

**CALIFORNIA COASTAL COMMISSION**

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Staff: Lisa Haage  
Staff Report: 8/18/2006  
Hearing Date: 9/13/2006



# W33b

**TO:** California Coastal Commissioners

**FROM:** Peter Douglas, Executive Director  
Lisa Haage, Enforcement Chief  
John Ainsworth, Deputy Director

**SUBJECT:** Recommended approval of an agreement with the Environmental Careers Organization to provide administrative services for a NOAA Coastal Management Fellowship to develop a pilot program for monitoring condition compliance.

**Staff Recommendation:** Staff recommends that the Commission authorize the Executive Director to enter into an agreement with the Environmental Careers Organization (ECO) to provide administrative services to support the completion of a project entitled "Development of a Tool for Compliance with the Coastal Act," to be carried out by Elijah Davidian, a Coastal Management Fellow under the overall sponsorship of the Coastal Services Center of the National Oceanic and Atmospheric Administration (NOAA). The total amount of this agreement is \$15,000, which represents the Commission's portion of the Fellow's stipend over a two-year period. The Coastal Services Center will provide the remaining \$60,000 of the stipend. In addition to personnel expenses, the Commission will provide in-kind contributions to cover supervision and mentoring and basic operating expenses, equipment, and travel associated with the project.

**Motion:** I move that the Commission authorize the Executive Director to enter into an agreement with the Environmental Careers Organization pursuant to staff recommendation.

**Staff Recommendation of Approval**

Staff recommends a YES vote. Passage of this motion will result in approval of the agreement. The motion passes only by affirmative vote of the majority of the Commissioners present.

**Staff Summary**

In 1994, the Coastal Services Center (CSC) was created within NOAA to identify, develop and facilitate the use of technologies and information that support the sustainable use and management of coastal resources. To that end, CSC established a competitive coastal management fellowship program that provides both professional education and training opportunities for post-graduate students in coastal management and policy. The Fellowship provides on-the-job education and training opportunities for post-graduate students in coastal resource management and policy, while also contributing specific technical assistance for state coastal resource management programs. The Coastal Commission has previously hosted four Fellows from the program. Staff believes that the NOAA Coastal Fellowship program provides a very cost-effective way to address key issues that are a part of the Coastal Commission's core program.

In October 2005, the California Coastal Commission submitted a proposal for a project to be funded under this program. Other states also submitted proposals under a competitive process. In December 2005, the NOAA Coastal Management Fellowship program announced that the Coastal Commission had been selected to receive a Fellow for a two-year term starting in August 2006. Consistent with the Commission's priorities, the project addresses ways to improve permit condition compliance. The Fellow will analyze the problems in ensuring and improving compliance with coastal development permit conditions and propose and test potential measures to improve the system. The project will culminate in a number of deliverables, including a pilot program for improving the monitoring of condition compliance, a statewide condition compliance database, and recommendations for further improvements. The following sections discuss the development of the Fellowship project, its goals, and the scope of work.

The Commission will contribute \$15,000 toward the Fellow's stipend. This funding will be paid to the Environmental Careers Organization (ECO), the sponsoring institution for this Fellowship. In addition, the Commission has agreed to administer the Fellowship and to provide Internet and computer access, day-to-day supervision, office space, and basic operating expenses over the two-year period of the Fellowship.

**Importance of the Fellowship Project**

The Coastal Act seeks to protect and enhance wetlands and other environmentally sensitive habitat areas, public access, low-cost visitor-serving recreational uses, agricultural uses, commercial and recreational fishing, visual resources, and community character. The Coastal Act also seeks, where possible, to establish urban-rural boundaries and direct new housing and other development into areas with adequate services. Because of the diverse nature of development proposals reviewed by the Commission, the types of permit conditions vary greatly.

Some of the permit conditions are required to be met prior to issuance of the permit, such as the recordation of open space easements, or the submittal of final plans that demonstrate compliance with other permit conditions. Other permit conditions require or prohibit future actions, such as performing restoration or other mitigation measures, or prohibiting development in habitat areas. Compliance with the "prior to issuance" conditions is relatively easy to achieve and monitor because the permit applicant does not obtain the permit that allows the project to proceed until all "prior to issuance" conditions are met. In such cases, the applicant is motivated to comply with

those conditions, and Commission staff receives the information necessary to determine compliance. More difficult to achieve and monitor is compliance with conditions that require or prohibit actions after permit issuance. Once a permit has been issued, the Commission staff must be more proactive to ensure compliance.

The majority of permits are granted *only* because conditions imposed by the Commission bring the project into compliance with the policies of the Coastal Act. Without these conditions, in many cases, the project would not comply with the Coastal Act and would not be approved. Thus, implementation of important Coastal Act policies does not stop at issuing permits; insuring that the conditions of approval are met is critical. While the Commission's enforcement unit handles hundreds of reported violations a year, and monitoring of compliance with permits is often handled by the permit staff, overall, the Commission lacks a systematic program to track compliance with permit conditions.

### **Project Description**

The Fellow will work collaboratively with Commission enforcement, permitting, and technical staff to develop a program for monitoring condition compliance by creating a pilot program in two of the Commission's six district offices: Ventura and Eureka. These two offices have been selected because they provide the best contrast of the work the Commission is involved in and the greatest diversity of the types of development and violations being addressed by the Commission: the Ventura office deals with issues presented by urban and suburban areas, and with a large valuable habitat area (the Santa Monica Mountains) that is surrounded by urban development and subject to extreme development pressures; the Eureka office is one of the smallest of the Commission offices, with very significant, much less urbanized resources at stake.

The Fellow will identify the challenges the Commission faces in monitoring condition compliance and develop proposals for what it would take for the agency to improve monitoring of condition compliance. Working with an Advisory Committee that includes staff from each district office who will provide input and review draft proposals, the Fellow will create a pilot program, put the pilot in place, and then assess and modify the pilot as necessary. The Fellow will also develop recommendations for additional steps to improve condition compliance. These can include recommendations for improving permit conditions, educating the public, and working with local governments. The Fellow will also design and implement a database that will facilitate efficient monitoring of condition compliance. The database could be part of one of the Commission's existing databases, like the permit tracking system database or enforcement tracking database, or could draw from these databases.

### **Scope of Work**

Lisa Haage, Enforcement Chief for the Commission, will provide day-to-day supervision. Jack Ainsworth, Deputy Director of the Ventura offices and the Fellow's co-mentor, will provide supervision on permit issues. The primary goals and objectives of the project are as follows:

- To develop, assess, and modify a pilot program for improving the monitoring of condition compliance in the Commission's Ventura and Eureka offices, and to make recommendations for improving compliance

- To develop a final program to systematically monitor permit compliance statewide
- To develop a permit condition compliance database and coordinate with existing databases
- To evaluate permit condition language, and make recommendations for improvements
- To develop an understanding of how local governments monitor condition compliance
- To link permit condition compliance data to the Commission's enforcement and permit tracking data bases
- To provide a learning environment for the Fellow, in which he will develop an expertise in coastal land use environmental public policy and management, and will be exposed to a wide range of coastal zone management issues including land use planning, hazards, public access, recreation, visual resources, and environmentally sensitive areas
- To provide recommendations and supporting analysis for further steps to administer the compliance program

#### **Benefits to the Commission and the State of California**

This project requires expertise in natural resource law and policy, as well as database management. Commission staff could not undertake this project unless permit and technical staff resources were diverted from current critical assignments. The cost for the Commission staff to undertake this effort would far exceed the cost of the agreement with the Environmental Careers Organization and the NOAA Coastal Services Center. Under the proposed standard agreement, the Coastal Commission will pay ECO \$15,000 to support the remaining stipend of the NOAA CSC Fellow for completing the work described above in accordance with the specifications of the Fellowship project.