

CALIFORNIA STATE LANDS COMMISSION

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

CALIFORNIA COASTAL COMMISSION

45 Fremont Street, Suite 2000
San Francisco, CA 94105

FOR IMMEDIATE RELEASE:
May 13, 2015

CONTACT: SHERI PEMBERTON, SLC
916-574-1800
Sarah Christie, CCC
916-747-1164

**STATE LANDS COMMISSION AND CALIFORNIA COASTAL COMMISSION FILE
A JOINT AMICUS BRIEF SEEKING TO PROTECT
THE PUBLIC'S INTERESTS IN THE TIDELANDS AT MARTINS BEACH**

Sacramento –The California State Lands Commission and the California Coastal Commission have filed an application to submit a [joint amicus curiae brief](#) in the appeal of the Friends of Martin's Beach case. Both state agencies have submitted the brief in *Friends of Martin's Beach v. Martins Beach 1, LLC et al* (Case No. A142035) in the First District Court of Appeal to protect the state's interest in the property known as Martins Beach in San Mateo County. The beach has been a popular destination for surfing, fishing and other recreational uses for decades.

"We believe strongly that the lower court got it wrong, to the extreme detriment of the state's interest in the tidelands at Martins Beach," said Jennifer Lucchesi, Executive Officer of the State Lands Commission. "It is always critical for the State of California to defend the public's interest in sovereign tidelands," added Coastal Commission Executive Director, Charles Lester. "This case has significant implications for the public's ownership and long-standing public access rights in the public's tidelands throughout the state."

The initial dispute over access to Martins Beach began in 2010 when the sole access road to the popular beach was closed. A local group, the Friends of Martins Beach, sued to restore public access to the beach and in 2014, a San Mateo Superior Court judge determined that the public access provisions in the California Constitution did not apply to Martins Beach, in part, because the property was part of a 1838 Mexican land grant. The court determined, erroneously, as the joint amicus explains, that the original land grant also included the tidelands and submerged lands waterward of the mean high tide line - land typically belonging to the public elsewhere in the state. In effect, the ruling purports to mistakenly extinguish the state's interest in its tidelands and declares that the land underneath state waters is privately owned, contrary to state constitutional and statutory law.

State law gives the State Lands Commission control over most lands below the mean high tide line, known as tidelands and submerged lands. The Coastal Act gives the Coastal Commission regulatory authority over new development in the coastal zone, including any new restrictions on historic coastal access.

The joint amicus explains that the state has a sovereign property interest in tide and submerged lands and that it has a special duty to manage them for all the people of California. It argues that the trial court erred in ruling that the original Mexican land grant included submerged tidelands, and points out that the state was improperly excluded from the lower court's proceeding in this case.

The Commissions' brief states, "A contrary result would establish two classes of property in California: property in which there is no state sovereign public trust ownership interest, which would essentially be lawless, and all other property, which would be subject to California's broad land use and other regulatory authority."

"We are proud to be standing with the State Lands Commission in defense of these irreplaceable public lands," said Coastal Commission Chair Steve Kinsey. "We are confident that the Martins Beach case will be resolved to the benefit of the citizens of California."

