



natural resource management projects addressing nonpoint source pollution.

In April, WRCB held its seventh annual Underground Storage Tank Conference; topics included proposed revisions to the Leaking Underground Fuel Tank manual, development of statewide cleanup standards, new state policies for designation of non-attainment zones, and UST enforcement in other states.

Also in April, WRCB staff began development of a Memorandum of Agreement with the U.S. Department of Defense (DOD) regarding funding for military base remediation and reuse. DOD will be conducting a comprehensive review of current state activities relative to facilities cleanup and reuse. Among the proposals in the model MOA are the elimination of the 1% cap for maximum state reimbursement for cleanup; an increased role for the state in prioritizing remedial actions; inclusion of UST corrective action in the MOA; and sufficient funding for the state to conduct the agreed-upon work.

On May 18-19, state and regional board members assembled to discuss a variety of statewide water quality issues at the Water Quality Coordinating Committee Meeting. Among the topics addressed were the ongoing strategic plan development process being facilitated by the Warner Group, nonpoint source pollution management, and the External Program Review (see MAJOR PROJECTS). The meeting was organized for informational purposes only and no formal action was taken.

■ FUTURE MEETINGS

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



RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

Executive Director:

Peter Douglas

Chair: Carl Williams

(415) 904-5200

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, 84 (66%) have received certification from the Commission at this writing. The first submittal of the City of Encinitas' LCP was heard by the Commission at its November 1994 meeting in San Diego, and was certified with suggested modifications. [15:1 CRLR 143] The modified LCP was then sent back to Encinitas, approved by the City, reheard by the Commission for a final time at its May meeting in Huntington Beach, and effectively certified; the City took over permit authority as of May 15.

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).

On May 5, Governor Wilson appointed Timothy J. Staffel, chair of the Santa Barbara County Board of Supervisors, to fill the vacant South Central Coast District Representative position on the Commission. Staffel replaces Commissioner Dorill Wright, who represented the Ventura, Santa Barbara, and San Luis Obispo



county areas on the Commission for sixteen years. At this writing, the South Coast District Representative on the Commission—to be appointed by the Senate Rules Committee—is the only remaining vacancy.

MAJOR PROJECTS

Commission Approves Amendments to Marina del Rey LCP. At its May meeting in Huntington Beach, the Commission approved by an 8-3 vote a set of changes to Los Angeles County's decade-old Marina del Rey LCP segment that will dramatically increase the allowed height and density of residential, hotel, and commercial buildings around the harbor. [15:1 CRLR 145] In so doing, the Commission acted against objections from marina-area residents, public interest groups, and its own staff—which had recommended denial of the LCP amendments and suggested modifications to address key concerns about open space, traffic, public coastal access, and building heights.

The Marina del Rey redevelopment plan, approved by the Los Angeles County Board of Supervisors in November 1994 [15:1 CRLR 145], would allow up to 2,585 additional residential units, 905 new hotel rooms, 1,875 restaurant seats, and 383 boat slips in the marina. The plan also allows for an extra 207,000 square feet of retail space, 58,000 square feet of office space, a 40,000-square-foot conference center, and a new wing for the library. The LCP amendment request applies solely to the County-owned Marina del Rey area, which the Commission has segmented from the adjoining Playa Vista project (which has not been finally approved by the Commission). [14:1 CRLR 143]

Los Angeles County officials and marina lessees contended that their plan complies with the 1976 Coastal Act, in that it provides and protects public access; they also argued that redevelopment of the Marina del Rey area is needed to attract the public and reverse decay in the area, especially given the impending competition from the nearby Playa Vista project. Project opponents objected most strongly to the increased building heights allowed on remaining parcels by the new plan, arguing that to allow high-rises would change the character of the area and block sunlight and views.

The amended LCP departs from the certified Marina del Rey LCP, which limited building heights adjacent to the water and allowed high-rises only around the periphery. The previously certified LCP limited most waterfront parcels in the marina to 35 feet; exceptions have been allowed for buildings on the periphery of up

to 225 feet, although—even there—a setback is required and building heights within 100 feet of the channels are limited to the standard 35 feet. In contrast, the newly approved LCP raises standard minimum building heights from 35 to 45 feet, and along the roads a flexible height standard would allow development to extend from 45 to 75 feet depending on the amount of "view corridor" provided by the developer. Most controversial is the building height increase on the few remaining shoreline parcels from a standard height of 140 feet to a maximum of 225 feet, again depending on the amount of "view corridor" provided. The proposed height incentives are combined with significant increases in the number of units; the County says that the increased height and densities are needed to attract development, and that the system of "view corridor" incentives will be enough to encourage developers to open up views. In exchange for rights to build to the maximum height and density allowed, developers will be required to provide an increasing amount of view corridor.

The Commission staff report recommended denial of the LCP as submitted, due to concerns in the following areas: (1) its failure to provide adequate open space and recreational facilities, given the heightening of development in the area; (2) concern over traffic mitigation in the face of increased residential and visitor usage; (3) the proposed new building heights and the effects of high-rise buildings on the boating, recreational, and residential experience in the Marina del Rey area; (4) a new emphasis on residential use, which will remove land open to the public from public usage and lead to increased need for recreational land; and (5) a lack of provision for lower-cost visitor serving facilities, particularly lower-cost overnight visitor facilities (most Marina del Rey hotels are luxury facilities). The major staff recommendations included: (1) lowering maximum height limits to 45 feet on peninsula roads, 75 feet along two major roads, and 140 feet along the periphery; (2) limiting the height/view corridor incentive program so that no incentives over minimum heights would be allowed without a meaningful (100-foot-wide minimum) view corridor; and (3) development of two new parks (5.9 acres) beyond the two now proposed by the County (4 acres total). Other modifications recommended by staff included denial of the proposed conversion of existing public parking lots to private uses, a timeline for the development of new recreational areas, requiring developers to make fair share contributions to regional traffic improve-

ments as a condition of improvement, and designation of land for lower-cost overnight facilities.

The Commission rejected staff's major recommendations, choosing instead to approve the Marina del Rey development plan—after over three hours of debate—largely as submitted by Los Angeles County, with a few relatively minor modifications. Commissioner Juan Vargas supported the approval, saying that the Commission should respect Los Angeles County's decisions about the marina; vigorous opposition came from Commissioners Gary Giacomini and Madelyn Glickfeld, who characterized the County's plan as overwhelming recreational uses and "walling off" the coastal area from those wanting to use it. Public opposition at the meeting came from Friends of Marina del Rey, the Sierra Club, and marina area residents. At this writing, no lawsuits have been filed against the project, but Commission staff have received numerous requests from groups considering such action.

Ocean Noise Experiment. At its May meeting in Huntington Beach, the Commission unanimously agreed to delay approval of a proposal to conduct an undersea sound experiment in the ocean waters off Half Moon Bay in San Mateo County until its June meeting in Carmel, so as to be able to hear from those who live in the area. Scripps Institute of Oceanography is planning an experiment called the Acoustic Thermometry of Ocean Climate (ATOC) project to measure global warming by broadcasting loud, low-frequency sounds from a sound-emitting device; the expectation is that the time it takes the sound to travel to receiver sites spread throughout the Pacific Ocean area, as far away as New Zealand, will assist in detecting changes in ocean temperature. ATOC consists of placing a sound-emitting device at Pioneer Seamount, 48 nautical miles offshore from Half Moon Bay, connected with a power cable to shore at the Pillar Point Air Force Tracking Station. The \$35 million experiment is being funded by the U.S. Department of Defense. The proposed sound transmissions will occur at an intensity of 195 decibels, and at a frequency of 75 Hertz, a range that is at the lower end of the range of human hearing (but people could hear the sound or feel the vibrations if they are in the ocean near the sound source). The sound transmissions would last for 20 minutes every four hours, on one out of every four days. Scripps believes that this is the minimum intensity and duty cycle needed to enable it to measure change in ocean temperatures.



Scripps initially proposed to place the sound source at a location 23 miles off the Big Sur coast, within the Monterey Bay National Marine Sanctuary (MBNMS), but MBNMS officials refused to allow the project after reviewing the draft environmental impact statement/environmental impact report (EIS/EIR) and conducting several public hearings and workshops. Because a number of species of marine animals hear and communicate at low frequencies (e.g., sperm whales, sea turtles, and elephant seals), concerns have been raised over whether the project will cause adverse effects on marine resources. While Scripps officials contend that the available evidence supports the conclusion that the project will not adversely harm marine resources, they also admit that very little is known about the effects of low-frequency sound on marine animals.

In response to the criticisms raised last year, Scripps moved the proposed location to Pioneer Seamount, 3,200 feet below the ocean surface and further offshore; critics point out that this area is equally full of sensitive marine life. Scripps has also dropped plans to study the effect of the sound on marine animals at the same time it is conducting the global warming tests. Scripps now proposes a Marine Mammal Research Program (MMRP) throughout the ATOC study, to begin with a six-month pilot study focusing on how the noise affects marine animals. After the six-month pilot program ends, ATOC sound transmissions will halt, and a report will be prepared to analyze whether any acute or short-term responses are attributable to the program. If not, the scheduled ATOC sound transmissions will resume, and the MMRP monitoring program will continue through ATOC transmissions. Scripps researchers have also proposed the following mitigations: (1) incorporating into ATOC a "ramp up period" during which the sound will be turned up gradually, rather than starting at "full blast"; (2) a commitment to operate ATOC at the minimum duty cycle to support MMRP objectives; (3) an agreement to cease the ATOC project in the event of adverse impacts; and (4) an agreement to limit ATOC operation to two years initially.

Despite these measures, concerns over marine resource impacts remain. The project requires Commission approval both as a federal consistency matter (because the sound can affect the coastal zone due to effects on marine animals there), and also as a coastal development permit, because the power cable traverses to shore and upland at Pillar Point Air Force Tracking Station in San Mateo County. The issue for the Commission is whether the pro-

posed mitigations are sufficient to protect marine resources; Commission staff's report concludes that answering that question is difficult given how little is known about marine animal response to sound, combined with the difficulty of monitoring these responses. At the same time, the staff report notes that there is potential for significant scientific and environmental benefits from the research proposed on both marine mammals and global warming; thus, Commission staff recommends approval as the best way to determine the project's impact is to allow it to proceed in the short term and conduct further study. Several environmental groups, including the Natural Resources Defense Council, are opposed to the plan; at this writing, the matter is scheduled for the June Commission meeting in Carmel. According to Commission staff, the involved parties are engaged in ongoing negotiations to resolve concerns; it is likely that there will be some additional mitigations or changes prior to the June meeting.

Mission Bay Master Plan Approved.

At its May meeting in Huntington Beach, the Commission unanimously approved the Master Plan for Mission Bay Park in San Diego. Approval of the Mission Bay plan was first considered at the Commission's March meeting in San Diego, but was postponed then due to a number of key unresolved issues in the areas of public access, protection of natural/biological resources, water quality, and balancing competing interests and uses.

The Mission Bay Master Plan area was the only non-certified land use segment of the City of San Diego's LCP, and was the last geographic area of the City of San Diego's coastal zone never acted on by the Commission. With a long history of involvement in community planning, the City of San Diego requested in 1977 that the Commission divide its Land Use Plan (LUP) into twelve segments to conform as close as possible to the City's various community plan boundaries; land use plans could then be prepared through the community planning process. Since then, the City has submitted all of its LUP segments aside from the Mission Bay Master Plan area; all of the segments are presently certified, in whole or in part. With the exception of the Mission Bay Master Plan and a few isolated areas which are being planned on a local level, the City of San Diego has had permit authority over the majority of its coastal zone since 1988; the Commission's approval of this final major area means that the City of San Diego will assume permit authority in this area as well. At the same time, while the permit authority for the overall Mission Bay Mas-

ter Plan will revert to the City of San Diego, the bulk of the area will remain under the authority of the Coastal Commission, subject to the certified LUP, because most of the Mission Bay area is tidelands over which the Commission has permanent permit authority.

The Mission Bay Master Plan is intended to guide the development of the park in the next two decades. Key elements of the plan include a 50% increase in developed public parkland, to be realized largely through the completion of the South Shores area (Phase I has been approved by the Commission and is under construction) and development of the southern half of Fiesta Island after a municipal sludge facility is relocated from the area. The plan also includes expansions of existing commercial leaseholds to accommodate up to an additional 950 hotel rooms, a relocation of an existing recreational vehicle camping facility and boating facility to other areas, a potential campground on Fiesta Island, and a new commercial lease area between Sea World and the South Shores parkland area. A new sand arena is proposed on Fiesta Island to accommodate sand-based sporting events, and a public amphitheater and promenade are proposed in the South Shores area for cultural events.

An additional 5,000 parking spaces are proposed, all within the southeastern area of the park (Fiesta Island and South Shores areas); however, this increase will be offset by a loss of 600 parking spaces due to proposed expansions of commercial leaseholds, including the Bahia Hotel and De Anza Resort. Improvements to an existing pedestrian/bicycle network in the park are included in the plan; a commitment is made to complete the path around the entire park perimeter, following the immediate shoreline as existing leases/uses permit. Finally, the plan includes a significant increase in natural resources areas, particularly wetlands. Mission Bay has a history of beach closures relating to water quality problems; the inclusion of the wetlands is intended to satisfy the public desire for natural areas for passive recreation and conservation, and also because of a realization that wetlands serve an important function in maintaining good water quality.

For the Commission, the most controversial aspect of the Mission Bay Master Plan was the proposed expansion of the Bahia Hotel, a commercial lease in the western part of the park near Mission Beach and Belmont Park. Redevelopment according to the Master Plan shifts the existing leasehold eastward; and, in addition to eliminating a direct access and launch



point popular with water users and as a picnic area, the expansion eliminates 249 existing parking spaces. The City of San Diego intends to use this land gained to accommodate the expansion of the hotel, and also to install a 16-foot-wide pedestrian/bicycle path around the point, one of the few gaps in an otherwise complete shoreline access path. The City's position was that the recreation opportunities for picnics and boating in the Bahia Point area would be replaced by new recreation areas elsewhere, and that the relatively small number of parking spaces lost would be made up for by parking lot additions elsewhere, largely at the overflow lot in the South Shores area near the Interstate 5 freeway and Sea World Drive. Commission staff objected to the expansion of the Bahia Hotel at the expense of public parking, noting that when Mission Bay improvements are complete, parking provisions will be inadequate at peak projected use; that the hotel expansion and parking lot removal are likely to occur well before the overflow lot is completed in the South Shores/Fiesta Island area; and, finally, that even when the overflow parking lot is completed, it will be too far removed to serve the needs of those members of the public wishing to recreate at Bahia Point. Commission staff recommended as modifications for approval limiting the hotel expansion to the current boundaries, and narrowing the bicycle/pedestrian path to 10 feet in width rather than 16 feet. The Commission rejected this proposed modification, and approved the Mission Bay Master Plan with the remaining modifications suggested by staff, most of which were minor clarifications and changes agreed to by the City of San Diego.

Bolsa Chica Project Update. Over the past few months, the proposed 3,300-unit development project in the 1,600-acre environmentally sensitive Bolsa Chica Reserve coastal wetlands area has been moving closer to development with a series of approvals by the Orange County Board of Supervisors. [15:1 CRLR 144-45] On April 18, the Board of Supervisors—which initially approved the project last December—gave approval to a plan requiring the restoration of 1,100 acres of wetlands; the Board of Supervisors' approval is the last local approval needed prior to the developer seeking the needed state and federal approvals. The development will now be presented to the Coastal Commission and the U.S. Army Corps of Engineers; at this writing, no date has been set for Commission consideration.

In a related action, Orange County Superior Court Judge Tully H. Seymour refused in April to block demolition of a

600-foot-long World War II era bunker that stands on Bolsa Chica land now slated for a park; environmentalists hoping to preserve the 51-year-old bunker unsuccessfully argued that the massive construction machinery needed to tear down the bunker would harm Native American artifacts buried nearby. Judge Seymour sided with the developers, who argued that the demolition would not affect the artifacts, which are generally located 500 to 700 feet away; also persuasive was an argument that the bunker, which was built as part of California's coastal defense, was not completed until after the war ended.

Exxon Agrees to Stop Tankering Oil. On March 28, the Minerals Management Service (MMS), a federal agency, issued a cease and desist order to Exxon pursuant to a request by the Coastal Commission. The Commission requested the action after Executive Director Peter Douglas determined that Exxon was conducting tankering activities in violation of its permit. MMS' order required Exxon to stop tankering Santa Ynez Unit crude oil from the San Francisco Bay area to Los Angeles area refineries on or before May 1. On April 7, Exxon agreed to stop tankering after meeting with representatives of the Commission and MMS. However, on April 25, in order to avoid a lengthy court appeal, MMS withdrew the order. In exchange, Exxon—which maintains it has not violated its permit—agreed to cease shipping for 30 days while negotiations for a mutual agreement continue.

The Coastal Commission notified MMS on March 20 that Exxon had been shipping Santa Ynez crude oil via the marine tanker *Exxon Baytown* since October 1994 at an estimated rate of 1-2 tanker loadings per month. In writing the notification, Douglas found that these shipments were in clear violation of Exxon's Santa Ynez Unit Development and Production Plan, as revised in June 1985. Exxon's approved plan only allows it to transport Santa Ynez Unit oil by marine tanker from the Las Flores Canyon Consolidated Marine Terminal, to the exclusion of other terminals. Exxon's tankering activities may also be inconsistent with PRC section 30265(b), which describes transport via pipeline as the environmentally preferred method of crude oil transportation. Douglas requested that the shipping permanently cease or that Exxon apply for an amended plan that would include these tankering activities. Any amendments would require MMS approval, a consistency determination by the Commission, and permits under the County of Santa Barbara's certified LCP.

On March 28, MMS notified Exxon that it agreed with the Commission's con-

clusions and ordered that tankering of Santa Ynez Unit oil from San Francisco to Los Angeles must cease by May 1. MMS also stated that if Exxon wishes to tanker Santa Ynez Unit oil from any marine terminal other than Las Flores Canyon, it should submit plan revisions to MMS. The cease and desist order gave Exxon the right to appeal the order. Because MMS later rescinded the order in order to stimulate settlement negotiations, Exxon did not file an appeal.

Guadalupe Beach Cleanup Completed; Restoration and Monitoring Continue. At the end of February, Unocal completed the cleanup phase of diluent oil spills at Guadalupe Beach in San Luis Obispo County. Unocal had been cleaning and restoring the beach area under an emergency permit issued by Commission Executive Director Peter Douglas in August. The project included the placement of a temporary retaining wall to prevent recontamination of the remediation area during cleanup, removal and cleaning of contaminated sand, and replacing it. [15:1 CRLR 145-46; 14:4 CRLR 168]

Although the cleanup phase has been completed, many post-construction requirements must still be met by Unocal. Unocal must continue to monitor the area to observe the impact of operations on plants and wildlife. Unocal must also submit a final monitoring report to Douglas. However, there have been several delays in the monitoring and restoration requirements. First, no remediation work will continue until several animal species finish nesting in the dunes area near the project site; these animals are not expected to leave until late summer. Second, debate has arisen over the removal of the temporary retaining wall. Recent storm activity has caused a diluent-contaminated estuary of the Santa Maria River to shift its bed to within 50 feet of the retaining wall. Unocal has proposed leaving the wall in place permanently to protect recently cleaned areas and prevent any recontamination, in the event the river shifts again. At this writing, Commission staff is investigating this alternative and has not yet made a recommendation to the Commission. Staff expects this decision and final completion of the project to occur in September, at the earliest.

Outside the administrative arena, Unocal has been faced with several lawsuits concerning the Guadalupe Beach oil spills. In *California v. Unocal Corp.*, No. CV 075157 (San Luis Obispo County Superior Court), Unocal pled no contest to three misdemeanor violations and agreed to pay \$1.5 million to the Department of Fish and Game, the County of San Luis



Obispo, and local environmental projects. Unocal had been criminally charged with failing to report the leaks of diluent, in violation of the state Water Code. On March 23, state prosecutors also filed *California v. Union Oil Company of California*, No. CV 75194 (San Luis Obispo County Superior Court), a civil complaint against Unocal charging it with numerous violations of several state environmental regulations. The amount of civil penalties and damages sought was not specified, but the maximum allowable fines total over \$200 million. Lastly, over 200 surfers have filed *Surfers' Environmental Alliance v. Union Oil Co. of California*, No. CV 07205 (San Luis Obispo County Superior Court), a class action suit against Unocal.

LEGISLATION

SB 787 (Mello), as amended April 24, would include the Secretary of Trade and Commerce as a nonvoting member of the Commission, and make a related statement of legislative intent.

The Coastal Act provides for the certification of LCPs and port master plans by the Commission, and requires that amendments to a certified LCP or port master plan be submitted to the Commission for approval. This bill would specify that, for purposes of those provisions governing certified LCPs and port master plans, "amendment of a certified local coastal program" includes, but is not limited to, any action by a local government that authorizes the use of a parcel of land other than a use that is designated in the certified LCP as a permitted use of the parcel. [S. Floor]

SB 749 (Hayden), as introduced February 23, would enact the California Parks, Natural Resources, and Wildlife Bond Act of 1996 which, if adopted, would authorize, for purposes of financing an unspecified program for the acquisition, development, rehabilitation, enhancement, restoration, or protection of park, beach, wildlife, and natural resources, the issuance, pursuant to the State General Obligation Bond Law, of bonds in an amount of \$300 million. The bill would provide for submission of the bond act to the voters at the statewide general election to be held on March 26, 1996. [S. NR&W]

SB 6 (Hayden), The Porter-Cologne Water Quality Control Act authorizes the issuance of various enforcement orders and civil penalties for prescribed violations of that Act. As amended April 25, this bill would prescribe procedures by which any person or entity may bring an action for civil penalties, declaratory relief, or equitable relief to enforce certain provisions of the Act involving violations regarding state ocean and coastal waters and

enclosed bays and estuaries. The bill would authorize a court to award costs to a prevailing party, including expert witness fees and reasonable attorneys' fees. The bill would require a civil penalty imposed and collected pursuant to those provisions to be distributed to specified state or local agencies and to the Water Resources Control Board for deposit into the Fish and Wildlife Restoration and Enhancement Account, which the bill would create. [S. Floor]

AB 1303 (McPherson). The California Coastal Act of 1976 allows specified individuals to appeal to the Commission any action taken by a local government on a CDP application. Existing law requires the Commission's Executive Director to determine whether certain appeals are patently frivolous; if the Executive Director determines that the appeal is patently frivolous, the appeal may not be filed until a filing fee in the amount of \$300 is deposited with the Commission within three days. As amended April 25, this bill would provide that any action taken by a local government on a CDP application is final, regardless of whether an appeal is submitted, if any required appeal filing fee is not deposited with the Commission within five days.

The bill would also define the term "minor development" for purposes of the Act and permit a local government, after certification of its LCP, to waive the public hearing requirement on a CDP application for a minor development if specified conditions are met. [A. Appr]

RECENT MEETINGS

At its February meeting, the Commission approved a plan, submitted by Chevron, to abandon permanently and remove Platforms Hazel, Hilda, Hope, and Heidi from state tidelands and submerged lands in the eastern portion of Santa Barbara Channel. In September 1992, all wells on the four platforms were shut down and the majority of the platforms' oil and gas processing equipment was drained and cleaned. Chevron can no longer feasibly operate the platforms due to the near depletion of the leases' petroleum resources and the economic costs associated with continuing operations. One significant issue is the use of explosives to cut the platform piles before removal of the platform jacket can occur. Chevron has agreed to special mitigation measures in its permit to protect marine life from these explosions. These measures include: no open water detonations; project operations shall occur between June 1 to November 30 to avoid impacts to migrating California gray whales; and 30-minute aerial surveys shall be con-

ducted by qualified observers one hour prior to detonation to ensure that no marine mammals or sea turtles are within a 1,000-yard radius of the site.

On March 8, the Commission approved a consistency certification requested by the California Department of Transportation (CalTrans) to replace two bridges over Rincon Creek and realign one mile of Route 150, near Casitas Pass Road at the Santa Barbara-Ventura County boundary. The consistency review is not a final review but only a preliminary review requested by the federal government before it allocates money to the project. CalTrans reported that additional signs intended to improve the narrow 48-year-old highway's safety have not been successful. Opponents claimed that a certified environmental impact report should be prepared before the Commission takes any action, that the proposed project will destroy rainbow trout fisheries habitat, that no action should be taken before a formal CDP application is filed with the Commission, and that the bridges are not obsolete and dangerous but that the accidents are only due to excessive speeding. Although the Commission's approval was an exception to standard procedures, staff recommended a preliminary approval due to the special federal funding issues.

Also in March, the Commission approved a downscaled Downtown Specific Plan for Huntington Beach; the city's original plan would have allowed for 1.5 million square feet of development, whereas the adopted plan reduces development to about 500,000 square feet of residential, retail, and commercial uses. The plan covers a 336-acre area from Beach Boulevard to Golden West Street along Pacific Coast Highway, and on Main from Pacific Coast Highway to Palm Avenue; the area centers around the Huntington Beach Pier, and has been a focus of redevelopment efforts in the past decade. The new Specific Plan will limit building heights to three to four stories, and will incorporate a "village concept" with pedestrian areas linking Main Street, the city pier, and Pacific Coast Highway. The plan provides guidelines for commercial and residential development, and addresses parking needs and incentives for affordable housing. The Downtown Huntington Beach Specific Plan was developed through a process incorporating area residents, business owners, and landowners; city officials and interested parties who addressed the Commission stressed that the approved Specific Plan and its parking plan are critical to continued redevelopment in the area, and noted that a number of projects are on hold pending final approval of the Specific Plan.



At its May meeting in Huntington Beach, the Commission approved the City of Long Beach's request for an amendment to its LCP to allow for the implementation of a \$557 million downtown shoreline plan known as the Queensway Bay Development Plan. The proposed plan includes the following: (1) replacement of Shoreline Lagoon with a new harbor, public esplanade, and public aquarium, (2) expansion of the Shoreline Village shopping center with new shops and restaurants, (3) the addition of commercial uses in the Tidelands and Shoreline Park areas, (4) relocation of displaced park lands, and (5) replacement of a public boat launch with a wetlands mitigation park. In 1991, the Disney Company failed in its bid for permission to build a waterfront theme park in the same area with a plan that included a major restructuring of the coastline [12:1 CRLR 158-59]; this time, the Commission said the City's plan is more consistent with the Coastal Act in protecting and expanding public access to the coastline and expanding public park and recreational facilities. The proposed amendment was approved with some modifications to ensure that all displaced parkland and recreational boating slips be replaced prior to being removed from public use so as to prevent any time gap between displacement of parkland and the provision of replacement park areas. With approval in hand, the City of Long Beach plans to sell revenue bonds this summer to finance the aquarium, which will get under way this fall.

The Commission is sponsoring "California Coastweeks," scheduled for September 16 to October 9. "Coastweeks" is part of a national celebration of the country's shores and beaches. Last year's activities removed over 550,000 pounds of marine debris from California's coastal and inland waterways. Other activities include hikes along the Coast Trail, boating expeditions, explorations of bays and tidepools, coastal and marine fairs, and a lecture series.

■ FUTURE MEETINGS

June 13-16 in Carmel.
July 11-14 in Long Beach.
August 8-11 in Eureka.
September 12-15 in Los Angeles.

FISH AND GAME COMMISSION

Executive Director:
Robert R. Treanor
(916) 653-9683

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.

On February 23, DFG Director Boyd Gibbons submitted a letter of resignation to Governor Wilson; Gibbons will not leave until June 30 in order to ensure an orderly transition. Gibbons has served as DFG Director since December 11, 1991. At this writing, the Governor has not named Gibbons' replacement.

In May 1994, President Clinton appointed Commissioner Gus Owen to the Interstate Commerce Commission. In April 1995, the ICC chose Owen as its vice-chair, prompting Owen to state he will resign his post on FGC; at this writing, no replacement has been chosen for Owen.

On May 4, Governor Wilson appointed Theodore W. Dutton to fill the Commission vacancy created by the June 1994 death of longtime Commissioner Albert Taucher. Dutton, a Republican from Lake Arrowhead, is vice president of Cadiz Land Company, a San Bernardino agricultural concern. He is also a general partner in Dutton and Associates, a real estate investment firm.

■ MAJOR PROJECTS

DFG Issues Incidental Take Permit for Emergencies. On March 17, DFG published notice of its issuance of a state-wide permit allowing the take of species listed as threatened or endangered (and candidates for threatened or endangered status) under the California Endangered Species Act (CESA) "when activity is necessary to prevent or mitigate an emergency or natural disaster." For purposes of the permit, the term "emergency" means a sudden, unexpected occurrence, involving clear and imminent danger, demanding immediate action to prevent or mitigate loss of or damage to life, health, property, public safety, or essential public services. The term "emergency" includes but is not limited to occurrences such as fire, flood, earthquake, or other soil or geologic movement, as well as riot, accident, or sabotage.

The terms and conditions of the permit state that a listed or candidate species may be taken to prevent or mitigate an emergency or natural disaster, or to restore any property or public or private facility to the condition in which it existed immediately before an emergency or natural disaster in any county where the Governor has proclaimed a state of emergency or in any county or city in which there has been a