

EXHIBIT 16

Applicable Federal, State and Local Regulations

Coastal Hazards and Sea Level Rise
Local Coastal Program Amendments

County of Ventura
Planning Commission Hearing
Case No. PL20-0039
Exhibit 16 - Applicable Federal, State and Local
Regulations

Current Federal Regulatory Framework

Federal agencies involved in coastal planning or regulation in the County other than Federal Emergency Management Agency (FEMA) include Army Corps of Engineers, the Department of Defense, and National Oceanic and Atmospheric Administration and National Aeronautics and Space Administration. For information on FEMA regulations, see Exhibit 2.

Army Corps of Engineers

The Army Corps of Engineers (“Army Corps”) provides engineering services to federal government projects such as maintaining public infrastructure and dredging waterways. Within the unincorporated County coastal area, the Army Corps conducts and permits maintenance projects and engineered structures within federal waters such as shoreline protective devices, breakwaters, and infrastructure in the Channel Islands Harbor.

Constructed in 1963, the Channel Islands Harbor includes a detached breakwater and entrance jetties to trap and retain sand. The Army Corps conducts biannual dredging for the Channel Islands Harbor and provides the dredged sediment for beach replenishment for downcoast beaches. The next scheduled dredging activity is expected to be completed in early 2025. During the 2022-2023 dredging, 2.2 million cubic yards out of the 2.4 million cubic yards of the dredged sediment was deposited on Hueneme Beach. The sediment supports the City of Port of Hueneme’s beaches and eventually travels down shore to nourish the beaches that protect the Naval Base before settling into a deepwater offshore canyon.

Department of Defense – United States Navy

The Department of Defense operates the Naval Base Ventura County (NBVC), which is key naval infrastructure composed of three Fleet operating installations - Point Mugu, Port Hueneme and San Nicolas Island. The Point Mugu facility is located along five miles of coastline in the unincorporated County and comprised of 4,500 acres. As a federal facility, NBVC is exempt from state and local regulations however, the County can review and comment on federal activities which affect the coastal zone. The Point Mugu installation completed sea level rise studies and is planning for which areas of the base should be protected, moved inland, and designed to accommodate coastal hazards and sea level rise.

National Oceanic and Atmospheric Administration and National Aeronautics and Space Administration

The National Oceanic and Atmospheric Administration and National Aeronautics and Space Administration (NOAA and NASA, respectively) established a NASA Sea Level Change Team in 2014 to improve the understanding of regional sea level rise over time and to provide sea level guidance. The NASA Sea Level Change Team uses satellite observations to support analyses and modeling efforts to understand sea level change in the past, present, and future. NOAA released a technical report in 2022 with sea level rise projections for the country with the NASA Sea Level Change Team analysis. This technical report serves as the basis for the State’s sea level rise guidance.

Current State Regulatory Framework

State Regulations

State efforts for climate change and sea level rise planning were prioritized when Governor Schwarzenegger issued Executive Order S-13-08: Requiring State Adaptation Strategy, Law and Governance in 2008 that directed state agencies to address sea level rise. The summary below identifies regulations since 2008 directing local jurisdictions to plan for sea level rise:

- Senate Bill 379 (SB 379) – Passed in 2015, SB 379 requires local governments to include climate adaption and resilience strategies in the safety element of their general plans.
- Senate Bill 1035 (SB 1035) – Passed in 2018, SB 1035 requires local governments to include and update their climate adaptation and resilience strategies with their housing or safety element updates, at least every eight years.
- Senate Bill 1 (SB 1) – Passed in 2021, SB 1 requires the Ocean Protection Council to provide information for sea level rise planning. SB 1 also provides funding to local and regional governments to update their general plan and regional plans to plan for sea level rise.
- Senate Bill 272 (SB 272) – Passed in 2023, SB 272 requires local governments to develop sea level rise adaptation plans as part of new or updated LCPs by January 1, 2034. SB 272 provides funding for coastal resilience programs and required the Coastal Commission to establish guidelines for the preparation of a sea level rise plan.

Two state agencies other than the Coastal Commission are particularly relevant to sea level rise planning: the Ocean Protection Council and the State Lands Commission. Other state agencies with facilities in the coastal zone include Caltrans and State Parks. For information on Coastal Commission regulations, see Exhibit 2.

Ocean Protection Council

Ocean Protection Council is charged with safeguarding coastal and ocean ecosystems and releases statewide guidance on planning for sea level rise. Below are the various documents that have been released by the Ocean Protection Council:

- March 2018 – *Sea Level Rise Guidance 2018 Update*: consists of sea level rise scenarios to assist state agencies and local governments when planning for sea level rise.
- June 2024 – *Sea Level Rise Guidance, 2024 Science and Policy Update*: consists of the best available science on sea level rise and projects sea level rise through 2150 using five scenarios. The guidance will be updated every five years to reflect changes in scientific guidance. This release satisfies the SB 272 requirement for Ocean Protection Council to establish guidelines for sea level rise plans.

State Lands Commission

The State Lands Commission regulates structures and facilities from the ordinary high-water mark to the three-mile boundary of the Federal Outer Continental Shelf. Commonly

referred to as “public trust lands,” the State Lands Commission manages over 4 million acres of tidelands and submerged lands and adjacent bays and estuaries.

Shoreline protective devices currently located on private property may be located on public trust lands as the ordinary high-water mark moves landward with sea level rise. Once the shoreline protective devices are on public trust lands, the State Lands Commission may require lease agreements from the owner of the protection device. The State Lands Commission currently leases some land for shoreline protective devices in the unincorporated County. The State Lands Commission and Coastal Commission released a guidance report on planning for sea level rise and public trust lands in 2023.

California State Parks

California State Parks (State Parks) maintains several state beaches and beachfront campsites in the coastal zone. In 2021, State Parks developed a comprehensive “Sea Level Rise Adaptation Strategy Report,” which outlines a strategic plan for coastal management in response to the impacts of sea level rise and extreme weather events. State Parks facilities at risk to sea level rise are listed below:

- Point Mugu State Park – Includes about 100 campsites among Sycamore Canyon and Thornhill Broome campgrounds. This State Park stretches from Point Mugu to Leo Carrillo State Beach.
- Emma Wood State Beach – This State Park lies on the north side of the Ventura River and straddles the boundaries for the City and County of Ventura. This public beach with 90 oceanfront recreational vehicle campsites plus five group campsites. Partially closed since April 2024 due to major road damage.
- Leo Carrillo State Park – Includes a public beach and parking lots. Most of the park, including campsites are in Los Angeles County.
- McGrath State Beach– Includes a public beach, campsites, sand dunes and trails. Most of the park, including campsites are in the City of Oxnard.

California Department of Transportation

The California Department of Transportation (Caltrans) District 7 maintains roads and related infrastructure within the coastal zone including Pacific Coast Highway and Highway 101. Caltrans is beginning to incorporate design for sea level rise resilience in new projects to ensure that transportation remains resilient, safe, and reliable. Guidance on incorporating sea level rise in the planning and development of transportation projects was first released in 2011.

The Caltrans and the County’s Public Works Agency, Roads and Transportation Department, maintain 183 miles of road within the coastal zone. Much of the Highway 101, and Old Pacific Coast Highway in the North Coast Subarea is already armored with rock revetments, bulkheads, and concrete seawalls. Similarly, Pacific Coast Highway on the South Coast Subarea is a Caltrans facility that is lined with shoreline protective devices. Nineteen miles of Caltrans highways are at risk of coastal flooding among Rincon Parkway in North Coast and Pacific Coast Highway in South Coast. Caltrans is planning to replace the Big Sycamore Creek Bridge along Pacific Coast Highway in the South Coast Subarea as it is nearing the end of its expected design lifetime and has incurred wave damage. This project and some others along the South Coast were evaluated in a

Caltrans Climate Change Vulnerability Assessment Report completed in 2018 and a Road to Resilience adaptation strategy report that was completed in 2023.

Other State Regulations

During the 2023-2024 legislative session, the state legislature passed Assembly Bill 2904 (AB 2904), which increased the public noticing requirements for zoning ordinance amendments. Pursuant to AB 2904, public hearings related to proposed zoning amendments must be publicly noticed at least 20 days prior to the hearing date. The updated noticing requirements are proposed in Exhibit 4, Section 8181-6.2.1.

Current County Regulatory Framework

This section discusses local regulations applicable to development in the coastal zones and county agencies with facilities in the coastal zone. The County's Strategic Plan 2024-2027 includes three goals to ensure that the communities are healthy, safe and resilient. The goal related to sea level rise and other coastal hazards encourages the promotion of community resilience and the strengthening of the County's ability to withstand and recover from disaster or adversity.

2040 General Plan

The 2040 General Plan reflects the County's vision for the future and establishes goals, policies, and programs for lands within the County's jurisdiction. LCP amendments must be consistent with the goals, policies, and programs from the 2040 General Plan.

The 2040 General Plan Hazards and Safety Element describes the types of natural disasters that occur in the county, including wildfires, coastal flooding, river flooding, and debris flows. Certain natural disasters like sea level rise and flood events associated with climate change are likely to increase in frequency and severity. Two General Plan Hazard and Safety Programs are related to sea level rise and direct the Planning Division to complete the proposed LCP amendments: HAZ-H, Sea Level Rise Analysis in Siting and Design of New Development, and HAZ-G, Communication Program for Property Owners at Risk from Sea Level Rise.

These programs are summarized below:

- Program HAZ-H, Sea Level Rise Analysis in Siting and Design of New Development: *The County shall consider amending the Coastal Zoning Ordinance to require technical analysis of projected sea level rise exposure for the siting and design of new discretionary development.*
- Program HAZ-G, Communication Program for Property Owners at Risk from Sea Level Rise: *The County shall seek funding to prepare and implement a communication program that periodically updates the Board of Supervisors, and other stakeholders regarding impacts from sea level rise and planning decisions to address those impacts.*

Climate Action Plan

Reducing GHG emission can reduce the amount of sea level rise like will increase and consider sea level rise resilience Approved with the 2040 General Plan, the Climate Action Plan expands on General Plan policies and programs to develop an integrated

approach to addressing climate change. Two programs related to planning for sea level rise are summarized below:

- Program PFS-C, Sea Level Rise Impacts Monitoring: *The County shall periodically update maps for communication, energy, public service, transportation facilities, and infrastructure vulnerable to rising sea levels and coastal flooding.*
- Program PFS-D, Sea Level Rise Adaptation Response: *The County shall identify funding and create an action plan to protect, accommodate, or manage the retreat of County facilities to areas of higher elevation or reduced flood exposure. The County shall work with facilities operated by other entities to create a plan to protect, accommodate, or manage the retreat of County facilities to areas of higher elevation or reduced flood exposure.*

Other County Agencies

Public Works Agency – Watershed Protection District

Watershed Protection District administers the County's Floodplain Management Ordinance, and reviews permit applications for compliance with FEMA regulations. Watershed Protection District is required to review permit applications when proposed development is in area with a likelihood of experiencing a 1% annual chance storm. The base flood elevation reflects the height (in feet) above sea level that flood water is predicted to rise during a 1% annual chance storm. For these properties, the Watershed Protection District requires structures to be elevated 12 inches above the base flood elevation to account for uncertainty in the flooding analyses.

As referenced previously, Watershed Protection District maintains a Class 5 rating with the National Flood Insurance Program, resulting in a 25% insurance premium discount for residents. Ventura County is one of four jurisdictions in California with the Class 5 rating. The FEMA flood maps are used to determine the base flood elevation. Properties with a high chance of coastal flooding are subject to additional development standards and need to be elevated to reduce the risk of flooding.

Public Works Agency – Roads and Transportation

Roads and Transportation Department maintains County roads, bridges, ditches, and culverts. The Roads and Transportation Department share responsibility of 183 miles of roads within coastal hazard areas, with most of these roads located in the Central Coast in the Hollywood Beach and Silver Strand communities, public roads in Mussel Shoals, and a portion of Harbor Boulevard. Approximately three miles of road are at risk of dune erosion in Hollywood Beach and Silver Strand.

Resource Management Agency – Environmental Health

Coastal communities without access to a public sewer or wastewater treatment facility have onsite wastewater treatment systems, commonly referred to as "septic systems." The Environmental Health Division regulates and oversees the construction and management of the onsite wastewater treatment systems. Coastal communities with septic limitations include Faria Beach, Seacliff, Solimar, and Mussel Shoals.

General Services Agency – Parks

The County Parks maintains three parks along the beach where visitors can camp overnight. The three County parks are listed below:

- Faria Beach Park – oceanside campground with 42 sites.
- Hobson Beach Park – oceanside campground with 31 sites.
- Rincon Parkway – recreational vehicle camping with 127 sites.

All three parks are already armored. Beach access is limited and almost non-existent at high tide in these parks.

Sheriff's Office of Emergency Services

In 2022, the Sheriff's Office of Emergency Services (Sheriff's Office) updated their hazard mitigation plan that defines policies and measures to reduce risks from natural disasters. The hazard mitigation plan ranked ten hazards and identified sea level rise/erosion and tsunami as low risk. Out of the twenty-six actions that could reduce risks from hazards, eighteen actions would address sea level rise and tsunami.

The Sheriff's Office released an evacuation plan in September 2024 with a tsunami evacuation route for the coastal communities. A possible evacuation route for Silver Strand is through the Ventura County Naval Base.