

## **Coastal Act Chapter 3 Policy Consistency Summary Table**

The following example Coastal Act Chapter Three Policy Consistency Summary Table is intended as a representative example and is a compilation of analyses from several different project examples. While the Coastal Act Chapter Three policies will remain the same, the consistency analysis is dependent on the project-specific facts and circumstances and each project will require a unique consistency analysis. The consistency analysis should reflect the coastal resource analysis as written in the Environmental Consequences Section for each resource topic analyzed in the Environmental Document, as applicable.

A discussion of the relevant project features (including standard measures) that have been incorporated into the project to avoid or minimize the project's environmental consequences should be included in the consistency analysis. If the Coastal Act policy is not applicable, then the table should state that the project does not raise that issue. Not all projects will raise every Coastal Act Chapter Three policy issue.

Note that if the project is within the jurisdiction of a local government with a certified LCP, applicable LCP policies will also need to be included.

**Example Table: Coastal Act Chapter Three Policy Consistency Summary Table**

Coastal Act Chapter Three Policy Area	Coastal Act Consistency Analysis
<p><b>Wetlands</b></p> <p><b>Coastal Act Section 30230.</b> <i>Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreation, scientific, and educational purposes.</i></p> <p><b>Coastal Act Section 30231.</b> <i>The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.</i></p> <p><b>Coastal Act Section 30233</b> (in relevant part).  <i>(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities. (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps. (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities. (4) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines. (5) Mineral extraction, including sand for beaches, except in environmentally sensitive areas. (6) Restoration purposes. (7) Nature study, aquaculture, or similar resource dependent activities....</i></p>	<p>The proposed project will have unavoidable impacts to wetlands, including 1 ac. of temporary impacts and 0.5 acres of permanent impacts. Pursuant to Section 30233, fill of wetlands may only be allowed for a very limited number of uses, such as coastal-dependent facilities, incidental public services, restoration and nature study. However, the proposed transportation project is not an “allowed use” pursuant to Coastal Act Section 30233.</p> <p>Several alternatives have been evaluated and no other design or siting alternative is feasible that meets the purpose and objectives of the project without requiring wetland fill. Impacts have been avoided to the maximum extent feasible and mitigation measures have been provided to minimize adverse environmental effects, including mitigation at a 1:1 ratio for temporary impacts and mitigation at a 3:1 ratio for permanent impacts.</p> <p>Additionally, existing wetlands in the project reach will be enhanced.</p>

**California Code of Regulations Title 14 Section 13577 (b).**

**Wetlands.** *Measure 100 feet landward from the upland limit of the wetland. Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats.*

*For purposes of this section, the upland limit of a wetland shall be defined as:*

- (A) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;*
- (B) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or*
- (C) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.*

Include LCP policies related to wetlands, if applicable

Coastal Act Chapter Three Policy Area	Coastal Act Consistency Analysis
<p data-bbox="201 268 505 300"><b>Agricultural Resources</b></p> <p data-bbox="201 342 784 514"><b>Coastal Act Section 30241</b> <i>The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:</i></p> <p data-bbox="201 516 732 630"><i>(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.</i></p> <p data-bbox="201 632 777 833"><i>(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.</i></p> <p data-bbox="201 835 732 919"><i>(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.</i></p> <p data-bbox="201 921 737 978"><i>(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.</i></p> <p data-bbox="201 980 784 1094"><i>(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.</i></p> <p data-bbox="201 1096 737 1241"><i>(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.</i></p> <p data-bbox="201 1278 779 1507"><b>Coastal Act Section 30242</b> : <i>All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.</i></p> <p data-bbox="201 1545 792 1659"><b>Coastal Act Section 30113</b> : <i>"Prime agricultural land" means those lands defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code.</i></p> <p data-bbox="201 1696 774 1898"><b>Section 51201(c) of the California Government Code includes:</b> <i>(1) a rating as class I or class II in the Natural Resource Conservation Service Land use capability classifications; (2) a rating 80 through 100 in the Storie Index Rating; or (3) the ability to support livestock used for the production of food and fiber with an annual carrying capacity equivalent to at least one animal unit per acre as</i></p>	<p data-bbox="813 331 1401 705">The subject property contains all Class I soil, which meets the Coastal Act definition of prime agricultural land under the Coastal Act. The project would allow for the conversion of approx. 5 ac. of approx. 9 acres of active prime agricultural land to transportation facility. Coastal Act policies limit the conversion of agricultural land to instances where agriculture is no longer feasible, where the viability of existing agricultural use is already severely limited by conflicts with urban uses, or where conversion of agricultural lands would complete a logical neighborhood and contribute to the establishment of a stable limit to urban development or would concentrate development in urban areas.</p> <p data-bbox="813 737 1401 1230">The property is adjacent to other agricultural properties and agricultural viability analysis demonstrates that it would be feasible for the existing agricultural activities located on the property to continue. Therefore, the proposed project does not meet the Coastal Act criteria for conversion of agricultural land to non-agricultural uses. Several alternatives have been evaluated and no other design or siting alternative is feasible that meets the purpose and objectives of the project without requiring the conversion of agricultural land. In order to mitigate adverse impacts, the project includes a proposed agricultural conservation easement over the 5 ac. portion of the property that will not be converted to transportation facility. The project also includes a mitigation program for the establishment of a community garden on the 5 ac. property and the funding of endowment for the community garden program.</p>

*defined by the United States Department of Agriculture; or (4) the ability to normally yield in a commercial bearing period on an annual basis not less than two hundred dollars (\$200) per acre of unprocessed agricultural plant production of fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years.*

**Coastal Act Section 30243:** *The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.*

Include LCP policies related to agricultural resources, if applicable

## Coastal Act Chapter Three Policy Area

## Coastal Act Consistency Analysis

### Public Access

**Coastal Act Section 30210.** In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

**Coastal Act Section 30211.** Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

**Coastal Act Section 30212.** (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway. ...

**Coastal Act Section 30213.** Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...

**Coastal Act Section 30214.** (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics. (2) The capacity of the site to sustain use and at what level of intensity. (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses. (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter. (b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional

The proposed project would improve coastal access by increasing roadway reliability, efficiency, and safety.

Although the project would result in the removal of approximately 20 existing informal roadway shoulder parking spaces available near the beach, 10 informal spaces would remain available. Further, to minimize impacts of removal of public parking and provide replacement parking, the project proposes a 20 space parking lot and includes repair of an adjacent stairway to the beach. The preferred alternative would also close a gap in the California Coastal Trail in the project area by construction of a 1 mile bicycle and pedestrian trail connection. Further, construction will temporarily impact public access for approximately 9 months. However, a public access plan, including a comprehensive signage program directing the public around the construction area and to alternate routes, will be prepared to provide for temporary access pedestrian and bicycle paths throughout construction. Therefore, the project would enhance recreation and access opportunities for local residents and visitors and will be consistent with the public access and recreation policies of the Coastal Act.

right of access pursuant to Section 4 of Article X of the California Constitution. ...

**Coastal Act Section 30220.** Protection of certain water-oriented activities Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

**Coastal Act Section 30221.** Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

**Coastal Act Section 30223.** Upland areas Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

**Coastal Act Section 30224.** Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

**Coastal Act Section 30252.** The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Include LCP policies related to public access and recreation, if applicable

Coastal Act Chapter Three Policy Area	Coastal Act Consistency Analysis
<p data-bbox="203 304 784 336"><b>Visual Resources and Community Character</b></p> <p data-bbox="203 380 764 783"><b>Coastal Act Section 30251.</b> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.</p> <p data-bbox="203 816 781 869">Include LCP policies related to public access and recreation, if applicable</p>	<p data-bbox="813 359 1401 1459">The project site is well inland from the actual shoreline; however, the highway is a designated scenic corridor and major coastal access route. Decoratively textured sandstone colored retaining walls are proposed along the proposed auxiliary lanes; additionally, a number of sound walls are proposed along several streets in the area to protect residences. The walls are proposed at varying heights that range in height from 8-feet to 12- feet. The walls will be visible to travelers along the highway in both directions. Current public views of sparsely vegetated slopes and ice plant covered embankments on the highway will be partially replaced with retaining walls at the lower levels resulting in a more urban view. However, the short duration of exposure (5 to 10 seconds) is expected to be minimal. The highway in this location is surrounded by slopes on either side and no ocean views are impacted by the project. The retaining walls are all at the level of the highway and staggered for the most part to minimize any "tunnel" effect as you pass along the freeway. The proposed retaining walls will be colored and textured to be subordinate to the natural setting to the extent possible. Several of the sound walls will be Y2 glass and others will be colored and textured. Walls are proposed to be screened with landscaping and areas disturbed by construction and newly constructed freeway slopes will be revegetated with native, drought tolerant plant materials to minimize adverse impacts associated with the proposed project to the extent possible. Therefore , while the proposed project will result in a more "hardened" landscape through this stretch of highway with the installation of additional road surface and retaining walls, proposed and required landscape improvements will help to soften the views and reduce the impacts by screening, where feasible. In addition, no public views of the coastline are currently available or will be affected by the proposed development. Therefore, the project protects the scenic and visual qualities of the area and is consistent with Section 30251 of the Coastal Act.</p>

Coastal Act Chapter Three Policy Area	Coastal Act Consistency Analysis
<p><b>Environmentally Sensitive Habitat Area (ESHA)</b></p> <p><i>Coastal Act Section 30240. (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.</i></p> <p><i>Coastal Act Section 30107.5. "Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments Include LCP policies related to ESHA, if applicable.</i></p>	<p>The proposed project would result in 1 acre of unavoidable permanent impacts to upland ESHA, 0.5 acres of temporary impacts to upland ESHA and 0.5 acres of permanent impacts to riparian ESHA. The proposed transportation improvement project is not a resource-dependent use, and therefore is not allowed in ESHA consistent with Section 30240. Several alternatives have been evaluated and no other design or siting alternative is feasible that meets the purpose and objectives of the project without requiring ESHA impacts. However, mitigation measures have been provided to minimize adverse environmental effects, including mitigation at 3:1 ratio for all permanent impacts to ESHA and mitigation at a 1:1 ratio for all temporary impacts to ESHA.</p>

Coastal Act Chapter Three Policy Area	Coastal Act Consistency Analysis
<p><b>Water Quality</b></p> <p><b>Coastal Act Section 30230.</b> <i>Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreation, scientific, and educational purposes.</i></p> <p><b>Coastal Act Section 30231.</b> <i>The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.</i></p> <p><b>Coastal Act Section 30232.</b> <i>Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.</i></p> <p>Include LCP policies related to Water Quality, if applicable</p>	<p>The proposed project would result in an increase of impervious surfaces by construction of 2 acres of new road surface area, which would result in impacts due to the introduction of pollutants from highway runoff and due to higher volumes and higher velocities of runoff during storms. The project incorporates the following post-construction measures in order to minimize impacts to water quality:</p> <ul style="list-style-type: none"> <li>-utilize permeable pavements, incorporating sub-grade stormwater retention, and implementing structural and operational BMPs to control pollutant sources, keep pollutants segregated from stormwater and minimize tainted runoff;</li> <li>-Implement low-impact development strategies to infiltrate, evapo-transpire, filter, detain, and retain runoff;</li> <li>-Implement alternative water quality BMPs, including grading to create or modify topographic depressions to maximize the capture, detention, or retention of runoff, amending onsite soils to increase infiltration and detain run-off, adding or replacing vegetation in areas that receive freeway run-off with native plants, and construction bioswales, or biostrips;</li> <li>-Design infiltration BMPs to handle run-off from storms up to and including the 85th percentile, 24 hour storm event onsite;</li> <li>-Prioritize the use of soil-based biofilter techniques, such as bioswales.</li> </ul> <p>Additionally, sediment and pollution control, spill prevention measures, and construction BMPs, included as part of the SWPPP, are proposed in order to protect water quality during construction.</p> <p>Therefore, the project will be consistent with the water quality protection policies of the Coastal Act.</p>

Coastal Act Chapter Three Policy Area	Coastal Act Consistency Analysis
<p><b>Coastal Hazards/Shoreline Development</b></p> <p><b>Coastal Act Section 30253</b> (in part) <i>New development shall: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.</i></p> <p><b>Coastal Act Section 30235.</b> <i>Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.</i></p> <p><b>Coastal Act Section 30236.</b> <i>Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.</i></p> <p><b>Coastal Act Section 30270.</b> <i>The commission shall take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.</i></p> <p><b>Coastal Act Section 30001.5.</b> <i>The basic goals of the state for the coastal zone are to [...] Anticipate, assess, plan for, and, to the extent feasible, avoid, minimize, and mitigate the adverse environmental and economic effects of sea level rise within the coastal zone.</i></p> <p><i>(Added by Stats. 2021, Ch. 236, Sec. 2. (SB 1) Effective January 1, 2022.)</i></p> <p>Include LCP policies related to Coastal Hazards/Shoreline Development, if applicable</p>	<p>Section 30235 of the Coastal Act permits shoreline protective structures when required to protect existing structures in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Several alternatives to address erosion at the project site have been analyzed. The proposed installation of rock revetment is an interim solution for the purpose of protecting existing highway which is a primary north to south highway along the coast that provides vehicular access to this section of coast. Relocating the highway to a more landward location is not a feasible alternative due to existing geologic and topographic siting constraints. Currently, erosion due to wave action threatens the stability of the highway and creates hazardous conditions for cyclists and pedestrians that use the adjacent public path. Sea level rise is expected to exacerbate current erosion patterns and increase wave action, in turn, leading to further hazardous conditions and negatively impacting public access. The proposed rock revetment alternative would match the existing rock installed north of the site, has public support as the preferred alternative, and provides wave energy dissipation. The project's shoreline sand supply impacts (178 cubic yards over a ten-year-period) may cause degradation of public access to and along the beach, particularly in relation to the manner in which project area materials affect nourishment of the beach. As such, shoreline sand supply mitigation includes construction of a paved bicycle and pedestrian pathway which would connect the California Coastal Trail segments north and south of the project. The project would also provide safe vertical access to the beach by way of a newly installed staircase.</p> <p>Further, the site specific wave uprush study demonstrates that the revetment is necessary to mitigate further failure and protect the existing highway facility. A site specific sea level rise analysis was also conducted which demonstrates that at different sea level rise and storm scenarios a revetment will be necessary to mitigate further failure and protect the existing highway facility in conformance with Coastal Act Section 30253.</p> <p>Therefore, the project is consistent with the coastal hazards policies of the Coastal Act.</p>

Coastal Act Chapter Three Policy Area	Coastal Act Consistency Analysis
<p><b>Archaeological and Paleontological Resources</b></p> <p><b>Coastal Act Section 30244.</b> <i>Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.</i></p> <p>Include LCP policies related to Archaeological or Paleontological Resources, if applicable</p>	<p>The proposed project will avoid all direct and indirect impacts to previously identified archaeological resources in the project vicinity. Caltrans has consulted with the SHPO and appropriate Native American tribes, and determined that there is no potential for significant archaeology sites within the Area of Potential Effect (APE). However, paleontological resources may be potentially affected by the proposed project improvements as some project components are located in or near areas of potentially high and moderate significance.</p> <p>Alternatives have been evaluated and complete avoidance is infeasible. Impacts to paleontological resources could occur during earthwork activities involving sensitive geologic formations that could damage paleontological resources directly, or expose fossils to long-term surface erosion and/or uncontrolled specimen collection. The proposed mitigation plan provides for monitors to be present at all times for ground disturbing activities occurring in areas of known or suspected paleontological significance and specifies additional appropriate mitigation measures. Therefore, the project is consistent with Coastal Act Policy 30244.</p>

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<p><b>Environmental Justice</b></p> <p><b>Coastal Act Section 30604.</b> <i>When acting on a coastal development permit, the issuing agency, or the Commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.</i></p> <p><b>Coastal Act Section 30006.</b> <i>The public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.</i></p>	<p>Coastal Act section 30604(h) gives the Commission the authority to explicitly consider environmental justice, or the equitable distribution of environmental benefits throughout the state, in its permit decisions. The proposed project addresses environmental justice concerns related to the inequitable distribution of public access and recreation benefits in California. The proposed project provides a free, non-automotive, visitor, and recreational facility for the public that will increase coastal recreation and access benefits available to all types of users regardless of income level. The project's trail will provide a non-motorized connection between two cities. Free parking is available to trail users at both ends of the proposed trail segment. The trail itself provides free public access opportunities for residents and visitors, as well as mobility opportunities for disadvantaged communities. Completion of this stretch of the trail between the two cities will allow people to safely (off the highway shoulder) walk or bike between communities rather than drive, which also will reduce pollution associated with car travel.</p>