

*Offshore Renewable Energy  
and the  
California Coastal Commission*

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# The California Coastal Act

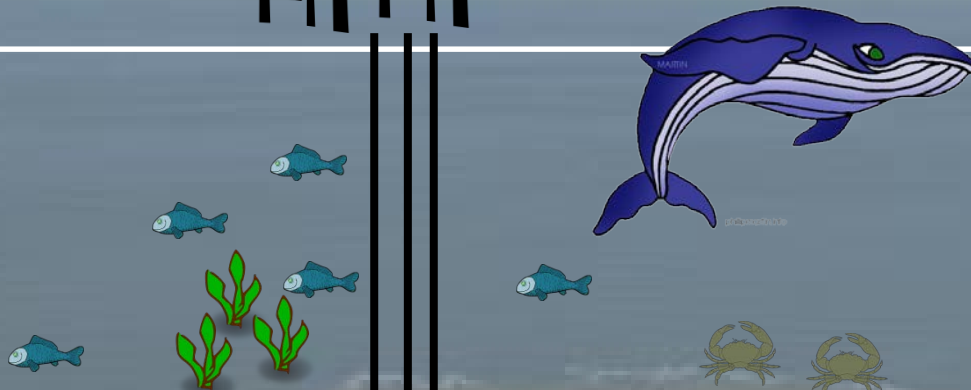
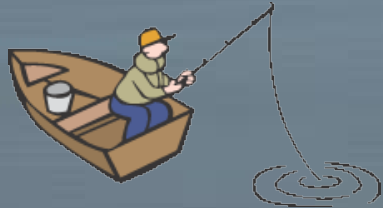
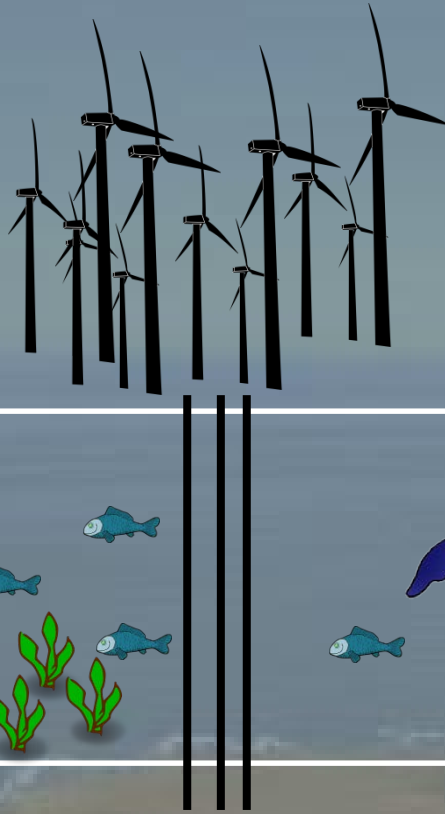
- Approved by the Legislature in 1976
- Chapter 3 policies are the enforceable policies against which projects are reviewed
- Key Coastal Act Issues applicable to offshore energy projects
  - Marine species and habitat, water quality
  - Public access and recreation
  - Fishing – Commercial and Recreational
  - Navigation and Hazards
  - Coastal Public Views
  - Are there alternatives and mitigation measures to make the proposed project less environmentally damaging?

# CCC Authority

**Federal  
Waters**

**State  
Waters**

**Onshore  
(within the  
Coastal Zone)**



# CCC Authority: Federal Waters

- Federal Consistency Review
  - Coastal Zone Management Act = Federal + State Partnership
  - Gives state the ability to review federal projects or federally permitted projects
- Effect, not location, determines whether the Commission has authority
  - Fish swim test
  - Consistency review is needed if the project generates spillover effects in the Coastal Zone

★ Standard of Review: Chapter 3 policies of Coastal Act

For more information: see <http://www.coastal.ca.gov/fedcd/fedcndx.html>

# CCC Authority: State Waters

- Direct Permit Authority
  - Coastal Development Permit (CDP)
- ★ Standard of review: Chapter 3 policies of Coastal Act

# CCC Authority: Onshore

- Dependent on Location
- City of Morro Bay has a Certified Local Coastal Program (LCP): 2 options
  1. City issues CDP for onshore components
    - CDP appealable to the CCC
    - ★ **Standard of Review: LCP policies**
  2. Applicant and City agree to a consolidated permit
    - CCC does joint CDP for project components in state waters and onshore
    - ★ **Standard of Review: Chapter 3 policies of CA with LCP policies as guidance**

# Coastal Act Issues

- Commercial Fishing
  - Exclusion from fishing areas
  - Loss of or damage to fishing gear
- Marine Habitat and Species
  - Marine mammals, fish, birds, terrestrial species
  - Hard bottom habitat, Eelgrass, Biologically Important Areas, ESHA
  - Direct and indirect impacts during construction and operation
    - Exclusion
    - Lighting
    - Sound
    - Entanglement
    - Collisions
    - Water quality/oil spill risk/marine debris
- Minimization of Hazards
  - Stability
  - Resilience to storms, geologic events
  - Navigation conflicts
  - Sea level rise
- Cultural and Archeological Resource Impacts
- Public Access/Recreation/Public Views

# Challenges

- Scale
- Uncertainty in determining impacts
  - New technology
  - New physical environment
- Developing robust monitoring protocols
- Determining appropriate mitigation