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STAFF REPORT: REGULAR CALENDAR

Application No.:	**6-21-0628**
Applicant:	**City of Oceanside**
Agent:	Brian Leslie
Location:	On the sandy beach between Seagaze Drive and Pine Street and between Oceanside Boulevard and Loma Alta Creek, Oceanside, San Diego County.
Project Description:	Implementation of a sand replenishment program to allow for the processing of multiple beach replenishment projects over a five-year period. The proposed project would allow the placement of up to 150,000 cubic yards of opportunistic sand per year on the beach.
Staff Recommendation:	Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The City of Oceanside has obtained two previous coastal development permits (CDP) from the Commission to implement an opportunistic beach fill program (OBFP) (ref. CDP Nos. 6-07-027, 6-15-0986). However, no sand replenishment projects were implemented under either permit, and the most recent five-year permit has expired. The City is now proposing another five-year program to capitalize on opportunities to obtain surplus sand from upland construction, development, or dredging projects, as they arise, and to place the sand along the shoreline instead of losing the material to an

inland disposal site. The subject permit is intended to expedite implementation of beach sand replenishment projects by establishing a set of detailed criteria and parameters under which future projects would be evaluated. If a project meets the criteria and can be found by the Executive Director to be consistent with the permit, sand placement will be allowed to proceed without additional approval from the Commission. Projects which do not meet the standards of the program or projects that raise any additional potential for impacts to coastal resources will require further review and approval by the Commission through a separate CDP or amendment. The project criteria are detailed in the Project Notification Report Template (ref. Exhibit No. 5). **Special Condition 1** requires the City to submit a Final Project Notification Report for Executive Director review and approval for each sand placement effort consistent with the proposed framework.

The primary coastal issues involved with the proposal are potential impacts to public beach access and surfing resources, potential impacts to biological resources located both nearshore and on the sandy beach, and increased turbidity affecting water quality and recreation. The Project Notification Report includes parameters for maximum sand placement volumes during the five-year permit term, sand placement methods, seasonal restrictions on sand placement, physical and chemical sand characteristics, trash and debris management, transport and traffic management, water quality best management practices, and public notification to minimize adverse impacts. The Project Notification Report further details the pre-, during, and post-construction monitoring requirements for each beach replenishment project, including monitoring for surfing, turbidity, sand grain size and sand contaminants, traffic, and trash and debris.

Because the receiver sites are not adjacent to significant nearshore habitat resources, and sand placement activities will be prohibited during grunion spawning and bird nesting seasons, no adverse impacts to biological resources are anticipated. The seasonal limitations also ensure that beach placement activities will occur outside of the peak summer season, avoiding impacts to public access and recreation. Additionally, the proposed surf monitoring will provide information about potential surf impacts associated with sand placement that can be used to modify future placement activities, if necessary. Finally, as proposed, the project adequately addresses water quality concerns associated with re-use of sand material on City beaches and the construction process.

Special Condition 2 restricts this permit to the placement of sand on the designated receiver beaches and that if the sand is sourced from within the Coastal Zone for other types of projects, a separate CDP or amendment will be required. **Special Condition 3** authorizes the beach replenishment program for a period of five years from approval of this permit (April 2022 through April 2027).

Special Condition 4 identifies annual and five-year program term sand volume limits. This CDP also provides a methodology for the City and the Commission to track and monitor all of the various beach replenishment projects that occur in the City over the next five years. In addition, the maximum placement limits that have been proposed for the City's beaches over the five-year permit term will further lower the potential for impacts from beach replenishment projects. As conditioned, if monitoring shows

adverse impacts or if maximum placement limits are proposed to be exceeded, an amendment to this permit will be required that may include more intensive monitoring requirements.

Because there is an inherent risk from the project to development along the shoreline **Special Condition No. 5** requires the applicant to assume all risk of developing in a location that is subject to coastal hazards.

The proposed beach nourishment program is consistent with and implements many of the recommendations of the Commission's Sea Level Rise Policy Guidance documents (SLR Guidelines, 2015, 2018)[1]. Sea level rise will result in changes to sand availability on California beaches. Higher water levels and changing precipitation patterns could change erosion and deposition patterns. Loss of sand is likely to worsen beach erosion, and possibly increase the need for beach nourishment and decrease the effectiveness of beach nourishment if sand is quickly washed away after being placed. Beach nourishment is a "soft" armoring solution that can help protect a coastline from coastal hazards without the need for a permanent shoreline protective device. The Commission's SLR Guidelines recommend that local jurisdictions establish beach nourishment programs and protocols. The subject beach nourishment program includes many of the suggested protocols, including criteria for design, construction and management of the nourishment area, sand compatibility specifications, seasonal restrictions, and identification of environmentally preferred locations for deposits. The SLR Guidance suggests that the Commission produce additional guidance documents related to beach nourishment. The monitoring results of the proposed program will further the Commission's understanding of beach nourishment projects and be useful in refining future beach nourishment programs throughout the state.

The project has been designed and conditioned to avoid impacts to sensitive habitat, public access and recreation, and as conditioned, no adverse impacts to coastal resources are anticipated.

Commission staff recommends **approval** of coastal development permit 6-21-0628 as conditioned.

[1] Available at https://www.coastal.ca.gov/climate/slr/.

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EXHIBITS

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit 6-21-0628 pursuant to the staff recommendation.

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

Resolution:

The Commission hereby approves the Coastal Development Permit for the proposed project and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment**. The permit is not valid and development shall not commence until a copy of the permit, signed by the applicant or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration**. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation**. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment**. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land**. These terms and conditions shall be perpetual, and it is the intention of the Commission and the applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Final Project Notification Report Template.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the City shall submit for review and written approval by the Executive Director, a final Project Notification Report Template in substantial conformance with the preliminary Project Notification Report Template (attached as Exhibit No. 5).

   The City shall comply with the procedures and submittal requirements outlined in the approved Project Notification Report. Any proposed changes to the approved Project Notification Report shall be reported to the Executive Director. No change to the Project Notification Report shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

2. **Approval of Excavation/Dredging Site**. The subject permit is only for sand replenishment projects. All other development proposals that may be involved in obtaining the sand source, including but not limited to non-exempt grading, new construction, or dredging, if located within the Coastal Zone, shall require the approval of the Coastal Commission or the applicable local government through a coastal development permit or an amendment to this permit, unless such development is exempt from permit requirements under the Coastal Act and its implementing regulations.

3. **Scope and Term of Permit Approval**. The development authorized by this coastal development permit is limited to beach nourishment that is consistent with the project limits identified in the preliminary Project Notification Report including, but not limited to, the placement sites, maximum quantities of beach nourishment, seasonal limitations on placement, and methods of delivery. The authorization for continuing development pursuant to this permit amendment shall expire five years from the date of Commission approval of CDP No. 6-21-0628.

4. **Five Year Maximum Sand Placement**. The maximum sand placement volume during the five-year permit term is 750,000 cubic yards, with an annual maximum placement volume not to exceed 150,000 cubic yards. Sand placed on the City's beaches that is not a part of the beach replenishment program is also subject to the identified annual and five-year maximum sand placement volumes (excluding the ongoing Army Corps of Engineers (USACE) Harbor Dredging Project). The City shall track the beach nourishment volumes being placed within the City and at the two receiver sites. If the City or any other party proposes cumulative sand placement volumes that exceed these identified maximum amounts within either of the receiver sites (or elsewhere on the City's beaches), an amendment or a new CDP will be required by the responsible agency.

5. **Assumption of Risk, Waiver of Liability and Indemnity Agreement**. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to waves, storms, flooding, landslide, bluff retreat, erosion, and earth movement, many of which will worsen

with future sea level rise; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Background

The City of Oceanside is proposing a beach replenishment program to allow for the processing of multiple beach replenishment projects for a five-year period. The program is designed to capitalize on opportunities to obtain surplus sand from upland construction, development, or dredging projects, as they arise, and to place the sand along the shoreline through a streamlined process, instead of losing the material to an inland disposal site due to the sometimes lengthy processing time for necessary permits from the various agencies. The subject permit is intended to expedite the implementation of beach sand replenishment projects over the next five years by establishing a set of detailed and rigorous criteria and parameters under which future potential sand sources could be evaluated. If a particular sand source meets the criteria, placement of that sand may be approved by the Executive Director under the subject permit. If any particular sand source falls outside the criteria outlined herein, or any other potential risks to coastal resources not identified and discussed in this report are identified by Commission staff, a separate CDP or amendment is required.

The City proposes to submit a Project Notification Report (ref. Exhibit No. 5) for each proposed opportunistic sand project during the five-year period to the Executive Director, for review and written approval, before the City will be authorized to commence construction of an individual project. Under the program, sand can be placed at two receiver sites (ref. Exhibit No. 1). The northern receiver site is approximately 1,500 feet long, located between Seagaze Drive and Pine Street (ref. Exhibit No. 2). The southern receiver site is approximately 2,000 feet long and located between Oceanside Boulevard and Loma Alta Creek (ref. Exhibit No. 3).

The City proposes to restrict sand placement to a 5.5 month window between September 15th and February 28th of each year, avoiding peak beach recreation months as well as grunion spawning season and bird nesting season.

The City proposes to place a maximum of 150,000 cy of sand per year, and a total maximum of 750,000 cy over the five-year term of the program. These annual and five-year maximums are cumulative of all sand placement activities within the City, excluding the U.S. Army Corps of Engineers (USACE) Harbor Dredging Project. As proposed in

the Project Notification Report, the City would create a system to track the sand volumes being placed within the City's two receiver sites and elsewhere in the City during the five-year permit term. The City would track both sand placed pursuant to this beach replenishment program and any other sand placement that occurs within the City throughout the five year permit term. **Special Condition 4** requires that if the City or any other party propose cumulative sand placement volumes, excluding the USACE Harbor Dredging Project, that exceed 750,000 cy within any of the receiver sites (or elsewhere on the City's beaches), an amendment or a new CDP will be required that may include more intensive nearshore monitoring, lagoon inlet monitoring, and other applicable mitigation elements. The maximum placement volume of 750,000 cy is consistent with the 150,000 cy maximum annual placement volume established by the 2009 Coastal Regional Sediment Management Plan for the San Diego Region. The USACE Harbor Dredging Project is excluded from the total volume allowance because it has been occurring for 25+ years and no adverse impacts have been identified as a result of the project and none are anticipated in the future. In addition, the sand placed through the bypass project is located to the north of the Oceanside Pier, farther from any sensitive resources than the two proposed opportunistic placement sites.

The City proposes to provide the Commission updated reports as a part of each Project Notification Report and an additional post-project report within the year following the implementation of a subject project. These updates will document the volume and location of all sand placed within the City.

In response to comments received from the Commission's technical staff, the City is proposing to conduct pre-construction beach profile monitoring not earlier than three months prior to any sand placement activity (a reduction from the 12-month period originally proposed). This shorter time to conduct the profile monitoring is expressed in the Project Notification Template required by **Special Condition 1.**

Sand Placement Methodology

Beach sand is proposed to be placed in two configurations: 1) as a beach berm or 2) directly into the intertidal area. Exhibit No. 4 illustrates the beach berm and intertidal placement options for the receiver sites. The intertidal zone is approximately the area between -2 ft. Mean Lower Low Water (MLLW) to 7 ft. MLLW. As shown in the site plans for the southern and northern receiver sites (ref. Exhibit Nos. 2-3), intertidal placement would occur between approximately 0 ft. MLLW and +5 ft. MLLW at both sites. As proposed, intertidal placement will only occur above -2 ft. MLLW. Placing sand above -2 ft. MLLW reduces potential impacts on Pismo clams, which primarily reside in the sand at depths deeper than -2 ft. MLLW. While the Pismo clam (*Tivela stultorum*) is common in sandy areas, it was not found in the Oceanside area under either of the preceding Regional Beach Sand Projects (RBSP and RBSP II, SANDAG, 2005 and 2011, respectively).

The berm option would generally involve placing sand as a layer over the existing beach with a finished surface elevation of +12 ft. MLLW along the length of the project site. The berm option would generally involve placing fill as a layer over the existing beach

with a finished surface elevation of +12 ft. MLLW and would create a berm for the length of the site.

Haul Routes

The proposed haul routes for the northern site would be via Coast Highway, North Pacific Street, Seagaze Drive, The Strand, and Wisconsin Avenue, with ingress/egress at the intersection of Seagaze Drive and the Strand North and at the Tyson Street public access point (ref. Exhibit No. 2). The proposed haul routes for the southern site would be via Oceanside Boulevard, Pacific Street, Cassidy Street, Coast Highway, and Vista Way, with ingress/egress at the existing concrete ramp at the terminus of Oceanside Boulevard (ref. Exhibit No. 3). Staging areas will be determined by the City and reviewed by the Executive Director as a part of a future Project Notification Report, prior to the start of any nourishment project.

The maximum number of 14 cubic yard capacity truck trips that could be incorporated into the project for either of the receiver sites is calculated to be 179 trips per day (approximately 22 trucks per hour). Based on a total volume of 150,000 cubic yards, optimized project duration would be approximately 10 weeks. Construction activity would be restricted to occur between 8:00 AM and 4:00 PM, Monday through Saturday; no work would occur on holidays or during the summer. In addition, truck operations per nourishment project would be limited to a maximum of 10 weeks.

Sand may also be piped onto each of the receiver sites from a hopper dredge or a cutterhead dredge. If a hopper dredge is used, sand will be sucked up into the hopper dredge from the borrow site. The hopper dredge then travels to a stationary mono buoy (floating platform) that is anchored to the seafloor, where a floating or submerged approximately 30 in. diameter pipe (perpendicular to the shoreline) transports a mixture of the dredged sand and sea water to the beach; or the hopper dredge can bypass the mono buoy and connect directly to the pipe. Sections are then added to the original pipe (parallel to the shoreline on the upper beach) as the sand is pumped and spread further down the receiver site, making the pipe into an “L” shape. The sand is discharged within training dikes (berms of sand) that allow the water to drain out, increasing the amount of sand that stays on the receiver site and decreasing turbidity. The sand is redistributed on the beach with scrapers and bulldozers. The hopper dredge may need to make numerous trips between the source site and the mono buoy for each receiver site, as it can only hold 2,000-5,000 cubic yards of sand at a time.

Unlike the hopper dredge, a cutterhead dredge typically remains at the dredge site for the entire operation and uses long pipes to transport a mix of sand and seawater to the receiver sites. For sites that are located greater distances from the borrow site, the cutterhead dredge would need to transit to the receiver site to unload. Floating or submerged piping associated with the cutterhead dredge would be subject to wave action and high tides and may need to be disassembled two to three days prior to predicted large waves or extreme tides.

If a dredge is used, the offloading pipeline would not impact any sensitive nearshore habitat, as the area seaward of the receiver sites is composed almost entirely of sand.

In order to facilitate efficient construction of the sand delivery pipeline, excess pipelines are proposed to be staged on the beach near the respective receiver sites during sand placement. No trucks or other mechanized equipment necessary to spread the material (i.e., loaders, dozers, etc.) would be staged on the beach.

The City will coordinate with Commission staff, resource agencies, and the public for each individual project to determine whether to allocate sand to both receiver sites or to place sand at only one receiver site. Factors that will be considered include the current beach profile and need for sand at each receiver site, adjacent construction activities that would complicate sand delivery, and any other environmental or public access and recreation concerns identified at that time. Receiver site selection and the methodology used to determine sand allocation will be detailed in the Project Notification Report for each replenishment project.

Sediment Analysis

All potential sand projects would have to undergo several stages of future project review at the City. The bulk of the testing and review of potential sand sources would take place at the City of Oceanside prior to the project being submitted to the Executive Director. When a beach fill opportunity is identified (e.g. a developer notifies the City when excess fill material from a construction project is available, or City staff identifies excess fill material as part of reviewing development project submittals), the City would first either review existing data about the available fill material, or conduct an initial screening test of the fill material to determine if it has the potential to meet the criteria to be placed on the beach. The review includes an assessment of possible pollutants, contaminants, grain size, and color, and compares the fill to existing conditions at the subject receiver site. In particular, sediment Gradation (grain size) would be tested at both the source and receiver sites prior to each beach replenishment project.

The City has proposed that a maximum proportion of 20% fine-grained particles to total volume that could be placed on the beach. In addition, the City has proposed that the maximum percentage of fines will be within 10% of the receiving beach grain size envelope. Fine-grained particles, or ‘fines,’ are defined in the Unified Soils Classification System as silt or clay and have a diameter less than 0.074 mm. The Commission is not aware of any established regulations pertaining to the maximum allowable percentage of silt and clay for beach replenishment projects; however, the Environmental Protection Agency (EPA) and USACE have established an 80/20 coarse-to-fines ‘rule-of-thumb’ ratio. This ratio requires that 80% of replenishment material must be sand, while 20% can be finer material consisting of silt and clay. As proposed, the maximum allowed percentage of fines is consistent with the “80/20 rule.” The City has provided grain size envelopes from samples taken in 2012, in support of the USACE Harbor Dredging Project. The grain size envelopes show that the existing percentage of fines at each of the beaches ranges from a minimum of approximately 0% near the back beach and a maximum of approximately 23% near the depth of closure (-30 MLLW).

The City has also specified the maximum proportion of large grained material (‘coarse sand,’ ‘fine gravel,’ ‘coarse gravel,’ and ‘cobble’) that can be placed as a percentage of total project volume. The United Soils Classification table defines ‘coarse sand’ as

between 2 mm and 4.76 mm in diameter. 'Fine gravel' is defined as between 4.76 mm and 19 mm in diameter and is roughly the size of a pea. 'Coarse gravel' is defined as between 19 mm and 76 mm in diameter and is roughly the size of a lemon. 'Cobble' is defined as anything greater than 76 mm in diameter. The grain size envelopes provided by the City for the receiver beaches show that more than 95 percent of the existing sand is smaller than 2 mm. Thus, the majority of the existing beach sand is either classified as 'fine sand' (0.074 mm to 0.42 mm in diameter) or 'medium sand' (0.42 mm to 2.0 mm in diameter).

The City has proposed the following limits on coarse materials. The limits included below are not cumulative, such that in all scenarios at least 90 percent of the total project volume will consist of material with a diameter smaller than 2 mm:

- The maximum amount of 'coarse sand' can be up to 10% of the total project volume
- The maximum amount of 'fine gravel' can be up to 5% of the total project volume
- The maximum amount of 'coarse gravel' and 'cobble' can be up to 1% of the total project volume

A sand source must first meet the criteria required by the Project Notification Report, as identified in the preceding paragraphs. Then, more stringent testing would be conducted through development of a Sampling & Analysis Plan (SAP) prepared for and approved by the USACE. Sand must be free of contaminants and chemical hazards based on testing protocol as specified by the USACE and EPA. Sand must be chemically inert and not possess characteristics that would adversely affect water quality, including temperature, dissolved oxygen, or pH. The results of these analyses would be distributed to the USACE and EPA for review and approval and the Executive Director would be copied on these submittals as a part of the Project Notification Report for each replenishment project.

If the potential sand project is determined to be consistent with all of the required parameters, the City would submit a Project Notification Report for a particular sand deposition project for the approval of the Executive Director, as well as the other relevant resource agencies (i.e., the Regional Water Quality Control Board, the State Lands Commission, the USACE, and the California Department of Fish and Wildlife). Information submitted would include all of the detailed information involved in performing the above analyses, to inform the Executive Director's determination of whether the project conforms to the project requirements.

Thus, at the time any particular project is submitted for the Executive Director's approval, there would be information on the composition, chemistry, and grain size of the sand source material; site-specific details on the condition of the receiver beach; the timing and size of the project; the deposition method; staging locations and truck routes; a monitoring program; and a public notification program. The Executive Director may only approve projects that met the specific standards for each of these required items. An individual sand replenishment project cannot commence without a written approval from the Executive Director. If any particular sand source falls outside the criteria

outlined in the Project Notification Report, or other potential risks to coastal resources not identified and discussed in this report are identified by Commission staff, a separate CDP or amendment to the subject permit is required.

Also included at this stage of project review would be a public notification package associated with the particular sand placement project. Notification would be achieved through notices in local newspapers, direct mailings, utility bills, or local television announcements. In addition, the City will place a large sign or signs (minimum size 2 ft. by 3 ft.) on the beach at the receiver site beginning two weeks prior to start of a replenishment project with a description of the project and contact information for any questions or comments. The sign(s) will be maintained in place during all placement activities.

After a sand placement project is completed, all of the pre- and post-construction surveys and monitoring as detailed in the Proposed Notification Report are required to be submitted as a final report to the Executive Director, to evaluate the impact of the particular project and to aid in the review of future projects under the subject permit. Additionally, a Post Discharge Report will be prepared and submitted to the Executive Director and other resource agencies, which will include all of the information collected by the City for the project, including all preparation testing, volume of material placed at the site, transportation and construction details, finalized project schedule, and monitoring results.

Should significant vertical scarps form along the seaward edge of the nourished profile, post-nourishment re-grading of the beach may be necessary. If the need for re-grading is identified, the revised template further requires the City provide a basic design sketch (plan and section) of the proposed re-grading for Executive Director approval.

The City of Oceanside has a certified Local Coastal Program. The proposed project will be located seaward of the Mean High Tide Line (MHTL) within the Commission's original jurisdiction and landward of the MHTL within the City's coastal permit jurisdiction. Since a portion of the project lies within the City's permit jurisdiction (e.g., access points to the beach, staging areas and sand placement above the MHTL) the City has requested that the subject application be consolidated to include all portions of the project within its jurisdiction so as to authorize the Commission to approve the project in its entirety. Section 30601.3 authorizes the Commission to process a consolidated CDP application when requested by the local government and approved by the Executive Director for projects that would otherwise require a CDP from both the Commission and from a local government with a certified LCP. The Executive Director has approved the City's request.

The policies of Chapter 3 of the Coastal Act provide the legal standard of review for a consolidated CDP application submitted pursuant to Section 30601.3, with the local government's certified LCP used as guidance. This consolidated CDP covers all of the proposed development, and no separate CDP will be required from the City.

Permit History

The Commission has approved a number of beach replenishment projects within the City of Oceanside during the past approximately 25+ years. Notable replenishment projects include RBSP 1, which placed 421,000 cy of sand at one Oceanside receiver beach in 2001 and RBSP 2, which placed 292,000 cy of sand at one Oceanside receiver beach in 2012. In addition, the Commission has approved annual bypass dredging of the Oceanside Harbor (USACE Harbor Dredging Project) for the past 25+ years. The USACE Harbor Dredging Project has resulted in placement of between 80,000 and 438,000 cy of sand per year on Oceanside's beaches and in the nearshore area (water depths of 15 to 25 ft.). Most recently, in 2018, the Commission concurred with the USACE negative determination for a seven-year project duration which allows dredging and placement of up to 500,000 cy of sand annually on the beach and nearshore area to the south of the Oceanside Harbor (ND-0010-18).

The Commission has also previously approved two very similar five-year opportunistic beach fill programs for the City of Oceanside. Coastal Development Permit (CDP) #6-07-027 authorized the placement of 150,000 cubic yards of opportunistic sand annually 750,000 cy total) at one location beginning south of Forster Street for a distance of up to 5,000 feet. The permit specified that only small-scale projects (5,000 cy to 20,000 cy each year) would be eligible for the first two years of the permit, followed by monitoring. The monitoring was intended to provide data to assess potential impacts and allow for modification during the final three years if needed. CDP #6-15-0986 removed the small-scale requirement, reduced the length of the previous receiver site from 5,000 to 2,000 feet long, added a second receiver site approximately 1,500 feet long located between Seagaze Drive and Pine Street, and restricted all sand placement events to between September 15th and February 28th of each year in order to be outside peak summer beach use times and to avoid spawning/nesting of grunion and sensitive shore birds. However, no sand was ever placed on the receiver sites pursuant to those permits.

The City is not proposing any new revisions to the Program at this time. However, two modifications to the Project Notification Report Template have been included in the City's proposal in response to comments received from the Commission's technical staff. Specifically, the report has been revised to reduce the pre-construction beach profile monitoring requirement from not earlier than 12 months prior to any sand placement activity to not earlier than three months prior to any sand placement activity. Additionally, a new provision has been added to the template that allows for post-nourishment re-grading of the beach should significant vertical scarps form along the seaward edge of the nourished profile. If the need for re-grading is identified, the revised templated further requires the City provide a basic design sketch (plan and section) of the proposed re-grading for Executive Director approval.

The proposed permit is based on very similar opportunistic sand replenishment permits approved by the Commission for the Cities of San Clemente (CDP #5-02-142 and #5-02-142-A1), Carlsbad (CDP #6-06-48 and #6-06-048-A1), Solana Beach (CDP #6-08-38 and #6-08-038-A1), Encinitas (CDP #6-08-110), and Coronado (CDP #6-19-0608) and incorporates similar limitations and monitoring requirements.

B. Public Access and Recreation

Many policies of the Coastal Act address public access. The following are most applicable to the proposed development and state, in part:

Section 30210 of the Coastal Act states:

> 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.

Section 30211 of the Coastal Act states:

> Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 of the Coastal Act states:

> (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:
>
> (l) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
>
> (2) adequate access exists nearby...

Section 30213 of the Coastal Act states:

> Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred....

Section 30214(a) of the Coastal Act states:

> (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:
>
> (1) Topographic and geologic site characteristics.
>
> (2) The capacity of the site to sustain use and at what level of intensity.
>
> (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30233(b) of the Coastal Act states:

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

The City of Oceanside's Land Use Plan also contains a number of applicable provisions, including:

Section I. Coastal Access – Summary of Major Findings

4. Existing Rock seawall may, in some instances, inhibit lateral access, especially at high tide. However, the presence of the seawalls bears a direct relationship to the beach erosion problem which both necessitates shoreline protection and inhibits lateral access. Restoration of the beach may diminish this problem.

Section II. Recreation and Visitor Serving Facilities – Summary of Major Findings

1.There has been periodic decline in beach usage in Oceanside which corresponds to the seriousness of the beach erosion problem.

6. Future growth in beach usage in Oceanside will depend upon:

a. Restoration of the beach…

Section II. Recreation and Visitor Serving Facilities – Policies

4. The City shall encourage a program of periodic replenishment of the beach or interim stabilization of the shoreline by artificial means, in cooperation with the Army Corps of Engineers, until a permanent solution to the beach erosion problem is provided.

5. The City shall continue to take the initiative to resolve the problem of beach erosion.

The shoreline and beaches are valuable assets to the environment and economy of the Southern California region and the State, worthy of special protection and enhancement. Beach erosion has been an increasing problem in the Southern California region, and in many past projects the Commission has identified beach replenishment as a means to preserve and enhance the recreational capacity and property protection for the region's shoreline. Additional sand on beaches increases the amount of recreational area available for public uses and provides a buffer (a wider beach) between waves and adjacent public and private development, thereby reducing pressure to construct shoreline protective devices that can adversely affect the visual quality of scenic coastal areas, shoreline sand supply, public access to the beach, and beach ecology. There is a growing body of evidence that the earth is warming and that acceleration in the rate of sea level rise can be expected to accompany this increase in temperature (some shoreline experts have indicated that sea levels could rise by as much as 5.5 feet by the year 2100). On the California coast, the effect of a rise in sea level will be the landward migration of the intersection of the ocean with the shore, leading to a faster loss of the beach, as the beach is squeezed between the landward migrating ocean and the fixed backshore. This will expose the back bluff or the armored shoreline to more frequent wave attack, increasing the rate of erosion of unarmored bluffs and potentially reducing available usable beach area.

The project is expected to have some temporary adverse impacts on public access and recreation. The deposition sites are popular public beaches and are currently used for various recreational activities including swimming, surfing, fishing, sunbathing and jogging/walking. During construction, the beach fill site would have to be closed, creating a temporary adverse impact on recreation. The impact might be significant during higher tides or for projects where the entire beach area would be closed to the water line, such that people could not get past the work area to the rest of the beach except by traveling inland around the construction area.

However, as proposed in the Project Notification Report, sand replenishment activities will be limited to Monday through Saturday, excluding holidays, and can only occur between September 15th and February 28th of each year, outside of peak summer use of beaches by the public. In addition, these receiver sites represent a small portion of available beach access in the City, and the public will continue to have access to beaches north and south of the deposition sites and on Sundays and holidays during replenishment activities.

The project could have an adverse impact on public access and recreation if construction vehicles significantly impacted the ability of the public to reach the shoreline. Overall, access corridors and staging areas are required to be located in a manner that has the least impact on public access and traffic flows on coastal access routes. Staging areas for individual projects may be located in public parking lots or on public streets. The City has not yet determined where staging for the project will occur. Use of public parking areas for staging is not expected to adversely impact public access because all work will occur in the fall and winter and will avoid peak beach use seasons. In addition, the proposed Project Notification Report requires that the minimum number of spaces be used. Since the proposed haul routes utilize some of the City's primary coastal access routes, traffic could be adversely affected. To limit those

impacts, the primary work schedule is proposed to be for Monday through Saturday, excluding holidays, and outside of the summer season. Thus, as proposed in the Project Notification Report, the project has been designed to minimize adverse impacts to the beach-going public.

The proposed project also includes a public notification package to inform the public prior to the initiation of any sand replenishment project, which will help reduce the potential impact the project could have on access. The proposed public notification measures do not specifically include a requirement for a public hearing on each individual opportunistic sand project; however, all new development that might be associated with sand removal activities within the City of Oceanside requires local approvals such as a CDP that would then require public notification. Therefore, any development within the City of Oceanside that includes the export of opportunistic sand to be placed on the beach will have public notice through the local CDP approval process or other local discretionary action.

Thus, any local concerns on individual construction projects that become the source of beach quality sand will be able to be addressed prior to the Executive Director's review. As proposed, all written correspondence received by the City regarding the project and minutes of the Planning Commission and City Council meetings will be included in the Project Notification Report for the Executive Director's review. To further limit adverse impacts on access, each construction site will be posted with a notice indicating the expected dates of construction and any beach closures. Thus, the public will have adequate opportunities to be notified of and provide input on future replenishment projects.

Surfing

Surfing occurs throughout the project area. The Oceanside Pier surf spot is located approximately 700 ft. to the north of the northern placement site, the Buccaneer Beach surf spot is located directly south of the southern placement site, and the Cassidy Street surf spot is located approximately 1,500 ft. south of the southern placement site. Surfing could potentially be impacted not only by restriction of access to the water during construction, but through the modification of existing sand bars by sand placement and deposition, and poor water quality caused either by turbidity generated during and after construction, or contaminants being released into the surf zone by the fill material.

The City proposes to test all potential sand sources to verify that the sand is free of contaminants prior to placement on any beach fill site. The City must also perform research of the potential for the material to possess contaminants based on Tier I testing protocol as specified by the USACE and the EPA. Therefore, the Commission does not anticipate any health threats to surfers from contamination.

Sand deposition has the potential to alter the beach profile and surfing conditions. This impact could be significant if sand deposition causes waves to close out and become less 'ride-able' over a long period of time (months), or results in a perpetual shore break at the beach rather than a nearshore bar for waves to break over. In addition, sand deposition materials can change the slope of the beach, which may change the wave

climate. However, due to the relatively small amount of sand material expected to be associated with individual projects, coupled with the restrictions established to ensure that the grain size from any replenishment project is similar to existing beach sand profiles, it is likely that long term impacts will not occur or that the slope of the receiver beaches will not be significantly altered. Additionally, at the request of the Commission's technical staff, the Project Notification Report Template has been revised to allow the City to conduct post-nourishment regrading of the beach should significant vertical scarps form along the seaward edge of the nourished profile. Specifically, the revised template requires the City provide plan and section drawings of the proposed re-grading for Executive Director approval.

Surf conditions are often directly related to dynamic shifts in sand movement that occur as a result of wave energy, and therefore any long-term impacts are unlikely to persist. Sand placement may, however, result in a change in surf conditions over a temporary short-term period while the sand is naturally redistributed over the bottom. The project may also result in potentially beneficial impacts to surfing by contributing sand to the nearshore that would be deposited in bars. More sand in the system provides material for enhanced sand bar formation and may result in larger or longer lasting bars, improving surf conditions.

As proposed in the Project Notification Report, in order to identify any substantial change to surfing conditions, a monitoring program will be instituted by the City for the subject beach replenishment program. The monitoring will provide qualitative information to understand if the project causes negative impacts to surfing along the Oceanside shoreline. As proposed, the monitoring will not be particularly technical or precise, but is intended rather to simply obtain a sense from observations and periodic interviews of surfers if the program is creating adverse impacts on surfing in the area. Commission staff is not aware of any surf monitoring program that has been conducted in the past for beach nourishment projects in the City of Oceanside. Surf monitoring in Oceanside was not required pursuant to Commission approval of RBSP 1 or RBSP 2, nor was it required in association with the ongoing USACE Harbor Dredging Project. Surf monitoring was required by the Commission pursuant to the 2008 and 2015 approvals of the City's opportunistic nourishment program; however, no projects or surf monitoring were undertaken during the five-year permit term of either prior permit. The requirement is meant to help understand surfing conditions as they may be affected by sand placement.

As proposed, general surfing conditions will be observed as follows:

- Pre-Construction
    - Quantitative monitoring
        - Duration: 2 months
        - Frequency: Between 7 AM and 10 AM, 3 times per week
        - Description: Recordation of the date, approximate wave height and direction, tide, wind, water temperature and clarity, and number of surfers in the water.
    - Qualitative monitoring
        - Duration: 2 months

        - Frequency: Between 7 AM and 10 AM, 3 times per week
        - Description: Observations of wave characteristics by a surfer with 10 years surfing experience, experience with both short boarding and longboarding, and knowledge of local surf spot characteristics. Short interviews with at least 15 local surfers per week (Appendix C includes the Surfing Survey).
- During-Construction
    - Quantitative monitoring
        - Duration/Frequency: Between 7 AM and 10 AM, Every day during nourishment
        - Description: Recordation of the date, approximate wave height and direction, tide, wind, water temperature and clarity, and number of surfers in the water.
    - Qualitative monitoring
        - Duration/Frequency: Between 7 AM and 10 AM, Every day during nourishment
        - Description: Observations of wave characteristics by a surfer with 10 years surfing experience, experience with both short boarding and longboarding, and knowledge of local surf spot characteristics. Short interviews with at least 15 local surfers per week.
- Post-Construction
    - Quantitative monitoring
        - Duration: 2 months
        - Frequency: Between 7 AM and 10 AM, 3 times per week
        - Description: Recordation of the date, approximate wave height and direction, tide, wind, water temperature and clarity, and number of surfers in the water.
    - Qualitative monitoring
        - Duration: 2 months
        - Frequency: Between 7 AM and 10 AM, 3 times per week
        - Description: Observations of wave characteristics by a surfer with 10 years surfing experience, experience with both short boarding and longboarding, and knowledge of local surf spot characteristics. Short interviews with at least 15 local surfers per week.

The surf monitoring requirements as described above are included in the Project Notification Report required through **Special Condition 1** and will be reported to the Commission following each replenishment project.

There is also a potential for a low-level turbidity plume to occur in the water during construction activities. However, turbidity will be minimized by restricting the amount of fines in the placement sand to a maximum of 20%. In addition, the program requires monitoring of turbidity during construction. Although no significant recreational impacts are expected from turbidity, the monitoring will provide information that will allow future projects to more accurately assess and avoid turbidity related impacts.

As proposed, general recreation and access impacts (both positive and negative) will be evaluated in the post-project report to aid in the review of future nourishment projects under the subject program. If impacts are identified, the Project Notification Report identifies that any future project modifications to address these impacts must first be submitted to the Executive Director in order to determine whether the proposed remedies are authorized under this CDP or whether the work shall require either an amendment to this permit or a new permit.

Conclusion

In summary, the proposed project will have short-term and temporary impacts on public access and recreation due to reduced beach access in the construction area, potential use of public parking areas for staging, and potential impacts to surfing. These impacts have been minimized by restrictions on the timing of work than can occur, the annual and total sand volume maximums imposed by **Special Condition 4**, and through surf and turbidity monitoring requirements proposed by the City. The project overall is expected to have a positive impact on the beach in Oceanside as well as to the entire littoral system by adding more sand to the beach that can be used for increased recreation and public access. The proposed sand monitoring program will continue to provide information regarding the short and long-term effects of beach replenishment, including how long the sand remains on the beach at different sites in different conditions. **Special Condition 3** limits the permit to five years in duration, and further evaluation of the impacts will occur should the City request to extend the program. Therefore, as conditioned, the proposed project can be found consistent with the public access and recreation policies of the Coastal Act.

C. Biological Resources

The following Coastal Act policies are applicable and state, in part:

Section 30230 of the Coastal Act states:

> Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

> The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff...

Section 30233 of the Coastal Act states:

> (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
>
> (l) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
>
> (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
>
> (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
>
> (4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
>
> (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
>
> (6) Restoration purposes.
>
> (7) Nature study, aquaculture, or similar resource dependent activities.
>
> (b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.
>
> […]

The City of Oceanside's certified Land Use Plan also contains a number of applicable policies and include the following:

III. Water and Marine Resources; Diking, Dredging, Filling and Shoreline Structures; and Hazard Areas – Policies

> 4. The diking, dredging or filling of Oceanside's coastal waters shall be permitted where there are no less environmentally damaging alternatives and where feasible mitigation measures have been provided to minimize adverse environmental impacts, and shall be limited to the following:

[…]

e. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

5. Dredging and spoils disposal shall be planned and carried out to minimize disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment shall be transported for such purposes to appropriate beaches or into suitable longshore current systems.

7. All permitted dredging (as outlined in the above policies) shall be planned, scheduled and carried out to minimize disruption to fish and bird breeding/migration, marine habitats and water circulation.

The City of Oceanside Land Use Plan (LUP) and Coastal Act policies identified above require the Commission to address impacts on marine resources by considering the timing of deposition of the material on the beach, the composition of the material, the location of the receiver beach, and the presence of environmentally sensitive resources. Development in areas adjacent to sensitive marine habitat areas, marine parks, federal and state MPAs and recreation areas such as beaches, must be sited and designed to prevent impacts which would significantly degrade those areas. The restoration of beaches is a permitted use in open coastal waters under Section 30233(a)(5); however, the project must be the least environmentally damaging alternative, and should avoid impacts to coastal resources, and any impacts that cannot feasibly be avoided must be mitigated.

While the Commission has viewed beach replenishment as a means to address loss of public access and recreation and to protect property, the Commission is also aware of the potential adverse ecological consequences of this practice. Beach replenishment is often considered the most environmentally sound method of maintaining eroding shorelines. However, fill activities may cause intense disturbance and high mortality of marine life and have the potential to alter the diversity, abundance, and distribution of intertidal macroinvertebrates for a period of months to years. Ecological recovery following fill activities depends on successful recolonization and recruitment of the entire sandy intertidal community. With this understanding, the Commission is reviewing beach replenishment projects in terms of potential ecological impacts and as the understanding of impacts from nourishment projects increase, additional special conditions to limit both physical and biological impacts to the sandy beach ecosystems may be warranted in the future.

In the case of the proposed project, no adverse impacts to biological resources are anticipated. The absence of sensitive resources at the Oceanside receiver sites was one of the considerations in selecting the subject sites for this program. The Biological Verification and Consistency Study (Study) prepared for the City's 2015 project found that intertidal habitat seaward of both the Northern and Southern Placement Areas is predominantly sand, with some cobble in localized areas. Previous studies have documented minimal offshore reef formations in the subtidal area seaward of the

proposed receiver sites and one high relief reef, about six feet wide, approximately 250 feet offshore north of Buccaneer beach.

One of the biological resource concerns raised by the project is the potential for direct burial of organisms on the beach and in the nearshore environment by the placement of sand. If persistent over a long temporal scale, these impacts could potentially shift population dynamics of these infaunal communities as well as affect available prey sources for nearshore fish and avian populations. Additionally, significant shifts in grain size conditions could also alter the physical beach environment and result in shifts in ecosystem species composition. As proposed, and identified in the Project Notification Report, parameters for maximum sand placement volumes during the five-year permit term, sand grain size, timing of sand placement, and post project monitoring will reduce impacts to beach and nearshore organisms to the greatest extent feasible. In addition, due to the dynamic nature of the intertidal and beach environment, small-scale beach nourishment projects such as those proposed by the City may result in short term impacts to the sandy beach environment; however, over the long term, impacts are expected to be less than significant.

Another concern that is typically raised by beach nourishment projects is the indirect effects from where and how much material will be transported by waves through the littoral system, and the resultant potential to temporarily or permanently affect sensitive marine habitats. In addition, increasing turbidity in adjacent waters could adversely affect the growth of kelp and surfgrass and the foraging ability of many marine animals, including shore and seabirds. The project area also is located adjacent to Essential Fish Habitat (EFH), which can suffer adverse impacts as a result of beach replenishment projects. To respond to this concern, the City provided an Essential Fish Habitat Assessment (Assessment) for the previously approved project, dated May 2014. The assessment documented that a "…man-made substrate consisting of rip-rap which protects the Oceanside Sewer Outfall…" was the only area of kelp growth near the proposed replenishment sites. Exhibit 5 shows the growth of kelp on this rip-rap structure. While the survey is outdated, a new survey was not necessary given that the EFH is only present because of the artificial reef created by the riprap structure, thus the location of the EFH is unlikely to change or expand. In order to avoid any adverse impacts to the habitat on the rip-rap and other hard substrate at the southern end of the southern receiver site, the City reduced the size of the southern receiver site and the southern border is now greater than 1,000 ft. north of the sewer outfall pipe consistent with Coastal Act Section 30232(a)(5) and Oceanside LUP Policy No. 4(a)(5).

Therefore, to avoid potential impacts to biological resources, including direct burial of organisms on the beach and in the nearshore environment, potential impacts to grunion and shorebirds, and increased turbidity, the City has proposed to limit sand placement activities to outside the grunion spawning and nesting bird seasons and developed a monitoring program to evaluate sediment sampling, beach profiles, surfing conditions, turbidity, and sensitive biological resources. Monitoring elements would be dictated by project-specific features such as schedule and placement method.

Lagoon Impacts

SANDAG is currently overseeing the Buena Vista Lagoon Enhancement Project and EIR. Under current conditions, tidal influence on the lagoon is severely limited by an existing, five-foot high weir that extends across the lagoon inlet and has resulted in a freshwater lagoon system. So long as this weir remains in place, beach replenishment projects are not expected to result in any sedimentation impacts within Buena Vista Lagoon. Plan alternatives for the proposed restoration include analysis of three enhancement alternatives - freshwater, saltwater, and a saltwater/freshwater hybrid, as well as a no project alternative (no changes to the lagoon). Studies analyzing the transport of placed sediments from the program within the littoral cell have not been completed at this time. For this same reason, studies analyzing the transport of placed sediments from the program within the littoral cell have not been completed at this time. However, the Mitigated Negative Declaration for the project states that "…should the Buena Vista Lagoon be restored into an open system configuration and should further analysis demonstrate that sediment placed from a specific project have the potential to impact the lagoon mouth, the City will coordinate with SANDAG and other stakeholders to determine if cost-sharing for periodic lagoon mouth opening maintenance is required and the fair-share contribution of that cost." Therefore, any impacts to the Buena Vista Lagoon would be avoided.

The Agua Hedionda Lagoon inlet is located approximately 2.5 miles south of the proposed southern receiver site. The Commission most recently approved routine maintenance dredging of up to 500,000 cubic yards of lagoon bottom sand within the outer basin of the lagoon and placement of sand on the beach adjacent to the lagoon inlet (Ref: CDP #6-20-0240). Due to the routine maintenance dredging that occurs at Agua Hedionda Lagoon inlet and the distance from the proposed receiver sites to this lagoon inlet, no new impacts to Agua Hedionda Lagoon are anticipated from the proposed project.

Grunion

California grunion spawn on sandy beaches in the San Diego region between March and August and have the potential to be affected by beach fill projects. In order to avoid any possible adverse impacts to grunion, the City proposes a sand placement window that restricts any sand placement during the grunion spawning season.

California Least Tern or Western Snowy Plover

In order to avoid any possible adverse impacts to California Least Tern or Western Snowy Plover, the City proposes a sand placement window that eliminates any placement during the breeding and nesting seasons for either bird. As proposed, monitoring will include observations of the extent of turbidity plumes outside the surf zone where water transparency is reduced to less than three feet. While the project may cause a low-level turbidity plume in the water, the effects would be localized and temporary, and would not extend beyond the normal foraging distances for either of these species and should diminish immediately when construction activities are halted. Since ample alternative forage areas would be available to these species during receiver site construction, no adverse impacts to these species are anticipated. Restricting the silt and clay content to a maximum of 20% will further reduce the

potential for significant impacts to biological resources or water quality. Nevertheless, turbidity will be monitored throughout construction to quantify the effect on ocean water clarity from the project.

Grain Size

The composition of the sand replenishment material can also affect the environment through increased turbidity and potential for overly compacted beaches with sand that is too fine and through steepened beach profiles for sand that is too coarse. The Project Notification Report requires that the City test and analyze all potential beach nourishment sand sources and ensure that they have a maximum of 20% fines. This is the upper limit of what would be considered for placement on the beaches, and not a standard for all material that would be placed. The 20% cut-off for fines for smaller projects would enable the City to consider a fairly large range of potential source materials. The inclusion of up to 20% fines in the beach replenishment program will maximize the amount of potentially beneficial material that could be tested and analyzed for consideration as beach nourishment material. These limits are more conservative than the 25-40% fines permitted by the Commission, in association with the approval of the City's 2007 beach replenishment program (ref. CDP No. 6-07-027). The Project Notification Report also specifies the maximum proportion of large grained material ('coarse sand,' 'fine gravel,' 'coarse gravel,' and 'cobble') that can be placed as a percentage of total project volume.

Construction Equipment and Water Quality

Construction equipment used for the project has the potential to contaminate the sand from minor spills and leaks from equipment. As proposed, construction material cannot be washed on the beach or in beach parking lots. Construction debris and sediment shall be properly contained and secured on-site with Best Management Practices (BMPs) to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain, or tracking. Any debris resulting from construction activities must be removed from the project site within 24 hours of completion of construction. In addition, a spill prevention, containment, and countermeasures plan must be prepared by the contractor prior to each beach fill project for projects with over 1,320 gallons of hydrocarbon liquids stored on-site. The plan must include fueling procedures, equipment maintenance procedures, and containment and cleaning measures to be followed in the event of a spill. Thus, the project contains sufficient BMPs to ensure that no impacts to water quality will occur.

The City has also proposed that a full-time on-site debris monitor will be present during excavation and loading of trucks and at least once per day will monitor the beach during beach replenishment. If any debris or any unusual, non-sand material is detected, the City proposes to halt the specific sand placement until the sand can be examined and tested to assure its quality is consistent with the parameters of acceptable material. Therefore, as proposed, no significant impacts to water quality are expected.

As proposed by the City, copies of permits from other agencies, including the California Regional Water Quality Control Board and the USACE are required to be submitted to

the Executive Director. Should any project modifications be required as a result of other permits, the Project Notification Report includes an acknowledgement that an amendment to this permit may be necessary. **Special Condition 2** notifies the applicant that the subject permit does not cover other types of development that provides the sand source for beach replenishment, such as dredging or new construction. Those projects must receive separate coastal development permits when the source is obtained in the coastal zone.

Conclusion

In summary, the subject program has been designed to minimize potential environmental impacts to the greatest extent feasible and, as conditioned, is not anticipated to have any impacts inconsistent with Coastal Act Sections 30230, 30231, or 30233. Restrictions on placement locations, timing and quantities have been designed to avoid or limit impacts to sensitive habitat. In addition, the intent of the opportunistic nourishment program is to facilitate multiple small projects rather than a single large project, as a series of smaller projects would result in reduced impacts to the beach ecological community. Thus, significant impacts to ecological resources are not expected to result from the proposed nourishment program.

Monitoring of the beach sand profile, surfing conditions, turbidity, sediment gradation, traffic, trash and debris is required for each project undertaken pursuant to the beach replenishment program. All impacts will be identified through the proposed monitoring and any unanticipated impacts will require submittal of an amendment to this permit to allow the Commission to consider additional mitigation measures for the project. As proposed and conditioned, adequate information will be available to the Executive Director to analyze and evaluate new beach sand replenishment projects under the parameters of the proposed permit and written approval from the Executive Director is required prior to the initiation of any work for individual sand placement projects. As conditioned, the Commission finds that the proposed project minimizes environmental impacts, and if significant impacts do occur despite all precautions, they will be identified and adequately mitigated through a new CDP or CDP amendment. Therefore, the proposed project can be found consistent with the resource protection policies of the Coastal Act.

D. Hazards

Section 30253 of the Coastal Act states, in part:

> New development shall:
>
> (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard…

The City of Oceanside's certified Land Use Plan also contains a number of applicable policies, including the following:

III. Water and Marine Resources; Diking, Dredging, Filling and Shoreline Structures; and Hazard Areas – Summary of Major Findings

> 7. One of the most serious problems in Oceanside's coastal zone is beach erosion. The Federal government has accepted responsibility for the erosion (which resulted from construction of the Del Mar Boat Basin during World War II) and is committed to a solution.
>
> 11. There have been a number of recent Coastal Permit applications for seawalls in South Oceanside area. The need for these sea walls is a direct result of the beach erosion problem. Additional shoreline structures may ne necessary pending restoration of the beach.

Coastal California is already experiencing the early impacts of a rising sea level, including more extensive coastal flooding during storms, periodic tidal flooding, and increased coastal erosion.[2] The Commission's Sea Level Rise Policy Guidance recognizes beach nourishment as an important 'soft' armoring/green infrastructure option for California's coastal adaption to sea level rise. As described in the Guidance document, 'soft' armoring generally refers to the use of beaches/beach nourishment, dunes, wetlands and other ecosystems that adjust to waves and help to reduce erosion and dissipate wave energy while providing other natural benefits. In contrast, seawalls and revetments that do not adjust to waves and that block wave energy and shoreline retreat are often termed hard structures.

The Sea Level Rise Policy Guidance recommends that 'soft solutions,' such as beach nourishment, be used as an alternative to the placement of hard shoreline protection in order to enhance natural resource areas. The Sea Level Rise Policy Guidance also encourages the establishment of beach nourishment programs, similar to the subject beach replenishment program, and protocols in Local Coastal Programs that identify locations where nourishment may be appropriate; establish criteria for the design, construction, and management of the nourishment area; and/or establish measures to minimize adverse biological resource impacts from deposition of material, such as timing or seasonal restrictions and identification of environmentally preferred locations for deposits.

The proposed development is located in an area subject to tidal and wave action. The coastal shoreline environment is dynamic and there are risks associated with development in such areas. For instance, erosion has occurred at the subject beaches where beach nourishment is proposed, and erosion is one form of potential geologic hazard. Coastal erosion in the project area is being exacerbated by sea level rise, and, as such, efforts by local governments and other entities to maintain and restore public

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[2] See the 2018 Ocean Protection Council Report, "Rising Seas in California: An update on Sea-Level Rise Science," Key Findings, p. 3. The OPC Report is currently considered the best available science on sea-level rise for California and is available at https://www.opc.ca.gov/webmaster/ftp/pdf/docs/rising-seas-in-california-an-update-on-sea-level-rise-science.pdf.

beaches are increasing. The fact that the City is proposing beach nourishment to restore beach widths to pre-existing conditions indicates that erosion does occur. However, the proposed sand placement activities would not increase erosion hazards by restoring the size of beaches, and in fact, increasing the beach width may decrease risks to property and the need for more permanent shoreline protection features. As described above, testing and monitoring of the replenishment material will ensure risks to life and health from potential contaminants are minimized. Therefore, the proposed project minimizes this hazard consistent with Section 30253.

Because there remains an inherent risk from the project to development along the shoreline, the City has submitted as part of the Project Notification Report**,** an assumption of risk, waiver of liability and indemnity that indemnifies and holds harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project. In this way, the City has made clear that the Commission is not liable for damage as a result of approving the permit for development. **Special Condition No. 5** memorializes the assumption of risk, waiver of liability, and indemnity requirements as a part of the subject CDP.

E. Local Coastal Planning

Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The City has a certified LCP and will approve any necessary CDP within their jurisdiction for the individual developments that provide the source of sands. In addition, since portions of the proposed development lie landward of the MHTL within the City's coastal permit jurisdiction such as access points and sand placement above the MHTL, the City has requested that all portions of the subject application that lie within the City's jurisdiction above the MHTL be consolidated into the subject permit by the Coastal Commission. Under Coastal Act Section 30601.3, Chapter 3 of the Coastal Act is the legal standard of review for the entire project, and the certified LCP has been used as guidance. As conditioned, the proposed development is consistent with the public access, recreation, and environmental protection policies in Chapter 3 of the Coastal Act and with the City's certified LCP. Therefore, approval of the proposed development will not prejudice the ability of the City of Oceanside to continue to implement their certified Local Coastal Program.

F. California Environmental Quality Act

Section 13096 of the Commission's Code of Regulations requires Commission approval of a CDP to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures

available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The City prepared a Final Mitigated Negative Declaration (MND) for the Opportunistic Beach Fill Program which addressed the potential environmental impacts associated with the project. The MND found that the project would not result in any significant effects on the environments with the incorporation of mitigation measures.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures including those addressing monitoring of physical and recreational impacts, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Regional Beach Sand Project Year 4 (2004-2005) Post-Construction Monitoring Report for Intertidal, Shallow Subtidal, and Kelp Forest Resources and Comprehensive Analysis Report (2001-2005), dated August 2005
- California Coastal Commission Sea Level Rise Policy Guidance, dated August 12, 2015, and updated 2018
- Final Mitigated Negative Declaration for the Amendment to the Opportunistic Beach Fill Program (OBFP) by RECON, dated July 2015
- CDP Nos.: 6-08-038/RBSP 1, 5-02-142/City of San Clemente, 5-02-142-A1/City of San Clemente, 6-06-48/City of Carlsbad, 6-06-048-A1/City of Carlsbad, 6-07-27/City of Oceanside, 6-08-38/City of Solana Beach, 6-08-038-A1/City of Solana Beach, 6-08-110/City of Encinitas, 6-08-110-A2/City of Encinitas, 6-15-0986/City of Oceanside, 6-19-0608/City of Coronado
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