

California Coastal Commission Response to Comments

on the May 27, 2015 Revised Draft Sea Level Rise Policy Guidance

July, 30 2015

NAME/ AFFILIATION	SUMMARY/PARAPHRASING OF COMMENT LETTER	RESPONSE
David K. Pendergrass, Mayor, City of Sand City	<p>City agrees that in addressing SLR, policies and guidelines need to remain flexible and highly adaptive to each City's unique conditions, as rigid policies would be burdensome on coastal communities; range in SLR projections over time will require adaptive policies that evolve according to actual climate change impacts.</p> <p>Additionally, although it is helpful to examine worst-case scenarios, policies should not impose strict limitations reflecting these scenarios. Strictly limiting development in areas where projections have identified specific SLR hazard zones may be taxing on economic advancement.</p> <p>City urges the CCC to encourage local jurisdictions to address SLR based on individual coastline concerns rather than creating a rigid state-wide policy.</p>	<p>Thank you for your support. As stated throughout the Guidance, the information and recommendations contained within the document form the framework by which the Commission considers SLR in its planning and regulatory processes.</p> <p>The Commission recognizes that these processes will be tailored to fit individual needs of communities and projects, and that adaptation strategies should be chosen based on requirements of the Coastal Act and other relevant laws and policies with due consideration of local conditions.</p>
Jim Nakagawa, Community Development Dept., City of Imperial Beach	<p>It seems that a string line of discontinuous protective measures each with a different shelf life based on the priority ranking of the land use would provide weak links along this defensive line and expose priority uses to coastal hazards.</p> <p>Beach nourishment/retention of beach sand is a strategy deserving of attention as a consistent strategy along the coastline.</p> <p>There is a need for regional coordination, including with Mexico, to ensure success. There is a need for a collaborative or repository where data/info may be stored and exchanged.</p> <p>Lastly, ensure that nexus is considered when evaluating project requirements and impacts and zoning amendments in LCP would need to be consistent with the General Plan.</p>	<p>Beach nourishment is discussed in strategies A.19a, c-e. Regional coordination is discussed in multiple places throughout the document, which could include coordination with Mexico in this case. See the discussion of the AB 2516 Planning for SLR database in the Introduction and Next Steps.</p> <p>As stated throughout the document, the Coastal Act and other relevant laws and policies, including those related to nexus determinations and consistency between LCPs and General Plans, remain the standard of review for relevant planning and permitting decisions.</p>
Edward Spriggs, Councilmember, City of Imperial Beach	<p>CCC should utilize grant management capacity to ensure grantees of all 3 grants (CCC, OPC, SCC) are able to collaborate in a timely manner prior to completion of grant work and before policies become fixed in LCP amendments.</p> <p>There need to be opportunities to collaborate not just regionally but on topic areas/challenges (e.g. tourism, estuaries, lack of retreat options etc.). Suggest that the CCC hosts several day-long meetings in different locations w/ parallel workshops on various themes.</p>	<p>Coordination of grant recipients is outside the scope of this particular document. The Coastal Commission remains actively engaged on coordinating the variety of grants and LCP updates and will continue to pursue strategies for enhancing these efforts. After adoption of Guidance, workshops on using the Guidance will be held at different coastal locations.</p>

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Jennifer Svec, California Association of Realtors	<p>Oppose recommendation to require sellers/agents to disclose SLR vulnerabilities as it would increase seller liability and create frivolous lawsuits. States that CA Civil Code Section 1102 already requires disclosures including "all material facts affecting property's value..." such as permitting conditions, deed restrictions, and property defects.</p> <p>Disclosure is not possible without standardized predictive SLR mapping/data. Real estate transactions currently disclose hazards in the Natural Hazard Disclosure Statement, of which SLR is not one, though if predictive maps are available the CCC could consider adding it. Recommend more incentive based language such as expedited permitting, tax incentives, and removal of property reassessments for homeowners that take measures to adapt to SLR rather than bonds etc.</p>	<p>Civil Code section 1102.6a authorizes local governments to require additional disclosures that go beyond the minimum disclosure requirements of state law.</p> <p>Strategy A.16 refers to incentive programs for relocating at-risk structures. As is described throughout the document, adaptation strategies should be chosen on a case by case basis based on the requirements of the Coastal Act and other relevant laws and policies and with due consideration of local conditions.</p>
John Becker, Public Citizen	"The document is an admirable coping with an important issue. The portions of the document I have read is a bit short of times, dates (started and finished) and costs. For example, on public access and road remediation."	Project specific dates and costs are outside the scope of this document, but the CCC will continue to provide Guidance on how to implement this document on both project-specific and regional planning scales.
John Rea, Public Citizen	"The policy should recite the actual scientific evidence, if any, that the ocean level is actually rising..."	See chapters 3 and 4 and Appendices A and B for a discussion of best available science on sea level rise.
Matt Brennan, ESA	p. 52: update extreme event definition to reflect definition on p. 242; p. 204: explain "99.9 percentile" in Kopp et al., to, e.g., "Under the high concentration scenario, RCP 8.5, Kopp et al. (2014) estimate the 'maximum physically possible rate of sea level rise' to be 8.2 ft. (2.5 m) for the year 2100."; p. 231, p. 233, and twice on p. 235 Revell (2011) should be Revell et al.; p. 240 ref to Heberger et al. should discuss more than impacts to residents in hazard zone, but also the "critical infrastructure (such as wastewater treatment plants, power plants, and roadways) which serves a larger fraction of the California population are also found in coastal flood zones".	Changes made as suggested

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Terry Houlihan, Public Citizen	<p>Ch. 2 GPs should recognize that protecting developed structures is essential to the economic and social well-being of the people, consistent with PRC 30001(d); GPs/draft should recognize cost issues (e.g. SPD may be cheaper than green infrastructure); description of 30253 in GP 7 mischaracterizes CA language by saying "shoreline protective device" (30235 does not include the word "shoreline") and therefore extends requirement beyond bluffs/cliffs to whole coast;</p> <p>several adaptation strategies would constitute an "unlawful attempt to amend by county ordinance two sections of the state law limiting the coverage of one that the draftsmen don't like and expanding the reach of one that they do" -- CA does not authorize counties to amend underlying statute by imposing permit conditions that waive state statutory rights;</p> <p>GPs should discuss 30235; "The Draft should recognize 30005.5 and explain how, given it, counties would have authority to implement policies that would treat existing structures contrary to the balance struck by the legislature in sections 30235 and 30253"; "The CCC itself has in the recent past recognized that changing the balance set by the state in sections 30235 and 30253 is a state law issue, not a county ordinance issue"; draft should address cost of removal vs. armoring;</p> <p>draft should explain how treating remodeling as "new development" is consistent with 30001(d) and 30253; portion of GP 12 regarding not relying on SPD for redevelopment/new development is nonsensical, and the draft should describe how denying a permit in this way would not be a taking;</p> <p>Strategy A.13 is a new concept of redevelopment that would require owners to forego 30235 rights to protection -- draft should explain how a county has the power to impose such a condition.</p>	<p>Please see Chapter 8 of the Guidance for a description of the legal context of adaptation planning as well as interpretation of Coastal Act Section 30235. As Ch. 8 explains, shoreline protective devices are often inconsistent with many Coastal Act policies besides 30253 due to their impacts on public access and recreation, natural landforms, habitat, and public views.</p> <p>As is described throughout the document, adaptation strategies should be chosen on a case by case basis based on the requirements of the Coastal Act and other relevant laws and policies and with due consideration of local conditions.</p> <p>Pursuant to the Commission's regulations, many improvements and additions to structures are not exempt from coastal permit requirements. For structures located between the sea and the first coastal roadway or within 300 feet of a beach or the mean high tide line, the Commission's regulations do require keeping track of whether cumulative improvements over time enlarge a structure by more than 10%. Disaster replacements are exempt only if the replacement structure is consistent with zoning and can be rebuilt in the same location as the destroyed structure. Where the replacement structure can't be built in the same location either because the land has eroded away or because it's inconsistent with zoning, then the exemption doesn't apply.</p> <p>Definitions of redevelopment are common in land use planning and not inconsistent with policies in the Coastal Act. The purpose for defining redevelopment is to avoid a conversion of an existing, non-conforming structure into a new, non-conforming structure through either a single renovation or through incremental changes to the structure. Revisions have been made in the Guidance to clarify the distinction between improvements to existing structures and new development.</p>

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Dave Ward, Planning Manager, City of Ventura	<p>City remains concerned with the gray areas that persist with regard to administration and evaluation of SLR in LCP amendments and CDP applications -- specifically BAS being updated every 5 years/as needed and Step 6 of LCP process stating that LCPs should be revised as needed.</p> <p>Would like an explicitly stipulated process included in LCP regulation that ensures that it will remain in effect for full 5-year period.</p>	<p>5 year time period reference has been removed in Step 6, consistent with changes made earlier to other portions of the draft. The Coastal Act, certified LCPs, and other relevant laws remain the standard of review, and Commission staff will continue to provide support to project applicants and local jurisdictions in incorporating SLR in various planning and permitting processes.</p>
Glenn Russell, Planning and Development Department, County of Santa Barbara	<p>County has concerns regarding the feasibility of implementing many of the adaptation strategies including uses for built out areas that become nonconforming and shortening the proposed life of a project that cannot be sited safely without shoreline protective devices. There is apprehension that the Guidance may be interpreted as a regulatory document; p. 91: suggestion to evaluate SLR projections at least every 5 years will be costly.</p> <p>Requirements for data for CDPs on impacts from SLR (Step 2) and to resources (Step 3) are costly/infeasible to collect on a case by case basis for an individual applicant.</p>	<p>5 year time period reference has been removed in Step 6, consistent with changes made earlier to other portions of the draft. As is described throughout the document, adaptation strategies should be chosen on a case by case basis in a way that fulfills the requirements of the Coastal Act and other relevant laws and policies and with due consideration of local conditions.</p> <p>The Coastal Act, certified LCPs, and other relevant laws remain the standard of review, and Commission staff will continue to provide support to project applicants and local jurisdictions in incorporating SLR in various planning and permitting processes.</p> <p>Sea level analysis is already included in many LCPs and CDPs. The main differences in the analyses outlined in Chapters 5 and 6 from what is done at present, are that sea level rise is explicitly addressed and sea level rise scenarios are suggested to address uncertainties in future hazard conditions.</p>
Charles Caspary, Public Citizen	<p>Guidance should recognize that some of the adaptation strategies "facilitate the conversion of private property to a 'public tideland' by erosion (managed retreat) and therefore constitute a taking"; guidelines do not recognize the ineffectiveness of soft solutions; states that it would be effective to add river type cobblestones as beach nourishment as they are erosion resistant.</p> <p>Draft should provide the actual data on amount of beach in the state that is public property or has access easements (total beach linear distance vs closed vs lateral access mileage) so that public access arguments can be placed in proper perspective.</p>	<p>A discussion of the legal context of adaptation, including a general description of takings issues, is included in Chapter 8. See Chapter 7 for a brief discussion of the pros and cons of various adaptation categories, including soft protection options.</p> <p>Specific data on the amount of public and private coastline is out of the scope of this document, but as stated in the Guiding Principles and in line with the priorities of the Coastal Act, a primary goal is to continue to maximize protection of public access and recreational opportunities.</p>

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NOAA Office for Coastal Management	Applauds the CCC's proactive approach to achieve resilient shorelines. Thanks staff for considering and addressing their earlier comments. Finds that the doc is clear and comprehensive and that the new additions are helpful.	Thank you for your support.
Carmen Ramirez, City Council and Mayor Pro Tempore, City of Oxnard	One weakness is the lack of attention given to issues of environmental justice. Discussion is focused more on public access when other issues such as pesticide use, pollution, or placement of power plants or chemical waste facilities are also important. There should be more specific information in Chapters 5-7 on how to address EJ. Mandalay Bay NRG facility both faces SLR hazards and is an EJ threat.	Language has been added in a number of places throughout the document to hone in on these issues. Language has also been added to Next Steps and Additional Research Needs section related to this topic. The Commission recognizes that there are a number of additional concerns related to environmental justice and will continue to support efforts to address environmental justice concerns as they relate to SLR and other hazards and resource issues.
Surfrider Foundation	Commends the CCC for fostering an iterative and responsive development process of the guidance document. Finds that the document has become easier to navigate and manage, and makes significant strides toward incorporating a more holistic view of adaptation. Pleased to see the section explaining the impacts SPDs have on the coast. CCC should continue to search for and promote mechanisms that regulate SPDs and suggests three mechanisms that the CCC should consider: 1) charge occupancy fees for seawalls below mean high tide and use collected funds to improve public access; 2) protect horizontal access where seawalls eliminate the beach, for example through a future easement that may be legally exacted to permit public access when new seawall permits are issued; 3) adopt the principle of Rolling Easements.	Thank you for your support. Encouraging the use of easements to protect lateral access has been added to Strategy A.23. The Commission will continue to coordinate with other partners, including the State Lands Commission, to address topics such as these in efforts to address sea level rise.
James Benjamin, Public Citizen	Writing to draw attention to an error in a map contained in the 2009 Pacific Institute report that is cited throughout the document. Specifically, the Pacific Institute report includes a map that refers to the 100-year flood plain for Half Moon Bay, but the map in question is actually a Tsunami Inundation map. The difference overestimates the area that could be inundated (during a 100-year storm as compared to the displayed tsunami)	Thank you for drawing our attention your concern with this report.

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Jennifer Kalt, Humboldt Baykeeper	<p>Recommendations for including SLR in mapped hazard zones and analyses (strategies A.1, A.1a, A.2, A.2a, A.2d) are critical for the Humboldt Bay Area.</p> <p>TDR programs (A.5b) will be critical for preventing ill-conceived development, and the receiving areas should be located outside of the coastal zone when feasible.</p> <p>Strategies to protect natural processes (A.19, A.19b) will help land managers take a big picture view, and the strategy should include designation of high priority areas to restore natural processes.</p> <p>Generally support beneficial re-use of sediment (A.19c) but it should also consider reuse of sediment for wetland restoration in areas where former wetlands have subsided.</p> <p>Should strengthen strategy E.5a by requiring prioritization of low-lying contaminated sites for remediation and restoration.</p> <p>Should add strategy to retrofit existing development in at-risk areas with inadequate stormwater infrastructure.</p> <p>Support strategy to identify areas suitable as replacement for agricultural production that could be lost elsewhere, but suggest that there may need to be a regional approach.</p> <p>Agricultural lands on diked formal tidelands should be viewed differently since they are at high risk due to SLR and may be high priority lands for restoring tidal influence.</p>	<p>Thank you for your support. Language has been added to the A19 strategies related to identifying priority areas for restoration of natural processes.</p> <p>A new strategy (C.6b) has been added related to reuse of sediment to support wetland restoration.</p> <p>Changes related to strategy E.5a and to retrofits for inadequate stormwater infrastructure were made as suggested.</p> <p>Language related to regional collaboration was added to strategy D.1.</p>

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<p>The Nature Conservancy, California Coastkeeper Alliance, and Heal the Bay (joint letter)</p>	<p>Guidance should outline processes for Commission decision-making on coastal power plants, desalination facilities, and other infrastructure, and should create explicit standards for consideration of sea level rise in siting decisions for those facilities. Guidance should be revised to commit the Commission to a new stronger role in power plant siting, "especially vis-a-vis the California Energy Commission" and to a more prominent role in introducing SLR vulnerability into the proceedings. An articulation of a uniform posture on SLR vulnerability in siting decisions for desalination facilities and power plants would be useful. Guidance should recognize the state's network of MPAs and discuss how coastal planning and development have an increased significance for the health of MPAs in the face of SLR. Guidance should highlight complimentary state guidance, such as the Safeguarding CA plan, on the importance of green infrastructure and wetland restoration in mitigating flooding and other SLR impacts. This revised draft still under-emphasizes the inherent value and importance of natural shoreline areas. The Guidance should particularly include Safeguarding's rec to "Achieve multiple benefits from efforts to reduce climate risks and prioritize green infrastructure solutions" and to "continue to study and support investment in cost-effective green infrastructure to reduce flood risk and stormwater runoff and to maximize co-benefits".</p> <p>The Guidance should encourage local governments to begin identifying which coastal areas and infrastructure will receive protection from SLR and should encourage state agencies to develop and implement policies for managed retreat. Guidance should encourage communities to work with the robust science that is publicly available (rather than waiting for a grant to hire a consultant) and adopt a precautionary approach with respect to areas of uncertainty. CCC should establish a process through which staff can support local planners directly as they incorporate SLR in LCPs and the Guidance should provide contact information for who can provide this support. Guidance should discuss the similarities among the NRC report, the NCA, and the IPCC 5th AR. The Guidance should explain how scenario planning within the vulnerability assessment process can translate into on-the-ground policy.</p>	<p>Pursuant to Public Resources Code 25500, 25110, and 25120, the Energy Commission has exclusive permitting jurisdiction over thermal power plants with generating capacity of 50 MW or more. Pursuant to PRC 25523 and 30413(d), the Commission submits comments to the Energy Commission regarding provisions that are necessary to bring a thermal power plant project into conformity with the Coastal Act. The Energy Commission must include those provisions unless it finds that they are infeasible or would cause greater adverse environmental impacts. The Commission will continue to coordinate in siting decisions as applicable and in line with the relevant policies and procedures.</p> <p>Strategy C.3 has been added related to recognizing the importance of MPAs. Significant efforts have been made to ensure the Guidance is in line with and supports Safeguarding California and other relevant documents. The importance of natural processes and the benefits of green infrastructure are discussed in multiple locations in the document, including in Guiding Principle 12 and the 6 strategies that fall under the goal statement to "Use soft or natural solutions as a preferred alternative for protection of existing endangered structures".</p> <p>A main theme of the Guidance document is that local governments should begin efforts to identify and respond to sea level rise impacts through a variety of means. The Coastal Commission will continue to support local jurisdictions as they begin and carry out these efforts, including supporting efforts to translate vulnerability assessment findings to policies and implementation actions. Contact information can be found on the last page of the document. Chapter 3 and Appendix A includes a discussion of the various reports on sea level rise.</p>

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<p>Marin County Community Development Agency</p>	<p>Adaptation strategies are largely relevant to new development on vacant land and fail to provide reasonable, implementable, and legally reliable guidance for addressing existing development. Strategies that do apply to existing development are financially infeasible or appear to conflict with existing Coastal Act provisions that specifically exempt existing development from Coastal Permit requirements.</p> <p>Guidance advises jurisdictions to define redevelopment in a way that, over time, would essentially transform all existing structures into new development, thereby representing a critical shift in approach that does not seem to be supported by Coastal Act provisions and may expose jurisdictions to extensive litigation.</p> <p>Chapter 8 sites Marin as an example of defining "existing" as from a specific point in time, but we do not feel that Marin's example justifies this interpretation, and recommend a more normal interpretation.</p> <p>Strategy for "defining redevelopment" should be revised to conform to the CA's coastal permit exemption provisions that allow improvements without reference to tracking individual components etc. Strategy A.9 should be revised to conform with CA provisions in 30610 which exempt CDP requirements for replacement of structures destroyed by natural disaster.</p> <p>Guidance discussion of "existing structures" should be revised to conform to the plain intent of CA 30235 and shed light on the legislative history of this provision, otherwise it should stay within the common meaning of "existing" as existing at the present moment. Guidance provisions related to redevelopment may create a disincentive for people to comply with FEMA BFE requirements to raise their homes.</p>	<p>The guidance contains sections (A.12 and A.13) which specifically address existing development and have been revised to clarify that non-conforming existing structures in the area between the sea and the first coastal roadway are of particular concern if they perpetuate the need for shoreline protective devices. Pursuant to the Commission's regulations, many improvements and additions to structures in this location are not exempt from coastal permit requirements. For structures located between the sea and the first coastal roadway or within 300 feet of a beach or the mean high tide line, the Commission's regulations do require keeping track of whether cumulative improvements over time enlarge a structure by more than 10%. Disaster replacements are exempt only if the replacement structure is consistent with zoning and can be rebuilt in the same location as the destroyed structure. Where the replacement structure can't be built in the same location either because the land has eroded away or because it's inconsistent with zoning, then the exemption doesn't apply.</p> <p>Definitions of redevelopment are common in land use planning and not inconsistent with policies in the Coastal Act. The purpose for defining redevelopment is to avoid a conversion of an existing, non-conforming structure into a new, non-conforming structure through either a single renovation or through incremental changes to the structure. Revisions have been made to clarify the distinction between improvements to existing structures and new development.</p> <p>The recommendation that the replacement of 50% or more of a structure constitutes new development derives from 14 Cal. Code Regs. § 13252(b), which provides that replacement of 50% or more of a structure, unless destroyed by natural disaster, constitutes new development. For existing structures located between the sea and the first coastal roadway or within 300 feet of a beach or the mean high tide line, 14 Cal. Code Regs. §§ 13250(b)(4) and 13253(b)(4) both establish the principle that separate individual improvements made over time should be considered cumulatively for the purpose of determining whether additional improvements to the structure are exempt.</p>

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		<p>This Guidance does not supersede exemptions established pursuant to the Coastal Act and its implementing regulations. That said, the Coastal Act does not limit the authority of local governments to establish requirements that go beyond the minimum requirements of the Coastal Act, so long as they do not conflict with the Act. (PRC 30005(a).)</p> <p>The suggestion to use a 50% valuation criterion for redevelopment is provided as an alternative to 50% of the structural elements, and ii is consistent with FEMA’s definition for Substantial Improvements, 44 Code of Federal Regulations 59.1.</p> <p>As stated throughout the Guidance, the information and recommendations should be considered on a location-specific and case by case basis in a way that fulfills the requirements of the Coastal Act, certified LCPs, and other relevant laws and policies and includes consideration of local conditions.</p> <p>Recommendations within the Guidance are not meant to supersede any applicable Coastal Act policies or other laws. Language has been added to strategies A.8a and A.12 to ensure consistency with FEMA policies and practices.</p>

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Marin County Department of Public Works	<p>Recommend adding a GP to "provide infrastructure and services to existing coastal communities" and to discuss determination of critical from non-critical facilities and infrastructure. Guidance encourages protection of ecological resources, public access, and views but equal weight should be given to whatever areas are determined to be important. Doesn't necessarily mean every home, but some discussion of establishing critical facilities would be useful for agencies like DWP which are charged with protecting these services.</p> <p>Pg. 24: "100-year flood" should be the "100-year tide level" or "100-year coastal flood" and/or change to 1% annual exceedance probability language. Pg. 26: goals include protecting public safety and allowing for sustainable economic growth, but these two items are not really addressed in the rest of the document. Pg. 35: evaluating impacts for high levels of SLR may be appropriate, but "planning and providing adaptive capacity" may be too strict a burden as it would likely require large scale abandonment of coastal communities which would be difficult for counties to plan for and may be considered a taking. Pg. 37: "life" of structure should be clarified, especially as many structures have a long life with proper maintenance -- is this considered part of "life". Pg. 38, GP 16: Requiring mitigation for all unavoidable resource impacts could lead to unacceptably large costs for public agencies. Why should public agencies be held for mitigation for providing services to coastal communities? GP 19: consider stronger language, such as "strongly recommend" or "require" regional coordination. Pg. 38 EJ section doesn't mention impacts to low income communities from loss of road access or clean water. Pg. 91: section on funding resources exaggerates availability of funding which is instead wholly inadequate for on the ground adaptation measures. Recommend that this should be acknowledged and to add that additional funding sources should be developed. Pg. 103: list of analyses for wave runup and impacts seems unreasonable and should be modified to reflect the state of practice for typical coastal engineering firms in California. Pg. 131: "Limit foundation work within the geologic setback area" is too restrictive. Foundations are integral parts of structures and cannot be "limited" if the structure is needed. Limiting it may result in failure and therefore lawsuits, so recommend deleting this suggestion.</p>	<p>The Guidance encourages protection of coastal resources, including development, and states that adaptation strategies should be chosen and implemented on a case by case basis in a way that fulfills the requirements of the Coastal Act and other relevant laws and policies and that considers local conditions. Change was made to the "100-year coastal flood", as suggested. Planning for and providing adaptive capacity is not meant to suggest or require wide scale retreat, but rather analyzing the potential impacts and identifying a range of potential adaptation strategies that could be utilized over time, including a possible mix of protection, accommodation, and retreat strategies. As is described in the document, applicants should identify the anticipated life of the structure, including maintenance activities, so as to analyze the full range of potential sea level rise impacts that may occur over the full time period it is in existence in a certain location so that it can be planned, sited, and designed to be safe from and/or accommodate impacts. Mitigation has been, and will continue to be required for unavoidable impacts to coastal resources in line with the requirements of the Coastal Act and other relevant laws and policies. As is described throughout the document, the Commission will encourage and support regional coordination efforts as feasible and applicable. Language has been added to page 91 supporting the creation of additional funding opportunities. The listed analyses for wave runup and similar are commonly required for CDP applications, as applicable to the individual site and project details. As described in the document, individual adaptation strategies may not be applicable to all projects but should instead be chosen on a location specific and case by case basis in a way that fulfills the requirements of the Coastal Act and that considers local conditions.</p>

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Center for Ocean Solutions	<p>Commend Commission's inclusion and prioritization of green infrastructure and "soft" alternatives to hard armoring, recommendations to encourage retreat, and the extended discussion of the legal context of shoreline protective devices.</p> <p>This discussion could be strengthened by providing specific recommendations to help limit availability of armoring to cases of true emergencies (for example limiting type of emergency structure that is allowed to temporary solutions/structures and requiring removal of emergency armoring within a fixed time, such as at the end of the rainy season, prior to consideration of any permanent protection) and providing specific recs to ensure armoring impacts to neighboring properties are appropriately monitored and mitigated (for example, ensuring the environmental impact analysis adequately analyzes impacts beyond the project site, including neighboring sites and the broader littoral cell; using LCP regulations and CDP conditions to require long-term monitoring of impacts to neighboring properties; and including impacts to neighboring properties when calculating mitigation measures).</p> <p>Suggest adding the note that the CCC will re-evaluate BAS as necessary to the Exec Summary; mentioning the forthcoming SLR Planning Database on Pg. 69 in discussion of other planning-related documents; add "See Chapter 7: Adaptation Strategies for further details regarding alternatives to hard armoring structures" to end of paragraph that begins with "Because of the wide range..." on pg. 162.</p>	<p>Thank you for your support. Additional language related to monitoring of impacts to neighboring sites and/or the broader littoral cell was added to strategy A.22. Changes related to review of best available science, the Planning for SLR Database, and cross-referencing between Ch. 8 and 7 were made as suggested. The Commission will continue to support efforts to further address impacts from shoreline protective devices particularly in response to sea level rise driven changes in shoreline conditions.</p>
City of Dana Point	<p>Ask how the Guidance references the CCAMP study by FEMA and UC Irvine coastal studies, and whether using a study other than the 2012 NRC report would require an LCP action. Since the loss of coastal access and recreation could be devastating for local communities, ask whether a streamlined process for local government projects to mitigate those effects. Ask whether accelerated sea level rise would be grounds for an emergency permit.</p>	<p>In line with guidance from the Ocean Protection Council, the Guidance currently recommends using the 2012 NRC report as the best available science pertaining to sea level rise on the California coast. FEMA's CCAMP study is included in the Guidance as a resource, but with a note that this study does not account for sea level rise. Local jurisdictions are encouraged to work with the Coastal Commission to identify studies that are locally relevant in their particular geographic range. Projects will continue to be reviewed on a case by case basis and in line with the requirements of the Coastal Act. The Commission remains committed to working closely with local jurisdictions on these efforts.</p>

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City of Newport Beach, Community Development Department	Estimate that over 4000 properties along with shoreline communities, visitor-serving industry, harbor, and natural habitats could be subject to SLR impacts, and because of this the city has been working to prepare for SLR and will continue to study and implement policies and regulations to address long term SLR. However, concern that the Guidance may result in a delay to the certification of the City's IP (which is following the 2010 update of the Zoning Code). This effort has followed a number of workshops and coordination with CCC district staff, but the procedures described in the Guidance would require an immediate halt to the certification effort as data collection, analysis, and risk assessment would take years.	LCP updates will continue to be reviewed on a case by case basis and in line with the requirements of the Coastal Act. The Commission remains committed to working closely with local jurisdictions on these efforts.
Joyce Dillard, Public Citizen	Guidance needs to tie into regulatory issues to be effective, and should consider financial and practical realities. In order to be dynamic, the guidance needs to include accurate info and data and be current. LCP updates and CDP decisions need to be based on plans that are current. CDP decisions need to be based on environmental analyses, but legal requirements are easily bypassed. OPR should be brought in when General Plans lag. State coastal areas need to be divided and recognized for impacts. Should include the Santa Monica Bay Restoration Commission as an agency involved on the coast. Adaptation should be applied based on facts not policy. There is no science to justify storm water capture as a water quality compliance mechanism. Floodplain Management Plans should be reviewed for accuracy and current status. Soils and Geology Reports as well as Hydrology and Water Quality reports are crucial for the coast. Few realize that LCPs exist unless they live in the vicinity of an approved plan.	The information and recommendations in the Guidance derive from the requirements of the Coastal Act. As stated throughout the document, planning and permitting decisions should be made on a case by case basis in a way that fulfills the requirements of the Coastal Act and other relevant laws and policies and with consideration of local conditions. The Commission will continue to coordinate with state and local partners on issues related to sea level rise.

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Valerie Winn, Chief, State Agency Relations, Pacific Gas and Electric Company	<p>PG&E supports the Commission's assertion that the NRC report is the best available science for California, but believes the 2050 estimates should be used as the planning standard rather than the 2100 estimates as it is not typical for business and investments to plan for an 85-year time period. Benchmarking and historical evaluation of extreme weather events should be initial steps and become starting points for SLR evaluations of critical infrastructure. Critical that SLR be addressed in a consistent and uniform approach with parties utilizing the same data and predictive models. Recommend that a greater priority be placed on protection and modification of infrastructure rather than relocations. PG&E would like the opportunity to work with the Commission and coastal cities/counties in SLR planning and development of policies that protect vital infrastructure. Commission's assessment of SLR impacts on low-income communities appears to focus exclusively on coastal communities and recreational uses and did not address analysis of how SLR and salt water intrusion will impact low income communities in the Bay Delta region.</p>	<p>Guidance does not put forth any "planning standards", but rather suggests that project applicants should analyze the potential SLR impacts over the anticipated life of a project, rather than over a budget planning cycle, to ensure that it is sited and designed to avoid or minimize hazards and resource impacts. The Guidance identifies the NRC 2012 report as the best available science and encourages regional coordination when analyzing SLR impacts. A number of strategies refer to retrofits and accommodation options for critical infrastructure, not solely relocation. The Bay Delta region is outside of the Coastal Commission's jurisdiction, but the Commission will continue to coordinate with the SF Bay Conservation and Development Commission and the Delta Council on relevant topic areas including sea level rise as applicable. The need to work with utilities on sea level rise issues specific to coastal infrastructure is included in Next Steps</p>
Unified Port of San Diego	<p>[PLEASE SEE FULL LETTER FOR ADDITIONAL DETAILS]</p> <ol style="list-style-type: none"> 1) Revised Policy Guidance is too centric on LCPs to be useful to the District. 2) District requests that the Guidance exclude port master plans, and, as part of the next steps, requests that the Commission and port stakeholders collaborate on further developing port-specific Guidance. As an alternative and at a minimum, the document should reflect the need for additional port-specific guidance and make appropriate reference to the current version while acknowledging subsequent specific guidance for ports may be created 3) Clarify how the document will address the urban character of District tidelands. There is no guidance addressing urbanized areas and how property rights may be affected in these areas. 4) The Guidance recognizes ports as a coastal resource yet fails to provide any port-specific guidance. Requests that the Commission draft separate guidance for ports given their distinct statutory context, or, at a minimum, reflecting the need for additional port-specific guidance in the current version. 5) AB 691 requires the District to make an assessment of SLR on 	<p>A number of changes have been made to better highlight the unique challenges and particular policies and regulations relevant to ports. Some of these changes include additional language in the introduction and guiding principles about information that may be relevant to other planning documents, including PMPs, as consistent with the Coastal Act. Several strategies related to ports have also been added, and language related to coordination and additional guidance has been added to the Next Steps chapter. In general, as is stated throughout the document, the Guidance is meant to provide a general framework for how to consider and address sea level rise in a variety planning and project-specific cases. For example, the steps to identify a range of sea level rise projections, analyze the physical impacts from sea level rise, analyze possible impacts to resources, and then identify and develop possible strategies to avoid, reduce, and/or mitigate impacts are the common steps of any vulnerability analysis. However, the level of detail, the required analyses, and the eventual adaptation strategies chosen will vary significant depending on the goals and intent of the planning effort or the individual project. This Guidance is not meant to be a substitute for the planning work required for addressing sea level rise in</p>

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	<p>granted public trust lands, but the CCC's Guidance severely limits the District's ability to do so by not including port-specific guidance. Similarly, CCC comments on the Port of LA's recent amendments suggest the need to include sea level rise policies. These expectations reinforce the need for port-specific Guidance that includes a description of the authority to require such SLR policies. District requests, therefore, that the current Guidance not apply to PMPs and that port-specific guidance is separately developed. District also requests that adaptation strategies specific to ports be presented to avoid conflicts with the Port Act and Coastal Act Ch. 8 policies that promote modernization of ports, development of harbors and supporting facilities, and commercial fishing.</p> <p>6) Allow for collaboration to distribute risks associated with SLR rather than the recommendation to "ensure that current and future risks are assumed by the property owner" (pg. 127). The Guidance should encourage public trust grantees and the District to solve issues collaboratively with tenants, agencies, and stakeholders rather than unilaterally as a landowner. If this policy is not specific to ports, language should be added to state so.</p>	<p>LCPs, PMPs, CDPs, consistency determinations, and so on, and it cannot feasibly include the level of specificity that would be necessary to do so. Instead it provides a broad range of information, recommendations, and goals that should be considered in these planning activities as relevant and applicable to the individual effort. As is explained throughout the Guidance, the Coastal Act, certified LCPs, and other relevant laws and policies remain the standard of review, and the recommended actions and adaptation strategies should be implemented on a case by case basis in a way the fulfills the requirements of the Coastal Act and other relevant laws and that gives consideration to local conditions. The Commission acknowledges that ports are subject to Chapter 8 of the Coastal Act. The policies of Chapter 8 apply to significant categories of port-related development and differ in some significant ways from the Chapter 3 policies of the Coastal Act. Other significant categories of development with ports, however, are subject to Chapter 3, specifically those categories of development listed as appealable in PRC 30715 or that are located within specified wetlands, estuaries, or recreation areas. The focus of this Guidance is implementation of Chapter 3 policies, but many principles are relevant to evaluation of sea level rise in the context of Chapter 8, too. The Commission will continue to work with ports to implement the applicable policies of Chapters 3 and 8 of the Coastal Act, and continues to recognize both the importance of ports and the coastal-dependent related uses typically found in ports, as well as the sometimes unique planning and development challenges presented by urbanized port areas.</p> <p>Additional information relevant to the District's more specific concerns is highlighted below.</p> <p>6) As explained above and throughout the document, adaptation strategies should be implemented on a case by case basis and may not be applicable in all circumstances. In relation to strategy A.10, the important message is that property owners (and related) should understand sea level risk risks and vulnerabilities and ensure that the public does not have to bear the burden of detrimental impacts to resources. This is particularly the case for</p>

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	<p>7) Clarify how the document will be used as an interface between the Coastal Act and CEQA. Clarification should be provided that the Guidance is not intended to be used for establishment of significance thresholds under CEQA, does not constitute a binding plan/policy in the context of consistency analyses, and strategies do not represent mandated mitigation measures.</p> <p>8) Revise Step 3 of the CDP process as it requires an understanding of the secondary impacts to evolving resources resulting from SLR and implies that the applicant is responsible for future impacts to coastal resources.</p> <p>9) Recommend adding "updates to building codes" as an adaptation strategy.</p> <p>10) Allow for greater flexibility in adaptation responses for coastal dependent infrastructure, particularly in strategy A.27 which directs critical infrastructure to plan for the worst case scenario.</p>	<p>private property owners where actions may adversely affect public interests. Ports have public trust responsibilities and thus are inherently balancing public interest. The Commission agrees that Ports should use a variety of means, including collaborating with lessees and other parties, to highlight the risks associated with development in hazardous areas and the responsibilities that come with such development.</p> <p>7) The Guidance does not alter CEQA or the Coastal Act or change the relationship between the two. It does not formally establish significance thresholds for the purpose of CEQA review. As noted in the document, the Guidance does not establish mandatory requirements. It instead identifies a menu of options to address sea level rise in a manner consistent with the Coastal Act. Depending on the circumstances of a particular project, agencies responsible for implementing the Coastal Act may impose measures identified in the Guidance as mandatory mitigation measures for that project.</p> <p>8) The level of detail and the specific analyses required will vary depending on the scope and intent of individual projects. Sea Level changes are expected to be factored into project analysis to ensure the project is properly sited and designed to be safe and to adequately evaluate potential impacts that might be expected on coastal resources from the development. If such impacts cannot be avoided, mitigation may be appropriate. The Guidance does not call for mitigating impacts that are unrelated to the project.</p> <p>9) Change made as suggested</p> <p>10) As explained in the document, adaptation strategies should be chosen and implemented on a case by case basis in a way that fulfills the requirements of the Coastal Act and other relevant laws and policies. Chapter 3 of the Coastal Act requires development to be safe from hazards, and, as suggested in the strategy, there are a number of ways to ensure safety including initial siting and design, retrofits to existing structures, and utilizing other strategies in the future as necessary and applicable. The strategy does not suggest a requirement to implement infeasible improvements.</p>

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	<p>11) Clarify the intent of "incremental" implementation of adaptation strategies.</p> <p>12) Distinguish between coastal-dependent and non-coastal-dependent uses when describing restrictions on new development or existing structures, particularly as it relates to shoreline protective devices. District is still concerned that the Revised Policy Guidance will limit or prohibit shoreline protection despite the Coastal Act's allowance of such, and is unsure of where the authority to do so would originate if this is the case. Request that the Guidance include a statement that it is intended to allow for exploration of adaptation measures but not to limit or prohibit application of 30235.</p> <p>13) Clarify the definition of "at-risk" as it relates to location and/or inadequate building standards. Re: Principle 8, pg. 36, District is unclear how the Coastal Act prohibits CDPs for repair and maintenance of at-risk structures when they are consistent with the PMP.</p> <p>14) Clarify definition and intent of "acceptable levels of risk" and "community priorities" (see pg. 26) and add consideration of other enabling legislation and grants (etc.) to the referenced sentence. Even with this change, though, the District still requests that the Guidance be inapplicable to ports and the specific guidance is developed instead.</p> <p>15) Clarify whether "expected life" of projects is a standard for permit authorization. District request instead that CDPs should not be limited to the "expected life" of the structure, and that applicants be required, if necessary to demonstrate mitigation at reasonable intervals.</p>	<p>11) Chapter 3 of the Coastal Act requires development to be safe from hazards. As explained, there are a number of ways of ensuring safety, and it may make sense in some cases to provide for a phased approach for different adaptation responses over time or if conditions change. It is expected that different strategies will be evaluated and implemented on a case by case basis.</p> <p>12) As stated throughout the document, this Guidance does not in any way change the policies of the Coastal Act. The Coastal Act remains the standard of review for planning and permitting decisions. As described, adaptation strategies should be chosen based on the specific risk and vulnerabilities, applicable Coastal Act and other legal requirements, and with consideration of local conditions. The options described in the document are meant to provide guidance for potential strategies.</p> <p>13) Principle 8 does not prohibit CDPs but rather states that at-risk structures should be brought into conformance with current standards, as applicable and consistent with the Coastal Act. "At-risk" generally refers to a structure's location, as described in section 30253 of the Coastal Act, and there are a number of ways to ensure safety, including initial siting and design or future adaptive strategies and retrofits as necessary and applicable.</p> <p>14) This sentence explains, similar to other language throughout the document, that planning efforts and decisions will vary based on identified vulnerabilities and local needs and goals. As stated in the document, actions should be implemented on a case by case basis in a way that fulfills the requirements of the Coastal Act and other laws and policies. Language regarding other relevant laws and policies has been added to the specified sentence.</p> <p>15) As is explained in the document, steps related to identifying the expected life of the project are not meant to limit a CDP to that time period, but rather to identify the general amount of time over which the project will be in existence so that hazard analyses performed in subsequent steps will adequately consider the impacts that may occur over the period of time the project is in</p>

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	<p>16) Allow for further consideration of the economic and financial constraints of implementing SLR policies for ports. For example, many Guiding Principles use such language as “providing maximum protection”, “providing adaptive capacity for highest amounts”, etc., and the District requests that such qualifiers as “as feasible” or “when practical” be added to these statements.</p> <p>17) Clarify how rolling easements would work in relation to port lands.</p>	<p>place.</p> <p>16) This Guidance is grounded in the requirements of the Coastal Act, and the Guiding Principles and other recommendations represent goals to which planning and permitting actions should aspire as applicable and feasible. Nothing in the document is meant to supersede existing legal authorities or the standard of review for planning or decisions.</p> <p>17) As stated in the document, not all adaptation strategies will be applicable in all cases, but should instead be evaluated and implemented based on the individual circumstances in a way that fulfills the requirements of the Coastal Act.</p> <p><i>State Lands Commission Executive Staff supplied the following additional responses:</i></p> <p><i>“It is important to clarify that acquiring a rolling easement as an adaptation strategy is a completely different concept from how sea level rise may affect the boundary between public tidelands and uplands. As stated in Chapter 8, the landward location and extent of the State’s sovereign fee ownership of these public trust lands are generally defined by reference to the ordinary high water mark (Civil Code §670), as measured by the mean high tide line (Borax Consolidated v. City of Los Angeles (1935) 210 U.S. 10). Boundaries determined by tidal patterns are, by their nature, ambulatory. The mean high tide line is the intersection of a calculated elevation/plane of the ocean, based on a tidal epoch of 18.6 years, with the surface of the beach. This line necessarily moves as the beach gradually builds up and erodes, thus changing the legal boundary between the properties (Lechuza Villas West v. California Coastal Commission (1997) 60 Cal.App.4th 218 at 235). This boundary, therefore, moves as the sand moves and changes (Id. At 238).</i></p> <p><i>More specifically, in areas unaffected by fill or artificial accretion, the ordinary high water mark and the mean high tide line will generally be the same. In areas where there has been fill or artificial accretion, the ordinary high water mark (and the state’s public trust ownership) is generally defined as the location of the mean high tide line just prior to the fill or artificial influence. While</i></p>

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		<p><i>each of the 70+ legislative grants of public trust lands to local jurisdictions are unique, where the grant description calls to the ordinary high water mark or mean high tide line as the landward extent of the legislative grant, the above explanation of the boundary between public trust lands and uplands equally applies to these grants.</i></p> <p><i>Except where the boundary between public trust lands and uplands have been fixed by a court decision or an agreement between the state or its trustee and the upland owner, and also in areas unaffected by fill or artificial accretion, the boundary between public trust lands and uplands is measured by the ambulatory mean high tide line. This boundary ambulates as the intersection of mean high water and land moves with the processes of erosion and natural accretion. Under the Common Law and California law, this means that uplands that are lost or submerged due to gradual and imperceptible changes to the shoreline through action by the ocean inure to the benefit of the State, just as lands added to the uplands by natural accretion inure to the owner of the upland.</i></p> <p><i>The Port's letter references the law of avulsion. Avulsion is the sudden and perceptible loss of land along a body of water caused by action of water, such as a flood causing a sudden change in the location of the bed or course of a river or stream. The law of avulsion does not apply to the gradual and imperceptible changes to the shoreline caused by sea level rise. Ocean boundaries are typically eroding and accreting on a daily basis by the movement of sand along the shoreline. It is not uncommon for the intersection of mean high tide with the beach to move dozens of feet or more over a relatively short period of time due to wave action. This is a natural phenomenon that the Common Law has dealt with for centuries. It is the basis for the legal concept of the ordinary high water mark. The slow and imperceptible changes due to sea level rise are not sudden and perceptible changes resulting in avulsion to the shoreline.</i></p> <p><i>It is important to note that a significant portion of the boundaries between public trust tidelands and uplands within the Port of San Diego's jurisdiction have been fixed by mutual agreement or court</i></p>

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	<p>18) District has concern regarding the following phrases and inconsistencies and requests clarifications [see letter for additional details]</p> <ul style="list-style-type: none"> • Principles 2 and 4, best available science vs precautionary approach (believe these conflict with each other) • Principle 4, providing adaptive capacity for highest possible SLR projections not feasible • Principle 7, minimizing hazards over life is challenging and will vary, especially when adaptation may limit or lessen life expectancy • Principle 8, minimize hazard risks and resource impacts – how does this apply to ports • Principle 11, provide for maximum protection of coastal resources, is infeasible and conflicts with CEQA, Ch. 8 of the Coastal Act, and the Port Act • Principle 12, maximize natural shoreline values, avoid expansion of shoreline armoring – how does this affect ports and coastal-dependent uses? Does this limit living shorelines? • Principle 13, ...shoreline protective devices should not result in loss of public trust lands – unclear on this statement, wouldn't SPDs preserve public trust lands? • Principle 15, address cumulative impacts – this sounds like CEQA compliance and we prefer it to be addressed as such 	<p><i>decision. Additionally, State Lands Commission staff is unaware of any prohibition on the Port's jurisdiction expanding due to changes in the boundary due to sea level rise."</i></p> <p>18) In general, Guiding Principles are derived from the Coastal Act represent the goals to which planning and decisions should aspire, though individual actions and outcomes may vary based on applicable policies and feasibility.</p> <ul style="list-style-type: none"> • Precautionary approach recognizes and addresses the uncertainty in the Best Available Science • See additional principle #4 description in main document, explaining designing vs. planning for worst-case • Section 30253 requires development to minimize hazard risks • Ports should minimize risks and hazards as consistent with applicable Ch. 3 and 8 and other relevant policies • Language is drawn from intent of Coastal Act to protect, maintain, enhance, and restore coastal zone resources and to maximize public access and recreational opportunities • Document does not make any changes to existing Coastal Act policies related to shoreline protective devices; principle specifically allows and encourages living shorelines • There are instances in urbanized working waterfronts where existing shoreline protection may currently protect filled public trust lands that are improved with coastal-dependent facilities. However, this particular principle refers to situation whereby shoreline protective structures result in the loss of unfilled public trust sandy beaches and other habitats, including access to these lands and resources, by preventing the landward migration of the mean high tide line. • The consideration of cumulative impacts applies to both the Coastal Act and CEQA review

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	<ul style="list-style-type: none"> • Principle 16, require mitigation of unavoidable impacts, is in conflict with CEQA and Ch. 8 requirements to minimize not eliminate adverse impacts • Graphic for Addressing SLR in CDPs states to modify project if impacts cannot be avoided, which indicates full mitigation which is again inconsistent with CEQA • Principle 8 phrase on pg. 36 “encourage...at-risk structures to be brought into conformance with current standards when redeveloped. Improvements to existing at-risk structures should be limited...” should exclude coastal dependent uses, existing structures, and port-specific obligations • Principle 10 phrase “actions to minimize risks to new development should not result in current and/or future encroachment...or in impacts inconsistent with the Coastal Act” should be caveated to as feasible • Principle 10 phrase “...internalize risk decisions with private landowner” should be revised to include a collaborative process and indicate seawalls require a CDP on a case by case basis • Principle 11 phrase “...avoid or minimize impacts to coastal resources” should be revised to clarify that ports are coastal resources, or guidance should not apply to ports • Pg. 109 phrase “if it is not feasible to site or design a structure to completely avoid sea level rise impacts, the applicant may need to modify or relocate the development to prevent risks...[other options] may be useful as adaptive strategies that can be used after the initial project completion” – bold phrases conflict with each other and “completely avoid” is not a Coastal Act requirement • Strategy A.2a, suggest that “...Civil Engineer ‘or equivalent’ be added” • Strategy A.8, change to “avoid, minimize, OR reduce” 	<ul style="list-style-type: none"> • Reference to “full” has been removed; principle does not require elimination of impacts, but rather states that mitigation should be provided for unavoidable impacts • Refer to the full text of the section that this graphic is summarizing for a discussion of options for minimizing risks, including modifications to avoid impacts as feasible • Refer to item 13 above • See above statement regarding Guiding Principles as goals to which actions and decisions should aspire • See item 6 above. All CDPs are reviewed on a case by case basis. • Ports are resources, but may in and of themselves have impacts on other resources. Impacts should be minimized in line with applicable requirements of Ch. 3 and 8 of the Coastal Act • Full statement explains that that in cases in which impacts cannot be avoided; other strategies may be used to minimize impacts, and therefore specifically states that complete avoidance is not required in all cases. Bold phrases do not conflict, but rather allow for flexibility. • “...or Engineering Geologist” added to allow for additional flexibility • Change made as suggested

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	<ul style="list-style-type: none"> Strategy A.13, Clarify that certain redevelopment projects such as remodeling, painting, etc. are not considered “redevelopment” as the phrase is being used <p>19) Request the development of port and port master plan guidance as part of the Next Steps</p> <p>20) The Guidance should be processed and reviewed under the APA before being applied to ports.</p> <p>21) Concerned that analyzing issues on a case-by-case basis with little direction will result in legal and takings issues as well as increased costs and inconsistencies for applicants.</p>	<ul style="list-style-type: none"> Strategy allows for more detailed definitions of “redevelopment” that would address the question <p>19) Continued coordination and development of additional Guidance has been added to the Next Steps.</p> <p>20) This document is intended to function as interpretive guidance pursuant to PRC 30620 for effective implementation of the Coastal Act in light of sea level rise and does not contain any new regulations or amend or supersede any existing statutory or regulatory requirements. The adoption of interpretive guidelines pursuant to PRC 30620 is exempt from the Administrative Procedures Act. (PRC 30333(b); <i>California Coastal Commission v. Office of Administrative Law</i> (1989) 210 Cal.App.3d 758, 762.)</p> <p>21) This Guidance is meant to provide a general framework for how to consider and address sea level rise in a variety planning and project-specific cases. Planning and permitting decisions have been and will continue to be reviewed on a case by case basis.</p>
California Association of Port Authorities	California’s public ports serve a unique role in California, and as such are uniquely recognized in the Coastal Act. [We] remain concerned that inadequate guidance in the document is focused on the rights, obligations, and authorities entrusted to ports in Chapter 8 of the Coastal Act. Request consideration of attached comments from the Port of San Diego.	Thank you for your comments, and please see discussion above regarding concerns voiced by the Port of San Diego. The document has been revised to more clearly describe how the Guidance applies to ports and describes Chapter 8 of the Coastal Act.

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City of Encinitas	<p>Additional public hearings throughout the state should be held prior to adoption to ensure adequate public comment opportunities, and staff should focus on outreach efforts for disadvantaged communities. Greater clarity is needed with respect to the scope of the Guidance’s regulatory intent (e.g. will ALL LCP actions be required to go through the process laid out in the document), as well as the expected timeframe for LCP revisions. The Guidance should provide a simple set of parameters for when agencies should allow exceptions vs. when more detailed information is needed.</p> <p>Document should provide proven examples of the recommended adaptation policies necessary to make local adoption of the policies feasible. The Guidance appears to be advancing a set of requirements with no financing to support them, which will be difficult for small communities like Encinitas. Concerned with the fiscal implications of the LCP and CDP processes and the amount of analysis required for even small projects. This amount of analysis may also delay recovery after a natural disaster.</p> <p>The requirement to immediately update and LCP should be re-evaluated if there is a desire to encourage regional coordination. Would be helpful to develop an MOU among relevant agencies (e.g. FEMA) for how to build/replace public infrastructure. Recommend a regional monitoring strategy.</p> <p>Statements regarding “no future seawall conditions” should be carefully vetted as the Coastal Act does not generally forbid armoring. Document should make reference to how SLR may impact property ownership with regard to insurance, mortgage loans, resale values etc., particularly as it relates to strategies encouraging retreat and no future seawall conditions. Strategies related to removal of SPDs and retreat may create public safety issues along eroding bluffs, so the Guidance should discuss liabilities, immunity, and other risk and safety issues. Note that retreat may not be an option for critical infrastructure. Models should be run including adaptation strategies to demonstrate effectiveness of different options.</p>	<p>As stated in the Guidance, this document is meant to provide a framework and recommendations for how to approach sea level rise planning in line with the requirements of the Coastal Act and does not constitute new regulations. Sea level analysis is already included in many LCPs and CDPs. The main differences in the analyses outlined in Chapters 5 and 6 from what is done at present, are that sea level rise is explicitly addressed and sea level rise scenarios are suggested to address uncertainties in future hazard conditions. The Commission recognizes that this is a complex topic and that additional efforts and information on a number of topics, including additional examples of implemented adaptation strategies, will be necessary. The Commission will continue to support efforts to address SLR, including supporting regional coordination and working with local governments and agency partners. As stated throughout the Guidance, the information and recommendations should be considered on a location-specific and case by case basis in a way that fulfills the requirements of the Coastal Act, certified LCPs, and other relevant laws and policies, and that gives consideration to local conditions.</p>

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Anthony Ciani, Public Citizens	<p>“How does the CCC and Legislature expect to manage the coastal zone when the water of the ocean and/or bays breach the currently established inland boundary lines? An example currently exists in Pacific Grove where the inland boundary line of coastal zone is aligned with the inland edge of the nearest coastal road paralleling the sea; Ocean View Boulevard, between Asilomar and Sea Palm... [where flooding] extends inland beyond the current CZ boundary line. In fact, during winter storms the wave run up and beach rocks, kelp etc., wash over the road with the local police or California Highway Patrol closing the road. Currently the CZ boundary is as close as 54 feet from the top edge of a severely eroded bluff that is undercut threatened the road and trail...Clearly, the Coastal Commission cannot adequately regulate or plan in the areas the ocean already extends inland beyond its jurisdiction! Sound planning principles must be used to correct this problem now and in the future at all such locations on the California Coast.”</p>	<p>The coastal zone boundary is defined by statute, and the Commission has only limited authority to make minor changes to the boundary in specified circumstances. See PRC 30103(b). The Commission recognizes that planning for sea level rise is a complex topic and additional efforts and coordination among partners will be necessary.</p>
California Energy Commission	<p>Document is of particular interest to the Siting, Transmission, and Environmental Protection Division. Have concerns related to identifying power plants as critical infrastructure and therefore warranting special considerations such as a 500-year event design standard (pg. 80), assuming highest SLR projections, and protection from worst-case future impacts (pg. 138). Worried that identifying all power plants as critical facilities will lead the public and other parties to apply the special considerations/strategies described above to all plants, without question, rather than analyzing them on a case by case basis. Recommend that power plants be removed from 3rd bullet on pg. 80 and/or adding a footnote such as “The lists of critical infrastructure can vary widely from community to community. For planning purposes, a jurisdiction should determine criticality based on the relative importance of its various assets for the delivery of vital services, the protection of special populations, and other important functions.” Edit to pg. 283, change "...50 megawatts or greater [which are regulated by the Public Utilities Commission]" to "California Energy Commission".</p>	<p>A footnote has been added to page 80, and edits made to page 283. The need to work with utilities on sea level rise issues specific to coastal infrastructure is included in Next Steps As stated throughout the Guidance, the information and recommendations contained within the document should be considered on a location-specific and case by case basis in a way that fulfills the requirements of the Coastal Act, certified LCPs, and other relevant laws and policies and that gives consideration to local conditions.</p>