


CALIFORNIA COASTAL COMMISSION

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TO: Coastal Commissioners and Interested Parties

FROM: Tami Grove, Deputy Director
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SUBJECT: **Staff Report Accompanying the *Procedural Guidance Manual for Conducting Regional Periodic Reviews***

Executive Summary

Coastal Commission staff have recently completed a multi-year program to improve understanding and management of cumulative impacts affecting coastal resources. One of the primary results of this work has been the preparation of a *Procedural Guidance Manual for Conducting Regional Periodic Reviews*. The *Manual* provides guidance for Commission staff to undertake cumulative assessments of key coastal resources and periodic reviews of the California Coastal Management Program, including Local Coastal Programs (LCPs), on a regional basis. The new process described in the *Manual* allows the Commission to better fulfill its mandate for program evaluation and LCP review under Section 30519.5 of the Coastal Act, while simultaneously improving the management of cumulative and secondary impacts to key coastal resources.

This staff report briefly describes the history and content of the Regional Periodic Review process outlined in the *Manual*, how and why the Regional Periodic Review process was developed, how it enhances the Commission's ability to manage cumulative impacts and how it fulfills the Coastal Act's mandate for program and LCP review. It also describes what the Commission can expect from staff with respect to the Regional Periodic Reviews and the role of the local governments and the Commission at key points in the process. **Staff is submitting this *Guidance Manual* to the Commission for public hearing and comment, and recommending Commission concurrence with the application of the *Manual* to future Regional Periodic Reviews.**

Overview of the *Manual*

The *Procedural Guidance Manual for Conducting Regional Periodic Reviews* describes the process of conducting cumulative assessments and program review on a regional basis, and covers the following topics:

- Selection of the region and issues to be included in the review;
- Assessment of key coastal resources and the impacts occurring to them;

- Evaluation of existing Coastal Act and LCP policies and procedures related to the chosen issues;
- Development of recommendations to address any problems identified;
- Development of a long-term strategy and short-term action plan to implement the recommendations; and
- Implementing improvements to resource data collection and monitoring to better manage cumulative impacts in day-to-day work and to prepare for the next regional review.

Role of the Commission

The Commission will be briefed and provided with written staff reports for review and comment at key points throughout the Regional Periodic Review process, including: initial selection of a region, identification of the most critical resource issues in the chosen region, and endorsement of final recommendations stemming from the review.

Role of Local Governments

Local governments will also be consulted at various stages in the Review process, particularly during selection of issues, identification of problems, and development of final recommendations. Local resource experts, scientific researchers, and members of the public will also be asked to participate at various times during the Review.

Background

During reauthorization of the federal Coastal Zone Management Act (CZMA) in 1990, Congress included amendments to the Act which establish a grant program for states to enhance their coastal management programs in priority issue areas. Within specified topic areas, each state was directed to prepare an assessment of the needs of their coastal program and a strategy to address those needs. Under this Section 309 Enhancement Program, and after an extensive public process, the Coastal Commission adopted an Assessment in January, 1992. Through this assessment, cumulative and secondary impacts, wetlands, public access and hazards were identified as priority program areas needing improvements; the Commission subsequently adopted a strategy to address these needs in March, 1992, paving the way for federal grant money for activities that qualify for Section 309 funding.

The 1992 strategy was designed as a multi-year work plan to develop improved ways to manage cumulative impacts of coastal development, including better use of the Commission's authority mandated in the Coastal Act (Section 30519.5) to periodically review the implementation of Local Coastal Programs. (The Coastal Act sections pertaining to review of LCPs are shown in Exhibit A.) The Regional Cumulative

Assessment Project (ReCAP) comprised the core of this strategy. It had four key objectives:

- Assess the cumulative impacts of development on wetlands, hazards and access resources through a pilot project;
- Develop a transferable process to review Coastal Act and LCP implementation on a regional basis and develop a new framework to review LCPs more efficiently;
- Develop a data base for analysis and continued program monitoring and review;
- Integrate efforts with other ongoing regional agencies and programs.

Over the next few years, staff periodically briefed the Commission on progress made in carrying out the strategy work plans and sought the Commission's input. A pilot project was undertaken in the Central Coast region to develop and test techniques for conducting a Regional Periodic Review which incorporated an assessment of cumulative and secondary impacts. The pilot assessment built upon previous efforts, including consultant reports and prior LCP reviews, to identify potential process improvements for the CCMP.

The *ReCAP Pilot Project: Findings and Recommendations: Monterey Bay Region* report was completed and presented to the Commission in December, 1994. Based on that work, a new framework for conducting Regional Periodic Reviews of coastal program implementation was developed, and this *Manual* was written to provide guidance to Commission staff for carrying out the new Regional Periodic Review process.

The role of Periodic Reviews in the CCMP

The Coastal Act establishes California's Coastal Management Program (CCMP) as a joint partnership between the state Coastal Commission and local governments. Chapter 6, Section 30500 et. seq. of the Coastal Act describes the process for developing Local Coastal Programs (LCPs), including the following components:

- issue identification by local government with the participation of the Commission and the public;
- preparation of the LCP Land Use Plan, zoning, and other implementing actions by local government with the participation of the Commission and the public;
- review and certification of the LCP by the Commission after public hearing;
- transfer of permit authority to local government pursuant to the certified LCP;
- development of amendments to LCPs by local government and review and certification of those amendments by the Commission; and
- evaluation of certified LCPs every 5 years by the Commission with recommendations to the local government.

Periodic LCP reviews are an important means for the Commission to evaluate whether the Coastal Act is being effectively implemented through the plans and actions of local governments. The reviews provide a means to evaluate, monitor, and continually update the LCPs to respond to new information and changing conditions and to determine whether the LCPs are being carried out consistent with Chapter 3 of the Coastal Act. (See Exhibit A for the text of Coastal Act sections describing the Commission's authority to review and recommend changes to certified LCPs). Unfortunately, in spite of the Coastal Act mandate for periodic reviews of Local Coastal Programs, and in spite of their importance to the overall coastal management program, the Commission has not had the resources to review individual LCPs on a regular basis.

The need for a more effective program review mechanism is highlighted by the current status of many LCPs. The major LCP planning effort took place in the 1980s. About 43 LCP segments (roughly 51%) were certified more than five years ago and periodic reviews are long overdue. Since the early 1980s, some of these areas have undergone significant changes and much more is known about the resource values and coastal processes than when the LCPs were developed. While LCPs frequently have been amended since their inception, such amendments are usually project related and only a few have been comprehensive updates of the LCP.

Periodic Reviews and their potential use in addressing cumulative impacts

The new Periodic Review process described in the *Manual* is designed to expand periodic reviews to encompass evaluation of the entire CCMP, including the activities of both the Commission and local governments, in order to better address the management of cumulative impacts. Reviews of individual LCPs provide an opportunity to evaluate the policies and procedures by which cumulative impacts are managed by local governments. However, they provide no evaluation of the Commission's own activities. Moreover, because cumulative impacts are often regional in scope, managing them requires looking beyond one individual LCP at a time, sometimes even beyond the coastal zone boundary itself, to understand the causes of those impacts.

Instead of reviewing the implementation of every policy in an individual LCP or the Coastal Act, the new process focuses on improvements to the management of key resources where the most significant problems have been identified, even if those problems were not evident during the original development of the LCPs or if they are problems that cover a geographic region that spans numerous LCPs. By evaluating several LCPs simultaneously and focusing efforts on the highest priority issues, the new process is more efficient, and allows regional solutions to be developed.

Because it considers the Commission's own planning and regulatory activities as well as those of local governments, the new process also represents a more complete assessment of how well the CCMP partnership is working to protect and manage critical coastal resources and address cumulative impacts. It will be an important feedback mechanism

for the Commission to evaluate the overall effectiveness of the CCMP. By collecting and synthesizing current information on trends in a region and the status of key resources, the Commission will also be providing valuable technical assistance to local governments and other resource agencies. Finally, when a review is complete, Commission analysts will have new tools and data that will enable them to consider cumulative impacts more effectively during subsequent review of individual permit and LCP amendment applications.

The Guidance Manual as an evolving document

The *Procedural Guidance Manual for Conducting Regional Periodic Reviews* is designed to be easily revised and updated as the Commission gains experience in conducting Regional Periodic Reviews. Each time a Review is completed, the *Manual* can be quickly and easily updated with new tools developed during that review. The binder format of the *Manual* allows changes to individual chapters, as well as the updating or addition of new appendices with tools for conducting reviews. Thus, the process is designed so that staff can share their knowledge and experience in conducting Regional Periodic Reviews, enabling the process to become increasingly routine throughout the state's coastal zone.

How the new process works

Given limited staffing, the new Regional Periodic Review process is likely to be implemented in only one Commission Area Office at a time. The process is estimated to take about 10 months to complete. The Review may look at one issue or several, and it may cover all or only part of the jurisdiction administered by the Area Office.

Exhibit B provides an overview of the new Regional Periodic Review process and a rough timeline. The process begins with an identification of where the next Periodic Review will take place. Commission staff will prepare a list of candidate regions based on a number of factors, including the status of existing LCPs, any upcoming General Plan updates, and any other ongoing regional planning projects. After analyzing this information, staff will present its recommendation to the Commission so that it may have the opportunity to review and provide input to the final selection of the region.

Once the location of the review is selected, the most critical resource issues within the chosen area are identified based on available information, as well as the experience of the Commission and local government staff. The selection of issues will be presented to the Commission for input as well. After the primary issues for the review are chosen, an analysis of available data is conducted to document the status of the resources at issue and to clarify the causes of impacts to those resources, particularly cumulative impacts. This assessment (step 2 in Exhibit B) will be conducted in consultation with local governments and resource experts, and will focus on determining the causes of negative impacts to coastal resources and projecting trends into the future.

In step 3, the implementation of key policies and procedures in the region's LCPs is evaluated, as well as the Commission's own planning and regulatory activities, for their role in contributing to the impacts found. Specific recommendations are then developed to address the problems. At that point, staff will report its findings and recommendations to the Commission for adoption. The recommendations will be of three types: 1) those which are to be submitted to local governments as recommended changes to their LCPs or implementing mechanisms pursuant to Section 30519.5 of the Coastal Act; 2) those that relate to policies and procedures under the purview of the Commission; and 3) those which span jurisdictions and which may involve regional management mechanisms in partnership with other agencies. After the recommendations are endorsed by the Commission, staff will develop a 5-year strategy and a 1-year action plan to implement the recommendations (step 4).

An important byproduct of the new regional review process is that it lays the groundwork for better monitoring and management of cumulative impacts in the future. As part of the Regional Periodic Review, analysts create a regional assessment of the status of critical coastal resources using key indicators. When evaluating future projects and LCP amendments, Commission analysts will be able to access and update this resource information, enabling them to detect potential cumulative impact problems earlier and respond with appropriate management techniques in day-to-day permit review and LCP amendment activities.

The roles of the Commission, local governments, and the public in the process

The Commission, local governments, and the public will be involved throughout the Regional Periodic Review process, particularly where there is a need for consensus on where to conduct the next review, which issues to address, and for review and articulation of final recommendations. Participation by local governments will be encouraged but is entirely voluntary, and does not impose any "unfunded mandates" on local governments. Rather, the process provides a forum for local governments and the public to provide input on regional issues to the Commission. It also enables the Commission to provide assistance and input to the local governments regarding issues of greater than local importance which the local governments might otherwise have difficulty addressing during day-to-day implementation of their LCPs. Early and frequent participation by the Commission, local governments, and the public will be crucial to successful implementation of any recommendations stemming from the review.

How the *Manual* will be used

The *Manual* contains directions for Commission analysts to complete a Regional Periodic Review, develop recommendations and implementation plans, and to incorporate their findings into existing post-certification activities. Throughout the *Manual*, examples are provided from the ReCAP pilot to illustrate specific steps and products. The process is

designed to reflect the reality of limited staff and budgetary resources, and the *Manual* provides guidance on how to scope a review in light of available resources.

Products of the Regional Periodic Review

The *Guidance Manual* envisions a number of products that will be useful for immediate and long-term program improvements, including:

- a summary of overall regional growth and the contribution of the Commission's and local governments' permit activities vis-à-vis that growth;
- an assessment of the status of key coastal resources in the region (both positive and negative trends)
- an identification of the primary sources of impacts -- particularly cumulative impacts -- to key coastal resources in the region;
- a projection of trends that, if unaltered, portend additional adverse impacts to those resources;
- specific recommendations, including recommendations for modifications to LCPs, to address the causes of adverse impacts;
- resource data and trend information developed during the review that can be used during subsequent day-to-day permit and LCP review activities; and
- a set of tools and procedures for monitoring key indicators of resource status.

The ReCAP Monterey Bay pilot project produced a number of important findings and products related to critical coastal resources. For example, analysis of shoreline erosion potential, land ownership patterns and trends in shoreline armoring revealed that 1/8th of the coastline between the San Mateo/Santa Cruz County boundary and Carmel has been armored and that fully 1/3rd of this stretch is likely to be armored in the future if current policies continue. Analysis also showed that while wetland acreage did not decrease in the pilot region under the CCMP, the quality of the water and adjacent buffer habitat areas have decreased. These trends provided the basis for a number of recommendations for program improvements, some of which have already been incorporated into the region's LCPs as a result of the Review.

Staff Recommendation

The staff recommends that the Commission endorse the *Procedural Guidance Manual* so that we may move forward with future Regional Reviews.

Exhibit A:

Coastal Act Sections Pertaining to LCP Review

Section 30519.5.

(a) The commission shall, from time to time, but at least once every five years after certification, review every certified local coastal program to determine whether such program is being effectively implemented in conformity with the policies of this division. If the commission determines that a certified local coastal program is not being carried out in conformity with any policy of this division it shall submit to the affected local government recommendations of corrective actions that should be taken. Such recommendations may include recommended amendments to the affected local government's local coastal program.

(b) Recommendations submitted pursuant to this section shall be reviewed by the affected local government and, if the recommended action is not taken, the local government shall, within one year of such submission, forward to the commission a report setting forth its reasons for not taking the recommended action. The commission shall review such report and, where appropriate, report to the Legislature and recommend legislative action necessary to assure effective implementation of the relevant policy or policies of this division.

Section 30519.

(c) The commission may, from time to time, recommend to the appropriate local government local coastal program amendments to accommodate uses of greater than local importance, which uses are not permitted by the applicable certified local coastal program. These uses may be listed generally or the Commission may recommend specific uses of greater than local importance for consideration by the appropriate local government.

Exhibit B: Overview of the Regional Periodic Review Process

Chapters / Steps

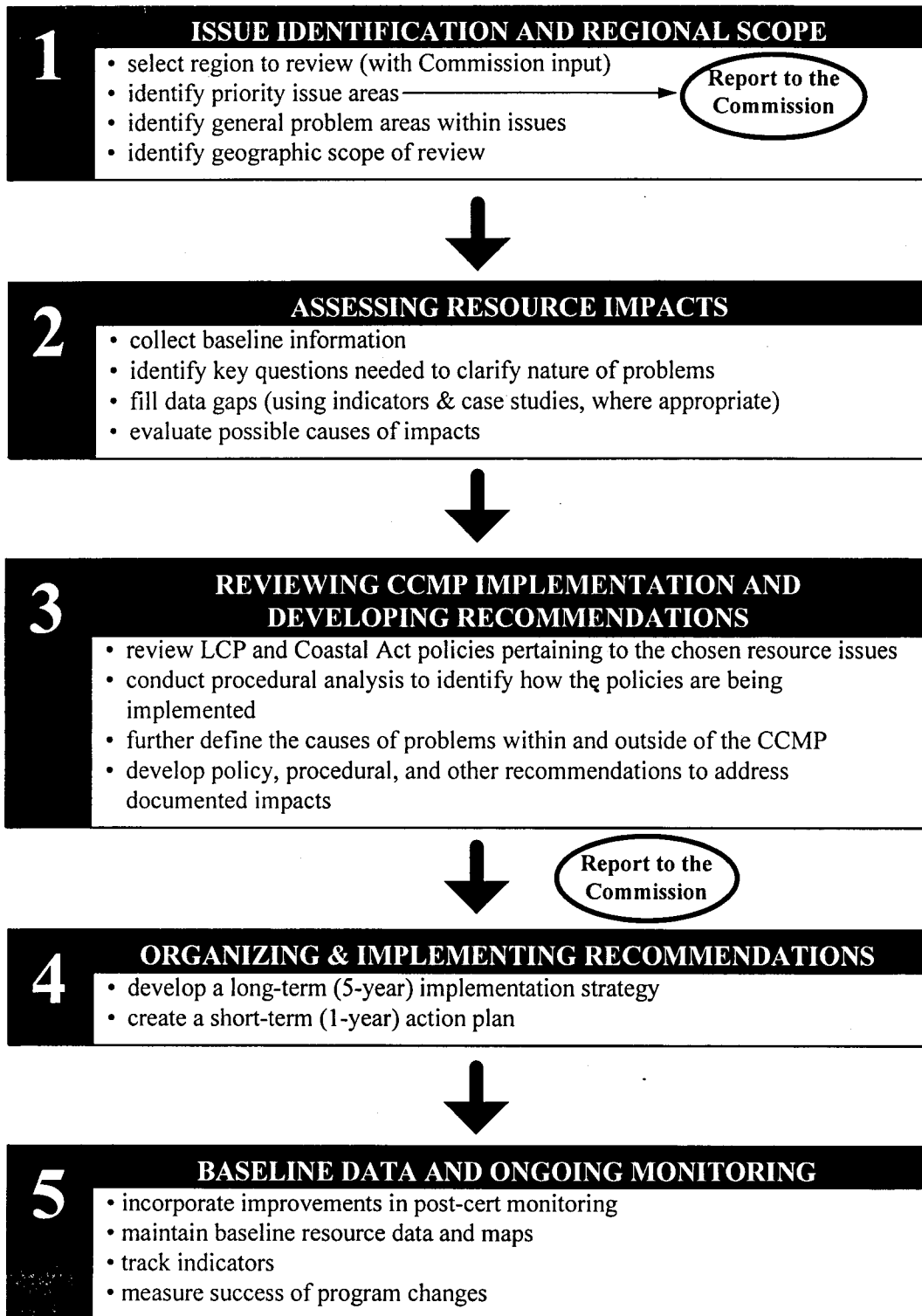


Exhibit B (cont'd): Overview of the Regional Periodic Review Process

Approximate Timeline

CH	STEPS (and estimated staff days required based on ReCAP pilot)	MONTHS *												
		1	2	3	4	5	6	7	8	9	10			
1	Issue Identification and Regional Scope (approx. 160 staff days)													
	* select region to review	█												
	* identify priority issue areas;		█											
	* identify specific problem areas within issues (using outreach);			█										
	* identify geographic scope of review				█									
2	Assessing Resource Impacts (approx. 280 staff days)													
	* collect regional development trend information ("pre-review data");	█												
	* identify key questions needed to clarify nature of problems (analytical matrix);		█											
	* data collection (using indicators & case studies, where appropriate)			█										
	* evaluate possible causes of impacts.				█									
3	Reviewing CCMP Implementation and Developing Recommendations (approx. 220 staff days)													
	* review LCP and Coastal Act policies pertaining to the chosen resource issues													
	* procedural analysis to identify how the policies are being implemented;													
	* further defining the causes of problems within and outside of the CCMP;													
	* developing policy, procedural, and other recommendations to address impacts.													
4	Organizing & Implementing Recommendations (approx. 60 staff days)													
	* develop a long-term (5-year) implementation strategy;													
	* create a short-term (1-year) action plan.													
5	Baseline Data and Ongoing Monitoring (approx. 40 staff days)													
	* incorporate improvements in post-cert monitoring;													
	* maintain baseline resource data and maps;													
	* track indicators;													
	* measure success of program changes.													

* Time estimates are based on a staff load of 3-1/2 to 4 persons full time.

Approximate Distribution of Staff Effort (760 staff days total)

