

What is Public Policy?

A starting point for understanding policy is to think of it as the rules that define how decisions are made in a particular organizational setting. Policy informs various decision makers (teachers, principals, business executives, government officials, presidents) as they govern schools, companies, government agencies, states like California, or entire nations. Typically, policy is written out in the form of a guideline, law, or agency procedure by leaders in the organization with intent to manage matters of importance with consistency and integrity. Public policy can be defined as the rules, decisions, and choices made by government entities that are implemented by government officials at many levels. Policy is made and implemented by humans, so it can be noble or ignoble, effective or ineffective, powerful or just plain silly.

Most students are aware of public policy, whether they call it that or not. For instance, school policies may come in the form of dress codes, minimum GPAs for sports participation, or attendance requirements. Outside of school, teenagers encounter public policy when seeking driving privileges, health care, or opportunities to participate in government. Students know that a good policy is sensible, adaptive, and fair. Most people of any age can also point to a policy that they felt was capricious, arbitrary, or unwise. Questions of fair implementation or access to resources are at the heart of many discussions about public policy. This is especially true when the resource is scarce compared to the number of people who would like access.

Case Study Analysis

Step One:

Read your case study.

Step Two:

Work with others in your group with the same case study to answer the questions below.

1. What is the problem in the case study? (You might identify more than one problem. Analyze one at a time.)
2. What is the public policy? (What is government doing or proposing to do about the problem?)
3. What group(s) supports the policy? Why? What group(s) opposes it? Why?
4. What institution, if any, is making or has made the decision on the policy?
5. What level of government is this institution (e.g., local, state, federal, tribal)?
6. Is there additional information you wish you had? How might you find it?
7. In your opinion, do you believe the policy is a good one? Why or why not?

Six Coastal Access Case Studies

Find links to read more about these case studies on www.coastal.ca.gov/coastalvoices

Cape Hatteras National Seashore, North Carolina - Beach Driving

Cape Hatteras National Seashore has long been a popular location for off-road vehicle use. Some members of the community maintained that this use of the beach and dunes is integral to their local traditions and vital for their economy. Surf fishers claimed that driving on the beach provides them with the mobility needed to fish successfully along the many miles of shoreline. Environmental groups and their members were concerned about the impact of beach driving on beach species and some residents feared for the safety of children who played on the beach among the cars and trucks. In 2007, a lawsuit forced the National Park Service to embark on a planning project to regulate beach driving to protect the Cape's coastal habitat and vulnerable species.

In 2012, the National Park Service issued their plan for off-road vehicles on Cape Hatteras. Drivers were required to purchase a permit for their vehicle. Driving at night was restricted to certain routes and times of year. Certain locations were closed between April 1 and October 31 for nesting birds and turtles, and locations may be closed at other times if needed for resource protection. In 2015 off-road permits brought in almost \$2 million to the National Park Service. Some local business owners say that limiting off-road vehicle use has reduced the revenue of businesses that depend on those visitors.

In 2015, construction continued on a new road along the dunes to enhance access to much of the park while bypassing areas that are seasonally closed due to bird and turtle nesting. That same year, after continued protests that rules were too restrictive, the park service began holding public meetings to discuss potential changes to the off-road vehicle policy, such as increasing the dates

and times when cars are allowed on the beach. Audubon Society representatives called for letting the current policy continue to protect shorebirds and turtles.

Greenwich, Connecticut - Private Beaches

In 1995, the town of Greenwich was sued by a man who was prevented from jogging along the beach. The town employed guards to keep people who did not live in Greenwich from traveling on or otherwise using the beach. Lawyers for the town argued that the public trust doctrine should not apply to their parks because in 1919 the state of Connecticut passed an act saying that Greenwich may establish parks, playgrounds, and beaches "for the use of the inhabitants of said town."

In 2001 the lawsuit landed with the Connecticut Supreme Court, which ruled that Greenwich's beaches are "public forums" which must be open to "expressive activity" of any kind, meaning that non-residents must have access to them.

While allowing non-residents to visit the beach, the City of Greenwich requires that they purchase a beach pass from a city office during business hours. As of 2015, a pass for the day costs \$6. Guards are still present to enforce this policy. Some residents feel that since they pay taxes for park maintenance, that they should be the only ones to access the beach. Others think that there are too many regulations and people should have the right to go where they please. Some hope that more visitors will help diversify and support the businesses in town.

Wainiha, Kauai'i, Hawai'i - Defining the Beach

In 2000, a property owner planted and installed irrigation for vegetation in the shoreline area of his beach-front lot. In 2002, the owner hired a surveyor to identify the public shoreline. This private surveyor determined that the human-

planted vegetation line, rather than the upper wash of the waves, should serve as the official shoreline. This determination was agreed to by a state government surveyor. In Hawai'i, the public shoreline is the high water mark. Since this is often identified by a debris line or line of inland vegetation, the surveyors chose to use the more stable line of vegetation. Based on this survey, the property owner submitted an application for a new property line certification. A local activist contested the certification with photos showing waves washing inland of the vegetation line.

The activist filed a lawsuit. The State took the position that the property's shoreline was consistent with mature vegetation on adjoining properties and that the vegetation was no longer being irrigated and was stable and well established despite recent winter storms. The State submitted that "the edge of vegetation growth is the best evidence of the shoreline in this case, as it shows the result of the natural dynamics and interplay between the waves and the line of vegetation over a period of time for stability, as against a debris line which may change from week to week or from day to day," and that "the use of the edge of vegetation growth is advantageous over the debris line in that it is practical, easily identifiable and stable. "

The lawsuit finally reached the Hawai'i State Supreme Court in 2006. The Court noted that Hawai'i state law defined "shoreline" as, "the upper reaches of the wash of the waves, other than storm or seismic waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth, or the upper limit of debris left by the wash of the waves," and that it did not state a preference for the vegetation line. The Court noted that a previous Supreme Court case found that "public policy...favors extending to public use and ownership as much of Hawaii's shoreline as is reasonably possible."

They then stated that "the utilization of artificially planted vegetation in determining the certified shoreline encourages private landowners to plant and promote salt-tolerant vegetation to extend their land..., which is contrary to the objectives and policies of [state law and] public policy..."

Destin, Florida - Beach Nourishment

The law in Florida states that land that is gradually added to the shoreline (called "accretion") belongs to the beachfront property owner, but a sudden addition of land (called "avulsion") belongs to the State.

The state of Florida has artificially deposited sand on hundreds of its beaches in order to fight erosion. This process is called beach nourishment, and is done in order to protect coastal property from waves and storms and to restore the recreation area and habitat of the sandy beach. This is a very expensive process; between 1998 and 2016 Florida spent \$626.6 million, in addition to local government contributions.

Beachfront homeowners in Destin, Florida, on the Gulf of Mexico, contended that the government's plan to deposit sand on their coast was for the purpose of increasing visitors in order to support a tourism economy, which they felt was not in property owners' interest. Before a beach nourishment project begins, the government establishes a fixed "erosion control line" which becomes the permanent property line. The Public Trust Doctrine holds that in Florida the State owns the land up to the mean high tide line. The setting of an "erosion control line" prior to depositing sand on the beach may result in a property line that is inland from the mean high tide line once the sand is deposited. The Destin homeowners felt that this would be taking property away from them, by changing their homes from waterfront to water-view.

The property owners sued the State, and the case eventually landed at the U.S. Supreme Court. In its 2009 decision, the Court stated that “the State as owner of the submerged land adjacent to littoral property has the right to fill that land, so long as it does not interfere with the rights of the public and of littoral landowners. Second, if an avulsion exposes land seaward of littoral property that had previously been submerged, that land belongs to the State even if it interrupts the littoral owner’s contact with the water. Prior Florida law suggests that there is no exception to this rule when the State causes the avulsion. Thus, Florida...allowed the State to fill in its own seabed, and the resulting sudden exposure of previously submerged land was treated like an avulsion for ownership purposes.” The new beach created by beach nourishment is public, not private, property.

Quinault Indian Nation - Beach Passes

The Quinault Indian Reservation includes 26 miles of coastline on the Olympic Peninsula of Washington State. In 2012, the Quinault Indian Nation closed their beaches to all except enrolled Quinault members. Non-members are only allowed if accompanied by a tribal member.

There is a lengthy and complex historical backdrop for this action. In 1887, the United States Congress passed the General Allotment Act, which divided up reservations into individual properties. Eventually, tribal members were allowed to sell property to non-members. Most of the Quinault reservation land was sold; however, the tribe continues to own all beach lands up to the ordinary high water mark. Prior to the late 1960s, the Quinault coast was open to the public without restriction, and included a popular surfing spot at Point Grenville. Problems, including litter and graffiti on the bluffs, prompted the Quinault Tribe to limit this access. As tribes across the country began

asserting their authority over reservation lands during the American Indian rights movement, in 1969 the Quinault Nation closed Grenville Beach to surfing and began requiring a beach pass from the tribal office for any non-tribal member wanting to visit the beach. Access was further restricted in 2012, when the Tribe made the decision to stop issuing beach passes. According to the Tribe, the access is being restricted to preserve functional coastal ecosystems.

The Washington State Office of the Attorney General provided the following official opinion in 1970 regarding rights of coastal access:

- (1) Without regard to any other property interests or rights which the state may have, members of the public have the right to use and enjoy the wet and dry sand areas of the ocean beaches of the state of Washington by virtue of a long-established customary use of those areas.
- (2) The right of members of the public to use and enjoy the wet and dry sand areas of the ocean beaches of Washington by virtue of a long-established customary use of those areas does not presently extend to such ocean beach areas as are within the exterior boundaries of the Quinault Indian Reservation.

This opinion is based on an 1873 Executive Order by President Ulysses S. Grant that withdrew the reservation’s lands from the public domain, reserving them for the exclusive use and occupancy of the Quinault and other area tribes. The Washington Attorney General stated that “If the public had any rights in the beaches fronting on the Quinault Reservation on November 4, 1873, those rights were extinguished by that Executive Order.”

Sea Ranch, Sonoma County, California - Coastal Trail

In the 1960s, developers purchased a former sheep ranch in rural Sonoma County and

planned a private community of beach homes that would have closed 10 miles of the coast to the public. As part of the county approval of the development plan, developers gave to Sonoma County land adjacent to the proposed development that would become Gualala Point Regional Park. Although Sea Ranch was designed as an environmentally sensitive development, the proposed privatization of this stretch of coastline led local activists to propose a county initiative requiring public access whenever coastal property was developed. This initiative was defeated, with the opposition funded in large part by the Sea Ranch developers.

Spurred by Sea Ranch and other issues impacting the coast, the Sonoma County activists joined other organizations and individuals to bring a statewide initiative to the voters to create a California Coastal Commission, which would be responsible for regulating coastal development and protecting coastal access in California.



Pacific Grove. Photo: Kimberly Lohse

Approved in 1972, the California Coastal Zone Conservation Act (or “Prop 20”) called for “maximum visual and physical use and enjoyment of the coastal zone by the public.” In 1976, the state legislature passed the Coastal Act, defining the regulations the California Coastal Commission would uphold.

For years, Sea Ranch developers disputed California Coastal Commission jurisdiction over the Sea Ranch. While the initial subdivision had received approval from Sonoma County prior to the passage of the Coastal Act, lots were owned by individuals who still needed permits to build their homes and were now subject to this law. Individual owners were unable to provide shoreline access as demanded by the California Coastal Commission because common areas between residential lots were owned by the Sea Ranch Association. In 1981, in a case brought by the Sea Ranch Association, a district court upheld the California Coastal Commission’s ability to impose coastal development permit conditions relating to public access and coastal views. The court concluded that “public access to the coastline and protection of the coastline’s scenic and visual qualities are areas within the Commission’s regulatory authority under the California Coastal Zone Conservation Act and that the Act empowers the Commission to implement its goals through the permitting process.” The court found that “the permit conditions do not constitute a taking of either an individual lot owner’s property or the Association’s property.”

It ultimately took the state legislature passing a law specifically for the Sea Ranch in order to settle the issue. Known as the Bane Bill, it required five public access points and a blufftop public trail within the property, as well as specific design guidelines. The bill authorized a payment of \$500,000 from the State to the Sea Ranch Association in exchange for the public access easements and other concessions.

Contesting the Coast

A fictional coastal project and related stakeholder positions are described below. You will elaborate on your position in your presentation.

A New Hotel is Proposed in Small Coastal Town, CA:

A historic but dilapidated home on a coastal property has been sold to a new owner who would like to turn it into a small, luxury hotel and restaurant. The building had been home to a couple who allowed the public to pass along the edge of their property to reach a path to the beach behind the house. The new owners propose renovations that would not increase the footprint of the building but would include a new parking lot in front of the property and a fence around the perimeter. They plan to build a stairway to replace the dirt path leading to the beach. Their proposal includes an open gate during daylight hours, but at sunset would restrict access to the beach to hotel guests only. The owners propose replacing the current lawns with local native plants. The new parking lot would be equipped with solar-powered charging stations for electric vehicles and permeable pavement to allow rainwater to infiltrate into the soil rather than run off into the gutter. The hotel plans to hire twenty full-time employees from the local community. They are seeking a Coastal Development Permit from the California Coastal Commission.

Roles:

Permit applicants (owners): The proposed project will bring needed jobs and tax dollars into the community. It will result in a structure and landscaping that will beautify the area. It will use environmentally friendly techniques and construction. The owners assert that the new limits on coastal access are needed for the hotel managers to properly secure the property after dark and for the hotel guests to feel safe. It is more than fair to allow public access during daylight hours.

Mayor of the city: The mayor is in support of this project, with the belief that the jobs and tourism it will bring to the community will help the economy. The renovation will also help improve the appearance of a prominent building in town, which had been ill-maintained for years.

Chamber of commerce: The business community is in favor of this project for the same reasons as the mayor. The hope is that a luxury hotel and restaurant will attract good publicity to the community and start a wave of new, upscale development which would in turn help raise existing property values.

Local worker: This local citizen is excited about new jobs in this small community, after having recently lost a service job. A few restaurants in town have closed over the last year and the new project presents needed employment opportunities.

Native plant enthusiast: The project will replace lawn with plants native to this coastal area. This change would benefit a local endangered butterfly species that depends on a particular native plant as a food source. The new landscaping could also serve as an example to the community of how they could convert their yards to environmentally-friendly, attractive, drought-tolerant plants.

A local religious community: This group regularly holds bonfires on the beach below the property as a communal and spiritual ritual. For years they have passed through this property with no objection from the owners. On a monthly basis they head down to the beach in the late afternoon and return after dark, so would be negatively impacted by the proposed gate-closure.

Local historical society: This building was constructed in 1895 and is considered by many to be a local treasure. The historical society argues that the home not be altered, but should be kept as close to its original state as possible and be opened to the public as a museum, with the existing beach access remaining unchanged.

Youth group: A local youth group wants the property turned into a hostel rather than a luxury hotel. They express that there are few coastal lodging options for middle and low-income visitors, and this home could serve that role in their community. They would like a place to host gatherings with groups from around the state where visitors from all backgrounds could experience the beauty of the coast.

Surfers: Local surfers love the waves below the proposed project and often make their way down to the beach before sunrise for the best waves and quality time before the work day begins. If the project is approved as described, their dawn patrols would be impeded by a locked gate.

Neighbors: A group of neighbors are opposing the project due to concerns about increased traffic and a fear of changing neighborhood character. They dislike the idea of a parking lot being constructed on their previously residential street. They worry that the new fence will obstruct the views of the ocean that they currently enjoy.

Commission Staff: The job of the staff is to evaluate the permit application's consistency with the Coastal Act and provide recommendations to the Commissioners based on that evaluation. They can also recommend the permit be approved as submitted, develop recommended permit conditions to address Coastal Act issues, or recommend that the permit be denied.

Commissioners: The Commissioners must have a thorough understanding of the Coastal Act and bring that understanding to their evaluation of the permit application and the Commission staff report as they receive input from other stakeholders. They can approve the permit as submitted, approve the permit with changes recommended by Commission staff, approve the permit with changes they submit themselves, or deny the permit.

The Public Trust Doctrine

From the California State Lands Commission

Group 1 The common law Public Trust Doctrine protects sovereign lands, such as tide and submerged lands and the beds of navigable waterways, for the benefit, use and enjoyment of the public. These lands are held in trust by the State of California for the statewide public and for uses that further the purposes of the trust. The hallmark of the Public Trust Doctrine is that trust lands belong to the public and are to be used to promote publicly beneficial uses that connect the public to the water.

The Public Trust Doctrine is steeped in history traceable to Roman law concepts of public rights and common property ownership that the air, the rivers, the sea and the seashore are incapable of private ownership because they are dedicated to public use. English common law refined this principle to state that the sovereign, i.e. the entity exercising authority, holds navigable waterways and the lands underlying them as a trustee for the benefit of the public for water-related uses. After the American Revolution, each of the original thirteen states succeeded to this sovereign role and became a trustee of the navigable and tidal waterways within its boundaries for the common use of the people. When California became a state in 1850, it too succeeded to the same sovereign rights and duties under the Equal-Footing Doctrine.

Group 2 The foundational principle of the Public Trust Doctrine is that it is an affirmative duty of the state to protect the people's common heritage in navigable waters for their common use. The traditional uses allowed under the Public Trust Doctrine were described as water-related commerce, navigation, and fisheries. As a common law doctrine, the courts have significantly shaped the Public Trust Doctrine in a number of important ways. Courts have found that the public uses to which sovereign lands are subject are sufficiently flexible to encompass changing public needs. The courts have also found that preservation of these lands in their natural state, so that they may serve as ecological units for scientific study, as open space, and as environments which provide food and habitat for birds and marine life, are appropriate uses under the Public Trust Doctrine. Courts have also made clear that sovereign lands subject to the Public Trust Doctrine cannot be alienated through sale into private ownership.

Group 3 Another way that the courts have shaped the Public Trust Doctrine is by addressing the roles and responsibilities of the state in managing sovereign lands. In California, the Legislature, as both trustee and trustor of sovereign lands, has enacted provisions involving the uses of sovereign lands found primarily in the Public Resources Code and uncodified statutes involving local governments. These laws are in addition to those contained in the California Constitution.

The State of California has entrusted the State Lands Commission with administering the principles of the Public Trust Doctrine. The Commission manages the state's sovereign public trust lands to promote and enhance the statewide public's enjoyment of the lands and ensure appropriate uses of public trust lands.

An Introduction to the California Coastal Act

Group 1 Alarmed that private development was cutting off public access to the shore, and catalyzed by a huge oil spill off the coast of Santa Barbara, Californians in 1972 rallied to “Save Our Coast” and passed a voter initiative called the Coastal Conservation Initiative (Prop 20).

Prop 20 created the California Coastal Commission to make land use decisions in the Coastal Zone, while additional planning occurred. Then in 1976 the State Legislature passed the Coastal Act, which made the Coastal Commission a permanent agency with broad authority to regulate coastal development.

The Coastal Act guides how the land along the coast of California is developed, or protected from development. It emphasizes the importance of the public being able to access the coast, and the preservation of sensitive coastal and marine habitat and biodiversity. It dictates that development be clustered in areas to preserve open space, and that coastal agricultural lands be preserved. It prioritizes coastal recreation as well as commercial and industrial uses that need a waterfront location. It calls for orderly, balanced development, consistent with these priorities and taking into account the constitutionally protected rights of property owners.

The Coastal Act defines the area of the coast that comes under the jurisdiction of the California Coastal Commission, which is called the “coastal zone.” The Coastal Zone extends seaward to the state’s outer limit of jurisdiction (three miles), including offshore islands. The inland boundary varies according to land uses and habitat values. In general, it extends inland 1,000 yards from the mean high tide line of the sea, but is wider in areas with significant estuarine, habitat, and recreational values, and narrower in developed urban areas. Coastal Zone boundary maps are available on the Coastal Commission website.

The Coastal Zone does not include San Francisco Bay, which is under the jurisdiction of a separate state agency, the San Francisco Bay Conservation and Development Commission.

Annotated Reading of Selected Coastal Act Sections

The following is a selection of excerpts from the Coastal Act, which contains many additional policies and procedures not addressed here. To read the entire Coastal Act, visit www.coastal.ca.gov/coactact.pdf. The quoted sections below are each referenced with their identifying section number in the Coastal Act.

The Coastal Act begins with a section (30001) on the **importance of the California coast and its ecological balance**:

The Legislature hereby finds and declares:

(a) That the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately

balanced ecosystem.

(b) That the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation.

(c) That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction.

(d) That existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone.

Thus, the law recognizes the importance of both the **natural** environment and **economic** development that is dependent upon the resources of the coast.

The Coastal Act (30001.5) declares that the basic **goals** of the state for the coastal zone are to:

(a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.

(b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

(c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.

(d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.

(e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

Chapter 3 of the Coastal Act contains the policies that are to guide coastal resource planning and decisions on individual development proposals. The Coastal Act recognizes that at times there will be conflicts between these policies, and states that "such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources." (30007.5)

Group 2

The Coastal Act prioritizes the **public's right to access the shoreline** (30210 to 30214):

[M]aximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal development should not impede existing rights of access:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization...

The previous statement makes reference to different ways public access rights are established. The government may establish these rights (such as by purchasing land to create a public path to the beach) or they are sometimes established through historic public use.

Acquisition through historic use is explained in the *California Coastal Access Guide*, published by UC Press:

According to court decisions, in order for the public to obtain an easement by way of implied dedication, the essential elements that must be established are that the public has used the land 1) for a continuous period of five years as if it were public land, 2) with the actual or presumed knowledge of the owner, and 3) without significant objection or significant attempts by the owner to prevent or halt such use.

The ultimate determination of prescriptive rights, if they are challenged, takes place in court. However, Section 30211 of the Coastal Act requires the Coastal Commission to make determinations as to the existence of these rights where there is evidence of historic use of a given area.

New public access is encouraged in the Coastal Act:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected.

In practice, most new accessways require that an organization (public or private) first accept responsibility for maintenance and liability before being opened to the public.

The Coastal Act (30252) recognizes that it is not sufficient to provide access to the coast; sensible planning for encouraging coastal recreation includes addressing transportation needs and other considerations, such as preventing overcrowding of recreation areas:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as

high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The Coastal Act (30221) calls for **lower cost visitor and recreational facilities**, addressing the concern that coastal recreational opportunities be available to all Californians regardless of income level. In addition, “Developments providing public recreational opportunities are preferred.” Also:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Group 3 The Coastal Act (30230) also **prioritizes ecological resources**. Marine resources, such as wetlands, rocky intertidal areas, and the open ocean are addressed as follows:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

The Coastal Act (30240) includes **special protection for Environmentally Sensitive Habitat Areas**, often referred to as ESHA:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The law recognizes the importance of maintaining adequate **water quality** for coastal zone organisms and human health (30231):

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment,

controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The Coastal Act **prioritizes certain types of activities and development** over other types in the coastal zone. For instance, visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation are prioritized over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry (30222). Recreational boating and its related facilities are encouraged in the Coastal Act (30224).

The Coastal Act (30253) dictates that new development be designed and sited to minimize adverse impacts to coastal resources, both natural and visitor-serving, as follows:

New development shall do all of the following: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development. (d) Minimize energy consumption and vehicle miles traveled. (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Group 4 **Views** and local character are protected by the Coastal Act (30251):

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The Coastal Act (30235) calls for **limits on the use of shoreline armoring**:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

The issue of whether new shoreline armoring should be allowed will arise with increasing frequency as global warming causes sea level rise. In applying the Coastal Act, the Commission tries to avoid shoreline armoring by locating new development away from hazard areas if feasible.

The Coastal Act (30006) includes a statement on the importance of **public participation** in its implementation...

The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.

...as well as **public education** (30012):

The Legislature finds that an educated and informed citizenry is essential to the well-being of a participatory democracy and is necessary to protect California's finite natural resources, including the quality of its environment. The Legislature further finds that through education, individuals can be made aware of and encouraged to accept their share of the responsibility for protecting and improving the natural environment.

The Coastal Commission

There are 15 California Coastal Commissioners. Twelve are voting members and three are non-voting members. The voting members are appointed by the Governor, the Speaker of the Assembly, and the Senate Rules Committee; each appoint four Commissioners, of which two are selected from the public at large and two are locally elected officials. The local officials on the Commission represent six coastal regions in California. The Governor's appointments must include at least one representative who resides in and works directly with communities with diverse racial and ethnic populations and communities with low-income populations burdened disproportionately by high levels of pollution and issues of environmental justice. The non-voting Commissioners are the Secretary of the Resources Agency, the Secretary of the Business and Transportation Agency, and the Chairperson of the State Lands Commission.

The Coastal Commission meets each month to hear from the public and make decisions. The meetings are held in different coastal locations and generally last three days. You can find out about these meetings on the Coastal Commission website at www.coastal.ca.gov. Meetings are open to the public as well as streamed live online, and previous meetings can be viewed in a video archive.