

**CALIFORNIA COASTAL COMMISSION**

301 E. OCEAN BLVD., SUITE 300  
LONG BEACH, CA 90802  
VOICE (52) 590-5071



**W11**

**G-5-25-0013 (OCTA Emergency Permit)**

**May 5, 2025**

**CORRESPONDENCE**

**From:** [Joyce Perry](#)  
**To:** [Ziff, Dani@Coastal](mailto:Ziff_Dani@Coastal)  
**Subject:** Re: Emergency Development Request Notice  
**Date:** Monday, April 7, 2025 2:17:06 PM  
**Attachments:** [Outlook-eybxys3.png](#)  
[Outlook-wopf52l0.png](#)  
[Outlook-30m0eu22.png](#)  
[Outlook-s3k2veks.png](#)  
[Outlook-bmladnlk.png](#)

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Hi Dani,

Thank you for your outreach regarding the Emergency Development Request Notice. While this project is taking place in a sensitive area to our tribe, we are not requesting native monitoring at this time due to the fact that the work is primarily taking place within sand bluffs.

Can you please tell me if there will be an archaeologist on site?

Thank you

Joyce Stanfield Perry  
Húu'uni 'óomaqati yáamaqati- Teach peace



Payomkawichum Kaamalam - President  
[kaamalam.com](http://kaamalam.com)

Juaneño Band of Mission Indians, Acjachemen Nation  
Cultural Resource Director

On Fri, Apr 4, 2025 at 12:55 PM Ziff, Dani@Coastal <[dani.ziff@coastal.ca.gov](mailto:dani.ziff@coastal.ca.gov)> wrote:

Hi Joyce,

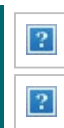
We have received an emergency permit request from the Orange County Transit Authority for repairs to existing rock slopes, placement of sand and new rock, and a potential new seawall along parts of the beaches of San Clemente to protect the railroad, as well as a new catchment wall in the bluff slope and pedestrian path at the foot of the slope on the inland side of the tracks to catch existing and potential landslide debris. See the map below; rock and sand would be placed at the red areas 1&2, the wall would be at red 3, and sand, rock, and potential wall would be at red 4. Some of this work would involve grading (at the beach and at the bluffs) and removal of vegetation.



Please let me know if you would like to talk about this project. As it is an emergency permit request, we must act quickly on their permit request.

dani

**Dani Ziff** | District Supervisor & Tribal Liaison  
**CALIFORNIA COASTAL COMMISSION**  
South Coast District Office  
301 Ocean Blvd. Suite 300





3151 Airway Ave, Suite F-110  
Costa Mesa, CA 92626  
714-850-1965  
[www.coastkeeper.org](http://www.coastkeeper.org)

April 7, 2025

To: California Coastal Commission

Delivered via email to Dr. Caryl Hart, Chair

cc: Kate Huckelbridge, Executive Director

Karl Schwing, Deputy Director, South Coast District

Louise Warren, Chief Counsel

**Re: Deny Portions of OCTA Request for Emergency Coastal Development Permit and Require Long-Term Track Alternative Development**

Dear Honorable Chair and Commissioners:

Orange County Coastkeeper (“Coastkeeper”) is a non-profit environmental organization with the mission to protect swimmable, drinkable, fishable water and promote watershed resilience throughout our region. Founded in 1999, Coastkeeper has over 8,000 members living in the Orange County and Inland Empire region. For decades, Coastkeeper has built a reputation as an organization that balances the importance of coastal and inland water resources with the needs of our thriving local economies.

It is with a great sense of both environmental and fiscal responsibility that Coastkeeper submits this letter to the California Coastal Commission regarding the Orange County Transportation Authority’s (“OCTA”) Emergency Coastal Development Permit (“ECDP”) application (“Application”). We respectfully request that the Commission narrowly tailor the scope of any emergency authorization to include only repairs to existing riprap within the existing footprint, and only if such authorization is conditioned on a clear, enforceable timeline for sand replenishment activities. Permanent development proposed in Areas 3 and 4—including construction of new shoreline armoring structures—must be subject to the full Coastal Development Permit (CDP) process, with proper environmental review, public engagement, and expert consultation.

**1. The Application Exceeds the Scope of the Coastal Act’s Emergency Permitting Scheme**

Under the California Coastal Act, emergency permits are intended only for sudden and unforeseen events that pose a clear and imminent danger to life, health, property, or essential public services.<sup>1</sup> They are not a backdoor to avoid the rigorous environmental review and public process required for permanent development under a Coastal Development Permit (CDP). Portions of OCTA’s application does not meet the statutory standard for emergency authorization.

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<sup>1</sup> Cal. Pub. Res. Code Section 30600.

First, the conditions cited by OCTA—coastal erosion, land subsidence, and the encroachment of the ocean onto the railway—are not new or unanticipated. These are chronic and well-documented issues, known to both OCTA and the public for decades. In fact, OCTA submitted an Emergency Coastal Development Permit application as far back as 2003 to address similar concerns. The impacts of sea-level rise and coastal instability in this area have been repeatedly acknowledged, including in public reports and infrastructure planning documents. A known, ongoing risk is not a qualifying emergency under the Coastal Act.

The absence of any immediate danger is further highlighted by the fact that the rail corridor continues to operate. Trains were running on the tracks as recently as April 6, 2025, the day prior to this letter. If the situation were truly urgent and unsafe, operations would have been halted. The continued use of the corridor undermines the claim of any imminent threat requiring emergency authorization.

Second, OCTA's reliance on the February 2025 winter storm to justify its request is unconvincing. Based on climatological data available from NOAA, San Clemente received merely 2.62 inches of rain in the entire month of February over six days.<sup>2</sup> Between February 13 and February 14, San Clemente received a total of 2.33 inches.<sup>3</sup> This is not a notable amount of rainfall over a 48-hour period and instead represents a typical winter storm. In fact, after one of the driest starts to the Water Year, California rounded out February with average precipitation according to the California Department of Water Resources.<sup>4</sup> Routine winter storm activity does not rise to the level of an emergency requiring expedited approval of permanent shoreline development. The use of such a standard seasonal occurrence to justify the bypass of ordinary permitting requirements would render the emergency permit process meaningless.

Third, even if the Coastal Commission were to find that some emergency existed—which we strongly dispute—the portions of the project clearly exceeds the scope of what an emergency permit can authorize. Emergency permits under the Coastal Act are limited to temporary work—measures taken solely to address the immediate threat, with the understanding that the applicant must later apply for a full CDP to authorize any permanent solution. Yet, the work proposed by OCTA is explicitly permanent in nature, and it is not the minimum necessary to maintain basic operations. This is evident by the fact that passenger rail service is currently underway.

The application includes the construction of a seawall, along with other hard armoring structures that are designed to remain in place indefinitely.

The environmental consequences of such permanent infrastructure are significant and irreversible. Shoreline armoring in this area will accelerate beach loss, interfere with natural sediment transport, and severely compromise public access to the coast. San Clemente's remaining sandy beaches—already threatened by erosion and sea-level rise—will be further diminished. These impacts go to the heart of the Coastal Act's mandate to preserve and enhance California's coastal resources and public access.

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<sup>2</sup> See, Exhibit A, NOAA Climatological Daily Summary, Station: San Clemente, 1.6 SSW, CA US US1CAOR0076.

<sup>3</sup> Ex. A.

<sup>4</sup> [https://cww.water.ca.gov/service/document/hydroreport?\\_id=1741993200062](https://cww.water.ca.gov/service/document/hydroreport?_id=1741993200062)

Granting an emergency permit under these circumstances would constitute a misuse of the Commission's authority, set a dangerous precedent for future shoreline management, and undermine public trust protections enshrined in California coastal law.

## **2. The Project Will Irreparably Harm Public Trust Resources**

The proposed project poses significant and likely irreversible harm to public trust resources, especially the remaining sandy beaches in San Clemente. These consequences demand a full Coastal Development Permit (CDP) process, including environmental review and public input, before any construction begins.

The installation of riprap and other shoreline armoring structures is well known to accelerate coastal erosion and eliminate public beach space over time. These structures reflect wave energy rather than absorbing it, causing the scouring of sand in front of the revetment and disrupting natural sand replenishment processes. This does not just impact the beach immediately adjacent to the project—it has cascading effects on the entire littoral cell, affecting nearby coastal segments and accelerating the regional loss of sandy beach.

This is exactly why the Coastal Act requires that these types of long-term impacts be studied through a full CDP process. The California Coastal Commission has a duty to protect public trust resources—including tidelands, public access, and coastal recreation—for both present and future generations. That duty cannot be fulfilled without a careful, science-based review of how this project will alter the coast, and whether there are less damaging alternatives available.

Orange County Coastkeeper respectfully requests the opportunity for other stakeholders to retain an independent coastal engineering expert to review aspects of the proposed project that fall outside the scope of the existing rip rap and the likely impacts, and to provide recommendations on possible alternatives that would better preserve public beach and ecological resources. We believe the Commission itself deserves the same opportunity to receive expert input and fully assess whether the long-term damage to public resources is justified by the project's claimed benefits. That type of informed balancing is impossible under the compressed timeline of an emergency permit process.

## **3. A Misguided Investment in the Face of Inevitable Loss**

OCTA has secured over \$300 million in state and federal taxpayer dollars for this project, but the application fails to provide any realistic assessment of how long this investment will last. With sea level rise encroaching from the ocean side and landslide activity threatening the landward bluffs, this corridor is being slowly but inexorably squeezed out of existence—regardless of whether the Coastal Commission approves this permit.

The situation on the ground is plain to see. Even without the benefit of expert consultation—something Orange County Coastkeeper has not had time to obtain, having received only seven days' notice of this application—it is obvious to anyone familiar with coastal dynamics that this project offers, at best, a temporary reprieve. Investing hundreds of millions of dollars to build seawalls and

harden a rail corridor perched between a rising tide and a collapsing hillside is an act of short-term desperation, not long-term planning.

To illustrate: this is like watching children at the beach building a sandcastle. As the tide begins to rise, the children respond by digging moats and building walls, desperately trying to keep the water out. The adults watching from their beach chairs know exactly how this story ends—the ocean always wins. And so it is here. The Commission, the public, and decision-makers across the state are the adults in this scenario, and we must ask: Who will step in to tell OCTA that the tide is coming in and the sea will prevail?

No amount of riprap or seawall can reverse the effects of climate change or geological instability. Continuing to funnel public money into shoreline armoring in this location, without a full and honest evaluation of its expected lifespan and effectiveness, is a misuse of limited resources. That money could be redirected toward resilient, adaptive solutions—such as long-term relocation planning, bluff stabilization alternatives, or investments in inland transit infrastructure.

The Coastal Commission should not sanction this emergency permit simply to prolong an unsustainable status quo. Instead, it should use this moment to call for a real plan—one that reflects the best available science, acknowledges the reality of climate change, and puts public trust resources and taxpayer funds to better use.

#### **4. The Pubic and the Commission Deserve the Opportunity to Fully Assess the Impacts of this Application.**

Coastkeeper understands the vital importance of the LOSSAN rail corridor and the services it provides. We are not advocating for inaction. But the work proposed here is intended to address chronic, long-standing coastal hazards, not a sudden or unforeseeable emergency.

While it may be appropriate to allow temporary repairs, this should be limited to the existing footprint and conditioned on a commitment for OCTA to identify a firm date for sand replenishment to begin. Any permanent development as described in Areas 3 and 4 must go through the full CDP process.

The Commission may ultimately determine that shoreline armoring is necessary. But that decision must be made with full information, public input, and expert review—not under the compressed timeline of an emergency authorization. The stakes—for our beaches, our communities, and the integrity of the Coastal Act—are simply too high.

Sincerely,



Garry Brown

Founder, President

Orange County Coastkeeper

# Exhibit A

U.S. Department of Commerce  
National Oceanic & Atmospheric Administration  
National Environmental Satellite, Data, and Information Service  
Current Location: Elev: 112 ft. Lat: 33.4267° N Lon: 117.6230° W  
Station: **SAN CLEMENTE 1.6 SSW, CA US US1CAOR0076**

**Record of Climatological  
Observations**  
These data are quality controlled and may not  
be identical to the original observations.  
Generated on 04/07/2025

National Centers for Environmental Information  
151 Patton Avenue  
Asheville, North Carolina 28801

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Y e a r	M o n t h	D a y	Temperature (F)		Precipitation				Evaporation		"Soil Temperature (F)"							
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time				At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth			8 in. Depth		
						Rain, Melted Snow, Etc. (in)	F l a g	Snow, Ice Pellets, Hail (in)	F l a g				Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
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2025	02	28																
Summary			0	0		2.62												

Empty, or blank, cells indicate that a data observation was not reported.  
\*Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown  
"s" This data value failed one of NCEI's quality control tests. "At Obs." = Temperature at time of observation  
"T" values in the Precipitation or Snow category above indicate a "trace" value was recorded.  
"A" values in the Precipitation Flag or the Snow Flag column indicate a multiday total, accumulated since last measurement, is being used.  
Data value inconsistency may be present due to rounding calculations during the conversion process from SI metric units to standard imperial units.

**From:** [SouthCoast@Coastal](mailto:SouthCoast@Coastal)  
**To:** [Roman, Liliana@Coastal](mailto:Roman.Liliana@Coastal)  
**Subject:** FW: Support for OCTA Emergency Coastal Development Permit for San Clemente track stabilization work  
**Date:** Tuesday, April 8, 2025 10:28:41 AM

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Here you go!

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**From:** ExecutiveStaff@Coastal <ExecutiveStaff@coastal.ca.gov>  
**Sent:** Monday, April 7, 2025 10:47 AM  
**To:** SouthCoast@Coastal <SouthCoast@coastal.ca.gov>  
**Subject:** FW: Support for OCTA Emergency Coastal Development Permit for San Clemente track stabilization work

Please forward to appropriate person.

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**From:** Brian Yanity <[brian@railpac.org](mailto:brian@railpac.org)>  
**Sent:** Sunday, April 6, 2025 9:44 PM  
**To:** Huckelbridge, Kate@Coastal <[Kate.Huckelbridge@coastal.ca.gov](mailto:Kate.Huckelbridge@coastal.ca.gov)>; Cummings, Justin@Coastal <[justin.cummings@coastal.ca.gov](mailto:justin.cummings@coastal.ca.gov)>; ExecutiveStaff@Coastal <[ExecutiveStaff@coastal.ca.gov](mailto:ExecutiveStaff@coastal.ca.gov)>  
**Subject:** Support for OCTA Emergency Coastal Development Permit for San Clemente track stabilization work

Dear Chair Cummings, Dr. Huckelbridge, and Commissioners:

The Rail Passenger Association of California (or RailPAC) an all-volunteer non-profit organization representing the interests of rail passengers in this state since 1978. RailPAC requests that the California Coastal Commission approve the Emergency Coastal Development Permit applied for Orange County Transportation Authority (OCTA) to expedite work to stabilize four areas most vulnerable to failure above the railroad track through San Clemente. Over the next three years, OCTA and its partners need to press on with the short- and medium-term projects to protect the OCTA-owned rail corridor through San Clemente and Dana Point. The last thing we would want during the middle of the 2028 Olympics would be another track closure, cutting off San Diego County from passenger rail service.

RailPAC is in full support of all actions necessary to preserve and protect the vital rail line between Los Angeles and San Diego, or LOSSAN line, which for decades has been the 2nd busiest intercity passenger rail corridor in the U.S.- up to 10,000 people a day. It is also a vital freight route that supports the regional and national economy and reduces truck traffic on parallel I-5, further reducing pollution and wear and tear on the roads. Because it is the only direct rail link connecting the principal mainland port of the U.S. Navy Pacific Fleet and Camp Pendleton to the rest of the nation, it has been designated part of the U.S. military's Strategic Rail Corridor Network.

There is a great public need to protect the track, using whatever methods are most effective. Taking the train to San Clemente Pier, from where I live in Fullerton, is how I can get to the beach. When the track is closed in San Clemente, it impedes my access to the coast. It is a very important way for many Southern Californians who cannot, or prefer not to, drive to San Clemente's beaches.

Passenger rail is also the most environmentally friendly way to move large numbers of people rapidly between the nation's 2<sup>nd</sup> and 8<sup>th</sup> largest cities. When the track is closed, the San Diego-Tijuana bi-national metro area (population 5 million) lacks a railroad connection with the rest of North America. Per passenger-mile travelled, the greenhouse gas emissions of riding even a diesel-powered train is only a fraction of that going by car. More car usage increases greenhouse gas emissions and thus sea level rise.



For California and the nation it is vital that the railroad linking Los Angeles and San Diego be secure, enduring for future generations. San Diego County cannot be allowed to lose its rail connection with the rest of North America. Given the national and statewide importance of the corridor, it is critical that keeping the LOSSAN line through Orange County open be assigned the highest priority.

Thank you for your consideration.

Sincerely,

Brian Yanity

Vice President- South and Board Member, RailPAC

Fullerton, California

Email: [brian@railpac.org](mailto:brian@railpac.org)

**From:** [ExecutiveStaff@Coastal](mailto:ExecutiveStaff@Coastal)  
**To:** [Ziff, Dani@Coastal](mailto:Ziff,Dani@Coastal); [Vaughn, Shannon@Coastal](mailto:Vaughn,Shannon@Coastal)  
**Cc:** [SouthCoast@Coastal](mailto:SouthCoast@Coastal)  
**Subject:** FW: OCTA Emergency Permit application  
**Date:** Thursday, April 17, 2025 11:48:28 AM

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fyi

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**From:** Bilge Pakiz <[bilgepakiz@gmail.com](mailto:bilgepakiz@gmail.com)>  
**Sent:** Friday, April 11, 2025 10:38 PM  
**Subject:** OCTA Emergency Permit application

Dear Members of the California Coastal Commission, OC Board of Supervisors, State Assembly Members, San Clemente City Manager and Mayor;

It has recently come to our attention, and we are urgently writing to express strong opposition to key components of the Emergency Permit application submitted by the Orange County Transportation Authority (OCTA) on March 31st.

Even though OCTA has publicly presented this as a “sand project,” the actual scope and timeline paint a very different picture. The plan calls for the immediate placement of approximately 50,000 tons of rock on San Clemente’s beaches — while the promised 540,000 cubic yards of sand remains an undefined, future component with no federal permits secured and no timeline in place. OCTA has not even begun the six-month process required to retain a consultant to initiate the permitting process for sand replenishment, making it likely that no sand will be placed for at least five years, if ever.

San Clemente’s beach is not just a scenic resource — it is the economic, environmental, and cultural heart of our city. It draws hundreds of thousands of annual visitors, supports thousands of local jobs, and provides critical access to nature and recreation through the San Clemente Beach Trail — one of the longest continuous coastal pedestrian trails in South Orange County. Any action that compromises this beach threatens jobs, public access, tourism revenue, coastal resilience, and environmental health.

As part of a Manufactured “Emergency”, OCTA is requesting emergency authorization to:

- Immediately install large rock revetments on public beaches;
- Construct a concrete wall along the east side of the tracks at Mariposa Promontory;

- And vaguely commit to potential sand replenishment — years in the future.

The purpose of dumping rocks as a sand project is unreasonable. Moreover, the basis for emergency action is highly questionable. The two recent closures, which occurred approximately 2 years ago, were caused by landslides originating from the east side of the tracks. There have been no closures in over 100 years caused by coastal erosion on the west side of the tracks. The existing revetments have withstood numerous 50-year storms in recent years, with no resulting closure of the tracks.

Delays in OCTA's planning and coordination do not constitute an emergency under the Coastal Act. Granting an emergency permit under these circumstances would set a dangerous precedent — allowing agencies to circumvent transparent public processes through delayed planning followed by rushed “emergency” declarations.

Permanent damage may be caused by this temporary action. OCTA's plan will permanently bury approximately 30% of our remaining public beach under engineered rock structures — even in their “reduced” form, the revetments extend 50+ feet from the tracks, consuming critical dry sand used by residents and visitors alike.

**While I fully support stabilization of the bluff side of the tracks and restoration of public access between Linda Lane and North Beach, I strongly oppose any expansion of rock revetments on the beach side.**

Recommendations to Protect the Public Interest

As a concerned homeowner and resident of San Clemente, I respectfully request that the Coastal Commission take the following actions:

1) Support the Landslide Debris Wall (Bluff Side Only)

Approve emergency authorization only for the wall on the east (bluff) side of the tracks, with a requirement to restore public access between Linda Lane and North Beach.

2) Require Immediate Action on Sand Replenishment

Mandate that OCTA immediately submit an Individual Permit application to the U.S. Army Corps of Engineers for a sand-only project on the beach side.

### 3) Prohibit Any Expansion of Rock Revetments

- Allow rehabilitation of existing rock revetments only if their footprint does not increase, including buried riprap.
- Establish a strict 30-foot limit line from the track centerline for all rock placement.
- Require rocks to be stacked (not dumped) to minimize hazards and preserve beach usability.
- Use the Niguel Shores/Dana Strand revetment project by OC Parks as a model for responsible coastal engineering.

### The Stakes Are Too High

San Clemente's beaches are a shared public trust resource, not a buffer zone for infrastructure projects. Once they are buried in rock, they are lost to the public — forever. This proposal not only threatens the integrity of our shoreline, but also sets a precedent that could endanger other coastal communities across California.

We urge the Commission to reject this emergency permit unless OCTA removes the beachside revetments from the proposal and commits to a clear, public, and environmentally responsible path forward centered on sand replenishment and public access.

Thank you for your continued commitment to safeguarding California's coast for current and future generations. We deeply appreciate your service and attention to this urgent matter.

Sincerely,

Bilge and Marc Camras

[bpakiz@gmail.com](mailto:bpakiz@gmail.com)

Concerned San Clemente Homeowners

STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0074  
(916) 319-2074

DISTRICT OFFICES  
2420 VISTA WAY, SUITE 112  
OCEANSIDE, CA 92054  
(760) 433-7400

32332 CAMINO CAPISTRANO, SUITE 102-A  
SAN JUAN CAPISTRANO, CA 92675  
(949) 240-7300



COMMITTEES  
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ORGANIZATION  
VICE CHAIR: MILITARY AND VETERANS  
AFFAIRS  
VICE CHAIR: TRANSPORTATION  
NATURAL RESOURCES  
UTILITIES AND ENERGY

April 21, 2025

Dr. Justin Cummings  
Chair  
California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, CA 94105

Subject: **Letter of Support for the Orange County Transportation  
Authority's Emergency Coastal Development Permit Application**

Dear Chair Cummings:

I write to express strong support for the Orange County Transportation Authority's (OCTA) application for Emergency Coastal Development Permit (ECDP) No. G-5-25-0013, which seeks to prevent further disruption to a critical section of Southern California's coastal rail network currently facing imminent threat from bluff failures and erosion. The Los Angeles – San Diego – San Luis Obispo (LOSSAN) Rail Corridor is not only the sole uninterrupted rail link between San Diego and the rest of the country—it also supports the movement of over \$1 billion in annual freight and plays a vital role in national defense logistics through its designation as part of the Strategic Rail Corridor Network.

Since 2021, repeated landslides and severe erosion through San Clemente have led to over a year of cumulative rail closures, impacting millions of annual passengers and threatening life, property, and public coastal access. These conditions have only worsened in recent months, with continued slope instability and coastal erosion now placing vital rail infrastructure at imminent risk.

Under this emergency permit, OCTA proposes stabilization work in four of the most vulnerable areas along the corridor. The plan includes reinforcing damaged rock revetments, removing compromised structures such as the Mariposa Pedestrian Bridge, and placing large quantities of beach-quality sand to protect the railroad embankment and adjacent bluffs. Notably, more than 95 percent of the proposed work consists of sand placement—a method of project mitigation that supports long-term coastal resilience, beach restoration, and habitat preservation. This approach reflects OCTA's commitment to minimizing environmental impacts while safeguarding essential public infrastructure.

OCTA has worked in close coordination with your staff, the California State Transportation Agency, the California Natural Resources Agency and other stakeholders to ensure that this emergency effort is limited to what is necessary. The proposed work is backed by significant state and federal funding and is a critical first step in the broader plan to protect and adapt this vulnerable segment of the LOSSAN Rail Corridor.

I appreciate the Commission's timely issuance of a partial ECDP authorizing initial work in three of the four priority areas, as well as ongoing collaboration with OCTA and partner agencies. I am especially focused on, and supportive of, the OCTA commitment to placing 240,000 cubic yards of sand on the beach now as part of the repairs at areas 1 & 2. I will continue to work closely with OCTA and the City of San Clemente to expedite the sand placement elements of the project.

As conditions continue to deteriorate along the corridor, I encourage the Commission to fully recognize the emergency conditions across all four identified areas. A unified and comprehensive response is essential to protecting public safety, preserving vital transportation infrastructure, and upholding the shared goal of protecting California's coastline for future generations.

Thank you for your thoughtful consideration.

Sincerely,

A handwritten signature in dark ink, reading "Laurie Davies". The signature is fluid and cursive, with the first name "Laurie" and last name "Davies" clearly distinguishable.

Laurie Davies  
Assemblywoman, District 74

c: Darrell E. Johnson, OCTA Chief Executive Officer  
Commissioners, California Coastal Commission  
Dr. Kate Huckelbridge, Executive Director, California Coastal Commission  
Paloma Aguirre, Vice Chair, California Coastal Commission  
Karl Schwing, District Director, South Coast, California Coastal Commission  
Toks Omishakin, Secretary, California State Transportation Agency  
Chad Edison, Chief Deputy Secretary, Rail and Transit, California State  
Transportation Agency  
Wade Crowfoot, Secretary, California Natural Resources Agency  
Keali'i Bright, Undersecretary, California Natural Resources Agency  
Chris Calfee, Special Counsel to the Secretary, California Natural Resources  
Agency  
City of San Clemente

UNIVERSITY OF CALIFORNIA, IRVINE

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SANTA BARBARA • SANTACRUZ



Environmental Law Clinic  
UC Irvine School of Law

PO Box 5479  
Irvine, CA 92616-5479  
(949) 824-9660

April 30, 2025

**SENT VIA ELECTRONIC MAIL**

Kate Huckelbridge  
Executive Director  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, California  
94105-2219  
[kate.huckelbridge@coastal.ca.gov](mailto:kate.huckelbridge@coastal.ca.gov)

**Re: Arguments Against Approving OCTA's Emergency Permit Application,  
Record #G-5-25-0013**

Dear Executive Director Huckelbridge:

The University of California, Irvine School of Law Environmental Law Clinic ("ELC") submits this letter on behalf of Surfrider Foundation ("Surfrider") in opposition to the Orange County Transportation Authority's emergency permit application dated March 31, 2025. OCTA has requested the Commission's approval to place sand, rock, and revetment in four areas in Orange Subdivision (City of San Clemente, Orange California) along the San Clemente State Beach<sup>1</sup> and located along the Los Angeles-San Diego-San Luis Obispo ("LOSSAN") railroad corridor.<sup>2</sup>

Surfrider is a grassroots environmental nonprofit organization dedicated to the protection and enjoyment of the world's ocean, waves and beaches for all people.<sup>3</sup> Surfrider is headquartered in San

<sup>1</sup> Caltrans, *Standard Environmental Reference, Volume 5: Coastal Requirements, Chapter 5: Permits and Approvals Required* 13 (2016), <https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/ser/coastal-ch5-a11y.pdf>.

<sup>2</sup> LOSSAN Rail Corridor Agency, OCTA, <https://www.octa.net/about/leadership/lossan-agency/overview/> (last visited April 10, 2025).

<sup>3</sup> *Our Mission*, Surfrider Foundation, [https://www.surfrider.org/mission?utm\\_term=&utm\\_campaign=Google\\_Search\\_DSA&utm\\_source=adwords&utm\\_medium=ppc&hsa\\_acc=4530688483&hsa\\_cam=1621151447&hsa\\_grp=62268573795&hsa\\_ad=677150770481&hsa\\_src=g&hsa\\_tgt=dsa-19959388920&hsa\\_kw=&hsa\\_mt=&hsa\\_net=adwords&hsa\\_ver=3&gad\\_source=1&gclid=CjwKCAjw8IfABhBXEiwAxRHlsEvsxiyKqPwQ8oi63lOErmgFcLk-FYw6oOVKu5yzcF7Sf6txQUz50RoCrUoQAvD\\_BwE](https://www.surfrider.org/mission?utm_term=&utm_campaign=Google_Search_DSA&utm_source=adwords&utm_medium=ppc&hsa_acc=4530688483&hsa_cam=1621151447&hsa_grp=62268573795&hsa_ad=677150770481&hsa_src=g&hsa_tgt=dsa-19959388920&hsa_kw=&hsa_mt=&hsa_net=adwords&hsa_ver=3&gad_source=1&gclid=CjwKCAjw8IfABhBXEiwAxRHlsEvsxiyKqPwQ8oi63lOErmgFcLk-FYw6oOVKu5yzcF7Sf6txQUz50RoCrUoQAvD_BwE)

Clemente, California and has more than 350,000 supporters and members, 79 local chapters, and 159 school clubs in the United States.

A California State Beach since 1937,<sup>4</sup> San Clemente State Beach generates \$132 million per year in economic activity for the State of California.<sup>5</sup> Tens of thousands of surfers travel to San Clemente State Beach annually, with a world surfing competition held in this area for many years<sup>6</sup> and a local Surfing Heritage and Cultural Center nearby.<sup>7</sup> San Clemente State Beach also marks the outer boundaries of the Cottons Point surf break, which falls within State Beach designation<sup>8</sup> and which is a home for the surfing community. Notably, Cottons Point is the northernmost surf break within the world-renowned three-and-a-half mile stretch of beach known as Trestles Beach.<sup>9</sup> As California State Parks Director Armando Quintero recently said after the Olympic Committee named Trestles Beach as the surfing venue for the Olympic Games LA28—“[t]his iconic beach that has inspired generations of surfers will now welcome the world’s best athletes and show millions what’s possible when public lands are preserved and shared with the world.”<sup>10</sup>

For at least two decades, OCTA has placed hard armoring along the rail line running parallel to Trestles through “emergency” authorizations. This includes placing 1,300 feet of armoring along Cotton Points in 2003;<sup>11</sup> 700 feet of armoring and 26,000 tons of riprap placed along Cyprus Shores between 2021 to 2023; and 300 feet of armoring at the North of Pedestrian Tunnel Revetment in 2022. On March 31, 2025, OCTA again requested another emergency authorization to add sand, rock, and additional structures to four areas of Record G-5-25-0013. While the Commission authorized OCTA’s request for emergency work in Areas 1 and 2, the Commission correctly determined that OCTA failed to provide sufficient evidence of emergency conditions existing within Area 4. OCTA nevertheless claims that there is an emergency situation within Area 4, and that an emergency permit is both necessary and justified.

<sup>4</sup> *San Clemente State Beach*, California State Parks, [https://www.parks.ca.gov/?page\\_id=646](https://www.parks.ca.gov/?page_id=646) (last visited April 10, 2025).

<sup>5</sup> *Economic Value of Our Beaches*, Save Our Beaches: San Clemente, CA, <https://www.saveourbeachessc.org/economics#:~:text=The%20City's%20beaches%20generate%20a,for%20the%20State%20of%20California> (last visited Apr. 10, 2025).

<sup>6</sup> *World Surf League Announces 2025 Championship Tour Schedule*, World Surf League (Oct. 10, 2024), <https://www.worldsurfleague.com/posts/535542/world-surf-league-announces-2025-championship-tour-schedule>. See also John John Florence and Caitlin Simmers Crowned 2024 World Surf League Champions, *SurferToday* (Sep. 6, 2024), <https://www.surfertoday.com/surfing/john-john-florence-and-caitlin-simmers-win-2024-world-surf-league-titles>.

<sup>7</sup> *Surfing Heritage & Cultural Center: A Museum of Surfing History, Culture, and Surf Boards*, San Clemente Guide, <https://www.sanclementeguide.com/surfing-heritage-center-san-clemente> (last visited Apr. 10, 2025).

<sup>8</sup> *State Parks and Beaches of the Central Coast*, Highway 1 Roadtrip, <https://highway1roadtrip.com/things-to-do/central-coast-state-parks-and-beaches/#:~:text=These%20places%20are%20under%20protection,from%20all%20over%20the%20world> (last visited Apr. 10, 2025).

<sup>9</sup> <https://sanclemente.com/a-guide-to-trestles-beach-in-san-clemente/>

<sup>10</sup> <https://www.olympics.com/en/news/iconic-trestles-beach-host-surfing-la28-olympics>

<sup>11</sup> In 2003, the Southern California Regional Rail Authority (“SCRRA”) received emergency authorization to augment revetments on this same stretch of coastline due to erosion concerns. *Proposed Railroad Armoring Threatens San Clemente Beaches*, *Surfrider*, <https://www.surfrider.org/news/proposed-railroad-armoring-threatens-san-clemente-beaches>; OCTA is one of five agencies within the SCRAA, *Metrolink Fact Sheet*, OCTA, [https://www.octa.net/pdf/Factsheet\\_MetrolinkService.pdf?n=2024#:~:text=ABOUT%20METROLINK,administers%20Orange%20County%20Metrolink%20activities](https://www.octa.net/pdf/Factsheet_MetrolinkService.pdf?n=2024#:~:text=ABOUT%20METROLINK,administers%20Orange%20County%20Metrolink%20activities).





This letter will explain why the Commission should not permit OCTA's proposed emergency work in Area 4. First, despite OCTA's claims, there is not an emergency in Area 4. Second, hard armoring is not a legitimate solution to coastal erosion and beach loss. Third, hard armoring is unnecessary. Lastly, the Commission has an obligation to the public to comply in good faith with the spirit of critical environmental assessments, which implore a full environmental review prior to undertaking any further armoring along this portion of the coast.

OCTA's historical abuse of the emergency permit process for long-term track stabilization is at odds with California's strict environmental protections, including under the California Environmental Quality Act and the Public Trust Doctrine. Surfrider urges the Commission to deny OCTA's request for an emergency permit for San Clemente State Beach armoring in Area 4 until OCTA has satisfied its respective environmental duties. No permits upon the public's tidelands should be granted without the environmental impact considerations required of the normal permitting process. For the Commission to reason otherwise could serve as an affirmative invitation to a litigious future.

#### **A. OCTA has Failed to Demonstrate that There is an Emergency Threatening Area 4.**

Emergency permits are "justifiable only in the case of an emergency," because the emergency permit process circumvents the Coastal Act's typical procedures designed to protect the state's coastal resources.<sup>12</sup> Defined in the Public Resources Code, an "emergency" is a "sudden *unexpected* occurrence demanding *immediate* action to prevent or mitigate loss or damage to life, health, property or essential public services."<sup>13</sup> If emergency actions are approved, such actions "must usually be completed within 30 days,"<sup>14</sup> and the authorization is "only temporary."<sup>15</sup> OCTA's emergency permit request falls outside the scope of these parameters.

First, Area 4 is not experiencing a sudden, unexpected occurrence. OCTA asserts that the emergency necessitating an emergency permit includes: coastal bluff erosion, dry beach loss, revetment loss, and geological landslide bluff failures. As OCTA readily admits in this current emergency permit request,<sup>16</sup> in past actions,<sup>17</sup> and in other documents,<sup>18</sup> these occurrences are

<sup>12</sup> *Barrie v. California Coastal Com.*, 196 Cal. App. 3d 8, 17 (Ct. App. 1987).

<sup>13</sup> 14 CCR § 13009 (emphases added).

<sup>14</sup> Caltrans, *Standard Environmental Reference, Volume 5: Coastal Requirements, Chapter 5: Permits and Approvals Required* 13 (2016), <https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/ser/coastal-ch5-a11y.pdf>.

<sup>15</sup> *Id.*

<sup>16</sup> *Record G-5-25-0013*, Application to California Coastal Commission for Emergency Permit, Mar. 31, 2025, [https://www.octa.net/pdf/RailEmergency\\_Area-1-2-3-4\\_E-CDP.pdf?n=2](https://www.octa.net/pdf/RailEmergency_Area-1-2-3-4_E-CDP.pdf?n=2). *Id.* at 6 (identifying the case of the emergency in Area 4 as "past storms and continuing beach erosional processes").

<sup>17</sup> <https://octa.net/programs-projects/projects/rail-projects/track-stabilization-project/overview/> (last visited April 10, 2025) (showing that OCTA received an emergency permit two years ago to armor the same beach they are currently attempting to armor pursuant to the same emergency of coastal erosion).

<sup>18</sup> OCTA Citizens Advisory Committee, *Coastal Rail Resiliency Study* 8 (July 16, 2024), <https://www.octa.net/pdf/CAC-240716-CoastalRailResiliencyStudyUpdate.pdf>. The exact same areas were identified as needing reinforcement as early as December 2023. See *id.*

neither sudden, nor unexpected. Specifically, the “erosional processes” OCTA references as causing the need for emergency repairs in Area 4 have been known to OCTA for at least a year.<sup>19</sup>

Second, OCTA is requesting permission to engage in long-term projects, not immediate actions. The projects for Area 4 will take eight months to complete,<sup>20</sup> falling far outside the window of 30 days typically allocated for actions authorized through emergency permits. The extended length of this long-term project is unsurprising. OCTA has publicized long-term development plans for this area of the coast.<sup>21</sup> Use of the emergency permitting process, however, allows OCTA to evade the prerequisite environmental review of the long-term coastal project. As the issues relied upon by OCTA are neither sudden, nor unexpected, the statute governing coastal development projects requires such this project to undergo environmental review prior to commencement. However, if OCTA successfully describes the situation in Area 4 as meeting the threshold for emergency status, and therefore deserving of an emergency permit, OCTA will be entitled to work on this project without the necessary environmental review.

Finally, though emergency permits are meant to confer temporary authorization, OCTA is implicitly requesting permanent authorization to alter Area 4. OCTA is requesting permission to construct *new* seawalls and add *even more rock* to seawalls and revetments constructed through previous emergency permits.<sup>22</sup> In total, through a single emergency permit request, OCTA is not only asking for permission to place approximately 35,000 tons of new rock along San Clemente State Beach but, also, for permission to increase this quantity of material as the project unfolds.<sup>23</sup> Nowhere in the emergency permit request does OCTA include plans for when or how this material, and other structures such as seawalls, will be removed.

A request to place at least 35,000 tons of new rock over an 8-month period in response to known factors is not an “emergency” that would allow for temporary actions under the Commission’s emergency permitting process. OCTA’s request is not in response to a sudden, unexpected occurrence but to a known situation, and the actions for which OCTA is seeking permission are not immediate but months-long projects the results of which will remain seemingly indefinitely. As such, the emergency permitting request for Area 4 must be rejected.

## **B. OCTA’s Proposed Hard Armoring is Not a Viable Solution.**

Even if the conditions of Area 4 constituted an emergency sufficient to justify approval of an emergency permit, the request is based on the misrepresentation that hard armoring will solve the problems they have outlined: coastal erosion and beach loss.<sup>24</sup> OCTA’s claim is unavailing. As

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<sup>19</sup> OCTA Citizens Advisory Committee, *Coastal Rail Resilience Study* 8 (July 16, 2024), <https://www.octa.net/pdf/CAC-240716-CoastalRailResiliencyStudyUpdate.pdf>.

<sup>20</sup> *Record G-5-25-0013*, Application to California Coastal Commission for Emergency Permit, Mar. 31, 2025, [https://www.octa.net/pdf/RailEmergency\\_Area-1-2-3-4\\_E-CDP.pdf?n=2](https://www.octa.net/pdf/RailEmergency_Area-1-2-3-4_E-CDP.pdf?n=2). *Id.* at 8.

<sup>21</sup> Orange County Transportation Authority, *Coastal Rail Resiliency Study: Initial Assessment Technical Memorandum*, Jan. 2024, <https://www.octa.net/pdf/CoastalRailResiliencyStudyInitialAssessment.pdf?n=1>.

<sup>22</sup> Specifically, OCTA is requesting to: add 2,000 tons of rock to an existing riprap, *id.* at 7; construct a new revetment using 33,000 tons of material, *id.* at 7; and construct a new seawall, *id.* at 7.

<sup>23</sup> *Id.* at 2 (the “quantity of riprap...will be refined as the design progresses”).

<sup>24</sup> *Id.*



explained below, placing hard armoring along the railway inevitably causes further coastal erosion and beach loss.

Hard armoring structures worsen coastal erosion by “fixing the back of the beach and preventing it from migrating inland as sea levels rise,” disallowing the beach from countering storms and rising seas by moving inland or growing in other directions.<sup>25</sup> Hard armoring also impounds sand behind the structure, making the sand unavailable to the beach, and preventing the beach from undergoing its natural sand replenishment process.<sup>26</sup> By “disrupting the natural flow of sediment along the shoreline,” armoring structures also lead to increases in the energy of waves as they reflect off the structure and back into the ocean, thereby intensifying the erosion of the beach.<sup>27</sup> These actions continue until there is “a total loss” of the beach on which hard armoring is placed.<sup>28</sup> The California State Lands Commission recognizes this “coastal squeeze” as a significant threat to beaches.<sup>29</sup> Studies have specifically identified this harmful process occurring in the area surrounding San Clemente State Beach as a result of the previous “emergency” armoring allowed on the track.<sup>30</sup> Through abuse of the emergency permitting process, OCTA has evaded undergoing regulatory consideration of these impacts, with such misrepresentations remaining unexposed to the general public due to OCTA’s evasion of its duties to conduct environmental review and to make that review available to the public for comment.<sup>31</sup>

Further, hard armoring has a detrimental effect on the quality of the waves, directly affecting those who enjoy coastal recreation. Coastal development and installation of shoreline structures “inevitably leads to loss of sand from beaches,” and may destroy surfing areas.<sup>32</sup> Wave refraction off armoring structures can also degrade the waves<sup>33</sup> and make the waters unsafe for those who enjoy

<sup>25</sup> Molly Loughney Melius & Margaret R. Caldwell, *California Coastal Armoring Report: Managing Coastal Armoring and Climate Change Adaptation in the 21st Century* 8 (Env’t & Nat. Res. L. & Pol’y Program, 2015), <https://www.slc.ca.gov/wp-content/uploads/2018/10/CACoastalArmoringRpt.pdf>.

<sup>26</sup> *Id.* at 9.

<sup>27</sup> *Seawalls and Revetments*, Save Our Beaches: San Clemente, CA, <https://www.saveourbeachessc.org/seawalls> (last visited Apr 10, 2025).

<sup>28</sup> Molly Loughney Melius & Margaret R. Caldwell, *California Coastal Armoring Report: Managing Coastal Armoring and Climate Change Adaptation in the 21st Century* 8-9 (Env’t & Nat. Res. L. & Pol’y Program, 2015), <https://www.slc.ca.gov/wp-content/uploads/2018/10/CACoastalArmoringRpt.pdf>.

<sup>29</sup> California State Lands Commission, *Shoreline Adaptation and the Public Trust: Protecting California’s Public Trust Resources from Sea Level Rise* 20 (2023), <https://slcprdworpressstorage.blob.core.windows.net/wordpressdata/2023/12/Shoreline-Adaptation-Report.pdf>.

<sup>30</sup> *Seawalls and Revetments*, Save Our Beaches: San Clemente, CA, <https://www.saveourbeachessc.org/seawalls> (last visited Apr 10, 2025).

<sup>31</sup> <https://www.surfrider.org/news/proposed-railroad-armoring-threatens-san-clemente-beaches>

<sup>32</sup> *Surfing Area Protection* (2022), Beachapedia [https://beachapedia.org/Surfing\\_Area\\_Protection](https://beachapedia.org/Surfing_Area_Protection) (last visited Apr 10, 2025).

<sup>33</sup> Christopher J. Patrick et al, *The Relationship Between Shoreline Armoring and Adjacent Submerged Aquatic Vegetation in Chesapeake Bay and Nearby Atlantic Coastal Bays* (2014), [https://repository.si.edu/bitstream/handle/10088/26564/PatrickEtAl2016EstuariesCoastsArmoringAdjacentSAV\\_v39p158-170.pdf?isAllowed=y&sequence=1](https://repository.si.edu/bitstream/handle/10088/26564/PatrickEtAl2016EstuariesCoastsArmoringAdjacentSAV_v39p158-170.pdf?isAllowed=y&sequence=1).

surfing and swimming.<sup>34</sup> The current armoring at Cyprus Shore and Mariposa Point have already devastated the quality and consistency of the surf breaks in these locations,<sup>35</sup> and many experts believe that the proposed armoring, walls, and revetment will ruin San Clemente State Beach as a viable area to surf and potentially affect southern surf breaks within Trestles Beach.<sup>36</sup> Such harm to San Clemente State Beach could affect Orange County's ability to host events that generate local pride and revenue from tourists such as the Olympic surfing competition.<sup>37</sup> Through abuse of the emergency permitting process, OCTA has evaded undergoing regulatory consideration of these impacts, with such misrepresentations remaining unexposed to the general public due to OCTA's evasion of its duties to conduct environmental review and to make that review available to the public for comment.<sup>38</sup>

OCTA is repeating a costly and ineffective pattern of requesting emergency permits to hard armor California beaches while the underlying causes of concern—coastal erosion and beach loss—only worsen. For decades, OCTA has received emergency permits to armor the LOSSAN railroad corridor.<sup>39</sup> Despite repeated grants of emergency authorization and thousands of tons of rock placement, these areas have only seen worsening erosion and beach loss.<sup>40</sup> These numerous failed attempts have not dissuaded OCTA. The agency remains committed to a costly<sup>41</sup> plan<sup>42</sup> centered on

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<sup>34</sup> Molly Loughney Melius & Margaret R. Caldwell, California Coastal Armoring Report: Managing Coastal Armoring and Climate Change Adaptation in the 21st Century 11 (Env't & Nat. Res. L. & Pol'y Program., 2015), <https://www.slc.ca.gov/wp-content/uploads/2018/10/CACoastalArmoringRpt.pdf>.

<sup>35</sup> State of the Surf, Save Our Beaches: San Clemente, CA, <https://www.saveourbeachessc.org/state-of-the-surf>. (last visited Apr. 10, 2025).

<sup>36</sup> *San Clemente's Disappearing Beaches*, Surflife, <https://www.surflife.com/surf-news/san-clementes-disappearing-beaches/200472> (explaining that experts include the Surfrider Foundation, Bring Back Our Beaches, and countless local surfers).

<sup>37</sup> Laylan Connelly, *L428 Olympic surfing set for Lower Trestles, south of San Clemente*, The Orange County Register, Apr. 17, 2025, <https://www.ocregister.com/2025/04/15/la28-olympic-surfing-set-for-lower-trestles-south-of-san-clemente-north-of-oceanside/> (last accessed Apr. 21, 2025).

<sup>38</sup> <https://www.surfrider.org/news/proposed-railroad-armoring-threatens-san-clemente-beaches>

<sup>39</sup> Since 2003, OCTA has been granted the following three separate emergency stabilization permits: 1,300 feet of armoring were permitted at the Cottons Point Revetment in 2003; 700 feet of armoring and 26,000 tons of riprap were permitted at the Cyprus Shores Landslide Remediation between 2021 to 2023; and 300 feet of armoring were permitted at the North of Pedestrian Tunnel Revetment in 2022.

<sup>40</sup> *OCTA wants to Boulder Over San Clemente State Beach: Here's What You Need to Know*, Surfrider (April 4, 2025) <https://southoc.surfrider.org/news/octa-wants-to-boulder-over-san-clemente-state-beach-heres-what-you-need-to-know-0>.

<sup>41</sup> OCTA Citizens Advisory Committee, *Coastal Rail Resiliency Study* 8 (July 16, 2024), <https://www.octa.net/pdf/CAC-240716-CoastalRailResiliencyStudyUpdate.pdf>. Angélica Escobar, *State of California Invests \$125 Million to Safeguard San Clemente Rail Corridor from Coastal Erosion*, SC Times, Oct. 31, 2024, [https://www.picketfencemedia.com/sanclementetimes/eye-on-sc/state-of-california-invests-125-million-to-safeguard-san-clemente-rail-corridor-from-coastal-erosion/article\\_de104a6a-9706-11ef-85f8-737f2e7adf3f.html#:~:text=The%20funding%20will%20support%20vital,safeguard%20this%20essential%20transit%20route](https://www.picketfencemedia.com/sanclementetimes/eye-on-sc/state-of-california-invests-125-million-to-safeguard-san-clemente-rail-corridor-from-coastal-erosion/article_de104a6a-9706-11ef-85f8-737f2e7adf3f.html#:~:text=The%20funding%20will%20support%20vital,safeguard%20this%20essential%20transit%20route). OCTA Thanks Federal, State Partners for Funding Vital Coastal Rail Corridor Improvements, OCTA (Oct. 31, 2024), <https://www.octa.net/news/news-releases/octa-thanks-federal-state-partners-for-funding-vital-coastal-rail-corridor-improvements/>.

<sup>42</sup> OCTA Citizens Advisory Committee, *Coastal Rail Resiliency Study* 8 (July 16, 2024), <https://www.octa.net/pdf/CAC-240716-CoastalRailResiliencyStudyUpdate.pdf>. Even though the proposed armoring will cost hundreds of millions of dollars, the armoring is only a temporary measure. OCTA itself affixes this “solution” with an expiration date of only 20-30 years after the placement of the additional armoring. OCTA *Id.* Even if the armoring withstands the impact of storms through OCTA's own timeline, which is itself not certain, the corridor will undoubtedly need more intervention to



hard armoring as a solution. Through abuse of the emergency permitting process, OCTA has evaded undergoing regulatory consideration of these impacts, with such misrepresentations remaining unexposed to the general public due to OCTA's evasion of its duties to conduct environmental review and to make that review available to the public for comment.<sup>43</sup>

In sum, OCTA places rip rap along the coast, which inevitably worsens erosion and beach loss, which inevitably prompts OCTA to request more emergency permits, which inevitably results in the placement of thousands of tons of *more* riprap upon permit approval, which furthers coastal erosion and beach loss. An entire beach has already been swallowed up in this process,<sup>44</sup> shockingly without any environmental review or concern by OCTA. Emergency permitting authorizing the placement of hard armoring along the coast is far from a solution; it is part of the problem.

### C. OCTA's Proposed Armoring is Not Necessary at Area 4.

OCTA claims that hard armoring is required to maintain this rail line, which OCTA asserts is critical to military, economic interests, passengers, and freight. The assertion that this section of the rail is critical is misguided, because (1) this rail line is not as critical to this region as OCTA claims and (2) feasible alternatives exist.<sup>45</sup>

While the critical military bases at Camp Pendleton and San Diego undoubtedly require constant deliveries, a closure of this rail line would have "little to no impact" on these military bases.<sup>46</sup> Materials that would require delivery are already predominantly delivered by trucks.<sup>47</sup> Only 0.04% of California's freight relies on this stretch of rail, and Interstate 5 could readily absorb this freight without congestion increases.<sup>48</sup> Passengers are relying on this rail less and less, with a steady decline in travelers since 2016.<sup>49</sup> While many passengers rely on trains as an environmentally-conscious mode of transportation, California has steadily increased its investment in other modes of environmentally-friendly public transportation that would replace passenger reliance on this rail line.<sup>50</sup> With coastal erosion exacerbated by climate change and OCTA's armoring projects,<sup>51</sup> the

continue service beyond those years, as is shown by the current request for emergency permitting to repair existing structures.

<sup>43</sup> <https://www.surfrider.org/news/proposed-railroad-armoring-threatens-san-clemente-beaches>

<sup>44</sup> *Id.*

<sup>45</sup> Peter Cramton, Kevin Patrick, *Independent, forward-looking research is needed to assess the best rail options*, University of Maryland (2024) <https://cramton.umd.edu/papers2020-2024/cramton-patrick-study-needed-to-explore-rail-options.pdf>.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> Governor Gavin Newsom, *All aboard! More clean buses and trains coming to California's communities most affected by pollution* <https://www.gov.ca.gov/2024/10/08/all-aboard-more-clean-buses-and-trains-coming-to-californias-communities-most-affected-by-pollution/> (last visited Apr 10, 2025).

<sup>51</sup> Molly Loughney Melius & Margaret R. Caldwell, *California Coastal Armoring Report: Managing Coastal Armoring and Climate Change Adaptation in the 21st Century* 8 (Env't & Nat. Res. L. & Pol'y Program, 2015), <https://www.slc.ca.gov/wp-content/uploads/2018/10/CACoastalArmoringRpt.pdf>.



continued reliance on this rail line would likely be met with worsening delays, unreliable service, and an even more inequitable future.<sup>52</sup>

Not only do these facts refute OCTA's claim of necessity, but feasible alternatives to the current rail corridor exist—alternatives that point to a sustainable future for transportation in Southern California. For example, tunneling and relocation of the rail underground would provide a long term, reliable and steady future for the rail.<sup>53</sup> Even without the rail line, Interstate 5 has the capacity to absorb much of the current rail traffic, and as technology progresses we can expect self-driving and clean-energy trucks to provide economic support in goods transportation.<sup>54</sup> On top of that, California is investing a record amount into clean transportation, with Orange County seeking over \$10 million to purchase hydrogen-powered buses.<sup>55</sup> This increased investment, overtime, has the potential to replace the declining passenger usage of this portion of the rail line.

#### **D. The Commission Must Require Environmental Review Before Authorizing Any Further Armoring in Area 4.**

Pursuant to the California Environmental Quality Act ("CEQA"), the Commission must require OCTA to prepare an Environmental Impact Report ("EIR") so that the effects of its actions are understood and transmitted to the general public, especially in light of the known detrimental effects of OCTA's previous and related emergency actions. Additionally, the Commission must require compliance with environmental processes so it may fulfil its duty to protect Public Trust Resources.

We are concerned that an EIR of the proposed shoreline armoring would reveal devastating impacts from the project as well as legitimate alternatives and mitigation, thereby making the proposed armoring facially unattractive to the state and public alike. OCTA likely anticipates such findings as well, which would make it more difficult to justify approval of the project as currently stated, hence OCTA's reliance on emergency permitting.

Such a concern is not without merit as OCTA has unjustly decided to put an indefinite pause on its Coastal Rail Resiliency Study. This imperative Study, which began in November 2023, is critical for evaluating alternatives for protecting the railroad tracks over the next 30 years, including their environmental impacts, before any work begins at Area 4. Since the study's inception, OCTA has held numerous Listening Sessions, with a responsibility to develop "Evaluation Criteria" over a year ago. OCTA also had the responsibility to develop this criteria into initial concepts to be reported by last fall. Delaying this process since 2024, OCTA only recently presented its initial concepts on February 10, 2025. With OCTA's recent decision to indefinitely pause the process, it is highly unlikely that OCTA will refine such concepts and produce a final report by this fall per its plan.

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<sup>52</sup> Peter Cramton, Kevin Patrick, *Independent, forward-looking research is needed to assess the best rail options*, University of Maryland (2024) <https://cramton.umd.edu/papers2020-2024/cramton-patrick-study-needed-to-explore-rail-options.pdf>. This rail line predominantly services high-income individuals, as 64% of riders have incomes of \$75,000 or more. Making a transition towards other public transportation would ensure a more equitable solution in the long run.

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> Governor Gavin Newsom, *All aboard! More clean buses and trains coming to California's communities most affected by pollution* <https://www.gov.ca.gov/2024/10/08/all-aboard-more-clean-buses-and-trains-coming-to-californias-communities-most-affected-by-pollution/> (last visited Apr 10, 2025).



As argued above, the emergency permitting tool is to be used to bypass lengthy environmental review for real, urgent emergencies. The emergency permitting system is not, however, to be used as a loophole for evading environmental review. Without demonstrating a real emergency exists, under both CEQA and the Public Trust Doctrine, the Commission is statutorily required to enforce California's environmental protections. Accordingly, we urge the Commission to require environmental review for the proposed armoring at Area 4.

**a. The Commission Must Require Environmental Review Under CEQA.**

The Commission has an affirmative duty under CEQA to require a full and comprehensive EIR of the proposed shoreline armoring before approving the present applications,<sup>56</sup> as there is ample evidence that such armoring has a significant effect on the environment.<sup>57</sup>

As the California Supreme Court has explained, the EIR is the “heart of CEQA”<sup>58</sup> because it is essential for ensuring that all proposed projects with potentially significant environmental effects have undergone sufficient environmental review.<sup>59</sup> This process is critical to maintain accountability and prevent avoidable environmental damage.<sup>60</sup> In order to fulfill its purpose, an EIR must not conceal a project's true consequences,<sup>61</sup> and it must account for both a project's individually isolated effects on the environment and how such impacts will react to the location's current environment.<sup>62</sup> Importantly, an EIR cannot rationalize or undersell a project's environmental impact on an already problematic situation; instead, “[t]he greater the existing environmental problems are, the lower the threshold should be for treating a project's contribution to cumulative impacts as significant.”<sup>63</sup> A proper assessment of a project's cumulative impact will first determine whether that cumulative impact is significant, and then analyze whether the proposed project's incremental effects are cumulatively considerable.<sup>64</sup>

Here, the Commission must adhere to its duties under CEQA by requiring that a full and comprehensive EIR of the proposed shoreline armoring be completed for Area 4 before granting approval for any permits upon such tidelands. The erosion issues cited by OCTA in Area 4 have been foreseeable for decades and there are proven alternatives to the proposed armoring. Further, there is ample evidence that the previous armoring along the LOSSAN Corridor has significantly

<sup>56</sup> *California Native Plant Society v. City of Santa Cruz*, 177 Cal.App.4th 957, 979 (2009); “Under the California Environmental Quality Act (CEQA) a public agency must prepare an environmental impact report (EIR) or cause an EIR to be prepared for any project that it proposes to carry out or approve that may have a significant effect on the environment.”

<sup>57</sup> *Proposed Railroad Armoring Threatens San Clemente Beaches*, Surfrider <https://www.surfrider.org/news/proposed-railroad-armoring-threatens-san-clemente-beaches> (August, 2024).

<sup>58</sup> *Laurel Heights Improvement Assn. v. Regents of University of California*, 47 Cal.3d 376, 392 (1988).

<sup>59</sup> *San Francisco Baykeeper, Inc. v. State Lands Com.*, 242 Cal. App. 4th 202, 215 (2015).

<sup>60</sup> <https://lci.ca.gov/ceqa/> (last visited April 10, 2025).

<sup>61</sup> *San Francisco Baykeeper, Inc. v. State Lands Com.*, 242 Cal. App. 4th 202, 222 (2015).

<sup>62</sup> *San Francisco Baykeeper, Inc. v. State Lands Com.*, 242 Cal. App. 4th 202, 222 (2015).

<sup>63</sup> *California Resources Agency*, 103 Cal. App. 4th at 120.

<sup>64</sup> *Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692 (1990).

contributed to the erosion claims relied upon by OCTA as justification for their emergency permit for Area 4.<sup>65</sup> With sensitive tidelands, invasive private action, and significant environmental risks at stake, the Commission is statutorily required by CEQA to mandate an EIR be completed by OCTA before the Commission approves any further armoring permits in Area 4.

The Commission's CEQA duties cannot be excused by OCTA's attempt to have Area 4 incorrectly designated as emergency zones. As discussed above, OCTA's attempt to abuse the emergency permitting process should not be rewarded, especially in light of its earlier vocal willingness to complete an EIR for their further armoring upon San Clemente State Beach. While courts often defer to agencies that demonstrate a clear and reasoned approach to environmental analysis, an agency must first establish that CEQA standards and procedures have been adhered to.<sup>66</sup> When an agency is sued for failure to perform its procedural duties under CEQA, however, courts review "de novo whether the agency has employed the correct procedures, scrupulously enforcing all legislatively mandated CEQA requirements."<sup>67</sup> In doing so, courts have consistently held that "full compliance with the letter of CEQA is essential to the maintenance of its important public purpose."<sup>68</sup>

Without the Commission requiring strict adherence to the EIR process, OCTA will be able to successfully sidestep CEQA mandates, all while appearing to be compliant to the regulations in place. As the authoritative body here, the Commission needs to know the impacts of the purported project before action is taken, and so does the public. When both the Commission and the public are unaware of a project's environmental impacts, the entire purpose of CEQA is subverted. The Commission must require CEQA adherence, as it is tasked to do.

#### **b. The Commission has a PTD Duty to Protect the Beaches.**

The public trust is an "affirmation of the duty of the state to protect the people's common heritage of streams, lakes, marshlands, and tidelands, surrendering that right of protection only in rare cases."<sup>69</sup> As a trustee, the Commission has a legal, affirmative duty to comply with the Public Trust Doctrine whenever feasible while fully considering the public's interest in the matter.<sup>70</sup> This duty is not explicitly prescribed; however, the California Court of Appeal has held that, "any action which will adversely affect traditional public rights in trust lands is a matter of general public interest and should therefore be made only if there has been full consideration of the state's public interest in the matter."<sup>71</sup> Accordingly, approval of OCTA's present emergency shoreline armoring application for Area 4, without full consideration of the Public Trust Doctrine analyses, offends the public's right to public trust lands and opens the door to future litigation.

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<sup>65</sup> *Proposed Railroad Armoring Threatens San Clemente Beaches*, Surfrider <https://www.surfrider.org/news/proposed-railroad-armoring-threatens-san-clemente-beaches> (August, 2024).

<sup>66</sup> *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, 40 Cal.4th 412, 435 (2007).

<sup>67</sup> *San Francisco Baykeeper, Inc. v. State Lands Com.*, 242 Cal. App. 4th 202.

<sup>68</sup> *Id.*

<sup>69</sup> *National Audubon Society v. Superior Court*, 33 Cal.3d 419, 441 (1983).

<sup>70</sup> *San Francisco Baykeeper, Inc. v. State Lands Com.*, 242 Cal.App.4th 202, 234 (2015); *National Audubon Society v. Superior Court*, 33 Cal.3d 419 (1983).

<sup>71</sup> *Zack's, Inc. v. City of Sausalito*, 165 Cal.App.4th 1163, 1188 (2008).





It is the “well-settled law of this country” that each state holds title to land under its navigable waters in trust for the people within the state to “enjoy and use the waters free from obstruction or interference.”<sup>72</sup> Traditionally, the common law Public Trust Doctrine protects public trust resources for the purposes of navigation, commerce, and fishing.<sup>73</sup> California has used its discretion to add protections for the preservation of natural sites and for the public’s right of recreation in public trust resources.<sup>74</sup>

Tidelands, identified as the lands lying between the mean high and low tide, are public trust resources under the Public Trust Doctrine.<sup>75</sup> The California Supreme Court held that, beyond the traditional uses, “one of the most important public uses of the tidelands... is the preservation of those lands in their natural state, so that they may serve as ecological units for scientific study, as open space, and as environments which provide food and habitat for birds and marine life, and which favorably affect the scenery and climate of the area.”<sup>76</sup> Accordingly, when addressing potential uses upon the tidelands, or the act of leasing the tidelands, not only must a state agency consider the public’s interests therein, it has a sacred duty to retain the tidelands’ natural state to the maximum extent possible.

The Commission’s own mission is to “manage the state’s sovereign public trust lands to promote and enhance the statewide public’s enjoyment of the lands and ensure appropriate uses of public trust lands.”<sup>77</sup> To do so, the Commission must take the public trust into account in the planning and allocation of trust resources, and it must protect public trust uses whenever feasible.<sup>78</sup> Any action that would adversely affect traditional public rights in trust lands is a matter of general public interest and should, therefore, be made only if there has been full consideration of the state’s public interest in the matter.<sup>79</sup> Such actions should not be taken in some fragmentary and publicly invisible way.<sup>80</sup> This safeguard is the only way to ensure the public’s interest in public trust resources will get adequate public attention.<sup>81</sup>

Applying California case law precedent to the situations addressed here, we urge the Commission to deny approval of OCTA’s abusive emergency shoreline armoring permit application at the Beach, as approval would adversely affect the public’s rights in public trust lands, and there has not been a full consideration of the state’s public interest in the matter.<sup>82</sup>

<sup>72</sup> *Illinois Cent. R. Co. v. State of Illinois*, 146 U.S. 387, 452 (1892).

<sup>73</sup> *Marks v. Whitney*, 6 Cal. 3d 251, 259 (1971).

<sup>74</sup> *Marks v. Whitney*, 6 Cal. 3d 251, 260 (1971).

<sup>75</sup> *Illinois Cent. R. Co. v. State of Illinois*, 146 U.S. 387, n.4. (1892).

<sup>76</sup> *Nat’l Audubon Soc’y v. Superior Court*, 33 Cal. 3d 419, 658 P.2d 709 (1983); *The Public Trust Doctrine*, California Coastal Voices, by the California Coastal Commission.

<sup>77</sup> *The Public Trust Doctrine*, California Coastal Voices, by the California Coastal Commission.

<sup>78</sup> *San Francisco Baykeeper, Inc. v. State Lands Com.*, 242 Cal. App. 4th 202 (2015).

<sup>79</sup> *Zack’s, Inc. v. City of Sausalito*, 165 Cal. App. 4th 1163 (2008).

<sup>80</sup> *San Francisco Baykeeper, Inc. v. State Lands Com.*, 242 Cal. App. 4th 202, 235 (2015).

<sup>81</sup> *Zack’s, Inc. v. City of Sausalito*, 165 Cal. App. 4th 1163 (2008).

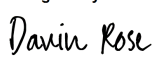

<sup>82</sup> *San Francisco Baykeeper, Inc. v. State Lands Com.*, 242 Cal. App. 4th 202 (2015); *Zack’s, Inc. v. City of Sausalito*, 165 Cal. App. 4th 1163 (2008).

The public has a legal right to the tidelands at issue, thereby implicating the affirmative duty of the Commission to adhere to its public trust responsibilities. The public deserves a non-fragmented and publicly-visible analysis to determine the current state of the tidelands at issue and a projected analysis of the long-term impacts of further armoring. As discussed above, the emergency permit involves armoring upon the tidelands. The tidelands at issue are not an ordinary plot of land that can be replicated or ignored, and it cannot be seriously asserted that further armoring will result in no significant environmental consequences. As such, we urge the Commission to reject OCTA's latest attempt to circumnavigate the existing safeguards through its abuse of the emergency permit loophole. The Commission has a duty to comply with the Public Trust Doctrine, and failure to do so would open the door to future litigation.

#### **E. Conclusion.**

OCTA argues for approval of its request for an emergency permit to armor Area 4, yet OCTA's categorization of the circumstances as an emergency is incorrect as there is no immediate action necessary; feasible alternatives exist to support the local economy, military, and passenger traffic; and the Commission has obligations under the Coastal Act, Public Trust Doctrine, and CEQA that it must not contravene. The Commission must further understand that OCTA's placement of rip rap along the coast inevitably worsens coastal erosion and beach loss, resulting in a compounding number of emergency permit requests. These permits allow for more rip rap, which prompts even more damage to the coast and creates an environmentally-dire scenario that will continue worsening until the Commission intervenes. OCTA has demonstrated a pattern of habitual requests for emergency permits, allowing it to evade the Commission's scrutiny while ignoring these devastating effects it has had on the environment. We urge the Commission to ensure that the CEQA-required EIR is completed in good faith before approving OCTA's proposed emergency permits to further armor the San Clemente State Beach.

Sincerely,  
*Kirstin Henry*

Signed by:  823B0DF8A2894A7...	Signed by:  C281B6500B2941E...
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Harley Zieper, Certified Law Student  
Davin Rose, Certified Law Student  
Kirstin Henry, Certified Law Student  
Environmental Law Clinic  
UC Irvine, School of Law

Mandy Sackett  
California Policy Manager  
Surfrider Foundation

cc. Michael Robinson-Dorn, Supervising Attorney and Director Environmental Law Clinic

**From:** [ExecutiveStaff@Coastal](mailto:ExecutiveStaff@Coastal)  
**To:** [Ziff, Dani@Coastal](mailto:Ziff,Dani@Coastal); [Vaughn, Shannon@Coastal](mailto:Vaughn,Shannon@Coastal)  
**Cc:** [SouthCoast@Coastal](mailto:SouthCoast@Coastal)  
**Subject:** FW: OCTA Emergency Permit application  
**Date:** Thursday, April 17, 2025 11:48:28 AM

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fyi

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**From:** Bilge Pakiz <[bilgepakiz@gmail.com](mailto:bilgepakiz@gmail.com)>  
**Sent:** Friday, April 11, 2025 10:38 PM  
**Subject:** OCTA Emergency Permit application

Dear Members of the California Coastal Commission, OC Board of Supervisors, State Assembly Members, San Clemente City Manager and Mayor;

It has recently come to our attention, and we are urgently writing to express strong opposition to key components of the Emergency Permit application submitted by the Orange County Transportation Authority (OCTA) on March 31st.

Even though OCTA has publicly presented this as a “sand project,” the actual scope and timeline paint a very different picture. The plan calls for the immediate placement of approximately 50,000 tons of rock on San Clemente’s beaches — while the promised 540,000 cubic yards of sand remains an undefined, future component with no federal permits secured and no timeline in place. OCTA has not even begun the six-month process required to retain a consultant to initiate the permitting process for sand replenishment, making it likely that no sand will be placed for at least five years, if ever.

San Clemente’s beach is not just a scenic resource — it is the economic, environmental, and cultural heart of our city. It draws hundreds of thousands of annual visitors, supports thousands of local jobs, and provides critical access to nature and recreation through the San Clemente Beach Trail — one of the longest continuous coastal pedestrian trails in South Orange County. Any action that compromises this beach threatens jobs, public access, tourism revenue, coastal resilience, and environmental health.

As part of a Manufactured “Emergency”, OCTA is requesting emergency authorization to:

- Immediately install large rock revetments on public beaches;
- Construct a concrete wall along the east side of the tracks at Mariposa Promontory;

- And vaguely commit to potential sand replenishment — years in the future.

The purpose of dumping rocks as a sand project is unreasonable. Moreover, the basis for emergency action is highly questionable. The two recent closures, which occurred approximately 2 years ago, were caused by landslides originating from the east side of the tracks. There have been no closures in over 100 years caused by coastal erosion on the west side of the tracks. The existing revetments have withstood numerous 50-year storms in recent years, with no resulting closure of the tracks.

Delays in OCTA's planning and coordination do not constitute an emergency under the Coastal Act. Granting an emergency permit under these circumstances would set a dangerous precedent — allowing agencies to circumvent transparent public processes through delayed planning followed by rushed “emergency” declarations.

Permanent damage may be caused by this temporary action. OCTA's plan will permanently bury approximately 30% of our remaining public beach under engineered rock structures — even in their “reduced” form, the revetments extend 50+ feet from the tracks, consuming critical dry sand used by residents and visitors alike.

**While I fully support stabilization of the bluff side of the tracks and restoration of public access between Linda Lane and North Beach, I strongly oppose any expansion of rock revetments on the beach side.**

Recommendations to Protect the Public Interest

As a concerned homeowner and resident of San Clemente, I respectfully request that the Coastal Commission take the following actions:

1) Support the Landslide Debris Wall (Bluff Side Only)

Approve emergency authorization only for the wall on the east (bluff) side of the tracks, with a requirement to restore public access between Linda Lane and North Beach.

2) Require Immediate Action on Sand Replenishment

Mandate that OCTA immediately submit an Individual Permit application to the U.S. Army Corps of Engineers for a sand-only project on the beach side.

**From:** [Gus Gates](#)  
**To:** [South OC Rail Project](#)  
**Subject:** My view on Save San Clemente State Beach!  
**Date:** Monday, April 7, 2025 10:13:27 PM

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Dear California Coastal Commissioners,

As an avid beach user and coastal resident, I am writing to strongly oppose the Orange County Transportation Authority's (OCTA) emergency application for riprap revetment at San Clemente State Beach and Calafia State Beach. This stretch of coastline is cherished by some many Americans, even those who don't live in CA.

This proposal represents yet another attempt to treat our coast as disposable. Coastal armoring, like riprap boulders, placed under 'emergency' circumstances, should never be normalized or allowed to remain long-term on our coast — especially not at one of California's most treasured state beaches, a vital public resource and home to world-renowned waves. A true emergency has not been demonstrated, and the proposed project is not limited to that necessary to address present circumstances or any purported "emergency."

Please:

- Deny OCTA's emergency CDP request to install new riprap at San Clemente State Beach.
- Urge OCTA to use nature-based, adaptive solutions and seek alternative transportation solutions, which have proven available.
- Initiate long-term planning that prioritizes both transportation and coastal protection — without sacrificing our beaches.

The Commission has stood up before to protect this region, including the iconic Trestles surf breaks and San Mateo Creek, which are just south of this proposed project. I urge you to do so again, and stop this destructive and unnecessary project before more damage is done.

Gus Gates  
[ggates@surfrider.org](mailto:ggates@surfrider.org), 5136 South Frontenac Street, Seattle, WA, US, 98118

**From:** [Mark Lauria](#)  
**To:** [South OC Rail Project](#)  
**Subject:** My view on Save San Clemente State Beach!  
**Date:** Sunday, April 6, 2025 8:38:51 AM

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April 5, 2025

Dear Members of the California Coastal Commission,

I am writing to express strong opposition to key components of the Emergency Permit application submitted by the Orange County Transportation Authority (OCTA) on March 31st.

Although OCTA has publicly presented this as a “sand project,” the actual scope and timeline paint a very different picture. The plan calls for the immediate placement of approximately 50,000 tons of rock on San Clemente’s beaches — while the promised 540,000 cubic yards of sand remains an undefined, future component with no federal permits secured and no timeline in place. OCTA has not even begun the six-month process required to retain a consultant to initiate the permitting process for sand replenishment, making it likely that no sand will be placed for at least five years, if ever.

San Clemente’s beach is not just a scenic resource — it is the economic, environmental, and cultural heart of our city. It draws hundreds of thousands of annual visitors, supports thousands of local jobs, and provides critical access to nature and recreation through the San Clemente Beach Trail — one of the longest continuous coastal pedestrian trails in South Orange County. Any action that compromises this beach threatens jobs, public access, tourism revenue, coastal resilience, and environmental health.

## **A Manufactured “Emergency”**

OCTA is requesting emergency authorization to:

<!--[endif]-->Immediately install large rock revetments on public beaches;

<!--[endif]-->Construct a concrete wall along the east side of the tracks at Mariposa Promontory;

<!--[endif]-->And vaguely commit to potential sand replenishment — years in the future.

Let us be clear: ***this is not a sand project. It is a rock project masquerading as one.***

Moreover, the basis for emergency action is highly questionable. The two recent closures, which occurred approximately 2 years ago, were caused by landslides

originating from the east side of the tracks. *There have been no closures in over 100 years caused by coastal erosion on the west side of the tracks.* The existing revetments have withstood numerous 50-year storms in recent years, with no resulting closure of the tracks.

***Delays in OCTA's planning and coordination do not constitute an emergency under the Coastal Act.*** Granting an emergency permit under these circumstances would set a dangerous precedent — allowing agencies to circumvent transparent public processes through delayed planning followed by rushed “emergency” declarations.

### **Permanent Damage Disguised as Temporary Action**

OCTA's plan will permanently bury approximately 30% of our remaining public beach under engineered rock structures — even in their “reduced” form, the revetments extend 50+ feet from the tracks, consuming critical dry sand used by residents and visitors alike.

While I fully support stabilization of the bluff side of the tracks and restoration of public access between Linda Lane and North Beach, I strongly oppose any expansion of rock revetments on the beach side.

### **Recommendations to Protect the Public Interest**

As a concerned homeowner and resident of San Clemente, I respectfully request that the Coastal Commission take the following actions:

#### **1) Support the Landslide Debris Wall (Bluff Side Only)**

***Approve emergency authorization only for the wall on the east (bluff) side of the tracks,*** with a requirement to restore public access between Linda Lane and North Beach.

#### **2) Require Immediate Action on Sand Replenishment**

***Mandate*** that OCTA *immediately submit an Individual Permit application* to the U.S. Army Corps of Engineers for a sand-only project on the beach side.

#### **3) Prohibit Any Expansion of Rock Revetments**

<!--[endif]-->Allow rehabilitation of existing rock revetments only if their footprint does not increase, including buried riprap.

<!--[endif]-->Establish a strict 30-foot limit line from the track centerline for all rock placement.

<!--[endif]-->Require rocks to be stacked (not dumped) to minimize hazards and preserve beach usability.

<!--[endif]-->Use the Niguel Shores/Dana Strand revetment project by OC Parks as a

model for responsible coastal engineering.

## **The Stakes Are Too High**

San Clemente's beaches are a ***shared public trust resource, not a buffer zone for infrastructure projects***. Once they are buried in rock, they are lost to the public — forever. This proposal not only threatens the integrity of our shoreline, but also sets a precedent that could endanger other coastal communities across California.

***We urge the Commission to reject this emergency permit unless OCTA removes the beachside revetments from the proposal and commits to a clear, public, and environmentally responsible path forward centered on sand replenishment and public access.***

Thank you for your continued commitment to safeguarding California's coast for current and future generations. I deeply appreciate your service and attention to this urgent matter.

Mark Lauria

markwlauria@gmail.com, 423 Avenida Granada #63, San Clemente, CA, US, 92672



**From:** [Hal Forsen](#)  
**To:** [South OC Rail Project](#)  
**Subject:** My view on Save San Clemente State Beach!  
**Date:** Sunday, April 6, 2025 9:01:38 AM

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Dear California Coastal Commissioners,

I am a San Clemente resident and lifelong surfer, fisherman and diver, writing to strongly oppose the Orange County Transportation Authority's (OCTA) emergency application for riprap revetment at San Clemente State Beach and Calafia State Beach.

This proposal represents yet another attempt to treat our coast as disposable. Coastal armoring, like riprap boulders, placed under 'emergency' circumstances, is counter productive and should never be normalized or allowed to remain long-term on our coast — especially not at one of California's most treasured state beaches, a vital public resource and home to world-renowned waves. A true emergency has not been demonstrated, and the proposed project is not limited to that necessary to address present circumstances or any purported "emergency."

The train tracks need to be moved. It will only become more imperative, and expensive the longer we wait.

Please:

- Deny OCTA's emergency CDP request to install new riprap at San Clemente State Beach.
- Urge OCTA to use nature-based, adaptive solutions and seek alternative transportation solutions, which have proven available.
- Initiate long-term planning that prioritizes both transportation and coastal protection — without sacrificing our beaches.

The Commission has stood up before to protect this region, including the iconic Trestles surf breaks and San Mateo Creek, which are just south of this proposed project. I urge you to do so again, and stop this destructive and unnecessary project before more damage is done.

Hal Forsen  
glassics1@cox.net, 204 Avenida Sierra, San Clemente, CA, US, 92672

**From:** [Hal Forsen](#)  
**To:** [South OC Rail Project](#)  
**Subject:** My view on Save San Clemente State Beach!  
**Date:** Sunday, April 6, 2025 9:01:38 AM

---

Dear California Coastal Commissioners,

I am a San Clemente resident and lifelong surfer, fisherman and diver, writing to strongly oppose the Orange County Transportation Authority's (OCTA) emergency application for riprap revetment at San Clemente State Beach and Calafia State Beach.

This proposal represents yet another attempt to treat our coast as disposable. Coastal armoring, like riprap boulders, placed under 'emergency' circumstances, is counter productive and should never be normalized or allowed to remain long-term on our coast — especially not at one of California's most treasured state beaches, a vital public resource and home to world-renowned waves. A true emergency has not been demonstrated, and the proposed project is not limited to that necessary to address present circumstances or any purported "emergency."

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- Urge OCTA to use nature-based, adaptive solutions and seek alternative transportation solutions, which have proven available.
- Initiate long-term planning that prioritizes both transportation and coastal protection — without sacrificing our beaches.

The Commission has stood up before to protect this region, including the iconic Trestles surf breaks and San Mateo Creek, which are just south of this proposed project. I urge you to do so again, and stop this destructive and unnecessary project before more damage is done.

Hal Forsen  
glassics1@cox.net, 204 Avenida Sierra, San Clemente, CA, US, 92672

**From:** [Jennifer Taylor](#)  
**To:** [South OC Rail Project](#)  
**Subject:** My view on Save San Clemente State Beach!  
**Date:** Sunday, April 6, 2025 1:55:07 PM

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Dear California Coastal Commissioners,

I strongly oppose the Orange County Transportation Authority's (OCTA) emergency application for riprap revetment at San Clemente State Beach and Calafia State Beach.

I know this Beach even though I don't live there now; my experience is CALTrans has a lot of BS documents, because of pressure to sign experienced by the 1099 contractors.

- Deny OCTA's emergency CDP request to install new riprap at San Clemente State Beach.
- Urge OCTA to use nature-based, adaptive solutions and seek alternative transportation solutions, which have proven available.
- Initiate long-term planning that prioritizes both transportation and coastal protection — without sacrificing our beaches.

The Commission has stood up before to protect this region, including the iconic Trestles surf breaks and San Mateo Creek, which are just south of this proposed project. I skinned my face body-surfing Trestles and would do it again!

I urge you to do so again, and stop this destructive and unnecessary project before more damage is done.

Thank you for taking my SoCal feedback seriously.

Jennifer Taylor  
jftaylor@suddenlink.net, 756 Villa Way, Arcata, CA, US, 95521

**From:** [Christopher Hamilton](#)  
**To:** [South OC Rail Project](#)  
**Subject:** My view on Save San Clemente State Beach!  
**Date:** Monday, April 7, 2025 9:49:20 PM

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Dear California Coastal Commissioners,

Along with millions of Californians, I treasure our beaches and want them available to all of us, despite the ravages of global warming. But some solutions to strengthen our beaches against climate change are unwise and can have adverse consequences that proponents didn't consider or foresee.

So, I wish to oppose the Orange County Transportation Authority's (OCTA) emergency application for riprap revetment at San Clemente State Beach and Calafia State Beach. That would be unwise, when no real emergency has been demonstrated. Moreover, do we really want to set such a precedent, in the absence of a strong showing that the solution will be better than the risks of untoward outcomes? Let's not allow kneejerk reactions, unless dire need is demonstrated.

Please:

- Deny OCTA's emergency CDP request to install new riprap at San Clemente State Beach.
- Urge OCTA to use nature-based, adaptive solutions and seek alternative transportation solutions, which have proven available.
- Initiate long-term planning that prioritizes both transportation and coastal protection — without sacrificing our beaches.

The Commission has stood up before to protect this region, including the iconic Trestles surf breaks and San Mateo Creek, which are just south of this proposed project. I urge you to do so again, and stop this destructive and unnecessary project before more damage is done.

Christopher Hamilton  
ceh41845@gmail.com, 1316 Albina Avenue,, Berkeley, CA, US, 94706-2506

### 3) Prohibit Any Expansion of Rock Revetments

- Allow rehabilitation of existing rock revetments only if their footprint does not increase, including buried riprap.
- Establish a strict 30-foot limit line from the track centerline for all rock placement.
- Require rocks to be stacked (not dumped) to minimize hazards and preserve beach usability.
- Use the Niguel Shores/Dana Strand revetment project by OC Parks as a model for responsible coastal engineering.

### The Stakes Are Too High

San Clemente's beaches are a shared public trust resource, not a buffer zone for infrastructure projects. Once they are buried in rock, they are lost to the public — forever. This proposal not only threatens the integrity of our shoreline, but also sets a precedent that could endanger other coastal communities across California.

We urge the Commission to reject this emergency permit unless OCTA removes the beachside revetments from the proposal and commits to a clear, public, and environmentally responsible path forward centered on sand replenishment and public access.

Thank you for your continued commitment to safeguarding California's coast for current and future generations. We deeply appreciate your service and attention to this urgent matter.

Sincerely,

Bilge and Marc Camras

[bpakiz@gmail.com](mailto:bpakiz@gmail.com)

Concerned San Clemente Homeowners

**From:** [Alexandra Berens](#)  
**To:** [South OC Rail Project](#)  
**Subject:** My view on Save San Clemente State Beach!  
**Date:** Monday, May 5, 2025 1:46:36 PM

---

Dear California Coastal Commissioners,

I am writing to strongly oppose the Orange County Transportation Authority's (OCTA) emergency application for riprap revetment at San Clemente State Beach and Calafia State Beach.

This proposal represents yet another attempt to treat our coast as disposable. Coastal armoring, like riprap boulders, placed under 'emergency' circumstances, should never be normalized or allowed to remain long-term on our coast — especially not at one of California's most treasured state beaches, a vital public resource and home to world-renowned waves. A true emergency has not been demonstrated, and the proposed project is not limited to that necessary to address present circumstances or any purported "emergency."

Please:

- Deny OCTA's emergency CDP request to install new riprap at San Clemente State Beach.
- Urge OCTA to use nature-based, adaptive solutions and seek alternative transportation solutions, which have proven available.
- Initiate long-term planning that prioritizes both transportation and coastal protection — without sacrificing our beaches.

The Commission has stood up before to protect this region, including the iconic Trestles surf breaks and San Mateo Creek, which are just south of this proposed project. I urge you to do so again, and stop this destructive and unnecessary project before more damage is done.

Alexandra Berens  
aliberens11@gmail.com, 25622 Rangewood Road, Laguna Hills, CA, US, 92653

From: [civicinput@newmode.io](mailto:civicinput@newmode.io)

To: South OC Rail Project <southoc\_lossan\_corridor@coastal.ca.gov>

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Signed:

(See following pages for signatures.)

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Silas Black	Maureen Tunney	lonna richmond
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