

## CALIFORNIA COASTAL COMMISSION

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# F14b

April 22, 2010

TO: CALIFORNIA COASTAL COMMISSION

FROM: Peter Douglas, Executive Director  
 Susan M. Hansch, Chief Deputy Director  
 Michelle Jespersen, Federal Programs Manager

SUBJECT: **Federal Evaluation Findings for the California Coastal Management Program. *Discussion and information item: No Commission action.***

Attached is a copy of the final "Evaluation Findings for the California Coastal Management Program" (CCMP), covering the period from March 2005 through December 2008 from the Office of Ocean and Coastal Resource Management (OCRM), National Oceanic and Atmospheric Administration (NOAA). As required by Section 312 of the Coastal Zone Management Act of 1972, OCRM conducted a periodic review of California's coastal management program. The evaluation concludes that the Coastal Commission, the San Francisco Bay Conservation and Development Commission (BCDC), and the State Coastal Conservancy are successfully implementing and enforcing the CCMP. The evaluation includes a necessary action that the Coastal Commission revise its current strategic plan by March 26, 2012. The accomplishments, necessary action, and program suggestions contained in the evaluation are described in more detail below.

### **Accomplishments**

The report cites the following nine accomplishments pertaining to the Commission:

<b>Issue Area</b>	<b>Accomplishment</b>
Organization and Administration	The Coastal Commission, the League of California Cities and the California State Association of Counties are commended for working together to look for ways to improve communication, interaction, and the LCP process.
Use of Technology	The Coastal Commission, with financial support from the Coastal Conservancy, has developed a desktop GIS/IMS system that is now available to all staff from both agencies. This system enhances the ability of staff to work more effectively and efficiently in the face of staffing and funding decreases. ( <i>Note: This accomplishment refers to the completion of the initial phase of the GIS/IMS project; additional work is required to make this system fully functional.</i> )
Public Access	The Coastal Commission has continued to be a significant force in the acquisition, protection, and development of coastal public access ways, even as resources to do so have declined, with special note of praise for the work on the California Coastal Trail.

<b>Issue Area</b>	<b>Accomplishment (cont'd from Page 1)</b>
Habitat	The Coastal Commission has been able to protect Environmentally Sensitive Habitat Areas (ESHA) and other coastal habitats in a wide range of projects, including some that were high-profile and highly controversial.
Climate Change	(1) The Coastal Commission applied for and will be hosting a Coastal Management Fellow to work on climate-related projects.  (2) All three coastal agencies are involved in a number of work groups and task forces addressing climate change and incorporating climate change into their programs.
Federal Consistency, Program Changes	The Coastal Commission is recognized for its collaborative work with Vandenberg Air Force Base to address both agencies' priorities and concerns through the permitting and federal consistency venues.
Programmatic Coordination, Partnerships	All three coastal agencies have developed new partnerships and strengthened existing ones as ways to leverage capabilities, integrate programs with other complimentary efforts, secure additional financial support, and advance shared policy objectives.
Public Participation and Outreach	In the face of ongoing budget reductions, all three coastal agencies continue to prioritize the importance of public participation and outreach as critical to sustained stewardship, public access to information, and the status of coastal condition.

**Necessary Actions and Program Suggestions**

The report details six program suggestions and one necessary action for the Coastal Commission as well as two program suggestions that pertain specifically to BCDC and the Coastal Conservancy. The Coastal Commission is expected to complete the necessary action within two years of the date of the report, while the program suggestions should be addressed by the time of the next Section 312 evaluation (within next three to five years).

<b>Issue Area</b>	<b>Necessary Action</b>
Strategic Plan	The Coastal Commission must revise its strategic plan to prioritize the functions, programs, and processes that it administers in light of insufficient staff and financial resources to fully address its workload and to provide a framework that ensures transparency and logic in decision-making in the face of challenging budgets. The Commission must provide its revised strategic plan to OCRM by March 26, 2012.
	<b>Program Suggestion</b>
Organization and Administration Partnerships	(1) All three coastal agencies should consider staff transition and succession planning in light of the loss of newer, less experienced staff, and the probable retirement of senior staff and managers over the next several years.  (2) The Coastal Commission should consider developing a more in-depth training program to inform new commissioners and to periodically update current commissioners on the requirements and elements of the Coastal Act, ex parte communication rules, and overarching policies and/or evolving initiatives.

<b>Issue Area</b>	<b>Program Suggestion (cont'd from Page 2)</b>
Organization and Administration Partnerships (cont'd)	<p>(3) The Commission is urged to continue seeking diverse funding sources, in addition to State funding, to meet its legislative responsibilities for the LCP process.</p> <p>(4) The Commission should continue its efforts, both with the League of California Cities, and the California State Association of Counties, and with local governments, to find ways to improve the LCP process and increase the staff's ability to proactively work with local government staff.</p>
Use of Technology	The Coastal Commission should continue to look for funding to implement long over due upgrade to the agency's permit tracking system, and make the system compatible with spatial data.
Permitting and Enforcement	The Coastal Commission should continue to look for ways to address enforcement issues and should continue to consider the recommendations made in the permit compliance study completed by the NOAA Coastal Fellow in 2007.

**Addressing the Necessary Action**

To address the necessary action to revise the current strategic plan (dated 1997), Commission staff will use a portion of the funding from Section 309 of our FY 10 Coastal Zone Management grant to begin work on revising the plan. Staff has outlined a conceptual approach for the revision process and will begin this work in July, 2010. The existing 1997 plan contains elements that can be carried forward to today; however, the plan needs to be revised to reflect current priorities and program focus, in light of significant resource constraints. Staff also intends to use the strategic planning effort to address other program suggestions like succession planning, updating Local Coastal Programs, information management, and responding to climate change. Commissioners will be involved in this effort through public meetings where staff will present a draft and final plan for Commission consideration and discussion, and public review.

**Executive Summary and Findings**

The Executive Summary provides an overview, a broad summary of accomplishments, findings and recommendations (pages 1-2), followed by a description of the review procedures and the CCMP (pages 3 -9). The more detailed findings and recommendations can be found on pages 10 through 46. A number of the findings discuss the effects of the Coastal Commission's continuing staffing deficits in many of the program's core functions such as pro-active assistance with permitting, periodic reviews, technical services, and local coastal program updates and amendments. The findings also underscore the need for the Commission to find additional sources of funding to ensure compliance with statutory requirements and regulatory deadlines.

**Agency and Public Participation**

During the evaluation three public hearing and numerous meetings were held with representatives from federal, state and local governments and interest groups (See *Appendix C and D*). The public submitted comments at the hearings and in writing, and OCRM's response to these comments is provided in Appendix E. In addition, Commission staff organized numerous site visits and conducted meetings with staff and stakeholders during the five-day evaluation that focused solely on the Commission. The evaluation included stops in the counties of Ventura, Santa Barbara, San Luis Obispo, Monterey, Santa Cruz, San Mateo, and San Francisco.



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL OCEAN SERVICE  
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT  
Silver Spring, Maryland 20910

MAR 23 2010

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Executive Director, California Coastal Commission  
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San Francisco, California 94105

Mr. Will Travis  
Executive Director, San Francisco Bay  
Conservation and Development Commission  
50 California Street, Suite 2600  
San Francisco, California 94111

Mr. Sam Schuchat  
Executive Officer, California State Coastal Conservancy  
1330 Broadway, 11<sup>th</sup> Floor  
Oakland, California 94612

Dear Mr. Douglas, Mr. Travis, and Mr. Schuchat:

Enclosed are the final evaluation findings for the California Coastal Management Program (CCMP) for the period from March 2005 through December 2008.

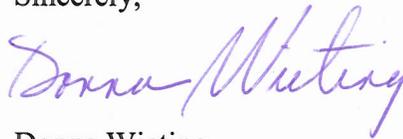
The fundamental conclusion of this evaluation is that the CCMP is adhering to its programmatic obligations as defined by its approved program document, the terms of federal financial assistance awards, and the Coastal Zone Management Act of 1972, as amended. We also note, however, that the significant loss of resources stemming primarily from the downturn in the national and state economies seriously imperils the CCMP's ability to maintain operations and program elements. This evaluation findings document contains nine (9) recommendations, one of which is mandatory. In response to the State's comments on the NOAA draft evaluation findings, we have made all factual corrections, added much of the additional information regarding accomplishments, and made most of the suggested changes.



Peter Douglas, Executive Director  
Will Travis, Executive Director  
Sam Schuchat, Executive Officer  
Page Two

Thank you once again for the outstanding cooperation and assistance of you and of all your staff members during the accomplishment of this evaluation.

Sincerely,



Donna Wieting  
Acting Director

Enclosure

cc: Susan Hansch, Chief Deputy Director, California Coastal Commission  
Caitlin Sweeney, Chief Deputy Director, San Francisco Bay Conservation and  
Development Commission  
Nadine Hitchcock, Deputy Executive Officer, California State Coastal Conservancy  
Michelle Jespersion, Manager, Federal Programs, California Coastal Commission  
John Watkins, Chief, Ohio Office of Coastal Management  
Kate Barba, Chief, National Policy and Evaluation Division, OCRM  
John King, Chief, Coastal Programs Division, OCRM  
Matt Gove, Coastal Management Specialist, Coastal Programs Division, OCRM

**FINAL Evaluation Findings**  
**California Coastal Management Program**  
**March 2005 through December 2008**

**March 2010**



Office of Ocean and Coastal Resource Management  
National Ocean Service  
National Oceanic and Atmospheric Administration  
United States Department of Commerce

## TABLE OF CONTENTS

I.	EXECUTIVE SUMMARY .....	1
II.	PROGRAM REVIEW PROCEDURES .....	3
	A. Overview .....	3
	B. Document Review and Issue Development .....	3
	C. Site Visits to California .....	4
III.	COASTAL MANAGEMENT PROGRAM DESCRIPTION .....	6
IV.	REVIEW FINDINGS, ACCOMPLISHMENTS, AND RECOMMENDATIONS .....	10
	A. Operations and Management .....	10
	1. Organization and Administration .....	11
	2. Strategic Planning .....	16
	3. Grants Management .....	17
	4. Use of Technology .....	17
	5. Boundary Expansion .....	19
	B. Public Access .....	19
	C. Coastal Habitat .....	23
	D. Water Quality .....	28
	E. Coastal Hazards .....	30
	F. Climate Change .....	32
	G. Coastal Dependent Uses and Community Development .....	35
	H. Government Coordination and Decision-making .....	37
	1. Federal Consistency and Program Changes .....	37
	2. Permitting .....	38
	3. Programmatic Coordination and Partnerships .....	41
	4. Public Participation and Outreach .....	43
V.	CONCLUSION .....	46
VI.	APPENDICES .....	47
	Appendix A. Summary of Accomplishments and Recommendations .....	47
	Appendix B. Response to Previous (2006) Evaluation Findings .....	51
	Appendix C. Persons and Institutions Contacted .....	61
	Appendix D. Persons Attending the Public Meetings .....	64
	Appendix E. NOAA's Response to Written Comments .....	65

## I. EXECUTIVE SUMMARY

Section 312 of the Coastal Zone Management Act of 1972, as amended (CZMA), requires the National Oceanic and Atmospheric Administration's (NOAA) Office of Ocean and Coastal Resource Management (OCRM) to conduct periodic evaluations of the performance of states and territories with federally approved coastal management programs. This review examined the operation and management of California's Coastal Management Program (CCMP) through three agencies – the California Coastal Commission (CCC or Coastal Commission), the San Francisco Bay Conservation and Development Commission (BCDC or Bay Commission) and the State Coastal Conservancy (SCC or Coastal Conservancy) – for the period from March 2005 through December 2008.

This document describes the evaluation findings of the Director of NOAA's OCRM with respect to the CCMP during the review period. These evaluation findings include discussions of major accomplishments as well as recommendations for program improvement. This evaluation concludes that the State of California is successfully implementing and enforcing its federally approved coastal management program, adhering to the terms of the Federal financial assistance awards, and addressing the coastal management needs identified in section 303(2) (A) through (K) of the CZMA.

The evaluation team documented a number of CCMP accomplishments during this review period. Faced with a continuing decrease in staff and financial resources, all three agencies of the CCMP are placing ever greater emphasis on both new and existing partnerships as a way to leverage capabilities, integrate programs with other complementary efforts, secure additional financial support, and advance shared policy objectives. Recognizing the high priority that the citizens of California place on public access and the state's coastal resources, all three agencies have continued to be significant forces in the acquisition and protection of coastal public access and the preservation, restoration, and enhancement of coastal habitat, even in the face of decreasing financial resources to do so.

Climate change and sea level rise are already affecting California's coastal and San Francisco Bay resources, and the Coastal Commission, BCDC, and the Coastal Conservancy have incorporated climate change planning into their programs. BCDC in particular is transforming itself into an international leader in the development of a regional strategy for planning for and addressing the impacts of climate change and sea level rise. It has initiated or partnered on several innovative activities and efforts.

The evaluation team also identified areas where the CCMP could be strengthened. The greatest challenge the California Coastal Management Program faces is the significant loss of resources stemming primarily from the downturn in the national and state economies. Decreases in staff positions and funding are having deleterious effects (to varying degrees) on all three CCMP agencies. In particular, the Coastal Commission has not been able to meet its statutory requirement to review approved LCPs at least once every five years, and the Commission staff works extremely hard to process all permit applications within the regulatory time frames. It

also is very difficult for staff members to work proactively with a permit applicant prior to or during the application review, just as it is difficult to work proactively with LCPs. Several people with whom the evaluation met stressed the vital need for proactive participation.

Almost all of the recommendations in this findings document are directly or indirectly tied to, or are a result of, the loss of financial resources and staff. All three agencies should conduct staff transition and succession planning in light of the loss of newer, less experienced staff and the probable retirement of senior staff and managers over the next several years. OCRM is aware that the Coastal Commission and BCDC have become adept at locating diverse funding sources, which are becoming more limited. Nevertheless, several recommendations suggest a continued search for additional funding sources to meet legislative responsibilities and long overdue upgrades to permit tracking systems. In anticipation of a requirement that a state have an approved CELCP plan in order to apply for CELCP funding, California should finalize its plan and submit it to NOAA for review and approval to avoid the loss of that funding source. OCRM recognizes that until more resources are identified, these recommendations may not be fully met.

The Coastal Commission must develop a strategic plan to prioritize the functions, programs, and processes that it administers in light of insufficient staff and financial resources to meet all its statutory responsibilities.

## II. PROGRAM REVIEW PROCEDURES

### A. OVERVIEW

The National Oceanic and Atmospheric Administration (NOAA) began its review of the California Coastal Management Program (CCMP) in September 2008. The §312 evaluation process involves four distinct components:

- An initial document review and identification of specific issues of concern;
- Site visit to California, including interviews and a public meeting;
- Development of draft evaluation findings; and
- Preparation of the final evaluation findings, partly based on comments from the State regarding the content and timetables of necessary actions specified in the draft document.

The recommendations made by this evaluation appear in boxes and **bold** type and follow the findings section where facts relevant to the recommendation are discussed. The recommendations may be of two types:

**Necessary Actions** address programmatic requirements of the CZMA's implementing regulations and of the CCMP approved by NOAA. These must be carried out by the date(s) specified;

**Program Suggestions** denote actions that NOAA's OCRM believes would improve the program, but which are not mandatory at this time. If no dates are indicated, the State is expected to have considered these Program Suggestions by the time of the next CZMA §312 evaluation.

A complete summary of accomplishments and recommendations is outlined in Appendix A.

Failure to address Necessary Actions may result in a future finding of non-adherence and the invoking of interim sanctions, as specified in CZMA §312 (c). Program Suggestions that must be reiterated in consecutive evaluations to address continuing problems may be elevated to Necessary Actions. The findings in this evaluation document will be considered by NOAA in making future financial award decisions relative to the CCMP.

### B. DOCUMENT REVIEW AND ISSUE DEVELOPMENT

The evaluation team reviewed a wide variety of documents prior to the site visit, including: (1) the 2006 CCMP §312 evaluation findings; (2) the federally-approved Environmental Impact Statement and program documents; (3) federal financial assistance awards and work products;

(4) semi-annual performance reports; (5) official correspondence; and (6) relevant publications on natural resource management issues in California.

Based on this review and discussions with NOAA's OCRM, the evaluation team identified the following priority issues:

- Program accomplishments since the last evaluation;
- The effectiveness of the CCC, BCDC, and the Coastal Conservancy in implementing, monitoring, and enforcing the core authorities that form the legal basis for the CCMP;
- The ongoing loss of financial resources and staff;
- Implementation of the federal consistency process;
- The certification process for and effectiveness of the Coastal Commission's local coastal program component;
- Effectiveness of interagency and intergovernmental coordination and cooperation, both at the state and regional level;
- Collaboration and involvement in regional and/or national coastal management initiatives;
- Effectiveness of technical assistance, training, and outreach to local governments and public outreach and education in order to further the goals of the CCMP;
- Efforts of the CCC, BCDC and the Coastal Conservancy to address public access, hazards, coastal habitat, water quality, and coastal dependent uses and community development (CZMA §303(2)); and
- The state's response to the previous evaluation findings dated March 11, 2006. The CCMP's assessment of how it has responded to each of the recommendations in the 2006 findings is located in Appendix B.

### **C. SITE VISITS TO CALIFORNIA**

Notification of the scheduled evaluation was sent to the three lead agencies of the CCMP and members of California's congressional delegation. The Coastal Commission advertised the first site visit and the December 8, 2008, public meeting in the *Ventura Star* on October 27, 2008; the December 12, 2008, public meeting in the *San Francisco Chronicle* on October 25, 2008; and both meetings on its website. BCDC advertised the second site visit and the March 9, 2009, public meeting in the *San Francisco Chronicle* on January 25, 2009, and on its website. In addition, a notice of NOAA's "Intent to Evaluate" was published in the *Federal Register* on November 18, 2008, for the Coastal Commission portion of the evaluation. Another notice was published in the *Federal Register* on February 10, 2009, for the BCDC and Coastal Conservancy portion of the evaluation.

Two site visits to California were conducted. The first site visit focused on the California Coastal Commission and was conducted December 8 – 12, 2008. The evaluation team for this site visit consisted of L. Christine McCay, Evaluation Team Leader, National Policy and Evaluation Division, OCRM; Matt Gove, Program Specialist, Coastal Programs Division, OCRM; and Leslie-Ann McGee, Director, Massachusetts Office of Coastal Zone Management (at the time of the site visit). The second site visit focused on BCDC and the Coastal

Conservancy and was conducted March 9 – 13, 2009. The evaluation team for the second site visit consisted of Ms. McCay, Mr. Gove, and John Watkins, Chief, Ohio Office of Coastal Management.

During the site visit the evaluation team met with CCC, BCDC, and SCC staff, representatives of state and federal agencies, local government officials, and representatives of nongovernmental organizations and interest groups. Appendix C lists individuals and institutions contacted during this period.

As required by the CZMA, at least one advertised public meeting must be held as part of each Section 312 evaluation. The first public meeting was held on Monday, December 8, 2008, at 7 p.m. at the Ventura County Board of Supervisors Chambers, 800 South Victoria Avenue, Ventura. The second public meeting was held on Friday, December 12, 2008, at 9:00 a.m. at San Francisco City Hall, Legislative Chamber Room 250, 1 Dr. Carlton B. Goodlett Place, San Francisco, California. The third public meeting was held on Monday, March 9, 2009, at 5:00 p.m. at the San Francisco Bay Conservation and Development Commission, McAteer-Petris Conference Room, 50 California Street, Suite 2600, San Francisco, California. The public meetings gave members of the general public the opportunity to express their opinions about the overall operation and management of the CCMP. Appendix D lists persons who signed in at the public meetings. NOAA's responses to written comments submitted during this review are summarized in Appendix E.

The staffs of the Coastal Commission, BCDC, and the Coastal Conservancy were crucial in setting up meetings and arranging logistics for the evaluation site visits. Their support is most gratefully acknowledged. The evaluation team notes with special appreciation the contributions of Anne McMahon (1952-2009).

### III. COASTAL MANAGEMENT PROGRAM DESCRIPTION

Because statutes and agencies governing coastal management in San Francisco existed prior to the enactment of the CZMA, the CCMP was approved in two segments—first San Francisco Bay and then the Pacific coast. The CZMA is therefore implemented in California by three lead agencies: the San Francisco Bay Conservation and Development Commission, the California Coastal Commission, and the State Coastal Conservancy.

#### **SAN FRANCISCO BAY AREA CONSERVATION AND DEVELOPMENT COMMISSION**

Through the McAteer-Petris Act of 1965, BCDC was granted authority by the state to plan and regulate activities and development in and around the Bay through policies adopted in the San Francisco Bay Plan (Bay Plan). The Suisun Marsh Preservation Act of 1977 expanded BCDC's permit jurisdiction over the 85,000-acre Suisun Marsh, the largest remaining wetland in California. Together, these two statutes formed the basis of the management program for the San Francisco Bay segment, approved by the U.S. Secretary of Commerce on February 16, 1977.

The Bay Commission's enabling legislation focuses on limiting fill, increasing public access to and along the Bay, and assuring that sufficient land is available for high priority water-dependent uses. BCDC administers a regulatory program based on the standards of the Bay Plan, in which permits are required for Bay filling and dredging and for development along a shoreline band extending 100 feet inland from the Bay. The extent of the Commission's Bay jurisdiction includes specified waterways, managed wetlands, salt ponds, and all parts of the Bay that are subject to tidal action, including sloughs, marshlands, tidelands, and submerged lands. The Bay Plan has dual mandates:

- protect the Bay as a great natural resource for the benefit of present and future generations; and
- develop the Bay and its shoreline to their highest potential with a minimum of fill.

The Bay Plan includes policies on fish and wildlife, water pollution, water surface area and volume, marshes and mudflats, fresh water inflow, dredging, water-related industries, ports, airports, recreation, public access, salt ponds, transportation, project appearance and design, and scenic views.

The Suisun Marsh Protection Plan (Marsh Plan) is another component of the Bay's management program. The Marsh Plan is a more specific application of the regional policies of the Bay Plan and supplements such policies to accommodate the unique characteristics of the Suisun Marsh. The Marsh Plan's objectives are to preserve and enhance the quality and diversity of the area's 85,000 acres of habitat and to assure that uses of upland areas adjacent to Suisun Marsh are compatible with its protection. The Marsh Plan requires local governments to prepare local protection plans for the wetlands surrounding upland areas for certification by BCDC. The Bay

Commission maintains permit authority over development in the Suisun Marsh wetlands and appellate authority over local government permits in the surrounding upland area.

In addition to the permit program, BCDC, with the support and cooperation of local governments, develops special area plans containing enforceable policies and use designations. These plans are adopted by the Bay Commission as amendments to the Bay Plan, and by local governments as amendments to their general plans and zoning ordinances.

The 27-member Bay Commission is composed of one member from each of the nine Bay Area county boards of supervisors; four elected officials representing area municipalities appointed by the Association of Bay Area Governments; five state representatives from the Business and Transportation Agency, Department of Finance, Resources Agency, State Lands Commission, and the San Francisco Regional Water Quality Control Board; two federal representatives of the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency; and seven members appointed from the public sector. The Bay Commission holds regular meetings and is served by an Executive Director and a staff of approximately 40.

## **CALIFORNIA COASTAL COMMISSION**

The management program for the remainder of California's coastline was based on the California Coastal Act (Coastal Act) of 1976. The California Commission was established by voter initiative in 1972 (Proposition 20) and later made permanent by the Legislature through adoption of the Coastal Act. The Coastal Act granted authority to the Coastal Commission to manage the conservation and orderly development of coastal resources through a comprehensive planning and regulatory program for the remainder of California's coast. The management program for the 1,110-mile Pacific coast segment was approved by the U.S. Secretary of Commerce on November 7, 1977. As a stipulation for approval, the Bay Commission and the Coastal Commission were required to devise mechanisms to integrate the two program segments.

The Coastal Act established the Coastal Commission as a permanent, independent regulatory body to promote environmentally sustainable coastal development. The basic goals of the Coastal Commission are to:

- Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal environment and its natural and manmade resources;
- Assure orderly, balanced use and conservation of coastal resources, taking into account the social and economic needs of the people of the state;
- Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone, consistent with sound resource conservation principles and constitutionally protected rights of private property owners;
- Assure priority for coastal-dependent development over other development on the coast; and
- Encourage state-local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

The Coastal Act also contains specific policies related to agriculture, public access, recreation, the marine environment, coastal land resources, and various categories of development, including residential, industrial, port, public works facilities, universities, and energy facilities. These policies are the standards used in CCC's planning and regulatory programs and the federal consistency review process.

The Pacific coastal zone boundary is mapped specifically by statute and generally extends seaward three miles and inland 1000 feet from the mean high tide or to the nearest coastal road. However, in specified "less developed areas," such as the Malibu Canyons, the coastal zone boundary can extend inland over five miles.

California determined that its coastal management program could best be implemented at the local level with state overview and guidance. Therefore, the Coastal Act provides for a partnership between the state and the 15 counties and 58 cities within or overlapping the coastal boundary. Each jurisdiction was required to prepare a local coastal program (LCP) that contained a land use plan and the zoning ordinances needed to implement the plan. Once the LCP was certified by the state, the authority for issuing coastal permits for new development was delegated to the local government. CCC retains responsibility for coastal development permitting in areas of the coast which do not have a certified LCP and also retains permanent coastal permit jurisdiction over development proposed on the immediate shoreline (tidelands, submerged lands, and public trust lands). The Commission also considers appeals for certain types of local permit decisions and reviews and approves amendments to previously certified LCPs. The CCC's other responsibilities include implementing public access, education, and water quality programs.

The Coastal Commission is made up of 12 voting members and three non-voting members. The three non-voting members represent state agencies (Resources, Business and Transportation, and the State Lands Commission.) The composition of voting commissioners includes six local elected officials nominated by local governments and six non-elected members of the public. Four appointments each are allotted to the Governor, the Senate Rules Committee, and the Speaker of the Assembly. The Commission holds monthly public meetings around the coast to hear testimony and make regulatory and planning decisions. The Commission is supported by a staff of approximately 120 state employees who are managed by a Commission-appointed Executive Director. Staff members are located at Commission headquarters in San Francisco and at district offices in Eureka, Santa Cruz, Ventura, Long Beach, and San Diego. The Coastal Commission also has an office in Sacramento.

## **STATE COASTAL CONSERVANCY**

The third element of the California CMP is the State Coastal Conservancy, an agency established by an act of the state legislature in 1976 and originally funded through the California Urban and Coastal Park Bond Act approved that same year. It has been funded by many subsequent state bond measures for a total of more than \$1.6 billion since 2000 along. The Coastal Conservancy works to preserve, improve, and restore public access, natural resources, and agricultural lands along the Pacific coast and the San Francisco Bay shoreline and its adjacent counties. The

Conservancy is able to complement the regulatory activities of its sister agencies through its authority to directly or indirectly assist others in acquiring land, designing and implementing resource restoration, enhancement, and public access projects and programs, and by resolving coastal land use conflicts. The Conservancy is included as part of the federally approved California CMP but did not receive funding from NOAA during this review period.

The Coastal Conservancy is responsible for implementing a multi-faceted program focused on preservation, protection, restoration, and enhancement of coastal lands and resources, as well as public access. To this end, the Conservancy is empowered to acquire land and provide technical and financial support (primarily from bond funds) to state and local public agencies and nonprofit organizations. The Conservancy's work is concentrated in the following areas:

- Land acquisition for purposes of natural resource protection (including wetlands, environmentally sensitive lands and watersheds), preservation of open space and farmland, and public access and recreation;
- Design and implementation of projects to improve public access to and along the coast, the bay, and the ridgetops;
- Enhancement and restoration of wetlands, dunes, rivers, watersheds, and ocean habitats;
- Improvement and protection of coastal and marine water quality;
- Restoration and improvement of urban waterfronts and support for coastal-dependent industries, such as commercial fishing; and
- Support for environmental education programs and interpretive centers and facilities.

In addition, the Conservancy serves a role to catalyze cooperation between government agencies, nonprofit organizations, and the private sector, and to build capacity for local governments and nonprofit land conservation organizations. The Conservancy collaborates with the Coastal Commission and the Bay Commission to ensure consistency with public access and mitigation requirements arising from the two regulatory agencies' permit programs. The Conservancy also assists in the completion and implementation of local coastal programs (LCPs). The Conservancy provides staff to the California Ocean Protection Council, and its Executive Officer serves as the Council's secretary.

The Coastal Conservancy, based in Oakland, operates with a seven-member Board of Directors appointed by the Governor and State Legislature, three alternates, six ex-officio members of the Legislature (three from each house), an Executive Director appointed by the Board, and a staff of approximately 70.

## **IV. REVIEW FINDINGS, ACCOMPLISHMENTS, AND RECOMMENDATIONS**

### **A. OPERATIONS AND MANAGEMENT**

In the course of interviews and meetings during both site visits, and as reflected in almost all of the written comments received as part of this program evaluation, there was nearly unanimous agreement that the greatest challenge the California Coastal Management Program faces is the significant loss of resources stemming primarily from the downturn in the national and state economies. This situation existed in California well before this evaluation period and was addressed in the previous findings dated March 2006. The Coastal Commission, in particular, has experienced a reduction in or loss of resources for a number of years. Since 2006, the fiscal climate has worsened, and its effects on the Coastal Commission, BCDC, and Coastal Conservancy have hampered, to a greater or lesser degree, the ability of all three organizations to conduct their programs and meet their statutory mandates (the Coastal Commission, for example, struggles to conduct the local coastal program and coastal development permit processes as required by the California Coastal Act). Even more discouraging, the fiscal climate in California has worsened since the site visits.

For example, at the time of the site visit, the Coastal Commission's staff numbered 120; approximately 10-15 years ago it numbered over 200. In order to avoid year-end state budget deficits and to meet gubernatorially imposed measures, the Coastal Commission has had to terminate all limited-term staff, hold vacant positions open (approximately 19 at the time of the site visit), implement staff layoffs, reduce Coastal Commission public meetings to a maximum of three days per month, and participate in a voluntary 'leave without pay' program. At the time of the site visit, all staff operated under a state-wide mandatory furlough of 1.5 days per month. Shortly after the site visit, the furlough increased to two days per month. At the time of these findings, all state employees are furloughed three days per month until at least July 2010. Coastal Commission staff are located in San Francisco, Sacramento, and in five district offices, but the three southern district offices (which include the areas of San Diego and Los Angeles) now have only one enforcement staff person and one intern for enforcement per district. The northernmost district has no enforcement staff. The Coastal Commission has considered eliminating or combining district offices.

BCDC and the Coastal Conservancy have been subject to the same state fiscal mandates for budget reductions. At the time of the site visit, BCDC operated with a staff of approximately 40; the Conservancy had approximately 70 staff members. Both have a somewhat greater diversity of funding sources than the Coastal Commission and have managed to maintain about the same number of staff over the last several years through innovative funding from a variety of sources. However, both agencies acknowledged that maintaining staff numbers may not be possible and that staffing and their performance and participation in projects have been somewhat affected and will continue to be affected at a time when all three agencies are attempting to address and plan for the impacts of climate change and the need for adaptation. The State of California has

been unable to sell bonds, which are the Coastal Conservancy's major funding source for land acquisitions and all other projects, and towards the end of this evaluation period (December 2008), the Coastal Conservancy was notified by the California Department of Finance to freeze payments for expenses on bond-funded agreements. It is unclear when new bonds will be sold or the freeze will be lifted. (At the time these findings were issued, limited funding had been made available to the Coastal Conservancy to make payments for all project work that had been completed at the time of the freeze and to restart some projects that had been in progress.)

Unfortunately, unless the economic climate in California and the State's management of its resources change dramatically and soon, it is likely that the California Coastal Management Program will continue to struggle to meet its legislative mandates. The three agencies of the CCMP expressed a need for increased funding support from the Federal government and for a removal of the cap on the maximum amount of federal funding available through the CZMA to a state for the administration and operation of its coastal management program. Congressional action is needed, because funding through the CZMA for state coastal management programs is appropriated by Congress, which also addresses in the appropriation legislation the limits on increases in the amount an individual state can receive.

#### 1. ORGANIZATION AND ADMINISTRATION

All three agencies have well respected, dedicated, responsive, and professional staff. The major concern about staffing often expressed in written comments and during meetings and interviews is that there are often not enough staff members to conduct mandated, vital, and important activities and programs. One of the unfortunate side effects of the continuing freeze on filling vacant positions and the elimination of positions is that the newer, generally younger, and less experienced staff members are the most likely to leave or be let go. There is a cadre of senior staff members at each agency who will likely retire over the next several years, and there will be a very small or no 'next generation' of staff members to take their places. In addition, much institutional knowledge and long term experience will disappear with retirements. Some current activities are helping address the lack of institutional carryover. However, all three agencies should consider conducting transition and succession planning, both to look for opportunities to engage potentially new staff (perhaps unpaid internships, fellowships, or volunteer opportunities through public outreach and education activities, for example) and to capture institutional knowledge while planning for retirement or turnover in senior staff. This is a difficult task to undertake during the current fiscal climate, but that in itself focuses on the need for such planning.

**PROGRAM SUGGESTION: The California Coastal Commission, the Bay Conservation and Development Commission, and the State Coastal Conservancy should consider staff transition and succession planning in light of the loss of newer, less experienced staff and the probable retirement of senior staff and managers over the next several years.**

**The California Coastal Commission** is organized with a decision-making body of 12 voting and three non-voting commissioners and a support staff managed by a Commission-appointed

executive director. The Coastal Commission and some staff are headquartered in San Francisco (which includes one district office), with five district offices along the coast.

Coastal Commission members are not appointed to represent specific interest groups or because they have knowledge or experience about coastal resources or coastal management. For that reason, and like any commission whose membership changes periodically, the commissioners arrive with varying levels of expertise and interest. Given the reduction in the number of days for each Commission meeting because of budgetary restrictions (resulting in even lengthier agendas), numerous permit and LCP issues, and complex, overarching initiatives and background materials (climate change and sea level rise, for example), it is vital that the commissioners be well versed in the subject matter confronting them, and in particular the requirements and elements of the California Coastal Act. The staff conducts a brief introductory training for new commissioners and does a good job of preparation for specific agenda items, but it is an ongoing challenge to ensure that commissioners understand the broader issues and emerging challenges facing California's coast. Training for the commission members is a continual need, although OCRM recognizes that reductions in staff numbers, the increased workloads of both staff and commissioners, and reductions in financial resources may make this difficult to accomplish.

**PROGRAM SUGGESTION: The California Coastal Commission should consider developing a more in-depth training program (e.g., seminars, workshops, etc.) to inform new commissioners and to periodically update current commissioners on the requirements and elements of the California Coastal Act, ex parte communication rules, and overarching policies and/or evolving initiatives.**

Local coastal programs (LCPs) are key to implementing California's coastal program. The California Coastal Act allows for the delegation of certain authorities to eligible communities with a local coastal program that has been certified by the Coastal Commission as being consistent with the policies in Chapter 3 of the California Coastal Act. An approved (certified) LCP includes a land use plan that prescribes land use classifications, types and densities of allowable development, goals and policies concerning development, and zoning ordinances needed to implement the plan. The Coastal Commission retains certain permit jurisdiction and appeal authority over certain local permit decisions. The California Coastal Act requires the Coastal Commission to review every LCP at least once every five years after initial certification. With an approved LCP, a community makes individual decisions at the local level, particularly through permit issuance. When there is no LCP, the Commission spends a great deal of time on local issues and permits. If an LCP has not been updated and certified by the Commission, then a great deal of time is spent by the Commission on permit appeals because the LCP is out of date and does not reflect current conditions.

The loss of Commission staff because of the state's budget crisis has significantly affected the LCP process, not only during this evaluation period but the previous two evaluation periods as well. The statewide fiscal crisis has affected local government resources as well. According to the Coastal Commission staff, no local governments were actively pursuing an LCP submittal at the time of the site visit. Although an LCP can be submitted in separate geographic segments,

there are relatively few incomplete LCPs. Some incomplete LCPs, however, are significant (for example, Los Angeles County-Santa Monica Mountains). Different portions of LCPs have been certified at different times and undergone multiple revisions, which can complicate the LCP review process. Further exacerbating the problem are outdated LCPs, which often result in project-driven LCP amendments, rather than a more comprehensive LCP update amendment.

Reductions in Coastal Commission staff have kept the remaining staff from proactively working with local governments on LCP amendments. When staff does become involved late in the amendment process, it can create ill will, slow the process, and require reconsideration of earlier steps. It can also require a local government to hold additional public hearings. Many agency personnel, nonprofit group representatives, and local government staff and officials noted their frustration at the inability of Coastal Commission staff to work proactively, because they felt Commission staff input at an early stage was vital. Furthermore, the Coastal Commission has not been able to meet its statutory requirement to review approved LCPs at least once every five years.

The League of California Cities (League) and the California State Association of Counties (CSAC) are concerned about improving the LCP process. These two groups and the Coastal Commission have begun to work together to identify ways to improve communication and interaction. This includes planning for a workshop, held in conjunction with a Coastal Commission meeting, to address communication, coordination, and the LCP process. The Commission has produced a revised *LCP Update Guide* during this evaluation period and plans to complete a companion guide to address LCP procedural issues. OCRM supports ongoing efforts by the Coastal Commission, the League, and the CSAC to take whatever measures are possible in support of the LCP process.

**ACCOMPLISHMENT: The California Coastal Commission, the League of California Cities, and the California State Association of Counties are commended for working together to look for ways to improve communication, interaction, and the LCP process.**

Neither the Coastal Commission nor some local governments are able to completely fulfill all their responsibilities for the LCP process at this time. NOAA's OCRM has acknowledged in previous evaluation recommendations that more resources are required before these obligations and responsibilities can be fully met. OCRM continues to recognize the need for more resources but also recognizes that is unlikely to occur in the near term. It is a good effort to work with California's League of Cities and Association of Counties as described above. In addition to seeking State administrative and legislative program funding increases as recommended in the past two program evaluations, it is incumbent upon the Coastal Commission to continue to look for other creative sources of funding. During the site visit, several ideas were suggested, such as trust fund opportunities and a tax refund check-off box to benefit the coast. The Coastal Commission is also urged to continue its efforts, both with the League of California Cities and the California State Association of Counties and on its own, to find ways to improve the LCP process and increase the Commission staff's ability to proactively work with local government staff. This might include creating templates for use in the LCP process, putting LCPs and plans

on the CCC's website, or developing procedures to accommodate defined minor changes when the Coastal Commission and staff could rely on local government hearings and information.

**PROGRAM SUGGESTION: The California Coastal Commission is urged to continue seeking diverse funding sources, in addition to State funding, to meet its legislative responsibilities for the LCP process.**

**PROGRAM SUGGESTION: The California Coastal Commission should continue its efforts, both with the League of California Cities and the California State Association of Counties, and with local governments, to find ways to improve the LCP process and increase the Commission staff's ability to proactively work with local government staffs.**

### **The San Francisco Bay Conservation and Development Commission**

The 27-member Bay Commission is composed of one member from each of the nine Bay Area county boards of supervisors; four elected officials representing area municipalities appointed by the Association of Bay Area Governments; five state representatives from the Business and Transportation Agency, Department of Finance, Resources Agency, State Lands Commission, and the San Francisco Regional Water Quality Control Board; two federal representatives of the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency; and seven members appointed from the public sector. It is served by an Executive Director and a staff of approximately 40.

At the urging of a group called Save the Bay, state legislation (the McAteer-Petris Act) was passed in 1965 to establish the San Francisco Bay Conservation and Development Commission (BCDC) as a temporary state agency. The Commission was charged with preparing a plan for the long-term use of the Bay and regulating development in and around the Bay while the plan was being prepared.

The San Francisco Bay Plan, which was completed in January 1969, includes policies on issues critical to the wise use of the Bay ranging from ports and public access to design and transportation. The Bay Plan also contains maps of the entire Bay which designate shoreline areas that should be reserved for water-related purposes like ports, industry, public recreation, airports, and wildlife refuges. In August 1969, the McAteer-Petris Act was amended to make BCDC a permanent agency and to incorporate the policies of the Bay Plan into state law. In 1977 the Commission's authority was expanded to provide special protection of the Suisun Marsh. A protection plan for Suisun Marsh was completed as a component of the Bay's management program. The Protection Plan is a more specific application of the regional policies of the Bay Plan and supplements such policies to accommodate the unique characteristics of the Suisun Marsh. The Bay Plan and Suisun Marsh Plan findings and policies guide the Commission in its considerations and decisions. During this evaluation period there have been several revisions to both Plans.

BCDC is publicly transforming itself from an agency that deals primarily with Bay management into an international leader in the development of a regional strategy for addressing the impacts of climate change, and particularly sea level rise. Much of this effort will be discussed in later sections of this document. As part of this transformation, state legislation was enacted to give BCDC explicit authority to address climate change and sea level rise in its planning work, and BCDC initiated a complete revision of the San Francisco Bay Plan to address climate change.

In addition to state and CZMA funding, BCDC was able to obtain funding from several alternate sources, some rather unique for any state agency (the governments of Vietnam and The Netherlands, for example), and others, like the California's Department of Transportation, California Department of Fish and Game, and the Metropolitan Transportation Commission, that have shared policy objectives. In this way, BCDC has been able to maintain level staffing during this evaluation period.

**ACCOMPLISHMENT: The Bay Conservation and Development Commission has been able to obtain funds from alternative sources that allowed it to maintain, on average, a level staffing base during this evaluation period.**

### **The State Coastal Conservancy**

The Coastal Conservancy, based in Oakland, operates with a seven-member Board of Directors appointed by the Governor and State Legislature, three alternates, six ex-officio members of the Legislature (three from each house), an Executive Director, and a staff of approximately 70. The Coastal Conservancy is funded primarily by state general obligation bonds and the State of California's general fund. It has not received any of the CZMA funding awarded to California since approximately 1990, including during this evaluation period. The Coastal Conservancy is responsible for implementing a multi-faceted program focused on preservation, protection, restoration, and enhancement of coastal lands and ocean, natural, and agricultural resources, as well as providing public access. To this end, the Conservancy is empowered to acquire land and provide technical and financial support to state and local public agencies and nonprofit organizations. In the year 2008, for example, the Coastal Conservancy supported 157 projects with awards totaling more than \$102 million along California's coast and around San Francisco Bay. This included funding for restoration of wetlands, lagoons, and wildlife habitat; land acquisition for public access, park, and conservation properties; and access, trail, pedestrian, and bicycle pathway improvements. Many of these efforts will be discussed elsewhere throughout this document.

The Coastal Conservancy staffs the California Ocean Protection Council (OPC), which was established by the California Ocean Protection Act of 2004 and whose membership was established by the Legislature in the Act. The OPC's statutory responsibilities include coordinating activities of ocean-related state agencies to improve the effectiveness of state efforts to protect ocean resources, establishing policies to coordinate the collection and sharing of scientific data related to coast and ocean resources, identifying and recommending changes to state and federal laws and policies to the Governor and Legislature, and funding activities and the science to support ocean resource protection.

The Coastal Conservancy also serves as the state's lead agency for the Coastal and Environmental Land Conservation Program (CELCP). In this capacity the Conservancy is responsible for developing the state's CELCP plan. The 2005 draft version is the most recent one submitted to OCRM. It has not yet been finalized or approved. To compete for CELCP funding as this time, a state must have submitted a draft plan. However, at some point it will be necessary to have a final and approved plan in place in order to compete.

**PROGRAM SUGGESTION: The Coastal Conservancy is urged to finalize the California CELCP Plan and submit it to OCRM for review and approval.**

## 2. STRATEGIC PLANNING

**The California Coastal Commission's** significant staffing cuts have negatively affected the ability of Coastal Commission staff to administer the LCP process, and other functions that do not have statutory deadlines are beginning to be adversely affected as well. Permitting conducted by the Commission is as fundamental to implementing California's coastal program as is the LCP process. Permits have defined timelines for various steps throughout the process, and failure to meet deadlines that apply to the Commission can result in permit issuance by default. The same holds true for the appeal process. Other non-regulatory programs and functions being conducted by the Commission are being affected in less obvious ways. Commission staff indicated that issues involving public access and environmental sensitive habitat areas (ESHA) are generally of high priority, as is building capacity in local governments. Barring a significant increase in funding and staffing, however, it is likely the Commission will have to make more formal decisions about which functions are most important and which will receive less staff and Commission input because of decreased resources.

Strategic planning is a critical management tool that enables balanced consideration and prioritization of program functions and operations. The Coastal Commission's 1997 strategic plan is in need of review and revision to reflect current priorities and program focus and to provide a framework for transparency and logic in decision-making in the face of challenging budgets. The Coastal Commission could consider prioritizing by entire program components (e.g., LCP, permitting, outreach and education), or by predetermined criteria for a particular action within a program component (e.g., permit applications affecting environmentally sensitive habitat areas (ESHAs) as opposed to those not affecting ESHAs). In the absence of a strategic plan and prioritization of program objectives and functions, work beyond mandatory program requirements is not prioritized to receive staff time. Therefore, the Coastal Commission must revise its strategic plan. OCRM recognizes that even the process of revising its strategic plan will place a strain on existing Commission staff, and OCRM commits to work with Coastal Commission staff to provide whatever technical assistance it can to facilitate this process.

**NECESSARY ACTION: The California Coastal Commission must revise its strategic plan to prioritize the functions, programs, and processes that it administers in light of insufficient staff and financial resources to fully address its workload and to provide a framework that ensures transparency and logic in decision-making in the face of challenging budgets. The Commission must provide a copy of its revised strategic plan to OCRM by March 26, 1012.**

**The Bay Conservation and Development Commission** adopted an updated strategic plan in October 2008. Staff provides monthly progress reports to the Commission. It includes both ongoing and three-year goals. For the three-year goals, there are objectives with due dates, targets, and lead staff members. Many objectives include a statement about availability of adequate funding in recognition of California's financial situation.

**The State Coastal Conservancy** adopted a strategic plan in 2007. The plan identifies four program areas, each with goals, objectives, strategies, outcome measures, targets, estimated Conservancy costs, and funding sources. The plan indicates that it will be subject to an annual formal evaluation and updating within five years. Given the economic climate in California, it is likely that there will be revisions, particularly to the targets.

### 3. GRANTS MANAGEMENT

The State of California receives a single NOAA financial assistance award annually, not three, for program implementation under the CZMA. The Coastal Commission has been designated by the Governor as the lead agency for administration of these awards. During this evaluation period, the Coastal Commission received approximately \$2.2 million annually from each award, while BCDC received approximately \$330,000. The Coastal Conservancy received no CZMA funding during this evaluation period. The breakdown and allocation of the total award are reached cooperatively by the three agencies.

### 4. USE OF TECHNOLOGY

**California Coastal Commission** – As part of the Coastal Commission's 2006 Section 309 Assessment and Strategy (BCDC has its own Assessment and Strategy), the Coastal Commission, with financial support from the Coastal Conservancy, is developing an internet mapping service (IMS) and enhancing the Commission's geographic information system (GIS) so staff can use a desktop GIS to perform analyses in a particular management area. This is intended to be done without purchasing significant (and costly) infrastructure. Coastal Commission staff are working with the NOAA Coastal Services Center to refine and enhance the desktop GIS/IMS system prior to agency-wide deployment to all staff.

**ACCOMPLISHMENT: The California Coastal Commission, with financial support from the Coastal Conservancy, has developed a desktop GIS/IMS system that is now available to all staff from both agencies. This GIS/IMS system enhances the ability of staff to work more effectively and efficiently in the face of staffing and funding decreases.**

The Commission currently maintains a digital statewide permit tracking system developed in the mid-1990s. It now includes records on more than 100,000 permit decisions but is outdated, extremely labor intensive to access, and increasingly inadequate for the Coastal Commission's data management needs. The system's capacity to track resource monitoring data and to retrieve and analyze archival data on permit decisions is also limited and inefficient.

**The Bay Conservation and Development Commission** released a series of maps in 2006 depicting the lands most vulnerable to sea level rise. With more accurate and precise data developed by the United States Geologic Survey (USGS), BCDC then produced a new series of sea level rise maps showing areas vulnerable to 16 inches of sea level rise at mid-century and 55 inches at the end of the century.

BCDC uses the Bay Research and Analysis Tool (BayRAT), which it developed during the last evaluation period with Section 309 funding. It is a desktop tool available through BCDC's existing intranet. Spatial data from within BCDC's offices as well as other sources were digitized, including from all major permits and the majority of minor permits issued by BCDC. BayRAT is available on every staff member's computer and is used to respond to public inquiries as well as to retrieve data for permit analysis and planning research.

BCDC currently tracks its permits using a card catalog system organized alphabetically by permittee. The system is cumbersome, inefficient, and relies heavily on the memory of long-term staffers to answer fundamental questions about past permits. BCDC developed a pilot permit tracking database at the same time it developed BayRAT. Both were developed to be compatible data systems, one text based and the other based on spatial data, and were intended to be linked. Technical problems and lack of staff resources have led to the discontinued use of the permit database. If the two systems were to be integrated now, it would require the development of a new permit database using software compatible with GIS.

**The Coastal Commission and BCDC** collaborated to develop a joint special request proposal for funding to implement long overdue upgrades to both agencies' permit tracking systems. The proposal was provided to several Congressional offices in early 2008, but no federal funding was identified or secured. Both plan to work together in determining whether there is an opportunity in the new Congress to seek funding again.

**PROGRAM SUGGESTION: The California Coastal Commission and the Bay Conservation and Development Commission should continue to look for funding sources to implement long overdue upgrades to both agencies' permit tracking systems and make the systems compatible with each agency's spatial data system, as appropriate.**

**The State Coastal Conservancy** – In addition to supporting the development of the desktop GIS discussed above, the Coastal Conservancy has developed a project database that provides a comprehensive system for tracking its projects. The Coastal Conservancy also provided over \$14 million (an additional \$7 million was provided by the State Water Board) to fund and implement a statewide nearshore current monitoring system. The Ocean Protection Council is

developing a comprehensive set of sea floor maps and has also produced sea level rise maps for the entire coastline.

## 5. BOUNDARY EXPANSION

The **Bay Conservation and Development Commission** was created largely to regulate Bay fill projects with the goal of preventing the Bay from becoming even smaller from unnecessary fill. BCDC has been successful at halting fill and has actually increased the Bay's footprint. The increased sea level rise in the Bay has complicated BCDC's mission and has some implications for much of the planning that BCDC does, for federal consistency review, and for restoration or public access that may be completed as permit mitigation. During the site visit, BCDC staff indicated an interest in exploring an expansion of BCDC's boundaries to recognize the effects of the increase in the size of the Bay.

**PROGRAM SUGGESTION: The Bay Conservation and Development Commission should explore a possible expansion of its jurisdictional boundaries in recognition of the increase in size of San Francisco Bay and the effects of climate change on the Bay, and how that may affect BCDC's planning, regulatory, and public access functions and mandates.**

## B. PUBLIC ACCESS

All three components of the California Coastal Program play a significant role in the protection and provision of public access to and along the Pacific Coast and San Francisco Bay, and their efforts are intended to complement each other. The Coastal Conservancy is able to purchase land that provides public access; the Coastal Commission and BCDC are able to provide and protect public access primarily through permit conditions.

**The California Coastal Commission** implements its public access mandate primarily by requiring an Offer to Dedicate (OTD) Public Access Easement in conjunction with issuance of a coastal development permit. OTDs expire after a set period of time (usually 21 years), and if a public or nonprofit organization cannot be found to accept the OTD during that time period, the opportunity for public access at that site is forfeited. Because of liability and maintenance issues, it has been difficult to find acceptors. Prior to this evaluation period, the California Legislature required the Coastal Conservancy to accept public access OTDs that were set to expire. During the time covered by this evaluation, the acceptance rate has increased from 67% in 2005 to 82% in 2008. Accessways on the properties then must be created and opened to the public. At least 11 major access locations were opened during this evaluation period as a direct result of the Coastal Commission or its work with the Coastal Conservancy, local governments, and nonprofit organizations.

Several of those accessways are significant for various reasons. The Carbon Beach East Accessway in the City of Malibu was made famous by the "Doonesbury" comic strip. The access was required by the Commission in 1983; was accepted by the nonprofit "Access for All" in 2002; was the subject of litigation initiated by the landowner to prevent opening the easement;

and was finally settled in May 2005 and opened to the public. The accessway is only one of two along a 1.5-mile stretch of beach in the City, which had been virtually off-limits to the public because of the lack of accessways between houses.

A number of California Department of Transportation (Caltrans) projects were reviewed by the Coastal Commission during this evaluation period, many of which contributed to public access and related amenities. For example, under the terms of a coastal development permit, a public viewpoint was constructed and maintained by Caltrans for public use in the City of Malibu. It is located in an area of the City where residential structures almost completely block views of the ocean from the highway for several miles and has become an important public access amenity. In another case, Caltrans' placement of rock slope protection as an interim measure to keep Coastal Highway 1 open at Pescadero State Beach in San Mateo County included innovative measures to provide lateral trail connections between two parking areas and stair improvements to the beach.

Pursuant to a permit condition approved in 2004, property owner Pacific Gas and Electric was required to build and open a three-mile long trail (now called the Pt. Buchon Trail) in San Luis Obispo County on ranch land that had never been open for public use. It is a segment of the California Coastal Trail that was missing. In 2007 a one-mile loop was opened to the public, and by 2008 the entire Pt. Buchon Trail was completed.

The Coastal Commission is also involved in efforts with the Coastal Conservancy and the Department of State Parks to complete the California Coastal Trail (CCT), envisioned as a continuous interconnected public trail system along the California coastline. Of the 1,100 miles of coastline, about 50% of the CCT is available and is being used. The Coastal Commission is involved in several activities related to CCT planning and permitting along the entire coastline.

In 2007 Assembly Bill 1396 amended State law and, among other measures, added Caltrans to the list of state agencies that must be included in the coordination and development of the CCT. The new law also requires that provisions for the CCT be incorporated into Regional Transportation Plans (RTP).

The Coastal Commission has taken a lead in attempting to address CCT issues more broadly with Caltrans. For example, Coastal Commission staff members are participating in the revision of statewide RTP Guidelines for incorporating the CCT. On the permitting front, several Caltrans bridge projects were reviewed and revised during this evaluation period to incorporate the CCT into waterway crossings, including major river systems. The Commission also worked with Caltrans to develop new, more transparent railings to protect and enhance views to and from these bridges. The Devil's Slide Tunnel project in San Mateo County will ultimately result in the conveyance of approximately one mile of abandoned highway to become a segment of the CCT with spectacular ocean views, along with bus stops, parking areas, and trail connections to the north and south. Plans for the Ventura-Santa Barbara Highway 101 HOV project (discussed in more detail in the Government Coordination and Decision-making Section), were dramatically altered to include a separated bicycle and pedestrian facility adjacent to the Pacific Ocean that will create four new miles of the CCT.

As part of the Coastal Commission's coastal access program and at its request, new coastal access signs were installed in at least eight locations by Caltrans during this evaluation period. The *Coastal Access Guide*, produced by the Coastal Commission, is in its sixth edition, and a new project began in 2005 to produce a series of regional guidebooks identifying the public access opportunities and natural and cultural resources of those areas. Two guidebooks were published during this evaluation period, and a third was published shortly after the site visit.

**The Bay Conservation and Development Commission** provides and protects public access as a result of permit requirements and partnerships efforts. As a result of regulatory decisions, for example, the closed Fort Baker Army Base in Sausalito was converted into a public park and conference center by the National Park Service. Caltrans will improve shoreline trails and pay for additional waterfront access improvements as part of the seismic upgrade of the portion of Interstate 880 near the Oakland waterfront. The 'Oakland Touchdown' is the site of a future Gateway Park, a waterfront park and redevelopment area serving as a gateway to the City of Oakland. Caltrans is required to make areas exclusively available to the public for unrestricted access for walking, bicycling, sitting, viewing and other related purposes at the Oakland Touchdown as part of the Gateway Park. The Gateway Park project is a multi-phase, long-term project involving a large number of partners, agencies, and local governments, as well as the public, but which may change the entire entryway into Oakland.

**ACCOMPLISHMENT: The Bay Conservation and Development Commission is a critical partner in the Gateway Park Area visioning, master planning, permitting, and development processes, as well as the related activities included in the San Francisco-Oakland Bay Bridge East Span Seismic Safety Construction Project.**

BCDC has been involved in the planning and development of the San Francisco Bay Trail (Bay Trail), which is a planned recreational corridor that, when complete, will encircle San Francisco and San Pablo Bays with a continuous 500-mile network of bicycling and hiking trails. Approximately 300 miles of the Bay Trail are complete. To advance the project, BCDC worked in partnership with the Association of Bay Area Governments to develop a website where the public can easily locate shoreline public access areas and the Bay Trail, redesigned the signs used to identify BCDC-required public shoreline areas, and provided funds to construct segments of the Bay Trail.

BCDC has also been involved in the development of the San Francisco Bay Area Water Trail (Water Trail). The water trail is a network of access sites that enables boaters to take point to point trips. In 2005 Governor Schwarzenegger signed legislation that established the San Francisco Bay Area Water Trail. This legislation directed BCDC to lead a collaborative, public planning process to define policies, criteria, and guidelines for appropriate trail location, design, operation and maintenance. BCDC, the Coastal Conservancy, the Association of Bay Area Governments Bay Trail Project and other agencies and organizations are planning the Water Trail to serve non-motorized small boats such as kayaks. A draft of the San Francisco Bay Area Water Trail Plan has been developed, and the Coastal Conservancy is leading the implementation of the Water Trail, including the programmatic environmental review process for the Water Trail Plan.

In April and August, 2005, BCDC produced two revised guidance documents entitled *Shoreline Spaces: Public Access Design Guidelines for the San Francisco Bay* and *Shoreline Signs: Public Access Signage Guidelines* for permit applicants, consultants, and the general public.

**The State Coastal Conservancy** plays a significant role in the provision of public access along the California coastline and in the nine-county San Francisco Bay region by providing technical assistance and funding for planning, siting, design, and development of public accessways, land acquisitions, and by accepting donations and dedications of land and easements. It often works in close coordination with the Coastal Commission. It has also worked closely with BCDC in the past, but because of far fewer opportunities to purchase shoreline properties along San Francisco Bay, the Conservancy has not assisted in acquisition of any properties within BCDC's jurisdiction during this evaluation period.

San Francisco Bay Area Water Trail (Water Trail): As noted earlier, the Coastal Conservancy participated in the development of and is leading the implementation of the San Francisco Bay Area Water Trail Plan and Trail. During this evaluation period the Coastal Conservancy's efforts included, but were not limited to, funding and assistance in the preparation, publication, and public hearings for the Water Trail Plan Draft Environmental Impact Report; development of a draft Education, Outreach, and Stewardship Program; and contracting for services to complete final plans and specifications for the Water Trail site at Eden Landing Ecological Reserve.

San Francisco Bay Trail (Bay Trail) and Bay Area Ridge Trail (Ridge Trail): The Coastal Conservancy's San Francisco Bay Area Conservancy Program has provided staff resources and significant funding to project sponsors for planning, design, and development of two regional trail systems. Both trail systems are approximately 500 miles long and just over halfway completed. Coastal Conservancy funding is well leveraged: each Conservancy Bay Trail dollar leverages approximately 1.5 dollars, and each Conservancy Ridge Trail dollar leverages approximately 2.5 dollars.

When completed, the Bay Trail will connect the shorelines of all nine Bay area counties. During this evaluation period, the Coastal Conservancy authorized over \$1 million for 16 projects to plan and design approximately 60 miles of the Bay Trail and awarded almost \$5 million for 21 projects to construct approximately 17 miles of the Bay Trail. It updated Bay Trail Maps to reflect new trail segments, waterfront destinations, and recommended hikes and bicycle rides. A regional sign installation plan was initiated to identify locations where signs are needed along completed sections of the Trail.

The Ridge Trail will be a scenic trail encircling the Bay high along the ridge tops, serving hikers, mountain bicyclists, and equestrians. During this evaluation period, the Conservancy secured approximately 105 miles of future Ridge Trail alignment; completed alignment studies, plans, and designs for approximately 90 miles of Trail; and dedicated and opened 50.8 miles of Ridge Trail and connectors. The Conservancy also conducted several cycles of small grant applications in which 10 Ridge Trail planning or construction projects were approved for over \$1.6 million.

California Coastal Trail (CCT): The Coastal Conservancy is designated by the State Legislature as the lead state agency for completing the CCT, which is a continuous interconnected public trail system along the 1,100 miles of California coastline. This multi-faceted effort involves planning trail alignments, signing accessways, acquiring rights-of-way, and constructing trail. During this evaluation period, the Coastal Conservancy granted or expended approximately \$47 million for the CCT and completed planning and development for an additional 25 miles of trail. The Coastal Conservancy also developed trail emblems with the CCT logo, initiated a multi-year project to install emblems along more than 100 miles of existing segments of the CC, and granted \$1 million to the California Conservation Corps to build and improve the CCT on state park property all along the coast.

Other Public Access Projects: During this evaluation period, the Conservancy has supported implementation of other significant public access projects along the coast, creating new and improved access opportunities. Some examples of funding the Coastal Conservancy provided for public access projects include:

- Golden Gate Bridge visitor-serving improvements at the South Visitor Plaza;
- Point San Luis and Pigeon Point lighthouse access construction;
- Surfers Point managed retreat project to allow for managed shoreline retreat, construction of a new section of coastal trail and staging area, and implementation of stormwater management measures;
- Development of two Wheelchair Beach Guidebooks and a beach wheelchair program in San Diego;
- Renovation of historic cottages and development of other public improvements at Crystal Cove State Beach;
- Provisions for access to Malibu Beach, including design and receipt of permits for a new beach stairway on property owned by the Conservancy, and funding to other local entities to develop and manage beach accessways; and
- Construction of one mile of ADA-compliant pedestrian and bike boardwalk and bike path along the Morro bay waterfront and Morro Bay National Estuary.

**ACCOMPLISHMENT: The California Coastal Commission, the Bay Conservation and Development Commission, and especially the State Coastal Conservancy have continued to be significant forces in the acquisition, protection, and development of coastal public accessways, even as resources to do so have declined. Of special note is the work on the California Coastal Trail, the San Francisco Bay Water Trail, and the Bay Area Ridge Trail.**

### C. COASTAL HABITAT

As with the issue of public access, all three components of the California Coastal Program play a significant role in the protection and restoration of coastal habitat.

**The California Coastal Commission** – The California Coastal Act requires that environmentally sensitive habitat areas be protected, specifying that only uses dependent on

those resources be allowed within those areas. The Act requires that the biological productivity of wetlands and estuaries be maintained, and where feasible, restored. Standards for the protection of environmental sensitive habitat areas (ESHA), wetlands, riparian areas, and other natural resources in the coastal zone are set by the Act.

Since the last evaluation, the Coastal Commission has issued hundreds of coastal permits that required habitat preservation, protection, buffering, and mitigation. The Commission has also issued LCP amendment request approvals to require the same. Examples include:

- a permit for a private development in Orange County required a 34-acre habitat restoration and preservation area;
- City of Santa Barbara mechanized beach grooming is restricted to dry sand area only and cannot occur any closer than 10 feet landward of the closer of two lines to protect kelp wrack and grunion;
- University of California-Santa Barbara Marine Science Campus Coastal Long Range Development Plan was approved by the Commission to include provisions for wetland protection, wetland buffers, and significant wildlife corridors for red-legged frogs and other species;
- Construction of a 127.6-acre artificial reef in shallow water to support development of a giant kelp forest community was required as partial mitigation for impacts arising from the cooling system discharge of the San Onofre Nuclear Generating Station (SONGS) Units 2 and 3 in fulfillment of a permit special condition. Another special condition in the same permit required creation or substantial restoration of at least 150 acres of wetlands to mitigate for the reduction in the standing stocks of nearshore fishes caused by the same SONGS Units 2 and 3; and
- An LCP amendment request by the City of Huntington Beach for a private development required a minimum 100-foot buffer area along the perimeter of wetlands and a 150-foot buffer between raptor habitat within eucalyptus groves and residential development or active park use.

During this evaluation period the Commission issued the “LCP Update Guide: Protecting Sensitive Habitats and Natural Resources” to identify and describe a number of areas where LCP resource policies and ordinances should be updated, based upon new scientific research and court decisions interpreting the requirements of the Coastal Act. Commission staff members have prepared numerous habitat outreach materials for both applicants and the general public. In 2006 the Commission was able to hire a second staff ecologist, bringing the total number of Coastal Commission biologists to two.

The Coastal Commission has also taken a number of enforcement actions to protect ESHA and other coastal habitats during this evaluation period.

**ACCOMPLISHMENT: The California Coastal Commission has been able to protect Environmentally Sensitive Habitat Areas and other coastal habitats in a wide range of projects, including some that were high-profile and highly controversial.**

**The Bay Conservation and Development Commission** is part of a collaborative effort to establish a comprehensive and long-term management vision for research, restoration, and management of the subtidal habitats of the San Francisco Bay that began in 2006 and includes BCDC, the Coastal Conservancy, NOAA, and the San Francisco Estuary Project. The Subtidal Goals Project is an outgrowth of both the need for greater information to make sound management decisions, and the desire of diverse stakeholders to know where it is appropriate to local potential projects, as well as to identify mitigation or restoration opportunities. The primary product of the Project will be a guidance document (not a regulatory manual) that provides recommendations and goals for research, restoration and management to improve the quality, quantity, and species associated with subtidal habitats in the Bay. Resource managers will be able to use the document to make informed decisions, and researchers and restoration practitioners will be able to prioritize activities and pursue funding for subtidal projects.

In 2005, BCDC revised the salt pond policies in the San Francisco Bay Plan. The 40-year-old policies were updated to develop specific findings and policies that better address the unique nature, use, and status of salt ponds and that conformed with BCDC's present practices and terminology; and updated the salt pond plan map designations, notes, policies, and suggestions to reflect changes in ownership and use. The managed wetlands policies were separated from the original salt pond policies and were revised in 2007 to support maintaining existing used of managed wetlands for waterfowl hunting; support public purchase of managed wetlands for habitat restoration and enhancement purposes; and to address the unique issues associated with flood management, the use of fill, control of non-native invasive species, among others. The Suisan Marsh Plan was also revised to make it more consistent with the Bay Plan where possible.

During this evaluation period, BCDC secured a NOAA Coastal Management Fellow to work on a two-year ecosystem-based management (EBM) project in the San Francisco Bay area. The goal of the project was to promote effective and collaborative ecosystem-based management for the Bay through enhancing coordination among agencies and recommending ways to optimize management while protecting the Bay's ecosystem. As part of the EBM project, the Fellow created a pilot project in San Pablo Bay to demonstrate the feasibility of implementing a marine spatial planning process – a core element of EBM – in San Francisco Bay. Three zoning scenarios were designed for San Pablo Bay, which would provide a low-use, a mixed-use, and a high-use alternative. Although potential implementation of a zoning scenario would require the consideration of numerous factors beyond the scope of the project (e.g., power of authority and legal considerations, endangered species concerns, and water and land-use implications), it does show managers a potential methodology for improved coastal management.

Numerous permits issued by BCDC have promoted preservation and restoration of coastal habitat, include eelgrass restoration projects in Eastshore State Park and in Corte Madera; restoration of a 70-acre diked area to tidal wetlands in the Suisun Marsh; restoration of wetlands at a 1,160-acre closed salt-making plant along the shoreline of the Napa River; and the initiation of two components of the South Bay Salt Pond Restoration Project (further discussion of this project follows).

Any dredging and disposal activity in San Francisco Bay, marshes, and some creeks requires a permit from BCDC. BCDC works with its federal, state and local partners in the Long Term

Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region (LTMS) to manage dredging and disposal activities in the Bay Area. Formed in 1990, the LTMS Program is a collaborative partnership involving the regulatory agencies, resource agencies, and stakeholders working together to maximize beneficial reuse of dredged material and minimize disposal in the Bay and at the Deep Ocean Disposal Site (SFDODS). The sponsoring agencies include the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, the State Water Board, the San Francisco Bay Regional Water Quality Control Board, and BCDC. The goal of the LTMS program is to beneficially reuse dredged sediment for habitat restoration, levee repair, construction or other suitable purposes. The combination of a single application and joint agency processing has decreased the time it takes to process applications. It has also fostered consistency and decreased redundancy among the regulatory agencies. Currently four large reuse projects are in operation in the Bay area. State and federal funding issues have hampered efforts on these projects during this evaluation period.

The LTMS team is in the early stages of developing a regional sediment management program for San Francisco Bay. The effort has been partially funded by the Coastal Impact Assistance Program to prepare an integrated regional management strategy that may address, among other issues, system stressors, including the impacts of climate change. BCDC is gathering existing data, identifying data gaps and management questions, will hold a workshop to identify research priorities, and will develop a management strategy that can be further developed into a management plan. Further funding will be necessary for expansion of the program and development of the plan.

**The State Coastal Conservancy** plays a critical role in planning and implementing restoration projects throughout the state. During this evaluation period the Conservancy authorized expenditures of more than \$105 million for acquisition projects to preserve, and over \$103 million to restore, coastal habitats.

In the San Francisco Bay area, the Coastal Conservancy plays a leading role in and provides a full-time staff person for completion of the Subtidal Goals Project, as noted earlier. It has also played a significant role in the ongoing South Bay Salt Pond Restoration Project. In 2003, 15,000 acres of salt ponds in the South Bay were purchased from Cargill, Inc., as part of the restoration of 40,000 acres of lost tidal wetlands. The Coastal Conservancy, the California Department of Fish and Game, and the U.S. Fish and Wildlife Service then launched a five-year public process to design a restoration and adaptive management plan for the property. The final plan was adopted in 2008 and the first phase of restoration started later that year. Restoration is expected to be ongoing until at least 2058 to meet the Project's goals of restoration and enhancement of a mix of wetland habitats, provision of wildlife-oriented public access and recreation, and improvement of flood management in the South Bay.

Agencies involved in the project as well as other advocates believe that some of the effects of climate change and sea level rise will be addressed as the project evolves. Restoring tidal marsh is an effective method for removing carbon dioxide from the atmosphere and helping to reduce the effects of climate change. And once tidal marshes are established, they become very efficient sediment traps. In effect, they tend to preserve themselves as they age, provided that

enough sediment is available in the Bay, along with a sustained tidal prism. For this reason new tidal marsh areas are likely to keep pace with changing sea level conditions.

The Coastal Conservancy is collaboratively managing (as one of the non-federal sponsors) the South Bay Shoreline Study, a congressionally-authorized study being developed with the U.S. Army Corps of Engineers, the Santa Clara Valley Water District, and the U.S. Fish and Wildlife Service to evaluate and recommend for Federal funding one or more projects for flood damage reduction, ecosystem restoration, and related purposes such as public access.

Examples of other San Francisco Bay area projects in which the Coastal Conservancy is involved include:

- Napa Sonoma Marsh restoration project: This is the largest tidal restoration project constructed to date in San Francisco Bay. The Conservancy was one of several partners in the restoration of 3,000 acres of former salt ponds to tidal habitat and the enhancement of an additional 1,700 acres of managed ponds.

- Invasive Spartina project: Prior to the commencement of this project, invasive Spartina was considered one of the greatest ecological problems facing coastal California. The Conservancy has coordinated with and provided funding since 2004 for landowners and managers throughout the Bay region to remove invasive Spartina. Between March 2005 and December 2008, 1,250 net acres of the 1,400 acres of Spartina scattered throughout the Bay were removed. In 2009 only 150 net acres remained, and the Conservancy anticipates eradication of invasive Spartina within the next few years.

- Non-native oyster eradication: The Coastal Conservancy awarded \$225,000 to the San Francisco Estuary Institute for non-native oyster eradication in San Francisco Bay. The eradication effort began in 2006, when the fast-growing exotic oyster *Crassostrea gigas* was found in both southern and northern parts of the Bay. The establishment and spread of the oyster could seriously harm native habitats and food webs and interfere with habitat restoration.

- The Conservancy, in partnership with the U.S. Army Corps of Engineers and the Bay Conservation and Development Commission, helped implement the LTMS by transporting and re-using 2 million cubic yards of dredge material from the Port of Oakland deepening project to restore wetlands at the Conservancy-owned Hamilton site.

Throughout coastal California, many Conservancy projects result in protection or restoration of coastal habitats. During this period the Conservancy provided more than \$48 million for the acquisition and preservation of tens of thousands of acres of coastal habitat, including, for example, 1,700 acres at the mouth of the Garcia River; 66 acres at the Los Cerritos wetlands; 276 acres at the Ormond Beach wetlands; and acquisition of a conservation easement on the 1,125-acre Pozzi Ranch at Tomales Bay. The Conservancy plays a leadership role in the Southern California Bight, where it staffs the Southern California Wetlands Recovery Project, a collaborative effort of 19 state and federal agencies created to coordinate wetland restoration in the region.

The Coastal Conservancy is also conducting a statewide effort to restore coastal salmon and their habitat. Its investments and staff resources dedicated to the Pacific salmon recovery fall in the following major categories of projects: acquisitions of significant watershed and wetland acreage, restoration of watersheds and estuaries, dam removal, and fish passage improvement.

It has provided more than \$25 million to preserve more than 40,000 acres of important watershed lands along the coast, including, for example, 16,000 acres in the Big River and Salmon Creek watershed in Mendocino and 24,000 acres in the Garcia River watershed. It has funded restoration efforts at several coastal lagoons that provide critical rearing habitat for salmon and steelhead trout. The Conservancy is involved in a number of dam removal efforts and has, for example, invested more than \$1 million towards Klamath River dam removal studies, funded the removal of a summer dam on a tributary to the Russian River, and is leading the effort to remove the San Clemente dam on the Carmel River.

**ACCOMPLISHMENT: The Bay Conservation and Development Commission and the State Coastal Conservancy are playing significant leadership roles in addressing preservation, restoration, and enhancement of coastal habitat through the Subtidal Goals Project. The Coastal Conservancy is playing a lead role in statewide planning, funding, and implementation of numerous acquisition and restoration projects and is leading the efforts on the South Bay Salt Pond Restoration Project, the South San Francisco Bay Shoreline Study and the Invasive Spartina Project.**

#### **D. WATER QUALITY**

The California Coastal Management Program's efforts to address water quality in the coastal zone have been hampered by a lack of staff and financial resources. During this evaluation period the Coastal Nonpoint Pollution Control Program (NPS program) has been funded primarily by the Clean Water Act Section 319 funds administered by the State Water Resources Control Board (SWRCB). The SWRCB is also the state agency responsible for monitoring water quality. The SWRCB and regional water quality control boards are responsible for permitting wastewater discharges to both surface water (rivers, ocean, etc.) and to groundwater (via land). The SWRCB and regional water boards also regulate storm water discharges from construction, industrial, and municipal activities; discharges from irrigated agriculture; dredge and fill activities; the alteration of any federal water body under the 401 certification program; and several other activities with practices that could degrade water quality.

**The California Coastal Commission** – The decrease in CZMA NPS program funds over the years, the essentially fixed funding through Clean Water Act Section 319 funds, and increased personnel and overhead costs have forced the Coastal Commission to reduce its efforts in watershed outreach, training, support of Coastal Commission planning staff, and support of federal efforts in California's national marine sanctuaries and national estuarine research reserves. Nevertheless, the Commission continues to recommend management measures and best management practices (BMPs) for coastal development permits, support coastal watershed efforts in critical coastal areas (CCAs), and recommend policies and standards for LCP updates.

Since 2005, California has adopted Phase I stormwater permits in the major urban areas of the coast (for example, San Diego, Orange and Los Angeles counties, and the San Francisco Bay region). The Coastal Commission water quality staff work to ensure that the policies and standards of these stormwater permits are fully addressed in coastal development permits and

incorporated into local coastal programs. Depending upon the situation and the coastal development being proposed, water quality staff work to ensure that appropriate source control BMPs, site design BMPs, and treatment control BMPs are incorporated into coastal development permits.

The Commission's water quality staff have also worked to incorporate comprehensive water quality elements into LCPs that come before the Commission for an amendment or certification. Elements are designed to incorporate NPS management measures through a comparison of proposed LCPs or LCP amendments to a list of policies that address protection of coastal water resources. Work on each LCP is tailored to incorporate water quality programs in each local jurisdiction with additional policies and standards recommended only if there are gaps in protection of coastal resources.

The Coastal Commission serves as the coordinator of the California Critical Coastal Areas (CCA) program. Representatives from 15 state agencies, NOAA, the U.S. EPA, the Ocean Conservancy, and the California Coastkeeper Alliance comprise the membership in the CCA program, which fosters collaboration among local stakeholders and federal, state, and local agencies to better focus efforts on coastal watersheds in critical need of protection from polluted runoff. The goal of the CCA program is to ensure that effective NPS management measures are implemented to protect or restore water quality in these watersheds. The CCA program previously identified 101 coastal watersheds as CCAs, from which five pilot CCAs (one from each region of the coast, and one in San Francisco Bay) were selected for focused action. The criteria for selection of these pilot CCAs were: current water quality conditions; resource value and sensitivity; new or expanding threats to beneficial uses of the watershed; and practicality concerns, such as degree of local support and likelihood of success. Action on the pilot CCAs is now ongoing.

*The Boating Clean and Green Campaign* is an education and outreach program that promotes environmentally sound boating practices to marine business and boaters in California. The program is conducted by the California Coastal Commission and the California Department of Boating and Waterways. The Boating Clean and Green Campaign includes a program called Dockwalkers. Dockwalkers are volunteers who inspire and educate boaters and other people engaged in water-related recreational activities to be safe and environmentally sound while boating in California. Dockwalkers distribute boater kits with educational materials while visiting marinas, boat launch ramps, boat shows and events.

**The State Coastal Conservancy** has funded stormwater BMP projects to reduce nonpoint source pollution and reduce beach closures. It has provided more than \$3 million for stormwater management projects, including implementation of a residential stormwater BMP program in the Ballona watershed; construction of a demonstration 'green street' by the City of Los Angeles; installation of the Wilshire Boulevard storm drain stormwater treatment facility; and construction of the Malibu Civic Center stormwater treatment facility.

The Conservancy and the SWRCB invested \$21 million from voter-approved funds in 2005 to build the infrastructure to map ocean surface currents. The California Coastal Ocean Currents Monitoring Program (COCMP) uses a suite of technologies – high frequency radar in particular

– to track ocean surface currents in near real-time. Fifty-four land-based stations now span the coastline, providing anyone with access to the Internet the ability to track past and near real-time movement of coastal waters, including any floating pollutants. With three of the five busiest ports in the country located in California, oil spills from vessels (or from offshore oil platforms) can be tracked whenever conditions do not allow for direct observation. COCOMP data are now being integrated with NOAA spill response models and will enable spill responders to predict the pathway of a spill, allowing pinpoint targeting for containment and clean-up.

COCOMP data allows coastal managers to track the movement of planned and unplanned wastewater discharges and nonpoint source pollution in coastal waters, which should enable more precise and timely management decisions. Long-term monitoring of surface currents is used to track impacts on marine populations as well. The COCOMP provides input to the statewide program to establish and evaluate marine protect areas and has been useful as a tool for managers and scientists to assess and respond to harmful algal blooms.

**ACCOMPLISHMENT: The State Coastal Conservancy is commended for its participation in the development and implementation of the California Coastal Ocean Currents Monitoring Program.**

## **E. COASTAL HAZARDS**

Attention to the issue of coastal hazards is of high priority to the state. California's most recent Section 309 Assessment and Strategy dated September 2006 identifies flooding, episodic and chronic erosion, and earthquakes as those hazards to which the state is at highest risk.

**California Coastal Commission** – The California Coastal Act does not specify direction for addressing every type of hazard but says that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard; and shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction...or...require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The California Coastal Commission's staff geologist and coastal engineer work with other Commission staff analysts in aspects of coastal hazards through LCPs, coastal development permits, partnerships, and outreach efforts to fulfill those mandates. There is a dichotomy, however, in that the Commission must always balance the requirement to allow shoreline protection to halt coastal erosion (under most circumstances) with the need to protect coastal resources and shoreline dynamics.

According to staff, almost every development project considered by the Coastal Commission since the last Section 312 evaluation has had coastal hazard considerations, and several hundred have had coastal hazard conditions that have required review and input by the staff coastal geologist, coastal engineer, or both. LCPs along the coast are one of the main mechanisms for development and implementation of coastal policy for coastal hazards. Staff works with local government staff to incorporate the latest coastal hazard information into new and existing LCPs. For example, the Newport Beach LCP was amended to better address tsunami impacts, and

improved analyses for tsunamis and impacts from sea level rise are being provided to the City of Solana Beach for inclusion into its LCP.

Beach erosion is one of the hazards common to much of the California coast. Sediment management provides an opportunity to reduce or alleviate beach erosion and is one area where Commission staff has been active and where there have been beneficial changes. Commission staff has participated in the California Sediment Management Workgroup (CSMW), whose mission is to facilitate regional approaches through federal, state, and local cooperative efforts, since its formation in 2000. Recently the CSMW has developed a number of guidance documents in support of beneficial reuse of clean sediment and development of regional sediment management plans. The CSMW has been using Coastal Impact Assistance Program (CIAP) money to fund regional government efforts to develop regional sediment management plans. Such plans are being completed for three regions (San Diego, Ventura/Santa Barbara, and southern Monterey Bay) and several more areas will be funded in the future.

**The Bay Conservation and Development Commission** addresses various aspects of coastal hazards through permit issuance. One of the largest projects dealing with earthquake hazards is the ongoing San Francisco-Oakland Bay Bridge East Span Seismic Safety Construction Project. After the collapse of the East Span Bridge during the Loma Prieta earthquake in October, 1989, engineering and economic analyses showed that a replacement bridge would cost a few hundred million dollars more than a retrofit of the existing eastern span, but the replacement would have a far longer expected useful life (75-100 years versus 30 years for the retrofit). BCDC issued the first permit to the California Department of Transportation (Caltrans) in 2001 to replace the East Span Bridge. The project is expected to be completed in 2013, and amendments to the original permit have been issued during this evaluation period. The permit included several conditions to minimize impacts to the bridge addressing public access and mitigation. The 'Oakland Touchdown' is the site of a future Gateway Park, a waterfront park and redevelopment area serving as a gateway to the City of Oakland. Caltrans is required to make areas exclusively available to the public for unrestricted access for walking, bicycling, sitting, viewing and other related purposes at the Oakland Touchdown as part of the Gateway Park. Caltrans will also restore on-site eelgrass beds and sand flats after construction and is required to create a bird roosting habitat in the subtidal area of the Bay near the bridge.

**The State Coastal Conservancy** is able to address significant coastal hazards through targeted land acquisitions that prevent development along unstable stretches of coastline or through funding to address situations that contribute to erosion. For example, the Coastal Conservancy granted funds to the City of San Diego for final designs, permit applications, and environmental review for improvements to Sunset Cliffs Natural Park on the western edge of Point Loma. The proposed improvements include trail construction and repair, restoration of native plant communities, and control of water runoff that is severely eroding bluff terraces.

## F. CLIMATE CHANGE

The state of California is addressing climate change and its effects in several ways, and the California Coastal Management Program is a significant participant. All three agencies that comprise the CCMP are taking a variety of actions, some in concert and some independently. Many of these actions are reflected in other issue areas discussed in this document. Both the Coastal Commission and BCDC submitted proposals during this evaluation period for a NOAA Coastal Management Fellow, each will have a Fellow addressing aspects of climate change during the 2009-2011 period, and both indicated they plan to coordinate efforts during the Fellowship period.

**ACCOMPLISHMENT: The California Coastal Commission and the Bay Conservation and Development Commission each applied for and will be hosting a NOAA Coastal Management Fellow for climate change-related projects.**

The three agencies are playing an active role in developing the state's Climate Adaptation Strategy. The strategy is in direct response to Gov. Schwarzenegger's November 2008 Executive Order S-13-08 that required the Natural Resources Agency to identify how state agencies can respond to rising temperatures, changing precipitation patterns, sea level rise, and extreme natural events. The strategy will synthesize the most up-to-date information on expected climate change impacts to California, provide strategies to promote resiliency to these impacts, and develop implementation plans for short and long term actions. As data continues to be developed and collected, the state's adaptation strategy will be updated to reflect current findings.

**The California Coastal Commission** staff formed an internal working group in 2006 to enhance the staff's knowledge and effectiveness in addressing climate change issues in the core Coastal Act regulatory and planning work. Staff members have also participated in or had on-going involvement with several state and federal agencies and committees, including, but not limited to, the Climate Change Task Force Adaptation Subcommittee; the California Climate Action Team Scenarios Subcommittee; the Ocean Protection Council Adaptation Sub-committee; the NOAA/USGS Coastal Climate Initiative Workshop; and the National Council for Science and the Environment's 2008 National Conference on Science, Policy and the Environment entitled "Climate Change: Science and Solutions."

Many of the Coastal Act policies directly or indirectly address climate change, and many of the conditions that are typically included in Commission permits to meet those policies indirectly help to reduce energy consumption as well as other means to lessen climate change. Thus far, the major permits in which climate change has been addressed have been energy and transportation projects. Rising sea level has always been a design component of projects along the coast, but more recently project designs seeking permits have been examined using an assumption of several feet of sea level rise per century to ascertain project stability, as opposed to the earlier assumptions of 0.75 to 1 foot per century.

Climate change issues are also addressed through the adoption of Local Coastal Programs and the review of coastal development permit applications by local governments. The Coastal

Commission suggests modifications to existing or proposed LCP policies through its review of LCP land use plans and amendments. In most cases, these mechanisms for addressing climate change address a reduction of greenhouse gases and involve a variety of ‘smart growth’ strategies, such as the concentration of development in already developed areas and promotion of non-automobile-dependent patterns of development.

During this evaluation period, the Coastal Commission began offering a 40 percent discount on application fees for projects certified by the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) at a Gold level, or an equivalent third party green building certification. The Coastal Commission has developed a new climate change website, aimed at coastal development applicants, local governments, and the general public. The staff has developed a working list of goals and objectives for climate change issues in the coastal zone and under Coastal Act provisions and proposals on how to address them in the Coastal Commission’s work on climate change. The staff has indicated to the Coastal Commissioners that progress toward meeting these goals and objectives is dependent upon broader budget issues and staff workload.

**The Bay Conservation and Development Commission** is publicly transforming itself from an agency that deals primarily with Bay management into an international leader in the development of a regional strategy for addressing impacts from climate change and particularly sea level rise. It has, therefore, conducted numerous planning and implementation activities and initiatives addressing climate change during this evaluation period. State legislation was passed during this evaluation period that gives BCDC the explicit authority to address climate change and sea level rise in its planning work. The legislation also made BCDC a voting member of the Joint Policy Committee (JPC), which is coordinating efforts of four Bay Area regional agencies (that have responsibility for air quality, transportation and land use planning, and Bay management) in developing a regional climate change strategy.

In 2006, BCDC released a series of maps depicting the lands most vulnerable to sea level rise. To improve the accuracy and precision of the maps, the United States Geologic Survey (USGS) developed new sea level rise data using funding provided by the California Energy Commission’s Public Interest Energy Research Program. BCDC then used the data to produce a new series of sea level rise maps showing areas vulnerable to 16 inches of sea level rise at mid-century and 55 inches at the end of the century. Initial estimates indicate that over \$100 billion worth of public and private development could be at risk.

BCDC developed “A Sea Level Rise Strategy for the San Francisco Bay Region” that identifies necessary changes to the existing San Francisco Bay Plan to frame the role BCDC can play in addressing sea level rise in the Bay area. BCDC has initiated a wholesale revision of the San Francisco Bay Plan to address the impacts of climate change.

Selected other climate change initiatives, activities, and efforts of BCDC include:

- BCDC and the San Francisco Estuary Project secured EPA’s designation of San Francisco Bay as one of six pilot projects in the EPA’s Climate Ready Estuaries Program.

- In partnership with the Association of Bay Area Governments (ABAG), The San Francisco Bay National Estuarine Research Reserve, and the Bay Area Air Quality Management District, BCDC hosted a local government forum where an approach was demonstrated for determining which areas and resources are vulnerable to the impacts of climate change.
- BCDC convened a forum of scientists and agency staff to discuss Bay-related climate change research needs and to reach consensus on research priorities.
- To take advantage of Holland's centuries of experience in protecting low-lying areas from flooding, BCDC entered into a partnership with The Netherlands. Funding from the Dutch government will allow experts from both countries to meet to discuss climate adaptation strategies.
- BCDC sponsored an international design competition called "Rising Tides" to generate innovative design solutions, effective ideas, and strategies for adapting to the impacts of sea level rise when building communities and managing natural resources along the San Francisco Bay shoreline. The winner was announced after the site visit. (See website at <http://www.risingtidescompetition.com/risingtides/Home.html>)

**ACCOMPLISHMENT: The Bay Conservation and Development Commission has emerged as an international leader in the development of a regional strategy for dealing with impacts of climate change and particularly sea level rise. It has initiated or partnered on several innovative activities and efforts, such as the international "Rising Tides" design competition, a partnership with The Netherlands, designation of San Francisco Bay as an EPA "Climate Ready Estuary," and revisions to the San Francisco Bay Plan to address climate change.**

The State Coastal Conservancy addresses climate change both as a primary and second affect of its responsibility to preserve, improve, and restore public access and natural resources. The Conservancy's Strategic Plan 2007 identifies the many effects that climate change will have on ocean, coastal, and near-coastal resources. It also identifies strategies for considering these impacts; for determining the priority of expenditures in the design and siting of Conservancy-funded infrastructure projects; for supporting others in order to improve understanding of the effects of climate change; and for identifying tools to mitigate and plan for a range of predicted changes.

To follow through on meeting its Strategic Plan climate change objectives, the Coastal Conservancy formed a climate change committee to oversee and guide climate change activities. The committee organized and carried out a number of tasks, including development of a speakers bureau, for which invitations were extended to nearly 100 professionals. The committee oversaw the development, adoption, and implementation of project selection criteria and development of guidance and resources to assist potential grantees in reducing greenhouse gas emissions from their projects and in considering and addressing climate change impacts to their

projects. At the time of the site visit, draft project selection criteria and a guidance document for potential grantees were available for public review and comment. Since the site visit the selection criteria have been adopted by the Conservancy Board and the detailed guidance is nearing completion.

The climate change committee also oversees the Conservancy's initiative to inventory and reduce greenhouse gas emission from the Conservancy's operations. A greenhouse gas inventory was completed and verified in 2007 and 2008. The Conservancy has been certified as a Climate Action Leader by the California Climate Action Registry and has undertaken technological and operational changes to reduce emissions.

In 2008 Conservancy staff worked with scientists and the Gordon and Betty Moore Foundation to scope and fund an assessment of the carbon sequestration rates of the tidal wetlands within San Francisco Bay. The state's funding freeze prohibited the Coastal Conservancy from funding this work, but the Moore Foundation has agreed to fund the entire study. Conservancy staff remains a participant in this work.

The California Climate Change Adaptation Strategy was under development in 2008. Conservancy staff participated in the habitat sector, and the Ocean Protection Council staff led the development of the ocean and coastal resources sector.

**ACCOMPLISHMENT: The California Coastal Commission, the Bay Conservation and Development Commission, and the Coastal Conservancy are all involved in a number of work groups and task forces addressing climate change and all are incorporating climate change planning into their programs. The Coastal Conservancy is inventorying its own greenhouse gas emissions and instituting technological and operational changes to reduce its greenhouse gas emissions.**

## **G. COASTAL DEPENDENT USES AND COMMUNITY DEVELOPMENT**

**The California Coastal Commission** is able to address coastal dependent uses and community development issues through coastal development permits and LCPs. This includes not only aspects of community development involving public access, open space, and natural resource protection, but development patterns as well, because a land use plan and implementing ordinances are a part of an LCP.

As climate change strategies are developed, responsible land use planning can assist individuals and communities in reducing their greenhouse gas emissions and endeavor to protect people and resources from the impending effects of climate change and sea level rise. Local plans and implementing ordinances that serve to guide future development may contain many policies and provisions that can help address these issues. "Smart growth" principles that concentrate development, value open space, and encourage walkable, town-centered, and transit oriented development are tools that the Coastal Commission will review with greater frequency in coastal development permits and LCPs.

During this evaluation period, the Coastal Commission coordinated the organization of and partnered with numerous local agencies to host workshops held along the coast dealing with low impact development. Commission staff collaborated with the staff of the Central Coast Regional Water Quality Control Board to prepare a joint outreach letter promoting awareness and education about low impact development.

An example from this evaluation period that involves both coastal dependent uses and community development is Port San Luis Harbor. The Port San Luis Harbor District is larger than the Port alone. The District manages the Port and controls the land, piers, and tideland properties of San Luis Bay. The Port supports commercial fishing, recreational boating and fishing, coastal access, visitor-serving and recreational uses, and a marine research facility. There are priority land use/coastal dependent use issues and community character issues that the Port must deal with. San Luis Obispo County amended its LCP in 2006 by incorporating relevant provisions of the recently updated Port San Luis Harbor District Port Master Plan. The amendment updated the LCP with current information regarding public and industrial facilities, revises development programs and land use priorities, and provides general goals and development standards to guide future projects within the Harbor District. The Coastal Commission approved the LCP amendment and will be involved in the review and issuance of associated permits.

**The Bay Conservation and Development Commission** is able to support coastal dependent uses, community development, and waterfront revitalization through some of the permits it issues and through a variety of partnerships and projects with which it is involved. BCDC's collaborative permitting process and its Design Review Board work with developers to design projects that include multiple elements to enhance community character and waterfront considerations – public access, landscaping and green space, and other development standards, for example. During this evaluation period, BCDC permitted the rehabilitation and reuse of the historic Ford auto plant in Richmond for a mixed-use project that will provide public access along the waterfront. It provided funding to the City of Benicia to remove four derelict barges from the City's waterfront and permitted a new residential development adjacent to a marina that will be renovated in Marin County.

The San Francisco Bay Area Water Transit Authority (since renamed the Water Emergency Transportation Authority) was created by the State Legislature in 1999 to develop a plan for increasing ferry service on the Bay as well as planning for related ground transportation and new ferry terminals to accommodate the increased ferry service. The 2003 implementation and operations plan included the addition of seven new routes, 31 new ferry boats, and a goal to triple the number of ferry riders by the year 2025. BCDC has specific policies in the Bay Plan that pertain to ferry terminals and policies for transportation and recreation. The primary goals of these policies are to avoid or minimize impacts to the Bay's ecology, recreational resources, and other uses of the Bay, such as port activity; and to reduce the region's reliance on single-occupant vehicles by providing alternative forms of transportation that improve access and where possible, provide for mixed-use developments around new and existing ferry terminals. The Transportation Authority has received permits from BCDC to construct one of the seven new routes and is in the process of planning for three other terminals. BCDC is working with the Transportation Authority to address a range of issues on the ferry terminal proposals. The issues

are addressed on a site by site basis, and BCDC works closely with the Transportation Authority staff to ensure the result is a viable ferry system that improves the Bay shoreline.

**ACCOMPLISHMENT: The Bay Conservation and Development Commission is working closely with the Water Emergency Transportation Authority to increase ferry service on San Francisco Bay. Increased ferry service can help mitigate some greenhouse gas emissions by providing an alternative form of transportation and positively affect local community development.**

The Joint Policy Committee (JPC) is composed of four agencies – the Association of Bay Area Governments, the Bay Area Air Quality Management District, BCDC, and the Metropolitan Transportation Commission. The JPC coordinates the regional planning efforts of those four agencies, and among the JPC’s current initiatives are focused growth and climate protection. FOCUS a regional development and conservation strategy that promotes a more compact land use pattern for the Bay Area. It unites the efforts of the JPC’s four regional agencies into a single program that links land use and transportation by encouraging the development of complete, livable communities in areas served by transit, and promotes conservation of the region’s most significant resource lands. Through FOCUS, regional agencies will support local governments' commitment to these goals by working to direct existing and future incentives to Priority Development Areas and Priority Conservation Areas. Priority Development Areas are locally identified infill development opportunity areas near transit. Priority Conservation Areas are regionally significant open spaces for which there exists a broad consensus for long-term protection.

The Bay Planning Coalition (BPC) is a non-profit, membership-based organization representing a broad spectrum of Bay public and private sector entities – generally people who need permits from BCDC, as a BPC representative told the evaluation team. BCDC and the BPC have entered into a partnership to develop a strategy to ensure that adequate waterfront land remains available in the future for industry, maritime transportation, and goods movement purposes.

## **H. GOVERNMENT COORDINATION AND DECISION-MAKING**

### **1. FEDERAL CONSISTENCY AND PROGRAM CHANGES**

**The California Coastal Commission** views the federal consistency process as a very important tool to use to meet its statutory mandates. During this evaluation period, 291 federal activities were subject to federal consistency determinations, and the Coastal Commission objected to the federal consistency determination for 17 activities. One objection was appealed to the Secretary of Commerce (Foothill Transportation Corridor-State Route 241 Extension), and at the time of the site visit, no decision by the Secretary had been made. Since the time of the site visit, the Secretary of Commerce’s decision supported the Coastal Commission objection. One project to which the Coastal Commission objected did receive a presidential exemption for the portion of the project subject to the CZMA requirements (naval training unit exercises at existing ocean military ranges).

In addition to the two projects mentioned above, another significant project to which the Coastal Commission successfully objected to the consistency determination was the development of an onshore and offshore liquefied natural gas (LNG) facility in Ventura County.

The Coastal Commission and Vandenberg Air Force Base (VAFB) are working cooperatively to address issues that have arisen during coastal development permitting and that have or will be subjected to the federal consistency process. VAFB is one of the most pristine areas of California's coastline, primarily because large areas of open space are maintained around launch pads. These open areas attract wildlife, many of which are listed species. In fact, VAFB has the most viable snowy plover population in the entire state. The plover thrives in the same type of conditions that make beaches popular for people. The nearby community of Lompoc, where many Air Force personnel live, has no nearby access to a beach except on VAFB. The Air Force has been sensitive to that need, but a great deal of effort and controversy have surrounded how to actively manage and balance public access and habitat needs. The Commission's reviews of the issues have involved military security needs, public safety (including crossing the Southern Pacific train tracks), habitat, public access, trash collection, predator-related issues, view protection, and other issues. The balancing of these issues will likely remain controversial, but the Coastal Commission and VAFB are working together under the framework of the CZMA and federal consistency provision.

**ACCOMPLISHMENT: The California Coastal Commission is recognized for its collaborative work with Vandenberg Air Force Base to address both agencies' priorities and concerns through the permitting and federal consistency venues.**

The Coastal Commission has submitted several program changes to NOAA for changes to its enforceable policies during this evaluation period and remains up-to-date on those submissions.

**The Bay Conservation and Development Commission** did not object to any federal consistency determinations during this evaluation period. BCDC actively works with applicants throughout the permitting process, including projects requiring a federal consistency determination, so that projects can be changed if needed and permits can be issued rather than denied (and with consistency concurrence).

During the time covered by this evaluation period, BCDC made changes to the San Francisco Bay Plan and the Suisun Marsh Protection Plan. All changes to enforceable policies have been submitted to NOAA, and BCDC remains up-to-date on those submissions.

## 2. PERMITTING

**The California Coastal Commission** issues coastal development permits for all non-exempt development in the coastal zone (an approved Local Coastal Program can issue some of those permits). The loss of Commission staff through this evaluation period because of budget crises and the downturned economy throughout the U.S. makes it exceedingly difficult to process all permit applications within the regulatory time frames. It also is very difficult for staff members to work proactively with a permit applicant prior to or during the application review, just as it is

difficult to work proactively with local governments. Many agency personnel, nonprofit group representatives, and local government staff and officials noted their frustration at the inability of Coastal Commission staff to work proactively with permit applicants, because they felt Commission staff input at an early stage was vital.

Through the permitting process, the Commission has been able to obtain public benefits in terms of public access, protection or restoration of coastal habitat, protection of coastal dependent uses and waterfront revitalization, and hazard adaptation or mitigation. Many of these projects have been noted in earlier sections of this document.

One significant partnership that the Commission has developed is with Caltrans. Caltrans has been involved in numerous projects within the coastal zone. One project along four segments of Highway 101 (the Pacific Coast Highway) involves widening the highway, adding lanes, adding an HOV lane, replacing bridges and overpasses, and providing bicycle and pedestrian improvements. The project and its components have potential impacts to environmentally sensitive habitat, agricultural resources, public views of the coast, and public access and recreation, including the potential loss of existing public beach parking. It will also require consistency with LCPs, requiring multiple appealable coastal permits from several different local governments with certified LCPs.

The Caltrans staff with whom the evaluation team met indicated that a level of trust has been established between Commission staff and Caltrans staff as the project has progressed. Commission staff has reviewed and commented on environmental documents prepared by Caltrans, and Commission and Caltrans staffs are participating in interagency coordination meetings to discuss potential impacts and solutions. Both are participating in public outreach meetings.

With the financial support of Caltrans, the Coastal Commission's interagency partnership agreement has resulted in earlier, more proactive efforts toward improving the design and development of transportation projects affecting the coastal zone. One measure of the benefit of this early Commission staff attention and input is the fact that these major public works were planned and constructed to avoid or minimize impacts to coastal resources, improve public access, and comport with the character of their surrounding setting. Another, less visible measure of success is that both the Coastal Commission and Caltrans gained time and staff resource efficiencies when local government actions on permits were able to stand without being taken up on appeal by the Coastal Commission. Because these projects (Devil's Slide Tunnel, Salinas Road Interchange, and Pitkins Curve and Rainrocks Rockshed and Bridge, to name a few) were fully consistent with the applicable LCP and Coastal Act policies, it was not necessary for the Coastal Commission to take the project up through the appeal process and then administer the final permit issuance and compliance, which can require substantial staff resources for major public works.

The Coastal Commission's enforcement program seeks to address any failure to apply for and obtain a coastal development permit before commencing construction, and failure to comply with the conditions of approval placed on the development in conjunction with the issuance of a coastal development permit. Workload is increasing even as staffing levels decrease. During

this evaluation period there was an average of 25 actions per year (cease and desist orders, restoration orders, notice of violation actions, and Executive Director cease and desist orders). In contrast, during the previous evaluation period (2002-2005) there was an average of 19 actions per year, and from 1992-2002 there was an average of 2.6 actions per year. However, as noted earlier in this document, the enforcement program is significantly understaffed. Currently the enforcement program has approximately seven staffers. (There is another part time staff member and another working on permit work.) Since the last evaluation, the number of open cases needing attention has grown from 620 to 1,263.

The enforcement staff has been targeting which cases are brought for action in order to create the greatest amount of deterrence among the largest number of people and entities and to gain the greatest environmental benefits. The staff has done this by seeking “violator diversity” (small parties and larger corporate entities), geographic diversity, some cases targeting certain high-importance types of violations (so far this has been cases involving public access and seawalls), and violations of greatest resource impact (this is the overriding factor in case selection). Staff enforcement following these criteria has made a difference in cases pursued during this evaluation period, but the backlog keeps increasing yearly, and there are other enforcement tasks that cannot be accomplished. Staff has only been able to track and enforce condition compliance with permits issued by the Coastal Commission that are considered to be the highest priority cases. Low and medium priority violations of permit conditions are not fully resolved or are not resolved in a timely manner. Tracking compliance with Emergency Permits issued by Commission Districts and compliance with Orders issued by the Commission creates workload issues and is not generally possible. Monitoring cases in litigation and monitoring judicial settlement terms is very time-consuming and is generally not accomplished.

A NOAA Coastal Fellow completed a project during this evaluation period to analyze the extent to which compliance with permit conditions is – or is not – occurring and to identify strategies for improving overall statewide compliance. Commission staff is considering recommendations in the project report and will use the study to inform decisions about the use of staff and limited resources as program priorities are identified in the context of further staff reductions and ongoing State budget constraints.

**PROGRAM SUGGESTION: The California Coastal Commission should continue to look for ways to address enforcement issues and should continue to consider the recommendations made in the permit compliance study.**

**The Bay Conservation and Development Commission** has seen a downturn in the number of permit applications it receives. In calendar year 2008, BCDC processed only 73 applications, the second lowest annual level in its history. According to BCDC, this is because the pace of development around the Bay has slowed markedly as a result of the worldwide economic recession. BCDC still has been able to obtain public benefits in terms of public access, protection or restoration of coastal habitat, protection of coastal dependent uses and waterfront revitalization, and hazard adaptation or mitigation. Many of these projects have been noted in earlier sections of this document. Several other significant permits were approved, including but not limited to:

- authorization of installation of a 53-mile-long cable on the Bay bottom to transmit high voltage electrical power from Contra Costa County to the City and County of San Francisco that will provide greater reliability in power for San Francisco;
- authorization of maintenance dredging of the federal navigation channels in the Bay by the U.S. Army Corps of Engineers;
- authorization of a pilot project in San Rafael to test the feasibility of desalinating Bay water for domestic use.

As part of a commitment made by BCDC to the regulated community to make the regulatory program as efficient, effective, and expeditious as possible, BCDC has:

- revised the permit application form to make it easier to use and provide all the relevant information needed to more quickly process applications;
- revised its permit fee schedule to make the fees more equitable in a manner that will generate more revenue for the state General Fund;
- revised regulations governing the processing of dredging projects; and
- amended regionwide permits to pre-authorize a wider range of projects and activities.

### 3. PROGRAMMATIC COORDINATION AND PARTNERSHIPS

All three components of the California Coastal Management Program place a high priority on coordination and partnerships with a wide range of entities.

**The California Coastal Commission** staff members serve on a number of advisory panels, working groups, task forces, and committees created or administered by other entities. For example, staff has participated in or had ongoing involvement with various initiatives, including, but not limited to: the Ocean Protection Council Steering Committee and Adaptation Sub-committee; the California Climate Action Team Scenarios Sub-committee; California Marine Life Protection Act South Coast Regional Stakeholders Group; West Coast Governors' Agreement on Ocean Health Marine Debris Action Team and Ocean Awareness and Literacy Action Team; State Multi-hazard Team; USGS/NOAA Winter Storm Planning Scenario, and Southern California Wetland Recovery Project Wetlands Managers Group. With staffing cuts as well as cuts to funding for travel, some participation has decreased. There are other partnerships that have been mentioned elsewhere in this document as well.

A Coastal Commission staff ecologist and a California State Park biologist, in coordination the City of Ventura, co-wrote the Pierpont Beach Sand Management Plan (SMP) in an effort to solve the long standing issue of sand encroachment upon private beachfront homes. The City of Ventura, California State Parks, and the Coastal Commission have long sought to identify a solution for Pierpont Beach that restores and preserves natural resources while simultaneously addressing sand encroachment on beachfront homes and enhancing visitor safety, enjoyment, and recreation. Coordination efforts also included participation in interagency meetings, a public outreach hearing, and meetings by staff with individual groups and private residents. The objective of the SMP is to address sand encroachment issues in an environmentally sensitive manner. At the time of the site visit, the City of Ventura had not yet adopted the SMP.

The Coastal Commission is a member of the California Water and Land Use Partnership (CA WALUP). This is an informal partnership among state and federal agencies, non-profit organizations, and universities that have goals related to improving water quality in California. The mission of CA WALUP is to protect natural resources by providing technical information and practical tools for informed land use decision-making at the local level. CA WALUP is a member of the National Nonpoint Education for Municipal Officials (NEMO) Network. Coastal Commission staff has initiated an effort to coordinate local, state, and federal partners in developing an effective NEMO program in California.

**The Bay Conservation and Development Commission** relies greatly on partnerships with other agencies and organizations to leverage its capabilities, integrate its programs with other complimentary efforts, secure additional financial support, and advance shared policy objectives. Three significant partnerships already discussed at greater length in this document are: 1) the San Francisco Bay Subtidal Habitat Goals Project (NOAA, San Francisco Estuary Project, California Ocean Protection Council, and the State Coastal Conservancy); 2) the San Francisco-Oakland Bay Bridge East Span Seismic Safety Construction Project and the Gateway Park Area (Caltrans, City of Oakland, Port of Oakland, East Bay Regional Park District, East Bay Municipal Utility District, Association of Bay Area Governments (ABAG), Bay Area Toll Authority, and others), and 3) the South Bay Salt Pond Restoration Project (Caltrans, Coastal Conservancy, US Fish and Wildlife Service, California Department of Fish and Game, and many others).

In addition to partnership and coordination efforts mentioned elsewhere in this document (Bay Planning Coalition and the Joint Policy Committee for example), other partnerships include:

- with KTEH, Silicon Valley’s public television station, on a four-hour documentary entitled “Saving the Bay” and narrated by Robert Redford, to better acquaint the public about BCDC’s role in managing Bay resources;
- with the Association of Bay Area Governments (ABAG) to develop a website where the public can easily locate shoreline public access areas on the San Francisco Bay Trail;
- with ABAG and the Metropolitan Transportation Commission in sponsoring a regional conference entitled “Bay Area on the Move: Connecting Transportation, Land Use and Climate Protection;”
- With Caltrans, which is providing funding to BCDC to assist Caltrans’ staff in meeting BCDC’s laws and policies and to give priority consideration to permit applications from Caltrans; and
- the San Francisco Bay Joint Venture, one of 18 Joint Ventures established under the federal Migratory Bird Treaty Act. Joint Ventures were originally established to address the need for conservation of waterfowl and wetlands under the North American Waterfowl Management Plan but have since broadened their focus to include habitats for all birds consistent with major bird conservation plans. The goal of the San Francisco Bay Joint Venture is to protect, restore, increase, and enhance all types of wetlands, riparian habitat, and associated uplands throughout the San Francisco Bay region to benefit birds, fish, and other wildlife. The Joint Venture partnership includes over 20 public agencies and non-profit and private organizations, such as the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers,

NOAA National Marine Fisheries Service, Ducks Unlimited, Pacific Gas and Electric Company, State Coastal Conservancy, and The Bay Institute.

**The State Coastal Conservancy** is a partner in the San Francisco Bay Subtidal Habitat Goals Project, the San Francisco Bay Joint Venture, the South Bay Salt Pond Restoration Project, the San Francisco Estuary project, the Napa-Sonoma Marsh Restoration Group, the San Francisco Bay Integrated Regional Water Management Planning Group, the San Francisco Bay Area Water Trail, San Francisco Bay Trail, and the Bay Area Ridge Trail. It is also one of over fifty-five member organizations actively involved in permanently protecting and providing stewardship to important parks, trails, and agricultural land in the nine-county San Francisco Bay area through the Bay Area Open Space Council.

The Coastal Conservancy has led the Southern California Wetlands Recovery Project (SCWRP) for the past eight years. The SCWRP is a 19-agency collaborative initiative created to accelerate the pace and effectiveness of wetland restoration throughout the Southern California Bight. In addition, the Conservancy has established strong interagency partnerships for most of its projects. One example is the sediment fate and transport study recently implemented at the Tijuana River National Estuarine Research Reserve (NERR). The Conservancy is working with the California Department of Parks and Recreation, U.S. Geological Survey, Department of Boating and Waterways, and others to study how sediments are transported in the coastal nearshore at the Tijuana River NERR. The study will assist in the review of current policies regarding sediment discharge and deposition in California and may lead to lower costs for restoration projects and expanded supply of sediments for beach nourishment.

Perhaps one of the Coastal Conservancy's strongest 'class' of partnerships is with the public agencies and nonprofit organizations who are eligible for grants and assistance. There is no formal application process. Instead, most Conservancy-funded projects are developed over time through the joint efforts of Conservancy staff and potential grantees. The Coastal Conservancy can also provide advice about forming and running a nonprofit.

**ACCOMPLISHMENT: The California Coastal Commission, the Bay Conservation and Development Commission, and the State Coastal Conservancy have developed new partnerships and have strengthened existing ones as ways to leverage capabilities, integrate programs with other complementary efforts, secure additional financial support, and advance shared policy objectives.**

#### 4. PUBLIC PARTICIPATION AND OUTREACH

All three components of the California Coastal Management Program depend upon public participation and outreach to inform and educate citizens and visitors alike about the coastal resources and activities that the CCMP works to protect and manage. Since the last evaluation, all three have a new look to their websites as a result of a statewide "refresh" of all agency websites. The State of California has identified the Internet as one of the key channels for improving access to government services and information and directed that each agency's web presence target improved usability.

**The California Coastal Commission** has made significant changes to its website since the last evaluation. All permit information and forms are available on the website, although permit applications still must be physically sent to the appropriate district office. The Commission meetings are now available through live audio/video streaming on the website. The public education web page on the Coastal Commission website describes all of its programs, contests, and resources that are offered to the public. In 2006 the Coastal Commission added a Spanish language web page and had many of its program materials translated into Spanish. An oil spill education page and a climate change web page were also added.

The Coastal Commission serves as the California coordinator for Coastweeks and has expanded participation in the annual Coastal Cleanup Day event. It continues to expand the year-round Adopt-A-Beach program; to distribute its high school curriculum called “Our Wetlands, Our World,” which is aligned to the State Science Content Standards; and publishes and distributes “Waves, Wetlands and Watersheds,” which is a science activity guide for teachers of third through eighth grades and which is also aligned to State Science Content Standards for those grades.

During this evaluation review period, the Coastal Commission staff organized a two-day international conference called “Plastic Debris: Rivers to Sea.” This in turn led to the completion of a document entitled “Eliminating Land-based Discharges of Marine Debris in California: A Plan of Action from the Plastic Debris Project.” The Plan sparked a number of efforts throughout the state, including a policy initiative launched by the Ocean Protection Council (OPC). The Commission staff is also chairing the Marine Debris Action Team for the West Coast Governors’ Agreement on Ocean Health and is co-chairing the Governors’ Agreement Ocean Awareness and Literacy Action Team. That team is developing a plan to better integrate marine science and ocean literacy principles into state science curricula and to foster increased ocean awareness generally.

The Coastal Commission staff has also focused its outreach efforts through the Community-based Restoration and Education Program (CBREP) at Upper Newport Bay, which began in 2001. To date over 10,000 volunteers have planted almost 15,000 native plants and removed 49 tons of invasive plant material, resulting in the restoration of 12 acres of coastal salt marsh, riparian, and coastal sage habitats. During this evaluation period the CBREP created and installed interpretive panels at Upper Newport Bay to describe the value of native plants and the threat of invasive plants. The CBREP has fostered the development of new community-based restoration programs, and in 2008 the Coastal Commission published “Digging In: A Guide to Community-based Habitat Restoration.” The guide is available free on the web and in hard copy, and Commission staff began a series of workshops to introduce the Guide.

The Coastal Commission continues to hold a variety of contests for the public and attends environmental fairs and events to staff an educational booth, hand out materials, and talk to attendees.

**The Bay Conservation and Development Commission's** website has been refreshed and updated to provide the type of specific Bay-related information that businesses, organizations, and individuals have found most helpful.

Many of BCDC's outreach and education activities evolve as a result of its many partnerships. As mentioned earlier, BCDC is involved in producing a four-hour documentary entitled "Saving the Bay." It has developed a website, in partnership with ABAG, to advance the San Francisco Trail project and provide a place where the public can easily locate shoreline access areas and the Bay Trail. Signs were redesigned that identify BCDC-required public shoreline areas, and BCDC assisted the Bay Trail project in making its signs visually compatible with BCDC signs.

An effective outreach and education tool was the new series of sea level rise maps showing areas vulnerable to 16 inches of sea level rise at mid-century and 55 inches at the end of the century. News of the maps and the implications of sea level rise in San Francisco Bay were covered nationally, and the executive director was interviewed in a CNN segment.

**The Coastal Conservancy's** website, like the Coastal Commission's and BCDC's websites, is updated and includes a number of links to a variety of information, publications, and other partners and organizations. The Conservancy has provided funding and facilitated many public outreach and stakeholder involvement efforts. Some examples include the South Bay Salt Pond Restoration Project, the San Francisco Bay Integrated Regional Water Management Plan, and the Napa-Sonoma Marsh Restoration Group.

The Coastal Conservancy provides funding to the Coastal Conservancy Association to publish *California Coast and Ocean*. The magazine is published quarterly to inform its readers about beach and trail improvements, controversies about barriers to public access, about commercial fishing and farming along the coast, as well as about places to explore, habitat restoration, wildlife, open space, and about people, especially those whose individual actions within their communities help to protect the coast for everyone. After the site visit, readers were notified that the magazine would no longer be published because funding could no longer be provided.

Many of the Conservancy's outreach and education efforts arise from its partnerships and from the personal contact it has with many parties seeking funding or technical assistance.

**ACCOMPLISHMENT: In the face of ongoing budget reductions, the California Coastal Commission, the Bay Conservation and Development Commission, and the State Coastal Conservancy continue to prioritize the importance of public participation and outreach as critical to sustained stewardship and critical to public access to information and the status of the coastal condition.**

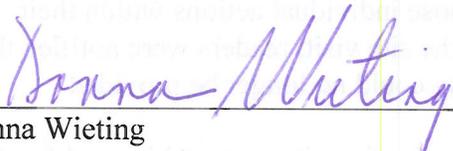
## V. CONCLUSION

For the reasons stated herein, I find that the State of California is adhering to the programmatic requirements of the Coastal Zone Management Act and its implementing regulations in the operation of its approved CCMP.

The California Coastal Management Program has made notable progress in the following areas: Organization and Administration; Use of Technology; Public Access; Coastal Habitat; Water Quality; Climate Change; Coastal Dependent Uses and Community Development; Federal Consistency and Program Changes; Programmatic Coordination and Partnerships; and Public Participation and Outreach.

These evaluation findings also contain nine (9) recommendations: one (1) Necessary Action that is mandatory and eight (8) Program Suggestions. The State must address the Necessary Action by the date indicated. Program Suggestions should be addressed before the next regularly-scheduled program evaluation, but they are not mandatory at this time. Program Suggestions that must be repeated in subsequent evaluations may be elevated to Necessary Actions. Summary tables of program accomplishments and recommendations are provided in Section VI.

This is a programmatic evaluation of the California Coastal Management Program that may have implications regarding the State's financial assistance awards. However, it does not make any judgment about or replace any financial audits.



Donna Wieting  
Acting Director, Office of Ocean and Coastal  
Resource Management

MAR 23 2010

Date

## VI. APPENDICES

### Appendix A. Summary of Accomplishments and Recommendations

The evaluation team documented a number of the CCMP's accomplishments during the review period. These include:

Issue Area	Accomplishment
Organization and Administration	The California Coastal Commission, the League of California Cities, and the California State Association of Counties are commended for working together to look for ways to improve communication, interaction, and the LCP process.
Organization and Administration	The Bay Conservation and Development Commission has been able to obtain funds from alternative sources that allowed it to maintain, on average, a level staffing base during this evaluation period.
Use of Technology	The California Coastal Commission, with financial support from the Coastal Conservancy, has developed a desktop GIS/IMS system that is now available to all staff from both agencies. This GIS/IMS system enhances the ability of staff to work more effectively and efficiently in the face of staffing and funding decreases.
Public Access	The Bay Conservation and Development Commission is a critical partner in the Gateway Park Area visioning, master planning, permitting, and development processes, as well as the related activities included in the San Francisco-Oakland Bay Bridge East Span Seismic Safety Construction Project.
Public Access	The California Coastal Commission, the Bay Conservation and Development Commission, and especially the State Coastal Conservancy have continued to be significant forces in the acquisition, protection, and development of coastal public accessways, even as resources to do so have declined. Of special note is the work on the California Coastal Trail, the San Francisco Bay Water Trail, and the Bay Area Ridge Trail.
Coastal Habitat	The California Coastal Commission has been able to protect Environmentally Sensitive Habitat Areas and other coastal habitats in a wide range of projects, including some that were high-profile and highly controversial.

Coastal Habitat	<p>The Bay Conservation and Development Commission and the State Coastal Conservancy are playing significant leadership roles in addressing preservation, restoration, and enhancement of coastal habitat through the Subtidal Goals Project. The Coastal Conservancy is playing a lead role in statewide planning, funding, and implementation of numerous acquisition and restoration projects and is leading the efforts on the South Bay Salt Pond Restoration Project, the South San Francisco Bay Shoreline Study and the Invasive Spartina Project.</p>
Water Quality	<p>The State Coastal Conservancy is commended for its participation in the development and implementation of the California Coastal Ocean Currents Monitoring Program.</p>
Climate Change	<p>The California Coastal Commission and the Bay Conservation and Development Commission each applied for and will be hosting a NOAA Coastal Management Fellow for climate change-related projects.</p>
Climate Change	<p>The Bay Conservation and Development Commission has emerged as an international leader in the development of a regional strategy for dealing with impacts of climate change and particularly sea level rise. It has initiated or partnered on several innovative activities and efforts, such as the international “Rising Tides” design competition, a partnership with The Netherlands, designation of San Francisco Bay as an EPA “Climate Ready Estuary,” and revisions to the San Francisco Bay Plan to address climate change.</p>
Climate Change	<p>The California Coastal Commission, the Bay Conservation and Development Commission, and the Coastal Conservancy are all involved in a number of work groups and task forces addressing climate change and all are incorporating climate change planning into their programs. The Coastal Conservancy is inventorying its own greenhouse gas emissions and instituting technological and operational changes to reduce its greenhouse gas emissions.</p>
Coastal Dependent Uses and Community Development	<p>The Bay Conservation and Development Commission is working closely with the Water Emergency Transportation Authority to increase ferry service on San Francisco Bay. Increased ferry service can help mitigate some greenhouse gas emissions by providing an alternative form of transportation and positively affect local community development.</p>

Federal Consistency and Program Changes	The California Coastal Commission is recognized for its collaborative work with Vandenberg Air Force Base to address both agencies' priorities and concerns through the permitting and federal consistency venues.
Programmatic Coordination and Partnerships	The California Coastal Commission, the Bay Conservation and Development Commission, and the State Coastal Conservancy have developed new partnerships and have strengthened existing ones as ways to leverage capabilities, integrate programs with other complementary efforts, secure additional financial support, and advance shared policy objectives.
Public Participation and Outreach	In the face of ongoing budget reductions, the California Coastal Commission, the Bay Conservation and Development Commission, and the State Coastal Conservancy continue to prioritize the importance of public participation and outreach as critical to sustained stewardship and critical to public access to information and the status of the coastal condition.

In addition to the accomplishments listed above, the evaluation team identified several areas where the program could be strengthened. Recommendations are in the form of Program Suggestions and Necessary Actions. Areas for improvement include:

<b>Issue Area</b>	<b>Recommendation</b>
Organization and Administration	<b>PROGRAM SUGGESTION:</b> The California Coastal Commission, the Bay Conservation and Development Commission, and the State Coastal Conservancy should consider staff transition and succession planning in light of the loss of newer, less experienced staff and the probable retirement of senior staff and managers over the next several years.
Organization and Administration	<b>PROGRAM SUGGESTION:</b> The California Coastal Commission should consider developing a more in-depth training program (e.g., seminars, workshops, etc.) to inform new commissioners and to periodically update current commissioners on the requirements and elements of the California Coastal Act, ex parte communication rules, and overarching policies and/or evolving initiatives.
Organization and Administration	<b>PROGRAM SUGGESTION:</b> The California Coastal Commission is urged to continue seeking diverse funding sources, in addition to State funding, to meet its legislative responsibilities for the LCP process.

<p>Organization and Administration</p>	<p><b>PROGRAM SUGGESTION:</b> The California Coastal Commission should continue its efforts, both with the League of California Cities and the California State Association of Counties, and with local governments, to find ways to improve the LCP process and increase the Commission staff’s ability to proactively work with local government staffs.</p>
<p>Organization and Administration</p>	<p><b>PROGRAM SUGGESTION:</b> The Coastal Conservancy is urged to finalize the California CELCP Plan and submit it to OCRM for review and approval.</p>
<p>Strategic Planning</p>	<p><b>NECESSARY ACTION:</b> The California Coastal Commission must revise its strategic plan to prioritize the functions, programs, and processes that it administers in light of insufficient staff and financial resources to fully address its workload and to provide a framework that ensures transparency and logic in decision-making in the face of challenging budgets. The Commission must provide a copy of its revised strategic plan to OCRM by March 26, 1012.</p>
<p>Use of Technology</p>	<p><b>PROGRAM SUGGESTION:</b> The California Coastal Commission and the Bay Conservation and Development Commission should continue to look for funding sources to implement long overdue upgrades to both agencies’ permit tracking systems and make the systems compatible with each agency’s spatial data system, as appropriate.</p>
<p>Boundary Expansion</p>	<p><b>PROGRAM SUGGESTION:</b> The Bay Conservation and Development Commission should explore a possible expansion of its jurisdictional boundaries in recognition of the increase in size of San Francisco Bay and the effects of climate change on the Bay, and how that may affect BCDC’s planning, regulatory, and public access functions and mandates.</p>
<p>Permitting and Enforcement</p>	<p><b>PROGRAM SUGGESTION:</b> The California Coastal Commission should continue to look for ways to address enforcement issues and should continue to consider the recommendations made in the permit compliance study.</p>

## **Appendix B. Response to Previous (2005) Evaluation Findings**

### **CALIFORNIA COASTAL COMMISSION**

**Program Suggestion:** Local Coastal Programs (LCPs) – Statewide, completed LCPs are key to the implementation of California’s coastal program. The Coastal Commission should seek ways to engage local communities throughout the LCP amendment process both to share staff’s invaluable expertise and perspective and to ensure community support for the completed LCP. The Commission should seek a combination of additional funding for assistance grants as well as additional staff to work on the LCP program.

**Response:** While relatively few LCPs are now incomplete, some are significant (e.g., LA County – Santa Monica Mountains). No local governments are now actively pursuing an LCP submittal, and given existing local planning resources, it is not anticipated that there will be any new LCP submittals in the near term. If these LCPs were certified, the Commission would be able to delegate significant coastal development permitting workload to these local governments, and applicants could work directly with their jurisdictions. To do this, significant new funding to support both Commission and local government planning staff would be necessary.

In addition to incomplete LCPs, the Commission continues to grapple with the even larger and more challenging issue of outdated LCPs and the related issued of a high volume of project-driven LCP amendments. Oftentimes these amendments are proposed because the LCP has not been updated. In addition, the necessity of working on project-driven amendments directs resources away from more comprehensive LCP amendments that could result in enhanced overall protection of coastal resources.

Staff reductions resulting from ongoing budget cuts and staff turnover at the Commission (and within many local jurisdictions), coupled with funding cuts, workload, and statutory deadlines associated with processing permit applications, continue to hamper the Commission’s ability to effectively engage with local governments and cultivate the public involvement, which are both critical aspects of a strong LCP development, amendment and implementation process.

Nonetheless, over the last 18 months, the Commission has been working with the California League of Cities and the California State Association of Counties (CSAC) to improve communication and procedures between the Commission and local governments in order to improve LCP Implementation. Both the League and CSAC now have work groups focusing specifically on the unique issues of coastal cities and counties, respectively, and Commission staff are working with those groups to identify ways to improve communications and interaction, including planning for a potential workshop to be held in conjunction with a Commission meeting in the spring of 2009. The focus of the workshop would be improving communication, coordination and the LCP process. Commission staff has also highlighted various resources available to local governments for improved LCP planning, including the LCP Update Guide prepared with federal 309 funding, which is now available on the Commission’s website at: <http://www.coastal.ca.gov/la/lcpguide/lcpguide.pdf> , and the pending companion guide under development that will address LCP procedural issues.

Additionally, although the Commission has continued to seek local assistance funding to support

LCP implementation and other work, these efforts have not resulted in any new budget augmentations. Rather, the Commission's general fund budget has continued to be reduced and was cut by an additional 5% for fiscal year 08/09. In light of the severity of the current state budget crisis, the Commission does not anticipate any new augmentations in the next fiscal year or two, and additional cuts may be likely.

**Program Suggestion:** Partnerships – As has been already done for public access Offers to Dedicate (OTDs), the Coastal Conservancy and the Coastal Commission should undertake a time-critical review of Conservation OTDs that are due to expire within the next 2-4 years, agree on priorities for acceptance, and determine their respective roles in undertaking an intensive community outreach effort to identify potential acceptors. The Coastal Commission should seek additional staff to undertake the time-critical review of the Conservation OTDs accepting entities to convince them to accept easements

**Response:** The Commission has been able to only partially implement this program suggestion. The Coastal Conservancy and the Commission have agreed on criteria and procedures for the Conservancy's acceptance of time critical conservation or access OTDs. Due to the Commission's limited staff resources, we could not pursue an intensive community outreach effort to identify potential acceptors. Even so, the acceptance rate has increased from 67% in 2005, to 82%, as of November 2008. There are now 249 outstanding OTDs (18%).

While an additional 3 PY (full-time equivalent positions) were approved in the Commission's FY 06/07 budget, these positions on the OTD implementation team were subsequently eliminated through reassignment to fill other more critical needs (1), and elimination of vacancies (2), leaving only .75 PY assigned to Conservation and Open Space OTDs. No additional staffing is anticipated at this time, but Commission staff is working to maximize this effort by focusing primarily on OTDs where accepting entities have already agreed to accept easements. The time required to identify and negotiate with other potential entities who might be convinced to accept easements is a time-consuming endeavor, so without additional staff, the Commission cannot ensure OTDs are not lost before they expire or engage in a comprehensive program to monitor OTD implementation.

**Program Suggestion:** Habitat – The Coastal Commission should consider preparing outreach materials to better advise applicants and the general public about its role in protecting Environmentally Sensitive Habitat Areas (ESHA) and to explain these and other habitat protection requirements in order to ensure consistent statewide acceptance of and adherence to permit requirements. The Coastal Commission should also seek to identify funding sources to provide technical assistance to local governments as well as public education about the importance of environmentally sensitive habitat

**Response:** While the Commission has not had the resources to develop, adopt and implement any formal guidance documents, since 2005 the Commission's biologists have made prepared and provided informational outreach materials for applicants and the general public regarding the Commission's role in protecting ESHA and other habitat protection requirements. A new

biologist, Dr. Jonna Engel, was hired in August of 2006 adding a second biologist to the Commission's Technical Service's staff. The outreach materials include the variety of handouts, reports, and articles. Commission biologists have also given numerous presentations at workshops, meetings, and symposia.

Since 2006 the Commission has presented several Wednesday "Brown Bag" noon lectures for Commission staff. The lectures are presented by either outside experts or members of the Commission's staff, who have specific expertise on important and topical issues that are relevant to Commission work. The Commission biologists have provided several presentations, including:

- "Impact of Climate Change on the Ocean"
- "Definition and Delineation of Wetlands in the Coastal Zone"
- "Beach Wrack and Beach Grooming"
- "Habitat Buffers"

In addition to those activities, the Commission biologist's have served on numerous advisory panels and Commission work groups, including:

- Southern California Wetland Recovery Project Wetlands Managers Group
- Buena Vista Lagoon Restoration Committee
- Liaison to Southern California Edison's San Onofre Nuclear Generating Station (SONGS) Science Advisory Panel
- San Elijo Lagoon Restoration Committee
- Ecologically Sound Beach Management Coalition
- Marine Life Protection Act (MLPA) South Coast Regional Stakeholders Group
- Ballona Wetlands Restoration Project Science Advisory Panel
- Ballona Wetlands Restoration Project Agency Advisory Panel
- CCC Climate Change Task Force – Adaptation subcommittee
- CCC Beach Grooming Working Group

**Program Suggestion:** Technical Services – The Coastal Commission should undertake an assessment of critical staff technical skill needs and prepare an implementation plan. The Coastal Commission may wish to augment this effort by considering the development of technical applications that will enable staff to better perform their jobs and increase information exchange. The Commission should also seek funding opportunities to provide webcasts and live television feeds of Coastal Commission meetings to allow the public greater access to Commission meetings

**Response:** While budget and staffing resource limitations have prevented the Commission from undertaking any comprehensive assessment of staff technical skills needs or preparation of an implementation plan, progress has been made on the GIS/IMS system that will provide analysts with a powerful tool on their desktops. Commission staff is currently working with the NOAA Coastal Services Center to refine and enhance the desktop GIS/IMS system prior to agency wide deployment to all staff.

The Commission also collaborated with BCDC to develop a joint special request proposal for funding to implement long overdue upgrades to both agencies' antiquated permit tracking

systems. Commission and BCDC staff provided the proposal to several Congressional offices in early 2008, but no federal funding was identified or secured. Commission staff will work with BCDC to determine whether there may be an opportunity in the new Congress to resubmit an updated version of the proposal.

The Commission sought and successfully secured a baseline augmentation in the FY07/08 budget to fund a contract with AGP Video to provide live video/audio webstreaming of Commission meetings, as well as archived video coverage of meetings gavel to gavel. This has significantly increased public participation and access to the meetings. (No data is available now, but AGP Video is calculating totals for website hits, and that information will be available soon.)

**Program Suggestion:** Communication and Coordination – The Coastal Commission should consider a variety of strategies to improve outreach to the general public and to local partners that implement LCPs

**Response:** The Commission has tried unsuccessfully for several years to receive approval for creation of a Public Information Officer position, to be able to more effectively plan and conduct public outreach and respond to the information needs of local partners. Without such a position, there has been no such coordinated effort, although existing staff strives to be responsive to requests for information from local partners, the public and the media

To assist local governments in implementation of the LCP process, Commission staff developed and published the guide for updating LCPs, referred to earlier.

Additionally, as noted above, Commission staff is working with the League of Cities Coastal Cities Group to potentially conduct a workshop next spring on improving the LCP process. The CCC is also working with League staff to identify other communication improvement tools. This may include such things as distribution of information on upcoming LCP items via the League Coastal Cities listserve, or development of LCP training sessions as part of the League-sponsored Planner's Institute. These efforts, however, will be dependent on Commission funding and staffing, and as the Commission works to identify how it prioritize its work with limited capacity and resources, it may not be possible to pursue these tasks.

Commission staff has also produced a guidance document for the public about the coastal development permit appeals process. This document is available on the Commission's website and provides answers to Frequently Asked Questions about the appeals process. (See <http://www.coastal.ca.gov/cdp/cdp-forms.html>: [The California Coastal Commission Permit Appeal Process: Frequently Asked Questions](#) [in PDF])

(The Commission's website continues to be an excellent tool for applicants, local partners and the general public, and also Commission staff. Commission staff will continue to prepare documents that can be posted to the website, as resources allow.)

Commission staff also sponsored workshops in four coastal cities during the spring of 2008 addressing watershed-friendly "Low Impact Development" site design and permeable pavements

for stormwater management. Approximately 50% of the more than 750 workshop attendees were staff and officials from local governments in coastal cities. Workshops such as these, though not directly related to the LCP process, can improve the LCP process by providing the public and local partners with information and practical tools that could possibly be incorporated into future LCP amendments and updates.

**Program Suggestion:** Communication and Coordination – The Coastal Commission should continue to explore and pursue ways to be effectively involved with the California Ocean Protection Council. As California’s lead regulatory and planning agency for resource management along the open coast, the Commission should be fully involved with the newly created California Ocean Protection Council. The Commission should seek appointment as a full member of the Council.

**Response:** The Commission works regularly with the Ocean Protection Council (OPC) on multiple issues. The Commission is not a sitting member of the OPC the membership, as the makeup of the council was established by the Legislature in the statute creating the OPC. However, the Commission is represented on the OPC Steering Committee (comprised of agencies and departments with ocean related responsibilities) which works with and advises the OPC on a variety of ocean and coastal policy and regulatory related initiatives. These include issues related to climate change, water quality protection and Low Impact Development, marine debris, enforcement coordination, and others. Commission staff also works closely with OPC staff on specific programs and projects related to coastal and ocean protection and management, participates in reviewing projects seeking funding from the OPC, and works collaboratively in a number of multi-agency working groups on ocean and coastal related issues.

**Program Suggestion:** Communication and Coordination – The Coastal Commission should create a working partnership with the regional Integrated Ocean Observing Systems (IOOS) to ensure that the extensive monitoring and research conducted under the system will be useful to those actively managing coastal resources.

**Response:** While the Commission does not have staffing and support resources to implement this recommendation, the Coastal Conservancy and OPC are currently involved in the implementation of California’s IOOS. Commission staff is coordinating with staff from both the Conservancy and OPC on these systems.

**Program Suggestion:** Loss of Financial Resources and Staff – OCRM very strongly encourages the Coastal Commission efforts to secure permanent dedicated sources of funding for coastal management to prevent the further loss of staff and funding that has had a very detrimental effect upon the Coastal Commission’s ability to meet its goals and mandates.

**Response:** Several years ago the Commission was an active participant and indeed, an instigator of an initiative that would establish a permanent, adequate source of funding for the implementation of coastal management by instituting a special hotel occupancy surcharge for

such purpose within coastal counties. Although a broad coalition of environmental organizations supported this effort, opposition from local governments and other anti tax groups resulted in the demise of proposed legislation that would have carried out this OCRM recommendation.

Other efforts by the Commission to secure new sources of more permanent funding have been equally unsuccessful. The Commission has secured some new funding on a case-by-case basis to support specific project work, and has worked with the Department of Finance to identify budgeting mechanisms that provide more flexibility in bringing in new funding, such as establishing a special account for permit fees. The Commission increased its permit fees, some of which will support funding the program. However, the program continues to suffer from inadequate funding,

The loss of staff is further exacerbated by the cost of living in coastal California, coupled with the salary discrepancies between State and local governments, which make working for local governments an attractive alternative to state employment.

**Program Suggestion:** Loss of Financial Resources and Staff – While continuing to seek a permanent dedicated source of funding, the Coastal Commission should seek budget increases from existing sources to hire additional permanent LCP analysts. This should be in addition to leveraging its currently limited resources through long range planning and priority-setting; leadership development and professional training; and partnerships with the California Ocean Protection Council and others.

**Response:** The Commission made requests for additional funding during Legislative Budget Hearings in 2006, 2007 and 2008, with only limited success. Many new positions authorized by the Legislature were vetoed by the Governor. More specific and detailed information on staff reductions is contained in the budget memos, dated July 7, 2008, and October 14, 2008, prepared for the Commission.

In 2008, the Commission successfully negotiated proposed budget bill language that would have increased revenues by:

1. Allowing the Commission to impose and expend administrative civil penalties for Coastal Act violations;
2. Allowing the Commission to charge local governments for project-driven LCP amendments (a pass-thru fee from local governments to the applicants), and,
3. Allowing the Commission to keep a portion of its permit fees.

A Legislative Conference Committee subsequently eliminated 1 and 2, but retained 3. The Commission significantly increased its permit fees in 2008, and is now able to retain annual permit fee revenues over and above the first \$500,000, which will continue to go to the State Coastal Conservancy. With the current housing and lending crisis, the benefits of this may be not fully realized in the near term because new permit applications appear to be significantly down over prior years.

The continuing budget crisis in California has necessitated internal priority-setting in order to

ensure that limited staff resources are focused on the most important Commission work having the greatest long-term beneficial effects. Many work matters the Commission previously addressed have been put on hold until support funding improves. As a result the Commission has been unable to undertake proactive development of a strategic plan, a leadership development and succession planning program, staff training and capacity building opportunities, or new partnerships with other public agencies.

## **BAY CONSERVATION AND DEVELOPMENT COMMISSION**

**Program Suggestion:** The loss of financial resources and staff during the review period negatively impacts BCDC's ability to review permits in a thorough and timely manner; ensure that permit conditions are being met through adequate enforcement; and respond to emerging issues through ongoing policy development. To ensure that its coastal management goals and mandates are being met, the Bay Commission should continue to seek an augmented, stable source of funding.

**Response:** This assessment was entirely accurate. In FY 00-01 BCDC had a budget of \$4,505,000 and 44 staff positions. In his FY 01-02 budget the Governor proposed increasing State General Fund support so the Commission's staff could be increased to 49 and BCDC could fully carry out the mandates of state law. Shortly after this proposal was released, General Fund shortfalls resulted in drastic cutbacks in financial support for BCDC and the elimination of 16 staff positions—nearly a third of the 49 called for in FY 01-02. Ultimately, BCDC ends FY 00-01 with a staff of 37.4, a 15 percent decline over the course of the fiscal year. This reduced level of support caused a deterioration in the quality of service provided by BCDC and complaints from permit applicants and the general public.

Over the next five years, state financial support for staff at BCDC continued to erode. By FY 05-06 the staff level was down to 31.4—28.6 percent lower than it had been in FY 00-01. For FY 06-07 the Governor proposed a budget for BCDC that was essentially the same as it had been in FY 05-06: \$3,230,000 in General Fund support and 33 staff positions. Reversing the cuts the Commission had to endure over the previous five years and restoring the staff positions that had been eliminated would have required a budget augmentation of \$1,840,000 in FY 06-07.

Rather than look to the past, the Commission decided to embrace a goal of improving its management of San Francisco Bay in the future. As a first step in achieving this goal, the Commission developed a long-range strategic plan for addressing the issues expected to impact the Bay in the future. The plan encompassed everything from the effects of global climate change on the Bay and scientific research about Bay processes to enhancing the Bay's role in moving goods and people in California and being better prepared to respond to expected disasters.

Despite the critical importance of these issues, the Commission recognized that in the short-term, budget shortfalls would prevent BCDC from doing much beyond trying to secure the financial support needed to build a solid foundation for Bay management in the future. One specific objective of the strategic plan called for eventually restoring all the staff positions the Commission had lost over the previous years. The Commission's more immediate and effective

strategy was to augment the Governor’s proposed FY 06-07 budget by \$1,000,000 so that BCDC could hire 11 new staff members who possessed the professional skills that would enhance the agency’s productivity and provide the most effective, efficient and legally-required service to the public.

The Legislature embraced this proposal in the spring of 2006 and included the requested million dollar augmentation in its FY 06-07 budget bill. The Governor subsequently signed the budget bill, which increased state General Fund support for BCDC from \$3,197,000 in FY 05-06 to \$4,445,000 in FY 06-07.

At the same time, the Commission initiated a series of financial partnerships with other agencies that were able to provide financial assistance to BCDC to support shared policy objectives. These partners have included the Metropolitan Transportation Commission, the California Department of Fish and Game, the California Department of Transportation, and the State Coastal Conservancy. The Commission has also been more aggressive in applying for federal assistance from NOAA, EPA and through the Federal Coastal Impact Assistance Program. As illustrated below, through these partnerships and grants the Commission has been able to rebuild its financial base and augment its staff to levels that have allowed BCDC to escape significant impacts during California’s current economic downturn that has forced most other state agencies to dramatically reduce staff levels.

<b>Fiscal Year</b>	<b>Total Budget</b>	<b>Staff Level</b>
00-01	\$4,505,000	37.4
01-02	\$4,563,000	42.0 +12.3%
02-03	\$4,232,000	38.3 –9.0%
03-04	\$4,448,000	31.9 –16.7%
04-05	\$4,328,000	31.4 –1.6%
05-06	\$4,064,000	31.4 0%
06-07	\$5,313,000	37.5 +19.4%
07-08	\$5,359,000	40.7 +8.5%
08-09	\$5,664,000	39.9 –2.0%
09-10	\$5,833,000	40.8 +2.3%

**STATE COASTAL CONSERVANCY**

**Program Suggestion:** The Coastal Conservancy should consider building upon its strong partnerships with the Coastal Commission and the Bay Commission by further consulting with the two agencies on coastal land acquisition projects when the development limitation of the project site are in question.

**Response:** With regard to consulting with the Commission and the Bay Commission on land acquisition projects, we have done so to a much greater extent with the Coastal Commission than with the Bay Commission. This is due to the fact that there are currently far greater opportunities to purchase shoreline properties along the coast than the SF Bay. Vast acreages of

shoreline were purchased along the SF Bay shoreline in the 1990's and early 2000's, the largest being the 15,100 acre south bay shoreline property in 2003. Since 2005, the Conservancy has not assisted in acquisition of any properties within the Bay Commission's jurisdiction.

Along the coast, there have been numerous consultations between the Conservancy and Commission staff regarding development potential of projects proposed for acquisition. These consultations often lead to greater understanding of the sites resources, constraints and opportunities. An example of where this communication and partnership occurred and helped shape the acquisition was the Sweet Springs marsh property in Morro Bay. It is also important to note that the Commission and Conservancy sometimes disagree on which properties should be protected through acquisition as each agency has their own issues to balance. For example, the Commission recently requested Conservancy assistance in acquiring property in San Mateo County because of the likelihood that they would have to issue development permits. State legislation was introduced, but not enacted, to require the Conservancy to fund its acquisition. The Conservancy determined that the property did not have the resource or public access values to justify the very significant purchase price (it was costly in part because it was surrounded by development on two sides), especially in relation to the values of properties that could be protected elsewhere on the coast.

**Program Suggestion:** The Coastal Conservancy may wish to consider formalizing relationships with the Elkhorn Slough National Estuarine Research Reserve as well as other informal partners.

**Response:** With regard to the 2005 evaluators' suggestion that the Conservancy consider formalizing relationships with the Elkhorn Slough National Estuarine Research Reserve and other informal partners, we can report progress in each region of the state. Following is a partial list of the partnerships we are working in where there are some type of agreement which establishes common goals, recommended actions, and responsibilities.

1. A signed MOA with the California Department of Transportation and the Department of Parks and Recreation to construct the Coastal Trail.
2. We are in the process of negotiating an agreement with the Elkhorn Slough Foundation and the CA Dept. of Fish and Game to formalize a process for passing NOAA funds to the Elkhorn Slough Foundation, and for DFG to manage the use of these funds.
3. Negotiations are underway to complete agreement with the Dunes Cooperative in Humboldt Bay to improve management of the natural resources.
4. We are in two agreements, and participating in multi-party efforts to restore coastal salmon populations by coordinating efforts to identify and remediate high priority barriers to fish passage.
5. We are a signatory to a multi-agency MOU that provides for the Conservancy to lead the implementation of the South Bay Salt Pond restoration.
6. We entered into an agreement with SF Bay Area water supply agencies, flood control districts, waste water agencies and habitat and watershed interests to develop and implement an Integrated Regional Water Management Plan. The Conservancy co-chairs the IRWMP implementation committee.

7. We are entering an agreement to provide for the Conservancy's EO to chair the Bay Area Restoration Authority recently established by state law to generate new funding to support Bay Area wetland restoration projects.

## **Appendix C. Persons and Institutions Contacted**

### **California Coastal Commission**

Peter Douglas, Executive Director  
Susan Hansch, Chief Deputy Director  
Anne McMahon, Manager, Federal Programs  
Steve Hudson, Manager, South Central Coast District  
Jonna Engel, Ecologist  
Pat Veesart, Supervisor, Southern California Enforcement  
John Dixon, Senior Ecologist  
Lee Otter, Transportation and Public Access Liaison  
Tami Grove, Transportation and Public Access Liaison  
Dan Carl, Manager, Central Coast District  
Lesley Ewing, Senior Coastal Engineer  
Mark Johnsson, Geologist  
Alison Dettmer, Deputy Director, Energy, Ocean Resources, and Federal Consistency Division  
Tom Luster, Energy and Ocean Resources Unit  
Lisa Haage, Chief of Enforcement  
Liz Fuchs, Manager, Statewide Planning  
Charles Lester, Senior Deputy Director  
Mark Delaplaine, Manager, Energy, Ocean Resources, and Federal Consistency  
Larry Simon, Federal Consistency Coordinator  
Jack Gregg, Water Quality Supervisor  
Al Wanger, Deputy Director, Information Technology and Water Quality  
John Van Coops, Manager, Mapping/GIS Program  
Greg Benoit, GIS Analyst  
Linda Locklin, Manager, Coastal Access Program  
Ruby Pap, Supervisor, North Central Coast District  
Louise Heredia-Sauseda, Chief, Fiscal and Business Services  
Sarah Christie, Legislation

### **San Francisco Bay Conservation and Development Commission**

Sean Randolph, Chair, Bay Conservation and Development Commission  
Anne Halstead, Vice Chair, Bay Conservation and Development Commission  
Will Travis, Executive Director  
Caitlin Sweeney, Chief Deputy Director  
Bob Batha, Chief of Permits  
Adrienne Klein, Chief of Enforcement  
Joe LaClair, Chief Planner  
Linda Scourtis, Oil Spill Program Analyst  
Brenda Goeden, Dredging Program Manager  
Steve Goldbeck, Deputy Director, Climate Change and Legislation  
Brad McCrea, Bay Development Design Analyst  
Tim Doherty, GIS Program Manager  
Leslie Lacko, Senior Planner  
Lindy Lowe, Senior Planner

### **California State Coastal Conservancy**

Sam Schuchat, Executive Officer  
Nadine Hitchcock, Deputy Executive Officer  
Neal Fishman, Deputy Executive Officer  
Ann Notthoff, Public Member, Coastal Conservancy Governing Board  
Marilyn Latta, Project Manager, San Francisco Bay Subtidal Habitat Goals Project  
Ann Buell, Project Manager, San Francisco Bay Area Water Trail  
Tim Duff, Project Manager, California Coastal Trail  
Amy Hutzler, Manager, San Francisco Bay Area Region  
Mary Small, Manager, South Coast Region  
Karyn Gear, Manager, North Coast Region  
Joan Cardellino, Deputy Manager, South Coast Region  
Steve Ritchie, Project Manager, South Bay Salt Pond Restoration Project

### **Federal Agencies**

Ken Domako, Chief, Environmental Planning, Vandenberg Air Force Base  
Beatrice Kephart, Chief, Environmental Flight, Vandenberg Air Force Base  
Dina Ryan, Environmental Planner, Vandenberg Air Force Base  
Darryl York, Wildlife Biologist, Vandenberg Air Force Base  
Bradley King, Utility Engineer/Energy Manager, Vandenberg Air Force Base  
John Gunderson, Attorney Advisor for Vandenberg Air Force Base  
Eli Davidian, NOAA Coastal Management Fellow at CCC (2006-2008)  
Becky Smyth, Chief, Regional Coastal Services Division, NOAA Coastal Services Center  
Rebecca Pollack, NOAA Coastal Services Center  
Tom Kendall, U.S. Army Corps of Engineers  
Laurie Suda, Supervisory Environmental Planner, San Francisco District, U.S. Army Corps of Engineers

### **State Agencies**

Brian Baird, Assistant Secretary for Ocean and Coastal Policy, California Natural Resources Agency  
Rich Rozelle, California Department of Parks and Recreation  
Stefan Galvez, California Department of Transportation  
Skip Sokow, California Department of Transportation  
Kenneth Terpstra, Project Manager, California Department of Transportation  
John Krause, California Department of Fish and Game

### **Local Governments**

Rick Raives, City of Ventura  
Dave Durlinger, City Manager, City of Carpinteria  
Jackie Campbell, Director of Community Development, City of Carpinteria  
John Euphrat, Coastal Planning, San Luis Obispo County  
Matt Janssen, Coastal Planning, San Luis Obispo County  
John Hofschroer, Coastal Planning, San Luis Obispo County  
Kami Griffin, Coastal Planning, San Luis Obispo County  
Rich Gordon, Supervisor, San Mateo County/California State Association of Counties

Jere Melo, Fort Bragg City Council/League of Cities  
Tom Bates, Mayor, City of Berkeley  
Lisa Killough, Director, Santa Clara County Department of Parks and Recreation

**Non-governmental Organizations**

Linda Krop, Chief Counsel, Environmental Defense Center  
Susan Jordan, Director, California Coastal Protection Network  
Morgan Rafferty, Environmental Center of San Luis Obispo County  
Gordon Hensley, Coastkeeper  
Andrew Christie, Sierra Club, Santa Lucia Chapter  
David Lewis, Executive Director, Save the Bay  
Bettina Ring, Executive Director, Bay Area Open Space Council

**Other Organizations**

Lyn Krieger, Director, Channel Islands Harbor  
Patrick O'Reilly, Port San Luis Harbor District  
Anneline Weil, Port San Luis Harbor District  
Greg Haas, staff member for U.S. Representative Lois Capps (CA 23<sup>rd</sup> District)  
Mark Stilwell, Executive Vice President, Pebble Beach Company  
Becky Suarez, Manager, Elkhorn Slough National Estuarine Research Reserve  
Jaime Kooser, Manager, San Francisco Bay National Estuarine Research Reserve  
Clay Phillips, Manager, Tijuana River National Estuarine Research Reserve  
Judy Kelly, Director, San Francisco Estuary Partnership  
Ted Droettboom, Regional Planning Program Director, Joint Policy Committee  
John Briscoe, Bay Planning Coalition  
Brad Olson, Environmental Programs Manager, East Bay Regional Park District  
Larry Tong, Interagency Planning Manager, East Bay Regional Park District  
Edward Curran, Kennedy/Jenks Consultants

## **Appendix D. Persons Attending the Public Meetings**

Monday, December 8, 2008, at 7:00 pm at the Ventura County Board of Supervisors Chambers, 800 South Victoria Avenue, Ventura, California

Mike Bell	Jim Wrigley
Bruce Heyman	Leslie Purcell
Jon Nahhas	Wendy Waldren
Greg Ruddzinski	Judy Fogel
Sig Petersen	David Tunno
Karen Martin	

Friday, December 12, 2008, at 9:00 am at San Francisco City Hall, Legislative Chamber Room 250, 1 Dr. Carlton B. Goodlett Place, San Francisco, California

Fran Gibson, Coastwalk California  
Una Glass, Coastwalk California  
Mark Massara, Sierra Club  
Mike Ferreira  
Kathryn Slater-Carter  
Kerry Burke  
Denise Sterling

Monday, March 9, 2009, at 5:00 pm at the San Francisco Bay Conservation and Development Commission, McAteer-Petris Conference Room, 50 California Street, Suite 2600, San Francisco, California

No members of the public attended this meeting.

## **Appendix E. NOAA's Response to Written Comments**

OCRM received written comments regarding the California Coastal Management Program. Each of the letters is part of the official record of the evaluation and is briefly summarized below, followed by OCRM's response.

**NOTE:** Copies of all the written comments will be provided to the California Coastal Commission, to which all the written comments apply. Many of the written comments addressed a single concern and issue – strong support for the California Coastal Commission and its work, and an appeal for adequate and/or increased funding. The following people expressed this comment:

**Mary Edith and Gerald Moore**  
**Curtis Kendall, Kelseyville, California**  
**Robertson Parkman, MD, University of Southern California**  
**Marcia Johnson, Sebastopol, California**  
**Dennis Wheeler, Santa Rosa, California**  
**Charles Ivor**  
**Joanne Dranginis**  
**Francis Drouillard**  
**Julia Pollock, Sebastopol, California**  
**Phyllis Schmitt**  
**Gail Hamilton**  
**Diane Hichwa**  
**Bob Rutemoeller, Gualala, California**  
**Richard and Jeanne Jackson, Gualala, California**  
**Marty Demare and Roxanne Rothafel**  
**Dr. and Mrs. Harvey Billig III, Carmel-by-the-Sea, California**  
**Virdette L. Brumm, Ph.D., Monterey, California**  
**Grant Weseman, Santa Cruz, California**  
**Philip Persons, Occidental, California**  
**Celia Scott, Santa Cruz, California**  
**Dr. Mary Fullwood, Los Osos, California**  
**Rich Ferdinand, Chair, Santa Cruz Chapter of the Surfrider Foundation**  
**Karen Kaplan**  
**Dan Young, Director of Public Affairs, Santa Cruz Surfing Club Preservation Society**  
**Charles Paulden, People for the Preservation of Pleasure Point**  
**Karen Martin, Ph.D., Pepperdine University and Scripps Institution of Oceanography,  
Malibu, California**  
**Jenny Price, Venice, California**  
**Lee LaPlante, Malibu, California**  
**Amy (No last name provided), Malibu, California**  
**Paige DeCino, Ph.D., Carlsbad, California**  
**Cathy O'Leary and John Carey, San Diego, California**  
**Kenneth Palley, Santa Barbara, California**

**Mary Sue Ittner, Gualala, California**  
**Ginny Gomez**  
**Susan Young and John Hay**  
**Dadla Ponizil, Encinitas, California**  
**Susan Kirks, Petaluma, California**

**OCRM's Response:** The evaluation team thanks all of the people listed above for their comments. NOAA and OCRM support the Coastal Commission in seeking additional funding sources but recognize this is very difficult in the current economic climate in California and the United States. Federal funding for state coastal zone management is appropriated by Congress, and any increase in the amount of that funding is dependent upon congressional action. NOAA and OCRM award all of the Coastal Zone Management Act (CZMA) appropriated funds to the 34 coastal states with approved CZMA programs. California now receives the maximum a coastal state can be awarded until Congress appropriates an increase in CZMA funds for state coastal programs. State funding is dependent upon California's budgeting and appropriation processes. Anyone interested in supporting increased funding for the California Coastal Management Program may wish to contact members of California's congressional delegation, the Governor, and their representatives in the State Senate and Assembly.

**Bill Hickman**  
**San Diego and Ventura, California**

**Comment:** Mr. Hickman expresses disappointment with one decision by the California Coastal Commission but otherwise expresses his strong support for the Commission and its work and urges that it receive increased funding.

**OCRM's Response:** The evaluation team thanks Mr. Hickman for his comments. NOAA and OCRM support the Coastal Commission in seeking additional funding sources but recognize this is very difficult in the current economic climate in California and the United States. Federal funding for state coastal zone management is appropriated by Congress, and any increase in the amount of that funding is dependent upon congressional action. NOAA and OCRM award all of the Coastal Zone Management Act (CZMA) appropriated funds to the 34 coastal states with approved CZMA programs. California now receives the maximum a coastal state can be awarded until Congress appropriates an increase in CZMA funds for state coastal programs. State funding is dependent upon California's budgeting and appropriation processes. Anyone interested in supporting increased funding for the California Coastal Management Program may wish to contact members of California's congressional delegation, the Governor, and their representatives in the State Senate and Assembly.

**Patricia Bliss**  
**Long Beach, California**

**Comment:** Ms. Bliss expresses her support for the California Coastal Commission and its work, although she does not always agree with the Commission's decisions.

**OCRM's Response:** The evaluation team thanks Ms. Kirks for her comments.

**Andrew Mencinsky, CEO**

**Santa Cruz Chapter of Surfers' Environmental Alliance**

**Comment:** The Santa Cruz Chapter of Surfers' Environmental Alliance (SC SEA) expresses its strong support for the California Coastal Commission and its work and urges that it receive adequate funding. The SC SEA identifies several areas where inadequate staffing levels have had numerous negative consequences and that the shrinking fiscal resources have hobbled the Commission's ability to perform mandated tasks, core functions, or even provide the most basic services to the public. SC SEA indicates that the people of California need and deserve a public decision-making body that operates free of political pressure and budget constraints and where public comment is welcomed and encouraged.

**OCRM's Response:** The evaluation team thanks Mr. Mencinsky and the SC SEA for their comments. OCRM concurs that the Coastal Commission has not been able to effectively conduct the Local Coastal Program and is not meeting its statutory requirement to review approved LCPs at least once every five years. In this findings document, OCRM also concurs with the SC SEA's comments that there is inadequate enforcement, a backlog of enforcement cases, and the inability to provide proactive technical or grant support to local governments. These issues are discussed throughout the findings, along with the recognition that additional financial and staff support are necessary to address these shortcomings.

As noted in many responses to written comments above, NOAA and OCRM support the Coastal Commission in seeking additional funding sources but recognize this is very difficult in the current economic climate in California and the United States. Federal funding for state coastal zone management is appropriated by Congress, and any increase in the amount of that funding is dependent upon congressional action. NOAA and OCRM award all of the Coastal Zone Management Act (CZMA) appropriated funds to the 34 coastal states with approved CZMA programs. California now receives the maximum a coastal state can be awarded until Congress appropriates an increase in CZMA funds for state coastal programs. State funding is dependent upon California's budgeting and appropriation processes. Anyone interested in supporting increased funding for the California Coastal Management Program may wish to contact members of California's congressional delegation, the Governor, and their representatives in the State Senate and Assembly.

**Patrick O'Reilly, Acting Harbor Manager/Business Manager**

**Port San Luis Harbor District**

**Avila Beach, San Luis Obispo County, California**

**Comment:** Mr. O'Reilly acknowledges that the California Coastal Commission is an effective partner with the Harbor District and that excellent coordination and communication exist between Commission staff and the Harbor District. However, he notes there are inefficiencies and critical issues in project and permit reviews that arise from the Coastal Commission's funding and staff shortages. Commission staff are not able to participate in pre-review meetings with the Harbor District to discuss issues and concerns before a project is submitted to the Commission, and Coastal Commission staff are not able to visit the areas for which they are

developing recommendations and decisions. The Harbor District urges that the Commission receive adequate funding.

**OCRM's Response:** The evaluation team thanks Mr. O'Reilly for his comments. OCRM concurs that the Commission staff are not able to meet with project or local government staff proactively or travel to make site visits. Although there are recommendations in these findings that urge the Commission to seek additional funding sources, OCRM recognizes that this will be very difficult and, until additional funding and staff become available, the Coastal Commission will struggle and probably fail to meet some of its legislative mandates as well as to work in a more proactive and efficient manner. Federal funding for state coastal zone management is appropriated by Congress, and any increase in the amount of that funding is dependent upon congressional action. NOAA and OCRM award all of the Coastal Zone Management Act (CZMA) appropriated funds to the 34 coastal states with approved CZMA programs. California now receives the maximum a coastal state can be awarded until Congress appropriates an increase in CZMA funds for state coastal programs. State funding is dependent upon California's budgeting and appropriation processes. Anyone interested in supporting increased funding for the California Coastal Management Program may wish to contact members of California's congressional delegation, the Governor, and their representatives in the State Senate and Assembly.

**Georgia Goldfarb and Walter Zelman  
Malibu, California**

**Comment:** Ms. Goldfarb and Mr. Zelman raise several issues related to the California Coastal Act and the California Coastal Commission. First, they recommend that the Coastal Commission's jurisdiction be expanded to include the whole of the Santa Monica Mountain range, which would capture important sites not now included in Los Angeles County. Second, they are concerned that a preponderance of California Coastal Commissioners support developer positions, and that funding and staffing cuts are weakening environmental protection and enforcement ability. Finally, they are concerned that the City of Malibu is not able to effectively implement its Local Coastal Program and that concerned citizens are left to support the California Coastal Act and appeal decisions in the face of developer support by the City Council. They recommend that the Coastal Commission resume control of the implementation of the California Coastal Act from Malibu and urge that adequate state and federal funding be provided for the Coastal Commission.

**OCRM's Response:** The evaluation team thanks Ms. Goldfarb and Mr. Zelman for their comments. The boundaries for the California coastal zone and the jurisdictional reach of the Coastal Commission are established in the California Coastal Act and require state legislative action to amend them. If that occurs, there is a process by which boundary changes are submitted to and approved by OCRM. With regard to the Malibu LCP, whether implementation of it is left to Malibu or placed directly under the purview of the Coastal Commission is a decision and process to be handled by the state. These findings recognize that the Commission and some local governments are not able to fulfill their responsibilities in the LCP process without additional funding. As noted in many of the responses to comments here, NOAA and OCRM support the Coastal Commission in seeking additional funding sources but recognize this

is very difficult in the current economic climate in California and the United States. Federal funding for state coastal zone management is appropriated by Congress, and any increase in the amount of that funding is dependent upon congressional action. NOAA and OCRM award all of the Coastal Zone Management Act (CZMA) appropriated funds to the 34 coastal states with approved CZMA programs. California now receives the maximum a coastal state can be awarded until Congress appropriates an increase in CZMA funds for state coastal programs. State funding is dependent upon California's budgeting and appropriation processes. Anyone interested in supporting increased funding for the California Coastal Management Program may wish to contact members of California's congressional delegation, the Governor, and their representatives in the State Senate and Assembly.

**Donald Darst**  
**Santa Cruz, California**

**Comment:** Mr. Darst expresses his opinion that the Coastal Commission should no longer exist because its members are more concerned with wielding power than with accepting the recommendations of its staff, protecting the coast, and balancing the competing interests of the citizens. He cites several projects and public meetings in Santa Cruz that he believes exemplify the failure of the Coastal Commission to fulfill its mission.

**OCRM's Response:** The evaluation team thanks Mr. Darst for his comments. The California Coastal Commission was established by state voter initiative in 1972 (Proposition 20) and later made permanent by the California Legislature through adoption of the California Coastal Act of 1976. Along with the Bay Conservation and Development Commission (BCDC), the Coastal Commission is one of California's designated coastal management agencies for the purpose of administering the federal Coastal Zone Management Act in California, and was approved by NOAA in 1977 for that purpose and in that configuration and structure. Whether the Coastal Commission should exist and whether it should serve as one of the implementing agencies of the California Coastal Management Program is a decision to be made by the State of California. If such changes were to be made, there is a process by which changes to a state coastal management program are submitted to and approved by OCRM.

**Mark Massara, Director**  
**Sierra Club Coastal Programs**

**On behalf of the members of the: Sierra Club, California Coastkeeper Alliance, Surfrider Foundation, Wildcoast, Coastal Protection Network, Environmental Defense Center, CoastWalk, San Francisco Baykeeper, Humboldt Baykeeper, Save the Waves, Friends of Schooner Gulch, Endangered Habitats League, Residents for Responsible Desalination, Coastal Land Trust, Preserve Calavera, Redwood Coast Land Conservancy, Wild Heritage Planners, Village Laguna, Unite HERE Local 30, California Native Plant Society, League for Coastside Protection, Friends of the Gualala River, Sea & Sage Audubon Society, Carlsbad Watershed Network, Batiquitos Lagoon Foundation**

The following organizations included in the comments under Mr. Massara's signature also sent the same comment letter separately on the organizations' letterhead: Sierra Club North County

Coasters, Surfrider Foundation (Huntington Beach/Seal Beach Chapter), Preserve Calavera, Wild Heritage Planners, Unite HERE Local 30, Friends of the Gualala River, Carlsbad Watershed Network, and Batiquitos Lagoon Foundation.

**Comment:** Mr. Massara and the above named organizations express their support for the California Coastal Commission and its work, recognize that it has wide and growing public support, but note that the state has consistently neglected to adequately fund the Commission. They strongly urge that it receive adequate funding and staffing and provide several recommendations to improve the work of the Commission:

- Congress should remove the arbitrary cap on federal funding so California can receive its fair share of federal dollars for coastal management;
- OCRM should recommend that the NOAA Coastal Services Center sponsor training and technical assistance to planners and elected officials;
- OCRM should recommend that the state provide funding adequate for the Commission to reinstitute its Local Government Assistance Program, including grants to local governments for LCP preparation and update;
- The Commission has made its meetings available via live audio/video streaming on the web and should now provide remote video testimony opportunities for the public who are not able to attend Commission meetings that are held throughout the California coast;
- OCRM should recommend that the Commission expand public outreach to constituencies who are affected by Commission decisions, or who seek to participate more fully in the public process, because the public is at a decided disadvantage as compared to developers and paid lobbyists. A public information officer or public ombudsman position should be created or restored (one existed in the 1980s).

**OCRM's Response:** The evaluation team thanks Mr. Massara and the members of the named organizations for their comments.

- As noted in almost all of the responses to the comments before this one, NOAA and OCRM support the Coastal Commission in seeking additional funding sources but recognize this is very difficult in the current economic climate in California and the United States. Federal funding for state coastal zone management is appropriated by Congress, and any increase in the amount of that funding or changes to any limitations are dependent upon congressional action.
- With regard to the Coastal Services Center (CSC), the CSC will bring courses to a community or region at the request of a local-host resource management agency, so the Coastal Commission can request that, if it wishes.
- OCRM is aware that the Commission no longer has the money to fund the Local Government Assistance Program, but OCRM believes it is important to fund additional Commission staff to be able to work more closely with local governments and coastal programs in the LCP process.
- The Coastal Commission has worked during this evaluation period to increase its outreach and public participation activities, and these findings reflect that effort. However, this, too, is an effort that likely requires increased resources to go beyond its current activities, including the creation of a public information officer.

Because of the demands on and need for additional financial and staffing resources in almost all of the Commission's programmatic areas, OCRM has recommended that it conduct strategic planning to prioritize the functions, programs, and processes that it administers in order to

provide transparency to the public about the logic in the Commission’s decision-making in the face of challenging budgets.

**Frederick Smith, Executive Director  
The Environmental Action Committee of West Marin**

**Comment:** Mr. Smith and the Environmental Action Committee of West Marin express strong support for the California Coastal Commission and its work and urge that it receive adequate funding. They were not included under the umbrella letter of the Sierra Club and other organizations presented above, but the content of Mr. Smith’s letter is identical.

**Response:** The evaluation team thanks Mr. Smith and the Environmental Action Committee of West Marin for their comments. See OCRM’s response above to the letter from the Sierra Club et al.

**Patt Healy  
Malibu Coalition for Slow Growth**

**Comment:** Ms. Healy and the Malibu Coalition for Slow Growth express strong support for the California Coastal Commission and its work and urge that it receive adequate funding. They raise the same issues, concerns, and recommendations as those raised by the letter from the Sierra Club et al.

**Response:** The evaluation team thanks Ms. Healy and the Malibu Coalition for Slow Growth for their comments. See OCRM’s response to the letter from the Sierra Club et al.

**Andrew Christie, Chapter Director  
Santa Lucia Chapter of the Sierra Club  
San Luis Obispo, California**

**Comment:** Mr. Christie has provided additional detail to information he discussed with the evaluation team during a site visit meeting with him. He is concerned about the “invisibility” of state marine protected areas (MPAs). California maintains three kinds of MPAs: state marine reserves, state marine parks and state marine conservation areas. They are designated specifically to protect aquatic life, and often are often associated with state areas of special biological significance (ASBS). MPAs are designated by the California Department of Fish & Game and the California Department of Parks and Recreation. The State Water Resources Control Board has formulated and adopted the California Ocean Plan (COP). The COP establishes narrative and numerical water quality objectives and provides the basis for regulation of point and nonpoint source discharges of waste into the State’s coastal waters. The State Water Board and six coastal Regional Water Quality Control Boards implement the COP. The COP addresses discharge to ASBS, but not to state MPAs, which Mr. Christie believes should occur.

**OCRM Response:** The evaluation team thanks Mr. Christie for his comments. The regulation of discharges to the State’s coastal waters and state MPAs is not a function of the California Coastal Commission, which regulates development in the coastal zone. Nevertheless, Mr.

Christie could discuss these concerns with the Coastal Commission to identify how the Commission might work with the State Water Resources Control Board to address this issue in the implementation of the California Coastal Management Program's Coastal Nonpoint Pollution Control Program.

**Fran Gibson, President of the Board**

**Una Glass, Executive Director**

**Coastwalk California**

**Comment:** Ms. Gibson and Ms. Glass provide comments as they relate to the promotion and completion of the California Coastal Trail (CCT) and its place in the California Coastal Management Program. They express strong support for the California Coastal Commission and its work and urge that it receive adequate funding. The CCT was expected to be completed by 2008, but at the time of the evaluation site visit, only 65 percent was complete. They advocate high quality outcome measures to indicate to trail advocates, public and private agencies, coastal communities, and others the current status of the CCT and what needs to be done to complete the trail. They call for a targeted coordinator inside each agency with CCT jurisdictions and responsibilities. More funding and Coastal Commission staff need to be dedicated to the Local Coastal Program process, which guide local planning of coastal resources including local CCT segments. Finally, they suggest that CCT efforts be directed toward "hot projects" that highlight new models of partnerships, coordination, and implementation; and that the Coastal Commission streamline the signage permitting process without a coastal development permit and handle them administratively.

**OCRM Response:** The evaluation team thanks Ms. Gibson, Ms. Glass, and Coastwalk California for their comments. OCRM agrees that completion of the California Coastal Trail is a laudable goal. The Coastal Commission's public access efforts (as well as efforts of the State Coastal Conservancy as it relates to the CCT) are an integral part of completion of the CCT. OCRM agrees that improvements to the Local Coastal Program process and a dedicated staff person within the Coastal Commission staff to serve as its CCT coordinator would benefit the Trail and its completion greatly. However, as the findings in this document acknowledge, finding additional sources of funding or ways to increase current sources of funding is an extremely difficult task in light of today's economic climate. Although OCRM has included recommendations to encourage that search, OCRM has recommended that the Coastal Commission conduct strategic planning to prioritize the functions, programs, and processes that it administers in order to provide transparency to the public about the logic in the Commission's decision-making in the face of challenging budgets.

**Linda Krop, Chief Counsel**

**Environmental Defense Center**

**Comments:** Ms. Krop, on behalf of the Environmental Defense Center, expresses strong support for the California Coastal Commission and its work and urges that it receive adequate funding. The Environmental Defense Center provides comments as a part of the comment letter from the Sierra Club et al. but also submits separate comments. Ms. Krop notes that the strengths of the Coastal Commission are its dedicated staff and the strong laws and policies

imbedded in the California Coastal Act. She identifies several significant accomplishments of the Coastal Commission during this review period.

Ms. Krop lists numerous areas where lack of adequate funding limits the Coastal Commission's effectiveness, including project review, planning, and enforcement; and Commission programs such as public access, water quality, local coastal programs, energy projects, and technical and financial assistance to local governments. With regard to the effectiveness of local coastal programs, she indicates that local governments should receive significantly more training about the California Coastal Act and the role of LCPs in implementing the Coastal Act. The Coastal Commission's Local Government Assistance Program should be reinstated with adequate funding so that Commission staff can be available to provide guidance to local governments. Outdated LCPs do not adequately protect environmentally sensitive habitat areas, water quality, and cultural resources, nor are they required to address new threats such as climate change and shoreline erosion. She recommends that the California Coastal Act be amended to require local governments to follow the Coastal Commission's direction in updating their LCPs or risk losing their permitting authority.

She is also concerned that federal agencies are not responsive or cooperative in many instances with the Coastal Commission during the federal consistency process.

Her final concern involving public participation and input has been noted in the comments of others: the unfair access provided by the Commission to private interests. Developers and industry applicants can afford to hire lobbyists and send them around the state to meet with commissioners as well as those who appointed them. The public, non-profit, and environmental organizations do not share these resources and are at a distinct disadvantage in terms of educating and lobbying the Coastal Commission.

**Response:** The evaluation team thanks Ms. Krop and the Environmental Defense Center for their comments. OCRM agrees throughout these findings that the California Coastal Commission is unable to meet some statutory requirements as well as to adequately provide necessary services. As noted in many other comments raising the inadequate funding issue, NOAA and OCRM support the Coastal Commission in seeking additional funding sources but recognize this is very difficult in the current economic climate in California and the United States. Federal funding for state coastal zone management is appropriated by Congress, and any increase in the amount of that funding is dependent upon congressional action. State funding is dependent upon California's budgeting and appropriation processes. Because of the demands on and need for additional financial and staffing resources in almost all of the Commission's programmatic areas, OCRM has recommended that it conduct strategic planning to prioritize the functions, programs, and processes that it administers in order to provide transparency to the public about the logic in the Commission's decision-making in the face of challenging budgets.

Any decision to amend the California Coastal Act to require local governments to follow the Coastal Commission's direction in updating LCPS or risk losing permitting authority is at the discretion of the State of California. If that occurs, there is a process by which changes to the enforceable policies of the California Coastal Commission are submitted to and approved by OCRM.

The evaluation team will provide OCRM's federal consistency coordinator with a copy of Ms. Krop's letter and the comments about the federal consistency process and federal agency participation.

**Bruce Heyman, Founder**  
**Dana Point Boaters Association**  
**Dana Point, California**

**Comment:** Mr. Heyman believes that the Coastal Commission is staffed with knowledgeable and competent staff, but it is severely underfunded and understaffed. He believes that this has led to situations where the Coastal Commission has not been able to meet its statutory responsibilities. In the case of Dana Point Harbor, the first LCP was approved for Orange County in 1986. The County subsequently transferred the LCP to the City of Dana Point after the city incorporated in 1989. According to Mr. Heyman, there has never been a periodic review, as required by law, of either the County or the City's LCP.

Because of that, Mr. Heyman indicates that numerous developments within the harbor have not had the benefit of any public process: dedicated boater parking has been given to merchant and restaurant owners and to the Catalina Express passenger service; trees have been removed and there have been other landscaping changes; and a significant number of boat slips have been eliminated and converted to larger slips; and slips formerly dedicated to recreational boating have been converted to commercial fishing docks. Furthermore, affordable recreational access is not addressed when slip fees are being increased by as much as 50-60% in a single year at some harbors. Finally, he indicates that recreational boat space and resources are being downsized or eliminated to make room for commercial and residential uses that are not water-dependent and that congest access and inhibit expansion of the harbor in contradiction to the policies of the California Coastal Act.

**OCRM Response:** The evaluation team thanks Mr. Heyman for his comments. Throughout these findings OCRM agrees that the California Coastal Commission is unable to meet some statutory requirements. As noted in many other comments raising the inadequate funding issue, NOAA and OCRM support the Coastal Commission in seeking additional funding sources but recognize this is very difficult in the current economic climate in California and the United States. Federal funding for state coastal zone management is appropriated by Congress, and any increase in the amount of that funding is dependent upon congressional action. State funding is dependent upon California's budgeting and appropriation processes. Because of the demands on and need for additional financial and staffing resources in almost all of the Commission's programmatic areas, OCRM has recommended that it conduct strategic planning to prioritize the functions, programs, and processes that it administers in order to provide transparency to the public about the logic in the Commission's decision-making in the face of challenging budgets.

**Jon Nahhas****Marina del Rey, California**

**Comment:** Mr. Nahhas comments on Marina del Rey, which is an unincorporated area of Los Angeles County, on issues similar to those raised in other comments. He notes that the Coastal Commission is not adhering to the federal Coastal Zone Management Act (CZMA) as it pertains to priority consideration being given to coastal dependent uses and because the Commission is not ensuring public access to the coasts for recreational purposes. He states that there has been a decrease in boat slips and public access at Marina del Rey and a large increase in residential and commercial developments. Boat slip fees are increasing dramatically, creating fewer affordable recreational slips.

Mr. Nahhas notes a “disconnect with the oversight of the coastal management practices in California...” because NOAA and OCRM may require necessary actions of the California Coastal Commission to ensure that the federal coastal management practices are upheld, but the Coastal Commission may only make recommendations in its periodic review of an LCP and cannot require that the recommendations be undertaken by the LCP. He also says that there is minimal public input on decisions made for Marina del Rey at many local government meetings held by Los Angeles County, and that the Coastal Commission “...has not made an authoritative effort to correct this obvious misconduct.” Therefore, Mr. Nahhas says that necessary actions must be included in these findings to ensure that the Coastal Commission and its practices are in compliance with the CZMA and that any further public funding should be contingent upon the required necessary actions.

**OCRM Response:** OCRM thanks Mr. Nahhas for his comments. OCRM has acknowledged in these evaluation findings as well as in previous findings that the Coastal Commission is not able to complete periodic LCP reviews as required by the California Coastal Act. In the evaluation findings dated July 2002, OCRM included a Necessary Action that required the Coastal Commission to “...*continue efforts to establish a statewide periodic review program* that will address the current backlog of periodic reviews...” It did not require that the backlogged reviews be completed. Within that Necessary Action, NOAA and OCRM acknowledged that establishing this program would require more resources for the Coastal Commission. In the evaluation findings dated March 2006, the Coastal Commission responded to that 2002 Necessary Action by indicating that the Commission staff had been reduced by 33 positions since the previous evaluation and that it was very difficult for the Coastal Commission to meet its statutory requirements. The March 2006 findings found that the Commission’s continued loss of staff and funding has had a detrimental effect upon its ability to meet its goals and mandates and included a Program Suggestion encouraging the Commission’s efforts to secure permanent dedicated sources of funding for coastal management. In these 2010 findings, OCRM yet again notes the decrease in staff and funding.

Within a significant increase in funding, redirecting Coastal Commission funds to the LCP process will only result in a further decrease in services in other programmatic areas. For that reason, and because of the demands on and need for additional financial and staffing resources in almost all of the Commission’s programmatic areas, OCRM has recommended that the Coastal Commission conduct strategic planning to prioritize the functions, programs, and processes that

it administers in order to provide transparency to the public about the logic in the Commission's decision-making in the face of challenging budgets.

With regard to the inability of the Coastal Commission to require that LCPs adopt the Commission's recommendations in LCP reviews, OCRM does not mandate changes to the California Coastal Act. Any decision to amend the California Coastal Act to require local governments to follow the Coastal Commission's direction in updating LCPS is at the discretion of the State of California. If that occurs, there is a process by which changes to the enforceable policies of the California Coastal Commission are submitted to and approved by OCRM. Finally, the California Coastal Act (as well as the CZMA) places a high priority on the ability of the public to participate in decisions being made relating to coastal management. It does not, however, appear to require or give the Coastal Commission authority to enforce a particular procedure for public meetings and hearings. The Coastal Commission staff can provide further information.

**Andy Bessette**

**Marina Boatowners Association**

**Comment:** Mr. Bessette's only comment is that "...largely as a result of a CCC directive, thousands of active boaters lost their slips in Marina del Rey alone! This so they could build a few more luxury apartments-on-the-water and a few more businesses-on-the-water."

**Response:** The evaluation team thanks Mr. Bessette for his comments. See responses above to Mr. Heyman and Mr. Nahhas for these issues.

**David Tunno**

**Tunno & Associates**

**Ventura, California**

**Comment:** Mr. Tunno comments on marina issues based upon his experiences at marinas in Marina del Rey and Ventura. His comments mirror concerns raised in other written comments. He notes the decrease in recreational boating slips because of significant increases in slip rates. He states that there are fewer and fewer different marina lessees, because large corporations are taking over the leases and are gaining control over a large percentage of available slips. These factors decrease choices available to and discriminate against boat owners in the middle and lower economic classes. He also states that because the power of the marina lessees is so great, many boaters are afraid to come forward, even to attend a rate hearing. He recommends that there be a comprehensive regulation that requires rates based on a fair ROI, not a market limit formula; prohibits discrimination against boats based on age and construction; provides protection against groundless evictions and intimidation; and allows a live-aboard fee formula that is in line with actual additional expenses to the operator together with a fair ROI.

**Comment:** OCRM thanks Mr. Tunno for his comments. Any recommendations about development of a comprehensive regulation with requirements as specified in Mr. Tunno's written comments is beyond the scope of this programmatic evaluation.

**Daniel Gottlieb****Marina del Rey, California**

**Comment:** Mr. Gottlieb raises issues related to Marina del Rey. Mr. Gottlieb believes that small towns are in danger of being sued for more than their tax bases by developers who demand settlements that violate the California Coastal Act. In Los Angeles County, Mr. Gottlieb believes that the County is promoting unplanned gentrification by allowing taller buildings, hotels, and timeshares (thereby displacing residents who are not rich enough to afford those uses) through its failure to adhere to its LCP and the California Coastal Act, failure to let the public have adequate participation, and by providing inaccurate information to the Coastal Commission. He recommends that the Federal government set up a fund to assist victimized small towns and unincorporated areas to pursue legal remedies against these developers so that access to the coast will be preserved for all people.

**OCRM Response:** The evaluation team thanks Mr. Gottlieb for his comments. Throughout these findings OCRM agrees that the California Coastal Commission is unable to meet some statutory requirements and services, particularly those involving periodic reviews of LCPs and proactive assistance to local governments as they revise LCPs. However, recommendations to the Federal government with regard to setting up any sort of fund for towns are beyond the scope of this coastal management program evaluation. Instead, OCRM recommends that the Coastal Commission continue to seek additional funding sources to support staffing needs. OCRM recognizes this is very difficult in the current economic climate in California and the United States. Federal funding for state coastal zone management is appropriated by Congress, and any increases in the amount of that funding or changes to any limitations are dependent upon congressional action. Because of the demands on and need for additional financial and staffing resources in almost all of the Commission's programmatic areas, OCRM has recommended that it conduct strategic planning to prioritize the functions, programs, and processes that it administers in order to provide transparency to the public about the logic in the Commission's decision-making in the face of challenging budgets.

**John Davis****Marina del Rey, California**

**Comment:** Mr. Davis requests that NOAA and OCRM issue three necessary actions in regard to the California Coastal Management Program, specifically the California Coastal Commission: 1) require the State of California "to rescind its approvals of the Marina del Rey LCP, all Coastal Developments issued therein, and the underlying LaBallona Land Use Plan which is a necessary action that will bring the state into compliance with the U.S. CZMA of 1972..."; 2) require the State to "...return all grant proceeds aforesaid to the United States as the funds were acquired for a fraudulent purpose and in violation of the False Statements Act of the United States as to the States application..."; and 3) require the State "...to correctly classify all ports meeting the federal criteria of a port, amend the CaCZMP to reflect the correct classifications, and to then establish Port Plans in those areas which meet said criteria...."

Two of the three recommended Necessary Actions are related to Mr. Davis' contention that some or all of Marina del Rey is federally owned property that was (and still is) improperly and illegally included within the California coastal zone in the Environmental Impact Statement (EIS) prepared for the approval process for the California Coastal Commission portion of the California Coastal Management Program. His assertions have been brought to OCRM's and the California Coastal Commission's attention several times over a period of years, and he has included copies of portions of written letters from both agencies with his written comments.

**Response:** The evaluation team thanks Mr. Davis for his comments.

1) With regard to Mr. Davis' assertion that some or all of Marina del Rey is federally owned property and is illegally included within California's coastal zone:

Based on letters from OCRM and the Coastal Commission (dated in January, June, July, and August 2007), Attachment D (entitled *Federally Owned Lands Excluded from the California Coastal Zone*) of the California Coastal Management Program and Final Environmental Impact Statement issued in 1977 does indicate that there may have been certain federally owned parcels of land within Marina del Rey at that time.

A letter from the California Coastal Commission (August 30, 2007) indicates it is not aware of any documents that explain the entry of Marina del Rey in Attachment D nor does it know why it was included. The letter further states that the Commission is in possession of large-scale maps prepared by the Federal government in 1976-77 that depict federal ownership of property in the California Coastal Zone but that none of these maps depicts Marina del Rey.

The County of Los Angeles owns the land areas and virtually all of the water areas of Marina del Rey. The Federal government does own two easements encompassing the entrance and main channel areas of the Marina, which were granted by the County to the Federal government in 1957 and 1958. The Federal government has also occupied a small portion of the land and water area of the Marina since the early 1960s through a lease granted by Los Angeles County. None of these leases constitute ownership, however. Therefore, NOAA has no basis to conclude that Marina del Rey is federal property. Consequently Marina del Rey is part of the California coastal zone subject to the California Coastal Management Program. Thus, these findings do not include the first two Necessary Actions that Mr. Davis requested.

2) With regard to the status of Marina del Rey as a port:

The Coastal Zone Management Act defines the term "urban waterfront and port" only as it applies to NOAA's resource management improvement grant program, which authorizes NOAA to make financial grants to states to assist in the "redevelopment of deteriorating and underutilized urban waterfronts and ports."

Section 30700 of the California Coastal Act lists California's ports subject to Chapter 8 of the Coastal Act. Marina del Rey is not listed as one of the ports subject to the provisions of Chapter 8. This list has a different purpose and does not conflict with, and is unrelated to, the provision in the Coastal Zone Management Act noted in the preceding paragraph. Therefore, California has not misclassified Marina del Rey by failing to list it as a port in the California Coastal Act and no

correction is required. Thus, these findings do not include the third Necessary Action that Mr. Davis requested