CALIFORNIA COASTAL COMMISSION
South Coast District Office
301 E Ocean Blvd., Suite 300
Long Beach, CA 90802-4302
(562) 590-5071

Th11a

5-21-0866 (OCTA & SCRRA)

November 5, 2026

CORRESPONDENCE

Jose Guzman-Wug
College Academic Services Building, 3454 Trousdale Pkwy
Los Angeles, CA 90089

October 20, 2026

South Coast District Office of the California Coastal Commission
200 Oceangate
Long Beach CA 90802

Dear Members of the California Coastal Commission:

My name is Jose Guzman-Wug, and I am a student at the University of Southern California currently studying California coastal management. I am writing to express my concerns regarding Coastal Development Permit Application No. 5-21-0866, submitted by the Orange County Transportation Authority (OCTA) and Southern California Regional Rail Authority (SCRRA). While I recognize the importance of protecting the LOSSAN rail corridor, I oppose the continued reliance on shoreline riprap as a long-term solution due to its impacts on public beaches, repeated emergency permitting, and insufficient accountability for alternative coastal protection measures.

The impacts of shoreline armoring along San Clemente's railroad corridor are not new. The 2011 Final Environmental Impact Statement/Environmental Impact Report for the San Clemente Shoreline Protection Project documented that repeated riprap placement by Metrolink had already reduced lateral beach access.[1] Furthermore, shoreline armoring can prevent the natural landward migration of beaches as sea levels rise, contributing to beach narrowing over time.[2] Despite these longstanding concerns, the Surfrider Foundation reported in December 2025 that OCTA had received four emergency permits since September 2021, placing more than 24,000 tons of rock along Cyprus Shores.[3] In September 2026, the Commission authorized up to 15,000 additional tons of riprap under Emergency CDP G-5-26-0068.[4] While emergency measures may be necessary to protect critical infrastructure, their repeated use should not substitute for comprehensive environmental review and long-term adaptation planning.

I am particularly concerned about the lack of progress toward permanent permitting. In its December 2025 correspondence, Surfrider noted that the required follow-up Coastal Development Permit had not yet been finalized more than four years after the first emergency authorization.[3] This raises questions about whether successive emergency measures are adequately addressing the underlying coastal hazards or simply postponing difficult long-term decisions. I urge the Commission to closely scrutinize additional emergency authorizations and ensure that OCTA and SCRRA fulfill all applicable follow-up permitting requirements.[1]

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[1] U.S. Army Corps of Engineers & City of San Clemente, San Clemente Shoreline Protection EIS/EIR (2011), p. 1-4. Source.
[2] Griggs, "The Effects of Armoring Shorelines—The California Experience" (2010), pp. 77-84. Source.
[3] Surfrider Foundation, "Concerns over Emergency CDP G-5-25-0038" (December 5, 2025), pp. 1-2. Source.

OCTA must also be held to a higher standard of accountability regarding the implementation and effectiveness of its proposed solutions, particularly beach nourishment. In September 2025, OCTA completed an initial nourishment project at North Beach, placing approximately 2,500 cubic yards of sand compared with the originally projected 3,200 cubic yards.[5] Although changes in permitting and coastal conditions may explain this difference, it illustrates why transparent reporting is essential. I urge the Commission to require publicly accessible reports documenting sand acquisition, actual placement volumes, sediment compatibility, beach-width changes, and sand retention over time. These measures would help determine whether nourishment efforts are meaningfully improving public access and reducing the need for additional shoreline armoring.

Public opposition further emphasizes the importance of transparency and community engagement. During the October 7, 2026, California Coastal Commission meeting, San Clemente residents and other members of the public raised concerns about OCTA's handling of the railroad corridor and continued placement of rock revetments.[6] These perspectives deserve consideration alongside OCTA's transportation priorities, especially when shoreline protection decisions have lasting consequences for public beaches and surrounding communities.

These concerns directly relate to the California Coastal Act. Section 30235 establishes conditions under which shoreline protective structures may be permitted and requires adverse impacts on local shoreline sand supply to be eliminated or mitigated. Sections 30210 and 30211 also emphasize protecting public coastal access.[7] I therefore urge the Commission to require a cumulative assessment of existing and proposed riprap, enforceable public reporting on beach nourishment, and timely completion of follow-up Coastal Development Permit reviews.

Thank you for considering my comments. Protecting California's critical transportation infrastructure is essential, but it should not come at the unnecessary expense of San Clemente's public beaches or replace comprehensive coastal adaptation planning.

Sincerely,

Jose Guzman-Wug

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[4] California Coastal Commission, Emergency CDP G-5-26-0068 (September 22, 2026), pp. 1-3. Source.
[5] OCTA, “Initial Sand Nourishment Completed” (October 3, 2025). Source.
[6] California Coastal Commission, October 7, 2026 Meeting Recording, public comments at approximately 3:39:00. Recording.
[7] California Coastal Act, Cal. Pub. Res. Code §§ 30210, 30211, 30235. Source.

AFFILIATED AGENCIES

Orange County Transit District

Local Transportation Authority

Service Authority for Freeway Emergencies

Consolidated Transportation Service Agency

Congestion Management Agency

October 21, 2026

Dr. Kate Huckelbridge
Executive Director
California Coastal Commission
455 Market St Suite 300
San Francisco, CA 94105

Subject: **Coastal Rail Infrastructure Resiliency Project – Concerns Regarding Draft Coastal Development Permit Conditions**

Dear Dr. Huckelbridge:

On behalf of the Orange County Transportation Authority (OCTA) Board of Directors, I would like to express our appreciation for your leadership and your staff's continued coordination with OCTA regarding the Coastal Rail Infrastructure Resiliency Project in San Clemente. OCTA remains committed to protecting California's coastal resources while implementing the improvements necessary to maintain safe and reliable passenger rail operations along the critical Los Angeles-San Diego-San Luis Obispo rail corridor.

Following review of the draft special conditions provided on October 16, 2026, OCTA has identified several provisions that raise significant legal, technical, financial, and implementation concerns. Of particular importance is the need to recognize the longstanding history of this railroad corridor. The rail line has been in operation since 1888, well before the enactment of the California Coastal Act and modern environmental regulations. OCTA acquired the rail corridor in the early 1990s to preserve and expand passenger rail service for the traveling public. Moreover, substantial portions of the existing rock revetment predate the Coastal Act. We believe it is essential that the Commission's permit findings and conditions appropriately distinguish this longstanding, lawfully established infrastructure from the new improvements that would be authorized under the current application. Based on assertions made by CCC staff and members of the public, OCTA believes there may be fundamental misunderstandings about the historical extent of the rock revetment and the location and amounts of replacement rock deposited in accordance with the prior emergency permits. OCTA would welcome the opportunity to review the Commission staff's assumptions and understandings underlying the proposed conditions to ensure the record is clear and accurate and mitigation requirements are fair and feasible.

As part of the project, OCTA has already committed to placing nearly 700K cubic yards of sand, which would be the largest single placement over the last half century in San Clemente. While OCTA has successfully secured approximately $305 million to address imminent threats to the coastal rail corridor from bluff

erosion and wave action, the proposed conditions could divert significant public resources from urgently needed rail stabilization and other critical transportation improvements. These unfunded obligations could significantly affect future rail service, as OCTA has a finite amount of funds dedicated through Measure M for this purpose. As a public transportation agency entrusted with the responsible stewardship of taxpayer funds, OCTA must ensure that these investments are directed toward achievable improvements that protect public safety and maintain essential transportation services.

It is important to recognize that OCTA does not own or control the eroding beaches adjacent to the rail corridor. The absence of a comprehensive, coordinated beach management and nourishment strategy by the State, County of Orange, City of San Clemente, and other responsible parties have contributed to the conditions now threatening this critical transportation infrastructure. It would be unreasonable to impose substantial mitigation and financial obligations on OCTA for protecting its existing rail infrastructure without establishing a corresponding framework that apportions the planning and financial burdens of addressing the underlying causes of beach erosion amongst the several responsible agencies. A sustainable solution requires a shared commitment and coordinated action among all responsible parties, rather than placing a disproportionate burden on OCTA and its transportation funding resources.

OCTA supports reasonable mitigation measures, environmental stewardship, and long-term coastal resiliency planning. However, the conditions of approval must be legally supportable, technically feasible, financially reasonable, and achievable within OCTA's authority. Most importantly, they must not compromise the continued safe operation of the railroad or unnecessarily delay urgently needed protective improvements.

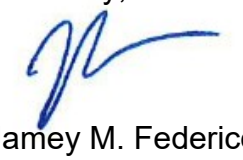
OCTA is particularly concerned with the proposed authorization and removal provisions, mandatory railroad relocation milestones, sand mitigation requirements, and certain public-access improvements. Several of these conditions could impose substantial financial and implementation obligations that extend beyond OCTA's statutory responsibilities, jurisdiction, or direct control. Additionally, undefined terms used in the proposed conditions, such as “equivalent mitigation,” create substantial, unacceptable uncertainty for OCTA as to the potential cost and feasibility of any additional measures could be demanded under that term. OCTA cannot agree to conditions that impose uncertain obligations that likely exceed OCTA’s funding and scope of authority.

OCTA continues to work closely with Commission staff to resolve outstanding differences regarding the feasibility of the proposed conditions. We remain committed to reaching mutually acceptable revisions that address the Commission's coastal resource protection objectives while recognizing OCTA's operational, technical, and financial constraints. Given the anticipated public release of the proposed conditions on October 22, 2026, we respectfully request that any subsequent revisions be incorporated through an addendum to the staff report in advance of the November 2026 Coastal Commission meeting. It is imperative that these ongoing discussions not delay the permitting process or implementation of the urgently needed improvements to protect this critical rail corridor.

Ultimately, OCTA and the Commission share a fundamental responsibility to serve the public. While our respective missions differ, they are complementary: OCTA provides safe, reliable, and accessible public transportation to and within communities along the coast, while the Commission protects coastal resources and public access for current and future generations. We believe these objectives can and should be achieved together through practical, balanced, and collaborative solutions.

We appreciate your consideration of these important concerns and look forward to working with you and your staff toward a mutually acceptable permit that protects both our coastal resources and the long-term viability of this essential transportation corridor.

Sincerely,



Jamey M. Federico
Chair

JMF:dp

c: OCTA Board of Directors
California Coastal Commissioners, California Coastal Commission
Executive Staff, OCTA
James Hacker, CalSTA
Anthony Serna, CalSTA
Kealiʻi Bright, CNRA
Karl Schwing, California Coastal Commission

Outlook

FW: Public Comment on November 2026 Agenda Item Thursday 11a - Application No. 5-21-0866 (OCTA)

From SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Date Fri 10/23/2026 5:14 PM
To Lee, Vince@Coastal <vince.lee@coastal.ca.gov>

From: Gregory Ray <greg.ray@stanfordalumni.org>
Sent: Friday, October 23, 2026 2:30 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on November 2026 Agenda Item Thursday 11a - Application No. 5-21-0866 (OCTA)

You don't often get email from greg.ray@stanfordalumni.org. Learn why this is important

Dear Commissioners,

1) The OCTA is violating prior ECDP's issued by the CCC, they have remained out of compliance for years, and until they come into compliance, they should not be granted new permits.

Back in 2021, CCC granted OCTA with a permit to install thousands of tons of rip rap onto the existing sandy beach in South San Clemente (ECDP G-5-21-0039 and successor ECDPs). This permit had the following condition: "Public Access... Public access to the beach fronting the property shall be restored quickly..." Instead of restoring access, the rip rap caused scouring and erosion of the sand, reducing the height of the beach sand by roughly 10-12 feet, so that the area is now consistently under water. The former Coastal Trail between San Clemente Pier and Trestles Beach is now impassable. This is not a natural outcome - all the other nearby beaches did not suffer a severe loss of sand - the City's transect data show that this result occurred only at the beach where OCTA installed rip rap at the land/water interface zone. For more than 5 years, the OCTA has been in violation of the requirement to restore public access to the beach. They have instead caused the removal of the beach sand and destroyed this segment of the very popular Coastal Trail. OCTA has had 5 years to request permits to install more sand and to arrange to restore the beach, but they have not done anything. CCC should demand that OCTA satisfy this permit condition before considering any further requests.

To correct this problem, CCC should require OCTA to restore and maintain a stretch of walkable, sandy beach in front of the rip rap they have installed. By restoring and maintaining the sandy beach, OCTA can restore the Coastal Trail enjoyed by so many California citizens. They will also be creating a buffer of sand between the wave zone and the rail line, so that additional rip rap or seawalls are largely unnecessary.

2) The proposed OCTA development in South San Clemente will destroy the extremely popular San Clemente State Beach, and should be rejected.

San Clemente State Beach is one of the most popular beach parks and campgrounds in the California State Parks system. Thousands of visitors access the beach here daily, because of the easy access to the beach and ocean, consistently good weather, and ample parking. If the

OCTA is allowed to construct their proposed engineered seawall, it will result in the destruction of the beach enjoyed by so many residents and tourists alike. An important part of the Coastal Commission's mission is to protect ocean resources while ensuring public access. Allowing the construction of an engineered seawall does not protect ocean resources and it destroys public access.

3) Big waves are not an emergency.

Big waves, storms, and high tides are all to be expected in the coastal zone. They should not be used as an excuse to get around regular diligence, evaluation, and planning. It seems that OCTA has been dragging their feet on installing sand to buffer the rail line, waiting (and hoping) for the next emergency when they can rush to dump more rocks in front of the tracks. Recently, I asked OCTA what permits they had sought in the last 5 years to put sand on the South San Clemente beach, and the answer was none. Consider that - it was not that they had applied and failed to obtain permits, but that they had not even applied for permits. Yet OCTA continues to bemoan how hard it is to get approvals to place sand on the beach. This seems to me a convenient excuse, to obscure the reality that they don't really want to build back the sand buffer.

Similarly, OCTA has argued that it is not possible to deliver sand to the beach via rail. The affected area is obviously rail-served, and OCTA has no problem using trains to deliver rocks to the beach. Why is it impossible to deliver sand via rail? OCTA says that instead, we need to wait until a scarce dredging barge is available, perhaps because that suits their purpose of slow-walking a sand-replenishment effort. If that's their choice, they are delaying the appropriate solution, and they are causing the problem to become an emergency. If, as they have proposed, they install more hard armoring now, and wait until later to replenish sand, it will be too late. The sand bed will have been eroded by waves reflecting off the armoring and scouring away the remaining sand, and it will require a much larger amount of sand to fill the void their actions have created. Let me be clear - this will not be the work of nature alone, that is how nature will respond to the OCTA's seawall.

In conclusion, I am not an opponent of the railroad. I believe that we can work together to maintain two valuable resources: the railroad and our sandy beaches. But a proposal that protects the railroad at the expense of the beaches is not acceptable. **Please deny this request, and send the OCTA back to the drawing board and insist that they protect both the beaches and the rail line over the long term.**

Respectfully,
Greg Ray
California native and San Clemente Resident

Outlook

FW: Public Comment on CDP Application No. 5-21-0866 (OCTA Th11a)

From Hernandez, Jose@Coastal <jose.hernandez@coastal.ca.gov>
Date Wed 10/28/2026 2:42 PM
To Lee, Vince@Coastal <vince.lee@coastal.ca.gov>

1 attachment (3 MB)
Cyprus Shore Grading Plan.pdf;

From: mrmcguirelaw <mrmcguirelaw@cox.net>
Sent: Wednesday, October 28, 2026 2:41 PM
To: Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>; Dobson, Amber@Coastal <amber.dobson@coastal.ca.gov>; Zavisubin, Emily@Coastal <Emily.Zavisubin@coastal.ca.gov>; Hillard, Simone@Coastal <simone.hillard@coastal.ca.gov>; Hernandez, Jose@Coastal <jose.hernandez@coastal.ca.gov>
Subject: Public Comment on CDP Application No. 5-21-0866 (OCTA Th11a)

Hi Karl and everyone else.

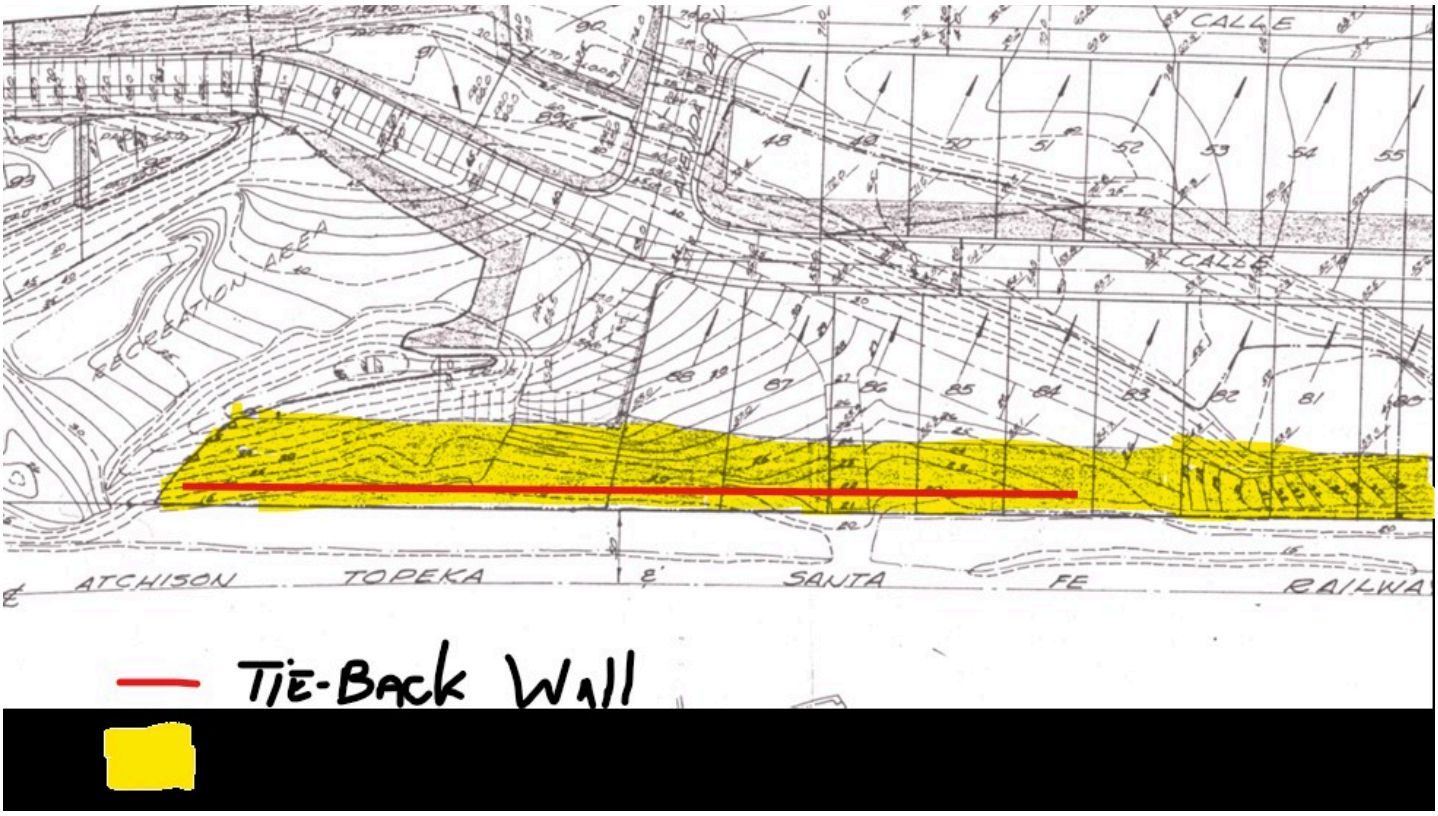
The staff report for this item says it was prepared by "Staff" generally--and I don't doubt that it involved the efforts of many of the members of the staff in Long Beach (it is a very large project). However, because there is not a single analyst named, I was not sure who to send this comment. So I am sending it to several of you and asking that it be included as part of the correspondence sent to the Commission.

Honorable Chair and Commissioners:

I am a long-time San Clemente resident and an attorney that works on Coastal Commission applications (among other things). I recognize and appreciate the amount of work that went into the staff report for this matter (which in reality involves a number of large project that all fall within the larger effort of protecting the rail corridor along the coast through San Clemente).

My comments relate to one specific component of this application: the after-the-fact authorization of the tie-backs and approximately 700-foot long tie-back wall installed along the inland side of the tracks at Cyrus Shore. This work was done on an emergency basis to address an ancient landslide that re-activated. I am not suggesting that the emergency work was unnecessary, nor am I suggesting that the emergency work should not be authorized to remain under this regular permit.

However, I do respectfully object to the proposed findings, beginning on page 33 of the staff report, which assert that the tiebacks and tie-back wall were installed along and into a coastal bluff. The fact of the matter is that the area where the tie-back work occurred is part of a large residential tract that was mass-graded in the early 1960s, and that mass-grading included the creation of a manufactured fill 1.5:1 fill slope parallel to the railroad tracks in the location where the tie-backs and tie-back wall were installed. Here is a portion of the tract grading plan showing the area in question:



The entire grading plan for the Cyprus Shore residential tract is attached to this email.

It is simply wrong factually to characterize this manufactured fill slope as a coastal bluff, and wrong to analyze the relative merits of the alternatives starting with an incorrect presumption that this is a natural landform coastal bluff. It is not. This does not mean that the tie-backs are an inferior alternative to the others analyzed (I actually think the tie-backs/tie-back wall is the best alternative). But the record should reflect the truth: namely, that tie-backs were installed into a graded fill slope and the tie-back wall impacted the face of a graded fill slope--not a natural bluff face. So I am asking that the findings be corrected in this respect.

Thank you for considering these comments.

Sincerely,

Mark McGuire

GRADING PLAN FOR TRACT NO. 4202

"CYPRUS SHORE"
SAN CLEMENTE, CALIFORNIA

SCALE: 1"=60' AUGUST, 1961.

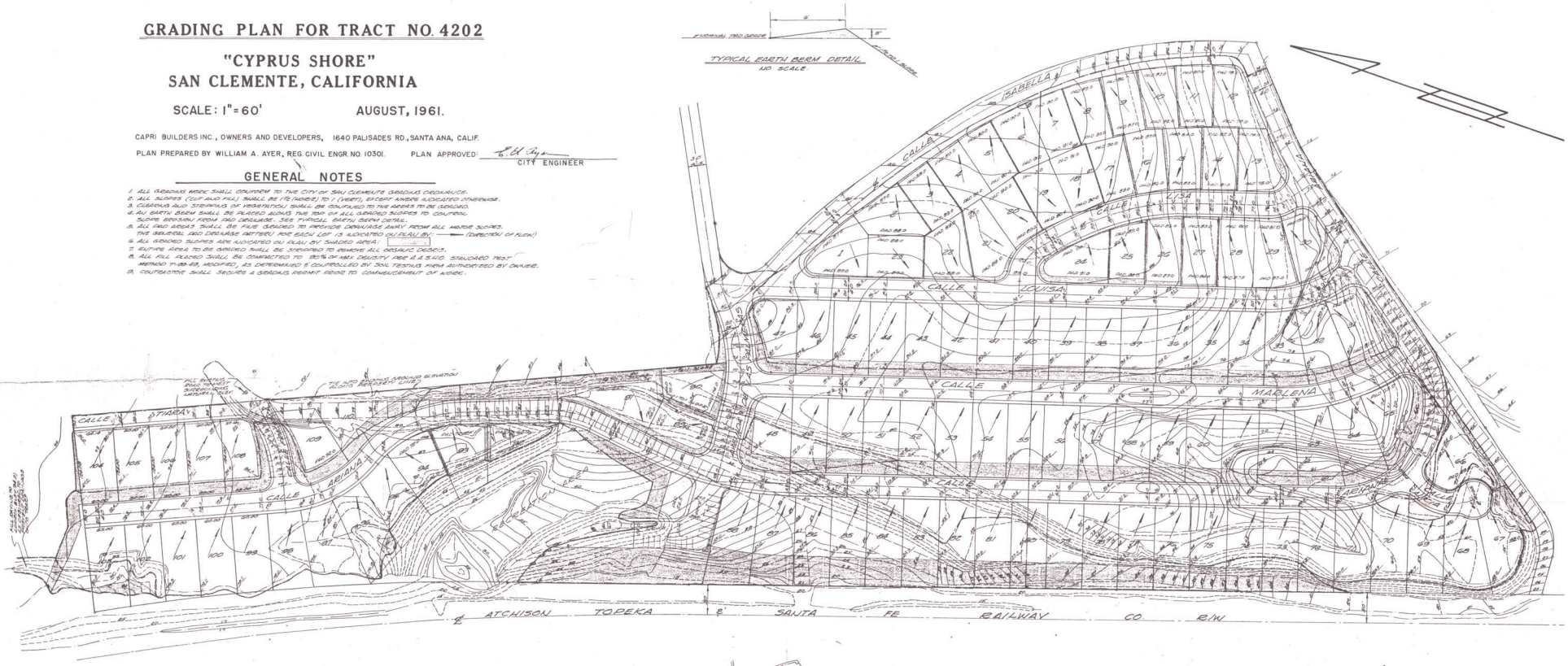
CAPRI BUILDERS INC., OWNERS AND DEVELOPERS, 1640 PALISADES RD., SANTA ANA, CALIF.

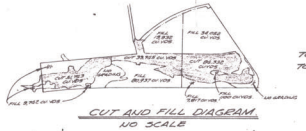
PLAN PREPARED BY WILLIAM A. AYER, REG. CIVIL ENGR. NO. 10301. PLAN APPROVED: _____ CITY ENGINEER

GENERAL NOTES

1. ALL GRADING WORK SHALL CONFORM TO THE CITY OF SAN CLEMENTE GRADING ORDINANCE.
2. ALL SLOPES (CUT AND FILL) SHALL BE 1½ (HORIZ) TO 1 (VERT), EXCEPT WHERE INDICATED OTHERWISE.
3. CLEARING AND STRIPPING OF VEGETATION SHALL BE CONFINED TO THE AREAS TO BE GRADED.
4. ALL EARTH BERM SHALL BE PLACED ALONG THE TOP OF ALL GRADED SLOPES TO CONTROL SLOPE EROSION FROM RAIN DRAINAGE. SEE TYPICAL EARTH BERM DETAIL.
5. ALL RAIN AREAS SHALL BE FINE GRADED TO PROVIDE DRAINAGE AWAY FROM ALL HOUSE SLOPES. THE GENERAL RAIN DRAINAGE PATTERN FOR EACH LOT IS INDICATED ON PLAN BY: ——► (DIRECTION OF FLOW)
6. ALL GRADED SLOPES ARE INDICATED ON PLAN BY SHADED AREA: [▨]
7. BUTTRESS AREA TO BE GRADED SHALL BE STRIPPED TO REMOVE ALL ORGANIC DEBRIS.
8. ALL FILL PLACED SHALL BE COMPACTED TO 95% OF MAX. DENSITY AND AS A.S.T.M. STANDARD TEST METHOD T-99-49, MODIFIED, AS DETERMINED & CONTROLLED BY SOIL TESTING FIRM AUTHORIZED BY OWNER.
9. CONTRACTOR SHALL SECURE A GRADING PERMIT PRIOR TO COMMENCEMENT OF WORK.

TYPICAL EARTH BERM DETAIL
NO SCALE.





CUT AND FILL DIAGRAM.
NO SCALE

TOTAL ESTIMATED EXCAVATION: 172,060 CU. YDS.
TOTAL ESTIMATED FILL : 153,600 CU. YDS.
CALC. SHRINKAGE = 10.73%

October 28, 2026

California Coastal Commission Commissioners
Dr. Kate Huckelbridge, Executive Director
California Coastal Commission

Re: November 5, 2026 hearing • Item Th11a • CDP Application 5-21-0866
Request for enforceable outcome-based conditions for OCTA and SCRRA

Dear Commissioners and Executive Director Huckelbridge:

Save Our Beaches San Clemente appreciates the extensive work by Commission staff on Application 5-21-0866. The report provides an unsparing record of ad hoc rock dumping, unmet planning commitments dating to 2003, recurring unauthorized development and severe loss of public beach resources.

Yet the recommendation does not adequately remedy these failures or prevent their repetition. Please withhold approval in its current form and direct staff to return with enforceable conditions requiring a restored beach, sustained lateral access and continuing maintenance of the sandy buffer OCTA itself recognizes as the railroad's first line of protection. At a minimum, approval must require an 80-foot-wide maintained sandy beach, limit the Area 4 seawall to 15 feet seaward of the track centerline absent demonstrated engineering necessity, and restore continuous lateral public beach access. These are lasting outcomes that must be conditions of approval.

We recognize the importance of rail safety and of balancing rail protection with preservation of public trust resources to achieve the best overall public-interest outcome. We credit staff for requiring removal of unnecessary Area 4 rock, limiting near-term riprap placement, establishing public reporting and accelerating long-term adaptation planning. But studies, reporting and one-time sand placement cannot substitute for a usable beach maintained over time.

The record demands accountability

Unfulfilled commitments. Staff found no evidence that SCRRA fulfilled remaining 2003 commitments, including establishing a riprap limit line, applying for a multi-year maintenance program and investigating long-term beach nourishment. (Commission staff report, pp. 9–10, 48–49.)

Chronic noncompliance. Staff documents unauthorized rock placements, incomplete follow-up applications and Cyprus Shore rock extending 15–20 feet beyond permitted limits. (Pp. 109–112.)

Lasting physical harm. Staff quantifies approximately 4.5 acres of beach-area impacts from encroachment and historical and projected passive erosion over the assessment period. It finds that dumped rock has increased susceptibility to further beach loss and that the proposed armoring is not a viable long-term solution. (Pp. 47, 50–57, 67.)

In our view, this record shows failed planning leading to repeated emergencies and a hard-armoring strategy that has aggravated erosion without delivering dependable rail resiliency. Public trust beaches have been sacrificed while taxpayer dollars fund recurring damage and repair. Those failures call for verified results and consequences, not another cycle of deferred obligations.

OCTA's own acknowledgments support maintained beach standards

OCTA's September 28, 2026 Board staff report states: "Sand is the first line of protection because it dissipates wave energy before waves reach the existing riprap revetment and railroad embankment." It further states that 690,000 cubic yards of sand was initially estimated to create 80–130 feet of additional

dry beach, depending on location and existing conditions. (OCTA Board staff report, p. 4, “Sand Placement.”)

OCTA qualifies that estimate: actual width varies with tides, waves and sediment transport, and engineered protection is needed where the railroad is immediately exposed. Commission staff reports modeled equilibrated widths of approximately 34 feet in Areas 1 and 2 and 49 feet in Area 4/Cyprus Shore. Initial additional width and total equilibrated width are not necessarily comparable measurements. Staff should reconcile the estimates and establish a defensible maintained standard. (Commission staff report, pp. 58–59.)

Instead, the recommendation expressly declines to require a maintained beach width, despite acknowledging that one-time nourishment cannot ensure lateral access throughout a ten-to-fifteen-year authorization. The three-year restriction on supplemental placements affecting the initial nourishment’s equilibrium footprint also needs an explicit corrective-action pathway if beach or access standards fail, while protecting the marine resources that monitoring is intended to assess. (Pp. 4, 59–60, 85–86.)

Staff’s replacement-cost analysis estimates a potential in-lieu mitigation benchmark of $107.45 million and identifies an approximately $73 million gap after crediting sand benefits. These are valuation benchmarks, not assessed debts or fines. Staff concludes that the broader package addresses the impacts, but does not convincingly demonstrate how its remaining measures provide equivalent, lasting public benefits. (Pp. 56–65.)

Earlier planning, secured sand supplies and adaptive nourishment could have reduced wave exposure and the need for emergency armoring while preserving coastal resources. Sand alone would not necessarily resolve every landslide or immediate safety threat. But failure to prepare should not repeatedly leave more damaging armoring as the only practicable option. A maintained beach deserves full comparison as a potentially less damaging alternative, including lifecycle costs and cumulative impacts.

Five conditions the Commission should require before approval

1. Mandate a funded, maintained sandy beach buffer. Require OCTA to establish and maintain a minimum 80-foot-wide sandy beach in front of all existing and proposed coastal armoring for as long as that armoring remains in place, targeting 80–130 feet wherever feasible. Require OCTA to demonstrate how nourishment will achieve and sustain this minimum, accounting for the modeled equilibrated profiles. Require secured funding, defined tide references and measurement methods, reasonable seasonal and storm-recovery allowances, replenishment triggers and binding corrective-action deadlines. Monitoring and sand delivery must support a continuing obligation to achieve these outcomes.

2. Require timely restoration and consequences for delay. Retain the November 5, 2027 initial sand deadline and specify when beach and access standards must be achieved. Require dated procurement and mobilization milestones, public verification of results and prompt responses to missed obligations. Extensions should require documented cause, interim mitigation and a binding recovery schedule; substantial deferrals should return to the Commission. Provide an explicit, environmentally reviewed pathway for corrective nourishment if standards fail during the three-year monitoring period.

3. Condition further discretionary armoring on compliance. Require fulfillment of outstanding sand and mitigation obligations before additional armoring approvals, including any maintenance-program extension beyond July 5, 2027, subject to a narrowly justified immediate-safety exception. If this requires earlier sand delivery, make that sequence explicit. Require all new armoring to minimize its seaward footprint to the greatest extent technically feasible. Establish a maximum seaward extent of 15 feet from the track centerline for the proposed Area 4 seawall, including its structural components, unless OCTA demonstrates through independently reviewed engineering evidence that greater encroachment is essential for rail safety and no less environmentally damaging feasible alternative exists. Cost, convenience or construction expedience alone must not justify additional encroachment. Require

surveyed seaward limits, prompt correction of unauthorized encroachment, mitigation for added impacts and time-bound enforcement review when obligations are missed. Future proposals must compare cumulative armoring impacts with a restored, maintained beach.

4. Require measurable beach recovery at Cyprus Shore and Area 4. Establish recovery objectives and firm implementation deadlines for feasible footprint reductions. If reductions prove geotechnically infeasible, require a funded project that restores equivalent beach area or public-access benefits in south San Clemente, with measurable standards and a firm completion deadline. Require the additional 85,000 cubic yards for past impacts to provide earlier, location-specific benefits. Require OCTA to restore and maintain continuous lateral public beach access between San Clemente State Beach and San Onofre State Beach, with enforceable performance standards and completion deadlines—not merely study its feasibility. Where restoration of a beach route is demonstrated to be infeasible, require a defined alternative with a binding completion deadline. A trail restores passage; it does not replace lost beach area or a protective sand buffer.

5. Tie continued authorization to shoreline performance. Require early, noticed Commission review against beach and access standards, with mandatory corrective action for failures. Additional sand should earn extensions—up to the proposed five-year maximum—only when existing obligations are met and continuing impacts, including downdrift effects, are adequately mitigated. Retain the November 2030 adaptation-study deadline, with interim milestones and a defined process for Commission review and implementation decisions. Relocation and other less damaging alternatives must inform current rail-resiliency proposals.

The report explains that permit approval, issuance and compliance with all conditions would resolve the documented violations, while preserving the Commission's right to legal action. Without stronger outcome requirements, that resolution risks giving OCTA and SCRRA a free pass: one-time sand becomes the cost of doing business, while failed planning, an inadequate resiliency strategy and prior noncompliance are effectively rewarded with another decade of armoring. The public again bears the risk of beach loss. (Commission staff report, p. 112.)

Commission staff has documented the damage, and OCTA has acknowledged that a sandy beach is the railroad's first line of protection. Those findings must now translate into enforceable protection of San Clemente's public beaches and the public's right to use and enjoy them. Please withhold approval in its current form and direct staff to return with conditions that hold OCTA and SCRRA accountable for restoring and maintaining San Clemente's beaches and preserving public access for as long as the authorized armoring remains in place.

Sincerely,

John Dow

John Dow
Save Our Beaches San Clemente

With the concurrence of fellow Board members:
Suzie Whitelaw | Gary Walsh | Joe Wilson

Docusign Envelope ID: C4065C0F-D6AC-827C-8059-A0BCDBD8A6B0

Orange Coast District
3030 Avenida Del Presidente
San Clemente, CA 92672
Scott.kibbey@parks.ca.gov
(949) 366-4895

October 29, 2026

Emily Zavisubin
Coastal Program Analyst
California Coastal Commission, South Coast District Office
301 E. Ocean Blvd., Suite 300
Long Beach, California 90802

RE: OCTA & SCRRA's San Clemente Railroad Corridor Protection Project (Application No. 5-21-0866)

Dear Emily and Coastal Commission Staff:

The California Department of Parks and Recreation's Orange Coast District (the District) appreciates the opportunity to comment on the proposed shoreline protection project along the LOSSAN rail corridor in San Clemente, including Area 4 adjacent to San Clemente State Beach.

State Parks recognizes the importance of the LOSSAN rail corridor as a regional transportation asset and understands the challenges of protecting critical infrastructure in a changing coastal environment. However, we are concerned that protecting the railroad corridor through shoreline armoring will come at a substantial cost to public beaches, coastal resources, and recreational opportunities that make this stretch of coast so valuable. State Parks' Sea Level Rise Strategy provides a framework and guiding principles for preparing for and responding to sea level rise. The Strategy emphasizes local coordination to promote aligned responses and recognizes the need for adaptive management approaches that balance competing needs. It identifies nature-based solutions, and other strategies that conserve natural processes and accommodate sea level rise, as preferred alternatives. The District's preferred alternative, therefore, is sand nourishment without hard armoring. If the Commission, however, determines that temporary armoring is necessary, the District favors the seawall concept over the rock revetment because the revetment's substantially larger footprint would displace more beach, further restrict public access and recreation, and likely cause greater disruption to public services, particularly lifeguarding.

State Parks respectfully offers the following recommendations to help balance railroad protection with the shared responsibility to preserve California's coastal resources and public access.

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1. Prioritize a More Landward Seawall Alignment

State Parks recommends moving the proposed seawall as far landward as feasible to minimize its footprint on the beach and preserve opportunities for landward beach migration as sea levels rise. The staff report indicates that the proposed alignment, approximately 30 feet from the track centerline, is influenced in part by construction staging and the desire to maintain partial rail service. It also indicates that a more landward alignment may be possible if the tracks are fully closed during construction. We therefore encourage the Commission to request an evaluation of landward alternatives that considers a planned, temporary rail shutdown.

The evaluation should identify the specific engineering, regulatory, railroad-clearance, and worker-safety constraints associated with moving the wall inland, distinguishing essential requirements from constraints related to construction logistics, continued rail operations, or cost. These factors should be weighed against the immediate and long-term loss of beach and potential effects on wave reflection, scour, sediment transport, habitat, and public access. We recommend that a farther-landward alignment be ruled out only after its feasibility and trade-offs have been thoroughly evaluated.

2. Require Consideration of a Long-Term Regional Beach Nourishment Strategy

State Parks appreciates the proposed nourishment component and its potential to benefit beach width and recreation. However, the staff report acknowledges uncertainty regarding the long-term effectiveness of discrete sand placements. Initial nourishment alone is unlikely to adequately address the lasting coastal impacts associated with even 10 years of armoring.

Recent projects at Capistrano Beach and Doheny State Beach demonstrate the value of regional nourishment. In 2023, OC Parks, OC Public Works, and State Parks partnered on a project to place up to 45,000 cubic yards of Santa Ana River sand along approximately 2,000 feet of shoreline. In 2024, OC Parks and OC Public Works completed a subsequent 20,000-cubic-yard nourishment project in the same vicinity. Monitoring identified downcoast sediment movement toward Poche Beach following the 2024 placement. State Parks has also observed increased sand accumulation near the campground and south day-use area at Doheny, reflecting benefits from nourishment beyond the immediate placement area. These examples illustrate how sand placements can contribute to a connected coastal sediment system and benefit beaches across agency boundaries.

This approach aligns with the work of the South Orange County Beach Coalition, chaired by Orange County Board of Supervisors Vice Chair Katrina Foley. The coalition brings together representatives from OC Parks, OCTA, Public Works, coastal cities, State Parks, UC Irvine, nonprofit organizations, and the community to identify solutions to shrinking beaches throughout southern Orange County. Its work reflects a broad regional interest in sustaining beaches that extends beyond any single agency or jurisdiction.

Building on these partnerships, State Parks requests that the Commission consider a special condition requiring the project applicants to support development of a durable regional beach nourishment program, with a planning horizon of at least 20 years.

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Rather than relying solely on one-time, project-specific sand placement, such a program could establish the needed infrastructure, partnerships, and funding needed to make recurring nourishment more practical and cost-effective for local jurisdictions. Potential investments could include shared dredging and sand-transport capacity or strategically located rail spurs and sand-transfer facilities throughout the Oceanside Littoral Cell, including potential facilities near Doheny State Beach and San Onofre State Beach. OCTA's proposed Serra Siding Extension Project in Dana Point may offer an opportunity to evaluate incorporating sand-transfer infrastructure into an existing rail service improvement project. A regional delivery network could reduce reliance on long-distance trucking, provide multiple points for delivering beach-compatible sand, and improve the ability to respond to both planned nourishment needs and acute erosion emergencies. These concepts would require further evaluation of feasibility, cost, environmental effects, and operational requirements.

Any regional nourishment program should supplement, not replace or reduce, the initial sand placement currently proposed for the affected shoreline segments. This initial placement is important to address the acute, near-term beach impacts associated with the proposed armoring, while a regional program would provide a framework for sustaining beach width and resilience over the longer term.

3. Align Mitigation with Long-Term Coastal Impacts

State Parks respectfully request the Commission further consider the duration and potential cumulative effects of the proposed armoring when evaluating mitigation. Protecting the rail line serves an important public purpose, but should not result in the progressive loss of public beaches and coastal resources that also serve the public interest.

We recommend considering the seawall alignment (if hard armoring is approved), initial nourishment, and regional nourishment infrastructure as complementary elements of a mitigation strategy that minimizes beach loss, maintains public access, and supports long-term coastal resilience. Investment in regional sand-delivery capacity could provide a lasting public benefit beyond the project footprint while helping address the project's long-term effects on the coastline.

State Parks appreciates the Commission's consideration of these comments and welcomes continued coordination with the Commission, project applicants, and regional partners. We believe that moving the seawall farther landward where feasible, together with a sustained regional approach to beach nourishment, would better balance transportation needs with our shared responsibility to protect California's coast.

Sincerely,

DocuSigned by:
Scott Kibbey
D6C6A2E12237488...

Scott Kibbey
District Superintendent
California State Parks
Orange Coast District

October 30, 2026

Delivered via email

To: Meagan Harmon, Chair, California Coastal Commission
CC: Kate Huckelbridge, Executive Director, California Coastal Commission,
San Diego Coast District Director Karl Schwing

Re: Th11a Application No. 5-21-0866 (OCTA & SCRRA, San Clemente).

Dear Chair Harmon, Commissioners, and South Coast Orange County Coast Staff,

On behalf of Surfrider Foundation, Orange County Coastkeeper, Save Our Beaches San Clemente, and California Coastal Protection Network, thank you for the opportunity to comment on Item Th11a, and for staff's five years of work on this application. The staff report documents a rail corridor managed by emergency. OCTA failed to plan for foreseeable hazards, repeatedly violated its permits, and dumped rock that has consumed San Clemente's beaches without reliably protecting the railroad. The proposed conditions move in the right direction, but they do not go far enough to end this cycle.

Our central request is that OCTA maintain a sandy beach seaward of its armoring for the full permit term. We also ask that all armoring stay within OCTA's right-of-way (or established limit lines) and that the Long-Term Railroad Adaptation Study select a preferred alternative to guide any renewal. If the conditions are not amended to include these requirements, we urge the Commission to deny the permit.

The emergency was foreseeable

Staff finds that "the concerning conditions observed along this rail corridor are not new." Bluff failures and floods have disrupted rail service since the 1930s. The City of San Clemente secured state funding for a relocation study in 1972, but it was never done. The line closed repeatedly in 1992 and 1993, and rock was placed again in 1999 and 2003. (Staff report, p. 47.) In 2003, the Commission approved additional rock revetment based on SCRRA's commitments to set a seaward limit line for rock, adopt a multi-year maintenance program, and investigate beach nourishment. Staff found no evidence that those commitments were met. (Exhibit 10, pp. 4–6; staff report, p. 48.)

The pattern has accelerated. Since 2021 the Commission has processed 15 track stabilization projects here, including 10 emergency permits. Rock at Cyprus Shore extends 15 to 20 feet beyond the limit set in the 2021 emergency permits. About 8,000 tons of rock were placed between July and September of

this year without emergency authorization. (Pp. 3, 111.) Staff calls the armoring, which covers 3.5 acres of beach, "either the largest… or one of the largest encroachment impacts the Commission has ever considered in a single CDP." (p.50)

At Cyprus Shore, the armoring has eliminated the beach. It is impassable most of the year. The Commission's regulations define an emergency as a "sudden unexpected occurrence" (14 CCR § 13009). There are more than ninety years of documented hazards at this site, and it's getting worse. OCTA's failure to plan has turned a foreseeable hazard into a standing emergency of its own making. The public beach has paid the price. Rail service has too.

Critical infrastructure belongs on a secure alignment

Staff describes this corridor as a strategic rail line for national defense and as "active critical transportation infrastructure." But the record shows a segment its operators cannot keep open. Since 2021, it has been fully closed for 9-10 months combined, with additional months of weekend-only or limited service *and* repeated night and weekend closures. (pp 9-15). From October 26 to 30, Metrolink suspended all service between Laguna Niguel/Mission Viejo and Oceanside for five days because of high tides, with no replacement buses. Metrolink has also proposed eliminating Oceanside service entirely and cutting Orange County weekday service by 38 percent and weekend service by 50 percent.

Ridership on this segment is modest. Metrolink's entire 15-station Orange County Line averages 5,116 weekday boardings. Staff notes that the number of riders affected here "may be more limited compared to other segments," and that high weekend ridership points to recreational use. (Pp. 77–78.) The LOSSAN Agency calls the corridor the nation's second busiest, but that claim covers the entire 351 miles and counts only intercity rail. The entire corridor carried 4.48 million trips in FY 2023–24. Caltrain's 77-mile line carried about twice that in FY 2025. Bay Area Rapid Transit (BART) carries that many riders in about a month.

A defense corridor that closes for weeks at a time is a readiness liability. If this segment is truly strategic, its closures are the strongest argument for moving it. Critical infrastructure is sited to stay in service. This segment sits on the beach. If it is critical, it needs to move.

Require OCTA to maintain a beach

Staff finds that "maintaining sandy beach in front of the railroad will function as critical natural infrastructure that works with armoring to protect the railroad." (P. 67.) OCTA's own modeling shows that a beach berm only 10 to 20 feet wide provides "considerable reductions in wave overtopping." (P. 43.) A maintained beach simultaneously protects the railroad, the public, and the Coastal Act's access guarantees. Yet the conditions require a single sand placement, and the modeling behind it "could not be well-validated." (P. 59.) Staff concedes that the long-term effectiveness of one placement is "uncertain." (P. 60.)

If the sand erodes after one or two winters, the conditions require no further sand placement for the rest of the term apart from the 85,000 cubic yards owed for past violations. Instead, Special Condition 4

authorizes up to 15,000 more tons of rock. If that's not enough, the cycle of emergency armoring will likely resume despite this CDP.

The outcome of a single placement is uncertain. Staff also estimates a $73 million gap between the value of the beach lost to armoring and the value of OCTA's sand, and never shows that the rest of the mitigation package closes it. (Pp. 57–58.) As conditioned, the project is not fully mitigated. Therefore, the permit should instead set a desired outcome and require OCTA to deliver it.

We request that OCTA be required to maintain a dry sandy beach at least 50 feet wide seaward of all armoring for the full authorization term. OCTA's own modeling predicts a 50-foot beach at Area 4 after its proposed initial placement. The Army Corps and the City's San Clemente shoreline project was also designed for a 50-foot beach. OCTA has secured $305 million in state and federal funding for these coastal rail projects. It has the resources to meet this standard.

There is Commission precedent for conditioning a minimum beach width. For the SFPUC's Ocean Beach armoring, it required a recreational beach at least 80 feet wide and "useable at all times," measured from the seawall to the mean high water line (CDP 2-21-0912, Special Condition 4.c and p. 71.) This same permit is cited by staff as an example of mitigation for public-agency armoring. (P. 57, n. 34.)

This requirement is the only way to ensure the coexistence of a public beach and reliable rail service for the next 10 years. The hazards this rail corridor has faced since 2021 have returned with this winter's El Niño, which is already causing service interruptions. Coastal hazards will continue and escalate with increasing frequency due to climate change and sea level rise. Armoring alone is failing; ironically, it's making the situation worse. Staff asserts that it is "unclear whether the railroad will be able to persist… even with the proposed (and planned) armoring" (p. 67). We will say it plainly. **If OCTA cannot maintain a minimum beach width in front of their rail line, it will be forced to abandon it.**

If the Commission adopts the beach standard, we support converting the Coastal Trail requirement in Special Condition 3.A.7 into a backstop. A maintained beach provides the lateral access the trail is meant to restore. Furthermore, one design option is to cantilever the trail off the seawall, which could build public support for keeping the wall. A seawall-supported trail with no beach fronting it becomes a safety issue when waves crash against it and overtop. Maintaining a walkable beach in front of the seawall is the preferable solution.

Proposed language is in Attachment A.

Keep all armoring landward of OCTA's right-of-way

We urge the Commission to require that all rock and other shoreline protective devices remain landward of established limit lines. Where no line has been established, armoring should sit as far landward as technically feasible, with no armoring seaward of OCTA's right-of-way (ROW).

The 2021 Cyprus Shore emergency permits limited rock to the edge of OCTA's ROW, but OCTA exceeded it by 15-20 feet. Not for technical reasons, but because they dumped undersized rock that spread across the beach rather than build an engineered revetment (pp 51, 67). The public has a right to lateral access across public tidelands regardless of whether that access falls within OCTA's ROW. Furthermore, San Clemente's LUP says shoreline protective devices "shall avoid siting on public land to the maximum extent feasible" (HAZ-26). Lastly, OCTA's lease from the State Lands Commission does not resolve the rock's impacts on public access or sand supply under the Coastal Act.

The conditions also cannot enforce a line they don't define. Special Conditions 1.B, 3.A.4, 4.D, 4.E, and 8 all refer to a "Limit Line," but it is never properly defined nor are there any conditions that require adherence to it. The conditions only require OCTA to map the line, report rock seaward of it, and avoid crossing it "to the maximum extent feasible." SCCRA committed to a limit line in 2003, and staff found no evidence that commitment was met (p. 48). Attachment A includes suggested language defining the Limit Line with OCTA's ROW as its most seaward edge, while applying any more landward line where one exists. Rock seaward of the line is required to come out, new rock seaward of is prohibited, and Area 4 rock removal includes any rock outside of the ROW. At Cyprus Shore, the geotechnical study in Special Condition 3.A.5 should determine how to pull the revetment footprint back, not whether. That question was already settled in the 2021 emergency permit.

The 50-foot beach standard reinforces this by further incentivizing OCTA to reduce armoring footprints to the minimum necessary. Because it is measured from the toe of the armoring, every foot of revetment minimized is a foot of beach width gained.

Other conditions

Two more changes help close the gaps in the current conditions. The 85,000 cubic yards of sand owed as mitigation for past violations (SC 3.A.9) should be placed at Cyprus Shore and Area 4, where the violations occurred. OCTA should also notify the Executive Director, the City, and the public prior to each rock placement under Special Condition 4, with documentation of the threat. The permit already requires 10 days' notice before sand placement and rock removal. SCRRA committed to advance notice for rock placement in 2003, and staff found no evidence it followed through. (Exhibit 10, p. 6; p. 48.)

Make the long-term study count

We thank staff for moving the Long-Term Railroad Adaptation Study (LTRAS) deadline up three years, from January 2034 to November 2030. The urgency is clear. Repeated emergency permits and monthlong closures show OCTA cannot keep the segment running reliably where it is, and the negative impacts to public access and coastal resources has been devastating.

As written, the LTRAS ends in an informational hearing. There is no requirement for OCTA to choose a path or act on it. Staff's findings also describe a "selected long-term approach" that must be the least environmentally damaging feasible alternative and must prioritize strategies that avoid hard armoring. (P. 65.) However, the condition itself does not require that. They must.

We ask that Special Condition 3.A.10 require the final LTRAS to identify a preferred alternative and an implementation schedule, and that the preferred alternative meet the standard in staff's findings. Any application to retain armoring beyond the initial term should be consistent with that alternative and show progress toward carrying it out. This permit already requires removal of the armoring if the railroad is relocated or abandoned. (Special Condition 1.C.). Tying renewal to the LTRAS ensures a plan behind that requirement.

Lastly, we also ask for a draft final LTRAS by November 2029, presented to the Commission at a public hearing. Given the urgency of the situation, we see no reason for a three-year gap between the interim and final reports.

Proposed language is included in Attachment A.

Thank you for the opportunity to provide comments and recommendations on this permit application. Surfrider has opposed seawalls up and down the California coast for over 40 years. Our requests for this permit are measured in comparison. They protect the beach and the railroad together, building off the one thing all parties agree on: a maintained beach is the railroad's first line of defense. Keeping rock within OCTA's right-of-way asks the agency to honor a limit it has already accepted. And a preferred alternative turns the LTRAS from an informational item into a plan.

We understand the intense pressure the Commission faces this winter because of El Niño, the Governor's emergency proclamation, and the perceived importance of this railroad. Despite that pressure, we urge Commission staff and the Commissioners to consider our requests, as well as those of the many dedicated stakeholders who represent the beachgoing public on this issue. The consequences of getting this wrong cannot be overstated. Over a mile of San Clemente's beaches hang in the balance, as does the continued operation of this segment of the LOSSAN rail corridor for the next 10 years. We trust the Commission to uphold the Coastal Act and get this right.

Thank you for considering these comments.

Mitch Silverstein
California Policy Senior Coordinator
Surfrider Foundation

Suzie Whitelaw
President
Save Our Beaches San Clemente

Garry Brown
Founder and President
Orange County Coastkeeper

Julia Chunn-Heer
Senior Policy Director
California Coastal Protection Network

Attachment A: Proposed Condition Language, CDP 5-21-0866

Surfrider, Orange County Coastkeeper, Save Our Beaches SC, and California Coastal Protection Network propose adding a minimum beach width standard to Special Condition 3.A.1, with related edits to Special Conditions 1, 3, 4, 6, and 8 in the staff recommendation for CDP 5-21-0866 (Item Th11a, November 5, 2026 hearing). Each edited condition is shown against staff's text, where ~~struck text~~ is deleted and **bold text** is added. Subsections not shown are unchanged. We offer this language as guidance for staff and the Commission. Any changes the Commission accepts may need refinement by staff for consistency with the Coastal Act and the rest of the permit, and any errors are our own.

Special Condition 1, Authorization Term

The sand-for-time extension now depends on meeting the beach standard, and placements needed to meet the standard are exempt from the three-year restriction. Only the affected sentences are shown.

1.A. Authorization Period. … This authorization period may be extended by the Executive Director for up to five (5) years if the Permittees place or fund the placement of sand on public beaches in front of the railroad within the City of San Clemente and/or City of Dana Point at a ratio of one (1) year time extension for 70,000 cubic yards of sand, **and only if the Permittees have met the Beach Maintenance Standard in Special Condition 3.A.1.ii for the preceding 12 months. Sand placed to meet Special Condition 3.A.1.ii or 3.A.9 shall not count toward an extension.** … No placement of sand that could impact the equilibrium footprint of the initial sand placement (as defined in the final approved Marine Ecosystem Monitoring Plan, Special Condition 9) shall occur within three (3) years of the initial sand placement described in Special Condition 3.A.1, **except placements required by Special Condition 3.A.1.ii**. …

1.B. … The Permittees shall include in this application, as outlined in the special conditions of this permit, a new proposed mitigation program informed by the Final Sand Monitoring Report (Special Condition 3.A.2), Lower-cost Transit Investigation and Report (Special Condition 3.A.3), Public Information Improvements (Special Condition 3.A.4), the Revetment Footprint Minimization Analysis (Special Condition 3.A.5), Coastal Trail Feasibility Analysis (Special Condition 3.A.~~6~~**7**), ~~and~~ the Long-term Railroad Adaptation Study (Special Condition 3.A.10)**, and the Permittees' record of compliance with the Beach Maintenance Standard (Special Condition 3.A.1.ii)** that corrects any nonconformities with the Limit Lines …

Special Condition 3, Mitigation Program

The edits add the beach standard to the sand placement requirement and tie reporting to it, require the Cyprus Shore revetment to come back inside the Limit Line, extend Area 4 rock removal beyond the right-of-way, make the Coastal Trail a backstop, and direct the 85,000 cubic yards to the reaches where the violations occurred. Edits to Special Condition 3.A.10 (LTRAS) will follow separately.

3.A.1. Sand Placement **and Beach Maintenance**.

i. The Permittees shall place at least 690,000 cubic yards of beach-compatible sand in accordance with the final approved Sand Source, Transport, and Placement Plan (Special Condition 6) WITHIN ONE YEAR OF COMMISSION APPROVAL OF THIS PERMIT, i.e. by November 5, 2027, unless extended for good cause by the Executive Director or extended through a valid CDP or CDP amendment. **The initial placement shall achieve the Beach Maintenance Standard in subsection ii. If it does not, the Permittees shall place additional sand pursuant to subsection ii.d.**

ii. Beach Maintenance Standard. This subsection establishes a performance requirement of this permit. The Mitigation Program may implement it but may not modify it.

a. Standard. For the full authorization period described in Special Condition 1, including any extensions, the Permittees shall maintain a dry sandy beach at least 50 feet wide seaward of the shoreline protective devices authorized by this permit between Mile Posts 203.83 and 204.40 and between Mile Posts 206.00 and 207.20, including Areas 1 and 2, Area 4, and Cyprus Shore. Width shall be measured from the seaward toe of the shoreline protective device to the mean high water line. The beach shall be usable at all times for lateral public access and typical beach recreation, such as walking, laying out towels, and picnicking.

b. Compliance Date. Compliance with this subsection begins upon completion of the initial sand placement required by subsection i or on November 5, 2027, whichever occurs first.

c. Measurement and Trigger. Beach width shall be measured on the transects required by Special Condition 3.A.2. The standard is not met when beach width is less than 50 feet along 500 or more linear feet of shoreline on two consecutive monthly surveys.

d. Corrective Placement. Within 30 days of a trigger under subsection ii.c, the Permittees shall submit a sand placement plan for the review and written approval of the Executive Director. Sand shall be placed within six months of the trigger. Placements shall comply with Special Conditions 6 and 9. The three-year restriction on sand placement in Special Conditions 1.A and 3.A.9 does not apply to placements required by this subsection, which shall instead be reviewed for marine resource impacts under the Marine Ecosystem Monitoring and Mitigation Plan required by Special Condition 9.

e. Sand Delivery and Availability. The Permittees may place sand directly or fund placement through permitted sand placement programs, including the City of San Clemente and Orange County Sand Compatibility and Opportunistic Use Programs, that deliver sand to the reaches described in subsection ii.a. If compatible sand is unavailable from identified sources, the Permittees shall purchase and place beach-quality, compatible sand to meet the standard. Sand placed by the City of San Clemente, the U.S. Army Corps of Engineers, or other entities shall not count toward the Permittees' placement obligations under Special Conditions 3.A.1.i and 3.A.9.

f. Reporting. The annual reports required by Special Condition 3.A.2.iii shall state compliance with the standard at each transect and describe each trigger and the Permittees' response. The reports shall be posted to the Public Information Portal required by Special Condition 3.A.4.

g. Noncompliance. While the standard is not met, the Executive Director shall not grant any extension of the authorization period under Special Condition 1.A. If the standard is not met for 12 consecutive months, the Permittees shall present the noncompliance and a corrective plan to the Commission at

an agendized and noticed public hearing, and the Commission may shorten the authorization period described in Special Condition 1.A.

3.A.2.iii. The Permittees shall submit annual reports on the performance of the sand to the Executive Director by June 15. … **The reports shall also document compliance with the Beach Maintenance Standard as required by Special Condition 3.A.1.ii.f.**

3.A.5.i. WITHIN 180 DAYS OF COMMISSION APPROVAL OF THIS PERMIT, the Permittees shall submit a Revetment Footprint Minimization Analysis for the Cyprus Shore area (Mile Post 206.60 to 207.10), as outlined herein, along with a new CDP or CDP amendment application that includes a site-specific geotechnical study that ~~evaluates the potential for revetment footprint to be minimized~~ **determines the methods and sequencing for restoring the revetment landward of the Limit Line defined in Special Condition 8, and as far landward of it as feasible,** through restacking and/or ~~partial~~ removal of rock. …

3.A.5.ii. The Permittees shall ~~implement footprint minimization identified as feasible in the Revetment Footprint Minimization Analysis~~ **restore the revetment landward of the Limit Line, using the methods and sequencing identified in the geotechnical study,** within one year of issuance of the CDP or CDP amendment required per subsection i. of this condition, or as required by that CDP.

3.A.6. Area 4 Riprap Removal. WITHIN 90 DAYS OF SEAWALL COMPLETION, the Permittees shall remove all riprap seaward of the seawall above +5 feet NAVD88 ~~within the railroad right-of-way~~ **whether within or outside the railroad right-of-way,** that is not required for flanking protection at the up and downcoast ends. …

3.A.7.i. ~~WITHIN ONE YEAR OF COMMISSION APPROVAL OF THIS PERMIT, i.e. by November 5, 2027,~~ **WITHIN ONE YEAR AFTER THE BEACH MAINTENANCE STANDARD IN SPECIAL CONDITION 3.A.1.ii HAS NOT BEEN MET FOR 12 CONSECUTIVE MONTHS,** the Permittees shall submit a CDP or CDP amendment application for the construction of a Coastal Trail segment within Area 4 and, if feasible, Cyprus Shores. …

3.A.7.ii. The Permittees shall implement a trail alignment identified as feasible ~~WITHIN FIVE YEARS OF COMMISSION APPROVAL OF THIS PERMIT, i.e. by November 5, 2031~~ **WITHIN FOUR YEARS OF SUBMITTING THE APPLICATION REQUIRED BY SUBSECTION i**. If infeasible, the Permittees shall submit a plan to implement equivalent mitigation with the CDP or CDP amendment application.

3.A.9. Mitigation for Past Emergency Work. By acceptance of this permit, the Permittees acknowledge and agree to undertake, in addition to the sand placement described in Special Condition 3.A.1, above, placement of 85,000 cubic yards of sand or funding of sand placement on public beaches in front of the railroad ~~within the City of San Clemente and/or City of Dana Point~~ **at Cyprus Shore and Area 4 (Mile Posts 206.00 to 207.20)**. …

3.A.10. Long-term Railroad Adaptation Study (LTRAS). … (Subsections i through v unchanged.)

vi. Draft Final LTRAS. NO LATER THAN NOVEMBER 5, 2029, the Permittees shall submit a draft final LTRAS to the Executive Director and present it to the Commission at an agendized and noticed public hearing.

vii. Preferred Alternative. The final LTRAS shall identify a preferred alternative and an implementation schedule. The preferred alternative shall be the least environmentally damaging feasible alternative

and shall give higher priority to strategies that avoid hard armoring. Any application under Special Condition 1.B to retain the shoreline protective devices beyond the authorization period shall be consistent with the preferred alternative and shall document progress toward implementing it.

3.B. … the Permittees shall submit a Mitigation Program report that describes the shoreline protective devices onsite and outlines their impacts on coastal resources, summarizes consistency with the terms of this permit, **including the Permittees' record of compliance with the Beach Maintenance Standard in Special Condition 3.A.1.ii,** and contains recommendations for mitigation strategies …

Special Condition 4, Railroad Maintenance Program

The edits bar new rock seaward of the Limit Line, require removal of rock that crosses it, and add notice before each placement.

4.D. Placement of new riprap shall ~~avoid additional encroachment onto the beach (exceedance of the Limit Lines and/or the As-Built Plans approved pursuant to Special Condition 8) to the maximum extent feasible~~ **not occur seaward of the Limit Line defined in Special Condition 8. Riprap placed under this condition that is later found seaward of the Limit Line, including displaced rock, shall be restacked landward of the Limit Line or removed within 30 days of discovery. If the Permittees demonstrate that placement seaward of the Limit Line is the only means of addressing an imminent threat to the railroad, they shall obtain the written concurrence of the Executive Director before placement and shall remove the rock within 60 days after the threat has passed**.

4.E. Reporting. **Before each placement of riprap, the Permittees shall notify the Executive Director, the City of San Clemente, and the public through the Public Information Portal required by Special Condition 3.A.4, with documentation of the threat warranting action.** The Permittees shall track and report the final repair/maintenance activities conducted, with photographic evidence, … WITHIN 30 DAYS OF COMPLETION OF THE ACTIVITIES. In the report, the Permittees shall identify and highlight any encroachment of rock beyond the Limit ~~Lines and/or the As-Built Plans approved pursuant to Special Condition 8~~ **Line**. By July 5, 2027, … the Permittees shall submit a summary report of the repair and maintenance activities and, for any ~~nonconformities with the Limit Lines and/or the As-Built Plans approved pursuant to Special Condition 8 and/or~~ work that exceeds 50% of the existing permitted and existing authorized prior to enactment of the Coastal Act tonnage or volume of the underlying section of armoring, a CDP or CDP amendment application to mitigate for any impacts to coastal resources. **Rock seaward of the Limit Line shall be removed as required by Special Conditions 3.A.5, 4.D, and 8.**

Special Condition 6, Final Sand Source, Transport, and Placement Plan

The sand plan must show where sand will come from to meet the beach standard for the full term, beyond the initial placement.

6.A. Sand Sources and Placement Methods. Final site plans identifying sand source areas, transportation routes, staging and stockpile areas, and placement areas, along with a description of excavation, transport, handling, and placement methods, **and a contingency plan identifying backup sand sources and procurement methods sufficient to meet the Beach Maintenance Standard in Special Condition 3.A.1.ii throughout the authorization period**.

Special Condition 8, As-Built Plans

The permit relies on a "Limit Line" in Special Conditions 1.B, 3.A.4, 4.D, 4.E and 8, but never defines one. The edits define it, with OCTA's right-of-way as the outer limit, and require removal of rock seaward of it.

8. As-Built Plans. … The As-Built Plans shall also depict the ~~Revetment Limit Line established pursuant to Consistency Certification No. CC-033-03 within the project area~~ **Limit Line defined in Special Condition 8.A**, clearly distinguish that line from the as-built seaward extent of the revetment, and identify the location and extent of any ~~revetment~~ **rock or other shoreline protective device** seaward of that line. **All rock and other shoreline protective devices seaward of the Limit Line shall be removed within 90 days of the Executive Director's approval of the As-Built Plans, except at Cyprus Shore, where removal shall occur on the schedule established under Special Condition 3.A.5.** …

8.A. Limit Line. For purposes of this permit, the Limit Line is the most landward of the following: (a) the seaward boundary of the Permittees' right-of-way, as surveyed by a licensed land surveyor; (b) any limit line established pursuant to Consistency Certification No. CC-033-03; (c) the seaward face of the approved Area 4 seawall, for rock fronting the seawall other than approved flanking rock at its upcoast and downcoast ends; and (d) any revetment footprint approved under Special Condition 3.A.5 or another Commission action. Once a more landward line is established, it becomes the Limit Line for that reach.

ORANGE COUNTY COASTKEEPER®

3151 Airway Ave, Suite F-110
Costa Mesa, CA 92626
714-850-1965
www.coastkeeper.org

October 30, 2026

VIA EMAIL: SouthCoast@coastal.ca.gov; CommissionerMHarmon@coastal.ca.gov; Kate.Huckelbridge@coastal.ca.gov; Karl.Schwing@coastal.ca.gov

To: Meagan Harmon, Chair, California Coastal Commission
CC: Kate Huckelbridge, Executive Director, California Coastal Commission,
Karl Schwing, San Diego Coast District Director

RE: Th11a Application No. 5-21-0866 (OCTA & SCRRA, San Clemente)

Dear Coastal Commissioners and Staff:

Orange County Coastkeeper ("Coastkeeper") submits this letter urging the Coastal Commission to deny or amend Agenda Item Th11a, Application No. 5-21-0866 (OCTA & SCRRA, San Clemente referred herein as "Application").

Coastkeeper is a nonprofit clean water organization that serves as a proactive steward of our fresh and saltwater ecosystems. The mission of Coastkeeper is to protect swimmable, drinkable, fishable water and promote watershed resilience throughout our region. Coastkeeper represents over 9,000 members; we work collaboratively with diverse groups in the public and private sectors to achieve healthy, accessible, and sustainable water resources for the region. We implement innovative, effective programs in education, advocacy, restoration, research, litigation, and conservation. We submit this letter with urgency to protect our cherished coastline threatened by literal and political erosion. Commission staff recognizes that this Application is "the largest encroachment or one of the largest encroachment impacts the Commission has ever considered in a single CDP" (Staff Report, p. 50). With that in mind, we submit the following comments.

Legal Obligations to Permit Shoreline Armoring Must Meet All Four Criteria.

Coastal Act Section 30235 requires the Commission to approve shoreline armoring *only* when all of the following four criteria are met: (1) there is an existing structure, public beach area, or coastal dependent use; (2) the existing structure, public beach area, or coastal dependent use is in danger from erosion; (3) shoreline-altering construction is required to protect the existing threatened structure or public beach area, or to serve the coastal dependent use; and (4) the required protection is designed to eliminate or mitigate its adverse impacts on shoreline sand supply (p. 28). Coastkeeper acknowledges and agrees that the first two criteria are met. We disagree that the third and fourth criteria are met by this Application.

First, we disagree that shoreline-altering construction is required to protect the existing railroad as proposed in the application. Second, we disagree that the Application is designed to eliminate or mitigate its adverse impacts on shoreline and sand supply. If the Commission agrees that any of the criteria have not been met, **the Commission may deny the permit application or amend it for compliance with the Coastal Act.**

The Record Does Not Show That the Proposed Armoring Will Protect the Railroad, So the Third Section 30235 Criterion Is Not Met.

The Application does not meet the third criteria that would require Commission approval. The shoreline armoring must be required to protect the existing structure, the railroad. It cannot be said to be required to protect the existing structure, because there is no evidence on the record that it will accomplish that goal. The staff report is void of any information or estimate of how long the proposed armoring is expected to protect the railroad, if at all. What the report does say points the other way.

The Staff Report calls the armoring "not a viable long-term solution" (p. 47). The Staff Report says it is unclear whether the railroad can persist in its current alignment even with the proposed and planned armoring, and that the armoring will likely need to be re-engineered and extended vertically as scour, runup and overtopping worsen (p. 67). The seawall's longevity was one of the criteria in the applicants' scoring, but the report gives no figure (p. 44). Without that number, the Commission cannot judge whether this is the required necessary action with the minimum impact. In addition, the Commission cannot judge the adequacy of the mitigation. The $102 million beach-area estimate counts only ten years of passive erosion (p. 52). If the armoring fails in three years, the result is more emergency work. If it lasts thirty, the impacts run well past the period the mitigation was sized for.

Before any approval, the Commission should require a licensed professional engineer to provide a written estimate for each armoring element (the northern revetment, the Cyprus Shore rock, the Area 4 seawall and the tiebacks). The estimate should cover expected service life under the sea level rise scenarios the report cites (pp. 67-68), expected maintenance and sand needs, and the conditions under which each element would fail. The Commission's own coastal engineer should review it. Only then can the Commission decide whether the shoreline armoring is necessary, and will in fact, protect the railroad.

The Project Does Not Eliminate or Begin to Mitigate its Shoreline Impacts.

It is difficult to quantify what the tremendous loss of beach will cost to the ecosystem, the local economy, and to the people of California that use and enjoy this treasured stretch of coastline. It bears repeating that this is "the largest encroachment or one of the largest encroachment impacts the Commission has ever considered in a single CDP" (p. 50). Nonetheless, the Commission has come up with a method to attempt to attach a dollar figure to something money truly cannot replace. That number is $107.45 million: $102.2 million for beach area and $5.2 million for sand retention (pp. 56-57). After accounting for the 690,000 cubic yards of sand placement required by the permit, Staff recognizes a $73 million gap (p. 57).

The staff report finds that the program mitigates the remaining impacts (p. 65). Taking each component in turn, we do not see how it closes a $73 million gap in beach loss.

1. **Sand placement (690,000 cy).** This sand is the source of the $73 million figure, not a way of closing it. After 692,544 cy is credited against the 105,476 cy sand-retention impact, the remaining 587,068 cy is worth about $29 million against $102.2 million of beach-area loss (pp. 57-58). The 690,000 cy of sand is therefore being counted twice.

2. **Sand monitoring.** This should be required. But monitoring sand without a requirement to replace it does not mitigate the loss of beach. It records what the public is already experiencing. The report does not recommend requiring any beach width (p. 4) and expects placed sand to move downcoast over time (pp. 58-59). Monitoring without action is not mitigation. Coastkeeper, together with Surfrider Foundation and Save Our Beaches request maintenance of a minimum beach width.

3. **Lower-cost transit.** The applicants must evaluate and expand a fare discount program only "if feasible," and if they find it infeasible the fallback is a new permit application (pp. 61-62). Nothing guarantees a benefit. The service itself is shrinking. Metrolink has proposed cutting service by 29 percent on weekdays and 40 percent on weekends, with Orange County weekend trains cut roughly in half and weekday service to Oceanside eliminated, possibly as soon as November.[1] The staff report itself reads the line's weekend ridership as a sign of recreational use (p. 78). A discount on trains that do not run is not mitigation.

4. **Public information.** Coastkeeper agrees this belongs in the permit. The staff report does not explain how a portal, hearings and signs offset the loss of beach, and it assigns no dollar value to them (p. 62).

5. **Cyprus Shore footprint.** The applicants must submit a geotechnical study and a new permit application within 180 days, and must implement footprint reductions only if they are found feasible (p. 62). The staff report does not define "feasible." The applicants first committed to study footprint minimization in 2003 and never followed up (p. 51). At a minimum, the Commission should define feasibility with objective criteria and independent engineering review.

6. **Area 4 rock removal.** Coastkeeper agrees this should be a permit condition. But the report describes this rock as placed without a permit or under past emergency authorizations, and no longer needed once the seawall is built (p. 63). Removing it reduces an impact the applicants created. It does not offset the impact of the project as a whole, and it should not count towards the closing of the $73 million gap. The area is also small: about 3,500 sq. ft. by a preliminary estimate (p. 63), roughly 2 percent of the 152,218 sq. ft. the armoring would occupy (p. 50).

[1] "Metrolink Proposes Further Service Cuts to Start As Soon as Next Month" Orange County Register, October 12, 2026. https://www.ocregister.com/2026/10/12/metrolink-proposes-further-service-cuts-to-start-as-soon-as-next-month/

7. **Area 4 and Cyprus Shore trail.** This is another study. If a trail is found infeasible, the fallback is an alternative access project to be proposed later (p. 63). Feasibility is again undefined, and the applicants have already concluded that federal rail rules prohibit a trail near the tracks, a conclusion the report says staff still has questions about (p. 63). A required minimum beach width would address lateral access directly.

8. **Coordination on coastal resiliency.** As the report describes it, this component calls for measures such as facilitating access, pursuing grants, partnering on studies and contributing resources (p. 64). We see no specific deliverable that enforcement staff could measure compliance against, and the report does not explain how it offsets lost beach.

9. **Sand for past violations (85,000 cy).** Coastkeeper agrees this is appropriate mitigation for past unpermitted work. The report treats it as separate from the mitigation for the project going forward (p. 65), so it does not reduce the $73 million gap.

10. **Long-Term Railroad Adaptation Study.** We commend staff for moving the deadline up three years, to November 5, 2030 (p. 65). But the problem is old. At the City's request, the governor allocated funds in 1972 toward a rail relocation feasibility study that was never done, and a 2007 LOSSAN environmental review discussed relocation (pp. 47-48). The Commission already required this study in May 2025, with a 2034 deadline (p. 65). A study is not a plan. The condition requires a study and a presentation to the Commission, not relocation or any other action on its findings. Again, we support this permit condition, but it is not mitigation.

The mitigation package does not match the loss it is meant to offset. Coastkeeper asks the Commission not to adopt the finding that the project is adequately mitigated, and not to approve the permit on the current package on that basis. The Commission, upon a finding that one of the four criteria described above is not met, is within its authority to deny the Permit.

At a minimum, we ask the Commission to:

1. **Adopt the nonprofit coalition letter's proposed amendments** to the special conditions requiring a minimum beach width.
2. **Account for the gap.** Require staff to state, in beach area or dollars, what each non-sand component contributes toward the $73 million, excluding the Area 4 rock removal and the 85,000 cy for past violations. If that cannot be done, the findings should say the gap is not closed.
3. **Define "feasible."** Set objective criteria and independent engineering review for the footprint reduction and trail conditions, so that studies lead to action.
4. **Require the engineer's service-life estimate** described above before any approval.
5. **Make the adaptation study lead somewhere.** Tie any extension of the authorization beyond ten years to demonstrated progress on the relocation analysis, not only to additional sand.

Thank you for considering these comments. The public gave up this beach area, and the Commission's own analysis puts a price on it. We ask that the final conditions show how that loss is made whole.

If you have any questions regarding the contents of this letter, please contact me at Sarah@coastkeeper.org.

Sincerely,



Sarah J. Spinuzzi
Legal Director
Orange County Coastkeeper
Inland Empire Waterkeeper

Outlook

FW: Public Comment On Nov 5 Agenda Item 11A Application 5-21-0866

From SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Date Fri 10/30/2026 4:22 PM
To Lee, Vince@Coastal <vince.lee@coastal.ca.gov>

From: Susan Griesbach <sue.griesbach@gmail.com>
Sent: Friday, October 30, 2026 4:19 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment On Nov 5 Agenda Item 11A Application 5-21-0866

You don't often get email from sue.griesbach@gmail.com. Learn why this is important

hi,
First, the link on your website to submit comments does not work (mailto:SouthCoast@copastal.ca.gov:subject=)

Second, here are my comments on the November 5 meeting, Agenda item 11A, Application No 5-21-0866 (OCTA & SCRRA, San Clemente)

Let me get this straight. OCTA and SCRRA are proposing to mitigate their unauthorized dumping of riprap for the last five years by asking for permits to dump more riprap. That is truly absurd. And to add to the absurdity, they want to build a seawall. Is that because even the riprap dumped in that zone isn't doing the job of holding back the ocean anymore? At this rate, in another decade or so the entire coast of San Clemente will have a seawall instead of beaches.

If you're going to let them dump rocks and build seawalls, please at least require that they maintain a beachfront as well. Or if you can't bring yourselves to make OCTA preserve the beachfront they're destroying, then how about a compromise? How about you require them to maintain some amount of beachfront somewhere in San Clemente? Then make sure they Stick To It. Save face for everyone, and pick the easiest beach zone that's still left to preserve with sand. Or go all out and pick two or three zones to preserve. Then as Patrick Stewart would have said, Make It So. You have the power.

thank you,
Sue Griesbach

--
Sue Griesbach

OCTA

AFFILIATED AGENCIES

Orange County Transit District

Local Transportation Authority

Service Authority for Freeway Emergencies

Consolidated Transportation Service Agency

Congestion Management Agency

October 30, 2026

Ms. Meagan Harmon
Chair
California Coastal Commission
455 Market St Suite 300
San Francisco, CA 94105

Item Th11a

Subject: **Coastal Rail Infrastructure Resiliency Project – Coastal Development Permit 5-21-0866**

Dear Chair Harmon:

The Orange County Transportation Authority (OCTA) appreciates the continued coordination with California Coastal Commission staff regarding the Coastal Rail Infrastructure Resiliency Project (Project) in San Clemente. OCTA supports protection of coastal resources and public access while maintaining safe, reliable passenger and freight rail operations along the Los Angeles–San Diego–San Luis Obispo (LOSSAN) corridor.

OCTA has demonstrated its commitment to protecting public access through significant investments that extend well beyond its core responsibility of maintaining safe and reliable rail operations. As part of the Project, OCTA has incorporated mitigations and has committed approximately $100 million, nearly one-third of the overall project budget, to restoring a critical coastal trail connection and placing approximately 690,000 cubic yards of beach-compatible sand. These investments provide significant coastal resources and public access benefits and directly advance key objectives of the Commission. Accordingly, we urge the Commission to fully account for these benefits and investments when considering the need and appropriate scale of additional mitigation, so that the special conditions remain reasonable, proportionate and connected to the Project's impacts, and fiscally responsible.

Following review of the special conditions, OCTA would like to provide for your consideration several comments on conditions that warrant reconsideration.

- **Authorization Term (Special Condition 1): OCTA requests a 30-year authorization term**, with opportunities for extensions. State and federal agencies have collectively committed approximately $300 million toward this Project which was designed to provide protections to this critical segment of the rail line over approximately 20 to 30 years. A substantially shorter permit authorization term would conflict with those funding assumptions and potentially jeopardize grant commitments.

- **Lower-Cost Transit Investigation and Report (Special Condition 3.A.3): OCTA requests deletion of this condition**. The proposed requirement to implement an expanded program (or unspecified "equivalent public access mitigation" if expansion is infeasible) creates an open-ended obligation unrelated to the engineering work proposed under this permit. OCTA currently provides substantial transit-access benefits, including youth ride free, senior and disability discounts, college pass, coastal service on OC Bus Route 1, and Measure M Project V support for local circulators, including coastal trolley service. Additionally, OCTA contributes directly to support Metrolink operations including most recently $50 million in subsidy for the current fiscal year (FY 2026-27) for operations which provide direct access; and OCTA as a single member of the joint powers authority cannot independently modify the fare structure.
    - As currently proposed, OCTA believes this condition violates the Nollan-Dolan "essential nexus" and "rough proportionality" standards for constitutional land use permit conditions. (Nollan v. Cal. Coastal Comm. (1987) 483 U.S. 825 & Dolan v. City of Tigard (1994) 512 U.S. 374.) The proposed permit would permanently authorize the work performed under prior emergency permits to repair and restore a rail line that existed and functioned long before the Coastal Act was enacted, and there has been no showing that such work adversely impacted transit access for coastal communities. In fact, the authorized work was necessary to restore existing transit service on the rail line.
- **Area 4 and Cyprus Shores Coastal Trail (Special Condition 3.A.7):** OCTA supports evaluating opportunities to improve coastal access, but requests revision of the requirement to construct a trail within five years or provide undefined equivalent mitigation. Previous trail-extension analysis identified limited beach width seaward of the railroad, extensive private ownership inland of the tracks, and geotechnical instability along portions of Area 4 and Cyprus Shore. Additionally, any trail extension would be subject to California Public Utilities Commission approval which may be infeasible given the aforementioned constraints. These constraints raise significant safety, property acquisition, and engineering issues. **OCTA proposes a more comprehensive feasibility evaluating extension of the San Clemente Coastal Trail, without presuming the outcome**. If a feasible alignment cannot be identified, the condition should not impose an additional, undefined mitigation requirement.
    - The lack of definition for equivalent mitigation is also legally problematic. There can be no demonstration of constitutionally

compliant rough proportionality or essential nexus under vague terms that are inherently subjective in future interpretation.

- **Mitigation for Past Emergency Work (Special Condition 3.A.9): OCTA requests that this provision be removed from the current permit and addressed separately with Commission staff**. The condition would require an additional 85,000 cubic yards of sand and appears to presume prior unpermitted emergency work. These estimates warrant joint technical reviews to avoid duplicative mitigation and to ensure obligations are tied to demonstrated impacts.
    - OCTA has requested, but has not yet been provided, with any evidence supporting the Commission's position that there was unpermitted emergency work, and therefore the proposed condition is not documented as proportional to the impacts of any alleged violation(s) or as essentially connected to mitigating for any such violations.
- **Long-Term Railroad Adaptation Study (Special Condition 3.A.10):** OCTA supports a comprehensive long-term assessment of rail relocation and adaptation alternatives. However, the **condition must recognize that the California State Transportation Agency (CalSTA) is leading the study in coordination with OCTA and other partners, not preparing it on behalf of the permittees**. OCTA is not directly responsible for the study, and the obligations and milestones should reflect the governance structure and the entities with actual decision-making and funding authority. OCTA recommends a 48-month study completion period given the complexity of evaluating approximately 9 to 11 miles of a potential relocation, alternatives development, environmental constraints, and meaningful stakeholder engagement. OCTA also requests extending the initial working-group and engagement-plan deadline from 90 to 120 days to accommodate ongoing arrangements for transferring dedicated study funding to CalSTA, with subsequent milestones adjusted accordingly.
- **Railroad Maintenance Program (Special Condition 4): OCTA requests that the maintenance authorization remain in effect for the same 30-year term as the underlying permit**, subject to appropriate reporting, monitoring, and limits on the scope of work. The current maintenance authorization would end in July 2027, approximately eight months after permit consideration, despite the continuing exposure of the railroad to wave action and bluff erosion. Such a short term would likely require repeated emergency permit applications for routine protective responses,

contrary to the shared objective of establishing a predictable, regulated maintenance framework.

OCTA remains committed to working with the Commission and its staff on conditions that protect coastal resources and public access without compromising rail safety or creating requirements beyond the permittees' authority or practical ability to implement. We respectfully request that these revisions be considered before the Commission acts on the permit and that the ongoing coordination not delay urgently needed protection of this critical transportation corridor. We look forward to continuing collaboration with the Commission and its staff. Attached for reference are 1) a project fact sheet, 2) the redlined version of the staff-recommended Special Conditions with additional details regarding our requested revisions, and 3) my October 21, 2026 letter to Executive Director Kate Huckelbridge.

Sincerely,

Jamey M. Federico
Chair

JMF:dp

Attachments

c: OCTA Board of Directors
Dr. Kate Huckelbridge, California Coastal Commission
California Coastal Commissioners, California Coastal Commission
Executive Staff, OCTA
James Hacker, CalSTA
Anthony Serna, CalSTA
Kealiʻi Bright, CNRA
Karl Schwing, California Coastal Commission

KEEP COASTAL RAIL MOVING

A FAIR PERMIT. A SAFER RAILROAD. A STRONGER COAST.

The Los Angeles–San Diego–San Luis Obispo (LOSSAN) rail corridor is a vital transportation lifeline that has served California since 1888. Today, worsening erosion, bluff failures and wave action threaten its continued operation. OCTA is acting with urgency to protect passenger and freight service while making an extraordinary investment in coastal restoration and public access.

OCTA has secured approximately $305 million for rail protection, with $100 million dedicated to coastal resources and enhancing public access, including plans to place approximately 690,000 cubic yards of sand along the San Clemente coast, the single largest placement in the city's history. Despite efforts to work closely with the California Coastal Commission, the staff-recommended permit conditions could add approximately $227 million in estimated costs, with no identified funding, and impose responsibilities beyond OCTA's control, authority and core responsibility to maintain safe and reliable rail operations.

The choice should not be between protecting California's coast and protecting its railroad. We can, and must, do both. At its November 5, 2026, meeting, the Commission has an opportunity to approve practical, legally supportable conditions that advance urgently needed work without saddling transit riders and taxpayers with disproportionate obligations.

1. GIVE A 30-YEAR INVESTMENT A 30-YEAR PERMIT

The Issue

A seawall designed for 30 years should not face a 10-year authorization that creates uncertainty over whether it can remain. The proposed five-year extension would require another 350,000 cubic yards of sand without any guarantee of approval and could ultimately trigger removal of infrastructure needed to protect the railroad.

The Solution

Authorize shoreline protection for its 30-year design life, with clear, reasonable maintenance and review requirements, while the State leads development of longer-term regional solutions.

2. CREDIT REAL COASTAL BENEFITS, DO NOT CHARGE TWICE

The Issue

OCTA's planned sand placement and recent restoration of the San Clemente Beach Trail are tangible investments in the coast and public access. Using the Commission's own sand calculator, the planned placement more than offsets the project's impacts. Additional demands tied to disputed historical emergency work and permit extensions risk imposing duplicative mitigation rather than addressing the actual impacts of the improvements now under review.

The Solution

Fully recognize OCTA's existing coastal commitments, avoid double-counting impacts, and address disputed past work separately on an accurate factual record. Distinguish longstanding, lawfully established rail infrastructure and pre-Coastal Act revetment from new project improvements.





Continued on reverse side

3. REQUIRE WHAT OCTA CAN ACTUALLY DELIVER

The Issue

OCTA is a transportation agency, not the owner of adjacent beaches or the sole agency responsible for dealing with regional coastal erosion issues. Proposed conditions involving expanded fare discounts, trails on land OCTA does not own, accelerated long-term rail planning and undefined "equivalent mitigation" would create open-ended obligations outside OCTA's control. A durable coastal strategy requires the State, county, city and other responsible parties to share planning and financial responsibility.

The Solution

Remove the fare-discount mandate; allow trail feasibility work without requiring construction on third-party private property; define and limit alternative mitigation; and recognize the State's lead role by extending the long-term rail study deadline to 2034.

4. PUT RAIL SAFETY FIRST AND KEEP EMERGENCY TOOLS AVAILABLE

The Issue

Protective rock should not be removed where engineering analysis shows it remains necessary for rail safety. Impractical construction deadlines and maintenance authorization that expires in July 2027 would also constrain OCTA's ability to respond to new erosion and urgent threats as longer-term solutions take shape.

The Solution

Permit necessary protective rock to remain based on engineering evidence, establish achievable construction schedules, and extend ongoing maintenance authority with flexibility for urgent safety work.

THE COST OF GETTING THIS WRONG

$305 million
secured to protect coastal rail

+$227 million
estimated additional costs from proposed Coastal Commission permit conditions

Nearly doubling the cost of this effort, without identifying new funding, could divert scarce transportation resources from rail stabilization and essential service. Coastal mitigation must be proportionate to project impacts, feasible to implement, and consistent with responsible stewardship of public dollars.



A COMMON-SENSE PATH FORWARD

OCTA and the Coastal Commission serve complementary public missions. One safeguards how people and goods move; the other safeguards the coast and public access. Neither mission is served by conditions that delay urgently needed rail protection or assign a single transportation agency responsibility for a regional erosion crisis. OCTA urges the Commission to adopt fair, clearly defined and achievable conditions that protect coastal resources, respect agency responsibilities and keep this historic railroad moving.

Th11a

5-21-0866 (OCTA & SCRRA)

NOVEMBER 5, 2026

APPENDICES

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Appendix A – Special Conditions

Appendix B – Relevant Applicable LUP Policies

Appendix C – Armoring Impact Quantification & Potential In-Lieu Fee Estimates

Appendix D – Substantive File Documents

Appendix A - Special Conditions

1. **Authorization Term.**

   A. Authorization Period. This permit authorizes shoreline protective devices, including rock revetment, seawall, and tieback anchor system, and related maintenance in accordance with **Special Conditions 4 and 8** solely for the protection of the existing railroad between Mile Posts 203.83 to 204.40 and 206.00 to 207.25 for a period of ~~ten (10)~~thirty (30) years (i.e. until November 5, 20~~5636~~) or until such time the coastal rail line (approximately between San Juan Capistrano to San Clemente) is relocated or is no longer in service, whichever is less. This authorization period may be extended by the Executive Director for up to five (5) years if the Permittees place or fund the placement of sand on public beaches in front of the railroad within the City of San Clemente and/or City of Dana Point at a ratio of one (1) year time extension for 70,000 cubic yards of sand. Requests for continued authorization shall be submitted in writing for review and approval of the Executive Director one (1) year prior to the expiration of the initial authorization term. Proposals for additional sand placement or funding for sand shall be conducted in a manner and location as deemed appropriate to the circumstances at that future time. Sand placement must be conducted through permitted sand placement programs including, but not limited to, the City of San Clemente and Orange County Sand Compatibility and Opportunistic Use Programs and the final approved Capistrano Beach County Park Monitoring and Maintenance Plan/Capistrano Beach Sand Compatibility and Use Guidelines. No placement of sand that could impact the equilibrium footprint of the initial sand placement (as defined in the final approved Marine Ecosystem Monitoring Plan, **Special Condition 9**) shall occur within three (3) years of the initial sand placement described in **Special Condition 3.A.1**. The Permittees shall notify the Executive Director ten (10) days prior to each sand placement event and, within ten (10) days following each sand placement event, confirm the sand placement location, methods, and total volume in cubic yards and include any request to extend the authorization term of this permit for sand placement as outlined in this condition.

   B. If the Permittees propose to retain any portion of the shoreline protective devices beyond the authorization period (including approved extensions) in this permit as described in subsection A of this Special Condition, then the Permittees shall submit a complete Coastal Development Permit (CDP) or amendment application to the California Coastal Commission no later than one (1) year prior to the termination of the authorization period. The Permittees shall include in this application, as outlined in the special conditions of this permit, a new proposed mitigation program informed by the Final Sand Monitoring Report (**Special Condition 3.A.2**), Lower-cost Transit Investigation and Report (**Special Condition 3.A.3**), Public Information Improvements (**Special Condition 3.A.4**), the Revetment Footprint Minimization Analysis (**Special Condition 3.A.5**), Coastal Trail Feasibility Analysis (**Special Condition 3.A.6**), and the Long-term Railroad Adaptation Study (**Special Condition 3.A.10**) that corrects any nonconformities with the Limit Lines and/or the As-Built Plans approved pursuant

Commented [DP1]: The State and Federal government have invested --200M and ~$100M, respectively -- on the set of coastal rail protection projects designed to protect the rail line for up to 30 years. The state and federal grants required that OCTA conduct a cost/benefit analysis that assumed a 20- to 30-year benefit, consistent with the designed life of the seawall. The proposed 10-year term (with possible 5-year extension) is not consistent with the intent of the state and federal funding and design life for these protection measures. Because the grants were awarded based on the 20- to 30-year benefits, shortening the authorized life of the shoreline protection projects could jeopardize the funding.

Recommend 30-year permit term, with opportunities for extensions. The permit term also needs to track with relocation study and ultimate project.

to **Special Condition 8,** addresses other coastal resource impacts that resulted from nonconformities with the approved Railroad Maintenance Program (**Special Condition 4**), and takes into account the results of the Biological Monitoring and Mitigation Plan. The Mitigation Program shall include an evaluation of alternatives to the shoreline protective devices that reduce impacts to sand supply, public access and recreation, and any other relevant coastal resources present at the site at that time. The information concerning these alternatives must be sufficiently detailed to enable the Coastal Commission to evaluate the feasibility of each alternative for addressing site-specific issues under the Coastal Act. The New Mitigation Program shall also include mitigation for the effects of any remaining portion of the shoreline protective devices on relevant coastal resources, including sand supply, public access and recreation, surf conditions, during the expected life of the remaining shoreline protective devices beyond, but not including the initial period of authorization.

C. Removal and Restoration. The Permittees shall be required to remove the development authorized in this Permit in the following situations: (a) the Permittees fail to submit a permit or amendment application requesting retention of the shoreline protective devices beyond the authorization period; (b) the submitted permit or amendment application is denied; or (c) the existing railroad is removed, relocated, or abandoned. Within 90 days of the termination of the initial authorization period or the removal, relocation, or abandonment of the existing railroad, whichever comes first, the Permittees shall submit, to the Executive Director, a plan for removal of the development, as feasible, authorized by this permit and restoration of all affected areas to their prior condition or better. The Executive Director shall determine whether a new CDP or an amendment to this CDP is necessary to authorize such removal and restoration activities. Removal of development shall be completed within 180 days of the Executive Director's approval and authorization of the removal plan, unless extended for good cause by the Executive Director or as otherwise required by a CDP or CDP amendment for removal and restoration of the development.

2. **Deadline Adjustments and Extensions**. Adjustments or extensions to deadlines specified in the Special Conditions of this Permit may be allowed by the Executive Director if the Executive Director determines that any deadline adjustment or extension are appropriate in light of circumstances, including that the Permittees have shown diligence in pursuing the development and meeting all terms and conditions of this CDP.

3. **Mitigation Program for Shoreline Armoring Impacts.**

A. WITHIN 30 DAYS OF COMMISSION APPROVAL OF THIS PERMIT, the Permittees shall submit, for review and written approval of the Executive Director, a Mitigation Program for Shoreline Armoring Impacts that includes, at a minimum, all of the following components:

1. **Sand Placement.** The Permittees shall place at least 690,000 cubic yards of beach-compatible sand in accordance with the final approved Sand Source, Transport, and Placement Plan (**Special Condition 6**) WITHIN ONE YEAR OF COMMISSION APPROVAL OF THIS PERMIT, i.e. by November 5, 2027, unless extended for good cause by the Executive Director or extended through a valid CDP or CDP amendment.
2. **Sand Monitoring.** A Sand Monitoring Plan to assess placed sand's equilibration, longshore and cross-shore sand transport, and beach widths at the beach(es) at and around the project site from placement of sand until the authorization term expires. The Plan shall include:
   i. A report for Executive Director review and approval that analyzes the expected movement of sand following placement in the identified nourishment areas and verifies that sand movement under worst-case conditions will not adversely impact the hard substrate, canopy-forming kelp, or other associated biota of Wheeler North Reef (i.e., through burial). Worst-case conditions shall generally be understood to mean the oceanographic and physical conditions that have the greatest likelihood of deposition, at the deepest reaches, offshore and include an assessment of the theoretical maximum depth of closure for the proposed sand.
   ii. Monitoring and analytical methods adequate to answer the following management questions:
      a. How did the placed sand perform in terms of beach creation and persistence?
      b. Where did the placed sand move and under what oceanographic conditions?
      c. At what approximate beach width did people stop placing towels down seaward of the shoreline protective devices? How long was the beach passable by lifeguard vehicles on the sand seaward of the shoreline protective devices? How long was it passable for pedestrians?
      d. Is direct sand placement a viable strategy to maintain lateral access along the shoreline fronting the subject armoring in the long-term?
      e. What measures would improve performance of sand placement in terms of beach creation and persistence for example, increasing median grain size, increasing volume, changing placement frequency or locations?

      At a minimum, monitoring shall be conducted through the use of a minimum of 18 transects, spaced to capture the bounds of the sand placement fronting Areas 1 & 2, Area 4, and Cyprus Shores, to monitor subaerial beach profiles from the railroad centerline to mean lower low water. Subaerial beach profiles shall be monitored at least monthly. At least six transects at both Areas 1 & 2 and Area 4 shall

Commented [DP2]: Using the Coastal Commission's sand calculator methodology, the following assessment provides the approximate amount of sand that would be needed to mitigate for the proposed work.
- Areas 1 and 2 – ***assume no sand mitigation*** as the rock restacking and repair did not exceed the existing rock footprint.
- Area 4 – sand calculator ~180K CY of sand associated with footprint of proposed seawall.
- Cyprus Shore – sand calculator ~150K CY
- Emergency coastal rail line repairs (thru 10/1/26) – preliminary calculations ~190K CY.

The above activities would have required a total of ~520K CY of sand. OCTA is providing 690K CY of sand.

extend monitoring of the beach profile to the depth of closure and shall be monitored at least twice annually (once in April or May and once in September or October). Surveys shall be conducted before placement of sand at most six months prior and continue through the authorization term. The results of the monitoring shall inform a final Sand Monitoring Report that will analyze the expected volume of sand and frequency of placement events required to maintain a passable beach seaward of the railroad at the project site.

iii. The Permittees shall submit annual reports on the performance of the sand to the Executive Director by June 15. The reports shall include a summary of key metrics such as beach width, shorezone volume, for the most recent surveys and trends over time as well as notable events such as sand placement by other entities and extreme oceanographic conditions.

iv. ONE YEAR PRIOR TO EXPIRATION OF THIS PERMIT, i.e. by November 5, 2035, unless extended by the Executive Director pursuant to **Special Condition 2** or for good cause, the Permittees shall submit a Final Monitoring Report with the final results of the Sand Monitoring Plan which shall include a summary of the findings as they related to the above management questions and recommendations for how to improve the performance of sand placement on beach creation and persistence.

~~3. **Lower-Cost Transit Investigation and Report.**~~

~~i. UPON COMMISSION APPROVAL OF THIS PERMIT, the Permittees shall initiate an investigation into the feasibility of expanding Metrolink's Low-Income Fare Discount Program ("Mobility 4 All"), which provides a fare discount to lower income riders. This feasibility study shall, at minimum:~~

~~a. Evaluate current usage, capacity, and funding constraints associated with the Low Carbon Transit Operations Program (LCTOP) and any related fare subsidy programs;~~

~~b. Provide an update on the Permittees' progress in implementing the recommendations adopted in Metrolink's 2021 Accessibility and Affordability Study, including but not limited to recommendations related to fare affordability, accessibility improvements, and equity-based service policies;~~

~~c. Assess the feasibility of expanding eligibility to include individuals enrolled in the following assistance programs: CARE/FERA; Medicaid/Medi-Cal; Women, Infants and Children Program (WIC); Healthy Families A & B; National School Lunch Program (free lunch); Food Stamps/Supplemental Nutrition Assistance Program (SNAP); CalFresh; Low Income Home Energy Assistance Program (LIHEAP); Head Start (Tribal income-eligible only); Supplemental Security~~

Commented [DP3]: Per discussion with Commission staff, clarify statement on "passable" and Permittees have no obligations to maintain a "passable" beach with respect to this condition.

Commented [DP4]: This condition gets into transportation policy that involves multiple parties such as the State, OCTA, and Metrolink, and has been further complicated by the lack of ridership recovery on the Metrolink system. Weekday ridership south of Laguna Niguel is amongst the lowest within the three lines serving Orange County.

The Commission should consult with the above parties to determine the ultimate feasibility of expanding on such a subsidy program. If it's not feasible, then no further action should be warranted.

It should be noted that OCTA currently offers a family of discount programs such as the seniors, college students, disable persons, and youth ride free. These programs range from offering free rides to significant discounts on the OC Bus system. In addition, OCTA provides OC Bus connectivity along the entirety of the coastal areas from the Veterans Hospital in Long Beach through all of the coastal Orange County cities, terminating at the Orange/San Diego county line via Route 1. Finally, through a competitive Measure M Project V (community circulator) funding program, OCTA has provided funding subsidy to various local agencies such as the cities of Dana Point and San Clemente to operate trolley service to the coastal areas.

We recommend this condition be stricken out.

~~Income (SSI); Bureau of Indian Affairs General Assistance; Temporary Assistance for Needy Families (TANF) or Tribal TANF; Orange County Rental Assistance Programs; and applicants or occupants of affordable housing.~~

~~ii. WITHIN ONE YEAR OF COMMISSION APPROVAL OF THIS PERMIT, the Permittees shall submit the results of the feasibility investigation required by subsection a of this Special Condition through a new CDP or CDP amendment application. The application shall include, if feasible, implementation of the expanded Low-Income Fare Discount Program within one year of the application's approval or, if infeasible, implementation of equivalent public access mitigation such as measures that improve transportation access, affordability, or connectivity for low-income and transit-dependent communities.~~

Commented [DP5]: The "equivalent public access mitigation" is undefined and would likely pose a significant costs to the Permittees.

Per earlier comment above, this condition should be stricken out.

~~4.~~3. **Public Information Improvements.**

i. WITHIN 90 DAYS OF COMMISSION APPROVAL OF THIS PERMIT, the Permittees shall publish, after review and written approval of the initial content by the Executive Director, a Public Information Portal for public engagement with the ongoing development and resiliency planning at the project site. The content shall include, but is not limited to, a map viewer showing all development at the project site, including the locations and extent of maintenance events, the Limit Lines of the shoreline protective devices as defined in this staff report, updates on construction timing and any related access limitations, any publicly available real-time or regularly updated sand monitoring data, and all final reports, analyses, and studies required by the special conditions of this permit.

ii. Reporting. BEFORE JANUARY 1, 2028 AND EVERY THREE YEARS THEREAFTER, the Permittees shall submit a report to the Executive Director on the project status, that includes but is not limited to an update on the status of the Long-Term Rail Adaptation Study (LTRAS), recent development conducted, sand monitoring data, progress on public access mitigation, and any repair/maintenance activities conducted pursuant to the Railroad Maintenance Program (**Special Condition 4**) since the last Commission hearing on this project. These reports shall be presented to the Commission as an informational item at an agendized and noticed public hearing.

iii. The Permittees shall install and/or fund installation of a minimum of three educational signs in languages appropriate for the San Clemente area at each of the two project areas (north and south of the San Clemente Pier) in coordination with the City of San Clemente and California State Parks. WITHIN 180 DAYS OF COMMISSION APPROVAL OF THIS PERMIT, the Permittees shall submit a Final Signage Plan for review and approval of the Executive Director that does not adversely impact coastal resources.

iv. The public information resources provided by this section shall be maintained for the authorization period described in **Special Condition 1**, at a minimum.

~~5.~~4. **Cyprus Shore Revetment Footprint Minimization.**

i. WITHIN ~~180 DAYS~~one year OF COMMISSION APPROVAL OF THIS PERMIT,
the Permittees shall submit a Revetment Footprint Minimization Analysis for the Cyprus Shore area (Mile Post 206.60 to 207.10), as outlined herein, along with a new CDP or CDP amendment application that includes a site-specific geotechnical study that evaluates the potential for revetment footprint to be minimized through restacking and/or partial removal of rock. The geotechnical study shall address the following information to the maximum extent feasible:

a. Determine the basal rupture surface geometry of the Cyprus Shores Landslide using appropriate subsurface investigation methods.

b. Determine the pore pressures at the basal rupture surface by installation of vibrating wire piezometers in that sliding surface shear zone.

c. Sample basal rupture surface gouge material and test that material to determine the residual shear strength using torsional ring shear testing (ASTM Standard Test Method D6467).

d. Using the results of Items a., b., and c., a licensed geotechnical engineer or engineering geologist shall complete a limit equilibrium slope stability analysis for the Cyprus Shores Landslide that addresses the temporary stability of the landslide during the process of re-stacking the revetment rock. The slope stability analysis shall include recognition that revetment rock would be removed in small cells and re-stacked before moving on to another cell. The analysis should also evaluate the stability of the west end slopes with restacking of the current revetment rock into a different geometry that reduces the seaward footprint of the revetment. The geotechnical engineer shall provide recommendations for temporary slope inclinations for the surrounding sand deposits during the restacking process. The licensed professional engineering geologist and licensed geotechnical engineer who performed the investigation shall stamp and sign a report summarizing the results of the above investigation.

ii. The Permittees shall implement footprint minimization identified as feasible in the Revetment Footprint Minimization Analysis within one year of issuance of the CDP or CDP amendment required per subsection i. of this condition, or as required by that CDP.

Commented [DP6]: Request clarification on scope of proposed work. Not clear on the scope of the expected revetment removal. Is the expectation to remove the rocks that were put in recently (since 2021) or going back even further?

The proposed timeline of 180 days for the study is not achievable since OCTA would need to place sand first in order to initiate this study to assess the effectiveness of the sand placement/migration. This analysis deadline should be within one year instead of 180 days.

Also, given the unpredictability of the sand remaining in the area, there could be significant risk to removing revetment and a high likelihood of Permittees needing to request an emergency action to replace the revetment in the future.

6.5. **Area 4 Riprap Removal.** WITHIN 90 DAYS OF SEAWALL COMPLETION, the Permittees shall remove all riprap seaward of the seawall above +5 feet NAVD88 within the railroad right-of-way that is not required for flanking protection at the up and downcoast ends. The Permittees shall notify the Executive Director ten (10) days prior to proposed initiation of removal activities. Such activities shall conform with the requirements of this permit, including but not limited to the construction best management practices outlined in **Special Condition 7**.

7. ~~**Area 4 and Cyprus Shores Coastal Trail.**~~

i. ~~WITHIN ONE YEAR OF COMMISSION APPROVAL OF THIS PERMIT, i.e. by November 5, 2027, the Permittees shall submit a CDP or CDP amendment application for the construction of a Coastal Trail segment within Area 4 and, if feasible, Cyprus Shores. The CDP or CDP application shall include a feasibility analysis of alternative trail alignments including, but not limited to, a trail alignment cantilevered on the seaward side of the seawall and an at-grade trail on the inland side of the railroad tracks. The analysis shall also evaluate the feasibility of designing the trail or portions of the trail to meet Americans with Disabilities Act requirements.~~

ii. ~~The Permittees shall implement a trail alignment identified as feasible WITHIN FIVE YEARS OF COMMISSION APPROVAL OF THIS PERMIT, i.e. by November 5, 2031. If infeasible, the Permittees shall submit a plan to implement equivalent mitigation with the CDP or CDP amendment application.~~

8.6. **Coordination on Coastal Resiliency.** BY ACCEPTANCE OF THIS PERMIT, the Permittees commit to supporting local, regional, state, and national efforts to place sand seaward of the tracks and pursue coastal resiliency in manners such as facilitating access through the railroad right-of-way when needed, pursuing transportation-related grants for such projects, partnering with other entities on beach nourishment and/or climate change-related studies, contributing staff and other resources to regional efforts including the creation of a regional sediment management authority who can manage and coordinate resources across city, county, and state entities to pursue beach replenishment and responsible sediment management practices, and support efforts to acquire additional Hopper Dredger(s) that would be available on the West Coast.

9.7. **Mitigation for Past Emergency Work.** By acceptance of this permit, the Permittees acknowledge and agree to undertake, in addition to the sand placement described in **Special Condition 3.A.1**, above, placement of 85,000 cubic yards of sand or funding of sand placement on public beaches in front of the railroad within the City of San Clemente and/or City of Dana Point. Sand placement must be conducted through permitted sand placement programs including, but not limited to, the City of San Clemente and Orange County Sand Compatibility and Opportunistic Use Programs and the final

Commented [DP7]: The timeline should be within 180 days of seawall completion to enable a stabilization of the sand placement.

Commented [DP8]: This condition requires establishing a new coastal trail in a geographically constrained area. At the request of Commission staff, OCTA previously studied the potential extension of the San Clemente Beach Trail to the south.

The previous analysis concluded since there is lack of beach width on the seaward side of the rail line along this segment, a new trail extension would have to be situated on the inland side of the rail line. However, the majority of the properties inland of the rail line along this segment are privately owned. Furthermore, it was discovered through the previous analysis that properties located adjacent to the inland side of the rail line along portions of Area 4 and Cyprus Shore are located in a geologically unstable area. OCTA proposes instead to conduct a more thorough analysis on the feasibility of extending the San Clemente Beach Trail for an equivalent distance. If determined not feasible, then there should be no further action. We recommend the "equivalent mitigation" language be stricken.

The "equivalent mitigation" is undefined and would likely pose a significant implications to the Permittees. The condition should not be so open ended, as it would have significant cost, property rights, and potentially geotechnical implications.

Per earlier comment above, this condition should be stricken out.

Commented [DP9]: Per general comment pertaining to Area 4 and Cyprus Shores Coastal Trail above, there should be a clear definition of what "equivalent mitigation" entails.

Commented [DP10]: OCTA requests to pull this condition from this CDP and resolve separately. Neither OCTA nor Metrolink have records of the alleged unpermitted previous work this condition addresses. OCTA and Coastal Commission need to further discuss what the "Past Emergency Work" targeted by this condition consists of. If OCTA were to accept this condition, it would be acknowledging this issue has been fully resolved and admitting to past violations, yet it is not aware of any evidence of violations.

approved Capistrano Beach County Park Monitoring and Maintenance Plan/Capistrano Beach Sand Compatibility and Use Guidelines. The additional placement of 85,000 cubic yards is subject to the following parameters. The additional placement of sand described in this section may occur through multiple events, however, the cumulative required amount shall be placed during the initial ten (10) year term of this permit (i.e. by November 5, 2036). No placement of sand that could impact the equilibrium footprint of the initial sand placement (as defined in the final approved Marine Ecosystem Monitoring Plan, **Special Condition 9**) shall occur within three (3) years of the initial sand placement described in **Special Condition 3.A.1**, above. Prior to the additional placement of sand described in this section, the Permittees shall submit a written plan for placement to the Executive Director for review and approval. The Permittees shall notify the Executive Director ten (10) days prior to each sand placement event and, within ten (10) days following each sand placement event, confirm the sand placement location, methods, and total volume in cubic yards in a written report to the Executive Director.

~~10.~~8. **Long-term Railroad Adaptation Study (LTRAS)**. NO LATER THAN NOVEMBER 5, ~~2030~~2034, the CalSTA, in coordination with Permittees, shall submit, for review and written approval of the Executive Director, a Long-Term Railroad Adaptation Study (LTRAS) prepared either by the Permittees or by CalSTA or Caltrans on behalf of the Permittees, consistent with the following terms:

i. WITHIN ~~90~~ 120 DAYS OF COMMISSION APPROVAL OF THIS PERMIT, the Permittees shall:

   a. Identify members for a working group and convene the initial working group meeting. The Working group shall include both a technical advisory committee of technical experts, and a steering committee that includes, at minimum, affected rail owners and operators (passenger and freight), local and regional government representatives, Coastal Commission, Caltrans, and State Parks representatives, affected tribal governments, and community-based organizations, including those representing inland and environmental justice communities. The list of proposed working group members shall be submitted to the Executive Director for review and written approval prior to convening the initial meeting.

   b. Prepare and submit for review and approval of the Executive Director a draft Community Engagement Plan (CEP) with the goal and purpose of effectively reaching and meaningfully engaging environmental justice communities in the planning and decision-making process for the functioning and future of the corridor. The draft CEP shall include outreach methodology with culturally appropriate outreach methods, which may include digital, paper, and in-person options, and a language access protocol that outlines how materials will be developed, such as translation into non-English languages (including at a minimum Spanish), tailored to be

Commented [DP11]: The completion milestone for the LTRAS is not feasible. For context, complex projects similar to this study take more than 36 months to complete, particularly when a robust stakeholder outreach process is needed. A more reasonable study completion timeframe would be 48 months. For context, the short and mid-term Coastal Rail Resiliency Study has taken a little over three years to complete and all of the concepts analyzed assessed protecting the rail line in-place. A potential relocation of approximately 9 to 11 miles of the rail line would be much more complex.

Commented [DP12]: Throughout this LTRAS condition, it notes "Permittees shall…" perform certain actions; it's important to note that CalSTA is the lead on the LTRAS study. Obligating Permittees to tasks under the LTRAS for which they do not have control is not feasible.

Suggest rewording to "CalSTA, in coordination with Permittees…"

Commented [DP13]: This statement is erroneous, CalSTA is the LEAD on this study and they are NOT preparing it on behalf of the Permittees.

Commented [DP14]: Requests to change to "Within 120 days", as OCTA and CalSTA are working out the details on the transfer of funding dedicated to the long-term study that were originally earmarked to OCTA. These include the Community Project Funding and Transit and Intercity Rail Capital Program funds.

culturally relevant, and written in plain language to prevent educational and cultural barriers from engagement. The draft CEP shall identify key community-based organizations, local governments, Environmental Justice community representatives, and other stakeholders who will be proactively engaged throughout the planning process. The methodology shall include an engagement timeline that aligns with major LTRAS milestones, identifying when draft materials will be shared and when input opportunities occur. The draft CEP shall identify how community input will be incorporated into the working group's deliberations, including: (1) required presentation of CEP findings at each major working group milestone; (2) a mechanism for the working group to provide written responses to substantive community concerns; and (3) documentation in the LTRAS of how community feedback influenced the screening, modification, or elimination of alternatives. The draft CEP shall also include a description of how community input was incorporated into alternative development and screening.

ii. WITHIN ONE YEAR OF COMMISSION APPROVAL OF THIS PERMIT, i.e. by November 5, 2027, CalSTA, in coordination with the Permittees shall:

   a. Convene a minimum of two hybrid working group meetings (1 inland and 1 on the coast) and,

   b. In coordination with the working group, shall generate, and submit to the Executive Director, an Interim LTRAS that identifies:

      1. A detailed set of LTRAS milestones necessary to complete the LTRAS by November 5, 2030, including a funding outline for the planning and environmental phases.

      2. A draft alternatives analysis for relocation (including identification of alternative railroad alignments), decommission and removal, and adaptation-in-place of the railroad tracks that evaluates all components described in subsection A.10.iii below and considers all factors described in subsection A.10.iv below.

      3. A final Community Engagement Plan.

   c. No later than January 1, 2028, CalSTA, in coordination with the Permittees shall present the findings of the Interim LTRAS to the Commission as an informational item at an agendized and noticed public hearing.

iii. The LTRAS shall evaluate relocation of the railroad and shall, at minimum, evaluate the following:

   a. Relocation alternatives: Provide a clear long-term (at least through 2130) analysis of providing necessary rail service along the LOSSAN Corridor between Doheny State Beach and U.S. Marine Corps Base Camp Pendleton at a minimum of two inland sites that

avoid or minimize coastal hazard threats. The analysis shall provide details regarding the mechanisms, costs, funding options, timing, and impacts for each potential relocation alternative, as follows:

1. Mechanisms: A feasibility analysis of relocation alternatives that assesses and considers all potential technical constraints—including design, geotechnical, and engineering constraints—and relevant resource agency requirements (including those enumerated in **Special Conditions 15 and 16**).
2. Costs: Expected costs to plan, permit, decommission, and relocate the existing railroad segment(s) and to restore the existing alignment to a natural or, if infeasible, near-natural condition upon removal.
3. Funding: An evaluation of the manners in which the Permittees or successors in interest and other relevant parties could seek funding from federal, state, municipal, and/or private partnerships for each of the studied railroad relocation alternatives.
4. Timing: A timeline of potential major relocation-related events, including expected timeframes for land acquisition, planning, permitting, design, construction, and eventual operation for each of the studied railroad relocation alternatives.
5. Impacts: Identification of the least-environmentally damaging feasible relocation alternatives, including the benefits and adverse impacts to public access and recreation, sensitive resources that may constitute ESHA, wetlands, sand supply, and other coastal resources resulting from each of the railroad realignment alternatives.

b. Adaptation-in-place. If relocation or decommissioning and removal of this railroad segment is determined to be infeasible, CalSTA, in coordination with the Permittees shall identify alternative strategies for adapting the railroad corridor in-place to maintain any necessary rail operations in a manner safe from flooding and other coastal hazards while ensuring protection of coastal resources such as beaches over the long-term (at least through 2130). The evaluation of alternatives for adaptation-in-place of the current railroad alignment shall address any coastal hazard vulnerabilities identified, including but not limited to alternatives involving accommodation strategies (e.g., elevation of track and other components), protection measures (e.g., shoreline armoring, sand retention, nature-based adaptation strategies, or other natural or engineered features), or other alternatives. Alternatives may include a combination of strategies phased over time. The evaluation shall include the following:

1. Mechanisms: A feasibility analysis of adaptation alternatives that assesses and considers all potential technical constraints—including design, geotechnical, and engineering constraints—and relevant resource agency requirements (including those enumerated in **Special Conditions 15 and 16**). The analysis shall describe all specific design elements and adaptation measures considered, including how different strategies may be used in combination and over time, to ensure the integrity and continued operation of the railroad while protecting coastal resources. The analysis shall also describe any anticipated additional development along the corridor or surrounding areas to serve the railroad in its future operations, and an explanation as to how such associated development would fit into the overall, long-term adaptation approach. Each alternative shall include an evaluation of the impacts to coastal resources and non-armoring adaptation shall be prioritized.
2. Costs: A cost-benefit analysis that addresses the costs associated with continued facility maintenance and upgrades, including any protection measures or other strategies necessary to address coastal hazards (as exacerbated by sea level rise) at the site, including continued monitoring and mitigation requirements for public access impacts, in comparison to relocation alternatives, and costs associated with environmental review, permitting, and mitigation.
3. Funding: An evaluation of the manners in which the Permittees or successors in interest or related parties could seek funding from federal, state, municipal, and/or private partnerships for each of the studied railroad adaptation-in-place alternatives.
4. Timing: A timetable for implementation based on projections of sea level rise and anticipated impacts from coastal hazards. If adaptation strategies would be implemented in response to defined triggers, such as amounts of sea level rise and/or risk to the railroad and associated infrastructure and operations, the timetable should identify the time horizons over which such triggers are anticipated to occur. The timetable shall take into consideration expected timeframes for any necessary land acquisition, planning, permitting, design, mitigation, and construction.
5. Impacts: Identification of the least-environmentally damaging feasible alternatives, including the benefits and adverse impacts to public access and recreation, sand supply, and other coastal resources resulting from each of the adaptation strategies.

iv. The LTRAS shall also include and address the following:

a. Previous relocation studies, including but not limited to, the April 2003 LOSSAN Corridor DRAFT Strategic Plan.[1]

b. Previous research, including but not limited to, the ongoing UC Irvine Sediment-by-rail logistics project, to evaluate options to deliver sand from inland sources to the beach via rail (e.g. rail spur at Doheny State Beach, specialized rail cars and/or top mounted excavators that are able to transport and dump sand, rail car dumper, etc.).

c. Ongoing long-term sea level rise adaptation planning efforts by the City of San Clemente and any relevant long-term planning and regional coordination with the County of Orange and neighboring local jurisdictions.

d. Outreach and coordination with other relevant agencies, Native American tribes, and stakeholders including, but not limited to, the Federal Railroad Authority, U.S. Department of Transportation, U.S. Army Corps of Engineers, National Railroad Passenger Corporation (Amtrak), California Department of Transportation, Juaneño- and Luiseño-affiliated Native American Tribes, California State Lands Commission, California Department of Parks and Recreation, San Diego Association of Governments (SANDAG), Burlington Northern and Santa Fe (BNSF) Railway, Save our Beaches San Clemente, and The Surfrider Foundation.

e. Current and future coastal hazards including flood and erosion hazards caused by tidal inundation, extreme tides and storms, overtopping of shoreline armoring, elevated groundwater and/or reduced or inadequate drainage, which takes into account sea level rise through at least 2130, considering intermediate-high and high sea level rise scenarios for the area, and based on the best available science at the time of plan preparation and any data gathered as part of the monitoring required by **Special Conditions 3.A.2 and 9**.

f. Economic impacts resulting from the railroad's shoreline protection with an emphasis on beach tourism and including temporary rail closures required to install such measures.

g. A community impact analysis of the potential effects of each alternative on local and inland communities, with a component specifically analyzing low-income, and disadvantaged communities in the surrounding and service area using identified using tools such as CalEnviroScreen or similar screening tools and informed by input from the working group. The analysis shall evaluate the distribution of environmental burdens and benefits and shall

[1] https://railroads.dot.gov/sites/fra.dot.gov/files/2020-08/lossanplan1.pdf

consider direct and indirect impacts associated with each alternative, including, but not limited to, coastal access and recreation, transportation opportunities, access to employment and education, environmental health conditions, cumulative impacts and their distribution amongst communities. This analysis shall include qualitative feedback received through the Community Engagement Plan and shall summarize how that feedback influenced the development, modification, or screening of alternatives, and identify remaining concerns and potential solutions, where feasible.

v. No later than January 1, ~~2031~~2035, CalSTA, in coordination with the Permittees shall present the findings of the final LTRAS to the Commission as an informational item at an agendized and noticed public hearing.

B. The final approved Mitigation Program shall expire at the end of the authorization term of this permit, as defined in **Special Condition 1**. AT LEAST ONE YEAR PRIOR TO EXPIRATION OF THIS PERMIT, i.e. by November 5, 2035 unless extended by the Executive Director pursuant to **Special Condition 2** or for good cause, the Permittees shall submit a Mitigation Program report that describes the shoreline protective devices onsite and outlines their impacts on coastal resources, summarizes consistency with the terms of this permit, and contains recommendations for mitigation strategies that the Permittees could implement to address the continued impact of the subject shoreline protective devices on coastal resources and public access.

4. Railroad Maintenance Program.

A. This CDP authorizes limited future repair and maintenance of the rock revetment located between Mile Posts 203.80 to 204.40 and 206.00 to 207.20 as described in this special condition. The Permittees shall place the minimally necessary amount of riprap, ~~may place~~ up to a total of 15,000 tons of riprap per occurrence (no more than 300 tons per 100 linear feet), inclusive of any riprap placed pursuant to G-5-26-0068. The authorization period for the Railroad Maintenance Program shall be thirty (30) years (i.e. until November 5, 2056) or until such time the coastal rail line (approximately between San Juan Capistrano to San Clemente) is relocated or is no longer in service, whichever is less~~expire on July 5, 2027~~. No additional riprap may be placed beyond the tonnage limit or authorization period described in this condition.

B. The Permittees may request further authorization of the Railroad Maintenance Program either through an amendment of this CDP or through a new CDP. Any CDP for continued authorization for the Railroad Maintenance Program may request an authorization period consistent with **Special Condition 1.A** above. Any application to amend this Permit to continue the Railroad Maintenance Program must include the proposed cap on placement of tonnage of new rock on an annual basis and maximum number of tons per 100 linear feet.

C. "Repair and maintenance" as understood for the purpose of this condition means the minimum necessary development required to address an imminent threat to the rail that would otherwise require a CDP or emergency CDP. Repair and maintenance activities shall be the minimum necessary to prevent damage to the

Commented [DP15]: This timeline needs to be adjusted accordingly if the LTRAS completion date is modified.

Commented [DP16]: The condition should clarify that the assessment of continued coastal resource impacts and any associated mitigation requirements **applies only to new development authorized under this CDP**, and not to lawfully established pre-Coastal Act shoreline protective structures.

As currently written, the language could impose additional mitigation obligations on OCTA for existing infrastructure unrelated to new construction or improvements.

Commented [DP17]: The previous version of these conditions had the Maintenance Program track with the overall permit term of 10 years (which we have proposed above to revise to 30 years for consistency with funding obligations). This revised draft condition would now authorize the work for **only eight months,** which is not feasible or reasonable. Commission staff, in numerous previous coordination meetings with OCTA, have indicated they do not wish to perpetually issue emergency permits for repair actions in light of the constant wave damage.

The significant change to this authorization period will almost guarantee OCTA will request more emergency permits in the near term, particularly in light of the State's declared anticipatory emergency of the forecast El Nino storms. **Also, each emergency request would result in significant amounts of sand mitigation and if Permittees were to request an extension, each year of extension will trigger an additional 70K CY of sand.** OCTA requests to modify the term of this condition to be consistent with the permit term.

railroad infrastructure (i.e. tracks and utilities) and maintain safe rail operation.

Repair and maintenance activities include sand, restacking of existing riprap, and placement of new rock consistent with the size and material of existing riprap.

D. Placement of new riprap shall avoid additional encroachment onto the beach (exceedance of the Limit Lines and/or the As-Built Plans approved pursuant to **Special Condition 8**) to the maximum extent feasible.

E. Reporting. The Permittees shall track and report the final repair/maintenance activities conducted, with photographic evidence, including the nature of the threat warranting action, location of restacked rock, amount of sand and/or rock placed in cubic yards and tons, respectively, any related rail closures, and construction access, staging, and methods used WITHIN 30 DAYS OF COMPLETION OF THE ACTIVITIES. In the report, the Permittees shall identify and highlight any encroachment of rock beyond the Limit Lines and/or the As-Built Plans approved pursuant to **Special Condition 8**. By July 5, 2027, unless extended by the Executive Director pursuant to **Special Condition 2** or for good cause, the Permittees shall submit a summary report of the repair and maintenance activities and, for any nonconformities with the Limit Lines and/or the As-Built Plans approved pursuant to **Special Condition 8** and/or work that exceeds 50% of the existing permitted and existing authorized prior to enactment of the Coastal Act tonnage or volume of the underlying section of armoring, a CDP or CDP amendment application to mitigate for any impacts to coastal resources.

F. Access and Staging. Construction access and staging shall avoid use of habitat areas, the beach, and public accessways to the maximum extent feasible. Where infeasible, access and staging shall be consistent with the requirements of **Special Condition 7.A** of this permit.

G. Construction Best Management Practices. Construction best management practices shall be implemented consistent with the requirements of **Special Condition 7.B** of this permit.

H. Other Agency Approvals. The Permittees acknowledge that these armoring repair/maintenance stipulations do not obviate the need to obtain permits and/or authorizations from other agencies for any future maintenance or repair.

I. Revetment Monitoring Program. UPON COMPLETION OF REVETMENT RESTACKING, the Permittees shall establish a Revetment Monitoring Program that includes, at a minimum, the following:

1. Post-construction evaluation and annual reports to the Executive Director on revetment condition, performance, rock migration, and any weathering or damage affecting function.
2. Benchmarks and measurements to document revetment height and seaward extent.
3. Monitoring of beach profile changes and their potential impacts on the development approved by this CDP.

Commented [DP18]: Please specify the date of the annual reports.

The Revetment Monitoring Program will expire in accordance with **Special Condition 1**.

5. Final Seawall Plans.

A. AT LEAST THREE MONTHS PRIOR TO CONSTRUCTION OF THE SEAWALL, the Permittees shall submit for review and written approval of the Executive Director, one electronic copy and two paper copies of Seawall Plans in substantial conformance with the plan titled "Area 4 Shoreline Protection Structure Plan, Profile, and Typical Sections" by S. Magallon, dated September 25, 2026. The plans shall include:

1. A seawall alignment located as far landward to the maximum extent feasible. If temporary full closure of rail operations is required for seawall construction, then the seawall alignment shall be moved inland from the alignment depicted in the plans dated September 25, 2026.
2. Geotechnical Report Recommendations. The Permittees shall submit engineering geologic soils and geotechnical reports including geologic cross sections along the proposed wall alignment, providing recommendations for seismic criteria and site preparation, structural fills, compaction standards, seismic design parameters, foundation design, drainage, and all other necessary geologic, geotechnical, and structural engineering recommendations. The Permittees shall submit evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans, including structural, grading, and drainage plans, and certified that each of those final plans is consistent with all of the recommendations specified in the above referenced plan(s). If after review of the required geological and geotechnical reports, the proposed development is not consistent with the geotechnical recommendations, a CDP amendment is required to address necessary modifications, unless the Executive Director determines that no CDP amendment is necessary.
3. A Final Seawall Materials Plan identifying all materials proposed for construction of the seawall and modification of the culverts in Area 4, including pile materials, materials filling the interstitial spaces between piles, any fill materials within the piles, and any surficial coatings, sealants, or other treatments proposed for the seawall. The seawall shall be designed to include, or mimic, the native materials and appearance of the natural environment, or be otherwise visually treated to minimize impacts to visual resources. The Plan shall include detailed material specifications, product information, and applicable safety data sheets and shall conform to the following requirements:
    i. Recommended Materials. To minimize the discharge of plastics, chemical contaminants, and other potentially harmful materials into coastal waters, the seawall shall be constructed using durable, non-plastic and non-preservative-treated materials, including reinforced concrete or marine-

grade steel, to the maximum extent feasible. The use of pressure-treated wood and plastic or polymer-based materials shall be avoided to the maximum extent feasible.

ii. Restricted Materials. Materials with the potential to release chemical contaminants or plastic particles into coastal waters, including pressure-treated wood, PVC, HDPE, fiberglass-reinforced plastics, polymer-based fillers, and polymer coatings, shall be avoided to the maximum extent feasible. Creosote-treated wood and materials containing intentionally added per- and polyfluoroalkyl substances (PFAS) shall also be avoided. Where the use of these materials is proposed, the Permittees shall demonstrate that less environmentally harmful alternatives are infeasible and that the selected materials minimize potential adverse impacts to coastal water quality and marine resources. Consideration shall be given to chemical leaching, abrasion, fragmentation, degradation, and long-term environmental performance.

iii. Coatings, Sealants, and Fill Materials. Coatings, sealants, grouts, and other fill materials shall be limited to those necessary for structural integrity, durability, or functionality. Where such materials are proposed, the Permittees shall select products appropriate for marine exposure that minimize the potential for chemical leaching, flaking, fragmentation, and other pollutant releases. Materials requiring curing shall be fully cured before exposure to coastal waters, consistent with manufacturer specifications.

iv. Materials Documentation. The Plan shall identify the proposed materials and their intended uses and include applicable product specifications, safety data sheets, and available information regarding environmental performance, including potential leaching, degradation, and release of chemical constituents or plastic particles under anticipated marine exposure conditions.

v. Alternatives Analysis and End-of-Life Management. For any proposed material that does not meet the recommended materials criteria, the Plan shall include an alternatives analysis demonstrating why less environmentally harmful materials are infeasible. The analysis shall consider structural requirements, durability, environmental performance, maintenance needs, expected service life, and end-of-life removal and disposal. Preference shall be given to materials that can be readily recovered, reused, or recycled and that minimize the potential for pollutant releases during construction, maintenance, removal, and disposal. The Plan shall identify appropriate handling and disposal methods for materials that may contain hazardous constituents, wood preservatives, plastics, or other potentially harmful substances.

The Executive Director may approve the Final Seawall Materials Plan upon determining that the proposed materials and associated measures minimize

potential adverse impacts to coastal water quality and marine resources, consistent with the requirements of this condition and applicable Coastal Act and certified Local Coastal Program policies.

4. Public Safety Requirements. Any signs or fencing required to protect the public from railroad activities shall be the minimum necessary to ensure public safety and shall minimize adverse impacts to visual resources from public viewpoints, including from the train and beach.
5. Final construction details including construction methods, timing, staging, and access consistent with **Special Condition 7**.
6. Seawall Removal Plan. A Seawall Removal Plan that evaluates the physical and financial feasibility of removing the entire seawall structure at the end of its useful life or when removal is otherwise required. The Plan shall describe the methods and sequencing for removal of all seawall components, including piles, caps, wall panels or infill, coatings, and any fill materials within or behind the structure, and restoration of the affected area in a manner that protects coastal resources. The Plan shall include the following:
    i. Removal Methods and Resource Protection. Proposed removal methods, equipment, staging and access areas, and measures to minimize disturbance to coastal waters, sediment, and adjacent habitats, including containment and recovery of debris, sediment, and potentially harmful materials during removal.
    ii. Materials Management and Disposal. Identification of anticipated demolition materials, including concrete, steel, plastics, polymer-based materials, preservative-treated wood, coatings, and pile fill, as applicable, and proposed methods for their separation, handling, transport, reuse, recycling, or disposal at appropriately authorized facilities. Demolition debris and pile fill shall not be deposited or left in coastal waters or adjacent habitats. Materials potentially containing hazardous constituents shall be characterized and managed in accordance with applicable requirements.
    iii. Site Restoration Materials. Restoration shall prioritize natural, non-plastic materials and methods appropriate to the surrounding coastal environment. The use of plastic netting, synthetic erosion control blankets, polymer-based stabilization materials, and other plastic-containing restoration products shall be avoided to the maximum extent feasible. Where such materials are necessary, the Plan shall demonstrate why less environmentally harmful alternatives are infeasible and identify measures to prevent their degradation, dispersal, or release into coastal waters.
    iv. Restoration and Feasibility. The Plan shall identify the proposed final site conditions, measures to restore affected coastal resources, and any necessary post-removal monitoring. The Plan shall include an evaluation

of the technical feasibility and estimated costs of removal, materials management, disposal, and site restoration.

B. PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE SEAWALL, the Permittees shall submit, for the review and written approval of the Executive Director, a Seawall Maintenance Plan that outlines procedures for monitoring, inspecting, maintaining, and repairing the seawall. The Plan shall include the timing, frequency, and methods of inspection of all seawall components, including caps, piles, wall panels or infill between piles, cathodic protection, joints, and connections; conditions that would trigger maintenance or repair; anticipated maintenance activities and associated materials, including coatings, sealants, and repair compounds; and staging and access requirements.

   All maintenance and repair activities shall be consistent with the materials requirements established in the approved Final Seawall Materials Plan. Durable, non-plastic, and non-preservative-treated materials shall be used to the maximum extent feasible. The use of pressure-treated wood, plastic or polymer-based materials, and coatings or sealants with the potential to release pollutants into coastal waters shall be avoided to the maximum extent feasible. Where less environmentally harmful alternatives are infeasible, the Plan shall identify appropriate materials and measures to minimize potential leaching, degradation, and pollutant releases. The Plan shall also address containment, collection, and proper disposal of maintenance debris and replaced materials to prevent discharges to coastal waters.

C. The Permittees shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director issues a written determination that no amendment is legally required for any proposed minor deviations.

6. **Final Sand Source, Transport, and Placement Plan.** WITHIN 90 DAYS OF COMMISSION APPROVAL OF THIS PERMIT, the Permittees shall provide for review and written approval of the Executive Director, a Final Sand Source, Transport, and Placement Plan (Final Sand Plan) that substantially conforms with the 30% design plans by Coastal Frontiers, dated April 29, 2026 and includes, at a minimum:

   A. Sand Sources and Placement Methods. Final site plans identifying sand source areas, transportation routes, staging and stockpile areas, and placement areas, along with a description of excavation, transport, handling, and placement methods

   B. Anchoring Plan. An anchoring and operations plan that describes how the Permittees will avoid placing anchors on sensitive ocean floor habitats wherever feasible. The Plan shall include at least the following:

      1. A list of all vessels that will anchor during the Project and the number and size of anchors to be set;

2. Detailed maps showing proposed anchoring sites and rocky and reef habitat identified during the pre-project survey;
3. A description of the navigation equipment that would be used to ensure anchors are accurately set; and
4. Anchor handling procedures that would be followed to prevent or minimize anchor dragging, such as placing and removing all anchors vertically.
5. The Plan shall demonstrate that any equipment deployed offshore under this permit, including, but not limited to, pipelines, barges, anchors, etc., shall not come into contact with the hard substrate of Wheeler North Reef, and will avoid adverse impacts to canopy-forming kelp and other associated biota.

C. Sediment Suitability. Documentation demonstrating that all proposed sand sources are physically and chemically suitable for beach nourishment and will not adversely affect coastal water quality or marine resources. The documentation shall include representative sediment characterization and testing for grain size, fines content, and potential contaminants of concern, as appropriate for the source and its historical uses. Previously completed testing may be used where demonstrated to remain representative and applicable to the proposed placement. Only sediment determined suitable for beach nourishment and approved by the Executive Director shall be placed. Sand shall be free of visible trash, debris, plastics, and other anthropogenic materials. Any such materials encountered during excavation, transport, or placement shall be promptly removed and properly disposed of.

D. Beach Nourishment Turbidity Control Plan. A plan identifying measures to minimize sediment suspension, turbidity, and sediment-laden runoff to coastal waters. The Plan shall include:

1. Water Quality BMPs. Measures to minimize sediment suspension and transport, including controlled placement rates, minimizing unnecessary sediment handling, avoiding direct placement into coastal waters where feasible, conducting work during favorable tidal and weather conditions, and using appropriate turbidity controls (e.g., temporary berms, settling areas, or silt curtains where effective). Stockpiles, staging areas, and transportation routes shall be managed to prevent erosion and discharge of sediment or other pollutants to coastal waters or storm drains.
2. Turbidity Monitoring and Adaptive Management. Monitoring of background and project-related turbidity at representative locations, with established monitoring methods, frequencies, applicable water quality thresholds, and corrective-action procedures. If thresholds are exceeded or adverse impacts to coastal resources are observed, placement activities shall be modified, additional BMPs implemented, or work suspended until acceptable conditions are restored.

3. Implementation Details. A description of proposed BMPs, maps showing structural controls and monitoring locations, and engineered drawings of structural controls, where applicable.

E. Schedule for Sand Placement. A timeline for sand placement and associated local tide calendar. Per **Special Condition 3.A.1**, the sand shall be placed within one year of Commission approval of this CDP unless extended for good cause by the Executive Director or through a new CDP or CDP amendment.

F. Mean High Tide Line Survey (MHTL). The Schedule for Sand Placement shall include a MHTL survey prepared by a licensed professional land surveyor based on field data collected as close to (prior to) sand placement as possible. The MHTL Survey shall extend the full length of authorized development and be consistent with the following:

1. The survey shall include the location of the revetment, the current sand/cobble level, and the proposed location of any new rock and shoreline protective device.
2. The survey shall be conducted in consultation with the California State Lands Commission (CSLC) staff. Prior to submitting this survey to the Executive Director, it must be approved by the CSLC as compliant with the CLSC survey standards.
3. Use either the published Mean High Water (MHW) elevation from a National Oceanic and Atmospheric Agency published tide station closest to the project or a linear interpolation between two adjacent tide stations, depending on the most appropriate approach in light of tidal regime characteristics.
4. Use the most current tidal epoch.
5. Use local, published control benchmarks to determine elevations at the survey site. Control benchmarks are the monuments on the ground that have been precisely located and referenced to the local tide stations and vertical datum used to calculate the MHTL elevation.
6. Match elevation datum with tide datum.
7. Reference all elevations and contour lines to the North American Vertical Datum 1988 (NAVD88).
8. Note survey date, datum, and MHW elevation.

G. For offshore sand operatons:

1. The selected temporary pipeline alignments shall:
   i. Avoid contact with Wheeler North Reef and its associated biota, to the maximum extent feasible. Where infeasible, the Final Sand Plan shall include a detailed explanation for why impacts cannot be avoided.
   ii. Avoid contact with hard substrate and avoid adverse impacts to canopy-forming kelp and other associated biota to the extent feasible. If avoidance

is not feasible, the Final Sand Plan shall include a detailed explanation for why impacts cannot be avoided and shall, instead, select the alignments that minimize coastal resource impacts and include a plan for mitigation for the anticipated impacts.

iii. No less than 60 days before the temporary pipelines are placed, an autonomous underwater vehicle or similar methodology shall be used to determine the marine resources along each proposed pipeline route. Prior to pipeline placement, the pipeline route shall be rerouted where feasible to avoid sensitive marine resources (e.g, surfgrass, kelp, rocky reef). Where avoidance of marine resources is not feasible, mitigation shall be included in and shall be conducted in accordance with the Marine Ecosystem Monitoring and Mitigation Plan described in **Special Condition 9**. A post-project survey of the marine resources along each utilized pipeline route shall take place no more than 30 days after each pipeline is removed from the sea floor. A description of the mapping methodology, timing, the marine resources within or adjacent to the sand pipeline routes, and any accompanying figures, maps, and photos shall be included in the Marine Ecosystem Monitoring and Mitigation Plan and in a final report to the Executive Director.

H. Final Beach Nourishment Staging and Access Plans consistent with **Special Condition 7**.

I. The Permittees shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director issues a written determination that no amendment is legally required for any proposed minor deviations.

7. Construction Best Management Practices. BY ACCEPTANCE OF THIS PERMIT, the Permittees agree to comply with the following construction phase-related requirements:

A. Construction Staging and Access Best Management Practices. The Construction Staging and Access components of the Railroad Maintenance Program (**Special Condition 4**)**,** Final Seawall Plan (**Special Condition 5**), and Sand Source, Transport, and Placement Plan (**Special Condition 6**) shall include and comply with the following:

1. The locations and durations of construction timing, construction sites, construction access routes, and construction staging areas. Impacts to coastal resources, including public access and biological resources, shall be minimized including, at a minimum, as follows:

i. Where feasible, the Permittees shall avoid construction of the shoreline protective devices on weekends during the peak season, defined as the period starting the day before Memorial Day weekend and ending the day after Labor Day weekend.

ii. Staging and storage of construction equipment and shoreline protective device materials (including debris) shall not take place on the beach or public access ways and shall avoid impacts to sensitive habitat areas to the maximum extent feasible. Any inadvertent adverse impacts to sensitive habitat areas caused by construction staging or access shall be accounted for in the Construction Impact Validation and Compensatory Mitigation Ratios for Terrestrial Habitat condition (**Special Condition 12**) and mitigated pursuant to the final approved Terrestrial Ecosystem Mitigation and Monitoring Plan (**Special Condition 13**). Adverse impacts include, but are not limited to, vegetation crushing, removal, or death. Such mitigation shall require an amendment to this permit or a new permit unless the Executive Director determines that no permit is legally required. Staging and storage of construction equipment and materials shall occur in inland areas at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible. Upon a showing of infeasibility, the Permittees may submit a request for review and written approval to the Executive Director for staging and storage of construction equipment and materials closer than 50 feet from coastal water, drainage courses, and storm drain inlets. Construction is prohibited outside of the defined construction, staging, and storage areas.

iii. Staging areas, maintenance areas, and access routes should be limited to areas of the beach that are regularly groomed and shall not cross or disturb sand dunes. The permittees shall maintain a 50-foot buffer between sand dunes and staging areas, maintenance areas, and access routes, if feasible. Upon a showing of infeasibility, the Permittees may submit a request for review and written approval to the Executive Director for staging, maintenance, and access closer than 50 feet from sand dunes.

iv. Staging areas, maintenance areas, and access routes shall not cross or disturb sensitive habitat areas as designated by the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and City of San Clemente. The permittees shall maintain a 50-foot buffer between designated California least tern and western snowy plover habitat areas and staging areas, maintenance areas, and access routes, if feasible. Upon a showing of infeasibility, the Permittees may submit a request for review and written approval to the Executive Director for staging, maintenance, and access closer than 50 ft. From designated California least tern and western snowy plover habitat areas.

v. Staging areas, maintenance areas, and access routes shall minimize crossings or disturbance of the wrack zone. Wrack shall be separated and retained, to the maximum extent feasible, in areas where discharge operations will result in the loss or disturbance of wrack. Wrack shall be moved to the side during excavation and discharge operations and other project activities, and replaced in its original location/configuration, to the

maximum extent feasible, at the completion of project operations where possible.

vi. Vehicles associated with the transport of sediment along the beach shall not exceed a speed of 10 miles per hour in potential sensitive habitat areas and 15 miles per hour in all other beach areas. A qualified biological monitor shall be onboard any vehicle that may cross through potential sensitive habitat area.

vii. Where public parking areas are needed for construction staging or storage, the number of public parking spaces (on and off-street) utilized shall be the minimum necessary to implement the project. Every effort shall be made to minimize the number and duration of public parking spaces used for construction staging and storage.

viii. Safe public access to and around construction areas and staging areas shall be maintained during all project operations. The plan shall include a description of the methods (such as signs, fencing, etc.) by which safe public access to and around construction areas and/or staging areas shall be maintained during all project operations. All construction methods to be used, including all methods to keep the construction areas separated from public recreational use areas (e.g., using unobtrusive fencing or equivalent measures to delineate construction areas), shall be clearly identified on the construction site map.

ix. Lateral access along the shoreline shall be maintained at all times throughout construction, unless dangerous.

x. The San Clemente Coastal Trail and other public access pathways proposed for construction access routes shall remain open to pedestrians throughout the construction period. If short-term temporary closure of minor trail/pathway segments are deemed necessary at some point during the construction period, the relevant Construction Staging and Access Plans shall detail pedestrian detour routes, including signage and timing details. The route shall be the shortest detour possible for the shortest period of time feasible.

xi. The construction staging areas will gradually be reduced as less materials and equipment are necessary.

xii. All beaches, beach access points, and other recreational use areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand impacted shall be filtered as necessary to remove all construction debris from the beach.

B. Onshore Construction Best Management Practices.

1. All construction operations on the beach, including operation of heavy equipment and material placement in the surf zone, shall be limited to the minimum footprint necessary for surf zone placement. In addition, no

Commented [DP19]: Aside from the safety issues of this requirement, riding inside a truck or other equipment may limit the monitor's visibility and ability to identify sensitive resources, wildlife, or changing site conditions ahead of the vehicle. A more effective requirement would be for a qualified biological monitor to survey and clear proposed routes before use, remain positioned on the ground where the route and adjacent habitat can be observed, maintain direct communication with operators, and have authority to stop or redirect vehicles. Any requirement for an onboard escort should be limited to specific locations or circumstances identified by the qualified biologist as necessary.

machinery shall be placed or otherwise located in the intertidal zone at any time, except for the minimum necessary extent and duration to implement the project. No machinery shall be stored in the intertidal zone. Construction equipment shall not be cleaned on the beach or in any beach parking lots;

2. All construction activities shall take place during daylight hours (i.e., no earlier than one hour before sunrise and no later than one-hour after sunset). Lighting of the beach and/or intertidal area is prohibited;
3. Construction activities shall be implemented in a manner that avoids the removal or disturbance of wrack to the maximum extent feasible. However, if construction activities cannot feasibly avoid removal or disturbance of wrack located within the construction area or along the access route, it shall be removed for the duration of the construction work, and subsequently relocated to the area from which it was removed upon completion of the work. Unless temporarily relocated for the duration of construction work, this permit does not allow for the removal of wrack from this area. Debris that is entangled in the wrack, and which poses a clear threat to public safety, may be removed by hand as needed;
4. All excavated beach sand shall be redeposited on the beach within the immediate vicinity of the construction area;
5. Trash shall not be present in sediments to be placed on the beach;
6. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;
7. All debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project;
8. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
9. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
10. The permittees shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
11. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
12. The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and heavy-duty silt fences) that incorporate plastic netting shall be prohibited to minimize wildlife

entanglement and plastic debris pollution. Only 100% biodegradable (not photodegradable) natural fiber netting shall be allowed;

13. All stockpiles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
14. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
15. The discharge of any hazardous materials into any receiving waters is prohibited;
16. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
17. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
18. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

C. Offshore Construction Best Management Practices.

1. Spill Prevention and Response Plan. WITHIN 90 DAYS OF COMMISSION APPROVAL, the Permittees shall submit a project-specific Spill Prevention and Response Plan to the Executive Director for review and approval. The Plan shall identify the worst-case spill scenario and demonstrate that adequate spill response equipment will be available. The Plan also shall include preventative measures the Permittees will implement to avoid spills and clearly identify responsibilities of onshore and offshore contractors and the Permittees personnel and shall list and identify the location of oil spill response equipment (including booms), appropriate protocols and response times for deployment. Petroleum-fueled equipment on the main deck of all vessels shall have drip pans or other means of collecting dripped petroleum, which shall be collected and treated with onboard equipment. Response drills shall be in accordance with Federal and State requirements. Contracts with off-site spill response companies shall be in-place and shall provide additional containment and clean-up resources as needed.
2. Marine Mammal Precautions.

i. A marine mammal monitor approved by the Executive Director shall be present at all times during offshore project activities. The monitor shall ensure that the Permittees and their contractors fully comply with the conditions of this permit related to biological protection.

ii. Offshore project activities shall be suspended if any marine mammals are observed within a 500-foot radius of the work site. Offshore project activities may resume once the mammals are outside of this safety zone. The marine mammal monitor will be responsible for monitoring this zone during all offshore project activities. In the event that the monitor determines a marine mammal has entered or is likely to enter this zone, the monitor shall have the authority to suspend offshore project activities until the marine mammal has passed outside of this zone.

iii. The permittees shall submit a technical report of all data and observations of marine mammals and protected species and any potential incidents to the Executive Director no more than 30 days following completion of project activities.

3. Marine Discharge. There shall be no marine discharge of sewage or bilge/ballast water from vessels. A zero-discharge policy shall be adopted for all project vessels.

4. Limitations on Night Operations. Project activities shall be limited to daylight hours to the maximum extent feasible. Night-lighting required for Project activities shall be shielded and directed to the immediate work area to minimize light spillage into surrounding areas. Night lighting of any project vessels remaining on site shall be limited to that necessary to maintain navigational safety and to serve the nighttime site monitors who will be present on board.

5. Anchoring. The Permittees shall comply with the requirements of the final approved Anchoring Plan (**Special Condition 6.B**).

8. As-Built Plans. WITHIN 90 DAYS OF COMPLETION OF CONSTRUCTION, the Permittees shall submit one electronic copy and two paper copies of complete As-Built Plans to the Executive Director for review and written approval showing all elements of the subject development as built, including in relation to all property lines, right-of-way lines, and adjacent development. The As-Built Plans shall also depict the Revetment Limit Line established pursuant to Consistency Certification No. CC-033-03 within the project area, clearly distinguish that line from the as-built seaward extent of the revetment, and identify the location and extent of any revetment seaward of that line. The As-Built Plans shall be substantially consistent with the Executive Director-approved Final Plans required by **Special Conditions 5 and 6** and the terms and conditions of this CDP, and any inconsistencies shall be highlighted. The As-Built Plans shall include color photographs (in both color hard copy 8½ x 11 and digital jpg formats) that clearly show the as-built project and that are accompanied by a site

plan that notes the location of each photographic viewpoint and the date and time of each photograph. At a minimum, the photographs shall be from upcoast, seaward, inland, and downcoast viewpoints on the beach, and from a sufficient number of other viewpoints so as to provide complete photographic coverage of the approved development. Such photographs shall be at a scale that allows comparisons to be made with the naked eye between photographs taken in different years and from the same vantage points; recordation of GPS coordinates would be desirable for this purpose. The As-Built Plans shall include vertical and horizontal reference data from inland surveyed benchmarks (which shall be clearly identified) for use in future monitoring efforts. The As-Built Plans shall be submitted with certification by a licensed civil engineer with experience in coastal structures and processes, acceptable to the Executive Director, verifying that the project has been constructed in conformance with the Executive Director-approved Final Plans (see **Special Conditions 5 and 6**) and the terms and conditions of this CDP. Any substantial nonconformities with the approved plans and/or terms and conditions of this CDP, as determined by the Executive Director, shall be corrected through submittal of a CDP or CDP amendment within one year of impact.

9. **Marine Ecosystem Monitoring and Mitigation Plan.** AT LEAST THREE MONTHS PRIOR TO COMMENCEMENT OF SAND PLACEMENT, the Permittees shall submit to the Executive Director, for review and written approval, a final Marine Ecosystem Monitoring and Mitigation Plan (MEMMP) for monitoring the physical features and biological communities of subtidal hard bottom (e.g., bedrock pavement, fragmented bedrock, sand scoured reef) and rocky intertidal habitats. The monitoring plan shall provide an overall framework to guide monitoring of the physical features and biological communities associated with these marine ecosystems, in the proposed equilibrium footprint, sand placement pipeline corridors, and immediately adjacent to the North Beach, Areas 1, 2 and 4, and Cyprus Shores replenishment footprints, as well as a minimum of two (2) reference sites for each respective ecosystem. The plan shall also provide feasible mitigation options for potential impacts to these intertidal and subtidal marine ecosystems. The monitoring plan shall be developed in consultation with state and federal agencies including Commission staff, the California Department of Fish and Wildlife, California State Lands Commission, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and U.S. Army Corps of Engineers.

   A. Marine Ecosystem Monitoring. The Plan shall describe the sampling methods, analytical techniques, criteria, and assessment approaches for determining whether the approved project has exerted adverse impacts upon the respective marine ecosystems. The terms ‘direct’ and ‘indirect’ as they relate to definition of adverse impacts shall refer to the spatial (within and outside of permitted replenishment footprint areas) and temporal (whether immediate or delayed) nature of any observed changes, as well as their severity (sub-lethal or lethal, temporary or permanent). The Plan shall include clear and specific identification of the potential impact areas to subtidal hard bottom and rocky intertidal within

the delineated areas described below. It shall also specify two (2) reference sites for each of the ecosystems (rocky intertidal and subtidal hard bottom), which are preferably located together. Reference site locations shall be based on similarity to the respective marine ecosystems in the project area and proximity to the project area. In addition, the Plan shall include, at a minimum, the following:

1. The Sand Equilibrium Footprint. The Plan shall include a figure of the expected sand equilibrium footprint and a narrative describing the model parameters and assumptions. The marine ecosystem monitoring locations shall be established in two areas: within the expected sand equilibrium footprint and areas within an extended boundary of the equilibrium footprint. That boundary shall be delineated as no less than an additional ¼ mile in the longshore direction reaching both upcoast and downcoast, and offshore to -35 feet MLLW from the equilibrium footprint. This area shall be extended further out if models or monitoring at any point indicate sand is migrating beyond the expected equilibrium footprint.
2. Existing Conditions. The Plan shall include a description and historical review of the extent, physical structures, and biological communities of the rocky intertidal (i.e., rock size and type, algae and seagrasses, sessile and motile invertebrates), and subtidal hard bottom (i.e., rock size and type, algae and seagrasses, sessile and motile invertebrates) marine ecosystems in the vicinity of the beach replenishment project sites. The historical review shall include a summary of past quantitative survey and monitoring work (e.g., annual kelp canopy areal extent data, nearshore monitoring for the Orange County Sand Compatibility and Opportunistic Use Program, Multi-Agency Rocky Intertidal Network survey work) conducted on these ecosystems, in order to document trends in areal extent, species composition, and community structure and dynamics for comparison with the post-project monitoring results.
3. Monitoring Objectives. The monitoring objectives shall include:
    i. Fine-scale mapping of physical structures via remote-sensing techniques associated with the rocky intertidal and subtidal hard bottom ecosystems, within the expected sand equilibrium footprint, its extended boundary per subsection 1(a) of this condition, and at a minimum of two (2) reference sites;
    ii. Quantitative characterization of biological communities via in situ field methods for rocky intertidal and subtidal hard bottom ecosystems including algal, surfgrass, and invertebrate (infaunal for beaches, sessile and motile for rocky ecosystems) components, within the expected sand equilibrium footprint, its extended boundary per subsection 1(a) of this condition, and at a minimum of two (2) reference sites;
    iii. Identification of any direct or indirect adverse impacts (with respect to space, time, and severity) to rocky intertidal or subtidal hard bottom ecosystems resulting from the project; and

iv. Identification of likely causes of any documented adverse impacts to the rocky intertidal, or subtidal hard bottom ecosystems, including but not limited to burial, scouring, and turbidity.

4. Monitoring Design. Monitoring shall be divided into two (2) distinct phases utilizing the same monitoring design. The fall season shall be defined as from September 1 to November 30.

   i. Fall pre-construction monitoring was completed in October 2025 to establish pre-project baseline conditions. For areas unable to be mapped in October 2025, other existing mapping sources shall be used to supplement, characterize, and quantify the subtidal hard bottom and rocky intertidal habitats. Should the proposed sand placement commence on or after September 1, 2027, another fall pre-construction monitoring survey shall occur prior to sand placement.

   ii. Post-construction annual fall monitoring shall be completed for no less than two (2) years following the completion of all sand placement activities. If the monitoring results are inconclusive after Year 2, the Permittee may extend monitoring efforts for one additional year consistent with (g) below, in consultation with the Executive Director.

5. Monitoring Methods. The Plan shall include detailed monitoring methods including supporting rationale for how they will monitoring objectives and a schedule for their execution; specifically, methods to monitor for and quantify potential direct and indirect adverse impacts to rocky intertidal and subtidal hard bottom ecosystems within the expected sand equilibrium footprint, its extended boundary per subsection 1(a) of this condition, and at a minimum of two (2) reference sites. At a minimum, the Permittees shall incorporate the following methods in the final plan:

   i. Remote-Sensing Census of Physical Structures. Remote-sensing census techniques shall be used to map rocky intertidal and subtidal hard bottom ecosystems in the expected sand equilibrium footprint, its extended boundary per subsection 1(a) of this condition, and at a minimum of two (2) reference sites outside the influence of the project areas, with the highest accuracy possible. This shall address areas of: 1) rocky intertidal, including areas with and without surfgrass; 2) subtidal hard bottom, including areas with and without kelp; and 3) kelp canopy, via aerial imagery; and

   ii. In Situ Intertidal and Subtidal Field Sampling. The intertidal and subtidal field sampling methods employed shall be capable of characterizing finer-scale physical structures and the biological communities of the rocky intertidal and subtidal hard bottom ecosystems. Physical sampling shall document substrate relief and rugosity, available crevices and vertical surfaces, and sand cover. Biological sampling shall document the beach infaunal invertebrate and rocky intertidal and subtidal hard bottom algal, surfgrass, and invertebrate (sessile and motile) community structures. The intertidal and subtidal field sampling of rocky intertidal and subtidal hard

bottom ecosystems shall be designed to detect, at a minimum, a 20% change between the respective impact and reference sites. The proposed replication shall be based on preliminary sampling data and a statistical power analysis.

6. Criteria for Detecting Adverse Impacts. The plan shall include criteria (relative or fixed) for determining whether the project has resulted in direct or indirect adverse impacts (spatial, temporal, or varying degrees of severity) upon rocky intertidal or subtidal hard bottom ecosystems. The criteria shall be compatible with quantitative assessment and shall include estimates of the areas of ecosystem lost or significantly impacted as a result of the project (e.g., substrate relief and rugosity, available crevices and vertical surfaces, sand cover, and habitat-forming species such as kelp and surfgrass). The criteria shall also address significant changes in the structure and function of the biological communities (e.g., number and abundances of algal and invertebrate species, invasive species, recruitment, guild, algal and surfgrass cover) due to adverse impacts resulting from the project.
7. Quantitative Criteria Assessment. An integrated assessment approach based upon annual monitoring results shall be developed to determine whether the project has resulted in adverse impacts to the rocky intertidal or subtidal hard bottom ecosystems. When assessing census criteria relative to the reference sites, and in order to safeguard against the potential asymmetry of false positive and false negative errors in census data, these errors shall be measured and taken into account. Individual sampling criteria shall be assessed by any statistically significant differences relative to the reference sites. Where α is between 0.000-0.500, and $\alpha <$ effect size, it shall be concluded that the respective criteria is unmet and therefore out of compliance, and when $\alpha >$ effect size, the respective criteria is met and shall be considered in compliance. Where $\alpha > 0.500$ and effect size > 0.500, compliance with the respective criteria shall be considered inconclusive and may either be interpreted as an adverse impact necessitating full mitigation, or alternatively, monitoring may be extended for one additional year in an effort to resolve the uncertainty. It shall be assumed that any statistically significant adverse impact that is detected is a result of the project unless the Permittee can provide compelling evidence to the contrary (e.g., development of local urchin barrens, wastewater spills, or other localized catastrophic events). An assessment with respect to potential mitigation requirements shall be made following the final year of monitoring.
8. Monitoring Reports. Annual reports shall include a review of all previous monitoring and provide results from the most recent event and shall be submitted no later than March 31 of the following year for review and approval by the Executive Director. A report at the end of the monitoring term shall determine whether any adverse impacts to marine ecosystems have occurred as a result of the project. If adverse impacts are determined to have occurred

after the review, the Executive Director will assess the need for compensatory mitigation.

B. Marine Ecosystem Mitigation. If it is determined that compensatory mitigation is necessary, the required mitigation ratio shall be 2:1 for in-kind mitigation and 4:1 for out-of-kind mitigation. The Permittees will not proceed to implement out-of-kind mitigation without showing to the satisfaction of the Executive Director that in-kind mitigation is infeasible. All mitigation shall take place as proximate to the impacted area as feasible. In response to any mitigation assessed, the Permittees shall develop an ecosystem-specific mitigation and monitoring plan for each impacted ecosystem, which shall provide the overall framework to guide the mitigation work and associated monitoring, for review and approval of the Executive Director. The supplemental mitigation and monitoring program shall be processed as a CDP or CDP amendment unless the Executive Director determines that no CDP is required.

10. **Grunion Monitoring and Avoidance Plan.** BY FEBRUARY 1, 2027, the Permittees shall submit to the Executive Director for review and written approval, a Grunion Monitoring and Avoidance Plan that provides for the following:

A. Should sand placement activities be necessary below the high tide line between March 1 and May 28, the Permittees shall avoid impacts to mature and/or spawning grunion and to grunion eggs. The Permittees shall retain the services of a biologist with appropriate qualifications. The annually published California Department of Fish and Wildlife (CDFW) expected grunion runs shall be used to determine possible grunion spawning periods. The plan shall, at a minimum, include:

1. Sand placement sites shall be monitored for grunion runs beginning at least two weeks prior to commencement of sand placement activities, and throughout the period of planned sand placement work from March 1 through May 28. Monitoring is not necessary in areas where there is no sand, such as areas supporting 100% cobble or bluff backed beaches with no sand exposed during high tide.

2. Grunion monitoring shall be conducted by a qualified biologist for 30 minutes prior to, and two hours following, the predicted start of each daily spawning event. Sufficient qualified biologists shall be employed to ensure that the entire proposed sand placement site is monitored during the predicted grunion run. The magnitude and extent of a spawning event shall be defined in 300-foot segments of beach using the Walker Scale. Every individual fish (males and females) shall be counted to determine the Walker Scale value (e.g. 0, 1, 2, 3, 4, or 5) of each 300-foot segment within the proposed work area. Sand placement activities shall be modified according to the following plan:

i. If a grunion run consisting of 0-100 individual fish per 300-foot segment (Walker Scale 0 or 1) is reported within two weeks prior to, or during, sand

placement work, the Permittees do not need to take any avoidance action for grunion eggs. No mature grunion may be buried or harmed as a result of sand placement.

ii. Within two weeks prior to proposed work, if a grunion run consisting of 100 or more individual fish per 300-foot segment (Walker Scale 2, 3, 4, or 5) is reported, the Permittees shall avoid work, including construction access routes and activities, on the respective beach segment(s) and additionally, shall avoid a 100-foot buffer on either side of the segment(s), for a minimum of two weeks, to ensure that no grunion eggs are buried or disturbed. These areas shall be memorialized through multiple GPS coordinates and marked with irrigation flags for a minimum of two weeks when the next scheduled grunion run will be monitored. The Permittees shall adapt the sand placement schedule to avoid operations on such beach segments and their associated buffers. No mature grunion may be harmed as a result of sand placement.

iii. If sand placement has already commenced, and a grunion run consisting of 100 to 500 individual fish, in one or more 300-foot segment (Walker Scale 2) in the work area is reported, the Permittees shall avoid impacts to grunion eggs to the greatest extent feasible and then shall minimize impacts to grunion eggs through such measures as alteration of the pipeline route, sand discharge points, sand spreading areas, and sand placement locations.

iv. If sand placement has already commenced, and a grunion run consisting of 500 or more individual fish per segment (Walker Scale 3, 4, or 5) is reported, the Permittees shall avoid work, including construction access routes and activities, on the respective beach segment(s) and additionally, shall avoid a 100-foot buffer on either side of the segment(s), for a minimum of two weeks, to ensure that no grunion eggs are buried or disturbed. These areas shall be memorialized through multiple GPS coordinates and marked with irrigation flags for a minimum of two weeks when the next scheduled grunion run will be monitored. The applicant shall adapt the sand placement schedule to avoid operations on such beach segments and their associated buffers. No mature grunion may be harmed as a result of sand placement.

11. Bird Monitoring and Avoidance. The following conditions provide for nesting and roosting bird protection for project activities as follows:

A. If project activities must occur during bird nesting season (February 1 through August 31), a qualified biologist, with experience conducting bird surveys, shall survey for active nests within 72 hours prior to commencement of project activities to detect any nesting activity within 500 ft., as feasible, of the project area. If an active songbird nest(s) is located within 300 ft. of construction activities (500 ft. for raptors), the qualified biologist shall halt construction activities to enable the Permittees to employ best management practices (BMPs) to ensure that construction activities do not disturb or disrupt nesting activities.

Noise levels at active nest sites must not exceed 65 dB unless a noise study has determined that ambient noise in the immediate area exceeds that level. If this is the case, noise levels at the nest site must not exceed the ambient noise level measured. Noise reducing BMPs may include using alternative equipment, equipment noise buffering, sound blankets, etc. Alternatively, construction activities and schedules may be adjusted to avoid active nest areas until the respective young birds have fledged. Unrestricted construction activities may resume when no active nests remain in the construction area. Results of nesting bird surveys, ambient noise surveys, and any follow-up construction avoidance measures shall be documented in monthly reports by the qualified biologist and submitted to the Coastal Commission Executive Director throughout the bird breeding season.

B. No activities are allowed within 100 feet of active roost areas for the western snowy plover or California least tern unless measures are implemented to minimize the noise and disturbance to those adjacent birds until subsequent monitoring indicates that western snowy plover and California least tern are no longer present. If these conditions cannot be met, the following measures will be implemented:

   1. A qualified biologist will report the roost site to the U.S. Fish and Wildlife Service. After initial identification of the roost, no project materials, equipment, or workers will approach within 100 feet of roosting western snowy plover or California least terns. Roost monitoring will occur with binoculars. The qualified biologist will use the distance to the project limits and local topography to determine if construction activities are likely to disturb the roost.
   2. Where damage or disturbance of any western snowy plover or California least tern roosting is likely, the qualified biologist will implement further measures to avoid the likelihood of roost disturbance, including temporarily halting construction activities until the birds depart for the season, with construction activities directed to other areas that will not disturb the roost, as directed by the designated qualified biologist.
   3. A qualified biologist will monitor the roost and construction activity to minimize potential construction-related disturbance and prepare weekly reports summarizing the status of the roost. A post-construction report will be submitted to the U.S. Fish and Wildlife Service summarizing the roost status reports and outcomes within 6 months of project completion.

12. **Construction Impact Validation and Compensatory Mitigation Ratios for Terrestrial Habitat**. NO LESS THAN 90 DAYS AFTER CONCLUSION OF CONSTRUCTION IN ANY SPECIFIED WORK AREA, the Permittees shall submit an Impact Validation Report comparing the extent and nature of any and all impacts as estimated by the Permittee in available and future pre-project conditions reports or other available sources with those actually observed following construction, the latter of which final compensatory mitigation requirements will be based on. Any sensitive species detections not previously documented in submitted materials shall

be clearly reported, including with annotations identifying occurrences as new, and shall be additionally submitted to CDFW and/or USFWS, as appropriate, and to the California Natural Diversity Database (CNDDB). Photos shall be taken from designated points across the survey area, at spacings and perspectives sufficient to represent existing conditions and support impact evaluations. In addition, post-construction surveys, final impact assessments, and compensatory mitigation requirements shall follow as:

A. Post-Construction Surveys. For each habitat, post-construction surveys shall document, at a minimum: the dates of initial and final project-related disturbance to the habitat, the physical extent and acreage of all work areas; the general nature of activities that occurred within each area; and any vegetation clearance, death, significant woody vegetation removal, or ground disturbance. Post-construction surveys shall be completed within 30 days of completion of construction activities.

B. Permanent Impacts. All impacts to ESHA and wetlands shall be recognized as permanent and mitigated for, consistent with the following:

   1. A minimum ratio of 3:1 for ESHA impacts and a minimum of 4:1 for wetland impacts, where these base ratios assume compensation as habitat creation or substantial restoration. Alternatively, enhancement or preservation strategies may be proposed at no less than double or triple the base ratios, respectively.

   2. All habitat mitigation for permanent impacts shall occur within areas that are or will be protected, as consistent with **Special Condition 13**.

C. Revegetation Requirements. All vegetated areas, including ESHA, wetlands, and non-sensitive vegetation, shall be revegetated on-site where feasible at the conclusion of construction. Revegetation shall include, at a minimum, replanting or reseeding with locally and genetically appropriate native species. Revegetation information, including a timeline of revegetation actions, mapping, and photos taken from fixed points shall be included with the Impact Validation Report. Due to anticipated ongoing repair and maintenance activities into the future and the mitigation provisions above, revegetated areas described in the Impact Validation Report shall not be considered as sensitive habitat in future permits.

13. **Terrestrial Ecosystem Mitigation and Monitoring Plan**. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittees shall submit, for the review and written approval of the Executive Director, a final Terrestrial Ecosystem Mitigation and Monitoring Plan (TEMMP) for the compensatory mitigation of any impacted wetlands and ESHA related to the ECDPs. The TEMMP shall be prepared by a qualified restoration ecologist approved by the Executive Director. Impact acreages, which shall be the basis of compensatory mitigation requirements, are estimated and shall be finalized per **Special Condition 12**.

A. TEMMP components. The TEMMP shall provide for, at a minimum: description and quantification of relevant development impacts; mitigation goals and objectives as supported by technical rationale; description of existing habitat at mitigation sites; mitigation design; site preparation and best management practices; erosion control measures; invasive species control; revegetation plans, including provision for the use of locally-sourced native stock; irrigation plans; a statistically robust sampling design; interim and final performance assessments and success criteria; annual and final reporting schedule; and adaptive management measures and remedial actions for non-performance.

B. Success criteria. Fixed or relative, quantitative interim and final success criteria relevant to the mitigation habitat types shall be identified and the supporting technical rationale described in the TEMMP. Criteria shall include target native vegetation cover where appropriate and that mitigation sites shall be maintained over the monitoring period at less than 5% cover of Cal-IPC ranked invasive species with no more than 1% of that being attributed to invasive species ranked as “high” by Cal-IPC.

C. Reporting. The following reports shall be provided for within the TEMMP and submitted per the specified schedules below:

   1. Additional Mitigation for Unanticipated On-site Impacts. WITHIN 90 DAYS OF COMPLETION OF CONSTRUCTION, a final “as-built” on-site habitat impact statement accounting for the extent and nature of actual construction impacts observed shall be submitted to the Executive Director. If the Executive Director determines the actual project impacts calculated in the as-built report substantially differ from anticipated impact amounts projected in the approved final TEMMP, the Permittees shall submit a revised TEMMP and/or supplemental mitigation and monitoring plan for the review and approval of the Executive Director proposing additional mitigation consistent with the mitigation ratios in **Special Condition 12** for the additional habitat impacts. The revised or supplemental plan shall be processed as an amendment to this CDP, unless the Executive Director determines that no amendment is legally required.

   2. Annual Monitoring and Final Monitoring Report. Annual reports documenting site conditions in comparison to interim success criteria shall be submitted by December 31 of each year for at least for five years, or three years following the cessation of any remedial or maintenance measures except weeding, whichever is longer. Any adaptive management or remedial actions taken shall be clearly documented in each annual report. In addition to annual monitoring reports, a final monitoring report shall be submitted for the review and approval of the Executive Director at the conclusion of all on-site mitigation efforts consistent with the monitoring schedule in the final approved TEMMP. The final monitoring report shall summarize all prior reports and provide a timeline of the overall progress and success and include sufficient detail to evaluate comprehensive mitigation compliance with the mitigation

program including the specified goals, objectives, and success criteria set forth in the approved final TEMMP.

D. Provisions for Possible Further Action.

1. Non-performance. If the final annual monitoring report indicates that the mitigation effort as approved in the TEMMP has been unsuccessful, in part or in whole, based on the approved success criteria, the Permittee shall submit WITHIN 90 DAYS a revised or supplemental TEMMP to compensate for those portions of the original program which did not meet the approved success criteria. The revised or supplemental TEMMP(s) shall be prepared by a qualified restoration ecologist approved by the Executive Director and shall specify measures to remediate those portions of the original approved TEMMP that have failed or have not been implemented in conformance with the original approved TEMMP. These measures, and any subsequent measures necessary to carry out the approved revised or supplemental TEMMP, shall be carried out in coordination with the direction of the Executive Director until the approved revised or supplemental TEMMP is established to the Executive Director's satisfaction. The revised TEMMP may be processed administratively by the Executive Director, unless the Executive Director determines that an amendment to the original CDP is necessary.
2. Excess Impacts. If final post-construction impact validation surveys pursuant to **Special Condition 12** indicate that additional compensatory mitigation is necessary, in part or in whole, the Permittee shall submit within 90 days a revised or supplemental TEMMP to compensate for those increases relative to the original estimates. The revised or supplemental TEMMP(s) shall be prepared by a qualified restoration ecologist approved by the Executive Director and shall specify plans to compensate for the additional acreage consistent with all requirements of this Special Condition, to be reviewed and approved by the Executive Director. The revised TEMMP may be processed administratively by the Executive Director, unless it is determined that an amendment to the original CDP is necessary.
3. Delayed mitigation delivery. If the required mitigation has not commenced within five (5) years of construction commencement, then the required mitigation acreages shall be required to be increased by 0.5 acres to the base mitigation ratio (e.g., 3:1 for ESHA becomes 3.5:1 after year 5, then 4:1 after year 6) for each portion of a year beyond the initial 5-year period. If such mitigation has not commenced within 10 years of construction commencement, mitigation under the approved TEMMP is not completed (e.g., met all success criteria in an approved Final Monitoring Report), or been underway for at least 3 years and is meeting designated success criteria in the approved TEMMP, then the required mitigation acreages shall follow the 0.5-acre increase per year and the Permittee shall additionally be required to submit a supplemental TEMMP to address the lack of performance within 90 days of the ten-year anniversary of construction commencement, for the review and approval of the Executive Director. The Executive Director may

apply a lesser rate of increase if the Permittees can demonstrate diligent pursuit of mitigation implementation that has been delayed by matters outside of Permittee control (e.g., litigation complications, etc.).

D. Partnering Agencies and/or Subcontractors. The Permittees remain responsible for meeting all CDP terms and conditions, including funding of the full cost and implementing all measures to minimize and fully mitigate project impacts to habitat. If the Permittee elects to enter into a binding agreement with a third-party agency or land management entity to carry out all or a portion of these TEMMP requirements, the Permittee shall submit draft agreement provisions to the Executive Director for review and approval prior to finalizing any such agreements.

E. Partnering Agencies and/or Subcontractors. The Permittees remain responsible for meeting all CDP terms and conditions, including funding of the full cost and implementing all measures to minimize and fully mitigate project impacts to habitat. If the Permittee elects to enter into a binding agreement with a third-party agency or land management entity to carry out all or a portion of these TEMMP requirements, the Permittee shall submit draft agreement provisions to the Executive Director for review and approval prior to finalizing any such agreements.

F. Consistency. The Permittees and approved third-party entities shall undertake development in accordance with the approved TEMMP. The Executive Director may approve minor adjustments to these terms if the Executive Director determines that the adjustments (1) are de minimis in nature and scope, (2) are reasonable and necessary, (3) do not adversely impact coastal resources, and (4) do not legally require an amendment.

14. Protection of Archaeological, Paleontological, and Tribal Cultural Resources. BY ACCEPTANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittees agree to all of the following:

A. The Permittees shall retain, at least 60 days prior to ground disturbance:

1. a minimum of one archaeological monitor that is a Qualified Archaeologist. A Qualified Archaeologist means an individual who meets the Secretary of the Interior's Professional Standards for an Archaeological Principal Investigator and/or is listed as Registered Professional Archaeologist. The Archaeologist(s) monitoring the site shall have experience monitoring for archaeological resources of the local area, be competent to identify significant resource types, and be aware of recommended procedures for the inadvertent discovery of archaeological resources and human remains;

2. a minimum of one Native American monitor from the Juaneño (Acjachemen)-affiliated tribes provided by the Native American Heritage Commission, unless the tribes state they are not interested in monitoring or they have not responded within 60 days. If more than one tribe requests to monitor, the Permittees shall ensure that each tribal group that requests to monitor has a

fair and equal opportunity to monitor with equal representation. All tribal monitors not monitoring under contract shall be allowed to be present onsite when monitoring occurs as volunteer observers. There shall be a sign-in sheet so that all monitors can review who was assigned during each day/week; and

3. a sufficient number of Archaeological and Native American monitors on site to assure that all ground disturbance activity that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times.

B. Monitors shall be onsite during all "ground disturbance," which includes but is not limited to: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing asphalt or cement, clearing, driving posts, augering, coring, backfilling, blasting, stripping topsoil, landscaping, and any other similar activity at the project site.

C. Prior to any ground disturbance, the Permittees shall notify the Archaeologist and Native American monitor(s) of the requirements and procedures, any archaeological monitoring or research plans, and past archaeological reports.

D. Prior to any ground disturbance, there shall be at least one training lead by the Archaeologist. The Archaeologist shall conduct a Worker Environmental Awareness Program (WEAP) and Cultural Resource Sensitivity Training for all project personnel prior to the start of construction. The training shall address the types of archaeological, paleontological, or Tribal Cultural Resources (TCRs) that may be encountered during ground-disturbing activities, as well as the proper procedures to follow in the event of a discovery. Once the ground-disturbing activities have commenced, the need for additional or supplemental worker trainings shall be determined by the qualified Archaeologist based upon consultation with project personnel.

E. In the event that a tribal cultural resource(s) is discovered during ground disturbance activities, all ground disturbance shall cease within a minimum of 50 feet of the find, or a larger buffer may be recommended by the Native American monitor(s). In the event that no Native American monitor has been retained per subsection 1.ii. above or the resources discovered are non-tribal archaeological resources, all ground disturbance shall cease within a minimum of 50 feet of the find, or a larger buffer may be recommended by the Archaeologist.

   The Permittees must notify the Executive Director as soon as possible, by phone or by email, within 2 calendar days of the find with information about what type of resources discovered.

   THIS PERMIT DOES NOT AUTHORIZE DATA RECOVERY OR SIGNIFICANCE TESTING OR ANY ADDITIONAL INVESTIGATIONS.

   If the resource(s) is found to be Archaeological or Tribal Cultural resource(s), the Permittees must submit an amendment to this permit or a new permit to either: revise the project to avoid impacting the resource or provide a plan for further

Commented [DP20]: Requests that similar language be used in the subsequent B requirement. Requests B state "ground disturbance in native soils" or "ground disturbance activity that has any potential to uncover or otherwise disturb cultural deposits."

Commented [DP21]: Backfilling insinuates working in fill. Blasting is not an activity for any monitors to be present. Request to remove blasting.

Commented [DP22]: This condition should require preparation and approval of an Archaeological Monitoring and Unanticipated Discovery Plan before ground disturbance begins.

Commented [DP23]: Suggest revision to archaeological resource (that may also be a tribal cultural resource).

investigations and treatment plans developed by a qualified Archaeologist in coordination with affected the Tribal governments.

The treatment of human remains and of associated or unassociated funerary objects discovered during any ground disturbance activity shall comply with applicable State and Federal Laws. Should human remains be discovered on site, the onsite Archaeologist and Native American monitor(s) shall immediately halt all ground disturbance activities, establish an "exclusion zone" around the discovery area, and must notify the County Coroner within 24 hours of such discovery. The Native American Heritage Commission (NAHC) will identify the Native American most likely descendant (MLD) pursuant to Public Resources Code Section 5097.98. The Permittees shall comply with the requirements of Section 5097.98 and the requests of the MLD for treatment of the remains and/or funerary objects, which may be subject to an amendment to this permit or a new permit.

GROUND DISTURBANCE SHALL NOT RECOMMENCE WITHOUT AUTHORIZATION FROM THE EXECUTIVE DIRECTOR.

F. Paleontological Resource Mitigation Plan. If the resources found are identified by the Archaeologist as paleontological resources, prior to recovery, the Permittees shall provide a Paleontological Resources Mitigation Plan for the Executive Director's review and approval, which should include: a description of discovery procedures; sampling and data recovery procedures; procedures for the preparation, identification, analysis, and curation of fossil specimens and data recovered; and procedures for the preparation and distribution of a final paleontological discovery report documenting the paleontological find, consistent with the Society for Vertebrate Paleontology Standard Guidelines.

Commented [DP24]: This plan should be in place and approved prior to construction so that if a fossil is found, there is a plan that can be implemented immediately.

15. **Authority to Implement Conditions of Approval.** PRIOR TO ANY DEVELOPMENT OCCURING OUTSIDE OF THE RAILROAD RIGHT-OF-WAY, the Permittees shall submit for the review and approval of the Executive Director evidence that clearly demonstrates the legal right, interest, or entitlement to carry out the conditions of approval of CDP 5-21-0866, including but not limited to evidence the Permittees have acquired all necessary right-of-way and/or temporary construction easement(s) for properties on which the proposed development would be located.

16. **Other Agency Approvals.** By acceptance of this permit, the applicants agree to obtain all other Local, State, or Federal permits that may be necessary for any aspect of the proposed project, such as permits from the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, California State Lands Commission, California Department of Fish and Wildlife, Regional Water Quality Control Board, and/or City of San Clemente. Any proposed changes to the approved final plan that may be required by any other agency shall be reported to the Executive Director. No changes to the approved final plan shall

occur without a Commission amendment to this CDP unless the Executive Director determines that no amendment is legally required.

17. **Assumption of Risk.** By acceptance of this permit, the permittees acknowledge and agree (i) that the site may be subject to hazards, including but not limited to waves, storms, flooding, landslide, bluff retreat, erosion, and earth movement, all of which will may worsen with future sea level rise; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

18. **Liability for Costs and Attorney's Fees.** The Permittees shall reimburse the Commission in full for all Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (a) charged by the Office of the Attorney General; and/or (b) required by a court) that the Commission incurs in connection with the defense of any action brought by a party other than the Permittees against the Commission, its officers, employees, agents, successors and/or assigns challenging the approval or issuance of this coastal development permit (CDP), the interpretation and/or enforcement of CDP terms and conditions, or any other matter related to this CDP. The Permittees shall reimburse the Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission, its officers, employees, agents, successors and/or assigns.

Commented [DP25]: Requests that OCTA should be afforded the ability to review invoices (as redacted for attorney client privileged information) and to provide comments when necessary to the Commission regarding the reasonableness of incurred costs/fees. Again, as a publicly funded entity, OCTA cannot responsibly agree to open-ended future costs without some mechanism or recourse for excesses.

Appendix B – Relevant Applicable LUP Policies

Coastal Hazards Policies

VIS-1 Visual Character and Aesthetic Resources Preservation. New development shall be designed to preserve the visual character and aesthetic resources of the City's coastal zone including preservation of the physical features of coastal bluffs and canyons, and where feasible, enhance and restore scenic and visual qualities of the coastal zone, including to and along the ocean and coastal bluffs, visually significant ridgelines, and coastal canyons, open spaces, prominent, mature trees on public lands, and designated significant public views (as identified on Figure 6-1 Scenic Gateways and Corridors, Figure 6-2-A Public View Corridors and Figure 6-2-B Public View Corridors). Where protection of visual character and aesthetic resources is not feasible, impacts should be mitigated.

HAZ-3 Development Exposure to Hazards. Minimize the exposure of new development to geologic, coastal (including inundation from sea level rise, wave up-rush, storm surge, and stream flooding), and fire hazards. Ensure that new bluff, canyon, or shoreline development will be safe from, and will not contribute to, geologic instability, erosion or other hazards over the life of the development, taking into account the effects of sea level rise on all relevant hazards. Ensure that new development does not contribute to the destruction of the site or the surrounding area.

HAZ-18 Limits on Bluff or Shoreline Protective Devices. Limit the use of protective devices to the minimum required to protect coastal-dependent uses, or existing structures or public beaches in danger of erosion, unless such devices are otherwise consistent with the public access and recreational policies of the Coastal Act and all relevant policies of the LCP. Protective devices shall be permitted when required to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Any approved protective devices shall also be designed to avoid, or mitigate where unavoidable, impacts on public access and recreation, habitat, scenic views, beach width and other coastal resources, and they shall not substantially impair public trust resources.

HAZ-21 Restrict Bluff/Canyon/Shoreline Retention Devices. When consistent with Policy GEN-8, the construction, reconstruction, expansion, and/or replacement of a bluff/canyon/ shoreline protective device, (i.e. revetments, breakwaters, groins, seawalls, bluff protective devices, deep piers/caissons, or other artificial structures as defined in Chapter 7 that alter natural landforms or alter bluff/canyon/shoreline processes), for coastal erosion control and hazards protection, are prohibited, except pursuant to a CDP where it can be shown that either the device fully complies with all relevant LCP policies and the coastal access and recreation policies of the Coastal Act, or all of the following are met:

a. The bluff, canyon or shoreline protective device is required for the protection of coastal-dependent uses, existing structure(s) (including a principal structures or residence or public beaches in danger from erosion,
b. Where there is no less environmentally damaging alternative to the bluff, canyon or shoreline protective device,
c. The device is sited to avoid sensitive resources,

d. The device is designed to eliminate or mitigate adverse impacts on local shoreline sand supply and public access and to avoid or, where avoidance is infeasible, to minimize and mitigate the encroachment on the public beach, and
e. The device is designed to minimize adverse visual impacts to the maximum extent feasible.

HAZ-22 CDP Application for New Bluff or Shoreline Protective Devices or Repair, Maintenance, or Expansion of Existing Shoreline Protective Devices. Any CDP application for a bluff, canyon or shoreline protective device constructed pursuant to policy HAZ-21 shall include:

a. A re-assessment of the need for the device, the need for any repair or maintenance of the device, and the potential for the device's removal based on changed conditions,
b. An evaluation of the age, condition, and economic life of the existing principal structure,
c. An analysis of changed geologic site conditions, including but not limited to, changes relative to sea level rise, implementation of a long-term large scale sand replenishment or shoreline restoration program,
d. An analysis of any impact to coastal resources, including but not limited to public access and recreation, and
e. A geologic analysis that: (1) describes the condition of the existing protective device, (2) identifies any impacts on public access and recreation, scenic views, sand supply and other coastal resources, (3) evaluates options to mitigate any previously unmitigated impacts of the structure or to modify, replace, or remove the existing protective device in a manner that would eliminate or reduce those impacts. In addition, any significant alteration or improvement to the principal existing structure shall trigger such review (i.e., the analysis of the bluff/canyon/shoreline protective device) and any unavoidable impacts shall be mitigated.

HAZ-23 CDP Application for Bluff, Canyon or Shoreline Protective Devices – Findings and Conditions for Approval. No permit shall be issued for retention, expansion, alteration or repair of a bluff, canyon or shoreline protective device unless the City finds:

a. That the criteria for issuance set forth in policy HAZ-21 are met,
b. That the bluff or shoreline protective device, or expansion thereof, is the minimum required to protect coastal-dependent uses, or existing principal structures pursuant to HAZ-18, or public beaches in danger of erosion,
c. That the device will minimize further alteration of the natural landform of the bluff/canyon/shoreline, and
d. That adequate minimization and mitigation for coastal resource impacts, including but not limited to impacts to the public beach, has been provided.

A condition of the CDP for all new development and Major Remodels on bluff, canyon or beach property shall require the property owner to record a deed restriction against the property, when consistent with Policy GEN-8, and in accordance with HAZ-18 that expressly waives any future right that may exist pursuant to Section 30235 of the Coastal

Act, to add new or additional bluff or shoreline protective devices. This policy requires the removal of any structures that become threatened by hazards if relocation is infeasible.

HAZ-24 Design of Bluff / Shoreline Protective Devices. Bluff / shoreline protective devices permitted pursuant to policies HAZ-21 through HAZ-23 shall be designed to be compatible with the surrounding vegetation and natural landforms. The design plan approved pursuant to the CDP shall demonstrate that:

a. The device will be colored/constructed with concrete or other approved material that has been colored with earth tones that are compatible with the adjacent area, and the color shall be maintained throughout the life of the structure;
b. The device will be textured for a natural look to blend with the surrounding soil and/or vegetation, as applicable.
c. Drought tolerant, non-invasive vegetation shall be used to cover and camouflage the structure, where such planting is feasible;
d. Mitigation measures shall be utilized to offset all unavoidable impacts to coastal resources on or adjacent to the development site.
e. Minimize and mitigate for the impairment and interference with shoreline sand supply and coastal waters;
f. Any geologic hazards presented by construction in or near earthquake or landslide hazard zones shall be addressed;
g. Public recreational access shall be protected and enhanced where feasible, including by minimizing the displacement of beach;
h. The device shall be, if necessary, designed to combine with drainage improvements to control erosion from surface and groundwater flows; and
i. The device shall incorporate soft structures and designs that mimic natural shoreline features, where feasible.

HAZ-26 Devices on Public Lands. Construction, reconstruction, expansion, and/or replacement of bluff, or shoreline protective devices on land in public ownership or control for the purpose of protecting existing development on private property or protecting development on public land shall be discouraged. However, where approvable pursuant to policies HAZ-21 through HAZ-23, such construction shall avoid siting on public land to the maximum extent feasible and shall protect public lands for general public use. To avoid impacts on public lands, consultation with other appropriate agencies, such as the Coastal Commission and State Lands Commission, shall be required during the permitting process.

HAZ-27 Monitoring. The CDP for any bluff, or shoreline protective device shall require the protective device to be regularly monitored by an engineer or engineering geologist familiar and experienced with coastal structures and processes. Monitoring reports to the City shall be required every five years for the life of the device, which monitoring shall, at the least, evaluate whether or not the device is still required to protect the structure it was designed to protect. The evaluation shall include items a-i under policy HAZ-23 as well as an assessment of the structural stability of the protective device, its need for maintenance and its ability to continue to perform the functions for which it was permitted.

HAZ-28 Expiration of Bluff and Shoreline Protective Devices. CDPs which authorize expansion, alteration, and/or repair of existing bluff or shoreline protective devices or new

bluff or shoreline protective devices shall, through conditions of approval, limit authorization of such devices to the life of the primary structure requiring protection, which authorization shall expire when the primary structure requiring protection is: 1) incorporated into a Major Remodel or redeveloped, 2) is no longer present, or 3) no longer requires a protective device, whichever occurs first. The property owner shall apply for a coastal development permit to remove the authorized bluff or shoreline protective device within six months of a determination by the City or Coastal Commission on appeal that the device is no longer authorized to protect the structure it was designed to protect because the structure is no longer present, is redeveloped, or no longer requires protection The removal of the bluff or shoreline protective devices for which authorization has expired shall be required prior to the commencement of construction of any new development on the site.

HAZ-30 Development and Uses in Hazard Areas. New development or re-development and land uses shall:

a. Minimize risks to life and property in areas of high geologic, coastal, and fire hazard.
b. Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs…

7.2 DEFINITIONS

"SHORELINE PROTECTIVE DEVICE" includes any type of shoreline armoring or protective structures, such as seawalls, revetments, riprap, breakwaters, groins, bluff protective devices, deep piers/caissons, bulkheads, or other structures built for the purpose of protecting land or structures against sea level rise, coastal hazards, and erosional forces.

Public Access Policies

PUB-36 Coastal Public Access. Establish, protect, maintain, and, where feasible, expand and enhance a system of public coastal access to the shoreline, beaches, tidelands, and recreational facilities…

PUB-39 New Development Public Access Requirements. New development proposed on property lying between the first public roadway and the shoreline shall provide both physical and visual public access to the shoreline and along the coast in proportion to the public access impact resulting from the new development…

Environmental Justice Policy

GEN-3 Environmental Justice. When acting on a CDP, the issuing agency, or the Coastal Commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the State. In all instances the standard of review for issuance of a CDP shall be the Coastal Act or certified LCP.

Biological Resource Policies

RES-62 ESHA Mitigation. Require mitigation in the form of habitat creation or substantial restoration for allowable impacts to ESHA and other sensitive resources that cannot be avoided through the implementation of siting and design alternatives. Priority shall be given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site. Mitigation shall not substitute for implementation of a project alternative that would avoid impacts to ESHA.

RES-63 ESHA Mitigation Ratios. Apply the following mitigation ratios for allowable impacts to upland vegetation: 4:1 for Vernal Pools; 3:1 for Coastal Sage Scrub, California Buckwheat Scrub, and Arroyo Willow Thickets; 3:1 for Ephemeral Stream Channels; and 3:1 for Lemonade Berry Scrub, Quailbush Scrub, Giant Wild Rye Grassland, Maritime Succulent Scrub, Native Grassland, and Southern Mixed Chaparral. The ratios represent the acreage of the area to be restored/created to the acreage impacted.

RES-64 Habitat Mitigation Plan and Monitoring Plan. Development that would result in impacts to ESHA or Significant Biological Resources shall include a Mitigation Plan and a Mitigation Monitoring Plan as a filing requirement for a Coastal Development Permit application. Mitigation Monitoring Plans shall be for a minimum of 5 years of monitoring to ensure success criteria is met.

Visual Resource Policies

VIS-1 Visual Character and Aesthetic Resources Preservation. New development shall be designed to preserve the visual character and aesthetic resources of the City's coastal zone including preservation of the physical features of coastal bluffs and canyons, and where feasible, enhance and restore scenic and visual qualities of the coastal zone, including to and along the ocean and coastal bluffs, visually significant ridgelines, and coastal canyons, open spaces, prominent, mature trees on public lands, and designated significant public views (as identified on Figure 6-1 Scenic Gateways and Corridors, Figure 6-2-A Public View Corridors and Figure 6-2-B Public View Corridors). Where protection of visual character and aesthetic resources is not feasible, impacts should be mitigated.

HAZ-18 Limits on Bluff or Shoreline Protective Devices. Limit the use of protective devices to the minimum required to protect coastal-dependent uses, or existing structures or public beaches in danger of erosion, unless such devices are otherwise consistent with the public access and recreational policies of the Coastal Act and all relevant policies of the LCP. Protective devices shall be permitted when required to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Any approved protective devices shall also be designed to avoid, or mitigate where unavoidable, impacts on public access and recreation, habitat, scenic views, beach width and other coastal resources, and they shall not substantially impair public trust resources.

Water Quality Policies

RES-1 Uses within the Marine Environment. Uses of and within the marine environment shall be conducted to (1) maintain the long-term biological productivity of coastal waters,

(2) help ensure the continuation of a healthy, self-renewing marine ecosystem, and (3) help ensure the long-term survival of healthy populations of marine plants and animals.

RES-7 Material for Beach Replenishment. Material that is removed from erosion control/flood control facilities or other dredging activity that has been tested and found to be clean and suitable (determined by testing against USACE contamination and grain size thresholds) for beach replenishment shall be used for such purposes on appropriate beaches, or placed into suitable longshore current systems consistent with any existing Coastal Development Permit issued for opportunistic beach sand placement activities.

RES-19 Watershed Protection. Existing and new development shall not degrade San Clemente's coastal resources or water quality. The City shall require development projects to comply with water quality and watershed protection requirements per the San Diego Regional Municipal Separate Storm Sewer System (MS4) Storm Water Permit, (Order No. R9-2013-0001, as amended by Order No. R9-2015-0100 adopted November 18, 2015, or any amendment to or re-issuance thereof), approved by the San Diego Regional Water Quality Control Board. The City collaborates with Orange County jurisdictions on the development and implementation of watershed protection principles and implementation of best management practices for specific land uses.

RES-33 Stormwater Runoff Plans. All projects that require a Coastal Development Permit (CDP) and have the potential for adverse water quality or hydrology impacts to coastal waters shall prepare both a construction-phase and a post-development runoff plan. Runoff management shall be addressed early in the development's planning and design stages. As part of CDP approval, the City shall require that the runoff plans include stormwater pollution control and runoff control measures or systems, and a maintenance program, as necessary, for both the construction-phase and post-development runoff plans. The post-development maintenance program shall be for the life of the development. The level of detail provided to address the plan's requirements shall be commensurate with the type and scale of the development, and with the potential for adverse water quality and hydrology impacts to coastal waters.

RES-34 Minimizing Pollutants and Runoff. Site, design, and manage new development and improvements, including – but not limited to – landscaping, to protect coastal waters from nonpoint source pollution by minimizing the transport of pollutants in runoff and minimizing post-development changes in the site's runoff volume, flow rate, timing, and duration. Review new development and improvements for potential degradation of water quality and water resources.

RES-36 Minimization of Water Quality Impacts During Construction. Development shall minimize water quality impacts during construction by minimizing land disturbance and soil compaction, minimizing erosion and sedimentation, and minimizing the discharge of other pollutants resulting from construction activities…

RES-38 Best Management Practices for Development. To control pollutant discharges, minimize post-development changes in runoff flows, and provide long-term, post-construction erosion control and water quality protection in all physical development, Site Design strategies and Source Control BMPs shall be required for all new development and redevelopment…

Paleontological, Archaeological, and Tribal Cultural Resource Policies

CUL-1 Cultural Resources. Protect cultural resources, including historical, archaeological, and paleontological features in the Coastal Zone. Where necessary to protect cultural resources, new development shall include an appropriate predevelopment investigation to determine, in the least destructive manner, whether cultural resources are present. The pre-development investigation shall include recommendations as to how the site can be developed and designed to avoid or minimize significant impacts to cultural resources. In situ preservation and avoidance are the preferred alternative over recovery and/or relocation in the protection of paleontological and archaeological resources. When in situ preservation or site capping is not feasible, recovery and/or relocation may be considered. Native American tribal groups with cultural affiliation to the project site area as identified by the Native American Heritage Commission shall have the opportunity to review and comment on the predevelopment plan as required by AB52 (2014). Archaeologists and representatives from Native American tribal groups shall provide monitoring during grading/excavation and construction activities of any approved development that has the potential to adversely impact any on-site significant cultural resources.

Cul-4 Architectural, Historical, and Cultural Resource Preservation and Restoration. Provide for the identification, preservation and restoration of the sites, structures, districts and cultural landscapes which have architectural, historical, and/or cultural significance.

Appendix C – Armoring Impact Quantification & Potential In-Lieu Fee Estimates

Commission staff coastal engineer, Jeremy Smith, used the information provided by the applicants (Orange County Transportation Authority and Southern California Regional Rail Authority) to quantify the impacts of the armoring consistent with past Commission analysis and decisions of coastal armoring structures. The three kinds of impacts that are easily quantifiable include 1) the beach area occupied by an armoring structure (called “encroachment”), 2) the beach area prevented from being created by fixing of the backshore (called “passive erosion”), and 3) the beach-building material that would have entered the littoral system were the backshore not armored (called “sand retention”).

The first two impacts represent direct loss of beach area (measured in square feet) and the third impact results in loss of beach area by reducing the beach building material (measured in cubic yards) available within the littoral system. Direct mitigation for encroachment would involve the creation of beach area through the removal of armoring structures on beaches. Direct mitigation for passive erosion involves the restoration of natural erosional processes along armored backshores. Direct mitigation for sand retention involves the replacement of sand supply through import of similar material to the littoral system. In recent decisions, the Commission has preferred the use of replacement cost approaches to develop in-lieu fees and assess what appropriate mitigation is for the loss of beach area and sand supply caused by armoring structures.

The impact estimates and estimation of potential in-lieu fees are summarized below.



Figure 1. Approximate locations of new or redeveloped reaches of coastal armoring. Note, width does not represent actual footprints. The two colors differentiate the areas identified and do not relate to the status of the armoring. Imagery source (Google Earth: February, 2025)

Because the subject permit application includes several related armoring activities constructed at different times, along considerable lengths of shoreline, and with different sizes, the armoring impacts and potential in-lieu fees are estimated separately for clarity. The seven unique reaches (i.e., not overlapping) include: North Beach, Area 1, Area 1A, Area 2, Area 4 (seawall), Cyprus Shore (rock dump) / Area 4 (rock restacking),

and Cyprus Shore (landslide area rock dump). These areas are shown on a map in Figure 1. However, the armoring in the subject permit application forms two continuous areas of substantially improved (redeveloped) or new armoring: an area north of San Clemente Pier between Mile Post 203.83 and Mile Post 204.40 and an area south of the pier between Mile Post 206.42 and 206.90. The permit application also includes approval of prior and proposed repair work that did not and is not expected to substantially improve armoring outside of these areas such as around Cottons Point and the area just south of the Calafia State Beach parking lot access point; those areas are not included in these estimates.

Table 1, below, summarizes the total impacts and potential in-lieu fees for the northern and southern armoring reaches and Table 2 on the following page summarizes the parameters and calculations used to quantify the estimated armoring impacts and potential in-lieu fees. The methods used to determine in-lieu fees are discussed in more detail later.

Table 1. Summary of impact and potential in-lieu fee (rounded nearest integer)

	Northern Armoring Reach	Southern Armoring Reach	Total
Encroachment (square feet)	80,638	71,581	152,218
Passive Erosion (square feet)	22,235	20,447	46,682
Total Beach Area Impacts (square feet)	102,873	92,028	194,901
Sand Retention (cubic yards)	62,023	43,453	105,476
Sand Retention In-Lieu Fee	$3,070,770	$2,151,343	$5,222,114
Beach Area Impact In-Lieu Fee using Real Estate Method	$53,957,917	$48,269,396	$102,227,314
Total Potential In-Lieu Fee (Sand + Real Estate Method)	**$57,028,688**	**$50,420,740**	**$107,449,427**

Table 2. Summary of parameters and calculations for impacts and potential in-lieu fees (orange cells are generally "inputs" and grey cells are generally "calculations", shown for legibility)

	Northern Armoring Reach				Southern Armoring Reach			
Encroachment	North Beach	Area 1	Area 1A	Area 2	Area 4 (seawall)	C.S. (rock dump) / Area 4 (rock repair)	Cyprus Shore (landslide area rock dump)	
W (ft)	105	87	628	2195	1224	580	700	measured from as-builts (if constructed) or plans (if proposed)
E (ft)	24	24	23.2	28	6.7	36.5	60.3	measured from as-builts (if constructed) or plans (if proposed)
Ae (sf)	2,520.00	2,088.00	14,569.60	61,460.00	8,200.80	21,170.00	42,210.00	= W x E
Fixing Back Beach								
R (ft/yr)	0.66	0.66	0.66	0.66	0.66	0.66	0.66	best estimate using range of data including CoastSat, likely an underestimate
L (yr)	16	11	11	11	10	13	16	Based on approx. date of construction through 2036
W (ft)	105.00	87.00	628.00	2,195.00	1,224.00	580.00	700.00	
Aw (sf)	1,108.80	631.62	4,559.28	15,935.70	8,078.40	4,976.40	7,392.00	= R x L X W
Sand Retention								
W (ft)	105	87	628	2195	1224	580	700	
S (-)	0.790	0.790	0.790	0.790	0.790	0.790	0.790	best estimate assuming very high sand content under railroad and less sand in backing bluffs
L (yr)	16	11	11	11	10	13	16	
R (ft/yr)	0.66	0.66	0.66	0.66	0.66	0.66	0.66	
hs (ft)	20	20	20	20	20	20	20	approximate estimate
hu (ft)	72	74	74	76	64	47	44	approximates based on available digital elevation models
Rcu (ft)	0.66	0.66	0.66	0.66	0.66	0.66	0.66	same as R
Rcs (ft/yr)	0	0	0	0	0	0	0	assumes no sand from bluff erosion reaches beach with armoring
Vb (cy)	2,984.73	1,737.19	12,539.71	44,761.61	19,854.91	9,755.59	13,842.20	= (1/27) x S x W x L x [(R x hs) + (hu x 0.5x (R+(Rcu – Rcs)))]
POTENTIAL IN-LIEU FEE ESTIMATES								
Price of replacement sand ($/cy)	$49.51	$49.51	$49.51	$49.51	$49.51	$49.51	$49.51	based on average of three estimates from beach nourishment projects in San Clemente
Volume of sand retained (cy)	2,984.73	1,737.19	12,539.71	44,761.61	19,854.91	9,755.59	13,842.20	
In-lieu fee for sand retention	**$147,773.75**	**$86,008.22**	**$620,840.97**	**$2,216,147.34**	**$983,016.69**	**$482,999.12**	**$685,327.54**	
Encroachment Area (sf)	2,520	2,088	14,570	61,460	8,201	21,170	42,210	
Passive Erosion Area (sf)	1,109	632	4,559	15,936	8,078	4,976	7,392	
Total Area (sf)	3,629	2,720	19,129	77,396	16,279	26,146	49,602	
Price of replacement beach area ($/sf)	$524.51	$524.51	$524.51	$524.51	$524.51	$524.51	$524.51	based on inflation adjusted (to July 2026) land cost for 7 sales of blufftop in San Clemente (though all landward of railroad)
In-lieu fee for beach impacts (REAL ESTATE)	**$1,903,341.89**	**$1,426,467.89**	**$10,033,288.85**	**$40,594,818.61**	**$8,538,603.19**	**$13,714,048.26**	**$26,016,745.02**	

When estimating potential in-lieu fees for sand retention, the Commission has, for decades, used the cost of replacing that sand by transporting it to the site of impact. In recent years, where in-lieu fees for sand supply impacts are anticipated to go towards regional sand nourishment projects, the Commission has preferred to use a representative unit cost for delivering sand through those regional sand nourishment projects. In this case, the following information was used to derive an average unit cost for sand in the City of San Clemente of $49.51 per cubic yard.

Table 3. Summary of replacement sand unit costs for City of San Clemente

Informational Source	Site	Amount (cy)	Total Cost	Unit Cost	USD Year	Inflation Adjustment to Aug 2026
SANDAG RBSP III Feasibility Study	San Clemente North Beach	250,000	$10,408,610	$41.63	2025	$43.30
SANDAG RBSP III Feasibility Study	San Clemente State Beach	800,000	$34,436,834	$43.05	2025	$44.77
City Website	Pier Area	251,000	$14,317,000	$57.04	2024	$60.46

For beach area impacts (encroachment and passive erosion), there are a range of methods that the Commission has used over the decades to develop in-lieu fees and evaluate appropriate mitigation. An older method, called the “equivalent sand method” (see note at the bottom of Table 1), was developed in the 1990s and estimates how much sand would need to be placed to recreate an equivalent amount of the lost beach area elsewhere in the littoral cell. An area-to-volume conversion factor is used based on the volume of a column of sand with a top area of one square foot and a height that extends from the berm elevation down to the theoretical depth of closure (bottom of the active beach profile). In Southern California, this has often been assumed to be approximately 1 cubic yard per square foot based on an active beach profile height of 27 feet.

The Commission moved away from using this method in the mid-2000s because it is nearly impossible for long-term loss of beach space at a site of impact to be recreated through placement of the volume of sand estimated by the equivalent sand method. This is because the sand placed fronting the armoring is not in equilibrium with the beach on either end and the sand gets transported up and down coast through longshore transport where its benefits become diffuse and the sand is eventually lost to sinks such as submarine canyons. The low-elevation space created through erosion at the back of the beach allows sand to accumulate by creating distance from the active shoreline where wave energy can dissipate and sand can deposit. While included in this summary, use of the equivalent sand method to determine adequate mitigation is not recommended.

A more contemporary method the Commission has used to evaluate potential in-lieu fees for beach area impacts is called the **“real estate method”** and is based on the replacement cost of mitigating lost beach space through the acquisition of coastal property and preservation or restoration of natural erosional processes. This method represents a more accurate estimate of the replacement cost of beach space lost to fixing the backshore with armoring and is more consistent with the Commission’s focus on long-term planning. In this case, the cost of acquiring beachfront of blufftop land was estimated by looking at available sales data of blufftop property in San Clemente,

adjusting the sales price by a regional home price inflation index, and removing the inflation-adjusted assessed improvement cost to remove the cost of the residential structures, approximating a land cost. This land cost was then divided by the lot size and the average land cost per square foot of the seven available blufftop sales in San Clemente was used to estimate the replacement cost of the lost beach area (see Table 5). Ideally, more sales data would be used to have better confidence in the replacement cost figure and property that was not separated from the beach by public infrastructure (in this case, the railroad) would be used since purchasing property behind the railroad would not result in beach formation. While that data collection has not been done in this case, preliminary estimates suggest that if sales data were expanded to the Capistrano Bight, the replacement cost would increase by a factor of 1.7, suggesting the potential in-lieu fees estimated by this analysis likely represent a lower end estimate of the actual cost to directly replace the lost beach area.

While the Commission has typically not required payments of in-lieu fees from public agencies (and instead looked for public benefits that can be provided as part of proposed armoring projects), these potential in-lieu fees have been assessed to aide in determining appropriate mitigation (see for example CDP 2-21-0912 and CC-0005-21). In this case, OCTA, after coordinating with Commission staff, have proposed approximately 690,000 cubic yards of sand placement as part of the proposed project. To aide in evaluating how this sand compares to the impacts of the project, the in-lieu fee estimated by the real estate method is divided by the unit cost of sand to approximate how much sand the in-lieu fee could theoretically fund. A summary of these totals for the two separate armoring reaches is presented in the table below.

Table 4. Summary of real estate method in-lieu fee and an estimate of how much sand that in-lieu fee would fund.

	North of Pier Area	South of Pier Area	Total
Real Estate Method In-lieu Fee	$57,028,688	$50,420,740	$107,449,427
Volume of Sand Theoretically Funded by Real Estate Method In-lieu Fee	1,151,862	1,018,395	2,170,257

The Commission has also considered and, in some cases, used another approach to assessing potential in-lieu fees for beach loss based on the recreational value of beaches. More information about this approach can be found in a memo developed as part of the staff report for a revetment in Dana Point (CDP Application 5-21-0489). Due to capacity limitations, an analysis using the recreational value method was not able to be completed. However, an analysis by SANDAG for their Regional Beach Sand Project Phase III Feasibility Study included an analysis using similar methods used by the Commission (benefit-transfer method to develop day-use values) and estimated that the non-market value losses at similar areas (North Beach and San Clemente State Beach) from coastal erosion totaled approximately $132 million (2024 dollars) from 2023 to 2034 which is similar in magnitude to the in-lieu fee estimated by the real estate method.

Table 5. Recent Blufftop Lot Sales in San Clemente

Street Number	Street	Sale Price	Sale Date	Inflation Adjusted Sale Price	Lot Size (sf)	Building Size (sf)	Inflation Adjusted Assessed Improvement Value	Inflation Adjusted Land Cost	Inflation Adjusted Sale Cost per sf	Inflation Adjusted Land Cost per sf
326	Boca Del Canon	$7,400,000	Jul-24	$7,502,204	7,444	3,837	$614,490	$6,887,715	$1,007.82	$925.27
1814	Calle De Los Alamos	$5,850,000	Mar-25	$5,846,372	11,325	3,126	$355,759	$5,490,614	$516.24	$484.82
2014	Calle De Los Alamos	$6,650,000	Jan-25	$6,844,965	12,197	3,639	$850,380	$5,994,585	$561.20	$491.48
2016	Calle De Los Alamos	$6,250,000	Nov-25	$6,433,768	12,632	3,693	$554,802	$5,878,966	$509.32	$465.40
2018	Calle De Los Alamos	$4,500,000	Jul-25	$4,555,945	13,068	1,494	$130,029	$4,425,916	$348.63	$338.68
3822	Vista Blanca	$7,000,000	Jul-25	$7,087,026	13,504	7,912	$1,891,113	$5,195,913	$524.81	$384.77
3824	Vista Blanca	$10,100,000	Sep-25	$10,387,467	13,068	6,907	$2,792,905	$7,594,563	$794.88	$581.16

	Inflation Adjusted Sale Cost per sf	Inflation Adjusted Land Cost per sf
MEDIAN	$524.81	$484.82
MEAN	$608.99	$524.51
STD	$219.59	$193.23
N	7	7

Appendix D – Substantive File Documents

- Coastal Development Permit Application Nos. 5-21-0866, 5-23-0762, 5-24-0714, 5-24-0715 and associated file documents
- Consistency Certification No. CC-033-03 and associated file documents
- Railroad Emergency Stabilization Project – San Clemente Orange Subdivision MP 206.85 Alternatives Analysis, by HDR Engineering
- MP 206.8 Track Stabilization – Draft Alternative Analysis Report, by HDR Engineering, dated June 20, 2023
- Alternative Analysis Report – Area 4, by HDR Engineering, dated June 2025
- Alternative Analysis Report – Areas 1 and 2, by HDR Engineering, dated June 2025
- Alternatives Analysis for the San Clemente North Beach Revetment Emergency Repair and Restoration Project, by Metrolink

OCTA

AFFILIATED AGENCIES

Orange County Transit District

Local Transportation Authority

Service Authority for Freeway Emergencies

Consolidated Transportation Service Agency

Congestion Management Agency

October 21, 2026

Dr. Kate Huckelbridge
Executive Director
California Coastal Commission
455 Market St Suite 300
San Francisco, CA 94105

Subject: **Coastal Rail Infrastructure Resiliency Project – Concerns Regarding Draft Coastal Development Permit Conditions**

Dear Dr. Huckelbridge:

On behalf of the Orange County Transportation Authority (OCTA) Board of Directors, I would like to express our appreciation for your leadership and your staff's continued coordination with OCTA regarding the Coastal Rail Infrastructure Resiliency Project in San Clemente. OCTA remains committed to protecting California's coastal resources while implementing the improvements necessary to maintain safe and reliable passenger rail operations along the critical Los Angeles-San Diego-San Luis Obispo rail corridor.

Following review of the draft special conditions provided on October 16, 2026, OCTA has identified several provisions that raise significant legal, technical, financial, and implementation concerns. Of particular importance is the need to recognize the longstanding history of this railroad corridor. The rail line has been in operation since 1888, well before the enactment of the California Coastal Act and modern environmental regulations. OCTA acquired the rail corridor in the early 1990s to preserve and expand passenger rail service for the traveling public. Moreover, substantial portions of the existing rock revetment predate the Coastal Act. We believe it is essential that the Commission's permit findings and conditions appropriately distinguish this longstanding, lawfully established infrastructure from the new improvements that would be authorized under the current application. Based on assertions made by CCC staff and members of the public, OCTA believes there may be fundamental misunderstandings about the historical extent of the rock revetment and the location and amounts of replacement rock deposited in accordance with the prior emergency permits. OCTA would welcome the opportunity to review the Commission staff's assumptions and understandings underlying the proposed conditions to ensure the record is clear and accurate and mitigation requirements are fair and feasible.

As part of the project, OCTA has already committed to placing nearly 700K cubic yards of sand, which would be the largest single placement over the last half century in San Clemente. While OCTA has successfully secured approximately $305 million to address imminent threats to the coastal rail corridor from bluff

erosion and wave action, the proposed conditions could divert significant public resources from urgently needed rail stabilization and other critical transportation improvements. These unfunded obligations could significantly affect future rail service, as OCTA has a finite amount of funds dedicated through Measure M for this purpose. As a public transportation agency entrusted with the responsible stewardship of taxpayer funds, OCTA must ensure that these investments are directed toward achievable improvements that protect public safety and maintain essential transportation services.

It is important to recognize that OCTA does not own or control the eroding beaches adjacent to the rail corridor. The absence of a comprehensive, coordinated beach management and nourishment strategy by the State, County of Orange, City of San Clemente, and other responsible parties have contributed to the conditions now threatening this critical transportation infrastructure. It would be unreasonable to impose substantial mitigation and financial obligations on OCTA for protecting its existing rail infrastructure without establishing a corresponding framework that apportions the planning and financial burdens of addressing the underlying causes of beach erosion amongst the several responsible agencies. A sustainable solution requires a shared commitment and coordinated action among all responsible parties, rather than placing a disproportionate burden on OCTA and its transportation funding resources.

OCTA supports reasonable mitigation measures, environmental stewardship, and long-term coastal resiliency planning. However, the conditions of approval must be legally supportable, technically feasible, financially reasonable, and achievable within OCTA's authority. Most importantly, they must not compromise the continued safe operation of the railroad or unnecessarily delay urgently needed protective improvements.

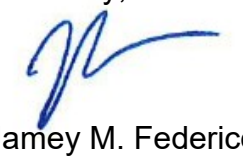
OCTA is particularly concerned with the proposed authorization and removal provisions, mandatory railroad relocation milestones, sand mitigation requirements, and certain public-access improvements. Several of these conditions could impose substantial financial and implementation obligations that extend beyond OCTA's statutory responsibilities, jurisdiction, or direct control. Additionally, undefined terms used in the proposed conditions, such as “equivalent mitigation,” create substantial, unacceptable uncertainty for OCTA as to the potential cost and feasibility of any additional measures could be demanded under that term. OCTA cannot agree to conditions that impose uncertain obligations that likely exceed OCTA’s funding and scope of authority.

OCTA continues to work closely with Commission staff to resolve outstanding differences regarding the feasibility of the proposed conditions. We remain committed to reaching mutually acceptable revisions that address the Commission's coastal resource protection objectives while recognizing OCTA's operational, technical, and financial constraints. Given the anticipated public release of the proposed conditions on October 22, 2026, we respectfully request that any subsequent revisions be incorporated through an addendum to the staff report in advance of the November 2026 Coastal Commission meeting. It is imperative that these ongoing discussions not delay the permitting process or implementation of the urgently needed improvements to protect this critical rail corridor.

Ultimately, OCTA and the Commission share a fundamental responsibility to serve the public. While our respective missions differ, they are complementary: OCTA provides safe, reliable, and accessible public transportation to and within communities along the coast, while the Commission protects coastal resources and public access for current and future generations. We believe these objectives can and should be achieved together through practical, balanced, and collaborative solutions.

We appreciate your consideration of these important concerns and look forward to working with you and your staff toward a mutually acceptable permit that protects both our coastal resources and the long-term viability of this essential transportation corridor.

Sincerely,



Jamey M. Federico
Chair

JMF:dp

c: OCTA Board of Directors
California Coastal Commissioners, California Coastal Commission
Executive Staff, OCTA
James Hacker, CalSTA
Anthony Serna, CalSTA
Kealiʻi Bright, CNRA
Karl Schwing, California Coastal Commission