



Big Sur Coast Of California With Waves Of The Pacific Ocean Crashing Against Rocky Shores

California residents are passionate about their coastal and inland waterways—and especially their ability to access and enjoy these natural resources. It was concern over being “walled off from the coast” by private development that prompted California voters in 1972 to approve an initiative measure that created the California Coastal Commission and led to California’s Coastal Act—the strongest coastal planning and regulatory statute in the nation. Indeed, public access to waterways is a right California residents enjoy [under the state Constitution](#). (Most Californians don’t realize that they similarly enjoy a constitutional right to *fish*, under [a separate provision of the same document](#).)

There are a multitude of California waterways for state residents and visitors to enjoy: California possesses a spectacular and diverse 1100-mile coast bordering the Pacific Ocean, as well as 4,000 linear miles of shoreline along the state’s extensive system of inland navigable lakes and rivers. Under state law, it is the California State Lands that owns and manages these coastal and shoreline resources, in trust for current and future generations of Californians.

The public’s desire to exercise their constitutionally-protected right of access to these waterways often runs up against claims that rights of adjacent private property owners limit or override the public’s right of access. And for many years these access conflicts have generated political controversy, litigation and, on occasion, even violence.



So it's very good news indeed that the State Lands Commission has recently published [“A Legal Guide to the Public's Rights to Access and Use California's Navigable Waters.”](#)

Should you fear from the official title of the Guide that the Commission has gone all jurisprudential on California residents, rest easy: the Guide is intentionally written in clear, layperson language. So it's no legal treatise but, rather, an accessible and easily understood explanation of the scope of the public's access rights to state tidelands, beaches, rivers and lakes. The Guide is a valuable resource that all Californians seeking to exercise their rights of public access to state waterways should carry in their backpacks or on their smartphones. So too should coastal and shoreline property owners, so that they're similarly apprised of their rights and duties when it comes to the California waterways that they too enjoy.

Publication of the Guide is the culmination of a lengthy project undertaken by the State Lands Commission, in consultation with the California Attorney General's Office. (I'm proud to note that U.C. Davis law students externing in those two state offices played a substantial role in researching and drafting the guide.)

Currently, “A Legal Guide to the Public's Rights to Access and Use California's Navigable Waters” is available on the Commission's [“Public Access” webpage](#)—an excellent, broader source of information on Californians' access rights to state lands and waterways—in both English and Spanish. My only suggestion is that the Commission and Attorney General's Office consider translating the Guide into several additional languages, in order to facilitate access to state waterways by a broader and more diverse population of Californians.

The State Lands Commission and Attorney General's Office are to be commended for their "outside the box" efforts to both explain and protect the right of California residents and visitors to enjoy the state's spectacular ocean coast and inland waterways.

*[Next up: California's single most controversial coastal access dispute finds its way to the U.S. Supreme Court.]*