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June 5, 2009

To: Distribution List

From: Rodger Beard, Dana Point Boaters Association

Subject: Dana Point Harbor Revitalization, LCPA DPT-MAJ-1-08, June 11, 2009 CCC Hearing, Marina Del Rey, Agenda Item: Th 22.5a

All Interested Parties,

As discussed in our previous letter dated May 28, we are pleased that the subject Dana Point Harbor LCPA, also known locally as the Dana Point Harbor Revitalization Plan, is finally coming before the Coastal Commission for consideration after a lengthy delay since initial submission of the plan in its original form in January 2007. We recognize and appreciate the complexities of the issues involved here and the efforts put forth by all of the government agencies involved, most notably the Coastal Commission Staff during these challenging times. We wish to assure this audience that the Dana Point Boaters Association (DPBA) strongly supports the core objectives of this project, as well as many of its major tenets as explained and discussed in the various public forums held over the past several years starting in 1998.

We believe strongly that when all program level components of the project are fully vetted including certain as-yet-unaddressed considerations within the LUP and LCPA have been incorporated, The LCPA will provide a well-balanced benefit to all stakeholders. Those stakeholders include the tens of thousands of boaters within the Southern California region who use Dana Point Harbor, as well as the non-boating general public of the region which the County of Orange has identified as a critical success factor, and have cited as their first developmental requirements consideration.

TIMING OF PUBLIC HEARING

That said, this letter is to advise that DPBA wishes to express strong displeasure with the way events of the past 7-8 business days have unfolded. We, an all volunteer, non-for profit public service organization with 500 dues paying boater members fervently protest the current circumstances, under which the LCPA DPT-MAJ-1-08 Commission Staff Report and LUP has just been made available for public view *and* may apparently be decided by The Commission on June 11th.

The issue here, is that there appears to be a "go-slow and then hurry-up-at-the-last-minute" process in place as the LUP and Staff Report have been made available to the general public, less than 13 days before a public hearing. This impression is further ex-

acerbated by the date of the hearing, which was only placed on the revised agenda 15-16 days from the date on which this public hearing is scheduled to be held.

These two reports, totaling 267 full pages of complex, highly technical information, were worked on behind closed doors, arguably for as long as two and one half years. Yet it was only as of a week ago, May 29th, that these reports were made available in their entirety for viewing by others besides the involved government agencies and their paid consultants. Needless perhaps to add, if June 11th is the only opportunity for public comment, then this opportunity will necessarily be much more limited than the spirit of good governance and the Coastal Act itself calls forth. This would be the outcome, if only because the reports demand more than being just "seen". It seems obvious that they must be studied, analyzed, researched, and discussed, in the same way the writers and paid consultants did over the two and one half years. This will require a lot more time than eight (8) business days provided.

While this outcome may not be the intention of the government agencies involved, indeed we trust and sincerely believe it IS NOT their intention, the potential result would be the same:

The public hearing process would be circumvented for the sake of expediency and/or other reasons. The hard reality here is that such a result would not be fair to boaters or to the citizens of the State of California. It must be avoided. Even the appearance of such a scenario must be avoided.

ISSUES WE SPOTTED SO FAR, IN FOUR SHORT BUSINESS DAYS OF DPBA ANALYSIS

In addition to these 500 boaters, the attached petition represents 461 listed boaters and members of the general public who disagree with positions stated within the LCPA proposal submission and who have specific objections to certain components within the two interlocking reports. (See attached petition and list of participants.) It should be added that issues noted on the petition are not new. We believe the plan submitters will readily acknowledge that these boater issues have been aired previously, many times. Similarly, DPBA acknowledges that the relatively few but critically important master components of the land and waterside that we disagree on have been presented to boaters many, many times. But we hasten to add that each time presented, the same boater concerns, issues and recommendations were raised in response by boaters and their representatives, namely DPBA.

An important aside, these concerns and issues have been shared with Coastal Commission staff in detail, in person and in writing...more than once. Yet, these two reports, apparently from two different government agencies, and both released on the very same day, make little reference, and with one notable exception, give no consideration to boater concerns, issues and recommendations. Said another way, the major components of these two reports where boaters have issues remain largely unaltered from the combination of program and project level specifications as written in their original form and aired publicly in September 2006. In candor, we believe that the process for collecting and incorporating local boater community feedback of merit has not been as effective as OC Dana Point Harbor (OC DPH) portrays it.

ANOTHER REASON TO AVOID UNDUE HASTE

We mentioned above that there was one major, notable exception to the lack of consideration of boater expressed issues and concerns. That exception is the Staff recommendation to eliminate the Marine Retail Store from Planning Area 1. I believe this was a clear boater resource take-away as well as a serious traffic bottleneck and we are pleased that Staff saw this matter the same way.

As it turns out, and as we have advised Staff on various occasions in writing, DPBA has been working closely with all the appropriate stakeholders to establish a more comprehensive solution to this and several other fatal problems inherent in the proposed Planning Area 1 design, from dry boat storage, traffic flow through trailer-boater parking, and boat launch perspectives. These closely collaborative efforts have recently been paying off and two major stakeholders, OC DPH and the South Coast Water District (SCWD) now are in serious discussion regarding creation of a Marine Services Center on SCWD property within the Coastal Zone but outside the Harbor. The business case for this change is very strong from the perspective of all stakeholders, including boaters, OC DPH, harbor merchants, Dana Point home owners and the general public. Indeed all involved feel there are compelling functional, esthetic and financial advantages versus the currently proposed new uses of Planning Area 1. OC DPH will, we believe, attest that an appropriate memorandum of understanding has been prepared to reflect their support of this outcome.

A high level of cooperation amongst the stakeholders has been consistent from the beginning of a lengthy due diligence process. There are further vetting process steps to be taken in the upcoming few days and weeks. If those steps conclude successfully - and all advise that from their view a favorable outcome may well be in the offing - then the proposed LUP will not represent the spirit, nor many of the specifics of the resulting proposal to the Commission for a revised planning outcome. We urge that the Commission Staff review the entire proposal for the Planning Area 1 alternative, in its final form, and advise the Commissioners prior to a final decision on the LCPA.

SUMMARY

The above is straight talk and perhaps may even seem overly dramatic to some. We believe it is also entirely appropriate for the compelling circumstances at hand. We know you already fully appreciate that the future of boating for arguably as many as 100,000 Southern California boaters must not be potentially compromised by an overly expeditious vetting process. We urge you to consider that haste in a matter as important as this would be a serious mistake.

Our simple point is of course that more time is obviously needed here. Further, the next Southern California Coastal Commission hearing date in October provides that time and it affords the added benefit of being in Oceanside, a relatively short commute for many to of the Southern California boaters whose harbor will be changed for generations to come. We strongly urge the Commissioners to accept our recommendation to continue to hear testimony, through the October meeting.

In closing, you will recall that in our prior correspondence, we stated that *"while various issues will no doubt require some public vetting and a few issues may still perhaps require Commission adjudication following lively debate, we are very hopeful that efforts will proceed during the hearing process as they have been proceeding locally during the past few months. That is, in a spirit of teamwork, with open minds collaborating to figure out solutions that work for all competing points of view"*. We also said *"we recognize and*

commend the outstanding effort Staff has invested to deliver a timely and what we anticipate to be a top quality report."

I assure you we still strongly stand behind both these statements! Allowing additional time for study, research and especially for additional collaboration will simply help assure a highly successful process that all stakeholders can walk away from satisfied that their concerns and issues have been fairly aired before a decision has been reached.

Most respectfully,

Rodger Beard

President

Dana Point Boaters Association

A non profit, all volunteer California Corporation representing over 500 dues paying recreational boaters of Dana Point Harbor

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