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**CALIFORNIA  
MARINE AFFAIRS AND NAVIGATION CONFERENCE  
WORKING WATERFRONT COMMITTEE**

20885 REDWOOD ROAD, # 345 ~ CASTRO VALLEY, CALIFORNIA 94546  
PHONE: (925) 828-6215 ~ FAX: (925) 396-6005 ~ E-MAIL: Jim@cmanc.com ~ www.cmanc.com

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February 14, 2014

**Via Electronic Mail and United States Mail**

California Coastal Commission  
c/o Sea-Level Rise Work Group  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105  
[SLRGuidanceDocument@coastal.ca.gov](mailto:SLRGuidanceDocument@coastal.ca.gov)

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CHAIR, WORKING WATERFRONT

Re: Comments to the Draft Sea Level Policy Guidance Document

Dear Honorable Members of the California Coastal Commission:

This comment letter is provided to you on behalf of the California Marine and Navigation Conference ("CMANC") Working Waterfront Committee, a committee composed of Southern California agencies with responsibility for maintaining harbors and addressing harbor related issues. The draft Sea Level Rise Policy document ("Guidance Document") was distributed for public review on October 14, 2013, and will be considered for formal endorsement by the Coastal Commission this year. We applaud the efforts of the Work Group to provide a resource to help coastal communities prepare for the challenges of sea level rise. We commend you for focusing on trying to take proactive steps to address sea level rise based on the best available environmental science. More importantly, we appreciate your recognition of the importance of involving local land use regulatory agencies to address the consequences of climate change.

We share the comments that you have already received from local agencies, which evidence that there are a number of seriously troubling uncertainties associated with the Guidance Document. These concerns include discrepancies in sea level rise projections; the highly technical baseline analysis of coastal conditions called for in the Local Hazard Condition Analysis; and the fiscal impacts on coastal communities in complying with these complex regulations. We respectfully urge you to address these concerns in the Guidance Document as they highlight our fundamental concern that, in practice, the Guidance Document will be relied on by the Coastal Commission and its staff as a regulatory tool in contrast to its stated purpose as a resource for local agencies.

*To promote the operation, maintenance and improvement of California harbors, ports and navigation projects that demonstrate responsible stewardship and benefit the regional and national economy.*

For instance, although the Guidance Document states that it is not a regulatory document, the Adaption Measures (Site Development Standards, Mitigation, Shoreline Management and Protection programs etc.) appear poised to become the threshold of review for new and amended LCPs under the guise of minimizing hazard risks. If so, the Guidance Document's recommendations for addressing sea level rise will be regulatory and mandated for implementation by local agencies as part of new or amended LCPs. Of critical concern to all local agencies, both those with and without certified LCPs, is the Guidance Document's failure to address how sea level rise may involve private property rights and takings issues in specific cases (Guidance Document, Page 20). It is not the issue of sea level rise that gives rise to a takings claim. Rather, it is mandatory imposition of strategies ranging from protection, accommodation and retreat, to land use decisions that may result in the taking of private property. To the extent that the Coastal Commission will rely on local agencies to implement the recommendations of the Guidance Document, we respectfully request that the Commission clarify its intention to guide development based on existing available science as opposed to setting standards by which hazard minimization is addressed.

With such an unequivocal commitment, the Coastal Commission would provide coastal cities with sufficient flexibility to implement the recommendations set forth in the Guidance Document where appropriate and based on regional and site-specific circumstances. For instance, the Guidance Document provides an approach for addressing sea level rise that may only be appropriate in areas that have not been highly urbanized. This is especially the case where the Guidance Document provides good suggestions to promote a comprehensive assessment and development of policies for hazard avoidance mitigation by developing shoreline management plans and beach nourishment plans. Clearly, the Guidance Document's encouragement to perform adaptive planning at the regional level and to establish a transfer of development credits program are helpful suggestions for areas that have not been urbanized. However, in highly urbanized areas, such as Southern California, coastal resources can be very limited and options for managed retreat may not exist.

In this same vein, the Guidance Document should clarify its intent as distinguishing development within, and adjacent to, harbors and the open ocean. The Guidance Document presents some ambiguities for the protection of harbors from potential flooding due to sea level rise. As you must be aware, harbor flood defenses include jetties, seawalls, groins, tide gates, storm water pump systems, groundwater dewatering systems, and elevated finished floor elevations. However, these harbor flood defenses are only effective when working together. These flood defense measures, especially the public and private seawalls, act as a unit to protect residential, commercial and industrial properties and facilities in the coastal zone including boat yards, fuel stations, marine supply facilities, recreational facilities, tourist-serving facilities, houses, hotels, and restaurants. These flood protection defenses allow for commercial and recreational boating and fishing activities, as well as safe beach access for residents and visitors. It is important to note that these defense measures allow all property owners to participate in federal flood insurance programs. We believe that the Guidance Document should be revised to reflect that several items in the Guidance Document would not be applicable in

urbanized areas or to the maintenance, replacement or protection measures of property and facilities in, around and adjacent to a harbor's flood protection facilities.

In conclusion, we respectfully request that the Guidance Document be revised to confirm that it is not a regulatory document, and will not be implemented as such. In addition, in light of all the concerns of the coastal cities, and given the important role of local agencies in addressing sea level rise through land use decisions, we request that the Coastal Commission staff consult with the coastal cities on revisions to the Guidance Document. Given an opportunity to be consulted, we are confident that the Coastal Commission and local agencies can work together on a collaborative document that can be implemented without creating an unwieldy process without clear and objective standards.

Again, thank you for the opportunity to provide our suggested improvements to the process. We look forward to consulting with Coastal Commission staff in addressing these problems and developing reasonable, clear and effective policies and programs that can be incorporated into the Guidance Document.

Sincerely,

A black rectangular redaction box covers the signature area. Above the box, there is a handwritten signature in blue ink that appears to read "Chris Miller".

Chris Miller  
Chair, CMANC Working Waterfront Committee

CC: CMANC Board  
CMANC Working Waterfront Committee