

January 10, 2014

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California Coastal Commission
C/o Sea-Level Rise Work Group
45 Fremont Street, Suite 2000
San Francisco, CA 94105

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CALIFORNIA
COASTAL COMMISSION

Subject: Comments to Draft Sea-Level Rise Policy Guidance

Dear Sirs/Madams:

The County of Orange has reviewed the Draft Sea-Level Rise Policy Guidance currently being circulated by the California Coastal Commission and offers the following comments:

1. Stated throughout the document is that the intent of the document is to function as guidance and not regulation. The County of Orange recognizes the good work that went into the preparation of the document and the importance of providing guidance on this topic. The word "policy" is used in the title, which lends itself toward interpreting the intent as something other than providing guidance.
2. We concur with the statement, "It is important the various State efforts are closely coordinated and do not conflict, to assure an effective statewide response to sea-level rise." (Page18). We ask that you urge the governor to have a plan in place to coordinate efforts of the State agencies.
3. Page 22 reads, "Simple extrapolation of historic trends should not be used." The County concurs with this statement; however, little guidance is provided on what criteria or approach to calculation should be used.
4. Page 24, item B7, reads, "Account for the social and economic needs of the people of the state and assure priority for coastal-dependent and coastal-related development over other development." We believe that Local jurisdictions must maintain the flexibility to establish their own priorities based on the social and economic needs of their residents.
5. Page 25, item C10 includes the following text, "Maximize natural shoreline values and processes; avoid the perpetuation of shoreline armoring." There are several locations within this County's jurisdiction that currently have coastal armoring. Maintenance of these structures will become increasingly difficult and may eventually not be allowed. This could impact public safety as well as both public and private property.

6. Page 25, item C10, "Major renovations, redevelopment, or other new development should not rely upon existing shore protection devices for site stability..." and pages 24-25, item B8 requiring a "no future seawall" deed restriction, are statements that severely restrict options for private property owners. It is recommended that:
 - i. The Coastal Commission reviews the practicality of the combined effect of items C10 and B8.
 - ii. The legal authority to require a "no future seawall" deed restriction be reviewed.
7. Page 26, item C12, indicates, "...LCP or project should evaluate how sea-level rise impacts throughout an entire littoral cell..." It is noted that a littoral cell could far exceed the area of an LCP, and likely encompass several local jurisdictions. Requiring such extensive and expansive coastal analysis would be excessive, costly and time consuming.
8. Page 26, item C13 suggests requiring, "...mitigation of unavoidable public coastal resource impacts related to permitting and shoreline management decisions." CEQA already requires projects to mitigate their impacts; this would be redundant. Also, it is unclear whether this would preclude or limit a Lead Agency's ability to adopt a Statement of Overriding Considerations for potential future impacts to public shoreline resources. The latter should be clarified and further discussed with local jurisdictions.
9. Page 29, indicates that the principle of the Sea-Level Rise Guidance document is to use the best available science to determine locally relevant sea-level rise projects for all stages of planning, project design, and permitting reviews. Applicants should use the current, best available science, which the guidance document identifies as the 2012 National Research Council's (NRC) Report. The NRC report contains regional sea-level rise projections for north and south of Cape Mendocino, which may be too broad to include trends in southern California. Bromirski et al. (2011 and 2012) has shown that mean sea level has remained flat over the past 15 years, but indicates other factors may result in future sea level increases. Sea-level rise science continues to evolve and projections should be updated with the release of new scientific reports.
10. Sea-level rise will result in changes to sediment availability, which could worsen beach erosion and possibly increase the need for beach nourishment projects (Page 31). The County of Orange participates in a recurring beach replenishment project with the U.S. Army Corps of Engineers (Surfside-Sunset Beach Replenishment Project.) This project has been shown to mitigate impacts due to subsidence caused by oil extraction activities. It will become increasingly important that such projects continue, and if sea-level rise accelerates then the recurrence interval of the project may become more frequent.
11. It will be difficult to convert areas vulnerable to sea-level rise to conservation areas or open space in heavily urbanized areas, such as Orange County. The displacement of people, businesses and structures will result in significant social and economic impacts.
12. Page 51 of the document recommends limiting the expansion of non-conforming or other land uses in hazardous areas. It is unclear as to how this addresses hazards; it more so appears to be focused on regulating land use. If it is the latter, the local jurisdictions should retain the flexibility to address land use issue in a manner consistent with their needs and priorities.

13. Page 54, suggests the requiring of mitigation of impacts to public resources by shoreline structures permitted under the Coastal Act. It is recommended that mitigation cover the life of the structure as a condition of approval. This could be potentially costly to local jurisdictions if this applies to public shoreline structures.
14. Chapter Two discusses how new construction should take into account rising sea levels, and how to avoid future damage when developing an area. Local jurisdictions will be challenged to address both new development and to maintain improvements already in place.

Please feel free to contact me, should you have any questions. I can be reached at (714) 667-3217.

Sincerely,



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