

CALIFORNIA COASTAL COMMISSION

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TO: Mike Chrisman, Secretary for Resources
Terry Tamminen, Secretary for Environmental Protection

FROM: Peter Douglas, Executive Director
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SUBJECT: Comments on *California Ocean Resources Management; A Strategy for Action*

The California Coastal Commission (the Commission) is pleased to participate in the development and implementation of a California ocean and coastal management plan for action. It is a positive step forward and we applaud your leadership efforts to improve protection and management of ocean and coastal resources at all levels of government in California.

The Commission staff has several fundamental observations and recommendations relative to the *California Ocean Resources Management; A Strategy for Action* (Strategy for Action). It is important to recognize that California already has strong laws and programs relating to the stewardship of coastal and ocean resources - what is needed is the will and means to effectively enforce them (e.g., Marine Life Protection Act (MLPA), Marine Life Management Act, California's statewide and coastal non-point source pollution control program, California Coastal Act, McAteer-Petris Act for S.F. Bay).

The single most meaningful long-term action that can be taken to ensure effective coastal and ocean stewardship is to identify and create a permanent, secure and adequate funding source for several key programs (e.g., MLPA, California Coastal Act, BCDC, local assistance for local coastal management, implementation of COPA (the California Ocean Protection Act - SB 1319), grants for anadromous fisheries management). This would not require more than fifty to sixty million dollars annually and would be pivotal in ensuring effective long-term coastal and stewardship for the benefit of current and future generations. Good intentions and leadership mean little if the necessary funding resources are not available to implement the vision. If we don't ensure funding to carry out the stewardship mission, we do little more than rearrange deckchairs on a sinking ship.

Commission staff also has the following general observations and suggestions:

First, the Strategy for Action should include explicit recognition of "restoration" as part of the coastal and ocean stewardship agenda. It is implied but not specifically called out as part of the mission.

Second, the Strategy for Action omits mention of several current statewide planning and regulatory efforts, and thus, overlooks opportunities to improve existing ocean and coastal resource management efforts.

Third, the Strategy for Action needs to distinguish between governance (i.e., the way the job of ocean and coastal management gets done), and government (i.e., policy formulation and implementation by public sector agencies). The plan should acknowledge that (1) ocean and coastal policy implementation is more complex than ever, thus requiring more effective public policies and government; and (2) ocean and coastal management, while formally in existence for approximately thirty-five years, is still evolving; our understanding of resource management continues to grow. Therefore, the recommendations should offer an inclusive governance model that includes all organizations and entities that have a responsibility or impact on ocean and coastal management. For example, the Strategy for Action should include local governments, who bear a significant burden of tourism costs, and are jointly responsible with State agencies for land use planning that affect water quality.

Fourth, the Strategy for Action omits public education and participation from its analysis and recommendations contained in *Section C. Research, Education, and Technology Development*. Public participation and education are fundamental to public policies enacted to protect and enhance our ocean and coast. Given the alarming findings regarding the state of the oceans and coast of both the U.S. and Pew Commissions on Ocean Policy that served to inform and involve the general public, the Strategy for Action should include public education in the broadest sense not just in reference to academia.

Fifth, we also urge that the plan implementation recommendations include a timetable, greater level of specificity, and an identified funding source for implementation. It is critical that key challenges addressed by action items should contain benchmarks by which the plan for action be assessed in the future.

The Commission staff offers the following specific and general comments and recommended changes to the Strategy for Action by section.

Introduction

- In the report's "A History of Leadership" section, we recommend that the following accomplishments be cited: 1) California had the first coastal management program in the world with the 1969 creation of the San Francisco Bay Conservation and Development Commission (BCDC); 2) enactment of the California Coastal Conservation initiative (Proposition 20) in 1972 and the California Coastal Act in 1976 created the flagship coastal management program for the Nation; and, 3) California had the first comprehensive statewide and coastal nonpoint source pollution

control program in the nation with the 2000 program implemented by the California Coastal Commission and the State Water Resources Control Board (SWRCB).

- The Strategy for Action discusses “ocean management” and “ocean and coastal management” interchangeably. The term “ocean and coastal management”, however, is necessary to accurately describe public policy issues pertaining to the governance of integrated resources and ecosystems. We recommend the report substitute *ocean and coastal* where only *ocean* is used.

A Plan for Action

Section A. Governance

In general, the Governance section describes only a part of the key challenge of governance of ocean and coastal resources in California. As stated previously, governance is the way the job of ocean and coastal resource management gets done, which is much broader than the work that government does. Governance is a 21st century model of doing work previously limited to government and it involves nonprofit entities, task forces, advisory councils, private sector, and individual citizens. The plan’s description of governance identified fragmentation of planning and regulation as the problem and identified improved coordination through a cabinet-level council as one solution. Indeed, fragmentation should be addressed because the planning and regulation issues are complex and continue to evolve as more is learned about ocean and coastal resources. The challenge, however, lies with dedicating resources to communication, coordination, broad participation and implementation, and not simply eliminating fragmentation.

Recommendation 2

- We concur with the establishment of a cabinet-level *Ocean and Coastal Council*. Given that the mission would be to, “help ensure comprehensive and coordinated management, conservation, and enhancement of California’s ocean and coastal resources,” we strongly urge that all agencies under the Secretaries for Resources and Environmental Protection with a role in coastal or ocean planning and regulation be participants. In addition, consideration should be given to the inclusion on the Council or in an advisory capacity of local governments, federal government entities (e.g., the National Ocean Service and Environmental Protection Agency), nonprofit organizations, and the public. This approach could be a model of governance that facilitates, among other things, more efficient and effective resource protection by improving communication and collaboration.
- In order to establish a cabinet level California *Ocean and Coastal Council*, legislation, funding, and staff will be necessary. We suggest the Plan for Action discuss these critical components of creating the council by, among other things, specifically acknowledging support for enabling legislation such as SB 1318 (COPA).

- We suggest recommendations 8 (ecosystem management), 10 (integration of water quality programs), and 11 (prioritize ocean and coastal management issues where the Council can intervene) be included as subparts of the actions to be undertaken by the council. In addition, the council should be prepared to coordinate with Oregon on federal activities related to the State's Coastal Zone Management federal consistency review.
- In addition to the listed immediate actions that involved partnerships with other levels of government, we suggest the inclusion of the state-federal designation of the three National Estuarine Research Reserves (San Francisco Bay, Elkhorn Slough, and Tijuana River) pursuant to the Coastal Zone Management Act of 1972. Likewise, the state-federal designations of the three National Estuary Programs (Santa Monica Bay, Morro Bay, and San Francisco Bay) pursuant to the Clean Water Act are also examples of enhanced partnerships. Finally, the California Nonpoint Source Pollution Control Plan is a state-federal partnership of the Commission, the SWRCB, the National Oceanic and Atmospheric Administration, and the U. S. Environmental Protection Agency. All three of these examples should be considered as collaborative government processes that the council could build on to improve water quality and research, as well as integrate academic, volunteer and government.

Section B. Economics and Funding

The economics and funding analysis of the costs of providing beach use is missing. In the context of understanding the economic benefits derived from the ocean and coast, data should be obtained assessing the costs to the State and local governments associated with maintaining California's beaches and providing opportunities for their enjoyment by the public.

Recommendation 3

- The recommended California portion of the National Ocean Economics Project should include analysis of the costs and benefits of beach use. In addition, the California portion of the project should include the direct and indirect costs of providing public beaches and access. California's investment in the ocean and coast must include the investments of local government.
- Quantifying the federal tax revenue and the total national economic impact of beach spending in California as calculated from direct, indirect and induced spending is another way to inform decision makers. Such revenues should be identified as a possible federal funding mechanism for ocean and coastal related programs.
- The Strategy for Action should provide a venue for coastal communities, many of whom are not trained in economics, to understand the project. In addition, coastal managers and the public should be invited to provide input and review of the economic analysis in order to improve the decision-making processes. An added objective of the California portion of the economics project should be to develop a

protocol for gathering data pertaining to non-consumptive ocean and coastal uses, and an agreement on how to express its economic contributions.

Section C. Research, Education and Technology Development

The Strategy for Action does not separate public education (i.e., providing the public with information and developing their knowledge about the ocean and coast) from education (i.e., the process of schooling in an academic environment). Thus, public education is omitted from the plan. We recommend an action be added that increases the public's information and continues to develop their knowledge about ocean and coastal issues.

We recommend the Strategy for Action call for seeking a *broad range of input* on the State's research needs as opposed to seeking *consensus*. A broad range of input to a State research plan would benefit the decision makers and other non-technical end users. In addition, an updated research plan structured around providing science for making improved ocean and coastal decisions would better direct research towards applied use of the information.

Recommendation 4

- Similar to the preceding comment, we urge the development of any statewide ocean and coastal research strategy be done in consultation with ocean and coastal planning and regulatory agencies (e.g., California Coastal Commission, BCDC, SWRCB, etc.) to inform the public policy decision-making process.

Recommendation 5

- We suggest this recommendation be broadened to include an action that educates local government decision makers about ocean and coastal management issues, and the impact that land use decisions, policies and ordinances have on these resources.
- We also suggest inclusion of support and expansion of programs such as Camp SEA Lab that can be used as a model for field based learning in marine science and ocean and coastal conservation for all youth as way to instill a lasting interest in stewardship for the ocean and coast.

Recommendation 6

- We urge that the development of an overall California Ocean Observing System involve ocean and coastal managers and the public who will use the data and information. Additionally, we underscore the need to design the plan around the end use of the data and information and a strategy for maintaining the system after installation, including access to data.

Recommendation 7

- The Commission, as well as other Resource agencies, is in need of baseline parcel data for the entire coast that could be used as a geographic information system (GIS) tool for planning and regulatory decision-making. Thus, we suggest an action be added to this recommendation that includes the creation and maintenance of a coastal GIS or Arc IMS for use by State and local government agencies.

Recommendation 8

- The action of increasing “efforts to pursue, support, and fund ecosystem management approaches. . .” should include specifics about what action items are to be completed, how the effort will be funded, and on what time table the work will be accomplished.
- We recommend that ecosystem management be employed on a watershed basis. This is consistent with the U. S. Commission on Ocean Policy Report wherein changes in land use practices, reduction in nonpoint source water pollution, and habitat protection were recommended to be implemented on a watershed basis.
- In pursuing ecosystem and watershed management approaches, we urge the action include the State working with local governments to update local land use and general plans to be consistent with articulated goals for the ecosystem and watershed plans.

Recommendation 9

- Similar to the preceding comment, the strengthening of the Watershed Management Memorandum of Understanding should involve local government entities because of their large role in land use planning and water quality protection, which ultimately affect the coast and ocean.
- The Strategy for Action should consider building on existing State efforts that are focused on improving resources on a watershed basis. For example, the Commission’s Critical Coastal Areas Program focuses on watersheds in need of protection from polluted runoff by integrating existing local watershed protection and restoration efforts. We suggest an action that calls for coordinating local and State governments’ resources around reducing polluted runoff in watersheds be included in the Strategy for Action.

Recommendation 10

- The Strategy for Action should require all appropriate State agencies to fulfill their requirement, pursuant to the State Nonpoint Source Pollution Control Plan, to complete and implement a water quality protection plan. The action should also require measurable goals by which to measure if improvements have been made to improve water quality.

Recommendation 11

- The Strategy for Action should identify the role of the Council to integrate ocean and coastal management priorities and objectives with the disbursement of State grant and bond monies. Specifically, the Council should work with funding agencies to ensure that criteria for awarding grants and other funds are consistent with priority ocean and coastal management objectives.

Management of Resources and Management of Economic Uses and Infrastructure

As currently written, the sections on the Management of Resources and Management of Economic Uses and Infrastructure identify key challenges for ocean and coastal resource issues but include no specific action items. The Strategy for Action should re-state the key challenges as specific action items. (See, for example, the challenge of developing an MLMA master plan.) Also, we strongly suggest that in addition to defining the issues, the Strategy for Action summarize current efforts to address the issue(s), and specify priority next steps in the context of action items, including identifying who will implement them and the timing.

Management of Resources

B. Coastal Sediment Management and Coastal Erosion

- We recommend revising the section title from “Coastal Sediment Management and Coastal Erosion” to “Shore Management” with coastal sediment management, coastal erosion and the Clean Beach Initiative as sub elements. The basis for broadening the category is to discuss a vision for managing the shoreline itself similar to bays, estuaries and coastal lagoons.
- The shoreline could be improved by regional management efforts that would involve federal, State, and local governments, as well as other entities with a role in shoreline stewardship. The narrow strip of land/water interface is managed by a combination of federal, State and local entities (e.g., the National Marine Sanctuaries, the Commission, State Lands Commission, etc.). This boundary area tends to be the focus of tourism and development, coastal water quality, and coastal hazards. For example, decisions on where to develop roads and houses limit the range of natural retreat of the shoreline, while sediment supplies, waves and storms drive the expansion and retreat of the shoreline. Regional management could effectively address these physical geographic concerns.
- We recommend that as part of the Council’s effort to develop a vision for the coast, the Strategy for Action include a concerted effort to manage the shore – using data relative to inland land use planning efforts, offshore management plans, physical characteristics of the shore and natural forces that modify the shore. Working at the state and regional levels, the Council should provide direction for shore management that recognizes this boundary as a region of great significance and develop planning direction for this zone. For example, some options for such direction could include

areas of natural shore, where there would be no grooming or nourishment of the shoreline and other land uses would expand or contract to allow for the shore zone to remain a natural system; areas of soft management, where some anthropogenic nourishment and restoration or augmentation of sediment supplies would occur to benefit both marine and terrestrial resources; areas of intense management, where the shore would be engineered to accommodate recreational uses, with inland land use areas managed to accommodate this shore management classification. Such planning efforts would have to take into account current laws and development patterns, in addition to the vision for how these areas can develop in the future.

- As recommended, a vision for the shore would be the starting point for programs such as the Clean Beaches Initiative, Coastal Sediment Management, and the strategy for shoreline erosion that was initiated earlier by the Resources Agency. Likewise, a vision for the shore and direction for shore management could help form the options and prioritization for responses to shoreline erosion.

Management of Economic Uses and Infrastructure

We recommend the addition of a section relating to renewable energy sources such as ocean wind farms and wave/tide energy generating facilities.

C. Marine Aquaculture

- The Strategy for Action should be augmented to include the myriad of environmental concerns raised by open ocean aquaculture, such as spread of disease to wild fish. In addition, an action should include developing a public policy statement for California regarding whether California supports open ocean fish farming and if so, under what circumstances and conditions.

D. Liquefied Natural Gas (LNG) Importation

- The Strategy for Action should provide greater specificity about the current LNG proposals facing California. Action items should involve providing the public with objective scientific information on the safety hazards raised by LNG and a comparative risk and environmental analysis of onshore versus offshore terminals.

E. Coastal Power Plants

- The Strategy for Action should recognize that most of the coastal power plants were sited years before current environmental laws were in place (e.g., CEQA, the Coastal Act, the Clean Water Act, etc.). As a result, they did not undergo the types of studies that would now be required of those plants, and their ongoing environmental effects were not recognized. These ongoing effects, caused by either a single power plant or cumulatively by several power plants in an area, include killing significant numbers of marine organisms and can include substantial changes to the marine ecosystem,

species diversity and species abundance. Most coastal power plants are continuing to operate without up-to-date data or studies about their effects on the marine environment. These plants are now subject to a recent federal rule that would substantially limit the amount of cooling water they may use or could require that plants that continue to use ocean cooling water provide significant new levels of mitigation. The Action Plan should also cite the Energy Commission's preparation of an Aging Power Plant Study that will identify in more detail many of the issues associated with upgrading these facilities, requiring less harmful cooling methods (to eliminate the killing of marine organisms), or relocating their generating capacity to other areas.

F. Offshore Oil and Gas Development

- We recommend that an action item be included that requires the State to work with the stakeholders in pursuing a federal buyout of all undeveloped oil and gas leases, or, at a minimum, those leases for which new platforms, pipelines, and other support infrastructure would be necessary.

G. Tourism and Recreation

- The Strategy for Action should discuss the cost to State and local governments of making available beach use and public access. We recommend an action item that delineates costs and identifies funding to assist entities that are bearing these high costs of providing this service.

H. Saltwater Desalination

- The Strategy for Action should include an action item to obtain additional information on the effects of saltwater desalinization plants on marine life, their ability to meet drinking water standards, their costs, and the cumulative impact on coastal resources from their development.