



## The Ross Retort

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### CALIFORNIA COASTAL COMMISSION IN MURKY WATERS

The biggest threat to environmental protection these days is not the federal feeding frenzy on Arctic Caribou or renewed dewy-eyed dreams of unlimited coastal oil.

The real enemy lies deep within the heart of today's California Coastal Commission, whose dedicated permanent professional staff transformed the commission several years ago from a balanced steward of the coastline to a zealot rogue regulatory agency.

And, if they keep it up, the backlash will be swift and sure. Already, one judge has ruled the commission unconstitutional, and enough legal challenges are queuing up to employ the entire University of San Diego law school graduating class. This is not good for environmental protection.

Ask the City of Carlsbad, whose carefully constructed habitat preservation plan is under siege by a Coastal Commission staff who make no secret of their animosity toward such plans which seek to balance housing and economic development with biologically based wildlife preservation goals.

As a result of the most recent commission staff attack on the Carlsbad plan, which oddly questions whether the newly revised habitat plan integrates with those of neighboring cities (translation: we don't like it), Carlsbad Mayor Bud Lewis has all but declared a new municipal golf course, a centerpiece for funding the execution of the habitat plan, DOA.

Had the logic of today's Coastal Commission staff been followed ten years ago, the gorgeous Del Mar Mesa community just south of SR56, designed around a habitat preserve and The Meadows Golf Resort, would surely have fallen way to piecemeal development that would have cut off the last remaining wildlife corridors leading to Los Penasquitos Canyon.

The California Coastal Commission was created in 1976 as a result of a voter initiated ballot measure. The Commission was charged with enforcing the federal Clean Water Act on private and public lands within the Coastal Zone, a jagged and curiously drawn area that can be as narrow as several hundred feet in some parts of California, and extend as far as 16 miles inland in others.

And so, public transportation projects like SR56, new schools like the Carmel Valley Jewish Academy, new hotels, renovations of tourist attractions like SeaWorld, and even private homes that lie within the Coastal Zone, must not only undergo a rigorous local approval process, but must also adjust to Coastal Commission demands.

Until a few years ago, local government and the Coastal Commission did OK, especially when local planning efforts involved participation from a wide variety of interests. The City of San Diego's Multiple Species Conservation Plan (MSCP) is an example, where developers worked with environmental and community groups for years to hammer out an agreement.

Through a policy known as "balancing," the Commission used to make MSCP style trade-offs like Carmel Valley's CVRP (Carmel Valley Restoration Project), a mitigation project that allowed SR56 to get built while creating a three mile long wetland recreation area on its south side that connects MSCP preserve areas with coastal waters.

But, the policy of balancing is no more. Just as localities like Orange and San Diego Counties committed themselves to habitat preservation plans that created contiguous wildlife corridor preserves instead of species by species piecemeal protection, the Coastal Commission began challenging these plans with escalating harshness.

The Commission has all but stopped allowing developers or transportation engineers to mitigate for disturbing wetlands, no matter how isolated, small or degraded. SR56 almost ground to a halt two years ago because of a tiny isolated man-made wetland that fortunately turned out to be just beyond the Coastal Commission reach.

That did not stop the commission staff from initially recommending almost \$30 million in storm drain run-off mitigation measures with no funding source in sight. Under pressure from local legislators, the Commission backed down to a project requiring a mere additional \$5 million.

And, the Coastal Commission has embarked on a jurisdictional raid on other state agencies that are friendly to habitat preservation plans, like the Department of Fish and Game, by claiming authority over watershed areas outside of the Coastal Zone that feed into coastal waters.

Privately, local planners will tell you that any new project in California's coastal zone offending the personal sensitivities and aesthetics of the Commission staff, no matter how extensive the public participation in the planning—or the public benefit—have a rats chance in that hot place of getting the commission's nod. This will likely include direct north and southbound connectors linking I-5 and SR56.

Sound environmental protection depends on regulatory agencies that regulate on behalf of the public good. But, with California Coastal Commission on a fast and furious collision course with reality, coastal protection is in troubled waters. And that's a threat to us all.