies to solve.*

Prominent participants in the Coastal Alliance were the League of Women Voters, the American Association of University Women, the California Congress of Parents and Teachers, and the lobbying arm of the Associated Students of the University of California. The Sierra Club carried on a vigorous effort for the initiative, including a fund solicitation of their members that provided a major part of the money used by the supporters. Other important members of the alliance were the Planning and Conservation League, which changed its bylaws to permit full support of Proposition 20, Californians Organized to Acquire Access to State Tidelands (COAAST), and People for Open Space. (Table 5 gives a partial list of supporters and opponents.)

As support grew, the alliance's leadership concluded that opponents had probably underestimated the demand for coastal preservation. Moreover, several unexpected developments during the campaign helped

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** *Proposed Amendments*... p. 55. See also p. 53.*

TABLE 5: SUPPORTERS AND OPPONENTS OF PROPOSITION 20
(partial list)

Supporters

American Association of University Women
Assembly Speaker Bob Moretti
Associated Students, University of California
California Coastal Alliance
(an alliance of several dozen environmental organizations)
California Congress of Parents and Teachers
Federation of Western Outdoor Clubs
League of Women Voters
National Council of Senior Citizens
Planning and Conservation League
Senate President Pro Tem James Mills
Sierra Club
U.S. Senators John Tunney and Alan Cranston

Opponents

Allis-Chalmers, San Francisco
Babcock and Wilcox Company (manufacturers of industrial equipment), New York, N.Y.
Building and Construction Trades Council of California
California Chamber of Commerce
California Manufacturers Association
California Real Estate Association
Christiana Companies, Inc., Santa Monica

Combustion Engineering, Inc., Windsor, Connecticut
Construction Industry Fund of Burlingame
Continental Oil Company, Denver, Colorado
Council of Carpenters
Deane & Deane, Inc., Half Moon Bay
Fishermen's and Allied Workers' Union, ILWU
General Electric Company
Gulf Oil Corporation
Humble Oil and Refining Company
Irvine Company, Newport Beach
Kaiser Aetna, Oakland
La Costa Land Company, Carlsbad, California
Lazard Frères & Company (investment bankers), New York, N.Y.
Mortgage Guaranty Insurance Corporation, Milwaukee, Wisconsin
Pacific Gas and Electric Company
Penasquitos, Inc., San Diego
Realty Holding Company, New York, N.Y.
San Diego Construction Industry Advancement Fund, Del Mar
Southern California Edison Company
Teamsters Union
Transland Company, Rosemont, Illinois
Tucker Land Company, Phoenix, Arizona

Source: *California Journal* 3(9):311 (October 1972); Sacramento *Bee*, October 28, 1972 and November 5, 1972. (As quoted by Janell Anderson, *Economic Regulation and Development Goals: The California Coastal Initiative*.)

the initiative. This included the opposition's apparent misreading of the alliance strategy. They spent "vast sums in the central part of the state," telling inland voters that coastal legislation would affect inland areas, on the assumption that Proposition 20 advocates would concentrate on the coast and lose support inland. They unwittingly made friends for the Coastal Alliance. "People sent contributions to 'Yes on 20' offices, enclosing copies of the opposition ads, and indignantly asked, 'Do they think we are fools?'"*

Proponents were also helped by the result of a lawsuit filed against the alliance and the State Attorney General by two property owners who maintained their property values would be injured by the measure. The alliance's position was sustained in preliminary proceedings, and the plaintiffs dropped the suit.

The Outcome

As the campaign entered the final stretch and election eve drew near, proponents of Proposition 20

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*Adams, "Proposition 20..." p. 1038; see also Douglas, "Coastal Zone Management--A New Approach in California," p. 15. He noted that "Despite legal opinions from California's Attorney General, the California Legislative Counsel and assurances from the proponents stating that the Act's inland jurisdiction could not reach beyond a rather narrow strip of land lying to the *west* of the coastal mountain ranges, opponents claimed that Proposition 20's permit controls... [extended] as far inland as the Sierra Nevada mountains, more than 100 miles from the coast....[and] for months after the election, title companies, banks, some cities, and many builders acted on the assumption that the Act's permit controls extended far inland...." [emphasis in original]

were cautiously optimistic. But they were also mindful that the electorate's response to a ballot proposition is notoriously hard to anticipate.

In any event, Proposition 20 got rather strong support, as 55.1 percent of those casting ballots ratified the charter for coastal conservation.* Shortly afterward, the new coastal machinery cranked into motion, beginning one of the nation's most significant experiments in large-scale environmental planning and land-use control.

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*How "strong" is 55.1 percent? Normally a candidate with such a vote considers himself fortunate. But Janet Adams ("Proposition 20...," p. 1042) gleefully noted the seeming irony of one attempt to read nearly identical results both ways at the same time: "...one paper (which had opposed Proposition 20) headlined: PRESIDENT NIXON CARRIES CALIFORNIA BY LANDSLIDE 55%. COASTAL INITIATIVE SQUEAKS BY WITH 55.1%."

Appendix B

Coastal Definitions and Diagrams

CONTENTS

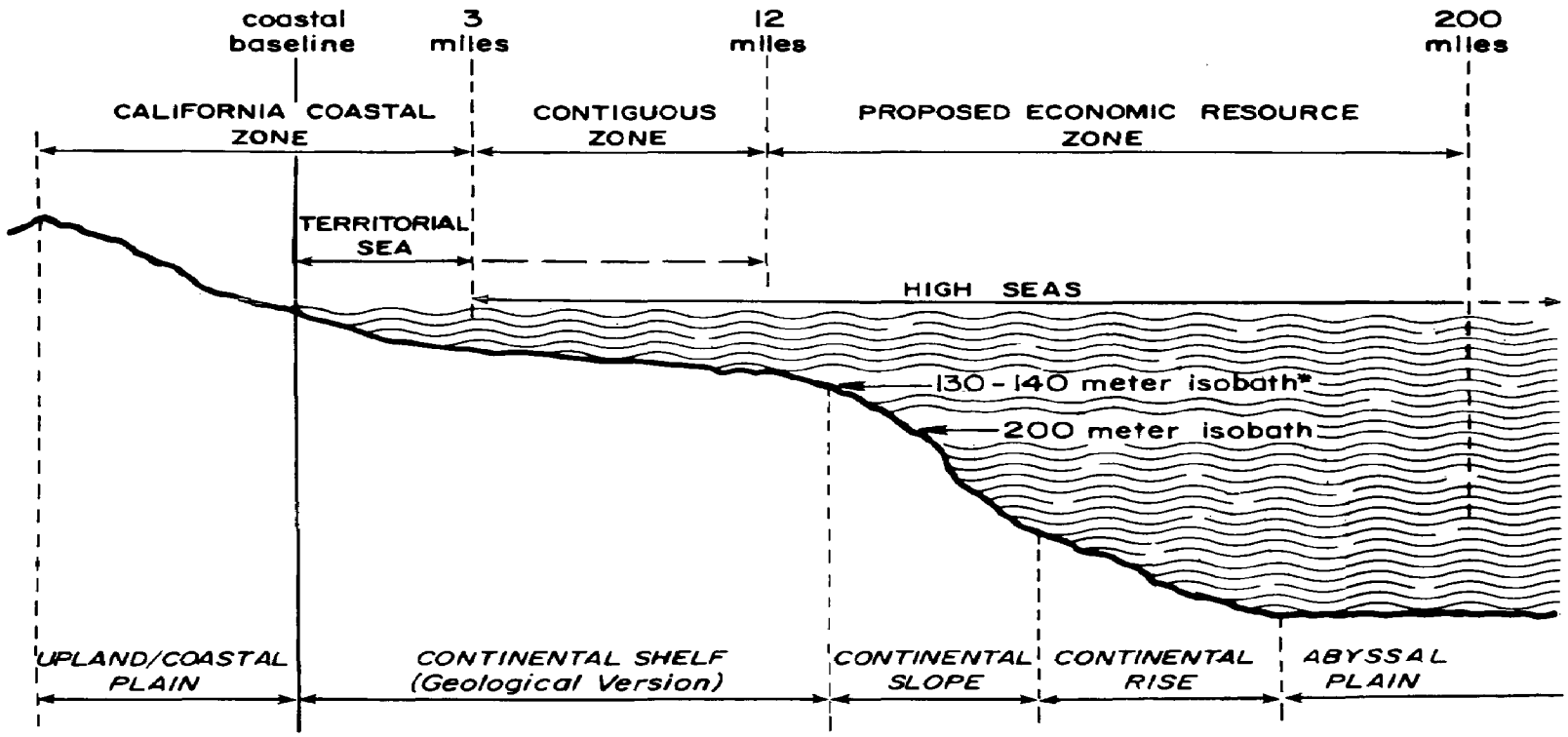
1. The California Coast, Coastal Waters, and Related Seabed: Definitions and Diagram 1 367

These definitions and this diagram relate primarily to geologic and oceanographic concepts, as well as to legal terms found in Law of the Sea literature.

2. The California Coastal Resources Area: Definitions and Diagram 2 373

These definitions and this diagram, prepared by the state coastal commission staff, relate primarily to environmental and landform terminology useful in discussing the coastal resources area.

DIAGRAM 1



*Isobath: a line connecting all points of equal depth below the surface of the water

1

THE CALIFORNIA COAST, COASTAL WATERS, AND RELATED SEABED: DEFINITIONS AND DIAGRAM 1

These simplified definitions and the accompanying schematic diagram of the California coast, coastal waters, and related seabed were prepared by Ora Huth and Stanley Scott to assist readers who are unfamiliar with the Law of the Sea discussions and associated literature. Drafts of the definitions and diagram were reviewed by Robert D. Hodgson, Director, Office of the Geographer, U.S. Department of State; Professor H. Gary Knight, Law School, Louisiana State University; and San Francisco staff members of U.S. Coast Guard District Twelve.

ABYSSAL PLAIN: The ocean basin or deep ocean floor beginning at the base of the continental slope, or of the continental rise, if there is one.

Although many geologic formations, such as seamounts, trenches and canyons, are found in the ocean basin, the predominant feature is the abyssal plain. Accordingly this term is commonly applied to the entire deep ocean floor. The abyssal plain typically ranges between 3,000 and 6,000 meters in depth, but is sometimes either shallower or deeper.

CALIFORNIA COASTAL ZONE: The jurisdictional area of the California Coastal Zone Conservation Commission and the six regional commissions.

The zone extends seaward to the outer limit of the state's jurisdiction, i.e., three nautical miles from the baseline, which is mean lower low water and

the closing lines drawn across the mouths of bays and rivers. The coastal zone includes all islands within the jurisdiction of the state, and extends inland to the highest elevation of the nearest coastal mountain range, except that in Los Angeles, Orange, and San Diego counties the inland boundary is either the highest elevation of the nearest coastal mountain range, or five statute miles from the mean high tide line, whichever is shorter. The *permit area* of the California coastal zone extends from the seaward limit of the state's jurisdiction to 1,000 yards inland from the mean high tide line.

CONTIGUOUS ZONE: A general term describing an offshore area, usually contiguous to the Territorial Sea, in which a coastal nation may take action to enforce customs, fiscal, immigration or sanitary regulations or laws.

The most important contiguous zones are the exclusive fisheries zones, whose permissible extent is under debate. As implemented under United States law, the contiguous exclusive fisheries zone extends nine nautical miles seaward from the outer limit of the Territorial Sea. Although the nine-mile fishing zone is under federal jurisdiction, no regulations have ever been promulgated and the states are free to regulate *their citizens* in the conduct of fishing activities within that area, as well as beyond.

CONTINENTAL RISE: A feature found in some situations where the steep portion of the continental slope ends in a gentle gradient that may extend for substantial distances into the deep ocean basins.

CONTINENTAL SHELF: A seaward extension of the continental land mass, beginning with the coastal plain and ending at the point where a marked increase in gradient

occurs, and the *continental slope* begins.

Thus the *geological version* of the continental shelf is normally a shallow submarine plain of varying width bordering a continent, and typically ending in a steep slope that goes on to the deep seabed. On the average, the break or marked change in slope occurs at the 130-140 meter isobath, but the water column above the outer edge of the shelf may vary in depth from 20 to 550 meters. The width of the shelf varies from virtually zero to 800 nautical miles or more; the worldwide average is 40 nautical miles.

The *legal version* of the continental shelf, as codified in the 1958 Convention on the Continental Shelf, is the seabed adjacent to the coast, but outside the Territorial Sea, and extending to a water depth of 200 meters, or beyond that limit to include seabed whose depth permits exploitation of the natural resources located there. In this area a coastal nation may exercise jurisdiction for the purpose of exploring and exploiting its natural resources. The entire matter is subject to further redefinition and negotiation, and is one of the principal topics for the Law of the Sea conferences. Whatever shelf width is finally agreed upon, each coastal nation will have an exclusive right to the natural resources of the seabed and subsoil area.

CONTINENTAL SLOPE: A worldwide feature extending from the outer limits of the continental shelf, starting where there is a substantial increase in gradient from that of the shelf proper. In the absence of a continental rise the slope continues on to the deep seabed.

ECONOMIC RESOURCE ZONE: Proposed area extending 200 nautical miles from the baseline of the Territorial Sea, in which a coastal nation would have jurisdiction with respect to living and non-living resources,

plus possible related competencies such as jurisdiction over scientific research and pollution control.

The economic resource zone is being considered by the Law of the Sea conferences. The United States proposes that each coastal nation have sovereign rights for the exploitation of the zone's resources. These rights would not necessarily be exclusive for the living resources of the sea. Moreover powers over research and pollution may be limited. That is, for example, the coastal nation could require consent for research to be performed in the zone, but not "control" the research, per se. Pollution control may not extend over the entire zone, and in fact may not reach beyond the Territorial Sea.

HIGH SEAS: The ocean water column beyond the Territorial Sea, and subject to international law and convention.

The concept of freedom of the seas permits use of the seabed, surface, water and atmosphere for laying cables and pipelines, navigation, fishing and overflight. But international law governing use of the natural resources of the seabed and subsoil under the high seas has yet to be worked out.

In the U.S., the federal government recognized state-level jurisdiction over the outer continental shelf portion of the high seas with the Outer Continental Shelf Lands Act of 1953: "To the extent that they are applicable and not inconsistent with...Federal laws...the civil and criminal laws of each adjacent State...are declared to be the law of the United States for that portion of the subsoil and seabed of the outer Continental Shelf, and artificial islands and fixed structures erected thereon, which would be within the area of the State if its boundaries were extended seaward to the outer margin of the outer Continental Shelf...." (Title 43, U.S. Codes, sec. 1333 (a) (2))

TERRITORIAL SEA: A narrow strip of ocean over which coastal nations hold virtually absolute territorial sovereignty, except for the rights of innocent passage and entry in distress.

A nation's control over its Territorial Sea includes sovereignty over the airspace, the water column, and the seabed and subsoil below the ocean waters. The breadth of the Territorial Sea is not now subject to international agreement, but the practice of most nations seems to have centered on a breadth of twelve nautical miles.

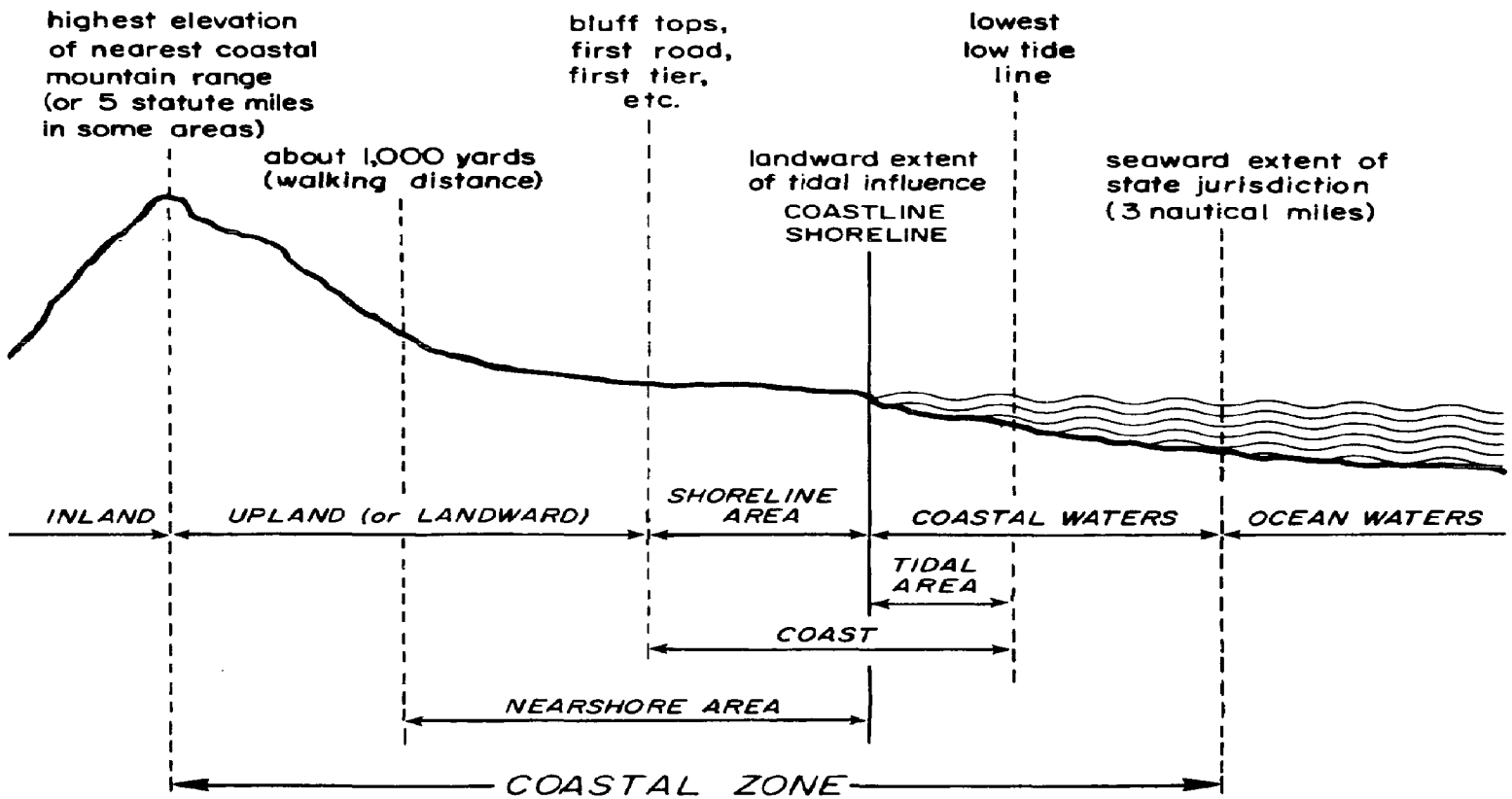
Under current U.S. policy, however, the Territorial Sea extends only three nautical miles seaward, measured from the baseline, which for California is mean lower low water and the closing lines drawn across the mouths of bays and rivers. The individual states have jurisdiction over the submerged lands and their resources, reaching out to the three-mile limit, except for Florida and Texas.

Florida and Texas have rights to the "submerged lands" in the Gulf of Mexico to a breadth of three marine leagues--about nine nautical miles--from the applicable baseline, which is mean low water. But this is only a resource jurisdiction: it does not affect the high-seas or contiguous-zone status of the superjacent (overlying) Gulf waters beyond the three-mile limit.

TIDELANDS: The areas of the shore between high and low tide levels, and alternately covered and uncovered by the ebb and flow of the tides.

The state has jurisdiction over these lands, where it has not been delegated to local governments. Tidelands are also subject to federal law and policy.

DIAGRAM 2


highest elevation of nearest coastal mountain range (or 5 statute miles in some areas)
about 1,000 yards (walking distance)
bluff tops, first road, first tier, etc.
landward extent of tidal influence
COASTLINE
SHORELINE
lowest low tide line
seaward extent of state jurisdiction (3 nautical miles)
INLAND
UPLAND (or LANDWARD)
SHORELINE AREA
COASTAL WATERS
OCEAN WATERS
TIDAL AREA
COAST
NEARSHORE AREA
COASTAL ZONE

2

THE CALIFORNIA COASTAL RESOURCES AREA: DEFINITIONS AND DIAGRAM 2

These definitions of terms applying to the California coastal resources area, and the associated schematic diagram, were supplied by staff of the California Coastal Zone Conservation Commission.

COAST: Encompasses the tidal area and the shoreline area. (Term can be used informally for a broader area.)

COASTAL: Pertains to anything within the coastal zone.

COASTAL RESOURCES AREA: An area (not a jurisdiction) from the seaward extent of U.S. jurisdiction (12 nautical miles out) to the inland extent of coastal resources.

COASTAL WATERS: Marine waters from the shoreline seaward to the state's three-mile limit.

INLAND: Any land area outside the coastal zone.

NEARSHORE AREA: The area in easy walking distance from the shoreline, or within 1,000 yards where terrain permits walking that distance inland.

OCEAN WATERS: Marine waters beyond the seaward extent of California's jurisdiction, i.e., more than three nautical miles out.

SHORELINE AREA: The area from the shoreline landward, including the beach and/or rocks above

the high tide line, and extending to the top of any adjacent bluffs and cliffs. In most parts of the coastal zone the shoreline area includes the first coastal road and first tier of lots. It usually extends not more than 1,000 feet landward.

SHORELINE OR COASTLINE: The interface between land and sea, coinciding with the line marking the landward extent of tidal influence. (The term can be used informally to designate areas near the coastline or shoreline.)

TIDAL AREA: The area from the lowest low tide line to the shoreline (the landward extent of the tidal influence), including estuaries and coastal wetlands.

UPLAND: The area landward from the shoreline, generally extending to the coastal zone boundary.

Appendix C

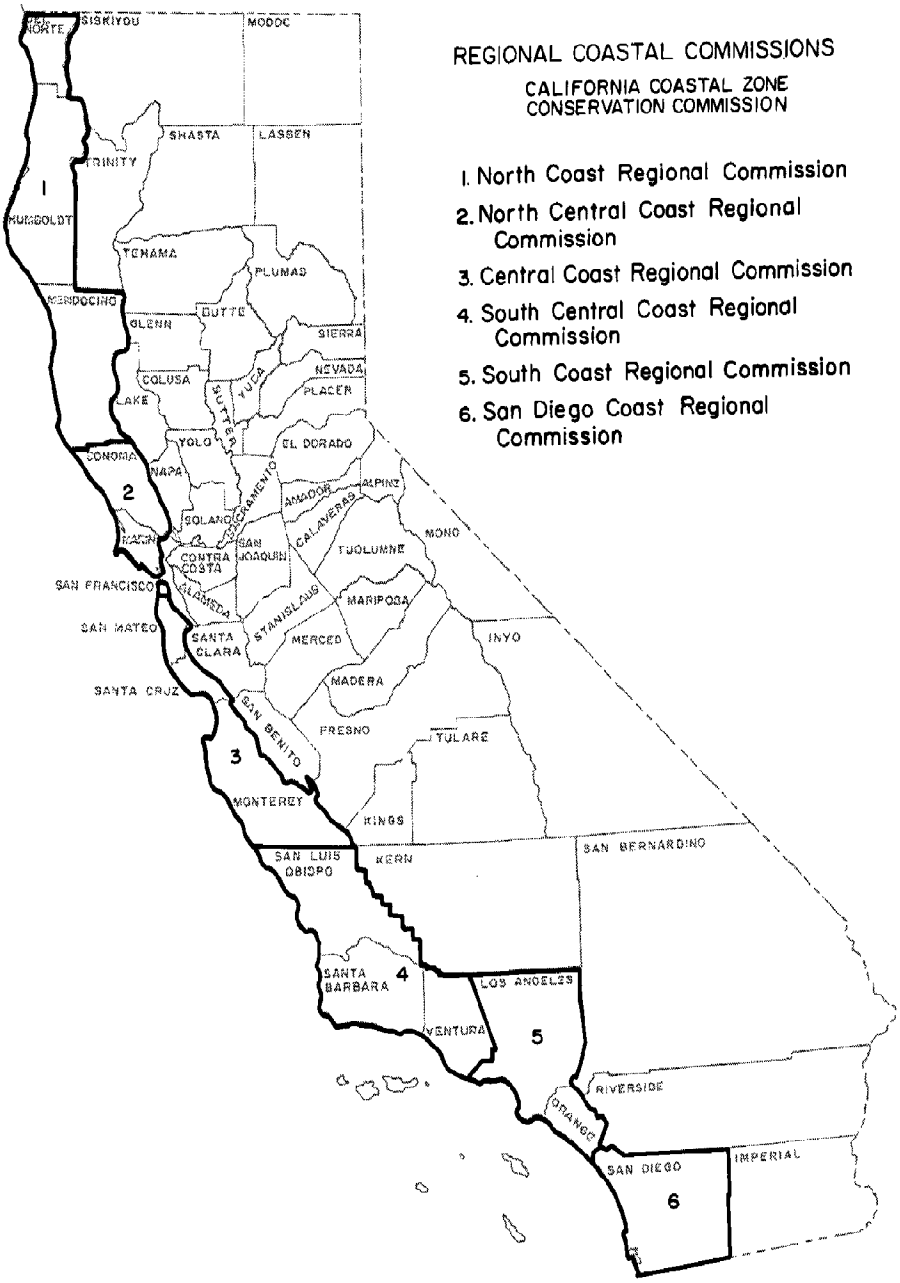
Maps: Principal Planning and Governmental Regions in California

CONTENTS

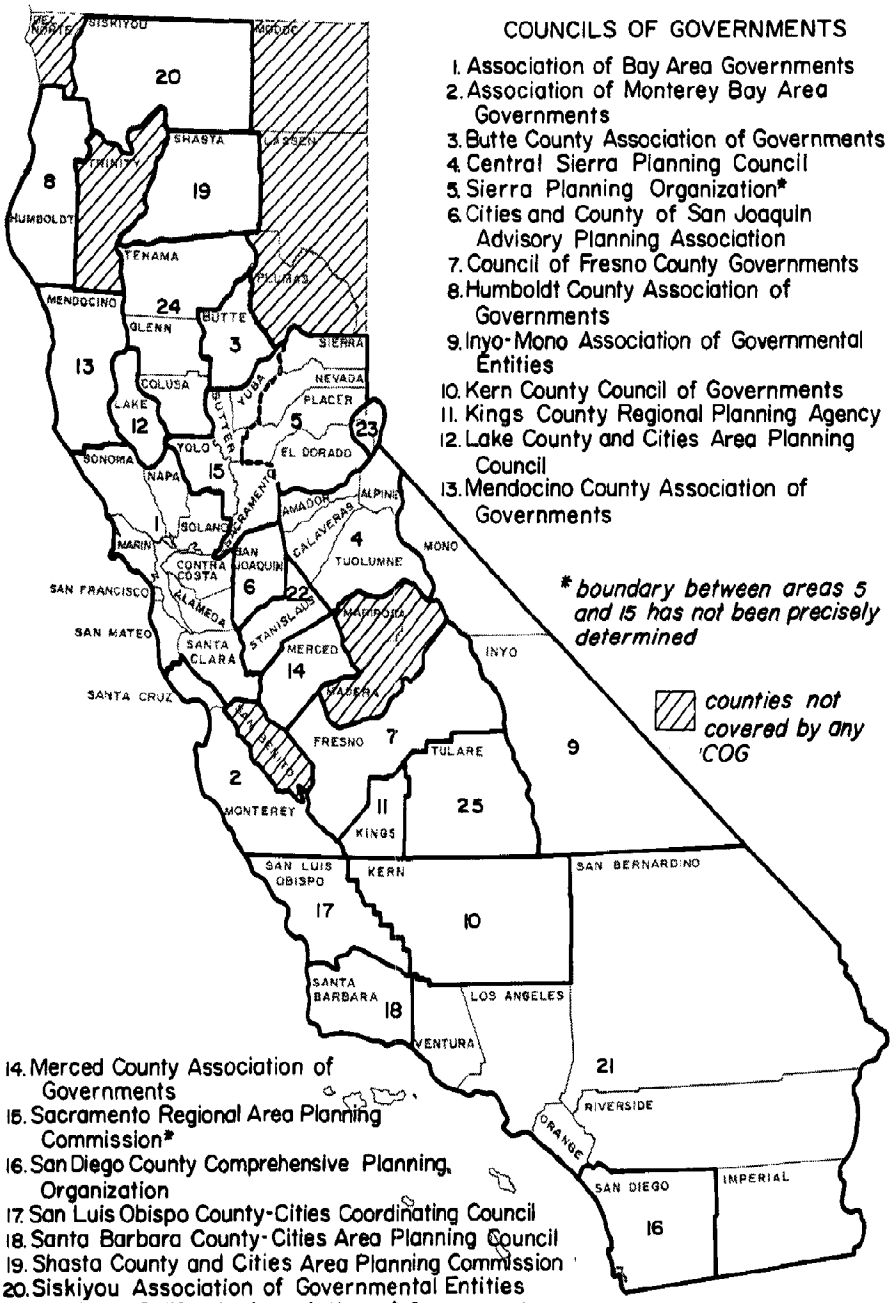
1. Regional Coastal Commissions 377
2. Councils of Governments 378
3. Comprehensive Substate Planning Districts 379
4. Highway Districts 380
5. Comprehensive Health Planning Areas 381
6. Planning Districts: Programs for the Aging 382
7. Criminal Justice Planning Regions 383
8. Planning Districts for Employment Development 384
9. Air Basins 385
10. Water Quality Control Regions 386
11. Hydrologic Study Areas 387
12. Oil and Gas Districts 388
13. Districts for Mining and Geology 389
14. Base Map of California and Its Counties 390

Source: Adapted from California, Office of Planning and Research, *Substate Districting in California: An Update* (September 1974).

MAP 1


REGIONAL COASTAL COMMISSIONS
CALIFORNIA COASTAL ZONE CONSERVATION COMMISSION
1. North Coast Regional Commission
2. North Central Coast Regional Commission
3. Central Coast Regional Commission
4. South Central Coast Regional Commission
5. South Coast Regional Commission
6. San Diego Coast Regional Commission
SISKIYOU
MODOC
SHASTA
LASSEN
TRINITY
HUMBOLDT
TEHAMA
PLUMAS
MENDOCINO
GLENN
BUTTE
SIERRA
COLUSA
YUBA
NEVADA
LAKE
SUTTER
PLACER
YOLO
EL DORADO
SONOMA
NAPA
SACRAMENTO
AMADOR
ALPINE
SOLANO
CALAVERAS
MARIN
SAN JOAQUIN
MONO
CONTRA COSTA
TUOLUMNE
SAN FRANCISCO
ALAMEDA
MARIPOSA
STANISLAUS
SAN MATEO
SANTA CLARA
MERCED
INYO
SANTA CRUZ
MADERA
SAN BENITO
FRESNO
TULARE
MONTEREY
KINGS
SAN LUIS OBISPO
KERN
SAN BERNARDINO
SANTA BARBARA
LOS ANGELES
VENTURA
RIVERSIDE
ORANGE
SAN DIEGO
IMPERIAL
1
2
3
4
5
6

MAP 2



COUNCILS OF GOVERNMENTS

1. Association of Bay Area Governments
2. Association of Monterey Bay Area Governments
3. Butte County Association of Governments
4. Central Sierra Planning Council
5. Sierra Planning Organization*
6. Cities and County of San Joaquin Advisory Planning Association
7. Council of Fresno County Governments
8. Humboldt County Association of Governments
9. Inyo-Mono Association of Governmental Entities
10. Kern County Council of Governments
11. Kings County Regional Planning Agency
12. Lake County and Cities Area Planning Council
13. Mendocino County Association of Governments

** boundary between areas 5 and 15 has not been precisely determined*

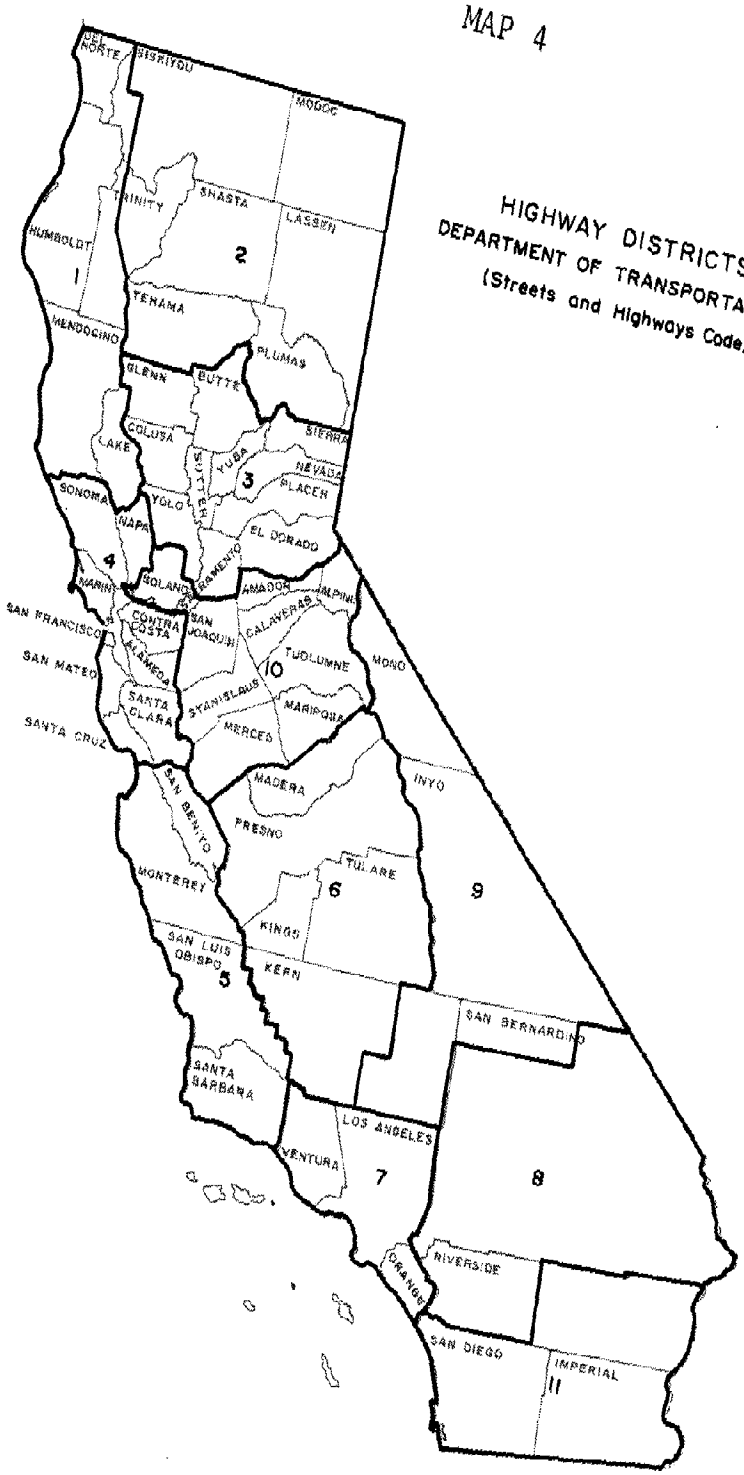
counties not covered by any COG

14. Merced County Association of Governments
15. Sacramento Regional Area Planning Commission*
16. San Diego County Comprehensive Planning Organization
17. San Luis Obispo County-Cities Coordinating Council
18. Santa Barbara County-Cities Area Planning Council
19. Shasta County and Cities Area Planning Commission
20. Siskiyou Association of Governmental Entities
21. Southern California Association of Governments
22. Stanislaus Area Association of Governments
23. Tahoe Regional Planning Agency
24. Tri-County Planning Council
25. Tulare County Association of Governments

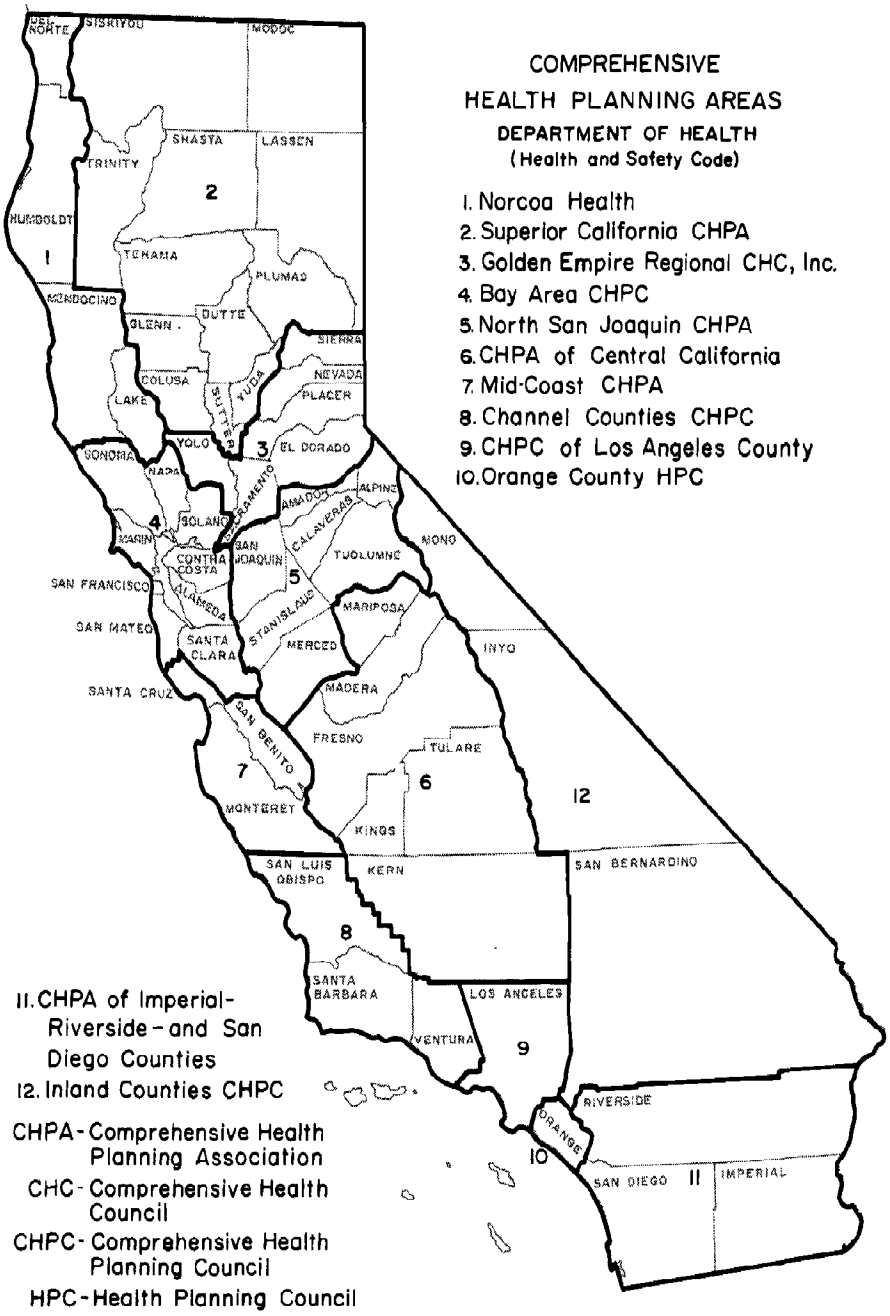
MAP 3

COMPREHENSIVE SUBSTATE
PLANNING DISTRICTS
COUNCIL ON INTERGOVERNMENTAL RELATIONS
(Adopted December 17, 1971)
DEL NORTE
SISKIYOU
MODOC
SHASTA
LASSEN
TRINITY
2
HUMBOLDT
1
TEHAMA
PLUMAS
MENDOCINO
GLENN
BUTTE
SIERRA
COLUSA
YUBA
NEVADA
LAKE
SUTTER
3
PLACER
YOLO
EL DORADO
SONOMA
NAPA
SACRAMENTO
AMADOR
ALPINE
4
SOLANO
CALAVERAS
MONO
MARIN
CONTRA COSTA
SAN JOAQUIN
TUOLUMNE
5
SAN FRANCISCO
ALAMEDA
STANISLAUS
MARIPOSA
SAN MATEO
SANTA CLARA
MERCED
INYO
SANTA CRUZ
MADERA
10
SAN BENITO
FRESNO
TULARE
6
MONTEREY
7
KINGS
SAN LUIS OBISPO
KERN
SAN BERNARDINO
SANTA BARBARA
LOS ANGELES
8
VENTURA
RIVERSIDE
ORANGE
SAN DIEGO
IMPERIAL
9

MAP 4


HIGHWAY DISTRICTS
DEPARTMENT OF TRANSPORTATION
(Streets and Highways Code)
DEL NORTE
SISKIYOU
MODOC
HUMBOLDT
TRINITY
SHASTA
LASSEN
TEHAMA
MENDOCINO
PLUMAS
GLENN
BUTTE
COLUSA
SIERRA
LAKE
YUBA
NEVADA
SUTTER
PLACER
SONOMA
YOLO
NAPA
EL DORADO
SACRAMENTO
MARIN
SOLANO
AMADOR
CALAVERAS
SAN FRANCISCO
CONTRA COSTA
SAN JOAQUIN
ALAMEDA
TUOLUMNE
MONO
SAN MATEO
SANTA CLARA
STANISLAUS
MARIPOSA
SANTA CRUZ
MERCED
MADERA
INYO
SAN BENITO
FRESNO
MONTEREY
TULARE
KINGS
SAN LUIS OBISPO
KERN
SAN BERNARDINO
SANTA BARBARA
LOS ANGELES
VENTURA
RIVERSIDE
ORANGE
SAN DIEGO
IMPERIAL
1
2
3
4
5
6
7
8
9
10
11

MAP 5


COMPREHENSIVE
HEALTH PLANNING AREAS
DEPARTMENT OF HEALTH
(Health and Safety Code)
1. Norcoa Health
2. Superior California CHPA
3. Golden Empire Regional CHC, Inc.
4. Bay Area CHPC
5. North San Joaquin CHPA
6. CHPA of Central California
7. Mid-Coast CHPA
8. Channel Counties CHPC
9. CHPC of Los Angeles County
10. Orange County HPC
11. CHPA of Imperial-Riverside-and San Diego Counties
12. Inland Counties CHPC
CHPA-Comprehensive Health Planning Association
CHC-Comprehensive Health Council
CHPC-Comprehensive Health Planning Council
HPC-Health Planning Council
DEL NORTE
SISKIYOU
MODOC
SHASTA
LASSEN
TRINITY
HUMBOLDT
TEHAMA
PLUMAS
MENDOCINO
GLENN
BUTTE
SIERRA
COLUSA
YUBA
NEVADA
LAKE
PLACER
YOLO
EL DORADO
SONOMA
NAPA
AMADOR
ALPINE
SOLANO
MARIN
CONTRA COSTA
SAN JOAQUIN
CALAVERAS
TUOLUMNE
MONO
SAN FRANCISCO
ALAMEDA
STANISLAUS
MARIPOSA
SAN MATEO
SANTA CLARA
MERCED
INYO
SANTA CRUZ
MADERA
SAN BENITO
FRESNO
TULARE
MONTEREY
KINGS
SAN LUIS OBISPO
KERN
SAN BERNARDINO
SANTA BARBARA
LOS ANGELES
VENTURA
RIVERSIDE
ORANGE
SAN DIEGO
IMPERIAL

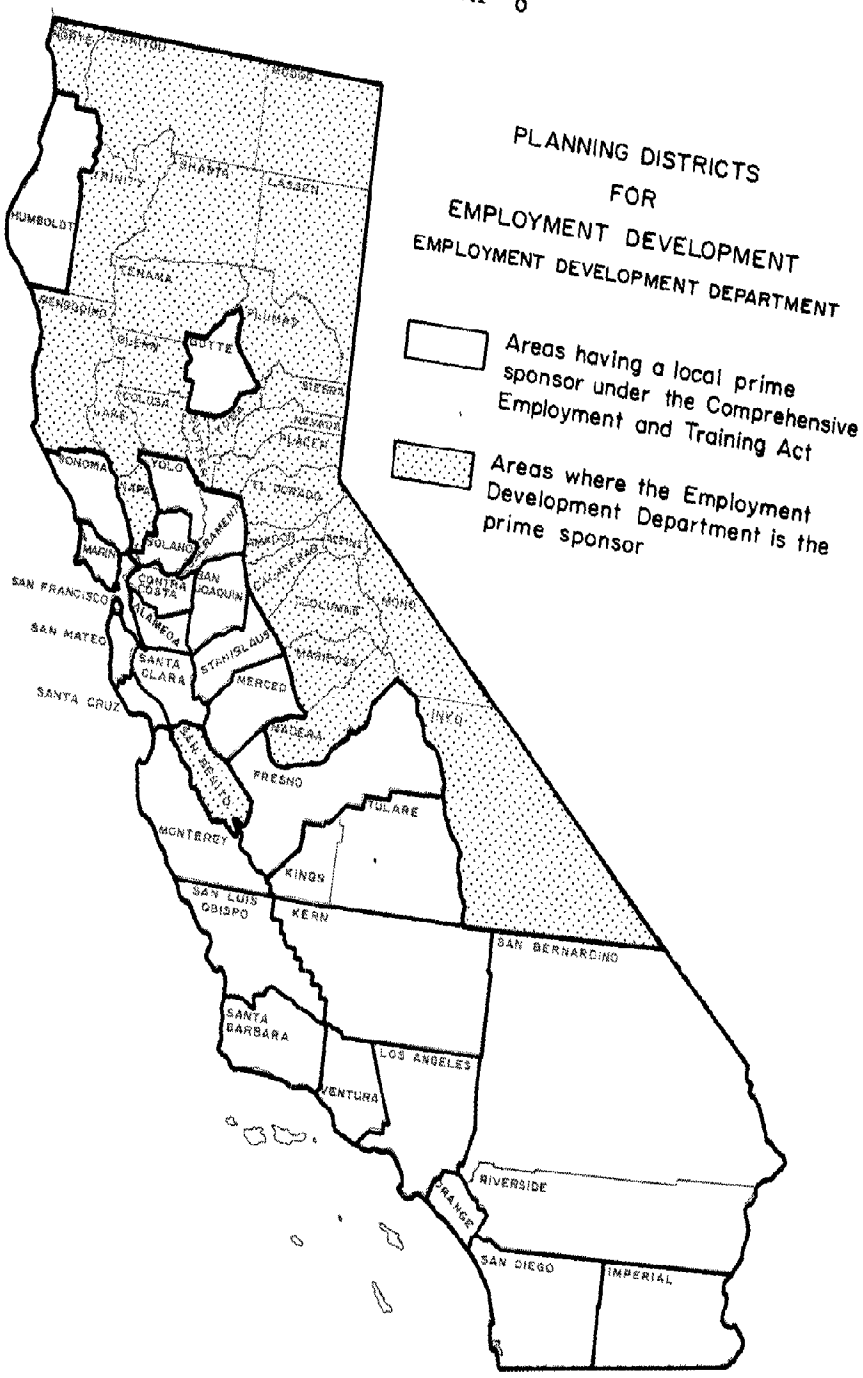
MAP 6

PLANNING DISTRICTS:
PROGRAMS FOR THE AGING
CALIFORNIA COMMISSION ON AGING
DEL NORTE
SISKIYOU
MODOC
SHASTA
LASSEN
TRINITY
2
HUMBOLDT
TEHAMA
1
PLUMAS
MENDOCINO
GLENN
BUTTE
3
SIERRA
COLUSA
NEVADA
LAKE
YUBA
PLACER
SUTTER
YOLO
4
EL DORADO
SONOMA
NAPA
5
SACRAMENTO
AMADOR
ALPINE
CALAVERAS
SOLANO
12
MONO
MARIN
CONTRA COSTA
SAN JOAQUIN
TUOLUMNE
SAN FRANCISCO
6
7
ALAMEDA
9
STANISLAUS
MARIPOSA
SAN MATEO
8
11
SANTA CLARA
MERCED
INYO
10
SANTA CRUZ
MADERA
14
16
SAN BENITO
FRESNO
TULARE
13
MONTEREY
KINGS
SAN LUIS OBISPO
KERN
15
SAN BERNARDINO
17
20
SANTA BARBARA
LOS ANGELES
18
VENTURA
19
RIVERSIDE
21
ORANGE
22
SAN DIEGO
IMPERIAL
23

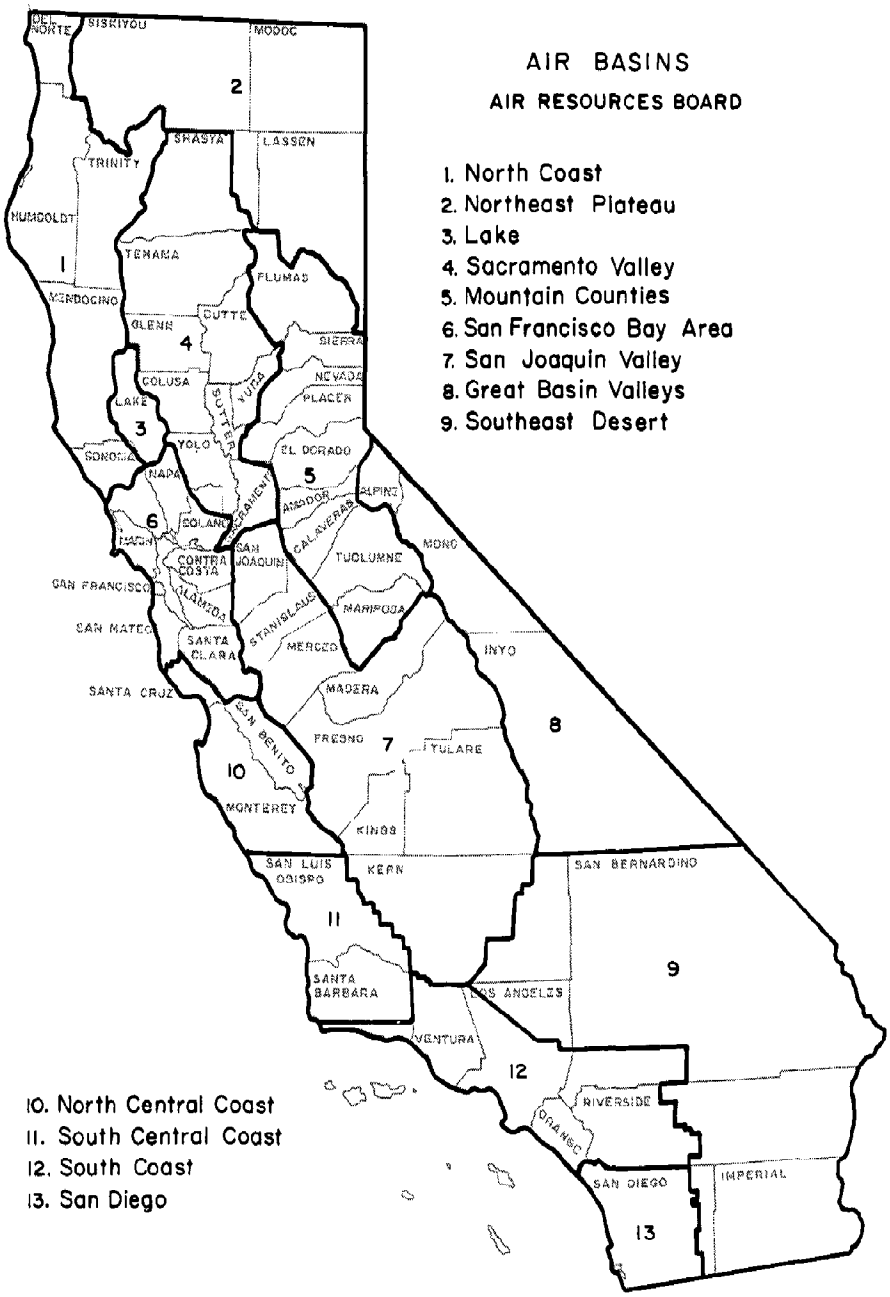
MAP 7

CRIMINAL JUSTICE PLANNING REGIONS
Office of Criminal Justice Planning
DEL NORTE
SISKIYOU
MODOC
B
SHASTA
LASSEN
TRINITY
A
HUMBOLDT
TEHAMA
PLUMAS
MENDOCINO
GLENN
BUTTE
C
SIERRA
COLUSA
NEVADA
LAKE
YUBA
PLACER
SUTTER
YOLO
D
EL DORADO
SONOMA
NAPA
AMADOR
ALPINE
E
SOLANO
SACRAMENTO
CALAVERAS
L
MONO
MARIN
CONTRA COSTA
SAN JOAQUIN
TUOLUMNE
SAN FRANCISCO
G
I
K
F
ALAMEDA
STANISLAUS
MARIPOSA
SAN MATEO
H
SANTA CLARA
MERCED
INYO
J
SANTA CRUZ
MADERA
O
SAN BENITO
FRESNO
TULARE
M
MONTEREY
N
KINGS
SAN LUIS OBISPO
KERN
SAN BERNARDINO
P
SANTA BARBARA
LOS ANGELES
Q
VENTURA
R
S
RIVERSIDE
ORANGE
SAN DIEGO
IMPERIAL
U

MAP 8


PLANNING DISTRICTS
FOR
EMPLOYMENT DEVELOPMENT
EMPLOYMENT DEVELOPMENT DEPARTMENT
Areas having a local prime sponsor under the Comprehensive Employment and Training Act
Areas where the Employment Development Department is the prime sponsor
HUMBOLDT
SHASTA
LASSEN
TEHAMA
GLENN
BUTTE
SIERRA
NEVADA
PLACER
SONOMA
YOLO
EL DORADO
MARIN
SOLANO
SAN FRANCISCO
CONTRA COSTA
SAN JOAQUIN
SAN MATEO
ALAMEDA
SANTA CLARA
STANISLAUS
MERCED
SANTA CRUZ
MADERA
INYO
FRESNO
TULARE
MONTEREY
KINGS
SAN LUIS OBISPO
KERN
SAN BERNARDINO
SANTA BARBARA
LOS ANGELES
VENTURA
RIVERSIDE
ORANGE
SAN DIEGO
IMPERIAL

MAP 9


AIR BASINS
AIR RESOURCES BOARD
1. North Coast
2. Northeast Plateau
3. Lake
4. Sacramento Valley
5. Mountain Counties
6. San Francisco Bay Area
7. San Joaquin Valley
8. Great Basin Valleys
9. Southeast Desert
10. North Central Coast
11. South Central Coast
12. South Coast
13. San Diego
DEL NORTE
SISKIYOU
MODOC
SHASTA
LASSEN
TRINITY
HUMBOLDT
TEHAMA
PLUMAS
MENDOCINO
GLENN
BUTTE
SIERRA
COLUSA
NEVADA
LAKE
SUTTER
YUBA
PLACER
YOLO
SONOMA
NAPA
EL DORADO
ALPINE
AMADOR
CALAVERAS
SOLANO
SACRAMENTO
MARIN
CONTRA COSTA
SAN JOAQUIN
TUOLUMNE
MONO
SAN FRANCISCO
ALAMEDA
STANISLAUS
MARIPOSA
SAN MATEO
SANTA CLARA
MERCED
INYO
SANTA CRUZ
MADERA
SAN BENITO
FRESNO
TULARE
MONTEREY
KINGS
SAN LUIS OBISPO
KERN
SAN BERNARDINO
SANTA BARBARA
LOS ANGELES
VENTURA
RIVERSIDE
ORANGE
SAN DIEGO
IMPERIAL
1
2
3
4
5
6
7
8
9
10
11
12
13

MAP 10

WATER QUALITY CONTROL REGIONS
WATER RESOURCES CONTROL BOARD
(Water Code)
1. North Coast
2. San Francisco
3. Sacramento Valley
4. Central Coast
5. Los Angeles
6. Santa Ana
7. Colorado Desert
8. San Diego
9. Lahontan
SHASTA
LASSEN
TRINITY
HUMBOLDT
TEHAMA
PLUMAS
MENDOCINO
GLENN
BUTTE
SIERRA
COLUSA
NEVADA
LAKE
PLACER
YOLO
SONOMA
NAPA
EL DORADO
AMADOR
CALAVERAS
MONO
TUOLUMNE
SAN FRANCISCO
SAN MATEO
SANTA CLARA
ALAMEDA
STANISLAUS
MARIPOSA
MERCED
INYO
SANTA CRUZ
MADERA
SAN BENITO
FRESNO
TULARE
MONTEREY
KINGS
SAN LUIS OBISPO
KERN
SAN BERNARDINO
SANTA BARBARA
LOS ANGELES
VENTURA
RIVERSIDE
SAN DIEGO
IMPERIAL

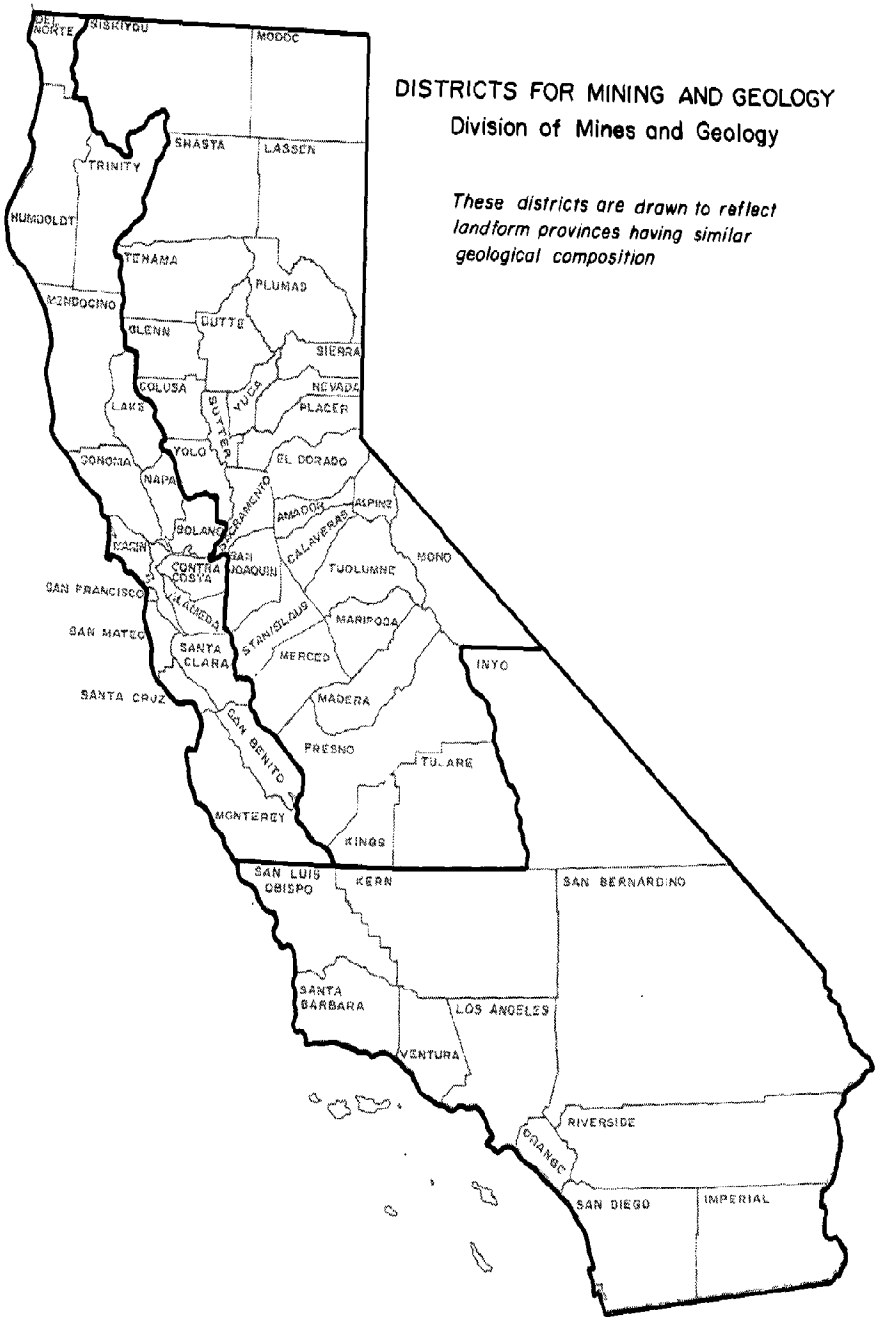
MAP 11

HYDROLOGIC STUDY AREAS
Department of Water Resources
NC North Coastal
SF San Francisco Bay
CC Central Coastal
SC South Coastal
SB Sacramento Basin
DC Delta-Central Sierra
SJ San Joaquin Basin
TB Tulare Basin
NL North Lahontan
SL South Lahontan
CD Colorado Desert
NC
NL
SB
SF
DC
SJ
CC
TB
SL
SC
CD
MODOC
SHASTA
LASSEN
TRINITY
HUMBOLDT
TEHAMA
PLUMAS
MENDOCINO
GLENN
BUTTE
SIERRA
COLUSA
LAKE
SUTTER
YUBA
NEVADA
PLACER
YOLO
EL DORADO
SONOMA
NAPA
AMADOR
CALAVERAS
MARIN
CONTRA COSTA
SAN JOAQUIN
TUOLUMNE
MONO
SAN FRANCISCO
ALAMEDA
STANISLAUS
MARIPOSA
SAN MATEO
SANTA CLARA
MERCED
INYO
SANTA CRUZ
MADERA
SAN BENITO
FRESNO
TULARE
MONTEREY
KINGS
SAN LUIS OBISPO
KERN
SAN BERNARDINO
SANTA BARBARA
LOS ANGELES
VENTURA
RIVERSIDE
ORANGE
SAN DIEGO
IMPERIAL

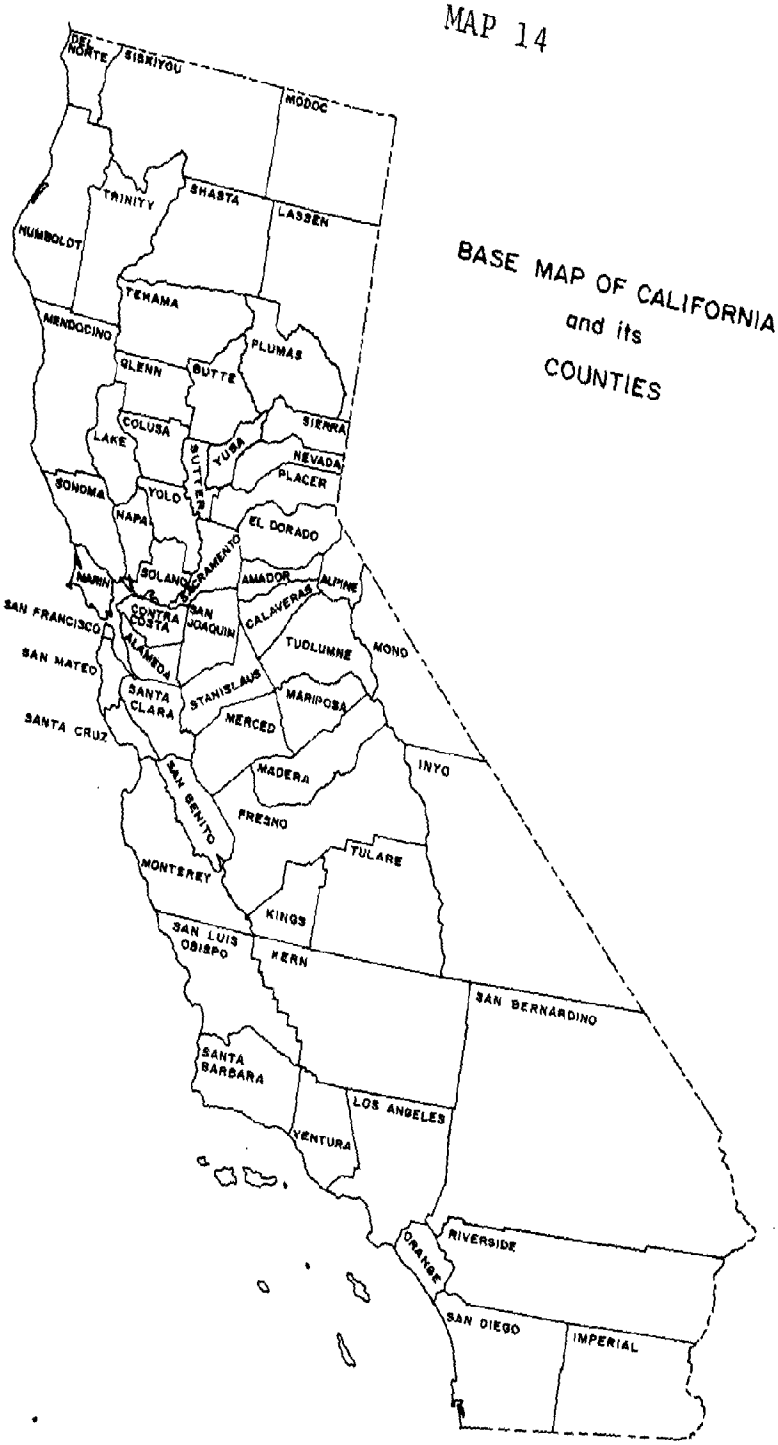
MAP 12

OIL AND GAS DISTRICTS
Division of Oil and Gas
DEL NORTE
SISKIYOU
MODOC
SHASTA
LASSEN
TRINITY
HUMBOLDT
TEHAMA
6
PLUMAS
MENDOCINO
GLENN
BUTTE
SIERRA
NEVADA
COLUSA
LAKE
SUTTER
YUBA
PLACER
YOLO
EL DORADO
SONOMA
NAPA
SACRAMENTO
AMADOR
ALPINE
SOLANO
CALAVERAS
MARIN
CONTRA COSTA
SAN JOAQUIN
MONO
TUOLUMNE
SAN FRANCISCO
ALAMEDA
MARIPOSA
SAN MATEO
STANISLAUS
SANTA CLARA
MERCED
5
INYO
SANTA CRUZ
MADERA
SAN BENITO
FRESNO
TULARE
MONTEREY
3
KINGS
4
SAN LUIS OBISPO
KERN
SAN BERNARDINO
SANTA BARBARA
LOS ANGELES
2
VENTURA
1
RIVERSIDE
ORANGE
SAN DIEGO
IMPERIAL

MAP 13


DISTRICTS FOR MINING AND GEOLOGY
Division of Mines and Geology
These districts are drawn to reflect landform provinces having similar geological composition
DEL NORTE
SISKIYOU
MODOC
SHASTA
LASSEN
TRINITY
HUMBOLDT
TEHAMA
PLUMAS
MENDOCINO
GLENN
BUTTE
SIERRA
COLUSA
YUBA
NEVADA
LAKE
SUTTER
PLACER
YOLO
SONOMA
EL DORADO
NAPA
SACRAMENTO
AMADOR
ALPINE
SOLANO
CALAVERAS
MARIN
SAN JOAQUIN
MONO
CONTRA COSTA
TUOLUMNE
SAN FRANCISCO
ALAMEDA
STANISLAUS
MARIPOSA
SAN MATEO
SANTA CLARA
MERCED
INYO
SANTA CRUZ
MADERA
SAN BENITO
FRESNO
TULARE
MONTEREY
KINGS
SAN LUIS OBISPO
KERN
SAN BERNARDINO
SANTA BARBARA
LOS ANGELES
VENTURA
RIVERSIDE
ORANGE
SAN DIEGO
IMPERIAL

MAP 14



BASE MAP OF CALIFORNIA
and its
COUNTIES

Roster of Persons Interviewed

ROSTER*

Adams, Janet K.
Executive Director
California Coastal Alliance
P. O. Box 4161
Woodside, CA 94062

Andresen, Ruth (S)**
Central Coast Regional Commission
33 San Carlos Drive
Salinas, CA 93901

Archbald, Gregory
Executive Vice President & General Counsel
The Trust for Public Land
82 Second Street
San Francisco, CA 94105

Azevedo, Margaret (A)
Chairman, North Central Coast Regional Commission
1877 Centro West Street
Tiburon, CA 94920

Benedict, Donald
Office of Legislative Analyst
Joint Legislative Budget Committee
Executive Plaza Building
925 L Street, Suite 650
Sacramento, CA 95814

Bliss, Ina
South Coast Coordinator
League of Women Voters
3901 Parkview Lane, Apt.2D
Irvine, CA 92664

Braly, Mark
Deputy to Councilman Marvin Braude
City Hall
Los Angeles, CA 90012

Braude, Marvin
Councilman
City Hall
Los Angeles, CA 90012

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*Affiliations of interviewees are listed as they were at the time of interview. The interviews were conducted between September 1973 and June 1975. The large majority of them took place in calendar year 1974.

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KEY:

INTERVIEWEES WHO ARE MEMBERS OF THE STATE OR REGIONAL COAST COMMISSIONS: SOURCES OF APPOINTMENTS

A = Appointed by the Speaker of the Assembly

G = Appointed by the Governor

S = Appointed by the Senate Rules Committee

R = Appointed to the state coast commission by the regional coast commission

Ci = A city council member appointed to the regional coast commission, usually by the city selection committee or council of governments

Co = A county supervisor appointed to the regional coast commission by the county board of supervisors or the regional council of governments

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