

## **CALIFORNIA COASTAL COMMISSION**

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# Th16c

**6-20-0240 (Cabrillo Power I LLC)**

**November 5, 2020**

**CORRESPONDENCE**

October 30, 2020

Delivered via email

To: California Coastal Commission

**Re: Application No. 6-20-0240 ((Cabrillo Power I LLC, Carlsbad))**

Dear Commissioners,

I am a long-time resident of Carlsbad and I live half a block from the North beach area where I spend nearly every day surfing and playing on the beach with my four year old son. I received my PhD at UC Irvine with a focus on climate change and am a lecturer at Cal Poly Pomona where I teach American Government, California Government, Public Law, and Environmental Politics.

I am writing to object to the proposed project by Cabrillo Power I LLC. Cabrillo for the following reasons:

1. The sand distribution proposal is nearly quadruple the amount placed on North Beach in recent memory. North Beach is currently expansive and the sand will be placed on top of the existing beach.
2. This proposal would worsen the public safety hazard that is the result of previous sand distributions. These sand distributions have led to a steep slope at the tide line thus limiting public recreational access to and use of the ocean and shoreline.
3. The addition of sand will further drown the reefs at North Beach, affecting several very popular surf breaks; as the United States National Marine Fisheries Service stated would be the case when they commented on a dredging permit application to the Coastal Commission in 2014.
4. The decision to so heavily nourish North Beach appears to be related to outdated directives to replenish North Beach under circumstances of severe sand loss. This is no longer relevant and such an addition of sand will harm public safety, coastal resources and coastal recreation rather than enhance it. There is no evidence of public support or advocacy for this amount of sand nourishment in the North Beach area by the City, residents, or businesses.
5. There are serious questions about the possibility of pollutants in the dredged-up sand that are not addressed in this proposal or the Staff Report Recommendation.

Cabrillo Power I LLC is proposing to distribute some 200,000 cubic yards to the North Beach area in Carlsbad. As the Staff Report notes, "this is significantly more sand than has been placed on North Beach in recent years." It is in fact nearly four times the amount of sand placed during recent sand distribution projects: during the 2010/2011 and 2014/2015 dredge cycles, 62,030 cubic yards and 64,968 cubic yards, respectively, were placed on North Beach." This proposal is an unprecedented increase in sand distribution to North Beach and thus deserves more strict scrutiny. If it is allowed to proceed then it will have a variety of negative impacts including on recreational use, public safety, and the flow of the sand back into the Lagoon.

The sand level in the North Beach area is already unnaturally and extraordinarily wide and high due to past sand distribution efforts (see attached pictures). Anyone who spends any time in this beach area knows that the sand levels are right now too high —, not too low — because the

sand is currently higher than sea level at the tide line and often reaches the height of seawalls at the back of the beach. On October 30, 2020 I measured 82 feet from the sea wall to the edge of the beach. If anything, sand should be removed, not added. There is absolutely no good reason why any stakeholder would need any more sand for any recreational use than there currently exists. The current beach width does not limit any recreational activity.

In fact, the opposite is the case. There is too much sand as is and this **hinders** recreational use on the beach and in the water. Further, the large amount of sand on the beach makes it nearly impossible for anyone, especially young children, to boogie board since there is a steep incline at the tide line thus leading to crashing, dangerous surf. As a result, I am forced to drive to another beach so that my four year old son can boogie board. The large amount of sand has also drowned the reefs surf breaks in this beach area making surfing nearly impossible during high tide due to the steep shore incline. Surfing, boogie boarding, and playing in the water are the primary reasons why large numbers of people come to the beach, and currently the already excessive quantities of sand are preventing these recreational activities - to play in the water, boogie board, and surf. These recreational activities have been harmed by the amount of sand distributed to North Beach. The current beach is extremely wide and high as is. If September 2020 beach profile surveys indicate "a significant deficit," as the Staff Report states, it is because of a baseline of a very heavily nourished beach. Bringing in additional 200,000 cubic yards of sand would make this bad situation worse and would not add to/improve anyone's recreational use of the beach. Rather it would have the opposite effect.

Additionally and most importantly, as a result of the large amount of sand that has been distributed to North beach, during and after storm surges and large tidal shifts there are steep sand walls that form along the shore up to the beach. This is a serious public safety hazard. In the years following the last sand distribution to North Beach in 2014 the sand walls were nearly vertical and in some cases 5-15 feet high. There were many occasions on which I had a hard time getting back up to the beach from the ocean. The vertical distance from sea level to the top of the beach must have been 20-30 feet. As the attached pictures show, the steep incline from the sea level to the top of the beach poses a serious public safety hazard and limits recreational access to and use of the shoreline and beach. The slope can be so steep at times that is virtually impassable for many beach users.

During the last sand distribution to North Beach in 2014 I spoke with the lifeguards and they said that they were not happy about the sand distribution. They told me they voiced their opposition to the sand distribution saying that it would lead to more incidents and make it more difficult to prevent and respond to incidents. In the years following the 2014 sand distribution, multiple lifeguards told me that they experienced an increase in incidents as a direct result of the sand distribution. For years they could not see the shore break from their trucks at the top of the beach due to the steep incline and sand walls just described. There is no record of Poseidon reaching out to the lifeguards to ask them what they think about this Plan. Lifeguards were not included in the Stakeholders meeting conducted by Poseidon on August 26 even though they are certainly one of the primary stakeholders concerning this proposal as they will be affected directly.

And now they are proposing to distribute an additional 200,000 cubic yards of sand to North Beach, more than three times the amount in 2014? This sand distribution plan calls into serious question whether it complies with Section 30231 of the Coastal Act which states, "...the protection of human health shall be maintained". Additionally, Section 30210 of the Coastal Act states that the intention of the Coastal Act is to enhance safe recreational opportunities:

“In carrying out the requirement of [Section 4 of Article X of the California Constitution](#), maximum access, which shall be conspicuously posted, and **recreational opportunities shall be provided for all the people consistent with public safety needs** and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.”

This proposal is based on a survey conducted by Poseidon for the City of Carlsbad which found that North Beach lost 164,780 cubic yards of sand between 2018-2020. This is highly questionable and should be double checked before distributing such a huge amount of sand, unprecedented at least in recent years. I can tell you as someone who has walked this beach nearly every day for the last seven years, there is no way this amount of sand has been lost over the last couple of years. The beach has remained extremely high and wide. In fact, in some places the sand rises to near the top of the sea wall that separates the beach from the boardwalk (see attached pictures). There has been little noticeable difference in both the width and height of the beach, certainly not to the extent that it has harmed any sort of recreational activities on the sand. In its recommendation to approve this project, the Staff Report notes that “231,000 cubic yards of sand has eroded off North Beach since April 2018”. This figure does not reflect the 164,780 number mentioned above which is taken directly from the Sand Deposition Plan prepared by Poseidon for the City of Carlsbad. More importantly it doesn't jive with the reality on the ground as the attached pictures show.

The staff report notes, “North Beach is the most popular beach segment and the proposed sand volume will restore sand lost from this beach, increasing beach widths to benefit recreational use”. An additional flaw in this justification, besides the ones already noted, is that the sand distribution in 2014 **did not** increase beach widths. The sand was distributed **on top** of the existing beach which is what led to the steep inclines and sand walls leading to safety hazards and a hindrance of recreational use. Further, as previously mentioned the beach is already extraordinarily and unnaturally wide. Thus, there is no legitimate need to widen the beach even further. Again, bringing in more sand will hinder, not benefit recreational use of the beach and ocean.

I also wish to highlight a few points made in the Staff Report concerning the history of sand distribution to North beach. First, the Staff Report notes:

“In 2014, the United States National Marine Fisheries Service (NMFS) reviewed the project for renewal of the ACOE permit. NMFS recommended that no sand be placed on North Beach and all dredge material instead be placed on Middle and South Beaches because North Beach is located in closer proximity to surfgrass and rocky reef habitats.”

Second, the Staff Report notes:

“According to a 1999 survey conducted by Dr. Elwany, approximately 80% of the sand trapped inside the lagoon is deposited from the southward sand transport and 20% from northward sand transport...” These findings are based on historical averages. The report goes on to state “The evaluation of sand placement options provides the following results: 1) to replenish sand removed by the power plant about 80% of the dredged sand should be placed on Middle and South Beach, and 20% on North Beach.. ) to minimize the need for re-dredging, the sand should be placed as far from the intake channel as

possible... Therefore, for sand placement on North Beach, a 2,000-ft. buffer is recommended..."

These recommendations by experts point to the widely accepted view, most vociferously advocated by the previous operators as noted in the Staff Report, that the vast majority of the sand, if not all of it, should be distributed to the Middle and South beach areas. These two recommendations by experts also call into question whether this sand distribution plan complies with Section 30233 of the Coastal Act which requires that projects such as this follow the least environmentally damaging alternative.

As noted in the Staff Report, the only rationale given for why sand should be distributed to North beach is to "enhance recreational activities as advocated over the years by the City of Carlsbad.." This desire seems to be related to beach conditions that have expired since that original request in 1997. As However, as I have explained, at the current time there is already too much sand on North Beach. There is nobody on record who argues there is a need for more sand.

In fact there is no evidence in the record of any recent public support for this sand distribution plan. Nowhere in the record is the City of Carlsbad advocating for this sand distribution to North beach for this particular dredge cycle. The Staff Report does not include any mention of any representative of the City of Carlsbad who has advocated for or given any justification for distributing this amount of sand to North Beach. I have also reviewed the Sand Deposition Plan prepared by Poisedon for the City of Carlsbad and there is no mention of the City of Carlsbad or any Carlsbad city officials advocating for more sand to be distributed to North Beach. If the main justification for distributing sand to North Beach is the interest of the City of Carlsbad then this should be clearly stated and the City or City officials should be on record advocating for this Plan. Additionally, there is no mention anywhere in the public record of any other advocates for this sand distribution plan. The Carlsbad Chamber of Commerce for example has not issued any public statements or publicly advocated for this sand distribution.

Lastly, there are serious questions about the possibility of pollutants in the dredged-up sand that are not addressed in the proposal or the Staff Report. The last dredging in 2016 was halted to address resident concerns about the possibility of pollutants in the dredged-up sand. The City's Planning Commission delayed approval for the permit to look into this issue. Nowhere is this mentioned in the Staff Report or considered as a condition for the permit. Following the 2014 sand distribution to North Beach we experienced a huge increase in the amount of tar. For a year or two following the sand distribution we would regularly come home with tar on our feet. It is unclear whether this was a coincidence or related to the dredging and sand distribution but it is worth looking into.

For these reasons I respectfully urge the Commission reject this proposed project as currently configured and instruct the applicant to resubmit a proposal which is the result of a more comprehensive survey of the beaches and ocean including speaking with the lifeguards, residents who live near the beach, scientists, and surfers.

Thank you for your consideration.

Sincerely,

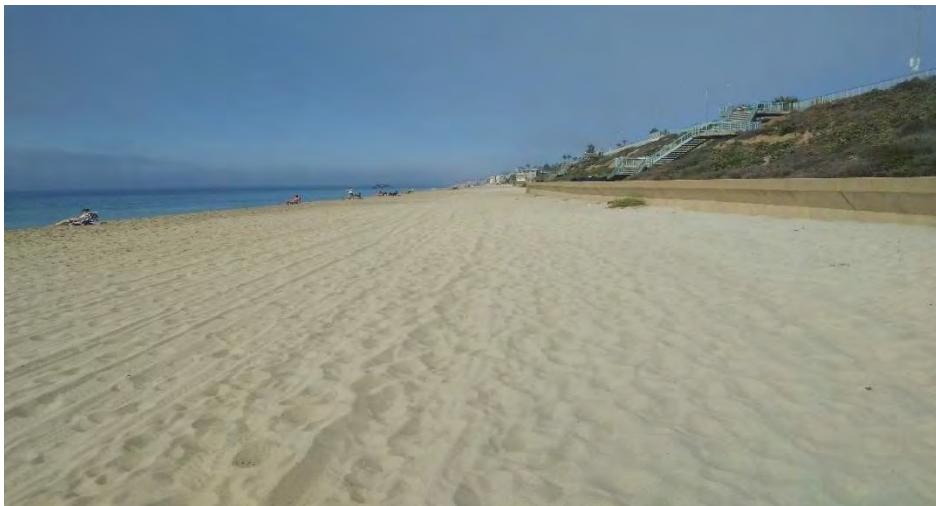
Christopher S. Stoughton, Ph.D.

**RE: Application No. 6-20-0240 (Cabrillo Power I LLC, Carlsbad)**

**Public Comment from Christopher S. Stoughton, Ph.D., resident of North Beach, Carlsbad in opposition to the proposal to distribute 200,000 cubic yards to North Beach**

The following pictures were taken at 1pm on Friday October 30, 2020 just north of Cherry Avenue in the North Beach area during a mid-tide and small waves. These pictures undercut the main rationale of the proposal: that the North Beach has experienced significant beach erosion and thus some 200,000 cubic yards of sand is needed to enhance public recreational use of the beach. They also show how there is already too much sand as is which as the pictures clearly show is hindering public access and use of the beach and has created a public safety hazard. Bringing in an additional 200,000 cubic yards of sand would further hinder the public's recreational use and access of the beach and endanger public safety.

The first two pictures show the width of the beach. I counted 82 feet from the sea wall to the edge of the beach before the decline to the ocean. These pictures show how the North Beach area has not suffered from beach erosion as Poseidon and the Staff Report claims.



These next pictures show the steep incline from sea-level to the top of the beach during low tide. During high tide the waves crash dangerously against the steep slope. My estimate is the vertical distance from sea level to the top of the beach is approximately 30 feet or more.



The below picture shows a person walking about half-way up the incline from sea level to the top of the beach during low/mid tide.







The above picture is taken from halfway up the incline from sea level looking towards the beach during low/mid tide. It is a steep incline from sea level to the top of the beach. At the steepest part is difficult to scramble to the top for someone who is highly fit. It is dangerous when the tide is coming in and the waves are big.



The above picture shows the contrast of the incline which at the top is nearly vertical and approximately 5-6 feet. These sand walls can be much steeper and higher during storm surges making them virtually impassable for most people thus limiting the public's recreational access and use of the shoreline and ocean. This creates dangerous situation during incoming tides if someone needs to scramble up to the beach, especially for elderly and children.



November 3, 2020

California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, CA 94105

RE: Application No. 6-20-0240 (Cabrillo Power I LLC, Carlsbad)

Dear Commissioners:

On behalf of Grand Pacific Resorts, I am writing in support of the Agua Hedionda Lagoon Dredge permit and Sand Replenishment Plan before you this Thursday, November 5.

My company, Grand Pacific Resorts, owns and manages numerous resort properties in San Diego County. We are a Carlsbad-based company that has been a part of this community since 1992. We have always been strong advocates of promoting Southern California as a premier tourism destination. As you know, tourism is a vital economic engine for our state, injecting millions of dollars each year into local economies, and generating billions more in local and state tax revenue.

Here in Carlsbad, the Agua Hedionda Lagoon plays a key role not just in our environment, but also Carlsbad's quality of life and economy. Carlsbad's recreational attributes and 7 miles of beautiful beaches are a large part of what attracts flocks of visitors each year. These visitors sustain our hotels, restaurants and shops.

Dredging keeps sand from blocking the flow of ocean water in and out of the Lagoon, maintaining its tidal circulation, which is needed to maintain a healthy marine ecosystem and support these extensive recreational uses such as boating, kayaking and fishing and also beautifies the Lagoon. Dredging also helps replenish the sand on Carlsbad State Beach, which otherwise would revert to historical cobblestone, with sand that is relocated from the lagoon to nearby shoreline. This ensures that the local beaches are attractive and inviting for local residents and visitors to enjoy. Tamarack Beach and the beaches north to Carlsbad Village Drive in particular, because of the easy access, are favorite among our Carlsbad guests.

I thank you for the opportunity to comment on this important matter and hope you will consider the many benefits the dredging of Agua Hedionda Lagoon and the Sand Replenishment on Carlsbad beaches brings to both our region's economy and local quality of life.

Sincerely,

Timothy J. Stripe  
Co-President and Co-Owner  
Grand Pacific Resorts