

Regulatory Compliance in the Coastal Zone

Aldaron Laird
Environmental Planner
Trinity Associates
riverplanner@gmail.com

So what is different about the Coastal Zone?

- Environment
- Environmental Laws



Salmon Creek Estuary/Tidal Wetland Enhancement:
Humboldt Bay National Wildlife Refuge

Environment

- Estuaries are dynamic and important environmentally sensitive habitat areas. There is only one per stream.

- These habitats support many protected species not found in non-tidal waters or wetlands.

Salmon Creek Estuary Enhancement-Off-Channel Pond:
Humboldt Bay National Wildlife Refuge

Environmental Laws

- Federal Coastal Zone Management Act
- Federal Magnuson-Stevens Act
- Federal and State Endangered Species Acts
- Clean Water Act
- **California Coastal Act**
- CEQA
- Public Trust Doctrine

Clean Water Act: USACE NEPA Finding

- *Activities that result in more than minimal individual and cumulative adverse effects on the aquatic environment cannot be authorized by NWP's. (USACE, Decision Document Nationwide Permit 27, pg.4, February 21, 2012)*
- Individual permits require NEPA compliance

California Coastal Act

- Retained Jurisdiction versus Local Coastal Programs
- Definition of a wetland
- Restore marine resource whenever feasible
- Biological productivity, alternatives, mitigation
- Allowable fill in coastal waters or wetlands
- Compensatory mitigation for wetland loss
- State Lands Commission lease or waiver

State Lands Lease

- Use of sovereign land; bed of tide lands or navigable waters can often require access or affect adjacent uplands or Riparian property.
- If you are not the owner of the property adjacent to the State's, you will be required to submit a copy of a lease, permit, or other evidence of your right to use this property.

CEQA-Greenhouse Gas Emissions

- A project's habitat conversions and greenhouse gas emissions effects.
- A habitat's estimated ability to sequester greenhouse gas, carbon dioxide, versus the habitat's estimated ability to release, methane another greenhouse gas.

Climate Change

Executive Order S-13-08 and sea level rise:

- conservative estimate: 6" by 2030, 12" by 2050, and 36" by 2100
- CCC's current standard is 3' minimum and 6' feet maximum by 2100