

## CALIFORNIA COASTAL COMMISSION

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

**Tu 106**

August 24, 1998

TO: Coastal Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director  
James W. Burns, Chief Deputy DirectorSUBJECT: **Proposed FY 1999/2000 Budget**

The FY 1998/99 budget was not signed until August 21. As a result of the delay in final approval of the current fiscal year budget, staff postponed submitting a proposed FY 1999/2000 budget to the Commission for action until we knew what the Commission's FY 1998/1999 budget contained.

**FY 1998/1999 Budget**

The budget approved by the Governor contains \$1.244 million more in funding and 6.5 positions above the Governor's initial budget as introduced in January 1998. These revisions to the FY 1998/1999 budget reflect the augmentations recommended by the Department of Finance in a March 30 letter. With the exception of the \$196,000 for the Adopt-A-Beach/Environmental Education Program (one position and \$130,000 for grants), these augmentations are now part of the Commission's baseline budget [\$331,000 for Information Systems Management and Maintenance (includes two computer specialists); \$181,000 for Administrative Services (personnel, accounting and clerical support); and \$536,000 for LCP Grants Administration (0.5 position and \$500,000 for local assistance grants)]. The Commission will not have to prepare Budget Change Proposals (BCPs) for these items because they are now in its FY 1999/2000 baseline budget. *Because the Adopt-A-Beach/Environmental Education Program is supported from the Environmental License Plate Fund, it is zero base budgeted and must be newly justified each year.*

The Governor eliminated a total of \$981,000 and 10.0 positions from the Commission's FY 1998/1999 budget approved by the Legislature. The cuts are the following: \$335,000 for Technical Services (geologist, water quality specialist, biologist, and GIS/cartography specialist); \$160,000 for LCP and emergency permit backlog work (two coastal program analyst positions); \$128,000 for Coastal Act Enforcement (two coastal program analyst positions); and \$358,000 to re-establish and staff (two positions) a North Coast Office in Eureka.

As a practical matter, the total amount of state funding approved for Commission expenditure in FY 1998/1999 is less (1.3% less) than was available to the Commission last fiscal year. In addition, FY 1998/1999 funding is 26.8% lower than the FY 1982/1983 budget when the previous administration initiated cuts for reasons unrelated to coastal program needs. The Commission also had 62.2 more personnel years (PY) supported by state funds in FY 1982/1983 than it will have in FY 1998/1999. Previous cuts to support funding and staff are problematic because the Commission's substantive programmatic responsibilities have expanded significantly over the past 16 years (e.g., court rulings, law enforcement, public access, coastal hazards and emergency permits, LCP amendments, public

education, coastal water quality, federal consistency reviews, GIS/mapping, local government assistance, integrated coastal management). In fact, workload demands on staff continue to increase. Population growth, economic development, recreational demand, tourism, demand for jobs, agriculture, habitat loss and restoration, rising sea level, and new information and engineering technologies are some of the major dynamics that in combination subject coastal resources and the Coastal Commission's stewardship program to enormous pressures. In order to meet these demands, the Commission needs additional staff and funding.

### **FY 1999/2000 Budget Recommendation**

FY 1999/2000 offers yet another opportunity to restore the Coastal Commission's budget and to secure the tools needed to effectively carry out Coastal Act provisions protective of coastal resources. Accordingly, staff recommends that the Commission adopt a proposed budget for FY 1999/2000 that is similar to the budget adopted by the Commission for FY 1998/1999, absent augmentations included in the baseline budget in the FY 1998/1999 Budget Act.

Following is a summary of each budget augmentation staff recommends the Commission adopt for FY 1999/2000. The proposed augmentations are not exactly the same as those adopted by the Commission for FY 1998/1999. The budget requested for the Adopt-A-Beach/Environmental Education Program has been increased by \$194,000 and 2.0 positions in response to program needs and an expected increase in funds available from the California Beach and Coastal Enhancement Account. The augmentations for re-establishing a North Coast Eureka Office and purchasing replacement equipment (vehicle and copy machine) have been increased to reflect 1999 costs. The support costs for the Intern Program have been decreased in response to issues raised during legislative budget hearings earlier this year.

The proposed budget for FY 1999/2000 does not include an item to cover increased costs resulting from merit salary adjustments and increased costs of doing business (e.g., higher rents, supply costs). Because no COLAs (cost of living adjustments) were included in budgets for the past several years, the Commission has had to absorb those cost increases resulting in the elimination of positions and funding for important program needs such as training.

The thirteen BCPs listed below request an increase of \$2.384 million in the baseline budget and 27 positions (25.3 budgeted personnel years) above the Commission's FY 1998/1999 baseline budget. This increased level of staff and funding is essential to fully carry out the Commission's mandated duties and responsibilities in the most effective and efficient manner.

**Staff Recommended Motion:** I move the Commission adopt the budget augmentations recommended by staff for FY 1999/2000 and that appropriate Budget Change Proposals be submitted to the current and incoming Administrations.

**FY 1999/2000 BUDGET CHANGE PROPOSALS**

<b>BCP DESCRIPTIONS</b>			<b>PY</b>	<b>BUDGET</b>
<b>FUNDING SOURCE — ENVIRONMENTAL LICENSE PLATE FUND</b>				
<b>BCP 99-01</b>	<b>Adopt-A-Beach/Environmental Education</b>		<b>2.8</b>	<b>\$ 390,000</b>
	Events and Public Outreach Coordinator	1.0 CPA I(C)		\$ 71,000
	Grants and Education Coordinator	1.0 SSA(A)		\$ 60,000
	Communications and Clerical Support	1.0 OT		\$ 58,000
	Local Government and Nonprofit Grants			\$130,000
	License Plate Marketing			\$ 40,000
	Educational Material Printing and Distribution			\$ 31,000
<b>FUNDING SOURCE — GENERAL FUND</b>				
<b>BCP 99-02</b>	<b>Technical Services</b>		<b>2.8</b>	<b>\$ 255,000</b>
	Geologist	1.0 Sen Geo		\$ 89,000
	Water Quality Planner	1.0 ES IV		\$ 87,000
	Biologist	1.0 ES III		\$ 79,000
<b>BCP 99-03</b>	<b>LCP Completion and Updating</b>		<b>4.7</b>	<b>\$ 400,000</b>
	Coastal Planners	5.0 CPA II		\$400,000
<b>BCP 99-04</b>	<b>Enforcement</b>		<b>2.8</b>	<b>\$ 192,000</b>
	Enforcement Task Forces/Permit Workload	3.0 CPA I(B)		\$192,000
<b>BCP 99-05</b>	<b>Geographic Info Systems/Cartography</b>		<b>1.9</b>	<b>\$ 161,000</b>
	GIS/Cartographers	2.0 CPA II		\$161,000
<b>BCP 99-06</b>	<b>Public Access Action Plan</b>		<b>0.9</b>	<b>\$ 81,000</b>
	Planning and Implementation	1.0 CPA II		\$ 81,000
<b>BCP 99-07</b>	<b>North Coast Area Office</b>		<b>1.9</b>	<b>\$ 372,000</b>
	Area Office Manager	1.0 CPM		\$ 92,000
	Clerical Support	1.0 OT		\$ 57,000
	One Time Costs - Moving & Equipment			\$152,000
	Continuing Operating Costs			\$ 71,000
<b>BCP 99-08</b>	<b>Legal Services</b>		<b>1.9</b>	<b>\$ 164,000</b>
	District Staff Counsels	2.0 SC(B)		\$164,000
<b>BCP 99-09</b>	<b>Training Budget</b>		<b>0.0</b>	<b>\$ 30,000</b>
<b>BCP 99-10</b>	<b>Public Information</b>		<b>0.9</b>	<b>\$ 78,000</b>
	Information Officer I	1.0 IOI		\$ 78,000

<b>BCP DESCRIPTIONS</b>				<b>PY</b>	<b>BUDGET</b>
<b>BCP 99-11</b>	<b>Intern Program</b>			<b>4.7</b>	<b>\$ 190,000</b>
	Interns	5.0 ESI(B)	\$ 190,000		
<b>BCP 99-12</b>	<b>Equipment-Vehicle San Diego</b>			<b>0.0</b>	<b>\$ 21,000</b>
<b>BCP 99-13</b>	<b>Equipment-Copy Machine Long Beach</b>			<b>0.0</b>	<b>\$ 50,000</b>
<b>TOTAL</b>	<b>STATE FUNDS FOR STAFF AND OPERATIONS</b>			<b>25.3</b>	<b>\$2,384,000</b>

### ENVIRONMENTAL LICENSE PLATE FUND

#### **BCP 99-01 Adopt-A-Beach/Environmental Education**

Appropriate a total of \$390,000 from the California Beach and Coastal Enhancement Account; \$189,000 to support a Coastal Program Analyst I, a Staff Services Analyst, and an Office Technician (2.8 PY); \$130,000 to provide grants to the Commission's local government and nonprofit partners for operating and maintaining public beaches related to Adopt-A-Beach, Beach Cleanup Day, and other coastal public education programs; \$40,000 for marketing Coastal/Whaletail License Plates; and \$31,000 for printing and distributing educational materials.

The Adopt-A-Beach/Environmental Education Program is supported by a special fund, the California Beach and Coastal Enhancement (CBCE) Account within the Environmental License Plate Fund. The money in this account is derived from the sale of special, Coastal/Whaletail License Plates. Programs supported by special funds are zero base budgeted each year and, therefore, must be rejustified to be eligible for continued funding. Additionally, since the balance in this special fund will vary from year to year, an estimate of the balance available for appropriation must be made for each budget year. The Commission estimates the balance in the CBCE Account will be at least \$390,000 on July 1, 1999.

Funds from the CBCE Account became available for appropriation for the first time in FY 1998/1999. The Commission's FY 1998/1999 budget for the Adopt-A-Beach/Environmental Education Program did not provide sufficient funding to support the staff resources the Commission needs to effectively carry out the program. The FY 1998/1999 budget appropriated \$66,000 to support one Coastal Program Analyst I position and \$130,000 for grants to the Commission's local government and nonprofit partners. Although the Commission made clear that most of the work implementing the programs under this fund is carried out by Commission staff, the administration decided not to support the additional staff positions and instead opted for a larger portion of the funds going to grants. Accordingly, the proposed budget includes two additional positions for this program - a Staff Services Analyst to administer the grants program, process invoices and reimbursements, and to work on the educational elements of the program, and an Office Technician to provide clerical support,

maintain a communications center at the Commission's office, provide liaison with the Department of Motor Vehicles, process Adopt-A-Beach applications, etc.

The Commission needs experienced, permanent staff in order to maintain an efficient and effective program with continuity from year to year. The absence of reliable and adequate funding for positions constrains effectiveness and prevents expansion and the realization of the program's full potential. Permanent staffing is essential to ensure that program objectives are accomplished.

The Coastal Act requires the Commission to develop and implement a public education, outreach and involvement program. To date, the Commission has relied primarily on grants and other unpredictable non-state sources of funding to support its public education, outreach and involvement programs. Over the years, the Commission has created and implemented innovative and increasingly popular coast and ocean public education and hands-on involvement programs designed to educate, involve and benefit public use of coastal resources (e.g., Coastal Cleanup Day, Adopt-A-Beach, the Marine and Coastal Educational Resources Directories, School Assembly Projects, the Save Our Seas School Curriculum and the Boating Clean and Green Oil Recycling Campaign). These programs provide an important public service by informing people of all ages about coastal environmental issues and promoting the acceptance of individual responsibility by offering programs that enable people to become directly involved in coastal stewardship activities.

To ensure predictable and adequate funding for these programs, the Commission sponsored the legislation that authorized the sale of the Coastal/Whaletail License Plates to raise money for the Commission's coast and ocean environmental education programs. Funds from the CBCE Account are to be expended by the Commission for the Adopt-A-Beach Program, the Beach Cleanup Day, coastal public education programs, and grants to local governments and nonprofit organizations for the costs of operating and maintaining public beaches and public coastal access opportunities that incorporate education and/or public involvement components. Up to twenty-five percent of the funds in the CBCE Account may be expended on promoting and marketing the Coastal/Whaletail License Plate. In addition to supporting these programs, the Commission needs to actively market Coastal/Whaletail License Plates to ensure this source of critically needed funding continues. This aspect involves efforts to ensure renewals by persons who previously purchased such plates and new Whaletail license acquisitions.

This BCP is consistent with the objectives of the Commission's Strategic Plan, specifically objectives 5.3, 5.4, and 5.5.

**STATE GENERAL FUND****BCP 99-02 Technical Services**

Appropriate \$255,000 to support a geologist, a water quality planner, and a biologist (2.8 PY) to provide technical assistance to the Commission. The lack of in-house technical specialists in geology, water quality, and biology clearly lessen the Commission's ability to adequately carry out its Coastal Act responsibilities in an effective and efficient manner and imposes unnecessary costs on the public and coastal landowners seeking to develop or protect their property.

Recent court decisions (e.g. *Nolan v. CCC*, *Lucas v. South Carolina Coastal Council and Surfside Colony v. California Coastal Commission*) make it even more critical that the Commission have in-house technical experts to conduct the type of site specific analyses these decisions require to establish the evidentiary basis for decisions affecting the use of land. The Commission at one time had considerable staff expertise and then lost much of it due to major budget cuts by the previous administration.

The Commission's regulatory, planning and advisory responsibilities regularly require technical expertise the agency does not have, resulting in delays and additional costs to property owners seeking coastal permits, local governments seeking Commission approval or assistance on coastal resource management related tasks, and others having business before the Commission.

Geologist. Appropriate \$89,000 for a Senior Geologist (Specialist) to assist the Commission's regulatory, planning, and energy programs. This expertise is critical to completing many local coastal programs (LCPs) and acting on coastal development permits. Complex geologic issues come up at almost every Commission meeting. The absence of a staff geologist is especially troubling because so many coastal development projects involve complex issues of geologic instability. In addition, coastal hazards associated with landslides, bluff failure and erosion require the application of geologic expertise in order to avoid public costs, loss of life and property, and to ensure appropriate engineering of preventative or protective structures. This winter's storm damage along the coast has resulted in a large number of emergency actions that will require follow-up with more permanent protective works that will also necessitate expert analysis by a geologist. The Commission has often expressed its frustration and concern about the absence of geotechnical expertise to inform and support its decisions.

Water Quality Planner. Appropriate \$87,000 for a water quality planner, Environmental Specialist IV or equivalent class. The water quality specialist is needed to advise staff and the Commission on water quality issues and to implement the Coastal Nonpoint Source Pollution Control Program. Polluted runoff (nonpoint source pollution) is the most significant source of coastal water pollution. The Commission and the State Water Resources Control Board are required under federal law to complete and implement a Coastal Nonpoint Source Pollution Control Program. Other issues to be addressed by this technical expert include the disposal of dredge spoils from port deepening projects, the disposal of muds and cuttings from offshore

oil platforms, the movement of toxics within littoral sediments, the release of heated return waters from onshore power plants, the release of saline water from desalination plants, toxic effluents in sewage outfalls, and beach nourishment projects.

Biologist. Appropriate \$79,000 for an Environmental Specialist III or equivalent class to work on a wide range of marine and terrestrial biological issues regarding wetlands, aquaculture, ocean resources, riparian habitats, artificial reefs, rare and endangered species, mitigation banking, habitat restoration and monitoring, and the impacts of development on coastal biological resources. The Coastal Commission currently has only one specified biological position (Environmental Specialist IV) to serve as a biological specialist for the entire coast. The Commission has broad ranging responsibilities to ensure that coastal biological resources are properly addressed in all its actions on permits and LCPs; the workload is far beyond what one individual can do.

The biologist would provide advice to all the Commission offices on a wide range of marine, wetland and terrestrial biological issues and assist the Coastal Commission staff and local governments in permit application and LCP policy review. The biologist would also represent the Commission on important statewide committees and technical advisory groups dealing with issues such as wetland mitigation, wetland regional planning, resource identification and protection, marine fish hatcheries, and terrestrial habitat issues.

This BCP is consistent with the objectives of the Commission's Strategic Plan, specifically objectives 1.1, 1.2, 4.3, 5.3, and 7.5.

### **BCP 99-03 LCP Completion and Updating**

Appropriate \$400,000 to support five Coastal Program Analyst II positions (4.7 PY) to (1) assist local governments with LCP development, certification, implementation, and bringing their outdated LCPs up to date; and (2) conduct periodic reviews of certified LCPs, regional cumulative impact assessments, and long range planning.

Until July 1, 1993, state law required completion of Local Coastal Programs (LCPs) by local governments which, once certified by the Commission, result in the transfer of coastal permitting responsibilities to the local government. Although not all LCPs have been completed, this mandate has been suspended for fiscal reasons in every budget since 1993/1994 (SB 90 reimbursements for state mandates have been zero funded). Of 126 LCP segments (for 73 coastal cities and counties), 36 remain to be certified (in 25 jurisdictions).

The coastal jurisdictions that have not yet completed their LCPs have significant issues to resolve and they need Commission staff assistance to ensure the LCPs they develop are certifiable. In the past when the Commission had adequate resources, it could provide invaluable assistance to local governments seeking to complete and implement their LCPs. Timely Commission staff involvement, working in consultation with local government and

bringing expertise and experience to the task, resulted in significant efficiencies both at the state and local levels. Past budget cuts, resulting in loss of staff and operating funds, has severely impaired the Commission's ability to help the 73 coastal local governments do their job in the state-local coastal stewardship partnership that is the cornerstone of the Coastal Act.

The Commission's working relationship with local government does not end with the certification of LCPs and the transfer of coastal development permitting authority to the local government. The Commission must act on appeals of local coastal permit decisions for wide categories of new development. All amendments to certified LCPs must be reviewed and approved by the Commission before they can take effect. The Commission's workload relative to LCP amendments is much higher than was anticipated in 1976 and is increasing. In 1981/1982, the Commission had 19 LCP amendments on its agenda; over the past three fiscal years, there has been an average of 80 LCP amendments per year. Many LCP amendments are complex and significant in scope and impact and, like the initial preparation of the LCP, clearly benefit from timely involvement of Commission staff. The Commission is also called upon to assist local government in various ways relative to LCP implementation and enforcement.

Changed circumstances and new information render many LCPs or portions of them obsolete, warranting the initiation of a fresh review and updating process. For example, many LCPs did not address issues relating to nonpoint sources of water pollution that now has been determined to be the single most significant source of ocean pollution. The Coastal Act mandates that the Commission periodically review, no less than once every five years, all previously certified LCPs to ensure they are being implemented consistent with and continue to effectively carry out Coastal Act policies. To date 90 LCPs have been certified. Of these, 81 are overdue for review (i.e., more than 5 years old) and 50 are more than 12 years overdue. Only 2 have actually been reviewed as required by the Coastal Act. More have not been reviewed because the Commission lacks the staff and operating resources to do the work.

Other duties and responsibilities the Commission shares with local government include preparation for and responding to emergencies which seems to strike the California coast with increasing regularity. These include wildland fires, flooding, landslides, earthquakes, coastal erosion, and oil spills. For example, recent El Nino spawned storm damage along the shoreline requires considerable coordinated efforts by state, local and federal agencies. Commission staff has issued large numbers of emergency permits that require regular coastal permits for permanent protective measures. Many protective works were undertaken without benefit of coastal permits and trigger law enforcement actions. In many cases, work done in the heat of the moment does more damage than it prevents and often adversely impacts public lands and resources (e.g., rip-rap rocks too small for the job become projectiles damaging neighboring homes and migrate onto public beaches creating hazardous conditions for swimmers, surfers, waders, etc.). These situations place enormous new workload demands on Commission staff who are expected to respond immediately while at the same time having to meet statutory deadlines for the processing of coastal permits and LCP amendments. Finally, emergency conditions such as those caused by recent storms are



continuing due to the extent and nature of the damage. Long-term "solutions" will be difficult to find in some cases and balancing the needs of private property owners seeking to protect their homes with the protection of public land and interests will not be easy. The Commission must coordinate its response with other agencies and it cannot do this and meet its other LCP related responsibilities with the current level of staffing.

The Commission has developed procedures for conducting regional reviews of LCPs so that several LCPs can be evaluated at the same time. This regional approach (developed under the federal CZMA 309 ReCAP grant) also provides an assessment of the cumulative effects that implementation of certified LCPs has had on selected coastal resources. Since federal funds are not available to conduct additional regional periodic LCP reviews, state funds are needed.

This BCP is consistent with the objectives of the Commission's Strategic Plan, specifically objectives 2.1, 2.2, 2.3, 5.6, 5.9, 6.9, and 7.3.

#### **BCP 99-04 Enforcement**

Appropriate \$192,000 to support three Coastal Program Analyst I positions (2.8 PY) to improve the Commission's law enforcement capabilities by reducing the backlog of pending violation cases and using interagency taskforces to increase enforcement efficiencies through education, coordination and sharing of resources.

The Commission currently has approximately 400 enforcement cases pending. Over the years, the agency's inability to effectively enforce Coastal Act requirements due to insufficient staff support has been a source of recurring criticism. The Commission needs additional staff to eliminate the backlog of enforcement cases, ensure greater compliance with coastal development permit conditions, ensure that less unpermitted development occurs in the coastal zone, and accelerate the processing of coastal development permits.

The Commission's backlog of enforcement cases has caused a variety of problems. Property owners have not been able to resolve the uncertainty a pending enforcement action entails and have had to deal with the cloud on their property that results from a violation which, unless resolved, attaches to the land. Often properties with violation actions pending are sold to unsuspecting third parties that then inherit the burden of resolving the violation they had no part in causing. In some cases, the Commission is unable to enforce Coastal Act violations against innocent purchasers notwithstanding the fact public resources have been lost or damaged.

Enforcement delays and caseload backlogs also give the impression the Commission is not interested in enforcing the law and encourages scofflaws to undertake new development without benefit of coastal permits. There are many examples of public resources being damaged or destroyed as a result of Coastal Act violations. These include streambed and

landform alterations, impairment of public access, loss of environmentally sensitive habitat, and degradation of scenic resources.

With special federal grant funding, the Commission initiated and established a law enforcement taskforce for the Santa Monica Mountains. The taskforce includes representatives of all federal, state, and local agencies with land use planning and management or wildlife protection responsibilities. This approach has been extremely successful. Increased effectiveness and efficiencies have been realized through information sharing, coordination of enforcement activities, reduction of redundancies and through an educational outreach program directed to property owners informing them of applicable regulatory requirements if they wish to develop their land.

The taskforce approach to law enforcement has worked well in the model program established for the Santa Monica Mountains. The Commission wants to implement a similar taskforce approach in the central and north coast areas. Based on many years of experience, it is evident that public and private costs can be reduced by this coordinated approach to enforcement. Without the additional staff and operating support requested in this item, the Commission cannot realize the efficiencies and increased law enforcement effectiveness that clearly serve the public interest.

This BCP is consistent with the Commission's Strategic Plan, specifically objectives 1.3, 4.6, 6.1, and 7.1.

### **BCP 99-05 Geographic Information Systems/Cartography**

Appropriate \$161,000 to support two geographic information systems (GIS)/cartography specialists (1.9 PY) to develop and maintain GIS and mapping elements associated with coastal development, regulation and planning (e.g., LCPs, permits, boundary determinations, etc.). The Commission currently has on its staff only one permanent cartographer and two limited-term GIS assistants supported by special grants for one year. We need permanent funding to keep these specialists working on our GIS databases (e.g., Access GIS, ReCAP GIS, Coastal Resources GIS, etc.) and the backlog of cartographic work.

Due to various factors beyond the Commission's control, the demand for mapping and computerized geographic information skills has escalated significantly over the last few years. Boundary disputes, the location of property and jurisdictional lines, mapping of post-LCP permit appeals area boundaries, the mapping of public access easements, the location of public trust lands and tidelands, and mapping of environmentally sensitive habitat have generated an enormous workload for the Commission's staff. Mapping and GIS work will be continuing and of increasing quantity and complexity. The Commission needs the staff support to do this work.

The cartographic work that needs to be completed includes map production and analytical work to determine jurisdictional boundaries for public trust lands, permits, appeals, and categorical exclusion areas; preparing staff reports regarding permit and appeal area jurisdictions; analyzing proposed boundary adjustments; preparing multiple resource and hazard maps, graphics and exhibits to assist the Commission in its enforcement program; determining local and regional land use patterns through map and aerial photo interpretation to assist in identifying development issues and constraints; reviewing the map and resource elements of LCPs; and providing natural resource and related coastal zone data to local governments in support of work on LCPs.

This BCP is consistent with the objectives of the Commission's Strategic Plan, specifically objectives 4.4, 5.10, and 6.9.

### **BCP 99-06 Public Access Action Plan**

Appropriate \$81,000 to support a Coastal Program Analyst II position (0.9 PY) to continue the development and implementation of the Public Access Action Plan. In 1997, AB 1581 appropriated \$100,000 to the Commission to support a Coastal Program Analyst II (0.9 PY) and a part-time Environmental Services Intern (0.5 PY) to help develop a Public Access Action Plan which included developing a geographical information system using aerial photographs, parcel maps, and regional landscape plans to help identify dedicated public access sites, provide information regarding their relation to existing access sites, topological features, etc., evaluate the feasibility of developing public access improvements, and set priorities based on access development potential and public access needs.

Of 1,264 offers to dedicate (OTD) public access easements (required as a permit condition to mitigate the impact of development on public access), only 27 percent (340) have been accepted, 7 percent (83) are in the process of being accepted, and 66 percent (841) remain to be accepted. The majority of the unaccepted OTDs will expire between 2001 and 2007, unless accepted by a public agency or a non-profit entity. The Commission has entered into a Memorandum of Agreement with the Coastal Conservancy and has an understanding with the State Lands Commission that no OTD will expire by virtue of the time running on the offer. Although the process of OTD acceptance is time consuming and involves substantial staff work for both the Commission and the entity seeking to accept the OTD, the real problem is finding the ways and means to open easements for public use. Additionally, there are 399 legal documents and deed restrictions that must be evaluated for their public access values. The Commission needs continued funding to carry out the Public Access Action Plan and its public access program to prevent any OTDs from expiring, to identify and channel limited resources to high priority areas for public access, to assist local governments on matters relating to public access, and to work with other state and federal agencies to maximize public access and recreational opportunities.

The Commission's public access work is coordinated closely with the State Coastal Conservancy and other park and recreation agencies to avoid duplication of effort, to pool resources, and take other creative actions to maximize public benefits relative to coastal access and recreation. The Commission needs to continue developing and implementing its comprehensive Public Access Action Plan to prevent these offers to dedicate from expiring and to focus its limited resources on opening the highest priority areas to public access.

This BCP is consistent with the Commission's Strategic Plan, specifically objectives 3.1 and 3.3.

### **BCP 99-07 North Coast Area Office**

Appropriate \$372,000 to reopen the North Coast Area Office in Eureka. From 1973 to mid-1985 the Commission maintained a North Coast District Office in Eureka. At the direction of Governor Deukmejian this office was closed in August 1985. Experience has shown the closure was a mistake because continuing implementation of the Coastal Act requires ongoing and regular interaction with north coast property owners, local governments, other public agencies, members of the public and area businesses. One time costs for reopening the office would total \$152,000, while continuing costs would total \$220,000 [\$71,000 to maintain an office in Eureka and \$149,000 to support an area office manager and a clerical position (1.9 PY)].

All planning and regulatory work for the north coast (about 40% of California's coast) is currently carried out by staff working in the Commission's headquarters office in San Francisco. This remote staffing is inefficient and impairs the Commission's ability to carry out its regulatory and planning responsibilities. Persons from the north coast having business with the Commission must often travel to San Francisco with significant expenditures of money and time. Commission staff must, from time to time and at considerable expense to the agency, travel north to conduct site visits and work with agencies and individuals locally situated. Because of the distances involved, interaction between Commission staff and north coast parties is marginal and most business is conducted as best it can be by telephone. Experience prior to the 1985 Eureka office closure and with other coastal regions where the Commission maintains offices, shows there is a much closer working relationship with locals and a better understanding of local conditions when Commission staff becomes part of the community and interacts on a regular and personal basis with their local counterparts and citizens.

The fiscal costs of opening and maintaining a North Coast Area Office in Eureka will be greater than for the current logistical configuration. However, the benefits to north coast interests doing business with the Commission in terms of improved service, the increased understanding of and sensitivity to local conditions, and the advantages of personal interaction by staff and north coast parties, though non-quantifiable factors, outweigh the additional dollar expenditures.

This BCP is consistent with the objectives of the Commission's Strategic Plan, specifically objective 6.8.

### **BCP 99-08 Legal Services**

Appropriate \$164,000 to support two Staff Counsel positions (1.9 PY) to improve the Commission's ability to enforce the Coastal Act and to prevent and defend the Commission from adverse litigation. One staff counsel would be assigned to provide legal services to the North Coast Office and the other to the southern California offices in Long Beach and San Diego. On-site legal counsel is needed to provide planning and regulatory staff with advice on permits, LCP work, Coastal Act interpretations, application of court decisions, enforcement, etc.

The Commission must take literally hundreds of regulatory and planning actions each year affecting coastal development, local governments and other public agencies, and the major ports of southern California. Due to increased scrutiny by courts of land use regulatory and planning actions and because the legal groundrules governing land use planning and management have changed significantly since 1987, the legal complexity of the Commission's permit work has expanded accordingly. On-site legal counsel will be of great benefit and will improve the quality and legal sufficiency of staff reports prepared for Commission action. Legal staff must now advise other staff on how to avoid adverse litigation and how to comply with the court-imposed requirements resulting from cases such as: *First Lutheran Evangelical Church of Glendale v. City of Los Angeles, 1987*; *Nollan v. California Coastal Commission, 1987*; *Surfside Colony Ltd. v. California Coastal Commission, 1991*; *Lucas v. South Carolina Coastal Council, 1992*; *Transamerica Realty Services Inc. v. California Coastal Commission, 1994*; *Healing v. California Coastal Commission, 1994*; *Dolan v. City of Tigard, 1994*; etc. Without adequate legal staff, the potential for more lawsuits and costs to the state will increase. The Commission's legal staff is essential to minimize litigation.

Some of the duties of the legal staff include providing on-going legal advice on how to interpret and comply with the Coastal Act, CEQA, federal Coastal Zone Management Act, and general government laws; providing legal review to ensure the legal adequacy of permit and planning actions, thereby avoiding costly litigation to the state due to challenges, and where challenges occur, limiting judgments (including court costs, attorney's fees and damages) against the state; reviewing and preparing enforcement cases prior to referral to the Attorney General's Office, which ensures that a large number of cases can be settled without litigation costs to the state; providing legal advice to city attorneys and county counsels to assist them in developing and complying with their local coastal programs; representing the state in appeals to the Secretary of Commerce under the Coastal Zone Management Act; formulating and revising regulations pursuant to Administrative Procedure Act; providing support to the Attorney General's Office on the Commission's litigation; and assisting the Commission's management in adverse personnel actions.

This BCP is consistent with the objectives of the Commission's Strategic Plan, specifically objectives 1.3, 3.2, 4.6, 4.7, 5.9, 6.1, 6.5, 7.1, and 7.3.

### **BCP 99-09 Training Budget**

Appropriate \$30,000 to support staff training. As a result of budget cuts and other than for special, mandatory training (e.g., supervisory training), funding for staff training has been virtually non-existent in recent years. When faced with unallocated budget reductions, the Commission elected to retain critically needed staff positions and reduced funding for travel and training. The training budgets in FY 1995/1996 and FY 1996/1997 were \$1,000 and \$3,000, respectively. In FY 1997/1998, \$6,600 was spent on training; however, \$4,600 of this was from a one-time appropriation for teaching our Information Technology/Computer staff how to operate the Commission's new computer network system.

The Commission makes great demands of its staff and expects a high degree of professional competence and excellence in work-product. The staff prides itself on the quantity and high quality of work conducted on behalf of the public. Staff is committed to continuing self-improvement and professional development to refine and expand technical skills and enhance individual effectiveness and efficiency on the job. Rapidly changing information technology and expanding knowledge in all areas of specialty important to the Commission's work requires continuing education and training for all professional staff. Due to lack of funding, individual staff members have either had to pay for job training expenses out of their own pockets or not pursue continuing education and training programs. It is an important investment for the future effectiveness of California's Coastal Management Program and of substantial public benefit that the Commission, like virtually every other state agency (not to mention federal and local public agencies) and much of the private sector, be given a reasonable amount of funding to support the training and skill development of its staff.

This BCP is consistent with the objectives of the Commission's Strategic Plan, specifically objectives 4.1 and 4.2.

### **BCP 99-10 Public Information**

Appropriate \$78,000 to support an Information Officer I position (0.9 PY). A Public Information Officer is needed to help permit applicants and members of the public understand the Commission's regulatory and planning processes and procedures, respond to requests for information (e.g., from legislators, local governments, other states and countries, academic institutions, media, and potential developers of coastal projects such as hotels, trade associations, civic organizations) and to improve public awareness and understanding of California's Coastal Management Program. The Commission seeks to maintain "user friendly" procedures that are readily comprehensible, easy to follow and streamlined. As part of its desire to provide good service to its "customers", the Commission wants to have in place a

comprehensive program to inform the public of the activities and objectives of the Commission. Toward that end, the Public Information Officer would establish and maintain helpful and cooperative working relations with persons having business before the agency (without getting involved in the substantive issues raised by pending actions being reviewed for consistency with Coastal Act policies), the public and the news media, administer the agency's public information program (ensure Commission publications are current and available, put appropriate staff in contact with persons making request for information to answer inquiries, etc.), make certain that the Commission's Internet WebPage is informative and up-to-date, conduct customer surveys, and, from time to time, conduct public information workshops.

This BCP is consistent with the objectives of the Commission's Strategic Plan, specifically objectives 5.1, 5.6, 5.7, 5.8, 5.11, 6.6, and 7.3.

### **BCP 99-11 Intern Program**

Appropriate \$190,000 to support ten, half-time Environmental Services Interns (4.7 PY), \$12,000 each for personal services (salary & benefits) and \$7,000 each for OE&E. The Commission's intern program has been suspended for several years as a result of the lack of funds. The program, when funded, was focused on training recent college graduates and graduate students for future employment with the Coastal Commission, San Francisco Bay Conservation and Development Commission, and the Coastal Conservancy.

The Commission used interns to assist its regular staff in carrying out their Coastal Act responsibilities. With respect to any internship program the Commission uses, the Coastal Act [section 3001(d)] states that the Commission shall make the best efforts to ensure that the participants in the program reflect the ethnic diversity of the state and are provided an educational and meaningful experience.

The Environmental Services Interns requested would help the Commission's staff with the Commission's workload and the interns in turn would receive advanced practical training, supervised experience in various professional areas related to coastal land use planning and environmental science, and the opportunity to familiarize themselves with the state's professional work in ocean and coastal management.

The Commission needs to reactivate this program and to actively recruit and train highly qualified entry level professionals. Additionally, recruitment and involvement in coastal management work by persons of color should be actively pursued. Links with minority communities need to be expanded to increase awareness about California's coastal program, its importance to all Californians, and to ensure that the needs of such communities are understood by the Commission and its staff and are reflected in the work of the agency.

This BCP is consistent with the objectives of the Commission's Strategic Plan, specifically objective 7.4.

**BCP 99-12 Equipment — Vehicle San Diego**

Appropriate \$21,000 to purchase a new minivan for the Commission's San Diego office. The office's current minivan will be nine years old in 1999; it had over 116,000 miles on its odometer on July 1, 1998, and by July 1999, it will no longer provide reliable transportation.

This BCP is consistent with the objectives of the Commission's Strategic Plan.

**BCP 99-13 Equipment — Copy Machine Long Beach**

Appropriate \$50,000 to purchase a new copy machine for the Commission's Long Beach office. The office's copy machine will be eleven years old in 1999 and will have exceeded its life expectancy of seven years. Downtime has increased; the machine requires servicing three to four times a month. Copy machine breakdowns make it difficult to reproduce staff reports in time for Commission meeting mailings.

This BCP is consistent with the objectives of the Commission's Strategic Plan.