

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400

**California Coastal Commission shuts America's last coastal sand mine**

Date: July 13, 2017

Contact: Noaki Schwartz, public information officer, at (562) 833-5487

Staff report available here: <https://www.coastal.ca.gov/meetings/agenda/#/2017/7>

Photos and Notice of Intent letter available upon request

MONTEREY, Calif. \_ The California Coastal Commission on Thursday voted unanimously to approve a settlement to close the last coastal mining operation in the United States.

The settlement between the commission and Cemex also includes the State Lands Commission and the city of Marina. The historic agreement requires Cemex to stop extracting sand from the Monterey County site by December 31, 2020 and provides for interim operating conditions to protect coastal resources while the unpermitted development is phased out. The company also agreed to resolve its financial liabilities under the Coastal Act, withdraw any claims they have to a vested right for continued sand mining on the property.

“This is really momentous and I’m just happy to be here to see it,” said Commissioner Mary Shallenberger who made the motion to approve the settlement on one of the last days of her 13-year term. “Would I have like a shorter period of time? Of course but three years is a fairly small price to pay in order to let Cemex close down this operation gracefully and transition their employees.”

Scientists, coastal advocates, local and state political representatives, including Senator Bill Monning and Assemblymember Mark Stone, urged commissioners to support the settlement. Many expressed relief that the sand mining operations which began on the 400-acre site in the city of Marina in the early 1900s would finally come to an end. Despite growing concerns about beach loss and sea level rise in an area with some of the state’s highest erosion rates, Cemex continued to sell the sand it mined from the Monterey Bay area.

The settlement establishes a maximum amount of sand that may be removed during the next three years, which is 240,000 tons or approximately 177,000 cubic yards annually. The agreement also provides another three years without any additional sand extraction, in order to restore the site and allow for employee transitions.

In addition, the settlement provides for a deed restriction to be placed on the property to protect it perpetuity and provide for public access and conservation at the site, and provides for sale of the site at a reduced price to a non-profit or governmental agency approved by the commission. It also provides for regular monitoring and significant penalties for any breach of the agreement.

“This settlement is an incredible victory for the public,” said Executive Director Jack Ainsworth. “Monterey County has some of the most iconic stretches of coastline that are being lost to some of the highest erosion rates in the state. We must continue to do everything we can to protect our beaches, which are the heart and soul of California.”

The commission’s enforcement staff had been investigating the facility for some time. In March 2016, the agency sent a lengthy notice of intent letter outlining the gravity of the situation and the steps it would take to enforce Coastal Act compliance, including potential financial penalties. Commission staff began a series of confidential discussions with the representatives of the property owner about its operations

Pressure to end the sand mining operations grew when the State Lands Commission sent a letter to Cemex in May 2017 concluding that the extraction of sand by the dredge pond did not have a required lease and that continuing with this activity without providing compensation to the state constituted expropriation of public property in violation of the California constitution. In June 2017, the Marina city council also adopted a resolution finding the dredge pond extraction operation constituted a public nuisance.

A proposed agreement was eventually signed by Cemex on June 23.

“The Coastal Commission has taken an important step toward preserving Monterey County’s beaches for public use and preventing their disappearance.” said Lieutenant Governor Newsom, who helped guide the negotiations in partnership with the commission, State Lands, and the city of Marina. “The breadth of support for the proposal from the coastal community at Thursday’s hearing offered a compelling statement of approval, and signaled broad agreement that we’ve delivered the most speedy and absolute outcome to close the final chapter on coastal sand mining in the United States.”

When commissioners finally voted to approve the settlement, the audience erupted in in applause. Jerae Carlson, vice president of sustainability and public affairs at Cemex, also voiced support for the settlement.

“This agreement to phase out a century old sand production operation over an agreed period eliminates the uncertainty of all stakeholders surrounding the plant, allows a transition process that will not unfairly impact the many workers, customers and suppliers who rely on the operation, and does so in an environmentally appropriate manner,” she said.