

Caltrans Coastal Program

Coastal Permits: CDPs and their Relationship to the NEPA and CEQA Process

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Development in California's coastal zone typically requires a Coastal Development Permit (CDP) issued by the California Coastal Commission (Coastal Commission) or a local agency with a Coastal Commission-certified Local Coastal Program (LCP). Caltrans projects in the coastal zone needing a CDP require submittal of a CDP application. For a more efficient CDP application process and to better develop a complete CDP application, the Caltrans Coastal Program encourages project teams to think of coastal permitting as a *review process*, similar to the processes to prepare environmental documents under the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA), instead of a *permit application*.

The coastal review process has its own environmental review that is parallel to, but independent of, NEPA and CEQA environmental review requirements. This process must be completed pursuant to the standards of the California Coastal Act (Coastal Act) and its implementing regulations, or a local agency's LCP. Decisions made by the Coastal Commission or local agency on a project's CDP are entirely separate from, and independent of, decisions made by Caltrans as the lead agency under NEPA and CEQA. This means the Coastal Commission or local agency may request changes to the project description prior to CDP approval to ensure a project conforms to the requirements of the Coastal Act. Completing the NEPA and CEQA process does not guarantee CDP approval, but identifying and addressing coastal policy considerations in environmental documents can streamline future CDP approvals.

Considerations for Project Delivery in the Coastal Zone

The environmental analyses and technical documentation needed to satisfy requirements for projects in the coastal zone may differ from what is conducted under NEPA and CEQA. Consider analyzing the following Coastal Act resource protection policies within the environmental document to assist with CDP applications:

- Agricultural Resources
- Public Access and Recreation
- Visual Resources
- Archaeological and Paleontological Resources
- Water Quality
- Coastal Hazards and Shoreline Development
- Environmentally Sensitive Habitat Areas (ESHA) and Biological Resources
- Wetlands

CDP Coordination

The process for preparing CDP applications is intensive, often requiring additional analysis or studies. Consult with the Coastal Commission or local agency staff issuing a project's CDP throughout the project delivery process. Project coordination with the Coastal Commission or local agency should begin during scoping to consider any coastal resource policy issues.

For more complicated projects, discuss the CDP application with Coastal Commission or local agency staff before the environmental document is finalized. Doing so could minimize the need for re-evaluation due to Coastal Commission or local agency-required changes.



How Are the Requirements of NEPA, CEQA, and the California Coastal Act Similar and Different?

	National Environmental Policy Act (NEPA)	California Environmental Quality Act (CEQA)	California Coastal Act and/or Certified Local Coastal Program (LCP)
What laws or regulations guide the process?	National Environmental Policy Act (NEPA)	California Environmental Quality Act (CEQA)	California Coastal Act and/or a certified Local Coastal Program (LCP)
To what activities do the laws or regulations apply?	Any project on federal lands, with federal funding, or requiring federal approval	Any discretionary activity undertaken in California by a public agency, or a private activity that must receive discretionary approval from a governmental agency	Any action that meets the definition of “development” in the Coastal Zone
What does the law require?	Preparation of an environmental document that informs the public and decision makers about a project’s impacts, feasible alternatives, and available mitigation	Preparation of an environmental document that informs the public and decision makers about a project’s impacts, feasible alternatives, and available mitigation	A CDP for development in the coastal zone from the Commission or local agency with a certified LCP and the project must be found consistent with Coastal Act or certified LCP resource protection policies
How are projects assessed and how is significance determined?	Procedurally focused and requires an EIS when the action as a whole has the potential to significantly affect the quality of human life—based on context and intensity	Requires the identification and mitigation of each significant impact on the environment	Projects assessed according to the California Coastal Act Chapter 3 policy standards, the policy standards of the certified LCP, or both, depending on the project’s jurisdiction
What is the appropriate baseline data?	Requires analysis of the no-build alternative	Conditions on the ground when the Notice of Preparation is circulated for an EIR, or when environmental analysis begins	Requires evidence that existing site conditions are legal (i.e., no unpermitted vegetation removal) or that any existing development was legally permitted or in place prior to the Coastal Act
What technical information is needed?	Caltrans prepares technical studies and an environmental document based on the project’s potential for impact	Caltrans prepares technical studies and an environmental document based on the project’s potential for impact	Caltrans prepares a CDP application for submittal to the Commission or local agency Documentation to support the CDP application can necessitate additional technical studies and analysis in addition to what is required for the NEPA and CEQA
Who makes final decisions regarding project approval?	Lead agencies make decisions to approve the project The lead agency then applies for permits needed to implement the project	Lead agencies make decisions to approve the project The lead agencies then apply for permits from local, state, or federal agencies	The Coastal Commission or local agency makes the final decision on approval via the CDP process If a project is found inconsistent with the Coastal Act or LCP, the Coastal Commission or local agency could deny the project, or may recommend approval with special conditions
What mitigation is necessary?	Agencies are required to identify and include all relevant and reasonable mitigation measures that could lessen the impacts of the action	Mitigation measures which substantially reduce significant impacts are required to be identified	Mitigation is determined on a case-by-case basis to make the project consistent with the resource protection policies and standards of the Coastal Act or certified LCP Mitigation requirements are usually implemented through special conditions of the CDP, and can be different than mitigation identified in the NEPA or CEQA document

Bridging the Gap Between the Environmental Document and CDP Application

The following are common coastal policy considerations to help guide a project to CDP approval.

- Consider the need for additional technical studies and documentation outside the scope of analysis for NEPA or CEQA that support Coastal Act and/or LCP policy consistency analysis, such as:
 - Sea Level Rise Analysis
 - Wave Run-Up Study
 - Visual Impact Analysis
 - Environmentally Sensitive Habitat Area (ESHA) Analysis
 - Coastal Wetland Delineations
 - Agricultural Viability Analysis
- Consider preparing technical data during development of the environmental document and evaluate, to the extent possible, coastal topics within each applicable resource chapter of the environmental document, including the Affected Environment and Environmental Consequences sections.
- Prepare a thorough coastal policy consistency analysis as part of the Land Use section of the environmental document and as part of the CDP application.
- Frame your CDP application and/or responses to Commission staff questions using the Coastal Act policy topics as your starting point rather than using standard transportation language.

Caltrans Coastal Program Resources

For detailed guidance and instructions to address coastal policy considerations in NEPA and CEQA documents, see the Environmental Document Annotated Outline.

Refer also to the Caltrans Standard Environmental Review (SER) Volume 5, Coastal Zone for additional guidance on the technical studies and analysis often requested to support coastal policy consistency analysis, including an example Coastal Act Policy Consistency Summary Table, as well as additional tools and reference materials that follow a typical coastal permit decision-making process. Visit www.dot.ca.gov/env/coastal/ for more information.

