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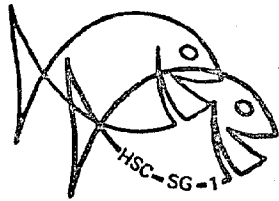
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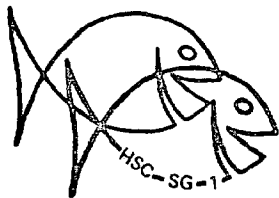
A SEMINAR ON

PROPOSED COASTAL

ZONE

MANAGEMENT

MAY 7-8, 1971



Marine Advisory Extension Service
Sea Grant Program
Humboldt State College

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PREFACE

The Coastal Zone Management seminar was sponsored by the Humboldt State College Sea Grant Program because of the great deal of local interest in pending state legislation. The program included presentations by a spectrum of individuals representing the various points of view regarding Coastal Zone Management: a Congressman, State Coastal Planners, County Supervisors, a County Planner, the News Media, Conservation Organizations and Industry.

Each speaker presented a prepared statement and then answered questions from the audience. These discussions have been included in this report, although some questions and answers have been arbitrarily edited. Editing was done to make the text more readable without, it is hoped, loss of the intent of the speaker. Generally repeated phrases have been deleted and references to specific situations or individuals that did not seem to contribute significantly to the point being made were omitted. The Humboldt State College Sea Grant Program bears the responsibility for editorial errors but the full texts are available for review.

It is sincerely hoped that this conference has provided the opportunity for Coastal Zone Management to be fully considered from all points of view.

WELCOME

Dr. Richard Ridenhour
Sea Grant Project Coordinator
Humboldt State College

I would like to welcome you to this symposium which is in reality the first such program that we have set up as part of our Sea Grant Program at the College. The topic, Coastal Zone Management, is quite obviously in everyone's interest at this time. There has been a great deal of publicity given this topic. We had originally considered having the symposium scheduled later in the year, but local interest has resulted in the scheduling of it now. Various people in the industry, in particular, had asked that we try to have this meeting sooner because decisions were being made, actions were being taken, that were current, that were now, and the feeling was we shouldn't wait in order to have a chance to air this topic. I think that we have a pretty fair coverage to get a sort of a general overview this morning, and we'll have the more specific interests speak to the topic tomorrow. I think it will be very informative for those who are here to hear it, and also for anything that comes out in the way of a report, and through the news media. I think will be very helpful.

I would like to take a moment to explain what the Sea Grant Program is. Although many of you, I am sure, are familiar with this program, others of you may not be. The Sea Grant Program was started a few years ago through federal legislation with the intent, to some extent, to parallel the land grant programs which were established over a hundred years ago to provide assistance to the agricultural economy and the agricultural industry. This has been very successful, the productivity of our land is, of course, recognized as being greater than that of any other country in the world in terms of the technological advances that have been made. But the utilization of our marine resources have lacked, or have been substantially behind in terms of technological development or understanding of what is there, what can be done and what needs to be

done. Sea Grant is designed to provide support primarily to institutions of higher education with a three phase program: research, training, and advisory-extension.

All phases of the marine environment, or marine related activities are of concern. There are those resources that we are familiar with, like the fish and shellfish, but this is not all. The mineral resources in many places are being considered; the use of the areas for recreation and the use of the marine environment for transportation are being studied. So, it doesn't stop at all with the fishing industry itself. Interest of course extends on to the land. The land based programs, the processing plants, in our case here the pulp mills with the effluent affecting the marine environment in one way or another, to one degree or another, are included in the realm of the Sea Grant Program.

There are essentially three levels of support provided, there are institutional grants which were established in the original legislation; there are the project grants; and then, because there is a long way from providing funds to an institution for a very large broad program and a single project with one individual involved in a single study of some sort, there was set up a third category for somewhere in between. Where that somewhere is varies a great deal; and this is the coherent area program, and that is what we have here. It is a coherent area project, and its title is Development of Living Marine Resources of Northern California.

These are one-third matching grants. In other words, the institution must come up with funds to equal one third of the matching funds, whether it is from the institution itself or from other participants, it does not matter, as long as it is not from federal funds. One third non-federal, two thirds federal. As I indicated, this is on a national level. There are institutional grants in many states, Oregon and Washington have institutional grants and were in the first round of such designations. There are some in the Gulf area, the east coast, Atlantic, and even the Great Lakes. There are a very large number of project grants and a few coherent area grants. Recently there have been institutional grants made in California to the University of Southern California and the University of California. There is some concern from our end, I think logically, just how these will be coordinated, just what our aspect will be. We feel we do have an area

up here which has long lacked significant coverage, significant assistance. It is a long way between here and San Francisco where the action has more or less stopped when they come north. And it is quite a way from here north to Newport, or if you want, Coos Bay, where the action tends to stop on the way south. Particularly the area between Cape Blanco in Southern Oregon, and Mendocino is kind of a no-man's land, it is out of reach to anyone from either end and we hope, in particular, to cover that area. But we also want to get farther south, we want to include in our area of concern the ports of Fort Bragg and Bodega at least.

Right now we have six projects in a sense. We had four last year - they were all research projects and it became quite obvious that one of our lacks was communication with the industry. It is awfully easy for us at the college to become pretty much unto ourselves; we have an individual staff member who is conducting a project and he has contact with the grad students who are working with him, but it is very hard for him to get across the Bay and over to the docks or whatever the case may be and communicate. So when we made our proposal for continuation for this current fiscal year, included was this Advisory-Extension arm or project. Now with this and along with one other new one, we have six projects. As indicated, Gary Smith is in charge of the Advisory-Extension Program. This is our means of communication. And I hope that this will go not only in one way, in other words, getting to the industry or the marine interested areas anything that we have developing at the college, but also in the other direction. I think it is important that we have communication back. What are the problems in the industry, what are the questions that need answering? And if we can get some of that back then we can maybe redesign, redirect our effort and answer them. Answers may be available, it is a matter of communication to get the question and the answer together.

I think we have a great future here. We have problems. I mentioned the one-third matching. This is a problem to us. Most of our matching must come from the efforts of the staff, but unlike the university systems which have research appointments that they can be assigned to these types of projects, and assign salary, we do not have research appointments, we have only teaching appointments. It is a little hard to show teaching efforts to any great extent on a research project of this sort. We can tie a little to graduate students and their direction. But this has been

a problem to us; we have managed to live with it so far and I think we can be resourceful and work things out.

I don't know how many of you have received the quarterly newsletter which Gary has started, called Trident, if you have, you have gotten a pretty good over view of what our projects are at the present time. Dr. DeMartini's work is on the Bay Clam, and starting this year on the Abalone. Dr. Bill Allen's work is on the Biochemistry of the crab relating to the molt, he has also gotten into the interesting aspects of developing artificial bait for crabs and the pesticide accumulation in crabs. Dr. Jim Welsh in working on the rearing of crabs in artificial situations and in enclosures. Dr. George Allen is working trying to get some ponds developed on the bay, situated in conjunction with the sewage oxidation ponds at Arcata with the possibility of the rearing of salmonids, salmon steelhead and trout. These are our projects in addition to the Advisory-Extension Program and we plan to expand and continue these next year.

We are having a visit here at the first of next month from the National Sea Grant Office, which is housed now in NOAA, National Oceanic and Atmospheric Administration, in the Department of Commerce in the recent reshuffling. It was with the National Science Foundation, but this last winter it was shifted over so it is now under a different jurisdiction. They will be visiting us the first of June to see how things are going. We have not really had an official visit since we started.

With that, I think it kind of gives you an idea of what our program is and to get things started here, again I welcome you. I hope this is a fruitful meeting, I'm satisfied it is going to be. I think we are going to have good coverage of a topic that is very much of interest to us here, and the people throughout the state, particularly the people along the coast that have either an interest directly or indirectly.

INTRODUCTION

J. Gary Smith, Director
Marine Advisory-Extension Service

As Dr. Ridenhour has indicated, the Sea Grant Program at Humboldt State College is charged with the development of living marine resources in northern California for the benefit of all users. It is not by chance then that the land immediately adjacent to the ocean has become increasingly important as a place to develop marine resources or for making use of the sea.

The coastal zone has, as a result of man's activity, become an area of intense concentrations of people. More and more people have been attracted to this region as a place to live, work and play. It is a good place to locate industry. It provides a natural base for water transportation. With few exceptions, the favorable climate has made the beaches and rocky shores an ideal place for recreation. One needs only to look at a map of the United States, California or the north coast to appreciate the manner in which people have congregated along the shoreline.

The Bureau of Census tells us that California was the largest gainer of coastal population during the past decade. In 1960, about 14.1 million people, or 89 percent of the State's population, lived within a strip 50 miles from the Pacific Ocean. The 1970 census indicates the coastal population increased to 17.1 or about 91 percent of the population.

Historically, the concentrations of the population along the coast reflects the past economic development of the State. Originally practically all the people lived near harbors which the first settlers landed and developed into main arteries of commerce. These areas provided a natural place for people to live and work. It is becoming apparent, however, living and working is not enough, particularly as our people have become increasingly affluent and enjoy more leisure time. Man now seeks use of the coastal region for recreation and esthetic pleasure. This is particularly true of people in the crowded population centers of southern and central California whose life style is characterized by an 8 to 5

existence.

Northern California is unique in this regard as we have not experienced the rapid population growth shown in areas to the south of us. We are also unique in that we have the marine resources on and adjacent to our coast that are in demand by the State's population centers. We supply approximately 60 percent of the State's fresh fishery products from the sea, we supply building materials for the State, Nation and world markets, and we possess the natural attributes for water and land recreation. We are also told a potential of mineral resources is available off our shores.

The question then becomes one of how to allocate these existing and potential resources in a practical manner that brings benefits to all users.

We are presenting this seminar as an initial step in answering this question. Hopefully, the information presented today and tomorrow will point out factors that must be considered in developing a practical coastal zone plan that is responsive to our area's needs and potentials.

The seminar will be divided into three sessions that will attempt to inform you about proposed planning, local government interests, and public reaction to coastal zone management.

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COASTAL ZONE PLANNING IN CALIFORNIA

Harold Bissel, Program Manager
Comprehensive Ocean Area Plan
Calif. Dept. of Navigation & Ocean Development

It is very pleasant to be here on a beautiful day in my favorite county. I have a lot of ground I want to cover and I will start by talking briefly about some history back when the State got interested in the ocean and systematically doing something about it. Let's go back to 1964 at which time Governor Brown called a conference in Los Angeles entitled, "California and the World Ocean".

A group of people got together from all over the world and talked about the problems of the California coastal zone, on land and in the water.

After two days this group came to a few conclusions and made recommendations, including the suggestion that there should be an advisory commission appointed to assist the Governor regarding marine oriented matters. As a result, the Governor established the Governor's Advisory Commission on Ocean Resources (GACOR), which came up with several reports in the next few years pointing out specific things that ought to be done.

The Institute of Marine Resources in cooperation with the State Office of Planning, and partially financed by a HUD grant, came up with an excellent report going into specifics, really pinpointing some problems, and making a number of recommendations which led to legislation in 1967. This legislation had an important sentence in it: "The Governor shall prepare a comprehensive ocean area plan". The balance of the bill went into detail as to how important the coast was, and listing things that ought to be planned for, but was not too explicit on how to go about it.

The Act also created a commission, the California Advisory Commission on Marine and Coastal Resources (CMC). This is a 36-man commission which is charged with advising the Governor on marine oriented matters, and with reviewing the Comprehensive Ocean Area Plan (COAP).

The Governor established the Interagency Council for Ocean Resources

(ICOR), composed of cabinet members and chaired by the Lieutenant Governor, and directed them to prepare the COAP.

Just about two years ago I joined this council when funds became available and, in my capacity as executive secretary, got together a small staff and started the planning process.

Just to bring you up to date on this whole cycle, about a year ago the legislature transferred the COAP budget into the Department of Navigation and Ocean Development (the former Department of Harbors and Watercraft), where the plan is being prepared under the policy direction of ICOR.

I won't attempt to get into details of how our planning process works, but I will talk a little about some of our experiences and some of the problems we have encountered, and leave some details to my associate, Tom Gay who will be talking in a little while.

California has about 12-1300 miles of coastline, depending on how you measure it. It ranges from the magnificent type of rocky coast we have right in sight here on down through the scenic splendor of Central California to the beautiful beaches near the Mexican border.

In this stretch we have this immense concentration of people that Gary Smith has already mentioned, 90 percent of the population, very close to the shore, all demanding access to the water's edge, and all demanding a series of simultaneous uses of the same square foot in many cases. This leads to very emotional situations because some of these uses preclude access, others interfere with the esthetics, and many of them interfere with what might be called private property rights.

Tackling these problems has turned out to be quite complex. The very first thing we had to do was to decide what the area was that we were going to plan for. This took several months, believe it or not. We never did get a good clear, clean definition of the area we are planning for, and we had to come up with three zones. Zone A - which extends 1/2 mile inland from the high tide mark, and out to sea to the extent of the State's jurisdiction -- about three miles; Zone B - which continues on out to the outer edge of the continental shelf and inland to the landward boundary of the coastal county; and Zone C - which is the rest of the world -- accommodating the interests of fishermen, the economists, shippers, etc.

It is very obvious however that the bulk of the problems, the immediate

pressing threats, the emotional issues, are located within the narrow strip along the coast, certainly within the 1/2 mile line inland; certainly within the State's waters; and even more specifically, at the water's edge.

One of the next things we did was find out what was there, in this coastal zone. We did this by conducting an inventory of Zone A. We are just winding it up and it will be published within the next month or two. It is already available in draft form. We flew the coast and have aerial photographs, both in color and in black and white. Next, photo interpreters went to work on this material and we now have for the first time everything within this 1/2 mile zone cataloged; we know exactly what is there; how many acres of mudflats; how many acres of artichokes; how many acres of churches; how many acres of whatever you want to name. There are 69 categories of land-uses and 30 topographic features. This inventory has attracted a great deal of attention from developers and local governments, and will be distributed in the very near future.

The inventory tells us what is there, but it doesn't tell us anything about what is going to come. That is the next problem, and that is where the whole machinery starts slowing down. At about this point I think I would like to have some slides and give you a fast tour of the coast, showing you some of the problems we encounter when we make this inventory. Some of these will be well outside of this geographic area but will show you the complexity of problems and the range of solutions we have to face up to. (Slides included views of coastal garbage dump, beach erosion, cliff erosion, multipurpose use of Morro Bay, marina development, coastal plain development, threatened estuary in Orange County, oil drilling islands at Long Beach, and types of coastal residential development, heavy beach use etc.)

I have shown you a few parts of the coast and a number of problems. I am sure you can think of many in your area which are unique, but certainly some of your problems have been illustrated. In doing something about the problems, one of the first things you have to do is decide what are the criteria for determining the importance of a given resource. You have to lay out some ways to go - to establish priorities among competing uses. This has turned out to be the most difficult job of all, because it is inevitable that whenever you get two people together on a

subject you are going to get two opinions on the subject.

When you come to something as highly desirable and important as this limited California coast, you are going to get large numbers of people coming in great numbers at certain times of the year. They may come only in the summertime, only during the wintertime, or during fish runs, or times like this. The problem is that local people, the planners, administrators, or anyone else who is involved or is handling these visitors, are going to have to provide for this maximum usage of the coastline. They are going to have to provide for this tremendous influx of bathers, of fishermen, even though at another time these same facilities may remain relatively unused.

What do you do then? Do you plan just for the one interest? Do you only look out for the specialists, or the single viewpoint? The first answer that you get and the one that usually comes up in legislation is that you plan for public interest. But here we go again; we go right around in a circle. Who is the public? Try to define it. Is it you who live here in Humboldt County every day of the year, or is it myself who comes here only several times a year, or it is the fisherman who comes in and stays over the weekend on one of the salmon streams, or is it the tourist who comes in and spends a part or all of his summer? Is it the business man? Who is the public that you are planning for? Obviously it is all of us, and as a result we have the problems of use-allocation.

I am going to give you seven very preliminary guidelines that we have been kicking around for several months, trying to get these in front of the public and trying to show some of the difficulties in coming to a conclusion. In no way are these to be taken as the final word. They are only a way of thinking, and Tom Gay will go into this in more detail in his presentation a little later. All I am going to do is give you a lead into the kinds of problems we have when developing some standards and criteria for guiding planners and decision makers.

The first thing I have to show you in these slides is what we are now living with. These are planning objectives for our Comprehensive Ocean Area Plan, and took several months to get agreement on these very general statements. We provide for orderly development and use consistent with sound conservation principles, and we stress multiple uses consistent with public interest. We maintain and improve the quality of the environ-

ment, including its amenities and esthetic values. We encourage the wise use of renewable and non-renewable marine resources. We ensure the continued existence of sufficient populations of all species of living organisms for economic, recreational, educational, and scientific reasons. I defy anyone here to argue with these. They are simply so general that we have to go on to where the shoe tightens a little bit. These are just examples again; I don't want to imply that any of these are concrete.

We suggest that before we let anyone do anything in the coastal zone that there should be a "first screen" that we are going to apply to the proposed use. For example, if you want to build something, you come before the appropriate board or agency, whatever level it is, and you say you want to build this particular installation. So we say "Primary uses of relatively undeveloped segments of the coastal zone shall be restricted to those uses that are dependent on the zone's inherent resources or its environmental attributes". In plain language that means, "If it doesn't have to be in the coastal zone, don't put it there". If it is a port or a marina, it has to be there. If it is a power plant, presumably it has to be there in order to have cooling water. If it is a house, well you have to prove that it is dependent on the zone's inherent resources. A motel, or a hotel, is again questionable. You see, if you come in and want to build a house there, we might decide that it doesn't have to be there; it could be a 1/2 mile inland. If we should permit a factory, or port, or whatever, to locate in the coastal zone, then supportive uses would be permitted. For example, we would permit toilets, roads, utilities, etc. to be built. I repeat, basically if it doesn't have to be there then it shouldn't be there. The coast is too limited to permit uses which can be located somewhere else with less adverse impact.

Here's another guideline that's a little soft, "New uses of the coastal zone should not reduce environmental qualities or amenities". Most of us can agree on that, as most of us know in our own minds what "environmental quality" is. And everybody knows what he likes, doesn't he? Some people like to see smoke stacks, some people like oil wells, some people like to see the unbroken horizon. As we define "environmental qualities and amenities" there will be less agreement -- obviously!

The next guideline is a little more complex, "The diversity of the coastal zone's physical environment should be maximized and maintained in such a way that the ecological and physical systems tend towards stability". Another way of saying, "Be very conservative in how you approach anything you do in this coastal zone. Do it gradually." What you have out there now in terms of a physical system is the result of tens of thousands of years of a natural evolution. There is a certain balance, there is a certain overall stability that has been achieved, so don't disturb it unless you are very careful. The minute you put in something like a breakwater or a groin you are going to change sand flow; you are going to erode a beach; you are going to accrete somewhere else. If you put a drainage canal through a marsh, you change the water flow, change the flood plain picture, change the animal and plant life, and once you do, you are stuck with the consequences. You may spend the next 100 years maintaining a new situation -- making sure things don't get worse.

Next, we have a very important guideline - philosophically, "Modifications shouldn't reduce unnecessarily the number of options available for future generations". Don't do things that are irreversible, don't make irreversible changes such as filling everything up or dredging everything out unless you have to. Everything you do today is going to affect the opportunities that the next generations have of doing something with that same area. It only seems fair that you give the next group of people coming along a chance.

The next guideline says in effect, "That whatever you do should enhance utilization of these resources". This is an answer, in effect, to those who feel that sections of the coast should be locked up, no access -- that no people should be allowed in -- all simply for the sake of maintaining a particular environment. This indicates that we feel that utilization of some kind, whatever it might be, even just looking, should be permitted. There is an exception, "Unique educational and scientific opportunities should be preserved". If you have something special in the way of organisms or of geology, or certain scenic attributes that's great, preserve it. You may have to put up a fence but generally that is all you need, and some fragile ecology just can't stand up to any amount of public use.

Another very simple guideline, frequently violated however, is plain sense about esthetics. We say that when you do something, when you put something in, it should conform to the natural landform. It means it shouldn't have conflicting colors or shapes, it shouldn't make big cuts or scars on the landscape. Don't make big road cuts or fills, but keep things so they blend in and fit the natural scene.

Now at this point I am going to change from discussing the broad picture of how we have been coming along, some of the problems on the coastal zone, how we got started, etc., to a discussion about some of the things that are current with regard to proposed legislation, or in terms of some of the things going on right now. I am going to make some very rapid and very superficial references to bills that are before the legislature at this moment. There were about twelve at last count that have to do with coastal zone legislation. Several of the bills that are in are what we call "spot bills", all they say in effect is that there shall be a coastal commission. A "spot bill" may be amended at any time, so a bill which has only the words "coastal commission" in it at the start of the session, could end up a 30 or 40 page document and be highly significant.

Legislation now being considered in Sacramento includes about 12 bills having to do with some aspect of coastal zone planning and management. The approaches vary in these proposals; some concentrating power at the local level and others at the State or regional level. Each varies with respect to the power given to local elected officials, and each varies with respect to the organization of regions and of permit granting mechanisms. Some bills in effect provide a moratorium on coastal development, while others do not speak to the issue. All appear to reflect a \$600,000 cost of preparing at least the first versions of a plan and instituting a management system.

Since several of these bills are not yet printed, and since others are in the process of being amended, I do not wish at this time to make comments on the contents of any particular bills, but will list here those which at this time appear to be the ones to follow:

AB 16 (Wilson et al)
AB 1471 (Sieroty et al)
SB 1354 (Wedworth)
SB 1483 (Grunsky et al)

SB 1555 (Alquist et al)
SB 1619 (Dills et al)

There are other "spot bills" such as AB 2304 (Stull) and AB 2856 (Murphy) which may be further amended.

There is some action at the Federal level which should be followed in connection with the State's own activities. In particular, there is Senate Bill 582 (Hollings et al) which establishes a National Coastal and Estuaries Zone Management Act, and which would provide Federal grants of up to \$600,000 per year to coastal states which have developed and adopted an adequate management plan and program for their coastal and estuarine zone, and which have a single agency designated to receive and administer the grants. Further, each state must have the regulatory authority necessary to implement the plan and program.

This authority must include power to acquire property; to develop land and facilities; to borrow money and issue bonds for purposes of land acquisition or land or water development; to administer land and water use regulations, control public and private development of the coastal and estuarine zone; resolve conflicts among competitive uses; etc. Further, up to 50 percent of the costs of estuarine acquisition would be met by Federal money.

This is not the only bill on this subject, and I am not implying any endorsement; however, legislation in Washington should be carefully watched since it can have important consequences to California's plans.

I see I have used up my time, and will leave my associate, Tom Gay, to discuss in more detail how we in COAP are going about developing our planning and management criteria.

Thank you, and I will be happy to try to answer any questions you may have.

DISCUSSION

Question 1: How can one go about getting a copy of the coastal inventory which you said will be available in a couple of months?

Answer: You can check with our group in Sacramento (COAP Development Program, Dept. of Navigation & Ocean Development, 1416 Ninth Street, Sacramento, California 95814).

Question 2: Are the members of the advisory commission full time employees of the State?

Answer: Members of the California Marine Advisory Commission are all appointed by the Governor and are specialists in their fields: 30 of them are private citizens and 6 are legislators, none are actually paid full time, just expenses for attending the meetings.

Question 3: Isn't there a possible conflict of interest in this paid decision making?

Answer: Where you have literally every interest represented along the coast, you can't find anyone who doesn't have a conflict of interest.

Question 4: What do you think should be in the Coastal Zone Amendment legislation, giving strong control to Sacramento or to local government?

Answer: I really don't know. After ranging up and down the coast and dealing with companies, individuals and conservation groups, it comes out even.

Question 5: Do you think the Coastal Zone Amendment will get through the legislature this year?

Answer: One side says no bill will get through the legislature on the Coastal Zone, and another source says that definitely there will be a bill this year. It is my understanding that the legislature is going straight through to October or November this year with a three week vacation in August, so that action on any bills this year may be as late as November.

Question 6: In the three zones that you have designated, is your planning wholly restricted to Zone A which you described, or does it

lap over into Zone B?

Answer: We only had a certain amount of time and money so we have focused on this half mile in terms of inventory. But when you move to what you are going to do, you can't be as arbitrary as a half-mile limit. All the bills are taking the general position that the half-mile limit is the prime area where most effort will be concentrated. They all make different provisions for either broadening the base further inland or narrowing depending on specific situations and that, in my opinion, is what we are going to have to do.

Question 7: It might be advisable to indicate that it is a half-mile from lagoons and that sort of thing.

Answer: Yes, it may include a half-mile from lagoons and such. We try to mean it when we say from the high tide mark in areas where there is tidal action. Lagoons that are closed the majority of the time still may be treated as though they are tidally active.

Question 8: Do you consider including the water courses along the coastal zone since they have such a great effect on the physical environment?

Answer: Ideally we would follow all these back to the very top of the water shed, which by many definitions would be the top of the coastal ridge. If you take the Sacramento River it would lead us to the Sierras or if you take some of the other rivers here it would lead us up into Oregon. We would like to do this; we know that these coastal canyons and flood plains are tremendously important where most development takes place. But in many places, in terms of inventory, we had to limit ourselves.

CALIFORNIA'S COMPREHENSIVE OCEAN AREA PLAN

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What I want to talk about is not so much the general picture of the coastline problems and of our Comprehensive Ocean Area Plan, but about the relationship this State plan will bear to local planning--the theme of this meeting--and what we visualize as the management part of the coastal planning process and authority. When "authority" creeps into the discussion, you are in a really different ball park.

I will talk about the type of land-use decision process that is going on now, what will go on, and what changes we think may be involved. I will talk about the "State's interest"--one of those indefinite expressions that appears in the enabling legislation and creates headaches. Also, a little bit about our relationship and materials we interchange with local and county planners; we trade a lot of information and ideas with them. Lastly, I'll go a little more deeply into the seven criteria items that Hal showed in general terms; we have a little more bite in some of them now.

In the relationship of the COAP to local planning, there is a range of possibilities: at one end, the COAP could offer general guidelines, under which the local planner would have more of the authority; at the other end, the State could have a great deal of authority and the local planning groups (city council and the county board of supervisors) could lose some of their present authority. The several current coastline bills are wrestling with this variable, envisioning widely different approaches to where the authority will be and where the planning will be done. We can't anticipate which bill may win out, or even if a different picture might emerge than any we see now, as to how COAP should relate to local planning in subject matter or authority--how the State should express its objectives and policies.

Take nuclear power plants, for instance. There would be a great difference in the attitudes of the State and the local government, favoring

or opposing particular installations. The same holds true for recreation. The administrative relationship between the State and the local planners is still uncertain, as to such factors as distribution of tax-revenues and authority relationships. The COAP must somehow allow for potential variations in these relationships as it provides guidance for specific local zoning plans.

The COAP will not say a given acre shall be recreational, or some other specific use. Also, the COAP will not say in general that a given use has to be in a given place, as this is the function of local planning departments, city councils, and boards of supervisors. As far as we know they will keep this power unless legislation changes it.

The COAP is trying to provide the general guidelines for local planning to follow. COAP has been charged by law to show what the State's interest is and we are going to do this by developing these criteria to be used as limits.

Whether a regional planning body, or "coastal zone authority" (as termed in various Federal bills) will actually come about remains unknown. So our criteria are designed to be useful no matter what, or who, comes into the picture. We are very much concerned with the process of planning--with planning, how planning should be done. The State is concerned that a form of democratic planning process is really carried forth, and COAP will recommend such a process, in hopes our recommendations will become law. The plan that our group is producing will have no authority as such. The COAP plan will be the Governor's response to the legislative charge that he produce a plan for the coast and hand it to the legislature; we are helping him prepare that required response. So, of course, unless the Governor likes what we put on paper, and unless the legislature likes what he gives them and makes it into law, there is no authority.

We feel that it is important to have a good democratic planning process--"democratic" meaning consideration for everyone. Many of you have seen the four matrices that were done by Jens Sorensen, a graduate student in landscape architecture at the University of California. They show the impact of the environment on a number of typical kinds of uses of the coastal zone. And what they do really is take apart some of the less

obvious impacts and make visible some relatively obscure secondary effects in the train of events. For example, when you build a house you have to dig the foundation; when you dig the foundation you affect drainage, runoff, and erosion; eroded materials get into the streams; the detritus affects spawning grounds and gets into the ocean; it adds to the beaches on the plus side, and causes siltation on the negative side. These kinds of things are what I mean by "making the consequences visible". Any person can check out the cause-and-effect chain on a matrix like this. It is unwieldy, but it is better than completely losing sight of possible consequences in the planning process and in the decision process to approve the planning. Incidentally, Mr. Sorensen has just been appointed a member of the California Advisory Commission on Marine and Coastal Resources ("CMC"), a very prestigious body that has offered valuable guidance for all coastal planning efforts. Commissioner Sorensen's matrices are available at cost. They are one kind of planning tool that we believe can be useful.

In regard to decision processes, we feel that the hearing process will be the ultimate way that land-use decisions will continue to be made. A general plan shows the general areas where given kinds of uses are expected, or in some cases, forbidden. Then when a specific operation or activity is proposed, it is examined and discussed, to see that it fits the general plan and, if it does, the decision is made to issue a permit to build it. The general hearing process allows everybody who has feelings about any proposal--who has facts, objections or support--to be heard at the time. The hearing process is not always a very rational one, but it is democratic. Perhaps the eloquent ones carry the day, or the loud ones, or the ones who can wait until three in the morning to be heard, but this is the best system we have for making these decisions that affect everyone. We in COAP feel that by helping everybody at the hearing to see the issue more broadly, we are contributing something to this process.

What is the "State's interest"? State and Federal governments share a kind of hierarchy of authorities and responsibilities for various human activities in this country. For example, national defense is certainly a matter for the Federal government. The state, for example, has a huge recreation program, and a big State Lands function; many authorities are at the

local level. The COAP can speak with most authority about State-level responsibilities. For example, the State Dept. of Parks and Recreation's plans in the coastal zone should be pretty solid, because they own the land or are going to buy it. There is no indication that they are going to institute eminent domain. So they are free to talk about what they propose to do with their land, and their statements are pretty firm "State policy".

The offshore lands from the high tide line out to three miles is State land unless it has been granted to local or Federal agency. This area is in the domain of the State Lands Commission, as are estuaries and tide waters. In those areas, too, the State already has authority to say what it is going to do--always meeting certain laws and restraints as to the disposal of these lands, or the uses and conditions that can be put on them. For State-owned lands, the COAP can speak pretty positively about planned use. But in other areas that are traditionally under county or local authority, we must be content to give broader guidelines for the use of actual decision makers.

Some State authorities are already statutory, like that of State Lands, the Public Utilities Commission, and Department of Fish and Game over the use of offshore waters, and so on. Another class of "State's interest" would be the needs of citizens who live across the county boundary from a given public utility; or a water supply that is needed somewhere else, which is quite common. The State must have the authority to speak about these things if more than one county is involved. Another class of "State's interest" included those interests or needs of citizens that are so expensive they require public funding--like dams and highways. Or there may be lack of expertise at the local level: for example, if a county can't afford a staff of ecologists, the State should provide these.

Another kind of "State's interest" includes situations where the State acts as an intervener with the Federal government. For instance, our department is the State's contact with the Corps of Engineers, so we have some concern for the protection of the beaches. The State's interest should include an overall view of such general functions as education, recreation and agriculture, because the individual counties are not meant or empowered to see beyond their own limits. Another source of "State's interest" is

where things have to be done rather fast, such as Department of Public Health or Highway Patrol considerations; COAP has authority to express a State position on these kinds of issues. The "State's interest" in long-range conservation is expressed partly in our present considerations of putting aside some preserves of offshore lands that are in danger now of being picked clean in some areas. Scuba divers and some of the educational institutions know they have to have some kind of preservation of those areas in order for scientific study and class work to continue. We feel that the State is the proper level to provide this type of overall protective service.

In the final analysis, of course, there has to be general agreement as to what fields of "State's interest" the COAP will speak to with real authority. Rest assured it won't be so just because I propose it here today.

What kinds of ideas and data does the COAP need to get from local planners? Basically, they should provide those kinds of things we can't do ourselves as well as they can. For one thing, the width of the coastal zone must be tailored to local needs and conditions. Hal talked of the COAP's "A" zone as being $\frac{1}{2}$ mile inland and three miles to sea, making it clear that this is only for the practical purpose of the COAP inventory. We have deliberately drawn a very arbitrary "inventory limit" line, and it has no political or legal implications. It's just a $\frac{1}{2}$ mile line that we happen to have put down. The COAP may plan for some kinds of issues that extend well past the $\frac{1}{2}$ mile line, but the final decision to allow or disallow certain planned uses is quite another level of authority, which resides so far at the local level. But if coastal zone planning is indeed to become an effective concept and practice, it will require a specific legal line, and the man whose property is on one side will be in a different relationship to the planning and coastal authority than the man on the other side of that line. So we are asking local planners to define the coastal zone as it applies to their locality, as they know the local issues and will have to live with it.

I might just interject now that one implication may appear in all this that the State is coming in with a big stick and is going to beat a lot of

local planners because they have been bad in the past and because they are firmly intending to be bad in the future. This is a convenient kind of a myth: "them" against "them". But we have not found it true in our dealings with counties up and down the coast. A lot of people in each county are deeply concerned with both the use and the preservation of the coastal features. They have wrestled with these things for years; some counties and cities have much bigger staffs than we have; lots of money and effort is going into considering this thing properly. It is by no means a fight, State against locals. Of course the final decisions may involve fights, but the conflicts are already raging in the counties, at least as much as at State level. That seems to fit with the general American process of government very well.

So the legal definition of the coastal zone would be a county and local input. The second local input is really at the heart of COAP's planning problem, and that is what the local jurisdiction considers its objectives to be for its own coastal area. For example, if you go to San Diego County and ask a hundred citizens, or their representative government, "What are your objectives? What kind of a use of your coastline do you want here for the next 10, or 50, or 1,000 years?" They're going to have quite a different list of ideas than this group here in Arcata today would, representing the northern counties. Recreation would undoubtedly rank very much higher down there, and industry would rank higher here.

Still deeper choices have to be made: What kind of industry do you want? Industry that might look great in San Diego County would look terrible to you up here, and visa versa. Lumber might look like a good industry to push for up here. But what kinds of lumber industry do you want? A pulp mill? Plywood? A planing mill? I'm not familiar with this industry, but local citizens are--and they have to spell out the kind of industrial mix that they want here. It is always a problem for the planner to know what the people--this great populace with ideas that change almost from week to week and certainly from year to year--want to create in terms of life style they really want to live with. What kinds of recreation should be encouraged here--how much of each kind? The only way the desired mix of local activities can get onto planning paper is from the local level up.

What mixture of amenities do the local people most want to preserve? How much amenity are they willing to give up in order to have industry and income? Livelihood tends to be pitted against amenities and "the good life". It has been a trade-off so far in American life, but lately there is concern that the emphasis on expanding the factors providing livelihood has been so uppermost that the amenities that make life pleasant have been suffering. There has been a general feeling that amenities are indestructible and would last forever, but now there is some evidence that they aren't and won't. If you want to have a pulp mill you must accept some effluents into the water, the smoke into the air. But if you feel this is an acceptable trade-off here, this should be your expression. If it is going to pollute somebody else's water or air too much, the State Water Quality Control Board is going to get into the picture. Then you have the State setting some limits within which the local planning must work. In general, we feel that each locality has its own life style and it should continue to.

The third thing the COAP needs from local jurisdictions is their judgment as to their most useful and most essential resources. If their recreational beaches are their most prized resource, then they should say so, and planning should aim to preserve them. Also, they should identify as expendable those resources they don't care so much about. Then if power plants, for example, have to be put somewhere, they can be planned for the less necessary areas.

We are also interested whether the local jurisdiction has a coastal zone commission, or any government or citizen's mechanisms for dealing specifically with coastal issues. It's a little early to expect very much in this line as few local governments are that far along. San Diego and Orange counties, for example, have relatively large ocean planning projects.

COAP also is interested to know whether the local planning jurisdiction has special statements in their plan about the coastal zone. For example, is there a special section about oceanographic education or any special educational facilities that have special relation to the coastal zone? To what extent is coastal zone planning distinct from the general planning effort in each coastal county? The coastal zone is just a narrow rind on

the edge of the whole county planning area; on the map you can hardly find it. It's a whole new kind of an approach to planning. The word "comprehensive" in our title means "encompassing all issues, all interests for the area". County planners have been doing comprehensive planning for their whole counties for years, but without the focus on this particular coastal edge. COAP is not riding over the horizon on a white charger bringing a whole new idea--namely to plan for the counties' coastal zone area--although we had something of this naive idea for a while. We are just trying to sharpen up a focus on the certain kinds of issues in the coastal zone and the kinds of planning that have been the province of county planners for years.

Now a few things about our criteria. "Criteria" is used in many meanings. In COAP, we consider the terms "policy", "guidelines" and "criteria" as interchangeable. We expect COAP's criteria to be used by all levels of planners, individual land owners, or developers, to see what the State's interest desires, so they can guide their proposed developments accordingly. The financial institutions that are backing developments will hopefully back the ones that seem a little closer to policy. We want the criteria to be useful to the coastal zone authority, Federal, State, and local agencies--in other words, be universally helpful no matter who is planning the use of the resources.

COAP will express its land-use criteria in absolute terms, rather than saying "wherever possible", or "wherever you haven't got a better idea, please do this". COAP will say, "There shall be no dumping into coastal waters", period. But we expect the criteria to be interpreted for each decision, and not used literally as edicts, even though the language so states them. The criteria express the ideal, ultimate position, but we know that man has to live in the real world and that modifications of the coastal zone will go on despite the criteria. But we want the decision to stay as close to that ideal endpoint as it can.

We feel that those who have to make a decision about a proposed dump, for instance, must determine whether it has to be there, and whether certain conditions must be specified to control that dump and its bad effects, and we expect they will do what they can to minimize its possible adverse effects. Hopefully, they will go with our criteria, and not against them;

that they will agree with their wisdom. Our criteria state a central point, but we expect judgments to be made how they apply best in particular local condition and time frame. COAP's criteria will apply to every land-use decision, but if certain criteria do not apply, they needn't be used. For example, if one proposes to use a beach for swimming, then prohibitions against digging deep foundations and modifying the landscape would not apply.

We expect the local authority to pick out those of COAP's criteria that do apply to particular decisions, but we intend to monitor decisions, and will bring up criteria that are being ignored and will urge that they be considered. We expect the decision maker, in following COAP's criteria to assign the particular relative importance to each critical aspect of his decision. For example, if it is more important to have power than to preserve a particular portion of beach for swimming, then we expect the local decision to be made accordingly.

Some criteria are essentially independent of the social variables, being related to the physical aspects of the coastal zone. For instance a criterion that "no estuary shall be filled" doesn't depend on how many people live around there, but is rather a no-go type of criterion. Most of these no-go types of criteria would be in the area COAP is classifying as "State's interest". Other criteria depend on social pressure and local choices; how the people may want to use that resource. We expect some good arguments in the months ahead as to where the "State's interest" really is mandatory.

We are now developing the COAP criteria from the general condition that Hal was putting on the board, to the more specific thinking. Unfortunately, we aren't far enough along to discuss them very definitely today. It would be like pulling the bandages off before the wound is really ready to be looked at. But you will see the direction we are taking.

We feel that there are three general areas of criteria, all designed to bear on the general class of decisions to (or not to) permit a given use on a particular acre. The three fields of criteria concern (1) the physical environment; (2) the economic environment; and (3) the social environment. The criteria try to provide yardsticks so that each proposal can be considered for its effect on the physical surroundings, the economy,

and conditions for earning a living, and the social conditions of the life that we live.

The criteria also cut across the economic, social, and physical environments, and apply two major decision questions. The first is, "What is the degree of need for this use to be in the coastal zone?" And the second question asks "How beneficial is this use for the coastal zone?"

For example, we would approach any proposed activity by asking first, "Are there reasons related with the physical, economic, or social environment why this activity has to be in the coastal zone, and can't be located elsewhere almost as well?" Then only if we have a "yes" answer to that question, we would ask "Are we assured that the proposed use will have a net beneficial effect (at least not an adverse one) on the physical, economic and social environments?"

Let's look at a few of the measuring sticks that we propose should be used by those decision makers as they apply these criteria. In the economic line, each proposed use should be looked at for its effect on public income (the tax base). Next, what kind of services would this use require at public expense? Would it require extra police and fire protection, highways, and so on that would be a public expense, and perhaps eat up all the tax income--or more? The effect on employment would be another economic impact to be looked at; also the throughput impact, or the multiplier effect by which some kinds of uses build other uses. For example, woods operation ties in to the saw mill, planing mill, plywood mill, and even the lumber shipping industry. This kind of economic leverage comes out of some uses. For example, to apply economic criteria to a proposed nuclear power plant you might find that technologically you could build and operate the plant half-a-mile back from the coast and pipe the cooling water to and from it. But the costs of producing power would go up, so the basic question is, "How much is the user willing to have his rates raised in order to keep that plant from being built on the coast?" Also the social benefit of a good park site around the plant, for day use and so on, should be considered. The whole question of nuclear power plants is now in a very emotional state, and some of these economic reasons should be brought into the decision.

What are some of the social conditions and impacts that we are consid-

ering in the COAP criteria? For one, "Is there a cultural advantage?" (such as a museum.) For another, we want to preserve or enhance some esthetics. There is no reason to have an overlook or a viewpoint unless it is an esthetic one. Although esthetic values can't be measured in dollars, they are an inherent part of the social scale of a given use. Other social factors would include the effects on health, safety, and welfare--we are suggesting some specific kinds of tests to be applied to any considered use. Scenic, historical, archeological, scientific, and educational factors would also be part of the social impact.

The third group of factors, the physical group, are pretty well known already; these are the usual factors most people consider when we say "the environment". The effect on the air, on water supply, water quality, noise, smell--a number of analyses should be made. In applying the planning process before a decision is made permitting a given use to be located in a given place, you can insist that they clear up the smoke, reduce the thermal pollution to a given factor, and so on. Wherever we have firm State standards already, as we have in the area of water quality from the Water Resources Quality Control Board, these standards would certainly be built into the COAP criteria.

In closing, this is how we see the COAP developing, how we see it being applied and useful to the local scene. Our time schedule is to send the COAP to press the end of this year, and distribute it early in 1972. We will circulate draft copies later this summer or fall, and want to hear from all kinds of people and interested groups. That certainly includes any comments or ideas that this group can offer us, now or later.

DISCUSSION

Question 1: Is the State going to have the authority and the responsibility to do the planning?

Answer: The State does not appear to be taking the planning process over lock, stock and barrel. It's not that simple. The State would exert its influence over a portion of the planning process, but a great deal of it, some of the most fundamental parts, definitely would remain at the local level. I don't see the authority all going to one end or all going to the other end.

Question 2: Who is going to run that knife to cut that thing?

Answer: That is an interesting point. I was kind of wondering if it is possible for a kind of meshing. How do some things like the Water Quality issues get handled, do they get adequate treatment at the local end? Parks and Recreation, when they come in, do they mesh at all? What is the local feeling? Maybe the state, which has been doing some of these things for quite a while, has been in areas that haven't caused local problems. And now you see us moving in areas and we are talking about developments and these are the kinds of issues that come up to bat when this thing gets started. I don't know how you draw that line, I think we are assuming that you can. If zoning (coastal zone management) were easy, it would have been done long ago. We have very real opposing viewpoints for the general good. Who is the general good? We don't know just how the resolutions will be made, but we feel, at the State level, that some State muscle or shadow or something over the picture may lend some authority that will be seen as useful by some county or local people; it will certainly be seen as threatening by others. We have the legislative mandate to write the plan and there is the legislative will to the effect that more state involvement should be brought into the picture.

COUNTY COASTAL SHORELINE PLANNING

Harvey Higgins
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I think Tom has more or less set the pace for local planning in this particular coastal study, and the State has furnished the County with quite a number of documents. But you can see from what the State is proposing that the County is going to have to do a lot, to furnish materials as well as furnish master plans along these same lines. Based on what Tom has said, the State is going to have this law on coastal shoreline planning and we will have to, no doubt, develop a master plan or an element to our master plan, which will require a lot of these items that Tom has emphasized. But before we get into what we are going to do, I think we had better go over what we have done.

We haven't stood still although this coastal shoreline planning is something that has caught fire within the last year or two, and there has been a lot of talk, but no actual standards have been set, no deadlines have been given. As a result, the Counties, particularly the northern Counties (several of the southern Counties have started their elements to their general plan) but the northern Counties haven't as yet. We are kind of waiting for the guidelines.

The County has developed a Southern Humboldt General Plan which takes in the incorporated City of Rio Dell and all of the land, or the rest of the County lying south of that. The Van Duzen we will say is the northerly line. The Ferndale General Plan, which will be involved in the coastal plan because it takes you to the coast, the Fortuna General Plan and the Eureka General Plan, the Arcata General Plan and the Northern Humboldt General Plan; and the only one of those General Plans that don't actually affect the coast, I believe, is the Fortuna General Plan. The reason I say I believe, is that I haven't received an answer. The Eel River is affected by the tide and if it is going to be 1/2 mile on either side of the Eel River it will affect the Fortuna General Plan. Tom can

answer that when it comes to question time. These general plans were developed in 1965 when people were not too concerned with the coastline.

The State recently came up with an idea that we, Del Norte, Humboldt and Mendocino Counties, should develop a coastal plan. The State Office Council on Intergovernmental Relations made the three counties an offer of a HUD grant consisting of \$40,000 if said counties would join together either through a joint powers agreement or form a regional agency to prepare a coastal plan from the Oregon line to the Mendocino-Sonoma County-line. That State Office concurs with the planning staff that Humboldt and Del Norte counties coastal plans would be inseparable with the Open Space and Conservation but have certain reservations as to the inclusion of Open Space and Conservation in Mendocino County's plan, due to the fact that the populated areas were inland rather than on the coast. A regional agency is actually in the process of being formed. However, it will be a four county agency which will include Lake County. There is at present a possibility that Sonoma County will also join the North Coast Regional Agency. While the emphasis is on coastal plans, the State Legislature passed a bill last year requiring that Master Plans have an open space and conservation element by July, 1972, and an open space ordinance by January, 1973. Based upon these requirements and the pressures for a coastal plan, Humboldt County submitted a preliminary application for a HUD grant through the State Office Council on Intergovernmental Relations to finance these elements.

If a regional agency is not formed prior to January, 1972, it will be desirable that a joint powers agreement be initiated in order that an application may be submitted by January, 1972, in order that C. I. R. can include the cost of the plans in their request for HUD 701 Planning Grants. We will have to form a joint powers of agreement in order to accomplish these elements, as C. I. R. has indicated that they will receive only one application from the three counties. It has been preliminarily determined that Humboldt County will serve as the applicant for this grant. Another snag encountered the other day is that the planner from Del Norte County, and that is one of the reasons he is not here today, will not be with us after June 1. We are not quite sure if C. I. R. will continue to talk in the same vein in financing since Del Norte may not be

able to participate in the planning end; they have indicated that they are not interested in hiring a consultant. As far as making any actual statements as to what we propose at this time on our coastline, I am not at liberty to make any statements as to what the elements will consist of as the Board hasn't given me any directions nor has the Planning Commission. I am going to have to come up with a proposal and take it to them for approval.

At this point I think I will conclude as there are probably more questions than I have answers to give.

DISCUSSION

Question 1: Are you in the position of bringing the wrath of the tax payers down upon the Board of Supervisors? The State is going to have the authority and the responsibility to do the planning. Though not everyone would agree there is an advantage as well as a necessity on the importance of adequate planning.

Answer: The local government should have full authority over its areas. You are going to have to go to the regional agency in order to obtain the answers you want. If you really want to be heard, you have to keep the local government in power. Any time a new agency is formed somebody has got to pay the bill. The power should remain locally.

Question 2: If some school wanted to build on the beach, would we have local control to stop this kind of thing?

Answer: At present we don't have. The only place that we would control would be within the areas that are zoned. Zoning is a very difficult thing although everyone thinks it should be done. When it comes to the actual zoning of the land, the property owner has a good deal to say about it -- and sometimes they can get rather violent.

Question 3: You said it is difficult to obtain local zoning. This would be a very good point in favor of the State coming in and exercising authority over land use. Particularly in the coastal zone, the State could regulate to a far greater degree than local government can as it has far broader powers. Local government is subject to special interest groups in specific areas and to individual land owners whose interests may be vital in planning, but as far as regulation goes, the interests go far beyond the local area. The decisions that you make here in local planning effect people throughout the State in many instances, particularly in the coastal area. This is an excellent reason for establishing a certain level of state control over this planning of the coastal zone.

Answer: If you had a problem and you own the land and you have to go to the State, you would wish you only had to go to the courthouse to resolve your

problem.

Question 4: Planning would be at the local level, I'm talking about enforcement.

Answer: If you have a problem with the State, you should go to the State and not attempt to use an intermediary.

Question 5: There is no adequate planning because there is no enforcement. There are reams of reports and plans but no enforcement. Zoning is constantly changed to fit the immediate needs and there are no long range goals that are actually enforced. This is where the problem is and this is a need for state land use planning.

Answer: The State is not going to have any better time of it than the local government because you still have to recognize planning and zoning are always done as an afterthought. People have nonconforming uses all over the areas, they have developed the land over the years as they saw fit and, as a result, this development must be recognized when the area is zoned.

Question 6: Would you say that we are on our way now in comparison to ten years ago?

Answer: Yes. When I came here nine years ago we had very few acres zoned, today we have better than 300,000 acres zoned.

Question 7: Speaking of planning ahead, were the facilities ever made to develop guidelines for open space planning?

Answer: The State law on open space and conservation is in the bill. We haven't started any program on the open space yet because we had hopes of getting this thing financed first, and the shoreline is part of this program. We have roughed out a copy and we are distributing it to the various cities involved as well as the three counties to get the approval of the governing bodies involved.

COASTAL ZONE JURISDICTION

Don H. Clausen
Representative in Congress
1st. District, California

Friends from Humboldt County, who, by your attendance, have expressed an interest in seeing that this seminar is a success, I want to say at the outset that I am most appreciative to you for having extended to me an invitation, for as you said Gary at the outset, this program being sponsored by the Sea Grant College here in our own area carries with it a feeling of personal satisfaction. There were just three of us at the outset a few years ago; ironically enough representing the state of Rhode Island was Senator Pell, from Massachusetts was Hastings Keith, and I found myself pretty much alone on the west coast trying to uphold some of these desires, goals and objectives of people interested in the entire concept of ocean and marine resources. If I might say somewhat parenthetically, that, having observed the great success story associated with the land grant college program and the outcropping of the agricultural extension service related to land and land resources, I have always had the feeling that more consideration needs to be given to that which lies contiguous to our own area, and more specifically to the west of our area. And so, the fact that Humboldt State College is located as uniquely as it is, I believe we have in this area an unusual opportunity to make a contribution to the entire ocean resources program of research, exploitation, and more important, development, so that it will be sustained over the period of time on into eternity.

I first want to congratulate you, Gary, and all the people who are going to be participants in the seminar. I've heard excellent responses thus far from your efforts. I think one of the key factors that we must recognize in the advancement of this type of seminar is that it does do a great deal to bring together through an improved communication system the academic, the business and the political community in our own areas. And

I do not only welcome this opportunity, but also the opportunity to observe and read the recommendation that will be forthcoming from the seminar.

The question of Coastal Zone Planning and Management obviously at the outset brings into question one of the very key factors, and I believe that is the question of jurisdiction. As you know, under our Constitution and the established laws of the land, it is very clear that the prime responsibility for the coastal zone, for land use planning, lies specifically with the state and its local political subdivisions out to and including the territorial limits. Then, of course, the national interest takes effect when there is a specific piece of legislation that might effect a given area, or as was the case of the extension of the fish conservation zone beyond the continental limit established by existing law.

However, I want to establish at the outset some of my own feelings on this. I say this based upon, believe it or not, some nearly 16 years of elected and legislative experience at the local and national level. I know that some of you will be surprised when I reveal that figure to you. But I served seven years on the board of supervisors in the County to the north of us, and I am now entering my ninth year in the Congress. I want to state categorically, that in my opinion, the primary responsibility for coordinating the planning function must of necessity come from the local units of government. They, in turn, have the obligation and the responsibility to work in cooperation with the people that they specifically represent. However, I would admonish those that have that responsibility, that if you have the desire to maintain that local control, it behooves you to take local initiative necessary to develop the kind of planning and management efforts that you yourselves desire, otherwise there is going to be someone interested in other levels of government that will become involved because if people do not have the opportunity to convey their wishes through local government - there quite understandably is, under the Federal government, the tendency to want to move to the next level of government. So, as you've heard me say so many times, if you want to retain your local rights, you must assume local responsibilities.

I believe that what I see developing here in each of the counties of our north coast leaves me with a feeling of genuine optimism. I am pleased to relate to you that a number of local initiatives have taken place and

they have become more commonplace over the years. In most of the counties of our north coast, I find that they are in the process of developing an overall land use plan in each of the areas, furthermore, each one of them is in the process of developing water resource policy. I think this is a very encouraging sign because, unless they are in the process of formulating or developing something in the way of a plan, it is very difficult for those of us who serve either at the State or Federal level to advance what, in fact, are local objectives. As a matter of fact, I think there is a tendency to develop a reaction program rather than an action program. So, I am most encouraged in what I see evolving in each one of the counties of the north coast.

As you know, I am in constant communication with the various representatives, and I can say without fear of contradiction that the communication has been on a two-way street. I work closely not only with the local boards of supervisors, but also with the local city councils. Of course the hotline between Sacramento and Washington is kept wide open and I have to say in the presence of Don Cave, who is here representing Senator Collier, that the line of communication between Senator Collier's office, Assemblyman Bellotti's office and my own is certainly not restricted or inhibited in any way. So we carry on a number of exchanges, the general idea being that we can have a general understanding between us and we in turn will communicate with the people of the local level not necessarily to preempt their prerogatives, but to offer some constructive suggestions that we think they might want to consider.

While it is not my prime responsibility, I do on occasion fall back on my local government experience when I communicate with the board members. I can tell you that when I first got involved in the local elected positions in the County of Del Norte, we went through the frustrating experience of observing that they did not have a local building code or zoning ordinance of any type. All you had to do was fly over that area to see where the incorporated city left off and the unincorporated area began, and everything tended to grow like "topsy", rather than in a coordinated manner. Shortly after my service on the board, they developed the kind of building code and land use zoning plan that I believe has served the County, at least from the initial point, and of course they are constantly updating it. Personally

I do believe in coordinated planning. But unless you have the local input and the local cooperation in my judgment, the best plan in the world will never be implemented. An example I could refer to would be when we, at the national level, advanced the water quality act in 1965. Many people are interested in the question of water quality and clean water, but in many respects they are sort of Johnny-come-lately's because it was on our Rivers and Harbors Subcommittee that we enacted the first legislation in the area of water quality control. A rather significant point developed as we gained experience. With all the emphasis placed on the funding, there was something that even the testimony at the outset did not reveal. And that was, with all the funding that was authorized in this legislation there was one very significant oversight - the fact that there were not enough qualified sanitation engineers in the country that could implement the program that had actually been authorized by the Congress. So subsequently, we had to incorporate into future legislation a scholarship program that would place greater emphasis on educating sanitation engineers so that they could serve throughout the entire federal system wherever there was a need for that type of personnel to implement the program at every level of government.

Another very encouraging program that is now underway is the North Coast Area Planning and Development legislative proposal that is now being considered in Sacramento. This would create a multi-purpose planning agency between the established political subdivisions of the north coast. It is yet to be determined the number of counties that will be involved in this total effort, but I do know that each of the board members have been meeting regularly over the last number of months and I believe it will be something that will probably be enacted in the legislature this year. In my view, this is the kind of effort that is necessary if we are going to guarantee the maximum opportunity for local input and local control. This would be a legislative enactment at the state level, and from what I can understand of the proposal it will take into account all of the various programs that are of interest to the people of the north coast of California --- all the way from coordinated land use planning, transportation system planning, law enforcement and the balance of the programs that need coordination as a result of Federal or State legislative enactment. I think that one of the

key elements that will guarantee its passage is the fact that it is guaranteed a maximum of control, the maximum input and the maximum coordination on the part of your local officials. As a matter of fact, you know there are many people who are inclined to think that a federal statute is a panacea, but it is my view that unless you have local initiatives, local involvement, local support, that no legislative proposal at the federal level will stand the test of time. This happens to be the magic of our federal system, that more people need to have a broader understanding of our federal system and how it can be responsive if you have people serving at every level of government willing to be responsive to these challenges of change that are taking place. Now most of the federal legislative proposals at this juncture are in the comprehensive study stage. Of course, they deal with erosion control. There is also an attempt underway to develop a total inventory of the estuaries that are on the coast. There is consideration being given, as you know, to river classifications by the various agencies of the government, and of course a great deal of emphasis on the area of water quality control. But most of our involvement in this area is in those river basins wherein there is a basic interstate interest.

Here on the north coast, as you all know, there is a major effort made that I think has not only drawn national attention, but I think national recognition, for the advancement of three major conservation proposals. One of them in particular was very controversial and that of course was the Redwood National Park wherein, in addition to the Redwood portion of the total proposal, a very significant fact that was accomplished was the nearly 40 miles of seashore from Del Norte county down into the Humboldt County area. In addition to this, the Kings Range National Conservation Area, in northern Mendocino and Southern Humboldt, included something in the vicinity of 13 miles of seashore. Then you are all familiar with the Point Reyes National Seashore down in Marin County. The monetary factors involved were recognized in the Congress as the most pronounced commitment that the Congress has ever made to these national conservation proposals. As a matter of fact, this has all been accomplished in the last couple of years. Some \$92 million to Redwoods, \$58 million to the Point Reyes National Seashore and \$5 million to the Kings Range National Conservation Area. These three major conservation proposals that are now included in the National Park

and Recreation and Conservation system I believe have set the stage for the anchor points for whatever you come forth with in the way of a coordinated land use plan for the north coast.

The one thing that I want to digress momentarily on, which will be a source of in-depth consideration and debate, and that, of course, will be what will take place in regard to the rivers on the north coast. At this point most of the rivers are under consideration by one of the agencies responsible for land contiguous to the location of the rivers. But in general my view has been that I quite understandably want to see the Smith and the Klamath left in their free-flowing states. The Trinity is the river that has had some form of development, and consistent with the policy that I have developed over the years, I want to have input from the local political subdivisions as they develop their own water policy recommendations before I take any kind of position on some of these proposals. As an example, in the case of the Trinity as far as I am concerned, one key organization would be the Trinity Board of Supervisors, and the other would be the elected representatives at the State and Federal level. In addition to this the rivers in Humboldt County, the Mad River has some form of development and there will be additional development on this to meet the local water supply requirements and for other purposes. I would assume that the Van Duzen would stay in its free flowing state unless for some reason someone were to come up with a proposal for some upstream development for low flow augmentation purposes. I am assuming that the Bear River and the Mattole will stay in their free flowing states in addition to the Noyo, the Navaro and that which is remaining in the Russian River. But when it comes to a question of the Eel River it has long been my view that you cannot isolate it into the category, or place it in the same position as some of the other rivers. I have always felt in that entire Eel River basin, you have two very serious problems that need attention. One is the flood control problem and the other is the erosion problem. As a consequence I have advanced the Eel River basin water shed conservancy program. This would be to develop the kind of comprehensive studies that would lead to a system approach rather than confining it to just a single project whether you have a project or not. Only time will tell, because they will have to be justified consistent with the established methodology for evaluating pro-

jects. I would submit to you that the current methodology for evaluation of projects and the criteria for the establishment of the benefit-to-cost-ratio is under constant review by the National Water Resources Council. Rather than depending solely on primary and secondary benefits, which I view as totally archaic and outmoded - they do not take into consideration enough of the potential project purposes - the movement now is to discard the movement toward primary and secondary benefits and move, instead, toward the consideration of the total environment and then developing a new criteria that would refer to or reflect total benefits. This is now in the process of being developed.

On the north coast I believe that we do have something going for us. I think we have time, and I think we have lots of space, and with the right kinds of initiatives, with the right kind of input, I believe that we can avoid some of the problems that have taken place in some of the major metropolitan areas. If the United States has any basic problem here in this country, it is the fact that too long there has been a tendency to allocate funds into areas where the population is now located. They needed to give equal consideration to where the population could be. Our total population pattern in the United States is out of balance, dangerously out of balance, and I think it has been the singular thing which has contributed to the frustrations and problems that are so prevalent primarily in the metropolitan areas. We on the north coast have a unique opportunity to do the job properly and avoid some of the problems and the pit falls that have accrued to those in the major metropolitan areas.

The one area that I believe is most deserving of this seminar's attention, and hopefully you can seek ways and means of adding support to something we have been attempting to advance at the Congressional level, is the extension of the fish conservation area zone offshore. We find ourselves in a very difficult position. We are pretty much isolated geographically and it is very difficult to gain anything in the way of interest and support for this kind of legislative proposal or recommendation because there are so few legislators on the national level that are likewise affected. As a matter of fact, I believe you can almost count them on your own hand - the two members from Oregon, a couple from the state of Washington and myself on the north coast are really the only members of the House who

have a real interest in attempting to establish an extended zone offshore. Whenever I have the opportunity I try to convey to our audience that they learn a great deal about the problems of our own fishing community, learn a great deal about the resources that are being affected out here by the intrusion of foreign fishing vessels, so that you can write to friends or civic organizations across the country and convey to them that you would like to have them write to their own legislators in the Congress in the hope of supporting an extension of this zone.

I have introduced two bills, and someone will say, why do you introduce two bills. It has been my experience that you would advance something in the way of legislative proposal it would be an ultimate objective, but ultimately you may have to be satisfied with something a little bit less. I have advanced the 200-mile fish conservation zone, but I have also advanced the 50-mile or the continental shelf whichever is greater. In discussing this matter with the local people they say we would prefer the 200-mile, but if it is more realistic to obtain the 50 or the continental shelf, whichever is greater, then we would like to have something in the way of a legislative vehicle before the Congress for consideration. This is the reason we provided the two-pronged proposal.

As you know, right here in the state of California there is divided opinion. But I am pleased to say two things have occurred that give us reason to be a little more optimistic. One, the Merchant Marine and Fisheries Subcommittee did hold a hearing in Seattle. Based upon the previous hearings that I have attended, I found the fishing community presented a much more united front than has been presented heretofore before Congressional committees. Second, there is a major movement toward an expanded federation of fishermen throughout the United States; they are in the process of meeting for the purposes of developing policy and strategy on advancing the proposal. I think we must recognize the tremendous efforts of you, Floss Bishop, and the Fishermen's Wives, for what you have done in expressing the plight of the local fishermen and the local economies that depend on their input.

In my concluding remarks, I want to reiterate what I have said just briefly before. I am hopeful that each and every one of you will conduct in depth studies, involve yourselves in this kind of seminar, but more

importantly, work toward a communication with one another. I have what my staff refer to as a Clausonism, it is a quote, "progress is born of a clash of ideas mutually dedicated to a common goal". The last thing you can afford is a clash of personalities, and it is for this reason that I have come here tonight to be with you. I look forward to working with you as you yourselves develop the kind of legislative proposals that we ultimately would implement should this be the decision of people like yourselves and local political subdivisions who in fact adopt them as policy for the county.

So, with this, I will simply remind you that many people are looking to the north coast because it is sort of the last frontier to many - with some 40 percent of the water originating here in the north coastal streams, and the tremendous anadromous fishery habitat that we have out here that yields many benefits both to commercial as well as sport fishermen who visit our area. It behooves each and every one of us to maintain that eternal vigilance in the hope of advancing the best in coordinated land use planning, program recommendations, but at the same time, don't lose sight of our major responsibilities off shore. I am convinced that we, at the National as well as the State level, will develop the kind of program that you want. We don't need any experts to come in from the outside to tell us what we already know so well as a result of our own research in this regard.

AN ENVIRONMENTAL MANAGEMENT CHALLENGE

Thomas F. McNamara, Chairman
Board of Supervisors
Del Norte County, California

Today, 75 percent of our Nation's population reside in 31 states which border on the oceans and the Great Lakes.

Just as a balanced, multiple use of such valuable natural resources as timber and timberlands, have proven to best serve the public interest -- so too, the public interest is best served by a balanced, multiple use of the land and water of the Nation's coastal zones.

The need for a comprehensive, coordinated, and balanced coastal zone planning and management program is recognized at the National, State and local level.

However, the coastal zone, just as most natural resources, presents a complex environmental management challenge.

In addition, the problems of population distribution and economic development must be considered in any coastal zone management program.

Population concentration results in the universally recognized "urban crises" in the over-congested metropolitan areas, as the economic and social costs of population growth outrun resources. Correspondingly, a rural crises results from out-migration in the rural areas and small towns and cities of the Nation.

To help resolve the pressures of concentration of population and economic development in over-congested urban areas and as an aid in steering a greater proportion of the population and economic growth into the rural areas, a balanced, multiple use, of the coastal resources, planned and managed by local governments in the coastal areas working together, in cooperation with State and Federal government, will best serve the public interest.

In California, because of the vast expanse of the coastal zone, and the severe population imbalance between the area from San Francisco south to the Mexican border and the north coast area of California, the

most logical, effective and economical administrative and legal structure for coastal zone planning and management in the north coast region of California would be an areawide organization which is structured in such a manner that the governing board would consist entirely of elected public officials representing the cities and counties within the north coast area, but with adequate opportunity provided for broad citizen participation.

The State of California should assume the necessary responsibility for assuring that the general public interest is served in the balanced, multiple use of the land and water of the Coastal Zone.

This state responsibility and general overall policy regulation can be accomplished by appropriate certification and approval requirements included in State legislation establishing, in the north coast region of California, a north coast area planning and development organization. Similar area organizations should be established for the central and southern areas of the State.

Federal financial and technical assistance must be provided to the State and area organizations to allow an adequate and comprehensive coastal zone planning and management program to be developed, based on Federal, State and local participation.

One of the basic recommendations contained in the Report of the President's Task Force on Rural Development is that "the real strength of rural development is that it harnesses local energies and is run by local people who know better than anyone their own problems, their own capabilities and their own priorities". (A new life for the Country- The Report of the President's Task Force on Rural Development, March 1970).

Once planning and development moves beyond the strictly local level and, either because of natural, economic or other factors, takes on an area or multi-county dimension, then cooperative and coordinated action by the local governmental entities in the area is appropriate for the required planning and development activities.

Because of the interlocking political jurisdictions, the inter-related coastal problems, and the magnitude of the coastal zone planning and management program required, a multi-purpose area planning

and development organization, supported and established by adequate State legislation, will provide the necessary administrative and legal framework to cope with coastal zone planning and management with the least interference with but significant and essential participation by local governments within the area.

The Counties of Del Norte, Humboldt, Lake and Mendocino have had under consideration for the past 2 or 3 years the formation of a voluntary multi-purpose area organization.

At the present time we have under review a draft of proposed legislation to be known as the North Coast Area Planning and Development Act.

Section 67522 of the proposed Act contains extensive provisions relating to the preparation of an Area Development Plan. A few of the elements that will be included in the Area Development Plan are:

- 1) Policies for the most desirable pattern and intensity of general land use within the area in the light of the best available information concerning natural environmental factors, the present and prospective economic and demographic basis of the area, and the relation of land use within the area to land use outside the area which bears relation to the planning and development within the area. The land use pattern shall provide for open space as well as urban, suburban and rural development, and shall include classification of urban development into major components of residence, industry, commerce, parks and recreation areas.

- 2) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural resources within the area under the jurisdiction of the Area organization, including but not limited to soils, estuaries, natural preserves, shoreline and submerged lands, scenic corridors along transportation routes, open spaces, breeding grounds of fish and wildlife, and recreational and historical facilities.

- 3) A plan for providing maximum public access to public lands within the area.

- 4) A recreation plan for the development, utilization and management of the recreational resources of the area, including but

not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas and other recreational facilities.

On a broader scale, there is a need for a National Coastal Zone Management Policy. Further, the Federal Government must provide a major portion of the financial assistance to States and local governments and areawide agencies to allow a balanced multiple use Coastal Zone Management Program to be developed. A Coastal Zone Planning and Management Program, just as most environmental management programs, tends to be excessively costly because of the severe population imbalance in this Country. However, the uncoordinated and overly complex programs of the Federal Government is a major factor in creating population imbalance. At this point, liberal financial assistance, together with technical and administrative cooperation and assistance is what is needed now from the Federal Government -- not more control.

Review and approval procedure should be adopted and implemented at the Federal and State level in matters of Coastal Zone Planning and Management -- but direction and control should be retained by local governments exercised in a coordinated and cooperative manner through a voluntary Area Planning and Development Organization.

Although there has been, in past years, an attitude of reluctance and even indifference by some local officials in matters concerning governmental actions required to improve the quality of life and the environment, the present attitude is more responsible and practical, especially in the rural and non-metropolitan areas where economic survival is a constant struggle.

The need for action in developing a balanced, multiple use Coastal Zone Management Program, even though such a complex and multi-jurisdictional problem requires some modernization of local governments, and more effective implementation of the Area Planning and Development process does not justify or require the removal of control and direction out of the range of power of local governments.

It is not the vastness of our National Parks and recreational facilities, or giant rivers or bristling coastal areas, nor the size or power of our military, nor our unmatched technological and scientific

accomplishments that makes this Country the recognized leader among all nations on earth in guaranteeing freedom, liberty and independence to all its citizens -- it is the moral and spiritual unity of our people -- and the unyielding demand that government, at all levels, respect, protect and recognize the primacy of individual freedom and liberty.

Those who trample upon our Constitutional liberty by the undue imposition of governmental control or regulation -- whether in the name of conservation, economy or otherwise, are reinstating the abuses and excesses so strongly condemned in our Declaration of Independence.

Exercise of governmental power -- at any level -- is a delicate matter but the frequency of imposition of oppressive and arbitrary controls upon the daily personal and business activities of individuals is far greater when exercised by an overly centralized Federal government, whose course is charted by weak and misdirected national leaders, supported by a continuous flow of irresponsible and deceptive propaganda.

The desolation that would exist in this Country if there were no animals, or fish, or trees, or ocean beaches is not the desire of any reasonable man.

The quality of life depends, substantially on how man reacts to his natural environment and the use of our natural resources, -- there is a balance between conservation, preservation, beauty, business and individual freedom that must never be ignored.

In summary, our position on coastal zone planning and management is:

1. Any planning and management program involving our coastal areas must be based on a balanced, multiple use concept.
2. Local governments voluntarily working together within the framework of a multi-purpose planning and development organization will provide the best vehicle for assuring the retention of essential power and control at the local governmental level.
3. A National Coastal Zone Management Policy, enhanced and implemented in cooperation with State and local governments should be a part of an overall National Growth and Development Policy.
4. Certification and review requirements of the State and of the Federal government will protect the general public interest in

any Coastal Zone Management Program without unduly interfering with the exercise of primary power and control by local governments.

5. Finally, improvement of economic conditions in the north coast region of California must be given primary consideration in all natural resource planning and management programs, including coastal zone planning and management.

PROTECTION AND PRESERVATION OF THE COASTLINE

Don Peterson, Chairman
Board of Supervisors
Humboldt County, California

My remarks today will be directed in a general way toward the concept of planning and managing California's coastal zone and on the necessity of coast and shoreline preservation. It is not my intention to speak directly to any present bill now in print. The legislative session has many weeks to go and much can happen. The principles I set forth here -- we hope will be included in whatever final bill is passed.

First of all, we believe that there is a legitimate nationwide concern in the coastline -- and therefore the federal government has a responsibility for assisting coastline protection. The national goal should be to protect and preserve the coastline (particularly California's coastline) to the extent that the federal government primarily provides technical and financial assistance, leaving the mechanics of solving specific problems to State and local agencies.

Secondly, we believe that there is legitimate interest by all of the people in the State in the coastline and therefore, State legislation should be enacted to accomplish a local, regional and State shoreline control program. This legislation should mandate local programs and, at the same time, give local government the power and the tools to accomplish necessary preservation and proper land use. Such legislation should include the authority for joint powers agreements, regional associations, and multigovernmental agencies for this purpose.

Precise planning and zoning responsibilities within the mandates and guidelines set forth by the State for the coastline should rest with local government, and program emphasis should be on direct local action within the framework of a regional plan and a State policy.

Existing councils of government and multi-governmental planning agencies should be utilized to coordinate the regional planning function consistent with their other regional planning activities. Where no multi-governmental agencies exist, specific legislative authority should

be given for such a purpose.

We support State legislation requiring each city and county along the California coastline to establish a shoreline element as part of their general plan consistent with State guidelines. The plans should include specific and direct methods of enforcement.

The plans should be reviewed and approved by the appropriate council of governments and/or regional planning commissions where they exist to determine whether or not State and areawide needs are met. The State should establish guidelines and criteria for the preparation of the coastline conservation plans to be consistent with the highest and best use theory and in the public interest as determined by elected officials.

Such guidelines should govern but not be limited to policies dealing with:

- a) The destruction of an estuary, saltwater marsh, slough, river mouth, lagoon, bay or coastline, or any part of an estuary, saltwater marsh, slough, river mouth, lagoon, bay or coastline within the coastal zone.
- b) Any possible reduction in, or limitations on, legal public access to the water from land within the coastal zone.
- c) The reduction in the area of lands available for public beach or shoreline recreation or associated activities within the coastal zone.
- d) The substantial interference with the line of sight from the nearest existing public street or highway within the coastal zone to the water's edge or the seaward horizon, or both.
- e) Filling or dredging for purposes that are not consistent with uses which are necessary to and dependent upon the coastal zone environment.

Within each council of governments or multi-governmental entity, a shoreline control commission should be created, composed primarily of locally elected officials. Also included on the commission should be representatives of the public from appropriate disciplines.

The regional plan should be submitted to an appropriate State body having substantial local representation as designated by the Governor. This review shall be to determine if State guidelines as minimum standards have been met and to insure that the various regional plans will meet and be consistent with those plans as they affect local area conditions serving the best interests of the regions affected.

The mandatory date for submission of the local coastal plan to the council of governments should not be more than two years after the State has established the guidelines and criteria for the plans and funding has been available through the State. This planning effort should be coordinated among the State, regional and local levels.

During the two-year planning period and/or prior to the final approval of local coastal elements, the guidelines should be imposed as mandatory regulations in conjunction with a permit system. The permit system should be administered by the council of governments or multi-governmental agency. There should be no appeal beyond the council of governments.

If, after the two-year period, a city or county has not submitted and received approval of a coastline element, there should be an immediate cessation on all coastline development in that city or county until such time as a plan or element has been approved.

The "Coastal Zone" must be defined by the local agency, using logical topographical features. The zone should be subject to review by the appropriate council of governments or multi-governmental entity and accepted by that State body having responsibility for reviewing local plans.

The opportunity for local government to preserve access to beaches, provide for beach and recreational uses, and develop and implement precise shoreline plans and appropriate zoning should be strengthened by appropriate State legislation which would:

- a) Permit local agencies to require the dedication of land for public use.
- b) Provide authority to use eminent domain proceedings to acquire shoreline open space.
- c) Incorporate a property tax incentive law to preserve the coastline.
- d) Incorporation of prescription rights to insure public access.
- e) The authority to allow local governmental agencies to buy development rights.

State or Federal funds and technical assistance should be made available to local agencies to permit them to prepare the coastal element of their general plan.

The principles which I have just set forth are taken in content with two convictions:

- 1) There is a great public interest in resources of the nation and how they are used, and
- 2) The public wishes to play a role in the decisions regarding this usage.

I would like to relate two incidents of local concern. The first has to do with Fickle Hill Road. When I first came into office, I was constantly approached and asked that money be appropriated to widen the Fickle Hill Road, to take out the curves on that road, and to improve it. Money was placed in the budget for that purpose. Sensing some change in the public sentiment we held a public meeting. Notices were sent out to everyone residing on Fickle Hill Road from the edge of the city limits to Kneeland. I think at least one representative from each household was present. The plans that we had for this road were presented to these people. Their initial reaction was, you have decided to make Fickle Hill Road a major access to Butler Valley Dam and Blue Lake and you are merely coming here to inform us of your decision. We said, no that is not our purpose; we are here to ask you what you wish us to do with your road.

We presented five alternatives to the citizens of that area -- they did not like any of the five alternatives. They presented us with a sixth alternative. The sixth alternative was take the money you have allotted to widen the road and start at the city limits, take out the stumps that encroach upon the roadway, cut off the low hanging limbs, cut back the brush, fill the chuckholes, put a little pavement over top of it and then go away and leave us alone.

This was presented along with our alternatives for a vote. Our alternatives got a total of four votes. Their alternative got 92 votes. Three weeks later, the Board of Supervisors unanimously directed the Department of Public Works to follow the wishes of the people of Fickle Hill, spend the money as far as it will go in widening the shoulders and so forth.

The second example has to do with Berta Road which goes across Elk River. Berta Road has a covered bridge on it. Since I have come into office I always know when it rains for more than an hour and a half someone from Berta Road is going to call me. They are going to say " There is water

over the road, Supervisor, what are you going to do about it?" So we put some money in the budget to build a new road across from Elk River Road up the hill. We held a public meeting and presented them with the alternatives that we had for constructing a new road from Elk River Road to the existing site of Berta Road. All of these alternatives called for removing the existing covered bridge. We were going to take the covered bridge down, haul it at some expense to the County park at Freshwater, reconstruct it and leave it as our bridge across Freshwater Creek inside the park.

The people of Berta Road have a proprietary interest in the bridge across Elk River and they did not wish us to remove it. The alternative they chose was to leave the existing Berta Road in pretty much the condition it is in now, but to build them a new road that would connect Berta Hill Road to Humboldt Hill Road and not really disturb their existing road or bridge. My four colleagues are not as eager to go along with this because the alternative that the Berta Road residents chose was the most expensive.

I have related these two incidents to you to demonstrate two things:

- 1) the public is vitally interested in what happens to the natural resources around them, what happens to the environment around them. They are vitally concerned with what takes place in their own neighborhood.
- 2) the public is not only interested, but it has a point of view that it wants to be heard, it wants to be listened to and it wants governmental agencies to be responsive to its requests.

Much discussion will take place as to why the other Supervisors and I place so much emphasis on local government. There is a very simple reason. It is my belief that local government is the level of government which will be responsive to the wishes of the people and this is part of government's responsibility. I am firmly convinced that emphasis must be placed on local and state elected officials because I believe these people are more responsive to the wishes of the people, but more important, they are the ones who can be held directly responsible for their actions.

DISCUSSION

Question 1: There are a lot of people who are participating who have never had a chance before. You can do it in some of the ways like the hearings and so forth. How do you propose, in your idea of the representative regional board, to reflect public interest?

Answer: I agree that you have some very real problems when you establish an agency which is once or twice removed from the electorate. If we establish commissions whose purpose is to set up rules and policies to govern us, and in the same legislation, take steps to remove them from the electorate, then I think this is a very dangerous trend and I am very concerned about that. You may wish to have certain officials removed from the electorate for at least a certain period of time. Superior court judges are elected for six year terms; this supposedly removes them from the scope of electoral politics for a reasonable period of time. A regional association, and I prefer to call it an association rather than a government, must abide by all of the same rules that local governments have, and those agencies that are established must be responsive to the voters. These regional bodies should be composed of elected officials; elected officials are responsive, they do have a constituency, they do have an electorate to whom they must answer.

Question 2: It would be nice if we could just stay with the city or county but they don't have mutual jurisdiction. For example, the Board of Supervisors has no way to be responsive to a problem within the jurisdiction of a city. The people of one city who have a problem have no way of getting their neighboring city to be responsive. So many of the actions of these individual governments, either city or county, affect all the people in the whole area. One of the things that I am very interested in is that I do not see how the cities here in the County, or the Board of Supervisors for that matter, could have appointed two representatives who are not responsive to the will of the Board. It is hard for me to see the cities appointing two members who would not be responsive to the express policy of the city. I question that members will be selected who are not responsive.

Answer: The body who appoints an individual cannot then hold him. In the final analysis, the individual selected serves as a free intelligent agent. He would act as he sees best in the light of the things that are presented to him.

Question 3: You seem to be advocating local control within governmental guidelines. An example of where local control is not desirable is Disney Enterprises' project in Sequoia National Park: Disney wants to put super highways through the National Park where the super highways do not belong, and to develop a valley that should belong to the National Park. The local Chamber of Commerce can see the great glitter of dollars from tourists and the enlargement of the tax base. Now, should we listen to the local government and Chamber of Commerce and put a highway through there and detract from the value of our National Park, take in a valley that should never have been considered for any private enterprise whatsoever? Or do we take the State as a whole and the Federal government as a whole and keep the integrity of our National Park as it should be? Here we have local government against National interests.

Answer: I am sure the incident you relate is quite real and I am sure there is National interest. I would caution one thing, however. Let us not say to any elected body that because they do not act in the way in which we think they should act that their power should be taken away. You have to assume that whenever or wherever there is a responsible level of government established that the responsibility of that government, that governmental entity, should be respected unless there is some kind of a violation of the respect and trust placed in them. I think there are legitimate National interests in the coastline. There are going to be some State guidelines that are going to have to be established. Within those guidelines, the local governmental entity should be given its opportunity to act. Every local governmental entity in this county is undergoing a vast change of attitude and a vast change in its concept of this responsibility. It is a matter of history that one of the prime reasons why a substantial amount of power has gravitated away from local governmental entities is because they simply have not exercised it. If there is a problem to be solved, and if the public

require that there is action to be taken on a particular problem area, some governmental agency is going to respond to that need. If the local governmental agency does not respond, somebody else, somewhere, at some other level is going to respond. There are examples of a legitimate need where local government did not respond so either the State or Federal government did. There is a legitimate national interest in certain things, there is a legitimate state-wide interest in certain things. In many of these matters local governmental entities will have to respond within broad State guidelines.

Question 4: In other words, overridden?

Answer: They might have to. The local governmental entities should see their responsibility and respond to it themselves.

Question 5: Sometimes they don't?

Answer: Sometimes they don't, in fact, I think it's more than sometimes. But because that has been the case in the past that is not reason for us to assume that has to be the case in the future. We are not alone in these things, we recognize what our local responsibilities are, we firmly believe that the electorate has a right to have a government that is responsive, and I think the local government entity can be responsive.

Question 6: Your statements and your presentation were mostly on the need for responsive local government, the responsiveness of Boards of Supervisors has changed - not all to the good. It will be an ideal situation if we could have close rapport between the citizens and the Board of Supervisors. Special interest still outweigh the general public's interests.

Answer: Whose fault is that?

Question 7: The County's fault and the electorate.

Answer: All right, emphasize that.

Question 8: Special interest can focus attention and support behind certain officials and get the public to back them. The public has involved itself more in issues, but still there is much evidence of a lack of responsiveness by public officials

and that is why we turn to the State for help.

Answer: There has been, in large, a major lack of response on the part of the local officials. This is just as much the problem of the electorate and the citizenry as it is the people who are in office. The citizen who has a genuine interest and concern has a responsibility to make himself heard and felt and acted upon in the local area just as much as he does on the state level or the national level. The National government has been unresponsive in certain instances. The government of the State of California has not always been responsive. You want some action by responsive officials, at whatever level, to carry out some things that need to be done. Let's not throw out the possibility of local control of these areas of responsibility; let's not say it can't ever happen because it can; but it will require the efforts of a good many people.

COAST ACCESS

Harvey Sawyers, Chairman
Board of Supervisors
Mendocino County, California

Thank you very much Mr. Thompsen and you, Gary, and the college for putting on this seminar and trying to get several of our counties together and local representatives to discuss mutual problems.

It may be a little bit late but we are getting organized in our planning situations, especially with regional governments. It seems that the Federal and State governments are demanding that we get organized into regions, otherwise we will not receive some of the funds they stick out in front of us like a carrot. It seems as though our north west counties cannot operate the way we like unless we do nibble on this carrot, and sometimes we nibble a bit too far and then they take the carrot away from us and we're on our own. We really do have to be careful what actions we take when we do get organized into regional organizations and also when we act independently.

I certainly agree with the two previous speakers this morning on their philosophy of regional government. The Federal and the State governments should cooperate with us in making laws and regulations that we will have to abide by. Both of the previous speakers have spoken toward formation of regional governments and what they can do for us and how we can cooperate with them. I'm going to give you a resume of our particular actions so far under some of the dictates of the state.

We on the Mendocino County Board of Supervisors have got our feet wet already. We have taken actions that any government entity would do, that some people will agree with and some won't. We got our feet wet in one phase of this planning on coast access and what should be done. One of these is the change in subdivisions and I may speak a little on other industries along the coast. We are very interested in PG&E establishing a nuclear power plant down the coast by Point Arena. We know that we will have, and have had, opposition on the subdivision, and we know we will get other opposition on the atomic plant. But I'm going to talk

about zoning and particularly the subdivision requirements on the coast.

Yesterday your seminar was directed to Coastal Zone Planning in which you heard various County Planners project their County's plans and proposals toward coastal planning. Today, I would like to convey to you some ideas regarding Coastal Zone Management.

Mendocino County, like other coastal communities, has been confronted with legislation regarding Coastal Zone Management which we feel permits varying degrees of interpretation. For a period of many years visitors to the Mendocino County coast were not hampered in their efforts to cross private lands to go fishing, swimming or digging for abalone. Today, however, this has changed and some conservation organizations' effective lobbying have brought about legislation which attempts to mandate beach access.

Mendocino County's first experience in this field resulted from approval of the subdivision map of Casper Headlands Estates which are being developed by the Plumus Investment Corporation by a Mr. Ross Lawlen. Immediately following this action the Sierra Club brought suit against Mendocino County. Although the action of the County was upheld by a court decision, the action is still pending. I would like to read to you the status of this case, but before I do that I will read part of the Dunlap Bill.

The Dunlap Bill is by Senator Dunlap and became law November 23, 1970. It requires the County to require "as a condition of tentative and final subdivision's maps approval, the dedication by fee or easement of reasonable public access". The following two major points must be kept in mind: "Absolutely no tentative or final subdivision map may be approved unless some access is guaranteed. No county shall approve either the tentative or final map of any subdivision fronting upon the coastline or shoreline which subdivision does not provide or have available reasonable public access by fee or easement from the public highways to land below to the ordinary high water mark on any ocean coastline or bay, shoreline within or at a reasonable distance from the subdivision". This was the opinion of our District Attorney. There are a lot of subsections to these but I am just going to read six of the major requirements, then perhaps during the question and answer period we can bring out some of these subsections.

"Nothing in this section shall require a county to disapprove either a tentative or final subdivision map solely on the basis that the reasonable public access otherwise required by this section is not provided through or across the subdivision itself if reasonable public access is otherwise available within reasonable distance from the subdivision."

"If the subdivider has not provided an access through his subdivision determine whether access is available within a reasonable distance from the subdivision."

"If he has not provided an access nor is access available within a reasonable distance determine reasonable public access through the subdivision."

"After determining reasonable public access, do not approve the map without conditioning approval thereof upon the expressed dedication of such access route by fee or easement to the designated governmental entity."

And number 6, " If the map is approved direct the planning department staff to inform the particular governmental agency designated of the need to commence making a decision whether to accept the route designated."

Now that is the Dunlap Bill, part of it, which we have considered. I would like to read at this time the status quo of the decision that our Board of Supervisors took on the Casper Headlands. I asked our District Attorney for the history of this since we approved the map on July 7, 1970. This subdivision is the extension of a previous subdivision that Mr. Ross Lawlen had developed and this is an extension of eight new lots. Our District Attorney stated:

In response to your request for an outline of the history of the Sierra Club vs Ross Lawlen involving ocean access to the Casper Headlands Estate subdivision, please be advised as follows. The Planning Commission of Mendocino County approved the tentative subdivision map of Casper Headlands Estate.

In March, 1970, the California Supreme Court decided Deitz vs King holding that private land became implied dedication to the public upon five years uninterrupted public use. On the basis of this decision, the Attorney General sent copies of a letter to each coastal County District Attorney and County Council advising local officials to deny approval of the subdivisions in coast line areas in the absence of investigation by such local agencies which reveal that the elements of implied dedication are not present. On July 7, 1970, the Board of Supervisors, by a 3 to 2 vote, approved the final map of the Casper Headlands Estate without requiring an investigation. The Sierra Club immediately thereafter filed a complaint entitled "Sierra Club vs County Clerk and County Board of Supervisors in the County of Mendocino" in the Superior Court. This complaint was for a permanent injunction

temporarily restraining order and for declaratory relief. Essentially, the complaint charged that the Board of Supervisors acted unlawfully in approving the final subdivision map of Casper Headlands Estate: a) Without holding public hearing to determine whether the construction of the subdivision would not exclude the public from access routes to navigatable waters established by implied dedication, and b) Without requiring that adequate public access to navigatable waters and the shoreline be preserved without regard to implied dedication of such routes under Article 15 Section 2 of the California Constitution. The injunction sought also to prevent the County Clerk from recording the final subdivision map.

The Attorney General's office, on behalf of the people of California, shortly thereafter intervened on behalf of the plaintiff the Sierra Club. After the hearing, the Superior Court of the State of California on December 18, 1970, entered an order and a decision in favor of the Board of Supervisors and the Clerk and against the Sierra Club. The Court held that the Board of Supervisors could have required the subdivider to dedicate access routes to the shoreline, but it is not compelled to do so. The Court held that it is not the obligation of the Board of Supervisors to hold a hearing and make findings and orders with respect to allegedly indicated public access routes, but rather any member of the public on his own could come into court to establish this implied dedicated access route under the doctrine of Deitz vs King.

The Sierra Club threatened to appeal the order of the Superior Court, and therefore, the Court has extended by order of stipulation of all parties including the developer of the Casper Headlands Estate a time for fighting an appeal in order to see if the case can be settled. It now appears that the case will be settled in the following proposed terms:

There are five terms, and it could be any one of the five, or all of them, it is at a standstill at the present time. These are the terms that may be decided on in this case.

That the Plumus Investment Corporation, the developer of Casper Headlands Estates, convey to the State of California in fees simple, the Casper Beach area of approximately three acres.

That the State Park Commission of the State of California classify said Casper Beach area as a State beach, which shall be open to use by the general public subject to the rules and regulations of the Dept. of Parks and Recreation.

That the Plumus Investment Corporation convey to the State of California in fees simple, parcels A, B, C and D of tract number 135 as shown on the final subdivision map which are parcels of the land adjacent to the bluff, and also four pathways to access routes of ten feet in width extending from said parcels A, B, C and D to the headland drive.

That the State Park Commission of the State of California shall classify parcels A, B, C and D, and said pathways as a scenic or scientific reserve which shall be open during all daylight hours

to all owners of the subdivision property and to be used by the general public subject to rules established by the Department of Parks and Recreation which shall require all persons to register their names and addresses in an office of the Department of Parks and Recreation in advance.

That the Department of Parks and Recreation shall use its best efforts to have the tide and submerged lands, adjacent to the Casper Headland Estates subdivision to a depth of ten fathoms designated as a marine life refuge by the Fish and Game Commission.

With this last stipulation in here "and designated as a marine life refuge by the Fish and Game Commission" the State put this stipulation in because environmentalists were concerned about the wonderful abalone areas around there. The reason the Board had approved this without putting some of these stipulations in is that we felt that under the Dunlap Bill there was reasonable access. The three acres that the Plumus Investment Company was willing to give along the beach was sufficient for access to this beach. The subdivider was willing to give parcels A, B, C and D for the people to have access, but they also wanted the ten foot wide pathway down the cliff. However, we did feel that the three acres of Casper Beach would be sufficient. It is in the hands of the Courts right now and we hope it will be settled as soon as possible.

Recently the Board of Supervisors approved two subdivisions without the requirements for beach access. In each instance the Environmental Quality Coalition has instituted action against the subdividers. We are having difficulty trying to develop things, they want to keep a status quo, yet we have to take under consideration the owner's side of it. One owner withdrew his whole map, and said he wasn't going to develop it. He sold the whole parcel of property that he was going to subdivide and the buyer is going to build a home on it. Mr. Sheets is the one who did not pull out of it, he owns a piece of property along the coast called Havens Neck, between Point Arena and Gualala. This particular subdivision involves 15 or 20 lots. The point sticks out and there are only two little beaches down there. They are only about the size of this room and yet the public has been using them for years and years. Under the Dunlap Bill, these people have been using this for more than five years so they have a dedicated right of way through there by right of use. Mr. Sheets realizes that the Dunlap Bill says he has to provide an access, but he opposed it

and we went along with Mr. Sheets due to the fact that it would be quite a job to get trails down there. Even if you did get trails down there the public utilities wouldn't be there, toilets and trash cans. We understand there are some very rare plants down there that exist in only two or three places in the world and Mr. Sheets is afraid that people will destroy them. It would be a mess, and it would be up to Mr. Sheets to clean it up unless the County took it over. But if we start that, then we would be cleaning up beaches all along the coastline. A lot of these beaches are being developed for not only the people in Mendocino County but people throughout the State and the Nation will be using them. If the State would come in and do this, or the Federal Government, we wouldn't object. We feel it is too big of a job for Mendocino County to take care of these beaches and provide facilities for the entire public.

We believe in development. We have another subdivision in Westport that brought in their final map recently. The owner wanted the public to go onto his beach. He deeded to the County a right of way down to the beach and another one, a complete access to get in and out. We felt this was good and we accepted the deed. Perhaps he plans to take care of the facilities on the beach and make some money on them. We voted against other subdivisions because we did not think there was a reasonable public access, whereas, this one, by dedicating three acres of this beautiful beach, was sufficient for this subdivider who only has eight lots.

While unanimity does not exist, the majority of the opinion has been that consideration must be extended to the land owner involved. A lot of people do not do this, the land owner certainly should be considered on these things. If you are going to take some of this property away from him, he should be paid for it. The State and Federal Government is going in and demanding that some of these accesses be given for the public, as well as a logical decision whether to require beach access if there is nothing at the access that the public can use. Each decision has been rendered based on the individual circumstances surrounding each subdivision of coastal lands. It is the consensus of opinion that beach access that ends at a vertical bluff of considerable height to the shoals or rocks that are never free from tides should require dedication of access. We have miles of beaches in Mendocino County, I know

you do here in Humboldt County and I would hesitate giving access to some of those. Some of them have trails down there now that people have been using for years, but I would hate to be responsible for building better trails down there and be responsible for hundreds of people going down those bluffs.

The Mendocino County Board of Supervisors, although involved to some degree, at the present time are still at the apprentice level. Like I say, we have got our feet wet but we hope the State and Federal government will come in and help us. If we get with Humboldt County and Del Norte County and Lake County we can all get together and work out some kind of mutual planning and management program. Pending legislation and further actions by interested groups are sure to convert these apprentices to journeymen in the very near future.

Now we understand that under the 701 bill a group of Counties can apply for grants for planning for beach access. We plan to ask for these funds so we can make some good planning programs for these accesses and we hope we can get together with our neighbor Counties and get this program going.

A lot of people think that we can regulate people by zoning. But it is coming to a time when I don't know if zoning is going to be effective or not in a lot of decisions that are to be made. I might read an article here that may startle some of you, and it may not be far from wrong. This article was in the Napa Register and may be of interest to you as we are all interested in beach access and zoning.

"The civil rights battle of this decade and the next will not be about school rooms but over land use and zoning." So predicts National Property Outlook, a newsletter for bankers, builders and everybody else involved in real estate business. As with civil rights the battle ground will be the United States Supreme Court which has calendered a zoning decision for this spring. The last time the Nation's highest Court spoke out on zoning was in 1926, it said it was legal in the public interest. This time it is expected to say it is not legal, not when it is used merely to keep people out.

The specific case in point concerns Concord Township in Pennsylvania, Delaware County near Philadelphia. The rural township had a population of only 3,000 in 1960. This has nearly doubled in the decade. When a builder-developer asked permission to build houses on a one-acre site on land zoned for two and three acre minimum sites, the township's officials denied the request focussed on three principal reasons. Smaller lots would create a sewage disposal problem. Smaller lots would mean more people,

overloading existing roads and school services. The residents of the township wished to reserve the natural authentic beauty and open character of the countryside. The lower court approved but the Pennsylvania Supreme Court said nonsense, ruling that Concord Township could not use restrictive zoning merely to avoid the problems of urban growth.

In a related decision involving Providence Township, in the same county, the Court ruled that officials could not use zoning powers to deny permits to apartment builders merely because they did not want the problem caused by high density living.

Many of the Nation's 18,000 zoning boards have created ordinances that say in effect only the rich are welcome. They are heading on a collision course with reality. The United States Supreme Court will say that the large public interest overrides the narrower interest of the specific area, in other words, that zoning cannot be used to keep out undesirable people."

It further predicts that this will be resisted more strenuously by northern communities than the 1954 ruling on school desegregation was resisted in the south.

So you can see that we have a lot before us. We have planning to do and we need everybody's help. I am sure there is going to be quite a lot of controversy here in the near future pertaining to beach accesses and zoning and what you can do.

I am sure that all the counties can get together and the people involved should be able to come out with some kind of plan that we can live with in the future.

DISCUSSION

Question 1: During your speech you said that you could see no reason for acquiring a beach area where there is nothing to use. I would like you to define the term "nothing to use".

Answer: By that I meant little, small beaches down below a big bluff or something like that. I don't know what in the world would be the reason for people to go down there. The tide probably covers the beach most of the time and we just don't feel it is feasible to obtain access down there to develop them.

Question 2: Does the securing of a dedicated beach area by the government necessarily require that trails and public facilities be developed?

Answer: No, not necessarily. Under this Dunlap bill, when these maps are approved by the County, they are supposed to designate access routes to the bluff areas, and then they have a one-year period to accept these areas. So, if there is not a reasonable access route to one of these beaches, we will not even submit it.

Question 3: If the public has a trail already in use, why not leave the trail as it is and dedicate that trail for public use? Public facilities are not needed in that area since they have limited use and have not been needed by the public before?

Answer: If plenty of trails have been there, under this Dunlap bill or under this right of use, it seems as if it is almost going to be there unless the subdivider or the persons who develop this area can prove that these people are trespassing. People have been trespassing for years and years without the consent from the people who own the property on the coastline, and now, when these people want to develop the property, there is an uprising because people can't get down to those places. The public probably has a right; they like to get down there - I like to get to the beach too, but at the same time I don't want anybody trespassing on my property without my permission. There are laws being instigated now that the people will have to pay for these rights. But under the Dunlap Bill they can just go in and take the property away from them.

Question 4: Another thought is that people may have been using an access for years and the developer must have been aware of this but he only objected when it actually came to placing a housing project there. Does public access devalue the land in any way?

Answer: Well sometimes, yes.

Question 5: Does Mendocino County pay the subdivider for the public streets that they (subdividers) build and the accessways?

Answer: No, we don't have enough money.

Question 6: We seem to be on a long narrow road, the coast zone is only a half-mile wide and we have two very strong interests coming into a collision course - private interest and public interest and the plan, from what I have heard from the supervisors seems to be that the private interests have a greater right, at present, to the utilization of that land. In other words, we are talking about public utilities, we are talking about subdivisions or private ownership. What are the alternatives to those interests? The public interest can't be ignored, people are going to demand to use the coast, there's only so much coastline, private interests can be re-focused into other areas. Is anything appropriated in the county to this seeking out of alternative solutions to the siting of developments?

Answer: Well of course we have all three (supervisors) stated that this is just a new concept that is appearing but, if the public wants to use the coastline up and down the coast, let them buy the coastline. Let the State of California buy it and open it to the public. If you are a member of an organization, get them to buy 100 miles of the coastline so the public can use it.

NON-AGENDA STATEMENT

Ray Peart
Supervisor - District Four
Humboldt County

There are two others supervisors here, and I'm one from Humboldt and it seems to me that one of the problems we should discuss is to recognize some of these people who do want recreation along our coastline. I know we are running into problems even making comments on Environmental Impact Statements and so forth. Humboldt County, like a great many others, doesn't have much money: we don't even have a biologist on the County payroll. So, when we get these complicated Environmental Impact Statements and we are asked to comment, frankly, we don't have the capability to do a really good job. I really don't think that we can define and develop what would be the optimum population along the edge; what is the maximum pollution we can dump in the ocean. If we had a lot of money I suppose we could go out and hire scientists who could work for the County, but I don't think they would be interested in chopping off at the County line. Because this is going to be a wholistic approach, a legal system approach, all this is interrelated and they would want to do it that way. It seems to me the only way to come up with really sound planning for the coastline, including land capacities and the variants of this subject that people are beginning to demand, is to go with the state-wide commission plan. We couldn't hire 15 ecologists for each time one of these problems comes up.

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DISCUSSION

Question 1: You're saying that we don't have the expertise in local government to plan properly or to study the coastline in the sense that it needs to be studied in order to be planned properly. Do you feel that this should be a State responsibility? What do you feel about once this plan is developed, let us say by State expertise and money? What is your feeling about implementing the plan or controlling the plan? Do you feel that this should also be by the State or should it be by regional boards?

Answer: After two years the Commission would come up with some recommendations as to how to proceed in the future; whether it will be all State control or all local, and I suspect it will be a combination. I think we are all aware of the State Water Quality Control Board. They have had some problems. Sometimes they are a little rough but they are doing the job. Without them we probably wouldn't have cleaned up some of the sewage problems. They have the power to enforce a \$6,000 a day fine. I don't know if the local government has the guts to do that. After three years I don't know who should regulate it or whether the State will have local offices with local people here, or if they will turn it back with very severe guidelines and criteria that the County must follow. Things are evolving very rapidly. We are discussing the battle over land use. Just like civil rights, I think there is a lot of racism in land use. All these things are coming out, I don't know what will happen in three years.

Question 2: Since this is a seminar on Proposed Coastal Zone Management it seems to me we should look at Assembly Bill 1471 by Sieroti. In any case, it shows that the State would not control the Counties, but assign the authority to the regional commission which consists of officials from the Counties.

Answer: I would like to go a bit beyond that. The six public officials on the regional commission would be local people and they are subject to confirmation by the Senate and State Assembly. So we have a chance to

challenge those people's backgrounds with our legislators before they are confirmed. Local appointers would try to round out the members of the regional commission. Then members from the regional commission would choose one of the members to be on the State commission. On our bills last year it was always the same old story, they outvoted us every time - you have five Counties up here equal to one down there. This one has three Counties up here (Del Norte, Mendocino and Humboldt) with just as much weight on the State level as does any of the southern Counties. I think this is a very important issue on this Bill, we are not going to be outvoted every time, we are going to have equal status.

INDUSTRY AND THE COASTAL ZONE

George Gentry
Executive Secretary
North Coast Timber Association

There is all kinds of industry here on the north coast. We have the fishing industry, the agricultural industry, (meaning Cattleman's Associations, Wool Growers) timber industry, recreation industry, I certainly can't speak for all of them; but I can speak for the timber growing industry. This is my profession and the one that I want to represent here this afternoon.

Before I get started, I think I should make it quite clear that my industry feels that it will do, to the best of its ability, what the majority of the people involved want them to do. That is a truthful statement and as truthful as I can make it. But we want to make sure that the majority of the people want us to do this.

Let's look into coastal zoning which we are here to discuss. We are concerned about zoning, all kinds of zoning. In the Sierras we are involved in zoning because the assessors have pretty well taxed us out of the timber growing business. As most of you know, the demands for land in the Sierras has risen so high for recreation purposes, and comparable sales have grown so high, you cannot afford to grow timber on property as it is now assessed by various county assessors. So the timber industry in the Sierras is now going into zoning.

They are having themselves zoned into Forestry A, or FA or whatever, whereby they sign a contract with the various county governments saying that this land is going to be used for the growing of timber, and that's it. This means that they cannot use the property for any other purpose without paying a fantastic penalty. We have not done this on the north coast yet, and hopefully we won't have to for some time. Our position is simply this, the land that we have on the north coast - the great majority of the land and soil - has its best use growing timber, timber that is sorely needed in the United States and the whole world. As a forester, I am dedicated to growing timber. Gifford Pinchot, who was the first American born forester said that as foresters our duty is to see that the

people of this great Nation have the fiber that they need to house and clothe themselves in the manner to which they should be accustomed. This has not been done yet, observe the ghettos, Watts, even the Nation's capitol - Washington D. C.

When you talk about zoning, we as a timber growing industry want to know what you are zoning, where the zone is going to be, where the boundaries are going to be, what you are going to zone, who is going to regulate the zoning. For instance, I am told, that among the several coastal zoning laws that we have before us today a coastal zone can reach as far as 5 miles inland. Are we going to be allowed to grow a crop of timber in this zone? And after 25,35,40, 45 years of investment, are we going to be allowed to harvest our crop of timber? We are no different than any other agricultural based industry. There are corn growers, wheat growers, tomato growers, cauliflower growers, we are all the same -- we all grow a crop. The only difference is that most of agriculture has perhaps one year's investment in the crop when they harvest. It is harvested in several methods. We have several years investment in our crop and when we harvest it, particularly here on the north coast, our harvesting methods to the untrained eye aren't very pleasant, and I'll admit that. When you have to remove timber from slopes in excess of 30 percent, and you cut trees thereby leaving residual trees that don't look very pretty at the time and generally tear up the soil, I will admit that esthetically it doesn't look very good. Perhaps some of us may go by a field of potatoes that has been recently harvested and say that that doesn't look very good. But, nevertheless, we don't have to face what is apparently devastation on the slopes. We have to harvest this crop of timber and we have to grow another crop. We would like to be assured that with this investment we will be allowed to harvest it.

If you are going to zone property and this is what the majority of the people involved want, we would like to know exactly what you are zoning and exactly what we will be able to do when our crop is ready for harvest. We cannot afford to pay management costs and taxes on a crop for several years and not be able to get our profit at the end of the rotation period. I would like to point out one other feeling that I have, and that is if you zone something, or take something away from a private

party, your argument may be that he will be compensated for the take. This generally may or may not be true depending on the view you take. But the man that owns the property will be paid fair market value for the property, this is argumentative at the time, but this is the argument and I will submit to that fact. But when you take successive amounts of property away from an industry and pay them for it, they take the money and invest in perhaps better investments than timber growing. But please tell me what happens to the man who lives on the north coast because he likes to live here, works in the woods as a logger because that is what he likes, and has invested in a home, car and property because he has been assured by us foresters that there will be a crop of timber for him to harvest forever. What happens when that is taken away? How is that man compensated for the fact that he no longer has a job or it appears as though his job has been limited because his people have been zoned out of the timber growing business?

The California coast has been zoned over the years accidentally. We have zone S1 in southern California, which because of its nice climate, attractive beaches, it attracts the people that like to ride surfboards and swim in the ocean. Travelling up the coast we have in Mendocino County I suppose MH zone, MH1 or MH2 - that's multiple hippie. When we get here on the north coast and we have a zone that I suppose by nature has been zoned FC - foggy and cold, and frankly that's the way I like it. So we already have zoning to a certain extent.

I have just come back from Sacramento and making a quick study of the town of Sacramento - you have to work 24 hours a day at this incidentally - we have Sacramento zoned this way: downtown Sacramento where you have the Capitol, we have zone MP - multiple politician. You have the new capitol mall, which I am told now by talking to the merchants along the mall, is zoned SB - slow bankruptcy. And you have the outskirts of Sacramento where we find the very fine restaurant Coral Reef, that is zoned SS - suburban sprawl.

Those are my viewpoints, I am lead to believe that I will be available to answer any questions you may have.

COASTAL ZONE MANAGEMENT - THE AGE OF ENVIRONMENT

Michael Johnston
Publisher

Humboldt Times Standard

Ladies and gentlemen, we have upon us the age of environment. This word has taken the place of motherhood, pets, babies and yes, even sex in the political language of today. I think it is important to keep in mind that we are talking about the environment of people. According to the dictionary the word environment means "the complex of social and cultural conditions affecting the nature of the individual or the community."

First let me say that I am a conservationist, at least by my definition of the word. I am not, by any rare stretch of the imagination, a preservationist if that means locking up all natural resources for ever. I believe that a balanced approach to nature can serve both the needs of nature and man. I believe that man should attempt to replenish what he takes from nature. I most assuredly do not want the north coast to become another Los Angeles. That would be ecological, social, and economic disaster. We are different than Los Angeles in almost every respect. We want to maintain that difference.

We have gathered today to discuss Coastal Zone Management in California. Perhaps you believe the debate is between those who believe in this type of management and those that do not. This is not true. We all recognize the coastal zone as a unique resource whose development, or lack of it, should be monitored and regulated, the essential question is at what point the monitoring will occur and whose interests will be served. There are those who believe that regulations should occur at a high level at least by the State and perhaps by the Federal Government. That self same group as a rule also believe that the Coastal Zone should be preserved in a relatively undeveloped condition with the prime emphasis being on the recreation of California's 20 million people. It is at this point that I, and I believe the vast majority of California's residents,

part company with the Coastal Alliance and similar conservation organizations. You will note that most of the conservation legislation now in that wondrous cure-all called State Government has been proposed by representatives of metropolitan areas who should be trying to solve their own problems, which I understand are quite bad, but instead they are trying to solve ours. I would think that our good Senator Collier is a good enough politician that if he felt enough people in his district wanted or needed this legislation he would propose it.

Wild river legislation, for example, goes way beyond its original concept and provides for the locking up of literally hundreds of millions of board feet of timber in Federal reserves, removing that timber from both production and the tax base. I believe in wild rivers, I believe in their being left open for fishing and other recreation and when the wild river sponsors devise a plan to preserve wild rivers without grabbing off hundreds of acres of timber land, and with some provision for flood control along the Eel, I will support them strongly.

We believe that the pending resolutions for Coastal Zone Management would adversely affect the interests of the north coast. We believe that we are best able to manage our own affairs. The California Coastal Zone Conservation Act which encompasses several bills, by several different legislators, all from either urban or inland areas, would as you know set aside a coastal zone in which the State would take a particular interest. That strip would vary in width but generally would run inland to the high point of the coastal range. Within that strip a 1,000 yard substrip would be designated. The bills provide for designation of six regional coastal commissions and one State commission. Humboldt, Del Norte and Mendocino Counties would comprise one region. I think it is important to note that areas of the biggest political clout seem to be adequately represented. As an example, San Diego is a region unto itself. Los Angeles and Orange County, whose interests are about the same, comprise an area and so on. I would question the possibility of any progress in our area as long as final say rests in the hands of a group whose make-up puts us in a minority position. After all, a millionaire professional man from the big city does not want someone messing around with his fishing or his recreation or his clean air, even

if it means economic salvation for that area. A plan would be drawn for the management of the coastal zone and within the 1,000 yard strip development would be halted pending adoption of the plan unless the regional commission issues a permit which would be subject to appeal to the State commission.

Let us move to specifics as they relate to the north coast. Simple geography tells us that the proposed coastal zone takes in the vast bulk of population and existing development in Humboldt and Del Norte Counties. The only populated areas excluded from the zone in Humboldt County are the Hoopa Willow Creek area, and small communities along the Eel river in the southern part of the County. The zone includes all of Eureka, along with Arcata, Fortuna, Ferndale, Orick, Trinidad, etc. The act would have the effect of removing all local authority from these areas. A regional commission would exercise power over, for example, a new building in downtown Eureka. And if anyone, that is anyone, in the state does not like the decision of the regional commission he can appeal to the State commission, a 12 member board of which probably only one member would be from the north coast. Adoption of the proposal therefore would destroy local, city and county government within populated areas of Del Norte and Humboldt Counties. The same would not necessarily hold true in other areas of the State. That is what makes the north coast unique. In those other regions the bulk of development exists outside of the coastal zone. Those areas would not be as deeply affected by this bill. The entire San Francisco Bay area is excluded from this provision, and there are special sections to exclude much of the Los Angeles, Orange and San Diego Counties. Even areas laying inside the high point of the coastal range. Taken in its total, therefore, this legislation excludes the large urban coastal centers where it would be needed most and affects in the main those areas such as the north coast with less political punch. It has all the ear marks of a big city proposal to control the cow counties.

Let us for a moment examine the areas of the north coast that this group has deemed to warrant its concern. We need look no further than the California Coastal Alliance's latest publication. In Del Norte

County, Smith River dredging; Lake Earl, urban development; Point St. George to Crescent City, urban development; Crescent City to Klamath, urban development; Del Norte Doons, subdivision; Klamath River, dredging. In Humboldt County, Prairie Creek Redwood Park, highway expansion; Big Lagoon area, housing development; Trinidad Head, second homes marine; Humboldt Bay, bridge construction and dredging (I should point out the bridge is already built); Clam Beach, potential development; Eureka, urbanization; Cape Mendocino, no public access (I don't understand that provision either in that I was under the impression that it was to keep it clean and pure and keep people away from it); Shelter Cove, existing subdivision. In Mendocino County, Mendocino, planned housing development; Navara River, limited access for fishing; Irish Cove, second home development; Point Arena, general development.

The proposed legislation is loaded in favor of the conservationists point of view. The bill, for example, provides for the appointment of these commissions for people who are responsive to the scientific, esthetic, social and cultural needs of the State. Nowhere in the section dealing with qualification of members is there mentioned persons with sensitivity to economic needs of our State. Let's face it, we in the north coast are in an economic hole. Unemployment was 13.7 percent in Humboldt County last February, and half again as much in Del Norte County. One in six persons in this county is on welfare. Thirteen percent of the population of the County qualifies for and uses food stamps. That represents pollution of human dignity. We want to conserve human beings by giving them the dignity of steady, responsible and rewarding employment. That means the creation of new jobs, year round jobs, and that means industrial development. Such development can occur reasonably only within the coastal zone, principally around Humboldt Bay. We see within this legislation, however, a desire on the part of conservation organizations to stop such development in the various elements set forth for coastal zone management. For example, there is no mention of an economic element - the meaning of that exclusion is unmistakable. We are concerned too about the affects of this legislation on our tax base, already seriously eroded by transfer of privately owned land into public ownership - Redwood National Park for example. The bill provides for bond issues and a vast program of land

purchase by the State. This legislation coupled with such proposals as the expansion of the National Parks and pending wild river legislation could work a serious hardship on local governments which depend upon the property tax, and would increase the difficulty of attracting economic development.

I earlier touched upon the provision that allows anyone in the state to appeal a regional commission decision. I think you would agree that this in effect makes a mockery of regional participation in this program. It would mean as a practical matter, that any remotely controversial decision by a regional commission could be appealed. For example, if a regional commission granted a permit for the creation of a new deep water dock on Humboldt Bay, which would mean dredging, a person from Los Angeles could appeal that decision. The bill gives anyone with time on their hands a blank check for being a nuisance.

So much for the negative. I could go on and on in detail how this proposal in effect wipes out local government on the north coast and threatens any hope of economic development. But let's turn to the positive side. We on the north coast recognize the unique resources of the coastline. With one or two relatively minor exceptions, we have not fouled up our coastal resources as the urban centers have - the same urban centers that would be largely exempt from this legislation. We are taking positive steps to protect not only the coastline but our total environment from unwise use. We are, for example, working on a subdivision ordinance, which would, with proper administration, prevent premature subdivision - we were as you know burned once. We hopefully have learned our lesson from that experience unlike San Diego, Los Angeles and San Francisco. We have undertaken a county general plan program. We have a unique pilot program to manage solid waste disposal, which should make us in this regard the cleanest county in the Nation in two or three years. We have existing water quality and air quality agencies which are doing a hard nosed job to protect those resources. We have an aggressive program of adding County recreation areas along the coast and inland. The County is moving to guarantee access to beaches and other areas. We are establishing voluntarily a regional association to deal with many problems at that level. We are seeking to create an area with a stable population not too large to be supported by economic activity here, and one that will

not destroy the economic and natural environment of our area. We do not seek an influx of outsiders in the name of progress. We are interested, however, in a level of economic activity that will support the population we do have and avoid the dehumanizing cyclic and seasonal unemployment that is all together too common. We are doing what San Diego, Los Angeles, San Francisco should have done decades ago. At the same time, however, we are not ignoring the very real economic needs of our citizens. We are not willing to let these people be the pawns in the great environmental chess game. We believe that conservation also means the conservation of human resources; a concept often forgotten by those who zealously attempt to guard the natural environment.

DISCUSSION

Question 1: You say that AB 1471 would remove all local control. Yet on the regional commission there are positions for six local people, of which three will be supervisors from Humboldt, Del Norte, and Mendocino Counties. The other three will be City Councilmen.

Answer: Anything they decide can be appealed, there is no decision made at the regional level, none. If I applied for a building permit for my building in downtown Eureka, someone in Los Angeles could stop it. I maintain that there will not be one decision made by the regional commission that is remotely controversial that would be decided here. The Bill says that.

Question 2: I understand that you feel that the intent of this bill is to deprive the north coast of economic opportunity; that is why the bill was drafted?

Answer: As it is written, the effect will eliminate local control of government, so that must have been the intent when it was written. The bill was written because some people feel that local decisions were not in what they considered to be the local interest, so they are going to try to take those controversial decisions out of the hands of local people, so that pressure can be put on local people and that process by which they are elected can be eliminated. An appointed board is not very responsive to the public need, in my opinion. You can always replace an elected official.

Question 3: I am new to the area, but it seems to me that the area is in local control now and the area hasn't particularly stabilized a very good economic base under those conditions.

Answer: You're probably right. In fact, the federal government just took a great portion of the industrial area of the north coast and called it a National Park. The State government is now proposing to take a substantial bit more under the Wild Rivers Act. I think it is time to exert our feelings so that some of these people recognize that everyone does not want to see this County become a National Park; the sum and total of it.

RESPONSIBILITY OF LOCAL GOVERNMENT

W. Eric Carruthers
California Coastal Alliance

It is a pleasure to be here again. I was fortunate to be here last spring when local officials of Mendocino, Del Norte, Humboldt and the other northern counties met to consider issues facing local government, including Coastal Management Legislation. Since that time there has been remarkable progress throughout the state regarding coastal management legislation. Even the County Supervisors Association of California now recognizes the strength of public concern for the coast and favors some weak form of the coastal zone bill. Last year that seemed really impossible. So when people say that things are improving, I agree.

I work for county government as a Principal Planner for the County Planning Department of Santa Clara County, one of the nine Bay Area counties. On behalf of the California Coastal Alliance, I will draw some lessons from our experience for you to apply to coastal legislation proposals. In my County, too, we see things improving, but not fast enough. We have new Supervisors who are gifted men; and we have a new awareness among our public. Yet at the same time, forces for irresponsible development or blind progress still plague us, taking advantage of the limitations of fractionated city and county governments. While many developers are now carrying out some of the new development ideas that our department recommended ten years ago, there are still developers with the old view, the greedy view, who are trying to do the same kind of hackneyed development, the same kind of development that gouges the land and puts the penalty on the neighbor. In our hillsides, for example, there are still people who are trying to bootleg subdivisions and roads that dump trash, runoff drainage and erosion on the neighboring property. They operate with no concern for the public cost of their activities.

I have a sense here today that many of your people, including city and County officials, have the same attitude toward local government responsibility

that we had in Santa Clara County 20 years ago. We learned our lessons painfully, and I hope that you can learn which work poorly elsewhere can be avoided here.

What are the lessons? We have learned in Santa Clara County that our local government, our cities and our counties, cannot by themselves individually manage San Francisco Bay. Each of our 15 City Councils and our County Board of Supervisors supported the legislation to make permanent the San Francisco Bay Conservation and Development Commission (BCDC). The BCDC combined local officials with appointed members from the public to plan for the management of San Francisco Bay and exercise a permit function, shared with the cities and counties. It is the model for our coastal bill. We found it essential that the cities and the counties band together in the BCDC to manage the Bay. And I'm not talking about preservation of the Bay. I'm not a preservationist. I'm talking about development of marinas and subdivisions ... about multiple use concepts where airports and industry are possible, but where the preservation of natural wildlife areas is also possible. We are using the Bay Conservation and Development Commission to make ourselves responsible. No longer can we easily put a development proposal through our own Board of Supervisors or city councils because we know now that the proposal must bear a second public test, the scrutiny of what our neighboring cities and counties in BCDC think. We are convinced this approach guarantees that the developments we carry out will be all the better. We have found that without a joint approach, there is no way to make each jurisdiction live up to its responsibilities to its neighbors. This same lesson applies to the Coast.

I hear a mixed voice here today. I hear some local officials agreeing that a joint approach between local government and in cooperation with the state--not necessarily domination by the state--makes sense. I hear other local officials saying that no such approach is necessary, the individual cities and counties can go it alone. I hear that point of view put forth by Mr. Gentry who even questions whether or not local zoning controls are really a good idea.

We have learned that land use controls are essential to carry out policy agreements. How can we trust a city or county to manage its coastline alone, if it is not even committed to use the primary local land use control ...

local zoning? Long ago in Santa Clara County, even our politically conservative agriculturalists learned that they needed zoning for their own protection. I have been told that there are some zoning districts here in the north coast which actually permit anything. I can conceive of a local government concocting what you might call an "anything zone", thereby meeting some possible state criteria that there be zoning. But a zoning district that allows any kind of activity without any review, while it might meet the name of zoning, does not provide any real guidance to a property owner, nor exercise public responsibility to his neighbors.

One lesson is that a city or a county has a responsibility to the entire community, not just the individual property owner. Today, I hear some of your local officials expressing the view that the main purpose of local government is to bring urban services so that an individual property owner can use and develop his land. This view may have been relevant when we had a very small population in our State. Then, city councilmen and supervisors had the attitude that whatever the owner wanted to develop his land should be supplied him if possible. Now, we see that we cannot do that. We have learned that our local officials have a responsibility that goes beyond serving just the individual developer. They have a responsibility to the entire community to insure that when development occurs, it is done so as to benefit the entire community. Now we are learning that the impact of our decisions often extends beyond our immediate jurisdictional boundaries. Joint agency programs, such as the proposed Coastal Commission, are an effective way to exercise that extended responsibility.

Another lesson relates to growth. Mr. Johnston and I share a concern: unemployment in our community is a serious public problem and a tragedy for the individuals who endure it. It behooves us all to work to do something about that. It is imperative that when we do, we do it in the way that benefits both the employed and the entire community. A negative lesson we have learned is that it is possible to bring in industry that will not hire our unemployed. It may bring in its own employees from elsewhere. It may require public services that raise taxes. Meanwhile, many of our unemployed remain unemployed. The real challenge is to match new industry to the skills of the unemployed who are already here, for example, the expansion of lumber products.

processing. Unemployment is a very complicated and touchy problem. We have found in our area that too many people, including chamber of commerce people, rush out willy-nilly to bring in any kind of industry they can grab. It doesn't always work out.

We have learned that "growth" is not a cureall. In San Jose we have a newspaper, the San Jose Mercury-News, which for years soft-peddled, you might even say souelched, any reporting of public questioning regarding growth policies, and rapid industrial development. The publisher was quoted as saying, "Prune trees don't buy newspapers." His paper ardently supported rapid land subdivision and housing construction in concert with the contractors and realtors. As a result, the San Jose City Council was for 15 years committed to rapid growth. Now, however, the city council questions the effect of that policy. The financial and community consequences of rapid growth are becoming apparent. A study is now making its way through the City Hall indicating that in terms of tax revenue to the city, the city would have been better off in not developing some of the areas that they developed. The city council has determined to limit future growth. We had all operated on the axiom that development automatically meant money, that people automatically produced revenue; but we learned that people produce demands for public service, people produce problems.

We are not raising these concerns to propose a policy of no growth. Instead, we are learning to pursue a policy of careful growth.

The Coast Commission to be created by AB 1471 will be an organization with city and county participation through which you can yourselves be careful as you pursue economic development. Only with such a concerted approach am I confident that you can obtain the kind of long term growth which is to your best advantage.

Several aspects of the coastal bill need clarification. First there are actually two zones proposed. We are not talking about zones in the sense of city or county "zoning" such as a residential zone, which would limit everything to residential or industrial zone, that would limit everything to industrial for example. We are simply talking about two kinds of areas on the coast in which two kinds of coastal commission activities would take place.

The first zone mentioned extends in Northern California to the top of the first ridge of mountains. While it may seem large, it is nothing more

and nothing less than a planning zone. This is the area within which your regional coast commission would be directed to look at the land resources and at what is happening in cooperation with the cities and counties as well as state agencies. It would work out agreement on what is likely to happen there in the long run, and what policies should be recommended. Absolutely no coast commission controls would be exercised in that area. Each city and county would retain original jurisdiction.

Second, there would be a narrow coastline permit zone extending 1,000 yards inland. In developed areas the permit zone might be narrower, since the coastal commission would be authorized to exempt already developed areas where it is determined that no new development is likely to affect the coast. Within the permit zone, any development proposal would first be considered by the city or county having original jurisdiction. If approved there, the proposal would be then reviewed by the Coastal Commission, composed of officials from other cities and counties and appointed public members from the area. The commission would give the proposal the second public test which I described earlier. Proposals benefitting the coastal area would be approved. Proposals detrimental to the coast would be sent back for revision or disapproval.

Another question Mr. Johnston raises is: Why are these Bills which affect the North Coast being authorized by, in some cases, people from southern California in the big urban developed areas? As a matter of fact, several years ago, Mr. Sieroty, an Assemblyman from the metropolitan Los Angeles area, put in a bill that applied only to the south coast area. The legislators in Sacramento said, "We can't consider a bill like this just for one section of the coast, we must have a system that takes the whole coast." Many of us might be glad to leave out the north coast counties. But everybody in Sacramento and in the Federal Government wants to set up a management system for the coast in which the citizens, city and county officials, and state officials can participate and which covers the coast from border to border. While some people in the north coast may be unwilling participants, it's certainly not because Southern California legislators haven't tried to solve their own area's problems.

Now I would like to take you on a picture tour of the coastline which may answer some of your questions about how these bills take their form.

You will note that in our public information material, the Coastal Alliance mentions areas along the coastline called "crises points." I am told that the Chinese character for "crisis" includes two characters which mean "danger" and "opportunity." We aren't saying that all of the items on the list of developments along the coastline are bad. We are saying they are risky. Opportunities are risky, and we owe ourselves the benefit of being careful as we proceed with them so that the good ones go through well and the bad ones have to go back for reconsideration and, possibly, rejection. We are not against development. We are for excellence of development.

The north coast's basic industries have been mentioned here today: fishing, the Cattleman's Association, the Wool Growers Association, the timber industry. I think these industries would have nothing to fear from the proposed coast commission program.

Obviously, timber is a main industry in the north coast. There is no intent in this legislation to jeopardize timbering. One of the objectives in this program is to seek the kinds of tax incentives and balances that make it possible for long term, sustained-yield resource activities like timbering to go on over a long period of time without economic jeopardy. As long as the timber people operate their timber areas on a sustained yield basis, harvesting, replanting, letting it regrow for reharvesting, I am confident that they are not in any jeopardy. When they decide that they want to abandon timber harvesting to go into urban land development, then we say that they need to be responsible to the rest of the people in the area and have their proposals reviewed. I am confident that good development proposals will secure the public's support. The timber people might not be happy that it takes a little while for that to happen, but I am confident in the long run that good development proposals will meet the test.

The fishing industry has its future to gain from the proposed coast commission, since this would be a means for protecting the lagoons and streams that are the nurseries, the incubators of sea life. The future of our fish life, which is a basic industry here in northern California, depends upon how we act as stewards of the coastline. We have the power to affect the fishes' environment; they have no power to protect it. Even the microscopic life, the plankton which becomes the food that the larger fish life live upon, all depend upon these estuaries and the movements of fresh and sea water. These

are a responsibility we bear which if mismanaged may all come back upon us in unforeseen ways, since we ourselves are part of the cycle of life. The birds, for example, eat the fish. Now we find that the pelicans on the islands of Santa Barbara are no longer able to lay eggs that will hatch because of the effects of chemical pollution.

Can we really risk disrupting the coastline in such a way that may affect our life in future times? We've got to manage our coastline so that development takes place in a beneficial way, so that when we put in industry and housing we do it in a way that fits well and lives rather than destroys. The coastal uplands, themselves often seas of grass, can be managed in a way that will not destroy what happens in the sea. We came originally from the areas along the sea and our very life depends upon it.

The California Coastal Alliance, including individuals from numerous organizations throughout the State, feels that this legislation proposes a coastal management system that will make it possible for local governments working with state agencies through regional groupings to act responsibly. A man named Buckminster Fuller has said we are travelling on a tiny ship through space and it is the only one we have. How we manage it will affect how we are able to live in the future. We are working now to develop ways of governing ourselves that make it possible to fit development into the environment.

Mr. Johnston said that last year was the age of environment. There has never been a time when we were not living in the age of environment. You will remember that many present California residents came here refugees from an environmental disaster in the Great Plains ... the Dust Bowl of the Thirties, which came about because drought affected areas that were brought into wheat farming where in the long run the environment could not bear it. Individual local governments like our counties cannot manage these large environmental situations. We have to find ways of working together. That is why the California Coastal Alliance is working for sound coastal legislation.

DISCUSSION

Question 1: What portion of Southern California is closed?

Answer: I have to confess I don't know. In the thousand miles of California coastline, only about 100 miles are available to the public. Larger portions that are publicly owned are in governmental reserves - Camp Pendleton owns 50 miles of frontage in southern California. But in terms of the California coastline, only a small area is actually accessible to the general public. In Mendocino County, sixty percent is public beach.

DEVELOPING A LAND USE ETHIC

Dr. Bill DeVall
Sierra Club

Planning is a complicated business. Planners must attempt to balance short-range and long-range goals and to anticipate future population changes and land-use demands. Several questions must be asked of the planning; 1. Who will participate in the planning and how will they participate? 2. In whose interest and who will benefit from the plan? 3. What variables are to be considered in planning? and 4. If the plan is completed, is it going to be implemented?

We have heard many different views expressed in this conference on these questions. There are many conflicts over the use of the coastline -- conflicts between public and private ownership, between industrial and recreational use and conflicts between competing recreational uses. More basic than these conflicts, however, is a conflict over land use philosophy.

In this talk I would like to emphasize the development of a land use ethic as the basis of planning and criticize what I consider some of the popular assumptions concerning economic development. I would also like to comment on what I feel is the proper role of various existing and proposed government agencies in the control of coastline use.

White men have used the California coastline for intensive development for about a hundred years. This is a very short period of time indeed in comparison to the time the native population of California spent here and a very, very short time in terms of the geological time during which the present coastline has evolved.

The contrast between native Californians and whitemen in their attitudes toward and uses of the land have been well documented (see Dasman, The Destruction of California). Many Indian tribes shared a kinship for the land which contemporary developers and industrialists find difficult to understand much less sympathize with. Frank Waters writes of one of these tribes, the Hopi, in these terms (Frank Waters,

"Two Views of Nature, White and Indian," in The American Indian Speaks, ed. by John Milton, Dakota Press, 1969.)

"The Hopi, like other branches of their race, knew themselves as privileged newcomers to this great new world. So upon their arrival they first asked permission to live upon it from its guardian spirit and protector. The spirit gave his permission, telling them, however, that they were not free to wander over it rampantly, using it as they wished. They were to make ordered migrations, north, south, east, and west, to the four pasos where the land met the sea, before settling in the place prescribed for their permanent home. There they were to establish those annual ceremonies which would recapitulate their wanderings and reclaim the land for its Creator.

"The meaning of the myth is clear. The emergence of consciousness does not set man entirely free. He is still under obligation to the dictates of the unconscious which embodies all his primordial past. He may travel to the limits of his mind and will, but he must always observe those thanaturgical rites which acknowledge his arising from the one great origin of life and which keep him whole.

"Such a tradition, like many other versions of its kind, marked the relationship of the Hopis to the land. If directional peaks and boundary rivers to their tribal homeland were stained with blood of a virginal youth and maiden, the memory of their sacrifices were perpetuated through uncounted generations by male and female prayer-feathers planted on ceremonial altars to remind all men of the sacred foundation of their tenure. The land was not tangible property to be owned, divided, and alienated at will. It was their Mother Earth from which they were born, on whose breast they were suckled, and to whose womb they were returned in a prenatal posture at death."

In more recent times, Aldo Leopold has expressed much the same sentiments in his "land ethic" (The Sand County Almanac, p.204.)

"The land ethic simply enlarges the boundaries of the community to include soils, waters, plants and animals, or collectively: the land.

"This sounds simple: do we not already sing our love for and obligation to the land of the free and the home of the brave? Yes, but just what and whom do we love? Certainly not the soil, which we are sending helter-skelter downriver. Certainly not the plants, of which we exterminate whole communities without batting an eye. Certainly not the animals, of which we have already extirpated many of the largest and most beautiful species. A land ethic of course cannot prevent the alteration, management, and use of these 'resources', but it does affirm their right to continued existence, and at least in spots, their continued existence in a natural state.

"In short, a land ethic changes the role of Homo sapiens from conqueror of the land-community to plain member and citizen of it. It implies respect for his fellow-members, and also respect for the community as such."

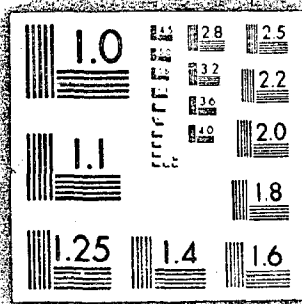
If Lynn White is correct fundamental Christians may have difficulty appreciating this deep respect for all things natural (Lynn White, "The Historical Roots of Our Ecological Crisis," In The Environmental Handbook.) Christians have tended to ignore the land or to fight against the land -- to conquer it. Both Christians and their secular counterparts in America have assumed an anthropomorphic view of the world while American Indians and contemporary scientific thought have considered a biomorphic view of the world where homo sapiens are only one small--but very destructive--part. If we consider ourselves as stewards of the land rather than owners of the land, and if we assume a non-anthropomorphic view of the world, our decisions should rest on wise use rather than highest use in the narrow economic sense.

I open my speech in this way because I feel that we should start the discussion of uses of the coastline by assuming the stewardship perspective. The air, water and earth are a trust to all the people. We must show respect for these common holdings and not repeat on the California coastline what Garrett Hardin called "the tragedy of the commons." We should be very conservative in our treatment of the coastline--very careful, very slow. Ian McHary in a series of books and movies has outlined this perspective in terms of a philosophy of planners. "Man must use ecological planning," he says, "and seek not the conquest of nature

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but unity with nature" (see his film, "Multiply and Subdue the Earth"). "Each generation has only a temporary rendezvous with the land," and as Steward Udall has said and each generation must be aware of its responsibilities toward the land.

We recognize that the increasing pressures for developments along the coastline have come about because of increasing population in California, the relative affluence of that population and the social desirability of ocean front property for home sites, recreation and industrial development.

White Americans, both native to California and those moving here from other states, find it attractive and desirable to live within view of the ocean. Industrial concerns want deep water ports or the use of ocean water in their processing and vacationists want to use the coastline and adjacent uplands for a variety of recreational pursuits which are not always compatible with each other or with the ecological integrity of the coastline.

We frequently hear the argument in planning for the coastline the "highest use" principle should be used -- that is, the project having the potential for greatest economic return to the investor and raising the local tax base, should take precedence over any other use. But who will benefit most from the development? Who will bear the hidden costs of development? In some places, after extensive research, consultants advised local governments that it would be cheaper to the local taxpayers to buy land and keep it in open space rather than zone it for development (In particular I am thinking of some tracts of land near Palo Alto).

Besides being poor bargains for the local communities, many developments along the California coastline have been opposed by the Sierra Club because adequate public access to the beaches were not provided and because the developments were class-based and inherently racist. From San Clemente to Big Sur to Sea Ranch to Boise Cascade properties, the proposed developments at Jenner and even Shelter Cove, the coastline subdivisions appeal to the racist and elitist attitudes of the white middle and upper classes in California. We do not feel that the snobbish follies of the wealthy should form the uses of the California coastline. These 'second home' developments are criminal in a society that cannot provide decent first homes for one third of its citizens. These coastline developments heavily

advertise their ' security arrangement ' -- the guards, locked gates, passes aerial surveillance. Many of them are affluent domestic versions of the strategic hamlets program in Vietnam -- a place where white middle and upper class elitist, racists can 'get away from' the problems of California metropolitan areas.

We deplore the fact, therefore, that the California coastline has rapidly become the playground of wealthy whites and the plaything of gigantic corporations like PG&E which build huge capital intensive developments along the coastline (like oil refineries and nuclear power plants) which have very low labor requirements.

The great mass of California citizens are blocked from the coastline for three reasons -- they cannot afford to live there; there are few jobs (except service jobs to the wealthy who use the coastline) and they cannot use large areas of public beaches along the coast because they are blocked from access.

The local Sierra Club has urged for a number of years that the majority of undeveloped coastline and adjacent uplands along the three northern California counties should be reserved in public ownership as a public trust and used for recreation which is compatible with the fragile flora and fauna and the geology of the coastline.

This position is not startling or radical in Humboldt County. Beginning as far back as 1951, the local planning commissions recommended that the coast and adjacent headlands should be acquired in public ownership. The 1951 county Master Plan for Beaches and Recreation recommended that the county acquire the Moonstone Beach, the south spit, and the coastline from Cape Mendocino to the mouth of the Mattole River along with the Big Flat area north of Shelter Cove as county park land.

Over ten years ago the California Public Outdoor Recreation Plan (1960) recognized the pressing need for public areas for outdoor recreation.

"The state should lead a bold program to develop a comprehensive statewide land-use plan in which recreational needs are adequately recognized.

Lands and areas having scarcity value should at once be placed in public ownership. Such lands include unique natural land and water areas, significant scenic and historic sites and the much needed and now rare lands that are suitable for recreation in and near metropolitan areas.

For example, the major portion of the coastline, together with

adequate adjacent uplands should be acquired in public ownership or reserved for public use. Adjacent uplands, suitable for camping parking and auxiliary facilities should immediately be acquired at all present beach areas."

After watching the rapid destruction of areas of the Coastline and the single-purpose planning of local vested interests, the Sierra Club has come to the conclusion that a better approach to coastline planning and development would be through the establishment of a state coastline commission charged with administering the coastline as a trust for the people of California and the United States. AB 1471 is no panacea but it can be a step in the direction of better coastline management.

We have seen local government hemmed in by precedent. We see local governments which do not feel responsible for natural heritage belonging to people of the state and nation. We see 200 agencies managing the coast, all operating for their single purpose with no coordination of effort, with nobody answering directly for the 'public interest' in the coastline, such concerns as public access, visual amenities, local governments thumbing their noses at the public, sometimes in violation of the letter and spirit of existing law.

In sum we feel that the advantages of AB 1471 far outweigh the disadvantages. We would like to see much more local responsiveness to the needs for better long-range planning, but we feel that a regional approach to planning is much better than haphazard local efforts.

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