

OVERVIEW OF COASTAL DEVELOPMENT PERMITTING

Melissa Kraemer

District Supervising Analyst

Melissa.Kraemer@coastal.ca.gov

Cristin Kenyon

Coastal Program Analyst

Cristin.Kenyon@coastal.ca.gov

California Coastal Commission

North Coast District Office

1385 8th Street, Suite 130

Arcata

(707) 826-8950

www.coastal.ca.gov





PUBLIC ACCESS



MARINE RESOURCES



SENSITIVE HABITAT AREAS



PUBLIC VISUAL RESOURCES



AGRICULTURAL LANDS



BOATING & FISHING FACILITIES



WATERS & WETLANDS



TIMBERLANDS



ARCHAEOLOGICAL RESOURCES

WHERE IS THE COASTAL ZONE?



WHAT IS A LOCAL COASTAL PROGRAM (LCP)?

Components of an LCP

Land Use Plan
Policies & Land Use
Designations

Implementation Plan
Zoning Regulations & Districts

LCP CERTIFICATION / PERMIT AUTHORITY

LCP Submitted to Commission for Approval



Commission **Certifies LCP**

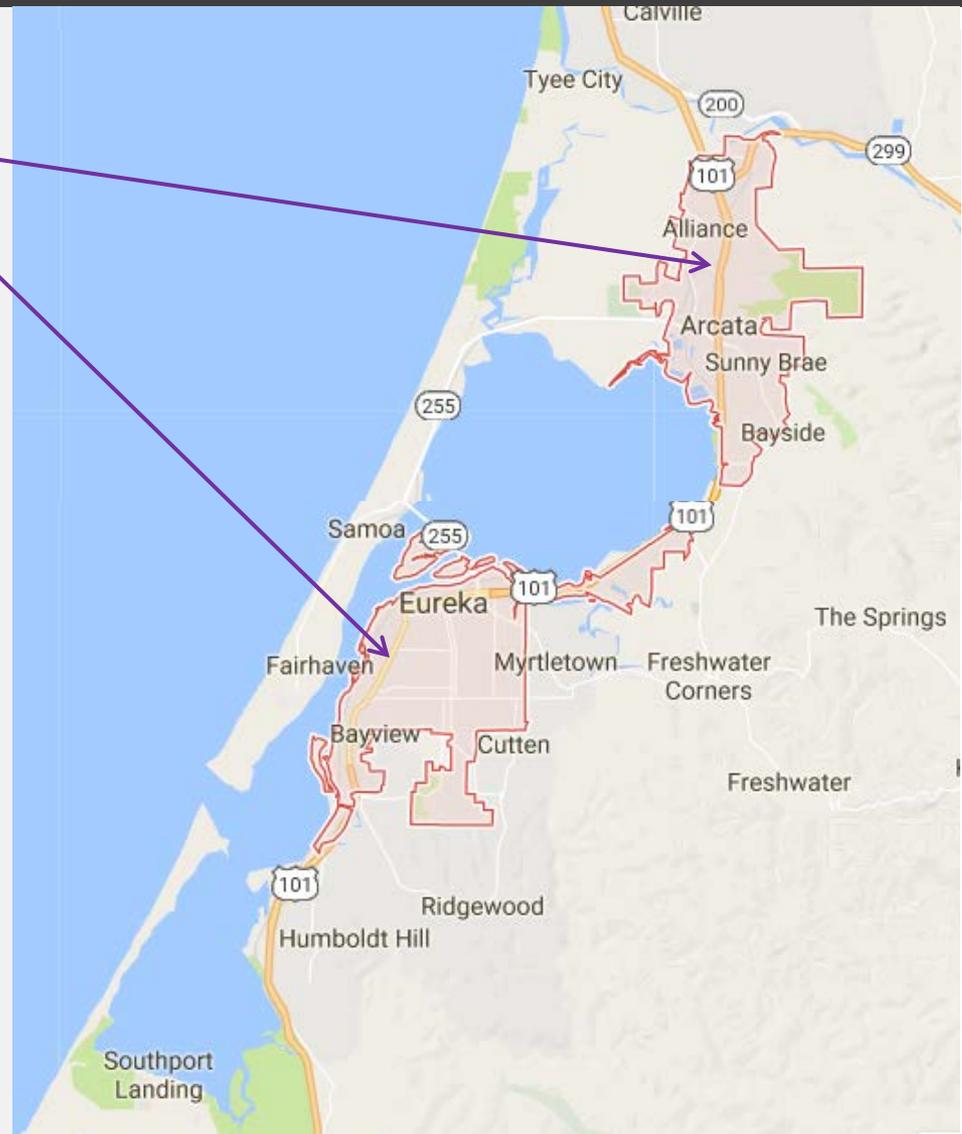


Local governments issue permits (CDPs)



CERTIFIED LCPs IN THE HUMBOLDT BAY REGION

- **Arcata** (1989)
- **Eureka** (1984, 1999)
- **Humboldt County**
(Humboldt Bay Area Plan, 1986)



LOCAL COASTAL PROGRAM UPDATES

Grantor	Grantee	Amount	Scope of Work
CCC	Humboldt	\$29,000	Updates to North Coast Area and Trinidad Area Plans & develop CDI interim use policies
OPC	Eureka	\$250,000	LCP update to address SLR
CCC	Arcata	\$54,000	LCP update to address SLR
OPC	Humboldt	\$90,000	LCP update to address SLR
CCC	Humboldt	\$35,000	CDI land inventory & updates and tsunami safety planning updates
CCC	Trinidad	\$80,000	LCP update to address SLR

WHO ISSUES COASTAL DEVELOPMENT PERMITS?

Coastal City or County

- Locations: Areas covered by certified LCP
- Standard of Review: LCP

Coastal Commission

- Locations: submerged lands, tidelands, public trust lands, uncertified areas
- Standard of Review: Coastal Act

**Appealable to
Commission**

**Not
Appealable**

IS A CDP REQUIRED?

1. Is the development in the **Coastal Zone**?
2. Is it “**development**”?
3. Is the development **exempt** from permit requirements?



WHAT IS "DEVELOPMENT"?

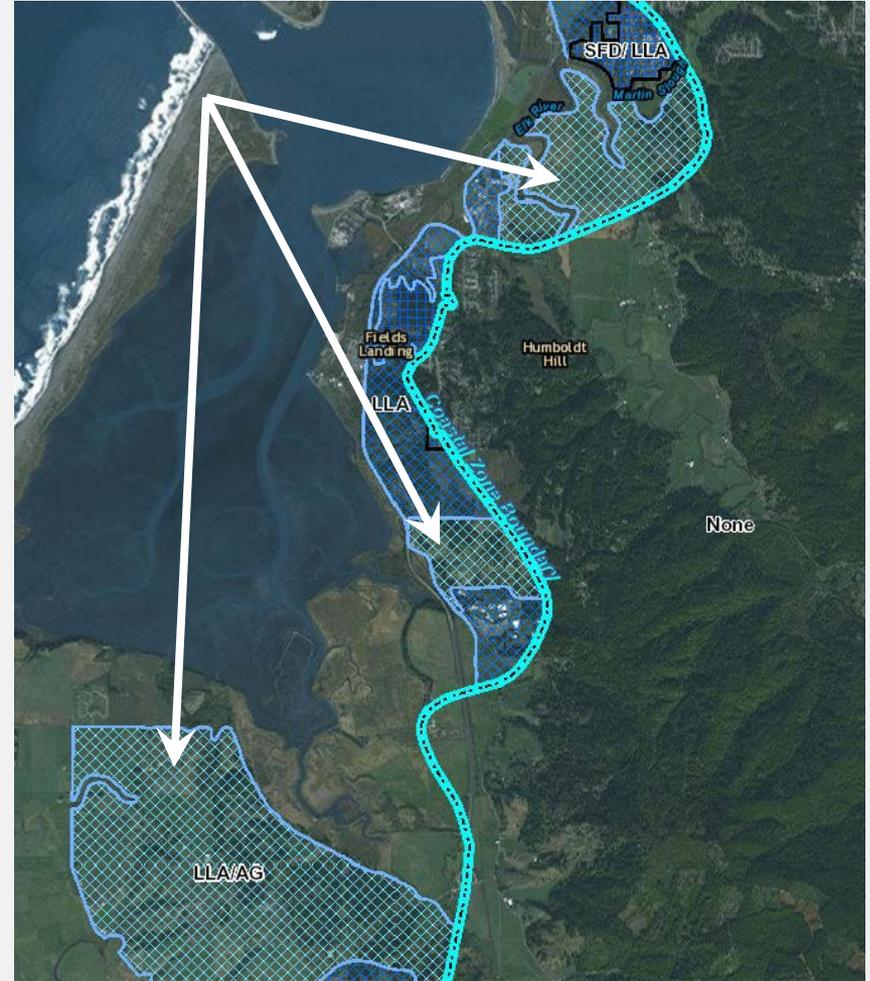
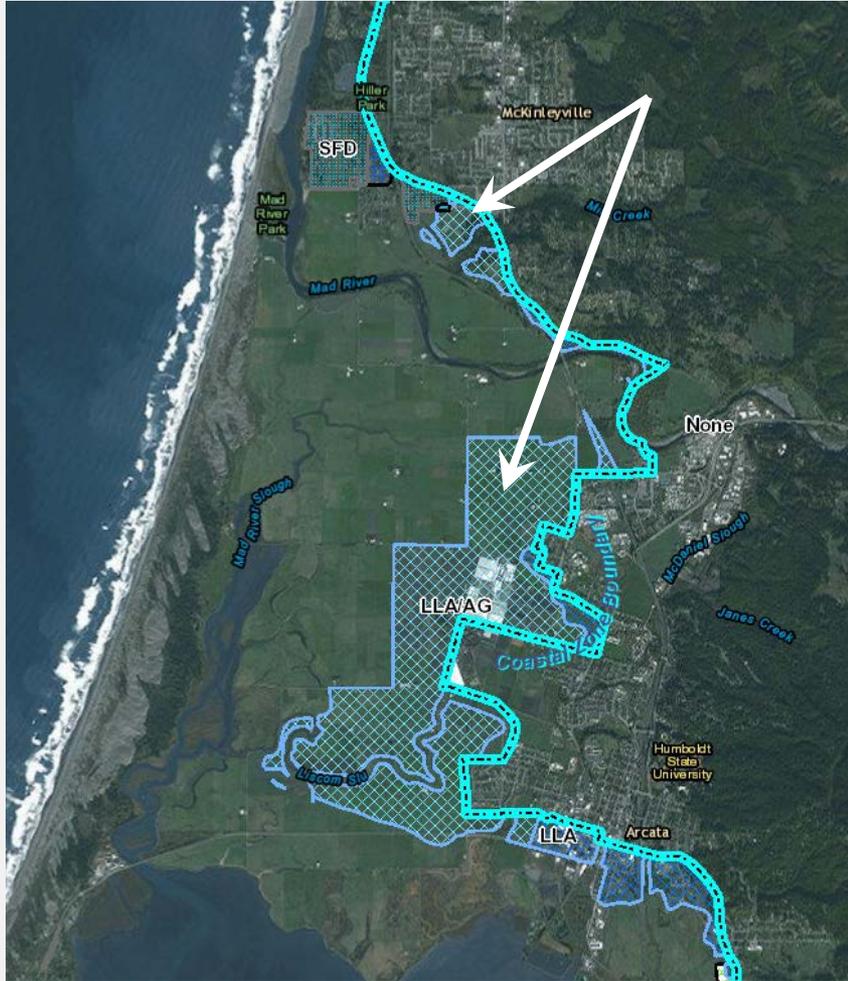
CA PRC Section 30106:

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and **the removal or harvesting of major vegetation other than for agricultural purposes**, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

EXEMPTIONS FROM CDP REQUIREMENTS

- **Certain improvements to existing structures**
- **Certain repair & maintenance activities**
- **The replacement of certain structures destroyed by a disaster**
- **Categorical Exclusion Orders**
 - ❖ County Categorical Exclusion Order E-86-4 includes agricultural accessory structures on Agricultural Exclusive lands in non-appealable areas located at least 100 feet away from any coastal wetland

COUNTY CATEGORICAL EXCLUSION ORDER E-86-4



POTENTIALLY EXEMPT DEVELOPMENT UNDER COUNTY CATEGORICAL EXCLUSION ORDER E-86-4

- Windmills
- Greenhouses
- Silos
- Tank houses
- Barns and outbuildings
- Coops
- Drainage facilities and structures
- Roadside sales of ag products
- Fences for farm or ranch purposes
- Electric utility line
- Storage tanks & water lines
- Wells for agricultural use
- Water pollution control facilities



IF DEVELOPMENT NEEDS A PERMIT...

1. Is the project consistent with coastal policies?
2. What are the permit process options?





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ARCHAEOLOGICAL RESOURCES

PROTECTION OF AGRICULTURE

- *Maintain prime agricultural lands in ag use*
- *Do not convert any ag land to other uses, unless:*
 - 1) *Continued/renewed ag is not feasible*
 - 2) *Conversion would preserve prime agricultural*
 - 3) *Conversion would concentrate development*



PROTECTION OF URBAN/RURAL BOUNDARY

- *Cluster new development with existing development*
- *Locate where adequate services*
- *Limit land divisions in rural areas*



DIKING/FILLING/DREDGING WETLANDS & WATERS



■ Only for these uses:

- 1) *New or expanded port, energy, and coastal-dependent industrial facilities, commercial fishing facilities*
- 2) *Maintenance dredging*
- 3) *New/expanded boating facilities...*
- 4) *Incidental public service purposes...*
- 5) *Mineral extraction*
- 6) *Restoration purposes*
- 7) *resource dependent activities (nature study, aquaculture)*

■ *Must consider alternatives*

■ *Must include mitigation measures*

ALTERATIONS OF RIVERS & STREAMS

- *Best mitigation measures feasible*
- *Allowed only for:*
 - 1) *Necessary water supply projects*
 - 2) *Flood control necessary to protect existing structures*
 - 3) *Fish & wildlife habitat improvement*



IF DEVELOPMENT NEEDS A PERMIT...

- 1. Is the project consistent with coastal policies?**
- 2. What are the permit process options?**



WHO ISSUES COASTAL DEVELOPMENT PERMITS?

Coastal City or County

CDPs

Waivers (limited)

Coastal Commission

Coastal Development Permits (CDPs)

Consolidated CDPs

Waivers

Federal Consistency Authorizations (e.g., “umbrella permit”)

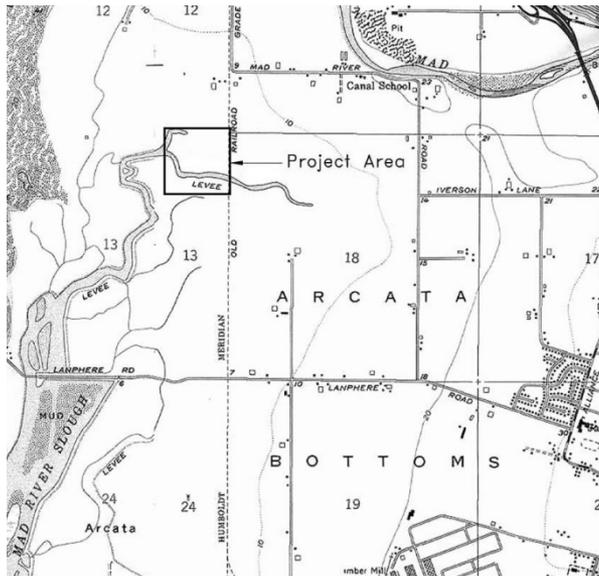
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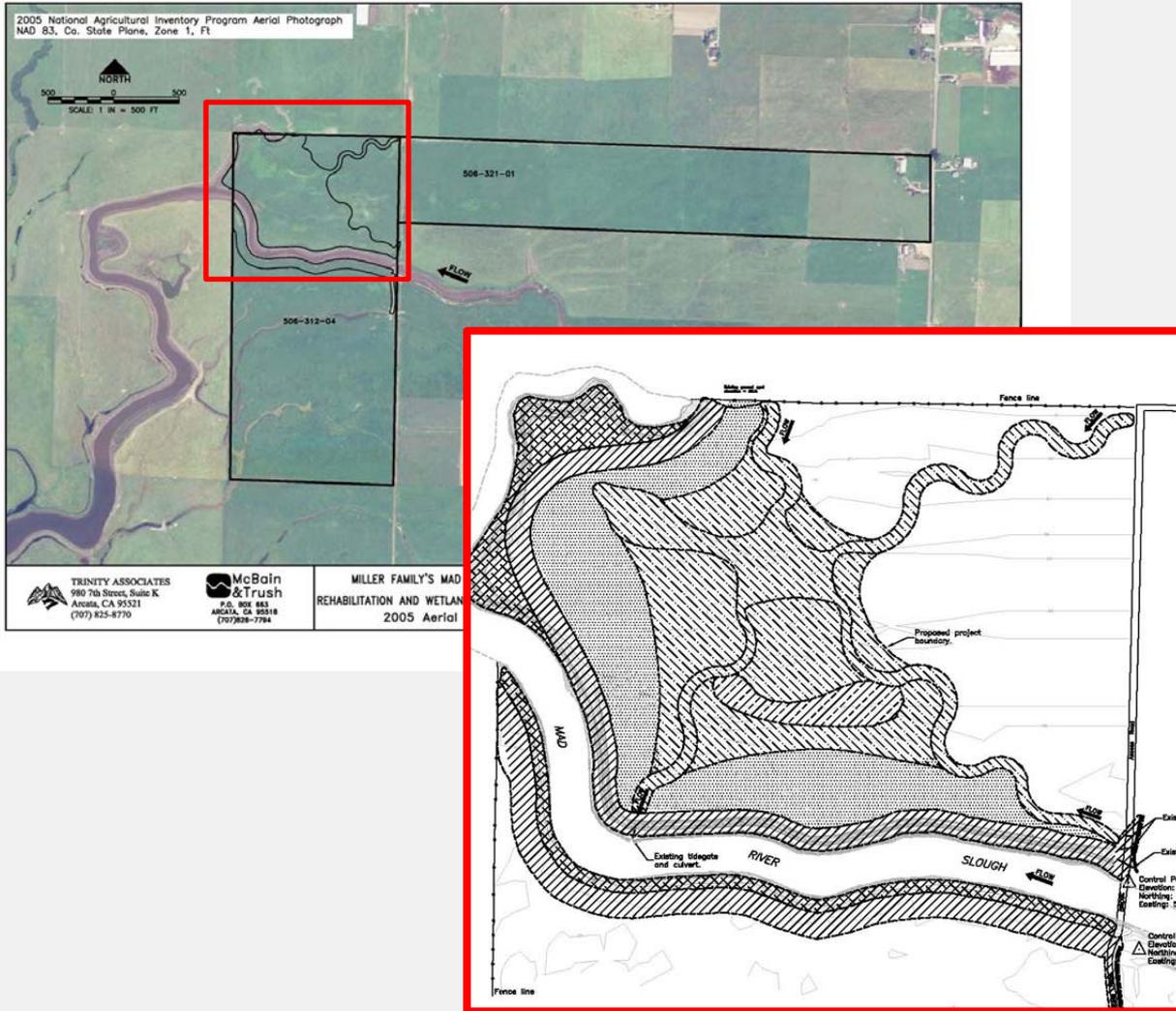
EXAMPLES OF PAST PERMITS ON AGRICULTURAL LANDS

Dike Repair & Habitat Restoration along Mad River Slough

- U.S. FWS provided technical & permitting support
- Dike repairs were facilitated by including a salt marsh restoration component to the project



DIKE REPAIR & HABITAT RESTORATION PROJECT

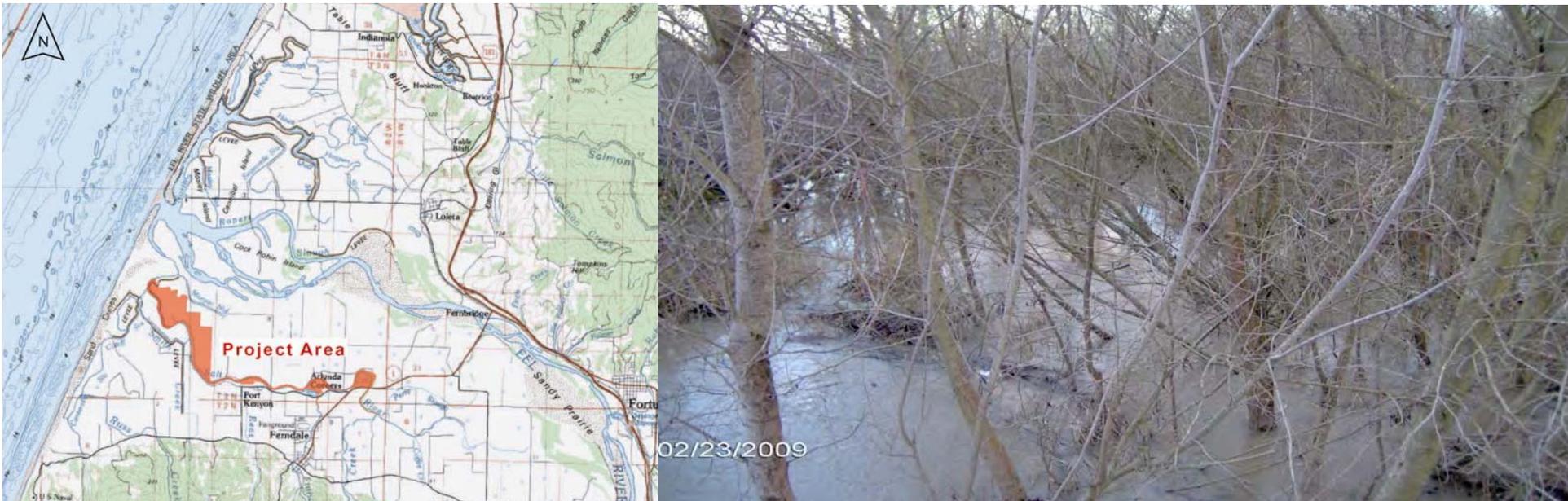


- ✓ Repaired degraded dike
- ✓ Restored salt marsh
- ✓ Improved pasture drainage

EXAMPLES OF PAST PERMITS ON AGRICULTURAL LANDS

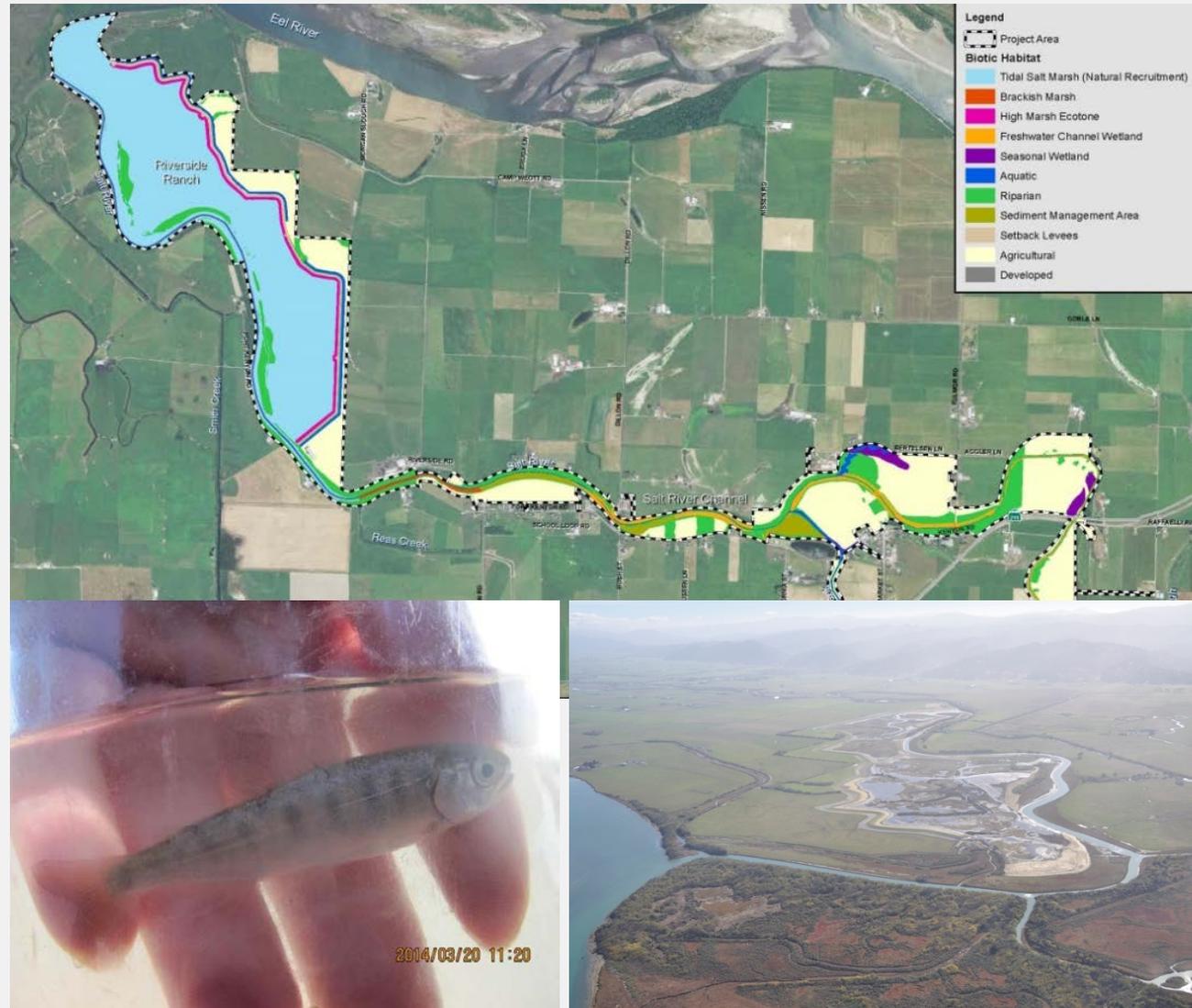
Salt River Ecosystem Restoration Project

- Consolidated CDP
- “Blanket” CDP with County RCD as permit agent



FLOOD CONTROL & HABITAT RESTORATION PROJECT

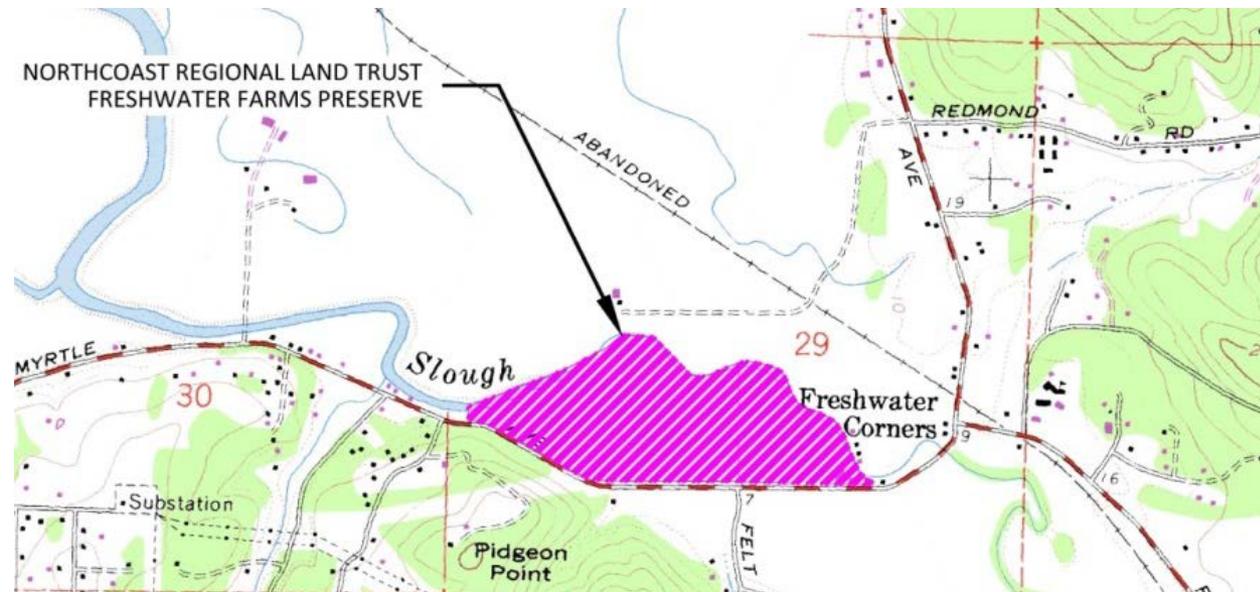
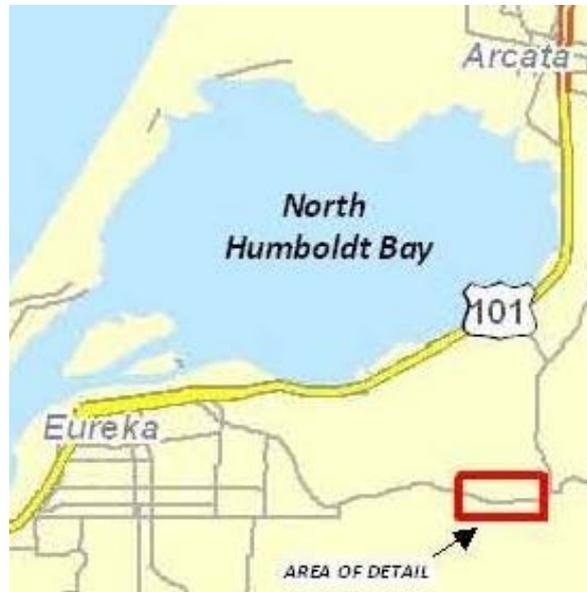
- ✓ Flood alleviation
- ✓ Fish & wildlife habitat improvement
- ✓ Permissible conversion of non-prime ag lands for tidal restoration
- ✓ Increased productivity on prime ag lands in surrounding area



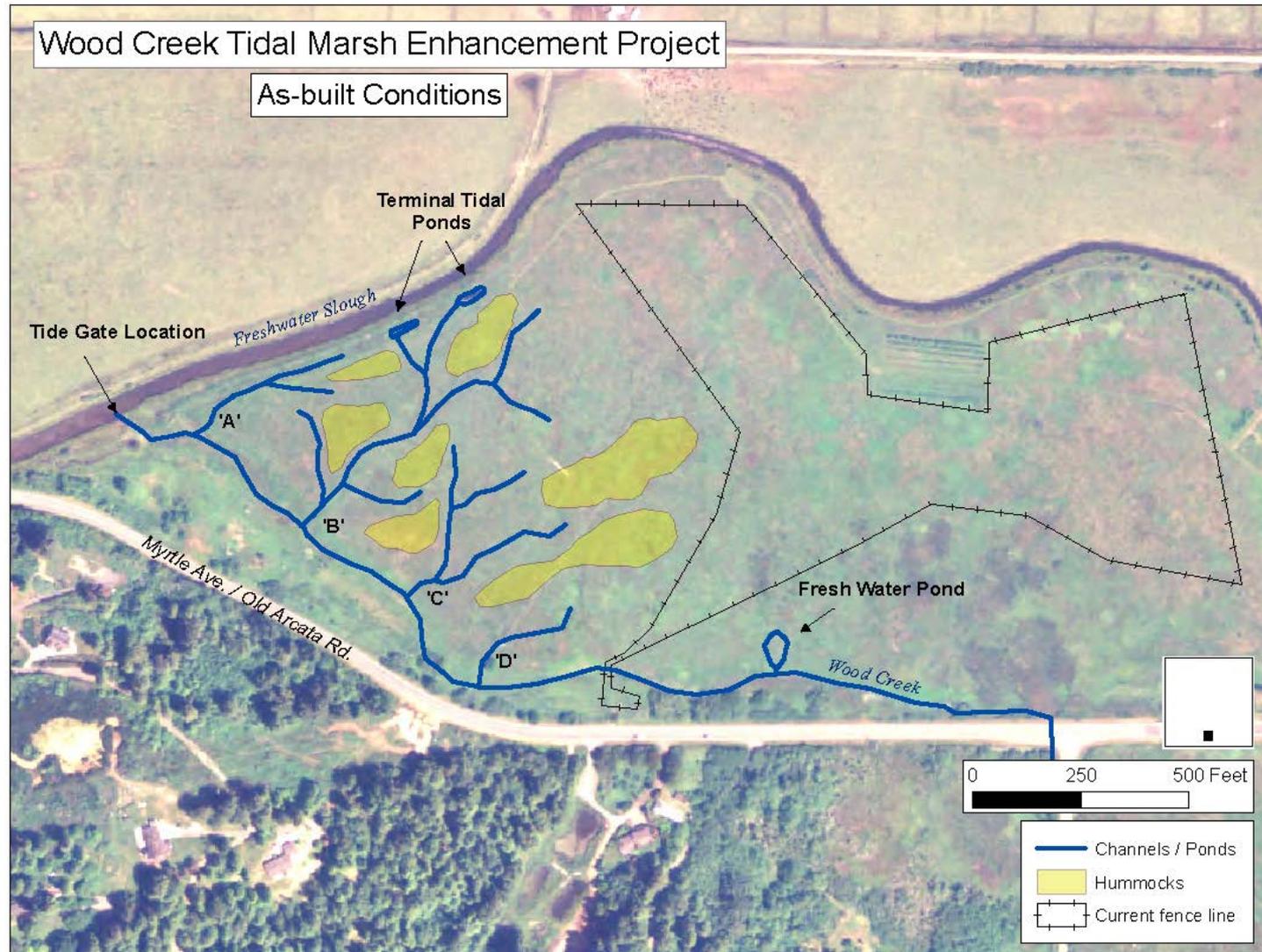
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Wood Creek Restoration Project

- CDP amendment for pasture adaptive management
- “Umbrella permit” with NOAA-Restoration Center for fish habitat restoration



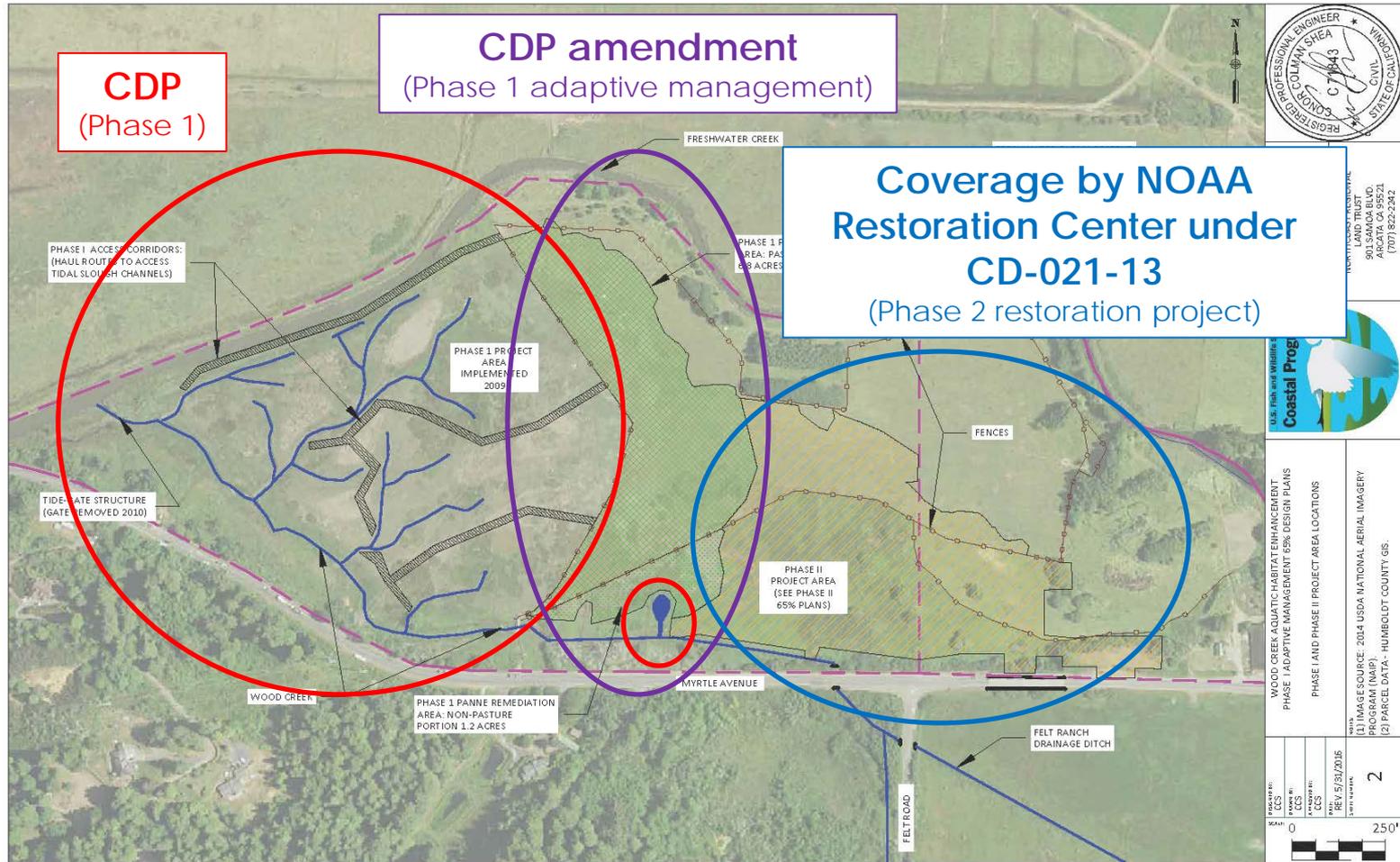
HABITAT RESTORATION AND AGRICULTURE



PHASE 1 ADAPTIVE MANAGEMENT



WOOD CREEK RESTORATION PROJECT - PERMITS

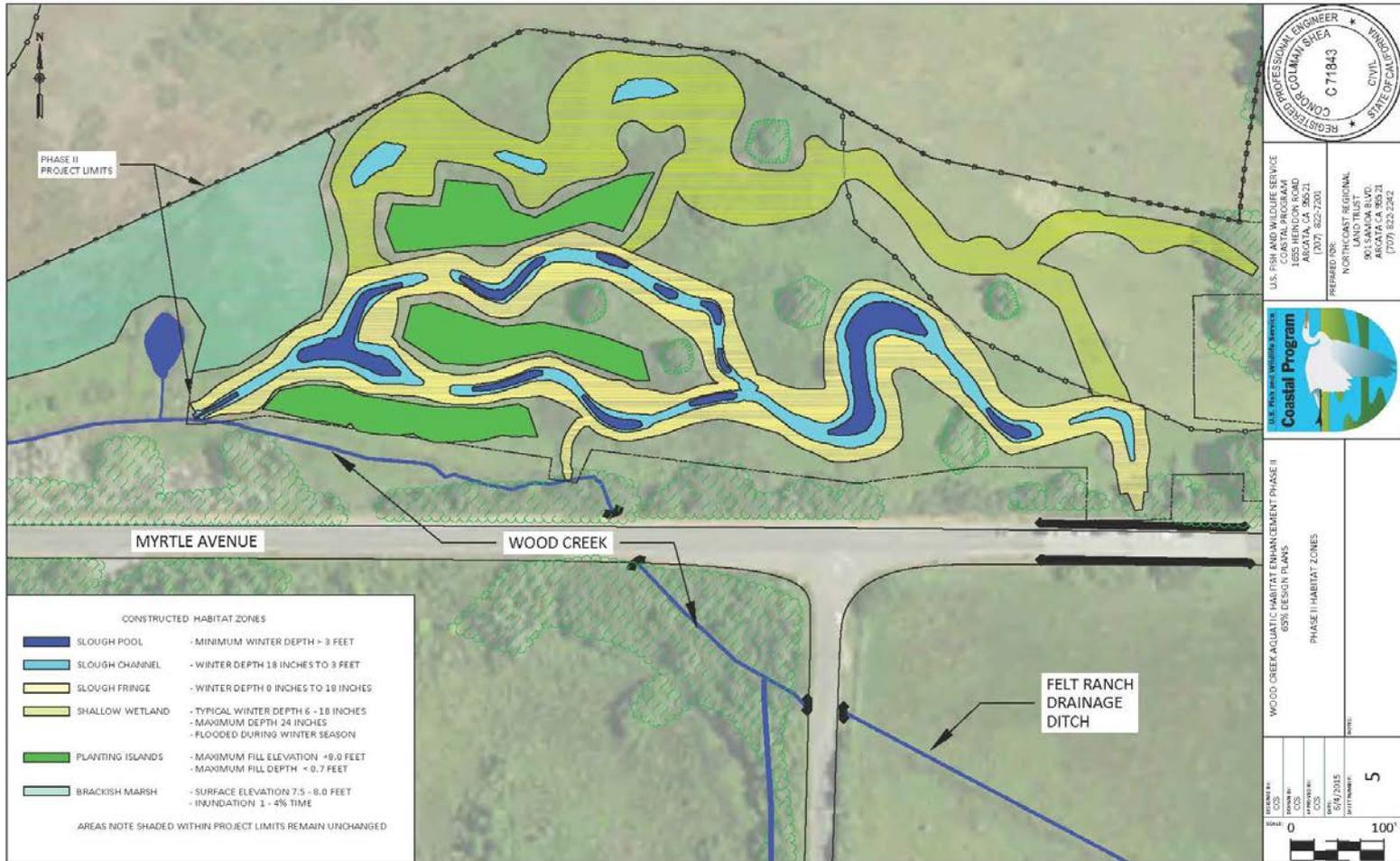


PASTURE FILL FOR WATER QUALITY PROTECTION

- ✓ Permitted fill in farmed wetlands for habitat restoration and to protect downstream fish habitat
- ✓ Restoration allowed for continued seasonal grazing in high brackish marsh



PHASE 2 – DREDGE & FILL FOR RESTORATION



NRCS PARTNERS IN RESTORATION PROGRAM

- Access road improvements
- Composting facilities
- Critical area planting
- Diversion
- Fencing
- Filter strip
- Fire break
- Forest stand improvement
- Grade stabilization structure
- Heavy use area protection
- Irrigation water conveyance
- Pipelines
- Road/landing removal
- Streambank protection
- Stream channel stabilization
- Stream crossing
- Stream habitat improvement
- Structure for water control
- Underground outlet
- Waste storage facility
- Watering facility



SUMMARY

- CDP usually required for development, but there are some exemptions
- Coastal regulations protect both ag lands & wetlands
- There are various options for permit streamlining
- On farmed wetlands, incorporating restoration into project design may facilitate permitting flood control projects that benefit ag



THANK YOU



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