

CALIFORNIA COASTAL COMMISSION

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W8

February 4, 2016

TO: California Coastal Commission and Interested Parties

FROM: Charles Lester, Executive Director

SUBJECT: W8 – Background Information and a Path Forward

In anticipation of the hearing next week on my potential dismissal, I am providing the Commission and the public with background information on the Commission's accomplishments over the last four plus years, as well as my curriculum vitae, for consideration (attachment). It is clear to me that our agency, meaning Commissioners and staff together, has achieved great success in this time period, and that these accomplishments are also shared with local governments, the administration, the legislature, other agencies, applicants, and the many stakeholders and members of the public that engage with our program. Our record is a testament to the strong legacy of coastal management and citizen engagement in California.

When the Commission unanimously appointed me as Executive Director of the Coastal Commission in September of 2011 under Section 30335 of the Coastal Act, I accepted the position with the goal of bringing continued professionalism, integrity and steady leadership to our agency and its mission to protect the coast. I was well familiar with the controversy that often surrounds the Commission's work, but my hope was that I could help to depoliticize the position of the executive director and focus on an array of programmatic concerns that I saw as needing to be addressed to keep the coastal program moving forward.

I believe that my vision has been clear and incisive, and that my performance and accomplishments in the administration of the coastal program have been exceptionally strong. I have asked for a public hearing on the consideration of my possible dismissal as much for the public as for my desire to continue as the Commission's executive director. The Coastal Commission was created in 1972 by the citizens of California to protect the coast for all Californians. The program's 40-year legacy of public engagement under the Coastal Act is embodied in Section 30006:

. . . that the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that continual planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.

In short, I believe that the public should be heard on the question of a potential change in the leadership, direction, and administration of California's coastal program.

As elaborated in the attachment, we have accomplished much, together, that we should be extremely proud of, including:

- Maintaining the agency's high standards for progressive, rigorous, but balanced resource management decisions consistent with the Coastal Act;
- Unanimous Commission adoption of a long overdue Strategic Plan with 163 specific actions, more than 80% of which were completed or in progress after two years;
- Securing \$3 million/year (25 positions) for the LCP program, and \$5 million to support grants to local governments, enabling us to work faster, and more collaboratively, to certify and update Local Coastal Programs (LCPs), including our highest priority of the Santa Monica Mountains LCP;
- Unanimous Commission adoption of comprehensive Sea Level Rise guidance, initiating adaptation planning statewide, and taking progressive actions to address sea level rise;
- Increasing public engagement and understanding, including by: hiring a Public Information Officer, launching a social media presence, implementing our new data management system, updating the website, and increasing communication with the Commission and reporting key program activities every month;
- Gaining administrative penalty authority to address access violations, and achieving early success resolving dozens of cases without issuing a single fine;
- Advancing diversity and social justice through expanded outreach and recruitment, targeted Whale Tail grants to underserved communities, and aggressive implementation of Coastal Act public access and recreation policies;
- Strengthening our on-going interagency coordination with the Ocean Protection Council, State Lands Commission, Department of Fish and Wildlife, State Parks, Coastal Conservancy, NOAA and other agencies to address shared program concerns.

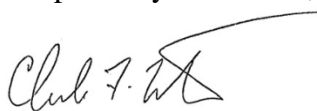
Notwithstanding the program's many achievements, I also want to offer some suggestions for how we might move forward if we are to continue our strong legacy of protecting California's coast through implementation of the Coastal Act. I recognize, as does every member of my senior management team, that we need to keep working on issues related to the effective functioning of the agency including: improving communication and fostering increased trust between the staff and the Commission; organizational concerns such as improving efficiency and customer service; and increasing workforce diversity. When confronted with situations such as this, my nature is to seek a constructive path forward. And so I respectfully request that you consider these concrete suggestions to help us navigate beyond our current, difficult situation, in the interest of strengthened implementation of the program going forward.

1. **Communication and Agency Operations.** I am personally committed to improving communication between staff and the Commission including undertaking measures to foster mutual trust and understanding. Senior management is also committed to exploring issues related to the efficiency and workflows of our regulatory and planning programs, including ways to improve our efficiency while maintaining our high standards of coastal protection. I recommend that we establish a subcommittee of two Commissioners to work with myself and senior staff to identify and prioritize concrete measures to address these matters, for consideration by the staff and the entire Commission, potentially through facilitated public study sessions and in fulfillment of the Strategic Plan.
2. **Agency Diversity and Recruitment.** I believe that we have improved workforce diversity through our human resource efforts to expand outreach and recruitment. But more can be done to meet our goal of reflecting the broad diversity of California, and we must pursue any and all permissible methods to achieve this goal. Again, I propose a subcommittee of two Commissioners to work with HR and senior staff on additional concrete measures to further improve our outreach, recruitment and retention of staff, particularly with respect to workforce diversity.
3. **Commission Goals and Direction.** One of my fundamental duties as Executive Director is to manage staff in support of bringing forward to the Commission well-analyzed and reasoned, impartial recommendations for action on LCP and permit matters, applying our best professional judgment, based on evidence, and consistent with Chapter 3 of the Coastal Act and/or the standards of applicable LCPs. The Commission is empowered to make decisions to implement the Coastal Act, after a public hearing and consideration of the staff recommendation and other evidence that may be presented.

To the extent that the Commission desires to explore existing and new ways to promote its goals and implementation of the Coastal Act, including emerging issues, we can continue to hold public workshops, such as the ones we have had on agriculture and lower cost overnight accommodations, to develop consistent approaches and methodologies moving forward. I am prepared to do so, including conducting a workshop sometime this year on implementation of Coastal Act Section 30240 concerning protection of environmentally sensitive habitat areas (ESHA).

Thank you for your consideration of these suggestions in advance of our hearing.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Charles F. Lester".

Charles Lester
Executive Director

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Attachment 1, Background Materials:

- Summary of Coastal Commission Accomplishments, September, 2011- January, 2016
- Executive Director's curriculum vitae.

Please find below a short summary of major Coastal Commission actions and other agency accomplishments over the last four and a half years, with links to the public record where available. Additional detail may be found in the Commission's [Strategic Plan](#) Updates of [May, 2014](#) and [May, 2015](#); *Year in Review* Reports for [2014](#) and [2015](#), and in monthly Executive Director's Reports, December 2013 to present, posted on the Commission's archived [agendas](#). A copy of the Executive Director's curriculum vitae follows.

Coastal Commission Strategic Plan

- Unanimously [Adopted](#) long over-due [Strategic Plan](#) in April, 2013
- Established implementation [dashboard](#) with Commissioner subcommittee
- 64% of actions completed or in progress at [Year One](#)
- 81% of actions completed or in progress at [Year Two](#)

LCP Program Enhancements

- **Increased Budget:** Secured \$3 million/year for 25 staff to support LCP and climate adaptation planning each of last three years; Governor's FY16-17 budget includes Commission [BCP](#) to increase the Commission's baseline general fund budget by \$3 million on an on-going basis.
- **[Grant Funding for Local Governments.](#)** Secured \$5 million to support LCP and climate adaptation planning. Administering additional funding from OPC for climate change work. Twenty-four grants (>\$3 million total with OPC funding) underway.
- **LCP Actions.** Approval of multiple significant LCP/planning matters in collaboration with local government (see list of examples below).
- **Elimination of LCP Submittals Backlog.** Reduced pending LCP Amendments by approximately one-third.
- **Faster Processing.** Processing time of LCP Amendments significantly reduced (see [Year in Review 2015](#), p.3).

- **Increased General Collaboration.** Regular coordination meetings on-going with 59 local of 76 local jurisdictions.¹
- **Public Workshops.** Two Workshops with Local Government Officials ([2012](#), [2015](#)) addressing LCP program implementation.
- **Policy Guidance.** Updated online [LCP Policy Guidance](#).

Major LCP Planning Actions

- [Los Angeles County Santa Monica Mountains LCP](#). Certified new LCP for Santa Monica Mountains in 2014 with policies protecting ESHA, access, and scenic resources.
- [Pebble Beach Company LCP Update](#). Buildout and ESHA Protection Plan for Del Monte Forest, approved as submitted in 2012.
- [Caltrans North Coast Corridor Public Works Plan and Resource Enhancement Plan](#) for Highway 5 and LOSSAN rail corridors in San Diego County approved as submitted.
- [PMP-6-PSD-MAJ-41-11 \(Chula Vista Bayfront\) PMPA and LCP amendment](#) approved August 2012 to allow revised land and water uses on 550 acres of combined Port/City Bayfront for public park and natural open space uses; commercial recreation; hotel and conference facilities and 1,500 residential units.
- [UCSB LRDP Comprehensive Update](#). Certified comprehensive update of UCSB LRDP in 2014 for campus expansion/new housing with provisions protecting ESHA, wetlands, public views, access.
- [San Mateo County Midcoast Update](#) approved as submitted, addressing urban growth management, public services, California Coastal Trail.
- [City of Grover Beach Comprehensive LCP Update](#) approved as submitted in August, 2014.
- [Marina del Rey LCP Amendment](#) to revise allowable development and incorporate changes from certified Periodic Review with modifications to protect ESHA, wetlands, public access/recreation, visual resources, and water quality.
- [LCP City of Seaside LCP Certification](#). Approved, December, 2012.

¹ This coordination includes: Humboldt County, Del Norte County, City of Arcata, City of Eureka, City of Trinidad, City of Fort Bragg, Mendocino County, City of Crescent City, City of Point Arena, Sonoma County, Marin County, San Francisco City/County, San Mateo County, City of Pacifica, City of Half Moon Bay, Pillar Point Harbor District, Santa Cruz County, Monterey County, City of Pacific Grove, San Luis Obispo County, City of Santa Cruz, City of Capitola, City of Morro Bay, City of Pismo Beach, City of Grover Beach, UCSC, Santa Barbara County, Ventura County, LA County, City of Santa Barbara, City of Malibu, City of Carpinteria, UCSB, City of Oxnard, City of Goleta, Channel Islands Harbor PWP, Rancho Palos Verdes, Hermosa Beach, Marina del Rey, Long Beach, Newport Beach, Dana Point, San Clemente, Laguna Beach, Manhattan Beach, Redondo Beach, Santa Monica, City of Los Angeles, City of San Diego, Carlsbad, Encinitas, Solana Beach, Del Mar, Chula Vista, Imperial Beach, Oceanside, San Diego County, Port of San Diego, Coronado.

- [**Marin County Comprehensive Land Use Plan**](#) approved in May, 2014.
- [**Crummer City of Malibu LCP amendment**](#) approved to allow residential development on a bluff site previously planned for visitor-serving uses, with a required \$4 million in lieu fee going to the MRCA to develop new affordable camping facilities to serve the public and disadvantaged and foster youth at the Cameron Nature Preserve at Puerco Canyon.
- [**Pepperdine LRDP Amendment \(Campus Life Project\)**](#) recommended approval in October, 2013, with prohibition on stadium lighting in Marie Canyon to protect ESHA (withdrawn by applicant).
- [**City of Carpinteria LCP Amendment**](#). Certified amendment in 2015 for improvements to HWY 101 with policies to protect wetlands, ESHA, agriculture and add critical Coastal Trail linkages. LCPA was expedited and approved less than 3 months after submittal.
- [**City of Malibu LCP Amendment - Wastewater Treatment Facility**](#). Certified amendment allowing Wastewater Treatment Facility with modifications protecting water quality and ESHA. LCPA was expedited and approved less than 4 months after filing.
- [**City of Ventura LCP Amendment -Promenade Parcels**](#). Certified amendment for mixed-use development with modifications to protect public recreation, low-cost overnight accommodations, and visual resources.
- [**City of Ventura LCP Amendment –Ventura Harbor**](#). Certified amendment in 2012 for mixed-use development in harbor with modifications to protect public recreation and visual resources.
- [**City of Long Beach LCP Amendment – Mobility Element**](#). Amendment for new transportation policies with modifications to protect public access/recreation and require alternative transportation.
- [**Port of Los Angeles Port Master Plan Amendment No. 28**](#). Comprehensive update addressing fill of coastal waters, ESHA, water quality, and coastal-dependent industries. Early coordination avoided need for modifications.
- [**Laguna Beach Land Use Plan Update**](#). Certified comprehensive Land Use Plan Update for the City of Laguna Beach in May 2012.
- [**LCP Amendment No. 1-12 \(The Ridge\)**](#) for residential development with staff recommendation of denial to protect ESHA, cultural resources, loss of designated Open Space/Parks, withdrawn in June 2014 prior to CCC action.
- [**City of Laguna Beach LCP Amendment – Water Quality**](#) amendment approved in June 2015 to update the City’s water quality control provisions of the Municipal Code.
- [**City of Newport Beach Back Bay Landing LCP Amendment**](#). Certified amendment in December 2015 to the certified LUP to accommodate a mixed-use project known as Back

Bay Landing with priority for marine-related and visitor-serving recreational uses and enhanced public Bayfront access.

- [City of San Diego \(Children’s Pool\) LCP Land Use Plan amendment and permit](#) approved in August 2014 to allow seasonal closure at Children’s Pool beach during harbor seal pupping season, with year round rope barrier allowing ocean access to protect both marine resources and public recreation.
- [LCP Amendment No. 3-10 \(Mission Beach Planned District Ordinance Update\)](#) Comprehensive update to the planned district ordinance for the Mission Beach community that approved March 2012 for continued regulation of encroachments along Ocean Front Walk and ensured protection of public view corridors.
- [Solana Beach LCP Land Use Plan Amendment](#). Approved amendment to certified Land Use Plan in January 2014 addressing bluff and shoreline areas to tie shoreline armoring to development requiring protection and to define bluff top redevelopment parameters.
- [Port Master Plan Amendment \(East Harbor Island Hotels\)](#) denied in August 2015 for construction of three separate hotels on East Harbor Island due to premature buildout of planning area before site for lower cost overnight accommodations within Port District is identified.
- [City of San Diego LCP Amendment \(Ocean Beach Community Plan Update\)](#) approved in August 2015 for comprehensive land use plan update for the Ocean Beach community that protects visitor commercial land uses, public access and recreational amenities and establishes new shoreline development standards in response to sea level rise and climate change.

Climate Change and Sea Level Rise

- [Sea Level Rise Guidance](#). Unanimously adopted comprehensive guidance for local governments and project applicants.
- **Launched Adaptation Planning.** 22 of 24 [LCP grants](#) addressing sea level rise at the local level.
- **Coordination with other State Agencies.** Taking active role in State Leadership team to address sea level rise and implement [Safeguarding California](#) (state climate change strategy).
- **Representative Actions addressing Sea Level Rise and Coastal Hazards:**
 - [Caltrans Piedras Blancas Highway One Realignment](#). Approved with conditions, including to protect ESHA, public access (CCT segment on State Parks), visual resources.
 - [City of San Francisco’s Ocean Beach interim adaptation plan](#).

- [Broad Beach](#) Geological Hazard Abatement District. Ten-year authorization of revetment and beach replenishment program to provide public access and shoreline protection.
- [Santa Barbara County - Goleta Beach County Park](#). Approved shoreline protection for park in 2015 with conditions for adaptive management to protect public access, habitat and sand supply.
- [Morro Bay Wastewater Treatment Plant](#). Denial of plant upgrade to facilitate alternative inland siting out of coastal hazard zone.
- [Caltrans’ Surfers Beach](#) project in Half Moon Bay, approved with adaptation schedule.
- [Winget Single-Family Home](#). Approved single-family home on a rapidly eroding coastal bluff just south of Big Lagoon near Trinidad in Humboldt County with adaptive management approach involving monitoring and applicant accepting responsibility to relocate or remove the house if necessary.
- [Lundberg](#). Approved redevelopment of a single family residence on a lot fronting Bodega Harbor relocated outside of sensitive wetlands with conditions including no future shoreline protection and removal when threatened by coastal hazards.
- Updated Web pages on [Climate Change](#) and [Sea Level Rise](#)

Regulatory Program Overview

- **Most Applications Approved.** More than 98% of permit applications acted on by the Commission in last 5 years have been approved. For 2015 there were 833 regulatory actions undertaken by the Commission, 827 approvals and 5 denials, for an overall approval rate of 99%.
- **Expediting.** Reduced backlog of pending appeals, and reduced processing time for appeals by approximately 80%.
- **Streamlining.** In 2015, approximately 72% of permit applications processed as minor or consent items. Approximately 20% of Regular Calendar items moved to Consent.

Selected Major Coastal Commission Regulatory Actions, 2011-2015

- [Navy Sonar Federal Consistency](#). Objected to Navy training exercises due to inadequate information related to avoidance, minimization, and monitoring measures associated with the military use of underwater sonar, in a manner more protective of marine mammals (CD-008-13).
- [Seismic Survey/Underwater Noise](#). Objected to PG&E high energy seismic survey operations in state and federal waters offshore Diablo Canyon Nuclear Power Plant (E-12-005/CC-027-12).

- [SeaWorld \(Killer Whale Enclosure\)](#) approved permit in October 2015 to replace and expand existing orca enclosure with new 450,000 gallon and 5.2 million gallon pools with condition to limit future transfer, sale, import, and breeding of captive orcas.
- [Big Wave](#) office park and housing for developmentally disabled adults denial and subsequent work with stakeholders on redesigned project approved locally and not appealed to the Commission.
- [Arana Gulch Master Plan](#), approved multi-use trail protecting sensitive habitat in Santa Cruz.
- [Malibu Lagoon Restoration](#), Revocation denied, worked with State Parks to support lagoon restoration.
- [Children’s Pool](#), City of San Diego LCP amendment approved to protect harbor seal pupping in La Jolla.
- **California State Parks Automatic Pay Machines** approved at [San Clemente SB](#), [Doheny SB](#), [Crystal Cove SB](#), [San Onofre SB](#) and [Corona del Mar State Beach](#) and [Pacifica](#), with conditions to maximize public access opportunities in conjunction with increased revenue for coastal park facilities.
- [Border Coast Regional Airport Authority](#) (Crescent City) approval of runway safety areas with significant wetland and habitat mitigation requirements.
- [Caltrans’ Eureka - Arcata Route 101 Corridor Improvement](#), approved in Humboldt County, to improve public safety and reduce fatalities and other vehicle accidents, developing unique Coastal Trail improvements, innovative billboard removal strategies to protect scenic views, and furthering wetland restoration strategies on former agricultural lands (CC-016-13).
- [Cartel Management](#). Approved access management restrictions for Mavericks big wave surfing event, with requirement for plan addressing participation by women surfers.
- [22nd District Agricultural Association](#) permit approved in November 2013 to consolidate short-term events in East Overflow lot and restore South Overflow lot to functioning wetlands including public access boardwalk and trail system.
- [Marina Gateway Appeal](#), commercial project approved with conditions to enhance environmental and tribal cultural education and outreach, including supporting underserved youth in the area.
- [Lands End Seawall and Access Improvements](#), approved with conditions to protect public beach access.
- [Gibraltar Capital Residential Subdivision](#), Half Moon Bay, approved with conditions to protect public access, riparian corridor and open space/agriculture via lot retirement.
- [State Parks’ Grover Beach Lodge LCP amendment](#) and subsequent [appeal](#), Commission approved LCPA providing for the Lodge and subsequently found no substantial issue on appeal.

- [Kellaway SFD](#), partial approval to address ESHA protection in light of takings at urban fringe.
- [McGregor Residence Appeal](#) (approved with redesign to protect a 16-acre agricultural parcel and scenic views in rural San Mateo County).
- [MacKerricher State Park Appeal for Haul Road Removal](#) (A-1-MEN-13-0241). Found No Substantial Issue on appeal of State Parks dune restoration after coordination with Parks to protect public access and protect resources.
- **“Need for Speed” Movie Production Waiver (2013)**. Staff worked closely with the County and DreamWorks to quickly facilitate movie production on the Mendocino Coast while protecting public access along the coast, minimizing helicopter noise disturbance to migratory bird nesting areas and a seal haul-out area, protection of ESHA and water quality.
- [Santa Barbara County – Goleta Beach Bridge Replacement](#). Replacement of park bridge in 2015 with conditions to protect ESHA/wetlands. CDP expedited & approved 1 month after submittal.
- [Caltrans Seawall Replacement](#). Replacement of 1,800 ft. seawall with conditions to protect public access and views, relocate wall landward, remove revetment, & construct new accessways.
- [Caltrans Rock Revetment](#). Approved CDP for shoreline protection for PCH in Malibu with conditions protecting public access, visual resources, and for new public access ways and trail.
- [California Department of Parks and Recreation](#) Bridge Replacement Project. Approved with conditions to protect ESHA, riparian habitat, and water quality.
- [Marina del Rey Wetland Park](#). Approved De Novo CDP for new public park and wetland restoration. Worked with County of L.A. on conditions to protect ESHA, wetlands, and public access/recreation.
- [City of Long Beach – The Pike](#). Approved 5 CDP amendments for expanded retail and restaurant commercial uses with conditions protecting public access, recreation and visual resources.
- [City of Long Beach – Naples Seawall Repair](#). Approved repair of Naples Island seawall with conditions protecting marine resources, public access and requiring 5 ft. wide ADA public walkway around island.
- [City of Long Beach](#). Construction of beachfront path with conditions requiring landward relocation of existing pedestrian/bicycle path in response to sea level rise and to protect public access/recreation.
- [City of Long Beach – Alamitos Bay Marina Project](#). Approved renovation of public marina with 1,625 slips with conditions protecting public access/recreation, water quality, and biological resources.

- **City of Long Beach – Colorado Lagoon Restoration Project.** Approved restoration of tidal lagoon with conditions protecting water quality, public access, recreation and biological resources.
- **Marina del Rey - Dock Replacement.** Demolition/reconstruction of marina (1,307 slips) with conditions protecting marine resources, public recreation, and commercial and recreational boating.
- **City of Newport Beach Dredging and Beach Replenishment Plan** permit approved in June 2015 to allow small dredging around docks in Newport Harbor and beach replenishment to occur subject to an Eelgrass Protection and Mitigation Plan overseen by the City and developed in consultation with NMFS, CA DFW and CCC technical team.
- **City of Newport Beach and Olson Development permit** and **Land Use Plan amendment** approved in October 2015 for 130 room hotel at City hall site with fee to City to provide lower cost overnight accommodations in conjunction with outdoor educational program for Title 1 school children.
- **Laguna Beach Golf and Bungalow Village LLC/The Ranch** approved in January 2015 permit to expand and remodel Aliso Creek Inn Hotel with conditions to provide low-cost overnight camping and fund completion of regional trail segment to the beach.
- **City of Newport Beach (Fire Rings)** approved in June 2015 permit to allow reconfiguration of 64 beach fire rings at Balboa Pier, Corona del Mar State Beach and Newport Dunes with conditions allowing combination of wood-burning and charcoal rings to address air quality and assure no net loss in number of rings.
- **San Diego Airport Authority** permits approved for significant improvements including new stormwater system **6-12-065 March 2014**; new four-story, 2 million sq. ft. rental car facility on north side of the SD Airport **6-13-011 August 2013**; new general aviation facility and on-airport terminal link road for rental car center shuttle bus ; **6-13-0245 August 2013** and 3-story, 1 million sq. ft. parking structure at Terminal 2 of the SD Airport **6-14-1886 August 2015**.
- **WJK Trust** permit approved in May 2015 addition and remodel to a bluff top home in Solana Beach that allows redevelopment while addressing future options for managed retreat and limited armoring of the shoreline.
- **Opportunistic Beach Sand Projects.** Approval of opportunistic beach replenishment programs for multiple Cities in San Diego County including **Encinitas**, and **Oceanside** with provisions protecting public access, nearshore reefs, bird breeding, and grunion. (Approved August 2014, and January, 2016).
- **Russian River Estuary Management Program.** Approval of a 3- year estuary management program at the mouth of the Russian River to manage lagoon water levels to benefit fish habitat and prevent flooding.

- **Sharp Park Golf Course Improvements**. Approval of infrastructure improvements at Sharp Park Golf Course in Pacifica balancing the protection of sensitive species and wetland habitat with the provision of low-cost visitor serving recreational amenities.
- **380 Esplanade**. Approval of shoreline protection in Pacifica with mitigation for impacts to shoreline sand supply and public access and recreation.

Other Energy, Ocean Resources and Federal Consistency Work

- **Santa Barbara Oil Spill Response**. Authorized emergency response to the May 2015 Plains Santa Barbara pipeline oil spill, to facilitate prompt cleanup while protecting sensitive coastal resources, in coordination with federal, state, and local agencies (G-9-15-0016).
- **Desalination**. Played a key role in helping State Board staff develop the State Water Board desalination policy that establishes clear requirements for siting and designing seawater desalination facilities. Reviewed and approved more than a dozen desalination-related projects ranging from investigative studies to test facilities to full-scale desalination in San Diego, Orange, Los Angeles, and Santa Barbara Counties.
- **Offshore Aquaculture**. Approved **KZO Seafarms**’ 100-acre shellfish aquaculture facility, 8.5 miles offshore of Huntington Beach, developing a state of the art monitoring program improving the science of measuring aquaculture impacts (CC-035-12).
- **Beach Nourishment/Sea Level Rise Adaptation**. Approved the U.S. Army Corps of Engineers proposal for a 50-year program in Encinitas-Solana Beach to implement beach nourishment (Coastal Storm Damage Reduction Project), developing state-of-the art monitoring programs for offshore habitat impacts, as well as strategies to incorporate Sea Level Rise into future project planning (CD-003-13).
- **National Marine Sanctuary Expansion**. Approved major expansions of two National Marine Sanctuaries - the Cordell Bank and Gulf of the Farallones National Marine Sanctuaries (CD-002-14).
- **Power Plant Upgrades**. Approved permits for upgrading or replacing seven coastal power plants, in San Diego, San Onofre, Diablo Canyon, Huntington Beach, Redondo Beach, Mandalay, and Humboldt Bay.
- **Wetland Sea Level Rise Adaptation**. Approved two innovative experimental US Fish and Wildlife Service dredge disposal placement programs to allow estuaries in Seal Beach and Humboldt Bay to adapt to Sea Level Rise, one at the Seal Beach National Wildlife Refuge in Orange County, and the other in White Slough, southern Humboldt Bay National Wildlife Refuge, improving wetland functions and environmentally sensitive habitat adaptability (CD-0002-15 and ND-0011-15).
- **Improved Interagency Regulatory Procedures**. Improved interagency coordination and regulatory processes, such as (1) amending the list of federal permits subject to federal consistency review, (2) regulation of hydraulic fracturing, and (3) regulation and monitoring related to offshore oil discharges.

Enforcement Program Highlights

- **Administrative Penalty Authority for access violations (30821)**. Implementing new authority passed in July 2014, fully resolved 32 cases to date, including Paradise Cove in Malibu, where the public had been excluded from access to a public pier and the surrounding beach areas, and North Coast Village in Oceanside, providing public access to public beach easements even during high tides. Many more cases are in process.
- **Improved Management of the Program**. Improved coordination and outreach to the public, local governments and other agencies. Developed educational pamphlets on the CDP requirement and Reporting Violations; provided training on access and Coastal Act, including to LA County Sheriffs; increased participation in multi-agency task forces; extensive work with LA County staff to establish their new enforcement program following certification of the Santa Monica Mountains LCP; revamped enforcement webpage; and hired full time enforcement officer for the North Coast, for the first time in 13 years.
- **Administrative Orders**. From 2012-2014, 22 of the 24 Orders were brought to the Commission as settled, Consent Orders. Collectively, these resulted in: restoration and protection of over 280 acres of land and included \$7.5M in penalties. The Orders focused on protection of habitat, Native American cultural resources, and public access (prior to enactment of 30821).
- The Coastal Commission contributed \$1,000,000 from its Violation Remediation Account (VRA) to the acquisition of the Cameron Nature Preserve in Malibu by the MRCA. The 703-acre preserve protects significant environmentally sensitive habitat in this rare Mediterranean biome, including chaparral, coastal sage scrub, native grasslands and oak woodlands
- **Case Highlights:**
 - **Ackerberg**. Removal of unpermitted development blocking a public access easement to a popular beach in Malibu, construction of the public accessway, at no cost to the public, and payment of over \$1M in penalties.
 - **Goodell**. Restoration of a significant cultural site damaged by unpermitted development, on the Bolsa Chica Mesa by appropriate treatment and reburial of artifacts, and payment of \$430,000 to fund a mitigation project to benefit Native American cultural resources.
 - **Signal Landmark**. In consultation with affected tribes, conducted appropriate treatment of cultural materials illegally excavated from the site, payment of \$600,000 to projects that promote preservation of Native American cultural resources, and construction of a cultural site and trails to provide a public area to be used for ceremonial and reflection purposes.
 - **Parker**. Re-opening of a campground in Big Sur that was closed without a permit for a wedding event, and restoration of redwood forest impacted by the

unpermitted activities, and payment of \$2.5M and creation of mobile application regarding public access statewide.

- **Bacara**. Removal of unpermitted items for hotel private events and restoration of the affected coastal bluff, additional 2.4 acres of habitat restoration, protection of Native American burial and ceremonial site, placement of multiple public access and educational signs, and payment of \$575,000 in penalties.
- **Ontario Ridge**. Restoring access by removal of unpermitted signs and fences completely blocking popular public hiking path and views of the ocean in San Luis Obispo County.

Inter-Agency Coordination

- Coordination with state agencies in **Coast and Ocean Group (Co-CAT)** to address climate change, development of [Safeguarding California](#); leading participant in State Leadership group on Sea Level Rise
- **State Lands Commission**. Working with the SLC to address shared management questions on public trust lands, sea level rise; strengthened coordination on pending projects, including at Broad Beach, Martin’s Beach, Seal Beach, and Newport Beach.
- **State Parks**. Developed framework for coordination with Parks regarding new fee programs in coastal parks; working on MOU for use of Commission in lieu fees for lower cost overnight accommodations; approved multiple Automatic Pay Machine projects (see above); resolved condition compliance dispute at Crystal Cove.
- **Caltrans**. Strong partnership with Caltrans, resolving planning and regulatory issues and including collectively addressing interagency coordination issues with all our district directors. See multiple examples above.
- **Department of Fish and Wildlife**. Active participation in the Marine Protected Area (MPA) Statewide Leadership Team, including a Memorandum of Understanding for Implementation of the California Marine Life Protection Act signed by 9 state agencies, boards and commissions, 2 non-profits and 6 federal partners.
- **Department of Conservation** on Fracking & **OSPR** re: Oil spill
- Coordination with **water and air resource boards** regarding desalination (see above); air quality in Newport Beach, Carmel, and Oceano Dunes.
- Coordination with **Governor’s office**, through periodic briefings and updates on such topics as fracking, desalination, sea level rise, offshore oil development, budget, the LCP program, permit assistance, housing, groundwater management and state parks issues.
- Improved Implementation of **City of Eureka** Categorical Order. Addressed concerns of Wiyot Tribe to better protect cultural resources and ESHA.
- The **Marin State Route 1 Repair Guidelines**, finalized on July 2015, marking the end of a multi-year coordination effort between Caltrans, the Commission and other state and

federal agencies to produce design guidelines for Highway 1 in Marin County that guide the design of road repair projects in areas with sensitive viewsheds and natural resources.

Human Resources

- Increasing workforce diversity through expanded outreach and recruitment.
- Implementing staff training for new hires; comprehensive sea level rise training.
- Completed Updated Job Analysis; pursuing salary increases for coastal program analyst classes, including geo-pay adjustments for all staff.

Public Engagement and Accessibility

- Created and filled new Public Information Officer position.
- Hired new Webmaster in 2014. Implementing website improvements and upgrades to improve public accessibility for Commission online resources including the Commission’s meeting agenda and materials and archive to meeting agendas and related staff reports from 1995 to present.
- The [Your Coast](#) online web mapping tool was developed and launched to provide information regarding more than 1400 coastal access locations along the coast.
- Launched new social media platforms including [Facebook](#), [YouTube](#) and [Instagram](#) to broaden communication and outreach on Commission activities.
- Implemented a new data management system to improve Commission operations and to provide planning and permitting information to the public and to increase transparency.
- Commission received a statewide award for IT/Data base upgrades.
- Modernized the Commission’s network and technical infrastructure and computer systems to improve operations and efficiency.
- Relocation, renovations and operational improvements to multiple commission offices.

Public Education

- Sold 39,818 Whale Tail License plates, contributing \$8,142,000 to coastal programs and \$22 million for the Environmental License Plate Fund.
- Granted \$3,495,000 to 167 organizations for educational programs and projects.
- Provided funding for over 42,000 students to participate in educational outings to explore the coast.
- Worked with legislature to pass and create the [Protect Our Coast & Ocean Fund Tax Check Off](#), generating over \$520,000 in tax contributions in 2014-15.
- More than one-half million volunteers have participated in Commission-sponsored beach cleanup events, supported in part by over \$1,200,000 in donations raised from corporate and public sponsors.

- Distributed 6,780 copies of “Waves, Wetlands and Watersheds” science activity curriculum to California school teachers.
- In partnership with the California State Parks, trained 800 volunteer “Dockwalkers” to educate boaters about pollution prevention.

CHARLES LESTER, Ph.D., J.D.

California Coastal Commission
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PROFESSIONAL EXPERIENCE

California Coastal Commission

1989 - Present

San Francisco/Santa Cruz, CA

The California Coastal Commission is a state agency charged with protecting, conserving, restoring and enhancing California's coastal resources. Pursuant to the California Coastal Act, the agency plans for and regulates coastal development in partnership with local government and coastal landowners.

Executive Director

2011 - Present

Providing agency leadership and directing 160-170 staff. Core work includes providing land use and regulatory recommendations to the Coastal Commission at monthly public hearings and working directly with California state executive branch and legislative actors, federal and local governments, private and NGO stakeholders and the public.

Senior Deputy Director

2006 - 2011

Coordinated statewide agency policy implementation. Directed agency programs for the North Central and Central Coast district offices (San Luis Obispo to Sonoma County).

Deputy Director

2002 - 2006

Directed the Commission's Central and North Central Coast districts.

District Manager

1997 - 2002

Managed the Central Coast district office of the Commission.

Coastal Program Analyst/Intern

1989 - 1993

Conducted planning and regulatory analytic work for statewide agency programs.

University of Colorado at Boulder

1993 - 1997

Department of Political Science, Boulder, CO

Assistant Professor of Political Science

Researched and taught environmental law and policy, ocean and coastal management, public lands management and governance to graduate and undergraduate students. Reviewed proposals for National Science Foundation, Minerals Management Service, University of California Coastal Marine Institute, and U.S. Department of Commerce National Sea Grant Program. Performed various University service assignments.

National Oceanic and Atmospheric Administration**1989**

General Counsel for Ocean Services, Washington, D.C.

Law Clerk

Conducted legal research and writing for the Office of Ocean and Coastal Resource Management.

University of California, Berkeley**1985-89**

Berkeley, CA

Graduate Research Assistant/Student Instructor (part-time)

Conducted research concerning various legal subjects. Taught sections for Law and Economics course covering public goods theory and other economics topics.

New York Public Interest Research Group (NYPIRG)**1984-85**

New York City, NY

Canvasser/Field Manager

Fundraiser to support public interest lobbying and research, including addressing consumer protection and toxic pollution issues.

Lamont-Doherty Geological Observatory**1983-85**

Palisades, NY

Laboratory Assistant (25-100% time)

Assisted faculty with physical oceanography (CTD) data analysis and laboratory research related to PCB assessments in the Hudson River Valley.

EDUCATIONPh.D. in Jurisprudence and Social Policy, University of California, Berkeley, Berkeley, CA **1992**Dissertation: *The Search for Dialogue in the Administrative State: The Politics, Policy, and Law of Offshore Oil Development* (University of California, Berkeley, 1992).J.D., Boalt Hall School of Law, University of California, Berkeley, Berkeley, CA **1989**B.A. in Geochemistry, Columbia College, Columbia University, New York City, NY **1984**

SELECTED PUBLICATIONS

“CZM in California: Successes and Challenges Ahead,” *Coastal Management* 41 (2013): 219-244.

“California's Coastal Hazards Policy: Theory And Practice,” in Gary Griggs, Kiki Patsch, and Lauret Savoy, *Living with the Changing California Coast* (University of California Press, 2005).

“Reforming the Offshore Oil and Gas Program: Rediscovering the Public’s Interest in the Outer Continental Shelf Lands.” *Ocean and Coastal Management* 30 (1996): 1-42.

“Administrative, Legal, and Public Policy Constraints on Environmental Impact Assessment,” in Schmitt, R.J. and C.W. Osenberg, eds., *Detecting Ecological Impacts: Concepts and Applications in Coastal Habitats* (Academic Press, 1996): 329-343.

“Contemporary Federalism and New Regimes of Ocean Governance: Lessons from the Case of Outer Continental Shelf Oil Development,” *Ocean and Coastal Management* 23 (1994): 7-47.

Cumulative Impact Management in the Coastal Zone: Planning and Regulation in the Monterey Bay Region of California, California Sea Grant Technical Report (University of Colorado at Boulder, 1996), 89 pp.

“Review of William Freudenburg and Robert Gramling’s *Oil in Troubled Waters: Perceptions, Politics, and the Battle Over Offshore Drilling*,” *Ocean Development and International Law* 26 (1995): 189-192.

SELECTED PAPERS & INVITED TALKS

Keynote Address, “Fostering Resilience on the California Coast through Local Coastal Planning,” *Fostering Climate Resilient Coastal Communities*, UC Irvine, July 23, 2015.

Panelist, “No Prospect of an End: Living with an Ever Changing Climate,” *UC Santa Cruz Climate and Policy Conference*, March 13, 2015.

Keynote Speaker, “Stay, Up or Away: Confronting the Socio-economic, Environmental and Legal Challenges of Adapting to Sea Level Rise,” *Coast to Coast Conference 2014*, Mandurah, Western Australia, October 29, 2014.

Keynote Address, “Protecting California’s Coast: the Next 40 Years,” *Association of Environmental Professionals State Conference*, March 25, 2014.

Panelist, “Rising Tides and the California Coast: Will Santa Monica Be the Next Jersey Shore?” *Yosemite Environmental Law Conference*, October 25, 2013.

Keynote Address, “Protecting California’s Coast: the Next 40 Years,” *UCLA Land Use Law and Planning Conference*, February 3, 2012.

Adapting to Sea Level Rise: Waves of the Future in Coastal Land Use Planning, *Association of Environmental Professionals State Conference*, Monterey, March 7, 2011.

Invited Commentary, Protecting the Coast: the California Coastal Act, *Enhancing the Future of the California Coast*, March 4, 2011, UC Irvine, Irvine, CA.

Shoreline Erosion and Climate Change Adaptation Along the Southern Monterey Bay, Panel Chair, *California and the World Ocean*, September 9, 2010, San Francisco, CA.

“Adapting to Climate Change: Waves of the Future in Coastal Land Use Planning,” Luncheon Address, *Annual Central California Land Use and Planning Law Conference*, April 16, 2010, Avila Beach, CA.

“Managing for Sea Level Rise,” *Recent Advances in Coastal Analysis and Management Affecting California*, California Shore and Beach Preservation Association, Northern California Conference, June 25, 2009, Pacifica, CA.

“Smart Growth in the California Coastal Zone: Issues and Examples,” *New Partners for Smart Growth Conference*, February, 2007, Los Angeles, CA.

“Protecting Biodiversity in the Coastal Zone: Land Use Planning and Regulatory Issues,” STEPS Institute for Innovation in Environmental Research, UC Santa Cruz, *Central Coast Biodiversity Annual Workshop*, January, 2007.

“Managing Human Activities Along Eroding Shorelines,” *2003 State Conference of the Association of Environmental Professionals*, Monterey, 2003.

“Cumulative Impacts of Development Along Beaches,” *Sand Rights*, 99, *Bringing Back the Beaches Conference*, September, 1999, Ventura, CA.

Panel on “Land and Sand Rights in Coastal Protection,” *1998 Environmental Law Institute at Yosemite*, October, 1998.

“Cumulative Impact Management in the Coastal Zone: Planning and Regulation in the Monterey Bay Region of California,” Presented at the *5th Annual Symposium of the Ocean Governance Study Group*, Boston, Massachusetts, July, 1996.

“Rediscovering the Public Interest in the Outer Continental Shelf Lands,” Framing Paper for Roundtable Discussion on the Federal Offshore Oil and Gas Program, Chaired by Robert Armstrong, Assistant Secretary for Land and Water, U.S. Department of Interior, *3rd Annual Symposium of the Ocean Governance Study Group*, April 11, 1994.

“Managing the Cumulative Impacts of Development: An Opportunity for Integration?” presented at *Improving Interactions Between Coastal Science and Policy*, National Research Council Ocean Studies Board, November, 1993, Irvine, CA.

REFERENCES

- ◆ Available on request.