



Coastal Protection and Public Beach Access Act of 2017 (Sponsor: The Nature Conservancy)

The Coastal Protection and Public Beach Access Act will enhance public access to our beaches and protect California's natural coast line from unnecessary seawalls.

Problem being Addressed

California's coast is home to millions of people, as well as a great diversity of natural features and habitats, it is also a place that is disappearing from beneath our feet due to erosion accelerated by sea level rise. Much of the coast has been armored with seawalls and revetments, which may protect properties for a time, but they result in barrier to public access and the ultimate loss of the beach seaward of the structure as well as increased erosion on adjacent parts of the shore.

Recognizing the potential damage that could result from wholesale armoring of the coast, the California Coastal Act created a policy paradigm that specifically allowed for armoring to protect development that existed at the time of the enactment of the Act, but that also required new development to be sited and designed to be stable, and not require the future construction of shoreline protection that would alter natural bluffs and cliffs. Unfortunately, some have argued that new development should also be given an entitlement to shoreline protection, and in several cases, shoreline structures have been approved for developments built since 1976, in seeming conflict with the "grandfathering" policy of the original Coastal Act. More frequently, shoreline armoring structures are given temporary approval to mitigate an emergency condition, and are illegally left in place after the emergency passes, also imbedding public access.

A variety of nature-based alternatives to armoring exist that use natural features and processes to protect property, which have been shown to cost less – or about the same - as armoring, and also have the additional benefits of maintaining public access and restoring and enhancing the natural character of the coast.

Background and Findings

- California beaches provide recreation opportunities for residents across the state, as well as visitors from around the world. 77% of Californians visit the beach at least once a year, and many visit more often.

- All of California’s diverse demographic groups – people among different age, income, and ethnic groups – come to the beach to relax and enjoy the scenery, give their children a place to play and take advantage of the many recreational activities.
- Sea level rise and the changing climate present new management challenges, with the potential to significantly threaten many coastal resources, which are subject to specific protections and regulations under the Coastal Act. Accordingly, effective implementation of the Coastal Act and the protection of California’s coast must address global sea level rise and the greater management challenges it will bring.
- Coastal armoring degrades – and even eliminates - California’s beaches and other coastal habitats, limits public beach access and impedes coastal recreation, and intensifies erosion on neighboring properties.
- 62% of California voters surveyed are concerned about limited access to the coastline.
- Many armoring structures are installed under emergency conditions, without much initial substantive review or analysis of the impacts they will have on the beach, ecosystems, public access or neighboring properties. Once installed, these structures are rarely removed, leaving after-the-fact mitigation as the only viable policy option.
- The Coastal Act was designed to curtail coastal armoring, but has been interpreted in ways that are inconsistent with that intent. Currently, 110 miles of CA coast is armored. This represents 10% of the total linear shoreline, and includes 33% of the coast of southern California. The demand for armoring will increase with sea level rise as California’s growing population will increase the need for access.¹

Solution

This bill will provide clear direction and enhanced authority to the California Coastal Commission to minimize the use of armoring because of its adverse impacts on coastal ecosystems and public access.

Specifically, this bill will:

1. Amend the California Coastal Act to clarify that structures built after January 1, 1977 are not “existing” under the terms of the Act, and are therefore not entitled to a seawall permit, except if all the other policies of the Act are met. The original grandfathering of development in existence in 1976 would not be changed.
2. Give the Coastal Commission the authority to levee administrative, monetary penalties against the property owner for every day an illegal structure is maintained.
3. Limit emergency seawalls to temporary structures, with the minimum impacts needed to abate the threat, and require removal of emergency armoring structures in the absence of longer-term authorization.

¹ Information and recommendations for this proposal was drawn from:

- “Managing Coastal Armoring and Climate Change Adaptation in the 21st Century.” <https://law.stanford.edu/publications/california-coastal-armoring-report-managing-coastal-armoring-and-climate-change-adaptation-in-the-21st-century/>
- California Coastal Commission, Final Sea Level Rise Policy Guidance (August 12, 2015). https://documents.coastal.ca.gov/assets/slr/guidance/August2015/0_Full_Adopted_Sea_Level_Rise_Policy_Guidance.pdf
- “Access for All: A New Generation’s Challenges on the California Coast.” <https://www.ioes.ucla.edu/wp-content/uploads/UCLA-Coastal-Access-Policy-Report.pdf>