

**CALIFORNIA COASTAL COMMISSION**

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# W6e

## ADDENDUM

**May 9, 2023**

**To:** Commissioners and Interested Persons

**From:** Dr. Kate Hucklebridge, Executive Director  
Erin Prahler, Statewide Planning Manager  
Ashley Reineman, Federal Programs Manager  
Awbrey Yost, Climate Change Analyst

**Subject:** Addendum to **Item W6e, Recommended Final Draft of “Public Trust Guiding Principles & Action Plan,”** for the Commission Meeting of May 10, 2023

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### I. NEW CORRESPONDENCE

Staff received several additional comments related to the Final Draft of the [“Public Trust Guiding Principles & Action Plan”](#) (Guidance), which are posted as [“Correspondence 2”](#) for this item.

Most comments raised points that have already been adequately addressed in the staff report. However, staff recommends minor changes to the language of the Guidance in response to a comment letter from the Surfrider Foundation and partner organizations. This letter supports adoption of the Guidance but recommends clarifying some language in Guiding Principle 9, which states that Coastal Act decisions must consider the adverse impacts of shoreline protective devices on public trust-related resources. The comment letter suggests this Guiding Principle be clarified in several ways, including by: (1) stating that Section 30235 permits the construction of shoreline protective devices “in some cases”; (2) clarifying language about when conflict resolution under the Coastal Act may be used; (3) adding that situations where temporary armoring may be permissible are most likely to arise when necessary to protect “public” coastal resources; and (4) adding a sentence stating: “The use of armoring to protect structures built after the Coastal Act, or that do not serve a public purpose or coastal dependent use, cannot be permitted; as consistent with Section 30235 and 30253 of the Coastal Act.”

Although the Guidance as originally drafted is accurate, staff recommend incorporating edits for further clarity to address the first three points identified above. These edits do not change the substance or meaning of Principle 9, but simply provide additional

clarity. Staff do not recommend incorporating the last proposed change because it is incompatible with the [Sea Level Rise Guidance](#) (2018) and [Critical Infrastructure at Risk Guidance](#) (2021) previously adopted by the Coastal Commission. It is true that armoring is often inconsistent with Coastal Act resource protection policies and that the Commission has generally approved such armoring only when needed to protect structures built before the Coastal Act was enacted or that serve a coastal dependent use or to protect public beaches in danger from erosion. However, the Sea Level Rise Guidance and Critical Infrastructure at Risk Guidance note that this is “generally” or “often” the case, rather than categorically stating that armoring is always inconsistent with Coastal Act protection policies and is only allowed pursuant to Section 30235. As stated in the Critical Infrastructure at Risk Guidance, there may be situations where, for example, critical public infrastructure such as a wastewater treatment plant or highway is vulnerable to coastal hazards and protecting the infrastructure would likely adversely impact habitat or other public resources but would also provide the public benefit of continued service and prevent other impacts such as those to public access, water quality and marine resources. In such cases, it may be appropriate and necessary to consider a phased adaptation approach that protects transportation and water structures in place for some amount of time until an alternative adaptation strategy such as realignment, replacement, or relocation can be developed and implemented in the future. Accordingly, staff recommend edits to address the first three changes identified above, proposed by the Surfrider Foundation and partner organizations, but not the last change proposed.

## II. PROPOSED CHANGES TO RECOMMENDED FINAL DRAFT CRITICAL INFRASTRUCTURE GUIDANCE

The following edits are proposed to the recommended Final Public Trust Guiding Principles & Action Plan. Language to be added is shown in underline. Language to be removed is shown in ~~strikethrough~~.

- Page 19-20 (Guiding Principle 9):

As described above, hard shoreline armoring often adversely impacts public trust resources, uses, and needs and is often inconsistent with the Coastal Act. ~~However, In some cases,~~ Section 30235 of the Coastal Act authorizes the construction of shoreline armoring that is otherwise inconsistent with the Coastal Act if the armoring is required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and when other impacts of the shoreline armoring are eliminated or mitigated. There may also be situations where shoreline protection strategies conflict with a Coastal Act policies conflict, in which cases decisions must be made that are policy but are permissible because, on balance, ~~they are~~ most protective of significant coastal and public trust resources like public access and recreation.<sup>20</sup> These situations are most likely to arise when temporary armoring is necessary to protect public coastal resources (e.g., public roads providing coastal access); the armoring would have limited impacts on coastal or public trust resources; there are no other feasible alternatives; and the project is paired with other coastal resource protection measures, such as managed retreat and nature-based adaptation strategies, and with identified longer-term

adaptation solutions. When permitted, shoreline armoring must mitigate its adverse impacts on the public trust uses and resources protected by the Coastal Act, such as beach recreation and access. Adverse impacts may be mitigated in a variety of ways, including through imposition of beach recreation use and access fees. Coastal Commission decisions relating to the impacts of shoreline protective devices on public trust resources and their consistency with the Coastal Act and LCPs will, as always, be specific to the facts and characteristics of the particular development or LCP policies proposed.