underground storage tanks, and the other is for underground storage tanks. The Board also authorized its Executive Director to amend the contract with the City of San Diego to extend the time to December 31, 1998, for resolving the San Diego/Tijuana border water quality problem. WRCB also approved a loan of $26.1 million from the State Revolving Fund to the Santa Ana Watershed Project Authority for the construction of a regional tertiary treatment system for the cities of San Bernardino and Colton.

At its July 22 meeting, WRCB approved the following loans: $2.1 million to the City of Loyalton for treatment plant improvements; $1.5 million to the Stege Sanitary District for the Moeser/Stockton relief sewer; $6.94 million to the Padre Dam Municipal Water District for the construction of tertiary process facilities at the Santee Water Reclamation Plant; $275,000 to the Nevada County Department of Sanitation for the Cascade Shores Waterwaste Project; $5 million to the Orange County Water District for the construction of the City of Tustin desalter project; $12.2 million to the San Elijo Joint Power Authority for its water reclamation system; and $20 million to the City of Escondido for a water reclamation project.

FUTURE MEETINGS

For information about upcoming workshops and meetings contact Maureen Marché at (916) 657-0990.

RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

Executive Director:
Peter Douglas
Chair: Thomas Gwyn
(415) 904-5200

The California Coastal Commission was established by the California Coastal Act of 1976, Public Resources Code (PRC) section 30000 *et seq.*, to regulate conservation and development in the coastal zone. The coastal zone, as defined in the Coastal Act, extends three miles seaward and generally 1,000 yards inland. This zone, except for the San Francisco Bay area (which is under the independent jurisdiction of the San Francisco Bay Conservation and Development Commission), determines the geographical jurisdiction of the Commission. The Commission has authority to control development of, and maintain public access to, state tidelands, public trust lands within the coastal zone, and other areas of the coastal strip. Except where control has been returned to local governments, virtually all development which occurs within the coastal zone must be approved by the Commission.

The Commission is also designated the state management agency for the purpose of administering the Federal Coastal Zone Management Act (CZMA) in California. Under this federal statute, the Commission has authority to review oil exploration and development in the three-mile state coastal zone, as well as federally sanctioned oil activities beyond the three-mile zone which directly affect the coastal zone. The Commission determines whether these activities are consistent with the federally certified California Coastal Management Program (CCMP). The CCMP is based upon the policies of the Coastal Act. A "consistency certification" is prepared by the proposing company and must adequately address the major issues of the Coastal Act. The Commission then either concurs with, or objects to, the certification.

A major component of the CCMP is the preparation by local governments of local coastal programs (LCPs), mandated by the Coastal Act of 1976. Each LCP consists of a land use plan and implementing ordinances. Most local governments prepare these in two separate phases, but some are prepared simultaneously as a total LCP. An LCP does not become final until both phases are certified, formally adopted by the local government, and then "effectively certified" by the Commission. Until an LCP has been certified, virtually all development within the coastal zone of a local area must be approved by the Commission. After certification of an LCP, the Commission's regulatory authority is transferred to the local government subject to limited appeal to the Commission. Of the 126 certifiable local areas in California, 81 (64%) have received certification from the Commission at this writing.

The Commission meets monthly at various coastal locations throughout the state. Meetings typically last four consecutive days, and the Commission makes decisions on well over 100 line items. The Commission is composed of fifteen members: twelve are voting members and are appointed by the Governor, the Senate Rules Committee, and the Speaker of the Assembly. Each appoints two public members and two locally elected officials of coastal districts. The three remaining nonvoting members are the Secretaries of the Resources Agency and the Business and Transportation Agency, and the Chair of the State Lands Commission. The Commission's regulations are codified in Division 5.5, Title 14 of the California Code of Regulations (CCR).

MAJOR PROJECTS

Commission Monitors Chevron's Compliance With Conditions of Tankering Permit. Last January, the Commission approved a controversial permit allowing Chevron and several other oil companies to ship up to 2.2 million gallons of crude oil per day by tanker from the Point Arguello oil project off Santa Barbara to Los Angeles until January 1, 1996. *[13:2&3 CRLR 183–84; 13:1 CRLR 113; 12:4 CRLR 195]* The Arguello oil producers, which include Chevron, Texaco, and Phillips Petroleum, began to tanker crude under the permit on August 9; by September 3, the producers had shipped approximately 461,000 barrels by tanker (two tanker loadings).

The producers prefer tankering to shipping oil via pipeline because of lower costs and greater market flexibility. Environmental groups, however, fear that excessive oil tankering through the Santa

Barbara Channel and through busy Los Angeles shipping lanes may result in a major environmental disaster such as the March 1989 Exxon Valdez spill off Prince William Sound in Alaska and the 1969 oil spill off Santa Barbara. Environmentalists want the Commission to strictly enforce the conditions in Chevron's permit, one of which requires the producers to undertake the construction of a large capacity pipeline between now and January 1, 1996. The pipeline construction project must meet several Commission-imposed deadlines, including certification of an environmental impact document under state and federal law by September 15; the producers' failure to meet any of the interim deadlines will result in an immediate reduction in the amount of oil which may be tankered under the permit. Further, the permit specifies that, regardless of whether a new pipeline is under construction and/or has been completed, all Point Arguello crude must be shipped exclusively by pipeline to refineries beginning on January 1, 1996.

On July 1, the U.S. Environmental Protection Agency (EPA) called for further studies of the proposed pipeline project. EPA cited numerous environmental problems posed by the route of the proposed pipeline, including the potential for earthquake-induced spills. Management of Pacific Pipeline, Inc., the company which seeks to build the pipeline, expressed little concern about EPA's announcement, noting that its preparation of the environmental documents included many of the studies requested by EPA. At the Commission's September meeting, staff announced that Pacific Pipeline's environmental documents had been certified by the City of Adelanto Planning Commission on August 17, and by the federal Bureau of Land Management on September 13. Thus, the project appears to be on schedule to secure all the necessary discretionary permits in time for its next deadline; by February 1, 1994, the producers must commit to the construction project by signing a Throughput and Deficiency Agreement.

However, a mid-August agreement has clouded the future of the proposed pipeline. On August 13, Chevron and Texaco (which together own approximately 41% of the total volume of Point Arguello production) executed a letter agreement with All American Pipeline Company (AAPC) agreeing to transport all their share of Point Arguello crude oil production through AAPC's existing pipeline system to destinations east of Gaviota beginning on January 1, 1996. Under a separate agreement with AAPC, Exxon has also tentatively agreed to ship all Santa Ynez Unit production through AAPC's existing system beginning on January 1, 1996. Whereas the route of the proposed pipeline would have taken oil straight across Ventura County for 53 miles before slicing south into Los Angeles, the AAPC pipeline will send oil from Santa Barbara northeast to Bakersfield and then south to Los Angeles. This agreement appears to obviate the need for the Ventura County portion of the new pipeline, and may result in the scuttling of the whole project. Commission staff will continue to monitor the producers' compliance with the terms of the tankering permit.

State and Federal Wetlands Policies Announced. On August 23 and 24, respectively, the Wilson and Clinton administrations announced relatively similar wetlands policy statements. The statements describe similar overall goals to preserve and enhance the wetland areas of the state and nation, and both lack much in the way of detail as to how and when these goals will be achieved.

Generally, both policies outline three principal goals: (1) no net loss of wetlands, and achievement of a long-term net gain in the quantity, quality, and permanence of wetland acreage and values in a manner that fosters creativity, stewardship, and respect for private property; (2) a reduction of procedural complexity in the administration of state and federal wetlands conservation programs; and (3) the encouragement of partnerships to make landowner incentive programs and cooperative planning efforts the primary focus of wetlands conservation and restoration. Each policy includes the use of wetland mitigation banking both as a way to increase net wetlands acreage and to enable development of existing wetland areas; this still-experimental concept is much criticized in the environmental community, as it lacks any consistent definition, procedures, or standards either on the state or federal level and its certainty of success is biologically suspect. *[13:2&3 CRLR 1]*

At its September meeting, the Commission discussed several aspects of Governor Wilson's policy whose implementation may eventually involve the Commission, as it currently has jurisdiction over wetlands located in the coastal zone:

• Governor Wilson's policy calls for the conduct of a statewide wetlands inventory and the establishment of a wetlands accounting system. Comprehensive statewide data collection efforts with regard to wetlands will hopefully encourage consistent and predictable wetland decisionmaking related to regulation, planning, acquisition, restoration, and other activities.

• The Governor also noted that the current federal-state system of wetlands regulation in California is unnecessarily fragmented and cumbersome and fails to protect unique types of California wetlands in some areas. He suggested that the federal government delegate to the state and several specific regional agencies the responsibility to administer the federal Clean Water Act section 404 permitting program (*i.e.*, the issuance of permits to discharge pollutants into the nation's waters) currently implemented by the U.S. Army Corps of Engineers and EPA; if this experiment works in limited geographical areas of special significance, it might later be expanded such that the state would take over full control of the section 404 permitting program.

• The Governor also recognized that the term "wetlands" has no consistent definition used by all relevant federal and California agencies. He suggested that California define the term to be, "to the greatest extent possible,...consistent with the definition and wetlands delineation manual used by the Federal government." Once the basic term is defined, the Governor recognized California's need to develop and adopt consistent wetlands standards and guidelines to be used by all state agencies in wetlands regulation, enhance the efficiency of and coordination in the wetland permitting process, and "encourage regulatory flexibility to allow public agencies and water districts to create wetlands but later remove them if the wetlands are found to conflict with the primary purpose to which the property is devoted."

• In this regard, Governor Wilson also noted the need to develop and adopt state mitigation banking guidelines "which recognize regional concerns, contain flexible mitigation ratios, are consistent with Federal agency guidelines, and encourage decisions to locate banks in the context of local or regional plans."

• The Commission also foresees its involvement in the Governor's proposed "Southern California Wetlands Joint Venture," a regional group consisting of representatives from environmental organizations, agriculture, public agencies, water agencies, and economic interests in need of substantial mitigation opportunities (such as ports, utilities, and large landowners). This group would set long-term goals and priorities for the conservation of wetlands and develop a policy to achieve those goals, and would encourage a variety of demonstration projects designed to enhance the state's ability to constructively address regional wetland issues. This regional, quasi-voluntary, public-private approach is reminiscent of the Natural Community Conservation Plan (NCCP) pro-

gram, the Governor's ongoing experiment in the endangered species area being administered by the Department of Fish and Game. *[13:2&3 CRLR 188]*

• The Governor also suggested the creation of an Interagency Wetlands Task Force comprised of senior administration officials representing the broad range of interests on wetlands issues. The Task Force will be advisory to the Governor and will assist in resolving interagency conflicts on wetlands. Although the Coastal Commission currently has jurisdiction over wetland areas in the coastal zone, it was not designated by the Governor to participate in the Task Force.

Commission staff conducted a preliminary analysis of both the state and federal policies, and opined that neither appear to require any amendments to the Coastal Act or changes in the Commission's responsibilities regarding its regulation of wetlands in the coastal zone. However, staff stated the Commission should closely monitor the implementation of both policies for developments which affect the Commission and its current jurisdiction.

Commission Postpones Action on SWEPI/Unocal Petition for Waterflood Program. At its September meeting, the Commission delayed for further review a petition for a coastal development permit filed by Shell Western Exploration & Production, Inc. (SWEPI) and Unocal for a joint, cooperative "waterflood" program affecting offshore oil platforms Emmy and Eva, which are located in state waters near Huntington Beach. The waterflooding project involves the injection of treated water into wells located in the Upper Main Zone of the Huntington Beach Offshore Oil Field. The injected fluids will enable SWEPI and Unocal to recover additional, otherwise unrecoverable oil and gas from production wells located at oil platforms Emmy (owned by SWEPI) and Eva (owned by Unocal). The applicants estimate that waterflooding will result in (1) production of an additional 45 million barrels of oil from Emmy and Eva over the project's life, and (2) increased production rates of 5,000 barrels of oil per day (BOPD) at Emmy and 4,200 BOPD at Eva. Currently, Emmy and Eva each produce approximately 1,500 BOPD.

Commission staff recommended approval of the SWEPI/Unocal waterflood program, with some conditions. However, a minority of the Commission members led by Commissioner David Malcolm focused on the fact that the project will require the drilling of new wells—the companies seek to drill 20 new wells at Emmy and 22 new wells at Eva. The minority considered the project to be a new project disguised as an old project, and argued that it should receive a de novo review by the Commission. Malcolm's group also expressed concern about the toxic muds and cuttings that are byproducts of the drilling of new oil wells.

A Shell representative argued that the proposal to drill new wells is a business decision and that market conditions will dictate any future oil drilling. Based on the current depressed price of oil, the Shell representative predicted that the drilling project will not occur in the next two years. Unconvinced that SWEPI and Unocal would not begin oil drilling immediately, the minority group voiced its opposition to the requested coastal development permit. The Commission voted to reconsider the SWEPI/Unocal application at a future meeting after Commission staff has a chance to research and review the Commissioners' concerns.

Commission Enforcement Actions. At its June meeting, the Commission voted 8—0 to issue the third cease and desist order in its twenty-year history. The order requires Dr. Vadim P. Kondratief, a Santa Monica psychiatrist, to stop grading his ocean view property in the Santa Monica Mountains and restore it to its original condition or face a possible $6,000-per-day fine. Commission staff reported that the development work on Kondratief's property has created a "significant resource damage in the form of increased runoff and erosion" that has harmed the environmentally sensitive Lechuza Creek and Santa Monica Bay. The order also required Kondratief to submit plans for restorative grading and interim erosion controls with a permit application by August 9. The Commission's legal office reports that Kondratief submitted the application by the deadline, but without the required plans. In response, the Commission has referred the Kondratief case to the Attorney General's office with a recommendation to levy the $6,000-per-day penalty until he submits the required plans.

LEGISLATION

AB 909 (T. Friedman). The California Coastal Act of 1976 requires any person who applies to the Commission for approval of a development permit to provide the Commission with the names and addresses of all persons who, for compensation, will be communicating with the Commission or Commission staff on the applicant's behalf. As amended September 3, this bill also requires the applicant to provide the Commission with the names and addresses of all such persons who will be communicating on behalf of the applicant's business partners.

The Act defines the term "ex parte communication" and excludes specified communications from that definition. This bill also excludes from the definition of ex parte communication any communication that takes place on the record during an official proceeding of a state, regional, or local agency that involves a member of the Commission who also serves as an official of that agency, any communication between a member of the Commission, with regard to any action of another state agency or of a regional or local agency of which the member is an official, and any other official or employee of that agency, including any person who is acting as an attorney for the agency; any communication between a nonvoting Commission member and a staff member of a state agency where both the Commission member and the staff member are acting in an official capacity; and any communication to a nonvoting Commission member relating to an action pending before the Commission, where the nonvoting Commission member does not participate in that action, either through written or verbal communication, on or off the record, with other members of the Commission.

The Act prohibits a Commission member or any interested person from conducting an ex parte communication unless the Commission member notifies the interested party that a full report of the ex parte communication will be entered in the Commission's official record. This bill deletes the requirement that a Commission member so notify the interested party.

The Act prohibits a Commission member or alternate from making, participating in making, or in any other way attempting to use his/her official position to influence a Commission decision about which the member or alternate has knowingly had an ex parte communication and which has not been reported as required by the Act. This bill subjects, in addition to any other applicable penalty, any Commission member who engages in that conduct to a civil fine, not to exceed $7,500. The bill prescribes related matters and makes related, clarifying changes. This bill was signed by the Governor on October 3 (Chapter 798, Statutes of 1993).

SB 261 (Beverly). Existing law requires any project, as defined, undertaken or approved by a state or local governmental entity, to be reviewed for impact on the environment and, under specified conditions, modified to consider the mitigation of adverse impacts on the environment. As amended August 16, this bill requires any

public agency with authority to approve or deny port projects that result in the filling of subtidal habitats within the ocean ports of California or habitats in the water of inland ports of California to approve, as mitigation for those fill projects, any subtidal or in-water mitigation project proposed by the port authority that the public agency determines provides appropriate and adequate mitigation for the adverse impacts on the affected subtidal or in-water habitat in a manner consistent with other law that is then existing. This bill was signed by the Governor on October 2 (Chapter 752, Statutes of 1993).

SB 303 (Beverly). Under the Coastal Act, the Commission is authorized to require a reasonable filing fee and the reimbursement of expenses for the processing of any application for a coastal development permit under the Act. As amended May 18, this bill requires, with respect to any appeal of an action taken by a local government pursuant to specified provisions, the Commission's Executive Director, within five working days of receipt of an appeal from any person other than members of the Commission or any public agency, to determine whether the appeal is patently frivolous. If the Executive Director determines that an appeal is patently frivolous, this bill prohibits the filing of the appeal until a filing fee in the amount of $300 has been deposited with the Commission, but requires the fee to be refunded if the Commission subsequently finds that the appeal raises a substantial issue. This bill was signed by the Governor on October 2 (Chapter 753, Statutes of 1993).

SB 608 (Rosenthal). The California Coastal Act of 1976 requires any person undertaking development in the coastal zone to obtain a coastal development permit in accordance with prescribed procedures. The Act authorizes civil liability to be imposed on any person who performs or undertakes development that is in violation of the Act or that is inconsistent with any previously issued coastal development permit, subject to specified maximum and minimum amounts, varying according to whether the violation is intentional and knowing. As amended July 12, this bill additionally authorizes civil liability to be imposed on any person who violates any provision of the Act. The bill makes a distinction between a person who performs or undertakes development that is in violation of the Act or that is inconsistent with any previously issued coastal development permit, as specified, and a person who violates the Act in any other manner. The bill does not specify a minimum amount of civil liability for the latter.

The bill authorizes the Commission to issue a cease and desist order to enforce the requirements of a certified LCP or port master plan under specified circumstances; makes violations of specified restoration orders subject to civil penalties of not more than $6,000 per day; and authorizes any person to maintain an action for declaratory and equitable relief to restrain any violation of a restoration order, as specified. This bill was signed by the Governor on October 11 (Chapter 1199, Statutes of 1993).

AB 591 (T. Friedman), as amended May 5, would have prohibited the transportation by marine tanker of any crude or processed oil produced from the Point Arguello field offshore of Santa Barbara County from any marine terminal in this state after February 1, 1994, unless, on or before that date, a specified pipeline agreement has been entered into; prohibited tanker transportation of any crude or processed oil produced offshore of the county from any such marine terminal after January 1, 1996; and authorized any person to bring an action for injunctive relief to enforce the requirements of the bill. This bill was rejected by the Assembly on May 24.

SB 158 (Thompson), as amended September 9, would enact the California Heritage Lands Bond Act of 1994 which, if adopted, would authorize, for purposes of financing a program for the acquisition, development, rehabilitation, enhancement, restoration, or protection of park, recreational, historical, forest, wildlife, desert, Lake Tahoe, riparian, wetlands, lake, reservoir, and coastal resources, as specified, the issuance, pursuant to the State General Obligation Bond Law, of bonds in an amount of $885 million. The bill would provide for submission of the Bond Act to the voters at the November 8, 1994, general election in accordance with specified law. *[A. F&I]*

SB 473 (Mello), as introduced February 25, would enact the Coastal and Riparian Resources Bond Act of 1994 which, if adopted, would authorize, for purposes of financing a specified coastal and riparian resources program, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $263 million. The bill would provide for submission of the bond act to the voters at the June 7, 1994, direct primary election in accordance with specified law. *[S. Appr]*

LITIGATION

On September 10, after twenty years of planning and litigation, construction finally began on a portion of the 17.5-mile San Joaquin Hills tollway, which will connect the Corona Del Mar freeway in Newport Beach to Interstate 5 in San Juan Capistrano in Orange County. The construction began only three days after U.S. District Judge Linda McLaughlin lifted her earlier August 23 order barring all work on the proposed tollway in order to consider a last-gasp challenge to the adequacy of the environmental impact documents filed by the Natural Resources Defense Council (NRDC). Judge McLaughlin's September 7 order permits construction on the two ends of the tollway, while continuing to block it in the sensitive Laguna and Bommer canyon areas.

For years, tollway proponents have argued that the tollway will alleviate freeway congestion, reduce commute time, and improve air quality. Opponents, including Laguna Greenbelt and NRDC, have contended the tollway will threaten local air quality and adversely impact the habitat of declining species, including the federally-listed California gnatcatcher. At its November 1992 meeting, the Coastal Commission approved a small segment of the proposed tollway which is within the coastal zone. The Commission emphasized the socioeconomic impacts of the $1.1 billion tollway on California's struggling economy and the expansion of coastal access provided by the new route. *[13:1 CRLR 112–13]* Prior to the commencement of construction, the Orange County Board of Supervisors approved the expenditure of $3.4 million to provide replacement habitat for the gnatcatcher. *[13:2&3 CRLR 186]* As noted, the litigation continues as to the middle section of the tollway; additionally, several other lawsuits challenging the legality of the tollway are still pending in other courts.

On July 9, Los Angeles County Superior Court Judge Robert H. O'Brien halted a $135 million Rancho Palos Verdes development project approved by the Commission at its April 15 meeting over the objection of the Coastal Conservation Coalition. *[13:2&3 CRLR 184]* The court held that the project fails to provide moderate- and low-income housing as required by state law, and did not rule on the Coalition's other contentions that the project fails to provide adequate public access to beaches and violates other state environmental guidelines.

On August 25, former Coastal Commissioner Mark L. Nathanson was sentenced to federal prison for four years and nine months for extortion. Nathanson pled guilty to charges of using his position on the Commission to solicit almost $1 million in bribes from developers and Hollywood stars in exchange for approving

specified building permits. *[13:1 CRLR 113; 12:2&3 CRLR 224; 12:1 CRLR 161]*

RECENT MEETINGS

At its July meeting in Huntington Beach, the Commission approved a coastal development permit for the Surfcrest North Development project, a 252-unit condominium complex adjacent to the Bolsa Chica Regional Park. *[13:2&3 CRLR 184–85]* The Commission required the developer to eliminate the locked gates that were to surround the complex and open up the project to public use, thereby furthering its policy of ensuring public access to the coast. The developer, Surfcrest Partners, also agreed to set aside 156 of the 252 residential units in the project as "affordable housing" units; these units will be priced to be affordable to a family whose income does not exceed $69,000 annually.

At its August meeting, the Commission approved a developer's plans to build 51 luxury homes and grade 830,000 cubic yards of dirt in Malibu's Encinal Canyon. The developer, Banyan Management Corporation, acquired the property last year from VMS Realty Partners and its subsidiary, the Anden Group. Despite objections from its staff, the Commission had approved an even larger version of this project in 1991, but was ordered to reconsider that decision earlier this year by a Ventura County Superior Court judge because the project appears to violate the California Coastal Act in numerous ways. Opponents at the August meeting argued that the project sets a dangerous precedent for developing land in the Santa Monica Mountains that until now has been considered undevelopable, and that the project fails to protect an area of environmentally sensitive habitat on the property. The City of Malibu will probably return to court in an attempt to block the Commission's latest approval.

At the Commission's September 15 meeting in San Francisco, Executive Director Peter Douglas presented the Annual Local Coastal Plan Status Report, which covers LCP activity and progress for the period of January 1—July 1, 1993. Currently, 85% of the coastal zone is covered by certified LCPs, with 64% of certifiable local governments issuing permits.

Also at its September meeting, the Commission established new policy when it approved a lot line adjustment of two adjoining parcels in Mendocino County. Commission staff recommended approval of Anna Pesula's application for a lot line adjustment on her two parcels, on which her residence and garage, respectively, are located. Before the adjustment, the parcel pertaining to the house was conforming (*i.e.*, greater than the 12,000-square-foot minimum) and the parcel pertaining to the garage was non-conforming (400 square feet, less than the minimum). The lot line adjustment created two non-conforming parcels (both parcels—7,200 square feet and 9,200 square feet—are less than the minimum lot size of 12,000 square feet). Pesula's application was presented to the Commission by Jared Carter, a former Coastal Commissioner. Commissioner David Malcolm pointed out that Pesula's application is highly unusual in that both parcels would be non-conforming after adjustment, and expressed his concern that "the rules applied by the Coastal Commission to coastal permit applications for property in Mendocino County must be applied in the same manner to coastal permit applications for property in Malibu." It is unclear how much precedent this case will set for future lot line adjustment applications, since Commission staff distinguished the application by discussing the unique qualities of Pesula's property. Assembly Speaker Willie Brown made an unusual appearance during the Commission's discussion of this matter.

On September 17, the Commission issued a cease and desist order temporarily stopping demolition work at the Bolsa Chica Mesa Project in Huntington Beach. The developer, the Koll Company, had begun preliminary demolition work on two World War II gun emplacements at the site of a planned development at Bolsa Chica Mesa. If approved, the proposed development project will convert an existing oil field into a 400-acre residential community and a 1,100-acre wetlands preserve. Representatives of the Bolsa Chica Land Trust, an environmental group which opposes the development, obtained photographs showing earthmovers illegally grading the Bolsa Chica wetlands and submitted these photographs to the Coastal Commission. The demolition permit, approved at the Commission's July meeting, only allowed for the placement of fences and the removal of the two emplacements. The Koll Company argued the earthmovers were only loosening the dirt before the fences were installed, which is authorized under the demolition permit. At this writing, the Commission plans to review the demolition permit at its October meeting.

FUTURE MEETINGS

January 11–14 in Los Angeles.
February 15–18 in San Diego.
March 15–18 in San Rafael.
April 12–15 in Los Angeles.

FISH AND GAME COMMISSION

Executive Director:
Robert R. Treanor
(916) 653-9683

The Fish and Game Commission (FGC), created in section 20 of Article IV of the California Constitution, is the policymaking board of the Department of Fish and Game (DFG). The five-member body promulgates policies and regulations consistent with the powers and obligations conferred by state legislation in Fish and Game Code section 101 *et seq.* Each member is appointed by the Governor to a six-year term. Whereas the original charter of FGC was to "provide for reasonably structured taking of California's fish and game," FGC is now responsible for determining hunting and fishing season dates and regulations, setting license fees for fish and game taking, listing endangered and threatened species, granting permits to conduct otherwise prohibited activities (*e.g.*, scientific taking of protected species for research), and acquiring and maintaining lands needed for habitat conservation. FGC's regulations are codified in Division 1, Title 14 of the California Code of Regulations (CCR).

Created in 1951 pursuant to Fish and Game Code section 700 *et seq.*, DFG manages California's fish and wildlife resources (both animal and plant) under the direction of FGC. As part of the state Resources Agency, DFG regulates recreational activities such as sport fishing, hunting, guide services, and hunting club operations. The Department also controls commercial fishing, fish processing, trapping, mining, and gamebird breeding.

In addition, DFG serves an informational function. The Department procures and evaluates biological data to monitor the health of wildlife populations and habitats. The Department uses this information to formulate proposed legislation as well as the regulations which are presented to the Fish and Game Commission.

As part of the management of wildlife resources, DFG maintains fish hatcheries for recreational fishing, sustains game and waterfowl populations, and protects land and water habitats. DFG manages over 570,000 acres of land, 5,000 lakes and reservoirs, 30,000 miles of streams and rivers, and 1,300 miles of coastline. Over 648 species and subspecies of birds and mammals and 175 species and subspecies of fish, amphibians, and reptiles are under DFG's protection.

The Department's revenues come from several sources, the largest of which is the