



RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

Executive Director:

Peter Douglas

Chair: Carl Williams

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The California Coastal Commission was established by the California Coastal Act of 1976, Public Resources Code (PRC) section 30000 *et seq.*, to regulate conservation and development in the coastal zone. The coastal zone, as defined in the Coastal Act, extends three miles seaward and generally 1,000 yards inland. Except for the San Francisco Bay area (which is under the independent jurisdiction of the San Francisco Bay Conservation and Development Commission), this zone determines the geographical jurisdiction of the Commission. The Commission is authorized to control development of, and maintain public access to, state tidelands, public trust lands within the coastal zone, and other areas of the coastal strip through its issuance and enforcement of coastal development permits (CDPs). Except where control has been returned to local governments through the Commission's certification of a local coastal plan (LCP), virtually all development which occurs within the coastal zone must be approved by the Commission.

The Commission is also designated the state management agency for the purpose of administering the federal Coastal Zone Management Act (CZMA) in California. Under this federal statute, the Commission is authorized to review oil exploration and development in the three-mile state coastal zone, as well as federally sanctioned oil activities beyond the three-mile zone which directly affect the coastal zone. The Commission determines whether these activities are consistent with the federally certified California Coastal Management Program (CCMP). The CCMP is based upon the policies of the Coastal Act. A "consistency certification" is prepared by the proposing company and must adequately address the major issues of the Coastal Act. The Commission then either concurs with, or objects to, the certification.

A major component of the CCMP is the preparation by local governments of LCPs,

as mandated by the Coastal Act of 1976. Each LCP consists of a land use plan (LUP) and an implementation plan (IP, or zoning ordinances). Most local governments prepare these in two separate phases, but some are prepared simultaneously as a total LCP. An LCP does not become final until both phases have been formally adopted by the local government and certified by the Commission. Until an LCP has been certified, virtually all development within the coastal zone of a local area must be approved by the Commission. After certification of an LCP, the Commission's regulatory authority is transferred to the local government, subject to limited appeal to the Commission. Of the 127 certifiable local areas in California, 83 (65%) have received certification from the Commission at this writing. At its November meeting in San Diego, the Commission held a hearing on the City of Encinitas LCP, and certified it with suggested modifications. The modified LCP has gone back to Encinitas for reapproval and, once approved by the City, will be reheard by the Commission and effectively certified. At this writing, the Commission is scheduled to consider the revised Encinitas LCP at its March meeting in San Diego.

The Commission meets monthly at various coastal locations throughout the state. Its meetings typically last four consecutive days, and the Commission makes decisions on well over 100 items. The Commission is composed of fifteen members: twelve are voting members and are appointed by the Governor, the Senate Rules Committee, and the Speaker of the Assembly. Each appoints two public members and two locally elected officials representing districts within the coastal zone. The three remaining nonvoting members are the Secretaries of the Resources Agency and the Business, Transportation and Housing Agency, and the Chair of the State Lands Commission. The Commission's regulations are codified in Division 5.5, Title 14 of the California Code of Regulations (CCR).

MAJOR PROJECTS

Commission Resignations, Appointments. The resignation of Commission Chair Thomas W. Gwyn at the Coastal Commission's November 1 meeting in San Diego set off a round of turnover among Commissioners that is not yet over. In explaining his decision to step down after

those in which an inability to resolve groundwater problems exists, despite persistent efforts to decontaminate the areas. The Board set mid-April as the target date for consideration of the policy. At this writing, it appears that the policy will be incorporated into WRCB Resolution No. 92-49 ("Policies and Procedures for Investigation and Cleanup and Abatement under Section 13304 of the Water Code"); a public hearing is scheduled for March 23.

At its January 4 workshop, the Board met to receive public comment and recommendations regarding courses of action with respect to water rights issues on the Russian River; the Russian River watershed encompasses about 1,480 square miles in Mendocino and Sonoma counties and is a substantial source of development. WRCB's Division of Water Rights currently has 1,404 water right filings on record, including 1,158 permits, applications, and licenses and 17 hydropower production filings. The Division has accepted 82 new applications for water right permits on the Russian River and tributaries; these pending applications raise questions regarding the availability of water within the Russian River system. Specifically, the two principal issues concern the maintenance of water levels within the main stem and tributaries of the river, and whether additional measures are needed to protect the fishery resources, primarily Coho salmon and steelhead trout, currently being considered by federal agencies for endangered species status.

FUTURE MEETINGS

For information about upcoming workshops and meetings, contact Maureen Marché at (916) 657-0990.





four and one-half years on the Commission, Commissioner Gwyn cited new responsibilities as the Communications Director for the Port of Oakland. The next day, Assembly Speaker Willie Brown appointed San Francisco attorney Carl Williams to the Commission; on the same day, Williams was elected to serve as the new chair of the Coastal Commission, over the objections of some members who said that a new Commissioner should not be elevated to the top post during his first meeting (although that is exactly what happened to Commissioner Gwyn [10:2&3 CRLR 178-79], also a Brown appointee). Williams' appointment was further clouded by the possibility that Brown would not be reelected as Assembly Speaker after the November election; at this writing, however, Brown appears to have retained that position and Williams' tenure is holding.

In addition to the resignation of Commissioner Gwyn in November, three Commissioners who represent local government have since left the Commission—Port Hueneme City Councilmember Dorill Wright and San Diego County Supervisor Leon Williams have retired from office, and Huntington Beach Mayor Linda Moulton-Patterson lost a bid for higher office. On November 18, Speaker Brown appointed San Diego City Councilmember Juan Vargas to replace Williams as a local government representative for the San Diego area. At this writing, Moulton-Patterson's seat on the Commission is expected to be filled by the Senate Rules Committee in early 1995. Finally, a replacement for longtime Commissioner Dorill Wright, who represented the Ventura, Santa Barbara, and San Luis Obispo areas for sixteen years, is expected to be announced by the Governor in late January; at this writing, the Ventura County Board of Supervisors is considering nominating Ventura Councilmember Rose Measures and Port Hueneme Mayor Toni Young as candidates for the regional representative slot on the Commission.

Commission's Approval of Gaviota Coast Golf Course Project Greeted With Lawsuit. Hours after electing Carl Williams as its new chair at its November meeting, the Commission reversed an earlier action and approved, by an 8-2 vote, Atlantic Richfield Corporation's (Arco) proposal to build two public golf courses on agriculturally-zoned land. The project is located on 101 acres of a 202-acre bluff-top site located ten miles west of Goleta, in an area along the Gaviota coastline that has remained largely undeveloped until now; however, several developments are in the planning stage, including this golf course project, a resort hotel, and a coastal

housing project. The area is expected to attract much attention in coming years as those who seek to develop it clash with those who want to preserve it as a pristine, undeveloped coastal resource.

The proposed Arco project calls for development of an 18-hole golf course on a 72.4-acre portion of the site, and an additional 9-hole golf course located on 8.7 acres at the eastern portion of the property. Support facilities will include a driving range, club house with pro shop and grill, administrative offices, meeting rooms and restrooms, a cart barn, maintenance area, restrooms and shelters along the course route, and a 275-car parking lot area. Under Santa Barbara County's LCP, the parcel is currently zoned AG-II, a designation used to protect agricultural soils and promote agricultural uses. Permitted uses under this designation are primarily limited to low-intensity and agriculturally-related uses; non-agricultural uses are conditionally allowed to the extent they do not conflict with long-term agricultural use or impact agricultural soils. The County's zoning ordinances include a separate "alternative conditional use" provision under which a variety of uses, including golf courses, may be approved if appropriate findings are made, including findings that the project is not inconsistent with the purpose of the zone district in which it will be located, and the project is consistent with all applicable LCP provisions.

The County approved the proposed project under the "alternative conditional use" provision; however, Coastal Commission staff rejected the County's findings and opposed the project, noting that approval of the proposed development and redevelopment of the site as golf courses would represent a complete conversion of agriculturally-designated lands to a non-agricultural use, and that the substantial alteration of the property and capital investments required by the proposed golf courses would preclude future re-conversion of the land to an agricultural use. Arco representatives claimed that, despite its zoning designation, the land was not suitable for agricultural land, and that until recently it was used for oil and gas exploration; in addition, Arco contended that the golf course project would actually enhance public access to the coastline. The project was opposed by environmentalists, who argued that the land has historically been used for agriculture, and that it represents a rare undeveloped area of coastal property. Commission staff determined that the project was outside the County's boundary line for urban development, and that approval of the project

would set an adverse precedent by breaking down agricultural zoning and opening the door to more intense development in the area. Finally, Commission staff noted Arco and the County have an alternative option: to go through the proper procedural process to rezone the area and modify the LCP.

The Commission originally voted to deny the project on April 13, 1994, but approved Arco's request for reconsideration in July. On October 14, Arco formally modified its proposal to include a variety of access improvements and dedications to cure the basis of the Commission's previous denial of the project, and again presented the project to the Coastal Commission at its November meeting in San Diego. At this meeting, the Commission voted 8-2 to approve the project, against staff's recommendation and the protests of environmental and surfing organizations. In January, the League for Coastal Protection and the Environmental Defense Fund filed a lawsuit against the Commission, challenging its approval of this project as violative of the Coastal Act (*see* LITIGATION).

Bolsa Chica Project Receives Initial Approval. On December 14, the Orange County Board of Supervisors approved a scaled-down plan to build homes in and around the Bolsa Chica wetlands area. As approved, the Koll Real Estate Group's plan calls for the construction of as many as 3,300 units on 1,600 acres of the ecologically sensitive Bolsa Chica area along the Pacific Coast Highway north of Huntington Beach. The Bolsa Chica area, which is one of the largest stretches of unprotected coastal marshland remaining in southern California, forms a natural habitat for various types of fish, mammals, and birds, including five bird types that are listed as endangered species. Numerous development plans for the Bolsa Chica area have been considered in the past two decades; the last plan submitted to the Board of Supervisors in the early 1970s called for as many as 5,700 residential units, a 1,300-slip marina, two jetties, oceanfront hotels, shops, and restaurants. Over the years, opposition to the development of the Bolsa Chica project has come from a number of groups, including environmental groups which fear that development will ruin a sensitive ecosystem, Native Americans who contend that development will disturb a sacred burial ground used by their ancestors, and others opposed to removal of a World War II artillery bunker from the site. [13:4 CRLR 175; 8:2 CRLR 105] The project has also recently been opposed by area residents and Huntington Beach officials who fear



that the project will impose additional costs on them by requiring them to provide fire, police, and educational services to serve the needs of future residents. While the project adjoins Huntington Beach, it is in unincorporated County territory, and the City is concerned that it will be forced to provide services without getting the full benefit of any fees and taxes generated by the project.

In approving the project, the Board of Supervisors noted that additional general fund requirements created by the development would be more than offset by the additional revenue the project would generate in the form of developer fees and increased state and local tax revenues, and that the additional jobs created would also benefit the County. In exchange for approval to proceed with the project, the developer agreed to spend about \$48 million to restore 950 acres of degraded wetlands, now being mostly used for oil production, by constructing a functioning tidal inlet to connect the marsh to the ocean. The developer has also agreed to work with area government and school district officials to address issues regarding the service agreements needed for the project. At this writing, the proposal has not yet been presented to the Coastal Commission or the U.S. Army Corps of Engineers for the required approvals, and the project has not received final ratification by the County Board of Supervisors. If approved, the project could get under way in 1996, with build-out scheduled to take place over 13 to 15 years.

Marina del Rey LCP Amendments Receive Initial Approval. On November 3, the Los Angeles County Board of Supervisors approved a set of amendments to the County's Marina del Rey LCP to increase the allowed height and density of residential, hotel, and commercial building surrounding the harbor. The proposed LCP revisions would allow an increased number of residential units, hotel rooms, boat slips, and increased office and retail space in the existing marina. Marina del Rey is owned by the County, and developers operate there on public land through long-term leases with the County. The proposal, which must be approved by the Coastal Commission, would also help enable development of an entirely new marina area and residential component proposed as part of the overall Playa Vista project, located just south of the existing marina. [14:1 CRLR 143]

The changes in the Marina del Rey LCP were prompted by a concern that the area needs to be revitalized, and also to increase the County's income potential by increasing the amount of development that

can occur in the area. While the proposed changes were approved unanimously by those supervisors who voted on the proposal, there was some opposition from area residents to increasing allowable densities and building heights in the Marina del Rey area. The approved land use plan attempts to address these concerns by limiting the tallest building heights of up to 225 feet to areas on the periphery of the marina, and by calling for building heights to taper down in areas closer to the water. At this writing, the proposed changes in the Marina del Rey LCP have not been presented to the Commission for final approval.

Status Report on Point Arguello Oil Shipments and New Pipeline Development. In October, Commission staff reported that Point Arguello marine tankering operations have been suspended since February 1, 1994, because the Point Arguello Oil Producers failed to submit to the Coastal Commission a fully executed unconditional Throughput and Deficiency (T&D) Agreement with a pipeline company that has obtained all discretionary permits, as required by their tankering permit. [14:2&3 CRLR 182; 13:4 CRLR 171-72] In June 1994, Chevron—on behalf of all the Producers—requested an amendment to the permit in order to enable the Producers to immediately resume tankering of Point Arguello oil. Coastal Commission Executive Director Peter Douglas denied this request and, in July 1994, the Commission affirmed his rejection of the amendment application.

During 1994, the Producers yielded approximately 78,868 barrels per day of Point Arguello crude oil. Because of the prohibition on tankering, the majority of crude oil is being transported via pipelines to refineries in Los Angeles, the Central Valley, the San Francisco Bay Area and/or Texas; approximately 10,000 barrels per day of Point Arguello crude oil is being trucked to Los Angeles area refineries.

In its October report, Commission staff also updated the status of three southern California pipelines. The draft environmental impact report (EIR) for the Pacific Pipeline Systems (PPS) project—a proposed 171-mile pipeline from Santa Barbara County to Los Angeles refinery destinations [14:2&3 CRLR 182]—is expected to be released for public comment in January 1995 and certified by the Public Utilities Commission (PUC) in June 1995. The PUC certified a final EIR for the PPS project in September 1993; however, in December 1993, PPS proposed to modify its northern origin point. This change required the PUC and the U.S. Forest Service/Angeles National Forest, who are the

lead agencies for the revised project, to prepare a joint EIR to evaluate the pipeline's new route. In April 1994, Chevron and Texaco, two Point Arguello Producers, executed a T&D agreement with PPS. However, as discussed above, tankering may not resume until an unconditional T&D agreement is executed and all discretionary permits are obtained. PPS expects to secure the discretionary permits by late summer or fall of 1995.

The Four Corners Pipe Line company (FCPL) is now pursuing an "optimization" project to increase the output of Line 63; at this writing, the expanded line should be fully operational by mid-1995. The FCPL Line 1 pipeline, which parallels Line 63, was shut down indefinitely as a result of the January 1994 Northridge earthquake. Once Line 1 was eliminated, Line 63 was left as the only common carrier pipeline available to transport crude oil from Point Arguello to Los Angeles. As a common carrier pipeline, Line 63 must prorate its shipper volume if capacity is not available. The project will increase Line 63's current capacity of 82,000 barrels per day by 30,000 barrels per day.

The Point Arguello Producers dropped their financial support of a third southern California area pipeline, the Cajon Pipeline. The Producers ended their support in February 1994, at the same time tankering ceased; the pipeline owners have been seeking alternative uses for its proposed pipeline since that time.

Unocal Cleanup of Guadalupe Beach Continues Past Deadline and Without CDP. During the Commission's December meeting, staff informed the Commission that Unocal's application for a CDP for the emergency cleanup of diluent contamination caused by subsurface pipeline leakage at Guadalupe Beach was incomplete and could not be filed at that time. At its October meeting, the Commission had asked the staff to accelerate the permit process; however, staff now estimates that a CDP application will not be submitted until the final EIR and local permits have been issued—a delay of one and one-half to two years.

Meanwhile, Unocal's cleanup of the Guadalupe Beach site continues past the October 15 deadline permitted in the emergency CDP issued by Commission Executive Director Peter Douglas in August. [14:4 CRLR 168] At the December meeting, neither Unocal nor staff could estimate a new completion date. Unocal was issued the emergency permit after Douglas determined that there was a high risk that diluent would re-enter ocean waters at the site during the 1994-95 winter storm season. Unocal's cleanup operation



involves excavating the beach area, cooking the sand to burn the oil out of it, and replacing the clean, burnt-colored sand back into the excavation area. Additionally, oil will be cleaned out of the water beneath the "clean" sand and an underground barrier will be installed to prevent polluted water from reaching the ocean.

In October, Unocal requested an increase in the level of pollution allowed to remain in the "clean" sand and permission to transfer sand from nearby dunes to fill in the excavated area and install the underground barrier; the Commission's staff strongly opposed both of these requests. At the December meeting, staff repeatedly emphasized that this is a complex situation which is being carefully monitored. At this writing, the staff intends to conduct a public hearing on the post-construction restoration plan of the site (as required in the emergency CDP), participate in the Natural Resources Damage Assessment process, and continue to closely monitor the status of the emergency work.

■ LEGISLATION

AB 35 (Mazzoni), as introduced December 5, this bill would prohibit a solid waste facility for which a conditional use permit was issued prior to January 1, 1976, which is located in whole or in part within the coastal zone and which is located within two miles of any federal park or recreation area, any unit of the state park system, or any ecological reserve, from being operated in a manner that is not authorized pursuant to the terms and conditions specified in the conditional use permit.

Existing law requires a lead agency to prepare an environmental impact report on any project that it proposes to approve that may have a significant effect on the environment, unless the project has been exempted from the California Environmental Quality Act. This bill would provide that a solid waste facility as described above is prohibited from being operated or expanded in a manner not authorized pursuant to the terms and conditions specified in the conditional use permit, or pursuant to the conditions specified in the solid waste facilities permits issued by the local agency, unless the lead agency has prepared and certified an environmental impact report. This bill would also prohibit the operator of such a solid waste facility from making a significant change in the design or operation of any solid waste facility except in conformance with the terms and conditions in its approved permit issued by the local enforcement agency or the California Integrated Waste Management and Recycling Board, acting as the enforcement agency. [*A. NatRes*]

■ LITIGATION

On November 9 in *Ojavan Investors, Inc., et al. v. California Coastal Commission*, No. BC059661, Los Angeles County Superior Court Judge Ruth Essegian ruled in favor of the Coastal Commission and ordered former Los Angeles businessman Peter Bogart and several corporate co-defendants to pay \$9.8 million in civil penalties, most of which will be deposited in the Coastal Conservancy Fund. Bogart's fine is by far the largest penalty ever imposed for violation of the Coastal Act.

The Commission's cross-complaint against Bogart involved 19 lots in Malibu's Latigo Canyon which were subject to development restrictions imposed by the Commission as part of its "Transfer of Development Credits" (TDC) program. Under the TDC program, developers purchase property in the coastal zone and record development restrictions on it, thus accruing "development credits" which may be used in securing CDPs from the Coastal Commission for other proposed coastal zone projects. Bogart and several corporate sub-entities purchased a number of these restricted lots in 1991, and thereafter advertised and sold several of them to third parties—allegedly without telling the purchasers that development is restricted on the parcels and/or implying that the restrictions would be lifted. In August 1992, the Commission issued a cease and desist order against Bogart to prohibit the sale or transfer of any interest in the properties without full compliance with the restrictions recorded in the deeds to the properties. Bogart sued the Commission to invalidate the cease and desist order and the development restrictions on a number of statutory and constitutional grounds; the Commission successfully sought dismissal of Bogart's complaint and cross-complained against him, seeking civil penalties for violations of the Coastal Act and restitution for the injured purchasers. Both the trial court and the appellate court found in the Commission's favor, and the appellate court remanded the matter to Judge Essegian for disposition of the Commission's prayer for civil penalties and restitution.

In calculating the civil penalties, Judge Essegian found Bogart guilty of 73 separate violations of the Coastal Act. The bulk of the civil penalties accrued for 73 violations of PRC section 30821 (now 30820), which the court calculated at \$100 per day from the date of each illegal purchase and sale of the deed-restricted lots up to October 13, 1994, for a total of \$9,457,800; additionally, Bogart is required to pay civil penalties for violations of other pro-

visions of the PRC, and must repay over \$200,000 to about two dozen purchasers of the properties.

On January 13, two environmental groups filed a lawsuit in San Francisco Superior Court against the Commission; in *League of Coastal Protection, et al., v. California Coastal Commission*, No. SCV-966524, the plaintiffs are challenging the Commission's approval of Atlantic Richfield's proposal to build two public golf courses on agriculturally-zoned land located near Goleta (*see* MAJOR PROJECTS).

■ RECENT MEETINGS

At its October 21 meeting, the Coastal Commission approved a major amendment to the City of Imperial Beach LCPLand Use Plan; the amendment was submitted by the City to implement "Proposition P," which was passed by the local electorate in Imperial Beach in November 1992. The substantive changes to the Land Use Plan create new residential, commercial, and mixed-use zone classifications with new residential densities that establish lower overall density and height limitations throughout the City. The major point of contention between Commission staff and the applicants was the proposed lower parking ratio in the commercial zones. The amendment lowers the parking requirement from one space per 250 square feet of commercial space to one space per 500 square feet of commercial space. This zoning change is only temporary and terminates after the first 100 spaces have been approved. Commission staff felt that a long-term study detailing the impacts of this proposal on nearby beach parking should be conducted before approval. In their appeal to the Commissioners, the City and its supporters emphasized the need to attract appropriate development, the temporary nature of the change, the fact that beach parking in the area is currently underutilized, and widespread community support for the proposal. The Commissioners agreed with the City and adopted the amendment by a vote of 11-0.

Also at its October 12 meeting, the Commission approved by a vote of 10-1, with Commissioner Carpenter dissenting, the City of Del Mar's request to install parking meters for 83 parking spaces available for beach users. The meters had already been installed in apparent violation of the Coastal Act, but were not yet operational. The Commission also approved a \$1 per hour charge, despite the fact that the nearest state beach charges only \$.50 per hour. The money will go directly to the City's general fund and will be used to provide beach services, beach access, and recreation improvements.



At its January meeting in Los Angeles, the Commission gave final approval to a controversial project allowing the City of Port Hueneme to build a 146-space recreational vehicle (RV) resort on a city-owned beach area. The Commission's 10-1 vote came 24 hours after the newly-elected City Council passed a resolution asking the Commission to nullify the previous Council's decision to proceed with the resort; the lame duck prior City Council had acted to approve the project when the Commission granted the City preliminary approval at its November meeting in San Diego. The project, which has been in the planning stage for five years, was backed by previous city councilmembers who argued that the project would bring needed revenue to the City. As a condition of preliminary approval, the Commission required City officials to move RV spaces further away from sensitive coastal wetlands areas; the City agreed to this change, and resubmitted the project for final approval at the January meeting. In the meantime, the proposed RV resort had generated substantial local opposition from local residents who were concerned that the project would spoil the nature of their community or harm the area's natural habitat. The November 1994 political campaign for City Council was a heated one, with 14 candidates lining up for or against the project; the three RV park supporters who chose not to run were replaced by one supporter and two opponents, and the new City Council (which took office in early December) voted to ask the Commission to cancel the plan. Following the Commission's decision to disregard the new Council's request and approve the project, the League for Coastal Protection, a nonprofit environmental organization, announced plans to file a lawsuit against the Commission, contending that allowing an RV park at the Port Hueneme beach would destroy a sensitive habitat area.

■ FUTURE MEETINGS

February 7-10 in Santa Barbara.
 March 7-10 in San Diego.
 April 11-14 in San Rafael.
 May 9-12 in Huntington Beach.

FISH AND GAME COMMISSION

Executive Director:
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The Fish and Game Commission (FGC), created in section 20 of Article IV of the California Constitution, is the policy-making board of the Department of Fish

and Game (DFG). The five-member body promulgates policies and regulations consistent with the powers and obligations conferred by state legislation in Fish and Game Code section 101 *et seq.* Each member is appointed by the Governor to a six-year term. Whereas the original charter of FGC was to "provide for reasonably structured taking of California's fish and game," FGC is now responsible for determining hunting and fishing season dates and regulations, setting license fees for fish and game taking, listing endangered and threatened species, granting permits to conduct otherwise prohibited activities (e.g., scientific taking of protected species for research), and acquiring and maintaining lands needed for habitat conservation. FGC's regulations are codified in Division 1, Title 14 of the California Code of Regulations (CCR).

Created in 1951 pursuant to Fish and Game Code section 700 *et seq.*, DFG manages California's fish and wildlife resources (both animal and plant) under the direction of FGC. As part of the state Resources Agency, DFG regulates recreational activities such as sport fishing, hunting, guide services, and hunting club operations. The Department also controls commercial fishing, fish processing, trapping, mining, and gamebird breeding.

In addition, DFG serves an informational function. The Department procures and evaluates biological data to monitor the health of wildlife populations and habitats. The Department uses this information to formulate proposed legislation as well as the regulations which are presented to the Fish and Game Commission.

As part of the management of wildlife resources, DFG maintains fish hatcheries for recreational fishing, sustains game and waterfowl populations, and protects land and water habitats. DFG manages over 570,000 acres of land, 5,000 lakes and reservoirs, 30,000 miles of streams and rivers, and 1,300 miles of coastline. Over 648 species and subspecies of birds and mammals and 175 species and subspecies of fish, amphibians, and reptiles are under DFG's protection.

The Department's revenues come from several sources, the largest of which is the sale of hunting and fishing licenses and commercial fishing privilege taxes. Federal taxes on fish and game equipment, court fines on fish and game law violators, state contributions, and public donations provide the remaining funds. Some of the state revenues come from the Environmental Protection Program through the sale of personalized automobile license plates.

DFG contains an independent Wildlife Conservation Board which has separate

funding and authority. Only some of its activities relate to the Department. It is primarily concerned with the creation of recreation areas in order to restore, protect and preserve wildlife.

At this writing, the Commission is functioning with one vacancy. The Governor has yet to fill the position of Commissioner Albert C. Taucher, who passed away in July 1994 after an 11-year tenure on the Commission (*see below*). [14:4 CRLR 171]

■ MAJOR PROJECTS

Commission Accepts Southern Seep Salamander as Candidate Species. At its November 4 meeting in Monterey, FGC accepted for consideration a petition to list the southern seep (or torrent) salamander as a threatened species under the California Endangered Species Act (CESA); on December 2, the Commission formally published notice of its listing of the salamander as a candidate species and triggered DFG's yearlong study of the species under Fish and Game Code section 2074.6.

In its action, the Commission accepted a petition filed by John Gaffin of the Environmental Protection Information Center (EPIC) on May 11, 1994. In his petition, Gaffin contended that the primary habitat of the seep salamander is headwaters in mature and old-growth forests in northern California timberlands. According to Gaffin, "this species is found only within the conifer-dominated forest habitats of northwestern California and western Oregon." Gaffin noted several studies indicating that the vast majority of virgin and old-growth forests in the Pacific Northwest have been harvested by the timber industry, and contended that "the ability of this species to withstand and recover from radical alterations of the late seral stage habitats with which it is associated is minimal." Additionally, the petition stated that unless it can be established that the seep salamander can survive current levels of habitat alteration, or the Forest Practice Act is modified to protect the riparian habitat on which the survival of the salamander depends, the species should be designated as threatened.

Following a review of the petition by DFG as required by section 2073, the Department presented its recommendation that the Commission list the species as a candidate at FGC's October 7 meeting. At that meeting, Gaffin supplemented his petition with scientific biological information and the testimony of a field biologist who studied the salamander. Also present at the hearing were representatives of several timber companies, including Louisiana-Pacific and the parent company of