

CALIFORNIA COASTAL COMMISSION

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June 1, 2006

TO: CALIFORNIA COASTAL COMMISSION

FROM: PETER M. DOUGLAS, Executive Director
 REBECCA K. ROTH, Federal Programs Manager

SUBJECT: **Federal Evaluation Findings for the California Coastal Management Program** for public hearing at the Coastal Commission Meeting of June 14, 2006, Item 15a. **Discussion and information item: no Commission action necessary.**

Attached is a copy of the final "Evaluation Findings for the California Coastal Management Program" (CCMP), covering the period from May 2001 through February 2005 from the Office of Ocean and Coastal Resource Management (OCRM), National Oceanic and Atmospheric Administration (NOAA). As required by Section 312 of the Coastal Zone Management Act of 1972, OCRM conducted a periodic review of California's coastal management program. The report concluded that the Coastal Commission, the San Francisco Bay Conservation and Development Commission, and the State Coastal Conservancy are successfully implementing and enforcing the state's coastal management program.

Commission Accomplishments

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

| Issue Area | Accomplishment |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Local Coastal Programs | Despite staffing losses, the Coastal Commission has been able to both certify new Local Coastal Programs (LCPs) and incorporate important new areas of emphasis, such as nonpoint source pollution into LCP amendments. |
| Public Access | The Coastal Commission has continued to promote public access to California's coastline, both by providing high quality public information about California's accessways, and by working to ensure that public access Offers to Dedicate are accepted by an appropriate organization. |
| Water Quality | The Coastal Commission has maintained a successful water quality program by: incorporating water quality elements into permit and LCP amendment approvals; by partnering with state and federal agencies; and by identifying priority watersheds and pilot communities to showcase implementation of best management practices. |
| Habitat | The Coastal Commission has continued to effectively implement the Coastal Act and protect coastal habitat, especially Environmentally Sensitive Habitat Areas (ESHA) and wetlands. |
| Enforcement | The Coastal Commission has succeeded in increasing the effectiveness of the enforcement program by streamlining the enforcement process and raising the profile of the enforcement program. |

-Accomplishments Continued on Page 2-

| Issue Area | Accomplishment |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Technical Services | The Coastal Commission's expansion of technical expertise through the hiring of a biologist and a geologist has provided invaluable perspective to the Commission. |

Program Suggestions

The report details nine program suggestions. The Coastal Commission is expected to address each of the program suggestions by the time of the next Section 312 evaluation: the evaluations occur every three to five years. The suggestions will require the Commission work with the Resources Agency, Department of Finance, legislature, and the Oceans Protection Council to implement.

| Issue Area | Program Suggestion |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Local Coastal Programs (LCPs) | Statewide, completed LCPs are key to the implementation of California's coastal program. The Coastal Commission should seek ways to engage local communities throughout the LCP amendment process both to share staff's invaluable expertise and perspective and to ensure community support for the completed LCP. The Commission should seek a combination of additional funding for assistance grants as well as additional staff to work on the LCP program. |
| Partnerships | As has been already done for public access Offers to Dedicate (OTDs), the Coastal Conservancy and the Coastal Commission should undertake a time-critical review of Conservation OTDs that are due to expire within the next 2-4 years, agree on priorities for acceptance, and determine their respective roles in undertaking an intensive community outreach effort to identify potential acceptors. The Coastal Commission should seek additional staff to undertake the time-critical review of the Conservation OTDs. |
| Habitat | The Coastal Commission should consider preparing outreach materials to better advise applicants and the general public about its role in protecting Environmentally Sensitive Habitat Areas (ESHA) and to explain these and other habitat protection requirements in order to ensure consistent statewide acceptance of and adherence to permit requirements. The Coastal Commission should also seek to identify funding sources to provide technical assistance to local governments as well as public education about the importance of environmentally sensitive habitat. |
| Technical Services | The Coastal Commission should undertake an assessment of critical staff technical skill needs and prepare an implementation plan. The Coastal Commission may wish to augment this effort by considering the development of technical applications that will enable staff to better perform their jobs and increase information exchange. The Commission should also seek funding opportunities to provide webcasts and live television feeds of Coastal Commission meetings to allow the public greater access to Commission meetings. |

-Suggestions Continued on Page 3-

| Issue Area | Program Suggestion |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Communication and Coordination | The Coastal Commission should consider a variety of strategies to improve outreach to the general public and to local partners that implement LCPs. |
| Communication and Coordination | The Coastal Commission should continue to explore and pursue ways to be effectively involved with the California Ocean Protection Council. As California's lead regulatory and planning agency for resource management along the open coast, the Commission should be fully involved with the newly created California Ocean Protection Council. The Commission should seek appointment as a full member of the Council. |
| Communication and Coordination | The Coastal Commission should create a working partnership with the regional Integrated Ocean Observing Systems (IOOS) to ensure that the extensive monitoring and research conducted under the system will be useful to those actively managing coastal resources. |
| Loss of Financial Resources and Staff | OCRM very strongly encourages the Coastal Commission efforts to secure permanent dedicated sources of funding for coastal management to prevent the further loss of staff and funding that has had a very detrimental effect upon the Coastal Commission's ability to meet its goals and mandates. |
| Loss of Financial Resources and Staff | While continuing to seek a permanent dedicated source of funding, the Coastal Commission should seek budget increases from existing sources to hire additional permanent LCP analysts. This should be in addition to leveraging its currently limited resources through long range planning and priority-setting; leadership development and professional training; and partnerships with the California Ocean Protection Council and others. |

Executive Summary and Findings

The Executive Summary provides an overview, summary of accomplishments, and summary of findings and recommendations (**pages 3 through 7**). The more detailed findings and recommendations can be found on pages **14 through 22**. A number of the findings discuss the effects of the Coastal Commission's continuing staffing deficits in many of the program's core functions such as local assistance, periodic reviews, technical services, habitat protection, public access, public information, local coastal program planning. The findings also underscore the need for the Commission to secure permanent program funding, as well as to increase its involvement with the California Ocean Protection Council.

Agency and Public Participation

During the evaluation one public hearing with 39 attendees, and numerous meetings were held with approximately 56 representatives for federal, state and local governments and interest groups (*See Appendix 2 and 3*). In addition, more than 30 site visits to Malibu, and the counties of Ventura, Santa Barbara, San Luis Obispo, Santa Cruz, Monterey, Marin, Sonoma, and Mendocino were conducted during the seven-day evaluation that dealt solely with the Coastal Commission.

**Attachment to Evaluation Findings of the California Coastal Management Program
Staff Report June 14, 2006 Coastal Commission Meeting, Item 15a**

Final Evaluation Findings
California Coastal Management Program
May 2001 – February 2005



**Office of Ocean and Coastal Resource Management
National Ocean Service
National Oceanic and Atmospheric Administration
U.S. Department of Commerce**



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California Coastal Management Program § 312 Evaluation Findings

I. EXECUTIVE SUMMARY

A. OVERVIEW

The Coastal Zone Management Act (CZMA) of 1972, as amended, established the Coastal Zone Management Program. Section 312 of the CZMA requires the National Oceanic and Atmospheric Administration (NOAA) to conduct periodic performance reviews or evaluations of federally approved Coastal Management Programs. This evaluation of the California Coastal Management Program (CMP) examined the operation and management of the program during the period of May 2001 through February 2005. The California CMP is administered by three lead agencies – the California Coastal Commission (Coastal Commission or CCC), the San Francisco Bay Conservation and Development Commission (Bay Commission or BCDC), and the State Coastal Conservancy (Conservancy or SCC).

This document describes the evaluation findings of the Director of NOAA’s Office of Ocean and Coastal Resource Management with respect to the federally-approved California Coastal Management Program during the review period. The fundamental conclusion of this evaluation is that the three lead agencies are successfully implementing and enforcing California’s federally approved Coastal Management Program.

The accomplishments and recommendations made by this evaluation appear in

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 and follow the relevant section of findings. Two types of recommendations are possible: (1) **Necessary Actions** address programmatic requirements and *must* be implemented by the indicated date; and (2) **Program Suggestions** describe actions that NOAA believes the lead agencies should take to improve the program but that are not currently mandatory. This evaluation contains no Necessary Actions, but does contain 12 program suggestions. Program Suggestions that are reiterated in consecutive evaluations due to continuing problems may be elevated to Necessary Actions. If no dates are indicated, the lead agencies are expected to address the recommendations by the time of the next §312 evaluation.

NOAA will consider the findings of this evaluation when making future financial award decisions regarding the California Coastal Management Program.

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B. SUMMARY OF ACCOMPLISHMENTS

California Coastal Commission

| Issue Area | Accomplishment |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Local Coastal Programs | Despite staffing losses, the Coastal Commission has been able to both certify new Local Coastal Programs (LCPs) and incorporate important new areas of emphasis, such as nonpoint source pollution into LCP amendments. |
| Public Access | The Coastal Commission has continued to promote public access to California's coastline, both by providing high quality public information about California's accessways, and by working to ensure that public access Offers to Dedicate are accepted by an appropriate organization. |
| Water Quality | The Coastal Commission has maintained a successful water quality program by: incorporating water quality elements into permit and LCP amendment approvals; by partnering with state and federal agencies; and by identifying priority watersheds and pilot communities to showcase implementation of best management practices. |
| Habitat | The Coastal Commission has continued to effectively implement the Coastal Act and protect coastal habitat, especially Environmentally Sensitive Habitat Areas (ESHA) and wetlands. |
| Enforcement | The Coastal Commission has succeeded in increasing the effectiveness of the enforcement program by streamlining the enforcement process and raising the profile of the enforcement program. |
| Technical Services | The Coastal Commission's expansion of technical expertise through the hiring of a biologist and a geologist has provided invaluable perspective to the Commission. |

Bay Conservation and Development Commission

| Issue Area | Accomplishment |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Partnerships | BCDC's innovative partnerships with the Coastal Conservancy, San Francisco National Estuarine Research Reserve, and other organizations help the Bay Commission leverage its relatively narrow permitting authority to accomplish broader coastal management goals. |
| Public Access | BCDC's continued innovative work with developers, nongovernmental organizations, and local agencies has both increased the amount of access and enhanced the quality of public access to the Bay. |
| Waterfront Revitalization | BCDC is assisting with the redevelopment of deteriorating urban waterfronts and ports by working with permit applicants to focus development in appropriate areas and encourage redevelopment that maximizes public access to the shoreline. |
| Ongoing Policy Development | BCDC has addressed public concerns by using a successful participatory process to inform ongoing revisions to the <i>San Francisco Bay Plan</i> . This approach has allowed the Bay Commission to craft innovative policy solutions to address emerging coastal issues. |
| New Tools | BCDC has developed BayRAT, a tool that enables staff to quickly acquire information to assist in permitting and regulatory decisions. |

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California State Coastal Conservancy

| Issue Area | Accomplishment |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Partnerships | The Coastal Conservancy successfully leverages its resources and limited jurisdiction by partnering with other federal agencies, state agencies, local communities, and nonprofit organizations. |
| Public Access | The Coastal Conservancy has achieved significant success in working to protect and expand public access to California’s coastline, through policy development and acquisition of accessways as well as by helping local communities with acquisition planning. |
| Restoration | The Coastal Conservancy’s acquisition, planning, coordination, and restoration activities support some of the nation’s most ambitious and innovative habitat restoration projects. |
| Environmental Justice | The Coastal Conservancy’s steadfast involvement in environmental justice projects supports the Coastal Zone Management Act’s goal of coastal community development. Ongoing projects such as those at Hunters Point successfully foster community pride and reduce health risks for local community members. |
| Offers to Dedicate | In response to a NOAA recommendation and state legislation, the Coastal Conservancy has clarified its role as an acceptor of last resort for public access Offers to Dedicate that are due to expire; and has worked with partners to increase the number of public accessways that have been accepted and opened. |

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C. SUMMARY OF RECOMMENDATIONS

In addition to the accomplishments listed above, the evaluation team identified several areas where the program could be strengthened. These recommendations include:

California Coastal Commission

| Issue Area | Program Suggestion |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Local Coastal Programs (LCPs) | Statewide, completed LCPs are key to the implementation of California's coastal program. The Coastal Commission should seek ways to engage local communities throughout the LCP amendment process both to share staff's invaluable expertise and perspective and to ensure community support for the completed LCP. The Commission should seek a combination of additional funding for assistance grants as well as additional staff to work on the LCP program. |
| Partnerships | As has been already done for public access Offers to Dedicate (OTDs), the Coastal Conservancy and the Coastal Commission should undertake a time-critical review of Conservation OTDs that are due to expire within the next 2-4 years, agree on priorities for acceptance, and determine their respective roles in undertaking an intensive community outreach effort to identify potential acceptors. The Coastal Commission should seek additional staff to undertake the time-critical review of the Conservation OTDs. |
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| Communication and Coordination | The Coastal Commission should consider a variety of strategies to improve outreach to the general public and to local partners that implement LCPs. |

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| Communication and Coordination | The Coastal Commission should continue to explore and pursue ways to be effectively involved with the California Ocean Protection Council. As California's lead regulatory and planning agency for resource management along the open coast, the Commission should be fully involved with the newly created California Ocean Protection Council. The Commission should seek appointment as a full member of the Council. |
| Communication and Coordination | The Coastal Commission should create a working partnership with the regional Integrated Ocean Observing Systems (IOOS) to ensure that the extensive monitoring and research conducted under the system will be useful to those actively managing coastal resources. |
| Loss of Financial Resources and Staff | OCRM very strongly encourages the Coastal Commission efforts to secure permanent dedicated sources of funding for coastal management to prevent the further loss of staff and funding that has had a very detrimental effect upon the Coastal Commission's ability to meet its goals and mandates. |
| Loss of Financial Resources and Staff | While continuing to seek a permanent dedicated source of funding, the Coastal Commission should seek budget increases from existing sources to hire additional permanent LCP analysts. This should be in addition to leveraging its currently limited resources through long range planning and priority-setting; leadership development and professional training; and partnerships with the California Ocean Protection Council and others. |

Bay Conservation and Development Commission

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

California State Coastal Conservancy

| Issue Area | Program Suggestion |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Partnerships | The Coastal Conservancy should consider building upon its strong partnerships with the Coastal Commission and the Bay Commission by further consulting with the two agencies on coastal land acquisition projects when the development limitations of the project site are in question. |
| Partnerships | The Coastal Conservancy may wish to consider formalizing relationships with the Elkhorn Slough National Estuarine Research Reserve as well as other existing informal partners. |

II. PROGRAM REVIEW PROCEDURES

A. OVERVIEW

NOAA began its review of CACMP in November 2004. The §312 evaluation process involves four distinct components:

1. An initial document review and identification of specific issues of particular concern;
2. Two site visits to California including interviews and public meetings;
3. Development of draft evaluation findings; and
4. Preparation of the final evaluation findings, partly based on comments from the state regarding the content of recommendations specified in the draft document.

B. DOCUMENT REVIEW AND ISSUE DEVELOPMENT

The evaluation team reviewed a wide variety of documents prior to the site visit, including: (1) California CMP program documents and financial assistance awards; (2) previous §312 evaluation findings; (3) thorough briefing books prepared by the Bay Conservation and Development Commission (BCDC), the Coastal Conservancy (SCC), and the Coastal Commission (CCC); and (4) relevant publications and media clips on natural resource management issues in California.

Based on this review and on discussions with the Office of Ocean and Coastal Resource Management's (OCRM) Coastal Programs Division, the evaluation team identified priorities for further examination during the site visit.

C. SITE VISIT TO CALIFORNIA

Notification of the scheduled evaluation was sent to the three lead agencies of the California Coastal Management Program. The lead agencies assisted OCRM in contacting appropriate federal, state, local, and nonprofit partners. The Bay Commission advertised the February 9 public meetings on its website. The Coastal Commission advertised the June 21 public meeting on their website and via email solicitation. In addition, a notice of NOAA's "Intent to Evaluate" was published in the *Federal Register* on November 18, 2004 for the BCDC and Coastal Conservancy portion of the evaluation. A second notice was published in the *Federal Register* on March 9, 2005 for the Coastal Commission portion of the evaluation.

The evaluation team conducted two site visits to California. The first site visit focused on the BCDC and Coastal Conservancy portions of the California CMP and was conducted February 7-11, 2005. The evaluation team for this site visit was composed of Ralph Cantral, Evaluation Team Leader, and Jennifer Winston, Evaluator, OCRM National Policy and Evaluation Division; Carrie Hall, California CMP Specialist, OCRM Coastal Programs Division; and Bob Bailey, Ocean-Coastal Manager, Oregon Ocean-Coastal Management Program. The second site visit focused on the CCC portion of the CACMP and was conducted June 18-24, 2005. The evaluation team for the second site visit consisted of Mr. Cantral; Ms. Winston; Ms. Hall; Dan Goulet, Dredging Coordinator, Rhode Island Coastal Resources Management Council; and Mary Conley, Coastal Planning Section Chief, Maryland Coastal Program.

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During the site visits, the evaluation team interviewed BCDC, SCC, and CCC staff, other state and local officials, federal agency representatives, interest group representatives, and private citizens. Appendix 2 lists people and institutions contacted during this review.

The CZMA requires NOAA to conduct at least one advertised public meeting as part of each §312 evaluation. The first public meeting was held on Wednesday, February 9 at 7:00 p.m. in BCDC's McAteer-Petris Conference Room, located at 50 California Street, Suite 2600, San Francisco, California. The second public meeting was held on Tuesday, June 21, 2005 at 7:00 p.m. at the City of Santa Cruz Police Department Community Room, located at 155 Center Street, Santa Cruz, California. The public meetings gave members of the public the opportunity to express their opinions about the overall operation and management of the state program. Appendix 3 lists individuals who registered at the public meetings. NOAA also accepted written comments. Appendix 4 contains NOAA's responses to written comments received.

The crucial support of the staffs of the Bay Conservation and Development Commission, the Coastal Conservancy and the Coastal Commission with the logistics and planning of the site visit is gratefully acknowledged.

III. COASTAL PROGRAM DESCRIPTION

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

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

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

The third element of the California CMP is the State Coastal Conservancy, an agency established by an act of the state legislature in 1976 and funded through the California Urban and Coastal Park Bond Act approved that same year. The Coastal Conservancy works to preserve, improve, and restore public access and natural resources along the Pacific coast and San Francisco Bay. The Conservancy is able to complement the regulatory activities of its sister agencies through its authority to acquire land, design and implement resource restoration and enhancement programs, and resolve coastal land use conflicts. The Conservancy is included as part of the federally approved California CMP, but did not receive funding from NOAA during this review period.

The three agencies work together to achieve national and state goals and objectives for coastal management. The Coastal Commission has been designated by the Governor as the lead agency for administration of the NOAA financial assistance awards for program implementation under the CZMA. The following sections provide further detail on the structure and scope of each of the California CMP's implementing agencies.

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CALIFORNIA COASTAL COMMISSION

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

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

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

The Pacific coastal zone boundary is mapped specifically by statute and generally extends seaward three miles and inland 1000 feet from the mean high tide or to the nearest coastal road. However, in specified "less developed areas," such as the Malibu Canyons, the coastal zone boundary can extend inland up to 5 miles.

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

The Coastal Commission is made up of 12 voting members and three non-voting members. The three non-voting members represent state agencies (Resources, Business, Transportation and Housing, and the State Lands Commission.) The composition of voting commissioners includes six local elected officials nominated by local governments, and six non-elected members of the public. Four appointments each are allotted to the governor, the Senate Rules Committee, and

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the Speaker of the Assembly. The Commission holds monthly public meetings around the coast to hear testimony and make regulatory and planning decisions. The Commission is supported by a staff of approximately 145 state employees, who are managed by a Commission-appointed Executive Director. Staff members are located at Commission headquarters in San Francisco and at district offices in Eureka, Santa Cruz, Ventura, Long Beach, and San Diego.

SAN FRANCISCO BAY AREA CONSERVATION AND DEVELOPMENT COMMISSION

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

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

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

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

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

The 27-member Bay Commission is composed of one member of each of the nine Bay Area county boards of supervisors; four elected officials representing area municipalities appointed by the Association of Bay Area Governments; five state representatives from the Business and

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Transportation Agency, Department of Finance, Resources Agency, State Lands Commission, and the San Francisco Regional Water Quality Control Board; two federal representatives of the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency; and seven members appointed from the public sector. The Bay Commission holds regular meetings and is served by an Executive Director and a staff of 32.

STATE COASTAL CONSERVANCY

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

- Land acquisition, and design and implementation of projects to improve public access to the coast and bay shore;
- Preservation of open space and farmland;
- Protection, enhancement, and restoration of wetlands and watersheds;
- Protection, through acquisition, of coastal lands that are environmentally sensitive or have high scenic, recreational, or habitat value; and
- Urban waterfront improvement and restoration, including support for coastal-dependent industries, such as commercial fishing.

In addition, the Conservancy serves an invaluable role of catalyzing cooperation between government agencies, nonprofit organizations, and the private sector, and in building capacity for local governments and nonprofit land conservation organizations. The Conservancy collaborates with the Coastal Commission and the Bay Commission to ensure consistency with public access and mitigation requirements arising from the two regulatory agencies' permit programs. The Conservancy also assists in the completion and implementation of local coastal programs (LCPs).

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

IV. ACCOMPLISHMENTS, REVIEW FINDINGS, AND RECOMMENDATIONS

CALIFORNIA COASTAL COMMISSION

Local Coastal Programs:

California's Coastal Program delegates certain authorities to communities with a Local Coastal Program that has been certified by the Coastal Commission. During the review period, the CCC continued to comment on and certify new local coastal programs and LCP amendments. In addition, in response to state legislation, the Commission wrote the Malibu LCP. In addition to providing Malibu with an LCP, this major staff effort resulted in a document with "model" water quality and habitat elements that can be used as a reference by other communities. Because the Commission has not had the staffing resources to conduct periodic reviews of the local programs, staff has instead focused on incorporating periodic review elements into LCP updates and amendments. The Commission is also responding to emerging coastal issues by encouraging communities to include new areas of emphasis, such as coastal character, in their LCP updates.

Accomplishment: Despite staffing losses, the Coastal Commission has been able to both certify new Local Coastal Programs (LCPs) and incorporate important new areas of emphasis, such as nonpoint source pollution into LCP amendments.

A current Coastal Commissioner who was interviewed estimated that the Commission spends 25% of its time making individual decisions that should be made at the local level, but that end up before the Commission because a community does not have an approved LCP. In addition, the Commission spends a great deal of time on permit appeals because the local plan is out of date. Many of the projects appealed to the Commission are extremely controversial and complex. The complexities generally involve one or more of the following issues: water quality, biological, geological, engineering, community character, or public access and recreation. It is therefore important that each community maintain a current, completed LCP so that, to the greatest extent possible, individual permit decisions can be made at the local level, leaving the Commission time to work on emerging policy issues that affect the state as a whole. Unfortunately, due to budget cuts, the Commission has been forced to suspend the local assistance grants that were used by communities to complete and update their LCPs. Even when the local assistance grants were available, however, there was no funding to provide staff to administer the grants or to assist the communities that received them.

The loss of these planning incentives has been made worse by the fact that, due to staffing losses, Coastal Commission staff has been unable to be involved early in the LCP amendment process. This means that the Commission often does not comment on an amendment until it has been submitted for approval, often after a lengthy community process. The evaluation team heard from several frustrated citizens and planners that some communities perceive these end-of-process comments and requirements as a "late hit." Several planners noted that they find the CCC staff to be very helpful and informative when they are able to attend planning meetings, so

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they are discouraged to by the CCC staff's current inability to actively participate in ongoing planning efforts.

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

Public Access and Partnerships:

The Coastal Commission has continued to promote coastal public access by publishing guides that help the public locate and enjoy California's public accessways during the review period. Each of these publications can be either ordered or downloaded from the CCC website.

Examples include:

- The 6th edition of *California Coastal Access Guide Book* was published in August 2003.
- *Experience the California Coast: A Guide to Beaches and Parks in Northern California (Del Norte, Humboldt, Mendocino, Sonoma, and Marin Counties)*. This guide will enhance the visitor's experience by providing valuable information about the types of facilities, recreational opportunities, and cultural histories of public accessways throughout Northern California. Future editions of *Experience the California Coast* will cover the remaining geographic regions of California's coastline.
- CCC staff participated in the Coastal Trail working group that published *Completing the California Coastal Trail*, mentioned under the discussion of the State Coastal Conservancy, below.
- CCC staff produced and published online the *Broad Beach Coastal Access Guide*. The guide clarifies the location of the contested public access easements on Broad Beach in Malibu.

Coastal Commission staff also partnered with the Coastal Conservancy to address the problem of expiring public access Offers to Dedicate (OTDs). Public access OTDs are offers by landowners to grant a public access easement on their property. Landowners may make such offers to meet permit conditions imposed by the Commission or a Local Coastal Program in order to mitigate for public access impacts resulting from coastal development. Public Access OTDs are either lateral (along the beach above wet sand), vertical (from the beach to the first public road), or bluff top. They are dedicated for a fixed period of time, usually 21 years, and are "perfected" when a public or nonprofit organization agrees to accept responsibility for operating and maintaining the accessway. Because the acceptor of an OTD assumes responsibility for liability and maintenance of the access segment, it has sometimes been difficult to find agencies or organizations to accept them. If an OTD is not accepted during the time that it is open, it expires and the opportunity for public access at that site is generally lost forever.

In the previous evaluation findings, OCRM recommended that, "the SCC and the CCC should undertake time-critical review of OTDs that are due to expire within the next 2-4 years, agree on priorities for acceptance, and determine their respective roles in undertaking an intensive community outreach effort to identify potential accepting agencies. The Coastal Commission

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and the Coastal Conservancy should clarify their roles involving OTDs and make changes, if needed, to their existing MOU.”

During the review period, the California Legislature adopted a statute requiring the Coastal Conservancy to accept public access OTDs that are set to expire. (For further detail, please see “Offers to Dedicate” under the Coastal Conservancy section below.) Since the time of adoption, Coastal Commission staff has worked with the Coastal Conservancy to identify these endangered public accessways and ensure that they are accepted by the Conservancy or another organization. The SCC has provided help and guidance to nonprofits and local governments to enable them to accept public access easements and assume the management responsibilities for these access ways.

Accomplishment: The Coastal Commission has continued to promote public access to California’s coastline, both by providing high quality public information about California’s accessways, and by working to ensure that public access Offers to Dedicate are accepted by an appropriate organization.

A 2005 report by the California Legislative Analysts Office noted that only 17 percent of nonaccess Offers to Dedicate were known to be accepted. Many of these OTDs are set to expire in the next few years. To help address this problem, in 2005 the California legislature allocated funding for 5 positions (3 term limited) to the Coastal Commission, although subsequently the governor vetoed these positions. It is important for the Coastal Commission and Coastal Conservancy to continue to strive to prioritize expiring OTDs and work to find agencies and nonprofits to accept and manage these OTDs.

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

Water Quality:

During the site visit, members of the environmental community noted that the Coastal Commission had been able to make significant improvements on its water quality program by using federally funded staff positions for policy development. These positions were lost when Congress failed to fund the nonpoint source pollution grants program under Section 6217 of the Coastal Zone Management Act. As a result, the water quality unit staff has been cut from nine staff to four. Three of the four remaining staff members are funded by the State Water Resources Control Board.

The Coastal Commission is now implementing its water quality program primarily through permit decisions and by incorporating water quality elements into LCP updates and amendments. Each coastal development permit is considered for potential impacts to coastal water quality

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either by the water quality unit staff or by coastal planners. Because staff members are no longer able to consult and advise communities early in the LCP update process, the water quality unit has been focusing their limited resources on developing guidance for local communities doing LCP updates and CCC analysts reviewing updates and amendments. The progressive water quality element included in the Malibu LCP is being drawn upon as a template for other LCP amendments. Yet, the water quality elements in more than 100 LCPs remain inadequate.

The water quality unit also leverages modest staff resources by coordinating with state and federal agencies. At the state level, CCC staff works closely with the State Water Resources Control Board to implement California's Nonpoint Source Pollution Control Plan and participates in committees and working groups with other state and federal agencies conducting work to reduce polluted runoff, including the Monterey Bay National Marine Sanctuary, the Gulf of the Farallones National Marine Sanctuary, the Channel Islands National Marine Sanctuary, the Elkhorn Slough National Estuarine Research Reserve, and the Morro Bay National Estuary Program.

Coastal Commission staff members have worked with other state agencies to identify 100 Critical Coastal Areas where water quality is threatened by new and expanding development. Of these priority watersheds, CCC has identified four pilot communities which will receive assistance in implementing nonpoint source pollution best management practices.

Accomplishment: The Coastal Commission has maintained a successful water quality program by: incorporating water quality elements into permit and LCP amendment approvals; by partnering with state and federal agencies; and by identifying priority watersheds and pilot communities to showcase implementation of best management practices.

Habitat:

The Coastal Commission successfully protects important coastal habitat. Under the California Coastal Act, the Commission is required to maintain or restore the biological productivity of wetlands and estuaries, as well as preserve Environmentally Sensitive Habitat Areas (ESHA). These Coastal Act requirements are powerful habitat protection tools. Throughout the site visit, the evaluation team was impressed by CCC's commitment to implementing these laws to protect habitat.

As an example, the Coastal Commission, in writing the Malibu LCP, designated the chaparral habitat that dominates the Santa Monica Mountains as ESHA. Under this classification, Malibu landowners must protect chaparral habitat, and development must avoid impacting ESHA, or if impacts are unavoidable, the impacts must be minimized. CCC staff invested a significant amount of time in developing Malibu's LCP, and the ESHA portion now serves as a model for other communities updating their LCPs.

During the review period the Coastal Commission implemented a suggestion from a previous 312 suggestion by hiring a second biologist to provide the Coastal Commission with needed expertise. Having a biologist on staff has enhanced the ability of the CCC to make well informed decisions and better protect coastal habitat. On issues ranging from wetlands

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designations in Bolsa Chica to protection of endangered species in Monterey and Mendocino Counties, the Commission draws heavily upon the expertise of this staff ecologist and other resources to ensure that ESHA and wetlands requirements are fully met in permitting decisions.

Accomplishment: The Coastal Commission has continued to effectively implement the Coastal Act and protect coastal habitat, especially Environmentally Sensitive Habitat Areas (ESHA) and wetlands.

During the site visit, some landowners expressed a perception that ESHA criteria were not being applied consistently throughout the state and over time. To alleviate this concern, CCC may wish to clarify their ESHA criteria to help landowners understand which species are protected by ESHA regulations and how wetlands are delineated. Wide distribution of this information on the CCC website and in print could clarify the requirements for permit applicants and reduce ambiguity for reviewers. Since the CCC must review appealed local government decisions, clarification of the ESHA standards could potentially reduce the number of appeals and save already strapped Commission staff time.

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

Enforcement:

Enforcement has improved dramatically despite losing four of 14 enforcement staff (a nearly 30% reduction in staff) during the review period. Under the strong leadership of the new Chief of Enforcement, the remaining enforcement staff has focused on making enforcement activities more visible and taking care of violations more quickly.

To raise the visibility of the enforcement program, staff makes a monthly report to the Commission at public meetings. The enforcement program also tries to select a wide variety of cases that cover a range of topics, regions, and groups, thereby discouraging future violations of a variety of types.

The Coastal Commission has also successfully enforced several high profile cases which have received significant media attention. The Commission prevailed in its legal challenge against a Santa Barbara landowner who tried to revoke an OTD for lateral public access. The landowner ultimately restored the public access and paid a \$460,000 penalty. A lawsuit and countersuit over an illegally blocked vertical accessway on property in Malibu owned by an influential businessman received nationwide media attention in the comic strip *Doonesbury*. The property owner eventually agreed to turn the accessway over to a nonprofit group and reimbursed the state

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for \$300,000 in attorney's fees. These and other high profile successes have increased public awareness of the enforcement program.

The Coastal Commission has also streamlined enforcement by no longer requiring permit applications when the permit is likely to be denied. The Commission has also increased the use of orders to remove development, consent cease and desist orders and consent restoration orders. These changes benefit the environment because restoration occurs more quickly. They also benefit applicants because they save time and the cost of applying for a permit that can only be denied because the development activity is inconsistent with the Coastal Act.

In 2002, the Commission gained new authority to record Notices of Violation in each County Recorders office. This authority will prevent new buyers from unknowingly purchasing lots with existing violations, and the Commission hopes that this will help discourage the development and sale of new lots created through illegal subdivision.

Accomplishment: The Coastal Commission has succeeded in increasing the effectiveness of the enforcement program by streamlining the enforcement process and raising the profile of the program.

Technical Services:

The Coastal Commission has expanded its technical expertise by hiring a biologist and geologist. Various CCC staff noted how invaluable these professional opinions have been in reviewing permits and LCP amendments and in crafting policy guidance. The state legislature recognized the need for additional technical staff by authorizing new staff positions in the 2005-06 budget. Although these increases were negated by a gubernatorial veto, the Commission may wish to conduct a staff technical skills needs assessment and implementation plan for use in future budget debates.

The Commission should also consider developing technical applications that will enable staff to better perform their jobs and increase information exchange. For example, technology pilot projects in selected communities could demonstrate the value of technical services at a limited financial cost. Acquiring GIS data and providing to staff at their desks would allow permitting staff to more easily track permitting history and assess applications in the context of the surrounding region. And live feeds of Commission meetings would allow the public greater ability to participate in Commission proceedings.

Accomplishment: The Coastal Commission's expansion of technical expertise through the hiring of a biologist and a geologist has provided invaluable perspective to the Commission.

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

Communication and Coordination:

During the site visit, several observers noted that the Coastal Commission's image and effectiveness could be improved if the Commission were to improve communication and coordination with its partners. For example, CCC staff might wish to consider conducting a needs assessment in local communities implementing and updating LCPs. This could help ensure that the Commission's community planning efforts target the most pressing needs in local communities. Based on this initial assessment, the Commission could develop outreach and education programs for its partners and stakeholders. The Commission could also leverage limited training funds by developing training programs for local planners and Coastal Commissioners in conjunction with the National Estuarine Research Reserves' Coastal Training Program, or other existing training opportunities.

The Commission should consider providing more information on its role and activities and coastal issues to the general public and stakeholders. Environmental organizations mentioned that the easiest way to promote citizen involvement is to have information readily available online. The Commission should consider hiring a public communication officer and/or updating and expanding information provided on the CCC website. In 2003, the Public Policy Institute of California's *Special Survey on Californians and the Environment* found that Californians value their ocean and beaches. The survey shows that 88% of Californians feel the condition of the ocean and beaches is personally important to them, while 69% believe that the coastline's condition is very important to the state's quality of life and 61% feel that it is important to the economy. The Commission should capitalize on a very interested and concerned citizenry to better protect coastal resources.

The Coastal Commission should also continue to actively partner with other agencies addressing coastal management challenges. In particular, the Commission should continue to actively participate in the newly California Ocean Protection Council. Active participation by the Commission would provide valuable perspective and expertise to the Ocean Council as it shapes ocean policy for the state. The Commission would also derive benefits from the partnership and leadership opportunities afforded by the Council.

Finally, the development of integrated coastal and ocean observing systems also provides opportunities for productive partnerships. Despite staff cutbacks, CCC has demonstrated the benefits of continuing to participate in partnership projects such as the Monterey Bay Shoreline Management Plan. CCC could further leverage limited resources by continuing to coordinate with sanctuaries, NERRS, and state agencies such as fish and game, state parks, transportation, etc.

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

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

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

Loss of Financial Resources and Staff:

In the previous evaluation findings, NOAA indicated that staffing and funding was already inadequate:

CCC should analyze and quantify staffing requirements to meet unmet needs in core program areas, such as local assistance, LCP periodic reviews, monitoring and enforcement, technical services, public access, public education and information, and long-range planning. CCC should continue to seek staff augmentations in these areas.

The funding and staffing situation continued to worsen during the current review period. In fiscal years 2001/2002, 2002/2003, and 2003/2004, the Coastal Commission suffered a loss of \$3,669,000 in general funds and 33.7 staff positions. Starting from a general fund allocation of \$12,107,000 in fiscal year 2000/2001, this translates into losing 30% of the Commission's general fund budget in just three years. The Governor also vetoed the State legislature's proposal to add 5 new staff positions (3 limited-term) to address the backlog of access and conservation offers-to-dedicate, many of which are near expiration, and 3 new staff positions for the Energy program in the 2005-06 budget, worsening the Commission's already serious staffing problems. These losses have very negatively impacted the Commission's ability to meet its goals and mandates.

The staffing losses have affected all parts of the Coastal Commission's mandate. From a planning perspective, staffing cuts have harmed the Commission's ability to participate in the Local Coastal Program amendment process, which has hampered relations between the Commission and local communities. Meanwhile, the water quality program has lost more than half of its staff, which has meant that the Commission has not been fully able to implement its coastal nonpoint source pollution program. From a habitat protection and coastal hazards perspective, a single biologist and geologist for the entire state of California is woefully inadequate.

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Finally, from an enforcement standpoint, the Commission lost an enforcement case during the review period because the judge concluded that the Commission had waited too long to take action. For a state the size of California, with more than 1,100 miles of shoreline, an enforcement staff of only 10 is woefully inadequate. Enforcement delays caused by lack of staff leave the Commission vulnerable to losses when it recognizes the need to pursue legal action.

Program Suggestion: Because the continued loss of staff and funding has had a very detrimental effect upon the Coastal Commission's ability to meet its goals and mandates, OCRM very strongly encourages the Coastal Commission efforts to secure permanent dedicated sources of funding for coastal management.

The evaluation team discussed multiple strategies to help compensate for inadequate staff and funding levels should additional, more stable funds not become immediately available. One route might be to develop a comprehensive long-range plan that would help the Commission and staff to set priorities. Because a large proportion of CCC staff time is spent on permitting and individual projects, staff members have been unable to conduct long range planning. The Commission could also use a strategic planning process to regularly evaluate the expertise and roles of its staff members to ensure that Commission priorities are being implemented effectively.

The Commission could further leverage its limited existing staff resources by focusing more energy on leadership development and professional training. One of the Commission's greatest assets is the institutional knowledge of its staff members, some of whom have worked for the Commission since the first years of the Commission's existence. These staff members are spread throughout the CCC, and as some consider retirement, the Commission should also consider methods to ensure that younger, newer staff members have the leadership and technical skills to take over the roles of those who are leaving.

Partnerships with other agencies and programs such as those discussed under Communication and Coordination (above) could also help to reduce the effects of funding cuts and staff reductions.

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

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SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

Partnerships:

The San Francisco Bay Area Conservation and Development Commission's direct permit jurisdiction is limited to: the Bay, certain streams and rivers that flow into the Bay, salt ponds and diked wetlands, and a 100 foot wide shoreline band inland from the Bay. To leverage this somewhat limited geographical jurisdiction, BCDC partners extensively with federal, state, and local agencies.

One of BCDC's most important state partnerships is with the Coastal Conservancy. BCDC's roles in Conservancy projects include reviewing grant proposals to ensure that they are consistent with the Commission's laws and plans; referring local jurisdictions to the Conservancy when it believes a local project would be eligible for an SCC grant and would implement a Bay Plan objective; cooperating on Conservancy projects; and issuing permits for projects that receive SCC grants. During this review period, the two agencies worked together on several major projects, including the Hamilton – Bel Marin Keys Wetland Restoration Project; the Napa-Sonoma Marsh Restoration Project, and the South Bay Salt Pond Restoration Project. For each of these projects, BCDC has been proactively involved in the planning phase. This early involvement ensured that these major restoration projects are consistent with Bay Plan policies.

The Bay Commission is also a partner in the San Francisco Bay National Estuarine Research Reserve. Together with San Francisco State University, BCDC played an important role in establishing the Reserve, which was designated on August 28, 2003. BCDC continues to support the Reserve by providing office space for Reserve GIS staff. BCDC also provided \$100,000 in funds under the Coastal Impact Assistance Program to help the Reserve construct an energy-efficient bay water delivery system for the Reserve and the San Francisco State University-Romberg Tiburon Center. This system will provide the facilities with a constant and controllable source of bay water to be used for animal care, aquaculture, educational displays, wet-classroom, and experimental purposes. The system will be designed to allow future modification for Bay water to circulate throughout the building, providing an alternative form of energy-efficient heating and cooling, and fire suppression for the facility.

BCDC also works closely with federal partners. During the site visit, NOAA Fisheries expressed appreciation for BCDC's willingness to collaborate with them in developing its subtidal policy for the Bay and in considering NOAA policy during the permitting process. BCDC has also worked with NOAA to incorporate its policy of no net loss of eelgrass habitat in permitting the Oakland Bay Bridge Project. NOAA Fisheries stated that open communication with BCDC and BCDC's willingness to try new approaches has led to mutually beneficial solutions.

Accomplishment: BCDC's innovative partnerships with the Coastal Conservancy, San Francisco National Estuarine Research Reserve, and other organizations help the Bay Commission leverage its relatively narrow permitting authority to accomplish broader coastal management goals.

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Public Access:

Consistent with the Coastal Zone Management Act, one of the primary goals of the *San Francisco Bay Plan* is to increase public access to the Bay. Since the establishment of the Bay Commission, public access to the Bay has increased from 4 miles of Bay shoreline to more than 200 miles of Bay shoreline as a result of establishing local, regional, and state parks and recreation areas and BCDC permit conditions. During the review period, BCDC has contributed to increasing and improving public access in several ways.

BCDC's Design Review Board continues to help permit applicants by reviewing the design of proposed developments for conformance with BCDC policies regarding Bay access and visibility. The evaluation team visited numerous project sites throughout the Bay area where BCDC staff worked collaboratively with developers to find mutually acceptable solutions that met or exceeded BCDC's public access requirements. Developers of diverse projects have been more willing to partner with BCDC because they have found that creating attractive open space and public access provides them with a competitive edge. For example, condominium developers on Mission Bay worked with the Design Review Board to attain a compromise on a master permit that allows a small amount of residential development within BCDC's shoreline jurisdiction in exchange for significant open space and visual sight lines to the Bay elsewhere in the Master Permit.

Further, BCDC is working to improve public access by partnering with the Bay Trail Project to develop a suite of signs that will identify BCDC public access areas and segments of the Bay Trail; provide natural and cultural interpretation of the Bay shoreline; communicate behavioral expectations to trail users; and provide way finding information to visitors. These signs will hopefully improve the public's knowledge of public access points, enhance their recreational experience, and increase their awareness of BCDC's role in providing public access to the Bay.

Finally, BCDC is continuing to refine its public access policy. Several nongovernmental and citizens' organizations expressed their appreciation for BCDC's long-range planning on public access and responsiveness to new issues which arise. See further details on these policies under the "Ongoing Policy Development" Section below.

Accomplishment: BCDC's continued innovative work with developers, nongovernmental organizations, and local agencies has both increased the amount of access and enhanced the quality of public access to the Bay.

Waterfront Revitalization:

As staff members like to point out, BCDC stands for the Bay Conservation *and* Development Commission, and the Commission tries to place equal emphasis on the "development" and "conservation" parts of its moniker and mission. One way that the commission meets its commitment to development is by encouraging waterfront redevelopment projects. Through a collaborative permitting process and assistance from BCDC's Design Review Board, BCDC has helped to encourage developers to design public spaces that make sense in a regional design

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context. In many cases, this has resulted in agreements to public access that fall well beyond BCDC's 100-foot jurisdiction.

- *San Francisco Cruise Ship Terminal:* In San Francisco, the James Herman Cruise Ship Terminal and Brannan Street Wharf was proposed along the waterfront redevelopment corridor between SBC Park and the newly renovated Ferry Terminal. BCDC worked with the permit applicant early in the design process to develop a master permit that includes mixed use development, significant public access to both green space and waterfront promenades, and a terminal that will accommodate modern cruise ships. In 2003, the commission issued a permit for the project, which includes a two-story, 100,000-square-foot international cruise ship terminal; up to 190,000 square feet of retail space including a cinema, restaurants, grocery store, and entertainment space; up to 325,000 square feet of office space; a 425-car parking structure; berthing facilities for excursion craft such as dining yachts; and 250,000 square feet of public access on both the first and second levels of the project. Environmental groups and members of the public seemed pleased with the level of public participation in the permit process. As one environmental organization noted, “the involvement of BCDC and its staff (was) extremely helpful in protecting California’s coastal air and water quality.”
- *Jack London Square:* In 2004, the Commission issued a permit to the Port of Oakland, Ellis Partners, and Jack London Square Partners to redevelop and expand Jack London Square in Oakland. The new mixed-use development seeks to revitalize currently underutilized retail space by constructing new retail, office, and entertainment space in three existing buildings; constructing a twelve-story hotel and conference facility with 250 rooms and 15,000 square feet of conference space; improving existing public access by installing new landscaping and park furniture; and creating new public access areas, including a one-acre “East Green” and a one-acre “Jack London Square Plaza.”
- *Military Base Redevelopment:* Many of the military bases in the San Francisco Bay Area have been closed, and BCDC has worked to help develop reuse plans for these areas. For example:
 - From 2000-2005, BCDC worked with the National Park Service and the City of Sausalito to address traffic concerns and reach a mutually agreeable plan to incorporate the 335-acre former Fort Baker Army Base at the northern shoreline of the Golden Gate as part of the Golden Gate National Recreation Area. The plan will restore and enhance public access to the waterfront in the area.
 - In 2002, the Bay Commission concurred with a determination by the National Aeronautics and Space Administration that a proposed development plan at Moffett Field is consistent with the Commission’s federally approved coastal management program.
 - In 2002, the Bay Commission also concurred with the Presidio Trust’s determination that the proposed Presidio Trust Management Plan, proposed for a portion of the Presidio in the city and County of San Francisco, is consistent with the Commission’s federally approved coastal management program. Under the

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- plan many non-historic buildings will be removed to accommodate new mixed-use, non-residential and residential space.
- Finally, BCDC continues to support ongoing Conservancy open space and public access initiatives at Hunters Point Naval Shipyard and the restoration projects at Hamilton Airfield.
-

Accomplishment: BCDC is assisting with the redevelopment of deteriorating urban waterfronts and ports by working with permit applicants to focus development in appropriate areas and encourage redevelopment that maximizes public access to the shoreline.

Ongoing Policy Development:

The McAteer-Petris Act recommends that the Bay Commission maintain an ongoing review of the Bay Plan and amend it as the need arises. BCDC therefore continues to revise and develop policy to respond to emerging issues in the Bay. By most accounts, the Bay Commission and its staff are responsive and fair in considering input when developing or revising policies.

In April 2002, the Commission adopted a new subtidal policy, which regulates how filling, dredging, and restoration projects may be conducted in subtidal areas of the bay. This policy has not been without controversy. To address concerns about the policy, BCDC established a working group including environmental groups and dredging interests. BCDC staff has worked extensively with this working group and has agreed to provide additional guidance to applicants and make modifications to permit applications to make them clearer. Most working group members who participated in the evaluation were pleased with the accessibility and responsiveness of BCDC staff in addressing this emerging policy issue.

Representatives of several nonprofit groups also lauded BCDC's responsiveness in analyzing policies related to several public access issues. Representatives of the San Francisco Joint Venture and the Marin Audubon Society both expressed their satisfaction that BCDC has responded to concerns over wildlife-public access interactions by conducting a *Public Access and Wildlife Compatibility* study which led to amendments to the *San Francisco Bay Plan*.

Also related to water quality, BCDC hosted a NOAA Coastal Services Center Coastal Management Fellow to conduct a marina water quality study to assess the probability of ecological impacts resulting from normal marina activities. This report led to recommendations that the Commission make no changes to the Bay Plan's policy stating that "water-oriented recreation facilities such as marinas, launch ramps, beaches, and fishing piers should be provided" to address water-oriented recreation needs.

Finally, in response to concerns by groups including the Berkeley Waterfront Commission and Bay Access, BCDC applied for and received another Coastal Management Fellow, who will begin in August 2005, and will work with federal, state, and local partners to develop a San Francisco Bay Area Water Trail for small watercraft. The *San Francisco Bay Plan* will then be updated to incorporate policies encouraging appropriate non-motorized access and the development of the Water Trail.

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Accomplishment: BCDC has addressed public concerns by using a successful participatory process to inform ongoing revisions to the *San Francisco Bay Plan*. This approach has allowed the Bay Commission to craft innovative policy solutions to address emerging coastal issues.

New Tools:

During the review period, BCDC piloted the Bay Resource Analysis Tool (BayRAT). BayRAT draws upon the data and mapping capabilities that were developed for the Power Plant Non-siting Project conducted in 2001-2002, including data on Bay habitat types, endangered species, wildlife areas, marinas, parklands, and public access. The BayRAT project combined this information with existing data from outside agencies and organizations to create an easy-to-use desktop mapping tool. Permitting staff can use the tool to quickly and easily analyze neighboring sites, habitat information, existing uses, and nearby public access in considering a permit application. Staff will similarly be able to use BayRAT in developing new policies and programs, including the Bay Area Water Trail. As time and resources allow, BCDC continues to improve BayRAT by adding more historical permit information and obtaining better quality and more recent aerial photographs. This capability has already proven to be a powerful tool to inform policy and regulatory decisions, and future improvements will continue to strengthen the program's coastal policy and permitting decisions.

Accomplishment: BCDC has developed BayRAT, a tool that enables staff to quickly acquire information to assist in permitting and regulatory decisions.

Loss of Resources and Staff:

During the review period, BCDC's staff and financial resources have been dramatically reduced. Since 2000-20001, BCDC's has faced the loss of 12 staff positions and general fund budget cuts of \$590,000 per year. These losses have dramatically affected BCDC's permitting, enforcement, and planning functions.

State law stipulates that, if a permit application has not been processed within 90 days, it is automatically approved without conditions. In the past two years, permitting staff has been cut 35%. This reduction has meant that permits are either delayed or are less thoroughly reviewed in order to meet the 90-day deadline. The Bay's resources and permit applicants both suffer when BCDC is unable to provide the full design analysis and complete permit reviews necessary to ensure accessible and environmentally sound development along the Bay.

In the previous evaluation findings, OCRM recommended that, "BCDC should strengthen and systematize its enforcement process." In the wake of budget cuts, however, enforcement functions have been further marginalized. BCDC has tried to systemize its enforcement process by prioritizing habitat mitigation and restoration reviews; yet with reduced staff, these prioritized reviews are not being completed. BCDC could also strengthen its enforcement process by conducting more site visits, particularly during and immediately following project construction, when better opportunities remain to remedy potential problems. As a result of cuts, however,

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staff members are able to conduct fewer site visits. Twenty-nine fewer cases are being investigated each year, and over one-third of the 150 open investigations are languishing.

Continual updates to the *San Francisco Bay Plan* ensure that the Plan incorporates the most current scientific research on Bay resources and addresses contemporary issues of concern to the Bay Area's residents. As noted above, OCRM views this continual evaluation and update of BCDC policies as an accomplishment. Staff has been reduced 38% in the past two years, however, resulting in delays in Plan updates. Staff cuts have had adverse effects on policy development on a variety of important subjects, including airport planning; special area planning; seaport planning; water-related industry; transportation; recreation; houseboat marinas; and public access.

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

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CALIFORNIA STATE COASTAL CONSERVANCY

Partnerships:

Although it is perhaps the most flexible of the three California Coastal Management agencies, the California State Coastal Conservancy (SCC) still grapples with the need to protect an incredibly broad range of coastal resources that are important to the state and its local governments. To successfully meet these challenges, the Conservancy fosters innovative partnerships with other federal and state agencies, local communities, and nonprofit organizations.

At the national level, the Conservancy has partnered with federal agencies on policy development. For example, the Conservancy collaborated with NOAA Fisheries in crafting its *Inventory of Barriers to Fish Passage in California's Coastal Watersheds*. During the site visit, a NOAA Fisheries representative noted the agency's appreciation that the Conservancy has fostered a cooperative relationship in planning salmonid recovery projects.

At the state level, the Conservancy collaborates both with both the Bay Commission and the Coastal Commission to maximize the effectiveness of their combined permitting and acquisition programs. The Conservancy is able to use permit fees, fines, and penalties collected by BCDC and the Coastal Commission for targeted acquisition. The staff of the Commissions often may have valuable perspective on the permitting history of a given property. By maintaining open communication with its sister agencies, the Conservancy can ensure that it is acquiring the most important lands providing the most needed public access, as well as successfully aiding restoration projects that are valuable to the coast.

At the local level, the Conservancy has also fostered ongoing relationships with local land trusts and communities and helped to create land trusts in communities without one. This has improved the Conservancy's ability to maintain continuity in the face of fluctuating bond measure funding. It has also contributed to the conservancy's image as a friendly interface between local and state governments. In times of particularly constrained budgets, the Conservancy provides small grants to local communities for planning as well as to improve their ability to accept and manage public access and open space dedications. The Conservancy's support for local planning assistance and fostering new land trusts helps build local capacity. Then, when money becomes available, the Conservancy is able to target funding toward land that has been identified as high priority by local communities. In addition to ensuring that state bond money is spent to acquire high priority properties, this approach helps build local land conservation capacity.

Accomplishment: The Coastal Conservancy successfully leverages its resources and jurisdiction by partnering with other federal agencies, state agencies, local communities, and nonprofit organizations.

Some observers have expressed concern that, in a few cases, the Conservancy has chosen to acquire coastal lands at prices that do not reflect the development limitations of the project site. This directs limited resources away from projects that would preserve public access points that might otherwise go unprotected.

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

The Conservancy has undertaken the role of assisting other agencies with managing their grants and programs. The Conservancy may wish to consider further building upon its successful partnerships by formalizing some of these informal relationships and continuing to foster new ones. Memoranda of understanding or other devices may help to solidify existing relationships with partners such as the Elkhorn Slough National Estuarine Research Reserve.

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

Public Access:

In a state where population grows by over 500,000 people each year and where development pressure threatens traditional accessways, it is increasingly important to preserve and, where possible, expand, public access to the coast. The Conservancy champions public access from a statewide perspective through promotion of the California Coastal Trail and the San Francisco Bay Trail and by supporting acquisition of accessways throughout the state.

Many Conservancy grants directly promote public access. For example, in 2004, the Conservancy provided the Peninsula Open Space Trust with \$1 million for its purchase of 119 acres on Pillar Point Bluff. The purchase protects sensitive wildlife habitat and will allow an extension of the California Coastal Trail.

The Conservancy has been the primary source of funds for the development of the San Francisco Bay Trail. In 2003, the Conservancy authorized use of over \$275,000 for projects to extend and improve the trail in San Francisco, Marin, Napa, and Solano Counties. In 2004, the Conservancy built upon this investment by making \$3.8 million available to extend and improve the trail in Berkeley, El Cerrito, and Tiburon.

From a policy perspective, the Conservancy also published *Completing the California Coastal Trail* in 2003, which explains the costs and benefits of completing the Coastal Trail and makes recommendations for individual projects and statewide policy initiatives to meet that goal.

Accomplishment: The Coastal Conservancy has achieved significant success in working to protect and expand public access to California's coastline, through policy development and acquisition of accessways as well as by helping local communities with acquisition planning.

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Restoration:

During the review period, the Conservancy has been involved in a variety of ambitious restoration projects. Examples include:

- *Hamilton* – In 2004, the Conservancy made \$1.5 million available for its ongoing restoration of the Hamilton Wetlands at the former Hamilton Army Airfield in Novato. The wetlands, acquired by the Conservancy in 2003, will adjoin the Conservancy’s Bel Marin Keys property, and the restoration of the combined properties will result in over 2,500 acres of high-quality tidal marsh and seasonal wetlands habitat.
- *South Bay Salt Ponds* – In 2003, the Conservancy approved use of \$2.6 million for restoration, followed by \$5.2 million more in 2004. The state and federal governments purchased the South Bay Salt Ponds from Cargill in early 2003. The Conservancy has provided leadership and funding to bring all of the stakeholders to the table to plan for the restoration of the 15,000 acre site – the largest restoration project of its kind on the West coast. Teams of scientists and engineers assembled by the Conservancy and its public and private partners are advising the many government agencies responsible for the project.
- *Napa Sonoma Marsh Restoration Project* – In 2003, working closely with the State Department of Fish and Game and the U.S. Army corps of Engineers, the Conservancy made \$1.5 million available for the final planning and design of the Napa River Salt Marsh restoration. The state-owned marsh contains nearly 10,000 acres of wetlands and associated habitats within the former Cargill salt pond complex. The property is important habitat for a wide variety of fish, migratory waterfowl, and shorebirds, along with threatened and endangered species such as the California clapper rail and salt marsh harvest mouse.
- *Pacifica dune, wetland, river restoration* – In 2003, the City of Pacifica received a \$750,000 Conservancy grant to restore and improve wetlands in the lower corridor and mouth of San Pedro Creek, one of the few coastal streams in San Mateo County that supports a native population of steelhead trout. The city received an additional \$200,000 from the conservancy to construct a new section of the California Coastal Trail. In 2004, the Conservancy provided the City of Pacifica with \$545,000 to construct step pools on San Pedro creek to help migrating steelhead reach spawning grounds. The city will also use the funds to improve habitat along 2,000 feet of the creek’s banks. The restoration met multiple coastal management goals by providing flood control, expanding public access, and improving habitat for endangered species.

Accomplishment: The Coastal Conservancy’s acquisition, planning, coordination, and restoration activities support some of the nation’s most ambitious and innovative habitat restoration projects.

Environmental Justice:

During the review period, the Conservancy continued its ongoing support for projects that bring environmental and recreational services to some of California’s most economically disadvantaged coastal communities.

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Located on San Francisco Bay, the Bayview-Hunters Point community is a low-income community made up mostly of people of color. The former Navy shipyard property is undergoing Superfund-equivalent cleanup before being transferred to the City and County of San Francisco for redevelopment. The Conservancy has been active in environmental restoration and public access activities in the community. In 2003, the Conservancy provided \$650,000 for wetlands restoration and public access improvements for the Candlestick Point State Recreation Area in the Hunters Point community. The work will lead to restoration of 34 acres of tidal marsh and the establishment of new trails and a nature center. In 2004, the Conservancy provided \$300,000 for preparation of a master plan for Hunters Point Shoreline Park at the former naval shipyard. The local community is actively involved in the design of the future park, which will offer sorely needed recreational opportunities for the area.

Accomplishment: The Coastal Conservancy's steadfast involvement in environmental justice projects supports the Coastal Zone Management Act's goal of coastal community development. Ongoing projects such as those at Hunters Point successfully foster community pride and reduce health risks for local community members.

Offers to Dedicate:

As discussed in the Coastal Commission section of this document, expiring public access Offers to Dedicate was a problem identified during the previous evaluation review period. In 2002, the state recognized the need to find acceptors of these threatened OTDs. In September of that year, the then Governor Davis signed SB 1962, which requires that "the conservancy shall accept any outstanding offer to dedicate a public accessway. . . that has not been accepted by another public agency or nonprofit organization within 90 days of its expiration date." The bill further requires that, "To the extent that funds are available in the Coastal Access Account in the State Coastal Conservancy Fund; the conservancy shall open at least three public accessways each year either directly or by awarding grants to public agencies or nonprofit organizations." This has clarified the roles played by the agencies in accepting the OTDs before their expiration. The State Conservancy has also worked with local governments and nonprofits to encourage and enhance their ability to accept public accessway OTD's and open them for public use.

Accomplishment: In response to a NOAA recommendation and state legislation, the Coastal Conservancy has clarified its role as an acceptor of last resort for public access Offers to Dedicate that are due to expire; and has worked with partners to increase the number of public accessways that have been accepted and opened.

V. CONCLUSION

Based upon the recent evaluation of California Coastal Management Program, I find that the state is adhering to its approved Coastal Management Program and is making satisfactory progress implementing its provisions.

These evaluation findings contain no Necessary Actions. The twelve (12) Program Suggestions should be addressed before the next regularly scheduled program evaluation, but they are not mandatory at this time. Program Suggestions that must be repeated in subsequent evaluations may be elevated to Necessary Actions. Summary tables of program accomplishments and recommendations are provided in the Executive Summary (Section I, above).

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

Douglas L. Brown
Acting Director

Date

APPENDIX 1: RESPONSE TO PREVIOUS EVALUATION FINDINGS

RESPONSE BY THE CALIFORNIA COASTAL PROGRAM:

Program Suggestion 1: The three lead agencies for the California CMP – CCC, BCDC, and SCC – should work together, using the Coastal and Ocean managers Group where appropriate, to develop a proactive strategy for expanding California CMP coordination and increasing the public’s understanding of the overall California CMP. The strategy should consider:

- seeking opportunities to increase the public’s understanding of the overall California CMP and each of the three lead agencies’ roles. The agencies should consider making use of existing publications for this purpose, such as the SCC’s *Coast and Ocean*;
- developing a symbol or logo for the California CMP that all three of the lead agencies could use along with their agency logos;
- developing a California CMP brochure and information that can be included in each of the agencies’ public information materials;
- coordinating more closely on regional and statewide coastal initiatives, including clarifying their respective roles in these various initiatives and analyzing how best to target their limited resources to serve the needs of the coast; and
- making more use of their partners, such as National Estuarine Research Reserve and National Marine Sanctuary Advisory Committees, to obtain feedback on regional issues and projects.

Response: The CCC, BCDC, and SCC continue to work together on key projects such as the California Coastal Trail. The Coastal Trail is an important way that the public can see the value of the work of the three lead agencies of the California Coastal Management Program. Within the tight budget constraints they face, all three agencies continue to work as much as possible together on key legislative issues and coastal resource issues (such as access, OTDs, water quality, habitat issues, and acquisition).

The Coastal Commission facilitates quarterly meetings of the Coastal and Ocean Managers working group. This group has proved to be a good forum to discuss and develop solutions for key issues of mutual interest. This group includes the managers of the three lead CACMP agencies, the National Estuarine Research Reserves, the National Marine Sanctuaries, the State Resources Agency, the California Department of Fish and Game, and the State Lands Commission. This group meets at least quarterly.

The CCC continues to increase the use of its website to make information accessible to the public. The Commission’s brochure and background information explains the importance of the partnership with its sister agencies in the CACMP, but due to budget limitations, the CCC has not developed a new logo.

Program Suggestion 2: The SCC and the CCC should undertake time-critical review of OTDs that are due to expire within the next 2-4 years, agree on priorities for acceptance, and determine their respective roles in undertaking an intensive community outreach effort to identify potential

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accepting agencies. The SCC and the CCC should clarify their roles involving OTDs and make changes, if needed, to their existing MOU.

Response: This has been resolved via legislation that requires SCC to accept expiring access OTDs. The Legislative Analyst submitted an extensive report on access and conservation OTDs to the Legislature in January 2005.

RESPONSE BY THE CALIFORNIA COASTAL COMMISSION:

Necessary Action 1: The CCC must continue efforts to establish a statewide periodic review program that will address the current backlog of periodic reviews and allow the CCC to meet the statutory requirement of conducting a periodic review for each certified LCP every five years. NOAA/OCRM acknowledges that establishing this program will require more resources for the CCC and strongly supports efforts to seek resources for this purpose.

Response: Budget cuts and the hiring freeze have resulted in a net loss of 33.7 positions since 2001, with no new person-years authorized during that time. In 2005, Governor Schwarzenegger vetoed the State legislature's proposal to add 5 new positions (3 limited-term) to address the backlog of access and conservation offers-to-dedicate, and 3 new positions for the Energy program in the 2005-06 budget. As discussed above, the current budget and staffing situation makes it very difficult for the CCC to meet its statutory requirements.

Program Suggestion 3: CCC should analyze and quantify staffing requirements to meet unmet needs in core program areas, such as local assistance, LCP periodic reviews, monitoring and enforcement, technical services, public access, public education and information, and long-range planning. CCC should continue to seek staff augmentations in these areas.

Response: Because of a statewide hiring freeze, the CCC has faced budget and staffing cuts in fiscal years 01/02, 02/03, and 03/04. Governor Schwarzenegger vetoed the State legislature's proposal to add 5 new positions (3 limited-term) to address the backlog of access and conservation offers-to-dedicate, and 3 new positions for the Energy Program in the 2005-06 budget, worsening the Commission's already dire staffing problems.

Program Suggestion 4: CCC should consider ways to increase the emphasis on interpretive enforcement – educating the public so as to prevent unintentional violations. When staff resources allow, CCC should also implement systematic monitoring of both permitted and unpermitted activities; explore opportunities to make its Enforcement Database more robust (by adding more data layers) and integrate it with the Permit Tracking Database in GIS format; and join with interested state and local agencies to create additional enforcement task forces like the Santa Monica Mountains Enforcement Task Force. CCC should consider seeking legislation to provide administrative fine authority, in order to streamline the enforcement process.

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Response: The CCC has been taking steps to increase the visibility of the enforcement program, and, where possible, making public presentations and doing outreach, so as to educate the public and help prevent unintentional violations. Public presentations are made at almost every monthly Commission meeting, highlighting both cases CCC has resolved amicably and those in which it has been forced to take formal enforcement action. In addition, the CCC's new work on recording Notices of Violations is specifically aimed at making potential buyers aware of violations, so that they do not unwittingly become involved in properties with violations. Monitoring of permitted and un-permitted activities continues to be an unmet need of the enforcement program. The Commission has made some improvements in the enforcement database, and has been much more rigorous about inputting data into the system. However, the CCC has not had resources to integrate its database with GIS information, nor to purchase and utilize some of the GIS information and equipment widely available and currently used by private consultants and planners. The CCC plans to continue to seek legislation to provide for administrative fine authority.

Program Suggestion 5: The CCC should work with the Administration, Legislature, and constituents to seek increased incentives to enable local governments to complete remaining uncertified LCPs. CCC should also explore options with these parties for re-instituting the statutory mandate for local governments to complete LCPs.

Response: Because of budgetary constraints that eliminated all funds to local governments to work on LCPs, it was not feasible to make any significant progress on this Program Suggestion.

Program Suggestion 6: The CCC should consider seeking legislative changes to the Coastal Act that will encourage local governments to revise their LCPs based on the recommendations made as a result of periodic review.

Response: Attempts to implement this suggestion via AB 640 (Jackson) in 2002 created fierce political opposition from the building industry, property rights advocates, and local governments, which succeeded in killing the bill. The bill would have strengthened the review process to ensure that the goals and policies of the Coastal Act are carried out at the local level and protect coastal resources currently at risk due to out-of-date or inadequately implemented Local Coastal Plans (LCPs).

Program Suggestion 7: When resources permit, the CCC should seek additional ways to provide increased assistance to local governments in the California CMP. Some ideas CCC could consider are:

- Providing regular training for new CCC planners and local planners of the California Coastal Act. CCC should explore opportunities to coordinate this training with the NOAA CSC and/or the NERRS Coastal Training Initiative.
- Contracting with experienced retirees of the CCC and local planning departments to assist with LCP updates and mentor new staff.

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- Sponsoring Regional Planners Forums, possibly in conjunction with California Sea Grant, to facilitate information exchange on planning issues and projects.
- Exploring ways to make more technical services available to CCC District Offices and local governments, including GIS tools that District and local staffs can use. One such tool could be providing additional data, such as ReCAP data layers, on the CCC website that local planners can use.

Response: Because of severe budget cuts, the CCC has eliminated its training budget. Training has occurred as much as possible via collaboration with other agencies and staff with special expertise in training other staff.

Program Suggestion 8: The CCC should consider seeking legislation to allow it to become the acceptor of expiring OTDs that the SCCC cannot accept, and to hold the OTDs until a suitable agency or non-profit group can open them to the public. The CCC should also consider expanding its OTD tracking system to track openings and closings of OTD access ways.

Response: The suggestion has been implemented. SCC now accepts OTDs that would otherwise expire. The staff increases proposed by the state legislature in FY 05-06 would have helped the CCC implement an OTD tracking system, but these increases were vetoed by the Governor.

Program Suggestion 9: The CCC should work with federal, state, and local governments early in the planning process for HCPs and NCCPs affecting coastal resources and uses in order to ensure that the requirements of the Coastal Act are integrated into the HCP and NCCP development processes at the earliest point feasible.

Response: The CCC is doing this to the greatest extent feasible. The CCC established an HCP working group that meets monthly. The 2000-01 budget created two new person-years (positions) for NCCP planning efforts, and staff participated in numerous HCP/NCCP related efforts. Unfortunately, both staff members have left the Commission and the positions were lost as a result of ongoing budget cuts. The HCP team continues to meet and collaborate on HCP projects: Carlsbad Management Plan; North Coast Interstate 5 Corridor Project; Los Angeles to San Diego Corridor Strategic Plan; Transnet Environmental Mitigation Program; South Orange County Transportation Improvement Project; Oceanside MHCP; Rancho Palos Verdes NCCP; Los Osos, San Luis Obispo County HCP; Rancho Guadalupe Dunes HCP; Oceano Snowy Plover HCP; Monterey Pine Forest NCCP; City of Santa Cruz HCP; County of Santa Cruz HCP; Mendocino Redwood Company HCP/NCCP; and Humboldt Bay Municipal Water District HCP.

Program Suggestion 10: CCC should participate, as appropriate, in the development of the California Resources Agency's revision of the State's coastal erosion policy. CCC should also seek resources for the State Lands Commission and other appropriate entities to perform studies to assess regional and sub-regional shoreline processes, with particular focus on areas that exhibit both erosion and encroaching development. CCC should review the innovative mitigation programs of other states. CCC should also consider seeking legislation to clarify

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Coastal Act policies regarding both new and existing development in erosion-prone areas and promote alternatives to conventional shoreline armoring that can impact adversely an eroding shoreline, such as setbacks, beach renourishment, or moving structures away from high hazard areas.

Response: The CCC took an active role in the review of the California Beach Restoration Study (January 2002) that was developed from the Resource Agency shoreline erosion effort. The CCC also took an active role in the development of a draft revised shoreline policy, and participated in public stakeholder workshops. Legislation that would have implemented part of this policy stalled in Committee; however, and with the change in administration the Resource Agency has tabled further revisions in this policy. Complementing the state policy efforts, the CCC is participating in several stakeholder groups involving innovative mitigation approaches to shoreline erosion (including the Coastal Sediment Management Workgroup and the Monterey Bay National Marine Sanctuary's Southern Monterey Bay Erosion Workgroup). Experience from other states is being considered. Finally, legislation was proposed that would clarify the meaning of "existing" as it is used in Section 30235 of the Coastal Act (the section dealing with shoreline armoring), but this did not leave Committee and was never debated by the legislature.

Program Suggestion 11: The CCC should seek additional ways to provide increased public information and participation in the California CMP. Some ideas the CCC could consider are:

- Exploring the feasibility of televising or tele-conferencing Commission meetings in order to increase the public's ability to participate. If resources are available, the CCC should do a cost analysis of these options and present this to the California Resources Agency.
- Promoting its website more in meeting agendas and providing an online bulletin board for public comments/questions.
- When resources permit, developing a Citizens guide describing CCC's jurisdiction, what activities require a Coastal Act permit, how to go about obtaining a permit, and when permits are required. This guide should also explain the coastal zone boundaries including the reasons why they are wider in some places than others.
- When resources permit, conducting a public opinion poll, perhaps in cooperation with the League of Women Voters. To determine the public's level of satisfaction with the CCC and opinions concerning key coastal issues. This poll could contain benchmarking questions that could be used to assess changes in public opinion over time or to determine whether CCC activities and programs result in increased or decreased public satisfaction.

Response: Currently, the CCC has issued a RFP for bids to expand audio/visual services at Commission meetings, including live web streaming. The CCC has provided some additional coverage for high visibility items, such as the desalination report and the LNG workshops. Live web streaming is a very valuable public outreach tool. However, it is expensive and may not be possible to live stream the majority of Commission meetings.

In November 2003, the Public Policy Research Institute of California completed a Special Survey on Californians and the Environment. This report included statewide public opinion survey that asked numerous questions relating to the public's opinion about the coast and Coastal Commission.

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Program Suggestion 12: When resources permit, CCC should seek to expand on its public education and outreach activities, and especially seek to serve under-served audiences, such as Spanish-speaking communities.

Response: In 2003, CCC staff published Waves, Wetlands and Watersheds - a science activity guide for grades 3 - 8. All student handouts were translated into Spanish. Staff periodically conducts teacher workshops throughout the state on the Waves guide, and it is also available on the CCC website.

The CCC has been working to expand its outreach for Coastal Cleanup Day - both to inland creeks and waterways (an underserved area), and to Spanish speakers.

The CCC brochure now includes a Spanish translation. The CCC produced a Spanish language public service announcement for television, and its liability waiver form was translated into Spanish.

To expand inland outreach, we've expanded the cleanup to include many inland counties – in addition to the 15 coastal counties; there are now cleanups in 32 inland counties. The Kid's Ocean Day Cleanup has been expanded from four locations in 2001 to seven locations in 2005. The emphasis of this program is on bringing the program to students in underserved schools.

The CCC created the Coastal Stewardship Pledge two years ago. The program doesn't specifically target underserved populations to date, but is a broad public education program that encourages people to make a commitment to protecting our coast and ocean. It's widely available on the Internet.

The CCC is launching a Coastal Stewards Partners program this year by teaming up with other coastal/marine organizations to publicize the Pledge, and is also creating a non-internet version of the program.

The Commission's Whale Tail Grants program has grown considerably over the last few years from \$359,000 in 2001 to \$740,000 in 2004. This program also targets underserved populations for marine education programs.

RESPONSE BY THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION:

Program Suggestion 13 (regarding permitting, monitoring, and enforcement): BCDC should strengthen and systematize its enforcement process. BCDC should implement a systematic compliance inspection process for permitted activities and should analyze options for routine monitoring of the San Francisco Bay shoreline for un-permitted activities. Because of the urbanized nature of the shoreline, BCDC should explore partnerships with other state and federal agencies for using airplane overflights or other means to monitor for un-permitted activities.

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Response: Since the 2001 evaluation, BCDC's permit and enforcement staff have been reduced 35 percent and 38 percent respectively. To make the most efficient use of the limited resources available, a systematic inspection and monitoring program has been established. An electronic log has been created containing data on each of the 702 major permit applications received by BCDC between 1970 and 2004. The log contains fields for entering the name of the analyst who conducted the file review, the permit number, the project description, the county in which it is located, the file review date, the site visit date, a description of any violations discovered, the enforcement case number, if applicable, and the status.

Some of these applications were either withdrawn or reclassified and issued as minor permits. The enforcement staff concentrates its efforts on monitoring major permits that authorize fill in the Bay, have a habitat restoration component, and/or require shoreline public access. The log is reviewed by senior permit and enforcement management staff to identify those permits that enforcement analysts should emphasize. Enforcement analysts use their discretion when selecting which permits to monitor, often selecting adjacent projects. This improves efficiency when conducting site visits and allows concurrent resolution of any issues along a section of shoreline that spans multiple properties rather than a single site.

When a permit has been monitored, the electronic log is updated along with a notation to indicate whether the file review and site visit verified full compliance or exposed non-compliance and led to an enforcement investigation.

Finally, four new conditions are employed as appropriate to address compliance issues. They require a certificate of contractor review; certificate of occupancy; layout inspection; and enforcement program.

Program Suggestion 14 (regarding public awareness and participation): BCDC should continue to place priority on implementing its public outreach program aimed at increasing the public's awareness of San Francisco Bay issues and BCDC's role in addressing them. BCDC should continue to provide dedicated staff support for this effort, either through continuation of the public outreach internship or another position. BCDC should also explore additional opportunities to expand the public information on its website, if possible under the new State directive, and provide increased electronic distribution of information, where feasible.

Response: On July 20, 2001, the Commission adopted a comprehensive communications strategy and four-year communications work plan based on a detailed analysis of the Commission's public outreach needs by a professional consultant. The commission also allocated \$150,000 to retain a consultant to implement the first two years of the adopted work program. This strategy fully responded to the above recommendation. Unfortunately, in the weeks after the communications strategy was approved, the Commission suffered the first of a series of significant budget cutbacks. These cutbacks prevented the Commission from entering into the needed consulting contract, eliminated the staff positions which had been handling public outreach and education and curtailed virtually all of BCDC's public information activities. The cumulative impact of these budget reductions is that the Commission no longer has staff or resources available for public information, outreach or education. As a result, the Commission has curtailed virtually all of its public affairs activities. In early 2002, the Commission concluded

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it would not be feasible to broadcast BCDC meetings on television. The Commission's mandated annual report has been reduced from a comprehensive 29-page report in 2001 to two-page statistical summaries the past three years. Press releases are issued only rarely. In lieu of any active outreach, the Commission has provided more information on BCDC's website, including meeting notices, staff reports and other documents, and meeting notices are provided electronically to everyone who has agreed to accept this approach.

Program Suggestion 15 (regarding water quality—non-point source pollution control):

BCDC should work to increase its participation in the California Coastal Non-point Pollution Control Program and to strengthen the relationship with the Regional Water Board. This could be accomplished by participating in the Statewide Interagency Coordinating Committee (IACC) on the Non-point Pollution Control Program, amending the Memorandum of Understanding with the Regional Water Board, participating in the development and review of various water quality management plans, or other appropriate means. NOAA encourages BCDC to continue to assess gaps in the program for coastal non-point pollution control in the San Francisco Bay area and to seek opportunities and funding to address those gaps.

Response: BCDC's staff is an active participant in the California Coastal Nonpoint Pollution Control Program. BCDC participates on the statewide Interagency Coordinating Committee (IACC) and the IACC's wetland and hydro modification nonpoint source subcommittees, as well as the Critical Coastal Areas Committee (CCA). BCDC's staff also regularly participates in the IACC Marina Subcommittee and the sub-workgroup of the Subcommittee that is addressing copper antifouling paint activities. Further, BCDC staff has presented the study approach and conclusions of BCDC's Marine Water Quality Study to the IACC. Finally, BCDC works with the integrated statewide boating and marina pollution control education program (Boating Clean and Green Campaign) with the California Coastal Commission, Contra Costa County and the California Department of Boating and Waterways.

Program Suggestion 16 (regarding public access): BCDC should consider developing additional signage and information to promote the public access that exists around the San Francisco Bay shoreline. BCDC should provide the public with information on the public access created by BCDC as an accountability measure.

Response: The Commission commenced work on the first phase of a Bay-wide comprehensive signage program in partnership with the Bay Trail Project at the beginning of 2005. As a result of a competitive request for proposals process, the Commission has contracted with Hunt Design, Inc., of Pasadena, California to develop a suite of signs that will identify BCDC public access areas and segments of the Bay Trail; provide natural and cultural interpretation of the Bay shoreline; communicate behavioral norms to trail users, and provide way finding information to visitors. The project is funded through the federal CIAP and the first phase will be completed by June 30, 2005. Phase two of the project involves contracting for the fabrication of signs and distribution. Fabrication of the signs will commence by September 30, 2005, and will be ongoing.

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Program Suggestion 17 (regarding the need for proactive planning and implementation):

BCDC should continue its proactive long-range planning and partnership building activities in order to keep a focus on the health of the Bay ecosystem.

Response: Despite ongoing budget and staff reductions, the Commission is continuing to build and maintain a variety of partnerships that are effectively addressing Bay ecosystem health issues.

RESPONSE BY THE STATE COASTAL CONSERVANCY:

Program Suggestion 18 (regarding technical assistance and stewardship funding): The SCC should continue to provide technical assistance to local and nonprofit groups, assess needs, and look for opportunities to meet these needs. In this regard, SCC should continue to seek innovative sources of stewardship funding to assist community and nonprofit groups to maintain public access ways and conservation lands.

RESPONSE TO SUGGESTIONS REGARDING PROGRAM CHANGES

Program Suggestion 19: The CCC should continue to work with OCRM/Coastal Programs Division staff to develop expedited procedures and an action plan for submitting program changes to the California CMP.

Response: The CCC continues to maintain ongoing communication with OCRM/Coastal Programs Division staff about potential changes in California's approved coastal program. Staffing shortfalls continue to be a challenge, however.

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APPENDIX 2: PERSONS AND INSTITUTIONS CONTACTED

Persons and institutions contacted during the February 7-11 site visit

| Name | Affiliation |
|------------------|--------------------------------------------------------------------------------------------|
| Will Travis | BCDC |
| Steven McAdam | BCDC |
| Robert Batha | BCDC |
| Adrienne Klein | BCDC |
| Caitlin Sweeney | BCDC |
| Steven Goldbeck | BCDC |
| Sam Schuchat | SCC |
| Nadine Hitchcock | SCC |
| Tom Gandesbery | SCC |
| Steve Ritchie | SCC |
| Joan Cardellino | SCC |
| Marina Cazorla | SCC |
| Terri Nevins | SCC |
| Charles Lester | CCC |
| Mary K. Lamb | Air Force Center for Environmental Excellence |
| Sarah Davies | San Francisco Bay NERR |
| Penny Wells | Bay Access |
| Paul Kamen | Berkeley Waterfront Commission, Cal Sailing Club, Berkeley Racing Canoe Center, Bay Access |
| Barbara Salzman | Marin Audubon Society |
| Grant Davis | The Bay Institute |
| John Brosnan | Sonoma Land Trust |
| Beth Huning | San Francisco Bay Joint Venture |
| Patrick Runnen | NOAA Restoration Center |
| Saul Bloom | Arc Ecology |
| Jim Vreeland | Mayor, City of Pacifica |
| Scott Holmes | Director of Public Works, City of Pacifica |
| Walter Moore | Peninsula Open Space Trust |
| Jack Liebster | City of Half Moon Bay |
| Angie Anderson | Año Nuevo State Park |

Persons and institutions contacted during the June 20-24 site visit

| Name | Affiliation |
|----------------|--------------------|
| Peter Douglas | CCC |
| Rebecca Roth | CCC |
| Steve Hudson | CCC |
| Steve Monowitz | CCC |
| Lee Otter | CCC |

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| John Dixon | CCC |
| Charles Lester | CCC |
| Linda Locklin | CCC |
| Susan Hansch | CCC |
| Lane Yee | CCC |
| Bob Merrill | CCC |
| Chuck Damm | CCC |
| Steve Scholl | CCC |
| Amy Roach | CCC |
| Chris Pederson | CCC |
| Al Wanger | CCC |
| Sarah Christie | CCC |
| Bill Van Beckum | CCC |
| Allyson Hitt | CCC |
| Caroline Patton | CCC legal intern |
| Lisa Haage | CCC (through Inter-governmental Exchange) |
| Aaron McLendon | CCC |
| Jon Van Coops | CCC |
| Mark Jonsson | CCC |
| Alison Dettmer | CCC |
| Ton Luster | CCC |
| Mark Delaplaine | CCC |
| Larry Simon | CCC |
| Chris Kern | CCC |
| Brian Brennan | Mayor, City of Ventura |
| Linda Krop | Environmental Defense Center |
| Brian Trautwien | Environmental Defense Center |
| Terri Maus | Santa Barbara County Parks Director |
| Coleen Lund | Santa Barbara County Parks Director |
| Ed de la Torre | Public Member, Goleta Beach Working Group |
| Tye Simpson | University of California, Santa Barbara |
| David Ward | Santa Barbara County |
| Chris Clark | San Luis Obispo County, Los Osos Community Service District |
| Rick Hawley | Green Space, The Cambria Land Trust |
| Ann McMahon | San Luis Obispo County Supervisor's Aide |
| Bill Douros | Monterey Bay National Marine Sanctuary |
| Ken Gray | California State Parks |
| Rebecca Smyth | NOAA Coastal Services Center |
| Adrienne Monck | NOAA Coastal Services Center |
| Ann Notoff | Natural Resources Defense Council |
| Linda Sheehan | California Coast Keeper |
| Bill Allayaud | Sierra Club |

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| Steve Fagundes | State Water Resources Control Board, Nonpoint Source Plan Implementation Unit |
| Christina Yin | USEPA Region 9 |
| Bill Craven | California State Senate Natural Resources and Water Committee |
| Julia McIver | California State Senate Natural Resources and Water Committee |
| Michael Endicott | California State Assembly Environmental Safety and Toxic Materials Committee |
| Mike Reilly | County of Sonoma Supervisor |
| Jason Dose | City of Fort Bragg, Community Development Department |
| Allan Ota | USEPA Region 9 |
| Maria Brown | Gulf of the Farallones National Marine Sanctuary |

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| APPENDIX 3: PERSONS ATTENDING THE PUBLIC MEETINGS |
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**Public Meeting held Wednesday, February 9, 2005 at 7:00 pm
BCDC's McAteer Petris Conference Room**

| Name | Affiliation |
|----------------------|------------------------------------------------|
| Delphine Prevost | Bay Planning Coalition |
| Michael Casey Walker | Bay Access Inc., San Francisco Bay Water Trail |

**Public Meeting held Tuesday, June 21, 2005 at 6:00 pm
City of Santa Cruz Police Department Community Room**

| Name | Affiliation |
|-------------------|--------------------------------------------------|
| J. David Breemer | Pacific Legal Foundation |
| Jim Marshall | Coastal Property Owners Association |
| Mari Kloeppe | Friends, Artists and Neighbors of Elkhorn Slough |
| Klaus Kloeppe | Friends, Artists and Neighbors of Elkhorn Slough |
| Marjorie Kay | Resident and property owner, Monterey County |
| Ed Davidson | Santa Cruz Resident |
| Patricia Matejcek | Sierra Club, Surfrider Foundation |
| Peg Popken | Santa Cruz realtor and resident |
| Catherine Hoffman | Minerals Management Service |
| Fred Schlichting | Homeowner, San Jose |
| Bill Weseloh | Homeowner, Menlo Park |
| Keith Adams | Homeowner, Santa Cruz |
| Kay Schroer | Homeowner, Watsonville |
| Bob Schroer | Homeowner, Watsonville |
| Marilyn Garrett | Public health and environmental advocate |
| Gwen Essegian | State Senator Joe Simitian |
| Ralph Meyberg | Santa Cruzans for Responsible Planning (SCRAP) |
| Grant Weseman | Lighthouse Field Beach Rescue |
| Julie Engell | North Monterey county Resident |
| Adele Eberhart | Seacliff Neighbors Coalition |

APPENDIX 4: RESPONSE TO WRITTEN COMMENTS

RESPONSE TO COMMENTS CONCERNING THE CALIFORNIA COASTAL COMMISSION

**Keith Adams, President
Coastal Property Owners Association
Santa Cruz, CA**

Comment: On behalf of the Coastal Property Owners Association of Santa Cruz, Mr. Adams expressed concern about the Commission’s planned retreat strategy to manage coastal erosion. Specifically, Mr. Adams expressed concern about the Commission’s denial of a permit to protect Pleasure Point and East Cliff Drive and its associated public access and issuance of last minute emergency permits to protect homes or other structures.

NOAA’s Response: NOAA acknowledges the difficulty of managing shoreline erosion. Hard/structural management tools often actually exacerbate erosion in the long term. In accordance with the Coastal Act, the CCC strives to encourage better siting and redesign of development to avoid the need for armoring, increasing setbacks for development, discouraging rebuilding of damaged structures in hazardous areas, and better addressing armoring of the coast under emergency conditions

**Heather Allen, Policy Director
Friends of the Sea Otter
Pacific Grove, California**

Comment: On behalf of Friends of the Sea Otter, Ms. Allen expressed “absolute support” of the CCC. Ms. Allen felt that CCC “maximizes its limited staff and budget effectively,” but expressed concern that funding insecurity was the most pressing issue facing the Commission. Ms. Adams was specifically concerned about CCC’s oversight of LCP budgets and planning and CCC’s role in water quality protection. Ms. Adams felt that CCC would be better able to respond to these two challenges with a more stable source of funding.

NOAA’s Response: NOAA recognizes the importance of CCC’s role in updating LCP’s and ensuring their consistency (See “Local Coastal Programs in Section IV) and in protecting coastal water quality (See “Water Quality” in Section IV). NOAA also agrees that budget cutbacks negatively affect the program’s implementation and therefore recommends the Commission seek a more stable dedicated source of funding. (For further detail, please see “Loss of Financial Resources and Staff in Section IV above.)

**Ellen G. Aronson, Regional Manager
United States Department of the Interior
Minerals Management Service
Camarillo, California**

Comment: On behalf of the Minerals Management Service (MMS), Ms. Aronson wrote that, “we have worked with the CCC, along with other agencies and stakeholders, on a variety of

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projects during this review period. We share the CCC staff's dedication to protecting the coastal zone, and appreciate their professionalism and willingness to work cooperatively on the issues. Not all of the issues have been easy to address. We have sought to cooperatively address the full gamut of issues identified, and this approach has been largely successful in resolving the issues and avoiding battles over jurisdictional distinctions.”

Ms. Aronson then described Outer Continental Shelf (OCS) projects and activities completed during the review period, including the development of the Eastern Half of Lease OCS-P 0451 and Installation of an offshore power cable unit in the Santa Ynez Unit. She also described current OCS projects and activities, including 36 undeveloped leases in the Pacific OCS region, development of California State Resources from OCS platforms, the Inter-agency Decommissioning Working Group, and the Review of Federal Facility Oil Spill Response Plans.

As related to coordination, she emphasized three main points: (1) the need to participate to the maximum extent possible on coordination efforts; (2) the need to get all parties involved early in the planning process, and (3) the need to continue to keep the MMS apprised of other stakeholder concerns.

She closed by stating that, “the CCC and the MMS have worked hard to implement procedures for coordinating our joint review responsibilities and other activities more closely. The MMS would like to express our appreciation of the CCC for its continued cooperation on OCS-related projects. Our bureau is committed to continuing and improving our coordination efforts to ensure that all of the issues that are important to the CCC, the MMS, and all our stakeholders are considered. MMS believes that continuing the progress we have made over the last few years will ensure that both agencies can more effectively implement our responsibilities.”

NOAA's Response: NOAA recognizes CCC's commitment to improving coordination with MMS. NOAA also acknowledges that MMS, CCC, and their stakeholders would be better served by better coordination between MMS and CCC and earlier involvement by CCC. However, CCC's federal consistency and planning staff are already severely overloaded. NOAA therefore strongly supports CCC in its search for an augmented and stable funding source to support these and other planning initiatives. For further detail, please see “Loss of Financial Resources and Staff” in Section IV above.

Michael Beattie
Resident
Santa Cruz, California

Comment: Mr. Beattie feels that California's coastline is unique because “it is pristine and preserved for all.” He went on to state that the Commission “makes rational sensible use choices outside the world of lobbyists, politics, and corruption.”

NOAA's Response: NOAA recognizes CCC's commitment to maintaining the unique character of California's coastline and ensuring that it is accessible to the public.

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Renwick E. Curry, Ph.D.
Terrace Point Action Network
Santa Cruz, California

Comment: Mr. Curry wrote on behalf of the Terrace Point Action Network. Mr. Curry was pleased with the unique role that CCC was able to play in regulating development of Terrace Point by the University of California at Santa Cruz. He continued by urging NOAA to provide: more funding; a more dedicated source of funding; and more staffing.

NOAA's Response: NOAA acknowledges the unique role that CCC plays in working with and regulating the state university system. NOAA currently provides approximately \$2 million in Coastal Zone Management Act Section 306 funding to the California Coastal Management Program each year, the maximum allowed by federal regulations. NOAA recognizes the importance of steady financial resources and staffing for the CCC, and strongly supports the Commission in seeking those resources. For further detail, please see "Loss of Financial Resources and Staff" in Section IV above.

William L. Denneen
Biologist
Nipomo, California

Comment: Mr. Denneen is generally pleased with the CCC, particularly its development of setback requirements, public access requirements, removal of illegal rocks, and denial of vehicle access in Oso Flaco Lake's wetland habitat. Mr. Denneen requested the CCC also deny off-highway vehicle access for the mouth of the Arroyo Grande Creek.

NOAA's Response: Programmatic evaluations of this type cannot effectively address individual actions of the state coastal programs, but instead must determine whether the combined actions of the participating state and local agencies are effectively implementing the state's federally approved coastal management program. Mr. Van Hoven's concerns have been shared with the CCC so that they may take further action, as appropriate.

Susan Drake
Resident
Soquel, California

Comment: Mr. Drake state that "we have a stewardship obligation to minimize the human impact, I believe; and I urge NOAA to support the continued protective services of the Commission, especially by urging the members to act in the best interest of the general preservation of this magnificent arena."

NOAA's Response: NOAA recognizes the CCC's accomplishments in "minimizing human impact" by implementing ESHA and wetlands regulations in permitting decisions.

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John W. Fischer

Resident

Pacific Grove, California

Comment: Mr. Fischer feels that “the CCC, in the overall, is doing a great job.” He expressed concern, however, that the CCC needs additional staff, particularly for desalination and coastal armoring.

NOAA’s Response: NOAA recognizes CCC’s strong need for additional staff to provide technical services and policy guidance. NOAA supports CCC in seeking additional staff and financial resources. For further detail, see “Loss of Financial Resources and Staff” and “Technical Services” in Section IV above.

Jacquelyn Griffith

Resident

Santa Cruz, California

Comment: Ms. Griffith feels that “the CCC has been essential,” and that “they need a bigger budget with more staff and a dedicated source of funding to reduce the longtime political pressure on the CCC and accomplish all their goals.” Ms. Griffith is particularly interested in addressing nonpoint source pollution, CCC’s oversight of the University of California system, and resources to update LCP’s.

NOAA’s Response: NOAA recognizes CCC’s strong need for additional staff to address these issues, and NOAA supports CCC in seeking additional staff and financial resources. For further detail, see “Loss of Financial Resources and Staff” and in Section IV above.

Nancy C. Knudegard

Resident

Santa Cruz, California

Comment: Ms. Knudegard states that “the California Coastal Commission is an essential agency and a critical part of protecting the California coast. They have been doing an effective job so far and should be further enabled with additional funding and staff to continue their work.” She also sites the importance of CCC’s roles as the only oversight agency to evaluate and regulate coastal development plans by the University of California system.

NOAA’s Response: NOAA recognizes CCC’s strong need for additional staff to address these issues, and NOAA supports CCC in seeking additional staff and financial resources. For further detail, see “Loss of Financial Resources and Staff” and in Section IV above.

Thomas Leavitt

Resident

Santa Cruz, California

Comment: Mr. Leavitt expressed his “support for the good work of the California Coastal Commission in protecting the economic, social, and environmental welfare of California’s

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Coastal regions.” As a small businessperson, he states that “the benefits in restraining the impulse to put short-term commercial gain over long-term social welfare are seldom more clearly shown than in the high value our coastal properties have maintained over the years.” He closes by emphasizing that “the Coastal Commission has been as effective as it could be, despite ongoing funding issues, and that. . . many of the complaints against it could be significantly mitigated if it had greater funding from more consistent sources. Further more, as the only agency with oversight over development by state agencies, they play a crucial role in ensuring that expansionary activities by state agencies are at least minimally harmonious with their surrounding environment.”

NOAA’s Response: NOAA recognizes the accomplishments of the Coastal Commission and supports CCC in seeking additional staff and financial resources. For further detail, see “Loss of Financial Resources and Staff” in Section IV above.

Bill Malone

Resident

Santa Cruz, California

Comment: Mr. Malone states that he “very much appreciates the actions of the CCC to preserve the coast and to make it accessible and enjoyable for all Californians and all people.” He continues by saying that he has “worked with the staff in the Santa Cruz office and found them to be knowledgeable, hard-working and helpful.” In sum, he feels that the CCC “would do a better job if it had more funding and a dedicated funding source.”

NOAA’s Response: NOAA recognizes the accomplishments of the Coastal Commission and supports CCC in seeking additional staff and financial resources. For further detail, see “Loss of Financial Resources and Staff” in Section IV above.

Betty A. Michelozzi

Resident

Aptos, California

Comment: Ms. Michelozzi makes the following points: (1) the CCC is essential because of the strong development pressures on the coast; (2) they are effective within their budgetary and staffing constraints; (3) they are the only agency with oversight on development by state agencies, including the university system; (4) they need more staff and a bigger budget to accomplish their goals; and (5) a dedicated source of funding is needed to reduce the political pressures on the CCC.

NOAA’s Response: NOAA recognizes the accomplishments of the Coastal Commission and supports CCC in seeking additional staff and financial resources. For further detail, see “Loss of Financial Resources and Staff” in Section IV above.

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Ron Sandidge

Resident

Aptos, California

Comment: Mr. Sandidge states that: 1 the CCC is essential because of the strong development pressures on the coast; 2 they are effective within their budgetary and staffing constraints; 3 they are the only agency with oversight on development by state agencies, including the university system; 4 they need more staff and a bigger budget to accomplish their goals; and 5 a dedicated source of funding is needed to reduce the political pressures on the CCC.

NOAA's Response: NOAA recognizes the accomplishments of the Coastal Commission and supports CCC in seeking additional staff and financial resources. For further detail, see "Loss of Financial Resources and Staff" in Section IV above.

Art Seavey, Chairman

Government Affairs Committee

California Aquaculture Association

Mecca, California

Comment: On behalf of the California Aquaculture Association (CAA), Mr. Seavey states that "commercial mariculture in California is a coastal dependent activity that requires a coastal development permit from the California Coastal commission." CAA feels that in many cases, "in imposing conditions on Coastal Development permit applicants, the California Coastal Commission has clearly exceeded regulatory controls established by the Department of Fish and Game and the State Regional Water Quality Control Board. These conditions often result in increased costs of operation and/or permitting, and may result in reduction of productivity to the project under consideration." He continues by saying that "these businesses need fair and reasonable regulations that are applied in a predictable and consistent way." CAA concluded by urging CCC "to observe its regulatory mandate by not exceeding controls imposed by the Department of Fish and Game and the State Regional Water Quality Control Board on permits for mariculture projects."

NOAA's Response: Programmatic evaluations of this type cannot effectively address individual actions of the state coastal programs, but instead must determine whether the combined actions of the participating state and local agencies are effectively implementing the state's federally approved coastal management program. With regard to this comment, however, NOAA acknowledges that Coastal Act Sections 30411 and 30412 set forth the regulatory limits on the CCC review of aquaculture projects, which are different than those set out in the authorities of the Department of Fish and Game and the Water Boards.

Barbara Tyger

Resident

Santa Cruz, California

Comment: As a resident of a trailer court near the Santa Cruz wharf, Ms. Tyger states that she is "very happy with the work of the Coastal Commission and wants to increase funding for it."

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She continues by stating that she wants “to guard the beauty and health of the coast for the future or it will end up covered by giant houses and businesses.”

NOAA’s Response: NOAA recognizes the accomplishments of the Coastal Commission and supports CCC in seeking additional staff and financial resources. For further detail, see “Loss of Financial Resources and Staff” in Section IV above.

Gerard Van Hoven
Resident
Santa Cruz, California

Comment: Mr. Van Hoven is unhappy with Santa Cruz County’s operation of the local Coastal Management Program. He is specifically concerned about the closure of a beach access point on Geoffroy Drive in Santa Cruz County.

NOAA’s Response: Programmatic evaluations of this type cannot effectively address individual actions of the state coastal programs, but instead must determine whether the combined actions of the participating state and local agencies are effectively implementing the state’s federally approved coastal management program. Mr. Van Hoven’s concerns have been shared with the CCC so that they may take further action, as appropriate.

Bill Weseloh
Weseloh & Young
Menlo Park, California

Comment: Mr. Weseloh expressed concern that the public meeting was not adequately advertised and felt that each CCC permit applicant during the review period should have received written notification of the meeting. He was further concerned that the presence of a CCC employee at the public meeting “does not foster open-honest, or even allow for critical response to CCC activities” because of a perception of jeopardizing a permit application. He felt that the CCC could be more effective if it functioned “as a friend rather than the enemy of a permit applicant.” He closed by saying, “the CCC has done much to preserve the California Coast. Their image and accomplishments could be improved by better understanding the needs of the applicant and then allowing reasonable and sensible solutions.”

NOAA’s Response: Programmatic evaluations of this type cannot effectively address individual actions of the state coastal programs, but instead must determine whether the combined actions of the participating state and local agencies are effectively implementing the state’s federally approved coastal management program. Therefore the evaluation team cannot meet with everyone who has done business with a state coastal agency during the evaluation period. To encourage as much participation as possible, however, the evaluation team works with the state prior to the site visit to schedule meetings with groups who have had interactions with the programs.

Regarding the presence of a CCC employee potentially stifling discussion at the public meeting: (1) the national coastal zone management program is a partnership between the federal

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government and the states. As state partners, OCRM conducts its evaluations with the full participation and cooperation of the state; and (2) based on experience at public meetings in other states, OCRM has rarely found that participants were reluctant to share positive or negative comments. OCRM therefore includes a state participant in the public meeting to ensure that the concerns of the public are heard and understood directly by the state partner.

RESPONSE TO COMMENTS CONCERNING THE SAN FRANCISCO CONSERVATION AND DEVELOPMENT COMMISSION

Tim Eichenberg, Acting Director
The Ocean Conservancy Pacific Regional Office
San Francisco, California

Comment: The Ocean Conservancy wrote to commend BCDC for protecting San Francisco Bay during its permit review of the San Francisco Cruise Ship Terminal Mixed Use Project. “BCDC set special environmental conditions in its permit that prohibit wastewater discharges into the Bay from cruise ships using the new terminal. It also required air quality studies and mitigation measures to help implement and enforce the Port and the City’s environmental impact review process.” In sum, as a member of the Cruise Terminal Environmental Advisory Committee, Mr. Eichenberg found “the involvement of BCDC and its staff to be extremely helpful in protecting California’s coastal air and water quality in accordance with the California Coastal Management Program.”

NOAA’s Response: NOAA recognizes BCDC’s commitment to sound permitting that both protects the Bay and encourages waterfront development.

Arthur Feinstein, Director of Conservation
Golden Gate Audubon Society
Berkeley, California

Comment: Mr. Feinstein states that “Golden Gate Audubon has long been impressed with the professionalism and competence of BCDC staff and the fairness of its process. Perhaps no other agency provides as great an opportunity for public comment and interaction with staff and Commission.” He also comments that BCDC’s mission to protect the health of San Francisco Bay is unique and not a duplication of efforts with other agencies. He lauds both BCDC’s Sub-tidal policy and the level of detail required for BCDC permit applications. He concludes by stating that “we believe that BCDC plays a critical role in protecting San Francisco Bay’s natural resources and in providing appropriate levels of public access.” He expresses concern that reduced funding may weaken or slow down the permitting process. He recommends that “increased funding for the agency will help resolve many issues concerning permit processing.”

NOAA’s Response: NOAA recognizes BCDC’s successful ongoing policy development. NOAA also recognizes that funding reductions have had adverse impacts on the permitting process. For further discussion, please refer to the discussion of BCDC’s “Ongoing Policy Development” and “Loss of Resources and Staff” in Section IV Above.

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Daniel Levin

No address provided

Comment: Mr. Levin has been involved in commercial real estate development along the San Francisco Bay for nearly 20 years and has had regular dealings with BCDC staff and the Commission. Most of his interactions with BCDC occurred during the approval process for two business parks that were subjected to a high degree of public scrutiny. Mr. Levin states that “the staff members I interacted with all possessed what I regard as the two most important characteristics for any government employee. First, they explained their rules and requirements clearly and concisely. Second, they responded within time frames that were both defined and prompt.”

NOAA’s Response: NOAA recognizes BCDC’s commitment to working cooperatively with permit applicants in a clear and timely fashion. For further information, please refer to the discussion of BCDC’s “Waterfront Revitalization” accomplishments in Section IV.

David Lewis, Executive Director

Save the Bay

Oakland, California

Comment: Mr. Lewis states that BCDC’s effectiveness in both its planning and regulatory functions is particularly impressive given the declining state resources invested in BCDC during the review period. In particular, he highlights as accomplishments: staff efforts to process permits in a timely fashion and streamline processing; the reduction in the backlog of permit enforcement actions by closing outstanding cases; and the update of BCDC’s fine and fee structure. He lauds BCDC “as the gold standard for public openness, transparency, and public participation.” He points out that the Commission updated several sections of the Bay Plan during the review period. He highlights three of BCDC’s interagency and intergovernmental efforts: The San Francisco Bay Joint Venture, the Wetlands Recovery Project, and the Dredged Material Management Office.

NOAA’s Response: NOAA recognizes the challenges that BCDC has faced in maintaining its permitting, enforcement, and policy programs in the wake of recent budget and staff cuts. For further information, please refer to the discussion of BCDC’s “Loss of Resources and Staff” in Section IV Above.

Russell H. Robinson

BCDC Citizens Advisory Committee

Cupertino, California

Comment: Mr. Robinson praised BCDC for increasing its outreach to boaters using San Francisco Bay and the Delta. The boating community had challenged the assumption made by California’s Nonpoint Source Pollution Plan that boats berthed in bay marinas were causing high levels of contamination. BCDC worked with a Citizens Advisory Committee and a Technical Advisory Committee to conduct a scientific study of pollution in marinas without storm drains. The study showed that pollution in Bay marinas was below what was previously projected and

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within acceptable limits. The boating community was therefore pleased with an August 2004 BCDC report that recommended that the Commission make no changes to the Bay Plan.

NOAA's Response: NOAA recognizes BCDC's participatory approach to developing policies that meet the needs of emerging issues in the Bay Area. NOAA also recognizes the skill and efficiency of BCDC's permitting staff. For further discussion, please refer to the discussion of BCDC's "Ongoing Policy Development" in Section IV Above.

**Barbara Salzman, President
Marin Audubon Society
Mill Valley, California**

Comment: Marin Audubon has been a permit applicant for ten restoration projects over the past 20 years. Ms. Salzman believes that "BCDC implements the Coastal Zone Management Program effectively and responsibly." Marin Audubon is also "particularly pleased that BCDC has adopted policies that address the wildlife and subtidal habitats in the Bay. . . BCDC is the only permitting agency that addresses these resources." Ms. Salzman feels that BCDC permitting staff function professionally within their scope of responsibility and that BCDC does not duplicate regulations of other agencies. She concludes by saying, "it is our ongoing view that BCDC does a fair, respectable and responsible job in implementing the Coastal Zone Management Program. They should be commended for their efforts to work with the community and regulate natural resources of the Bay."

NOAA's Response: NOAA recognizes BCDC's commitment to proactive approach to developing policies that meet the needs of emerging issues in the Bay Area. NOAA also recognizes the skill and efficiency of BCDC's permitting staff. For further discussion, please refer to the discussion of BCDC's "Ongoing Policy Development" in Section IV Above.

**Bobby Winston, Editor/Owner
San Francisco Bay Crossings
San Francisco, California**

Comment: Mr. Winston says that his newspaper "evangelizes the waterfront as the 'in' place to work, live and play." They also support expanding and improving water transit. He continues by saying that "BCDC, often in the person of its director Will Travis, is the honest broker of the often contentious public dialogue we cover. Indeed, I can imagine no higher compliment to Will and his idealistic staff than to report that everyone is usually mad with him; developers and environmentalists alike. To me, that signals even-handed compromise."

NOAA's Response: NOAA recognizes the dedication of BCDC's knowledgeable and experienced Executive Director and staff in promoting BCDC's mission.

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RESPONSE TO COMMENTS CONCERNING THE STATE COASTAL CONSERVANCY

David Lewis, Executive Director
Save the Bay
Oakland, California

Comment: “The Conservancy and its Bay Area program have facilitated numerous restoration projects, public access improvements, and environmental education programs that provide extensive benefits to fish and wildlife, water quality, public recreation, and community stewardship throughout the San Francisco Bay Area.” Mr. Lewis lauded three Conservancy projects in particular: the Napa Sonoma Marsh; Hamilton Field and Bel Marin Keys in Novato; and the South Bay Salt Ponds. He states that “the Conservancy has been an exceptional leader and facilitator of broad participation by other state, federal, and local agencies, and by nongovernmental organizations in the community. The conservancy staff communicates frequently and transparently on the agency’s processes and project activities, encouraging input and collaboration.”

NOAA’s Response: NOAA recognizes the Conservancy’s significant accomplishments in realizing restoration projects and public access improvements in the Bay Area and elsewhere in California’s coastal zone. For further information, please refer to the discussion of the Conservancy’s public access and restoration activities in Section IV above.