

CALIFORNIA COASTAL COMMISSION

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22 March 2002

TO: Commissioners Interested Parties

FROM: Peter M. Douglas, Executive Director

SUBJECT: Notice of Incorporation of Proposed Changes to the California Coastal Management Program

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.

On 22 January 2002, the Coastal Commission gave notice to interested parties of its intention to submit recent amendments to the Coastal Act to NOAA's Office of Ocean and Coastal Resource Management (OCRM) as routine program changes to California's Coastal Management Program (CCMP). Interested parties were provided an opportunity to review the documents and to submit comments to OCRM on whether the revisions constitute routine program implementation of the federally approved CCMP.

Pursuant to the federal Coastal Zone Management Act regulations (15 CFR §§ 923.80-923.84), the California Coastal Commission hereby provides notice that on March 1, 2002, the State received concurrence from OCRM that the following changes to the CCMP constitute routine program changes.

Changes

The following changes to the California Coastal Act, as stated in the notice to interested persons dated 22 January 2002, have been incorporated into the CCMP:

1. SB 516 (Johnson) (2001: Chapter 537)

SB 516 provides that the County of Orange will continue to exercise all development review authority pursuant to its certified local coastal program for a specified area after that area has been annexed by the City of Newport Beach. SB 516 authorizes the City of Newport Beach to prepare a local coastal program for the annexed area and requires the City to assume permitting authority upon the effective date of the certification of the City's local coastal program for the annexed area. The legislation further requires the City of Newport Beach to submit to the Coastal Commission by a specified date a local coastal program for the area of the coastal zone located within the City's corporate boundaries as of June 30, 2000. SB 516 added PRC §30519.2.

2. AB 492 (Wayne) (1999: Chapter 822)

AB 492 prohibits the transfer or sale to a private entity of state land that is located between the first public road and the sea if it either has an existing or potential public accessway to or from the sea or if the Commission has formally designated the land as part of the California Coastal Trail. The prohibition does not apply if the state retains a permanent property interest in the land adequate to provide public access to or along the sea. The prohibition does not apply to lands transferred to a nonprofit organization that exists for the purpose of preserving lands for public use. Furthermore, the prohibition does not apply to transfers of land between the first public road and the sea which are under the possession and control of either the Department of Parks and Recreation or the Coastal Conservancy if the Department or Conservancy, as applicable, makes specified findings at a noticed public hearing relating to the transfer or sale of the property. AB 492 added PRC §30609.5.

3. AB 848 (Keuhl) (1999: Chapter 491)

This law gives local governments with certified LCPs the option to designate the Coastal Commission as the permitting authority to process a coastal development permit for a temporary, non-recurring film production set in the coastal zone, on a project-by-project basis. In order to qualify, the film production activity on site must not exceed 190 days. The local government's governing body (i.e., the board of supervisors or city council) or its designee will determine which projects to transmit to the Commission. The bill added PRC §30610.9.

4. SB 72 (McPherson) (1997: Chapter 782)

This bill requires that coastal development permit fees collected by the Commission be deposited in the Coastal Access Account, which the bill established in the State Coastal Conservancy Fund. The Legislature may appropriate the money in the Annual Budget Act to the Coastal Conservancy for grants to public agencies and nonprofit entities or organizations for the development, maintenance, and operation of new and existing facilities that provide public access to the sea. The bill amended PRC §30620.

5. AB 198 (Wayne) (1997: Chapter 162)

This bill revises procedures for appointing Coastal Commissioners to clarify that in regions composed of three counties, the board of supervisors and the city selection committee in each county within the region shall each nominate one or more supervisors and one or more city council members. The bill requires all regional nominations to be made within 45 days from the date of receipt of a request for nominations by the appointing authority and decreases to 45 days the time within which the names of additional nominees must be sent to the appointing authority following rejection of the original nominations. AB198 amended PRC §30301.2.

6. AB 2963 § 7(Firestone) (1996: Chapter 825)

AB 2963 § 7 exempts from Coastal Act permitting requirements 1) specified emergency work on public service facilities that is necessary to maintain service disrupted by disaster and 2) specified emergency repairs to existing highways damaged by natural causes. The exemption does not apply to work performed more than one year after the damage occurred, to repairs of official state scenic highways, or to any project that expands or widens a highway. This bill amended PRC §30600.

7. AB 2659 (Kaloogian) (1996: Chapter 513)

AB 2659 authorizes the State Coastal Conservancy to establish a special account in the State Coastal Conservancy Fund for the deposit of fees submitted as mitigation for non-agricultural development of nonprime agricultural lands located in the coastal zone in the City of Carlsbad. The bill provides that any interest accruing on the money in the special account is retained for use on Conservancy projects. This bill amended Public Resources Code (PRC § 30171.5).

In a letter dated February 26, 2002, the Coastal Commission withdrew its request to incorporate Public Resources Code § 30166.5 (AB 988 (Hertzberg) (2000: Chapter 952)). OCRM's concurrence, therefore, does not include Section 30166.5. Federal consistency with the routine program changes to the CCMP, as described above, shall be required as of today. Please direct any questions regarding these changes to Rebecca Roth, the Commission's Federal Programs Manager at 415.904.5264.