

**Statement of Charles Lester in the  
Consideration of his Dismissal as Executive Director  
Morro Bay, California, February 10, 2016.**

Chair Kinsey, Vice-Chair Bochco, commissioners, staff, and members of the public:

Thank you for the opportunity to speak today on this matter of substantial concern to myself, the Coastal Commission, and the citizens of California. I sincerely want to thank everyone here today, my family, and the thousands of people and organizations that have weighed in on the question of my potential dismissal as the Executive Director of the California Coastal Commission. When I decided to exercise my right to this hearing I could not have imagined such an overwhelming outpouring of support – and for that, I am deeply, deeply humbled. This occasion reminds us, though, how vitally important the California coast is to all of us.

Our state has nearly 40 million people. Yet less than an hour from here you can see throngs of elephant seals that come to our protected coast to breed every year. These giant animals have been making a spectacular comeback. When I see the seals at Piedras Blancas, or at Año Nuevo, near my home, it strikes me that this is what California is about: a great economy and cultural life, thriving along with some of the most awesome wonders of nature.

But this incredible confluence of people and nature is no accident. More than forty years ago, voters of California took a strong and unprecedented stand. They saw how beautiful and unique our coast was, but also how private interests could take it away, and keep the people at bay. With the passage of the Coastal Act the voters said this must not continue – the coast must be saved for the people.

That is why we are having this hearing. The Coastal Commission was created by the people, to protect the coast for present and future generations. Public participation is at the heart of the Coastal Act, and the public deserves to be heard on the matter of potentially changing the direction of the coastal program.

The last few weeks have been stressful for me, the staff, and I'm sure for the Commission. But I wouldn't have chosen this path if I didn't believe that my leadership, and the work of my senior management team and the entire Commission staff has been strong, focused and effective. We have made great strides together and my vision remains clear. I believe that I am the right person to continue directing the Commission on a path forward. Any change must be carefully considered, and the reasons for making a change should be compelling and critical to our mission.

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So, if you have been following the press in recent weeks, you now know that I am a cerebral, somewhat wonkish, low-key, reasonable, conservation-minded, guy. Still, let me tell you a little bit more about who I am, so that you can understand what drives me in this job.

My parents were teachers, public servants, and engaged in the causes of social justice. They marched on Washington with Dr. King and protested the Viet Nam war. My mother ran the English as a Second Language program at my high school and taught kids from around the world. My late father was a Religious Studies professor specializing in Hinduism and Buddhism. He spoke to me and my brothers at the dinner table about Indra's infinite jeweled net -- the idea that everything in the universe is interconnected. We grew up understanding the importance of being present in the now, and acting with integrity.

I grew up mostly in Boulder, Colorado. But when I was 12, we lived in India for a year, and I experienced things that shaped my worldview at its core. I realized that my culture and way of life was just one of many in the world. That year was the beginning of my global citizenship, and the birth of my desire to work for social justice and the public interest.

I am here today also because early on my parents gave me Rachel Carson's book – *The Sense of Wonder* – and a microscope. Boulder was the perfect place for me to explore nature. I brought snakes and frogs to our backyard, and collected rocks – lots of rocks. Just ask my wife. By the time I left home for Columbia College in New York City, I was on a path to becoming a scientist.

I ended up completing my degree in geochemistry. But meanwhile, other required course work at Columbia exposed me to the great social philosophers, and rekindled my desire to make a difference in the world through social policy. And that is how I ended up at UC Berkeley, studying law and environmental regulation.

Coming to Berkeley opened my eyes and my heart, for the first time, to the California coast. I remember driving down to the recently opened Monterey Bay aquarium with classmates, and checking out some giant kelp that had washed up on a nearby beach. Here was some cool nature I had never seen before. I hiked Pt. Reyes and went to Natural Bridges in Santa Cruz. My future wife and I explored the rocky Mendocino coast.

I earned my law degree and a Ph.D, and wrote my dissertation about offshore oil regulation. In the fall of 1988 I got connected with the Commission, first through studying the agency as a unique social experiment in governance, then through a series of internships as I completed my degrees. In fact, the people that hired me for those internships still work for us today, including my Chief Deputy, Susan Hansch. [so this whole thing is Susan's fault]

I became an analyst with the Commission for a year and a half before heading back to Boulder to be a political science professor at the University of Colorado for four years. I was drawn back to the Commission in '97 to be part of its management team. Over the last 19 years, I have been a district manager, district director, senior deputy director, and now the 4<sup>th</sup> Executive Director of the Commission. I understand how this organization works, bottom to top.

People often ask me why I do this job, with its never-ending monthly parade of plans and projects, the inherent conflicts between development and the environment, public and private, state and local; the not infrequent dissatisfaction from some applicants (not all) who want things yesterday; and the chronic underfunding and public criticism that comes with being a government worker? The answer is simple: the work of the Commission speaks to who I am and who I strive to be.

The Commission is a special agency, the very essence of which is to protect the coast for all Californians. We are charged with providing access to the shoreline for everyone, not just those fortunate enough to live on the coast. We are committed to protecting, enhancing and restoring sensitive habitats, scenic landscapes and resources and places of deep cultural significance. We do this in the face of immense pressures to develop some of the most valuable real estate in the world.

We are striving to protect a precious geography and build resilient communities, not just for ourselves, but for our children, and their children, and their children. I have come to appreciate this even more deeply upon becoming a father to my now 12 year old daughter. We work for all generations – past, present and future – and this keeps our eyes on the bigger picture, not just the immediacy of the applications in front of us.

The Coastal Commission is a wonderful place to work because our mission touches so many aspects of society: environmental, social, economic, technical, scientific, legal. The problems we deal with are complex, and require interdisciplinary problem-solving. There often are no easy answers. Most of the recommendations that we bring to you for hearing are the harder ones -- the easy ones get streamlined away. But this is part of the exhilaration of our program too, the coming together in public forums where really important but difficult questions get asked and answered. I am sure this must be why many of you are willing to volunteer as Coastal Commissioners – because you also want to be at the center of this amazing arena where we protect the coast.

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I was extremely dismayed to receive the notice that the Commission was going to consider my dismissal this month. When the Commission unanimously appointed me as Executive Director in 2011, I accepted the position with the goal of bringing continued professionalism, integrity and steady leadership to our mission. I knew that expectations would be high from core supporters of the program. I also knew that there might be a backlash and a concerted effort to change the program from those who hadn't agreed with the direction of Peter Douglas, or from those frustrated by the long-standing institutional independence of the Commission. I was well familiar with the controversy that often surrounds our work, but my hope was to depoliticize my position. I wanted to focus on our mission, while building a stronger agency with more capacity for problem-solving, partnership, and increased public accessibility. And while there surely is more to do, I believe I have moved the Commission forward on all of these fronts.

## **My Vision**

My vision for the agency has been clear and incisive from day 1. I knew that our agency needed strong direction, including a guiding framework. I worked with the staff, public and this Commission to put in place a roadmap for agency action – a long-overdue update of the Commission’s Strategic Plan. Together, we set out seven goals with corresponding objectives and actions. You adopted our plan unanimously, and as Director I have used it effectively to keep our eyes on what became our shared goals and objectives for implementing the Coastal Act. And while we are only half way through the 5 year term on the plan, more than 80% of our actions have been completed or are underway.

## **The Partnership with Local Government**

A major piece of my plan has been to strengthen our partnership with local government through enhanced communication, to better protect resources and increase efficiencies. I wanted to change the way we worked with coastal cities and counties, secure more funding, and refocus our attention on finishing and updating local plans. In particular, we needed to update severely out of date plans to address new realities on our coast, especially climate change and global sea level rise.

The record shows that we have met with great success. The background report provides more detail, but let me summarize, particularly for some of our newer Commissioners who may not know the depth of our accomplishments:

- My team and I worked with the legislature and the Brown Administration to gain funding for 25 new staff positions; and we have secured \$5 million in grant funding for local government.
- We have increased our regular coordination with local government more than ever to help us identify, prioritize and solve problems earlier.
- We have eliminated a backlog of planning items and significantly reduced the average processing time for filed LCP amendments from over a year in 2011 to less than 90 days as of August last year – a reduction of nearly 80%!
- And the Commission has approved major plans and updates largely in agreement with local governments. Each of them provides for significant economic growth and development while still protecting resources consistent with the Coastal Act. They include the Pebble Beach Company’s development plan, the Chula Vista Master Plan; the I-5 Corridor expansion plan; the UC Santa Barbara Development Plan; San Diego’s Ocean Beach Community Plan update; and significant update work in Solana Beach, Marina del Rey, San Mateo County, and Marin County.

The achievement that I am most proud of, though, is our certification of the Santa Monica Mountains segment of LA County’s LCP. Shortly after my appointment, I set my sights on this LCP that had been stuck for years in an impasse between the Commission and the County. I reopened the tricky legal and policy questions surrounding ESHA protection in the mountains, and with the leadership of Supervisor Yaroslavsky and the hard work of County staff, I asked Commission staff to redouble their efforts and together we hammered out an LCP that we could

all embrace. As some of you will recall, the final point or two of disagreement were resolved at the Commission's public hearing. Both sides compromised, but in the end, we achieved a well-crafted plan that allows for reasonable development while protecting the unique habitat of the mountains.

### **Access for All and Stewardship of Resources**

The Commission's regulatory work has continued to excel under my direction as well. Staff continues to bring you strong recommendations, based on facts, the best science, and the law. And the Commission has taken strong action, many of them summarized in the background report.

We have been relentless in our protection of public access, particularly through our enforcement program. After working successfully in the legislature to gain our new administrative penalty authority, we have resolved dozens of cases, quickly, without issuing a single fine, illustrating our measured yet effective use of this new credible deterrent. And whether it's Martin's Beach, Ontario Ridge, Paradise Cove or Dana Point, we continue to fight for the people's right to get to and use our shoreline. We use all of the tools available to us, including litigation. But we are not interested in the fight. We are fighting for the outcome.

We have also made great strides on protecting affordable places to stay on the coast, with the Commission leading the way. We have held two workshops and anticipate a third, to develop new information and policy approaches. Your willingness to make hard decisions, such as telling the Port of San Diego that their efforts to date are not good enough, or that a hotel in Santa Monica built in violation should not stand, has been critical to carrying out the Coastal Act. I can tell you that there is an excitement on the staff as we seek new ways to provide lower cost opportunities, such as our recent approval of the Lido hotel in Newport Beach, which included a \$1.4 million mitigation fee to provide overnight camping for Title 1 school kids.

My direction has continued to set a high standard for progressive, tough-minded, but reasonable resource management. More than 98% of the projects we reviewed in the last five years were approved. But these approvals also have strong conditions to protect the resources that make our coast a unique and special place, like sensitive habitats and wetlands, scenic resources, and coastal agriculture.

Our agency remains at the forefront of ocean resource management, too protecting marine mammals and applying rigorous science to assure that industrial development doesn't harm the marine environment. And the Commission has pushed envelopes, with forceful decisions last year to protect the killer whales at Sea World and advance the cause of gender equality in big wave surfing.

There is one policy mandate, though, that has been at the heart of my vision and leadership – addressing climate change and global sea level rise. From the beginning of my directorship, I have been focused on and speaking publically about the critical need for California to begin preparing for the inevitable changes to our coastline that are already unfolding. Sea level rise strikes at the heart of the land and sea interface; it threatens private property and critical

infrastructure. And perhaps most important, it raises the specter that many of our beloved beaches could be lost, squeezed out between the rising seas and shoreline development.

We must begin to plan for this change, and under my direction, we have made it a priority for our LCP planning and grants program. I also set my eyes on providing guidance to local governments and applicants about how to address sea level rise. With your input, my team completed a very strong guidance document, unanimously adopted by the Commission last August. While this is just the beginning of a complex mission to address sea level rise, California's coastal program is recognized as leading on this question. Our work also is an essential part of the state's larger *Safeguarding California* climate strategy, and we continue to be an active participant in the administration's multi-agency coast and ocean group, as well as the State Leadership group on sea level rise, spearheaded by the Ocean Protection Council.

### **Interagency Coordination**

We work closely with many other agencies too, including the State Lands Commission, Caltrans, Fish and Wildlife, Department of Conservation, Office of Spill Prevention and Response, the water and air boards, and the Resources Agency. And I have personally worked to maintain strong connections with our federal partners, including visiting Washington DC every February to participate in the annual coastal management meetings and visit congressional offices.

We have also made special efforts to coordinate with State Parks. We share a mission to provide access and recreation and protect coastal resources. I have made this a high priority, and asked Senior Deputy Director Jack Ainsworth to assist me in our coordination work. I have worked directly with the various State Parks directors since I was appointed, including developing a set of principles for collaboration between the Commission and Parks on proposals to raise park fees. In the meantime the Commission has approved six out of seven applications for increased fees, with the seventh (Sonoma County) awaiting resolution in April. We have also worked successfully on many other matters, including restoration of the Malibu lagoon, coastal trail development at Piedras Blancas and dune restoration at MacKerricher state park.

### **Public Engagement and Accessibility, Media, Information Management**

As I said at the outset, public participation has always been part of our program, but when I became the Director I wanted to move us into the 21<sup>st</sup> Century, embrace E-government and expand our public relations capacity. At my direction we made implementation of our new data management system a priority so that we can provide the Commission and the public with information about our work, which we have. Last year Commission staff received an IT Leadership Award in recognition of this work and in fact, multiple agencies within the Resources Agency are now following our lead using the same general approach. There is more to do, but we are doing it.

I also directed the creation and quick filling of a new Public Information Officer position, to take on all things media-related for the Commission. Although our PIO probably didn't anticipate staffing something like this occasion (sorry Noaki), she is off to a great start getting our message

out, responding to media inquiries, and taking us into the world of social media on Facebook and Instagram.

We also hired a new webmaster who has improved our website 110%. And we haven't even unveiled the comprehensive update of our site that is contemplated in – you guessed it – our Strategic Plan. We have made other 21<sup>st</sup> improvements too, like posting the list of pending appealable local permits, so the public can more easily participate in our appeals process; and completing an online archive of Commission agendas, staff reports and decisions going all the way back to 1995. Last year we also unveiled our new YOURCOAST mapping application that gives the public access to the 1400 public access sites in our Coastal Access guide, right on their favorite digital device.

Finally, last January we made a smooth transition to producing our monthly agenda in English and Spanish, which we have now been doing for over a year.

### **Diversity and Social Justice**

Broadening the access to our program is part of our larger commitment to increasing diversity and addressing social justice. In my letter to Senate President pro tem Kevin de Leon, last year, I identified three main ways we are doing this. First, at its core, the Commission is a social justice program, seeking to protect and provide maximum public access and recreation along our coast for all the people. Again, we have pushed hard through our legislative, planning, regulatory, and enforcement programs to protect this public access. And as I highlighted last year when we approved the Goleta Beach project and adopted our SLR guidance, sea level rise really is an environmental justice issue. Our beaches are a critically important public commons, to be enjoyed by all Californians. And as the sea rises, so must our attention on the social inequities of allowing private shoreline protection projects to adversely impact this public space.

Our Public Education work and the Whale Tail grant program is a second way that we are leading on diversity, by educating the public, sponsoring stewardship events like Coastal Cleanup Day, and by distributing education grants to organizations serving the underserved in our society. Over the past 5 years, we have given more than \$1,700,000 to support school and other youth education projects in under-resourced communities, including rural, low-income, and highly urban areas in Los Angeles and the Bay Area. Many of the kids served by these programs have never even been to the coast, let alone had an opportunity to experience the sea and sand, and learn about the amazing coastal ecology of California.

Finally, as I reported on earlier today, expanding diversity is a core objective within the agency. Reaching our diversity goals will take time, and require strategies on multiple fronts, but we are making progress.

I can tell you that I have never worked with a more open and socially progressive group of people, and while we have work to do assure that our diversity reflects the broad diversity of our state, we are committed to that work. Still, I recognize that this is a core concern of the Commission, which is why I have proposed a Commission subcommittee going forward to help us identify and pursue any and all permissible ways to increase our workforce diversity.

## **Regulatory Program Issues, Communication, Trust**

At the University I spent a few years teaching the book “Reinventing Government”, which was the popular 90’s idea for getting government to work better. So, I understand the importance of improving customer service. Our strategic plan includes multiple objectives to address the efficiency and effectiveness of our regulatory process. Under my direction, we are doing a pretty good job of streamlining, approving approximately 72% of permit applications through minor or consent reviews last year, and moving another 20% of regular hearing items to the consent calendar. And, similar to LCP amendments, we have dramatically reduced the processing time of pending appeals since 2011.

But as with diversity, I have proposed a second Commission subcommittee because I recognize that the Commission has concerns about how the staff works with the Commission, applicants, and stakeholders.

My biggest concern is that we maintain a strong and trusting relationship between the staff and the Commission. In my experience, distrust is often rooted in a misunderstanding or an incomplete or simply incorrect story. Usually the true stories are a little more complicated, probably something we have all been thinking the last few weeks.

I would like to think that few if any persons deliberately cast unfounded aspersions on the staff or Commission. Of course there are some who honestly don’t support the goals of the coastal program or don’t agree with how the staff and Commission may be applying the requirements of the Coastal Act, and they have a right to disagree. There are also cases when the process legitimately could work better.

The path forward to deal with these situations is to communicate better and more clearly about what people are hearing and saying, to seek out the other side or sides of a story, and to educate ourselves about the process and the legal rules and constraints. Whenever staff receives a complaint, we check the facts before reaching any conclusions. And if facts show a problem or mistake, we try to fix it or learn from it to improve our organization.

We are committed to improving communication with the Commission, and a subcommittee process would be an excellent way to identify concerns and begin to address them systematically as a Commission – Commissioners and staff working together.

Finally, though there are clearly improvements to be made, we also should recognize that not all plans or projects can be made to go smoothly and in agreement. We deal with complex issues, extremely valuable real estate, and one of the most amazing coastal zones in the world. And the level of citizen engagement in California may be beyond compare. It is natural, then, that the so-called “big” projects take a long time, and that we have disagreements about information and process, to say nothing of the outcomes of our decisions. There is a lot at stake, for everyone. Complexity, conflict, and the challenge of difficult decisions come with the territory. My goal is to make our program as efficient and accessible as possible, so that when we argue, we are arguing not about process but about outcomes.

## **Culture of Staff**

As a closing observation on my leadership and direction, I want to say a few words about the staff. Over the years some have criticized the culture of the staff, arguing that it needs to change, perhaps be less independent and more user-friendly. But in considering this critique, I think it is important to distinguish independence from engagement.

The role of an independent staff has always been central to the success of the Commission's program, and a necessary counterpart, by design, to the equally essential role of the Commissioners as independent public decision-makers. Because you are a quasi-judicial body that must make its decision in public as a body, we must keep the role of staff – making recommendations – and the role of the Commission – deciding on recommendations – at arm's length until the public hearing. For if the two intertwine, then the recommendation, or a Commission decision or our decision process will be untrustworthy. The strength of our program lies in the integrity of the public decision process.

But I remind the staff all of the time that we can work collaboratively with the public, local governments, applicants, and the Commission while still maintaining our independence when it comes time to develop and make recommendations. And I think my leadership on and commitment to increasing staff engagement is manifest in the changes we have made in how we work, and more important, in the some of the decisions that I have summarized today. Can we improve still more? Absolutely, we can always improve, and I have offered a path forward.

Distinct from issues of engagement, though, the critique of staff independence goes to the heart of my job. One of my primary responsibilities is to lead and manage the staff to bring you impartial, objective, and well-reasoned recommendations. I believe that I have been delivering on this front, especially when you consider the complexity, volume and monthly pace of our work. And on the major, most controversial matters we deal with, I believe we produce some of the finest staff work in our field.

Let's not forget that the Commission is a tough audience too. There are 12 of you that vote, each of you uniquely discerning, bringing your own concerns and perspectives to the table. Reasonable people may disagree about how to achieve the broad policies of the Coastal Act, as witnessed by the split Commission votes we see from time to time. That doesn't make a recommendation or the process flawed; it reflects the honest and democratic character of our mission to protect the coast.

As staff we are continually striving to improve our staff recommendations, to bring you our best professional judgment on the facts, and the law as applied to those facts. And as I said in my memo of last week, to the extent the Commission desires to explore goals and direction with respect to the implementation of the Coastal Act, we can hold more public workshops to engage the issues together. I am prepared to do so, including conducting a workshop this year on Coastal Act Section 30240 concerning protection of sensitive habitat areas.

There is no doubt that the staff culture at the Commission is strong, but in the end I am not talking about the deeply held values of coastal and environmental protection that I think probably everyone in this room holds. I am talking about our belief in the rule of law, evidence and

scientific expertise, the right of the people to participate and have access to information, and the expectation that the process should be fundamentally fair and open for everyone. And above all, I am talking about staff's deep and enduring commitment to public service and acting on behalf of the public interest, by bringing you their best professional judgment about how to achieve the goals of the Coastal Act. This is the culture that I am proud to be a part of and lead, and that I am committed to continue leading, for all Californians.

## **Summation**

Commissioners, today you are considering whether to change the leadership and direction of our program. My request is that you carefully consider the direction that I have provided, the breadth of knowledge and experience that I bring to this job, and my commitment to a path forward. I also ask that you recognize the incredible work of the staff under my direction and the many accomplishments that the program – and by that I mean the Commission, staff, and every person and organization involved in our program – has achieved together. I request that all things considered, each of you deliberate on what is the best direction for the program going forward. You know my vision and direction for the future. I believe it is the right one. But that is the decision that each of you now needs to make.

When I was appointed, I had come to this staff table more than a 100 times before, but not as the Executive Director. I had watched Peter, the Commission, the ebb and flow of our work, and I learned. But nothing could have prepared me for actually sitting in this chair, and doing the job which, by the way, I find really, really challenging...

And at my appointment, not only was I brand new – “filling those giant shoes” – but six of you had been on the job less than a year. Today, only five of you were on the Commission at my appointment. My point is that we are doing a lot of learning, and growing, together, in a very complicated, highly charged environment. I know that I have grown a lot, learned from the Commission, and become increasingly proficient at my job.

And my team has grown too. We have weathered perhaps the most significant transition in our agency's history, and we are getting stronger. We have an energized group of new people joining the agency, we are looking to the future, and we are poised to begin reaping the benefits of the great work and investment we have put into our partnerships with local government. My entire senior management team is committed to addressing your concerns, both individually and as a Commission, as am I. We have grown together, are continually seeking to improve, and are now hitting our stride as public servants at full force. I ask that you take this into account.

Finally, I also ask that you take a step back, and focus on the fundamental reason that all of us are here today – the future of our coast. We have big issues to deal with – climate change, sea level rise, increasing population, development pressures, social and economic justice, access for all. We need to remember our shared commitment to tackling the big issues for our children, and our children's children. I am convinced that we can handle the organizational stresses we face, and one way to do that is to keep our eyes on the prize – the precious coast of California and its future, for all people and all generations. And with that, Mr. Chair, I think it is time for us to hear from the public. Thank you.