

March 11, 2011

‘An Open Letter to the California Ocean Protection Council ’

Honorable OPC Council Members;

It could be argued that from a global perspective, we Americans, are waging a 21st century cold war primarily against developing nations by our reluctance to hold ourselves accountable for being the largest contributor to global Climate Change. Currently, there are political elements in Washington that are waging an offensive against environmental regulation and law, under the pretense of protecting our grandchildren’s financial futures. This myopic mindset is based strictly on misdirected financial considerations and the denial that what we do as human beings has direct impact on our environmental surroundings.

In the last election, California voters sent a clear and powerful message to the state’s policy makers that environmental protection is paramount now more than ever. In this regard, the California Ocean Protection Council is on point to show Washington how Climate Change adaptation and sustainable economic prosperity can work hand in hand.

The OPC’s key focus areas for the next five years include Climate Change Adaptation Strategy and Improved Management across Land Sea Interface. In order to successfully develop and implement policies that will lead to effective response to climate change, and to the reduction of land-based impacts, the legislative, judicial and executive branches of the state government must take leadership roles in collaborative efforts to coordinate development of these proposed policies and associated oversight and enforcement provisions.

The current reliance on local governments and public works staff to review and implement environmental protection policies has, for the most part, failed. As a former special district staff member responsible for reviewing environmental compliance and enforcement, I have first-hand knowledge of the ways that local government personnel circumvent policies and standards and, at times, blatantly falsify information that is forwarded to state oversight agencies.

When these concerns are presented to local or regional enforcement entities, they are either ignored or, as in my case and those of several other public employees in my county, the employees are terminated. I personally know of six whistleblower incidents in the last decade, in San Luis Obispo County, that have to do with clean water issues. Yet the District Attorney’s office and the SLO County Grand Jury have taken no action against the institutionalized perpetrators.

For the OPC to have an effective environmental policy that transcends to the local level, state policy makers must recognize some of the serious deficiencies in environmental enforcement and oversight that exist at the local level. In some situations, local government employees are expected to falsify state documents or to ignore data that clearly shows violations of local, state and federal laws. This is all part of being "institutionalized" in the way that development occurs in San Luis Obispo County. If the employees are caught, the “system” takes care of them, and they are simply moved to another government agency within the County.

I witnessed several instances of this behavior. For example, when a California Coastal Commission appeal revealed that a city planner had falsified information presented to the Governor's Office of Planning and Research State Clearinghouse, the city planner found new employment as an Analyst for the local LAFco agency. Other examples include the hiring of Engineers that have a history of questionable practices that were exposed in neighboring communities, relocating employees who were investigated by the Grand Jury, and ignoring blatant conflicts of interest of public servants and elected officials.

Reporting these issues to the District Attorney is a fruitless exercise due to what I believe is that agency's willful blindness regarding these matters. I have seen the District Attorney refuse to pursue criminal investigations in cases of serious violations of environmental and other laws. As a former Grand Juror, I had the opportunity to see how this organization works from the inside. Due to the fact that the San Luis Obispo Grand Jury is not a criminal Grand Jury, any investigation that leads to a potential of criminal activity must be referred to the DA's office. This effectively protects the violators from any negative consequences for their actions.

Currently, the communities Estero Bay communities of Los Osos, Cayucos and Morro Bay are actively engaged in trying to solve their respective wastewater issues. These communities have a unique opportunity to utilize innovative technologies to address those issues. ARRA Grant funding could be obtained to fund truly green pilot projects that the OPC and its collaborating agencies could showcase. Yet, this opportunity is being ignored, and the communities are pursuing outmoded methods and technology that fail to provide optimal benefits to the environment and to community residents.

California has a unique opportunity to show what American ingenuity looks like in the 21st Century, contrasted by Washington which looks ideologically stagnant and even backward - incapable of conceiving change that is obvious to much of the rest of the world. The focus must be based on sustainable development that puts local American citizens to work in creating a safe and healthy environment for our future generations as was the goal of the National Environmental Policy Act of 1969.

Future Generations will be less concerned in quantifying the cost in post-bailout dollars for a healthy ocean than being able to enjoy with their families what our generation leaves behind. The OPC is in a leadership position to show what can be achieved through innovation, collaboration and cooperation. By adapting new technologies for watershed management and not relying on antiquated practices and technologies that resulted in the predicament that we are now faced with, we can make major strides in reversing the damage that has been done and securing a better future for those who will follow.

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