



per year. Of the three landfills, one will close in 1993, and the other will close in 1994.

The proposed revisions to the plan include the expansion of existing landfills or siting of new landfills, and an enforcement program yet to be appended to the plan. The county will also consider AB 1809 (Tanner), which requires each County Solid Waste Management Plan (CoSWMP) to develop a program for the safe management of household hazardous waste if it determines such a need exists.

The Board also approved the San Joaquin County SWMP revision. Although delinquent, the revision was finally submitted on July 1, 1986. The county has five major landfills and two transfer stations servicing a population of 423,154 which generates 406,000 tons of waste per year. Of the five landfills, the Harley Lane landfill in the north will close in 1991, and the Corral Hollow landfill in the south will close in 1990.

The revisions to the plan include the siting of new landfills near each of the two closing landfills, upgrading the Lovelace transfer station and, for the central area of the county, maintaining the Foothill landfill. Also, the county wants its solid waste system to be economically independent of General Fund contributions. In this regard, the plan recommends that any borrowing from the Fund be treated as a commercial loan with a regular amortization schedule. Further, it recommends a self-sufficient Enterprise Fund approach which includes charging a user fee for all services rather than splitting the fees with the cities through a revenue sharing basis. The Enterprise Fund will fund all of the county solid waste administrative activities and facility operations. Finally, the plan calls for the repayment of approximately \$5 million borrowed from the General Fund over the last ten years.

Board member Ginger Bremberg suggested to San Joaquin County Solid Waste Manager Tom Horton that the county pay special attention to the problem of potential groundwater contamination in the Lodi area. She feels the problem has been neglected in the past.

The Board also approved a permit revision for the Chicago Grade Landfill in San Luis Obispo County. The original permit allowed 27 tons of waste per day. Because of population growth, however, the waste has increased to 61 tons per day. Board staff agreed with the local enforcement agency of the county that the change was not significant given the

population growth. Therefore, the permit will be revised to allow for the increase in tonnage.

The Board approved issuance of a Request for Proposals to prepare guidelines to help local enforcement agencies design, construct, and operate leachate and gas monitoring and control systems at closed and operating landfills. So far, the standards in this area have been too vague. These guidelines will provide LEAs with a better understanding of the engineering aspects of these control systems, and will standardize system construction, operation, and monitoring practices. Hopefully, the guidelines will be completed by July 1987.

At its November 7 meeting the Board rejected the Marin CoSWMP Revision. The plan had been delinquent since March 1984. A new plan, however, was completed and received the approval of Marin County's eleven incorporated cities. Nevertheless, the Board members identified too many problems with the new plan, and have given the county six months to resolve those problems.

FUTURE MEETINGS:

To be announced.

COASTAL COMMISSION

Director: Peter Douglas

Chairperson: Michael Wornum

(415) 543-8555

The California Coastal Commission was established by the California Coastal Act of 1976 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. This zone determines the geographical jurisdiction of the Commission. The Commission has authority to control development in state tidelands, public trust lands within the coastal zone and other areas of the coastal strip where control has not been returned to the local government.

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 has authority 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 Pro-

gram (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.

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 of coastal districts. The three remaining nonvoting members are the Secretaries of the Resources Agency and the Business and Transportation Agency, and the Chair of the State Lands Commission.

MAJOR PROJECTS:

LCPs. A major component of the CCMP is the preparation of local coastal programs (LCPs), mandated by the Coastal Act of 1976. The purpose of the LCPs is to conform local land use plans and implementing ordinances to the policies of the California Coastal Act. Each LCP consists of a land use plan (LUP or Phase II) and implementation ordinances (zoning or Phase III). 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 are certified, formally adopted by the local government, and then "effectively certified" 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. There are 69 county and city local coastal programs.

To date the Commission has reviewed and acted upon 109 land use plans, or 84% of the 129 LCP segments. Of these, the Commission has certified 90, and denied or certified with suggested modifications the other 19. Twenty-four of these LCPs or LUPs have portions or areas that are uncertified at this time, and are known as "areas of deferred certification."

The Commission has acted upon 78 implementation (zoning) submittals (or 60% of the 129 segments). Of these, 52 have been approved, and the remaining 26 either rejected or approved with suggested modifications. Unlike the LUP portion of the LCP, there will not be 129 different zoning portions, because most local governments will implement their LUP segments using a single zoning



ordinance which covers their entire coastal geographic area.

To date, 49 total LCP segments (38% of the 129) have been effectively certified and local governments are now issuing coastal development permits.

MAJOR PROJECTS:

Chevron USA, Inc. In a sharp policy shift, the Commission secretly voted to withdraw its objections to an offshore oil drilling platform and permitted Chevron USA, Inc. to reduce environmental-protection measures the firm had volunteered to install. The action was taken in a closed-door meeting on November 12, 1986. During the meeting the Commission agreed to settle a lawsuit and administrative appeal brought by Chevron against the Commission, stemming from Commission's September 9, 1986 decision denying Chevron's consistency certification (No. CC-3686) for Platform Gail and appurtenant pipelines. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 76.)

As part of the settlement, Chevron agreed to withdraw its lawsuit in federal court and its appeal of the Commission's decision to the Secretary of Commerce.

Environmentalists objected to Chevron's plans, noting the proximity of the platform to heavily-used shipping lanes and the Channel Islands National Park and Marine Sanctuary. Some commissioners argued that the dangers to the environment presented by Platform Gail are too great; others argued the decision would set a precedent of "excessive" standards that all oil companies seeking future certifications would be compelled to follow.

Chevron will install the platform in 739 feet of water within 2,060 feet of the border of the northbound shipping lane, and six-and-one-half miles north of Anacapa Island.

Cities Service: Platform Julius. On Tuesday, January 13, the Commission approved construction of the first oil platform to be located in the North Santa Maria Basin, ten miles off the San Luis Obispo County coast. The 7-5 vote came over the objections of the Commission staff, environmentalists and the Counties of Santa Barbara and San Luis Obispo, who fear the project will have negative impacts on air quality and on the endangered northern sea otter.

Officials for Cities Service, a subsidiary of Occidental Petroleum Corporation, estimate that seventy wells will be drilled from Platform Julius, producing 40,000 barrels of oil per day.

The Commission staff opposed the application, arguing it would cause

"significant, unmitigated impacts on coastal resources." The staff is primarily concerned with possible oil spills in the open sea that would harm the sea otters and over air pollution caused by oil production.

The project must be endorsed by the San Luis Obispo County Board of Supervisors and San Luis Air Pollution Control District. If approved, the county's voters will have the final say on whether on-shore oil refineries connected to the project may be built.

Batiquitos Lagoon. As a condition to the issuance of a permit for the construction of a pipeline from Los Angeles Harbor to Midland, Texas for the transport of Alaskan crude oil, the Coastal Commission required that Pacific Texas Pipeline Company agree to pay for improvements to scenic Batiquitos Lagoon to offset environmental damage expected during the construction. The Commission required that Pacific Texas place Lagoon enhancement funds in a trust account before beginning work on the project. The proposed enhancement would clear sand from the mouth of the 600-acre Lagoon and would prevent sand banks from the natural tidal flow. The revitalized estuary then would become a breeding ground for birds and ocean fish. Los Angeles city officials hope to begin the project in the summer of 1988.

LEGISLATION:

SB 1862 (Marks), which has been signed by the Governor, authorizes plans prepared for the Port of San Francisco pursuant to the Urban Water Restoration Act of 1981 to comply with specified requirements and requires, upon the approval of the State Coastal Conservancy, that the Port be given high priority for urban waterfront project funding.

AB 2915 (Farr), signed by the Governor, protects sea otters by providing incentives to fishermen to use fishing methods other than gill nets.

SB 959 (Hart) was enacted last year and is now being implemented. This law provides \$35.5 million in grants to help coastal counties and cities cope with the economic and environmental impacts of offshore oil drilling in their jurisdictions. SB 959 is designed to compensate coastal cities and counties for the costly process of analyzing and evaluating offshore oil drilling proposals.

Proposed Federal Legislation. Congressional representatives Mel Levine (D-Santa Monica) and Barbara Boxer (D-Greenbrae) plan to introduce a bill in early 1987 that would prohibit

offshore oil drilling in a vast area off California's coast by designating the area an ocean sanctuary. The proposed legislation would prohibit oil and gas exploration as well as ocean incineration and dumping in areas within 200 miles of the California shoreline. The legislation would provide permanent protection where drilling has been prohibited under an annual moratorium passed by Congress for four years until it was dropped last year.

LITIGATION:

The United States Supreme Court has agreed to hear a case which could affect the ability of the Commission to demand private property or public rights-of-way or access. The case, *Nollan v. California Coastal Commission*, involves a Ventura County couple who applied for a construction permit from the Commission to build a new beach home on private beachfront. The Commission conditioned the grant of the permit on the Nollans' agreement to dedicate a portion of their property for public access to the beach. The Nollans challenge the state's authority to "take" their land without compensation.

The Supreme Court has also granted *certiorari* in *Coastal Commission v. Granite Rock Co.* Under a permit from the U.S. Forest Service, Granite Rock operates a five-acre quarry in the Big Sur area of Los Padres National Forest. The Commission seeks to require Granite Rock to obtain a state mining permit as well. The case thus involves federal preemption issues and the state's power to impose its own environmental regulations on private companies mining on federal lands under a federal permit.

Finally, the Ninth Circuit Court of Appeals has issued a ruling in *Exxon Corp. v. Coastal Commission*. In January 1983, Exxon was granted the right to conduct exploratory oil drilling in the outer continental shelf opposite the Santa Barbara shoreline. The Coastal Zone Management Act (CZMA) requires any applicant for a federal license to certify that proposed activities in an outer continental shelf which might affect a state's use of land or water within its coastal zone conform with the state's coastal management plan. The Coastal Commission objected to Exxon's plan as being inconsistent with its coastal program. Exxon sued the Commission in federal court, seeking a declaration that the Commission's objection violated the CZMA. The district court granted summary judgment to Exxon.



The Ninth Circuit reversed the lower court, ruling that Exxon could not mount a direct challenge in federal court to the state Coastal Commission's objections, which had already been upheld by U.S. Department of Commerce Secretary Malcolm Baldrige. The court held that the company must instead contest Baldrige's ruling in favor of the state agency, and must prove that the federal agency acted unreasonably in its area of expertise.

RECENT MEETINGS:

Michael Wornum, Chairperson of the Coastal Commission, apologized at the November 12 meeting for the use of his name in a political campaign mailer which implied that the Commission was supporting a state senate candidate. The mailer was attacked as unethical because of the use of the Commission's name and a look-alike logo.

FUTURE MEETINGS:

February 24-27 in Marina Del Rey.
 March 24-27 in San Francisco.
 April 21-24 in Marina Del Rey.

DEPARTMENT OF FISH AND GAME

Director: Jack Parnell
 (916) 445-3531

The Department of Fish and Game (DFG) manages California's fish and wildlife resources. Created in 1951 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.

The Fish and Game Commission is the policy-making board of DFG. The five-member body promulgates policies and regulations consistent with the powers and obligations conferred by state legislation. Each member is appointed to a six-year term.

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

100 million acres of land, 5,000 lakes, 30,000 miles of streams and rivers and 1,100 miles of coastline. Over 1,100 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. Its main concern is with the creation of recreation areas in order to restore, protect and preserve wildlife.

MAJOR PROJECTS:

Annual Report from USDA Forest Service. At its October meeting in Sacramento, the Fish and Game Commission received the 1986 Annual Report from the U.S. Department of Agriculture Forest Service. The Annual Report is the product of a policy adopted by the Commission in 1984 for ensuring effective communication between the U.S. Forest Service (USFS) and the California DFG. It is designed to address Forest Service plans, management practices, and policies on National Forest lands within the state which may impact fish and wildlife resources or their habitat.

The report is additionally a recognition that the two agencies respond to different mandates concerning resource management. While the DFG seeks to maximize fish and wildlife resources, the USFS is bound to the federally-legislated practice of multiple use. The report was revised for 1986 to highlight those Forest Service plans, management practices, and policies which might negatively impact fish and wildlife resources.

Among the issues addressed in the report are the following:

- **Hardwood Management.** In forests where significant timber harvesting occurs, there is concern that fewer hardwoods will result in smaller populations of hardwood-dependent species. The Forest Service Report recommended that DFG work with the Forest Service to set some hardwood species goals for

which specific standards and guidelines may be developed.

- **Off-Road Vehicles.** The report acknowledged the complexity of the issue due to varied opponent and proponent positions, but stated that land management plans will provide additional direction and standards for management of the activity. Further, the report stated that revisions and resolutions must come from the Forest Service, but that continued involvement by the DFG would be required.

- **Livestock Grazing.** The report addressed the concern that an increase in livestock grazing will result in less transitory forage available for deer. The USFS suggests evaluation of proposed increases in livestock grazing and existing cases of overgrazing on a case-by-case basis with the individual forests. Any specific proposals for increases will consider effects on other resources such as recreation, fish, and wildlife.

- **Economic Values of Fish and Wildlife.** The U.S. Department of Agriculture formed the USDA Task Force to investigate criticism that the USFS gives insufficient valuation in its land management planning activities to fish and wildlife outputs. The Task Force was designed to study emerging markets for hunting, fishing, and viewing of wildlife, and to recommend methods for assessing market values for these activities commensurate with those for commodities such as timber and minerals. The Task Force's final report should be published in the near future.

The Forest Service Annual Report additionally addressed such topics as riparian area management, sensitive plants, deer forage production, biologist staffing levels, and minimum viable populations.

Condor Captured. The first of the remaining three wild condors was captured in December. The condor, known as AC-2, was taken to the San Diego Wild Animal Park to become part of its captive breeding program.

A permanent capture prohibition, imposed in January 1986 at the request of the National Audubon Society, was lifted in June by the District of Columbia Circuit Court of Appeals in Washington, D.C. (see CRLR Vol. 6, No. 4 (Fall 1986) pp. 79-80). The ending of the prohibition allows for renewed efforts to capture the remaining condors before winter sets in. Condors have a high mortality rate in the wild.

At its December meeting, the Fish and Game Commission listened to a request by the Chumash Indians asking for