



**Date:** November [2], 2009

**To:** Assemblymember Bill Monning for distribution to Big Sur Coastal Trail master plan stakeholders.

**From:** Trish Chapman

**Re:** **Comments on the Community Proposal**

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As agreed to at our September 28<sup>th</sup> meeting, below are my comments on behalf of the Coastal Conservancy on the "Proposed Process For Writing The Master Plan For The Big Sur Portion Of The California Coastal Trail" (the community proposal). I am also providing input on the Conservancy's goals/needs/priorities for the BSCT in a separate memo.

**Overarching comments:**

1. The community proposal process is almost entirely focused on community involvement and input, and community is defined as the residents and landowners of Big Sur. Residents and landowners are two important groups of stakeholders for the Coastal Trail, but there are many others. A truly collaborative process needs to give all stakeholders equal opportunity to participate and give equal respect to that participation.
2. Authority of the plan – I think it is critical that we set realistic expectations about the scope and authority of the plan to be developed from the outset. The master plan will serve as a guide for future development of the coastal trail in Big Sur, but it will have no formal authority unless adopted by an agency. If adopted by an agency, any authority to "enforce" the plan would be specific to the workings of the agency and the terms of its adoption of the plan. Given the agencies and underlying statutes involved, I would not expect there to be a citizen enforcement option if adopted by any of the involved agencies. Also note that in order for an agency to formally adopt the plan, environmental review pursuant to CEQA or NEPA would have to be undertaken. Environmental review is beyond the scope of the Conservancy's effort and would require additional funding.

Some possibilities for adopting the plan:

- a. County, with Coastal Commission approval – incorporate into LCP
- b. USFS – incorporate into forest plan
- c. State Parks – incorporate into the individual general plans for each park in the area.
- d. TAMC – incorporate into the Regional Transportation Plan.

3. To provide some context, the master plan process initiated by the Conservancy in 2006 envisioned a regional scale planning effort for the 75-mile stretch between the Carmel River and San Carpoforo Creek. At this scale, many project level details would be outside the scope of the planning effort. These include project level design and impact details, getting commitments for trail management, securing funding commitments, etc. Some suggestions in the community proposal are not appropriate at the regional planning scale.
4. Together we stand, divided we fall – or a slight restatement, together we succeed, divided we fail. I think this is a crucial concept to remember. In order for this planning process to be successful for the Coastal Conservancy, it has to be successful for all of the other participants too. I think this can be said of every stakeholder involved. Therefore, we all need to strive for a process that works for all, and that will likely require some give and take.

### More specific comments

5. The general format of having local work groups along with a broader committee makes good sense. But the makeup and decision making process of those committees as outlined in the community proposal is not ideal for a collaborative process. Some specific suggestions:
  - a. **Make-up of the local work groups** should be open and unrestricted. Again, residents and landowners are important stakeholders, but there are others. For instance, in certain segments other user groups such as Ventana Wilderness Alliance, surfers, or disabled access groups, etc, may have a particular interest and may want to participate at this subcommittee level. Or business owners or workers may be interested in participating in the local groups. The process needs to be inclusive at every level. It is blatantly *exclusive* to say that the meetings are open to all, but that only some folks are allowed to actually be part of the group.
  - b. **Decision making process of the local work groups.** The community proposal is ambiguous on how decisions will be made – it sets consensus as the decision making process, but also designates voting and non-voting members. Again, participation should be open to all, and there should not be two classes of participants (i.e., voting and non-voting, or workgroup member and “the public”). Anybody who makes the effort to participate should be treated as an equal participant in the process.

For areas of the alignment where consensus can't be reached, this should be noted and the various points of view documented. If there isn't consensus, it is likely because there are valid concerns about the various options and it may be inappropriate to make a decision until those concerns have been investigated and addressed. Note that further investigation may be outside the scope of this initial planning effort.

- c. **Purpose and product of the local groups.** The community proposal gives authority to the local groups to determine the alignment and attributes of the BSCT through their segment. This is too much authority for groups that will be difficult for a broad range of stakeholders to participate in. The local groups should be thought of as working subcommittees. In that context, the local groups would bring recommendations back to a broader group for discussion. Some things may get kicked back to the local work group for further investigation/consideration.

The reality is that many key stakeholders are not likely to be able to attend multiple local work group meetings. The process needs to have an avenue for those stakeholders to participate in a meaningful way.

- 6. **Public Agency involvement.** As was discussed at the meeting on September 28, 2009, there is a difference between participation in the process with conceptual approval of a plan by an agency staff member(s), and actual “approval” or “adoption” of that plan by the agency (be it landowners, land managers, regulators, funders, etc.). It is important to remember this distinction so that folks have realistic expectations about where the plan is in an approval process and what authority the plan realistically has. That said, input and buy-in by agency staff is highly critical to achieving eventual formal buy-in by any particular agency.

I have several suggestions about how to be more successful in getting participation in the planning process and support for the plan from agency staff, and eventually agencies:

- a. Don't marginalize agency involvement in terms of labels or actual roles.
- b. Recognize the constraints on agency staff time and design a process that allows for meaningful input without the need to attend an abundance of meetings. Specific suggestions that evolve from this concept are:
  - i. Get agency input on needs, goals, constraints, issues of concern, etc. early on (this process is now underway)
  - ii. Minimize the number of meetings that staff members need to attend in order to participate in meaningful way.
    - 1. Have less frequent meetings of the overarching group
    - 2. Look for input through other forums – conference calls, review and comment via email, etc.
  - iii. Use subcommittees (like the local work groups) to investigate and summarize the issues for consideration, and provide recommendations. The subcommittees' products should be shared while still in the draft stage so that there is still room for input and re-evaluation of recommendations before the subcommittee members get overly attached to their ideas.
- c. Don't wait to ask for agency input on concepts until the very end. This can lead to frustration all of the way around.

- d. Avoid absolutes – these are very difficult for public agencies to agree to. A plan that includes recommendations, preferred approaches, guidelines, etc. will be much more likely to get agency buy-in than one that says “it must be done this way,” or “under no circumstances”, etc. This will not provide absolute certainty to other stakeholders about agency actions. However, those stakeholders will have more certainty about agency actions if the agencies have bought off on a “softer” plan than if they simply walk away from the table – which is one likely outcome of absolutes.
7. **Steering Committee/Executive Committee.** In terms of a steering committee or executive committee, I’m not sure that we need a top decision making group. I think a hierarchy like that could lead to resentments from the other participants. I would rather see decisions made as consensus with notation of unresolved issues. Or perhaps for those areas where consensus can’t be reached, the plan would include the concept favored by the majority, while also detailing the alternative point(s) of view. All that said, I do think it would be useful to have a coordinating group that includes representatives from a broad range of stakeholders. In my opinion this group should include representatives from: Big Sur residents and landowners, the business community, public agencies (landowners, regulators, funders), potential entities (public or private) to manage the CT in Big Sur, trail and bike user groups, elected officials (as reps of broader community). The group that met with Assemblymember Monning is a start in that direction.
8. **Guidelines for Public Outreach** – Outreach should be led by the coordinating committee. Outreach roles and responsibilities can be agreed to among that group.
9. **Guideline’s for the trail’s alignment**
- a. I think that there are several of these guidelines that as goals for the alignment the Conservancy could agree to, but that as absolutes we would not be able to agree to. To avoid a protracted argument about abstract concepts, I would suggest that we develop a list of goals and objectives for the trail. Then if we discover there are specific segments that conflict with those goals, we can discuss how to address the specific issues which may be easier than trying to solve all of the possible issues in the abstract. Specific comments follow.
  - b. A.4 and B – I have a few concerns about these two guidelines
    - i. First, I think it is confusing that the two are separated. One guideline says unequivocally that the trail will only use existing public land or public easements. The other says that landowners may voluntarily have the trail cross their property. I would like to see one clear statement about the issue of private property versus public property.
    - ii. The Coastal Conservancy, and I would imagine other public agencies, are not going to be able to commit to never acquiring additional land for the trail. But there are things that I think the Conservancy could commit to in relation to this issue:

1. Placing priority on siting the alignment on existing public land, existing public easements, and private land of willing participants.
  2. Only acquiring new public trail land rights (fee or easements) over existing private property from willing landowners/sellers (i.e., no condemnation)
  3. Only acquiring new public trail land rights after completing an agreed upon public review process (e.g., community meetings or other actions). In this process, community members could identify specific concerns (fire, trail management, loss of residential capacity, loss of grazing or other economic capacity, etc.) regarding a proposed trail project (including an acquisition). The Conservancy would then consider design and/or alignment alternatives that would both meet the project objectives and address community concerns.
- iii. I have concerns about the statement that “in no case shall a portion of the alignment be left undecided if it would imply a future alignment over private land.” I think it would be difficult to define when an undecided segment implies a future alignment over private land and when it is just a hard to figure out segment (because of physical constraints, land ownership, or other issue). Again, avoid the absolutes.
- c. A7 – This is a level of detail that is probably not realistic for the entire 75 mile route at this planning level.
- d. C – this guideline about sensitive habitats brings up two important issues: 1) we won’t have good enough data to identify all of the sensitive resource areas that currently exist; and 2) sensitive resource areas will change over time. When it actually comes to implementing projects, the trail may need to deviate from the master plan alignment to avoid significant impacts that weren’t identified at the time the master plan was adopted. Thus, the master plan will be the best plan that can be developed with the available information, but it will not be a “set in stone” alignment. I think it is important that this be communicated to participants.
- e. D – The Conservancy does not have funding for land surveys. That is beyond the scope of a regional planning effort. Surveys, if needed, are typically done at the project implementation level.

## **10. Guidelines for the trail’s design and management**

- a. This section begins to talk about a Trail Management Plan. This is a step or more beyond a regional planning effort. I do not think that developing one trail management plan for the entire Big Sur region will be successful and it is probably not a good use of time. USFS and State Parks are going to follow their own internal policies for trail management. I think a better approach would be to develop a set of recommendations for how the trail be managed. Over time it

might be possible to integrate those recommendations into the forest plan or the various State Park general plans.

- b. B – This guideline is far too prescriptive, particularly when talking about how public agencies choose to manage the trail on their own property. The concept that the trail needs to be managed is a reasonable one and should be a goal or guideline. But this item is far too specific and intrusive into landowners’ rights regarding management of their own property.

## 11. Guidelines for the Trail Management Plan’s Content

- a. I don’t think we should be trying to draft such a plan -- See comment above.. The Conservancy would not see this as a good use of our staff time.
- b. Several of the guidelines under this section could also apply to a master plan, but are highly problematic or completely unacceptable. These include:
  - i. 3, 4, 5 – How the trail is paid for is a question for the implementation phase, not the planning phase. No State or Federal agency is going to make these commitments at this time.
  - ii. 6, 7 – These statements could be recommendations in the plan, but this plan will have no authority to enforce them. That would have to be pursued through the County and the Coastal Commission.
  - iii. 8 – too vague. Isn’t approval achieved through a collaborative consensus process? That said, the community could pursue some process to endorse the plan (or not endorse it), but that would not be binding on the actions of other participants (this will not be a binding plan unless it is incorporated into the LCP).
  - iv. 9 – The Master Plan should explain the process for developing it, which would include describing the community involvement. A changed plan would not be the same plan and thus could not claim the prior community involvement. Perhaps including a statement from community members that participate in the project would address the concern reflected in this item.
  - v. 10 – implementation phase, not master planning phase. Master plan should include a list of recommendations of what needs to be in place before a segment of the trail is opened. But we are not likely to be able to identify a manager for every segment of the 75 mile stretch at this time.
  - vi. 14 – Carrying capacity is dependent on many factors which can change over time. Plan could include a recommended carrying capacity for each segment under current conditions. But the plan will not have the authority to “trigger closures.”