

River Watch Seeks to Enforce California Coastal Act Requirements

River Watch members should be on the lookout for potential violations of the California Coastal Act (California Public Resources Code §30000 *et seq.*) - the principal state law protecting our 1000 mile coast! River Watch is now using the citizen enforcement powers in the law to ensure compliance with the permitting requirements and the public access protections provided by state law.

The goals of the Coastal Act are to:

- Protect, maintain, enhance, and restore the overall quality of the coastal zone environment,
- Assure orderly, balanced use and conservation of coastal zone resources, taking into account the social and economic needs of the people of California,
- Maximize public access to and along the coast and maximize public recreational opportunities near the coast consistent with sound resource conservation principles and constitutionally protected rights of private property owners,
- Assure priority for coastal-dependent and coastal-related development over other development on the coast, and
- Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning development for mutually beneficial uses.

The Coastal Act established the California Coastal Commission (“CCC”), charging it to cooperate with local governments in the work of planning and permitting development in the coastal zone (generally 1000 yards inland from the mean high tide line).

Development within the coastal zone requires a “Coastal Development Permit” issued by the CCC (or a city or county certified by the CCC to issue a coastal permit). Development on land, or in or under water, includes:

- placement or erection of any solid material or structure,
- discharge or disposal of any dredged material or any waste,
- grading, removing, dredging, mining, or extraction of any materials,
- change in the density or intensity of land use (e.g., development of a subdivision),
- change in the intensity of water use or access,

- construction, reconstruction, or demolition of any structure or the alteration of its size,
- removal or harvesting of vegetation except when part of agricultural operations, kelp harvesting, or timber operations that comply with the requirements of a timber harvesting plan.

River Watch is currently focusing on public entities and private parties who applied for and received so-called “Emergency Permits” from the CCC. Emergency Permits are issued by the agency to address an imminent danger (e.g. from erosion caused by a storm) that requires immediate attention. These special permits, however, generally require the permit applicant to apply for a “regular” Coastal Development Permit, requiring comprehensive CCC staff and Commission review, within a relatively short permit of time (e.g. 60-120 days after the Emergency Permit is issued). River Watch, in its review of Emergency Permits issued during the past 10 years, has found that some Emergency Permit holders have not complied with the requirement to submit the regular Coastal Development Permit application and therefore deprived the public of ensuring these projects have the benefit of full comprehensive CCC review. River Watch is sending “Notice Letters” to these parties to ensure compliance with this important California Coastal Act program.

If you observe development on the north coast and have reason to suspect that it is not permitted under the Coastal Act, please contact River Watch.