

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



September 25, 1996

To: Commissioners
From: Joe Bodovitz
Subject: Background Information for October 9 Workshop

Here are some suggestions to help make the October 9 workshop as productive as possible:

1. **Purpose.** As I understand it, the purpose of the workshop is (a) to determine the scope of a management audit with enough specificity to enable potential consultants to bid on the work, and (b) to organize this material, and its determination of goals and priorities, to help begin the required Commission work on a strategic plan.

2. **Approach.** Accomplishing this in the short time available will require staying with an agreed-upon agenda, which I'll suggest below. Before doing this, however, a couple of other matters:

First, it's important to have a clean break between the Commission's morning session and the afternoon workshop. Therefore, I'd suggest that after the morning session and lunch break, you change (if needed) into comfortable, casual clothing.

Second, it's my understanding that the workshop will be an open, public meeting. The participants in the workshop discussion will be commissioners (and alternates) together with the Commission's senior staff. People in the audience will have an opportunity to state their views during the appropriate time for public comments.

3. **Proposed agenda for workshop.** I suggest the following general order to the workshop agenda:

a. **Determine topics to be discussed.**

(1) List (not discuss) perceived coastal program strengths, using responses received from commissioners and senior staff, and from others responding to the request for comments.

(2) List (not discuss) perceived coastal program weaknesses (again using responses from commissioners and others).

(3) Add to these lists any additional topics suggested at the workshop by commissioners and senior staff. It's important that all major matters be included; everything else should be left for later discussion.

(4) Group the topics on the two lists into a smaller number of general subjects for discussion, and determine which are most important to the largest number of commissioners and senior staff, so that these can be discussed first.

b. **Discuss topics.**

(1) Discuss strengths, and what steps may be needed to continue them.

(2) Discuss weaknesses (just what they are, not, at this point, what the appropriate remedies might be).

- (3) Establish general Commission priorities, goals and objectives--at least preliminary ones.
- (4) Discuss challenges/constraints/barriers to achieving priorities, goals, and objectives.
- c. **Determine next steps.**
 - (1) Now, the most important part: for each agreed-upon strength, weakness, and priority/goal/objective, what's the best approach to take? In other words, decide which topics are suitable for a management audit, which for a strategic plan, which for both, and which need further consideration.

All this isn't as daunting as it may appear, because you will be determining the framework for action, not the action itself. That is, this meeting is not to write the report of a management audit or to adopt a strategic plan, but rather to determine, at least initially, what each should cover. (Of course, along the way the discussion may yield some things that can be done without delay.)

I understand that my responsibility will be to keep the discussion moving and to try to ensure that all points of view are heard. I'll do my best.

4. **Public comments.** Because the Commission wishes to provide for public comments on the workshop, I suggest that this be done in one of two ways: allot 30 minutes for this purpose before a supper break (although this will be done before conclusion of the discussion), or provide 30 minutes for comments at the end of the meeting (when the discussion will be completed but everyone will be tired). If time allows, you could consider having both comment periods.

5. **Next steps.** Ideally, I'd meet with each of you individually before the workshop, to ensure that the top-priority matters of concern to each of you are covered. Unfortunately, that is not possible and we will have to try the next best thing: if you have specific concerns that you want me to know about before the workshop, please let me know. My telephone number is (415) 543-1855; fax (415) 543-8185. I'll treat all communications as completely confidential.

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

VOICE AND TDD (415) 904-5200



INTRODUCTION

STRATEGIC PLANNING REQUIREMENTS

FROM Coastal Commission 415 357 3787

09-18-96 02:53PM TO SACTO

9,19163240032

*29 P.2/4

MANAGEMENT MEMO

SUBJECT: STRATEGIC PLANNING REQUIREMENTS	NUMBER: 96-23
	DATE ISSUED: 08/09/96
	EXPIRES: 08/09/97
REFERENCES: Chapter 779, Statutes of 1994, Budget Letter 96-08	ISSUING AGENCY: Department of Finance

Critical to the continuing success of the Governor's efforts to make state government programs and operations more efficient and effective is strategic planning. Building on the initial efforts related to Chapter 779, Statutes of 1994 that required the Department of Finance to assess the status of strategic planning conducted by state departments and other entities, the Department of Finance will now require all state agencies to develop a strategic plan by July 1, 1997. Those state departments that have seriously engaged in strategic planning have demonstrated that this process fosters better organizational management and promotes better service delivery to their customers.

All strategic plans require Governor's Office approval and must be transmitted through the agency secretary, where appropriate, for approval. For departments and offices that do not report to an agency secretary, the strategic plan must have the department director's or the executive director's approval.

After the Governor's Office approval, two copies of the strategic plan shall be forwarded by the agency or the appropriate department to the Office of State Audits and Evaluations of the Department of Finance.

All state entities should keep their Department of Finance budget analyst apprised of the progress of their strategic planning effort.

The provisions of this management memo shall not apply to constitutional offices, the judicial branch of state government, the University of California and the California State University system. However, these organizations are encouraged to develop strategic plans for use in preparing their budgets and to forward copies of their plans to the Department of Finance.

A strategic plan is an overall plan for accomplishing an organization's mission in a changing environment with the resources it can reasonably expect to be available. Beginning with fiscal year 1998-99, strategic plans will be linked to the budget process. Resource requests must be logically related to key objectives in the strategic plans. No budget augmentation requests for the 1998-99 fiscal year will be considered for approval unless an organization

FROM Coastal Commission 415 357 3787

09-18-96 02:54PM TO SACTO

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has an approved strategic plan. There will be a requirement that budgetary requests provide a cross-reference to the specific objectives in an organization's strategic plan.

Components of Strategic Plans

The Department of Finance will provide a strategic planning handbook containing guidelines on strategic planning processes and products. The Strategic Planning Handbook will be distributed in late summer of 1996.

- Strategic plans provide a blueprint for future programmatic directions. The strategic planning process produces fundamental decisions and actions that shape and guide what an organization is, what it does, and why it does it. The strategic plan defines and refines the business functions within an organization to efficiently and effectively carry out its programmatic missions. The basic process for completing a strategic plan and the components to be included are detailed below. If specific components are not included in an organization's strategic plan, a statement as to the reason this component is not applicable must be included.
- The organization conducts an internal/external assessment (with input from various levels of the organization and external stakeholders). This assessment is an evaluation of internal conditions and external factors that affect the organization.
- The organization's director and planning team define the mission (purpose) and express the principles which are the core values and philosophies.
- The director articulates a vision (a compelling, conceptual image of the desired future) for the organization. This vision is communicated to every level of the organization.
- The director and planning team establish goals and objectives for the organization as a whole, based on consideration of external factors and internal capacities (revealed in the internal/external assessment.)
- The director and planning team identify performance measures for the goals and objectives and set performance targets. Measures which assess effectiveness or program impact on solving a problem are more desirable than measures which simply quantify the workload.
- The director and planning team communicate the mission, principles, goals, and objectives to every level of the organization. Action plans are then developed to implement the strategic plan.

FROM Coastal Commission 415 357 3787

09-18-96 02:54PM TO SACTO

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-3-

- The organization puts the strategic plan into action and uses a tracking and monitoring system to measure progress. Strategic Plans and performance results are regularly evaluated, and the plan is revised accordingly.

The Office of State Audits and Evaluations will provide assistance to state organizations on an advisory basis and is available on a contractual basis to facilitate the development of strategic plans. Please contact Sam Hull, Chief, Office of State Audits and Evaluations, Department of Finance at 916-322-2917 for further information.



CRAIG L. BROWN
Director
Department of Finance

ACCOUNTING SECTION

AUG 19 1996

CALIF. COASTAL COMMISSION

QUESTIONNAIRE

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



September 16, 1996

TO: All Commissioners, Management Team & Interested Parties
From: Peter Douglas, Executive Director
Re: Input for Commissions Goal Setting Workshop

The Coastal Commission has scheduled a "Goal Setting" workshop at 2:00 pm on Wednesday, October 9 at its monthly meeting in Los Angeles. The workshop will be facilitated by Mr. Joe Bodovitz. The purpose of the workshop is to help the Commission prepare its "Strategic Plan", due June 30, 1997, and to focus the proposed management audit called for at its July meeting. The Commission has asked that this request for input be sent and the responses copied and distributed prior to the October meeting. Please FAX your response to me no later than 5:00 pm Wednesday, September 18 at (415) 904-5400.

1. Please list the five aspects of the coastal program that you consider to be program strengths.
2. List five program weaknesses that you think need improvement.
3. List five program goals for the next several years that you think the Commission should set for the coastal program.
4. Please rank, in order of priority (from 1 - most important- to 5 - less important), the goals you identified.

Your response will be distributed to the Commission, with your name associated with your response, to provide input for the planned workshop.

Thanks for your help!

COMMISSIONERS' RESPONSES TO QUESTIONNAIRE

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SEP 19 1996
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COASTAL COMMISSION

REVISED VERSION September 20, 1996
Page 1 of 2

854 Jimeno Road
Santa Barbara, CA 93103
805-966-6312 (phone/fax)

Date: September 19, 1996
To: Peter Douglas, Executive Director
California Coastal Commission
From: Francesca M. Cava
Alternate Coastal Commissioner
Subject: Input for Commission's Goal Setting Workshop

Sorry for this 1-day late submission, but I just received your fax this morning. I look forward to attending the upcoming October workshop to address these issues.

Five Strengths of the California Coastal Program:

1. The Coastal Act is the program's greatest strength.
2. A comprehensive way to insert the importance of the California Coast in the decision making process at the state and national levels.
3. The ability and requirement for public participation.
4. A 20 year plus history of decisions that has done its best to balance environmental protection and responsible development.
5. The dedication and knowledge of the Commission staff and Commissioners.

Five Weaknesses of the California Coastal Program:

1. The Commissioner appointment system and the perceived political pressure on Commissioners.
2. The ability to quantitatively measure the success of CCC decisions over the last 20 years (i.e. have individual decisions led to supporting or eroding the premises of the Coastal Act), as well as the ability to take the implications and those decisions into account during current decision making process. Improvements are also needed in the way to present material for the decision making process during Coastal meetings; more paper is not always more helpful, better summarization and presentation of this material is needed.

REVISED VERSION September 20, 1996

Page 2 of 2

3. The public's general lack of understanding of the rights and responsibilities of the CCC and the need for greater exposure of CCC meetings to the public.
4. The lack of technical expertise, and staff/resources in general, to support the Commission and its staff, as well as the lack of non-biased, "state certified" technical experts to support the applicants.
5. Lack of compliance, continued lack of definition of certain requirements of the Act and reinterpretation of the intent of the Coastal Act has diminished the overall intent of the Act to balance the need for protection and development.

Goals of the Coastal Commission:

1. Provide the best possible continued implementation of the California Coastal Act, including developing incentives for completion for all coastal communities to develop their local coastal plans, completing definitions for sections of the Act still requiring definition, providing new summaries for the public on the intent of the Act in light of new legislation or legal decisions, etc.
2. Increased public involvement and understanding of the Commission and its decisions through improved outreach, i.e., public access televised Commission meetings, increased access to computerized/internet information on the Commission and its decisions, etc.
3. Protect the current system of Commissioners from political pressures, real and perceived, by recommending changes to the appointment system.
4. Pooling review/evaluation processes to result in a more realistic and quantitative assessment of the Commission's decisions. Even if its impossible to complete a 20 year assessment of past Commission decisions, a system should be set up to look at "chunks" of decisions in certain time slices, for example, to look for trends. Some consideration should also be made to look at how successful the Coastal Program has been at a regional level, say for the West Coast as a whole, for example. Invite national CZM or other state coastal program experts to attend our Coastal meetings periodically to update the Commission on progress in other areas.
5. Look for ways to improve the use of scientific and technical data in the decision making process and educating Commissioners on this information to allow for better decision making.

Goal Setting Workshop

Five aspects of the coastal program that I consider to be program strengths.

1. Commitment to providing and acquiring public access. *and environmental concerns*
2. Ability to balance development *within the mandates of the Coastal Act.*
3. Independence, integrity and knowledge of the staff.
4. Multi-agency cooperation in the Santa Monica Mountains.
5. Ability to work with a wide variety of interest groups.

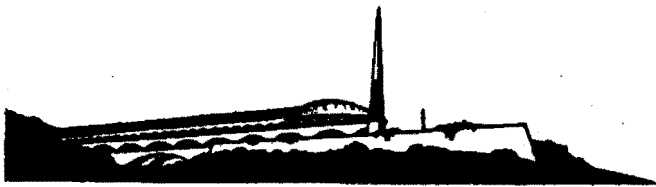
Five program weaknesses that may need to be addressed within the economic and political limitations.

1. Inability to mandate completion of local governments L.C.P.'s using staff resources and incentives or sanctions and moratoriums.
2. Real or perceived problem of interference and political pressures placed on Coastal Commissioners and/or staff by the Governor's or Speaker's offices. *Directly or indirectly by Commissioners*
3. Lack of consistent concern regarding the mandates of the coastal act as outlined in the Chapter 3 policies. I'm concerned about the precedent set by some decisions and the long term implications *of* coastal management. *and unproductive*
4. Inordinate amount of reading material presented at the day of the hearing.
5. Need to create a public awareness of the benefits of the Coastal Act. Review of the progress and accomplishments of the past 20 years. The commission and staff need to analyze the effectiveness of the public's initiative and recognize the challenges and goals of the future of the California coast for the 21st Century.

Five Program Goals

1. Update technology, computer systems, etc. to better serve the public. (#4)
2. Completion of L.C.P.'s (Goal# 1)
3. Secure maintenance agreements through grants or other available options to open all acquired easements. (Goal#2) Update statewide access map.
4. Promote/publicize the accomplishments and benefits of a strong coastal program and management policies. (Goal #5)
5. Develop long-term strategies for storing contaminated sand that has been dredged from our ports and harbors. Has there been a study that determines the environmental effects of burying these hazardous materials? (Goal #3)
6. Hire an in-house geologist by adjusting applicant fees if they are building in areas of potential geologic instability. (Goal#6)

Fran Pavley
Commissioner



Gary Giacomini

ADMINISTRATION BUILDING
SUITE 315, 3501 CIVIC CENTER DR.
SAN RAFAEL, CALIFORNIA 94903-4193
TELEPHONE (415) 499-7381
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THE BOARD OF SUPERVISORS OF MARIN COUNTY

RECEIVED
SEP 18 1996
CALIFORNIA
COASTAL COMMISSION

September 18, 1996

Peter Douglas
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

BY FAX #415-904-5400

Dear Peter and Commissioners:

Here are my "Three Fives" for the workshop.

Strengths:

1. The Law.
2. Public Support.
3. The Staff.
4. It has made and can continue to make a difference.
5. Much of the work is meaningful and many of the decisions have lasting benefits.

Weaknesses:

1. The interference by some appointing authorities in the work and decisions of the Commission.
2. The undue influence of lobbyists behind the scene.
3. Not enough funding for the staff expertise and technological tools the Commission needs to do a more effective and thorough job.
4. Absence of the necessary teeth in the Coastal Act or money from Sacramento, to force and/or entice local governments to complete their LCPs.

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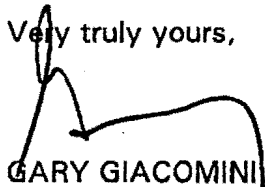
MARTIN J. NICHOLS
REGULAR MEETING
TUESDAY, 9 A.M.

5. No ability to go back and require local governments to make changes in their LCPs when new information and compelling circumstances warrant such changes.

Goals:

1. Find a way to lessen the back-room influence of lobbyists on the decisions of commissioners.
2. Find a way to ensure that the appointing authorities don't meddle in the work of the Commission.
3. Find a way to complete all LCPs.
4. Increase funding for the program to enable the Commission to hire the staff experts and get the computers and equipment necessary for the commission to do a better job.
5. Strengthen the Commission's ability to ensure permit condition compliance and enforcement of the Coastal Act.

Very truly yours,



GARY GIACOMINI
Supervisor - Fourth District
Coastal Commissioner

GG:pf

William B. Rick

September 16, 1996

✓ Good

Strengths

1. Quality of Staff
The staff is the best "plus." For education, courtesy, demeanor, helpfulness and willingness they are of highest quality.
2. Acceptance of Reality
Once there is a legislative or judicial discussion which negates a California Coastal Commission practice, the discussion is accepted.
3. Tolerance of Public Expression
The Commission procedures are tolerant of extended nonsequiturs on the part of the public.
4. Public Notice Practices
Contrary to the opinion of a few, the Commission/staff are extremely careful to assure adequate notice.
5. State-Wide Exposure
While not perfect, the California Coastal Commission practice of meeting within the full length of the state should be commended.

3576 Emerson Street, San Diego, California 92106

Mr. Peter M. Douglas

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September 16, 1996

Not-So-Good *Weaknesses*

1. Future Activities

With the certification of 90% of the LCP's, the great^{er} goal has been achieved. What comes next is not clearly defined.

2. Commissioner Participation

Little use is made of Commissioners' time and talents outside meetings.

3. Verbose

Reports tend to be windy and lack conciseness.

4. Graphics

Applicants should be asked to provide better graphics. Too often graphics are misleading, if not confusing.

5. Funding

There is a conflict between funding and legislative expectation.

Sincerely,

J. J. J.
WBR:lsk

September 17, 1996

TO: Peter Douglas
FROM: Arnold Steinberg

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CALIFORNIA
COASTAL COMMISSION

Coastal program strengths

Committed, hard-working staff
Good reputation in environmental community
Continuity in staff
Preservation of coastal access
Staff productivity

Coastal program weaknesses

Ex parte communications
Overly broad jurisdiction
Rigidity and inflexibility
Bad reputation in business community
Overregulation, especially of homeowners

Coastal program goals

- 1/Complete Local coastal plans (example: raise fees for no-LCP areas)
- 2/Streamline permit process (example: speedier, simpler resolution)
- 3/Streamline meetings (example: shorter meetings, reformatted)
- 4/Streamline administration (example: new computer and E-mail system)
- 5/Survey of past applicants (example: discern problems)

GOALS

- 1- Protect public access, public views and natural resources
- 2- Improve public participation in the process
- 3- Certify all LCP's and begin 5 year reviews
- 4- Expand current professional staff
- 5- Code of conduct for commissioners (limit ex-parte communications with applicants, limit commissioner discussions with lawyers, applicants and/or their agents on issues under litigation)

What's not working:

- 1- Last minute major amendments to projects by applicants
- 2- Project by project planning for uncertified areas. Use of LCP amendment process to deal with project by project approvals instead of limiting it to 5 year reviews.
- 3- Lack of public's ability to be involved with the process prior to the hearing
- 4- Failure to use independent scientific experts
- 5- Over emphasis on takings of private property with no regard for public property rights or the public trust.

What's working-

- 1- Professionalism of staff and quality of staff reports. Efficient of use of limited staff time.
- 2- Balancing of diverse interests
- 3- Current enforcement program
- 4- Good underlying enabling legislation
- 5- Open, public hearings throughout the State

STAFF RESPONSES TO QUESTIONNAIRE

To: Peter Douglas

September 18, 1996

From: Jim Burns



Subject: **Input for Commission's Goal Setting Workshop**

1. Program Strengths

- Staff professional and effective.
- Public aware and involved in the Commission's activities.
- The Coastal Act contains clear and strong goals, policies and standards for coastal resource protection and management.
- Effective public education program (e.g., Coastal Access Guide, Coastal Resources Guide, Adopt-A-Beach, Save Our Seas curriculum).
- Federal Coastal Zone Management Act gives the Commission authority over federal activities.

2. Program Weaknesses

- No incentives for local jurisdictions to complete their LCPs.
- State budget insufficient to support core program.
- Insufficient incentives for local jurisdictions or nonprofit groups to accept access dedications and to take over the management of public accessways.
- Part time Commissioners.
- Coastal hazards management.

3. Program Priorities

- Assist local jurisdictions with the completion of their LCPs. Work with the Administration and Legislature to provide fiscal and other incentives to local jurisdictions for completing their LCPs. Provide Commission staff support to assist local jurisdictions develop certifiable LCPs.
- Periodically evaluate certified LCPs on a regional basis to ensure they are being properly implemented and are current with respect to recent court decisions, scientific knowledge and planning procedures.
- Assist local jurisdictions with the implementation of their LCPs. Restore the Commission's Local Assistance Program wherein the Commission staff published *Local Assistance Notes* and held workshops with local jurisdictions to advise them on a variety of coastal management issues (e.g., recent court decisions on takings law, model ordinances, nonpoint source pollution control, geotechnical assistance).
- Work with local jurisdictions to create coordinated, regional approaches to the enforcement of coastal development.
- Increase the breadth of technical expertise on the Commission's staff (e.g., computer specialist, geologist, geographic information systems/cartographic specialist).

CALIFORNIA COASTAL COMMISSION INVENTORY OF CORE RESPONSIBILITIES

- A1. The Coastal Commission's principal goals are to:
- Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal environment and its resources.
 - Assure orderly, balanced utilization 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 recreation opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.
 - Assure priority for coastal-dependent and coastal-related development over other development on the coast.
 - Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.
- A2. We measure our success in achieving the above goals by observing the extent to which:
- Environmentally sustainable economic development is achieved.
 - Resources are protected.
 - Public access is provided.
 - Risks to people and property are minimized.
 - Local coastal programs are certified, amended, reviewed and implemented.
 - Project impacts are mitigated.
- B1. Our principal customers are coastal, local governments; industrial ports; development interests needing coastal development permits; national, statewide, regional and community-based environmental organizations; special districts; state agencies; federal agencies; universities; utilities and energy companies; tourist industry; recreational organizations; sport and commercial fishing industries; and shipping interests.
- B2. Our core responsibilities to our customers are to carry out our statutory responsibilities in a professional, effective and efficient manner, and to provide permits, plans, technical assistance, public information, public education, interagency coordination, and dispute resolution.
- C. The essential components of the services we provide include public participation, coastal development permits, local coastal plans, zoning ordinances, public information and education, permit assistance, and coordination with local governments and other agencies.

9/23

TO: Peter
FROM: Ralph
RE: Coastal Program Strengths & Weaknesses

5 Strengths

1. conceptual structure of Coastal Act
2. efficiency: we move regulatory items quickly
3. litigation records success
4. public outreach: adopt-a-beach; Access & Resources guides
5. program as broad-based public support


5 Weaknesses

1. appearance that decisions are not made for the right reasons
2. lack of consensus on the goals of the enforcement program
3. under funding
4. lack of modern technology (e.g., computer systems)
5. lack of scientific & technical expertise

State of California
M E M O R A N D U M

California Coastal Commission
San Diego District

TO: Peter Douglas
DATE: September 17, 1996

FROM: 
Chuck Damm

SUBJECT: Response to your memo regarding: "Input for Commission's Goal Setting Workshop"

In response to your September 16th memo regarding the above referenced subject, the following comments are being provided. My comments are in bullet form and follow the order contained in your memo.

I. Five Strengths of the California Coastal Program:

1. Federal Consistency review authority;
2. Authority to review impacts of energy developments on coastal resources;
3. Strong coastal access program which maintains, enhances, and where feasible, promotes new coastal access opportunities;
4. Strongly protects, preserves and promotes enhancement of marine resources, including wetlands;
5. Encourages, and provides for, provisions within LCPs to promote public recreation facilities and visitor-serving commercial development.

II. Five Weaknesses of the California Coastal Program:

1. Electronic data equipment (computers, etc.) is inadequate;
2. No grant funds available for local government, and local government assistance in order to complete LCPs is inadequate;
3. Inability for the Commission to require changes to LCPs that are outdated, and which have been identified as being deficient;
4. Need for more technical staff expertise;
5. Need to strengthen the Commission's regional presence by emphasizing the role of district offices in conflict resolution, workshop/task force participation, public access and public education outreach.

III. Five Program Goals for Next Several Years in Order of Priority:

- &
- IV. 1. Include a Budget Change Proposal (BCP) for purchase of more personal computers (PCs) so that each staff person has a PC and the PCs are networked;
2. Include a BCP to hire an Information Systems Analyst in order to enhance the content and availability of an electronic database;
 3. Include a BCP to reinstitute a grants program to local government in order to encourage completion of LCPs;
 4. Include a BCP to hire a geologist, wetlands biologist, and traffic engineer;
 5. Make public access and public education programs a priority.

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
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VOICE AND TDD (415) 904-5200



September 16, 1996

For: Commission Goal Setting Workshop on October 9

From: Peter Douglas

Coastal Program Strengths

1. A highly skilled, motivated, creative, professional, competent and dedicated staff.
2. A strong, comprehensive and effective statutory foundation.
3. An open and highly visible program that invites broad public participation and generates public support.
4. Generally effective in promoting environmentally sustainable economic development and sound conservation and use of coastal resources for the benefit of current and future generations.
5. Effectively balances public rights, interests and responsibilities with private rights and responsibilities.

Coastal Program Weaknesses

1. Inadequate and unstable funding to support the program at the level (i.e., for sufficient staff and staff expertise, training, and for computer technology) necessary to carry out Coastal Act requirements.
2. Absence of contemporary, networked information technology that would enable the agency to more effectively and efficiently conduct its work.
3. Program instability and inability to plan ahead due to the role of politics, turn-over among decision-makers, and uncoordinated, unpredictable and often unreasonable and conflicting demands on staff and the Commission.
4. Inability to conduct long-range planning due to time pressure and demands to meet short-term needs.
5. Inadequate review and monitoring capabilities to ensure that Commission-approved coastal permits, certified LCPs are carried out as intended or updated (in the case of LCPs) in light of new circumstances.

Program goals (in order of priority)

1. Secure adequate State funding to hire additional staff and staff experts (i.e., geologist).

2. Acquire the computer equipment and put in place a networked information technology system to enable the agency to do its work more effectively and more efficiently.

3. Evolve a Commission whose members work harmoniously, cooperatively and constructively with each other and the staff to carry out the Coastal Act.

4. Ensure adequate support to carry forward to implementation the coastal non-point source marine water pollution control program.

5. Secure adequate funding to enable reinstatement of staff training and development programs.

MEMORANDUM

September 18, 1996

TO: Peter Douglas
Executive Director

FROM: Elizabeth Fuchs, AICP *EF*
Manager, Land Use & Local Assistance Unit

Five aspects of the coastal program which I consider to be strengths:

1. The highly skilled, motivated, professional staff committed to serving all the people of the state and to protecting the resources of the coast.

2. Protection and enhancement of public access to the coast.

More than any other state, local or federal agency, the Commission protects the interest of the public to reach and use its coastline.

3. The provision of maximum public participation.

Public participation is a centerpiece of the coastal program, since this is a program established by the public through initiative and the Coastal Act contains strong policies assuring public participation. Attention is paid in almost all agency activities to maximizing opportunities for broad public involvement.

4. The clear, strong resource management standards contained in the Coastal Act.

The policies of Chapter 3 of the Coastal Act to guide regulation and Local Coastal Planning are a great program strength. They provide the means to successful and effective management of coastal resources.

5. An organizational structure which is not rigid and hierarchical but is flexible and geared to completing large amounts of work quickly and efficiently and to responding to emerging problems.

Some suggestions from the field of business management have been in practice at the Commission for years, including aspects such as flattening the organization, designating one lead analyst to take charge of a project throughout its project life to coordinate review, and organizing work teams to complete project objectives. The organizational structure also allows the agency management to allocate resources quickly in response to emerging issues and to cross train staff to be able to work on multiple tasks as needed.

Five aspects of the coastal program which I believe need improvement:

1. Stability in staffing.

Additional financial resources are needed to assure permanent staff. Relying on limited term, contingency staff can make it more difficult to implement longer term goals. In addition,

relying on limited term staff often results in higher turnover as well as inefficiencies from continually training and supervising new limited term hires.

2. Ongoing training.

Because of budget cutbacks, only limited efforts have been made to provide ongoing training for staff. While many of the staff pay for their own training, staff could increase their effectiveness given ongoing training. Additional training for Commissioners and local government planning staff is also an area needing attention.

3. Additional resources to non-agenda workload, such as comprehensive planning, technical assistance, monitoring, intergovernmental coordination, early project consultation etc.

This is an area that has suffered due to staff cutbacks and lack of sufficient budget for travel but is just as important in saving applicants and local government time in the process and achieving protection of resources through non-regulatory means.

4. Equipment and technical support to fully utilize computer technology.

The Commission staff has made significant gains in this area through special grants, but additional resources are needed to expand capabilities.

5. Additional resources to assist local government in completing, reviewing and updating Local Coastal Programs.

The five goals I identify with 1 being most important:

1. Gain stability in funding, fill vacancies and convert limited term positions to permanent positions.
2. Expand information systems capabilities.
3. Increase coordination and early consultation for projects and LCP planning activities.
4. Increase access to training for staff, local planners and Commissioners.
5. Improve public education and outreach programs.

MEMO

September 18, 1996

To: Peter Douglas, CCC Executive Director

From: *J. J. Grove* Deputy Director, Central Coast District and Statewide Land Use and Local Assistance Unit

Re: Input for Commission Goal Setting Workshop

Below please find my response to your September 16, 1996 memo. As you undoubtedly have heard from others, I regret that I have not had more time to give thoughtful consideration to this exercise. I have also found it difficult to describe the complexity of aspects of our program in a limited number of simple statements.

Program Strengths

1. Designed to ensure that a broad variety of issues are considered in planning for, and regulating, the future of the California coast. Furthermore, the program's organizational structure (with a statewide office and district offices as well as the development of local coastal programs) promotes a broader regional approach to coastal management issues while at the same time allowing for an understanding of, and sensitivity to, local conditions.
2. Maintains a focus on protecting important resources in the coastal zone and allows for environmentally sensitive/sustainable development.
3. Often able to foster interagency approaches to solving resource management problems.
4. Program directives place a high priority on ensuring public participation in coastal zone management decisions and prompt a citizen focus on the special character of the coast.
5. High standard of performance and efficiency expected from professional, non-partisan staff.

Program Weaknesses

1. Continued funding reductions have cut staffing levels below that necessary to carry out the core functions of the program.
2. Outdated word processors and other office equipment often break down, do not allow for the ready exchange of data and information from the personal computer platforms used by nearly everyone in both the public and private sector, have limited options for analyzing and displaying information, and require a large investment of staff time for even simple productions.

Page 2

3. Lack of incentives or mandatory updates of LCP's increasingly is resulting in local programs that: do not reflect improved scientific knowledge of many coastal resources and processes; do not take into account the many changes that have occurred in various regions of the coastal zone; have not incorporated many of the lessons learned by other local jurisdictions about making resource management strategies more effective; are not responsive to the needs of the jurisdictions they serve; and fail to make the linkages between the new landscape of various local, state, and federal resource management programs. Moreover, the frequent turnover of staff at the local level and the inability of the statewide coastal program to provide consistent local assistance has resulted in limited understanding of the history and content of LCP's by the staff of some local jurisdictions.

4. Inadequate staffing levels and funding do not allow staff to spend the time in the field and in local communities that they need to: do thorough site inspections; fully participate in CEQA reviews to ensure coastal issues (and, hopefully, solutions) are identified early in the development process; follow through on permit conditions; conduct a comprehensive enforcement program; assist local government departments; answer questions of permit applicants and other members of the public, etc.

5. Cumbersome state processes for amending regulations hinder even simple updating of Commission rules and procedures.

Program Goals

1. Ensure that the goals and mandates of the Coastal Act, including the protection and enhancement of public access, sensitive marine and land resources, coastal agricultural lands, scenic views, etc., are carried out through a comprehensive coastal program that meets the needs of the 21st century.

2. Increase staffing and funding resources to meet the demands of the State's coastal management program, including the addition of technical experts and/or the ability to hire outside expertise as needed for specific projects.

3. Provide a fully operational and integrated computer system, as well as other affordable technologies, needed to increase the efficiency, capabilities, and services of the coastal program.

4. Pursue initiatives such as the completion of local coastal programs or the adoption of pre-certification permitting programs that would help to focus the coastal program's attention away from more routine items toward broader issues and strategies such as improved local/technical assistance, watershed and water quality issues, overall resource trends/problems resulting from the cumulative impacts of individual developments, regional planning, public education and outreach, etc.

5. Establish periodic training programs for all staffing units and the Commission (both internal and external training sessions are needed, particularly those focused on the continued professional development of staff).

September 18, 1996

To: Peter Douglas
Executive Director

From: Susan Hansch 
Deputy Director

Subject: Response to your September 16 Memo Requesting Input for Commission's Goal Setting Workshop

A. Five Program Strengths

1. ***The California coast is worth protecting. The Coastal Act is a good law and the Commission has generally done well in meeting Coastal Act mandates.***

The 1,100 mile California coast is a fabulous resource for current and future generations to enjoy, utilize, protect, and restore. The Coastal Act is a sound well-tested, workable law that includes the vital components of public participation, partnerships with local governments, strong resource protection policies, and balanced use of coastal resources. Implementing the Coastal Act is a job worth doing and doing well!

2. ***The Coastal Commission has a professional, strong, committed staff team.***

The Coastal Commission staff is a team of resourceful, hardworking individuals committed to the fair implementation of the Coastal Act and to public service. The Executive Director has built an organizational structure based on personal responsibility, integrity, honesty, fairness, professionalism and high quality work. Team work and innovative problem-solving approaches are valued.

3. ***The Coastal Commission has unique responsibilities and authorities.***

- Federal Consistency

For example, the federal consistency authority under the CZMA Act gives the Coastal Commission the only state regulatory review of offshore oil and gas activities in federal waters and of federal projects and other activities with federal licenses or permits.

- Public Access

Public access is one of the core reasons the Coastal Commission was created. With very limited resources the Coastal Commission (in co-operation with other agencies) has been very successful in securing, protecting, and improving public access to and along the shoreline. The best selling *Coastal Access Guide* and *Coastal Resources Guide*, written by the Coastal Commission staff and published by UC Press, are key tools in increasing the public's enjoyment and knowledge of the coast.

4. *The Commission staff has been very effective in developing resourceful ways to address problems with very tight budget constraints.*

- Special Grants

The Commission has been very successful in identifying important and innovative approaches to address important coastal resource and use issues with support from state, federal, and private grants. (wetlands, cumulative impacts, non-point source water pollution, GIS, shoreline erosion, public access, public education)

- Resourceful approaches

The Commission staff is adept at doing a lot on a "shoe-string" budget through staff task forces, and special project teams and volunteers. Examples: Access program/Adopt-A-Beach/ Beach Erosion and Response Task Force.

5. *The Coastal Act set up an effective Commission structure.*

The membership of the Coastal Commission established in the Coastal Act works well because it includes people from locations all along the state and includes locally elected government officials as well as citizens with special expertise.

B. Five Program Areas that Need Improvement

1. *The Coastal Commission is and has been inadequately funded.*

The Commission is not funded at an adequate level to provide needed staff, training, travel and equipment to do the job of implementing the Coastal Act.

2. *The Coastal Commission needs additional technical and scientific expertise on its staff or through advisors.*

The Commission staff needs an in-house geologist, another biologist, water quality specialist, etc. Also need adequate training funds for all staff to keep up with new techniques.

3. *Staff reports and Commission meeting procedures can be overwhelming to the public.*

The staff and the Commission have been working together on ways to make the work of the agency more "user friendly". There is still room for improvement here.

4. *Inadequate state support to local governments to complete critical local coastal programs.*

LCPs for important areas of the Coastal Zone (Malibu, L.A. County portion of Santa Monica Mountains, some Monterey Bay communities, City of Los Angeles) are yet to

be completed. Financial and staff support from the state and incentives may speed up LCP completion.

5. *Inadequate commitment to important long-term issues/ long-term planning and permit compliance effectiveness.*

Because of the Commission's severe staff limitations and current workload demands inadequate attention is focused on long-range planning, permit compliance, and periodic reviews of LCPs.

C. Five Program Goals

1. *Obtain long-term, stable, and adequate funding for the Coastal Commission.*

To improve the Coastal Commission's effectiveness and ability to meet its basic mandatory responsibilities, increased funding is an absolute necessity. Agency has far too much dependence on federal grants for its basic core operation. Funds for travel, training, work with local governments, funds for permanent staff are all severely lacking.

2. *Expand the Coastal Commission's computer technology/information systems.*

- Geographic Information System

Develop and implement a Coastal Environmental Information System to support the Commission's land and ocean planning, regulatory, and enforcement activities. The system would advance our currently limited capability for automated map production and would allow access to, and analysis of documents, images, tables, text, spreadsheets, maps, and plans by CCC staff (headquarters and area office) and the public using personal computers and commercially available software.

- Accelerate implementation of agency-wide modern PC computer system.

While the staff has achieved initial improvements through grants and federal funding and donations the Coastal Commission staff still relies, in part, on outdated WANG computers. In order to properly serve the public and efficiently do our work the Commission must accelerate its efforts to use computer technology to increase efficiencies.

Specific Information System Goals:

- a) Hire in-house information systems manager by January 1, 1997 to build an effective information technology system.
- b) Comprehensive availability of current technology personal computers in all Commission offices by December 31, 1997.
- c) Networking of computer systems by December 31, 1998.

3. *Increase in-house technical and scientific expertise.*

The Coastal Commission staff needs to be strengthened by adding staff with specific scientific and technical credentials and training. Immediate needs: geologist, additional biologist, GIS specialist, water quality specialist.

4. *Focus on partnership/teamwork with local governments to complete most critical LCPs.*

Work with local governments to identify the LCPs which have local support to complete.

5. *Make long-range planning, mitigation monitoring, periodic review of LCPs a higher priority.*

Establish long range planning, LCP periodic reviews, permit compliance of large permits, and mitigation monitoring as high priorities. Focus on the geographic areas and issues that make the biggest difference in coastal resource protection.

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071



September 18, 1996

TO: Peter Douglas, Executive Director
FROM: Teresa Henry, South Coast District Manager *T. Henry*
SUBJECT: Input for Commission's Goal Setting Workshop

Five Coastal Program Strengths

- Provisions for the maintenance of and enhancement of public access.
- Preference for visitor-serving uses (including lower cost recreation) on oceanfront land in order to enhance public enjoyment of coastal resources.
- Protection of wetlands and other scarce, environmentally sensitive coastal resources.
- The encouragement of maximum local public participation in the Local Coastal Plan planning process thereby increasing public education and support for the Coastal Program.
- The Coastal Program balances the rights of private property owners with the protection of public rights of access to the sea and the protection of unique and environmental sensitive coastal resources.

Five Coastal Program Weaknesses

- No real incentives for local governments to prepare and submit LCPs for Commission certification.
- Lack of training funds for staff to attend seminars, workshops, etc. on planning and environmental issues.
- Lack of technical staff (geologist, plant ecologist/wetland biologist, traffic engineer, etc.)
- Procedures do not allow adequate time and resources to review complex LCP submittals.
- Our primary computer system is outdated (NANG) and insufficient number of (non-networked) personal computers.

Page Two
Goal Setting Workshop

Five Program Goals for the Upcoming Years. Ranked in the Order of Priority

1. Obtain funding for adequate number of personal computers (networked) and the full development of a database to allow research of Commission actions on permits and LCPs and to assist in cumulative impact analysis.
2. Obtain funding to hire technical staff (geologist, plant ecologist/wetland biologist, traffic engineer).
3. Provide incentives to get local governments to prepare and submit LCPs for Commission certification.
4. Become more active in regional issues (water quality task forces, hazards and cumulative impact assessment, etc.).
5. Provide funding for staff training in the areas of planning and environmental issues.

7752F

State of California
MEMORANDUM

California Coastal Commission
San Diego District

TO: Peter Douglas
FROM: Deborah Lee *DL*
SUBJECT: Commission's Goal Setting Workshop

DATE: September 18, 1996

In response to your September 16, 1996 memo regarding the Goal Setting Workshop scheduled for the Commission, following are my comments on the coastal program's strengths, weaknesses and future goals. Consistent with your request, I have ranked the future goals in order of priority from "most important" to "less important". Hope this helps and I will be interested in the results.

1. Five Strengths of California's Coastal Program

- A. Strong resource protection standards, particularly for wetlands and environmentally sensitive habitat areas, specified in the Coastal Act;
- B. Federal consistency review;
- C. Provisions for the creation, improvement and maintenance of public access opportunities;
- D. Integration of regulatory activities with comprehensive planning, dating back to the original Coastal Plan; and
- E. Coordinated planning and regulatory efforts with local, state and federal agencies, as well as strong public participation emphasis.

2. Five Weaknesses of California's Coastal Program

- A. Absence of grant funds to support local coastal program development and implementation, as well as provide technical assistance;
- B. Inadequacy of the agency's information systems program (personal computers/networking) and its limited availability;
- C. Lack of technical expertise in specific areas (geology; transportation planning; Southern California wetlands biology);
- D. Inadequate periodic review process; and
- E. Need for cumulative impact assessment and consideration of the sustainability of development.

3. Five Future Program Goals

- A. Improvement in the agency's information systems program with the addition of more personal computers, networking and expanded databases;
- B. Expanded development and implementation of a public outreach and education program;
- C. Re-establishment of an LCP grants program for local governments and technical assistance;
- D. Staff development and training, including additional technical support; and
- E. Expanded efforts in coordinated problem-solving initiatives with other entities and interest groups.

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260



September 18, 1996

TO: Peter
FROM: Bob Merrill
SUBJECT: INPUT FOR COMMISSION'S GOAL SETTING WORKSHOP

Aspects of the Coastal Program I Consider to be Program Strengths

1. Provides framework for looking at the cumulative impacts of development on coastal resources from a regional perspective.
2. Opportunities for public participation in the decision-making process.
3. Strength of policies in concentrating development around existing urbanized areas, reducing geologic hazards associated with new development, and minimizing the impacts of development on wetlands, other environmentally sensitive habitats, and coastal agriculture.
4. Ability to expedite the approval process for projects that don't adversely affect coastal resources through permit waivers, de minimus LCP amendments, exemptions, categorical exclusion orders, etc.
5. Ability to promote public stewardship of the coast through Adopt-A-Beach, Coastal Cleanup Day, Coastal Resource and Access Guides, Web-site on the Internet, and other public education efforts.

Aspects of the Coastal Program I Consider to be Program Weaknesses

1. Lack of a Coastal Commission office in the northern counties of the coastal zone to provide better service to the public, better participate in local coastal planning and development issues, and to more effectively enforce Coastal Act requirements.
2. Insufficient staff resources to provide optimal assistance to local government in implementing Local Coastal Programs.
3. Insufficient computer resources to perform business of the Commission as efficiently as possible.
4. Slow rate of acceptance of offers to dedicate public accessways and opening such accessways to the public.
5. Difficulty for interested public to attend meetings that are often hundreds of miles away, especially for the public in the north.

Program Goals For the Next Several Years

1. Open a Commission office in Eureka.
2. Upgrade the Commission's computer resources to provide for up-to-date pc network accessible to all staff.
3. Institute regional cumulative impact assessment procedures in accordance with the RECAP project to better utilize the regional framework the Coastal Act provides for addressing the cumulative impacts of development along the coast.
4. Work to ensure acceptance of at least 50% of the recorded offers to dedicate public access required by existing coastal development permits.
5. Provide sufficient resources to improve Commission staff assistance to local governments in implementing Local Coastal Programs.

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142



September 17, 1996

TO: Peter Douglas
FROM: Steve Scholl *SFS*
SUBJECT: Strengths/weaknesses/goals

Aspects of the coastal program which I believe are strengths:

1. Concentration of most new development in existing communities.
2. Protection of agricultural lands in the coastal zone against conversion to other uses.
3. Protection of community character of coastal towns which are visitor destinations.
4. Providing for growth of ports, coastal-dependent uses, and industrial uses, while providing mitigation for adverse impacts.
5. Public education through *California Coastal Access Guide*, *California Coastal Resource Guide*, Adopt-A-Beach program, beach clean-ups.

Aspects of the coastal program which I believe need improvement:

1. Lack of financial support for local governments to complete Local Coastal Programs and to respond to 5-year LCP reviews.
2. Local Assistance Program operates only intermittently.
3. Few new coastal accessways opened to the public since 1972.
4. No Coastal Commission office in Eureka to provide service to applicants, appellants, and others on the North Coast.
5. Inadequate computer systems in Commission offices.

Program goals for the next several years:

1. Provide financial support for local governments to complete LCPs and to respond to 5-year reviews of LCPs by the Coastal Commission.
2. Strengthen Commission's Local Assistance Program so as to provide regular workshops and newsletters for local governments.
3. Work with other agencies and organizations to get significant number of new coastal accessways opened to the public.
4. Re-open Coastal Commission office in Eureka.
5. Provide modern, PC-based, networked computer system in all Commission offices.

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142

RECEIVED

SEP 19 1996

CALIFORNIA
COASTAL COMMISSION

September 18, 1996

To: Peter Douglas

From: Gary Timm *AD*

Re: Coastal Program Strengths, Weaknesses And Goals

Coastal Program Strengths

1. Protection and provision of public access i.e. offers to dedicate obtained through permits and subsequent acceptance and opening of the accessway, access policies contained in certified LCPs which protect existing access and facilitate provision of new access, and publication of the Coastal Access Guide and the Coastal Resource Guide.
2. Protection of resources i.e. ESHAs, wetlands, agricultural lands and the visual quality of coastal areas. With some notable exceptions I believe we have been successful far more often than not in protecting and preserving these resources.
3. Preservation and protection of "community character" of coastal towns and cities by utilizing established (zoning) and innovative (TDCs) planning techniques to prevent overdevelopment and urban sprawl, concentrate development in appropriate locations and protect the visual quality of the coast.
4. Provision of public education and participation through the Adopt-A-Beach program, Access and Resource Guides etc.
5. The overall knowledge, ability and dedication of Commission staff.

Coastal Program Weaknesses

1. Budget constraints - inadequate staffing, critical equipment needs and lack of training opportunities for professional growth.
2. Lack of current technology i.e. PCs and related system components.
3. Continual focus on meeting immediate needs of program and inability to change focus to long range planning and problem solving.

(Coastal Program Weakness Continued)

4. Inability to provide solutions to continuing and increasing shoreline erosion problem (notwithstanding current efforts) due largely to permissive Coastal Act policy regarding shoreline structures, staffing and legal constraints.
5. Perceived intrusion of "politics" into Commission decision process and appointment process and lack of requirement that at least a certain number of appointed Commissioners have some kind of qualifying credentials.

Coastal Program Goals

1. Educate public and elected officials that coastal protection is important and ongoing process (that coast is not protected by existence of Coastal Act alone) and that it is necessary to provide adequate staffing to meet program needs.
2. Improve and provide "state of the art" technological tools - personal computers and related system components.
3. Complete all LCPs and move program toward long range planning and problem solving i.e. alternative solutions to shoreline erosion as a continuing effort, 5 year reviews of LCPs, shoreline effects of climate changes etc.
4. Put even greater emphasis on public education and assistance in the form of workshops, publications etc.
5. Revise appointment process to require a certain percentage of Commissioners to have some particular skills related to coastal planning and protection.

ORGANIZATION'S RESPONSES TO QUESTIONNAIRE



Center for Marine Conservation

September 18, 1996

By Facsimile

Mr. Louis Calcagno
Chair, California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Chairman Calcagno:

I offer the following comments for your consideration at the Commission "Goal Setting" workshop scheduled for October 9th. It is my understanding that the purpose of this workshop is to help the Commission prepare its "Strategic Plan" and provide focus for the proposed management audit.

I have had the privilege of living in the Monterey Bay area for the past 13 years. During that time I have had the good fortune of working with Coastal Commission staff on a variety of coastal and marine resource issues - first in my capacity as Staff Scientist for Friends of the Sea Otter, and currently as the Director of the Center for Marine Conservation's Pacific Ecosystem Protection Program. I also currently serve as the "conservation representative" on the Monterey Bay National Marine Sanctuary Advisory Council and I chair the Conservation Working Group, one of three working groups associated with the Council.

Based on my experience over the past 13 years in providing public input to the Commission in writing and during oral testimony, and my dealings with Commission staff, here are some brief thoughts on the strengths of the coastal program:

1. Committed, competent, and independent staff. In my experience I have found Commission staff to be among the most dedicated public servants I have ever worked with. They are technically competent, adhere to the letter and spirit of the Coastal Act in bringing forth recommendations for Commission consideration, and treat applicants fairly. Indeed, they bend over backwards in working with applicants to communicate clearly, address their concerns and needs while at the same time adhering to the mandate of the coastal program.
2. The mandate and breadth of the program and the authority provided to the Commission to work to protect, over the long-term, California's natural coastal and marine heritage. The public depends on the Commission to oversee and safeguard the California coast by addressing a wide-range of coastal-related issues in the most comprehensive manner possible and with future generations in mind.
3. The invaluable role Commission staff have played to help integrate and coordinate NOAA programs, e.g., the Coastal Zone Management Program, 6217 Non-Point Source Pollution Program, and the National Marine Sanctuary Program. The Commission has been a constructive partner and has helped facilitate a cooperative/collaborative approach to the implementation of NOAA mandates on state and local levels.
4. The consistency review provision on federal programs; the use of mitigation measures; the



identification and addressing of "cumulative impacts", continuing efforts to streamline permitting, and the application of enforcement provisions.

In terms of weaknesses, the following come quickly to mind:

1. Lack of a truly independent Commission. Ex-parte communications with Commissioners by members of the Legislature and directives to Commissioners from the Legislature undermine the independence of the Commission and interfere with its ability to carry out its mandate in a fair and rational way and undermines integrity of the program.
2. Lack of staff resources (i.e., lack of staff and lack of resources for staff); lack of support for carrying out mandate from the Governor's Office (under various administrations, including the current one), and at times, covert and overt attacks on the Commission carrying out its mandate (through the budget process, political process, etc).
3. Lack of any consistent, reasonable, clearly stated criteria/qualifications for the appointment of Commissioners. Extremely unqualified Commissioners cast a pall over the reputation of the Commission and foster public distrust and disgust.
4. Lack of resources for Commission staff to travel and for more frequent and more accessible public meetings.

Finally, suggested program goals in order of priority might include:

1. Development of criteria, qualifications, ethical conduct for Commission appointees.
2. Requirement for full disclosure of ex-parte communications from all sources.
3. Acknowledgement of competence and dedication of Commission staff and development and passage of statement of confidence in the current Executive Director by the Commission.
4. Strong support for adequate resources to hire additional staff, to hold more frequent and more accessible Commission meetings; to purchase more up-to-date equipment (e.g., computers) and provide necessary staff enrichment and technical training.

A very tight time line for this input was provided; however, I do appreciate the opportunity to express my views.

Sincerely,



Rachel T. Saunders

cc: Peter Douglas, CCC
Warner Chabot, CMC



Center for Marine Conservation

September 18, 1996

Peter Douglas, Executive Director
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

VIA FACSIMILE AND U.S. MAIL

Re: Input for Commission's Goal-Setting Workshop

Dear Mr. Douglas:

The Center for Marine Conservation (CMC) welcomes this opportunity to provide input for the California Coastal Commission's (Commission) upcoming Goal-Setting Workshop. As indicated in your memorandum dated September 16, 1996, we have listed below: (a) five CCC and coastal program aspects that we consider to be strengths, (b) five areas that need improvement, and (c) five recommended program goals for the next several years.

We have drawn many of these suggestions from recent, exhaustive audits of the Commission and its programs. These audits include the following: *Evaluation Findings for the California Coastal Management Program for the Period from Sept. 1989 through June 1993*, which was conducted by the National Oceanic and Atmospheric Administration pursuant to Section 312 of the Coastal Zone Management Act ("NOAA Review"); and the *Report on the California Coastal Commission*, which was conducted in 1989 by the California State Senate's Advisory Commission on Cost Control in State Government ("Senate Report").

I. FIVE COMMISSION/PROGRAM STRENGTHS

A. Breadth of Authority under Coastal Act to Protect California's Coast

The Commission's chief strength is the broad mandate and authority given it by the Coastal Act (as well as the federal Coastal Zone Management Act and the California Constitution) to maintain public access to the coast and to manage development so that the state's invaluable coastal resources are protected for future generations. The Commission has used this authority well over the years, developing a "long list of noteworthy achievements in securing public access" and in protecting coastal resources. NOAA Report at ii. A key component of the Coastal Act that has greatly assisted the Commission in achieving this



mandate has been the requirement to afford the public the "widest opportunity" for participation in Commission decisions.

B. Interaction with Other Agencies

The Commission has "found ways to develop new interagency coordination initiatives - making it possible for diverse entities to work together . . . more effectively than any single entity to do alone." NOAA Review at ii. Examples include key roles in the designation of the Monterey Bay National Marine Sanctuary and the development of the Monterey Bay Sanctuary Water Quality Protection Plan, as well as outreach to staff at the State Water Resources Control Board through the Coastal Nonpoint Pollution Control Program.

C. Effective Use of Tools Available through Coastal Zone Management Act

Under the federal Coastal Zone Management Act, the state has the authority to ensure that certain federal projects are developed consistent with the Coastal Act and the state Coastal Management Program. In spite of serious budget constraints, the Commission has for the most part performed this important duty with "exemplary efficiency." NOAA Review at iv. Indeed, NOAA's review of the Commission found that California "remains at the 'cutting edge' on Federal consistency. *Id.* at iv.

D. Efficient Permit Processing in Light of Resources

Despite recent, unsupported statements to the contrary, the Commission has a history of overall efficient permit processing, particularly in light of the resources available to staff. For example, the Senate Report found that, despite over a 56% reduction real dollar funding from 1977 to 1989 (and further reductions since then), the Commission from its inception through the Report date:

has processed well over 65,000 permits authorizing billions of dollars in development along the coastline, frequently modifying proposed development to protect coastal resources and mitigate environmental side effects, but ultimately approving approximately 95% of the permits submitted.

Senate Report at 1.

E. Professional and Independent Staff

It has been CMC's experience that Commission staff are extremely professional and dedicated to their mandate to implement the Coastal Act independent from often significant political pressures. Moreover, staff often have been at the Commission for a number of years, providing the Commission with policy consistency and invaluable institutional memory. However, CMC is concerned that recent extreme pressure on the staff to accede to political demands may be impacting staff morale and efficiency; CMC urges the Commission to

redress this potential problem by publicly and strongly supporting the independence of the staff and the Coastal Act's mandate to protect the coast and public coastal access.

II. FIVE COMMISSION/PROGRAM WEAKNESSES

A. Increasing Political Pressures and Lack of Standards for Commissioner Appointments

The chief weakness of the current Commission and coastal program is increasing and severe political pressures on Commissioner selection and staff procedures and analysis. The problem has escalated to the point that Commissioners with clear biases against the Commission and the Coastal Act are being appointed, and the Governor's own Secretary of Resources has publicly complained that Commission staff had upheld the Coastal Act and "not responded" to political pressures to construct homes in a wetland.¹

The Senate Report similarly found that there is a "perception among much of the public that the Commission has increasingly often been influenced by political considerations, rather than functioning in the independent manner that was intended by its creators." Senate Report at 2. Until this problem is fully addressed, the Commission's independence, and the integrity of California's coast, will continue to be threatened.

B. Inadequate Funding

It is well-documented that a "fundamental problem affecting the Commission's operations has been continuous pressure from the Governor to reduce the agency's budget," cuts that have harmed the coast and "have not been cost-efficient." Senate Report at 1, 3. Lack of funds for a full staff threatens implementation of the state's Coastal Management Program in several key areas, including permitting, monitoring and enforcement, local coastal planning, public access, and long-term research and planning. NOAA Review at iv. The health of the state's coast and public access will continue to suffer without adequate funding for Coastal Act implementation.

C. Hurdles to Full Public Participation in Commission Decisions

CMC is concerned that the applicants and institutional players in the Commission's permit review and decision-making processes are provided far more opportunities for input and participation than members of the general public. Section 30006 of the Coastal Act requires that the public be afforded the "widest opportunity for public participation" in decisions affecting the coast. However, there is a significant need "[t]o improve citizen accessibility to the decision-making process." NOAA Review at vii.

¹ "Key Official Backs Firing of Coastal Panel's Director," *Los Angeles Times*, p. 3 (July 4, 1996).

The following current practices, among others, minimize public participation and emphasize input by applicants and institutional players:

- Negotiations with applicants can continue well after the staff report, which is the public's primary piece of information about a proposed coastal project, is prepared. Thus, the public may arrive at a meeting ready to address a project that has changed significantly since the staff report. The public therefore could be unprepared to deal with changes that the applicant is already familiar with.
- Communications with applicants, but not with project opponents, can occur after the public segment of a hearing is closed. If significant changes are made as a result of these discussions, the public would have no opportunity to respond.
- Last minute changes or addenda to projects and/or staff recommendations limit participation by the public, who would not have the ability to review such changes in a timely fashion and so would be unprepared to comment on the project that finally appears before the Commission.

D. Lack of Effective, Long-Term Coastal Research and Planning

The Senate Report found "long-term coastal research and planning to be the Commission function of the greatest long-term significance to carrying out its mandate under the Coastal Act." Senate Report at 55 (emphasis in original). One long-term program of particular importance to CMC and the coast is the Coastal Nonpoint Pollution Control Program (16 U.S.C. § 1455b), whose staff resources appear to be rapidly disappearing.

Despite the importance of long-term planning, budget cuts and increasing short-term staff responsibilities "drive the Commission toward simply coping with the crises of today rather than exploring the implications of changing conditions for the coast of tomorrow." *Id.* at 56.

E. Local Coastal Plans Incomplete

Despite numerous extensions of the Local Coastal Program deadline, many coastal localities still have not submitted approved plans. The inability, or refusal, of these regions to assume this responsibility has left the Commission with the enormous burden of overseeing and permitting coastal development in these jurisdictions. *See* Senate Report at 23-26. This takes limited staff time away from other Coastal Act mandates.

III. FIVE COMMISSION/PROGRAM GOALS

The following goals are presented in rough order of priority, with the most important listed first. Of course, CMC hopes that each will be addressed in the Commission's upcoming Goal-Setting Workshop.

A. Develop Standards for Commissioner Appointments and Activities and Reaffirm Independence of Staff

The Goal-Setting Workshop must address the alarming increase in political interference with the Commission's mandate to uphold the Coastal Act. The Senate Report recommended that the Commission adopt "qualifications criteria for appointment to the Commission suggested by the 1975 Coastal Plan: 'persons with a demonstrated ability and commitment to carry out the Coastal Plan.'" Senate Report at 58-59 (emphasis in original). The Senate Report also found that, "[t]o address the general issue of conduct and ethics, we recommend that the Commission draw up and adopt a code of conduct for Commissioners, and that existing law barring . . . decisions where there is any type of conflict of interest involved be strictly enforced." *Id.* at 59 (emphasis in original). We request that the Commission adopt these recommendations in its Goal-Setting Workshop and implement much-needed changes to Commission appointment and conduct procedures.

We also request that the increasing role of politics in Commission decisions and staff analysis be reduced by including in the Goal-Setting Workshop and in future decisions a clear statement of support for the Coastal Act and for staff independence in upholding the Coastal Act, which has been virtually ignored by many Commissioners in recent months. We also ask that the Commissioners cease attempts to fire or intimidate staff who have simply presented independent, professional findings to the Commission. Finally, we recommend that the Commission ensure that all ex parte communications, including those between Commissioners and legislators and Administration officials, be made fully available to the public.

B. Conduct Campaign to Increase Budget

To implement its mandate effectively, the Commission must seek additional funding sources, particularly until all LCP's are certified. See Senate Report at 61. We agree with the Senate Report's recommendation that "the Commission . . . make an all-out effort to make its case regarding the inadequacy of the Commission's budget to its statutory duties to all concerned -- the Governor, the Legislature, and the public." *Id.* at 62. We ask that this critical goal be incorporated into the Commission's Goal-Setting Workshop.

The Commission also should investigate additional opportunities for increasing staff expertise and abilities at reduced costs. For example, the Commission could investigate utilizing pro bono geologic and engineering expertise, similar to the program developed by the San Francisco Bay Conservation and Development Commission. NOAA Report at vi. The Commission could also research pro bono legal assistance for processing public access

easements. Id. at viii.

C. Improve Public Accessibility to Decisionmaking Process

The above-described problems with public access to the staff's analysis and the Commission's decisionmaking processes must be addressed in order to comply with the Coastal Act's mandate to provide the public with the "widest opportunity" for participation. We request that the Goal-Setting Workshop include the following objectives: (a) once a staff report is prepared, all negotiations and changes should cease; (b) changes to a project made after the public hearing should be noticed for public review and response; and (c) last minute changes or addenda to projects or staff recommendations should be prohibited, and such issues should instead be continued if needed to address significant remaining issues.

D. Focus Staff Resources on Long-Term Research and Planning Efforts

We urge the Commission to allocate sufficient resources to long-term coastal research and planning, a vital aspect of the Commission's mandate. See Senate Report at 56. In particular, we ask that the Commission dedicate funding to the development and implementation of a strong state Coastal Nonpoint Pollution Control Program, which will address the most serious pollution threat to our coasts today.

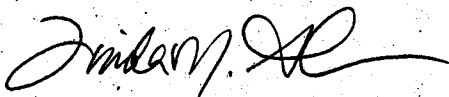
E. Develop Program to Encourage Completion of LCP's

Much work has been done to develop incentive and penalty programs to encourage coastal regions that have not yet adopted LCP's to do so as quickly as possible. For example, the Senate Report includes a report financed by NOAA and the Commission on completion of LCP's. Senate Report at Appendix E. We request that such reports and analyses be reviewed, and appropriate procedures implemented, to ensure speedy completion of all LCP's. The Commission may wish to focus more staff resources in the short-term on LCP development, as success in this area could greatly reduce staff workload in the future. See Senate Report at 62.


* * *

Thank you for your consideration of these comments. If you have any questions, please do not hesitate to call.

Sincerely,



Linda M. Sheehan
Pollution Programs Manager



Warner Chabot
Pacific Region Director

DALL & ASSOCIATES

6700 FREEPORT BOULEVARD / SUITE 206 / SACRAMENTO, CALIFORNIA 95822 USA / TEL 916.392-0282
FAX 916.392.0462

F A X T R A N S M I T T A L

TO: PETER M. DOUGLAS, ESQ.
Executive Director
California Coastal Commission

RECEIVED

SEP 20 1996

FAX NUMBER: +415.904.5400 TIME: 2040 PDST

CALIFORNIA
COASTAL COMMISSION

ORIGINAL FOLLOWS: By Mail PAGES: 9 MATTER CODE: 9650.003

FROM: NORBERT H. DALL DATE: September 18, 1996

SENDER'S DIRECT DIAL NUMBER: +916.392.0283

SUBJECT: COASTAL COMMISSION GOAL-SETTING: PRELIMINARY COMMENTS

Dear Mr. Douglas:

Thank you for your facsimile note of Tuesday afternoon (2:41 pm), September 17, 1996, in which you invite "input" on four very serious topical and priority-setting California Coastal Management Program (CCMP) issue clusters by 5:00 pm today for the Coastal Commission "goal setting" workshop scheduled for October 9, 1996 in Los Angeles. You indicate that the purpose of this request is for two undertakings of potentially watershed significance for the CCMP: [a] a Commission "Strategic Plan", and [b] the proposed management audit.

My preliminary response is enclosed. The headings of each of the responses below may constitute a simplified list, if that is what you seek. The short descriptions that follow each heading are by way of clarification, since, after all, 23 years and the millions of stakeholders in the California coastal program are not that easily reducible to fifteen sound bites.

The following responses are informed by my extensive coastal experiences since 1973. I have worked on the CCMP in various capacities since then, including as reporter and managing editor of California Research's State Coastal Report and Coastal Legislative Monitoring Service, California coastal and land use representative of the Sierra Club, and as an independent

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RE: COASTAL COMMISSION GOAL-SETTING: PRELIMINARY COMMENTS
TO: PETER M. DOUGLAS
FROM: NORBERT H. DALL
DATE: SEPTEMBER 18, 1996

consultant to public agencies, non-profit organizations, and private sector interests. I have also worked in various capacities on coastal zone management issues in other parts of the US, as well as in Europe and in Australia. I am a member of the Commission on Environmental Strategy and Planning of the World Conservation Union (IUCN), Geneva, Switzerland.

The amount of time you have allowed for a reasoned full response to your open-ended mini-questionnaire is insufficient. I therefore respectfully reiterate here my verbal message to your office of earlier today that the deadline for responses be extended to 5:00 pm this Friday, September 20, or -- for those who are willing to work on this matter over the weekend -- 10:00 am on Monday, September 23, 1996.

In any event, I expect to transmit a copy of my formal comments, which may include revisions or additions to the material herein, to each Commissioner, alternate Commissioner, ex officio Commissioner, senior Commission staff, and you on Monday.

Methodologically, this open ended mini-questionnaire contains serious flaws, in part because of the reportedly very small universe (of about 125 respondents) to whom it was sent (which appears to exclude many stakeholders in the CCMP), and because of the insufficient, inexact, partial, or ambiguous wording, or lack of definition of key terms (e.g., "coastal program") in the instructions, that may likely produce non-parallel and hence not truly comparable responses if someone tries to "add them up". [This will be more fully addressed in my formal response. I would appreciate receiving, by return fax, a list of the persons to whom your subject September 16, 1996 memo was sent.]

Furthermore, the unrealistic short response period, your emphasis that respondents' names will be provided to the Coastal Commission, and the requirement that responses be transmitted to you by facsimile may also have a severe chilling effect on the number and types of responses you receive to your memo.

Based on my experience with public opinion surveying, I recommend that, in addition to a significantly refined questionnaire,

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RE: COASTAL COMMISSION GOAL-SETTING: PRELIMINARY COMMENTS
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definition of the universe to be sampled, and professional implementation of any survey, serious consideration be given to convening focus group workshops in each of the Coastal Commission's administrative regions, as well as in inland California.

Note: The responses below constitute solely the comments of the author based on his experience, knowledge, information, and belief relating to the CCMP. The responses are not the opinion or recommendation of any client of Dall & Associates, or of any organization with which the author is affiliated.

In response to the memo from Mr. Douglas, the responses are listed in order of declining programmatic priority to the respondent [Response 1.1. constitutes the most important, Response 1.2. constitutes a somewhat less important, etc., ranking]. These prioritizations are not otherwise weighted.

1. Aspects of CCMP Strengths

1.1. Symbolic Support. Residual widespread public symbolic support for coastal management in California, which, however, appears significantly tempered by the mildly to severely negative opinions of many experienced coastal program stakeholders.

1.2. Individual Staff Members. Individual CCC and coastal local government professional, administrative/clerical, and management staff persons who fairly, creatively, and rigorously apply the conservation and development provisions of the CCMP, and who demonstrate a civil regard for the rights, obligations, and objectives of applicants, citizens, and other persons who appear before them, and for true and valid information.

1.3. The Coastal Act. The California Coastal Act, especially its proposed (but still often elusive) partnership inclusion of local governments in all aspects of the CCMP; provision for maximization of

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public understanding of, and participation in, the CCMP; and framework for achieving sustainable coastal conservation and development within the albeit cumbersome system of State and federal law.

1.4. Federal Consistency, Properly Applied. The inclusion of certified Local Coastal Programs and Port Master Plans, and amendments thereto, in the CCMP approved pursuant to the federal Coastal Zone Management Program, which should be maintained to be current and be given the full force and effect regarding federally approved or funded actions by the CCC working directly with the affected local government(s) in a cooperative joint review process.

1.5. State Coastal Conservancy. The co-creation in 1976 by the Legislature and Governor on the recommendation of the Proposition 20 Coastal Commission of the State Coastal Conservancy as an essential, cooperative, and pro-active multi-sector implementation, enhancement, and restoration component of the CCMP in the areas of public access, wetlands and other ecosystem habitats, shoreline/waterfront (re)development, and coastal agricultural resource conservation.

2. CCMP Weaknesses That Need Improvement

2.1. Self-Centered Program, with Uncertain Positive Effects. The CCC and many of the implementing local governments have churned mountains of paper in the pursuit of coastal management, but measured by the performance indicators embedded in the Coastal Act, how procedurally fair and substantively effective has the regulatory program been?

Procedurally, many CCMP components invite rigorous correction, redirection, and improvement. A general paucity of data about CCMP physical implementation should be corrected through a rigorous performance

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evaluation, using the performance standards contained in the Coastal Act as an appropriate measure.

Procedures: The reality and appearance of CCC's and some local governments' practice(s), under color of the CCMP, contain many instances of actions that are (appear to be) exclusionary, subterranean, and extra-Coastal Act/certified LCP coastal governance in nature. They include (apparent) reliance on staff or decision-makers' highly subjective (non-CCMP) preferences; treating each pending matter as sui generis, when similar administrative cases or relevant judicial decision have preceded it; reliance on, or interpretation of, regulations contrary to statute; extensive closed session proceedings that give the appearance of avoiding public session deliberations, and being based on very restricted information; a round-robin of rudeness to witnesses, staff, and fellow members; private communications off-the-record between and among Commissioners, staff, and others about pending matters; plainly untruthful testimony for which there is no well-institutionalized opportunity to rebut; apparent apriori decision-making; late distribution of recommended decisions and other documents; etc., which fundamentally undermine the fairness and soundness of the CCMP, and of informed public support for it.

Substantive: Because CCC has not prepared a detailed annual report on the CCMP since the early 1980's and substantive detailed legislative policy implementation oversight has been virtually absent for a decade, there is very little comprehensive coastal zone data to suggest that the physical results (including achievements) of the CCMP through the spectrum of Coastal Act performance criteria, from Sec. 30210 through 30260 have been dramatically positive to date. (It should be noted, however, that focused/partial reports on the public access

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dedication/easement program, on the status of LCPs, and on cumulative impact assessment around the terrestrial side of Monterey Bay have been prepared by CCC staff.) Conversely, there are numerous indicators of the "drop-by-drop" coastal resource degradation to indicate that a comprehensive detailed Coastal Act substantive performance review is now warranted. (These comments do not address the oil and gas industry policies at Sec. 30261 et seq., which I have not closely followed since 1980.)

- 2.2. Precedent. CCC's intentional aversion to clearly identifying and then following regulatory or judicial precedential decisions to guide CCC decision-making, as well as local governments, applicants, and intervenors, and not incidentally to streamline and reduce CCC's own workload, constitutes a major programmatic deficiency that results in redundant work, costs, and (apparent) unequal application of law.
- 2.3. Failures to Fund Local Implementation. The failure of the CCMP to create, fund, and implement sufficient and necessary local government programmatic incentives (e.g., CCC adherence to certified LCPs, CCC staff comment/participation in local project review, acknowledgment of substantive local government role in the federal consistency review process, CCC requirement of substantive state agency compliance with LCPs, etc.) and fiscal incentives (actual cost reimbursement to local government, programmatic improvements to monitor, plan for, and address changing coastal physical, conservation, use, and new development activities, etc.)
- 2.4. Lack of an Updated Comprehensive California Coastal Plan.
- The 1975 Coastal Plan, now 21 years old, represents the last programmatic integration of California coastal issues; it is substantially unavailable and in part informationally and functionally out-of-date. Its

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integrative role, including the consideration of cumulative and nexus relationships among coastal resources, the well-attended public hearings thereon, press coverage thereof, and Coastal Commission staff and commissioner decision-making played a vital role in educating the public and California governing elites, as well as legitimating the entire coastal program in the mid-1970's. Subsequently, the particularistic permit and LCP planning process has fractured the coherence of the CCMP; serious consideration should be given to a mature collaborative update of the Coastal Plan to give vision and substantive program direction to the CCMP.

- 2.5. Annual CCMP Reports. Publish and widely disseminate accurate and attractive annual CCMP reports to the Governor, Legislature, Public, and media on the procedural and substantive actions (successes, failures, and inconclusive outcomes) of the CCC and local governments, monitoring reports, programmatic and other identified problems, and recommendations to the State, federal, and other government agencies, the non-profit sector, and the private sectors for appropriate future action.

3. Recommended Coastal Program Mid-Range Goals (1-3 Years)

- 3.1. A Positive Mission. Redefine the CCC's present self-identified mission as a reactive, half-attentive, last-stop, often selective, and sometimes draconian processor or blocker of project permit, planning, zoning, and inter-agency action proposals to a pro-active guiding coastal management agency that, including through the above-identified Coastal Plan update (with possible Regional or Subregional planning elements), annual reports, innovative rejuvenation of the proposed but never well-realized CCC-local government partnership, and by sharing some CCC staff as a "Coastal Peace Corps" with local entities that request assistance in finalizing or updating LCPs

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or in implementing their certified local plans, including through possible local self-certification of LCP Amendments and major public works projects where CCC staff is involved directly in their preparation and local review/approval/monitoring.

- 3.2. Innovative Funding. Stabilize and adjust, as appropriate, CCMP (i.e., CCC, local governments implementing or completing LCPs, and bona fide intervenors') funding through an identified long-term funding source other than the State General Fund (e.g., a portion of the coastal zone real estate transfer tax). Allocate adequate funding to local governments implementing certified LCPs at the start of each fiscal year.
- 3.3. Improve CCC Operations, Training. Review and significantly improve the CCMP's operations at all levels, including through: increased technical, policy, and legal training of staff and decision-makers (including by paying for continued education courses); providing modern computer and other communications devices to CCC offices; creating an effective coastal information network and data base (including by providing for electronic filing of applications); locating CCC offices to optimally meet changing programmatic needs; convening periodic working sessions between CCC staff and all CCMP stakeholders; bring CCC's and local governments' LCP/permit programs into compliance with the Permit Streamlining Act as to notice, availability of staff reports, etc.; require all testimony to be sworn, on the record, and subject to cross-examination; constitute CCC staff as a party to all proceedings to which all CCMP rules apply; etc.
- 3.4. Public Outreach. Reestablish maximum public and local government understanding of, and support for, the CCMP by a substantial continuing public outreach, education, quality assurance (stakeholder survey), and post-decision monitoring program.

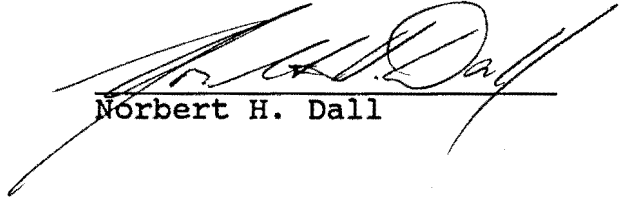
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3.5. Periodic Review. Institutionalize as part of the 1997 Strategic (Coastal) Plan (Update) a 3, 5, or 7-year periodic review process of the CCMP, to avoid recurrence of the current malaise, if possible.

Thank you for this opportunity to provide comments on this matter.

Sincerely yours,



Norbert H. Dall

NHD:460.180996
:ffpmdcagoals

cc: Stephanie D. Dall,
Partner, Dall & Associates

Elkhorn Slough Foundation

• P.O. Box 267 • Moss Landing, Ca • 95039

(408)728-5939 FAX 728-1056

September 18, 1996

Peter Douglas, Executive Director
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, Ca 94105-5200

RECEIVED
SEP 19 1996
CALIFORNIA
COASTAL COMMISSION

Dear Mr. Douglas:

I am writing in response to the call for suggestions regarding the Commission's new goal setting program. I have been impressed with the amount the commission has been able to accomplish in the face of ever shrinking budgets and increasing political constraints.

The commission has strong programs in developing coastal management strategies. The staff we work with have consistently tried to keep the public trust at the same time streamlining the permitting process for coastal development. One of the great strengths of the program has been the networking of the commission's staff with other agencies and organizations to pool collective resources and to take a cooperative approach to problem solving. We have worked on a number of projects with commission staff and are always impressed with their dedication, knowledge and professionalism.

Weaknesses we have seen stem from inadequate resources and political intrusions. The coast is one of California's most precious resources. We should allocate the funding necessary and appropriate to maintain and protect this resource for now and all time. The commission should be strengthened now, as pressures to develop the coast intensify. A well supported and independent staff are paramount to a successful effort. This is the single most critical recommendation I have.

Thank you for the opportunity to comment. I wish you the best in pursuit of goal setting.

Sincere Regards,
Mark Silberstein
Mark Silberstein



ELKHORN SLOUGH NATIONAL ESTUARINE RESEARCH RESERVE
1700 Elkhorn Road • Watsonville, CA 95076 • (408) 728-2822

September 18, 1996

Peter Douglas, Executive Director
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-5200

Dear Peter:

This letter is in response to your request for input regarding the California Coastal Commission's upcoming goal setting workshop.

My comments on program strengths, weaknesses and potential goals are listed below.

Strengths

1. Coastal Commission staff. Very dedicated energetic crew. they are doing an excellent job of interpreting and implementing the Coastal Act (I have worked periodically with CCC staff for the last 21 years throughout the state).
2. The Commission has done a good job of ensuring public access to the coast.
3. The Coastal Commission has the support of the general community for conserving coastal resources.
4. The networks that the Commission staff have developed with other agencies and organizations for sharing resources and information for collectively creating solutions to problems.

Weaknesses

1. Inadequate funding for the job that needs to be done. Need more funds for equipment and staff. I feel that the organization is very understaffed.
2. Need to do more to identify violations and encourage compliance (directly related to item 1 above).
3. Not enough follow-up activities to ensure compliance with issued permits (again related to item 1 above).
4. Commissioners too often seem to act according to a political agenda rather than on sound resource management principles. Additionally, they too often disregard staff recommendations.



The Elkhorn Slough Estuarine Research Reserve is managed by the California Department of Fish and Game
in cooperation with the National Oceanic and Atmospheric Administration



Goals (prioritized)

1. Increase the budget of the California Coastal Commission by fifty percent.
2. Require physical and financial stewardship of conserved properties and accessways.
3. Increase efforts to ensure compliance with issued permits.
4. Increase efforts to locate and rectify violations of the Coastal Act.

I hope these comments help with your workshop and strategic plan preparation. If you have any questions please call me at (408) 728-0560.

Sincerely,



Steve Kimple, Manager
Elkhorn Slough NERR

LEAGUE FOR COASTAL PROTECTION

September 17, 1996

Office of Susan Jordan
805 23rd Street
Manhattan Beach, Ca.
90268
310-545-1947
Fax 800-388-9074

California Coastal Commission
45 Fremont, Suite 2000
San Francisco, Ca. 94105 -2219

Dear Peter,

Below please find my comments regarding strengths, weaknesses and goals for the upcoming workshop in L.A.

Board Of Directors

Melvin L. Nutter, Chairperson
Lois Ewen, Vice-Chairperson
Phyllis Faber
Joan Jackson
Susan Jordan
Patricia McCoy
Jerry Meral
Ann Notthoff
Celia Scott
Honorable Alan Sieroty
Moe Stavnezer
Robert Sulnick
Lucille Vinyard

Zad Leavy, General Counsel

Honorary Members

The Honorable
Peter Behr

The Honorable
Anthony Beilenson

Melvin B. Lane

FIVE STRENGTHS:

1. The Coast Act Legislation, itself. The strongest part of the program is the legislation that mandated it and which continues to provide very specific guidelines for how the law is to be interpreted and applied.
2. The independence of the staff. The independence of the staff has been critical in achieving broad-based acceptance of the Commission's rulings and is essential for future success.
3. Public access to meetings. While the workings of the Commission may be obscure to some, the idea of holding the meetings in different locations and keeping them open to the public is an excellent one that fosters public participation for those who are interested.
4. Staff openness to information (scientific, technical, etc) from outside sources. While I never feel that I can sway a staff member to my point of view and have sometimes been very frustrated with their official interpretation of certain situations, I have always felt that they were respectful, open, careful to detail, and willing to do their homework to see all sides of an issue.
5. High quality of the staff. Having dealt with a number of bureaucratic agencies on the federal and state level, I have been consistently impressed with the quality of the staff at the Coastal Commission. They are intelligent, hardworking, and clear on their mandate. They are not partisan, do not take sides, and try their best to keep all parties equally informed (where appropriate) of the progress of applications, etc. through the Commission.

FIVE WEAKNESSES:

1. Commissioners personal bias overlay on the mandate of the Coastal Act. As a member of the public, I am appalled by certain public statements made by sitting Commissioners regarding 'their feelings' about public access and the rights of private property owners, etc. This is a quasi-judicial body. My understanding is

that each Commissioner has sworn an oath to uphold the Coastal Act. That is what I expect them to do and what they have been appointed to do. Personal opposition to the mandate of the Coastal Act should be directed to the legislative front. Commissioners who feel they cannot comply should resign.

2. Shortage of resources for obtaining independent technical information. A number of the issues that I address before the Commission involve complicated scientific material and require obtaining feedback from independent experts in the field, many of whom reside outside of California. While the staff is always willing to review material that is brought before them and tries diligently to obtain this information on their own, my sense is that they could use additional resources to facilitate the process.

3. Lack of support for continued dedication of public access easements. Despite a clear mandate under the Coastal Act, the Commission of late has given signals that requiring the dedication of public access easements on the basis of 'prescriptive rights' or 'nexus with development' will no longer be vigorously pursued. This is totally unacceptable.

4. Persual of LCP's for uncertified areas. There are a number of coastal communities that have failed to get their LCP's certified leaving the onus on the Commission to make judgements on a case by case basis. Further LCP amendments are being used in an inappropriate manner to permit individual projects. This entire scenario needs to be reviewed and corrective action taken.

5. Ability of applicants to make last minute changes to findings. Findings should not be open to negotiation under last minute threats of lawsuits such as happened with the slant oil drilling application in Santa Barbara that was heard in the Sept. meeting in Eureka. The ethics of such maneuvering is highly questionable and the public's right to be informed part of the process is denied.

FIVE GOALS:

1. Cancel the Management Audit. First, it is an unnecessary waste of scarce resources. Second, it is redundant given the upcoming mandate to complete a Strategic Plan and a Federal Review.

2. If Management Audit is to proceed, include Commissioners in the review. As part of the audit, prepare a Code of Conduct for all Commissioners that specifies what behavior is inappropriate under the oath they have taken to uphold the Coastal Act e.g. public statements that contradict the intent of the Coastal Act as it stands are a clear example of inappropriate behavior. Develop a reasonable policy of censure for Commissioners who fail to abide by the Code of Conduct.

3. Prepare guidelines that specify that all persons who have violated the Coastal Act and/or who have had longstanding feuds with the Coastal Commission be precluded from serving as

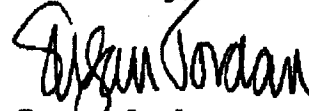
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Coastal Commissioners.

4. Have Coastal Commissioners prepare and deliver a Declaration of Support that affirms the independence of the staff and assures the staff that they will not be tampered with or pressured in any way.

5. Extend any agreed upon review of previous litigants to include all other parties outside the Commission who opposed the project and interview them as to their satisfaction with the outcome and the performance of the Commission. Include in the review any files concerning Commissioners who are currently sitting on the Commission. Contact all applicants who successfully completed the process and include them in any 'performance review'.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Jordan".

Susan Jordan

RECEIVED

SEP 18 1996

CALIFORNIA
COASTAL COMMISSION**LEAGUE FOR COASTAL PROTECTION**

September 18, 1996

Peter Douglas, Executive Director
 Chairperson Louis Calcagno and Commissioners
 California Coastal Commission
 45 Fremont Street, Suite 2000
 San Francisco, CA 91405-2219

Re: Input for Goal Setting Workshop

Mr. Douglas, Chairperson Calcagno and Commissioners:

In identifying goals for the Commission it should not be forgotten that the Coastal Act itself sets forth a series of program goals and policies and even prioritizes some of them. Before commencing this exercise it would be well to refer to the law as the starting point. Because of the extremely short notice requesting input for use in your goal setting workshop, the League has not had the opportunity to spend much time reflecting on these matters and what follows is only a quick reaction to the request.

PROGRAM STRENGTHS:

1. Professionalism of the staff and the quality of its work in the face of enormous pressure.
2. Public support for the Commission's coastal protection program (now at risk).
3. At least historically, a willingness to increase public access opportunities.
4. At least historically, a willingness to enforce Coastal Act wetland and resource protection policies.
5. Coastal cleanup and educational programs.

PROGRAM WEAKNESSES:

1. Failure of Commission to act like the "quasi judicial" body it is supposed to be. This includes the increasing politicization of Commission decision making and the private interference by Commissioners' appointing powers, lobbyists, and others in the conduct and decision making responsibilities of Commissioners. It also includes the dismal failure of ex parte rules to work to accomplish that goal. In addition, this failure includes the lack of opportunity for the public to participate on an equal footing with applicants and governmental bodies in pre-hearing processes.
2. Lack of independent technical resources and support, particularly in house.
3. Lack of support for an effective enforcement program caused by a lack of funds, personnel, and Commissioner support.
4. Failure of local governments to complete certifiable LCPs.
5. Failure to initiate and complete the required five year review of LCPs and, related thereto, the inability of the Commission to do anything to encourage local jurisdictions to correct or improve LCPs that prove inadequate to carry out Chapter 3 policies.

PROGRAM GOALS:

1. Adoption of reforms designed to make the Commission a true "Quasi Judicial" body.
2. Institute more long term planning.
3. Strengthen enforcement program.
4. Encourage completion of certifiable LCPs
5. Revise and update Coastal Access Guide

Respectfully Submitted by Melvin L. Nutter

**OFFICE OF THE
CHAIRPERSON**

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VIA FACSIMILE

September 18, 1996

Louis Calcagno, Chair
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105

RE: California Coastal Management Program Goal Setting

Dear Chairman Calcagno and Members of the Commission:

The Natural Resources Defense Council (NRDC) submits the following comments on the implementation of the California Coastal Management Program. As we have stated before to the Commission, we agree that effective and efficient implementation of the mandates of the Coastal Act of 1976 (California Public Resources Code Sections 30000, *et seq.*) improves protection of the coastal zone's fragile natural resources. Consequently, honing management through a strategic planning exercise appears to be a beneficial use of Commission resources. We refer you to our comments of September 5, 1996 relevant to this exercise as well.

As part of the assessment, we look forward to participating in the upcoming U.S. Department of Commerce Office of Coastal Resource Management review of California's Coastal Management Program pursuant to Section 312 of the federal Coastal Zone Management Act. For the purposes of this Commission-initiated priority setting exercise, we have identified strengths and weaknesses of how the laudable policies of the Coastal Act are actually carried out by the Commission and staff. However, we request that the Commission be prepared at the October meeting to explain clearly how the four ongoing Commission assessments federal CZMA Section 312 review, State Department of Finance financial audit, state-initiated Strategic Plan and Commission-initiated management audit – relate, how each will be conducted and by whom, and how the public can participate meaningfully. Without a clear explanation of the purpose and method planned for each exercise, it seems likely that duplication and overlap will consume unwarranted amounts of public and Commission energy and time.

Louis Calcagno
September 18, 1996
Page 2

As an initial matter, NRDC views the following five categories to be coastal program strengths (listed in no order of priority);

1. The coastal program through LCP and permit decisions generally does a good job of **concentrating development** within or around already developed areas pursuant to Coastal Act section 30250. As a consequence, there is less wasteful urban sprawl and more protected resource land (agricultural, habitat, viewshed) in the coastal zone than in the rest of the state.
2. The coastal program has made good progress toward **protecting fragile natural resources** pursuant to the policies of Chapter 3 of the Coastal Act. The Act is designed to favor resource protection over development when there is a conflict (sec. 30007.5). Political pressure has thwarted this intent at times.
3. The coastal program appropriately emphasizes **acquisition of public access** as a condition of granting permission to build in the limited coastal zone. (Article 2, Chapter 3 of the Coastal Act).
4. The coastal program relies heavily on **public participation** in coastal management decisions (Sec. 30006). In recent practice, however, the Commission's approach toward listening to the public seems to be one of something that has to be endured rather than encouraged and carefully considered. Examples of this attitude include cursory attention to comments and unreasonably short time limits on testimony.
5. The coastal program is making good progress toward improving management and **control of nonpoint source water pollution** or coastal surface runoff (CZMA sec. 6217). Commission demonstration projects in Monterey and Morro Bays are leading the way in terms of land use controls for surface runoff. The Commission needs to develop better working ties with the State Water Resources Control Board to move this important program forward.

Coastal program weaknesses include:

1. Too many **truant local jurisdictions** have yet to prepare and submit legally adequate Local Coastal Programs (LCPs), burdening the Commission with more ongoing permitting responsibilities than necessary.
2. Commission permit deliberations are too often marred by **last minute-private applicant negotiations**. Consequently, the public is effectively cut out of the review process.
3. Too few LCPs have undergone **five year reviews** and updates to reflect current conditions and improved knowledge as required by the Coastal Act.

Louis Calcagno
September 18, 1996
Page 3

4. **Enforcement of hard-won coastal permit conditions is too sparse and lax.** More personnel is required to properly enforce coastal permit requirements.
5. **Too little analysis of the cumulative impact of proposed development is done as part of the review of individual permit applications.**

To strengthen implementation of the coastal program without undermining the bedrock mandates of the Coastal Act, we suggest the following **goals** in order of priority:

1. **Complete the LCP certification process** through incentives and sanctions. Implement recommendations of Blayney-Dyett 1988 "Incentives for Completion of Local Coastal Programs," report and recommend reinstituting sanctions on local governments that fail to complete legally adequate LCPs.
2. **Improve enforcement capability.** Implement Shute, Mihaly & Weinberger 1986 "Recommendations for...Enforcement Program" report.
3. **Improve and expand public participation opportunities** through hearing reforms and outreach activities.
4. **Redouble efforts to acquire and open coastal access points to the public.** Dedicate more effort to work with the State Coastal Conservancy, local jurisdictions, private and nonprofit groups and the federal government to secure management strategies to open new and existing access easements along the coast.
5. **Conduct more LCP five-year reviews.** Implement Sedway Cooke's 1986 "LCP Review Program" report.

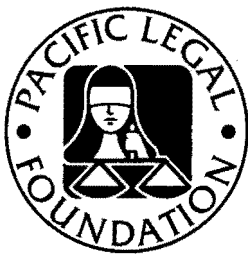
Thank you for your consideration of NRDC's views. We look forward to discussing these issues with you further.

Sincerely,



Ann Notthoff
Senior Planner

cc: Joe Bodovitz



September 17, 1996

Mr. Peter Douglas
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

VIA FAX (415) 904-5400

Dear Mr. Douglas:

Re: Input for Goal-Setting Workshop

This letter is in response to your request for input that will assist the Commission in its goal setting workshop and formulation of a strategic plan and management audit. Please ensure that copies of this letter are given to the commissioners and made part of the record. I will respond to your information request in the order you presented.

I. Program Strengths:

To a large degree the Commission has worked very hard to achieve the ecologically oriented goals of the Coastal Act. While Pacific Legal Foundation questions many of the means used to achieve these goals, and the extent to which unnecessary hardships have been imposed on landowners, there is no question that the Commission has taken its duty to protect the ecological integrity of the coast very seriously. In carrying out its mission the Commission has also helped educate virtually every coastal property owner in the state that all development must be done in an environmentally sensitive manner and with Commission approval. Because that property owners have been educated in their environmental responsibilities, it is obvious that development in the coastal zone is more environmentally sensitive than it had been prior to the enactment Coastal Act. Rather than listing five program strengths separately at this juncture, however, the Foundation thinks that it should suffice to acknowledge the Commission's overall achievement in the ecological arena.

RECEIVED
SEP 20 1996

CALIFORNIA
COASTAL COMMISSION

II. Five Program Weaknesses:

1. The Commission Has Ignored or Downplayed Specific Policies of the Coastal Act Relating to Private Property

For example, the Act clearly states that one of its goals is to "protect private property." Public Resources Code § 30001(c). It further states that "existing developed uses and future developments that are carefully planned and developed consistent with the policies of this division are essential to the economic and social well-being of the people of the state and especially to working persons employed within the coastal zone." Public Resources Code § 30001(d). The Commission must "take into account the social and economic needs of the people of the state." Section 30001.5(b). That includes the "constitutionally protected rights of private property owners." Section 30001.5(c). Section 30010, of course, reminds the Commission once again not to take private property without the payment of just compensation.

Despite these goals, it is only with the greatest reluctance that commission staff will approve seawalls and other projects necessary to protecting private property. It is only after maximizing the pounds of flesh that can be extracted from landowners that the commission staff will recommend project approvals.

That the Commission does put some goals above others was made clear in a Commission workshop held on September 3, 1996, where it was stated that when there was a conflict between the goal of habitat protection and the goal of providing coastal access, then habitat protection would be given priority. This hierarchical enforcement of the Act has historically put the provisions for the protection of private property at the bottom. There is no authority for this ordering of priorities.

2. The Commission Has for Far Too Long Sought to Pursue Its Selected Goals at the Expense of Private Property Owners

The Commission has used its unequal bargaining power to browbeat property owners into accepting dubious conditions or altering good projects. It has required, and continues to require property owners, to give up exactions and fees in exchange for necessary permits.

It is true, of course, that Pacific Legal Foundation has been of great assistance to the Commission in helping it recognize the constitutional restraints on its power, through cases such as *Nollan v. California Coastal Commission*, 483 U.S. 825, 837 (1987)

Mr. Peter Douglas
September 17, 1996
Page 3

(commission action an "out-and-out plan of extortion") and *Healing v. California Coastal Commission*, 22 Cal. App. 4th 1158, 1169 (1994) ("To state the Coastal Commission's position is to demonstrate its absurdity.").

While ever appreciative of opportunities to assist the Commission in understanding constitutional principles, Pacific Legal Foundation would prefer that the Commission put the goal of protecting private property rights on an equal footing with its other more ecologically oriented goals. If that were to happen then the problems experienced by property owners could be avoided.

While it no longer requires beachfront access without any legitimate justification whatsoever as it did to the *Nollans*, the Commission continues to demand more than it is entitled to. For example, the Commission has forced property owners in Encinitas to pay a "sand mitigation fee" in exchange for permits to build seawalls. The staff has even suggested that such a "sand mitigation fee" be placed in the Encinitas Local Coastal Plan. While the purchase of sand may be a worthy goal, the imposition of the costs of this program entirely on landowners seeking to protect their property is of dubious constitutionality.

Ever since *Nollan* was decided in 1987, the Commission has never reviewed the illegal exactions that were taken prior to that decision and has never recommended to the Legislature that property owners be made whole for the Commission's unconstitutional taking of private property. Indeed, after *Nollan* landowners sued the Commission to recover illegally taken property. The Commission successfully resisted, however, asserting a 90 day statute of limitations defense against the landowners. While the Commission may have been successful in its legal arguments, this was hardly a just and moral result.¹

¹ It was suggested by the attorney general's office that any efforts to make the victimized property owners whole would be an unlawful "gift of public funds." That is nonsense. So long as there are good public policy reasons for redressing past government transgressions the government may act accordingly. This nation has an honorable tradition of paying reparations to those victimized by government (such as to the residents of internment camps) and that tradition is not at odds with any prohibitions against gifts of public funds.

3. The Commission Staff Has Been Unresponsive to Criticism
That Its Staff Has on Occasion Been Hostile to the Concerns
of Property Owners and Has Mistreated Public Applicants

The California Personnel Board in *Paoli v. Rayburn and Laychak* ruled that two Commission employees were guilty of "inefficiency" in violation of Government Code § 19572 and discourteous treatment of the public.² Neither the Commission nor its staff have ever apologized for the misconduct experienced by Marvin Paoli. Nor are we aware that the Commission has taken affirmative steps to avoid a repeat of the Paoli incident. If meaningful reforms have been instituted in response to the *Paoli* case, then we commend the Commission on having taken affirmative action.

4. Landowners Are Not Adequately Informed of Their
Rights When Dealing With Commission Staff

When applicants deal with commission staff they have no readily available and unbiased source of information regarding the extent to which their constitutional rights are implicated in the permitting and enforcement processes.

5. Minimal Due Process Protections Are Not Provided to
Applicants in the Application, Review, and Hearing Process

Commission proceedings have a dramatic impact on the rights of applicants to exercise their property rights. Because property rights can be substantially affected by commission exactions, it is imperative that landowners be given basic due process rights, of the sort allowed before most competent administrative bodies. This would

² I raised this problem at an August 13, 1996, committee meeting of the California Coastal Commission. In response to a question about the case, I provided 20 copies of the PERB decision to the staff for distribution to the Commissioners as well as a description of the case in my written testimony. I am disappointed that the decision and testimony were not distributed. I have attached another copy of each with the *mailed* version of this letter. Please distribute them. Incidentally, a sidebar comment by an attorney with the attorney general's office stating that the PERB decision was not relevant because the Court of Appeals sent the decision back to PERB is in error. To the attached decision is the one *following* the court decision and is the final decision and rule in the case and takes the court decision into full account. It was not appealed.

include the right to cross examine adverse witnesses, the placement of witnesses under oath, the right to adequate time to present a case, limitations on ex parte communications, and the right of discovery.

By not providing these basic procedural protections, property owners are at a heightened risk of having their property taken without the payment of just compensation in violation of the California and United States Constitutions. The appellate court recognized this in *Healing* when it noted that "[a]s a practical matter, there is no way a landowner can make the appropriate record at the administrative proceedings at which his permit application is denied." 22 Cal. App. 4th at 1175. The California Supreme Court agreed in *Hensler v. City of Glendale*, 8 Cal. 4th 1, 15-16 (1994), where it favorably cited *Healing* for the proposition that agency administrative proceedings were not necessarily an adequate forum for protecting private property rights.

III. Five Goals for the Commission

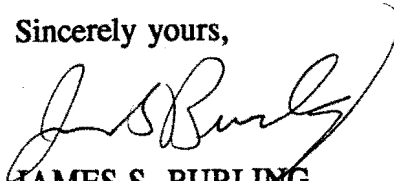
The Commission should adopt five goals for the next several years:

1. Reform its internal and staff operating procedures, goals, and priorities in order to put the protection of private property rights on an equal footing with the other goals of the Coastal Act. To the extent that constitutionally mandated protection of private property is incompatible with the goals of the Coastal Act, the other incompatible goals should be set aside unless just compensation is paid.
2. The application and hearing process should be overhauled in order to provide basic procedural due process protections to applicants and targets of Commission enforcement actions.
3. Landowners should be provided with an impartial source of information regarding their rights during the application and enforcement processes.
4. All staff recommendations on a application or enforcement action should be accompanied by an analysis of the takings implications of the action, which should be made available to the applicant and interested members of the public for consideration and rebuttal.

Mr. Peter Douglas
September 17, 1996
Page 6

5. An ombudsmen should be appointed in order to provide a liaison between members of the public and the staff.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "J. S. Burling", written in dark ink.

JAMES S. BURLING
Attorney



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September 18, 1996

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TAMALPAIS CONSERVATION CLUB

Chairperson and Members
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

RE: Goal Setting Workshop

Dear Members of the Commission:

I understand that the Commission will hold a "goal setting" workshop on October 9, at its monthly meeting in Los Angeles. This letter is to provide some brief "input" for the Commission to consider, and to respond to the topics which I understand will be discussed at the workshop.

Aspects Of the Coastal Program That Reflect Program Strengths

1. The clear policies in the Coastal Act, which provide enforceable guidance to the Commission and local governments with respect to proposed actions affecting the coastal zone.
2. The committed and experienced staff of the Commission.
3. The specific time deadlines in the regulations, which allow for expeditious processing of coastal permit applications.
4. The enhanced enforcement powers granted to the Commission in recent years by the Legislature, making it more likely that coastal policies will actually be followed in fact.
5. The long history of collaboration and cooperation between the Commission and other federal, state and local agencies.

Program Weaknesses That Need Improvement

1. Underfunding of the coastal effort by the Legislature and Governor.
2. Lack of adequate staff resources to follow up on all coastal concerns, and particularly to enforce coastal act policies and permit conditions.
3. Recalcitrance and non-performance by local governments, some of which have not adopted adequate LCP's, thus imposing undue and unfair burdens on the Commission, and on permit applicants.
4. Lack of adequate regional offices to bring the Commission and its work closer to those local governments and the individuals most affected by coastal policies.
5. Inadequate funding to allow for a more intensive outreach and education effort by the Commission.

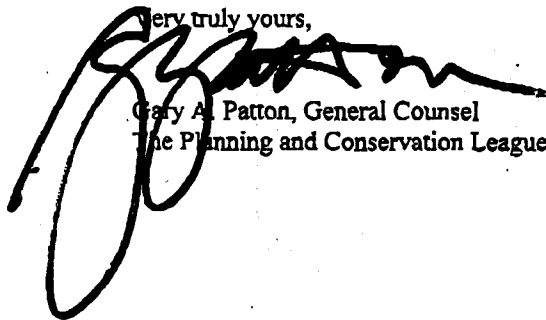
Program Goals For The Next Five Years

1. Increase and stabilize funding for the Commission's work.
2. Establish a pro-active education and outreach activity, to inform the general public, as well as private individuals most affected, about the Commission and its program.
3. Improve and stabilize the Commission's enforcement program, to ensure that all permit conditions are adhered to, and that violations are promptly addressed and corrected.
4. Reestablish regional offices throughout the coastal zone, to allow better access to the Commission.
5. Conduct a study to document the results of the Coastal Act on the California coast, over the 20 years since 1976.

(Goals Are Listed In Priority Order)

Thank you for allowing me to provide input to the Commission, as it begins to set goals for the years ahead.

Very truly yours,



Gary A. Patton, General Counsel
The Planning and Conservation League

SIERRA CLUB



VENTANA CHAPTER

P.O. Box 5667 Carmel, California 93921 408 • 624 • 8032

September 18, 1996

Mr. Peter Douglas, Director
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Subject: Survey for Goal Setting Workshop

Dear Mr. Douglas:

In response to the Survey, the five strongest aspects of the coastal program are:

1. Protection of the coastal resources
2. Providing for public access to the coast
3. Providing for a wider planning perspective for the coast with a coordinated view
4. Protecting the ocean resources
5. Serving as a state planning body to remind local entities to balance local development pressures with resource protection.

The weaknesses in the program as we view it are:

1. The lack of funding for general planning and enforcement
2. The lack of availability for training for Commissioners to enable them to know and understand the needs of the states 1100 mile coast.
3. The difficulty of participation by the public because of the location of the Commission meetings.
4. The method of appointment of the Commissioners which is too politicized and with no set terms.
5. The lack of news coverage of the Commissions hearings. Only the unusual or sensational get any local coverage in local news media .

Goals for the next several years are:

1. Adequate funding for planning and administrative staffing needs, including funds to study and survey coastal areas that have not been adequately studied. Then funding for purchase of areas that need to be preserved for their habitat value or added to the states recreation areas.
2. Finding , appointing and training Commissioners who are supportive of the Coastal Act and able to devote adequate time to the job.



3. Providing media feed on the importance of the coast in the economy of the state and supplying the media with the issues that that will be decided at the meetings and the decisions when made.
4. Providing a means to ensure that local entities complete the LUP's for their areas.
5. When all this is accomplished, the commission can serve as it was originally envisioned as a sort of Supreme Court of coastal planning. This role is vital. As more of the coast is developed there is increasing pressure from developers for inappropriate projects that fill our wetlands and destroy fragile coastal ecosystems and overwhelm our already inadequate infrastructure. These areas are always going to need vigorous protection.

Thank you for the opportunity to answer this survey. Any questions or replies should be directed to Janie Figen, 1443 Deer Flat Road, Monterey, CA 93940, (408) 375 9667, Fax 375 1666.

Sincerely,

for Janie Figen
Ben Post, Chair

JF/JS

S I E R R A C L U B

CALIFORNIA / NEVADA / HAWAII



FIELD OFFICE

September 18, 1996

To: Peter Douglas, Executive Director
All Commissioners, Management Team & Interested Parties

From: Mark Massara
Sierra Club Coastal Program

Re: Call for information, Goal Setting Workshop, October 9, 1996

Below please find our response to your memo dated September 16, seeking information related to initiation of workshops in pursuit of setting goals, establishing a strategic plan, and conducting a management audit. Recognizing that these comments reflect two days notice, Sierra Club reserves the ability to modify, prioritize and refine these responses as the issues are reviewed by and among Sierra Club Chapter and Group leaders throughout the coastal area. We also refer to and incorporate our previous comments and testimony regarding the Management Team and Proposed Criteria for Management Audit, at the Commission's July, August & September 1996 meetings and by letter dated September 9, 1996.

List five STRENGTHS of coastal program:

1. Program can be a comprehensive planning tool for protecting one of the world's most unique, diverse and fragile habitat ecosystems.
2. Program can be a comprehensive planning tool for insuring protection of historic public rights of access to coastal lands.
3. Program can alleviate critical present and future need for new and additional coastal access by requiring access contributions from coastal developers as such land is proposed for development or alteration.
4. Program can serve as integrated and consistent planning and review process for statewide coastal development projects in order to insure the orderly, sustained and balanced growth of California's \$10 billion dollar annual coastal tourism and recreation economy, which provides hundreds of thousands of jobs and beach access to over 150 million people.

5. Program can insure that the public has access to information and assist with and promote maximum public participation in all deliberations and decisions on the issues and interests stated above, as they regard paramount questions of public interest and rights, effecting our families and future generations.

List five WEAKNESSES of coastal program:

1. Program is underfunded and understaffed.
2. Program lacks sufficient protection, monitoring and enforcement capabilities.
3. Program recommendations can be ignored by Commissioners; Program is easily susceptible to political hijacking.
4. Program allows for loss and destruction of public trust property and resources.
5. Program lacks sufficient authority, funding and jurisdiction to satisfy the need to acquire new public coastal trails and lands.

List five GOALS for the coastal program:

1. Program saves remaining coastal open space and wild places.
2. Program protects existing and obtains new coastal access.
3. Program devises a way to protect itself and coastal resources from Sacramento politics.
4. Program facilitates and coordinates restoration of damaged coastal eco-systems, dunes, wetlands, fisheries.
5. Program obtains sufficient funding allocations to do all this.

S I E R R A C L U B

CALIFORNIA / NEVADA / HAWAII



FIELD OFFICE

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September 18, 1996

SEP 19 1996

FAX TO: Peter Douglas, Executive Director, Coastal Commission

CALIFORNIA
COASTAL COMMISSION

From: Michael Paparian, CA/NV/HI Regional Representative

Re: Response to request for input on Goals Setting Workshop

Following is a response to the request for input dated September 16. These reflect my views -- there may be additional input from other Sierra Club representatives.

FIVE ASPECTS OF the COASTAL PROGRAM THAT ARE STRENGTHS:

1. Provides for public access to public resources (i.e. the Coast)
2. Public input is encouraged
3. Important input about coastal resources is provided to other government agencies
4. Educational programs are good.
5. A motivated and dedicated staff.

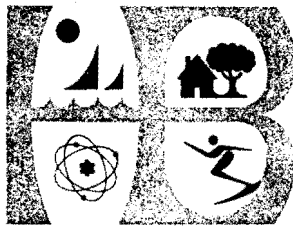
FIVE PROGRAM WEAKNESSES THAT NEED IMPROVEMENT

1. Permits continue to be granted that allow for development of sensitive areas.
2. There could be more done to assure public access to the coastline.
3. More could be done to provide input to decisions that affect related coastal issues such as coastal water quality, transportation and coastal air quality.
4. Commissioners continue to be influenced by politically well connected individuals and companies.
5. More could be done to assure that applicants implement mitigation measures and other requirements.

FIVE PROGRAM GOALS

1. Restore coastal protection as a primary goal for all decisions of the commission.
2. Provide for a more integrated approach to involvement in all aspects of decisions affecting the coastline, including water quality, air quality, transportation, etc.
3. Provide for greater public access to the coastline.
4. Provide for the public to have easier access to Commissioners through improvement of outreach and advice programs for the public.
5. Take more aggressive steps to assure permanent protection of key sensitive areas of the coast.

**OTHER GOVERNMENT
AGENCIES' RESPONSES
TO QUESTIONNAIRE**



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF COMMUNITY DEVELOPMENT

Building 536-5241
Planning 536-5271

September 18, 1996

Peter Douglas, Executive Director
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

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SEP 23 1996

CALIFORNIA
COASTAL COMMISSION

Subject: Input for California Coastal Commission's Goal Setting Workshop

Dear Mr. Douglas:

In response to your request for feedback regarding the Coastal Program, I consulted with City staff members, as well as City Councilmembers familiar with the Coastal Commission and the Coastal Act. In order to address the questions raised in your memorandum, the following is a summary of the comments I received:

Coastal Program Strengths

1. Preservation of coastal resources, both biological and physical.
2. Attention to the need to maintain access to coastal resources for the public.
3. Staff's accessibility, professionalism and willingness to compromise on judgment issues.
4. The program allows local jurisdictions to implement special zoning designations unique to their city.
5. Emphasis on local control versus state control.

Coastal Program Weaknesses

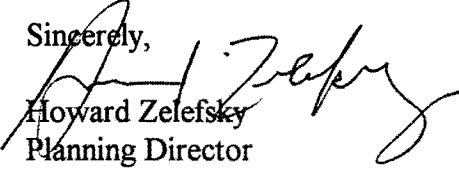
1. May be overly burdensome process for single family homeowners in cities without Certified Local Coastal Programs.
2. Focus should be maintained on the big picture of protecting coastal resources and coastal access instead of the fine points (e.g., the rate of parking meters in a city).
3. Appeal process may be too easy, encouraging frivolous appeals. Maybe a cost should be determined based on the amount of staff time necessary to process an appeal.
4. How Coastal Commissioners are appointed should be reviewed. Should there be fixed terms? Should Commissioners be from coastal communities?
5. Processing time could be reduced with more staff resources.

Program Goals

1. Conduct annual workshops for local officials, the public and staff on procedures and policies of the Coastal Commission.
2. Publish a bi-annual newsletter or summary of key Coastal Commission decisions that may affect other jurisdictions.
3. Look to ease your own burden by reducing the scope of involvement in local issues (e.g., curfews for beach parking lots, parking meter rates, parking validation programs).
4. Help cities and counties educate the public as to the role of the Coastal Commission with respect to local planning. Most developers, homeowners, residents, do not understand how, or when the Coastal Commission effects local decision making.

Please feel free to call upon me or any other City Official to participate in discussions on how the Coastal Commission operates.

Sincerely,


Howard Zelefsky
Planning Director

HZ:kjl

(KL535)



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SEP 23 1996

CALIFORNIA
COASTAL COMMISSION

September 19, 1996

Mayer:
DAN ALBERT
Councilmembers:
THERESA CANEPA
DON EDGREN
DAVE POTTER
RUTH VREELAND
City Manager:
FRED MEURER

Mr. Peter Douglas, Executive Director
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, Ca. 94105-2219

Dear Mr. Douglas:

This responds to your September 16 request for input to the October 9 Coastal Commission "Goal Setting" workshop. Please note that with such a short turnaround, these comments have not been coordinated nor endorsed by the Monterey City Council. The comments do however represent the opinions of City staff, some who have worked with the California Coastal Commission in Monterey since 1973.

The following are comments on the current coastal program:

ASPECTS OF THE COASTAL PROGRAM THAT ARE PROGRAM STRENGTHS

1. Effective protection of the California coast, particularly coastal access is a program strength.
2. Coastal Staff is knowledgeable and competent and is deeply committed to meeting the objectives of the Coastal Act.
3. Coastal Staff is cooperative in seeking solutions to problems in coastal plans and coastal projects. The level of staff cooperation is occasionally tempered by the zeal with which the Commission directs staff to interpret the Coastal Act.

PROGRAM WEAKNESSES THAT NEED IMPROVEMENT

1. Staff reports are too lengthy, difficult to understand, and occasionally redundant. Lengthy staff reports are particularly problematic given the limited number of Coastal staff available to research, write and coordinate them. This may account for difficulties in getting timely responses from staff. Staff reports often reflect a lack of timely coordination with the Attorney General's office.
2. Commission and Staff time is consumed with the minutia of individual projects (particularly minor projects such as single family residences) rather than spending more time with coastal programs, major projects and policy issues.
3. For LCP amendments, there is no formal application form nor application schedule. For permits, there are no published deadlines for submittal of applications for any particular Commission meeting. Following local government actions, it can take two to three months to have an item placed on a Coastal agenda.

4. Commission and Staff meetings involve significant amount of travel resulting in time and funding costs to citizens and other governmental staff. We're uncertain of the best method of addressing this concern right now but use of District Permit Administrators should be explored, particularly for minor projects.
5. Lack of funding for additional staff may be a problem but should not be addressed until Items 1 & 2 above are resolved.
6. There is a lack of funding for coastland acquisition or access where other methods are inadequate or inappropriate. A fund is needed to compensate owners where compliance with the Coastal Act policies would otherwise result in a taking.
7. The Commission imposes conditions of approval on projects with little or no staff capability to enforce them.
8. There is no published summary of meetings either in annotated agendas or meeting minutes. This leads to confusion and delay in determining precisely the Commission's action on an item.

PROGRAM GOALS FOR THE NEXT SEVERAL YEARS THAT THE COMMISSION SHOULD SET FOR THE COASTAL PROGRAM (BY PRIORITY)

1. Focus Commission and staff efforts on coastal programs, policy issues and major projects.
2. Do a complete overhaul of the entire coastal permit process with a goal of streamlining the process, with more items delegated to staff.
3. Establish a formal, written Commission agenda process with prescribed deadlines for submittals. Schedule Commission and staff meetings attempting to reduce travel time and funding costs to citizens and other governments.
4. Obtain funding for additional staff and coastland acquisition and easements for public access; implementation of coastal programs and assistance for resolving major land use conflicts. Establish a dedicated fund to compensate landowners denied reasonable economic use solely because of Coastal Act policies/LUP policies designed to protect environmentally sensitive habitats, public views or shoreline access.

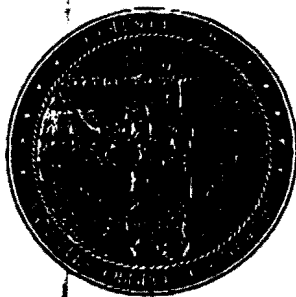
Thank you for the opportunity to comment. Our staff would be glad to work with you and your staff on addressing the issues noted above.

Sincerely,


Fred Meurer
City Manager

FM/BF/pk

cc: City Council
Community Development Director



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

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SEP 19 1996 ENVIRONMENTAL COORDINATOR
CALIFORNIA CHIEF BUILDING OFFICIAL
COASTAL COMMISSION ADMINISTRATIVE SERVICES OFFICER

ALEX HINDS
DIRECTOR

BRYCE TINGLE
ASSISTANT DIRECTOR

ELLEN CARROLL
COORDINATOR

BARNEY MCCAY
CHIEF BUILDING OFFICIAL

NORMA SALISBURY
ADMINISTRATIVE SERVICES OFFICER

September 18, 1996

Peter Douglas, Executive Director
California Coastal Commission
via FAX (415) 904-5400

Subject: San Luis Obispo County Suggestions for Your Workshop on Strengths,
Weaknesses and Goals for the Coastal Commission

We appreciate the opportunity to help your agency address your future, and by extension, the way the people of California and San Luis Obispo County will enjoy living, working, and visiting in the coastal areas of the state. Our specific responses are locally oriented although we are always aware of the statewide importance of our coastal resources.

Program Strengths:

1. Gives local permitting agencies more tools to address development in the coastal areas.
2. Identification of environmentally sensitive areas.
3. Provides specialized coastal staff to assist local agencies with energy projects including offshore oil activities.
4. Protection of coastal resources including public access.
5. Merging land use with environmental protection.

Program Weaknesses:

1. Shortage of coastal staff can inhibit early consultation as needed to resolve complex and controversial plans and projects.
2. Lack of funding to local agencies for plan implementation and furthering state policies in Coastal Act.
3. Local governments should be able to charge a modest project appeal fee without losing local jurisdiction.
4. Occasional lack of decorum and attention by some commissioners during testimony at hearings.

Suggested Program Goals:

- . Address statewide policies on seawall design, approval, and construction both for emergency and permanent permits.
- . Sufficient staff available to facilitate early consultation and timely review of local plans, projects, and appeals.
- . Better support of local agencies in Coastal Act implementation including efforts to acquire coastal access dedication and improvements.
- . Assist local agencies in enforcing state coastal laws.

Sincerely,



Alex Hinds
Director of Planning and Building

INDIVIDUAL RESPONSES TO QUESTIONNAIRE



Madelyn Glickfeld
28907 Grayfox Street
Malibu, CA 90265
Tel: (310) 589-9110
Fax: (310) 457-5692

Coastal Commission Chairman Louis Calcagno
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

Dear Chairman Calcagno,

While I have followed a policy honored by most past Commissioners not to attempt to influence the Commission on its decisionmaking authority with regard to applications, I would like to offer these comments to assist you in the beginning of preparation of your Strategic Plan. These recommendations are based on seven years of experience in public input to the Commission, and representing organizations with interests in Commission decisionmaking, and my ten years of experience on the Commission itself. In making these comments and recommendations, I have followed the format set for your workshop and limited myself to actions that the Commission can take without legislative action to improve the coastal program..

Five Strengths of the Program.

1. The extensive authority and mandate given to the Coastal Commission by state law and federal coastal zone management authority to give priority to protection of coastal land and water resources. The application of the law to state and federal agencies, lessees, permittees, etc gives the Commission the ability to develop long term public works strategies that protect resources, improve the sustainability of public works, and prevent pollution. The breadth of environmental issues addressed in the Coastal Act makes it one of the few broad interest regulatory agencies that need to balance one environmental priority against another, while protecting the resources and public access as a first priority.
2. The recent strengthening of the Coastal Act enforcement provisions by a bipartisan legislative effort and the support of Governor Wilson. This legislation, combined with reorganization of the entire Coastal Enforcement Program that has lead to a significant drop in coastal enforcement violations.
3. The effective use of onsite and offsite mitigation measures, within the law, to acquire, improve, and maintain coastal public access, mitigate project and wetlands and other resource impacts.

4. The effectiveness of permit streamlining in moving projects quickly through the Coastal Commission permit process once complete applications are filed, and the ability to focus the attention of the Commission on more important projects needing public hearings by providing permit exemptions, waivers, administrative and consent approval where applicable.

5. A long term, competent, independent staff with an institutional memory that uses case precedent and technical analysis of the consistency of applications with the Coastal Act to bring recommendations to the Commission. When applied by the staff and the Commission, this approach has brought what most local jurisdictions and applicants want from the Commission-- ability to anticipate what will be required by the Commission and a sense of fairness that similar projects would be required to do the same.

Five Weaknesses

1. Exemption of Legislators and Administration Officials from ex parte communications with Commissioners and direction of Commissioners on specific votes by some appointing authorities undermines the ability of an independent commission to fairly consider staff recommendations, really respond to public hearing information, and then debate the issues to come up with a fair decision legally based on the Coastal Act.

2. The problems cited in "1." above, insufficient staffing resources, insufficient range of technical staff, and the uncertain fate of the Commission has led some staff to be timid on recommendations for large projects, or projects by state or agencies, and then apply the law stringently to smaller, less political projects. The Commission and its staff should be doing the opposite: applying the appropriate standards on large projects, and most certainly public works projects, and then insuring that the focus on smaller projects without substantial individual impacts be limited to addressed any cumulative impacts smaller projects might have, treating all similar projects the same way, as in the "Gross Structural Formula" standards, parking standards, setback standards, drainage standards and open space and public access easement requirements.

3. The lack of any checks, balances, standards, or qualifications for appointment to the Coastal Commission. There are also no specific disqualifying criteria for appointment to the Commission. Despite this, over the life of the Commission, most Commissioners "grow" into the position, understand the law and basically believe that coastal protection and public access are important parts of the law they are sworn to implement and valuable to the state, the community and future generations. This common understanding of the law among Commissioners with diverse philosophies helps Commissioners come to some very good and important consensus decisions on projects important to the coast. However, with the the lack of qualifications, disqualifications and checks and balances, a few appointees have done substantial damage to the program, undermining public opinion by creating cynicism about the process, increasing the influence of powerful lobbyists and special interest groups and influencing some pro-applicant decisions that just did not meet the scrutiny of the courts. Extremely unqualified commissioners are susceptible to corruption and exploiting the power of the law for their own or others' purposes. While these Commissioners are a very small minority of all Commissioners ever appointed, their actions can and have undermined the integrity of the entire program. The legislature needs to address this, but the Commission has some limited options to improve the situation.

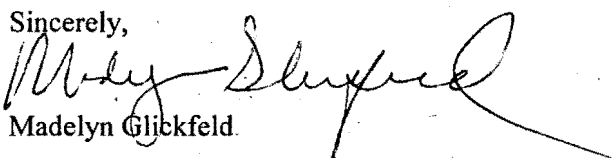
5. The Commission is directed by law to protect the coastal zone consistent with constitutional property rights, but during my term, and more recently, there are strong indications that some Commissioners wish to act in a legislative capacity, redefining the Coastal Act without the proper legislative action. The

Commission as a whole should resist this effort, leave decisions to make major changes in the Coastal Act to the Legislature and refocus its action on implementing the current law consistent with current constitutional provisions.

Five Program Goals, In Priority Order

1. Develop a Code of Ethical Conduct for Commissioners that makes clear the Commission's role in implementing, not re-legislating the Coastal Act, reaffirms the commitment to fair public hearings, though disclosed exparte communications from all sources, and prevents Commissioners from acting improperly outside their legal capacity.
2. Reaffirm the confidence of the Commission in the Executive Director. This will reestablish staff morale, confidence and continuity, encouraging the staff to stay with the Commission, improving the work of the Commission and its public image as well as improving the ability of the Commission to recruit diverse new staff.
3. Work with the legislature and other state agencies to insure that all open space and public access easements are accepted by a qualified agency, and that there is money for improvement, maintenance and enforcement of these easements.
4. Support an adequate budget for the Commission to have adequate staff, implement its coastal education programs and meet mainly in areas easily accessible to the public. Maintain staff independence and improve technical capacity and capabilities of the staff through training opportunities and recruitment. Direct management to work with staff continuously on insuring that priorities are consistent with the law and the importance of project impacts to the Coastal Zone.
5. As a Commission, encourage the staff to insure that big projects mitigate their fair share of impacts, while mitigation for smaller projects focus on cumulative impacts from many other similar projects. Consider staff recommendations with respect and ask for their help in addressing the concerns of applicants, opponents and interested parties. On larger projects, give staff the latitude to work further with applicants, involving the public in resolving all issues where consensus could be reached consistent with the Coastal Act, even if postponement of decision is required. That is how better, legally upheld projects are approved.

Sincerely,


Madelyn Glickfeld

cc: All Commissioners
Executive Director



RUTH GALANTER
COUNCILWOMAN
SIXTH DISTRICT

City Council
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To: Peter Douglas, Executive Director
California Coastal Commission

Thank you for the opportunity to provide input to the Coastal Commission in its upcoming deliberations.

In our city of 3,500,000 people, the coastal zone is a critically important recreational and economic resource as well as home to many people. Venice Beach, for example, receives roughly the same number of visitors as Disneyland, making it one of the top two visitor destinations in Los Angeles County.

We treasure our beaches, but we also know that they matter to the entire state, not just this city. Every development that makes it harder for residents and tourists to reach our beaches reduces the quality of life. We in local governments count on the state to assist us in protecting the environment and guiding development so as to assure continued environmental protection. Often that help takes the form of establishing guidelines, sometimes of making the tough decisions to balance conflicting priorities.

In our very large city, many issues besides coastal protection compete for our time and attention. We appreciate the state's assistance and support and we urge you to stand behind the Coastal Act regardless of changes in the political winds.

STRENGTHS

1. Acknowledgment of public rights, to access and enjoyment, in the coastal zone. Proposition 20 opened with a statement that "The coast of California is a unique and valuable resource belonging to all the people..."
2. The Coastal Act's concept of *balancing* public and private rights and state and local responsibilities. The Act acknowledges that there may be competing priorities and leaves to the Commission the job of interpreting those priorities to balance all interests.
3. Procedures to provide notice of pending applications not only to nearby property-owners but also to those who may have other interests in the future of a particular area of the coastal zone--such as horseback riders, hikers, and others and requirements to provide opportunities for interested non-owners to participate in the Commission's deliberations.



4. Technically qualified impartial staff to explain Coastal Act to applicants and the public and to provide Commissioners with politically neutral recommendations.
5. Partnership between local and state governments, through the development of local coastal programs by local government with review by the state Commission to prevent conflict with established statewide policy.

WEAKNESSES

1. Lack of effective enforcement. Local governments depend on the Coastal Commission to enforce violations of the Coastal Act, particularly where the LCP has not yet been adopted and approved. Effective enforcement maintains the space for local government decision-making; its lack fosters disregard for law and makes local planning extremely difficult.
2. Insufficient access to information. Both permit applicants and other interested parties, to say nothing of the Commission's own staff, need access to all previous actions of the Commission. This is primarily a problem of *insufficient resources* provided to the Commission for its operations, but what is required is more and better computerization.
3. Because the Commission has closed so many regional offices, both applicants and the interested public suffer from insufficient access to staff and files. This too is a byproduct of insufficient resources.
4. Commissioners inadequately informed of coastal program's history and precedents and, too frequently, apparently uninterested in such details. This is probably the result of the appointing authorities' apparently selecting Commissioners for their on ideology rather than their commitment to coastal protection.
5. Inadequate commitment by the Legislature and the Governor of resources necessary to maintain a comprehensive coastal protection program.

GOALS, in rank order.

With increasing population pressures throughout California, it is vital that the state strengthen its coastal protection program so that all of us and our children will have the opportunity to enjoy it.

Strengthening the coastal protection program means first and foremost improving public access opportunities, many of which will soon be lost. The Commission should step up its program to open the previously dedicated accessways.

Impress upon appointing authorities the importance of selecting well-informed commissioners committed to fairness to applicants, the general public, and local governments and equally committed to upholding the Coastal Act.

Assure staff members the independence from political pressure necessary to provide even-handed service, consistent staff recommendations, and thoughtful evaluations consistent with state law of both permit applications and local coastal programs.

Assist local governments with the resources necessary for localities to finish their LCPs. (In many cases, including the City of Los Angeles, budget constraints have reduced the ability of local governments to focus on coastal plans in light of other urgent priorities and diminished revenues

Ruth Galanter

Karin Strasser Kauffman

**Suggested Comments for Goal Setting Workshop
of the California Coastal Commission
scheduled for Oct. 9, 1996**

Program Strengths:

1. The Coastal Act itself--good, strong statute
2. dedicated and experienced staff--good management and team work
3. visible and enthusiastic public involvement/support for coastal protection, public access
4. federal consistency review--invaluable intergovernmental link
5. success stories up and down the California coast: pristine beaches, scenic views, access points, interpretive locales, unique tourist and recreation opportunities

Program Weaknesses:

1. political interference at Commission-level by lobbyists, partisan politics, appointing authorities--all cripple independence and reputation of the Commission
2. constant turn-over of Commissioners--insecurity in service, loss of historic memory, lack of continuity, need for constant retraining
3. lack of enforcement due to lack of oversight by Commission, "mixed messages" from Commissioners, insufficient staff, underfunding, and weak legislation
4. grossly inadequate (and unpredictable) budget
5. lack of staff, insufficient variety of experience

Program Goals:

1. develop long-term (not just annual) strategic plan for coastal protection
2. diminish influence of lobbyists
3. require adequate funding of programs
4. expand staff expertise; develop continuing training programs for staff
5. finish transfer of authority (shared, in some cases) to local governments

Respectfully submitted,

Karin Strasser Kauffman

Karin Strasser Kauffman
Former Monterey County Supervisor
Representative of Public-at-Large, Monterey Bay
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September 18, 1996

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Peter Douglas
Executive Director
California Coastal Commission
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San Francisco, CA 94105-2219

Re: Input for Commission's Goal Setting Workshop

Dear Peter:

Thank you for the opportunity to provide the Commission with input in connection with its upcoming "Goal Setting" Workshop. I hope the brief comments below are helpful.

Program Strengths

1. A professional, well managed planning staff dedicated to making the coastal program work.
2. Decisions which in general permit coastal development while maximizing the provision of public access and protection of coastal resources.
3. Decisions which are ordinarily supported by detailed, well reasoned written findings which analyze development or LCP matters in terms of Coastal Act policies and requirements.
4. A Commission which is required to carefully review projects to ensure that proposed development is approved, conditioned or denied in a manner which is constitutionally permissible and consistent with Coastal Act requirements.
5. A mature enforcement program which has become more effective through success in litigation.

RICHARDS, WATSON & GERSHON

Peter Douglas, Executive Director
September 18, 1996
Page 2

Program Weaknesses

1. The lack of an organized process by which a project proponent/opponent or local government can research precedential Commission decisions relating to permits or LCPS.
2. The inconsistent application of Coastal Act policies from region to region.
3. The absence of "teeth" in the coastal program to force all local governments in the coastal zone to expeditiously complete preparation of LCPS.
4. The lack of any meaningful Commission information, other than agendas, provided to the public through the internet.
5. The absence of any "tolling" provision in the Commission's regulations to address where a development is approved, but is then delayed pending litigation challenging it.

Comment: This one requires an explanation -- If litigation lasts for more than two years (which is ordinarily the case), the applicant must request the Commission to grant an extension which can be blocked by a vote of three objecting commissioners (perhaps those who originally voted in the minority against the project). This encourages lawsuits because, owing to that quirk in the regulations' voting requirement, mere delay through litigation can serve as the way ultimately to defeat a project.

Program Goals

1. Utilize the internet to provide better public access concerning Commission matters, including the posting of
 - a) important staff memoranda distributed to the Commission,
 - b) the results of actions taken by the Commission on the various matters set forth on the agenda, and c) findings from key decisions made by the Commission at each meeting.
2. Complete certification of all Local Coastal Programs.
3. Create an organized bank of precedential Commission decisions which can be used meaningfully by applicants, interested parties and local government.
4. Undertake a further regulation review process by the Commission which begins with input from interested parties.

RICHARDS, WATSON & GERSHON

Peter Douglas, Executive Director

September 18, 1996

Page 3

5. Prepare a region-by-region "State of the Coast" assessment of the coastal program since preparation of the California Coastal Plan in 1976.

I confess to you, Peter, that these lists are the best I could come up with in the course of a day, and the ordering of my priorities is completely arbitrary. Nevertheless, I appreciate the opportunity to participate in the process.

Best of luck with the workshop!

Very truly yours,

Steven H. Kaufmann

SHK:mob
1122883