

Dan Walters: Coastal Commission has big ambitions

By Dan Walters

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When Proposition 20, California's landmark coastal protection law, went before voters in 1972, the campaign for it focused on public access to beaches.

The law itself, as later interpreted and implemented by the Legislature, took a somewhat broader view.

The Coastal Commission, appointed by the governor and legislative leaders, would have development oversight in the "coastal zone," a relatively narrow strip of land (and adjacent waters) stretching from Oregon to Mexico.

From its onset, the Coastal Commission took an aggressive approach to its authority, but recent months have seen several instances of what those in the military call "mission creep."

One involves SeaWorld, the popular tourist draw in San Diego whose main attractions are trained killer whales.

For years, SeaWorld has been under fire from animal rights activists. Its critics even sponsored a bill in the Legislature that would, in effect, have forced the amusement park to end killer whale breeding and training and release its orcas into ocean sanctuaries.

The bill failed, and SeaWorld then announced plans to enhance the orcas' habitat with a \$100 million construction project. But it required Coastal Commission approval and the agency was besieged by the animal rights groups, finally culminating in its decree to ban captive orca breeding – thus doing what the Legislature refused to do.

SeaWorld's president, John Reilly, said it "would sentence these animals to a slow extinction in our care." But on Monday, the company announced that it would phase out orca shows.

Regardless of whether SeaWorld or its critics are correct, the Coastal Commission clearly carved out a new role for itself, unilaterally extending its authority into operational issues never contemplated by voters or the Legislature.

An even more questionable case involves a long-pending proposal to establish a refuse landfill in interior San Diego County, miles removed from the coastal zone that's defined in state law.

Like all landfills, the Gregory Canyon project is highly controversial, opposed by environmental groups and the Pala Band of Mission Indians, which owns a nearby casino.

Now the Coastal Commission is getting involved, declaring that because the landfill could affect the San Luis Rey River watershed and the river flows to the sea, the agency should play a role in the permitting process.

The efficacy of the Gregory Canyon project aside, were the Coastal Commission successful in claiming a piece of the regulatory action, its authority could expand to almost the entire state.

Virtually every stream west of the Sierra eventually flows through the coastal zone to the ocean. Ergo, the expansion of a ski resort 7,000 feet high in the mountains could theoretically affect the flow and quality of water in the coastal zone, so its opponents could ask the Coastal Commission to intervene under its jurisdictional theory in the Gregory Canyon case.

Mission creep, indeed. And a little creepy as well.

