



Administration's Budget Trailer Bill Would Eliminate Local Coastal Programs

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Former Coastal Commission Chair and Nossaman Senior Policy Advisor, Bonnie Neely, confirmed recently that the Brown Administration's Department of Finance (DOF) has introduced a "catch all" budget trailer bill which (hearing set for April 11, 2012), while purportedly aimed at reducing unfunded local mandates, would eliminate Local Coastal Programs (LCPs) and shift all permitting from cities to the State Coastal Commission.

In mid-March an Assembly Budget Subcommittee rejected the proposal and referred it to a policy committee. The issue will now go before the Senate Budget and Fiscal Review Subcommittee No. 2 on Resources and Transportation on April 11th. Nossaman has expressed its opposition to the proposal to Administration officials on behalf of several private and public agency clients. It is our understanding that both the League of Cities and the Coastal Commission are likely to oppose the measure.

There are 76 coastal counties and cities, with 128 separate LCP segments. As of 2011, approximately 72% of LCP segments have been effectively certified and local governments are now able to directly issue coastal development permits (CDPs) in these areas. Under the budget trailer bill, coastal permitting would be taken away from local governments and the California Coastal Commission would assume authority for all land use decisions in the coastal zone, including issuance of all CDPs.

Based on recent discussions with California Department of Resource officials and legislative staff, we expect that some portions of the budget trailer bill, including the proposal to eliminate LCPs, will be amended or removed prior to Wednesday's hearing. However, it is our understanding that the Senate has not yet received notification of the amended language.

Nossaman helps public and private clients resolve legal issues related to development projects within coastal areas. Our attorneys have extensive expertise regarding Local Coastal Programs, Coastal Development Permits, and public and private litigation in the Coastal Zone. We will provide updates on this

important legislative matter as information becomes available.