



MEMORANDUM

TO: California Ocean Protection Council

FROM: Jonathon Gurish, Staff Counsel, State Coastal Conservancy

DATE: November 28, 2006

RE: Overview of California Ocean and Coastal Laws

ATTACHMENT: Ocean and Coastal Law Inventory

BACKGROUND:

During the inaugural meeting of the Ocean Protection Council in March of 2005, your staff presented the council with an inventory of the ocean- and coastal-related laws within California. The inventory was merely a list of laws, some organized by chapter, others by individual section. This list did not provide explanation or organization of the laws affecting ocean resources. The next step was to organize and explain the significant laws listed as well as provide some explanation of significant federal laws that affect the state. The attached overview provides this organization and explanation for the council so that it may use in the overview in its work of evaluating existing ocean-related laws.

Two caveats are appropriate to the presentation of this inventory. First, the introduction to the overview summarizes the criteria used for determining whether a particular law was relevant. The intent was to provide a picture of the significant laws governing ocean resources, but many laws, though they may affect ocean or coastal resources, were too tangential for inclusion in the overview.

The second caveat is that the overview is not an official document, and therefore the council is not being asked to adopt it formally. Various agency attorneys reviewed it, and helped staff to adjust the level of detail and explanation provided for each law discussed. As is obvious from the document itself, much detail is left for further research and development if the reader has interest in a particular law or subject matter. Each of the major laws is deserving of extended discussions in themselves.

NEXT STEPS:

Staff will finalize the overview once the council has had an opportunity to review and provide comments on this draft. Once finalized, the document can be used by council

members and the public as reference and to obtain a synopsis of various areas of coastal and ocean law.