



Introduction to Project Delivery in the Coastal Zone

On-Demand Training Module



Information About this Module

- Background on coastal regulations and the California Coastal Commission (Commission)
- Information on resources available through Caltrans Coastal Program
- Considerations for working on projects in the coastal zone



BASICS ON COASTAL REGULATIONS



Coastal Laws & Governing Bodies

Coastal Zone Management Act (1972)
 (CZMA; 16 USC 1451, et. seq.)
 Federal Act that encourages states to develop CMP

California Coastal Conservancy
 Non-regulatory state agency that works with land owners & resource agencies to protect coastal resources

McAteer-Petris Act (1965) & Suisun Marsh Preservation Act (1981)
 State laws adopted to protect Bay and Suisun Marsh

California Coastal Act (1976)
 California coastal law that gives the Commission and BCDC jurisdiction over state coastal resources and establishes CMP for state

Link to



San Francisco Bay Conservation & Development Commission (BCDC) (1965)
 State agency with jurisdiction over SF Bay & Suisun Marsh

California Coastal Commission (Commission) (1972)
 (CCA; 20 PRC 30000, et. seq.)
 State agency with jurisdiction over majority of California's coastal resources

Local Governments
 Responsible for adopting Local Coastal Programs (LCPs) and issuing Coastal Development Permits (CDPs)

[Coastal Zone Management Act](#)

[California Coastal Commission](#)

[Other Coastal Laws and Regs](#)

[San Francisco Bay Conservation & Development District](#)

[Local Coastal Programs](#)

[California Coastal Conservancy](#)





BASICS ON THE CALIFORNIA COASTAL COMMISSION



About the Commission

- Independent, quasi-judicial state agency
 - “An entity with powers and procedures resembling those of a court of law or judge, and obligated to objectively determine facts and draw conclusions from them to provide the basis of an official action.”
 - This means the Commission has ultimate land use authority within the Coastal Zone



About the Commission

- 12 voting members who implement California Coastal Act land-use decisions
 - appointed equally (4 each) by the Governor, the Senate Rules Committee, and the Speaker of the Assembly
 - Six locally elected officials
 - Six appointed from the public at large
 - Three non-voting members represent the Natural Resources Agency, Transportation Agency and State Lands Commission

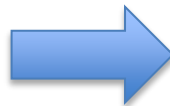


About the Commission

- Commission and local governments implement the Coastal Act
- Commission certifies local coastal programs (LCPs) for local governments
 - 15 counties and 61 cities located in whole, or in part, in the Coastal Zone
 - Many coastal zone jurisdictions have separate geographic segments, resulting in 126 LCP segments
 - 92 LCPs (73%) certified by the Commission as of 2016
 - See Commission website for updated summary of LCP Program Activity



Link to



[California Coastal Commission
Local Coastal Programs \(LCPs\) and
LCP Activity Summary](#)



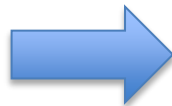
About the Commission

Chapter 3 of the Coastal Act (20 PRC 30000, et. seq.) contains key coastal provisions, such as:

- protection of agricultural lands, environmentally sensitive habitat areas, areas of scenic beauty, and property/life from coastal hazards
- protection and expansion of coastal public access including public access, coastal and inland recreation, and low-cost visitor activities
- enhancement and restoration of natural resources including environmentally sensitive areas, sensitive species, and water quality



Link to



[California Coastal Act Chapter 3](#)



BASICS ON THE CALTRANS COASTAL PROGRAM



Caltrans Coastal Program

- Based in Headquarters
- Trains, educates and coordinates with Caltrans staff working on projects in the Coastal Zone
- Serves as a link between Caltrans Districts and the Commission
- Helps Districts navigate and understand coastal policies and requirements



Caltrans/Commission Interagency Agreement

- Established in 2000
- Addresses need for early and active Commission staff participation in Caltrans' project development process
- Intended to improve coordination efforts



Agency Mission Statements

Caltrans

Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability

Coastal Commission

Protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations





CALIFORNIA
COASTAL
COMMISSION



COASTAL ZONE DISTRICTS			
Coastal Commission Headquarters		Caltrans Headquarters	
San Francisco		Sacramento	
Coastal Commission District	Counties Served	Caltrans District	Coastal Counties Served
North Coast	Del Norte Humboldt Mendocino	1	Del Norte Humboldt Mendocino
North Central Coast	Sonoma Marin San Francisco San Mateo	4	Sonoma Marin San Francisco San Mateo
Central Coast	Santa Cruz Monterey San Luis Obispo	5	Santa Cruz Monterey San Luis Obispo Santa Barbara
South Central Coast	Santa Barbara Ventura Northern Los Angeles	5 & 7	Santa Barbara Ventura Los Angeles
South Coast	Southern Los Angeles Orange	7 & 12	Los Angeles Orange
San Diego	San Diego	11	San Diego

Legend

-  County Boundary
-  Caltrans District Boundary





Caltrans and the Commission: Common Goals

- Natural resource protection
- Sustainable development
- Enhancement of public access and recreational opportunities to the coast



Caltrans and the Commission: Common Challenges

- Cost, time and schedule constraints
- Safety requirements, coastal access and design exceptions
- Coastal resource policies/interpretation and regulatory constraints



WHAT DOES THIS MEAN FOR MY PROJECTS?



What Does This Mean for My Projects?

- Four primary things to consider:
 - The coastal process
 - The classification of most Caltrans projects as major public works projects
 - Federal consistency certification
 - The definition of development under the Coastal Act



What Does This Mean for My Projects?

- The CEQA/NEPA process is different from the coastal process
 - The coastal process has parallel environmental review requirements, processes and regulations
 - Decisions made by the Commission under the Coastal Act are entirely separate from and independent of decisions made by the Lead Agency under CEQA/NEPA
 - The Commission holds ultimate land use authority

Link to



Caltrans Standard Environmental
Reference (SER) Volume 5 –
Coastal Requirements

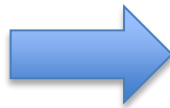


What Does This Mean for My Projects?

- Caltrans projects almost always are “major” public works projects under the Coastal Act
 - Defined as facilities costing more than approximately \$250,000
 - Value changes annually
- Caltrans projects could be appealed to the Commission, regardless of location in the Coastal Zone
- If a project is appealed, work closely with Commission staff towards a finding of no substantial issue



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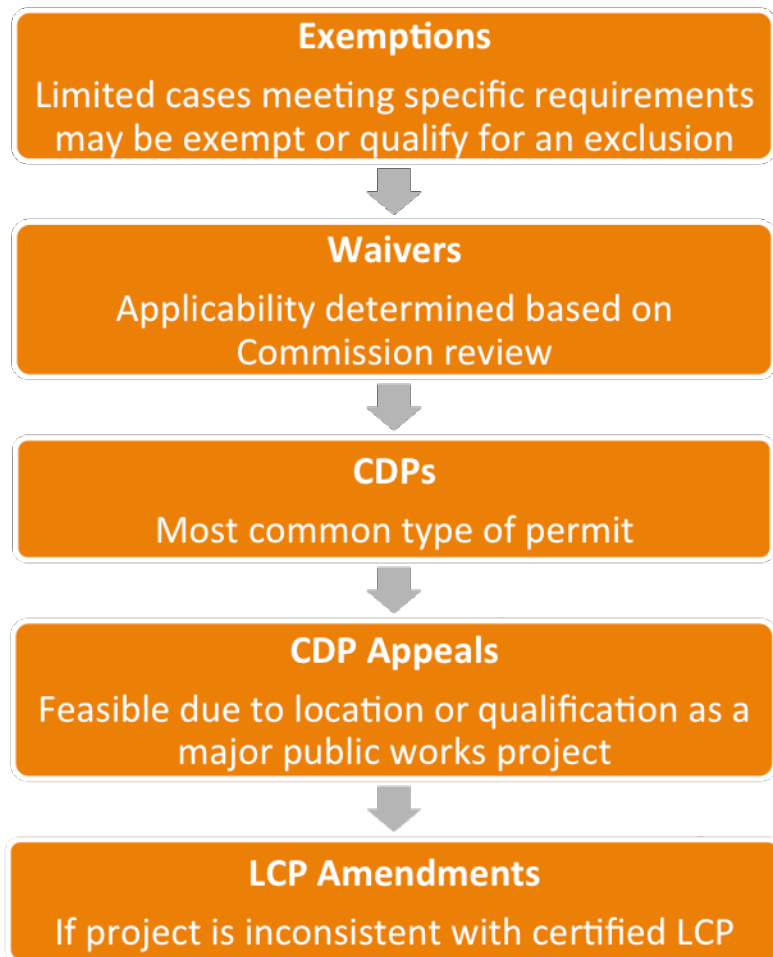


[California Code of Regulations](#)
[14 CCR Section 13012](#)



What Does This Mean for My Projects?

- Depending on the size, scale, and intensity of the project, a coastal permit may be required for Caltrans projects that include development activities, ranging from:

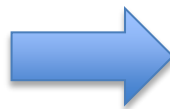




What Does This Mean for My Projects?

- Your project may be subject to a federal consistency certification (FCC) if it receives federal funding or requires a federal permit
- The Commission reviews projects for consistency with the state coastal management program
- You may be subject to a FCC even if the project is located outside the coastal zone
- Your project cannot proceed to a Final ED or ROD without FCC

Link to



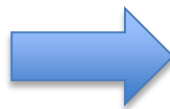
[California Coastal Commission](#)
[Federal Consistency Program](#)



What Does This Mean for My Projects?

- “Development” is a broadly defined term under Coastal Act (Section 30106)
 - Includes construction of buildings, divisions of land, and activities that change the intensity of use of land or public access to coastal waters

Link to



[California Coastal Act,
Chapter 2 – Definitions](#)



BASICS OF COORDINATION WITH THE COMMISSION



Coastal Considerations and Your Projects

- **Early Coordination**
 - Coordinate with Commission during project scoping, when possible, to discuss jurisdictional boundaries, project schedule, and purpose/need
 - Coordination avenue: Workload coordination meetings, Coastal Program Manager
- **Ongoing Coordination**
 - During preparation of Draft ED, provide information on coastal resource impacts (i.e., agricultural land, wetlands, visual resources)



Benefits of Coordination

- **Early Coordination Can:**
 - Identify permit requirements in advance of submittal
 - Identify conditions to be met (avoidance, minimization and mitigation measures, as needed)
 - Reduce delays, scope changes, and additional costs
 - Determine specific technical studies or documents needed to process a permit
 - Identify fatal flaws or Coastal Act compliance issues



Benefits of Coordination

- **Ongoing Coordination Can:**
 - Minimize surprises as the permit is prepared
 - Help avoid project delays
 - Ensure federal consistency
 - Expedite permit processing
 - Minimize permit appeals
 - Build good working relationships



Resources and Tools

- [California Coastal Act](#)
- [California Code of Regulations](#)
- [California Coastal Commission](#)
- [Coastal Commission-certified LCP Activity Summary](#)
- [Caltrans SER Volume 5 – Coastal Requirements](#)