

Spring 4-1976

California's Coast: The Struggle Today – A Plan for Tomorrow (Part II)

Peter M. Douglas

Joseph E. Petrillo

Follow this and additional works at: <https://ir.law.fsu.edu/lr>



Part of the Environmental Law Commons

Recommended Citation

Peter M. Douglas & Joseph E. Petrillo, *California's Coast: The Struggle Today – A Plan for Tomorrow (Part II)*, 4 Fla. St. U. L. Rev. 313 (1976) .

<https://ir.law.fsu.edu/lr/vol4/iss3/1>

This Article is brought to you for free and open access by Scholarship Repository. It has been accepted for inclusion in Florida State University Law Review by an authorized editor of Scholarship Repository. For more information, please contact efarrell@law.fsu.edu.

FLORIDA STATE UNIVERSITY LAW REVIEW

VOLUME 4

OCTOBER 1976

NUMBER 3

CALIFORNIA'S COAST: THE STRUGGLE TODAY— A PLAN FOR TOMORROW

PETER M. DOUGLAS
JOSEPH E. PETRILLO

PART II

TABLE OF CONTENTS

	PAGE
IV. PLANNING AND THE CALIFORNIA COASTAL ZONE	
CONSERVATION PLAN	315
<i>A. The Planning Process</i>	315
<i>B. The California Coastal Zone Conservation Plan</i>	317
1. <i>Marine Environment</i>	319
2. <i>Coastal Land Environment</i>	321
3. <i>Appearance and Design</i>	322
4. <i>Coastal Development</i>	322
5. <i>Energy</i>	323
6. <i>Transportation</i>	325
7. <i>Public Access to the Coast</i>	326
8. <i>Recreation</i>	327
9. <i>Educational and Scientific Use</i>	327
10. <i>Restoration of Coastal Resources</i>	327
11. <i>Further Stages of Planning</i>	328
<i>C. Implementing the Coastal Plan</i>	328
V. SOME GENERAL IMPACTS OF PROPOSITION 20.....	329
<i>A. The Concept of Private Property—A Maturing Institution</i>	330
<i>B. Attitudes About Use of Coastal Resources</i>	332
<i>C. Property Values</i>	334
<i>D. Economic Effects</i>	336
<i>E. Social Equity and Public Use</i>	338
VI. MAJOR ISSUES BEFORE THE LEGISLATURE	342
<i>A. A Successor Coastal Agency and Its Powers</i>	343
<i>B. Home Rule</i>	343

<i>C. Private Property Rights and Compensation</i>	344
<i>D. Jobs and the Economy</i>	345
<i>E. Availability and Costs of Energy</i>	345
<i>F. Impact on Other Agencies</i>	345
<i>G. Funding and Costs</i>	346
<i>H. Other Issues</i>	346
VII. CONCLUSION	348

CALIFORNIA'S COAST: THE STRUGGLE TODAY— A PLAN FOR TOMORROW

PETER M. DOUGLAS*
JOSEPH E. PETRILLO†

PART II

IV. PLANNING AND THE CALIFORNIA COASTAL ZONE CONSERVATION PLAN

A. The Planning Process

Planning means different things to different people. Traditionally, resource and land use planning has meant research and study, compilation of inventories, development of trend projections, judgments about possible alternative futures, and preparation of statistical analyses and colorful maps. The completed document, the plan, is then handed to the decisionmakers (*e.g.*, city councils, boards of supervisors, legislatures), who often cannot understand it. If they do understand it, they often do not know how its vision of the future should be translated into policies to direct resource management decisions. Sometimes land use controls are enacted to carry out the plan. In most instances, however, the gap between planning and actual land use decisions is not bridged. As a result, the plan is given little or no effect and ends up collecting dust.

The State Commission rejected this traditional approach to planning. Instead, it concentrated on existing data about California's coastal resources that it gathered together. It then prepared, based on this existing data, a comprehensive set of policies that can be used to decide how coastal resources should be used and protected. Designed to eventuate in a "constitution for the coastline," this approach

* Consultant to the Committee on Resources, Land Use, and Energy of the California Assembly. B.A., University of California at Los Angeles, 1965, J.D., 1969. Formerly, consultant to the Select Committee on Coastal Zone Resources, California Assembly, and legislative assistant to Assemblyman Alan Sieroty, principal author of California coastal zone planning and management legislation.

† Consultant to the Subcommittee on Land Use Planning of the California Senate. B.S., Fordham University, 1962, J.D., 1968. Formerly, staff counsel, California Coastal Zone Conservation Commission.

The authors wish to extend their deepest appreciation to Chris Jacobson, without whose skills, suggestions, extra effort, patience, commitment to the subject, and encouragement, this undertaking would not and could not have been accomplished.

This is the second installment of a two-part article. The first part appeared in volume 4, issue number 2.

responds to the conviction that "we already know more about the coastal zone than we've thus far been willing to act upon."²¹⁵ The principal objective, then, of California's coastal planning program has been the promulgation of a specific set of policies which envisions a relatively precise future for the coast and suggests how that future can be realized.

The State Commission adopted a planning methodology that called for division of the proposed plan into several elements, and preparation and adoption of each element one at a time.²¹⁶ This was done in order to meet the short deadlines established by the Coastal Act, to optimize opportunities for public participation, and to promote manageability and comprehensibility. Work on each element began with the Commission's staff preparing extensive findings and recommending policies based on those findings. These were then reviewed by the commissioners and changed as necessary or appropriate. The findings and policies for each element were then adopted, one at a time, and the commission moved to the next element.²¹⁷ Each regional commission was to consider the same element at the same time. After all elements had been adopted, conflicts among them were resolved and a Preliminary Coastal Plan was approved and circulated for public review and comment. Extensive public hearings were held on the Preliminary Plan. Based on this input and ongoing staff work, final changes were made and the California Coastal Plan was adopted.

This type of planning process has several advantages. It avoids confusion and information overload, and fosters the efficient use of time by focusing attention and public discussion on one element, usually a limited subject area (*e.g.*, the marine environment), and a limited set of issues within it. Public awareness is increased because the process is well suited for media coverage and coherent reporting. The process

215. Address by Joseph E. Bodovitz, Executive Director of the California Coastal Zone Conservation Comm'n, Conference on Organizing and Managing the Coastal Zone, Annapolis, Md., June 13-14, 1973.

216. At its June 6, 1973, meeting, the State Commission adopted 13 plan elements. The goals for each element were: "(1) to arrive at the best possible solutions with the information, and within the time limits, [*sic*] available, and (2) to recommend steps necessary to carry out each proposed solution" Memorandum from Joseph Bodovitz to regional commission members, staffs, and the general public, *Outline for Coastal Zone Planning*, at 3, June 14, 1973.

The 13 plan elements were: (1) marine environment; (2) coastal land environment; (3) geology; (4) mineral resources; (5) energy; (6) recreation; (7) design; (8) transportation/water; (9) transportation/land and air; (10) power plants and public utilities; (11) intensity of development in the coastal zone; (12) powers and funding; (13) government organization. *Id.* 3-7.

217. For a variety of reasons, the 13 original plan elements were later combined and reduced to nine.

allows staff coordination among regions and assures efficient utilization of limited resources. It also provides greater opportunity for productive interchange among commissioners from different regions. Last, it serves to avoid distractions, such as purely local issues, by forcing commissioners to concentrate on important coastal resource planning issues of regional and statewide concern.

During the early stages of planning many persons complained that the element-by-element planning process would result in inadequate consideration of important issues because it required adherence to strict timetables. Some felt it was not well suited for the resolution of conflicts among elements. Others felt it was inappropriate because it was not "comprehensive" planning and therefore would prevent planners from "seeing the forest for the trees." Convinced, however, that the most effective path to the "forest"—a "comprehensive, coordinated, enforceable plan"²¹⁸ was by way of the "trees," the State Commission did not deviate from its approach. Undoubtedly several findings will eventually be determined to be incomplete or not based on the most recent studies. In addition, some of the policies could have benefited from special studies or research projects. Studies to augment existing data would undoubtedly have been undertaken if there had been more time and resources. In some instances the commissions recognized a special need for additional research and study. When this was the case they postponed making any policy recommendations until such additional studies had been completed.

The Coastal Plan is not inflexible and can be amended. It envisions and anticipates change. However, its basic tenets, if acceptable to the legislature, should remain viable for the foreseeable future.

B. The California Coastal Zone Conservation Plan

The Coastal Plan is complex and comprehensive. It touches on nearly every issue that would be involved in land use planning for the entire state. Despite the complexity of issues and the shortness of time allowed by Proposition 20, the commissions completed their planning work on time. The Plan is divided into four parts and a glossary. Part I provides an overview, a summary of the major findings and policies, a brief discussion of the economic impact of the Plan and of the national and public interest in the coast, a listing of ecological planning principles underlying the Plan, and a statement about the rights of property owners. Part II consists of 162 policy and 263 subpolicy recommendations, as well as the findings on which they are based.

218. CAL. PUB. RES. CODE § 27001(b) (West Supp. 1975).

Part III sets forth Commission recommendations to the legislature on how Plan policies should be implemented. This part includes a recommendation for land acquisition and suggests ways of funding the program. Part IV contains maps and regional supplements that show how certain Plan policies apply in each region.

The Coastal Plan is primarily a strong coastal resource protection plan, but it is also a land use plan. Its policies must be viewed within the context of the Plan's two basic objectives: (1) to "[p]rotect the California coast as a great natural resource for the benefit of present and future generations"; and (2) to "[u]se the coast to meet human needs in a manner that protects the irreplaceable resources of coastal lands and waters."²¹⁹ Although the Coastal Plan is not a no-growth plan, its policies, if implemented, will obviously have the effect of controlling growth by directing it into particular coastal areas and by establishing siting and building criteria for coastal development.

During the commissions' numerous public hearings on permit and planning matters, it became clear that many unique and economically important coastal resources were being unnecessarily depleted or destroyed by human uses of coastal lands and waters. These were uses which often could have been located elsewhere or which could have been conducted in a manner that was less environmentally damaging or that sustained resource productivity. Wetlands were being filled and diked²²⁰ while upland areas, often just a few hundred yards away, remained unused. Anadromous fish runs, vital to the commercial and recreational fishing industry, were being destroyed by damming and channeling of coastal streams.²²¹ Urban uses were allowed to sprawl over prime agricultural lands while lots within urban areas remained undeveloped or underutilized.²²² These were some of the reasons why the Commission opted for a strong coastal resource protection program. Thus the Coastal Plan seeks to discourage or prohibit developments inconsistent with protection of scenic and recreational values or the continued productivity of important coastal resources and areas. Compatible uses are encouraged.²²³

Generally, the Plan promotes coastal agriculture, protection of unique neighborhoods, expansion of commercial fisheries, acquisition of coastal parklands, and restoration of wetlands. It seeks to maintain

219. COASTAL PLAN at iii.

220. California Coastal Zone Conservation Comm'n, Minutes of Comm'n Meeting 7-9 (July 29-30, 1975).

221. COASTAL PLAN 46-52.

222. California Coastal Zone Conservation Comm'n, Minutes of Comm'n Meeting 5-6 (Sept. 5, 1975).

223. These objectives are found in Coastal Plan policies Nos. 1, 2, 21, 30, 133, & 134. COASTAL PLAN 25, 28, 48, 55, 159-60.

and enhance air and water quality, and to upgrade the appearance and design of coastal developments. Where economic development or public access conflicts with conservation, the Coastal Plan attempts to achieve balance. Its controls over dredging and filling of wetlands, developments that could adversely affect areas of unusual natural or historic value, and uses that involve substantial environmental risks, are highly restrictive.

The long- and short-term economic consequences of implementing the Coastal Plan are difficult, if not impossible to measure. As stated in the Plan,

“There is increasing recognition that no society can long survive if it dissipates its resources recklessly. Wasteful use of land and water will sooner or later be costly. Although it may be expensive to protect coastal resources, in the long run it may be even more expensive not to. The costs of the misuse of land and water are paid by us all—in higher costs of food, housing, and transportation, and in a diminished quality of life.”²²⁴

The following is a brief summary of the Plan's major findings and policies, presented in the order in which they appear in the Plan.

The first policy sets forth the fundamental goals concerning conservation and development in the coastal zone. These goals are to:

- (1) protect, enhance, and restore the natural resources of the coast;
- (2) protect, enhance, and restore the manmade resources of the coast—the special communities and neighborhoods that have unique cultural, historic, and aesthetic qualities;
- (3) give priority to coastal-dependent development—uses of land and water that by their very nature require coastal sites—over other development on the coast;
- (4) maximize access to the coast for people of all income ranges, consistent with the protection of coastal resources; and
- (5) encourage orderly, balanced development that avoids wasteful sprawl by concentrating new growth in already developed areas with adequate public services or in other areas near major employment centers consistent with resource protection policies.²²⁵

1. Marine Environment.—The resources identified in this section of the Plan are the varied forms of marine life, including food and sport fish, which inhabit coastal waters. The commissions found that, although California's coastal waters are among the world's most productive, the quantity of food fish caught in them has declined greatly in this century. The reasons for this decline include: (1) overharvest-

224. COASTAL PLAN 4.

225. COASTAL PLAN 25.

ing by commercial and sport fishermen; (2) dumping of materials poisonous to marine life, especially in ocean areas where the upwelling of cold currents brings rich nutrients essential to a productive food chain to upper water levels; and (3) dredging and filling of coastal marshes and estuaries which serve as breeding areas for many species of fish and wildlife.

To protect against overharvesting, the Plan calls for a coordinated marine resources management program.²²⁶ The expansion of "aquaculture" (the growing of marine organisms under controlled conditions) is encouraged.²²⁷

To protect and enhance coastal water quality, wastes released into the ocean must receive adequate treatment.²²⁸ Run-off from urban developments within drainage basins must be controlled,²²⁹ and wastewater discharges into enclosed bays and estuaries are to be phased out where necessary for estuarine protection.²³⁰ Expansion of current programs in these areas, such as those of the State Water Quality Control Boards and the Department of Fish and Game, is proposed.²³¹ Industrial and energy production uses of ocean water for cooling must be conducted so as to prevent the entrainment of marine life in the cooling system and to mitigate the adverse effects of thermal discharges.²³²

The Plan calls for a \$100 million oil spill liability fund financed by a 2 cent per barrel charge on oil entering California.²³³ The fund is intended to insure careful handling of petroleum, cleanup of spills, and prompt compensation for damages and cleanup costs.

Diking, filling, and dredging of wetlands would be prohibited except for development of major public services such as ports, energy facilities and commercial fishing harbors where a clear need has been demonstrated. Such developments would be conditioned on the restoration somewhere else of marshland of equivalent biological productivity.²³⁴

The Plan permits construction of seawalls, breakwaters, groins, and other shoreline structures necessary to protect existing buildings and public facilities, or to protect and replenish beaches. Special design features are called for to insure continued sand supply for beaches, to

226. COASTAL PLAN 26-45.

227. COASTAL PLAN 28-29.

228. COASTAL PLAN 30-32.

229. COASTAL PLAN 38.

230. COASTAL PLAN 31-32.

231. COASTAL PLAN 31-32.

232. COASTAL PLAN 32-34.

233. COASTAL PLAN 36-37.

234. COASTAL PLAN 39-42.

assure compatibility with public access, and to minimize visual impact.²³⁵

2. *Coastal Land Environment.*—This set of policies deals with the components of the coastal land environment, which include soils, air, animals, plants, water systems, and minerals. The protection of coastal streams is sought through preparation of coastal watershed management plans.²³⁶ These plans are intended to protect streamside vegetation and water quality in wetlands areas, to maintain sand supply and saltwater-freshwater balance, and to protect anadromous fish spawning areas.²³⁷ Natural habitat areas of particular importance or rarity are protected through development controls and public acquisition.²³⁸

Coastal agriculture is supported and protected against incompatible uses.²³⁹ The policies designed to discourage conversion of highly productive agricultural lands in the absence of a clear showing of need are among the most controversial. The Plan recognizes that conversion of lower quality agricultural lands may be unavoidable where it has become uneconomical to continue farming. Standards are recommended to control conversion of farmlands surrounded by urban development and partial conversion of large parcels of less productive rural lands so as to preserve some residual agricultural uses. To support agriculture, the Plan recommends the revision of property taxation and urban utility assessment practices that can force conversion of farm land, and direct subsidies and technological assistance are proposed.²⁴⁰

Other policies deal with coastal air quality, timber production, and the conservation of soil and mineral resources.²⁴¹ The long-term productivity of renewable resources, such as coastal forests, is encouraged. Sustained timber yield is sought through imposition of a severance tax instead of the current practice of taxing the value of all standing trees.²⁴² Major new developments that would have adverse impacts on air quality, such as refineries, fossil fuel power plants, and freeways, would be prohibited in "Air Quality Maintenance Areas" unless there exists no alternative location at which the environmental damage would be less severe.²⁴³

235. COASTAL PLAN 44-45.

236. COASTAL PLAN 48-49.

237. COASTAL PLAN 48-52.

238. COASTAL PLAN 52-53.

239. COASTAL PLAN 55-61.

240. COASTAL PLAN 56-57.

241. COASTAL PLAN 62-67.

242. COASTAL PLAN 63.

243. COASTAL PLAN 66-67.

3. *Appearance and Design.*—The variety and grandeur of California's coastline attracts visitors from throughout the world. In many areas older coastal developments have respected the special scenic quality of the shoreline. Recent construction, though, has significantly degraded the attractiveness of the coast. As mentioned above the deterioration of the coast's scenic beauty undoubtedly was a factor leading to passage of Proposition 20.²⁴⁴

Coastal Plan policies provide new development guidelines designed to protect the qualities of highly scenic areas. Siting, landscaping, and design requirements should make new development unobtrusive and visually subordinate to the scenic quality of its setting.²⁴⁵ Major developments, such as industrial plants and shopping centers, must be built some distance from the shoreline.²⁴⁶ The Plan sets out detailed appearance and design guidelines for developments in certain specified settings, such as wetlands, sand dunes, bluffs, headlands, islands, canyons, riverways, and uplands.²⁴⁷ Recommendations for billboard control or removal and for legislation banning the sale of nonreturnable and nonbiodegradable beverage containers are also included.²⁴⁸

4. *Coastal Development.*—A federally funded study concludes that planned, concentrated development can save the public between 5 and 33 percent in costs as compared with sprawling, land consuming development.²⁴⁹ The restriction of sprawl can result in savings by lessening travel time for residents and by reducing the consumption of energy resources.²⁵⁰ Although the long-term benefits of preserving open lands favor agriculture, fishing, and tourism, these uses often cannot, in the short-run, compete in the same market with residential developments. For this reason, the Coastal Plan seeks to channel new construction into rebuilding and upgrading those areas which are already developed and which can accommodate additional development.²⁵¹

Along the immediate shoreline, priority is given to "coastal-dependent" developments, such as ports and harbors, which by their very natures require coastal sites. In rural areas which have not been identified as containing significant natural resources, or as being highly scenic areas, or as being potentially productive agricultural lands, preferred uses include developments that preserve open lands and those

244. See part I of this article, 4 FLA. ST. U.L. REV. at 181-82.

245. COASTAL PLAN 71.

246. COASTAL PLAN 75.

247. COASTAL PLAN 71-72.

248. COASTAL PLAN 71, 74.

249. COASTAL PLAN 22.

250. COASTAL PLAN 22.

251. COASTAL PLAN 79.

that serve the needs of coastal visitors (*e.g.*, riding stables, campgrounds, or tourist accommodations). Residential development is given lower priority but would be permitted where other types of development are not feasible. Plan policies recognize that certain potentially hazardous industrial activities (liquefied natural gas processing facilities and nuclear power plants) may require remote locations. Site consolidation is encouraged as a way to minimize their proliferation.²⁵²

The plan identifies certain unique coastal communities and neighborhoods, such as La Jolla, Venice, and Mendocino, as important coastal resources. Special standards are recommended for the protection of their scenic and community qualities.²⁵³

Finally, because California's coast is particularly susceptible to floods, earthquakes, landslides, cliff erosion, and tidal waves (tsunami waves), the Plan proposes policies to combat these natural hazards. The policies restrict new development in floodplains, require that descriptions of geologic hazards be included in residential sales information, place limitations on uses of land within high risk coastal areas, and provide a setback line for construction on erosion-prone bluffs.²⁵⁴

5. *Energy.*—Of all the Plan's subject areas, energy considerations have generated the most interest and controversy. The current policy crisis relating to the supply of fossil fuels has received widespread public scrutiny. Questions regarding the coastal siting of energy facilities, such as tanker terminals, power plants, pipelines, offshore drilling platforms, and refineries are complex and have serious local, state, and national implications. The primary and secondary impacts on coastal resources that usually accompany such facilities are of vital concern to California, especially since many of these projects are proposed for construction near the heavily populated southern California coastline.

Because of the shortage of clean burning natural gas supplies, many power plants are being forced to convert to coal. As a result, some increases in smog have occurred, especially in the already impacted air basins of southern California. Increased smog causes additional public costs in terms of adverse effects on human health, agricultural yields, and tourism.²⁵⁵ The State Commission found that patterns of increasing energy consumption will ultimately necessitate the construction of more energy facilities on the coast.²⁵⁶ If all the coastal facilities necessary to satisfy the more extreme projections of future energy demands are

252. COASTAL PLAN 83.

253. COASTAL PLAN 77-78.

254. COASTAL PLAN 83-90.

255. COASTAL PLAN 65, 115.

256. COASTAL PLAN 112-17.

built, many areas of California's coastline will be transformed into large energy parks. For these reasons, the Commission felt compelled to examine a much broader portion of the energy picture than the Coastal Act required. The Plan addresses questions of energy supply and demand and the need for energy conservation. Policies relative to the siting of energy related facilities are included.²⁵⁷

Energy conservation can help protect coastal air, land, and water resources by reducing the need for the construction of many new energy related facilities. Therefore, Plan policies recommended a detailed and extensive energy conservation program for the entire state.²⁵⁸ These conservation policies could be implemented separately within the coastal zone only if the state (through its Energy Resources Conservation and Development Commission) fails to implement a state-wide energy conservation program by July 1, 1977.

The Plan advocates tax incentives to encourage energy-efficient designs for automobiles and buildings. Research and development programs to expand the use of alternative energy sources such as solar, wind, and geothermal energy, and the production of energy from solid wastes and methanol are also urged.²⁵⁹

In response to the energy crisis, California, in 1974, created the Energy Resources Conservation and Development Commission, which has exclusive authority over the siting of power plants throughout the state except in the coastal zone, where that authority is shared with the coastal commissions.²⁶⁰ The Coastal Plan recommends that the Energy Commission's authority be expanded to include all energy facilities and that, in the coastal zone, such authority be exercised jointly with the coastal commissions.²⁶¹ The Plan proposes specific criteria for the siting of energy facilities on the coast. With respect to power plants, a showing must be made, among other things, that: (1) the plant is needed despite energy conservation efforts; (2) alternative sites, coastal and inland, have been evaluated, and that the proposed site is the least environmentally damaging site; (3) where feasible, a substantial coastal area will be provided for public use; and (4) adverse visual impacts will be minimized.²⁶² Power plants could not be built in areas identified as highly scenic, nor could they

257. COASTAL PLAN 115-17.

258. COASTAL PLAN 99-101.

259. COASTAL PLAN 108-10.

260. CAL. PUB. RES. CODE § 25526 (West Supp. 1975).

261. COASTAL PLAN 112.

262. COASTAL PLAN 115-17.

be allowed to increase air pollution in "Air Quality Maintenance Areas."²⁶³

New offshore oil and gas development would be allowed where: (1) it is part of a clearly defined, comprehensive energy conservation and development program; (2) stringent environmental safeguards are built into exploration and production activities; and (3) there has been careful planning to minimize onshore impacts.²⁶⁴ One policy recommends that current federal leasing practices be revised to allow separation of permit review of the exploratory phase of a proposed oil production activity from review of the production phase of the operation.²⁶⁵

Refinery construction or expansion is permitted where: (1) there is a public need for the facility; (2) the project is designed to minimize adverse environmental impacts and exposure to injury from accidents; and (3) several other conditions are met.²⁶⁶

Similarly, new tanker terminals are permitted if certain criteria are met. Plan policies recommend that: (1) existing facilities be used to their maximum capacity before new port facilities are developed; (2) oil companies be encouraged to exchange crude oil supplies with each other to minimize transportation needs; (3) existing harbor areas be used to accommodate tankers transporting Alaskan crude oil (tankers with drafts of about 65 feet); (4) terminals for larger tankers be restricted to offshore deepwater sites away from environmentally sensitive areas; and (5) multicompany use of terminals be encouraged.²⁶⁷ It is also urged that terminals have ready access to the latest state-of-the-art equipment for oil spill containment.²⁶⁸

Liquefied natural gas (LNG) terminals would be permitted according to the following criteria: (1) until concerns about public safety risks inherent in LNG marine terminal operations have been satisfied, only one LNG terminal, at a site remote from heavily populated areas, should be permitted in California; (2) if public safety concerns can be satisfied, consideration should be given to building LNG terminals in already developed port areas to minimize adverse environmental impacts; and (3) LNG terminals should meet rigorous safety design standards.²⁶⁹

6. *Transportation.*—Increasing numbers of visitors, owners of second

263. COASTAL PLAN 117.

264. COASTAL PLAN 123-25.

265. COASTAL PLAN 123-24.

266. COASTAL PLAN 129-30.

267. COASTAL PLAN 133-35.

268. COASTAL PLAN 134.

269. COASTAL PLAN 137-38.

homes, and long distance commuters have filled coastal parking lots to capacity and caused delays, congestion and safety hazards on the state's highways. The construction of massive new high-volume freeways in many areas of the coastal zone, however, would have extremely adverse effects on the scenic beauty of the coast and would encourage development to sprawl into presently undeveloped areas. The Plan promotes the use of public transit and recommends that local land use programs be evaluated against existing transportation plans to make sure that road capacities are not exceeded and that coastal access for visitors is not blocked.²⁷⁰ The Plan recommends capacity budgeting for roads. This concept, if used, would place a constraint on the level of development in particular areas based upon the ability of the local transportation system to accommodate increases in traffic. The Plan provides for the expansion of port and airport capacities where necessary to meet increasing demands. Port and airport expansion would be encouraged where these facilities already exist. Before diking and filling of water areas are permitted for such expansion, however, existing facilities must be used to their maximum potential.²⁷¹

7. *Public Access to the Coast.*—Although tidelands belong to the public, and the right of access is protected by the California constitution, many parts of the coast have been fenced off from public use by coastal developments and in effect expropriated for the sole use and enjoyment of private upland owners. The Plan requires that reasonable provisions for public access be made in new developments along the coast.²⁷² This policy would expand existing authority which requires the dedication of access to the coastline prior to the approval of any new subdivision.²⁷³ The constitutionality of these provisions has not yet been tested in the courts. However, a similar statute requiring a subdivider to dedicate land for park purposes has been upheld.²⁷⁴ If a new development cannot reasonably accommodate public access, the Plan instead requires an appropriate payment by the developer into an acquisition fund which will be used to purchase access in the same general area.²⁷⁵

As is discussed above, access to the coast means more than just providing opportunities for the public to walk or drive to the shoreline. It also means the ability of people from all income levels to live

270. COASTAL PLAN 146-47.

271. COASTAL PLAN 147-51.

272. COASTAL PLAN 153-56.

273. CAL. GOV'T CODE § 66478.11 (West Supp. 1976).

274. *Associated Home Builders v. City of Walnut Creek*, 484 P.2d 606 (Cal.), *appeal dismissed*, 404 U.S. 878 (1971).

275. COASTAL PLAN 154.

near the coast. High priority is given in the Plan to those developments that would be accessible to people of different income levels.²⁷⁶ The Plan also recommends that portions of certain major beachfront facilities, such as military bases, port facilities, and power plants, be opened for public use consistent with security and safety needs.²⁷⁷

8. *Recreation.*—One of the most significant resources of California's coast is its use for recreation. The Plan includes many significant policies to protect recreational resources.²⁷⁸ One policy, for example, gives highest priority to shoreline developments that serve the needs of recreation and visitors. It also encourages recreational facilities that will be accessible to persons from all income ranges.²⁷⁹ Additional recreation areas, especially near urban areas, are recommended for public purchase. These areas include both beaches and upland areas necessary for support facilities for ocean-front recreation, such as parking lots and concessions. The Plan also includes policies encouraging development of a coastal trail system and provision of additional recreational boating facilities.²⁸⁰

9. *Educational and Scientific Use.*—The Plan falls short of breaking new ground here. It looks to existing programs for the protection of sites of historical, archeological, or scientific importance. It attempts to control development that would affect those sites through the use of design controls and other methods of mitigation.²⁸¹

10. *Restoration of Coastal Resources.*—Proposition 20 stemmed nearly as much from concern about what has already happened as from concern about what could happen. Habitat has been destroyed, agricultural productivity has diminished, and coastal neighborhoods have become blighted. Undoubtedly, many people supported Proposition 20 not only because they wanted to prevent "bad" things from happening, but also because they wanted "good" things to happen, including making "bad" things into "good" things through restoration.

One of the problems on the coast is the proliferation of coastal subdivisions with lots in the ownership of different individuals. Full development of these lots, mostly single family home lots on the immediate shoreline, will seriously undermine the Plan's integrity by allowing sprawling development along some of the most sensitive and scenic areas of the coast. In addition, the cost of extending public services to these lots, many of which are remote, would be exorbitant,

276. COASTAL PLAN 25, 155-56.

277. COASTAL PLAN 156-57.

278. COASTAL PLAN 159-66.

279. COASTAL PLAN 25, 155-56, 160.

280. COASTAL PLAN 164-66.

281. COASTAL PLAN 168-70.

often exceeding the cost of buying the lots themselves. For this reason the Plan recommends that these lots be acquired whenever possible. In some instances these lots could be consolidated and resold for development consistent with the Coastal Plan.²⁸² The Plan recommends to the legislature that a Coastal Conservancy Trust be established for this purpose.²⁸³ The commission failed to face some of the real needs in this area, however. For example, the Plan does not include policies to require the consolidation of "paper subdivisions" in which the lots are in common ownership. Many of these subdivisions predate subdivision standards regulating such matters as road widths, setbacks, minimum lot sizes, and recent controls designed to protect environmental quality. The problems created by new divisions of land are also not dealt with, and no program to control the continuing proliferation of lots is suggested.

11. Further Stages of Planning.—The Plan recognizes the need for additional study and planning in particular areas. Subregional area planning is called for "where the cumulative impact of development over time has the potential for adversely affecting coastal resources or coastal access."²⁸⁴

C. Implementing the Coastal Plan

There are many ways in which the Coastal Plan or portions of it can be implemented. No one is so naive as to think all Plan policies can or will be implemented in 1976. Undoubtedly, some policies will not be carried out for years, if ever. Others may be accomplished by administrative action without additional legislation. Still others can be implemented by local governments or other public agencies as a result of their own initiatives. In fact, efforts are even now underway in which certain local governments, working with the commissions, are attempting to modify their general plans and zoning ordinances in order to bring them into conformity with the Coastal Plan.

The major vehicle for implementing the Plan is new legislation, and recommendations are included as to how this should be accomplished.²⁸⁵ Briefly, the Plan recommends that the current commission structures and regulatory controls be continued for at most 4 years. At that time regional commissions would be phased out and local governments, subject to overview by a successor state coastal agency, would be given prime responsibility for implementation of

282. COASTAL PLAN 172.

283. COASTAL PLAN 192.

284. COASTAL PLAN 176.

285. COASTAL PLAN 179-90.

the Plan. During the initial 4-year period, local governments would be required to bring their general plans, supporting ordinances, and other programs into conformity with the Coastal Plan.²⁸⁶ Each local coastal program would have to be approved by the appropriate regional coastal commission and certified for consistency with the Coastal Plan by the State Commission.²⁸⁷ After the certification of local coastal programs for all cities and counties in a region, or after 4 years, whichever occurs sooner, the regional commissions would go out of existence. The successor state commission would continue to update coastal planning, monitor and enforce local implementation of the Coastal Plan, and process development decision appeals from local agencies for certain categories of developments. It would also exercise shared permit powers with other agencies over developments within 100 feet of wetlands and the shoreline and all developments on lands subject to the public trust. Public works projects and major energy facilities anywhere in the coastal zone²⁸⁸ would be subject to continuing coastal permit controls. Any significant changes in local coastal programs would have to be approved by the successor coastal commission.

At this writing, the legislation that will be introduced to implement the Plan has not been finalized.

V. SOME GENERAL IMPACTS OF PROPOSITION 20

California's coastal waters and adjacent shorelands have existed within the protective scope of Proposition 20 for more than 3 years. Its effects have undeniably been widespread and have, to some extent, reached inland. But what exactly have these effects been? Has it affected our institutions, our attitudes about land and its ownership, or our attitudes about resource management and planning? How has the Coastal Act affected California's economy, its job market, and its social structure? Obviously the Act has had a wide range of impacts. But to isolate and measure them is difficult and probably impossible.

Too often people are willing to attribute particular events or conditions to the operation of Proposition 20 simply because they have occurred or have become visible during the time the coastal program has been in operation. In most cases the conditions have coincidentally emerged during the same period of time. Thus, for

286. Existing law requires that cities and counties have general plans and that zoning ordinances be consistent with such plans. CAL. GOV'T CODE §§ 65300-700 (West 1966).

287. COASTAL PLAN 184-85.

288. COASTAL PLAN 187-88.

example, there is no correlation between Proposition 20 and the current period of recession and inflation. Nor is there any correlation between the energy shortage of 1974-75 and the Coastal Act. On the other hand, there clearly appears to be a correlation with other conditions, such as the construction rate along the California coast. The difficulty emerges when one attempts to equate a correlation with a causal connection between two or more discrete, indentified conditions. No one will deny that there is some relationship between coastal property values and Proposition 20. At the same time, many other factors are also related to coastal property values. With respect to every question raised above, a multitude of confounding variables combine to produce a particular condition or effect. How can one point to a specific effect as having been brought about by a specific cause when so many variables have become mingled together? Perhaps the simple answer is that it cannot be done. Nevertheless, this is the kind of information politicians and policy makers need to enable them to take positions on legislation and to make future decisions. And indeed some valid observations about the impacts of Proposition 20 can be made. It is important, however, to be cognizant of the many variables that are at work. With this caveat in mind, we venture into the discussion that follows.

A. The Concept of Private Property—A Maturing Institution

Historically, the institution of private property was a rigidly embedded fixture in our legal, social and economic structure. The framework of this institution, particularly with respect to ownership of real property, has been changing at a rapid pace over the last 50 years. The notion that the owner of a piece of real property owns the land's surface, the subsurface, and the sky above, from the center of the earth to the heavenly heights (the slice of pie theory), was exploded and discarded long ago. In recent times the notion that a landowner can do whatever he chooses with his land (subject only to the law of nuisance) has faded too. In their place has emerged the concept that real property ownership denotes a legal relationship between owner and land, a relationship continually being defined and redefined by institutional makers of law in response to the evolving needs of a dynamic society and the conditions of the natural environment. The substantive elements of this relationship are composed of a multitude of rights. Private real property ownership is merely a description of this collective bundle of rights. It is assumed, by contemporary standards at least, that these rights are subject to change; rights may be added, subtracted, or modified. Any alteration in the composition

of this bundle by legislative body is subject to judicial scrutiny to assure that such changes do not violate the protections given by state and federal constitutions. Since this is usually a matter of interpretation and judgment, the courts play a major role in defining this bundle of rights at any given point in time.

Passage of Proposition 20 signaled public acceptance of the need to change the bundle of rights that defines private property ownership of coastal lands. The development controls of the Coastal Act established a new set of rules for the use of coastal property. The voting public was willing to impose these new limitations on the use of private coastal property because, among other reasons, it had come to view California's coastline as a unique and finite resource "belonging to all the people."²⁸⁹ While the voters probably would not have gone so far as to impose a moratorium on all further development of coastal property, even during the temporary period while the Coastal Plan was being prepared, they stated loudly and clearly that if any development was to proceed during the planning period, strict environmental and conservation standards would have to be met. Putting it another way, one message of Proposition 20 was that private ownership and use of coastal lands should be accompanied by an assumption of substantial public responsibilities. This attitude is not unique to Californians.²⁹⁰

Proposition 20's passage and later implementation have substantially modified the distribution of burdens and benefits attached to the private ownership of coastal real property. An important reason why California voters were willing to approve far-reaching land use legislation was a recognition that the realization of private benefits from the unrestricted use of private property is frequently accomplished at public expense. Private coastal developments are able to bestow special benefits on a relatively narrow class of property owners and users only by requiring the public, without its consent, to give up previously uninterrupted views of the sea, to sacrifice access to the coastline, to tolerate low quality, esthetically offensive construction, to suffer the loss of environmentally sensitive, biologically productive and scenically spectacular lands and waters, and to absorb the impact of degradation of air and water quality. These consequences are usually the result of the activities of large subdividers and commercial and industrial users, and not of those of individual lot owners and owners of single family residences. When individual lot owners in previously sub-

289. CAL. PUB. RES. CODE § 27001 (West Supp. 1975).

290. See *The Use of Land: A Citizens' Policy Guide to Urban Growth* 16 (W. Reilly ed. 1973); F. BOSSELMAN, D. CALLIES & J. BANTA, *THE TAKING ISSUE* (1973).

divided projects seek to build, the train of events leading up to these consequences has already been set in motion.

During the Proposition 20 campaign, opponents time and again argued that its regulatory provisions would constitute an unconstitutional "taking" of private property without just compensation.²⁹¹ Although many permit decisions have been taken to court, not once has a "taking" been found.²⁹² The Coastal Act has served to refine the definition of private real property ownership: a privileged stewardship, described by a bundle of individual rights which encompass enforceable social and environmental obligations.

B. Attitudes About Use of Coastal Resources

The advantages of sound resource management programs have become painfully evident as formerly plentiful resources have become precariously scarce. The need for effective management programs is now generally accepted.²⁹³ The critical questions not yet adequately answered are at what level of government, if government should do it at all, should the responsibility be placed, and how should the objectives of wise resource management be accomplished? With respect to California's coastal resources, the voters gave their answer in November 1972. Much had been said about coastal resource management prior to Proposition 20 but little was actually done. Today, however, people understand that clean air and water, recreational opportunities, and usable land are all resources that are neither in limitless supply nor immune to destructive assaults by man.

California's growth and wealth have derived from its rich natural resource base—gold, water, timber, oil and other minerals, productive lands, and the coastal zone. Increases in population and consumption have generated demands that exceed or threaten to exceed the carrying and productive capacities of the resource base. Despite the obvious need for sound management, many people in and out of government were startled by the way Proposition 20 proposed to deal with this need. The time to "fish or cut bait" had come and the decision to "fish" has had a profound effect on the attitudes of public policy makers, private and public institutions, participants in the market-

291. The opponents' billboards read, "Conservation Yes—Confiscation No. Vote No on 20."

292. See *Veta Co. v. California Coastal Zone Conservation Comm'n*, 524 P.2d 128 (Cal. 1974); 237 CEEED *v. California Coastal Zone Conservation Comm'n*, 118 Cal. Rptr. 315 (Ct. App. 1974).

293. CALIFORNIA LAND-USE TASK FORCE, *THE CALIFORNIA LAND, PLANNING FOR PEOPLE* (1975).

place, shapers of public opinion, and the public itself.²⁹⁴ People at all levels of government involved with resources planning and management got the message.

There will always be doubt about how far the public is willing to go to protect natural and man-made resources. The Coastal Act provides only a partial answer because its scope is limited and because it does not and cannot make clear precisely what price the public is being asked to pay. Nevertheless, it is a statement of some of the things people want: more physical and visual access to the coastline, protection of existing access to the shoreline, more effective control over coastal development, slower growth, better quality development, clean ocean waters and beaches, clean air, better protection for living marine resources, conservation of natural resources, restoration of degraded coastal areas, and an effective system of governance to achieve all these things.

Enactment of Proposition 20 stimulated many local governments to reassess their own plans and programs affecting coastal resources. The proponents of this local level reevaluation view Proposition 20 as an expression that people want a reordering of the policies and priorities that have guided land use decisions along the coast in the past.²⁹⁵ Many locally elected officials who refused to recognize that Proposition 20 signified a major shift in voter attitudes were defeated by candidates running on platforms supporting controlled growth, strong resource conservation, and environmental quality.²⁹⁶

Attitudes in the private sector also began to change as the meaning of the voter's decision began to settle in. Many developers initiated coastal project designs with a new emphasis on quality in terms of appearance, internal open space, and reductions in heights and density.²⁹⁷ Since November 1972 commercial and industrial coastal resource users have publicly and privately acted on the recognition that they stand more to gain by working within the constraints of existing environmental controls than by stubbornly resisting. A manifestation of this attitude is reflected by the increasing willingness of developers to sit down with environmentalists to try to work out their differences.

State and federal agencies have also demonstrated a shift in attitudes

294. Los Angeles Times, May 2, 1973, § II, at 10, col. 1.

295. The authors have heard innumerable statements to this effect from mayors and city councilmembers of coastal *and* inland jurisdictions.

296. Los Angeles Times, April 15, 1973, § VII, at 2, col. 1.

297. During a 1974 League of California Cities workshop on the effects of Proposition 20, a Bank of America representative acknowledged that there had been a marked improvement in the quality of coastal development since early 1973.

toward their own coastal resource planning and management functions, including projects they plan to carry out or participate in.²⁹⁸ To some extent, this attitudinal change can be attributed to Proposition 20 and the experience gained from its implementation.

C. Property Values

There has been much rhetoric and little hard evidence about the effect of Proposition 20 on property values. The California Assembly Committee on Revenue and Taxation noted in 1973 that evidence presented by assessors during a hearing on this issue indicated it was too early to determine precise effects.²⁹⁹ Generally, it was suggested that, within the 1000 yard permit area, the value of improved properties and of small unimproved lots in "developable" areas has been rising, and the rate of sales for these types of properties has been as high, if not higher, as in pre-Proposition 20 days. The value of large undeveloped tracts (generally over 5 acres) appears to have declined somewhat, although there have been relatively few comparable sales.³⁰⁰ As to property values inland of the permit control area but within the general 5-mile planning area, few effects were reported.

A more recent survey of tax assessors conducted in mid-1975 for the Assembly Select Committee on Coastal Zone Resources indicates that there is great uncertainty in the valuation process as the result of many factors, including the requirements of the Coastal Act.³⁰¹ The value of existing improved properties in the permit area has nevertheless increased substantially.³⁰² The value of small, unimproved lots in the permit area in developed or "developable" areas (rural and other areas where scattered development exists but has not yet been fully

298. The state agencies include the State Department of Fish and Game, the State Water Resources Control Board, the California Department of Transportation, and the State Department of Parks and Recreation. In each case, however, the major factor affecting attitude change was the influx of new leadership with a new administration.

299. CALIFORNIA ASSEMBLY COMM. ON REVENUE AND TAXATION, FINAL REPORT ON 1973 INTERIM ACTIVITIES 2-6 (1974).

300. *Id.*

301. Other factors include the environmental impact report requirements of the California Environmental Quality Act, county and city general plan revisions, court decisions, specific actions by other agencies (*e.g.*, designation of flood plain hazard areas that may require protective construction), increasing scarcity of undeveloped and developable coastal lands, and zoning changes. *See* Letters from County Assessors (on file with the California Assembly Resources, Land Use, and Energy Comm.).

302. Some reasons are: (1) a belief that future permitted uses under Proposition 20 and other controls will be less intensive than existing uses, thereby placing a premium on existing "nonconforming" uses; (2) the rapidly increasing demand for smog-free coastal residential locations; and (3) new environmental controls on development of vacant land that increase costs; and (4) population growth. *Id.*

exploited) has either stayed the same or increased. The Coastal Act has had little noticeable effect on property values in the planning area landward of the permit area.³⁰³ Temporary downward adjustments or discounts have been given by assessors for some large acreage properties (over 5 acres) in the permit area and in one county in the planning area because, in the judgments of the assessors, the values of these properties appeared to have declined.³⁰⁴ Property value losses cannot be attributed solely to Proposition 20 since many other factors which influence value continue to operate.

There has been a noticeable reduction in sales activity in the permit and planning areas with respect to both large and small undeveloped properties in generally undeveloped areas.³⁰⁵ Proposition 20 appears to have caused many investors to take a "second look" before purchasing coastal property. This second look made prospective buyers aware of the wide range of land use restrictions imposed by other state, federal and local requirements. Proposition 20 focused attention on all the new land use rules that in combination, and together with other factors, were sufficient to discourage purchases.

Whether real property value shifts have affected the tax bases of local governments depends on the extent to which each county or city contains a preponderance of either improved property or vacant undeveloped lands. If the area encompassed by a taxing entity includes both, the increase in value of improved parcels may offset the loss of value of undeveloped land. No definitive data on this point were made available.³⁰⁶

303. It appears that some of these inland properties, both developed and vacant lots, are increasing in value. No direct relationship to Proposition 20 has been identified, although it is thought to be a factor. Other factors influencing values include inflation, increased fire protection controls requiring larger water lines, stricter controls over traffic loading rates for access roads, and expanded geological evaluations and controls as a precondition to the issuing of local building permits. There is some "dampened" investor interest in large inland vacant parcels. *Id.*

304. Temporary reductions were justified by the belief that value losses have occurred, especially in the permit area. They were granted principally in rural areas, and Proposition 20 has been cited as a prime factor. Other factors cited include "declining liquidity as shown by foreclosure," slowing sales, increased costs of municipal services, increased costs from delays in getting permits, higher interest rates, rising fuel costs, and escalating construction costs. Not all large acreages were granted reductions. *Id.*

305. Among the factors cited was a "wait and see" attitude by some owners in anticipation of public purchase or the removal of the regulatory controls. The rate of sales of improved coastal properties appears to be higher than that prior to November 1972, and higher than that for the rest of the country. *Id.*

306. One assessor attributed unimproved property value losses directly to Proposition 20 and concluded that this has had an adverse effect on revenues. He added, however, that coastal controls "should have stopped the demand for expansion of government services." Letter from Ernest L. Comalli, Sonoma County Assessor, to Alan Sieroty,

These survey results are consistent with the conclusions reached in 1973. Proposition 20, as one of many factors, *has* had an effect on property values within the 1000 yard permit area. Experience with coastal permit controls has enabled assessors, in a few cases, to identify a causal relationship between a commission permit decision and property value. In these cases assessed values were adjusted accordingly.³⁰⁷

D. Economic Effects

One of the most frequently mentioned but least understood effects of Proposition 20 is its impact on the economies of the coastal counties of the entire state. Time and again the Coastal Act is accused of being responsible for, among other things, the state's unemployment rate, the economic slowdown, the spiralling costs of energy, and the gasoline shortages of 1974.³⁰⁸ Few factual data have been presented to show that the Coastal Act has had a direct, measurable effect on the economy. Much like property values, economic activity along the coast is affected by many factors, one of which may be Proposition 20.

It is inaccurate and misleading to conclude that the mere existence of development controls has had an adverse affect on the economy because costs to the developer are increased. True, California's coastal development controls have imposed additional costs on certain persons and categories of economic activity. But this is only one portion of the equation. One also has to look at many other factors, including the long-term costs avoided by preventing urban sprawl; the economic benefits resulting from the protection of resource productivity; the benefits to the tourist industry of protecting scenic and recreational resources; the benefits of balanced, orderly, controlled development; and the long-term benefits derived from preventing the loss of prime coastal agricultural lands. There is an economic aspect to all these that is usually overlooked by the shortsighted glance which takes in only the number of temporary construction jobs, the expansion

Chairman of the California Assembly Select Comm. on Coastal Zone Resources, June 4, 1975.

307. Under California law coastal permit actions constitute enforceable restrictions and must be factored into the assessment process. CAL. REV. & TAX CODE § 402.1 (West Supp. 1976). Problems in this regard have occurred because of an inadequate exchange of information between the commissions and county assessors. Where permit actions are made known to the assessor, value adjustments have been made.

Another confounding variable was the fact that many coastal properties had not been appraised for many years, in some areas for as much as 10 years. Accordingly, recent appraisals resulted in substantial recorded increases. See Letters from County Assessors, *supra* note 301. See also Mendocino Beacon, Oct. 2, 1975, at 2, col. 3; Los Angeles Times, Oct. 22, 1974, § II, at 5, col. 5.

308. See Loehwing, *Blueprint for No-Growth*, BARRON'S, April 21, 1975, at 7.

of a tax base, and the investor's profits. This type of discriminatory vision usually relies on the measurable number of dollars that specific projects will generate. Most uses of land, however, are accompanied by both quantifiable and nonquantifiable economic consequences. In addition, net costs and benefits can change as the time frame within which they are measured is extended. Cumulative effects will also be a factor. Thus, filling one marsh or estuary may produce short- and long-term net benefits in terms of jobs, revenues, and returns to investors which can be reinjected into the economy. Filling many marshes and estuaries may destroy biological productivity necessary to sustain commercial and sport fisheries that provide jobs, revenues, investment returns, recreational opportunities, and food supply. Air quality can deteriorate, causing inestimable harm to human health and crops and resulting eventually in increased costs for measures to mitigate the harm.

Today people are beginning to look for the hidden economic costs of development and of inadequately managed resource use activities. They recognize that there are economic aspects inherent in deteriorating environmental quality, and that many times what is a gain in the short run may be a loss in the long run.

Although the coastal commissions have often been accused of causing economic havoc, no study has, to our knowledge, been undertaken to assess the economic effects of the Coastal Act. Perhaps none has been initiated because there is simply no way to measure those effects with any degree of certainty—assuming that one can, in the first place, identify all the effects of an economic nature that should be measured. It is probably accurate to say that there *have* been economic consequences directly attributable to Proposition 20. But whether they have resulted in net economic costs or benefits is not known.³⁰⁹ We are convinced, however, that the commissions' work, when viewed from a long-range perspective, will produce net economic benefits.

Much of the debate about economic effects will be reenacted when

309. There are, of course, individual cases where permit denial or the imposition of conditional permits has produced costs and area economic dislocations. Even in many of these cases, it is not known whether displacement occurred; that is, whether a similar project was built elsewhere. If so, this situation also has cost/benefit consequences. Some sectors of the business community (some real estate brokerages and land development ventures) have been adversely affected in some areas. However, this situation is not unlike what has happened to many types of business ventures that have ceased to be economically viable because consumer demands have declined, or because conditions and rules have changed over time. For example, many commercial fishing ventures failed because the resource on which they depended was depleted by excessive exploitation or pollution.

the legislature considers ways to implement the Coastal Plan. Recognizing that the economic effects of implementing the Plan will be a major issue in 1976, the legislature's Joint Rules Committee commissioned a study on the subject. A report issued in October 1975 suggests a methodology for an economic effects study that is designed to address the subject in a comprehensive manner, taking into account the points discussed above.³¹⁰ The report recognizes the enormity of the task and concludes that it will be impossible to arrive at any one projected figure or set of figures (in terms of dollars or jobs) showing whether the Plan's economic effects will be on the cost or benefit side of the ledger.³¹¹ The report is replete with caveats and qualifications. As of this writing no determination has been made whether to undertake an actual study of economic effects.³¹² However, the State Senate, by resolution, has directed the legislature's analyst to undertake an economic study.³¹³ Among the many aspects to be studied are, "in qualitative or quantitative terms," the "short- as well as long-term costs and benefits of . . . [t]he impact, to the extent identifiable, of the proposed plan upon the general economy of this state, including . . . quality and diversity of total biological capital stock, including human health" ³¹⁴

E. Social Equity and Public Use

Environmental and economic factors are usually given primary consideration in coastal resources planning and management programs. Social values and social equity are largely avoided as being too politically explosive and too difficult to handle.³¹⁵ California's Coastal Act declares that the coastal zone is "a distinct and valuable natural resource belonging to *all* the people" ³¹⁶ The coast, pursuant to Proposition 20, should be available to and enjoyed by people of current and future generations and of all socio-economic levels. Con-

310. JOINT RULES COMM. OF THE CAL. LEGISLATURE, ECONOMIC IMPACTS OF THE PROPOSED COASTAL PLAN—A FIRST REPORT AND FURTHER PROPOSALS (1975).

311. *Id.* at 6.

312. Even if no study is done, the report is extremely helpful because it has identified and organized the vast range of issues and variables which must be considered if an accurate assessment of the economic consequences of plan implementation is to be realized.

313. Cal. S. Res. 41 (1975). These two efforts are being coordinated to avoid duplication. It is too soon to guess what the results will be.

314. *Id.*

315. See Dickert & Sorensen, *Social Equity in Coastal Zone Planning*, 1 COASTAL ZONE MANAGEMENT J. 141 (1974).

316. CAL. PUB. RES. CODE § 27001 (West Supp. 1975) (emphasis added).

sistent with these basic goals, the State Commission has not shied away from social equity questions in either its planning or permit work.³¹⁷ The issue was well articulated by the Commission's predecessor:

The questions of who bears the costs and who receives the benefits of coastal resource policies should be taken into account in all resource allocation decisions. Unless such concern with the question of social equity is introduced into decision making, it is possible that the ultimate effect, both market pressures and environmental policies, could produce a situation in which opportunities to recreate and reside along the coast are limited to a small percentage of the state's population.³¹⁸

The permit process served as an effective vehicle to bring the full range of social equity issues before the commissions.³¹⁹ As a result, the commissions learned that public access means more than a public walkway to the beach or a place to launch one's boat.³²⁰ Access also means availability of low cost housing units near the coast, protection of unique neighborhoods in which persons on fixed incomes and low to moderate income levels live, availability of parking spaces for non-residents, public transportation to the coast from the inner city, and development of recreation facilities that people from many income groups can afford. In addition, it means the public acquisition of beaches and parklands, especially within and near urban centers along the coast.

Public hearings on permit matters demonstrated how development activities, such as conversion of low cost rental units to condominiums, have had the effect of forcing persons of limited means to move away from the coast. It was primarily the exposure to permit applications that prepared the way for planning policies designed to protect and expand opportunities for people of all income levels to

317. The regional commissions have been generally less sensitive to such concerns.

318. CALIFORNIA ADVISORY COMM'N ON MARINE AND COASTAL RESOURCES, *THE REVIEW OF THE COMPREHENSIVE OCEAN AREA PLAN* 35-36 (Dec. 1972).

319. In testimony before the Assembly Select Committee on Coastal Zone Resources on November 19, 1973, the Sierra Club and the League of Women Voters, both major supporters of Proposition 20, generally praised the work of the coastal commissions. CALIFORNIA ASSEMBLY SELECT COMM. ON COASTAL ZONE RESOURCES, *INTERIM REPORT* (1973).

320. See COASTAL PLAN 152-57. "In recent years much coastal property has increased rapidly in value so that people of limited means, including many elderly people, can no longer afford to live in some coastal neighborhoods. Older residences that could be renovated are torn down, generally to be replaced by larger and more expensive buildings. Policies give preference to coastal developments that would be accessible to people of diverse incomes, also stressing shared ownerships, rentals, and a retention of existing moderate-income housing." *Id.* at 10.

enjoy the widest possible range of coastal experiences. This objective is basic to Coastal Plan policies dealing with public access:

A major long-term goal of coastal conservation and development shall be the provision of maximum amounts of oceanfront area for public use and enjoyment. Access to the coast for persons of all income levels, all ages, and all social groups shall be the goal, consistent with the need to protect coastal areas from destructive overuse and to protect both public rights and the rights of property owners. Fully achieving this goal, especially in urban areas, may require many years of concerted public and private measures.³²¹

Achieving social equity objectives during the planning period has not been easy. It will be no less difficult when the Plan is before the legislature for implementation. Often proposed projects that would enable more people to enjoy a particular coastal area were opposed by neighboring residents who were afraid that bringing in all "types" of people would adversely affect property values.³²² In other instances projects were opposed with arguments couched in terms of adverse environmental impacts when in fact the opponents really did not want low income people living in their neighborhoods. The opponents had obtained their chunk of paradise and did not want anyone else to move in and spoil it.³²³ In still other cases, a real conflict between public use and protection of the resource existed. Consistent with Proposition 20's primary purpose of environmental protection, the resource was usually protected.

The paradox inherent in all this is that the very process established to increase opportunities for public enjoyment of coastal resources has been instrumental in exacerbating conditions that make the achievement of social equity more difficult. The Coastal Act may, in this respect, be regressive. For example, by assuring better use of land and by protecting environmental quality along the coast, the regulatory process has increased values of improved coastal properties sub-

321. *Id.* at 153.

322. An extreme case involved a State Department of Parks and Recreation project to convert part of a parking lot adjoining a wide beach to overnight recreational vehicle use. These facilities were not available elsewhere in the general area. Neighboring upper-middle income homeowners opposed the project at the regional level. The State Commission approved the project on appeal, citing the need, on a statewide basis, for such facilities. The homeowners then promptly sought state legislation to prohibit the project. The proposed legislation failed. *See* Cal. A. 1435 (1975); California Coastal Zone Conservation Comm'n, Minutes of Comm'n Meeting 6-8 (March 5, 1975).

323. In these relatively few cases, the pejorative definition of the conservationist as being the person who built his cabin yesterday seems appropriate.

stantially.³²⁴ This in turn will result in higher assessments and higher taxes. It means that people who buy and build along the coast must be able to afford the high cost of doing so. In addition, the process necessarily causes delays, therefore increasing development costs. This means that the units ultimately built will be more expensive to rent or purchase. When Proposition 20 was approved, development delays were seen as a necessary burden to allow proper planning for use and protection of coastal resources. The Coastal Plan recommends an implementation process that will substantially reduce delays and thereby reduce costs. Even if there had been no Coastal Act, however, the already high value of coastal property would have continued to increase, eventually exceeding the means of low to moderate level income groups. The dilemma is complex and real. There is no way to predict at this time what methods will be used by the legislature to solve it—if, in fact, a solution exists.³²⁵

Although it may not be possible to assure equal access to the full range of coastal experiences, such as owning a home on the coast or having a yacht in the local marina, the Coastal Plan recommends application of a variety of techniques to maximize equal opportunities for enjoyment of the coast, including public acquisition.³²⁶ It is too soon to tell whether the legislature will approve future expenditures of approximately 200 million dollars for the acquisition of beaches and parks. Looking back over the last 3 years, though, there is no doubt that passage of Proposition 20 stimulated an expansion of acquisition efforts during 1973–75 to levels unmatched in the state's recent past.³²⁷ Public beach and parkland acquisition programs increased dramatically because of concern for property owners now subject to the severe land use restrictions created by the Coastal Act. A recognition of the need to make more coastline available for public use appears to have been secondary. In some instances denial of a coastal permit was the principal reason the state or, in some cases, a local government proceeded to acquire the land for public use. Sympathy for and political pressure from the particular landowner often played a role. Generally, however, the message from California voters that more coastline should be opened to public use was cited as the reason for approving the expenditure of funds for public acquisition. Whatever the reason, the fact remains that Proposition 20

324. See notes 299–307 and accompanying text *supra*.

325. Solutions do exist. They would, however, require such radical actions and changes in our political and economic structures as to be unrealistic and, in our opinion, unachievable.

326. See notes 278–80 and accompanying text *supra*.

327. See Douglas, *supra* note 22, at 758 n.63.

has resulted in many miles of previously private ocean frontage being made available for public recreation and enjoyment.

VI. MAJOR ISSUES BEFORE THE LEGISLATURE

As the nation celebrates its 200th year of independence, planning for the future of California's coast moves to the halls and hearing rooms of the State capitol. The issues with which the legislature must grapple are complex. The economic, social, and environmental stakes are enormous. Interest groups on both sides of the aisle are determined, forceful, and convinced that their posture is the right one. There are few "bad guys" in this drama. There are mostly "good guys" who are serving interests that, because of the nature of the issues involved, cannot all be equally served. In some ways the stage, actors, and dialogue are strangely reminiscent of Sacramento scenes in 1971 and 1972. There are, however, several fundamental differences, including: (1) a new administration supportive of the basic goals of the Coastal Act and Coastal Plan; (2) a legislature with many new members; and (3) Title 9, the Political Reform Act of 1974, which has visibly and significantly curbed the power of special, monied interest lobbyists.³²⁸

In addition, the context within which the coastal struggle of 1976 is unfolding is different in several respects. Over 3-years' experience with state level coastal resource planning and management has provided a solid information base and has produced a large number of knowledgeable participants. Another important difference is the existence of a strong and supportive federal coastal zone planning and management program.³²⁹ Legislative inaction will also be less likely because of the investment of vast human and economic resources in the planning program, and because of the many state and local planning programs that were initiated in response to the Coastal Act which would be jeopardized. Furthermore, there is today a greater awareness by policymakers of the rapidity of change and the need to provide an effective mechanism to cope with change and to guide growth in a way that will benefit future as well as present generations. Recognition of the global interdependence which links the economies and social and environmental conditions of different nations may be a new factor as well. How California manages its coastal resources may have ramifications in other parts of the world. A troubled economy, with simultaneous inflation, recession, and unemployment, presents a

328. CAL. GOV'T CODE §§ 81000-91014 (West Supp. 1976); lobbyists are dealt with at §§ 82039, 86100-11.

329. Coastal Zone Management Act of 1972, 16 U.S.C. §§ 1451-64 (Supp. IV, 1974).

situation which suggests that Americans may have to embrace fundamental changes in lifestyles and standards of living.³³⁰ Finally, there is the hard reality of energy resource scarcity, which demands vigorous conservation practices and the development of new sources of energy.

All these variables will have a profound impact on legislators. Also, 1976 is an election year, which means that the mood of the voters will be a key factor. If we gauge that mood correctly, both sides should be prepared to make major concessions.

The following discussion is not exhaustive and is not indicative of any ranking of the issues by complexity, intensity, or political or programmatic importance.³³¹

*A. A Successor Coastal Agency and Its Powers*³³²

Should the existing commissions be succeeded by another coastal agency? If so, what should its powers be? Coastal Plan proponents contend that "[a] State agency specifically charged with coastal management is necessary to assure the breadth of jurisdiction and perspective essential to carrying out the objectives of the Coastal Plan."³³³ Opponents argue that a successor coastal agency is not needed at the state level and that the legislature should merely approve, disapprove, or modify Coastal Plan policies, leaving implementation to existing state agencies and units of local government.

The intensity of debate on this issue will depend largely on what powers are proposed to be given the successor agency. The question for many special interests is simply: who can do what to whom, when, and where? Obviously, opposition would be largely eliminated if no development controls are given the successor agency.

B. Home Rule

"Home rule" is the emotionally charged slogan that stands for a position of keeping the state out of the land use decisionmaking process. The role local government will have in implementing the

330. See R. Rooney, *Economic Impacts of the Coastal Plan: Their Measurement and Assessment*, at 6-12, Oct. 20, 1975 (paper presented to the Real Estate and Construction Comm. of the Los Angeles Chapter of the National Ass'n of Business Economists).

331. The legislature is *not* being asked to adopt the Coastal Plan. Rather, it will be asked to adopt legislation designed to implement the Plan or portions thereof. Therefore, not every issue raised by the Coastal Plan will be before the legislature.

332. This topic includes important secondary issues. If a successor agency is created, what should its structure be? Should it be permanent? Should the current structure be continued? If state development controls are maintained, should urban areas be excluded, and, if so, under what conditions?

333. COASTAL PLAN 185.

Plan and in regulating certain types of coastal developments will be a key question. The Plan recommends that primary responsibility be given to local government with a continuing state level planning and regulatory capability. Most people favor a mix of functions and responsibilities at the state and local levels of government. Such a mix would be one that could avoid costly delays and duplication, promote accessibility and accountability, and respond to local problems while protecting resources of regional and statewide importance through application of a broader perspective to ongoing coastal planning. While many local government officials recognize the need for some type of ongoing state level involvement, they also demand a responsible role for themselves and the resources necessary to carry it out.

C. *Private Property Rights and Compensation*

As mentioned above, notions of what constitutes a legally protected private property right are changing. The extent to which governmental regulation should be allowed to interfere with a landowner's rights remains an emotional and politically explosive issue. In reality, the issue is not whether private property rights are going to be legally violated. Rather, it is whether the owner's *expectations* that he will make a financial profit by holding or using the land will be realized, and, if as a result of governmental interference they are not, whether he should be compensated for lost expectations. The question is not one of legality, but one of public policy and political expediency. Should government guarantee to land owners the realization of financial profits when it does not do so with respect to other investments? In the implementation of the Plan the legislature must strike a balance between the creation of powers needed to accomplish Plan objectives and the protection of landowners' expectations.³³⁴ Once a balance has been achieved, it is unlikely that the legislature would provide compensation for lost expectations or for the diminution in property value caused by governmental land use controls.³³⁵

334. *Legal* rights of land owners are not mentioned because it is unlikely that the legislature would establish and use controls stronger than those which would be upheld by the California courts. That is, the legislature will not go as far as the courts have already said it could go in regulating the use of land.

335. A bill that would have provided compensation with respect to coastal permit controls was defeated in its first policy committee because, in part, it would have provided an incentive to do the same relative to local government land use controls (zoning). For an instance of diminution in value resulting from a zoning down-change, and a discussion of the state's nonobligation to compensate therefor where the land was previously unrestricted in use, consult *HFH, Ltd. v. Superior Court*, 542 P.2d 237 (Cal. 1975), *cert. denied*, 44 U.S.L.W. 3543-44 (U.S. March 29, 1976).

D. Jobs and the Economy

Obviously, in these times and in an election year, the impact of legislation to implement the Coastal Plan on the economy and jobs is of major concern. Since it is probably impossible to determine with certainty the economic effects of implementing or not implementing the Plan, this issue may turn largely on what these effects are perceived to be. For this reason, it is critical that a thorough exploration of the question be undertaken. Proponents and opponents can be expected to support their positions with sound economic arguments. The condition of the economy and the unemployment rate in the first half of 1976 will be important. If the picture is dim, there will probably be some preoccupation with short-term costs. Arguments pointing to long-range benefits will not be as persuasive in such a situation. But even from a short-range perspective, Plan implementation will have economic benefits.

E. Availability and Costs of Energy

The impact of Plan policies on energy supply and costs and the development of energy-related facilities will be one of the most controversial issues before the legislature. This issue is complicated because California has a potentially powerful Energy Resources Conservation and Development Commission.³³⁶ Plan policies regarding energy were opposed during commission hearings on the grounds that they would, if implemented, result in higher fuel bills, less supplies for the rest of the country, and the inland construction of nuclear power plants that would deprive agriculture of vital water supplies.

An aspect of this issue that is also relevant to other Plan policies, such as those dealing with agricultural lands, has to do with the implementation of this policy within only a limited geographic area when it perhaps should be applied throughout the entire state. This is a difficult argument to answer with respect to many energy policies, particularly those dealing with energy conservation.

F. Impact on Other Agencies

Many Plan policies are directed to other state agencies or propose shifts in functional responsibilities among agencies. Jurisdictional conflicts will be inevitable, and some agencies will undoubtedly manifest a form of institutional territorial imperative. Many agencies will argue that they already have the responsibility or expertise to carry out

336. CAL. PUB. RES. CODE §§ 25200-24 (West Supp. 1975).

certain Plan policies. Where the authority to implement a particular policy does not clearly exist, the problem is less acute. The rub will come where the authority exists, but the responsible agency has either refused to use it or has not gone far enough in using it. Agency proliferation is not popular, and compromises will have to be made in order to avoid costly duplication. If an existing agency has not used the powers it already has, ways can be found to stimulate it to do so. The answer would not appear to lie in simply giving the function to someone else.

G. Funding and Costs

Implementing the Coastal Plan will cost money, and raising it will not be painless. Funds for acquisition of beaches and parks will most likely come from a bond issue.³³⁷ The operations of any successor coastal agency will probably be funded, at least initially, from the State's General Fund. A variety of federal grant programs can be utilized. This is important because local governments will need support to help pay for the work required to bring general plans and local ordinances into conformity with the Coastal Plan. A proposal that some funds be generated by way of a state transient occupancy tax (hotel-motel tax)³³⁸ has met with stiff opposition and threatens to alienate an industry the Plan seeks to promote and protect. Other politically sensitive suggestions include an oil and gas severance tax, a charge on petroleum products crossing state tidelands, and a re-assignment of the state's current oil and gas revenues.

H. Other Issues

There are many other major issues raised by the Coastal Plan. Some of these touch upon the Plan's development policies. For instance, if policies that channel new development into existing urban areas are implemented, what will be the impact on public revenues and expenditures? Can existing developed areas absorb future demands for development? How will these development policies affect private property?

Other issues before the legislature will center on the impact of the Plan's agricultural policies, particularly those that seek to preserve

337. See Cal. A. 1722 (1975). This bill calls for a \$490 million bond issue to be submitted to the voters for approval. At this writing, the bill is still in policy committee.

338. Because tourists and the tourist industry will be the prime beneficiaries of an effective coastal management program, it is thought that they should carry a greater portion of the burden.

coastal agricultural lands. Will the resulting limit on urban expansion cause increased housing costs and scarcity of housing supply? Do these policies reflect a proper balance of agricultural and other human needs? Should these policies only be applied within the coastal zone?

Problems concerning public recreation and access are manifold, and should be of concern to many legislators. The provision of public access involves many elements and has significant social equity implications that make this issue particularly controversial. The fundamental question is determining how much recreation and access is needed, and how they should be provided. This question, however, contains many subsidiary issues. Where should recreational opportunities be made available? To whom should they be made available, and at what price? What will be the impact of these policies on local government revenues? Should recreational needs be met even if adverse environmental impacts result or if the recreational facilities are available only to a limited class of people? How can access policies dealing with protection of unique neighborhoods for residents of low to moderate incomes be implemented? What techniques should be utilized to secure greater public access to the shoreline?

Another important matter the legislature may take up will be the Plan's strict wetlands and dredging policies. These are of fundamental interest to many people because of uncertainty over the ultimate economic benefits and costs of their implementation. Are wetlands so important that they should be preserved? How will these policies affect commercial port and harbor expansion plans—plans that are designed to accommodate anticipated increases in marine traffic, such as tanker deliveries of Alaskan oil?

Determining the portion of the state that should be subject to the operation of the Coastal Plan will also be important. How far inland should Plan policies be made applicable? Should different inland boundaries exist for planning and management purposes? How far inland should a successor state coastal agency's regulatory powers extend? Should there be exclusions, and, if so, what standards should be used? More fundamentally, should the coast again be carved out for special treatment, or should coastal management and planning be part of a statewide land use planning program?³³⁹

Relating the Plan to certain existing special districts will be another possible topic of legislative debate. How will Plan policies

339. The question is not "whether," but "when." This argument that the Plan should not apply solely to the coastal zone has been raised against the Plan by the California Association of Realtors. This is not so curious, however, because, when asked if they would support a statewide land use planning program, the realtors' response was enthusiastically noncommittal.

affect the plans and activities of the myriad of special districts along the coast? Will they restrict district water, sanitation, or improvement projects, and, if so, what will be the benefits and costs?

Last, there will be a question of whether to again provide a "grandfather clause." Should development activities that were in some stage of planning or actual construction fall within proposed regulatory controls? What standards should be established for determining who should be exempted? This issue will be complicated by the fact that the proposed coastal management area under the Plan is in some instances larger than the present permit area.

The legislation proposed to implement the Coastal Plan will obviously raise issues in addition to those mentioned here. These are, however, the more important ones. The legislature may opt to defer action on many issues raised by the Plan. If no action implementing the Plan is forthcoming, there will undoubtedly be a great push to extend the lives of the current commissions for 1 year. This will give legislators more time to deal with the many controversial and complex issues.

VII. CONCLUSION

In this bicentennial year we can take stock of what has been accomplished. Although it may be difficult to assess what has taken place on California's coast in the past 200 years, it will be even more difficult to anticipate what it will be like only a few years in the future. There is little choice, however, because decisions made today affect countless generations to come and will determine what opportunities they will have to enjoy the California coast.

The Coastal Plan envisions a future for the coast that will not be easy to achieve. But its policies, if fully implemented, can bring that vision closer to becoming reality. Getting this far has not been easy or painless. The coastal regulatory process, an integral component of planning, has been time consuming and fraught with controversy. It has also resulted in hardship to some people. At the same time, it has provided perspective by bringing planning into an arena of conflict. This has caused the decisionmakers to be better able to understand the issues and stakes involved. Undoubtedly, the process has resulted in sounder planning.

Coastal development controls have preserved planning options and have prevented the Plan from becoming obsolete before the legislature has had the opportunity to act on it. The process has extended immediate protection to natural and man-made resources along the coast and has preserved and, in some cases, even enhanced the quality

of the environment. It has been instrumental in increasing public access to the shoreline. Moreover, it has prevented the irretrievable loss of valuable agricultural lands, wetlands, potential recreation areas, wildlife habitats, and unique scenic coastal areas. Most importantly, it has provided a vehicle for large numbers of people with a wide diversity of opinions to participate in planning the future of the coast. California's experience demonstrates the importance and advantages of coupling some form of interim development controls with planning.

Planning usually implies some form of detached assessment of compiled data and the arrival at "informed" judgments as to what the future of a particular area should be. California's approach recognizes that planning should relate to what is actually done with the land and the water and not just what someone says should be done. Many public officials, such as tax assessors and legislators who approve the taxing techniques applied by the assessors, make decisions that effectively determine whether a resource is used. The same is true of many regulatory bodies having no planning functions. When planning and controls are divorced, resource uses are often misallocated. The result is the piecemeal, wasteful, and sprawling development with which we are all too familiar. California has brought some order to the process by combining the two functions.

The California Coastal Plan, recognizing that planning is also a decisionmaking process, consists of policies to be applied by responsible decisionmakers with the authority to determine how and whether particular resources will be used. It provides the framework for a coastal resources management program. The Plan calls for the creation of a decisionmaking process that can efficiently and equitably, and with a proper mix of local and statewide perspectives, implement those policies which are approved by the legislature. Consequently, the success of the Coastal Plan will depend primarily on the process established to implement it. This process must be sufficiently flexible to accommodate changing needs and yet remain consistent with the goals and objectives of the Coastal Plan and with the future the Plan envisions for California's coast.

The fate of California's coast hangs in the balance in 1976. For those who have participated, the struggle toward an intelligent program to protect the majesty and productivity of the coast has been long, arduous, and rewarding. For those still involved, an awesome, humbling, and inspirational vision is that, for countless generations of living creatures, including people, the journey has not yet begun.