

CIRCULATING COPY  
Sea Grant Depository



# THE CALIFORNIA STATE COASTAL CONSERVANCY:

A Guide for Planners

by

Peri A. Muretta

NATIONAL SEA GRANT DEPOSITORY  
PELL LIBRARY BUILDING  
URI, NARRAGANSETT BAY CAMPUS  
NARRAGANSETT, RI 02882

## ACKNOWLEDGEMENTS

---

The author would like to thank Stuart Ross, Director, USC Sea Grant Marine Advisory Services, and James Fawcett, Coastal Planning Specialist, USC Sea Grant Marine Advisory Services, for their many helpful comments.

Thanks go also to the members of the staff of the California State Coastal Conservancy for their guidance throughout the writing of this monograph.

Los Angeles, California  
March 1982

# THE CALIFORNIA STATE COASTAL CONSERVANCY

## A Guide for Planners

USCSG-AS01-82

by  
Peri A. Muretta

Sea Grant Marine Advisory Services  
Institute for Marine and Coastal Studies  
University of Southern California

This work is the result of research sponsored by the NOAA Office of Sea Grant, Department of Commerce, under grant no. NA80AA-D-00100 to the University of Southern California. The U.S. government is authorized to produce and distribute reprints for governmental purposes notwithstanding any copyright notation that may appear hereon.

---

The California State Coastal Conservancy was created by the California Legislature in 1976 as a division of the State Resources Agency with a mandate to protect, enhance and restore coastal resources.<sup>1</sup> Although the creation of the Conservancy was contingent upon the passage of California Coastal Legislation (SB 1277), the Conservancy is a separate and distinct entity from the California Coastal Commission.<sup>2</sup> The Coastal Commission plans the development of coastal areas and has permit authority over specific proposed developments needed to enhance or restore coastal zone resources or to provide public access opportunities. The Commission involvement is in broad local coastal planning<sup>3</sup> while the Conservancy can actually acquire land and undertake specific developments needed to enhance or restore coastal zone resources or to provide public access opportunities. The Conservancy's activities cover six program areas: site reservation, agricultural preservation, coastal restoration, resource enhancement, public access, and non-profit land trusts.

The State Coastal Conservancy's jurisdiction to acquire land and undertake projects extends the length of the California coastline, including the San Francisco Bay area. Formal authority of the Conservancy rests with a five-member board: the Chairman of the California Coastal Commission, the Secretary of the Resources Agency, the Director of Finance, and two members of the public appointed by the Governor (§31100).<sup>4</sup> This monograph discusses the activities of the State Coastal Conservancy. It will first discuss how the Conservancy is funded and how local governments can obtain Conservancy assistance. Then each of the Conservancy's six mandated program areas will be identified. A step-by-step process of Conservancy and local government operations under each program area will be identified.

<sup>1</sup>State Coastal Conservancy, Public Resources Code 31000 *et seq.*

<sup>2</sup>California Coastal Commission, PRC 30000 *et seq.*

<sup>3</sup>A Local Coastal Program (LCP) is a special plan required by the State Coastal Commission for each city and county. It is written to address mainly coastal access and natural resource issues. Under §30168.6 "an LCP means a local government's land use plans, zoning ordinances, zoning district maps, and implementing actions which, when taken together, meet the requirements of and implement the provisions and policies of this division at the local level."

<sup>4</sup>Section numbers are taken from the State Coastal Conservancy Legislation, a copy of which is included in the Appendix.

The Conservancy is funded almost entirely from two bond acts. It was first funded under the Nejedly-Hart Act for \$10 million. In 1980, Californians enacted the Parklands Act (Proposition 1), which appropriated \$10 million to the Conservancy, provided \$5 million for San Francisco Bay, and empowered the Conservancy to disburse \$20 million for the LCP implementation grants. Additionally, the Conservancy receives some funding from the State Environmental Protection Program (funded through license plate monies) and the Energy Resources Fund (funded through the tidelands oil revenues). Both of these state funding sources are available to the Conservancy on a project-by-project basis.

Since the land use portion of most LCP's is nearing completion, the Conservancy seeks projects that are well-defined and comprehensive, demonstrating that the proposed project is relevant to a city's overall LCP planning. Conservancy working documents and program guidelines (listed in the Appendix) provide local agencies with the criteria for Conservancy approval of proposed projects. These criteria are mainly guidelines for local governments, not steadfast rules, as the Conservancy recognizes that often its program area projects must be specifically fashioned to meet unique local needs.

Conservancy funding is contingent upon local governments exploring alternative funding sources prior to Conservancy funding approval. However, the Conservancy will assist local governments in identifying alternative and/or supplemental funding sources to put together a financial package for Conservancy projects. Because of its funding limitations, the Conservancy usually revolves its funds by requiring full or partial recovery of funds awarded; this can be done, for example, by allowing for revenue-generating uses, such as visitor-serving commercial uses, on the project site.

Besides funding projects, the Conservancy's ability to accept dedications and donations of full or partial interests in land supplements its authority to acquire public coastal lands (§31104.1). Often these dedications and donations take the form of easements that have been stipulated by the Coastal Commission as a condition for permit approval. Under this program, the

---

Conservancy can accept fee title and easements when no other state or local agency can be found to accept them. A public agency and/or private nonprofit organization must accept the responsibility for operation and maintenance of an easement before it can be opened for public use.

Conservancy assistance can be requested by local citizen groups, other state agencies, Coastal Commission staff, and, most important, local public agencies. The Conservancy can also initiate local project activity directly. To be eligible for Conservancy assistance, local government must have at least a Coastal Commission-approved issue identification and work program and have identified therein the need for public action (§31109). In its public access program, the Conservancy opens two rounds of grant programs annually, inviting local governments to apply for funding. There is no set time when grant rounds take place; usually invitations to submit proposals for Conservancy consideration vary according to staff capacity constraints in undertaking new projects. However, local governments can request Conservancy assistance at any time.

For coastal restoration and resource enhancement projects, once a project has been initiated and the Conservancy is working to define the scope of the project, Coastal Commission "approval in concept" is required. At this first stage of Coastal Commission involvement, the Commission determines whether the proposed project is consistent with the policies of the Coastal Act and with the LCP policies and recommendations. At this stage, the Commission may find that the proposal is not consistent with the Coastal Act or the LCP. The Commission may stipulate conditions for the proposed project in order to bring it into conformance with the Act or the LCP.

After "approval in concept" by the Coastal Commission, the Conservancy works closely with the local agency to ensure that Coastal Commission final permit approval will be obtained and that the project will be implemented. When local public agencies lack the time or funds to resolve coastal issues, the Conservancy frequently aids in consensus building and conflict resolution. Workshops are sometimes held to help resolve conflicts and to involve citizens in determining the selection, feasibility, and design of proposed land uses.

### System of Public Accessways (§31400 *et seq.*)

Of the nearly 1100 miles of coastline in the State of California, only about 600 miles are in public ownership, and of that, about 75 miles are restricted to military usage. Since there is limited access to the California coastline, the focus of this program is on providing new accessways and on improving existing accessways.

Almost 250 potential new accessways are being created each year resulting from dedication and donation offers, deed restrictions, and Coastal Commission development permit conditions. Conservancy funds may be used for accessways such as trails, pathways for pedestrians and bicycles, stairways and vista points, and for access facilities such as parking facilities, restrooms, and trash receptacles.<sup>5</sup> The Conservancy's access program is a direct grant program to local governments. Up to 100% of the acquisition and development costs of public accessways (§31400.2) can be provided by the Conservancy.

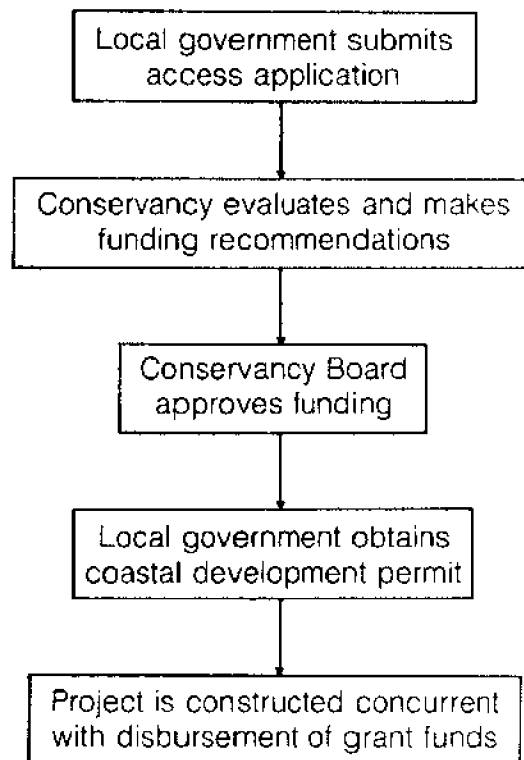
Each application from a local government for a coastal accessway must include a description of the proposed project, a cost breakdown and a signed statement of assurances providing for the continuing operations and maintenance of the accessway.

The Coastal Commission and the Conservancy have jointly prepared standards and recommendations for coastal access. Basically, these standards and recommendations are guidelines to aid local jurisdictions in determining where and how to construct accessways, how to designate the appropriate accessway management agency, and how to finance accessway operations and maintenance.

For a local public agency to receive an access grant, the following basic requirements must be fulfilled:

1. The project must serve more than local public needs (§31400.1).
2. The project must be consistent with the Coastal Act and the LCP land use plans.
3. The project will be funded by the Conservancy only if funds for accessway development are not available from some other agency.
4. The project must be consistent with the Coastal Access Standards of the Conservancy (§31401).

<sup>5</sup>AB 988, adopted during the 1979 legislative session, extended immunity for local jurisdictions from liability to paved trails and walkways, as immunity already existed for unpaved trails. This has made the acceptance of operation and maintenance of trails by local agencies more attractive, since they will no longer have to face the possibility of being sued for injuries incurred on paved trails and walkways.



*Figure 1. The Conservancy's Coastal Access Program Grant Process*



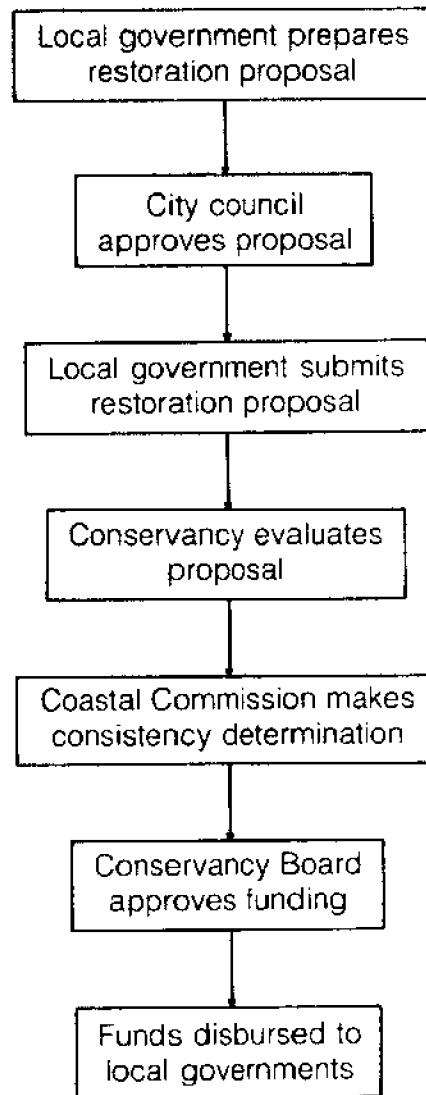
Additional specific criteria must be met for parking facility and bike path projects. Access applications that meet these requirements will then be competitively evaluated according to specific criteria, including cost-effectiveness, need, and urgency, with highest priority given to projects that would create *new* accessways.

### Coastal Restoration (§31200 et seq.)

Scattered ownership patterns, poor lot layout, incompatible land uses, inadequate park and open space and other conditions have impeded orderly development and adversely affected the coastal environment. Regulation alone often cannot resolve conflicts between the rights of private property owners and legislatively mandated policies for resource protection. The coastal restoration program may provide local governments with up to the total cost of a restoration project to assemble parcels of land, redesign subdivisions, and install public improvements to serve the project (§31200). Proposals for restoration are evaluated on the basis of their excellence of design and innovation in integrating manmade features into the natural coastal environment. Proposed restoration projects must be identified in an LCP or local issue identification and work program as requiring public action to solve development problems (§31201 and §31109). As with resource enhancement projects (discussed below), Coastal Commission "approval in concept" is required. The Conservancy undertakes two major kinds of coastal restoration projects: urban waterfront restoration and lot consolidation.

#### *Urban Waterfront Restoration*

The Conservancy encourages comprehensive waterfront restoration plans that contain a broad mix of land uses. Highest priority is given to public access, recreation, and coastal resource protection. Coastal-dependent industries and visitor-serving commercial uses can help to make restoration projects self-supporting without destroying access, recreational opportunities, or environmental protection measures. These projects may cover specific sites or large areas—waterfront restoration plans may be developed for a city's entire waterfront. In the latter case, the Conservancy helps the city



*Figure 2. The Conservancy's Restoration Program and Resource Enhancement Program Process*

locate additional funding sources since overall project costs may require millions of dollars. For example, one restoration project involves restoration of an entire urban waterfront through six different projects; another involves reconstruction of a historic wharf where a small portion of the wharf will be leased by the city for restaurants and small fishing-related businesses.

#### *Lot Consolidation*

The purpose of the Conservancy's lot consolidation program is to prevent the buildout of poorly sited or designed coastal subdivisions and, where appropriate, to help developers redesign a proposed development. Outright public acquisition of developments, proposed for coastal areas with fragile scenic and environmental resources, may be desirable, but the cost often makes acquisition economically infeasible. The potential developer is burdened with delays and permit denials for development. In cases such as these, lot consolidation may be accomplished through the clustering of development on a portion of the parcel or through development transfers to alternate areas which are more able to environmentally accommodate increasing development. These methods can be structured so as to permit partial or total recovery of project costs. Moreover, environmental protection and development demands can both be met.

#### Coastal Resource Enhancement (§31251 *et seq.*)

The Conservancy's enhancement program is designed to correct manmade abuses to coastal resources which have suffered loss of natural and scenic value due to indiscriminate dredging or filling, improper location of improvements, or incompatible land uses (§31251). Under this program, the Conservancy may undertake corrective measures for degraded wetlands and open space lands which can satisfy demands for recreational opportunities. The Conservancy may provide local public agencies with up to 100% of the acquisition and enhancement costs (§31253) for coastal enhancement project proposals that are identified in an LCP or local issue identification and work program.

---

### *Open Space*

The main objective of this program is to preserve open space for public use. Development pressures heighten the need to preserve open spaces in urban areas, and large-scale open-space projects are costly to operate and maintain. Because of this, the Conservancy helps identify revenue-generating uses that can serve recreational needs and are compatible with environmental constraints. For example, the Conservancy is currently completing a 5300-acre greenbelt of which 4500 acres will be reserved for public recreation and habitat preservation, with the remaining 800 acres to be used for revenue-producing uses including golf courses, restaurants, and a hotel/conference center.

### *Wetlands*

The purpose of this Conservancy program is to protect, restore, and enhance the biological productivity and use of coastal wetlands. Typically, wetland areas for Conservancy projects include coastal lagoons, bogs, marshes, streams, lakes, estuaries, and the uplands immediately surrounding them.

The wetlands program is generally directed toward the restoration of extensively impacted or threatened wetlands and the resolution of land use conflicts issues between preservation of the wetland and proposed or existing development. For instance, a recent wetlands project entailed creating a freshwater marsh area of 30 acres that had previously been lost to a sanitary landfill, logging operations, and a future industrial development. Still another compensates for the loss of small, marginal wetlands by the creation of new wetland on a nearby site. Another project will result in restoration of wetlands damaged by petroleum extraction and threatened with residential and commercial development. The approval process for enhancement projects is the same as that for restoration projects (discussed in the previous section).

### Site Reservation (§31350 *et seq.*)

Under this program, the Conservancy is authorized to acquire and hold for the public key coastal resource lands which otherwise would be lost to development. The Conservancy acts as repository for "opportunity purchases" of significant coastal sites when they are available on the market. The authority to quickly acquire coastal sites allows the Conservancy to reserve these sites when no other state or local agency has the financial or administrative power to purchase them.

Under this land-banking capacity, the Conservancy may reserve these sites for future conveyance to an appropriate public agency for a period of up to ten years (§31354). In order to obtain land reserved by the Conservancy, a public agency must reimburse the Conservancy for acquisition costs as well as administrative and management costs in reserving the site (§31354). The intention of this program is to reserve coastal sites for parks, historic preservation, recreation, wildlife habitat, or scientific study. Site reservation projects can be initiated by local landowners who contact the Conservancy prior to putting their lands on the market or by local agencies or citizens to help solve a land-use conflict.

### Preservation of Agricultural Lands (§31150 *et seq.*)

The Conservancy may acquire fee title or other interest in coastal agricultural land to prevent the loss of these lands to other uses or to restore them to full productivity, giving highest priority to the urban fringes where urbanization has impacted agricultural lands the greatest (§31151). The Conservancy may also develop or make improvements to agricultural lands. Proposed coastal agricultural lands for Conservancy acquisition must be identified in an LCP, and no other reasonable means (including police power) are available to assure continuous use of these lands for agricultural purposes (§31152). Ultimately these lands are to be returned to private ownership for agricultural purposes. To date, the Conservancy has not completed an agricultural preservation project due to the high costs of land acquisition and the Conservancy's limited funds. The Conservancy is designing a model project and exploring various techniques, including the development of income-generating supplemental uses, to sustain agricultural preservation projects.

## Non-Profit Land Trusts

In 1980, the passage of SB 1323 and SB 1328 increased the ability of land trusts to respond to local needs for public access, conservation, and recreation projects when local agencies are unable to respond. Most often, a land trust is a small community-based group with a broad range of public interest goals. The Conservancy is currently developing a program to assist local land trusts in carrying out public coastal projects by providing them with technical assistance in acquiring property and interest in property and by serving as an information and coordination source for non-profit land trusts. See page 30 (appendix) for further information.

RELATED PUBLICATIONS

COASTAL CONSERVANCY PROGRAM CONTACTS

COASTAL COMMISSION CONTACTS

PUBLIC RESOURCES CODE DIVISION 21, STATE COASTAL CONSERVANCY

---

## RELATED PUBLICATIONS

The following documents are available from the State Coastal Conservancy

- California State Coastal Conservancy, *California Coastal Activities Report*, 1981
- "Joint Staff Report California Coastal Commission/State Coastal Conservancy: Standards and Recommendations for Coastal Access," *Coastal News*, Volume 3, Number 6, October/November 1980.
- State Coastal Conservancy, "Guidelines and Criteria for Conservancy Acceptance of Dedications and Donations of Less-than-fee Interest in Real Property," adopted January 11, 1979.
- State Coastal Conservancy, "Guidelines and Criteria for Grants to Local Public Agencies for Comprehensive Accessway Program," adopted September 11, 1980
- State Coastal Conservancy and California Coastal Commission, "Innovative Management and Funding Techniques for Coastal Accessways," adopted January 1981.
- State Coastal Conservancy, "Guidelines and Criteria for Grants to Local Public Agencies for Wetlands Enhancement," adopted January 1981
- State Coastal Conservancy, "California Parklands Act of 1980 Grant Fund Guidelines for the San Francisco Bay and Suisun Marsh Areas," adopted January 1981.
- State Coastal Conservancy, "Guidelines and Criteria for Grants to Public Agencies for Coastal Restoration Projects and for Coastal Resource Enhancement Projects," adopted January 1978.
- State Coastal Conservancy, "Application Guidelines," adopted February 1978.
- State Coastal Conservancy, "Conditions for Conservancy Acceptance of Offers of Fee Dedication for Purposes of Construction of Low- and/or Moderate-Income Housing Resulting From Coastal Commission Permit Actions," adopted 1981.

The following documents are available from the USC Sea Grant Program

- Fawcett, James A. and Barbara A. Katz, *Resource Management by Regulation: Coastal Development Permits in the California Coastal Zone*, published jointly by the University of Southern California Sea Grant Program and the California Sea Grant College Program, USC-SG-AS-1-79, 1979.
- Fawcett, James A., Andrew T. Manus, and Jens C. Sorensen, eds., *Proceedings of a Forum on Recreational Access to the Coastal Zone*, published jointly by the University of Southern California Sea Grant Program and the California Sea Grant College Program, 1981.



---

## COASTAL CONSERVANCY PROGRAM CONTACTS

(as of February 1982)

Joseph Petrillo, Executive Officer  
State Coastal Conservancy  
1212 Broadway, Room 514  
Oakland, CA 94612  
(415) 464-1015

For detailed information and other questions regarding program areas, contact

**Coastal Accessways:**

Dorothy Walker  
Tom Mikkelsen

**Coastal Restoration:**

Allen Meacham (lot consolidation)  
Andrea Jones (urban waterfront)

**Resource Enhancement:**

Martin Cohen (wetlands)  
Dennis Machida (open space)

**Site Reservation:**

Ellsworth Young

**Agricultural Preservation:**

Allen Meacham

**Non-Profit Land Trusts:**

Don Rubenstein

### Conservancy Members

(Chairperson not designated as of February 1982)

Margaret Azevedo  
Vice Chairperson  
Public Member

Naomi Schwartz  
Chairman  
California Coastal Commission

Mary Ann Graves  
Director of Finance  
State of California

(Vacancy)  
Public Member

Huey D. Johnson  
Secretary for Resources  
State of California

---

## COASTAL COMMISSION CONTACTS

### State Commission

Michael Fischer, Executive Director  
California Coastal Commission  
631 Howard Street, 4th Floor  
San Francisco, CA 94105  
(415) 543-8555

Robert Lagle, Government Agency Liaison  
California Coastal Commission  
631 Howard Street, 4th Floor  
San Francisco, CA 94105  
(415) 543-8555

### District Offices

North Coast  
1656 Union Street, Rm. 150  
Eureka, CA 95501  
(707) 443-1623

North Central Coast  
631 Howard St., 4th Floor  
San Francisco, CA 94105  
(415) 543-8555

Central Coast  
701 Ocean Street, Room 300  
Santa Cruz, CA 95060  
(408) 426-7390

South Central Coast  
735 State Street  
Balboa Building, Suite 612  
Santa Barbara, CA 93107  
(805) 963-6871

South Coast  
P.O. Box 1450  
Long Beach, CA 90801-1450  
(213) 590-5071

San Diego Coast  
6154 Mission Gorge Road, Suite 220  
San Diego, CA 92120  
(714) 280-6992

PUBLIC RESOURCES CODE  
DIVISION 21  
STATE COASTAL CONSERVANCY

(As amended through 1980)

**Chapter 1. General Provisions and Definitions**

**31000.** Unless the context otherwise requires, the definitions in this chapter govern the construction of this division.

**31001.** "Certified local coastal plan or program" means any plan or program or land use plan of a local program adopted by the commission pursuant to Chapter 6 (commencing with Section 30500) of Division 20.

**31002.** "Conservancy" means the State Coastal Conservancy.

**31004.** "Commission" means the California Coastal Commission established under Chapter 4 (commencing with Section 30300) of Division 20.

**31005.** "Bay commission" means the San Francisco Bay Conservation and Development Commission, established under Title 7.2 (commencing with Section 66600) of the Government Code.

**31006.** (a) "Coastal zone" means that area of the state as defined in Section 30103 and, for purposes of conservancy action in San Francisco Bay, areas within the permit jurisdiction of the bay commission, as described in Section 66610 of the Government Code, except Contra Costa County lands from the Richmond-San Rafael Bridge north and east to the termination of the bay commission boundary, as well as any adjacent uplands, managed wetlands, marshes, and diked lands that significantly affect the environmental quality of the bay, or that are directly related to the public's use and enjoyment of the bay.

(b) Notwithstanding the provisions of subdivision (a), with respect to lands within Contra Costa County that are included within the permit jurisdiction of the bay commission, as described in Section 66610 of the Government Code, or consist of any adjacent uplands, managed wetlands, marshes, or diked lands that significantly affect the environmental quality of the bay or that are directly related to the public's use and enjoyment of the bay, the local public agency having jurisdiction over such lands may formally request conservancy action by resolution.

**31007.** "Coastal restoration project" means any action taken by a local public agency or the conservancy to correct undesirable development patterns in the coastal zone, including those defined in Section 33032 or 33032.1 of the Health and Safety Code.

**31008.** "Coastal resource enhancement project" means actions taken by a local public agency or a state agency necessary to restore, as nearly as possible, degraded natural areas to their original condition or to enhance the resource values of the coastal zone.

**31009.** "Department" means the Department of Parks and Recreation.

**31010.** "Local public agency" means a city, a county, or city and county.

**31011.** Any funds received by the department pursuant to this division shall be deposited in the State Parks and Recreation Fund.

**31013.** "Nonprofit organization" means any private nonprofit organization, existing under the provisions of Section 501(c)(3) of the United States Internal Revenue Code, which has among its principal charitable purposes the preservation of land for scientific, historic, educational, recreational, scenic, or open-space opportunities.

**31014.** "Bay plan" means the San Francisco Bay Plan as adopted by the bay commission.

**31015.** "Suisun Marsh Protection Plan" means the plan approved as provided in Division 19 (commencing with Section 29000).

**31016.** "Local plan" means any land use plan of a local public agency, port district, regional park or open-space district, or recreation and park district whose jurisdiction is included, in whole or in part within the jurisdiction of the conservancy within San Francisco Bay in the areas described in Section 31006.

## **Chapter 2. Declaration of State Policy and General Provisions**

**31050.** The Legislature finds and declares that the agricultural lands located within the coastal zone contribute substantially to the state and national food supply and are a vital part of the state's economy.

**31051.** The Legislature further finds and declares that agricultural lands located within the coastal zone should be protected from intrusion of nonagricultural uses, except where conversion to urban or other uses is in the long-term public interest.

**31052.** The Legislature further finds and declares that lands within the coastal zone, principally in rural areas, are vacant or improperly utilized because of inadequate circulation patterns, poor lot layout, scattered ownerships, lack of recreation and open space, and other conditions which adversely affect the coastal environment and reduce opportunities for orderly development.

**31053.** The Legislature further finds and declares that important fish and wildlife habitat, natural areas, and scenic and environmental resources within the coastal zone have been degraded due to indiscriminate dredging, filling, and the intrusion of incompatible land uses.

**31054.** It is the policy of the state and the intent of the Legislature to provide for the State Coastal Conservancy, which should report to the Governor and to the Legislature, with responsibility for implementing a program of agricultural protection, area restoration, and resource enhancement in the coastal zone within policies and guidelines established pursuant to Division 20 (commencing with Section 30000).

**31055.** No funds may be expended or granted under this division, unless and until such funds are appropriated by the Legislature.

**31056.** (a) The conservancy is not required to provide funding for projects within the San Francisco Bay in the areas described in Section 31006, until the Legislature appropriates funds for such purposes.

The conservancy shall expend funds specifically identified for the San Francisco Bay, whether from public or private sources, in the San Francisco Bay.

(b) The bay commission may annually prepare and adopt a list of priority areas and concerns which are essential to the orderly implementation of the bay plan and the Suisun Marsh Protection Plan. The priority list shall provide guidance to the conservancy in its selection of San Francisco Bay projects.

### **Chapter 3. Establishment and functions of the State Coastal Conservancy**

**31100.** There is in the Resources Agency the State Coastal Conservancy, consisting of the following five members.

- (a) The chairman of the commission.
- (b) The Secretary of the Resources Agency.
- (c) The Director of Finance.

(d) Two members of the public appointed by the Governor. Except for members appointed pursuant to subdivision (d), the members of the conservancy may designate one of their employees to serve on the conservancy in their absence.

**31100.5** Three Members of the Senate, appointed by the Senate Rules Committee, and three Members of the Assembly, appointed by the Speaker of the Assembly, shall meet with the conservancy and participate in its activities to the extent that such participation is not incompatible with their respective positions as Members of the Legislature.

**31101.** The members appointed under subdivisions (a) and (d) of Section 31100 shall serve for a term of four years. Such members shall be compensated for attendance at regular meetings of the conservancy at the rate of one hundred dollars (\$100) per day, and shall be reimbursed for the actual and necessary expenses, including traveling expenses, incurred in the performance of their duties.

**31102.** The Secretary of the Resources Agency shall select one of the public members to serve as the chairman of the conservancy. The public member shall serve as chairman at the pleasure of the secretary. A majority of the total authorized membership of the conservancy shall constitute a quorum for the transaction of any business under this division. The conservancy shall adopt its own regulations.

**31103.** The conservancy shall determine the qualifications of, and it shall appoint and fix the salary of, the executive officer of the conservancy, who shall be exempt from civil service, and shall appoint such other staff as may be necessary to carry out the powers and functions set forth in this division. To the maximum extent possible, the conservancy shall utilize the staff of the commission for purposes of planning and project evaluation, and the staff of the Real Estate Services Division of the Department of General Services in carrying out acquisition, leasing, disposal, and other real property transactions authorized under this division.

**31104.** The conservancy may apply for and accept federal grants and receive gifts, donations, subventions, rents, royalties, and other financial support from public and private sources.

**31104.1** The conservancy shall serve as a repository for lands whose reservation is required to meet the policies and objectives of the California Coastal Act of 1976 (commencing with Section 30000) or a certified local coastal plan or program. Pursuant to this

authority, the conservancy may accept dedication of fee title, easements, development rights, or other interests in lands including interests required to provide public access to recreation and resources areas in the coastal zone.

**31105.** The conservancy is authorized to acquire, pursuant to the Property Acquisition Law (Part 11 (commencing with Section 15850), Division 3, Title 2 of the Government Code) real property or any interests therein for all of the purposes specified in this division.

**31106.** The State Public Works Board may, pursuant to Section 31105, use the power of eminent domain for the purposes specified in this division.

**31107.** Notwithstanding other provisions of law, the Director of General Services, when so requested by the conservancy, shall lease, rent, sell, exchange, or otherwise transfer any land, interest therein, or option acquired pursuant to this division, pursuant to an implementation plan approved by the conservancy. Leases entered into pursuant to the provisions of this division shall not provide for a longer period than 10 years. Proceeds from any such lease, rental, sale, exchange, or transfer of land, interest therein, or option thereon, shall be deposited with the conservancy and shall be available for expenditure when appropriated by the Legislature for the purpose of funding the programs specified in this division.

**31107.1** The Department of General Services and the conservancy shall jointly develop and implement appropriate procedures to ensure that land acquisition, leasing, options to purchase, land disposal, and other property transactions undertaken in accordance with the provisions of this division are carried out efficiently and equitably and with proper notice to the public.

**31108.** Commencing on January 2, 1980, and every third year thereafter, the conservancy shall prepare and submit to the Governor and to the Legislature a report describing progress in achieving the objectives of this division. The report shall include the following:

(a) An evaluation of the effectiveness of the conservancy's programs in preserving agricultural lands, restoring coastal habitat, providing public access to the coastline, and in undertaking other functions prescribed in this division.

(b) Identification of additional funding, legislation, or other resources required to more effectively carry out the objectives of this division.

**31109.** Where certification of a local coastal plan or program is required under this division as a condition of action by the conservancy, the conservancy may take such action, including the funding of projects prior to certification, when the action is identified in a local issue identification and work program which has been approved by the California Coastal Commission. However, in undertaking actions prior to certification of a local coastal plan or program, the conservancy shall follow other applicable project review and approval requirements set forth in this division.

**31115.** When a state agency that owns or manages land or water areas within the coastal zone has identified sensitive resource values and locations and types of development pursuant Section 30525, and when the commission has certified that acquisition of less than fee title in land or water areas within the coastal zone is consistent with the provisions of

Division 20 (commencing with Section 30000) and is necessary to ensure protection of sensitive resource values, the conservancy may award a grant or grants to such state agency for the purpose of acquisition of less than fee title in such land or water areas pursuant to the Property Acquisition Law (commencing with Section 15850 of the Government Code). Grants made pursuant to this section may not be used as a method of acquisition of land or water areas that are intended to be an integral part of a public land holding.

#### **Chapter 4. Preservation of Agricultural Land**

**31150.** The conservancy may acquire fee title, development rights, easements, or other interests in land located in the coastal zone in order to prevent loss of agricultural lands to other uses and to assemble agricultural lands into parcels of adequate size permitting continued agricultural production. The conservancy may also undertake improvements to and development of such lands when such action is required to meet the purposes of this section.

The conservancy shall take all feasible action to return to private use or ownership, with appropriate use restrictions, all lands acquired for agricultural preservation under this division.

**31150.1** Notwithstanding any other provisions of law, the conservancy may enter into an option to purchase the lands designated in Section 31150 if the total cost of any such option does not exceed one hundred thousand dollars (\$100,000), when the Legislature appropriates funds for purposes of carrying out the objectives of this division.

**31151.** In acquiring interest in agricultural lands, as provided in this division, the conservancy shall give the highest priority to urban fringe areas where the impact of urbanization on agricultural lands is greatest.

**31152.** Notwithstanding any other provisions of this division to the contrary, the conservancy shall not act to acquire any interests in lands in the coastal zone for agricultural purposes unless the conservancy finds that both of the following conditions apply to the proposed acquisition:

(a) The lands are specifically identified in a certified local coastal plan or program as agricultural lands, or, in the case of San Francisco Bay, the lands as so identified in the bay plan, the Suisan Marsh Protection Plan, or in any other local plan which the bay commission determines to be consistent with such plans.

(b) There is no other reasonable means, including the use of police power, of assuring continuous use of such lands for agricultural purposes.

**31153.** If the conservancy is unable to purchase an interest in agricultural land which meets the provisions of Section 31152, the conservancy shall request the State Public Works Boards to acquire such interest under the power of eminent domain pursuant to Section 33105.

**31154.** The conservancy is authorized to lease lands acquired in accordance with the provisions of Section 31150. When such leases are made to private individuals or groups, the conservancy shall annually, upon appropriation of such amounts by the Legislature, transfer 24 percent of the gross income of such leases to the county in which such lands are situated.

The county shall distribute any payment received by it pursuant to this section to itself, to each revenue district for which the county assesses and collects real property taxes or assessments, and to every other taxing agency within the county in which the property is situated. The amount distributable to the county and each such revenue district or other taxing agency shall be proportionate to the ratio which the amount of the taxes and assessments of each on similar real property similarly situated within that part of the county embracing the smallest in area of the revenue districts or other taxing agencies other than the county, levied for the fiscal year next preceding, bears to the combined amount of the taxes and assessments of all such districts and agencies, including the county, on such property levied for that year. The county auditor shall determine and certify the amounts distributable to the board of supervisors, which shall thereupon order the making of the distribution.

Any money distributed pursuant to this section to any county, revenue district, or other taxing agency shall be deposited to the credit of the same fund as any taxes or assessments on any taxable similar real property similarly situated.

Where a county receives a payment pursuant to this section in an amount of twenty-five dollars (\$25) or less in respect to any parcel of leased property, all of such payment shall be distributed to the county for deposit in the county general fund.

**31155.** Proceeds from the sale or lease of lands acquired under the provisions of Section 31150 shall be deposited with the conservancy and, after transmission of any payments required by Section 31154, shall be available for expenditure when appropriated by the Legislature for the purpose of funding the programs specified in this division.

#### **Chapter 5. Coastal Restoration Projects**

**31200.** The conservancy may award grants to local public agencies for the purpose of restoration of areas of the coastal zone which, because of scattered ownerships, poor lot layout, inadequate park and open space, incompatible land uses, or other conditions, are adversely affecting the coastal environment or are impeding orderly development. Grants under this section shall be utilized for the assembly of parcels of land within designated coastal restoration areas, for the redesign of such areas, and the installation of public improvements required to serve such areas. As provided in this chapter, the cost of acquisition of certain coastal access and open-space lands, other than those acquired through dedication, within restoration areas may be funded through the conservancy. Grants under this section may not be utilized as a method of acquisition of public park, recreation, or wildlife areas, except as such uses may be incidental to a coastal restoration project. After redesign and installation of public improvements, if any, lands containing coastal restoration projects, with the exception of lands acquired for public purposes as provided in this chapter, shall be conveyed to any person for the purpose of development in accordance with a restoration plan approved under Section 31208.



**31201.** All areas proposed for restoration by a local public agency or by the conservancy shall be identified in a certified local coastal plan or program as requiring public action to resolve existing or potential development problems or shall be so identified in other local plans which the commission determines to be consistent with the policies and objectives of Division 20 (commencing with Section 30000). In the case of San Francisco Bay, the lands shall be so identified in the bay plan, the Suisun Marsh Protection Plan, or in any other local plan which the bay commission determines to be consistent with such plans.

**31203.** In reviewing grant applications and restoration plans, the conservancy shall seek to promote excellence of design and shall stimulate projects which exhibit innovation in sensitively integrating man-made features into the natural coastal environment.

**31204.** The conservancy may provide up to the total cost of any coastal restoration project, including the local share of federally supported projects. The conservancy may also require local funding participation in coastal restoration projects. The amount of funding provided by the conservancy and the degree of local participation shall be determined by the total amount of funding available for coastal restoration projects, the fiscal resources of the applicant, the urgency of the project relative to other eligible coastal restoration projects, the degree to which the project meets the objectives set forth in Section 31203, and the application of other factors prescribed by the conservancy for the purpose of determining project eligibility and priority in order to more effectively carry out the provisions of this division.

**31205.** The conservancy shall request the commission, local public agencies, and other public and private groups to assist in the development of criteria and guidelines for the submission, evaluation, and determination of priority of coastal restoration projects. After considering comments received from such sources and ensuring that adequate opportunity for public review and comment has been provided, the conservancy shall adopt guidelines and criteria for the administration of the coastal program authorized under this chapter.

**31206.** In accordance with procedures adopted by the conservancy, local public agencies may submit proposed coastal restoration projects for consideration by the conservancy.

**31207.** Following approval of a proposed coastal restoration project by the conservancy, the conservancy may provide up to fifty thousand dollars (\$50,000) of the cost of preparing local coastal restoration plans.

**31207.1** Notwithstanding any other provisions of law, the conservancy may enter into an option to purchase lands included in the project, when such action is necessary to reserve such lands during the period of preparation of the restoration plan and acquisition proceedings, and when the Legislature appropriates funds for purposes of carrying out the objectives of this division. The cost of such option shall not exceed one hundred thousand dollars (\$100,000).

**31208.** Following completion of a coastal restoration plan, the conservancy shall forward the proposed plan to the commission for determination of conformity of such plan with the policies and objectives of Division 20 (commencing with Section 30000). The commission shall have 60 days to review the project and transmit the findings on such plan to the conservancy. If no comments are received within such period, the restoration plan shall be deemed to be in accord with Division 20 (commencing with Section 30000).

---

**31208.5** In the case of San Francisco Bay projects, the conservancy shall forward a proposed coastal restoration plan to the bay commission for determination of conformity with the bay plan, and, where relevant, with the Suisun Marsh Protection Plan. The bay commission shall have 60 days to review the plan and transmit its findings on such plan to the conservancy. If no comments are received within such period, the restoration plan shall be deemed to be in accord with the bay plan and, where relevant, the Suisun Marsh Protection plan.

**31209.** Following approval of a restoration plan as provided in Section 31208, the conservancy shall so notify the local public agency and shall authorize the agency to proceed with actions required to implement the plan.

**31210.** Costs of providing parks, open space, or other public areas and facilities may be included as project costs within coastal restoration areas, if they are designed to serve the residents of the restoration area and do not constitute a disproportionate share of the total project cost. Costs of providing public coastal access sites and scenic easements serving the public may be permitted as project costs where such features are part of a coastal restoration plan approved as provided in Section 31208.

**31211.** The conservancy and local public agencies, in undertaking coastal restoration projects as provided in this chapter, shall be subject to the provisions of Division 24 (commencing with Section 33000) of the Health and Safety Code.

**31212.** Any funds over and above eligible project costs which remain after completion of a coastal restoration project as provided in this chapter shall be transmitted by the local public agency to the state and deposited with the conservancy and shall be available for expenditure when appropriated by the Legislature for the purposes of funding the programs specified in this division.

**31213.** Where a local public agency is unable or unwilling to undertake restoration of any area, the conservancy may undertake such restoration; provided, that a coastal restoration plan for the area has been prepared by the conservancy and approved as provided in Section 31208.

**31213.5** In the case of San Francisco Bay, the conservancy may undertake restoration of an area only upon formal request by resolution of a local public agency or the bay commission, except that, with respect to lands within Contra Costa County, such restoration or other action may be undertaken only upon the formal request by resolution of the local public agency having jurisdiction over such lands; provided, however, that a restoration plan for the area has been prepared by the conservancy and approved in accordance with Section 31208.5.

**31214.** A restoration plan prepared for a project to be carried out by the conservancy as provided in Section 31213, shall, before any lands are acquired or other implementation actions taken, be submitted to the local public agency which exercises land use regulation over the area of the proposed project. The local public agency shall have 90 days to review and comment on the proposed coastal restoration project. If, during such period, the local public agency agrees to carry out the project within the guidelines established in the restoration plan, the conservancy may authorize the local public agency to carry out such restoration which shall then be subject to all provisions of this division.

**31215.** Prior to undertaking any restoration project under the provisions of Section 31213, the project shall be included within, and funded under, the Budget Act.

#### **Chapter 6. Coastal Resource Enhancement Projects**

**31251.** The conservancy may award grants to local public agencies and to state agencies for the purpose of resource enhancement of coastal resources which, because of indiscriminate dredging or filling, improper location of improvements, or incompatible land uses, have suffered loss of natural and scenic values. Grants under this chapter shall be utilized for the assembly of parcels of land within coastal resource enhancement areas to improve resource management, for relocation of improperly located or designed improvements, and for other corrective measures which will enhance the natural and scenic character of the areas. As provided in this chapter, the cost of acquisition of certain lands within coastal resource enhancement areas may be funded through the conservancy. Grants under this section may not be utilized as a method of acquisition of public park, wildlife, or natural areas, except as such uses may be incidental to coastal resource enhancement project.

**31252.** All areas proposed for resource enhancement by a local public agency or a state agency shall be identified in a certified local coastal plan or program as requiring public action to resolve existing or potential resource protection problems or shall be so identified in other local plans which the commission determines to be consistent with the policies and objectives of Division 20 (commencing with Section 30000). In the case of San Francisco Bay, the lands shall be so identified in the bay plan, the Suisun Marsh Protection Plan, or in any other local plan which the bay commission determines to be consistent with such plans.

**31253.** The conservancy may provide up to the total of the cost of any coastal resource enhancement project, including the state or local share of federally supported projects. The amount of funding provided by the conservancy shall be determined by the total amount of funding available for coastal resource enhancement projects, the fiscal resources of the applicant, the urgency of the project relative to other eligible coastal resource enhancement projects, and the application of other factors prescribed by the conservancy for the purpose of determining project eligibility and priority in order to more effectively carry out the provisions of this division.

**31254.** The conservancy shall request the commission, local public agencies, and other public and private groups to assist in the development of criteria and guidelines for the submission, evaluation, and determination of priority of coastal resource enhancement projects. After considering comments received from such sources and ensuring that adequate opportunity for public review and comment has been provided, the conservancy shall adopt guidelines and criteria for the administration of the coastal program authorized under this chapter.

**31255.** In accordance with procedures adopted by the conservancy, local public agencies and state agencies may submit proposed coastal resource enhancement projects for consideration by the conservancy.

**31255.1** Notwithstanding any other provision of law, the conservancy may enter into an option to purchase lands included in the project when such action is necessary to reserve such lands during the period of preparation of the resource enhancement plan and acquisition proceedings, and when the Legislature appropriates funds for purposes of carrying out the objectives of this division. The cost of such option shall not exceed one hundred thousand dollars (\$100,000).

**31257.** Following approval of a proposed coastal resource enhancement project by the conservancy, the conservancy may provide up to fifty thousand dollars (\$50,000) of the cost of preparing local coastal resource enhancement plans.

**31258.** Following completion of a coastal resource enhancement plan, the conservancy shall forward the plan to the commission for determination of conformity of the plan with the policies and objectives of Division 20 (commencing with Section 30000). The commission shall have 60 days to review the project and transmit findings on such plan to the conservancy. If no comments are received at the end of such period, the plan shall be deemed to be in accord with Division 20 (commencing with Section 30000).

**31258.5** In the case of San Francisco Bay projects, the conservancy shall forward a coastal resource enhancement plan to the bay commission for determination of conformity with the bay plan, and, where relevant, with the Suisun Marsh Protection plan. The bay commission shall have 60 days to review the plan and transmit its findings on such plan to the conservancy. If no comments are received within such period, the resource enhancement plan shall be deemed to be in accord with the bay plan, and, where relevant, the Suisun Marsh Protection Plan.

**31259.** Following review and approval of a resource enhancement plan as provided in Section 31258, the conservancy shall so notify the agency and shall authorize the agency to proceed with actions required to implement the plan.

**31260.** As part of an approved coastal resource enhancement project, the conservancy may fund up to 40 percent of any state agency land acquisition costs and up to 100 percent of any local agency costs of land acquisition.

**31261.** Private development may be permitted within the area of the coastal resource enhancement projects, where such development is compatible with the primary objectives of resource protection and enhancement of the coastal zone.

**31262.** Any funds over and above eligible project costs which remain after completion of a resource enhancement project as provided in this chapter shall be transmitted to the state and be deposited with the conservancy and shall be available for expenditure when appropriated by the Legislature for the purposes of funding the programs specified in this division.

**31263.** If a local public agency or state agency is unable or unwilling to undertake improvement of a deteriorating area, the conservancy may undertake such coastal resource enhancement if a coastal resource enhancement plan for the area has been prepared by the conservancy and approved as provided in Section 31258.

**31263.5** In the case of San Francisco Bay, the conservancy may undertake resource enhancement of an area only upon formal request by resolution of a local public agency or the bay commission, except that, with respect to lands within Contra Costa County, such

resource enhancement or other action may be undertaken only upon the formal request by resolution of the local public agency having jurisdiction over such lands; provided, however, that a resource enhancement plan has been prepared and approved as provided in Section 31258.5

**31264.** A resource enhancement plan prepared by a project to be carried out directly by the conservancy as provided in Section 31263 shall, before any lands are acquired or any other implementation actions taken, be submitted to the local public agency which exercises land use regulation over the area of the proposed project and to any state agency which exercises resource management responsibility in the project area. The local public agency or state agency shall have 90 days to review and comment on the proposed coastal resource enhancement project. If, during such period the local public agency or state agency agrees to carry out the project within the guidelines established in the resource enhancement plan, the conservancy may authorize the local public agency or state agency to carry out such enhancement which shall then be subject to all provisions of this division.

**31265.** Prior to undertaking any resource enhancement project under the provisions of Section 31263, the project shall be included within, and funded under, the Budget Act.

**31270.** Notwithstanding the geographic limitations of this division or Division 20 (commencing with Section 30000), the conservancy may undertake a coastal resource enhancement project in the City of San Diego, within the area known as Famosa Slough and bounded by West Point Loma Boulevard and the seaward side of the right-of-way of Famosa Boulevard and the seaward side of the right-of-way of Adrian Street.

#### **Chapter 7. Repealed**

#### **Chapter 8. Reservation of Significant Coastal Resource Areas**

**31350.** It is the policy of the Legislature to assure that significant coastal resource sites shall be reserved for public use and enjoyment. To achieve this objective, it is the intent of the Legislature to vest in the conservancy authority to acquire and hold key coastal resource lands which otherwise would be lost to public use.

**31351.** (a) The conservancy shall cooperate with the commission, bay commission, and other state and local public agencies and with nonprofit organizations in ensuring the reservation of lands for park, recreation, fish and wildlife habitat, historical preservation, or scientific study required to meet the policies and objectives of the California Coastal Act of 1976 (commencing with Section 30000) or a certified local coastal plan or program, or, in the case of San Francisco Bay, the sites identified in the bay plan, the Suisun Marsh Protection Plan, or in any other local plan which the bay commission determines to be consistent with such plans.

(b) The provisions of this division shall not diminish or otherwise affect the authority of the bay commission to approve, deny, or modify permits as provided in Section 66632 of the Government Code.

**31352.** In the event that any state or local public agency or any nonprofit organization is unable, due to limited financial resources or other circumstances of a temporary nature, to

acquire a site as provided in Section 31351, the conservancy may acquire and hold the site for subsequent conveyance to the appropriate public agency or nonprofit organization. The conservancy may provide such technical assistance as is required to aid public agencies and nonprofit organizations in completing such acquisition and related functions.

**31353.** Notwithstanding any other provisions of law, the conservancy may enter into an option to purchase the lands designated in Section 31350 if the total cost of any such option does not exceed one hundred thousand dollars (\$100,000), when the Legislature appropriates funds for purposes of carrying out the objectives of this division.

**31354.** The conservancy shall not hold lands acquired in accordance with this chapter more than 10 years from the time of acquisition. A local public agency shall have the right to acquire the land at any time during such period for public purposes indicated in a certified local coastal plan or program, or in any local plan which the commission determines to be consistent with the policies and objectives of Division 20 (commencing with Section 30000). At any time during such period, a nonprofit organization may acquire such lands if the city or county within which the lands are located approves such acquisition, and if the instrument of conveyance of such lands to a nonprofit organization includes a restriction permanently limiting use of such lands to the public purposes indicated in a certified approved plan or program. The acquisition price to local agencies or to nonprofit organizations shall be based upon the cost of acquisition under this division, plus administrative and management costs in reserving the land. The lands acquired under the provisions of this section shall not be disposed of under the provisions of Section 11011.1 of the Government Code.

If, at the expiration of such 10-year period, no public agency or nonprofit organization is willing or able to acquire the lands, the conservancy shall request the Real Estate Services Division of the Department of General Services to dispose of such lands at fair market value without restriction on subsequent land use under this division.

Any funds received by the state upon disposition of lands acquired in accordance with Section 31352 shall be deposited with the conservancy and shall be available for expenditure when appropriated by the Legislature for the purposes of funding the programs specified in this division.

**31355.** The conservancy is authorized to lease lands acquired in accordance with this chapter. When such leases are made to private individuals or groups, the conservancy shall annually, upon appropriation of such amounts by the Legislature, transfer 24 percent of the gross income of such leases to the county in which such lands are situated.

The county shall distribute any payment received by it pursuant to this section to itself, to each revenue district for which the county assesses and collects real property taxes or assessments, and to every other taxing agency within the county in which the property is situated. The amount distributable to the county and each such revenue district or other taxing agency shall be proportionate to the ratio which the amount of the taxes and assessments of each on similar real property similarly situated within that part of the county embracing the smallest in area of the revenue districts or other taxing agencies other than the county, levied for the fiscal year next preceding, bears to the combined amount of the taxes and assessments of all such districts and agencies, including the county, on such property levied for that year. The county auditor shall determine and certify the amounts distributable to the board of supervisors, which shall thereupon order the making of the distribution.

Any money distributed pursuant to this section to any county, revenue district, or other taxing agency shall be deposited to the credit of the same fund as any taxes or assessments on any taxable similar real property similarly situated.

Where a county receives a payment pursuant to this section in an amount of twenty-five dollars (\$25) or less in respect to any parcel of leased property, all of such payment shall be distributed to the county for deposit in the county general fund.

**31356.** All remaining revenue derived from leases, after allocation to counties as specified in Section 31355, shall be deposited annually with the conservancy and shall be available for expenditure when appropriated by the Legislature for the purposes of funding the programs specified in this division.

### **Chapter 9. System of Public Accessways**

**31400.** The Legislature finds and declares that it is the policy of the state that the right of the public to access and enjoyment of the coastal resources should be effectively guaranteed. To achieve such objective, it is the intent of the Legislature that the State Coastal Conservancy have a principal role in the implementation of a system of public accessways to and along the state's coastline, including San Francisco Bay and Suisun Marsh.

**31400.1** The conservancy may award grants to any public agency or nonprofit organization which is a public land trust having an agreement with the conservancy under subdivision (b) of Section 831.5 of the Government Code, having authority to acquire, develop, and operate public coastal accessways for purposes of the acquisition of interest in, and for initial development of, lands which are suitable for and which will be used for public accessways to and along the coast. No such grants may be awarded to any local agency unless the conservancy has first determined that the subject accessway will serve more than local public needs.

**31400.2** The conservancy may provide up to the total cost of the acquisition of interests in lands and the initial development of public accessways by any public agency or nonprofit organization, as provided in Section 31400.1. The amount of funding provided by the conservancy shall be determined by the total amount of funding available for coastal public accessway projects, the fiscal resources of the applicant, the urgency of the project relative to other eligible projects, and the application of factors prescribed by the conservancy for the purpose of determining project eligibility and priority in order to more effectively carry out the provisions of the division.

**31400.3** The conservancy may provide such assistance as is required to aid public agencies and nonprofit organizations in establishing a system of public coastal accessways, and related functions necessary to meet the objectives of this division.

**31400.4** No funds may be granted to a nonprofit organization under this chapter unless the nonprofit organization enters into an agreement with the conservancy, on such terms and conditions as the conservancy specifies, requiring the organization to provide public access to the coast, consistent with protection of natural and cultural resources.

In the case of a grant for land acquisition, the agreement shall provide the following: that the purchase price of any interest in land acquired by the nonprofit organization may not exceed fair market value as established by an appraisal approved by the conservancy; that the conservancy shall approve the terms under which the interest in land is acquired; that the interest in land acquired pursuant to a grant from the conservancy may not be used as security for any debt to be incurred by the nonprofit organization unless the conservancy approves the transaction; that the transfer of land acquired pursuant to a conservancy grant shall be subject to the approval of the conservancy and that a new agreement sufficient to protect the interest of the people of California shall be entered into with the transferee; that if any essential term or condition is violated, title to all interest in real property acquired with state funds shall immediately vest in the state; and that if the existence of the nonprofit organization is terminated for any reason, title to all interest in real property acquired with state funds shall immediately vest in the state unless another appropriate public agency or nonprofit organization is identified by the conservancy and agrees to accept title to all interests in real property. Any deed or other instrument of conveyance whereby real property is being acquired by a nonprofit organization pursuant to this section shall set forth the reversionary interest of the state.

The conservancy shall also require an agreement sufficient to protect the public interest in the case of a grant to a nonprofit organization for improvement and development of a public coastal accessway. The agreement shall particularly describe any real property which is subject to the agreement, and it shall be recorded by the conservancy in the county in which the real property is located.

**31401.** The conservancy shall develop and adopt standards to guide state and local public agencies and federal agencies to the extent permitted by federal law or regulations or the United States Constitution in acquiring the developing public access to coastal resources. Such standards shall be incorporated within an integrated system of public accessways to and along the state's coastline which shall become an element of the California Outdoor Recreation Resources Plan required by Section 5099.2.

**31402.** In order to assure that an adequate system of public accessways is provided along the entire coastline, the department or the conservancy may acquire fee title or lesser interests in areas required for public access to significant coastal resources. The department may develop and maintain such areas.

**31403.** The department or the conservancy may not acquire any public access site under the power of eminent domain unless such acquisition is approved by the Legislature as part of its annual approval of the Budget Act.

**31404.** When another local public agency is unable or unwilling to take title to an area required for public access to and along the coastline, the department or the conservancy may accept title to such an area. The department or the conservancy, however, shall not be required to open any area for public use when, in its estimation, the benefits of public use would be outweighed by the costs of development and maintenance. The department or the conservancy shall make a determined effort to identify local public agencies and nonprofit organizations which will accept responsibility for maintenance and liability for public accessways which are located outside of the state park system. The department or the conservancy may lease any public access site to public agency or nonprofit organization; provided, however, that the conditions of such transfer guarantee public use of the site for access to coastal resources.



**31405.** The department or the conservancy may accept, from any public agency or nonprofit organization, fees collected for purposes of providing public access to coastal resources. Any funds collected from such source shall be expended by the department or the conservancy for the sole purpose of acquisition, development, and maintenance of public accessways to the coastline. To the maximum extent possible, such fees shall be expended in the general area where they are collected or in areas where public access to and along the coastline is clearly deficient. The department or the conservancy may transfer funds, including such fees, to a local public agency or nonprofit organization for the purposes of acquisition of sites for public access to and along the coastline.

*AMENDED OCTOBER 1980*

**Government Code:**

**SB 1323 and SB 1328**

SB 1323 added, and SB 1328 amended section 831.5 of the Government Code as follows:

**831.5** (a) The Legislature declares that innovative public access programs, such as agreements with public land trusts, can provide effective and responsible alternatives to costly public acquisition programs. The Legislature therefore declares that it is beneficial to the people of this state to encourage private nonprofit entities such as public land trusts to carry out programs that increase opportunities for the public to enjoy access to and use of natural resources if such programs are consistent (1) with public safety, (2) with the protection of such resources, and (3) with public and private rights.

(b) For the purposes of Sections 831.2 and 831.4, "public entity" includes a public land trust which meets all of the following:

(1) Is a nonprofit organization existing under the provisions of Section 501(c) (3) of the United States Internal Revenue Code.

(2) Has specifically set forth in its articles of incorporation, as among its principal charitable purposes, the conservation of land for public access, agricultural, scientific, historical, educational, recreational, scenic, or open space opportunities.

(3) Has entered into an agreement with the State Coastal Conservancy for lands located within the coastal zone, as defined in Section 31006 of the Public Resources Code, or with the State Public Works Board or its designee for lands not located within the coastal zone, on such terms and conditions as are mutually agreeable, requiring the public land trust to provide nondiscriminatory public access consistent with the protection and conservation of either coastal or other natural resources, or both. The conservancy or the board, as appropriate, shall periodically review such agreement and determine whether the public land trust is in compliance with such terms and conditions. In the event the conservancy or the board determines that the public land trust is not in substantial compliance with such agreement, the conservancy or the board shall cancel the agreement, and the provisions of Sections 831.2 and 831.4 shall no longer apply with regard to that public land trust.

(c) For the purposes of Sections 831.2 and 831.4, "public employee" includes an officer, authorized agent, or employee of any public land trust which is a public entity.

NATIONAL SEA GRANT DEPOSITORY  
PELL LIBRARY BUILDING  
URI, NARRAGANSETT BAY CAMPUS  
NARRAGANSETT, RI 02882

RECEIVED  
NATIONAL SEA GRANT DEPOSITORY  
DATE OCT 18 1982