

COASTAL CONSERVANCY

Staff Recommendation  
September 23, 2021

To: Members of the State Coastal Conservancy  
From: Julian Nesbitt, Civic Spark Fellow  
Mary Small, Interim Executive Officer  
CC: Oversight Legislators  
Re: Adoption of Updated Project Selection Criteria

**RECOMMENDED ACTION:** Adoption of Project Selection Criteria

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**EXHIBITS**

Exhibit 1: [Project Selection Criteria](#)

Exhibit 2: [Public Comments on Draft Project Selection Criteria](#)

Exhibit 3: [Summary of Public Comments](#)

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**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings pursuant to Division 21 of the Public Resources Code.

Resolution:

The State Coastal Conservancy hereby adopts the Project Selection Criteria attached to the accompanying staff recommendation as Exhibit 1, which replaces the Conservancy's previous Project Selection Criteria in their entirety.

Findings:

The State Coastal Conservancy finds that the Project Selection Criteria attached to the accompanying staff recommendation as Exhibit 1:

1. Are consistent with and will support the Conservancy's implementation of Division 21 of the Public Resources Code.
2. Will help the Conservancy implement its Justice, Equity, Diversity, and Inclusion Guidelines.

3. Will help the Conservancy implement climate change adaptation.
4. Will allow Conservancy staff to conduct an initial screening of projects against eligibility criteria.

**STAFF RECOMMENDATION:**

Staff recommends that the Conservancy adopt updated Project Selection Criteria as set forth in Exhibit 1. Staff began the process of updating the Project Selection Criteria in November 2020. The update incorporates recommendations from the Conservancy's Justice, Equity, Diversity, and Inclusion Guidelines, adopted on September 3, 2020, related to meaningful engagement, broad community benefits, and working with California's Tribes. The update also incorporates current guidance related to climate change.

Draft criteria were presented to the Conservancy at its March and June 2021 meetings. The draft criteria were posted for public comment on April 1, with comments due on July 1, 2021. Conservancy staff held two webinars to present the draft criteria on April 16<sup>th</sup> and on June 21<sup>st</sup>.

Public comments were incorporated into the updated criteria. All of the public comments are attached as Exhibit 2 and a summary of the comments is provided as Exhibit 3. In many places, specific language recommended by the commenters has been incorporated. Other significant changes since the draft updated criteria were presented to the Conservancy in June include:

- Clarified that tribal consultation criteria requires a good faith effort by applicant;
- Expanded discussion of climate change impacts beyond sea level rise such as extreme heat, drought, wildfire, and flooding;
- Added carbon sequestration in the discussion of multiple benefits; and
- Renumbered the criteria.

Some commenters suggested edits to the objectives in the Conservancy's Five-Year Strategic Plan (2018-2022). The Conservancy will update the Strategic Plan during 2022 and there will be opportunities for the public to comment throughout that process. The comments provided on the Project Selection Criteria will inform the 2023-2027 Strategic Plan, as will the Conservancy's Justice, Equity, Diversity, and Inclusion Guidelines.

Some public comments recommended clear and measurable criteria with less vague language. However, the Project Selection Criteria are intended to be broad concepts that can apply to the wide variety of Conservancy projects and to convey the Conservancy's priorities. Where appropriate, grant rounds may have more specific and measurable scoring metrics.

The structure of the updated Project Selection Criteria is the same as in the draft presented in June 2021, with Eligibility Criteria that would be required for all Conservancy projects and Selection Criteria that would be used to prioritize projects. Given the broad range of project types funded by the Conservancy, not all criteria will be applicable to every project. For example, land acquisition projects may have more limited opportunities for early engagement given the sensitive nature of some purchase negotiations. The bullets under each criterion are

examples of how a project could meet that criterion; no project would be expected to incorporate all of those examples.

The Project Selection Criteria identify the Conservancy's priorities for selecting projects consistent with the Conservancy's controlling statutes. They are not intended to limit the exercise of discretion by the Board or Conservancy Staff in carrying out the work of the Conservancy.

### **COMPLIANCE WITH CEQA**

Under the California Environmental Quality Act (CEQA), a "project" consists of an action that can cause either a direct physical change or a reasonably foreseeable indirect change in the environment; and that is an activity directly undertaken or funded by a public agency, or an activity that involves the issuance of a permit or other entitlement. (Public Resources Code Section 21065). The CEQA Guidelines further define the term "project" and confirm that it does not include administrative activities of government that will not result in direct or indirect physical changes in the environment. (14 Cal Code Regs. Section 15378(b)(5)). Adoption of the Coastal Conservancy's Project Selection Criteria is an administrative activity that does not have the potential to cause a physical change to the environment. Accordingly, adoption of the Coastal Conservancy's Project Selection Criteria does not constitute a project for purposes of CEQA.