

CALIFORNIA COASTAL COMMISSION



28 March 2003

TO: Interested Parties

FROM: Peter M. Douglas, Executive Director

SUBJECT: Notice of Proposed Change to the California Coastal Management Program

Notice of Action

Pursuant to the federal Coastal Zone Management Act regulations (15 CFR §§ 923.80-923.84), the California Coastal Commission hereby provides notice that it is submitting the statutory changes to the California Coastal Management Program (CCMP) described below to the National Oceanic and Atmospheric Administration's Office of Ocean and Coastal Resource Management (OCRM).

The Commission considers the change described below to be a "routine program change" to the federally-approved California Coastal Management Program. OCRM will review this change to ensure it does not constitute an amendment as defined in section 923.80 of Title 15 of the Code of Federal Regulation. Comments may be submitted to OCRM within three weeks of the date of this notice (see below).

Background

The federal Coastal Zone Management Act of 1972 (CZMA) established a voluntary program to encourage states to develop and implement programs to manage the nation's coastal resources. The CZMA is administered by the National Oceanic and Atmospheric Administration (NOAA) within the U.S. Department of Commerce. The CZMA establishes minimum standards for state coastal management programs and provides federal grant assistance and federal consistency authority to states with approved programs. In 1977, the CCMP was approved as meeting the standards of the CZMA. The CCMP includes the California Coastal Act of 1976 (California Public Resources Code, Division 20), which is administered by the California Coastal Commission.

Under the requirements of the CZMA and its implementing regulations, changes to California's approved management program can be incorporated into the CCMP either as a "routine program change" or "amendment". The federal regulations define an amendment as "substantial changes in one or more of the following coastal management areas: (1) uses subject to the management program; (2) special management areas; (3) boundaries; (4) authorities and organization; and (5) coordination, public involvement and the national interest. (15 CFR § 923.80(d)). Routine program change is defined as "(f)urther detailing of a State's program that is the result of implementing provisions approved as part of a State's approved management

program, that does not result in the type of action described in Section 923.80(d)... " (15 CFR § 923.84).

Proposed Changes

The Commission proposes to incorporate the following change to the California Coastal Act into the California Coastal Management Program:

AB 1 2X

AB 1 2X (Jackson) amends Section 30312 of the California Public Resources Code to change the terms of commissioners who are appointed by the Speaker of the Assembly or the Senate Committee on Rules (collectively, the "legislative appointing authorities"). The effective date of the bill is May 20, 2003. Under current law, voting members of the Commission are appointed to two-year terms, but may be removed at the pleasure of their appointing authority. AB 1 2X establishes fixed four-year terms for commissioners appointed by the legislative appointing authorities. They will no longer be removable at the will of their appointing authority. The bill also staggers the terms of the legislative appointees by requiring the legislative appointing authorities, on the effective date of the bill, each to appoint two members to two-year terms and two members to four year terms. Thereafter, all commissioners are appointed to four-year terms unless filling a vacancy created prior to the expiration of a member's term. The bill does not change the terms of commissioners appointed by the Governor or the rules regarding the replacement of commissioners whose term in local office has expired.

Determination of Routine Program Change

Incorporating the California Coastal Act legislative change into California's coastal management program will not substantially change the program's enforceable policies or authorities as specified in section 923.80(d) of Title 15 of the Code of Federal Regulations. The change made to the California Coastal Act further detail the CCMP and, therefore, constitute a "routine program change" to the Commission's federally-approved coastal management program as defined in 15 CFR 923.84(a). The amendments to California's law do not substantially change: (1) uses subject to the Commission's coastal management program; (2) the criteria or procedures for designating or managing areas of particular concern or areas for preservation or restoration; (3) the coastal zone boundaries; (4) the authorities or organizational structure of the program; or (5) coordination with governmental agencies, the general public, or interest groups. The change does not add any enforceable policies to the CCMP.

Concurrent with the issuance of this notice, I am formally notifying NOAA's Office of Ocean and Coastal Resource Management of this determination, requesting their concurrence in this determination, and asking that the changes be incorporated into the federally-approved California Coastal Management Program. In addition, as of today, 28 March 2003, I am notifying all interested federal, state and local entities, and all other

interested parties, of this request for OCRM's concurrence with my determination that the legislative amendment constitutes a routine program change.

A copy of the complete text of these bills is available from the Coastal Commission upon request; contact Rebecca Roth, the Commission's Federal Programs Manager, at 415.904.5264. The text of the bill is available on web at www.leginfo.ca.gov/bilinfo.html.

All comments must be received by OCRM by 18 April 2003 and should be sent to the following address:

Mr. John King, Acting Chief
Coastal Programs Division
Office of Ocean and Coastal Resource Management
National Oceanic and Atmospheric Administration
1305 East West Highway, 11th Floor
Silver Spring, MD 20910

Copies may be sent to the Federal Programs Division of the Coastal Commission:

Rebecca Roth, Federal Program Manager
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45 Fremont Street, Suite 2000
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