

# Caltrans Coastal Program

## Coastal Commission Hearing Preparation

FACT SHEET NO. 3 | UPDATED MARCH 2017

The California Coastal Commission (Commission) has a rigorous and complex process of reviewing and approving projects in the coastal zone. Projects in the Commission's jurisdiction generally require a hearing by the Commission. The following information and guidelines will assist Caltrans staff who are preparing to take a project in front of the Commission for permit approval.

### Day of the Hearing

The hearing on an item will open with a staff presentation, most typically providing an overview of the project description, coastal policy issues, and the staff recommendation. The following checklist will help you prepare for the day of the hearing:

- Arrive an hour before the hearing begins to allow time for coordination with Commission staff, especially on last-minute issues that may arise.
- Complete and submit your "Request to Speak" form.
- Bring your presentation for the Commission on a flash drive. Coordinate with Commission staff in advance to minimize duplication in presentations.
- Confirm the length of time you will have to address the Commission. Applicant presentations may be limited to three minutes, or may last as long as 20 minutes, depending on the type of agenda item and complexity of the project.
- Be prepared. Your ability to describe the project and to address concerns and topics relevant to the Commission in regards to the Coastal Act and its policies is critical. Prior coordination with Commission staff will help ensure that you are prepared.
- Be respectful of the opinions and positions of Commissioners, staff, and members of the public.
- Be aware that, as the applicant, you have a right to request a postponement at any time during the hearing (prior to a vote on the item) to allow more time for discussion and resolution of any outstanding issues.

### Hearing Basics

- The Commission meets monthly, in various coastal communities throughout the state.
- Hearings provide an opportunity for the Commission to make permit, planning, and other policy decisions.
- Hearing agendas are not time certain.
- The Commission considers each item in the sequence listed on the agenda. It is not possible to predict how quickly the Commission will complete agenda items.
- General meeting rules and procedures, agendas, and staff reports are posted on the Commission's website at [www.coastal.ca.gov](http://www.coastal.ca.gov).

## Preparing in Advance of the Hearing

Coordination with Commission staff in advance of a hearing is critical. Commission hearing procedures can often result in a complex and time-sensitive process that demands quick response by the project applicant. Close coordination with Commission staff and Caltrans headquarters will help address issues that arise before and during the hearing.

- Commission staff reports are prepared in advance of hearings and include recommendations for action. Ideally, Commission staff have been involved in the project development process; regardless, it is important for Caltrans staff to coordinate with Commission staff during preparation of the staff report to ensure that they have current data and information.
- Staff reports can be obtained via the Commission website approximately 10 days before the hearing, and may be updated prior to the hearing.
- Timely review of staff reports, preparation of presentation materials, and written correspondence will help secure the most successful results during the Commission's review and consideration of project proposals.
- Outside of allotted presentation time, the applicant does not have additional opportunities to address the Commission during a hearing. Ex parte communication is a tool that can be utilized in advance of the hearing to provide Commissioners greater understanding of the need for and history of the project.

Coordination with Caltrans headquarters will also help staff prepare for a smooth hearing.

- A representative of the California State Transportation Agency (CalSTA) serves as a non-voting member of the Commission. The representative should be briefed on Caltrans projects in advance of the hearing. Briefings can be arranged through the Caltrans Coastal Program Manager and will ensure the CalSTA representative is prepared to respond to questions from the public and other Commissioners.
- Caltrans headquarters Environmental Coordinators also serve as a valuable resource to consult prior to a hearing and can assist district staff throughout the Commission's permitting process.

## Ex Parte Communication

Commission regulations allow for direct, or ex parte, communication with Commissioners prior to a hearing. Ex parte communications may be in the form of a briefing, site visit, or written materials. Not all Commissioners accept ex parte requests. Caltrans staff engaging in ex parte communication need to be aware of the regulations associated with this type of communication.

### Written Materials

Any written materials sent to Commissioners must also be sent to Commission staff. The written material must indicate on the envelope or cover page that the same information has been sent at the same time to Commission staff.

### Public Information

The information provided to the Commission as part of ex parte communication will be included in the public record.

### Decision Making

Commission decisions must be made based on information available to all Commissioners. Information provided to a Commissioner as part of ex parte communication will be made available to all Commissioners and the public.

For a list of Commissioners who accept ex parte communication, visit <https://www.coastal.ca.gov/roster.html>.

Additionally, see the Caltrans Standard Environmental Reference (SER) Volume 5 - Coastal Requirements, Chapter 9, at [www.dot.ca.gov/ser/vol5/vol5.htm](http://www.dot.ca.gov/ser/vol5/vol5.htm) for more information on ex parte communication.