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STAFF REPORT: REGULAR CALENDAR

Application No.:	**5-26-0292**
Applicants:	**Orange County Public Works (OCPW), Seal Beach, Huntington Beach, Newport Beach, San Clemente, OC Parks, and California State Parks**
Agent:	Moffatt and Nichol
Location:	Multiple beach receiver sites within the cities of Seal Beach, Huntington Beach, Newport Beach, Dana Point, and San Clemente, California State Parks, and OC Parks
Project Description:	Implementation of a 10-year program of intermittent beach nourishment known as the Sand Compatibility and Opportunistic Use Program (SCOUP) at twenty-five receiver beaches throughout five cities in Orange County and use of the Huntington Beach State Beach back beach area as a possible sand source site
Staff Recommendation:	Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

Orange County Public Works, serving as lead agency, and co-applicants Seal Beach, Huntington Beach, Newport Beach, San Clemente, and California State Parks request approval of a 10-year programmatic CDP establishing a program to opportunistically use surplus sediment/sand generated by maintenance/construction activities, for beach nourishment at twenty-five (25) beach sites along the Orange County (OC) coast.

The OC Sand Compatibility and Opportunistic Use Program (SCOUP) is intended to establish regulatory approvals in advance to allow for beach nourishment projects to occur as source sediment opportunities arise. The subject permit is only for sand replenishment/deposition projects; except for a portion of the Huntington State Beach back beach which is proposed as a sand source site; otherwise the removal/excavation of all other source sediments would be separately approved by local, state, and federal agencies as appropriate. Without the pre-approved SCOUP, beach compatible sediment would otherwise go to landfill or be utilized in construction, rather than being beneficially re-used on OC beaches.

The purpose of the program is to provide the County of Orange and other sediment managers with a larger degree of flexibility that will ultimately allow for greater success in implementation of beneficial re-use of sediments from the 380 miles of flood control channels, numerous sediment detention basins, creeks, estuaries, ocean outlets, and four dams managed and maintained by OCPW. The program aims at cost-efficiencies, alleviate staff workloads. Some of the major differences from conventional SCOUP programs[1] proposed in the OCPW SCOUP include:

- A wide range and large number of potential beach receiver sites to maximize program flexibility and opportunistic use;
- Year-Round sand placement;
- Monitoring intended to be practical and actionable, e.g., identifying monitoring for the purposes of identifying any needed remediation or adaptive management actions; and
- Less stringent criteria of sediment grain size (i.e., a larger range of possible grain size envelopes at most beach receiver sites)

The SCOUP would allow for a range of beach nourishment projects from small-scale (1,00-5,000 cu. yds.) up to a large-scale project with a maximum of 300,000 cu. yds. of material placement. The proposed SCOUP pre-established source sand acceptability criteria, physical beach and biological resource monitoring requirements, and

[1] Cities of San Clemente (CDP 5-15-20256-A1),Carlsbad (CDP #6-06-48 and #6-06-048-A1), Solana Beach (CDP #6-08-38, -A1, A2, and A3), Encinitas (CDP #6-08-110, -A1 and -A2) and Oceanside (CDP #6-07-27 and #6-15-0986).

notifications is detailed in the *Draft OC SCOUP Implementation Guidelines* document (**Exhibit #6**) for each of the proposed twenty-five (25) receiver beaches.

To allow for the specific needs of each beach receiver site, multiple potential sand placement designs within the beach profile are proposed:

- on the dry beach as a beach berm,
- on the dry beach as a storm (winter) dike,
- below the mean high tide line,
- on the back beach as a dune,
- on the back beach as a cliff/bluff stabilization measure

Representative conceptual designs for each of these sand placement options are included in the *SCOUP Preliminary Implementation Guidelines.* Additionally, the Guidelines identify the sand placement design(s) most suitable to each beach receiver site.

Sand delivery methods to receiver beaches would be via trucking from inland sediment sources, and potentially via rail to an off-site stockpile area for larger quantities. Heavy equipment that would be utilized on the sandy beach for each SCOUP project such as a dozer(s), loader(s), scraper(s), and sweeper.

Sand placement is proposed year-round but would mostly likely occur in the fall and winter months to avoid disturbing beach users during the peak beach use season (Memorial Day to Labor Day). Construction activities would also be timed to avoid impacts during grunion runs and nesting of relevant threatened or endangered birds. However, the proposed project makes allowance for projects to possibly occur during the peak beach recreation season in cases where an acute need is identified and a suitable sand source is also identified.

The key Coastal Act issues of concern are the project's potential to adversely affect coastal access, sensitive biological resources, and water quality.

The Commission staff recommends the Commission find that with adherence to the mitigation measures included in the project's Mitigated Negative Declaration (MND) Mitigation, Monitoring, and Reporting Program prepared by OCPW and as reiterated in **Special Conditions 1,** and with **Special Conditions 2 through 10**, the project would be carried out consistent with the coastal access, ESHA, hazards, marine resource and water quality protection policies of the Coastal Act.

Therefore, Commission staff recommends that the Commission **APPROVE** coastal development permit application 5-26-0292, as conditioned. The motion is on page 5 of the staff report. The standard of review is Chapter 3 of the Coastal Act.

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EXHIBITS

Exhibit 1 Location Map of Project Beach Receiver Sites

Exhibit 2 Proposed Receiver Site Sand Placement Areas - Max Fill Area Over Multiple Events and Representative Fill Area for Single Event, Construction Staging and Access

Exhibit 3 Receiver Site and Off-Site Stockpile Site Location Descriptions

Exhibit 4 Conceptual Plan View Designs for Sand Placement Options

Exhibit 5 Receiver Site Grain Size Limits

Exhibit 6 SCOUP Preliminary Implementation Guidelines (IG)

Exhibit 7 SCOUP Preliminary IG, Apprendix A.2: Sediment Sampling and Analysis Plan

Exhibit 8 SCOUP Preliminary IG, Apprendix A.3: Existing Biological Resources Maps

Exhibit 9 SCOUP Preliminary IG, Apprendix A.4: Project Notification Report Template

Exhibit 10 – Sensitive Biological Resources in Beach Receiver Sites Table and Map of Marine Protected Areas (MPAs)

Exhibit 11 – EIS/MND Project Mitigation, Monitoring, and Reporting Program (MMRP)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit 5-26-0292 pursuant to the staff recommendation.

Staff Recommendation of Approval:

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

Resolution to Approve the Permit:

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

II. STANDARD CONDITIONS

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

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

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

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

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

III. SPECIAL CONDITIONS

1. **Mitigated Negative Declaration.** The Applicants shall implement and adhere to all mitigation measures included in the Mitigated Negative Declaration prepared for the project. A full list of these mitigation measures is provided as **Exhibit #11**.

2. **Final OC SCOUP Implementation Guidelines and Appendices. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the Applicants shall submit for review and written approval by the Executive Director, a final OC SCOUP Implementation Guidelines containing Appendix A.1 thru A.4, all in substantial conformance with the Preliminary Implementation Guidelines (attached as **Exhibit #6**) revised as follows:

   a. *SCOUP Preliminary Implementation Guidelines Section 2.2 Placement Timing* shall be revised to include: a) guidance for scheduling/timing of SCOUP projects in order to provide objective criteria (e.g., when beach widths are 30% of historical averages) for determining when a receiver beach may be considered to be in "acute need" and thus a candidate for a sand placement project to be proposed during the peak summer use season or outside of other work window restrictions due to sensitive bird species nesting or grunion spawning; and b) Construction be limited to daylight hours (7am-5pm) year round, c) Construction be limited to weekdays during peak summer season, d) Prohibit construction on holidays and holiday weekends year round, and e) Avoid sand extraction construction activities from Huntington State Beach proposed sand source areas during peak summer use season to the maximum extent practicable.

   b. *SCOUP Preliminary Implementation Guidelines, Appendix A.4, Project Notification Report Section 3.1 Receiver Site Placement Timing* shall be revised to also provide the objective criteria used to justify approval of a sand placement project during the peak beach season or during other work window restrictions.

   c. *SCOUP Preliminary Implementation Guidelines Section 3.0 – Potential Sand Receiver Sites*, shall be revised to: clearly demarcate and quantify the staging and construction areas at each receiver beach site in a manner that preserves the maximum amount of public beach access parking and restores the staging/stockpile areas back to public parking immediately after the conclusion of the sand placement project.

   d. *SCOUP Preliminary Implementation Guidelines, Appendix A.4, Project Notification Report Template Section 4: Public Notification Process* ("PNR") shall be revised to also provide public notifications of SCOUP projects to tribal governments, local Chambers of Commerce/Downtown Business

Associations, and publication in County and local City websites. The PNR shall also be revised to clarify that the public notification process applies to specific SCOUP beach placement projects/events and sand extraction projects/events at the Huntington State Beach proposed sand source areas.

e. *SCOUP Preliminary Implementation Guidelines, Appendix A.4, Project Notification Report Template Section 6 – Post-Project Reporting* shall be revised to include submittal of either a combined monitoring report for all SCOUP event monitoring activities or individual monitoring reports at the end of the SCOUP project/event per monitoring protocols. If monitoring reports identify unavoidable impacts caused by SCOUP event activities, the Applicants shall apply for a new CDP or an amendment to the SCOUP CDP to mitigate those impacts.

f. *SCOUP Preliminary Guidelines, Appendix A.4, Project Notification Report Template Section 3: Transportation and Placement* shall be revised to include a Traffic Control Plan for all SCOUP event activities (e.g. sand replenishment at one of the beach receiver sites or sand extraction from Huntington State Beach) that would include the use of flaggers and safety personnel to enforce restricted areas and facilitate the safe flow of traffic in and out of beach sites onto frontage roads during the duration of the project period. Additionally, the proposed Public Access Plan required per the PNR Template shall also outline proposed equipment exclusion zones, vehicle speed limits, designated crossings, accessible detours, safe separation of visitors from equipment, and procedures for maintaining emergency access during sand replenishment or sand extraction activities.

g. *SCOUP Preliminary Guidelines, Appendix A.4, Project Notification Report* shall be revised to include a new section titled: “Other Required Approvals” requiring the submittal of a copy of all other necessary State and Federal permits or authorizations that may be necessary for all aspects of the proposed specific individual SCOUP event proposed by the PNR, including, but not limited to, Right-of-Entry Permit from California State Parks, approvals by the United States Fish and Wildlife Service, NOAA/National Marine Fisheries Service, California Department of Fish and Wildlife, California State Lands Commission, Regional Water Quality Control Board, and the U.S. Army Corps of Engineers.

h. *SCOUP Preliminary Guidelines, Table 7: Receiver Sites Grain Size Limits* shall be revised to indicate that no more than a maximum of 50% fine-grained material shall be placed below the MHTL on beach receiver sites with sandy bottom substrates in nearshore areas (typically north of the Newport Harbor entrance channel); no more than a maximum of 25% fine-grained material shall be placed on beach receiver sites with sensitive nearshore habitat present, i.e., rocky reef, surfgrass, eelgrass, or kelp (typically south of the Newport Harbor entrance channel); and no more than a maximum of 25% fine-grained material utilized for back beach dune sand placement events, until when/if studies indicate higher percentage fine-grained material is not detrimental to water quality and marine biological resources.

i. *SCOUP Preliminary Implementation Guidelines Section 6.4.1 Turbidity Monitoring Trigger,* make the following red-line edits:
Turbidity monitoring will be required if:

- Sand ***placement design*** is ~~placed~~ within the active intertidal zone, i.e., seaward of the MHTL **and**
- ***Nearshore biological resources (rocky reef, surfgrass, eelgrass, or kelp) are present, and***
- The project is a "large" project (sand placement volume >75,000 cubic yards) or the project is a "medium" project (sand placement volume between 25,000 – 75,000 cubic yards) with source material in excess of 25% fines content.

j. *SCOUP Preliminary Implementation Guidelines Section 2.1.4 - Back Beach Dunes* shall be revised to clarify in greater detail that sand placement under the Back Beach Dunes Design Plan may also be utilized for enhancement, restoration, and expansion of existing sand dune ESHA habitat and not just for creation of new habitat.

k. *SCOUP Preliminary Implementation Guidelines Section 3.0* shall be revised to: a) clearly indicate the existence or non-existence of sand dune ESHA at each of the receiver beach sites or proposed Huntington State Beach extraction footprint. ESHA (e.g., dune mat or areas that exhibit dune morphology) shall be clearly delineated by a qualified biologist in the field to prevent impacts to ESHA; and b) ESHA shall be delineated with specific sensitive species labeling (e.g., signage stating, "No Entry – Environmentally Sensitive Habitat" attached to temporary fencing) to clearly avoid any disruption to those areas; c) Prohibit project activities within a 100-ft. buffer zone; and d) Prohibit driving through dune areas during transport of sediments for back beach, beach berm, storm dike, and below MHTL sand placement project events.

l. *SCOUP Preliminary Guidelines Section 6.2.2 Sensitive Bird Species Monitoring Protocol* shall be revised to clearly specify that a) if a Western snowy plover or California least tern nest is found within the proposed sand placement footprint or proposed Huntington State Beach sand extraction footprint during a pre-project nesting bird survey, work must stop and the United States Fish and Wildlife Service and California Department of Fish and Wildlife notified and consulted. The area would be rejected for SCOUP related activities until breeding/nesting of federally- and state-listed birds is completed; b) the pre-project nesting bird survey shall be completed 72-hours prior to commencement of construction during nesting and overwintering seasons; c) during nesting season, monitoring requirements during construction shall be daily and full-time conducted by a qualified biologist during all beach nourishment activities for a minimum of two weeks, after which the frequency of monitoring may be adjusted to a larger interval such as weekly or biweekly depending on initial results and after consultation with the resource agencies; d) during the nesting season, if snowy plovers and/or least terns are not observed exhibiting nesting behaviors but are roosting within 300 feet of the project footprint, the area shall be demarcated

with an avoidance buffer with bright orange fencing/flagging, notifying all project personnel as to the existence of the buffer zone and avoiding project activities inside this buffer; e) at all times, a qualified biologist shall walk ahead of vehicle(s) and equipment to assure that western snowy plover and California least tern are out of harm's way before the vehicle(s) or equipment can proceed. If birds do not move out of vehicle traffic path, the biologist shall guide vehicle(s) on an alternate path to avoid grounding birds and walk ahead of vehicle(s) to ensure the path is clear while maintaining a minimum 150-foot buffer.

m. Add a new section: *SCOUP Preliminary Guidelines Section 3.8.7 Sand Extraction Considerations and/or Constraints* indicating that sand removal at Huntington State Beach will be limited to the back beach area within the green-outlined polygon shown in Figures 3-12 and 3-13. Excavation shall not exceed 40 feet in width or 3 feet in depth within the identified sand source site polygon, with a maximum volume of 30,000 cubic yards removal within a single 12-month period and not to exceed 150,000 cubic yards over the 10-year term of the CDP. All sand removal shall require prior approval from the North Sector District Superintendent at California State Parks and may only be used to support other State Beaches or Parks within the Orange Coast District. Sand removal shall be prohibited whenever the sandy beach at Huntington State Beach is 300 feet wide or less in width. Sand removal shall not occur Memorial Day through Labor Day, unless sand accretion has enveloped the sands wall and is actively limiting usability of the multi-use trail by the public. The multi-use trail will remain open at all times and construction activities will affect no more than 300-linear feet of beach at any time. Sand removal operations are subject to the same wildlife/environmental resource protections as is required for sand placement, as detailed in this CDP, CEQA MND, and OC SCOUP Implementations Guidelines.

n. *SCOUP Preliminary Implementation Guidelines Section 10* shall be revised to state that "high need" receiver sites on public beaches that are the most easily accessible to the general public (i.e., provide public parking, public amenities, direct public access to the beach, access via public coastal trail, etc.) shall receive priority notification of the availability of opportunistic sand and providing such beach receiver site(s) the right of first refusal for the available sand.

3. Approval of Sand Source Site/Dredging Site. The subject permit is only for sand replenishment/deposition projects; except for Huntington State Beach back beach area as depicted in the *SCOUP Implementation Guidelines Figure 3-12 and Figure 3-13* which is proposed as a possible sand source site. All other development proposals that may be involved in obtaining the sand source, including but not limited to non-exempt grading, new construction or dredging, if located within the coastal zone, shall require the approval of the Coastal Commission or the applicable local government through a coastal development permit or an

amendment to this permit, unless such development is exempt from permit requirements under the Coastal Act and its implementing regulations.

4. **Scope and Term of Permit Approval.** The development authorized by this CDP is limited to beach nourishment and limited sand extraction from Huntington State Beach that is consistent with the project limits identified in the Preliminary OC SCOUP Implementation Guidelines including, but not limited to, the sediment receiver sites, maximum quantities of beach sand nourishment, limitations on placement, methods of delivery, and monitoring. The authorization for continuing development pursuant to this permit shall expire ten (10) years from the date of permit issuance.

   Halfway through the ten-year programmatic CDP term, (five years from permit issuance), the Permittees shall submit a midpoint changed conditions report to the Executive Director for review and written approval. The changed conditions report shall include a summary of all sand placement activities conducted and a summary of monitoring results. The report shall summarize the effectiveness of the programmatic CDP in meeting program objectives, including in terms of maintaining public coastal access, habitat values, and coastal resource protection, and include any changes necessary to better meet the program objectives or protect coastal resources. If after reviewing the midpoint report, the Executive Director determines that there are changed circumstances and that an amendment to this CDP or a separate CDP is legally required to continue this program, the Permittees shall within 90 days, submit and complete the required application.

5. **Maximum Sand Placement.**
   A. The County of Orange shall track the number of sand placement projects and the total volumes at each of the receiver beach sites. Local government Permittees shall track any additional non-SCOUP sand placement projects within their City limits. If the Permittees and/or any other parties propose cumulative sand placement volumes that exceed the SCOUP identified maximum amount at the receiver beach site within a 12-month period, a new separate CDP will be required for that proposed sand placement by the responsible agency.

   B. Sand placement events from SCOUP or other CDP approvals for sand placement on receiver site beaches with rocky reef nearshore habitat that result in a fill volume greater than 250,000 cu. yds. per year utilizing beach berm and/or below the MHTL fill placement designs shall be restricted along contiguous receiver beach sites. If a fill volume between 250,000 cu. yds. and the maximum fill volume of 300,000 cu. yds. per year is achieved at one such receiver site, there shall be a three-year suspension period for sand placement on a contiguous beach receiver site to allow for a period of sediment equilibrium, monitoring per the SCOUP Implementation Guidelines, and avoidance of cumulative impacts on nearshore resources; unless additional information is provided assuring limited potential of cumulative adverse impacts to nearshore biological resources.

6. **Mitigation for Uncertainty of Nearshore Impacts.** In lieu of mitigation for potential impacts to sensitive marine resources within the area of influence of SCOUP projects on intertidal or subtidal rocky reef habitats, kelp forests, and seagrasses (typically south of the Newport Harbor entrance channel) OCPW shall participate in a scientific study examining the potential for impacts from deposition activities, including surf zone placement of up to 50 percent fine grained dredged material (passing #200 sieve), on those biological resources. OCPW shall contribute funds to a scientific study ("Study") focused generally on: (1) characterizing natural variability of suspended sediment concentrations (SSC) in nearshore waters across southern California (magnitude, timing, duration, frequency, seasonality) and identifying factors that can influence variability along the coast; (2) integrating satellite, in-situ, and climatological data to develop robust statistical baselines, or "natural envelopes" of SSC for evaluating potential impacts of dredged material placement; and (3) providing actionable guidance for permitting high-fines dredged material placement for beneficial use, developed in consultation with regulatory agencies to ensure consistency with regulatory requirements. The Study will be carried out by the Southern California Coastal Water Research Project (SCCWRP) pursuant to a Memorandum of Understanding (MOU) by and between the California Coastal Commission and SCCWRP, which the Commission's Executive Director shall have authority to negotiate and execute. OCPW shall contribute a total fee of $ 164,000.00 to SCCWRP, divided into two phased installments of $41,000 for phase one and $123,000 for phase two. The first phase installment shall be paid prior to issuance of the permit and the second shall be paid prior to one year after the date of the initial payment.

   PRIOR TO ISSUANCE OF THIS PERMIT, OCPW shall provide evidence, in a form and content acceptable to the Executive Director, that an initial fee of $41,000 has been paid to SCCWRP. PRIOR TO ONE YEAR AFTER THE DATE OF THE INITIAL PAYMENT TO SCCWRP, OCPW shall provide evidence, in a form and content acceptable to the Executive Director, that the second installment fee of $123,000.00 has been paid to SCCWRP. If the second fee payment is not made within one year after the first payment, all work authorized by this permit shall cease until the District has provided evidence to the Executive Director that the second installment fee has been paid to SCCWRP. The fee paid to SCCWRP by the District shall be used solely to fund the Study, which may also rely on other funding sources to complete the full Study scope in accordance with the MOU. The MOU will set forth terms and conditions to assure that the in-lieu fee will be expended in the manner intended by the Commission and will include reporting requirements to the Commission upon completion of the Study and may include interim reporting requirements.

7. **Biological Mitigation.** Any inadvertent adverse impacts to sensitive dune habitat areas or avian species of concern by the proposed development shall be reported to the Executive Director within two weeks of occurrence and shall be mitigated. Such mitigation shall require an amendment to this permit or a new permit unless the Executive Director determines that no permit is legally required.

8. **Required Approvals.** The Permittees shall obtain and provide the Executive Director a copy of all other necessary State and Federal permits or authorizations that may be necessary for all aspects of the proposed development, including, but not limited to, approvals by the United States Fish and Wildlife Service, NOAA/National Marine Fisheries Service, California Department of Fish and Wildlife, California State Lands Commission, Regional Water Quality Control Board, and the U.S. Army Corps of Engineers.

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

10. **Construction Best Management Practices.** Construction taking place in, over, or adjacent to coastal waters and habitat shall protect the coastal waters and habitat by implementing additional BMPs, including:

    A. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activities shall be implemented prior to the on-set of such activity. BMPs and GHPs, that shall be implemented include, but are not limited to: solid waste management, off-site vehicle and equipment cleaning, off-site vehicle and equipment maintenance, and an employee/subcontractor training. BMPs shall be maintained in a functional condition throughout the duration of the project.

    B. Construction vehicles and activity shall not be conducted below the mean high tide line outside of the authorized work area, and only as required for the specific sand deposition event.

    C. Wildlife shall be allowed to escape the work area/s.

    D. When transiting on the beach, all construction vehicles shall remain as high on the upper beach as possible, and shall avoid contact with sand dunes, sand hummocks, and ocean waters and intertidal areas.

    E. All work shall take place during daylight hours, and lighting of the beach and ocean area is prohibited.

F. All construction equipment and materials placed on the beach shall be stored beyond the reach of tidal waters within construction area boundary fencing, where such controls and/or fencing are placed as close to the street or to the base of the coastal bluff as possible, and are minimized in their extent.

G. No equipment or materials shall be stored, staged, or fueled in waters of the state, including wetlands or in any area where waters of the state might be adversely affected by the equipment or materials. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall be conducted in designated upland areas outside of waters of the state and shall not result in a discharge or a threatened discharge to waters of the state.

H. No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain or be subject to wave erosion and dispersion;

I. Tarps or other devices shall be used to capture debris, dust, oil, grease, rust, dirt, fine particles, and spills to protect the quality of coastal waters.

J. All erosion and sediment controls shall be in place prior to the commencement of construction, as well as at the end of each workday. At a minimum this shall include spill kits onsite and drip pans under stationary equipment. All heavy equipment arriving to the site must be properly cleaned first, with no oil or sediment build ups that could pollute the beach and/or contaminate the beach with invasive species. Assure any sand tracking outside of the sandy beach is a minimum and does not affect safety of pedestrians, bikers, skaters, and all other trail users, and other public areas.

K. All debris resulting from construction activities shall be removed from the beach immediately at the end of the work day.

L. Appropriate protocols shall be implemented to manage all construction-phase BMPs (including installation and removal, ongoing operation, inspection, maintenance, and training), to protect coastal water quality.

M. Sand Monitoring for below MHTL placement and beach berm placement shall be conducted during construction activities to identify if the sand placement is causing sand to become hard packed and to assess the appropriateness of additional grading to push the sand into the surfzone to remediate the problem. This or other such remedies shall be immediately reported to the Executive Director to determine whether the proposed remediation may be authorized under this CDP or whether the work shall require an amendment to this permit or a new permit.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. Project Location, Description, and Background

Project Location

The Orange County Public Works (OCPW) serving as lead agency with co-applicants Seal Beach, Huntington Beach, Newport Beach, San Clemente, Orange County Parks (OC Parks), and California State Parks proposes to implement an Orange County (OC) Sand Compatibility and Opportunistic Use Program (SCOUP) with pre-established criteria that opportunistically and beneficially utilizes sediment from various inland sources for beach nourishment at twenty five beach receiver sites along the OC coast. **Exhibit #1** provides a map of the proposed beach receiver sites, color-coded by managing entity and includes proposed potential inland sand stockpile sites (outside of the coastal zone). **Exhibit #2** lists the twenty-five beach receiver sites for the proposed SCOUP, as also shown on the table below.

Receiver Site	Need	Per Event Maximum Fill (cy)	Per Year (Annual) Maximum Fill (cy)
West Beach, Seal Beach	Low	50,000	100,000
East Beach, Seal Beach	High	50,000	200,000
Surfside Beach	High	100,000	300,000
Sunset Beach	Medium	100,000	200,000
Huntington Harbour Beaches	Low-Medium	1,000-5,000	1,000-5,000
Bolsa Chica State Beach	Medium	100,000	300,000
Huntington Beach Bluffs	High	100,000	300,000
Huntington Beach State Beach	Low	50,000	200,000
West Newport Beach	Medium	100,000	300,000
Balboa Beach	Medium	100,000	200,000
Newport Harbor Beaches	Medium-High	1,000-10,000	1,000-10,000
Newport Dunes	Low	50,000	50,000
Corona Del Mar State Beach	Low	50,000	100,000
Little Corona del Mar	Low	5,000	5,000
Crystal Cove State Park	High	100,000	300,000
Salt Creek Beach	Medium	50,000	200,000
Baby Beach	Low	5,000	10,000
Doheny State Beach	Medium	100,000	300,000
Capistrano Beach County Park	High	50,000	150,000
Poche Beach	High	1,000	1,000
Capistrano Shores	High	100,000	300,000
San Clemente North Beach	High	50,000	150,000
San Clemente City Beaches	High	100,000	300,000
San Clemente State Beach	Medium	100,000	300,000
Cyprus Shore/Cottons Beach	High	100,000	300,000

Source: Merkel & Associates, Inc.

A general description of each beach receiver site and proposed off-site stockpile areas, beach features/amenities, surfing, and an assessment of beach nourishment "need" from low, medium to high[2] is provided in detail in the *SCOUP Preliminary Implementation Guidelines* provided in **Exhibit #3.** "Need" was based on a combination of beach conditions and recreational opportunities offered. The most eroded beaches with the highest recreational use and the greatest potential for storm damage have a high need and the widest beaches with lowest recreational use and lowest potential for storm damage have a low need.

The proposed receiver sites were identified based on OCPW discussions with staff from beach managing entities: City of Seal Beach, City of Huntington Beach, City of Newport Beach, City of Dana Point, City of Laguna Beach, City of San Clemente, OC Parks, and California State Parks. California State Parks receiver beach sites include Bolsa Chica State Beach located at the northern end of the City of Huntington Beach, Huntington Beach State Beach at the southernmost end of the City; Crystal Cove State Park between Newport Beach and Laguna Beach; Doheny State Beach located in the City of Dana Point, east of Dana Point Harbor; and lastly San Clemente State Beach in southern City of San Clemente. All beaches within the City of Laguna Beach were eliminated from consideration in the SCOUP due to existing sensitive resources and protections restricting sand placement in State Marine Protection Areas along the Laguna Beach shoreline.

To determine maximum beach fill quantities, the Applicants determined a target beach width based on a natural shoreline condition at the subject receiver site, typically 50 – 100 feet. The fill volume was calculated by a factor of 1.5 cu. yds. of sand per 1 foot of beach width for every 1 linear foot of a beach shoreline length for a beach berm fill. For some beaches, such as West Seal Beach, fill estimates were based on estimates for dune creation/enhancement.

Project Description

One of the challenges identified by the California Coastal Sediment Management Workgroup in the early 2000s was the set of logistical barriers to taking advantage of the opportunity presented by activities that involved the excavation of sandy material near the coast as being potential sources for sand replenishment. Often, this material became available relatively unexpectedly, and there was a challenge for local governments having the capacity to quickly acquire permits to beneficially use the sandy material within the timeline the material was available (e.g., before the entity excavating the material sent it to a landfill or sold it for use in construction). It became evident that a program to streamline environmental compliance and regulatory approval

[2] Based on *Everest et al, 2013. Orange County Coastal Regional Sediment Management Plan, Prepared for U.S. Army Corps of Engineers, County of Orange, and California Coastal Sediment Management Workgroup, Prepared by Everest International Consultants Inc., in association with Science Applications International Corporation and Dr. Phillip King.*

of beach nourishment projects (typically up to 150,000-300,000 cubic yards per year, per receiver site) using opportunistically available sand sources was necessary.

The proposed SCOUP is intended to establish regulatory approvals in advance to allow for beach nourishment projects to occur as source sediment opportunities arise. The proposed SCOUP programmatic coastal development permit (CDP) is intended to expedite the implementation of potential future beach sand replenishment projects by establishing a set of detailed and rigorous source sand acceptability criteria and parameters under which future potential sand sources could be evaluated. If a particular sand source becomes available and meets the criteria established by the program, placement of that sand could then be approved administratively by the Executive Director under this CDP without any further Commission action necessary. If any particular sand source falls outside the criteria outlined herein, or any other potential risks to coastal resources not identified and discussed in this report were to be identified by Commission staff, a separate CDP or amendment to this CDP would be required. The program is designed to capitalize on opportunities to obtain surplus sand from the 380 miles of flood channels and four dams managed and maintained by OCPW and other potential sources of sand outside of OCPW jurisdiction such as upland construction, or dredging projects, as they arise, and to place the sand along the shoreline through a streamlined process, instead of losing the material to an inland disposal site due to the sometimes lengthy processing time for necessary permits from the various environmental permitting agencies.

The subject permit is only for sand replenishment/deposition projects; except for Huntington State Beach back beach area as shown in *SCOUP Implementation Guidelines Figure 3-12 and Figure 3-13* which is proposed as a sand source site. Other areas of Huntington State Beach are also included as potential receiver sites. Removal/excavation of all other source sediments would be separately approved by local, state, and federal agencies as appropriate. Without the SCOUP, beach compatible sediment channels, creeks, dams would otherwise go to landfill or be utilized in construction, rather than being beneficially re-used on OC beaches.

As proposed, the SCOUP identifies the minimum criteria for sand acceptability for a single or numerous receiver beaches, if a sand source meets that minimum criteria it then must undergo a Sampling and Analysis Plan (SAP), if the sand is determined to be suitable for beach nourishment, the permittee then submits a Project Notification Report including all of the detailed information involved in performing the above analyses, such that the Executive Director could make a determination of whether the project conforms with the project limits as approved by the Commission under this CDP. This information would also outline public notification requirements, and pre-, during, and post-construction monitoring plans for the project including biological monitoring (grunion, nearshore reefs, shorebirds, etc.), physical monitoring (turbidity, beach profiling), and recreational monitoring (beach going, surfing, etc.) reported to the Executive Director for review and written approval before commencement of an individual project under the approved SCOUP.

Orange County Public Works has put together a *SCOUP Preliminary Implementation Guidelines* dated May 2026, included as **Exhibit #5**. It identifies the beach sand receiver sites, maximum fill amounts for each sand placement event and the annual maximum fill amount for each receiver site per year (12 month-period), sand placement design templates, monitoring requirements, public notification requirements and overall guidelines to evaluate, plan, and execute individual beach nourishment projects at the identified receiver site beaches. The Guidelines document also includes the Programmatic Sampling and Analysis Plan (PSAP), Project Notification Report (PNR) Template, and Sensitive Biological Resources Maps. The SCOUP Preliminary Implementation Guidelines document outlines the steps necessary in order to implement an individual SCOUP project:

1. *Notification:* Sand provider (source sediment site managing entity) notifies OCPW and/or beach receiver site managing entity(ies) of sand opportunity. If more than one beach receiver site managing entity is interested in the source sediment, the prioritization process is followed.

2. *Initial Evaluation and Site Visit:* The beach receiver site managing entity reviews available information to determine if: a) the source is likely to be suitable for beach placement, b) sufficient funding is available, c) the source sediment availability meets SCOUP timelines, and/or d) use of an inland stockpile site is needed. A site visit may be conducted, if necessary, to perform an initial evaluation of the quality and color of the source sediment. The receiver site managing entity coordinates with the sand provider to determine responsibilities, including costs.

3. *Source Sediment Sampling Plan:* The beach receiver site managing entity develops the source site sampling design and submits (number, location, and depth of samples) to regulatory agencies for approval. Approval requested within 14 days of receipt.

4. *Source Sediment Testing:* Following approval of the sampling design, the source sediment is sampled and tested in accordance with the approved sampling design and the PSAP.

5. *Project Notification Report Preparation and Submittal to Regulatory Agencies:* The beach receiver site managing entity prepares the PNR included as Implementation Guidelines Appendix A.4 and submits the PNR to the regulatory agencies. The PNR includes the PSAP results, construction plan, schedule, public notification process, roles and responsibilities and required physical and biological monitoring and reporting of monitoring results.

6. *Project Notification Report Approval:* Regulatory agencies approve proposed project. Approval requested within 30 days of receipt.

7. *Public Notice:* The beach receiver site managing entity issues public notice for transportation and construction activities.

8. *Sand Processing:* If needed, the source sediment is processed (screened) at the source site to remove debris/vegetation/rock (if present).

9. *Transportation:* A transportation (e.g. haul route) permit is acquired as needed from local municipalities and the source sediment is transported to the receiver beach or stockpile site.

10. *Grading:* The beach receiver site managing entity places and grades the source sediment on the beach according to the beach placement strategy specified in PNR.

11. *Monitoring:* The beach receiver site managing entity performs monitoring and reporting as specified in the PNR.

Thus, at the time any particular SCOUP project is submitted for the Executive Director's approval, there will be site-specific information on the quality, chemistry, and grain size of the sand source material, the receiver beach, the timing and size of the project, the deposition method, a monitoring program, and a public notification program. Executive Director discretion to approve a project at this point would be highly constrained, as only projects which met the specific standards for each of these items, as contained in the Project Notification Report included as part of the final OC SCOUP Implementation Guidelines could be approved under this subject permit. As previously noted, the Executive Director could only approve a project that falls within the parameters outlined in this SCOUP programmatic CDP, and if the project does not meet these criteria, the permittee would be required to seek a separate CDP for the project.

OC SCOUP Details

The Applicants propose to place a maximum of up to 44,810,000 cu. yds. [(4,481,000 cu. yds. annual max at all combined 25 receiver sites) x (10 years)] of opportunistic sand at all beach receiver sites over the proposed ten-year CDP term period (e.g., from the date of permit issuance); however, this absolute maximum is theoretical and is not intended to be reached, nor is it likely to occur. As proposed, the maximum volume of sand material that can be placed at each receiver beach site annually (i.e., 365-day period) varies per site, some sites are smaller and some are larger. At the larger sites, the maximum volume is not to exceed 300,000 cu. yds. on a running basis.

To generally determine maximum beach fill quantities, a target beach width was determined based on a natural shoreline condition at the subject receiver site. The fill volume was calculated by using typical criteria for a beach berm fill in southern California: 1.5 cu. yds. of sand fill per 1 ft. of beach width for every 1 ln. ft. of a beach shoreline length. For some beaches, such as West Seal Beach, fill estimates were based on estimates for dune creation/enhancement. To ensure these estimates were

reasonable and environmentally suitable, a review of historic and/or upcoming nourishment projects (when available) and environmental conditions were examined for each receiver site.

The Applicants propose to divide SCOUP events into three categories based on the volume of sand planned to be placed at the beach per event. These categories are defined as follows: small (<25,000 cu. yds.), medium (25,000 to 75,000 cu. yds.) and large (>75,000 cu. yds.). Each proposed physical beach monitoring and biological resource monitoring activity will describe the general procedure as well as specific criteria for each project volume category. Criteria will be more stringent as project volume category increases.

The proposed *SCOUP Preliminary Implementation Guidelines* include a monitoring framework applicable to any combination of sediment source, receiver site, and placement volume, by establishing different monitoring criteria “triggers” for varying categories of projects. Depending on the receiver beach site, monitoring for marine biological resources may include:

• Sensitive bird species; monitoring would be required for any beach nourishment project occurring within the nesting season of California least tern and/or western snowy plover and for over-wintering areas for snowy plovers.

• Grunion; monitoring would be required for any beach nourishment project occurring within the spawning season on any sandy beach where spawning could potentially occur and if sand is to be placed below MHTL. Grunion use sandy beaches for spawning, and thus beaches comprised mostly of cobble or with little to no dry beach during high tides, would likely not host grunion activity.

• Federally listed Habitat Areas of Particular Concern (HAPCs) in OC which include: estuaries, kelp beds, surfgrass, eelgrass, and rocky reefs; if a project occurs in an area known to have eelgrass, surfgrass, kelp or hard substrate within the vicinity, then monitoring of that habitat will be triggered. The exact distance offshore/downcoast considered to be "within the vicinity" will vary depending on the project size. Eelgrass surveys and monitoring would be in accordance with the California Eelgrass Mitigation Policy (CEMP) (NMFS 2014).

• Tidal inlet monitoring; potentially required for sand placement at only at Bolsa Chica State Beach in the vicinity to the Bolsa Chica Wetlands, Huntington Cliffs in the vicinity to the Huntington Beach Wetlands, and Huntington State Beach and West Newport Beach in the vicinity to the Santa Ana River Wetlands.

• Turbidity monitoring; would be required if sand is placed within the active intertidal zone (i.e., below the high tide line), and the project is a “large” project (sand placement volume exceeds 75,000 cu. yds.) or the project is a “medium” project (sand placement volume between 25,000 – 75,000 cu. yds.) with source material exceeding 25% fines, and if nearshore biological resources (rocky reef, surfgrass, eelgrass, or kelp) are present.

To allow for the specific needs of each beach receiver site, multiple potential sand placement locations within the beach profile (cross-section designs) are proposed:

- on the dry beach as a beach berm,
- on the dry beach as a storm (winter) dike,
- below the mean high tide line,
- on the back beach as a dune,
- on the back beach as a cliff/bluff stabilization measure.

Representative conceptual designs for each of these proposed sand placement scenario options are included in the *Implementation Guidelines* as shown in **Exhibit #4** of this staff report and are described in detail below:

Beach Berm

For this placement scenario, fill material is proposed to be placed as a layer over the existing beach as a berm to widen the sandy beach. The berm will be a level surface extending a certain distance from the back of the beach toward the ocean, then sloping gradually into the water. The elevation, width, length, and slope of the berm will vary for each sand placement opportunity, depending upon the quantity of material to be placed, its qualities and the condition of the beach at the time. Typical design criteria are as follows:

- Beach berm crest height to match the natural beach berm elevation (typically +10 to +15 ft. NAVD88 and include additional “freeboard elevation” to account for possible sea level rise (SLR) effects.
- Length and width of the berm based on dimensions of the project area and volume of sediment available for placement.
- Slope seaward of the berm with a constructed slope of 5:1 H:V, which will equilibrate relatively quickly over time to a flatter natural slope. Berm

Storm Dike

For this placement scenario, fill material is placed in a dike-type (linear mound) structure above the dry beach berm and serves to provide wave overtopping protection for landward infrastructure. This type of feature is typically constructed during the winter months when wave action is highest, and beach usage is lower and then flattened in the spring/summer months when beach usage increases. Typical design criteria are as follows:

- Dike crest height to match the highest runup elevation (typically at least +20 ft. NAVD88 for 100-year storm events)
- Dike crest width of at least 5 ft. and slopes of 3:1 H:V

Below Mean High Tide Line (MHTL)

For this placement option, fill is proposed to be placed below the MHTL, within the intertidal zone. This scenario is typically used if the source material is darker colored and finer grained than the native beach sand. Sand would be delivered to the beach and pushed by bulldozers to the water's edge. At low tide, the material is pushed as far seaward as possible so that it can be reworked by waves during the following rising tide. The fines would be gradually winnowed out by waves and currents, carried offshore, and sand would be left behind. This option differs from the previous berm placement approach in that, for this option, the fill is placed solely within the intertidal zone, e.g.,

from elevation +5 ft. NAVD88 (approximate MHTL) to elevation 0 ft. NAVD88, whereas for the berm option, the sand is placed much higher (e.g., at elevation +10 to +15 ft. NAVD88).

Back Beach Dunes

For this placement option, fill is proposed to be placed along the back beach for creation of vegetated dunes, for beach receiver sites with wide sandy fronting berms. These systems would provide a buffer between the beach and upland infrastructure. Additionally, the vegetated dune systems introduce habitat for native vegetation and animal species including foraging birds. Dunes could be created by placing and grading imported sediment onto the back beach to form mounds and subsequently planting native vegetation species within the system. This dune placement option should be implemented in conjunction with beach berm construction if a wide sandy beach does not exist at the beach receiver site.

Back Beach Bluff

For this placement option, fill is proposed to be placed along the back beach at the toe of coastal bluffs with linear gaps systematically occurring along the placement footprint. Placement of nourishment material within the intertidal zone may cause burying of invertebrate species.

Timing and Prioritization of Sand Placement

Due to the year-round nature of opportunistic sand availability, sand placement activities are proposed to be able to occur year-round. Sand placement ideally shall occur primarily in the Fall and Winter months and avoid Spring and Summer months to minimize disturbance to beachgoers and beach access during the peak beach use season (Memorial Day to Labor Day) and to avoid impacts to sensitive biological species and activities, such as grunion runs, and least tern or snowy plover nesting. Oftentimes, however, sediment sources become available during Spring and Summer period when flood facility maintenance typically occurs outside of the rainy season. If sediment sources become available during Spring and Summer months, the SCOUP incorporates the use of off-site stockpile sites where the sediment can be stockpiled until beach placement timing is suitable. Sand placement during the peak beach season

may be allowed to occur in cases where an acute need is identified and avoids weekends and popular beaches. SCOUP activities are proposed to be generally timed to avoid grunion runs and nesting of relevant threatened or endangered birds and mitigation measures and monitoring are proposed if a suitable sand source becomes available during the grunion runs or bird nesting season.

The *SCOUP Preliminary Implementation Guidelines Section 10* outlines a process for identifying and prioritizing sand receiver sites in the event there is interest from multiple receiver sites for an identified potential sand source. The following multiple factors will be considered such as, but not limited to:

- Receiver site has a HIGH need; this need is based on both erosion rates and infrastructure/amenities which are afforded shoreline protection from a nourished beach.
- Receiver site is within the watershed of the source site. If all interested receiver sites are within the source site watershed, then the receiver site closest to the source site, via haul distance, will be prioritized.
- Receiver site provides significant public recreational opportunities to underserved communities.
- Receiver site agency has a defined available funding source.
- Receiver site proximity to source site and/or stockpile site. Additionally, haul routes will be considered and assessed for distance, cost, logistics, and ease of access.
- Receiver site acts as a “sand engine;” the term “sand engine” is used to define beach nourishments in which large amounts of sand are placed on a single receiver site and, through natural coastal processes, are redistributed to neighboring beaches.

Beach Sand Transportation Methods

For each beach receiver site, the Applicants assume a maximum of approximately five months of construction (Monday through Friday only) could occur each year. Construction activities are proposed during daylight hours on weekdays. Beach closures are not anticipated, and parking would continue to be available in the parking lots adjacent to the beach.

Trucking

Given the opportunistic nature of SCOUP, the method used to deliver source material to a receiver site may vary. The most effective and efficient transportation method for most sand source sites is via truck. The majority of the sediment detention basins, lakes, and dams/reservoirs are located a sufficient distance to the beach fill sites that trucking would be the only feasible option. Material from inland sources, such as development projects or flood control maintenance, can be delivered via truck and spread along the beach using traditional earthmoving equipment (e.g., dozers, loaders, scrapers). The number of truck trips will vary based on the quantity of material available for placement. Ingress and egress points, in addition to the closest available sand stockpile locations,

have been identified for each site in the *SCOUP Preliminary Implementation Guidelines* **Exhibit #2**.

The following stockpile sites for use by each co-Applicant are also included in the proposed SCOUP:

- CA State Parks – Portion of Huntington Beach State Beach Parking Lot (in coastal zone)
- OC Parks – 4.8-acre site at Bolsa Chica St. and Edinger Ave., Huntington Beach (in coastal zone). The stockpile site at the confluence of the C02/C04 (Bolsa Chica and Edinger) has two adjacent segments. The first, roughly triangular site is bordered by the flood channels to the north, west, and south, and Bolsa Chica Street to the east. Current items being stored at this site include rock riprap, sandbags, fencing, barricades, traffic cones and stop signs. The long and narrow second site is a maintenance dirt road. It runs parallel to and is bordered by Edinger Avenue on its southern side and a stream to its northern side. Combined, the two sites span an area of roughly 23,000 sq. yds. (4.8 acres).
- Huntington Beach Bluffs and West Newport Beach – Lot adjacent to the Santa Ana Bike Trail across from OC Sanitation District in Costa Mesa (outside coastal zone). This stockpile site is located just south of the 405 freeway, bordered to the west by the Santa Ana River (“E01”) and to the east by the Greenville-Banning flood channel (“D03”), within the City of Costa Mesa. It is four miles upstream of the Santa Ana River ocean outlet. The site is accessible by a gated access road, controlled by OCPW, off of California Street. The available stockpile capacity is very limited with a surface area of roughly 1,000 sq. yds. (0.2 acres).
- City of Huntington Beach – Gothard Street lot (outside coastal zone) is currently used by the City for staging and stockpiling for its Capital Improvement Projects. It has a surface area of roughly 4,500 sq. yds. (0.93 acres). A key advantage of this site is its proximity to main transit ways.
- City of Newport Beach – North Star Beach parking lot used primarily for vehicular parking for the Newport Aquatic Center and North Star Beach (in coastal zone). It is along the Upper Newport Bay shoreline and has a surface area of roughly 12,500 sq. yds. (2.57 acres).
- City of Dana Point, Doheny and Capistrano beaches – Audubon Basin, City of Aliso Viejo (in coastal zone) is a stormwater detention basin maintained by OCPW with a surface area of roughly 5,500 sq. yds. (1.1 acres). Access to the site is via El Toro Road near the California State Route 73 southbound onramp.
- Dana Point and San Clemente beaches – Great Park, City of Irvine (outside Coastal Zone) is a large plot of undeveloped land owned by OCPW. The site has the most storage availability of any of the identified stockpile sites, with a surface area of roughly 47,500 sq. yds. (9.8 acres) and is adjacent to the rail line, allowing the possibility of utilizing train transport of sand from this site to the beaches.
- City of San Clemente – multiple stockpile sites: Avenida Vista Hermosa and La Plata empty lot owned by the City with surface area of roughly 9,100 sq. yds.

(outside coastal zone), City Maintenance Yard along Avenida Pico with surface area of roughly 3,200 sq. yds. and a small empty lot owned by the City on N. El Camino Real and Calle Deschecha with a surface area of roughly 1,800 sq. yds. (both in coastal zone).

Railcar Train

A rail line runs adjacent to the coastline in southern Orange County (Dana Point Harbor to Cottons), near the Great Park stockpile site, and also near the Prado Dam Basin (a potential sand source site). However, The Orange County Transit Authority (OCTA) owner of the railroad corridor in southern Orange County has indicated that, currently, there are significant constraints to the use of rail for sand transport to receiver beaches in southern Orange County. Specifically, the lack of siding track to allow for the continuation of passenger and freight trains passing while the main railroad track is used for sand unloading and there is not adequate space within the coastline railroad right-of-way for the necessary siding track. Although sand transportation by rail is not currently feasible, it is included as a possible option in the OC SCOUP for when/if rail infrastructure or operational changes are made such that sand transport to OC SCOUP receiver beaches may be possible.

Hydraulic Pipeline

Some beach receiver sites are located adjacent to or near locations with ongoing maintenance dredging. These locations include ocean outlets, wetlands/estuaries, and harbors. For locations with hydraulic cutter head/suction dredging, the sand from the dredging source site could be transported to the beach receiver site via hydraulic pipeline. This type of sediment placement was used in the past for placing material dredged from Dana Point Harbor onto Capistrano Beach Park in Dana Point.

Although hydraulic pipeline sand placement is not typical for sand opportunistic projects, the Applicants are including this sand deposition method should this opportunity arise. This sand deposition method is identified as a possible opportunity for the Huntington Beach Bluffs receiver site using dredge material from the Bolsa Chica Tidal Inlet maintenance. Dredging (material extraction) in the coastal zone would be covered under a separate CDP.

Possible Sand Sources

The SCOUP Preliminary Implementation Guidelines (**Exhibit #6**) provides information on possible sediment sources such as rivers, creeks, and channels where excavation/dredging has previously occurred or have been recommended for inclusion by sediment source managers. Some of the potential sources in this category are provided in the USACE Regional General Permit 100 (RGP 100) which includes an extensive list of permitted reaches from major rivers as well as smaller creeks, channels, and storm drains within Orange County Flood Control Division (OCFCD) rights-of-way and maintained by OCPW. There are also 14 sediment detention basins maintained by OCPW, all of which are generally located 5 to 20 miles from the coastline

and outside of the Coastal Zone. Of these 14 basins, eight known collectively as the "Foothill Basins" include Agua Chinon, Bee Canyon, East Hicks Canyon, Hicks Canyon, Lower Peters Canyon, Orchard Estates, Round Canyon, and Trabuco are currently excavated as-needed when their respective sediment volume reaches or exceeds 25% of the design capacity. As previously discussed, removal/excavation of all other source sediments would be separately approved by local, state, and federal agencies as appropriate.

The OC SCOUP programmatic CDP requests approval of one single possible sand source site in the coastal zone: the back beach area at Huntington State Beach. The *SCOUP Preliminary Implementation Guidelines Figures 3-12 and 3-13* shown below identify Huntington State Beach as a both a sand receiver site along its approximate 10,400 linear foot (or two-mile long) span from Beach Blvd. and the Santa Ana River mouth that has historically been a wide beach averaging 400-ft. wide with a documented low need for beach nourishment and as a potential sand source along a strip of back beach area parallel to the pedestrian/bicycle path at Huntington Beach State Beach. The proposed potential sand placement locations at this site are back beach dunes and placement below MHTL especially in front of the Least Tern Natural Preserve to protect that critical habitat from erosion.

As typically, there is a surplus of sand along the back beach which often blows onto the paved pedestrian/bicycle path and onto the public surface parking lot, that wind-blown sand could potentially be utilized at Huntington Beach State Beach for back beach dune sand placement or on other nearby beach receiver sites if determined to be suitable for a given beach receiver site's percent coarse and fine material limits.



Figure 3-12. Huntington Beach State Beach Shoreline, Northern Extent

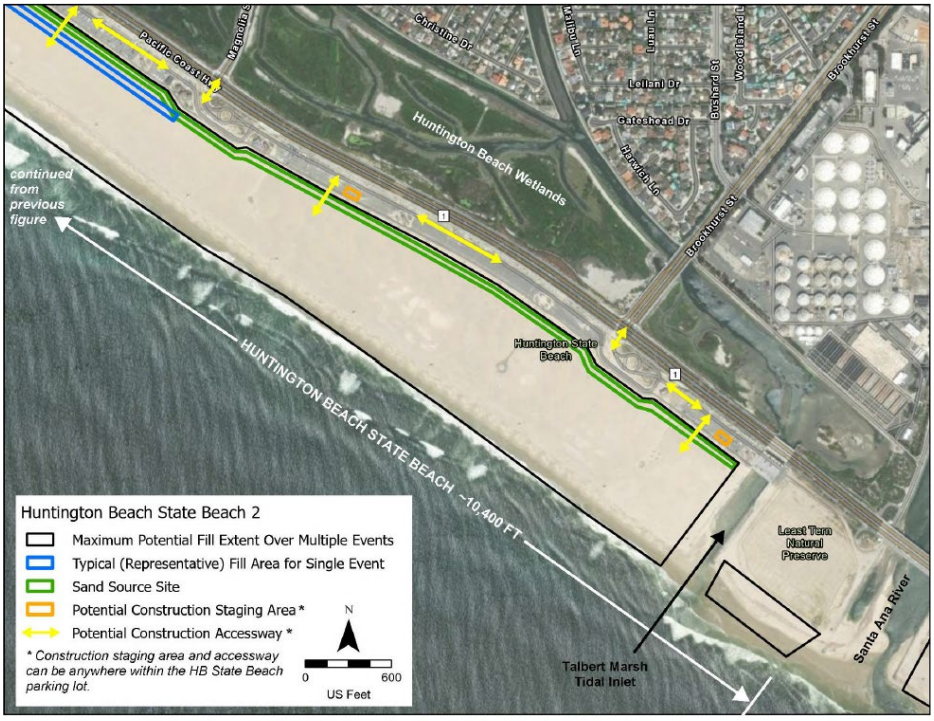

Figure 3-13. Huntington Beach State Beach Shoreline, Southern Extent

The Applicants propose and **Special Condition 2(m)** memorializes that sand removal at Huntington State Beach will be limited to the back beach area within the green-outlined polygon shown in Figures 3-12 and 3-13. Excavation shall not exceed 40 feet in width or 3 feet in depth within the identified sand source site polygon, with a maximum volume of 30,000 cubic yards removal within a single 12-month period and not to exceed 150,000 cubic yards over the 10-year term of the CDP. All sand removal shall require prior approval from the North Sector District Superintendent at California State Parks and may only be used to support other State Beaches or Parks within the Orange Coast District. Sand removal shall be prohibited whenever the sandy beach at Huntington State Beach is 300 feet wide or less in width. Sand removal shall not occur Memorial Day through Labor Day, unless sand accretion has enveloped the sands wall and is actively limiting usability of the multi-use trail by the public. The multi-use trail will remain open at all times and construction activities will affect no more than 300-linear feet of beach at any time. Sand removal operations are subject to the same wildlife/environmental resource protections as is required for sand placement, as detailed in this CDP, CEQA MND, and OC SCOUP Implementations Guidelines.

B. Consolidated Permit/Standard of Review

Under certain circumstances, Coastal Act Section 30601.3 provides the Commission with the authority to act upon a consolidated permit application for proposed projects that would otherwise require a coastal development permit from both a local government with a certified local coastal program (LCP) and the Commission. This

authority is triggered if the Applicant, local government and Executive Director (or Commission) consent to consolidate the permit. The proposed programmatic CDP includes development both above and below the mean high tide line within the jurisdiction of LCP certified local governments and the Commission's original (or retained) jurisdiction. Two of the co-Applicants, the cities of Huntington Beach and Newport Beach, have certified LCPs and the two cities of Seal Beach and San Clemente are uncertified. The City of San Clemente has a certified LUP but no certified Implementation Plan and therefore, not yet fully certified. The City of Seal Beach is currently in the process of certifying its LUP. Some of the proposed development would also occur within the City of Dana Point which is also a fully certified jurisdiction. The proposed beach receiver sites in Dana Point however, are managed by either OC Parks or California State Parks, and thus the City is not a co-applicant in this CDP application. The four co-applicant local governments and the City of Dana Point, with the consent of the Applicant and Executive Director, agreed to consolidate permit action for aspects of the proposed work that would be carried out in the respective City's LCP jurisdiction with aspects that would be carried out within the Commission's retained jurisdiction, consistent with Coastal Act Section 30601.3. The standard of review for such consolidated permits is Chapter 3 of the Coastal Act with the certified LCPs and certified LUP in the case of the City of San Clemente provide guidance. The findings and declarations in the staff report determine consistency with Chapter 3 policies of the Coastal act and by extension the policies in the relevant certified LCPs and LUP.

C. Consultations and Other Agency Approvals

Tribal Governments

Pursuant to the requirements of Assembly Bill (AB) 52 of 2014, which established California Public Resources Code Section 21080.3.1, OCPW sent notification letters to California Native American tribes traditionally and culturally affiliated within the proposed SCOUP area. The required notification period ended on May 7, 2025, and no tribes requested consultation under AB 52.

Other Permits and Approvals

The Applicants have applied for the following required permits and or approvals from the following regulatory agencies for the proposed SCOUP:

- U.S. Army Corps of Engineers Section 10/404 Standard Individual Permit
- Regional and State Water Quality Control Board Section 401 Water Quality Certification(s)
- California State Lands Commission lease agreement(s)

The Applicants are in the process of obtaining these regulatory permits and may need additional authorizations not listed above for specific receiver sites. The Applicants propose, and **Special Condition 8** echoes the requirement that the Applicants obtain

and provide the Executive Director copies of all other necessary State or Federal permits or authorizations that may be necessary for all aspects of the proposed development and requires OCPW notify the CCC Executive Director and the other permitting agencies of any changes to the SCOUP required by such permits. Such changes shall not be incorporated into any beach replenishment project until the Applicants obtain a Commission amendment to this CDP (and other permitting agencies approvals/amendments); unless the Commission's Executive Director, and other permitting agencies, determine that no amendment is required. Furthermore, according to the proposed SCOUP Implementation Guidelines, copies of said permits or approvals would be included in the PNR for each individual sand placement project to the Executive Director for written approval before any sand placement activities may commence.

D. Coastal Access and Recreation

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

Coastal Act Section 30212 states, in part:

> (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:
>
> (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
>
> (2) adequate access exists nearby...

Section 30220 of the Coastal Act states:

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

Coastal Act Section 30213 states, in part:

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

Recreation - General

The above referenced Coastal Act policies establish the shoreline as a valuable asset for public recreation and the economy of the Southern California region and the State, worthy of protection and enhancement. The shoreline is also considered a resource of national significance. Beach erosion has been an increasing problem in the Southern California region, and the Commission has identified beach sand replenishment as a means to preserve and enhance the environmental quality, recreational capacity, and property protection for the region's shoreline. Additional sand on beaches increases the amount of recreational area available for public uses, decreases the rate of beach erosion, and provides a buffer (a wider beach) between waves and adjacent public development, thereby reducing pressure to construct shoreline protective devices, which can adversely affect both the visual quality of scenic coastal areas and shoreline sand supply. Information submitted by the Applicants document that natural sediment deposition from local river and creek sediments along the County's coastal beaches is much lower than historic rates, resulting in a net loss of sediment deposition over the project area. Hence, the subject OC SCOUP proposes to streamline and expedite future beach replenishment projects at twenty-five beach receiver sites, inclusive of the majority of OC beaches. It is impossible to say how long any particular fill sand project would remain on the beach, given the possible variations in amount of material and disposal location. However, during the time the sand remains on the beach the public will have the benefit of wider sandy beaches, and any sand deposited on the beach will become part of the littoral cell system and thus help maintain beach widths across a wide geographic area as sand moves through the system.

The *SCOUP Preliminary Implementation Guidelines Section 10* outlines a process for identifying and prioritizing sand receiver sites in the event there is interest from multiple receiver sites for an identified potential sand source taking into consideration things like receiver site need, if it is within the watershed of the source site, vicinity to source site, identified funding source for transport of sediment, whether the receiver site acts as a sand engine to other beaches, and if the receiver site provides significant public recreational opportunities to underserved communities. However, in addition to all of these considerations, Coastal Act Section 30213 mandates that lower-cost visitor and recreational facilities be protected, encouraged, and, where feasible, provided, while giving preference to developments that offer public recreational opportunities. Thus, requiring preference to projects that expand public recreational access and opportunities. Therefore, **Special Condition 2(n)** requires a revision of the *SCOUP Preliminary Implementation Guidelines Section 10* to state that high need receiver sites on public beaches that are the most easily accessible to the general public (i.e., provide public parking, public amenities, direct access to the beach, access via public coastal trail, etc.) shall receive priority notification of the availability of opportunistic sand and provide such beach receiver site(s) the right of first refusal for the available sand. As conditioned, an individual opportunistic sand placement project under this programmatic

CDP would give preference to development that would offer greater public recreational opportunities and thus be in compliance with Coastal Act Section 30213.

The maximum annual total potential replenishment at each beach receiver site varies based on their size, the larger sized sites have a maximum 300,000 cu. yds. within a 12-month period. However, individual replenishment projects would likely be much smaller and require much shorter construction periods than that required for the maximum. Additionally, the maximum allowed amount of sand might not be placed each year, which would also mean fewer construction impacts to public access. The sand placement rate during a typical SCOUP event will be limited by the maximum number of trucks which can deliver sand to the beach receiver site within a certain time period. This rate varies from 8-16 trucks (14 cu. yd. capacity) per hour or approximately 112 – 224 cu. yds. per hour.

The implementation of an individual SCOUP sand replenishment project may have some temporary adverse impacts on public access and recreation as well. All of the proposed SCOUP receiver site beaches are currently used for various recreational activities including fishing, swimming, surfing, and sunbathing. During a sand placement project, the beach area undergoing sand deposition/fill would have to be closed to the public, creating a temporary adverse impact on recreation. The impact will be particularly significant during higher tides and at work areas where the beach area would be closed to the water line preventing access past the work area to the rest of the beach except by traveling inland around the project work area. As proposed, the SCOUP would allow sand placement year-round, however, should a sediment source become available during Spring (grunion and bird nesting season) and Summer (peak recreational use) months, material can be stockpiled offsite until beach placement timing is suitable, or placement could allowed if it avoids popular beaches and avoid weekends, and/or allowed to continue with sensitive bird species and grunion monitoring. Beach closures would not extend over the entire length of the beach, but only at the portions of the beach where earthmoving equipment would be actively working. Half of a particular beach may be closed while the other half remains open during sand placement activities. In general, the water area is expected to remain open during construction activities, although the Applicants would retain the ability to restrict access to the water should safety conflicts arise at a particular site.

Typically, the Commission has prohibited construction on beaches or in recreational areas from occurring during the summer months. However, to allow for the greatest flexibility in getting available sand to the beach such that public access and recreation can be overall improved in the long run, consistent with the Coastal Act policies listed above, SCOUP activities may be allowed year-round, only in the event that an acute need at a beach receiver site is identified. In order to minimize public beach access impacts during the peak summer season (Memorial Day weekend through Labor Day weekend), the Commission requires in **Special Condition 2**, that a) the Applicants revise and finalize the *SCOUP Preliminary Implementation Guidelines* guidance provided for scheduling of SCOUP projects in order to provide objective criteria (e.g., when beach widths are 30% of historical averages) for determining when a receiver

beach may be considered to be in “acute need” and thus a candidate for a sand placement project to be proposed during the peak summer use season or outside of other work window restrictions due to sensitive bird species nesting or grunion spawning; and b) Construction be limited to daylight hours (7:00 AM - 5:00 PM) year round, c) Construction be limited to weekdays during peak summer season, d) Prohibit construction on holidays and holiday weekends year round, and e) Avoid sand extraction construction activities from Huntington State Beach proposed sand source areas during peak summer use season to the maximum extent practicable.

Additionally, the *SCOUP Preliminary Implementation Guidelines* includes public notification procedures for individual sand placement projects. As proposed, the PNR would describe how the public will be notified of each specific SCOUP project, at a minimum providing signage at the sand deposition site (or sand extraction at Huntington State Beach) indicating the project scope, expected dates of construction, and/or areas of beach closure, at least 1-2 weeks prior to project commencement. Notifications in local newspapers and on County and local City websites would be provided for larger events anticipated to last longer than two months. In order to ensure public notification reaches a greater swath of the public, **Special Condition 2(d)** requires a revision to the PNR to expand public notification to tribal governments, and for the diversification of notification methods by providing the public notice to Chambers of Commerce/Downtown Business Association and publication in County and local City websites. Thus, providing the public with adequate public notification opportunities.

Furthermore, approval of individual project details in the PNR for all proposed sand placement projects is at the final discretion of the Executive Director.

Staging/Traffic and Parking

Several of the proposed project activities have the potential to adversely affect public access to and use of this beach area. These activities include project equipment staging, vehicle storage, and project personnel parking and on-beach project activities including use of heavy equipment. Project equipment staging and vehicle storage is proposed to occur within existing beach parking lots. The proposed vehicle access route on the beach and the beach sand placement work areas themselves would also be closed to public access during project activities to help ensure public safety. Access across the beach at the project site would be restricted, and the beach area immediately adjacent to the deposition site would be closed.

Typically, trucking will be used for inland sediment sources. The beach receiver site managing entity (one of the co-Applicants) will be responsible for transporting the sand from the source to the receiver site and will specify the transportation method and route in the PNR. **Special Condition 2(f)** requires the Applicants provide a Final SCOUP Guidelines revised Draft PNR Section 3: Transportation and Placement to include a requirement for submittal of a Traffic Control Plan that would include the use of flaggers and safety personnel to enforce these restricted areas and help facilitate the safe flow of

traffic in and out of the receiver beach sites onto frontage roads during the duration of the sand placement project period.

While the temporary closure of limited beach receiver site areas (limited to within about 50 ft. of the fill area for a single sand placement project) during project activities for safety reasons would not likely result in substantial or long-term adverse impacts to coastal access or recreation in the project area, closure of beach access trails or parking areas may result in temporary reductions in beach access and use. As proposed, the project and its staging areas would temporarily eliminate a small portion of the legal parking areas that serve the beach receiver sites.

To minimize impacts to public parking at beach parking lots due to proposed project staging and construction activities, the Commission is requiring, in **Special Condition 2(c)**, that the staging and construction areas be quantified and demarcated in the *SCOUP Preliminary Implementation Guidelines Section 3.0 – Potential Sand Receiver Sites* and used in a manner that preserves the maximum amount of public beach parking and restores the staging/stockpile areas back to public parking immediately after the conclusion of the sand extraction/placement project.

Recreation – Surfing

Surfing could potentially be impacted not only by restriction of access to the water during a sand placement project, but through the modification of existing sand bars and reefs by sand placement and deposition, and poor water quality caused either by turbidity generated during and after sand deposition or contaminants being released into the surfzone by the fill material. As previously noted, the open water area is expected to remain open during beach-berm sand placement activities (above the mean high tide line), which is the preferred placement strategy, and the summer peak use season will be avoided to the most practicable extent feasible. Additionally, limits are placed on the work hours and number of days construction/sand placement activities can occur. The SCOUP includes testing parameters for all potential sand sources to verify that the sand is free of contaminants prior to placement on any beach fill site, including background research of the potential for the material to possess contaminants based on Tier I testing protocol as specified by the U.S. Army Corps of Engineers and the U.S. EPA. Therefore, with these testing parameters, there should not be any health threats to surfers from contamination. In addition, the SCOUP requires monitoring of turbidity during construction. Should the daily construction-phase monitoring indicate that turbidity attributed to the replenishment project exceeds the State Water Resources Control Board Ocean Plan thresholds, then the rate of placement of the sand shall be modified, curtailed, or ceased to decrease turbidity so that large, long lasting turbidity plumes are no longer created.

Turbidity monitoring is proposed to occur daily during the first week, and once a week thereafter. Monitoring would occur immediately after construction until turbidity ceases. Although no significant recreational impacts are expected from turbidity, proposed turbidity monitoring will provide information that will allow future projects to more accurately assess and avoid turbidity.

Regarding the potential modification of sand bars due to beach nourishment, changes in the formation of offshore sand bars are a naturally occurring event, and there are seasonal periodic changes to surfing localities. For example, a project involving a large volume of sand placement could potentially result in the creation of a relatively large sand "slug" to the system over a short time frame thereby changing bottom conditions at the sites. This impact could be adverse and significant if sand deposition caused waves to close-out over a long period of time (months) rather than result in a perpetual shorebreak at the beach rather than a nearshore bar for waves to break over. However, any such occurrence is most likely to be a short-term condition while the sand is naturally redistributed over the bottom. The project may cause potentially beneficial impacts to surfing by contributing sand to the nearshore that will be deposited in bars throughout the County. More sand in the system provides material for enhanced sand bar formation and may result in larger or longer-lasting bars, and improved surfing conditions. Such results were reported from informal observations of SANDAG beach replenishment project in 2000 describing improved surfing conditions at each sand placement site credited to sand bar formation.

The *SCOUP Preliminary Implementation Guidelines Section 5.5 – Surf Monitoring*, provides the proposed surf monitoring protocol typically used in previously approved SCOUP CDPs. However, as the OC SCOUP includes 25 beach receiver sites with varying geographic settings (i.e., some within harbors) the surfing monitoring trigger criteria proposed differs. For the OC SCOUP, surf monitoring would be required if:

- The receiver site is a beach where surfing is popular (rating of 3 or 4) and/or there is a particular wave break that warrants monitoring **and,**
- The project is a "large" project (sand placement volume exceeds 75,000 cubic yards), **and**
- The coarse *sand* content (2 mm – 4.75 mm) of the source material is greater than 20%.

Coarse sand typically moves to form an offshore sandbar in winter months that could potentially impact surf breaks (either positively or negatively). Finer sands are usually transported farther offshore and deposited in areas outside of the wave-breaking zone. According to the Applicants' consultants, in previous large-scale beach nourishment projects, impacts to surfing have been typically minor and short-lived (typically not lasting longer than 6 months).

Surfing activities and ocean conditions are proposed to be monitored starting two weeks prior to construction (sand placement) and again commencing one week after completion of construction for eight weeks. Conditions will be observed for 30 minutes two times per week between 8:00 AM and 9:00 AM, or another suitable monitoring time depending on local surfing conditions. Observations will be made by human observers or through publicly accessible video cameras such as those operated by Surfline.com. Observations recorded during the post-construction period will be compared to the pre-project baseline conditions to evaluate any changes that may be attributable to the

beach nourishment. Surf monitoring will not be triggered by any proposed sand extraction project from the back beach area at Huntington State Beach as sand removal from the back beach does not pose any significant impact on beach waves/surf because extraction would occur outside the active surf zone.

Should a SCOUP sand placement project trigger the need for surf monitoring, per the *Project Notification Report Template Section 5 – Monitoring* the PNR will describe the proposed monitoring protocol and timeline for submittal of monitoring results at the end of the monitoring period for evaluation of any surf changes that may be attributable to the beach nourishment. If impacts are identified, an amendment to the SCOUP CDP would be required to incorporate more restrictions to either avoid surf sites or reduce sand quantities placed near surf sites. Additionally, **Special Condition 9** also requires construction-phase Sand Monitoring to identify if the sand placement is causing sand to become hard packed and to assess the appropriateness of additional grading to push the sand into the surfzone to remediate the problem. This or other such remedies would be reported to the Executive Director to determine whether the proposed remediation may be authorized under this CDP or whether the work require an amendment to this permit or a new permit. Hard-packed sand creates a hard pan layer that significantly affects surfing conditions by altering how waves break, how sandbars shift, and the physical safety conditions of an unyielding sand bottom.

In summary, the proposed project will have short-term and temporary impacts on public access and recreation, which have been minimized by restrictions and conditions on the amount of work than can occur during the summer. The project overall will have a positive impact on County beaches. The proposed monitoring plan and reporting will provide information regarding the short and long-term effects of beach replenishment, including how long the sand remains on the beach at different sites in different conditions. The surfing and recreational monitoring will provide similarly detailed information that will allow for additional assessment to inform future sand placement in this project and future projects. Therefore, as conditioned, the proposed project can be found consistent with the public access and recreation policies of the Coastal Act.

Conclusion

Given the proposed restraints on work during the summer season and on the number of overall truck trips, public access and recreation is not expected to be significantly restricted by sand replenishment activities. Additionally, with implementation of **Special Conditions 2** the project would be carried out in a manner that would protect existing, and facilitate expanded, coastal access and recreation opportunities at the project sites. The Commission therefore finds the proposed project, as conditioned, consistent with the coastal access and recreation sections (Sections 30210, 30211, 30212, 30220 and 30231) of the Coastal Act.

E. Marine Resources and ESHA

Section 30107.5 of the Coastal Act defines environmentally sensitive habitat, or ESHA, as:

> Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30121 of the Coastal Act defines Wetlands as:

> "Wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

> The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232 of the Coastal Act states:

> Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section 30233 of the Coastal Act states, in relevant part:

> (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this

division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource-dependent activities.

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

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Wildlife, including, but not limited to, the 19 coastal wetlands identified in its report entitled, “Acquisition Priorities for the Coastal Wetlands of California”, shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Marine Environment

Section 30230 requires that uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters for long-term commercial, recreational, scientific, and educational purposes. Section 30231 requires that the biological productivity and quality of coastal waters be maintained. These policies require the Commission to address impacts on marine resources by considering the timing of deposition of the material on the beach, the composition of the material, the method of deposition, the location of the receiver beach, and the presence of environmentally sensitive resources. Development in areas adjacent to sensitive marine habitat areas, marine parks, federal and state Marine Protected Areas (MPAs) and recreation areas, such as beaches, must be sited and designed to prevent impacts that would significantly degrade those areas, and must be compatible with the continuance of those habitat and recreation areas. Section 30233(b) allows dredge spoils which may be from the ocean, creeks, channels, lakes, etc., suitable for beach replenishment to be transported for these purposes to appropriate beaches or into suitable longshore current systems if planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Thus, the project must be the least environmentally damaging alternative, and possible impacts avoided and mitigated if unavoidable.

Beach sand replenishment (or nourishment) is considered a "soft" engineering alternative to “hard” structures like seawalls, groins, and rock revetments. It is often labeled less damaging than hard infrastructure because unlike hard structures that deflect or block waves—which causes scouring, erosion of adjacent downdrift beaches, and destruction of intertidal zones —sand replenishment widens the beach profile so waves break earlier and naturally lose their energy across the surf zone. Beach nourishment maintains a sandy interface that allows wind and waves to continue natural coastal processes, such as feeding and rebuilding coastal sand dunes, maintains space/habitat for nesting shorebirds and marine life and preserves the natural recreational usability of the coastline making it the least environmentally damaging alternative to reduce the detrimental impacts of coastal erosion on beaches.

Beaches require an ongoing source of sediment to maintain their width, but human activities have significantly reduced the natural supplies of sediment to the coast, as well as the transport of said materials to the coast. Studies conducted by the California Coastal Sediment Management Workgroup a state and federal partnership established in 1999 to protect, enhance, and restore California's coastal beaches and watersheds, have provided a better understanding of sand budgets for all of California's major littoral cells (Orange County belongs to the San Pedro, Laguna Beach and Oceanside cells) in order to determine the relative importance of each sand source and the extent to which the sand supplied to these cells has been reduced through anthropogenic effects including the armoring of coastal bluffs, damming of rivers and mining of beach sand (Patsch and Griggs, 2007). Programs such as the proposed OC SCOUP would help restore some of these sediment inputs.

A concern with beach nourishment projects is the indirect impacts due to sand material transported by waves through the littoral system, and the resultant potential to temporarily or permanently affect sensitive marine habitats. While the Commission has viewed beach replenishment as a means to address loss of public access and recreation and to protect property, the Commission is becoming increasingly aware of the potential adverse ecological consequences of this practice. Beach replenishment is often considered the most environmentally sound method of maintaining eroding shorelines, and the Coastal Act also promotes the use of suitable dredge spoils for this purpose. However, deposition of large amounts of sand/sediments onto the beach may cause disturbance and mortality of marine life and have the potential to alter the diversity, abundance, and distribution of intertidal macroinvertebrates for months to years and can affect marine life by increasing turbidity in adjacent waters which could then adversely affect the growth of surfgrass and kelp and impact the ability of fish and shorebirds to find food in intertidal sand and offshore waters.

Deposition of sediments onto the beach surf zone can affect marine life through the direct burial of organisms on the beach and in the nearshore environment, by the secondary movement of beach fill material within the littoral drift zone that could bury nearshore rocky reef habitat and organisms, and by increasing turbidity in adjacent waters, which could adversely affect the growth of surfgrass and kelp and impact the ability of shorebirds to find food in intertidal sand and offshore waters. Ecological recovery following fill activities depends on successful recolonization and recruitment of the entire sandy intertidal community. Deposition of sediments on the upper back beach can affect existing ESHA or change the composition of the beach sediments, possibly converting it to non-sandy beach upland areas. With this understanding in mind, the Commission is reviewing beach replenishment projects in terms of potential ecological impacts, and as the understanding of impacts from nourishment projects increase, additional special conditions to limit both physical and biological impacts to the sandy beach ecosystems may be warranted in the future.

The proposed OC SCOUP receiver sites include a variety of habitats including sandy beaches, soft-bottom subtidal (along northern OC beaches), rocky intertidal and subtidal reefs (along southern OC beaches), bays, estuaries, and harbors. Sandy intertidal is habitat for many small invertebrates such as beach hoppers, sand crabs, polychaete worms, and bivalves that support subtidal and terrestrial food webs as key prey for fish and birds. Kelp and seagrass wrack and other detritus collects at the intertidal area, which are fed on by the invertebrates. Periodic sand replenishment activities have the potential for adverse impacts to wrack habitat and intertidal infaunal macroinvertebrate community structure where material is placed. Invertebrates inhabiting wrack habitat (e.g. amphipods and isopods) and intertidal infaunal macroinvertebrates (e.g. sand crabs (*Emerita sp.*), blood worms (*Glycera sp.*), other polychaete worms) are primary food sources for shorebirds like plovers, and nearby sources of invertebrates are critical for mobile plover chicks which cannot fly to forage on other food sources. The intertidal area is also spawning habitat for the California grunion, as discussed in the section below. Offshore areas from Corona del Mar Beach south through San Clemente

feature natural rocky outcroppings, surfgrass, subtidal rocky reefs, and canopy kelp beds, which fall under federal Habitat Areas of Particular Concern (HAPC) and Essential Fish Habitat (EFH) designations which are a high priority for environmental conservation and impact assessment.

Additionally, the Orange County coastline is home to seven State MPAs (**Exhibit #9**). State MPAs are management designations that provide additional regulatory protection of biological resources. Three different classifications of MPAs exist with varying levels of protection: a) State Marine Reserve (SMR), b) State Marine Conservation Area (SMCA), and c) No-Take SMCA (SMCA No Take). Only Upper Newport Bay SMCA, Crystal Cove SMCA, and Dana Point SMCA are located along shorelines where OC SCOUP beach nourishment activities are proposed to occur. No potential receiver sites within the City of Laguna Beach are proposed as part of this SCOUP due to assumed challenges associated with placing sand along the Laguna Beach SMR. The landward limits of these three MPAs is the Mean High Tide Line, therefore, sand placement at some receiver sites within these MPAs may be limited to above/landward of the MHTL only.

The Applicant's biological consultant noted that while there is mapped HAPC, HAPC mapping is approximate and small individual rocky outcrops may occur within or outside the depth of closure where project-derived sediment is expected to transport. Information from site specific beach profile surveys for each of the proposed beach receiver sites was not provided, therefore the depth of closure is assumed and unverified. Notably, nevertheless, sand placement from the SCOUP is not expected to have any impacts that would alter Wheeler North Reef, the largest artificial man-made kelp reef in the world located roughly half a mile offshore San Clemente and beyond possible sand equilibrium limits.

Coastal Act Section 30230 requires marine resources be maintained, enhanced, and where feasible, restored and provides special protection to areas and species of special biological or economic significance. The receiver sites in these MPAs and HAPCs warrant protections and monitoring in part because of the sensitive and unique habitats in the subtidal area that include hard bottom subtidal (bedrock and cobble rocky reef) that supports eelgrass beds, kelp beds, surfgrass, and understory algae and invertebrates, as well as several special status species. Some of these resources may not be in the sediment deposition area but are close and may be influenced by large volumes of sediment placement. While SMCA regulations[3] may allow certain sediment management activities, such activities must be pursuant to any required federal, state and local permits, or as otherwise authorized by the California Department of Fish and Wildlife. Additionally, sand deposition from upland sources is subject to the specific

[3] California Code of Regulations Title 14, Section 632(b)(117)

requirements and restrictions of the California Ocean Plan[4] in order to proceed with the proposed sediment deposition within these protected areas.

Special Condition 8 requires the Applicants comply with all required regulatory permits, authorizations, and approvals and that said approvals be obtained and a copy provided to the Executive Director with each SCOUP PNR for each proposed sand placement project. Thereby assuring that all required authorizations are obtained from the California Department of Fish and Wildlife and the State Water Resources Control Board prior to any sand placement projects in MPAs. As conditioned, the special biological significance of MPAs along the Orange County coast is ensured to be maintained.

Given the unknown variables involved in a possible future SCOUP sand placement event (i.e., sand source, sand composition, volume, beach fill placement design, etc.) the Applicants propose a monitoring framework for implementation of specific sand placement events specifying different monitoring criteria "triggers" based on sand placement volume, beach fill placement design, timing, presence of sensitive biological resources, and surfing conditions.

Grain Size

The composition (i.e., grain size) of the deposition material can also affect the marine environment. For instance, material with higher fine-grained content will contribute to higher levels and duration of turbidity (see discussion of turbidity impacts in section below) and will have a higher likelihood of containing contaminants. In general, the higher the amount of coarse-grained sand, the lower the turbidity and associated risks are to offshore resources and productivity. As a result, the grain size of the material is an important design characteristic of the project.

OCPW developed a Programmatic Sampling and Analysis Plan for the OC SCOUP providing parameters to determine the grain size suitability criteria based on matching the gradation of the receiving beach native sediment within a certain percentage of the source material. In order to determine the source sediment's suitability for a given beach receiver site, the percent coarse and fine material of the source sediment sample are compared to the percent fine and coarse limits of the receiver beach site, respectively. **Exhibit #5** provides a table depicting the receiver sites grain size limits (note that this information is not currently available for number of the receiver sites).

The proposed grain size suitability criteria is as follows:

- For beach berm, storm dike, or back beach bluff stabilization placement, the percent coarse and fine material of the source sediment sample must be equal to

[4] https://www.waterboards.ca.gov/water_issues/programs/ocean/asbs.html

or less than the maximum percent coarse and maximum fine limits of the receiver beach site, respectively.

- For placement below the MHTL or for back beach dunes, the percent coarse material of the source sediment sample must be less than the maximum percent coarse limits of the receiver beach site and the fines content of the source material may be up to 10% greater than the beach receiver site's maximum percent fines limit.

The Commission has made findings in previous SCOUP CDP approvals such as the recent Los Angeles County Dept of Beaches and Harbors SCOUP (CDP 5-25-0654 approved in April 2026) that with the material placed above the MHTL consisting of higher-quality source sand with a fines content of 15% or less, and sands with fines content between 15 and 25% placed at the mean high tide line or nearshore, the biological productivity of coastal waters and the offshore environment would be maintained in compliance with Coastal Act Section 30231. However, as depicted in **Exhibit #5,** OCPW is requesting a much higher percentage of fine materials for use at the proposed OC SCOUP beach receiver sites.

Yet, also recently, at its August 2026 meeting, the Commission approved CDP 4-26-0185 issued to the Santa Barbara County Flood Control District ("District") approving placement of up to 50% fine-grained sediments in the intertidal zone obtained from marsh channel maintenance dredging activities. In that Commission action, to address the risk that potential impacts to nearshore biological resources may not be fully understood, and to better characterize the seasonal variations in and natural range of suspended sediment concentrations and turbidity, the Commission required the District to participate in a scientific study examining the potential for impacts from deposition activities, including surf zone placement of up to 50 percent fine grained dredged material on biological resources. The District was required to contribute funds to a scientific study carried out by the Southern California Coastal Water Research Project (SCCWRP, a public agency) focused generally on: (1) characterizing natural variability of suspended sediment concentrations (SSC) in nearshore waters across southern California (magnitude, timing, duration, frequency, seasonality) and identifying factors that can influence variability along the coast; (2) integrating satellite, in-situ, and climatological data to develop robust statistical baselines, or "natural envelopes" of SSC for evaluating potential impacts of dredged material placement; and (3) providing actionable guidance for permitting high fines dredged material placement for beneficial use, developed in consultation with regulatory agencies to ensure consistency with regulatory requirements.

Therefore, in order to ensure that biological productivity of coastal waters and that the nearshore environment is maintained, the Commission finds that no more than a maximum of 50% fine-grained material shall be placed at receiver beaches with a sandy nearshore and no more than a maximum of 25% fine-grained material for receiver

beaches with nearshore sensitive habitat present (i.e., rocky reefs, surfgrasses, or kelp) as provided in **Special Condition 2(h)**.

Even as conditioned to limit the amounts of fine-grained material, the risk that potential impacts to nearshore biological resources by the placement of high volumes of material with a large percentage of fine-grained material, may not be fully understood. One option to characterize whether large volumes of suspended sediment and turbidity levels from sand placement with up to 50 percent fine-grained dredged material below the MHTL could adversely impact nearshore habitats would be requiring an extensive long-term biological monitoring program. However, instead of requiring an extensive statistically robust long-term biological monitoring program for relatively infrequent sand placement activities and to better characterize the seasonal variations in and natural range of suspended sediment concentrations and turbidity, the Commission may instead request participation in the form of an in-lieu fee to the aforementioned SCCWRP scientific study focusing on nearshore turbidity conditions in Southern California which the Commission helped develop in partnership with Santa Barbara County for examining the potential for impacts from placement of up to 50% fine grained dredged material in the surf zone on biological resources. Thus, **Special Condition 6** similarly requires the Applicants to in-lieu of a long-term biological monitoring plan, instead contribute funds to the SCCWRP's natural envelope of suspended sediment concentrations study which focuses generally on: (1) characterizing natural variability of suspended sediment concentrations (SSC) in nearshore waters across southern California (magnitude, timing, duration, frequency, seasonality) and identifying factors that can influence variability along the coast; (2) integrating satellite, in-situ, and climatological data to develop robust statistical baselines, or "natural envelopes" of SSC for evaluating potential impacts of dredged material placement; and (3) providing actionable guidance for permitting high fines dredged material placement for beneficial use, developed in consultation with regulatory agencies to ensure consistency with regulatory requirements. In summary, there are several uncertainties surrounding how placement of high fines material in the surfzone would impact sensitive marine resources and water quality and, in-lieu of requiring monitoring to ascertain whether an impact occurs, the applicant would contribute to a regional study that will enhance scientific understanding of turbidity conditions as they related to marine resources.

Due to the dynamic nature of the intertidal and beach environment, beach nourishment projects such as those proposed, may result in identifiable short-term impacts to the sandy beach environment; but long-term impacts to sensitive biological resources are much more difficult to determine. Additionally, potential cumulative impacts of multiple sand placement projects on nearshore habitats within the same littoral cell must also be analyzed. For example, additional sand inputs may be proposed to occur on these same beaches through other approvals during the 10-year term of the proposed OC SCOUP programmatic CDP. Such as is the case within the City of San Clemente city limits; the planning for multiple sand replenishment projects have either occurred or planning/preparation is currently underway:

- In 2024, the Army Corps of Engineers added 198,000 cu. yds. of sand to San Clemente central city beaches and is expected to add the same amount of sand every 5-to-6 years, with the next cycle planned for 2029. This would be a total of 2 million cu. yds. over the 50-year project timeline.
- The SANDAG (San Diego Association of Governments) Regional Beach Sand Project III (RBSP III) would add 1 million cu. yds. of sand every 10 years beginning in about 2030 and repeating each decade.
- Current CDP 5-145-2056-A1 (City of San Clemente SCOUP) allows the City of San Clemente to take advantage of opportunities to acquire and place sand up to a total of 300,000 cu. yds. annually at four receiver sites until 2034.
- The Orange County Transportation Authority (OCTA) plans a placement of at least 540,000 cu. yds. of sand by fall 2028 at two San Clemente receiver sites.

Because the timing of multiple sand nourishment projects throughout Orange County is uncertain, multiple combined sand inputs within the Littoral Cell could overlap, creating potentially significant cumulative impacts on marine resources, including creek, river, and storm drain outlet dynamics, nearshore turbidity, and sensitive intertidal and subtidal habitats. Therefore, **Special Condition 5** requires OCPW to track the number of sand placement projects and the total volumes at each of the receiver beach sites and local government track any additional non-SCOUP sand placement projects within their City limits. If the OC SCOUP CDP Co-Applicants or any other parties propose cumulative sand placement volumes that exceed the SCOUP identified maximum amount at the receiver beach site within a 12-month period, a new CDP will be required for that proposed sand placement by the responsible agency. Furthermore, **Special Condition 5** also requires sand placement events from SCOUP or other CDP approvals for sand placement on receiver site beaches with rocky reef nearshore habitat that result in a fill volume greater than 250,000 cu. yds. per year utilizing beach berm and/or below the MHTL fill placement designs shall be restricted along contiguous receiver beach sites. If a fill volume between 250,000 cu. yds. and the maximum fill volume of 300,000 cu. yds. per year is achieved at one such receiver site, there shall be a three-year suspension period for sand placement on a contiguous beach receiver site to allow for a period of sediment equilibrium, monitoring per the SCOUP Implementation Guidelines in order to avoid cumulative impacts on nearshore resources; unless additional information is provided assuring limited potential of cumulative adverse impacts to nearshore sensitive biological resources.

Furthermore, given the special protections granted to the beach receiver sites within MPAs and in an Area of Special Biological Significance, **Special Condition 8** requires the Applicants obtain any other necessary permits or authorizations, such as those issued by the California State Water Resources Control Board and/or California Department of Fish and Wildlife for site specific SCOUP projects. Moreover, **Special Condition 4** requires that halfway through the ten-year programmatic CDP term, the Permittee submit to the Executive Director for review and written approval, a midpoint changed conditions report providing a summary of all completed SCOUP sand

placement projects and a summary of monitoring results. The report shall summarize the effectiveness of the programmatic CDP in meeting program objectives, including in terms of maintaining public coastal access, habitat values, and coastal resource protection, and include any changes necessary to better meet the program objectives or protect coastal resources. If after review of the midpoint report, the Executive Director determines that there are changed circumstances then an amendment to this CDP or a separate CDP is legally required to continue this program. Thus, as conditioned, the Executive Director will have an opportunity to analyze any potential cumulative impacts to due to possible overlapping sand nourishment projects and make necessary program changes to protect coastal resources.

Additionally, large volumes of fine-grained sediments on dry beach areas can result in significant shifts in grain size conditions altering the physical beach environment and resulting in shifts in ecosystem species composition. Therefore, **Special Condition 2(h)** also limits the percentage of fines in the source sediment to not greater than 25% for back beach dune sand placement events (see findings in ESHA section of the staff report).

Turbidity

In addition, increasing turbidity in adjacent waters could adversely affect the growth of kelp and seagrasses and the foraging ability of many marine animals, including shorebirds and seabirds. The placement of source material on the beach is expected to result in temporary increased turbidity at the deposition site depending on the quantities and rate of deposition. Temporary increases in turbidity and suspended solids decrease light penetration, causing a decline in primary productivity due to decreased photosynthesis by phytoplankton and may result in adverse impacts to marine organisms.

Turbidity is only anticipated to be impacted by sediment placement at receiver sites where material is placed in or near the waterline (i.e., Beach Berm and Below Mean High Tide Line placement locations). Turbidity within the nearshore environment is naturally variable and has the potential to indirectly impact plankton, fish, marine mammals, birds, vegetated reefs, and benthic invertebrates. High turbidity has the potential to cause physiological stress, reduced feeding, or displacement of marine invertebrates or fish in reef areas and soft-bottom habitats, with effects dependent on the concentration and duration of turbidity. While marine invertebrates are generally tolerant of pulses of high turbidity such as naturally occurs during high wave or storm conditions, adverse effects may result from exposure to very high concentrations or moderate to high concentrations for prolonged periods. Any appreciable turbidity increase may also cause clogging of gills and feeding apparatuses of fish and invertebrate filter feeders.

Similarly, nearshore vegetated reefs have the potential to be impacted by reduced light transmittance or increased particulate concentrations associated with turbidity plumes if persistent for extended period of time. Peak turbidity impacts due to maximum concentrations are anticipated to be generally restricted to the lower water column and

decreasing rapidly with distance due to settling and dilution. The impacts of surfzone beach fill placement activities (i.e., increased turbidity, sedimentation, dissolved oxygen reduction, burial of organisms) are expected to be relatively localized in nature and mobile organisms would likely relocate to an undisturbed area. Following sand deposition activities in the intertidal or nearshore areas, organisms are expected to recolonize previously disturbed areas.

However, the duration of impacts from sediment re-suspension caused by each possible individual sand placement project depends a lot on the quantity of fine-grained sediment are anticipated to be short-term. Only limited sand placement projects, those specifically taking place during the fall/winter rainy season work window along receiver sites in the vicinity of a natural creek or storm channel ocean outlets conducting surf zone deposition would it be anticipated that impacts from increases in suspended sediment and turbidity would be within the natural envelope of those levels occurring when storm inputs typically develop long lasting natural turbidly plumes in the nearshore areas off of receiver sites in the vicinity of a natural creek or storm channel ocean outlets. Otherwise, turbidity impacts would be minimized by limiting the fines content of the source material. But as previously stated, OCPW is proposing to expand the grain size envelope for source sediments by requesting much higher percentages of fine materials for use in the OC SCOUP and thus improve the re-use of sediments contained within their 380 miles of flood channels and 4 dams for beach nourishment purposes.

As proposed in the *SCOUP Preliminary Implementation Guidelines*, turbidity monitoring would be triggered if sand is placed within the active intertidal zone, i.e., seaward of the MHTL and if sand placement volume is “large” (>75,000 cu yds) or “medium” (25,000 – 75,000 cu yds) with source material exceeding 25% fines. Monitoring would then take place during and immediately after beach fill placement and continue daily throughout project construction until ocean conditions approach ambient after construction is complete. The observer will map the extent of any turbidity plume each day and photograph it. The turbidity monitor would have the authority to halt sand placement. If daily monitoring indicates an excessive turbidity plume (greater than ambient ocean condition beyond one-quarter mile offshore or downcoast of the placement site) for 5 days or more, then sand placement would be halted or the placement rate (volume per hour) would be decreased to reduce turbidity to acceptable levels. The rate of placement of sand during subsequent placement operations would also be modified so that large, long lasting turbidity plumes are not created.

However, to ensure that the critical information regarding potential impacts to marine resources caused by turbidity due to sand placement anywhere near the surf zone is adequately monitored, recorded and reported to the Executive Director for consideration of future SCOUP Project Notification Report requests for approval; **Special Condition 2(i)** requires the following redline revision to the *SCOUP Preliminary Implementation Guidelines Section 6.4.1 Turbidity Monitoring Trigger:*

Turbidity monitoring will be required if:

- Sand ***placement design*** is ~~placed~~ within the active intertidal zone, i.e., seaward of the MHTL **and**
- ***Nearshore biological resources (rocky reef, surfgrass, eelgrass, or kelp) are present, and***
- The project is a "large" project (sand placement volume >75,000 cubic yards) or the project is a "medium" project (sand placement volume between 25,000 – 75,000 cubic yards) with source material exceeding 25% fines content.

Biological Resources

ESHA

Section 30240 of the Coastal Act states that environmentally sensitive habitat areas (ESHA) shall be protected and that development within or adjacent to such areas must be designed to prevent impacts which could degrade those resources. Section 30107.5 of the Coastal Act defines environmentally sensitive habitat area "ESHA") as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments."

The definition of ESHA invokes a three-part test (1a, 1b, and 2):

1a. Is the habitat rare or does the habitat support rare plants or animals? OR,

1b. Is the habitat, or the plant or animal species in the habitat, especially valuable because of their "special nature" or because they play an "especially valuable" role in a habitat or ecosystem? And,

2. Is the habitat, or the rare plant or animal species in the habitat, easily disturbed or degraded?

Coastal dunes are among the rarest habitats in California occurring only in the limited zone between the ocean and land where intense development has resulted in a 98%[5] estimated loss of coastal dunes in Southern California. In the 2010 update to the status of the state's natural communities, CDFW assigned southern foredune habitat the "imperiled" rarity ranking of G2 S2.1[6,7]. Southern foredune habitat occurs on the upper beach area near the Talbert Channel and the Santa Ana River where not only is the dune habitat itself rare but it also supports rare plants and animals including Western

[5] https://uckeepresearching.org/studying-the-climate-potential-of-californias-dunes/

[6] California Department of Fish and Wildlife. 2010. California Natural Community List by Hierarchy.

[7] Global (G) and State (S) Level 1 communities or species are identified as "critically imperiled = at very high risk of extinction due to extreme rarity (often <5 populations), very steep declines, or other factors". Global (G) and State (S) Level 2 communities and species are identified as "imperiled = at high risk of extinction or elimination due to restricted range, few populations or occurrences (often < 20), steep declines, severe threats, or other factors.

snowy plover. And these dunes are easily degraded and disturbed by human development and activities such as grooming and sand deposition and thus are considered ESHA.

Habitat that meets the definition of ESHA is subject to Coastal Act Section 30240. Section 30240(a) only allows resource dependent uses to occur within ESHA (such as habitat restoration, nature study and scientific education and research, and low-impact public access and recreation such as hiking trails and primitive and interpretive camping) and requires those resource dependent uses to protect against any significant disruption of ESHA habitat values.

Per Section 30240 of the Coastal Act, any area that supports ESHA must be protected from significant disruption. The *SCOUP Preliminary Implementation Guidelines Section 3.0 – Potential Sand Receiver Sites* provides Figures 3-4 through 3-34 depicting the Typical Fill Area for a Single Sand Placement Event, the Maximum Potential Fill Extent Over Multiple Events, Potential Construction Staging Areas, and Potential Construction Accessway drawn by the County using aerial imagery. The “Potential” Construction Staging and Accessways appear to avoid coastal dune areas in these images.

At Huntington State Beach Figures 3-12 and 3-13 of the *SCOUP Preliminary Implementation Guidelines* depicts the back beach area proposed as a possible sand source site and a typical fill area for sand placement as a back beach dune design, also along the back beach of this long and wide beach. Proposed individual sand placement projects under the SCOUP would not result in the removal of sensitive vegetation or impact coastal dune ESHA if vegetated habitat is avoided during all proposed activities. However, clearer protections for existing areas with sand dune morphology or vegetation are necessary to ensure these sensitive habitat areas are protected against any significant disruption of habitat values of ESHA as required by Coastal Act Section 30240. Therefore, **Special Condition 2(k)** requires a revision to the *SCOUP Preliminary Implementation Guidelines Section 3.0* to clearly indicate the existence or non-existence of coastal sand dunes (specifically southern foredunes, southern dune scrub, and back dunes) ESHA at each of the receiver beach sites. ESHA (e.g., dune mat or areas that exhibit dune morphology) shall be clearly delineated by a qualified biologist in the field to prevent impacts to ESHA. All sensitive species and sensitive species’ habitats, including ESHA, located within 100 feet of proposed project activities shall be delineated with specific sensitive species labeling (e.g., signage stating, “No Entry – Environmentally Sensitive Habitat” attached to temporary fencing) to clearly avoid any disruption to those areas. Project activities would be prohibited within a 100-ft. buffer zone. Driving through dune areas during transport of sediments for back beach, beach berm, storm dike, and below MHTL sand placement events would also be prohibited. Thereby ensuring that development in areas adjacent to ESHA are protected against any significant disruption of habitat values and is sited to prevent impacts as required by Section 30240 of the Coastal Act. **Special Condition 2(j)** further requires revisions to *SCOUP Preliminary Implementation Guidelines Section 2.1.4 - Back Beach Dunes* clarifying in greater detail that sand placement under the Back Beach Dunes Design Plan may also be utilized for enhancement, restoration, and expansion of

existing coastal sand dune ESHA habitat as proposed for receiver beach areas such as West Beach in Seal Beach, Sunset Beach, Bolsa Chica State Beach, Huntington Beach Bluffs, and is not limited to only the creation/establishment of new back beach sand dunes.

SCOUP sand placement events would require heavy construction equipment on the beach for extended periods of time and even with every precaution taken, there is always the possibility of accidental or unintentional disruption to sensitive habitat or species during construction. Therefore, **Special Condition 7** requires that any inadvertent adverse impacts to sensitive habitat or species caused by the proposed development activities be reported to the Executive Director within two weeks of occurrence and be mitigated.

Additionally, *SCOUP Preliminary Implementation Guidelines Section 2.1.4* proposes the use of finer-grained source sands for potential placement along the back beach for creation of new vegetated dune areas for beach receiver sites that already have wide sandy fronting berms. These systems provide an aesthetically pleasing buffer between the beach and upland infrastructure. Additionally, the vegetated dune systems introduce habitat for native vegetation and animal species including foraging birds. Back beach dunes could be created by placing and grading imported sediment onto the back beach to form mounds and subsequently planting native vegetation species within the system. The SCOUP back beach dune sand placement option is also possible in conjunction with the beach berm sand placement scenario if a wide sandy beach does not already exist at the beach receiver site.

The proposed allowable percent fines for back beach dune placement range from 18% for Balboa Beach to as high as 75% at Cyprus Shore/Cottons Point. **Exhibit #5** is the *SCOUP Preliminary Implementation Guidelines Table 6: Receiver Sites Grain Size Limits* which provides the fine percentage limits for all proposed sand placement designs showing far higher limits than those allowed for previously approved SCOUPs for LA County, City of Encinitas, Del Mar, and the current SCOUP for the City of San Clemente. These previously approved SCOUPs restrict source sediment fine content to less than 25% for all sand placement designs. The impacts of large percent fines on dry back beach areas may vary, for example, the fines may blow away into other spaces, or might create a hardpan, or may not propose any significant risk; combined with the variable sand sources, volumes, and geographies this results in a large amount of uncertainty regarding the range of potential outcomes. Deposition of large volumes of sediments with very high fines (over 50%) on dry sand back beach areas can result in significant shifts in grain size conditions. This may result in a change of the overall physical composition of the beach environment and shifts in ecosystem species composition, i.e., creation of upland and loss of sandy beach.

Therefore, to ensure the success of back beach dune creation and enhancement of existing dune habitat, **Special Condition 2(h)** requires the *SCOUP Preliminary Implementation Guidelines Table 7: Receiver Sites Grain Size Limits* be revised to limit source sediment fine content to 25% fines for back beach dune and for below the MHTL

beach sand placement designs (per findings made in the Biological Resources section of this staff report).

Coastal Wetlands and Tidal Inlets/Ocean Outlets

For coastal wetlands/marshes, maintaining a connection to the ocean is essential for the health of the local ecosystem as tidal circulation from ebbing and flooding tides acts to constantly introduce important nutrients, flush out harmful pollutants and regulate important water quality parameters such as salinity and dissolved oxygen. Along the Orange County coastline, there are three wetlands/marshes with tidal inlets whose closure could cause and have caused negative ecosystem impacts on the upstream ecosystem. These wetlands/marshes include from north to south: Bolsa Chica Wetlands, Huntington Beach Wetlands Conservancy, and Santa Ana River Wetlands. Tidal inlet closures are a result of unmaintained shoaling that ultimately forms a sediment barrier between the wetland/marsh and open ocean.

Therefore, monitoring of any project that introduces an influx of sediment in the vicinity of one of these inlets is critical. Physical and biological resource monitoring at tidal inlet is potentially required for any type of sand placement design at Bolsa Chica State Beach, Huntington Cliffs, Huntington State Beach West Newport Beach at beaches which are adjacent to these three tidal inlets associated with wetlands. The *SCOUP Preliminary Implementation Guidelines Section 6.7: Tidal Inlet Monitoring* provides for the following criteria for inlet monitoring to ensure the tidal inlet/ocean outlets are not blocked during deposition activities and monitored over time to ensure the connection to the ocean is maintained after sand deposition:

For small projects (<25,000 cu. yds.) at the four beach receiver sites above, tidal inlet monitoring is triggered if a tidal inlet exists within 1,000 ft. downcoast or upcoast of the sand placement limits.

For medium projects (25,000 -75,000 cu. yds.) and large projects (>75,000 cu. yds.) at the four beach receiver sites above, tidal inlet monitoring is triggered if a tidal inlet exists within 2,500 ft. downcoast or upcoast of the sand placement limits.

As proposed, monitoring of the inlet will be conducted prior to, during and immediately after (within 30 days) construction, and once six months after construction. Monitors will qualitatively observe the condition of the inlet, including the presence or absence of sedimentation within the ocean inlet. The receiver site managing entity will be responsible for coordinating with the respective inlet managers should a project occur in the vicinity of an inlet. All three inlets are maintained by public agencies, the SAR and Talbert Marsh inlets are maintained by OCPW, and the Bolsa Chica inlet is maintained by the California State Lands Commission.

Eelgrass Beds

Eelgrass (*Zostera marina*) is a rooted aquatic plant that inhabits shallow soft bottom habitats in quiet waters of bays and estuaries, as well as sheltered coastal areas. It can form dense beds that forms the base of a highly productive marine food web, it provides

substrate, food, and shelter for a variety of marine organisms. Eelgrass habitat is one of the most valuable and productive habitats in the marine environment providing many important ecosystem functions: foraging areas and shelter to young fish and invertebrates, food for migratory waterfowl and sea turtles, and spawning surfaces for species such as the Pacific herring and salmon. It is also unique in producing food and oxygen, improving water quality by filtering polluted runoff, absorbing excess nutrients, and storing greenhouse gasses such as carbon dioxide. By trapping sediment, stabilizing the ocean floor, and minimizing the force of wave energy, eelgrass beds also reduce coastal erosion.

Because of its critical contribution to a functioning and thriving ecosystem, eelgrass habitat is a high-priority area for conservation, management, and research. NOAA Fisheries has identified eelgrass as a Habitat Area of Particular Concern (HAPC) within Essential Fish Habitat (EFH) for various federally managed fish species. For many species, eelgrass beds are an essential biological habitat component for at least a portion of their life cycle, providing resting and feeding sites along the Pacific Flyway for avian species, and nursery sites for numerous species of fish.

Exhibit #8 depicting Existing Biological Resources Maps for all receiver beach sites indicates that eelgrass is found in the shallow waters of Anaheim Bay, Huntington Harbor, Bolsa Chica Wetlands, Upper and Lower Newport Bay, and Dana Point Harbor. As proposed, *OC SCOUP Implementation Guidelines* receiver beach sites with eelgrass in the vicinity would require adherence to the California Eelgrass Mitigation Policy (CEMP), a management framework established by NOAA Fisheries to protect marine eelgrass habitats. The CEMP primary goal is to avoid, and if unavoidable, minimize impacts to eelgrass to the maximum extent practicable before consideration of compensatory mitigation. As proposed, SCOUP sand placement projects in areas with known eelgrass habitat would monitor/survey for eelgrass in the project vicinity and the sand placement would be conducted in a way to avoid direct impacts to eelgrass from sand deposition and minimize turbidity associated with the sand placement (i.e., above the MHTL). Should a SCOUP sand placement event result in inadvertent impacts to eelgrass, the Applicants propose to adhere to CEMP compensatory mitigation requirements to offset impacts.

Special-Status Fish

Orange County beaches are prime spawning areas for the California grunion *(Leuresthes tenuis).* A majority of the proposed beach receiver sites have or have the potential for beach habitat suitable for grunion spawning. This marine fish species is a restricted resource, as determined by the California Department of Fish and Wildlife, and a recreational fishery due to its unique spawning events known as grunion runs[8].

[8] Grunion spawning occurs between the spring and summer months, starting as early as March and ending as late as September, with peak spawning periods between the months of April, May, and June.

Immediately following the highest high tides from mid-March through August, grunion may come ashore and lay eggs in the sand near the highest high tide line. The eggs are incubated in the sand until the following series of highest high tide conditions 10 to 14 days later, when the eggs hatch and are washed into the ocean. The proposed project proposes to add sand to the beach which would benefit spawning habitat for grunion. However, any proposed SCOUP activities placing sand on beach receiver sites in areas overlapping the semi-lunar (twice monthly) highest high tide line during the California grunion spawning season has the potential to result in adverse impacts to both the fish spawning run and the incubating eggs that hatch 10-14 days later with the next series of high tides.

As proposed, the *SCOUP Preliminary Implementation Guidelines* allows sand placement activities year-round and requires grunion monitoring for sand placement seaward of the semilunar highest high tide, regardless of volume, at beach receiver sites suitable for grunion spawning during the grunion spawning season (per the schedule posted for that year by CDFW). Generally, spawning season is from March 1st to August 30th, however, following the CDFW grunion spawning season schedule would provide the most accurate window and greater protection to the resource.

Grunion require sandy habitat during periods of relatively high tide to successfully spawn. Beach receiver sites consisting predominantly of cobble or rip rap above the mean high tide line (greater than +4.6 ft. MLLW) would not be considered suitable habitat. As proposed, if the proposed receiver beach site is determined to be unsuitable for grunion, the Coastal Commission, CDFW and other resource agencies will be notified. The data that supports the justification will be provided to the agencies including the date of the pre-construction survey, and description of the physical conditions at the receiver beach area. At these sites, no monitoring for grunion will occur during sand placement operations.

If the sand placement area appears suitable for grunion spawning, a qualified monitor will be present every night of the forecasted run. If grunion are not present during predicted runs, no further monitoring will occur. If grunion are present during predicted runs, monitoring will continue throughout sand placement activities until no more grunion spawning activity is observed or the project concludes.

As proposed, if sand replenishment activities must occur to protect coastal resources within two weeks of a CDFW predicted grunion run, a preconstruction survey is proposed to determine the suitability of that site for grunion spawning. Suitability is based primarily on base material (e.g., sandstone, bluffs, armoring, cobble, or sand) above the mean hightide line (+4.6 ft. MLLW).

Commencement of sand placement will be based on the following criteria:

Grunion spawning occurs during full and new moon periods throughout this time when tides are at there most extreme, creating the high tides necessary for successful grunion spawning.

- From March 1 to June 30 (the peak spawning season), if a grunion run consisting of 0 to 100 fish (less than Walker Scale 2) is reported within two weeks prior to sand placement, no avoidance action for grunion eggs is required. No mature grunion shall be buried or harmed as a result of sand placement.
- If a grunion run consisting of more than 100 fish (greater than or equal to Walker Scale of 2) is reported within two weeks prior to the start of sand placement, then mobilization and sand placement within those areas shall be avoided.
- After June 30 (end of peak spawning season), sand placement may be conducted if a grunion run of hundreds of fish spawning at different times or at once in several areas of beach (less than Walker Scale 4) is reported within two weeks prior to sand placement, assuming no other feasible avoidance and/or minimization measures are possible. No mature grunion shall be buried or harmed as a result of sand placement.

The preferred mitigation approach is avoidance of sand placement during grunion runs greater than or equal to Walker Scale of 2; however, in the event that avoidance is not feasible, minimization measures include:

- If sand placement has already begun when a grunion run consisting of hundreds of fish spawning at different times or at once in several areas of beach (less than Walker Scale 4) is reported, attempts shall be made to minimize impacts to grunion eggs through implementation of measures which may include relocating the placement footprint to areas where spawning did not occur or spawning occurred at lower levels.
- If sand placement has already begun when a grunion run consisting of thousands of fish together, with little sand visible between fish (greater than or equal to Walker Scale 4) is reported, sand placement activities shall avoid those areas.
- If spawning occurs and exceeds criteria within portions of a sand placement area, work in those areas will be avoided or rescheduled until the area is clear of grunion eggs. This may occur during the window in between two grunion runs (i.e., the two or three days before every full or new moon or when it has been otherwise determined that the eggs from the run have hatched or in the event the beach experiences significant erosion and eggs have been washed away).

The proposed trigger criteria and grunion monitoring protocol has been previously approved by the Commission[9] for other beach sand placement events in Orange County.

Special-Status Bird Species and Nesting Birds

Western snowy plover (*Anarhynchus nivosus nivosus*), a species listed as threatened under the federal Endangered Species Act, has a potential to occur along a number of the proposed beach receiver sites. Beach receiver areas may provide overwintering

[9] CDP 5-25-0020 (OCPW Ocean Outlets)

habitat for western snowy plover. These sites are frequently disturbed by public use, and the species is likely accustomed to ambient disturbance. If western snowy plover is present during proposed project activities, potential direct impacts could include mortality or injury of individuals. Potential indirect impacts to the species may include increased noise and displacement of food; however, these indirect impacts to habitat are anticipated to be temporary and would not affect the long-term quality of overwintering, foraging, or nesting habitat. However, the proposed project's use of heavy equipment on beach sands could also potentially result in direct mortality to western snowy plover.

California least tern *(Sternula antillarum browni*), a species listed as endangered under the federal and California Endangered Species Acts, has a low potential to occur at each of the beach receiver sites. California least tern is not known to nest at the beach receiver sites but could be found in nearshore waters foraging. If California least tern is present during proposed project activities, potential direct impacts could include mortality or injury of individuals. Potential indirect impacts to the species may include increased noise and displacement of food; however, the effects would be localized and temporary and would not extend beyond the normal foraging distance for the species.

California brown pelican (*Pelecanus occidentalis californicus*) is present at each of the beach receiver sites; however, suitable nesting habitat is not present within beach receiver sites. Potential indirect impacts may include increased noise and displacement of food; however, the effects would be localized and temporary and would not extend beyond the normal foraging distance for the species. Furthermore, potential temporary impacts would cease following the completion of construction activities.

In addition to special-status bird species, nesting birds may be present at the beach receiver sites. Construction activity around active nests could result in nest destruction or abandonment because of noise, vibrations, or human activity. Nest destruction or abandonment of active special-status species nests would have a potentially significant impact. Destruction or abandonment of native bird nests would violate the California Fish and Game Code (CFGC) and Migratory Bird Treaty Act (MBTA). These regulations make it unlawful to take, possess, or destroy birds of prey and migratory birds, and their nests and eggs.

The proposed sensitive bird species monitoring trigger criteria and protocol contained in the *SCOUP Preliminary Guidelines Section 6.2* states that sensitive bird species monitoring would be required for any sand placement event, regardless of volume, occurring within the nesting season of California least tern and/or Western snowy plover and potentially for receiver sites with potential snowy plover overwintering habitat, as defined by the Biological Resources Maps provided in **Exhibit #8.**

If sand placement is planned to occur during the least tern or snowy plover nesting season on beach receiver sites with the potential for least tern or snowy plover nesting, a qualified biologist will conduct a pre-construction bird survey of the sand placement project area and as needed during construction per the table below:

Monitoring Requirement Window	Monitoring Requirements Before Construction	Monitoring Requirements During Construction	Monitoring Requirements After Construction
March 1 to September 30 for beach receiver sites with plover nesting; April 1 to September 15 for receiver sites with least tern nesting; Year-round for receiver sites with snowy plover overwintering	Pre-project survey to occur once within 30 days prior to construction	Daily surveys for first 2 weeks and potentially weekly/biweekly thereafter	N/A

As proposed, if snowy plovers or least terns are observed exhibiting nesting behaviors (scraping, territorial displays or call, false brooding, etc.) within 500 ft. of the sand placement area, a monitor will conduct surveys each day during construction activities for the first two weeks of construction. After two weeks, the frequency of monitoring may be adjusted to a larger interval such as weekly or biweekly depending on initial results and consultation with agencies. A minimum 300-ft.-buffer will be established between the construction footprint and nesting site(s). Construction activities will only occur if the construction noise levels at the nest(s) site are at or below a peak of 65 dB. If construction noise exceeds a peak level of 65 dB at the nest(s) site, sound mitigation measures will be employed. If mitigation measures are ineffective in reducing noise levels below peak level, construction will not re-commence until either new sound mitigation measures can be employed or the birds have fledged. Furthermore, as proposed during the nesting season, if snowy plovers and/or least terns are not observed exhibiting nesting behaviors but are roosting within 300 ft. of the project footprint, no sound monitoring will be required. However, monitoring by a qualified biologist will continue throughout construction (following the same monitoring frequency as specified above) to ensure no harm is done until subsequent monitoring indicates shorebirds are no longer present. The qualified biologist shall have the ability to halt construction activities if necessary.

If sand placement is anticipated to occur during the snowy plover overwintering season on beach receiver sites with the potential for snowy plover overwintering, a qualified biologist will conduct a pre-construction bird survey (within 30 days before sand placement) of the project area and train construction workers for monitoring for Western snowy plover roosting and foraging. The construction workers will monitor for snowy plover roosting and foraging over the duration of the sand placement period. If construction workers observe snowy plover roosting and foraging within 300 ft. of the sand placement area, the workers will stop work until the snowy plover has fledged and will report the observance to the project biologist.

However, given that this is an opportunistic program with twenty-five beach receiver sites, full avoidance of the Huntington State Beach sand source site and beach receiver sites with active nesting of a protected bird species is not infeasible: it should always be feasible to avoid SCOUP projects on beaches with snowy plover and least tern nesting to avoid direct disruptions to their nesting and the sand placement impacts to the intertidal zone affecting nesting/juvenile plovers ability to find and forage for food.

To avoid disturbance where possible and to minimize potential impacts to nesting and special-status birds during individual SCOUP projects, in **Special Condition 1**, the Commission is incorporating the mitigation measures required in the project's MND. These mitigation measures (**Exhibit #11**) include PGM BIO-2 requiring sensitive bird species monitoring to be implemented if sand placement is anticipated to occur during the California least tern or Western snowy plover nesting seasons on beach receiver sites with the potential for least tern or snowy plover nesting and also if sand placement will occur during the snowy plover overwintering season on beach receiver sites with the potential for snowy plover overwintering. The monitoring protocol in the *SCOUP Preliminary Guidelines Section 6.2.2 Sensitive Bird Species Monitoring Protocol* includes pre-construction surveys, recurring surveys, the establishment of buffers, and the authority to halt work to avoid or minimize impacts. However, to be the most protective of nesting listed/special-status birds **Special Condition 2(l)** requires the Applicant to revise the *SCOUP Preliminary Guidelines Section 6.2.2 Sensitive Bird Species Monitoring Protocol* to clearly specify that a) if a Western snowy plover or California least tern nest is found during a pre-project nesting bird survey work must stop, and the United States Fish and Wildlife Service and California Department of Fish and Wildlife notified and consulted. That area of the receiver beach would be rejected for sand placement until breeding/nesting of federally- and state-listed birds is completed; b) for the pre-project nesting bird survey to be completed 72-hours prior to commencement of construction during nesting and overwintering seasons; c) monitoring requirements during construction shall be daily and full-time conducted by a qualified biologist during all beach nourishment activities for a minimum of two weeks, after which the frequency of monitoring may be adjusted to a larger interval such as weekly or biweekly depending on initial results and after consultation with the resource agencies; d) during the nesting season, if snowy plovers and/or least terns are not observed exhibiting nesting behaviors but are roosting within 300 feet of the project footprint, the area shall be demarcated with an avoidance buffer with bright orange fencing/flagging, notifying all project personnel as to the existence of the buffer zone and avoiding project activities inside this buffer; e) at all times, a qualified biologist shall walk ahead of vehicle(s) and equipment to assure that western snowy plover and California least tern are out of harm's way before the vehicle(s) or equipment can proceed. If birds do not move out of vehicle traffic path, the biologist shall guide vehicle(s) on an alternate path to avoid grounding birds and walk ahead of vehicle(s) to ensure the path is clear while maintaining a minimum 150-foot buffer.

Additionally, **Special Condition 8** also requires that the Applicants obtain any other necessary permits or authorizations, such as those issued by the United States Fish and Wildlife Service and/or California Department of Fish and Wildlife to ensure protection of special status bird species.

<u>Special-Status Marine Mammals and Green Sea Turtle</u>

Gray whale *(Eschrichrius robustus*) and northern elephant seal *(Mirounga angustirostris)* have a low potential to occur at the beach receiver sites. Harbor seal *(Phoca vitulina)* has a moderate potential to occur at the beach receiver sites. California sea lion *(Zalophus californianus)* has a high potential to occur at the beach receiver

sites. Common bottlenose dolphin *(Tursiops truncatus)* is present at each of the beach receiver sites. Each of the beach receiver sites contains habitat that supports resident, foraging, and transiting members of these species. Proposed project activities would not likely have direct impacts on marine mammals given most proposed project activities will be on the beach or intertidal, any nearshore placement activities will be in shallow waters, and marine mammals are highly mobile. However, indirect impacts to marine mammals could occur due to the potential for the placement of sediment to alter or disturb foraging or haul-out habitat at the shore.

The green sea turtle *(Chelonia mydas)* also has a low potential to occur at each of the beach receiver sites. While it is unlikely individuals would be at the beach receiver sites permanently, there is potential for this species to forage or transit through the beach receiver sites in warm water years. Green sea turtles are occasionally seen foraging along the California Coast, often in El Niño years when the ocean temperature is higher than normal but breeding habitat for sea turtles had not been documented to occur in Southern California until recently. In September 2026, most likely due to warm waters due to the El Niño event, Olive Ridley sea turtles were found nesting on the beaches of both Seal Beach and Huntington Beach, the first-ever natural sea turtle nesting events on the West Coast. If a green sea turtle is present during proposed project activities, construction activities could directly or indirectly affect this species through use of construction equipment or if a spill occurs.

Therefore, to avoid and minimize impacts to special-status species during individual SCOUP projects, **Special Condition 1**, requires conformance with the project's MMRP which includes a requirement that all project personnel adhere to the guidelines set forth in the Marine Mammal Protection Act. If a stranded or hauled out marine mammal or sea turtle is observed, all proposed project equipment and personnel would be required to remain at least 100 yds. (300 ft.) away from whales and 50 yds. (150 ft.) from dolphins, porpoises, seals, sea lions and sea turtles. Equipment and foot traffic would be required to remain at least 150 ft. from hauled-out seals and sea lions that could occur on the rocky jetties within the proposed project area. The Marine Mammal Care Center must also be notified if the animal appears sick or injured. If the animal is unable to leave on its own, the Marine Mammal Care Center would be contacted to carry out rescue/relocation procedures. Work would be required to cease within the buffer area until the animal has been allowed to leave on its own or at the end of the bird nesting season.

Water Quality

Section 30232 of the Coastal Act requires protection against the spillage of crude oil, gas, petroleum products, or hazardous substances in relation to any development or transportation of such materials.

Construction equipment used for individual SCOUP projects has the potential to contaminate the sand from minor spills and leaks from equipment. As proposed, storage of construction material in the surfzone and washing vehicles on the beach are both prohibited. Any debris resulting from construction activities would be removed from the

project site after completion of construction and on-site debris monitoring would occur throughout each project. If any debris or non-sand material is detected, the project would be halted, until new information on the composition of the sand material is approved by the Executive Director.

To help ensure protection of water quality during each individual SCOUP project, **Special Condition 9**, requires Construction Phase BMPs necessary to reduce the risk of spills and minimize the introduction of pollutants into coastal waters including but not limited to requiring all equipment be properly maintained such that no leaks of oil, fuel, or residues would take place; requiring materials to not be stored nor equipment fueled on the sand; implementation of spill prevention and control measures to ensure the proper handling and storage of petroleum products and other construction materials, including a designated fueling and vehicle maintenance area with appropriate protection to prevent any spillage of gasoline or related petroleum products or contact with runoff or tidal waters; all trash disposed of in closed containers and removed from the proposed project area each day during the construction period; requiring construction work or equipment operations below Mean Lower Low Water minimized to the absolute extent feasible, and, where possible, limited to times when tidal waters have receded from the authorized work area; adequate spill prevention and response equipment is required to be maintained on site and readily available to implement to ensure minimal impacts to the aquatic and marine environments.

OCPW has applied for and is in the process of obtaining its Regional Water Quality Control Board (RWQCB) Section 401 Water Quality Certification for the subject SCOUP. Furthermore, prior to any proposed individual project, the PNR requires the Applicants provide the Executive Director with a copy of all current permits and approvals including those from the RWQCB, USACE, and State Lands Commission. **Special Condition 3** notifies the Applicants that the subject permit does not cover the development that provides the sand source for beach replenishment, such as dredging or new construction. Those projects must receive separate coastal development permits when the source is obtained in the coastal zone.

Conclusion

Although the Commission finds that the proposed project has the potential to adversely impact marine resources, water quality, and the biological productivity of coastal waters, with implementation of **Special Conditions 1, 2, 5, 6, 7**, **and 9** the project would be carried out in a manner in which marine resources and water quality are maintained, ESHA is protected, species of special biological significance are given special protection, the biological productivity of coastal waters is sustained, and healthy populations of all species of marine organisms will be maintained. In addition, the proposed project, as conditioned, would maintain the biological productivity of coastal waters appropriate to maintain optimum populations of marine organisms. The Commission therefore finds the proposed project, as conditioned, consistent with the resource protection policies of sections 30230, 30231, 30233, 30240 of Chapter 3 of the Coastal Act.

F. Archaeological, Paleontological, and Tribal Cultural Resources

Section 30244 of the Coastal Act states:

> Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The SCOUP would deliver clean sand to a paved surface stockpile area typically within the adjacent beach parking lot by truck; the sand would then be transported to the beach fill area by earthmoving equipment such as scrapers, front end loaders or bulldozers receiver beaches. No ground disturbance will take place during the dispersal and movement of added sand sediments along these beaches. Project activities also would exclude any ground disturbance within five ft. of any standing structures or features. (e.g., lifeguard towers, volleyball nets, etc.).

In recognition that the entirety of the State's coastal zone was originally indigenous territory that continues to have cultural significance to Native American tribes and that tribes are the experts in locating, protecting, managing, and determining the significance of tribal cultural resources, OCPW reached out to tribes with ancestral and cultural ties to the area regarding this site and proposed development, as described in more detail in Section C: Consultations and Other Agency Approvals of this staff report.

To help ensure protection of cultural resources during each individual SCOUP project activities, in **Special Condition 1**, the Commission is incorporating the mitigation measures required in the project's MND. These mitigation measures (**Exhibit #11**) include SS CUL-1 and SS CUL-1 Unanticipated Discovery of Cultural Resources outlining procedures in the event archaeological resources are unexpectedly encountered during ground-disturbing activities. In addition, **Special Condition 2(d)** requires the Applicants provide more diverse public notification procedures in the SCOUP Implementation Guidelines such as posting notifications at the receiver beach site indicating dates of construction and providing public notification including to tribal governments.

As such, mitigation is provided for possible impacts to tribal cultural resources consistent with Section 30244. In addition, while no land is being returned to Tribes, the project provides for beach restoration, continued access to the beach receiver sites and for the benefits of coastal access, which is also in line with the Commission's adopted Environmental Justice Policy. The proposed project, as thus conditioned, is consistent with Coastal Act section 30244, as the development will include reasonable mitigation measures to minimize potential adverse impacts to paleontological, archaeological, and tribal cultural resources at the site.

G. Coastal Hazards

Coastal Act Section 30253 states, in part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

The proposed development is located in an area subject to tidal action. The tidal environment is dynamic, and there are risks associated with development in such areas. For instance, erosion has occurred at the subject beaches where beach nourishment is proposed, and erosion is one form of potential geologic hazard. The fact that the Applicants propose beach nourishment to restore pre-existing beaches indicates that erosion does occur. However, the Applicant will not increase erosion hazards by increasing the size of beaches beyond pre-existing conditions and increasing the beach size may decrease risks to property. The SCOUP sand replenishment is intended to restore sediment inputs typically deposited from natural beach processes which have been disrupted (significantly decreased over the last decades) due to anthropogenic impacts. As described above, testing and monitoring the replenishment sediments will ensure risks to life and health are minimized. Therefore, the proposed project minimizes this hazard consistent with Section 30253.

Because there remains an inherent risk to development along the shoreline, **Special Condition 9** requires the Applicants to acknowledge the risks associated with development along the shoreline and agree to indemnify and hold harmless the California Coastal Commission against any and all liability arising from the permitted project. In this way, the Applicants are notified that the Commission is not liable for damage as a result of approving the permit for development. Furthermore, **Special Condition 9** requires the Applicants to acknowledge and agree that the coastal hazards at the project site(s) will only worsen with future sea level rise and thus assume the risks of injury and damage to the property that is the subject of this permit from such hazards in connection with this permitted development.

H. Local Coastal Planning

The cities of Huntington Beach, Newport Beach, and Dana Point have certified LCPs. The cities of Seal Beach and San Clemente do not yet have a certified LCP. There are aspects of the proposed development under this programmatic CDP Application that lie landward of the mean high tide line within the LCP certified cities' coastal permit jurisdiction such as access points, stockpile/staging areas, sand placement above the MHTL, and aspects of the proposed development seaward of the mean high tide line within the Commission's original retained jurisdiction. Therefore, the certified cities have requested that all portions of the subject application that lie within their jurisdiction above the MHTL be consolidated into the subject permit and issued by the Coastal Commission. Under Coastal Act Section 30601.3, Chapter 3 of the Coastal Act is the legal standard of review for the entire project. As conditioned, the proposed development is consistent with the public access, recreation, and environmental protection policies in Chapter 3 of the Coastal Act and by extension similar policies in the cities of Huntington Beach, Newport Beach, and Dana Point's certified LCPs and the

City of San Clemente's certified LUP. Therefore, approval of the proposed development will not prejudice the ability of the cities of Seal Beach and San Clemente to prepare a LCP, and neither prejudice the cities of Huntington Beach, Newport Beach, and Dana Point to continue to implement their certified Local Coastal Program.

I. California Environmental Quality Act

OCPW prepared an Initial Study and Mitigated Negative Declaration (IS/MND) for the proposed SCOUP which addressed the potential environmental impacts associated with the project. The MND found that the project would not result in any significant effects on the environments with the incorporation of mitigation measures.

Section 13096 of the Commission's Code of Regulations requires Commission approval of a CDP to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. The Commission's findings are incorporated herein by reference. Mitigation measures, including those addressing monitoring of physical and recreational impacts, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

CDP Application #5-26-0292 and associated file documents

Initial Study, Mitigated Negative Declaration, Orange County Sand Compatibility and Opportunistic Use Program prepared for Orange County Public Works, prepared by Moffatt & Nichol, May 2026.

Marine Biological Technical Study and Essential Fish Habitat Assessment for the Orange County Sand Compatibility and Opportunistic Use Program prepared for Moffatt & Nichol, prepared by Merkel & Associates, Inc., July 2025

Orange County Coastal Regional Sediment Management Plan, prepared for U.S. Army Corps of Engineers, County of Orange, and California Coastal Sediment Management Workgroup, Prepared by Everest International Consultants Inc., in association with Science Applications International Corporation and Dr. Phillip King, Everest et al, 2023

CDP #5-15-2056-A1, City of San Clemente SCOUP

CDP #6-06-48 and #6-06-048-A1, City of Carlsbad SCOUP

CDP #6-08-38, -A1, A2, and A3 City of Solana Beach SCOUP

CDP #6-08-110, -A1 and -A2 City of Encinitas SCOUP

CDP #6-07-27 and #6-15-0986 City of Oceanside SCOUP

CDP #5-25-0654, Los Angeles County Department of Beaches and Harbors SCOUP

City of Huntington Beach certified LCP

City of Newport Beach certified LCP

City of Dana Point certified LCP

City of San Clemente certified LUP