

California Coastal Commission head ousted

By David Levine
23 February 2016

A further step in the dismantling of environmental regulation in California was taken on February 10 when the California Coastal Commission fired its executive director, Charles Lester.

Prior to the vote, the Commission received at least 14,000 letters opposing Lester's dismissal, decrying it as a developer-led "coup." This included the statements of nearly 80 environmental groups, 35 former Commission members, over 150 current and former Commission staffers, 18 members of the California State Legislature, ten US congressmen, and local politicians from all along the California coast.

On the day of the vote, a seven-hour public hearing was held in Morro Bay at which hundreds of supporters of environmental regulations had shown up to oppose the ouster. After Lester himself spoke, members of the public were allowed to speak for hours before any of the commissioners who intended to fire Lester presented any criticism of him.

The complaints publicly aired against Lester were rather vague and related to problems of communication, management style and an inadequate attention to "diversity" in staffing. Commissioners opposed to Lester minimized their public statements, arguing that it was a personnel issue that should have been resolved internally.

Former Commission Chairman Mel Nutter later commented, "The public was asked in effect to present a defense against a set of charges that were never presented. It was totally backwards and that put the public at a huge disadvantage."

Commissioner Wendy Mitchell had taken the initiative in the move to oust Lester. Mitchell, described by the *San Mateo County Times* as a "Democratic Party insider," was appointed to the Commission by former California Governor Arnold Schwarzenegger, a Republican. She is also the head of Wendy Mitchell Consulting, a political consulting firm

whose clients include energy utility giant PG&E, the Australian oil and gas company Woodside, and Combined Properties, Inc., which describes itself on its web site as a "comprehensive real estate firm."

The fact that an individual with Mitchell's business ties could be on the Commission at all, let alone lead the ouster of its director, is emblematic of the thoroughly corrupt nature of state politics in California and the Democratic Party in particular.

The vote to dismiss Lester was taken in a closed session of the commission convened after the hearing. Commissioners claimed that the vote had to be held in private in order to protect Lester's privacy. However, it was Lester himself who had requested the public hearing, and the agency's chief counsel denied that there was a legal requirement for the vote to be held in private. The decision to fire Lester passed 7-5.

Following the vote, the commissioners were escorted from the building by law enforcement officers as a crowd of over one hundred people who had gathered to await the decision stood by, some of them in tears.

Commission Chairman Steve Kinsey denied that Lester's dismissal was a pro-development, anti-conservation decision. Kinsey, who had voted against the dismissal, said that it "revolved around leadership and not around an issue of greater flexibility for development."

Similarly, Commissioner Mark Vargas, who had voted in favor of the dismissal, said, "We need to set the record straight. There was no coup by developer interests."

Environmental groups had overwhelmingly opposed Lester's firing. Stefanie Sekich-Quinn, coastal preservation manager for the Surfrider Foundation, had said that the moves against Lester amounted to "a power grab in an attempt to undermine the integrity of the coastal program, gain control over an independent staff and make the commission more

developer-friendly without any public accountability or transparency.”

Former Commissioner Steven Blank, who had resigned in protest over the growing influence of developers in 2013, commented, “This has been a civics lesson for the public in how regulatory bodies get captured by developers.”

While there had been calls, including strongly worded editorials in the *Sacramento Bee* and the *San Jose Mercury News*, for California Governor Jerry Brown, a Democrat, to intervene and prevent the firing of Lester, Brown’s staff had communicated to Commission members in advance of the hearing that he would not attempt to influence the decision. He refused repeatedly to take a public position on the issue, although his influence was eventually demonstrated in the fact that the four commissioners whom he had appointed all voted to oust Lester.

The California Coastal Commission was established in 1972 for the ostensible purpose of protecting the Californian coast from over-development, protecting public access to the shore and enforcing the Coastal Act (ironically, it was the same Governor Brown who signed the Coastal Act into law during his first term in 1976). The Commission was headed by Peter Douglas from its inception until 2011, when Douglas named Lester his successor and Lester’s appointment was approved unanimously by the Commission. Douglas, whom the *Los Angeles Times* described as “an aggressive and hard-nosed environmentalist,” died in 2012.

Nutter recalled that there had been a similar move to oust Douglas in 1996 but it had failed. “I’m troubled by the direction of the commission if a professional like Charles Lester is fired and replaced by a political hack,” Nutter said.

In an interview on February 11, Lester, in mollifying language, supported the position that the agency was coming increasingly beholden to developer interests, and may even be undergoing a “fundamental shift in direction.”

Lester was by no means outside of this process. Under his leadership, the Commission approved two projects within the past two years that strongly favored developers at the expense of environmental concerns. According to the *San Jose Mercury News*, the Commission approves the vast majority of the permit

applications it considers.

On February 16, California State Assembly Speaker Toni Atkins, along with Assemblymen Mark Stone and Marc Levine, introduced proposed legislation that would require lobbyists who seek to influence the California Coastal Commission to report publicly the source of their income, the amount they are paid, and the issues on which they address the Commission. The proposal would require a two-thirds vote in both houses of the Legislature because it would amend the Political Reform Act of 1974. A similar proposal failed to pass in 2005.

Atkins’s proposal, which would affect only lobbyists and not Commission members themselves such as Wendy Mitchell, is an act of damage control. It is an attempt to restore credibility to the Commission as well as to the Democratic Party after California’s Democrat governor, himself an erstwhile “environmentalist,” quietly enabled a political shift driven by the most powerful and environmentally destructive sections of big business.

While environmental groups continue to denounce the decision to oust the Commission’s executive director and correctly identify the Commission as having been captured by the business interests it is supposed to regulate, the political subordination of environmental concerns to the Democratic Party and capitalist politics in general is the underlying reason for the ongoing dismantling of environmental regulations in California and throughout the United States.

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