

OVERVIEW OF CALIFORNIA COASTAL ACT CHAPTER 3 COASTAL RESOURCES PLANNING & MANAGEMENT POLICIES

June 30, 2021

***This slide presentation is intended to provide general information only and is not intended to provide guidance on individual permits.



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Photo: Cambria – by Marisa Price


Acknowledgement

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The statements, findings, conclusions, and recommendations are those of the author and do not necessarily reflect the views of the National Oceanic and Atmospheric Administration or the U.S. Department of Commerce.

Photo: Amanda Scarski





California Coastal Act Chapter 3 Policies The Heart of California's Coastal Protection Program



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*Photo: Andrea Pickart – Native Flowers, Lanphere
Dunes, Humboldt Bay National Wildlife Refuge.*
COASTAL ACT CHAPTER 3 POLICIES - SLIDE # 3

Coastal Act Chapter 3 policies are the standard of review used by the Coastal Commission for review and certification of Local Coastal Programs (LCPs), as well as for regulation of development along the coast in areas without certified LCPs or where the Commission has sole jurisdiction (e.g., on tidelands and submerged lands).

LCPs are plans prepared by local governments to guide local coastal development decision-making, and must be consistent with Coastal Act policies.

Coastal Act Chapter 3 policies are also used by the Commission to review federal activities that may affect coastal zone resources or uses.



California Coastal Act Chapter 3 Policies

address many coastal resources,
such as...

Photo: Michael Loughran
coast4u.org



Protection of public access to and along the shoreline;



Photo: Young boy at the seashore's edge.



Photo: Hiking along trail to Carmel Beach.



Protection of public and lower-cost visitor-serving recreational opportunities such as hiking, camping, and boating;



Photo: Coastwalk hike.



Photo: Sailboats on Monterey Bay.



Protection of productive agricultural lands;



Protection of rural lands and maintenance of stable urban-rural boundaries through concentration of development in existing urban areas and avoidance of urban sprawl and leapfrog development;



Photo: Coastal Development in Cambria, circa 1976



Photo: Coastal Development in Cambria, circa 2018



Risks to life and property must be minimized in areas of high geologic, flood or fire hazards;



Hidden Beach, January 11, 2001

Photo: High tide and wave set-up, during winter storm in Aptos



Photo: Wave impact, with erosion and overtopping of 17-Mile Drive in Pebble Beach.



Expansion of existing industrial ports and electricity-generating power plants to be done in an environmentally sound manner;



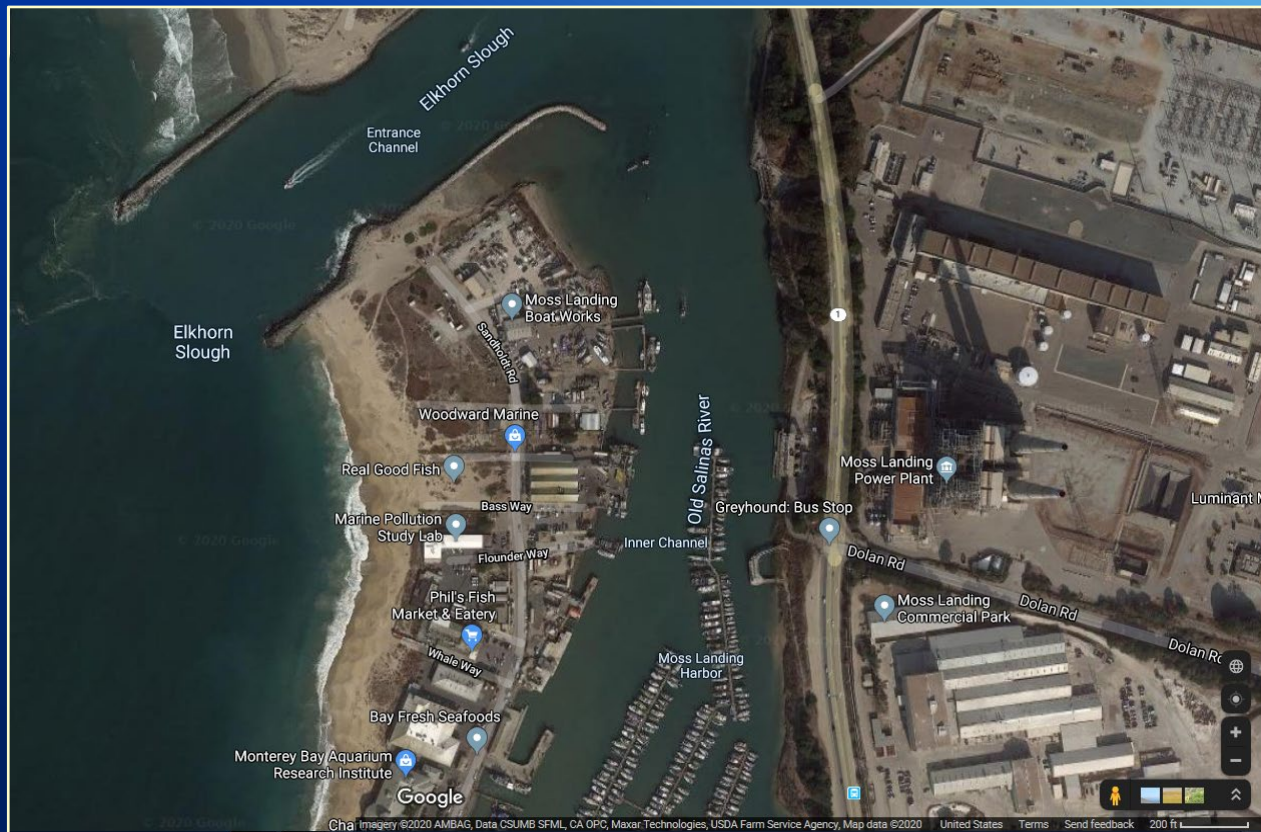
Aerial image of the Port of Los Angeles and Port of Long Beach, from Google Maps



Photo: Moss Landing Harbor, and Moss Landing Power Plant.



Proper siting of coastal-dependent industrial uses;



Protection of commercial fishing and recreational boating facilities;



Photo: Google Street View of commercial fishing boats in Moss Landing Harbor.



Protection, enhancement & restoration of environmentally sensitive habitats, ...



... including intertidal and nearshore waters, wetlands, bays and estuaries, riparian habitat, streams, lakes and habitat for rare or endangered plants or animals;



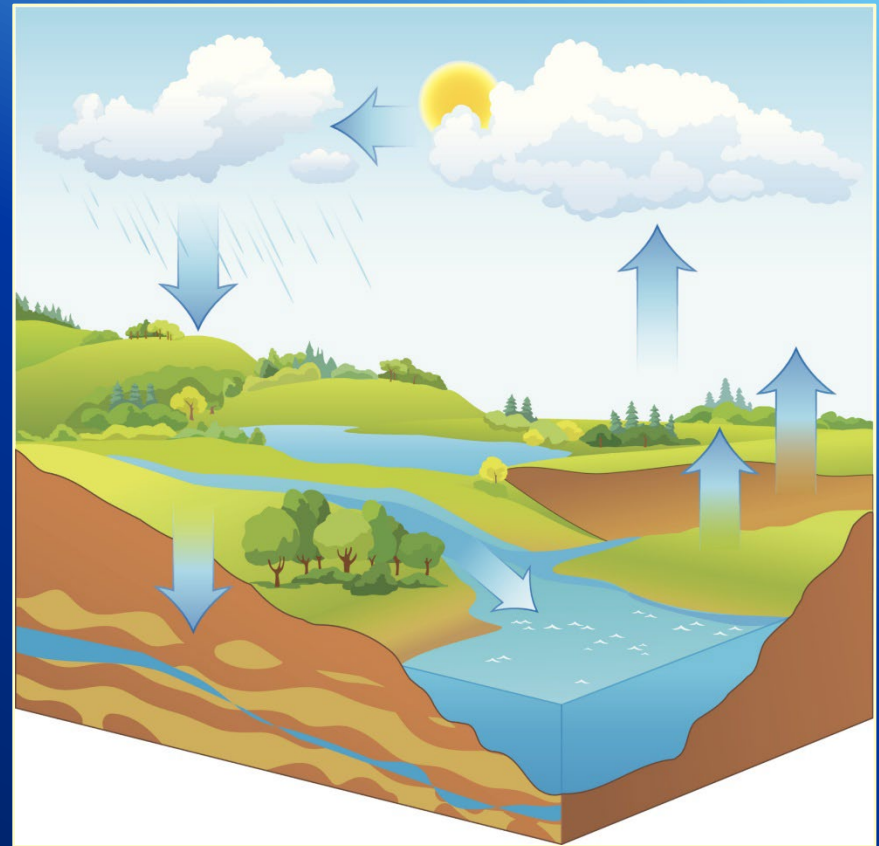
Photo: Drakes Beach, Point Reyes National Seashore, Marin County — by Linda Morrow 1998



Photo: Riparian habitat along small coastal creek.



Protection of surface water and groundwater resources;



Graphic illustrating the Hydrologic Cycle and groundwater flow.



and protection of scenic vistas, coastal
landscapes and sensitive visual
resources.



Environmental Justice

Coastal Act Section 30604(h) allows the Coastal Commission or local government to consider Environmental Justice (EJ), or the equitable distribution of environmental benefits throughout the state.

This means that the Commission or local government can look at Chapter 3 or LCP issues such as public access, the location of polluting development, provision of lower-cost recreational opportunities, etc., through the lens of whether proposed development will benefit or disproportionately burden underserved or historically marginalized communities or populations.

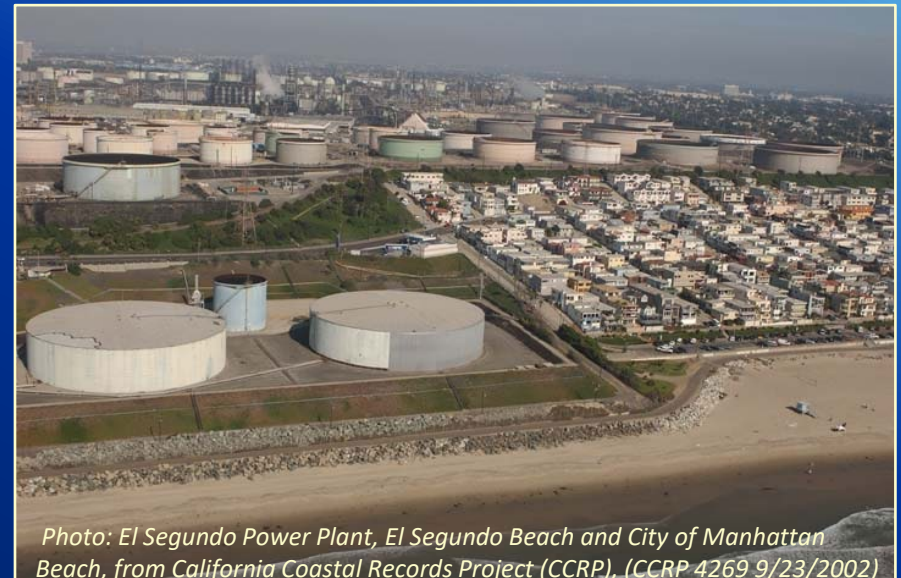


Photo: El Segundo Power Plant, El Segundo Beach and City of Manhattan Beach, from California Coastal Records Project (CCRP), (CCRP 4269 9/23/2002)



➤ Section §30107.3 defines Environmental Justice:

- (a) “**Environmental justice**” means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.
- (b) “**Environmental justice**” includes, but is not limited to, all of the following:
 - (1) The availability of a healthy environment for all people.
 - (2) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities.
 - (3) Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision-making process.
 - (4) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.

(For more information on the Commission's Environmental Justice and Social Equity program go to:
<https://www.coastal.ca.gov/env-justice/>)



What follows is a description of some (but not all) of the main

CHAPTER 3 COASTAL ACT POLICIES

Related to:

Coastal Development

Public Access and Recreation

Coastal Hazards

Environmentally Sensitive Habitat

Marine Environment

Water Quality

Scenic and Visual Resources

Coastal Agriculture

Archaeological & Paleontological Resources

Commercial Fishing & Recreational Boating

Energy & Industrial Development



COASTAL DEVELOPMENT



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Photo Credits (All photos from California Coastal Records Project (CCRP), except as noted; clockwise from top left): 1. Battery Point Lighthouse, Crescent City (CCRP 201300401 9/27/13); 2. Todd's Point near Noyo River (CCRP 200503231 10/4/2005); 3. Solana Beach bluffs (CCRP 200804463 9/19/2008); 4. Santa Cruz bluffs (CCRP 201313607 10/4/13)

COASTAL DEVELOPMENT

COASTAL ACT POLICIES

(Sections 30241-30255)

- Address the location, type, and intensity of new development to ensure the protection of coastal resources.
- Require the establishment of stable urban-rural boundaries in order to limit urban sprawl and to protect rural lands, agriculture and open space. (see §30241)
- Require that new development generally be located within, contiguous to or in close proximity to existing developed areas with adequate public works facilities such as water supply and wastewater treatment. (see §30250)



COASTAL DEVELOPMENT

COASTAL ACT POLICIES

(Sections 30241-30255)

- ...Where such areas are not available, development must be located where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. (see §30250) This includes protection of groundwater basins and sensitive habitats that may be affected by water withdrawals, wastewater disposal, and polluted runoff.
- Provide that new or expanded public works facilities must be sized to serve planned development and not induce additional, unplanned growth and development that would be inconsistent with the Coastal Act. (see §30254)



COASTAL DEVELOPMENT

COASTAL ACT POLICIES

(Sections 30241-30255)

- Where limited amount of new development can be accommodated, services to coastal dependent land uses, essential public services and basic industry, public and commercial recreational and visitor-serving land uses shall not be precluded by other development. (see §30254)
- Provide that coastal dependent developments* have priority over other developments on or near the shoreline. (see §30255)

*Coastal-dependent developments are those that require a site on, or adjacent to the sea to be able to function at all. (see §30101)



PUBLIC ACCESS AND RECREATION



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CCC staff photos (clockwise from top left): 1. Mendocino Bay Public Access Viewpoint; 2. Seabright Beach, Santa Cruz; 3. Channel Islands Restoration hike; 4. Trails through the dunes.

COASTAL ACT CHAPTER 3 POLICIES - SLIDE # 25

PUBLIC ACCESS AND RECREATION

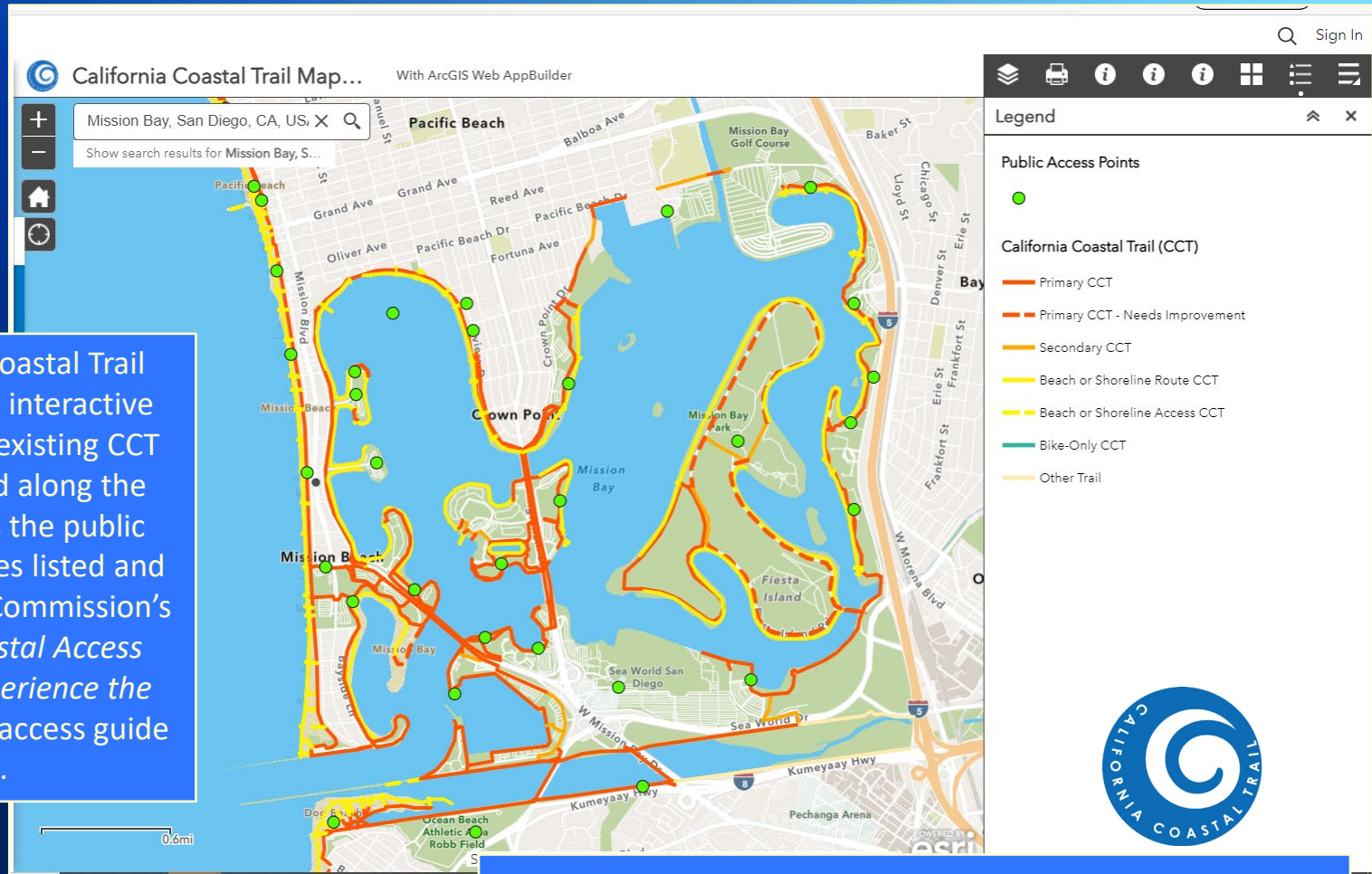
COASTAL ACT POLICIES

(Sections 30210 – 30214 and 30220-30224 and 30252)

- Require that maximum public access and recreational opportunities be provided for all people, consistent with public safety and the need to protect private property owners' rights and natural resource areas from overuse. (see §§30210, 30214)
- Require that development not interfere with the public's right of access to the sea. (see §30211)
- Require that public access from the nearest public roadway to the shoreline and along the coast be provided in situations where new development will impact public access. (see §30212; *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987))



To help maximize public access, PRC 31408 requires the Coastal Conservancy to consult and coordinate with the Coastal Commission, Department of Parks and Recreation, and the Department of Transportation, on development of the California Coastal Trail (CCT).



The California Coastal Trail Map is an online interactive map that shows existing CCT segments to and along the coast, as well as the public coastal access sites listed and described in the Commission's *"Statewide Coastal Access Guide"* and *"Experience the California Coast"* access guide series.

To see viewer, Click here [The California Coastal Trail](#)



PUBLIC ACCESS AND RECREATION

COASTAL ACT POLICIES

(Sections 30210 – 30214 and 30220-30224 and 30252)

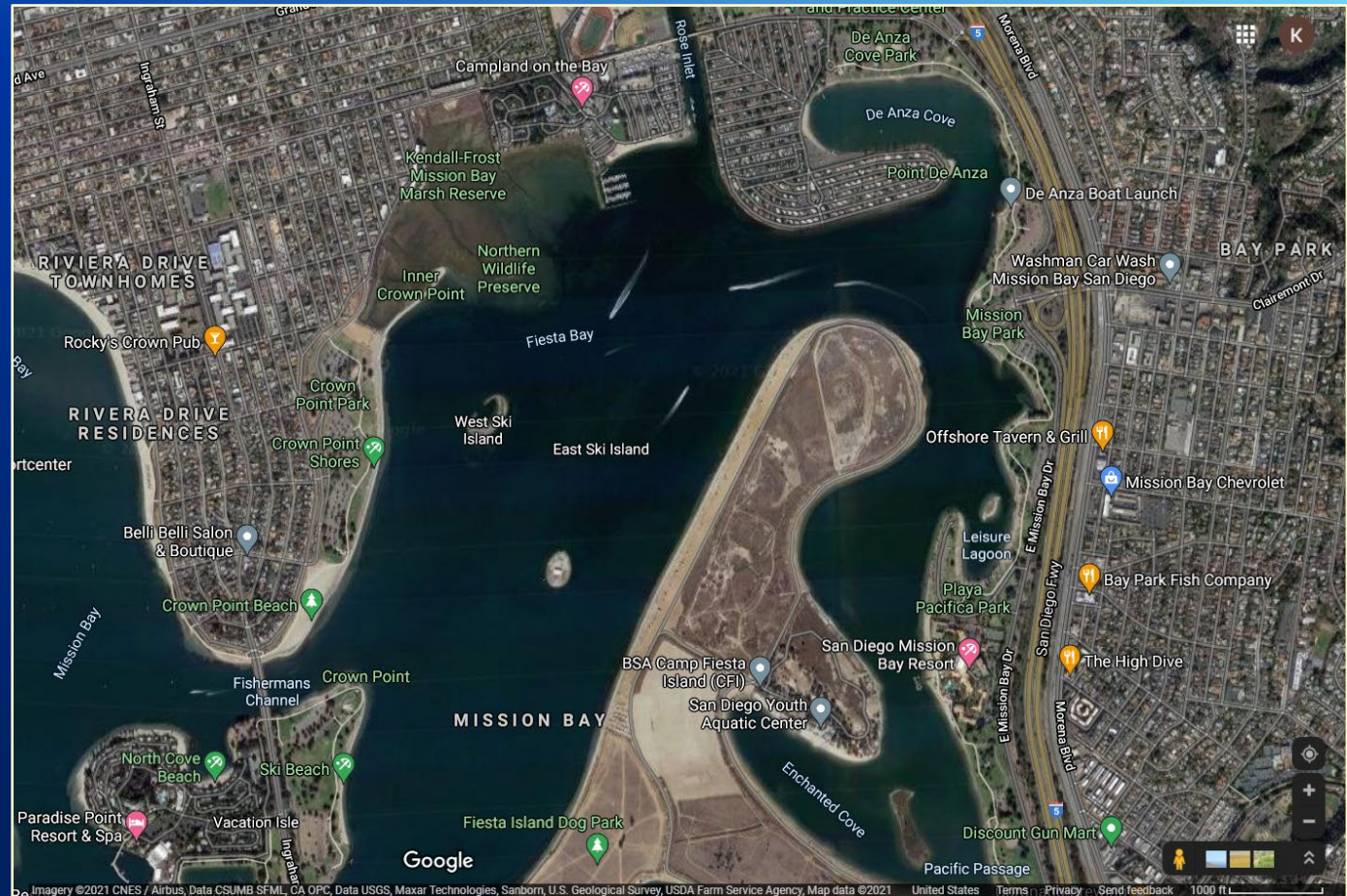
- Require public facilities and parking areas be distributed throughout the area...to mitigate against impacts of overcrowding or over-use of any single area. (see §30212.5)
- Require lower cost visitor serving and recreational facilities to be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred. (see §30213)
- Require protection of coastal areas suited for water-oriented activities that can't readily be provided at inland water areas. (see §30220)



PUBLIC ACCESS AND RECREATION COASTAL ACT POLICIES

(Sections 30210 – 30214 and 30220-30224 and 30252)

- Require that the use of private lands suitable for public visitor-serving and recreational opportunities shall have priority over private residential and general industrial and commercial development (see §30222)



PUBLIC ACCESS AND RECREATION COASTAL ACT POLICIES

(Sections 30210 – 30214 and 30220-30224 and 30252)

- Require that upland areas necessary to support coastal recreational uses be reserved for such uses, where feasible (see §30223)



Aerial image of Crescent Harbor – from Google Maps



PUBLIC ACCESS AND RECREATION

COASTAL ACT POLICIES

(Sections 30210 – 30214 and 30220-30224 and 30252)

- Require that the location and amount of new development maintain and enhance public access to the coast by, among other means:
 - Facilitating the provision or extension of transit service;
 - Providing commercial facilities within or adjoining residential development.... to minimize the use of coastal access roads;
 - Providing adequate parking facilities and public transit opportunities. (see §30252)



COASTAL HAZARDS



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Photos (by CCC staff except as noted; clockwise from top left): 1. High tide and waves crash on revetment (10/16/19); 2. Bluff collapse, Neptune Ave, Encinitas (4/21/11); 3. Mud Creek Slide (Mercury News 9/15/2017); 4. King Tide

COASTAL HAZARDS

COASTAL ACT POLICIES

(Sections 30235, 30253 and 30610(g))

- Require that new development be sited and designed to minimize risk to life and property specifically in areas of high geologic, flood and fire hazard. (see §30253)
- Require that new development neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area, or require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (see §30253)



COASTAL HAZARDS

COASTAL ACT POLICIES

(Sections 30235, 30253 and 30610(g))

- Allow the construction of revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls and other such construction that alters natural shoreline processes 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 impacts on shoreline sand supply. (see §30235)
- Provide that most structures damaged or destroyed by natural disasters may be rebuilt in the same area, exempt from coastal permits, provided they are not expanded by more than 10% and conform to existing zoning requirements. (see §30610(g))



ENVIRONMENTALLY SENSITIVE HABITAT



ENVIRONMENTALLY SENSITIVE HABITAT

COASTAL ACT POLICIES

(Sections 30230 and 30240)

- Prohibit any significant disruption of habitat values in environmentally sensitive habitat areas (ESHA), and limit development within those areas to uses that are dependent on the resources. (see §30240(a))
- Site and design development in areas adjacent to ESHA and parks and recreation areas to prevent impacts which would significantly degrade those areas, and ensure compatibility with the continuance of those habitat and recreation areas. (see §30240(b))



ENVIRONMENTALLY SENSITIVE HABITAT

COASTAL ACT POLICIES

(Sections 30230 and 30240)

The Coastal Act defines an “Environmentally Sensitive Area” as:
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. (see §30107.5)



MARINE ENVIRONMENT



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Photos (CCC photo contest entries; clockwise from top left): 1. Sunset at Sharkfin Cove (Alfred Leung); 2. Harbor seal and Pup, Elkhorn Slough (Shubha Tuljapurkall); 3. Club tipped anemones (Corynactis californica) on a Palos Verdes reef (Phil Garner); 4. Dolphin (Lindsey Emerson)

COASTAL ACT CHAPTER 3 POLICIES - SLIDE # 38

MARINE ENVIRONMENT

COASTAL ACT POLICIES

(Sections 30230 - 30236)

- Require that marine resources be protected, maintained, and, where feasible, restored, with special protection given to areas and species of biological or economic significance. Require that all uses of the marine environment sustain the biological productivity of coastal waters and maintain healthy populations of all marine organisms. (see §30230)
- Maintain, enhance, and where feasible, restore the biological productivity of coastal waters, streams, wetlands, estuaries, and lakes to maintain optimum populations of marine organisms and for protection of human health by, among other things...



MARINE ENVIRONMENT

COASTAL ACT POLICIES

(Sections 30230 - 30236)

- ...minimizing adverse effects of wastewater discharges and entrainment; controlling runoff; preventing depletion of groundwater supplies and substantial interference with surface water flow. (see §30231)
- Allow diking, filling, and dredging of waters or wetlands only for specific purposes, including but not limited to developing new or expanded port, energy and coastal-dependent industrial facilities, maintaining navigation channels and boating areas, restoring habitat, and for aquaculture and similar resource-dependent activities. (see §30233)



WATER QUALITY



Photos (by CCC staff except as noted; clockwise from top left): 1. Cigarette butts collected during a coastal cleanup in San Diego Bay; 2. water quality sampling (EA Hall); 3. Coastal Cleanup in San Diego Bay; 4. Trash and plastics in water along Long Beach Harbor shoreline.



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COASTAL ACT CHAPTER 3 POLICIES - SLIDE # 41

WATER QUALITY

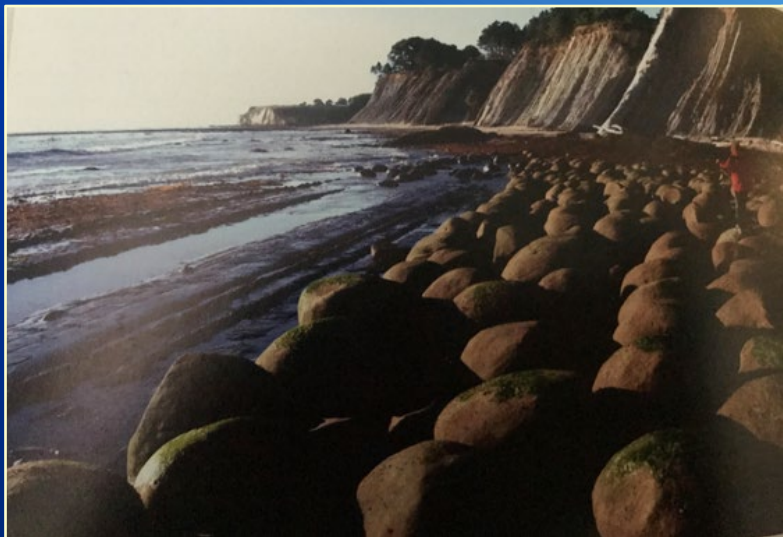
COASTAL ACT POLICIES

(Sections 30230 - 30236)

- Include other requirements for controlling runoff and waste discharges to protect water quality, maintaining ground-water supplies and stream flows to sustain the biological productivity of coastal waters, maintaining natural vegetation buffer areas, and minimizing the alteration of riparian habitats and streams. (see §§30231, 30236)
- Require protection against spillage of crude oil, petroleum products, and hazardous substances. (see §30232)



SCENIC AND VISUAL RESOURCES



SCENIC AND VISUAL RESOURCES

COASTAL ACT POLICIES

(Sections 30251 - 30254)

- Require protection of scenic and visual qualities of coastal areas as a resource of public importance. (see §30251)
- Require that new development be sited and designed to protect views to and along the ocean and scenic coastal areas. (see §30251)
- Require that new development must minimize natural landform alteration, be compatible with the character of its surroundings and, where feasible, restore and enhance visual quality in visually degraded areas. (see §30251)



SCENIC AND VISUAL RESOURCES

COASTAL ACT POLICIES

(Sections 30251 - 30254)



- Protect the scenic and visual qualities of coastal areas, including public views to and along the ocean. (see §30251)
- Require new development to be subordinate to the character of its setting in highly scenic areas. (see §30251)
- Require protection of designated special coastal communities that, because of their unique characteristics, are popular visitor destination points. (see §30253(e))

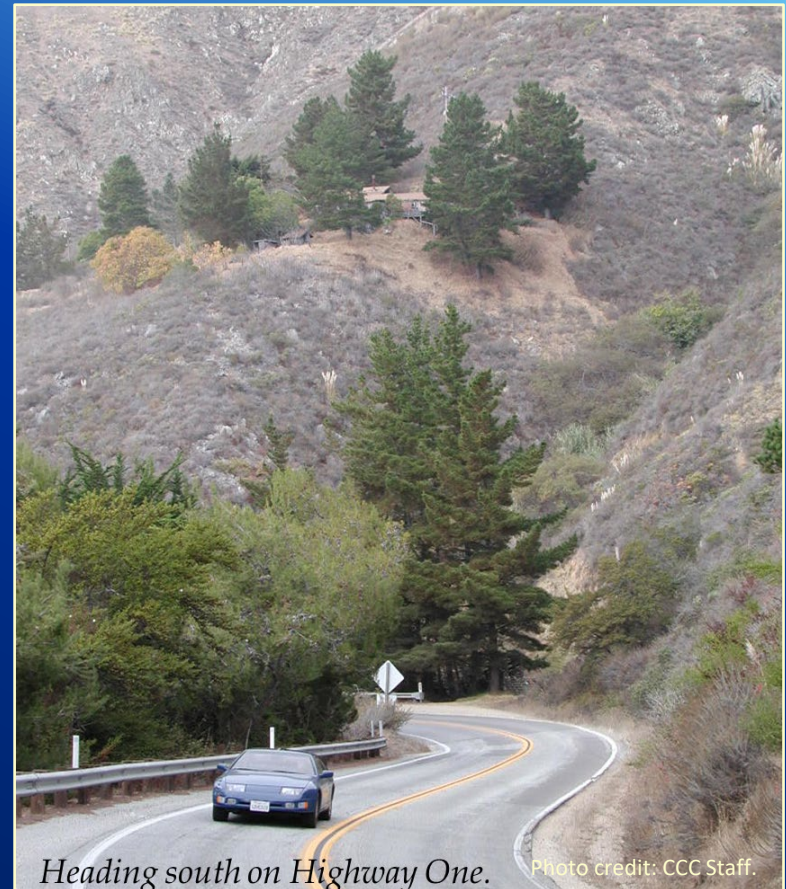


SCENIC AND VISUAL RESOURCES

COASTAL ACT POLICIES

(Sections 30251 - 30254)

- Require that Highway One remain a scenic, two-lane road through the rural areas of the state.
(see §30254)



Heading south on Highway One.

Photo credit: CCC Staff.



COASTAL AGRICULTURE



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Photos (by CCC staff except as noted; clockwise from top left): 1. Cattle along Big Sur coast; 2. Farm field along the coast; 3. Aerial showing coastal agricultural fields north of Elkhorn Slough (Google Map view); 4. pastureland along the coast

COASTAL ACT CHAPTER 3 POLICIES - SLIDE # 47

COASTAL AGRICULTURE

COASTAL ACT POLICIES

(Sections 30241 - 30243)

- Require that the maximum amount of prime agricultural land be maintained in agricultural production and that conflicts between urban and agricultural land uses be minimized. (see §30241)
- Require that the long-term viability of soils be protected and conversions of agricultural land to other uses strictly limited. (see §§30242 and 30243)
- Require a determination of viability be conducted if viability of existing agricultural use is an issue. (see §30241.5)



ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES



Photos: from top left: 1. Archeological find on the beach; 2. Archeological dig at Wilder Ranch, Santa Cruz County; 3. Paleontological work on Pygmy Mammoth, Channel Islands National Park; 4. Paleontological fieldwork on coastal bluffs



ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES COASTAL ACT POLICIES (Section 30244)

- Protect archaeological and paleontological resources by requiring reasonable mitigation measures in cases where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer. (see §30244)

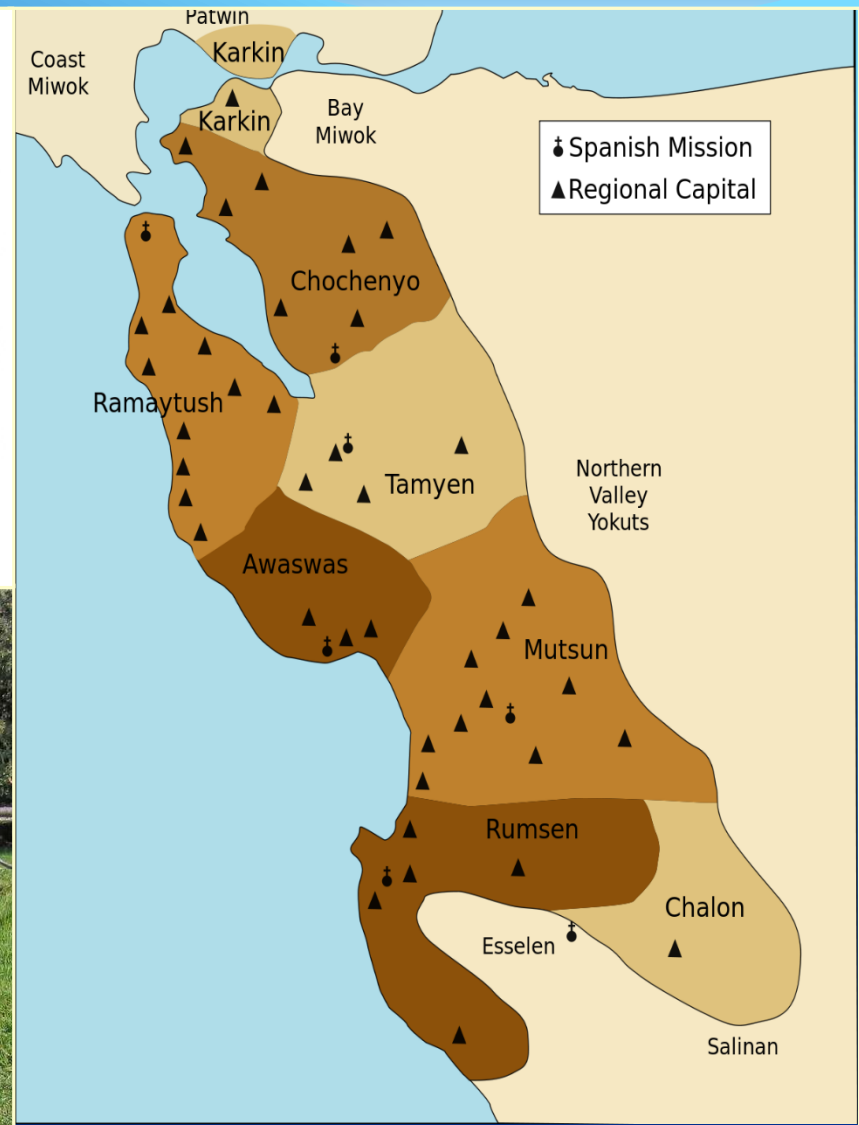




Ohlone Winter Camp, an artistic rendering, Hylkema, 1988



Miwok structure, Point Reyes National Seashore



Photos (images taken from web; clockwise from top left): 1. Ohlone Winter Camp – artistic rendering (Hylkema, 1988); 2. Map of Ohlone tribelets (from Wikipedia); 3. photo of Miwok structure at Point Reyes National Seashore (from website)



From State Office of Historical Preservation “Sustainable Preservation” Statewide Historic Preservation Guide:

“Prehistoric and historical archaeological resources include the physical ruins and the objects of past daily life. These ruins and objects are often our only sources of information for significant periods of California’s history and have the potential to reveal parts of the prehistory of ancient California as well as aspects of more recent California history that were never put into words. The diverse base of archaeological resources in California provides a tangible connection to our collective heritage and is a worthy focus of preservation efforts. “

From Office of Planning and Research ([report section 4.5](#))

“Paleontological resources, or fossils, are the evidence of once-living organisms preserved in the geologic record. They include both the fossilized remains of ancient plants and animals and the traces thereof (e.g., track ways, imprints, burrows, eggshells, etc.).”



COMMERCIAL FISHING & RECREATIONAL BOATING



Photos (by CCC staff except as noted; clockwise from top left): 1. Commercial fishing boat heading out from Moss Landing Harbor; 2. Recreational sail boats in Santa Cruz Harbor (from Google Map Street view)); 3. Sailboats heading back to Santa Cruz Harbor; 4. Sea kayakers (Environmental Travel Companions)



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COMMERCIAL FISHING & RECREATIONAL BOATING COASTAL ACT POLICIES

(Sections 30224, 30233, 30234 and 30234.5)

- Require that the economic, commercial, and recreational importance of fishing activities be recognized and protected, and that facilities serving the commercial fishing and recreational boating industries also be protected, and where feasible, upgraded. New recreational boating facilities should be designed so that they do not interfere with the needs of the commercial fishing industry, if feasible. (see §§ 30234, 30234.5)
- Require that recreational boating use be encouraged by providing for the development of berthing space, increasing recreational boating facilities and limiting development of non-water-dependent uses in areas that can support such facilities. (see §30224)



COMMERCIAL FISHING & RECREATIONAL BOATING COASTAL ACT POLICIES (Sections 30224, 30233, 30234 and 30234.5)

- Allow diking, filling, and dredging of waters and wetlands only for specific purposes, including, but not limited to ...
 - Developing new or expanded port, energy and coastal-dependent industrial facilities, including commercial fishing facilities;
 - Maintaining navigation channels, turning basins, berth and mooring areas and boat launch ramps; and
 - Establishing new or expanded boating facilities and placement of structural pilings for public recreational piers that provide public access and recreational opportunities, in open coastal waters, other than wetlands, including streams, estuaries, and lakes. (see §30233)



ENERGY AND INDUSTRIAL DEVELOPMENT



Photo Credits (All photos from California Coastal Records Project (CCRP), except as noted; clockwise from top left): 1. El Segundo Power Plant and Beach (CCRP 201310149 9/29/2013); 2. Diablo Canyon Nuclear Power Plant (CCRP 201902310 10/2/2019); 3. DG Fairhaven Power Plant and Pulp Mill, Samoa (CCRP 7749 10/13/2002); 4. San Onofre Nuclear Power Plant (Los Angeles Times 3/30/2012)

COASTAL ACT CHAPTER 3 POLICIES - SLIDE # 56



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ENERGY AND INDUSTRIAL DEVELOPMENT

COASTAL ACT POLICIES

(Sections 30232, 30250, 30260, 30262, among others)

- Provide for the siting and development of coastal-dependent industrial uses,* including energy related uses, to ensure that inland as well as coastal resources are preserved while ensuring orderly economic development within the state. (see §30250)
- Require protection against spillage of oil, gas, petroleum products and other hazardous materials. (see §30232)

* Coastal-dependent industrial developments are given priority in the Coastal Act over other land uses, except agriculture, and are permitted to have reasonable long-term growth where consistent with other Coastal Act policies.



ENERGY AND INDUSTRIAL DEVELOPMENT COASTAL ACT POLICIES

(Sections 30232, 30250, 30260, 30262, among others)

- Require that new energy and industrial development generally be located in or near existing developed areas able to accommodate it. However, new hazardous industrial development must be located away from existing developed areas where feasible. (see §30250(a), (b) and §30260)
- Allow coastal-dependent industrial facilities that are inconsistent with other Chapter 3 policies to be approved if alternative locations are infeasible, mitigation is imposed, and denial of the development would harm the public welfare. (see §30262)
- Require consolidation of oil and gas facilities to the maximum extent feasible and legally permissible. (see §30262)



FOR A COMPLETE LISTING OF CHAPTER 3 COASTAL ACT POLICIES

See:

- ARTICLE 1: GENERAL (Section §30200)
- ARTICLE 2: PUBLIC ACCESS (Sections §30210-30214)
- ARTICLE 3: RECREATION (Sections §30220-30224)
- ARTICLE 4: MARINE ENVIRONMENT (Sections §30230-30236)
- ARTICLE 5: LAND RESOURCES (Sections §30240-30244)
- ARTICLE 6: DEVELOPMENT (Sections §30250-30255)
- ARTICLE 7: INDUSTRIAL DEVELOPMENT (Sections §30260-30265.5)





Kristen Fletcher



CALIFORNIA COASTAL COMMISSION
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*Photo: Windy Coastline near Pebble Beach,
by Kristen Fletcher*

COASTAL ACT CHAPTER 3 POLICIES - SLIDE # 60

FOR MORE INFORMATION ON COASTAL ACT CHAPTER 3 POLICIES

See:

- The Commission's public webpage:
<https://www.coastal.ca.gov/laws/>
- The California Legislative Information webpage:
<https://leginfo.legislature.ca.gov>
and enter Code=PRC, code section = 30200
- For Coastal Commission Regulations:
[CCR CalRegs Title 14 Div 5.5 - Coastal Commission Regulations](#)

Alex Braud

Photo: Sunset, Hendry's Beach, by Alex Braud



A photograph of a harbor at sunrise. The sky is a warm orange-yellow, and the sun is low on the horizon, reflecting on the water. Several sailboats are moored in the harbor, their masts and sails visible against the bright sky. The water is calm, and the overall scene is peaceful and scenic.

For more information on the
California Coastal Commission,
go to: <https://www.coastal.ca.gov/>

Photo: Harbor Sunrise, Monterey Harbor, by David Harbin

