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STAFF REPORT: REGULAR CALENDAR

Application No.: 6-21-0738

Applicant: City of Del Mar

Location: Public beach from the northerly City limit adjacent to the river mouth at Camino del Mar, and from toe of bluff north of San Dieguito river inlet to Powerhouse Park, and western portion of San Dieguito River inlet channel. (APNs: 299-030-08-01, 299-030-08-02, 299-030-09-01, 299-030-09-02)

Project Description: Implementation of a sand replenishment program to allow for the processing of multiple beach replenishment projects over a five-year period for a maximum total of 180,000 cubic yards and periodic excavation from the San Dieguito River inlet to nourish proposed receiver sites.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The City of Del Mar proposes to supplement the sediment supply to its coast by direct sand placement through the implementation of a Sand Compatibility and Opportunistic Use Program (SCOUP; the proposed project). While many other SCOUPs have been approved in other jurisdictions, this is the first SCOUP for the City of Del Mar (City) and will allow the City 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 proposed project 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), Oceanside (CDP #6-21-0628) and Coronado (CDP #6-19-0608) and incorporates similar limitations and monitoring requirements. 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. **Special Condition #1** requires the City to submit a Project Notification Report for Executive Director review and approval for each sand placement effort consistent with the proposed framework.

The City is proposing to place a total of up to 180,000 cubic yards (cy) of material during the 5-year program, an amount that includes other sand placement projects that occur on public beaches within the City (even where conducted by other agencies). The beach placement envelope is located entirely on the public beach within the City. The envelope runs from the northerly City limit adjacent to the river mouth at Camino del Mar, and from the toe of north bluff (north of the San Dieguito river inlet) down to Powerhouse Park adjacent to 15th Street, which represents the southern project boundary.

Because the City anticipates that there will be a limited number of projects large enough to support sand replenishment within the City limits, the City proposes to excavate sand within unvegetated portions of the San Dieguito River inlet channel as a nourishment source. Maintenance excavation of the inlet channel is currently conducted by Southern California Edison (SCE) and was required as part of the San Dieguito Wetland Restoration project to maintain an open channel for wetland connectivity (CDP #6-04-88). Volumes excavated are based on maintaining an open inlet and specific channel configurations to maintain tidal flow to the lagoon, but do not necessarily remove all of the shoaled material in the inlet. Therefore, the City proposes to take advantage of this additional shoaled material, and perform additional excavation in coordination with SCE and within the previously approved footprint. The City anticipates that it would remove approximately 20,000 cy during each excavation event, which is anticipated to occur once every two years. To ensure that any excavation avoids impacts on coastal resources and occurs consistent with the Commission's approval for SCE, **Special Condition #3** requires the City to implement inlet excavation according to the same dredging plans currently produced and utilized by SCE, including specifically the equipment used, staging areas, timing and construction and seasonal restrictions, public safety measures, and water level and water quality monitoring requirements. Excavation would not extend past SCE's approved maintenance area limits and all material will need to be analyzed under the approved Sampling and Analysis Plan (SAP). Further, the City is prohibited from excavating any more material than is

necessary to maintain a channel depth of -2.0 feet NGVD to -4.0 feet NGVD, which is the channel depth approved previously for SCE's maintenance efforts. In the event the City conducts excavation without SCE, the City must provide a dredging plan for Executive Director review and approval that describes the area to be excavated, sample locations and testing results, a proposed placement plan, the schedule for dredging, placement, and disposal, and an estimate of the volume of both beach quality sand and unacceptable beach material. The requirements of the dredging plan match the requirements of reports SCE must submit for the review of both the City and Coastal Commission prior to any excavation or dredging activities.

The primary coastal issues involved with the proposal to place sand along the city's shoreline 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 proposed project 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. Pre-, during, and post-construction monitoring requirements for each beach replenishment project are also required, including monitoring for surfing, turbidity, grunion, and trash and debris. **Special Condition #1** requires the City to submit a final Project Notification Report Template that outlines each of these proposed parameters, best practices, and monitoring requirements.

Because the receiver sites are not adjacent to significant nearshore habitat resources, and sand placement activities will be monitored during grunion spawning season, no adverse impacts to biological resources are anticipated. **Special Condition #5** limits the five-year permit term placement amount to 180,000 cubic yards, with an annual maximum placement volume not to exceed 70,000 cubic yards and a maximum single placement episode no larger than 50,000 cubic yards. **Special Condition #5** also allows for an annual summer placement episode of up to 5,000 cy, which allows for flexibility to place sand if available during the summer season from a construction project, while avoiding significant 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 periodic sand extraction from the San Dieguito River inlet within the approved SCE footprint for Maintenance Areas 1 and 2, up to the approved quantities permitted for inlet maintenance. 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 #4 authorizes the beach replenishment program for a period of five years from approval of this permit (April 2023 through April 2028).

Special Condition #5 identifies the five-year program term, annual, and single event sand volume limits, as well as prohibits the same stretch of beach being nourished in the previous calendar year, in order to reduce potential impacts to macroinvertebrate communities. 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 the City has proposed at least one placement during the spring and summer months, grunion may be impacted. Grunion spawning season is generally March through June with some spawning in February and September. The City will not excavate the inlet or deposit material dredged or excavated from the San Dieguito River inlet onto beaches suitable for grunion spawning between March 1 and September 31; however, placement may still occur during the grunion spawning season if other opportunistic sources of material become available for placement. **Special Condition #7** requires submittal of a Grunion Monitoring and Avoidance Plan prior to issuance of the CDP. Should the construction dates overlap an anticipated grunion run (based on California Fish and Wildlife (CDFW) calendar), a preconstruction survey to determine potential suitability for grunion spawning is required at least two weeks in advance of placement. If the habitat is judged unsuitable for grunion spawning, construction could proceed without the need for additional monitoring. If suitable habitat is found, a qualified biologist must complete the necessary surveys before the predicted spawning event, and the magnitude and extent of a spawning event will be calculated according to the standard Walker scale. The results of the Walker scale will determine whether avoidance action needs to be taken.

Because there is an inherent risk from the project due to its location along the shoreline **Special Condition #6** 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). Sea level rise will result in changes to sand availability on California beaches. Higher water levels and changing precipitation patterns are expected to 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

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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 **6-21-0738** as conditioned.

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EXHIBITS

[Exhibit 1 – Project Location/Receiver Beaches](#)

[Exhibit 2 – Placement Methods Diagram](#)

[Exhibit 3 – Anticipated Haul Routes](#)

[Exhibit 4 - Walker Scale Graphic](#)

[Exhibit 5 – Monitoring Parameters](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit 6-21-0738 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. **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 Project Notification Report Template similar in format and content to the City of Encinitas Opportunistic Beach Fill Program Project Notification Report (PNR) submitted on December 17, 2021, but specific to the project parameters proposed by the City of Del Mar and containing the following information:
 - a. The PNR will provide a project review, source material description, noticing descriptions, proposed monitoring and conformance with program-level permits, with the goal of acquiring agency concurrence via a Notice to Proceed from all applicable agencies. It shall include the following sections:
 - i. An introduction to provide the basic program and project overview and applicable permit conditions, including placement and seasonal restrictions;
 - ii. A description of the project need;
 - iii. Information on the source material, including site location, specific location of source material, volume, material testing and results, and debris management;
 - iv. A description of transportation and placement of sand, including site location and timing, transportation method, beach placement method, beach re-grading, and contractor information;
 - v. Details on the public notification process;
 - vi. A description of the pre-, during, and post-construction monitoring parameters for the project, including a summary of project design features and monitoring actions;
 - vii. An assessment of potential impacts of the proposed project in combination with past, present, and reasonably foreseeable beach nourishment projects in the City of Del Mar;
 - viii. A list of required submittals and their expected delivery, as well as notification of any potential violations to the resource agencies; and
 - ix. A description of any special permit conditions for the program with regard to timing of submittals and approvals, as well as copies of those approvals. An acknowledgment that amendments to the permit may be required as a result of other permit requirements shall be included. A clause noting the City's assumption of risk as stated in Special Condition #6 shall be added.
 - b. The report template in section (i) shall restrict the silt and clay content to 25% maximum during winter placement and 15% during summer placement.

- c. The report template in section (vi) shall specify that pre-construction beach profile monitoring shall take place not earlier than three months prior to any sand placement activity.
- d. The report template shall add a monitoring parameter in section (vi) stating the testing procedures for the pre-construction receiving beach gradation envelope. This testing shall be performed within three years of comparing any potential placement materials, unless the testing is determined to be unnecessary by the Executive Director.

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 Template 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 and periodic sand extraction from the San Dieguito River inlet within the approved SCE footprint for Maintenance Areas 1 and 2. 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 City of Del Mar 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. **Inlet Excavation.** Implementation of inlet excavation, including the earth-moving equipment used, staging requirements and access corridors, timing of construction and seasonal restrictions, public safety measures, nesting surveys, and water level and water quality monitoring requirements, shall be performed in accordance with the "Update of Restored San Dieguito Lagoon Inlet Channel Excavation and Dredging Plan" dated June 1, 2010, and as recently updated in the "San Dieguito Periodic Inlet Channel Excavation and Dredging Plan" dated September 15, 2022 to maintain a channel configuration of approximately -2.0 feet NGVD to -4.0 feet NGVD. The City shall rely on the most recently approved Sampling and Analysis Plan prepared for SCE maintenance program for analysis of suitable beach material excavated from the inlet, and shall prepare a dredge plan as specified below:
 - a. Dredge Plan. In the event the City conducts excavation independent of Southern California Edison efforts, the City shall provide the following information for Executive Director review and approval at least three weeks prior to construction:
 - i. Map of all dredging areas and sample locations;
 - ii. All testing results;
 - iii. A proposed placement plan;
 - iv. Estimate of the volume of beach quality material to be dredged;

- v. Estimate of the volume of unacceptable beach material to be dredged and plans for disposal; and
- vi. Schedule for dredging, placement and disposal if needed.

Any modification to the implementation methods shall require the approval of the Coastal Commission through an amendment to this permit, unless the Executive Director determines that no such amendment is legally required.

4. **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 Location Map” ([Exhibit 1](#)) and as identified in the applicant’s proposal, including but not limited to the placement sites, maximum annual quantities of beach nourishment, seasonal limitations, inlet extraction areas, and methods of delivery. The authorization for development pursuant to this permit shall expire five years from the date of Commission approval.
5. **Five Year Maximum Sand Placement.** The maximum sand placement volume during the five-year permit term is 180,000 cubic yards, with an annual maximum placement volume not to exceed 70,000 cubic yards and a maximum single placement episode no larger than 50,000 cubic yards. A limited one-time placement during the summer season (Memorial Day weekend through Labor Day) of up to 5,000 cubic yards shall be permitted. 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. The City shall track the beach nourishment volumes being placed within the City and at the two receiver sites, verifying in the process that the same stretch of beach has not been nourished in the previous twelve months. 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 Commission.
6. **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.

7. **Grunion Monitoring & Avoidance Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a Grunion Monitoring and Avoidance Plan that provides for the following:
- (a) Should sand placement activities be necessary below the high tide line between March 1 and August 31 of any year, the City shall avoid impacts to mature and spawning grunion and to grunion eggs. The applicant shall retain the services of a biologist with appropriate qualifications. The annually published California Department of Fish and Wildlife (CDFW) expected grunion runs shall be used to determine possible grunion spawning periods. The plan shall, at a minimum, include:
 - i. Sand placement sites shall be monitored for grunion runs beginning at least two weeks prior to commencement of sand placement activities, and throughout the period of planned sand placement work from March 1 through May 28. Monitoring is not necessary in areas where there is no sand, such as areas supporting 100% cobble or bluff backed beaches with no sand exposed during high tide.
 - ii. Grunion monitoring shall be conducted by a qualified biologist for 30 minutes prior to, and two hours following, the predicted start of each daily spawning event. Sufficient qualified biologists shall be employed to ensure that the entire proposed sand placement site is monitored during the predicted grunion run. The magnitude and extent of a spawning event shall be defined in 300-foot segments of beach using the Walker Scale ([Exhibit 4](#)). Every individual fish (males and females) shall be counted to determine the Walker Scale value (e.g. 0, 1, 2, 3, 4, or 5) of each 300-foot segment within the proposed work area. Sand placement activities shall be modified according to the following plan:
 - A. If a grunion run consisting of 0-100 individual fish per 300-foot segment (Walker Scale 0 or 1) is reported within two weeks prior to, or during, sand placement work, the applicant does not need to take any avoidance action for grunion eggs. No mature grunion may be buried or harmed as a result of sand placement.
 - B. Within two weeks prior to proposed work, if a grunion run consisting of 100 or more individual fish per 300-foot segment (Walker Scale 2, 3, 4, or 5) is reported, the applicant shall avoid work on the respective beach segment(s) and truck route and additionally, shall avoid a 100-foot buffer on either side of the segment(s) and route, for a minimum of two weeks, to ensure that no grunion eggs are buried or disturbed. These areas shall be memorialized through multiple GPS coordinates and marked with irrigation flags for a minimum of two weeks or when the next scheduled grunion run will

be monitored. The applicant shall adapt the sand placement schedule to avoid operations on such beach segments and their associated buffers. No mature grunion may be harmed as a result of sand placement.

- C. If sand placement has already commenced, and a grunion run consisting of 100 to 500 individual fish, in one or more 300-foot segment (Walker Scale 2) in the work area is reported, the applicant shall avoid impacts to grunion eggs to the greatest extent feasible and then shall minimize impacts to grunion eggs through such measures as alteration of the truck route, sand discharge points, sand spreading areas, and sand placement locations.
- D. If sand placement has already commenced, and a grunion run consisting of 500 or more individual fish per segment (Walker Scale 3, 4, or 5) is reported, the applicant shall avoid work on the respective beach segment(s) and truck route and additionally, shall avoid a 100-foot buffer on either side of the segment(s) and route, for a minimum of two weeks, to ensure that no grunion eggs are buried or disturbed. These areas shall be memorialized through multiple GPS coordinates, and marked with irrigation flags for a minimum of two weeks when the next scheduled grunion run will be monitored. The applicant shall adapt the sand placement schedule to avoid operations on such beach segments and their associated buffers. No mature grunion may be harmed as a result of sand placement.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Background

The City of Del Mar is proposing a beach replenishment program to allow for the processing of multiple beach replenishment projects over 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 piecemeal depositing 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 established by these criteria and parameters, placement of that sand is approved 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.

Under the program, a total maximum of 180,000 cubic yards (cy) of material can be placed over the 5-year period, with no more than 70,000 cy placed annually, and a maximum single placement volume of no more than 50,000 cy. These maximums are inclusive of other sand placement projects that occur on public beaches within the City of Del Mar (including when conducted by other agencies), and includes any material excavated from the San Dieguito River Inlet Channel.

The beach placement envelope is located entirely on public beach within the City of Del Mar. The envelope runs from the northerly City limit adjacent to the river mouth at Camino del Mar, and from the toe of north bluff (north of the San Dieguito river inlet) south to Powerhouse Park adjacent to 15th Street, which represents the southern project boundary ([Exhibit 1](#)). The shoreline south of Powerhouse Park will be avoided for consistency with past nourishment activities and precautionary avoidance of nearshore environmental resources, such as surfgrass, kelp canopy, and understory algae. Nourishment sites will be monitored over time so that the program may be modified, with Commission consent, for environmental sensitivity, while also providing for nourishment of the beach and littoral zone.

The City proposes to first determine if source material is a potential candidate by preparing a Sampling and Analysis Plan (SAP). Once the material has been found to be suitable for placement, the City will then submit a Project Notification Report for agency review and approval (including USACE, USEPA, RWQCB, and CCC) before the City will be authorized to commence construction of an individual project. These reports will document the volume and location of all sand planned to be placed within the City, as well as the timing of the placement and placement methodology. Once the City has obtained concurrence from all necessary permitting agencies, pre-, during, and post-construction monitoring will be conducted as required for the program. A final report will be prepared and submitted to permitting agencies after completion of the activity.

The proposed beach placement envelope is located seaward of the Shoreline Protection Area designated in the City's LCP and the sand extraction sites are located on state tidelands; therefore, the Commission has jurisdiction over the matter. Chapter 3 of the Coastal Act is the standard of review, and the certified LCP is used as guidance.

Permit History

While this is the first opportunistic sand program proposed by the City of Del Mar, other nourishment events have taken place on its beaches in the past. For example, SANDAG previously implemented the larger scale Regional Beach Sand Project I (RBSP I) in 2001, which placed over 2 million cubic yards (cy) of clean beach-quality sand on twelve beach nourishment sites from Oceanside to Imperial Beach, including one within the City of Del Mar. RBSP II took place in 2012, and placed 1.5 million cy of sand on area beaches, but the City of Del Mar did not participate.

Monitoring for the regional projects was performed during construction for turbidity, spawning grunion (*Leuresthes tenuis*), and underwater archaeological resources. No adverse construction impacts to these resources were identified. Post-construction

monitoring of lagoons and off-shore biological resources (kelp, rocky intertidal habitat, and subtidal habitat) continued through 2006. Annual monitoring reports concluded that no permanent significant adverse impacts occurred. Overall, no long-term impacts were associated with RBSP I or RBSP II; however, there were some short-term impacts associated with sedimentation of nearshore habitat that were considered temporary and within the range that would occur naturally. Additionally, this monitoring provided extensive information about marine resources and sand transport in the region.

The majority of the placement envelope is in the same location where Del Mar received 183,000 cy of material as one placement event during RBSP I.

Sand Sources & San Dieguito River Inlet Channel Excavation

Typically, local construction projects are looked to as potential sources of sand to be used for beach replenishment under the SCoup; however, large development projects with grading quantities sufficient to support a sand replenishment project rarely occur within the City. Therefore, the City proposes to excavate sand within the unvegetated portions of the San Dieguito River inlet channel as one source for nourishment. The source of the sand that fills the inlet channel of the San Dieguito Lagoon is littoral sand (not river-borne) which is washed into the inlet by tidal flow and wave surges. The sand that fills the inlet channel typically has the same physical and chemical characteristics as the littoral sand that constitutes the beach fronting the lagoon and is clear of contaminants. This makes it ideal for beach replenishment on adjacent receiver beaches.

Maintenance excavation of the inlet channel is currently required of Southern California Edison (SCE) by CDP #6-04-88 as part of the implementation of the San Dieguito Wetland Restoration Plan, which was required mitigation for the construction of the San Onofre Nuclear Generating Station (SONGS). The San Dieguito Wetlands Restoration Project revitalized 150 acres of coastal wetlands, creating a fish nursery and a refuge for migratory waterfowl and endangered species. The project restored tidal flows, natural habitat, and vegetation. Restoration was completed in 2011 with requirements for ongoing maintenance. A key requirement in ensuring the continued success of the wetland restoration was the corresponding need to keep the tidal inlet of the river mouth open indefinitely in order to maintain good water quality within the wetlands. Thus, the Commission required SCE to conduct continued maintenance excavation of the inlet channel. Volumes excavated during maintenance dredging are based on maintaining an open inlet and tidal flow to the lagoon, and to specifically maintain a channel configuration of approximately -2.0 feet NGVD to -4.0 feet NGVD. SCE's original authorization estimated up to 16,000 cy of material would need to be removed every eight months; however, the actual amount and timing of the dredging events are based on the long-term monitoring program for the inlet channel that identifies the conditions that will trigger the need for maintenance dredging. Recent maintenance events have removed approximately 14,000-16,000 cy every two years since maintenance dredging began, which is a lower volume and frequency than originally anticipated and authorized. The excavated material is then placed on Del Mar beaches as depicted in [Exhibit 1](#). While the maintenance dredging maintains the minimum desired channel

dimensions, it does not necessarily remove all of the shoaled material in the inlet. Thus, the City proposes to conduct additional inlet excavation, in coordination with SCE, to take advantage of the additional shoaled material found in areas identified as Maintenance Areas 1 and 2 by SCE. Area 1 refers to the inlet mouth extending from the ocean across the beach to Highway 101; Area 2 refers to the portion of the West Channel from Highway 101 to the Railroad Bridge. These areas exclude the railroad right of way and take place on state-owned lands ([Exhibit 1](#)). These areas are within the area authorized for maintenance excavation by SCE by CDP #6-04-88. **Special Condition #3** prohibits the City from excavating more material than was previously authorized and limits the channel depth to -2.0 feet NGVD to -4.0 feet NGVD.

In its approval of the maintenance excavation, the Commission required SCE to comply with various excavation methods, best practices, and monitoring as outlined in the June 2010 "Update of Restored San Dieguito Lagoon Inlet Channel Excavation and Dredging Plan" by Coastal Environments. Earthmoving equipment is used to excavate sand from unvegetated areas of the inlet channel within sand bar deposits in the channel excavation envelope. Sand is then transported by trucks to the beach. The report also details the potential need for monitors during predicted grunion spawning and hatching periods, depending on the timing of excavation and disposal activities, as well as when beach placement may or may not be permissible when grunions are present. Nesting bird surveys are also required during the nesting bird season prior to dredging activities. Water level measurements and water quality monitoring is performed daily, among other water quality requirements of the 401 Regional Water Quality Control Board (RWQCB) Certification for the project (R9-2005-0213). No use of public parking, including on-street parking, is permissible for interim storage of materials and equipment, and various safety measures, such as a safety coordinator, segregated construction zones, and traffic flagmen, are included to ensure public safety. The City proposes to follow the same dredging and construction methodology as SCE, as well as follow the same seasonal and habitat restrictions. **Special Condition #3** requires the City to comply with the approved methods, best practices, and methodologies contained in the 2010 "Update of Restored San Dieguito Lagoon Inlet Channel Excavation and Dredging Plan" and the 2022 "San Dieguito Periodic Inlet Channel Excavation and Dredging Plan."

Excavation is anticipated to occur within open water in Maintenance Areas 1 and 2 and is estimated to take 1-2 weeks during the fall and winter months (October-November specifically), excluding weekends and holidays. It is anticipated that no more than one channel excavation event would occur per year during the 5-year program. Maintenance Areas 1 and 2 total approximately 6.1 acres but it is anticipated that smaller excavation efforts would be implemented, only impacting a portion of this total for each event. The City does not anticipate a dredge will be needed to remove material from within the excavation envelope. The City will use the same staging area proposed on either the North Beach or South Beach that SCE currently uses for its maintenance events, and the site will be restored immediately following completion of its portion of the overall operation.

This work would occur in coordination with SCE's maintenance events where feasible, and the City estimates it would remove approximately 20,000 cy of material. In addition to working directly with SCE, the City also proposes to excavate material independently in some instances. If this occurs, excavation efforts must be consistent with what is permitted for SCE dredging locations in terms of maintaining the channel design configurations, and maintenance volumes. Total excavation would not extend beyond SCE's approved maintenance area limits and all material will need to be analyzed under the SAP process. Further, material obtained from this inlet dredging will count towards the annual and total maximum amounts of placement on the beach.

Finally, other likely sources of sand used as beach nourishment for the SCOUP include sand supplied by the San Dieguito Joint Powers Authority (JPA) and San Diego Association of Governments (SANDAG) as part of the San Dieguito Lagoon W-19 Restoration Project. This will likely involve initial placement of 5,000 cy in the first year after construction of the W-19 project. This 5,000 cy will also be accounted for in the 180,000 cy maximum allowed over the 5-year program duration and the annual maximum of 70,000 cy required per Special Condition #4.

Sand Placement Methodology and Timing

The maximum sand placement envelope extends approximately 6,700 feet; however, individual opportunistic placement projects will take place in smaller footprints within the overall SCOUP envelope. The beach fill design for the City of Del Mar project includes two different nourishment approaches: beach berm and surf zone placement concepts ([Exhibit 2](#)).

Under the berm placement approach, a beach berm will be constructed by placing sand as a layer over the existing beach through trucking or dredge pipeline placement. The berm will be a level surface extending a certain distance from the back of the beach towards the ocean, then sloping gradually into the water. The beach berm placement will generally have a finished surface elevation of +12 feet mean lower low water (MLLW) and create a 100-foot-wide berm that slopes very gently seaward. The seaward incline of the berm will slope towards the ocean at approximately 10:1 (horizontal:vertical). The elevation, width, length, and slope of the berm would vary for each sand placement opportunity, depending upon the quantity of material to be placed and its qualities, as well as the condition of the beach at the time of sand placement.

If surf zone (i.e., nearshore) placement is selected, sand may be placed below the mean high tide line (MHTL) onto the low tide beach just above the surf zone. This is a preferred option if the material does not visually match the existing beach sand. Sand will typically be delivered to the beach and carried by loaders to the water's edge at low tide. The material will be placed as far seaward as possible in a long, linear placement envelope parallel to the coast, so that it will be reworked by waves during the following rising tide. Gaps between piles may be created to increase the rate of dispersal. Sand may be placed incrementally if the quantity to be placed exceeds the rate of daily reworking by waves. With this approach, visually different material will be winnowed out of the beach fill naturally by waves and currents and carried offshore. Surf zone

placement will likely be the strategy used most often for sand placement of opportunistic material, given that land-based material may have a higher fines (fine grain) content than the existing beach. Surf zone placement maximum dimensions for below the MHTL will generally be a 3- to 4-foot-high mound or series of mounds placed near the +1 foot MLLW topographic contour or lower, depending on tide conditions at the time of nourishment. The intent will be to place the material as far seaward as possible during low tide to allow the incoming tide to redistribute material throughout the nearshore.

Historically, natural sediment delivery to the coast typically occurred during the wet season (fall and winter) through unobstructed stream channels, as was typically the case within the watershed before the construction of the Lake Hodges dam. Therefore, the majority of beach fill placement is proposed to occur in the fall and winter seasons—September through May, or Labor Day to Memorial Day, with the target time period for implementation being October-November. However, the City of Del Mar is requesting a provision to allow a once-a-year limited placement during the summer season (Memorial Day weekend to Labor Day) of up to 5,000 cy over a one-week period, in the event an opportunity arises that would otherwise be lost without such accommodation.

While the maximum volume of nourishment that could occur over a single nourishment event is unknown at this time, the City estimates the typical project will be approx. 20,000 cy and no single large volume greater than 50,000 cy is expected to occur. The total timing of sand placement per the SCOUNP would likely take no more than 10 weeks maximum over the 5-year period. An example placement event of 20,000 cy would typically last 1-2 weeks, similar to SCE's current operations, with four weeks as a conservative estimate, to cover a special circumstance scenario if sand material were to be sourced from upland cut and fill projects and placed at the southernmost location of the potential SCOUNP placement envelope. For the proposed excavation of the San Dieguito River Channel Inlet, the City estimates that it could excavate and place up to approximately 20,000 cy of sand material per week. The actual time frame will depend on the quantity of material excavated and other factors such as the distance of transport, the ease of loading, and the number of pieces of equipment used. Over the course of the 5-year SCOUNP permit, the City does not anticipate there will be multiple placement events in the same location within the same year (calendar or otherwise) and **Special Condition #5** prohibits this to protect potential sensitive biological resources. The City anticipates this same 5-year timeframe will include 2-3 small SCE excavation and placement events per their typical annual schedule in the fall every other year.

Sediment Analysis

Prior to placement of sand, the City proposes to conduct chemical and grain size sampling and analysis of the material and will prepare Sampling and Analysis Plan (SAP) & Report to be approved by the U.S. Army Corps of Engineers (USACE), U.S. Environmental Protection Agency (USEPA), and Regional Water Quality Control Board (RWQCB). Samples not meeting predetermined resource agency standards will be rejected or the City could utilize selective grading techniques to avoid specific areas of poor-quality material. Following the Oceanside pilot SCOUNP precedent for fine sands, an allowance for up to 50,000 cy/year of sand with 11 to 25 percent fines will be

included in the maximum volume as need and opportunity arise. Criteria for determining suitable beach sand includes material that:

- Should be consistent with the gradation of existing sand within the beach profile and slightly coarser if possible, as characterized by the gradation envelope;
- Does not contain hazardous chemicals based on EPA Tier I or II assessment;
- Must be free of trash and debris based on visual inspection;
- Must reasonably match the color of natural beach sand after exposure to the marine environment;
- Must be less than 10 percent manufactured sand;
- Must be a minimum of 75 percent sand, optimally 80 percent sand or greater and with a percent sand content within 10 percent of the grain size envelope of the beach profile; and
- Must not form a hardpan after placement.

For sand to be excavated from the San Dieguito inlet channel, the City proposes to rely on the most recently approved SAP prepared by SCE for its maintenance events. The use of SCE's approved SAP is memorialized in **Special Condition #3**.

Haul Routes

The City is proposing to deliver sand either by truck or pipeline, depending on the material source. Trucks would drive material from the excavation location within the City and nearby areas to the beach for nourishment. Anticipated haul routes and access points are shown in [Exhibit 3](#) and are limited to existing street end access, the back beach, and those that are consistent with current SCE inlet maintenance. Trucks would generally use local roads to access the beach and may also drive along the beach to specific nourishment sites as necessary. During placement of beach sand, the City would coordinate the proposed haul routes with other projects that may impact identified haul routes. Beach access points include Dog Beach north of the San Dieguito River mouth, the beach inlet route from within the river mouth, and residential roadways that provide lifeguard and emergency vehicle beach access to the beach. Trucking will be the most likely method utilized for land-based beach placement.

Potential beach material may also be conveyed to the nourishment site by pipeline. This method will typically be utilized for moving material from hydraulic dredging operations during events such as wetland restoration or river channel dredging. A dredge pipeline (10-36 inches in diameter) may be required to reach the nourishment site. One booster pump may be required for each mile separating the sediment source site from the nourishment site. Booster pumps may include noise protection housing, or similar, to minimize noise. Material would typically be placed as a slurry. To facilitate deposition of sediment out of the slurry, earthmoving equipment would be used to build training dikes on the beach, allowing suspended sediment to settle on the beach, as was performed in Del Mar during RBSP I. Training dikes would be longitudinal sand berms that direct slurry along and parallel to the beach at a shallow slope, slowing slurry flow to the point where suspended sediment can fall out and accumulate as a beach berm while water runs off into the ocean.

Depending on sand volumes or placement approach, temporary staging of equipment or contractor facilities may be required. Staging will be located in the vicinity of placement and will be limited to disturbed or developed areas or along the rear portion of the beach. For example, one potential equipment staging area could be located at North Beach near the San Dieguito River mouth. Material may also be temporarily stockpiled if necessary, including on the north side of the inlet against the base of the North Bluff, and south of the river inlet east and west of the Camino Del Mar bridge, or for short durations at disturbed or developed City-owned parcels (e.g., public work yard). Standard construction procedures would be followed with respect to equipment and staging and storage areas, including adherence to the SWPPP and relevant BMPs, securing equipment, and complying with regulations that prohibit ponding on site.

For excavation of the inlet, it is anticipated access to the channel will be from the south bank and around the revetment at the northernmost property on a temporary road built for the operation, using sand as necessary to access the channel east of Camino del Mar. The associated staging and access would be placed on the north and south sides of the channel, as applicable to the planned excavation work. Trucks would then be used to transport dredged materials to areas within the beach placement envelopes.

Monitoring

The City proposes a number of generalized monitoring metrics relative to the project phase (pre-construction, construction, post-construction) As approved in the project's CEQA document (Mitigated Negative Declaration "Final Mitigated Negative Declaration and Initial Study/Environmental Checklist for the City of Del Mar Sand Compatibility and Opportunistic Use Program" (July 2020)). Monitoring elements would be dictated by project-specific features such as schedule or placement method.

Physical monitoring includes taking beach profiles between one year and 30 days prior to the project, as well as immediately following construction, and again within six months or during semi-annual regional beach sand monitoring activity. The City has provided follow-up information that beach profile monitoring would be done as close to construction as possible, most likely within 30 days of sand placement. Surf monitoring will also be conductive and will consist of qualitative surf condition information gathered by the City lifeguards. Surf monitoring will take place weekly during sand placement of more than 20,000 cy and up to two weeks after sand placement. Turbidity monitoring is also included to understand if water quality is impacted by placement events and will take place daily during placement from a high vantage point on land, such as the North Bluff or Powerhouse Park. Grunion monitoring is also required and will take place if the placement area is considered suitable habitat for grunion and is scheduled between March and August. Using the calendar annually published by California Department of Fish and Wildlife to predict grunion runs, monitoring will be conducted every two weeks during spawning season, and will occur based on the tides and lunar cycle. Trash and debris removal are also included as a monitoring requirement. A complete description of the monitoring parameters as proposed by the City are included as [Exhibit 5](#). **Special Condition #1** requires submittal of a final Project Notification Report template that will

include these monitoring requirements and that will be applied to each sand placement event.

Army Corps Sand Placement Project

In November 2013, the Commission found CD-0203-13 to be consistent to the maximum extent practicable with the California Coastal Management Program. This project, brought forth by the U.S. Army Corps of Engineers (USACE), includes a 50-year program to nourish two shoreline segments in the cities of Encinitas and Solana Beach, known as the Encinitas-Solana Beach Coastal Storm Damage Reduction Project. The purpose of the program is to reduce wave induced erosion at the base of coastal bluffs in these two segments and reduce the need for additional future shoreline armoring. At Encinitas, 340,000 cubic yards of sand would be placed on a 7,800-foot-long section of shoreline. Renourishment with 220,000 cy of sand would occur every five years. At Solana Beach, 700,000 cubic yards of sand would be placed on a 7,200-foot-long section of shoreline. Renourishment with 290,000 cy of sand would occur every ten years. Project construction has not yet started.

In anticipation of the large-scale placement of sand in Encinitas and Solana Beach by the USACE and potentially large amounts of sand moving downcoast as a result of the placement, the proposed project could be a beneficial program to facilitate small-scale placements consistent with the typical sand bypassing system. While removal of sand trapped in the inlet would remain the responsibility of SCE and USACE depending on what monitoring reports indicate throughout implementation of their 50-year project, the proposed project would be an additional opportunity to remove sand from the river inlet.

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 Del Mar's Land Use Plan also contains a number of applicable provisions, including:

Beach Overlay Zone Regulations under Policy III-7 states in relevant part:

15. Sand Replenishment Projects. A sand replenishment project shall not be considered development within the meaning of these Beach Overlay Zone regulations where each of the following criteria are met:

1. No structure or material other than sand is permanently placed on the beach;
2. The proposed replenishment program is approved in advance by the City as to the quantities of sand to be placed on the beach, the location of the replenishment, the quality of the material to be used in the replenishment project, the time in which the project is to occur, and any other relevant aspects of the proposed project.

Goal IV-A states:

Provide physical and visual access to coastal recreation areas for all segments of the population without creating a public safety concern, overburdening the City's public improvements, degrading the City's natural resources, or causing substantial adverse impacts to adjacent private properties.

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 the Commission has identified through many past projects that beach replenishment is a means to preserve and enhance the recreational capacity 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.

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 sunbathing, walking/jogging, water and sand play, volleyball, surfing and swimming, among others. Beach access points include Dog Beach north of the San Dieguito River inlet, the beach inlet route from within the river mouth, and public roadways and street ends that provide lifeguard and emergency vehicle beach access to the beach. Sand placement will require temporary beach closures in the immediate vicinity of the construction activities, haul routes, and staging areas for safety purposes. Adjacent beach areas will remain open for use while placement activities are occurring.

The City has proposed measures to avoid substantial loss of beach recreation opportunities and to maintain safe public access to the beach surrounding the construction area. If a pipeline is used for sand placement, sand would be placed over

the pipelines at intervals to allow the public to access the water and back beach across the pipe over earthen ramps. This has proven to be an effective approach by SANDAG in both Regional Beach Sand Projects (2001 and 2012).

Access to beaches adjacent to placement sites not under active construction will be maintained, as well as horizontal and vertical access on either side of the active sand placement areas if public safety is not compromised. To avoid recreational safety issues, the City also proposes to post signs advising the public of the presence of steep sandy slopes (e.g., scarps) if they develop on the beaches where sand is being placed, as well as to knock down or alter dangerous scarps that may form after material placement, as part of ongoing regular beach maintenance performed by the City.

The City has requested the ability to conduct one summer placement event per year of up to 5,000 cy over a one-week period in a single isolated location. The City is requesting the one summer placement to allow for the greatest flexibility in getting available sand to the various receptor beaches should a construction project produce sand suitable for placement during this time of year. Typically, the Commission has prohibited construction on beaches or in recreational areas from occurring during the summer months. However, as proposed, the potential summer placement would be for a small amount of sand, which would not likely take up a large area of beach, and the City does not propose beach closures for SCOUN placement activities during weekends or holidays. The proposed summer placement would be confined to Monday through Friday from 7:00 am to dusk. Therefore, **Special Condition #5** prohibits placement during the summer season except for the one limited placement event during the summer season (Memorial Day weekend through Labor Day) each year of up to 5,000 cubic yards.

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. Depending on sand volumes or placement approach, temporary staging of equipment or contractor facilities may be required as part of nourishment activities. Staging will be located in the vicinity of placement and will be limited to disturbed or developed areas or along the rear portion of the beach. Potential use of public parking areas for staging is not expected to adversely impact public access because all work other than the one potential summer placement will be outside of the summer season. Since the proposed haul routes utilize some of the City's primary coastal access routes, traffic could be adversely affected. Small increases in traffic volumes during replenishment would be temporary, and there would be no long-term impacts to existing traffic and circulation patterns. Prior to beach nourishment activity, an Encroachment Permit will be required to identify and coordinate details relating to traffic control and construction access on the beach. The traffic control plan must identify the haul route, a point of contact during construction, the project schedule and hours of operation, and assignments for flaggers to ensure that a clear and safe path is maintained for beach users, pedestrians, and emergency access vehicles. These details will also be reflected in the Project Notification Report as described in **Special Condition #1**, in addition to details on the specific location of placement. To further limit those impacts, the primary work schedule is proposed to be Monday through Friday, excluding holidays, from 7

a.m. to dusk. With these requirements, and the limited construction duration anticipated, it is unlikely that the project will result in significant impacts on public access. Thus, the project has been designed to minimize adverse impacts to the beach-going public.

Public Notification Process

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 City will develop a public outreach plan to help inform the public and identify resources available for the public to ask questions, provide comments, or report problems relating to the project. The City's outreach strategy is envisioned to include a dedicated web page with project-related information and contact information. Public outreach will also include an informational mailer to proactively notify the community about the project, including individual placement events as they are scheduled. Project contact information will be posted prominently at the site and on the City's web page. A log of project-related issues and responses will be maintained and used as a reference to improve project operations throughout the project life.

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 Del Mar requires local approvals such as a CDP, which in turn require public notification. Therefore, any development within the City of Del Mar 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.

Finally, the Project Notification Report Template required by **Special Condition #1** will ensure that each notification report associated with a specific placement event will include specific details on the public noticing process.

Surfing

Surfing occurs throughout the project area. 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, poor water quality caused either by turbidity generated during and after construction, or contaminants being released into the surf zone by the fill material. As noted above, construction would be short-term, and is expected to take place over 1-2 weeks in most cases depending on the size of the placement and the source of the sand.

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 based on Tier I and Tier II testing protocol as specified by the USEPA. Therefore, the Commission does not anticipate any health threats to surfers from contamination.

Sand deposition also 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 at a nearshore bar that allows waves to break. 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, long term impacts will not likely occur and the slope of the receiver beaches will not be significantly altered.

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.

Small placement volumes would not add sufficient additional sand to the system to result in visible changes to nearshore profiles after completion, but larger volumes may temporarily change profiles in a way that could affect surf conditions. City lifeguards currently collect daily qualitative information regarding surf conditions along the proposed placement envelope, including tides, surf size, interval, swell direction, and crowd estimates. This information will serve as a baseline for additional monitoring proposed to be conducted during and after placement volumes of more than 20,000 cy, which could potentially affect nearshore profiles. For projects of more than 20,000 cy, surf monitoring data will be collected two weeks prior to construction to set the baseline for surfing observations during and after the project. Monitoring would be continued during placement, as well as up to two weeks after placement has been completed for these larger events. **Special Condition #1** requires the City to submit a final Project Notification Report that documents the City's proposed surfing monitoring program.

Long-term changes to surf conditions are not anticipated, based on previous projects with much larger volume placements (most notably for San Elijo Lagoon Restoration Project in which 300,000 cy was placed at Cardiff Beach and monitored intensively for one year after placement). The proposed relatively small sand quantity is unlikely to create the physical changes required to modify the bathymetry of sand bars that affect surfing. This has been documented by surfing monitoring applied to multiple sand placement projects at Newport Beach recently, where the smaller volumes of less than 50,000 cy did not create an effect on surfing because they are too small to alter local bathymetry.

While impacts are not anticipated, if changes in surf conditions are observed, the project approach could be modified over time. For example, placement in areas where medium to long-term impacts are observed would be avoided or smaller placement events would be considered in potentially affected areas. To avoid potential impacts to nearshore resources and surf breaks, **Special Condition #5** limits the five-year program term

maximum placement to 180,000 cubic yards, as well as an annual maximum placement volume of 70,000 cubic yards and a maximum single placement episode of 50,000 cubic yards.

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 that can occur, the limit on one summer placement and maximum annual and single placements imposed by **Special Condition #5**, surf and turbidity monitoring requirements proposed by the City and required per **Special Condition #1**, and through public notification requirements to be included in future notification reports per **Special Condition #1**. The project overall is expected to have a positive impact on the beach in Del Mar 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 #4** limits the permit to five years in duration, and further evaluation of the impacts will occur should the City request to extend the program. Physical monitoring includes taking beach profiles between 1 year and 30 days prior to the project, as well as immediately following construction and again within six months or during semi-annual regional beach sand monitoring activity. The City has provided follow-up information that beach profile monitoring would be done as close to construction as possible, most likely within 30 days of sand placement, in order to provide more accurate pre-construction data, and **Special Condition #1** memorializes this change by requiring pre-construction profile monitoring to take place no earlier than three months prior to sand placement activity.

Therefore, as conditioned, the proposed project can be found consistent with the public access and recreation policies of the Coastal Act.

C. Biological Resources and Water Quality

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:

1. 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.
8. 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 Del Mar's certified Land Use Plan also contains an applicable policy.

Policy III-2 states, in relevant part:

Conserve the natural character of land, water, vegetation and wildlife resources within the community by ensuring that future development minimizes the disturbance of existing or natural terrain and vegetation, and does not create soil erosion, silting of lower slopes, slide damage, flooding problems and/or cutting or scarring...

The City of Del Mar 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 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 from either the beach nourishment program or the channel inlet dredging.

The absence of sensitive resources at the Del Mar receiver sites was one of the considerations in selecting the subject sites for this program. The Mitigated Negative Declaration for the project found that the nourishment envelope consists of sandy or cobble beach that may extend into the intertidal area. The project limits therefore avoid the presence of sensitive nearshore habitat, which are located south of the envelope and includes kelp canopy, understory algae, and surfgrass. These sensitive resources (e.g., surfgrass, kelp, and understory algae) depend on hard-bottom features to persist. Habitat and substrate information was collected for the 2002 SANDAG Coastal Inventory Program, which concluded that while the hard-bottom areas are features that may fluctuate slightly in area due to annual erosion and accretion, they have only been historically persistent south of Powerhouse Park and are therefore not anticipated to persist adjacent to the placement envelope. A confirmation habitat survey was performed on February 17, 2022 and confirmed that the predominant habitat type within

the beach placement envelope is sandy beach. Therefore, no sensitive resources are anticipated to occur adjacent to the placement envelope and no adverse impacts are anticipated.

Further, the placement envelope for the proposed SCOUP was developed based on previous modeling, as well as placement and monitoring associated with the RBSP I, which placed 183,000 cy in a single event. No impacts to sensitive resources were identified as part of that project and the proposed project is limited to much smaller placement events, totaling no more than 180,000 cy over the 5-year term. Therefore, adverse impacts to habitat are not anticipated.

In regards to the channel inlet excavation, the February 2022 habitat surveys within the San Dieguito River inlet channel excavation envelope confirmed that there is no vegetation within the channel excavation envelope. No eelgrass, kelp, or surfgrass is present nor is there any rocky substrate, which kelp and surfgrass require to attach and persist, and no *Caulerpa* (an invasive seaweed) is present. In addition, an assessment of Essential Fish Habitat (EFH) was conducted and confirmed a lack of aquatic resources within the proposed channel excavation envelope. Thus, the extraction locations in the channel inlet do not contain sensitive natural communities. The inlet channel is a very dynamic sandy bottom channel that consists of recently deposited sediments. Removal of sediment from the San Dieguito River mouth would be localized and temporary and would be limited to the area of active sediment deposition already approved for maintenance; therefore, no adverse impacts are anticipated. Additionally, consistent with the monitoring requirements associated with SCE's permitted excavation work, the City will conduct eelgrass and *Caulerpa* surveys in accordance with the California Eelgrass Mitigation Policy (CEMP) and *Caulerpa* Control Policy (CCP) for Southern California, respectively, before dredging within the San Dieguito River inlet. Disturbance of existing salt marsh habitat would not occur with channel excavation since this area is unvegetated.

Significant shifts in grain size conditions could also alter the physical beach environment and result in shifts in ecosystem species composition. As required by **Special Condition #1**, the Project Notification Report will require parameters for sand placement during the five-year permit term, including sand grain size and location of source material, volume, timing of pre-construction testing procedures for receiving beaches, the timing and location of sand placement, and post project monitoring. 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, Special Condition #5 ensures that these impacts are minimized to the greatest extent feasible by not allowing for placement in the same location within the previous 12 months.

Sensitive Bird Species

The federally endangered California least tern and federally threatened western snowy plover have the potential to occur on sandy beaches in the San Diego region during their breeding season; however, their presence at the proposed placement sites is

unlikely for several reasons, and therefore adverse impacts are not anticipated. California least tern forage on fish in ocean water outside the surf zone, while plover forage on invertebrates within beach sand. If present, sand placement on Del Mar beaches could affect the ability of terns to forage if turbidity occurs that substantially exceeds naturally occurring levels. Because the water content in the material is low, the proposed construction approach will minimize potential for turbidity and therefore minimize interference with foraging activities of wildlife species. Potential turbidity plumes would be relatively small, short-term, and localized to the site of the fill placement. In addition, monitoring would be conducted to ensure water clarity is not substantially reduced. Placement activities on the beach could also have the potential to affect the ability of plover in the area to forage or nest on the beach, depending on the proximity of activities to established nests. Construction activities associated with the proposed SCOUP would be localized and intermittent throughout the year, affecting only a portion of the beach at any given time. In addition, the proposed nourishment envelope includes heavily used beaches that are relatively narrow and backed by sea walls in the southern part of the placement envelope, providing little area for foraging and no suitable nesting or roosting habitat. The northern portion of the site is very dynamic, with uses such as dog play areas and volleyball courts in the north adjacent to the San Dieguito River inlet. Based on a recent evaluation of the area for the San Dieguito Lagoon W-19 Restoration Project, the USFWS did not anticipate nesting by the California least tern and western snowy plover within the northern portion of the placement envelope. With the ongoing human and dog disturbance, roosting by these birds is also considered unlikely, further minimizing the potential for impacts to occur to these species. USFWS has previously confirmed SCOUP activities are not anticipated to result in adverse effects to threatened and endangered species, specifically to California least tern and western snowy plover. Therefore, based on the lack of suitable habitat and recent nesting, as well as continued high activity levels on the beach, no substantial adverse effect on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the CDFW or USFWS is anticipated to occur. Nevertheless, the City will conduct pre-construction visual assessment of the presence of sensitive species (western snowy plovers, California least terns, and marine mammals).

In terms of the channel inlet area, while several sensitive species utilize habitat in the San Dieguito Lagoon (e.g., Least Bell's vireo, southern willow flycatcher, coastal California gnatcatcher, Belding's savannah sparrow), none of these species are anticipated within the project area since their preferred habitat types (riparian upland/coastal sage scrub vegetation) do not exist within the channel excavation areas.

In general, potential excavation and sand placement would occur during the fall and winter months. Similar to SCE's current maintenance operations at the San Dieguito River inlet, the City will seek to limit excavation to months outside of the nesting season (i.e. February 15 to September 15) and, as described in SCE's 2022 Inlet Excavation Plan, a survey will be conducted prior to dredging to ensure that no nests are present.

Grunion

California grunion is known to spawn exclusively on sandy beaches and is identified by CDFW as a species of concern. While the species comprises a recreational fishery and can be collected during part of the year, it is a CDFW managed fish species and collection cannot occur during the closed season from April through June. The grunion spawning season generally extends from March through August, although spawning may sometimes occur in February and September.¹ While beach nourishment generally enhances conditions for grunion since they need a sandy beach to successfully spawn, monitoring during the spawning season or portions of the spawning season will be required during nourishment activities to minimize impacts to actively spawning individuals. Grunion spawn during middle-of-the-night spring high tides. The eggs incubate in the sand and hatch in approximately two weeks when the next spring high tide occurs.

Through permitting coordination with CDFW, the City will not excavate the inlet or deposit material dredged or excavated from the San Dieguito River inlet onto beaches suitable for grunion spawning between March 1 and September 31; however, placement may still occur during the grunion spawning season if other opportunistic sources of material become available for placement. Overlap between the grunion spawning season is anticipated to be limited since beach placement is proposed to occur from Labor Day to Memorial Day.

If berm or surf zone placement is scheduled during the grunion spawning season, **Special Condition #7** requires the City to conduct monitoring for grunions. Monitoring would include a preconstruction survey to determine potential suitability for grunion spawning at least two weeks in advance of placement. If the habitat is judged unsuitable for grunion spawning, construction could proceed without the need for additional monitoring. Should the construction dates overlap an anticipated grunion run (based on the CDFW calendar) at a placement site with suitable habitat, grunion monitoring within the specific proposed placement footprint would be conducted. If grunion occur within the project area, their location would be mapped and number present would be estimated using the Walker Scale. An appropriate protective measure (e.g., avoid mapped grunion area, or redirect sand placement above the spring high tide line) would be implemented and the monitor would communicate monitoring results and action taken to the resource agencies in accordance with pre-coordination decisions. The need for grunion monitoring is memorialized in **Special Condition #7**, which requires submittal of a Grunion Monitoring and Avoidance Plan prior to issuance of the CDP.

Macroinvertebrates

¹ During grunion spawning season, grunion spawn once every two weeks, on several nights, during the highest tides that occur during each month (called spring and neap tides). Grunion eggs take approximately 10 days to mature and hatch during the next high tide. Monitoring for grunion runs must happen, per the annual CDFW published grunion spawning schedule, because one cannot predict where grunion will spawn from one event to another.

One of the biological resource concerns raised by the project is the potential for direct burial of macroinvertebrate 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.

Specific to macroinvertebrates, direct impacts are not anticipated to be significant due to the small footprint of impact associated with each placement event and rapid recolonization of habitat and the absence of sensitive species. In addition, several studies have reported invertebrate recovery rates of approximately one year or less after the impact of sand placement from much larger-scale beach nourishment, as compared to the relatively small scale SCOUN projects anticipated by Del Mar. In some studies, communities of intertidal macrofauna (benthic organisms, including infaunal species, greater than 1mm) at fill sites have recovered as quickly as less than one month, through less than one year, and to up to two years. Factors contributing to the recovery rates included the seasonality of construction and the similarity of sediments used as fill material to the native beach sediments. Projects incorporating well-matched sediments (with respect to grain size, sorting, carbonate content, and percent fines) and construction periods that avoided the spring recruitment pulse are associated with faster recovery rates.

The City proposes to avoid the invertebrate recruitment season by focusing placement efforts in the fall and winter seasons, outside of the spring-summer invertebrate recruitment season. Post-placement beach sand grain size would be consistent with pre-project natural sand grain sizes for maintaining suitable habitat for intertidal fauna. To allow for recovery of the macrofaunal community, the City plans to do one excavation/placement project per year on a given stretch of beach, with SCE doing a placement in alternate years. Per **Special Condition #5**, no placement location will be nourished more than once within the previous 12 months. Ultimately, sand added opportunistically to the currently narrow beach is anticipated to benefit macroinvertebrate communities over the long term and, as conditioned, no adverse impacts are anticipated.

Turbidity

Turbidity is reduced clarity of water due to suspended solids and can be caused by the interaction of ocean tides, currents, and waves with sand on the beach. While the surf zone is typically turbid during times of energetic waves, beach nourishment material, particularly material with a higher proportion of finer sediments, can be more easily suspended in the water column and reduce clarity for longer periods of time. Monitoring is intended to identify excessive turbidity in areas with typically clear water, which can indicate potential negative effects on nearshore marine habitat and species within those areas.

In the case of beach nourishment projects, turbidity may occur as a result of surf zone placement as well as possibly berm placement in areas that the ocean reaches at high tide. The extent and duration of turbidity would relate to sediment grain size

characteristics (corresponding to particle settling rates) and placement volume but would dissipate with distance and time after placement. Anticipated requirements for monitoring of water quality (i.e., potential turbidity impacts) would vary depending on project volume, construction timing and duration, proximity to sensitive resources, and schedule considerations but would be focused on identifying the extent to which turbidity due to the project exceeds that occurring naturally in the nourishment area. Turbidity plumes dissipate rapidly depending on waves, currents, and tidal action. For example, project activities involving small volume placements or larger-grained material would produce only short-term (on the order of a few days) turbidity that may or may not exceed naturally occurring conditions. Larger-volume placements or nourishment with finer material could result in elevated turbidity over a longer period of time compared to natural conditions.

To reduce the potential for higher levels of turbidity, the City intends to utilize sand with a lower percentage of fines. Turbidity plumes would also be monitored daily during surf zone or berm construction by an observer from a high vantage point on land (e.g., bluff-top, park, or lifeguard headquarters location). The observer would map and photograph the extent of turbidity in excess of naturally occurring turbidity and note the extent of the plume. In addition, environmental conditions would be noted such as wind, weather, rain events, wave activity, lagoon runoff, rip currents, and plankton blooms, etc. Qualitative observations have been used multiple times in past SCOUP projects, including for the City of Encinitas and the Tijuana Estuary. The placement has been slowed or reduced in rate when conditions warrant. In general, turbidity plumes are anticipated to be localized and short term. In addition, sand placement would occur during winter months when natural sedimentation occurs due to storm events. Turbidity resulting from placement efforts would mimic natural processes during placement at this time of the year and would settle at natural rates as anticipated during winter months. Sand placement is proposed to occur at the San Dieguito River inlet, which is a source or natural turbidity itself, so in this sense the City has attempted to mimic natural processes of turbidity from river discharges during winter.

In the event that the visual observations show significant turbidity above ambient, the placement rate can be either slowed, or the placement site shifted to the upper beach to remain above the reach of the tides on the day of placement. Either way, the rate of placement of material with finer-grained particle within it will be reduced. Based on monitoring experience at other beach nourishment projects throughout the Southern California region, turbidity tends to dissipate proportional to wave action and currents in a given placement area. The City anticipates turbidity would be relatively finite in time and size given placement volumes. A recent series of SCOUP projects by the City of Encinitas in 2022 were monitored for turbidity with the same approach and results were useful in determining that turbidity subsided within a very short period of time (e.g., one day). This is consistent with other prior projects so extending the turbidity monitoring over longer time periods beyond the construction duration is not warranted.

Best Management Practices (BMPs), such as detention basins, would be implemented at extraction locations and the San Dieguito River channel to minimize additional turbidity associated with excavation. BMPs and regulatory requirements associated with

the Regional Water Quality Control Board 401 certification for the project (Order No. R9-2022-0130) would minimize the potential for pollutant discharges into the ocean during placement of material. For example, the City has proposed to construct training dikes to facilitate sediment deposition if material is placed as a slurry. Silt curtains will be used for excavation and discharge activities, as well as BMPs specific to the containment of hazardous materials and debris. An on-site biologist is also required. Therefore, as proposed, no significant impacts to water quality are expected.

As required by **Special Condition #1**, the Project Notification Report will require copies of permits from other agencies, including the San Diego Regional Water Quality Control Board and the USACE. 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, with the exception of the San Dieguito River inlet excavation in Maintenance Areas 1 and 2 as described in this staff report. All other projects must receive separate coastal development permits when the source is obtained in the coastal zone unless the development is exempt from permit requirements.

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. While the material will be up to 10% fines, the City has requested an allowance for up to 50,000 cy/year of sand with 11 to 25 percent fines in the event that the need and opportunity arise. The 25% cut-off for fines is the upper limit of what would be considered for placement and not a standard of all material that would be placed. This cut-off for smaller projects would enable the City to consider a fairly large range of potential source materials and 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 of Oceanside's 2007 beach replenishment program (ref. CDP No. 6-07-027). Because the City is also seeking allowance for a one-time summer placement every year, **Special Condition #1** includes a requirement that the Project Notification Report specify silt and clay content be restricted to a maximum of 25% during winter placement and 15% during summer placement, in order to further reduce the potential for significant impacts to biological resources or water quality.

Monitoring of the beach sand profile, surfing conditions, turbidity, sediment gradation, grunion, 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.

Special Condition #3 requires the City to implement inlet excavation according to the same dredging plans currently produced and utilized by SCE, including specifically the equipment used, staging areas, timing and construction and seasonal restrictions, public safety measures, and water level and water quality monitoring requirements. While it is expected that the City will perform some additional excavation work at the same time that SCE performs its regular inlet maintenance (approximately every two years), the City has also requested the flexibility to be able to perform excavation work independent of SCE efforts should the opportunity arise and in coordination with SCE monitoring efforts. In the event the City conducts excavation without SCE, **Special Condition #3** requires the City to provide a dredging plan that describes the map of the area to be excavated, sample locations and testing results, a proposed placement plan, the schedule for dredging, placement, and disposal, and an estimate of the volume of both beach quality sand and unacceptable beach material. The requirements of the dredging plan match the requirements of reports SCE must submit for the review of both the City and Coastal Commission prior to any excavation or dredging activities.

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 or the LCP. Restrictions on placement locations, timing and quantities have been designed to avoid or limit impacts to sensitive habitat. The proposed project would place sand outside of the spring-summer invertebrate recruitment season if feasible. Sand throughout the beach profile would meet a set of standards predetermined prior to placement, helping to ensure that beach sand grain size is consistent with pre-project natural sand grain sizes for maintaining suitable habitat for intertidal fauna, California grunion, and shorebirds. The receiver beaches are heavily used by humans and dogs, and the excavation area is limited to sandy bottom area that are unvegetated; thus, impacts to sensitive bird species are not expected to occur. Monitoring for other potentially sensitive resources such as grunion would occur if the placement site consists of a sandy beach and the placement event occurs during the spawning season, as required by **Special Condition # 7**. 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. Due to the monitoring requirements proposed by the City and as will be documented in each Project Notification Report required by **Special Condition #1**,

significant impacts to ecological resources are not expected to result from the proposed SCOUP program.

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 Del Mar's certified Land Use Plan also contains a number of applicable policies, including the following:

Goal III-A states:

Establish a comprehensive program to protect shoreline areas susceptible to storm/flooding hazards.

Policy III-5 states:

Continue to study and implement shoreline management and replenishment programs applicable to the Oceanside littoral cell through participation in the activities of the regional organizations and agencies including the Beach Erosion Action Committee (BEACH)

Goal III-D states:

Minimize risks to life and property associated with flooding and flood waters

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. 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 for the public.

Beaches in north San Diego County have been narrowing over the last 60 to 80 years due to reductions in natural sand supply from upcoast and upstream. Natural sand supplies from the coast to the north, from local rivers and streams, and from local bluffs have declined over time due to urbanization. Within Del Mar, the San Dieguito River

was once a major historic sand source for the City and is now substantially reduced in capability to supply sediment.

The City's North Beach, a beach-level neighborhood just south of the river's inlet, is vulnerable to coastal flooding and riverine flooding. As identified in the City's Coastal Hazards, Vulnerability and Risk Assessment, Adaptation Plan, and Sediment Management Plan², soft solutions to reduce vulnerability to flooding along the coast such as the SCOUNP are among the top recommendations to reduce the combined effects of a loss in sediment supply as well as sea level rise and coastal hazards.

The Coastal Commission's Sea Level Rise Policy Guidance³ also 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. As described in the Guidance document, 'soft' armoring generally refers to the use of /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 do not adjust to waves and block wave energy and shoreline retreat, due to their hard structures. The Sea Level Rise Policy Guidance 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 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 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, **Special Condition #1** requires the City, by acceptance of this permit, to assume the risk of hazards caused by the project and indemnify 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 Commission is not liable for damage as a result of approving the

² Available at https://biotech.law.lsu.edu/blog/FINAL-DRAFT-Coastal-Hazards-Vulnerability-and-Risk-Assessment-for-Del-Mar-Final-Draft_July-2016-small.pdf.

³ Available at <https://www.coastal.ca.gov/climate/slr/>.

permit for development. **Special Condition #6** 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) 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. The proposed beach placement envelope is located seaward of the Shoreline Protection Area designated in the City's LCP and the sand extraction sites are located on state tidelands; therefore, Chapter 3 of the Coastal Act is the 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 Del Mar to continue to implement its certified LCP.

F. California Environmental Quality Act

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits 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 of Del Mar adopted a Mitigated Negative Declaration (EA 20-001/SCH# 2020040181) on August 3, 2020, finding that any adverse impacts are mitigated by measures to provide for biological monitoring during grunion spawning season, the use of training dikes if necessary to facilitate sediment deposition, preventing the interference of views for lifeguards to maintain public safety, and the burial of pipelines and knocking down of scarps to maintain safe public access.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing public access, monitoring requirements, reporting requirements, public notification, permit term and limits, best management practices, maximum sand placement volumes, and the protection for sensitive species, 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 can be found 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.
- City of Encinitas Opportunistic Beach Fill Program Project Notification Report. Project No. 4 – Up to 70,000 cy of Sand from the CalTrans I-5 Berm Project. Prepared by City of Encinitas, dated October 2021.
- 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, 5-02-142-A1/City of San Clemente, 6-06-48, 6-06-048-A1/City of Carlsbad, 6-07-27/City of Oceanside, 6-08-38, 6-08-38-A1/City of Solana Beach, 6-08-110, 6-08-110-A2, 6-08-110-A3/City of Encinitas, 6-15-0986, 6-19-0608/City of Oceanside, 6-10-02/City of Coronado, 6-04-88/Southern California Edison, CD-0203-13/U.S. Army Corps of Engineers.
- Final Mitigated Negative Declaration and Initial Study/Environmental Checklist for the City of Del Mar Sand Compatibility and Opportunistic Use Program. SCH #2020040181. July 2020. Prepared by AECOM for City of Del Mar.
- Update of Restored San Dieguito Lagoon Inlet Channel Excavation and Dredging Plan. June 1, 2010. Prepared for Southern California Edison Company by Coastal Environments.
- San Dieguito Lagoon Periodic Inlet Channel Excavation and Dredging Plan. September 15, 2022. Prepared for Southern California Edison by Coastal Environments.
- Sediment Sampling Plan: Restored San Dieguito Lagoon Inlet Channel Periodic Maintenance Dredging. Revised April 15, 2022. Prepared for Southern California Edison by Coastal Environments, Inc.