



Ox Mountain, located in Los Trancos Canyon, is the County's only landfill. Because it will close in 1989, the County wants to expand the landfill to the adjacent Apanolio Canyon. The expansion will add another 97 years to the life of the landfill. The Board agreed with the County that this expansion is needed. However, expansion is contingent on the County's receipt of the regional water quality board's waste discharge permit, the U.S. Army Corps of Engineers' section 404 permit, and air quality management district section 34 emissions approval.

Staff gave an update on the U.S. Environmental Protection Agency's (EPA) Subtitle D program. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 74.) The Subtitle D program sets out federal criteria and minimum standards for all solid waste disposal facilities. Recent amendments to the federal Resources Conservation and Recovery Act have directed EPA to revise its hazardous waste criteria for certain facilities; EPA will also oversee the categorization of existing landfills and future landfills. The EPA is considering the creation of four categories under which landfills may be classified, depending on the landfill's potential level of groundwater contamination. The landfill's category will determine the level and type of upgrading required, which upgrading must comply with specified standards.

The general response of the states and their agencies is that classification of all landfills in the United States into four categories is unrealistic. Staff member Keith Amundson commented that "Everybody knows that establishing the environmental controls for landfills is almost a site-by-site activity now." He commented further that the system as it now exists, with states as landfill managers, is a good one, and there has been no "substantive demonstration of wholesale type problems." He believes the Subtitle D program will encounter much opposition.

At its January 22-23 meeting in Sacramento, the Board approved permit reviews and revision for Tehama County's Diamond landfill expansion and for Los Angeles County's Bradley Avenue West landfill tonnage increase. It also approved the Sierra County CoSWMP review report.

Of most interest was the request by the City of Redondo Beach to terminate the curbside portion of its state-funded recycling program. In 1982, the Board provided a \$179,016 grant to the city, which fulfilled the Board's obligation

under a contract with the city for the establishment of a community buyback recycling center where residents could redeem recyclable materials for cash. In addition, the city agreed to establish a multi-material curbside collection program for residents in specified areas of the city. The contract is in effect until June 1987.

The city subcontracted with Western Waste Industries (WWI) to carry out the provisions of the contract. WWI began curbside collection in 1983, but after three and one-half years of operation and a loss of \$70,000-\$80,000 annually, WWI asked the city to cancel that portion of the contract.

On October 16, 1986, the city granted WWI's request and discontinued curbside collection. Although WWI had sent a letter to the CWMB notifying it of the request, the Board had no idea the city would take immediate action and had not consented to the arrangement. The city appeared before the Board at the January meeting to seek the Board's approval, albeit after the fact. The Board was not pleased with the city's action, but because the contract will terminate in six months in any event, the Board approved the termination of the curbside recycling program.

FUTURE MEETINGS:

To be announced.

COASTAL COMMISSION

Director: Peter Douglas

*Chairperson: Michael Wornum
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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 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.

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.

The Coastal Act allows local governments, with Coastal Commission approval, to divide their coastal zone into geographic segments, with a separate LCP prepared for each segment. For this reason, 130 LCPs are being prepared instead of 69 (the number of actual coastal zone cities and counties). This figure has increased by one since the October 8, 1986 Status Report (see CRLR Vol. 7, No. 1 (Winter 1987) p. 82), recognizing the new segment of Playa Vista, an area annexed by the City of Los Angeles, which was



formerly part of the Marina Del Rey segment of the Los Angeles County LCP.

To date, the Commission has reviewed and acted upon 111 land use plans (85% of the 130 LCP segments). Of these, the Commission has certified with suggested modifications the other 19. The Malibu/Santa Monica Mountains LUP portion of Los Angeles County is the only LUP certified since October 8, 1986 Status Report. Twenty-one of these LCPs or LUPs have portions or areas that are uncertified at this time, and are known as "areas of deferred certification." Most of these are minor in nature.

The Commission has acted upon 78 implementation (zoning) submittals (or 60% of the 130 segments). Of these, 52 have been approved, and the remaining 26 either denied or certified with suggested modifications. To date, 50 total LCP segments (39% of the 130) have been effectively certified and these local governments are now issuing coastal development permits. The City of Santa Barbara has been added to this category since the October 8, 1986 Status Report and has assumed permit authority.

Cities Service: Platform Julius. On January 13, the Coastal Commission approved Cities Service's consistency certification for Platform Julius and associated pipelines to be constructed in federal waters off the San Luis Obispo and Santa Barbara coastline. The facility, located 9.5 miles offshore, is expected to produce approximately 40,000 barrels of oil per day. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 82.)

Cities Service must still apply to the Commission for permits to construct pipelines through state waters and processing facilities onshore. In addition, the Commission acted on a consistency certification for a National Pollution Discharge and Elimination System (NPDES) permit to discharge certain waste materials from the facility. Cities Service has yet to apply for a consistency certification to discharge drilling muds and cuttings.

Proposed Oil and Gas Leasing Program. On February 6, 1986, the U.S. Department of the Interior released its Proposed Five-Year Outer Continental Shelf (OCS) Oil and Gas Leasing Program for the period covering January 1987-December 1991. The program includes proposed schedules for conducting federal lease sales in the southern, central, and northern California OCS.

On April 10, 1986, the Commission,

after public hearing, voted to oppose any further leasing offshore California under the federal government's Five-Year Program because the proposed lease sales and development would seriously impact coastal resources. The Commission found that such activities would pose unacceptable risks of oil spills, visual and air quality degradation, marine resource impacts, and conflicts between the commercial fishing and tourism industries and petroleum operations. Further, the lack of overall comprehensive energy policy precludes rational planning for such lease sales and the absence of an adequate Environmental Impact Statement (EIS) for the Five-Year Program does not allow for a complete assessment of the effects of such a program on the coastal zone. On May 7, 1986, the Commission staff submitted comments on the Draft EIS for the Five-Year Program to the Department of the Interior.

After submission of these comments, Interior released its Draft Final Five-Year Leasing Program for offshore California on February 2, 1987. In addition to opening tracts previously available in the last Five-Year Program, the Draft Final Program, which is subject to review by Congress and the President, proposes to make available for lease 1,120 tracts offshore California (6.5 million acres) which were previously subject to a congressional moratorium. Interior's announcement did not include total acreage available for lease, but estimates range from 18-20 million total acres. The tracts are located in virtually every area offshore California from the Oregon border to the Mexican border. Areas deleted from consideration for leasing are deep water tracts where drilling is not currently feasible. Commission staff is studying this latest proposal and will present a briefing (with maps) to the Commission at a future meeting.

Korean Drilling Company Requests. At its November meeting, the Commission objected to a consistency certification submitted by the Korean Drilling Company, Ltd. (KDC), for an individual NPDES permit to cover the discharge of drilling muds, cuttings, and associated wastes from the semi-submersible drilling vessel *Doo Sung*. At its December meeting, the Commission adopted findings to support its objection. The Commission's concerns focus on drilling vessel safety and adverse socio-economic impacts. KDC has appealed the objection to the Secretary of Commerce.

Mitigation. The Commission has required a grant of funds by Southern California Edison Company and San Diego Gas & Electric Company to mitigate the beach access and recreation impacts created by the companies' San Onofre Nuclear Generating Station. A fund of over \$4 million will soon be available for coastal recreational improvements in San Diego County to mitigate impacts of the San Onofre nuclear plant.

Occidental Petroleum: Los Angeles. Occidental has proposed oil development adjacent to Highway 1 and immediately below a known landslide area in Pacific Palisades near Los Angeles. After various city actions, a superior court judge ruled that the Environmental Impact Report was inadequate and that the city drilling ordinances were invalid due to inadequate environmental review. The judge further indicated that hearings on the permits could continue to be held and permits issued, but that no drilling could actually take place until slope stability and fire protection aspects of the project are properly reviewed. An appeal of the court's decision has been filed.

LEGISLATION:

SB 256 (Rosenthal), as amended March 17, would make a statement of legislative intent and would generally prohibit the approval of a project involving siting and operation of commercial or research activities related to the ocean incineration of hazardous waste, unless the project includes feasible mitigation measures recommended by specified state agencies, and, if the activities are commercial, the Coastal Commission has determined that the applicant has met certain requirements. The bill would also require a coastal development permit to be obtained for the siting and operation of commercial or research activities related to the ocean incineration of hazardous waste before a local coastal program (LCP) or port master plan has been certified, and a permit from the local agency if the LCP or port master plan has been certified. The bill is currently pending in the Senate Committee on Toxic and Public Safety Management.

AB 639 (Killea) would enact the Coastal Resources Conservation Bond Act of 1986, and would authorize the placement of a \$200 million coastal protection bond issue on next year's statewide election ballot.

AB 738 (Ferguson) would exempt new developments from existing shore-



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line public access requirements and policies, provided the new development, by itself, does not place a verifiable and nonpecuniary burden on public access.

AB 883 (McClintock) would declare the intent of the legislature that the Coastal Conservancy give priority to the use of specified funds received pursuant to the Federal Coastal Zone Management Act of 1972 for the preparation of site reclamation plans for the restoration of impacted industrial sites.

LITIGATION:

On March 24, the U.S. Supreme Court upheld the authority of the Coastal Commission to require an environmental protection permit from a private company conducting mining operations on federal lands under a federal permit. In a 5-4 opinion in *Coastal Commission v. Granite Rock Co.*, the Court held that "the language and legislative history of the Coastal Zone Management Act expressly disclaim an intent to preempt state regulation." Granite Rock seeks to mine limestone in the Big Sur region of Los Padres National Forest, and must now seek a state permit from the Coastal Commission in order to continue operations.

RECENT MEETINGS:

The Senate Rules Committee announced on January 28 that Commissioner Leo King's appointment to the Commission had been terminated and that a replacement would be appointed at a future date. Mr. King, a Baldwin Park City Council member for the last nine years, was appointed to the Commission in 1982. He was reappointed in 1984 and elected Vice-Chairperson in 1985. He is currently a member of the general assembly of the Southern California Association of Governments, a director of the League of California Cities, and a former six-year member of the Baldwin Park Planning Commission.

FUTURE MEETINGS:

To be announced.

DEPARTMENT OF FISH AND GAME

Director: Jack Parnell
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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:

Mountain Lion Hunt Considered. DFG has suggested the resumption of mountain lion hunting in its proposed 1987 mammal hunting regulations. The controversial proposal, currently under consideration by the Fish and Game Commission, would allow up to 210 mountain lions to be taken by licensed hunters in one season. The 210 permits would be issued for five designated zones with a set number of permits for

each zone. Each permit would sell for \$75.

If adopted, the fall lion hunt would mark the end of a legislative moratorium imposed from 1972 to 1986. Until 1963, there was a bounty on mountain lions in California which allowed private and government hunters to bring in the animals for compensation. In 1969, the mountain lion was reclassified as a game mammal by the Legislature. During the first regulated hunting season in 1970-71, more than 4900 tags were issued by the DFG, which resulted in the killing of 118 lions.

In 1972, concerned citizens convinced the legislature that the mountain lion should be reclassified as a protected nongame mammal. At that time, a four-year moratorium was imposed on the killing of lions, which was extended several times and finally expired at the end of 1986. Under the moratorium, lions have been legally taken only under specific circumstances to alleviate damage to livestock and other property.

A bill to extend the moratorium further, SB 76 (Presley), was passed by the legislature last year but vetoed by the Governor, who said it is "unnecessary to statutorily treat the mountain lion differently from other game animals." A new bill, AB 467 (Bates), was introduced in February 1987, which would reinstate a ban on hunting the lions except for those that kill livestock or endanger the public.

Part of the controversy centers around the fact that mountain lions are difficult to track and monitor, which has resulted in widely-varying estimates of the number of lions existing in the state. The estimates range from as low as 1,000 to as high as 5,500. DFG estimates that there are approximately 5,100 mountain lions currently in California. In 1972, when the moratorium was first imposed, DFG estimates indicated a mountain lion population of 2,400.

Proponents of the hunt argue that mountain lions are now sufficiently numerous to justify some reduction of their population. In support, they cite increased livestock depredation, depressed deer populations, and two lion attacks on children in 1986 in Orange County's Ronald W. Caspers Wilderness Park. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 84.)

Hunting opponents fear that the existence of the mountain lion in California may follow the path of the grizzly bear and the California Condor if hunting is not prohibited. Specifically, the opponents estimate the California lion