

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-23-0237

Applicant: Southern California Regional Rail
Authority (SCRRA)

Agent: Shireen Mahdavi, HNTB

Location: Within the railroad right-of-way (ROW) at Mile Post
(MP) 206.13, San Clemente, Orange County

Project Description: Replace two existing non-functional buried 2 ft.-wide culverts with a new approximately 2 ft.-wide by 49.5 ft.-long corrugated metal pipe (CMP) culvert and a new approximately 2 ft.-wide by 50.9 ft.-long CMP culvert. Install a new approximately 3 ft.-wide, 2 ft.-high, 40.15 ft.-long reinforced concrete box (RCB) culvert, and an approximately 6 ft.-wide, 4 to 4.5 ft.-high, 640 ft.-long concrete u-ditch drainage channel between the existing K-rails and the coastal bluff. The proposed project also includes removal of approximately 500 cu. yd. of existing sediment and riprap, installation of approximately 700 cu. yd. of new riprap and approximately 240 cu. yd. of new bedding material at the culvert outlets, and implementation of a maintenance plan to place sand on the beach.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

Southern California Regional Rail Authority (SCRRA)/Metrolink is proposing to replace two existing culverts and install a new culvert and u-ditch within the railroad right-of-way at Mile Post 206.13 in San Clemente. Two culverts previously existed in this location but have been buried by sediment prior to SCRRA's acquisition of the railroad. Erosion from the bluffs above the track yield significant amounts of sediment that have affected the tracks. The proposed project seeks to reestablish the drainage patterns and restore natural sediment transport towards the beach by channeling runoff and sediment through the proposed culverts and u-ditch.

More specifically, SCRRA proposes to replace the two existing non-functional buried 2 ft.-wide culverts with a new 2 ft.-wide by 49.5 ft.-long corrugated metal pipe (CMP) culvert and a new 2 ft.-wide by 50.9 ft.-long CMP culvert. SCRRA is also proposing to install a new 3 ft.-wide, 2 ft.-high, 40.15 ft.-long reinforced concrete box (RCB) culvert, and a 6 ft.-wide, 4 to 4.5 ft.-high, 640 ft.-long concrete u-ditch drainage channel between the existing K-rails and the coastal bluff. The new drainage U-ditch is proposed to convey the surface runoff and sediment affecting the tracks from the bluffs and direct flow through the proposed culverts that drain to the beach to the west. SCRRA noted that the existing contributory drainage areas can generate a sediment volume of up to approximately 116 cu. yd. annually with up to approximately 78 cu. yd. of sediment that could pass through the self-flushing culverts annually and approximately 38 cu. yd. of sediment that could be captured within the u-ditch annually. SCRRA is proposing to implement a maintenance plan for the placement of this sediment on the beach, if the sediment is determined to be beach compatible. The proposed project also includes removal of approximately 500 cu. yd. of existing sediment and riprap, and installation of approximately 700 cu. yd. of new riprap and 240 cu. yd. of new bedding material at the culvert outlets.

Prior to publication of the staff report, staff received a comment letter on July 27, 2026, from Suzie Whitelaw of Save Our Beaches (SOB) San Clemente. SOB requests that the Commission deny the CDP application unless the applicant redesigns the project to conform to existing standards for storm drain outlets along the San Clemente coastline. Staff received 28 additional comment letters requesting that the Commission deny the application. The primary concerns raised by SOB and other commenters include: the belief that the proposed structures are over-designed; that the structures would impact lateral access along the beach and may create public safety hazards; that the applicant has not demonstrated a need for the project; that annual sediment maintenance should be pursued instead; and that the project does not include adequate mitigation for coastal resource impacts.

SOB states that the proposed storm drains would extend approximately 50 ft. onto the beach, compared to nearby storm drains that extend only 15–25 ft. from the seaward side of the rail, and expresses concern that this additional extension could block lateral access for pedestrians and lifeguards during high tides and extreme tide events such as king tides. However, the images provided with SOB's letter seem to exhibit a

misunderstanding of the project design. While the two 2-ft. wide culverts are approximately 50 ft. long, they would begin on the inland side of the railroad tracks and would extend approximately 30 ft. seaward of the center line of the tracks entirely within the existing riprap limits. As proposed, the culvert energy dissipator for the furthest upcoast culvert would extend an additional approximately 9 ft. beyond the outfall and onto the sandy beach. No extension of the energy dissipator onto the sandy beach is proposed for the furthest downcoast culvert. Additional riprap is proposed up to the edge of the railroad right-of-way (in line with the buried portion of the adjacent existing riprap revetment)—about 50 ft. from the track centerline—but this riprap would be buried roughly 5 ft. below grade and is not anticipated to become exposed. Therefore, the exposed portions of the 2-ft.-wide culvert structures would extend approximately 39 ft. from the tracks and only approximately 9 ft. of the exposed structures would extend onto the sandy beach, the remainder of the structures would be located within the limits of the existing riprap. The box culvert would extend approximately 33 ft. from the track centerline primarily within the existing riprap limits, with its energy dissipator extending an additional 13 ft. onto the sandy beach. The applicant expects that sediment passing through the self-flushing box culvert will periodically bury the 13 ft. of dissipator structure. Thus, the culverts are not anticipated to significantly impact lateral coastal access in this area.

One of the issues raised by the proposed project is whether the proposed riprap is consistent with the coastal hazards policies of the Coastal Act and the City of San Clemente certified Land Use Plan (LUP). Shoreline protective devices, by their very nature, tend to conflict with Chapter 3 policies because armoring can have a variety of adverse impacts on coastal resources, including sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site. Section 30235 of the Coastal Act authorizes protective devices that are otherwise inconsistent with Chapter 3 policies if they are necessary to protect existing structures in danger from erosion and where impacts to shoreline sand supply have been eliminated or mitigated. Here, the railroad tracks were constructed in the 1880s, well before the effective date of the Coastal Act (January 1, 1977) and are considered an “existing structure” under section 30235 of the Coastal Act. Thus, the railroad may be entitled to shoreline protection in this case because it could otherwise be in danger from erosion. However, in order for the riprap to be found consistent with Section 30235 of the Coastal Act, it has to be designed to eliminate any significant adverse impacts on shoreline sand supply. In this case the purpose of the proposed project is to improve sediment delivery to the beach by directing material through the proposed U-ditch and self-flushing culvert system. As a result, any potential impacts to shoreline sand supply caused by the short segments of proposed riprap at the culvert outlets would effectively be offset by the project’s own design, which SCRRA estimates would provide for the annual delivery of up to approximately 116 cu. yds. of sediment to the beach, both through passive transport and through maintenance activities. To ensure that the proposed maintenance plan for sand placement avoids and/or minimizes impacts to coastal resources, **Special Condition 1** requires a final revised U-ditch maintenance plan that incorporates measures to protect coastal resources.

With respect to the mitigation concerns raised by SOB, given the design of the culverts including the self-flushing box culvert, it is highly unlikely that zero sediment would reach the beach. Even if annual sediment delivery is somewhat lower than the applicant's estimate, the combination of passive sediment transport and routine maintenance is expected to adequately mitigate the limited impacts associated with the relatively small riprap segments along the culverts. Additionally, it is reasonable to expect storm severity and frequency—and therefore sediment delivery—may increase over the 20-year authorization period due to climate change. The primary benefit of the system is that it reliably delivers sediment to the beach over time, which is the intended purpose of the project. Additionally, the u-ditch maintenance plan for placement of sediment on the beach would be valid for 20 years from the date of permit approval. This would allow the Commission to reevaluate the plan to ensure that impacts to coastal resources are being avoided and/or minimized to the greatest extent possible.

Staff is recommending approval of the proposed project with additional special conditions to avoid or minimize potential impacts to biological resources, archaeological and tribal cultural resources, water quality and marine resources, public access, and visual resources. Portions of the culverts would be highly visible due to their location adjacent to the public beach. Therefore, to ensure that any adverse effects to public views are minimized, **Special Condition 2** requires that the surface of the culverts, headwalls, and wingwalls be designed to include, or mimic, the color and texture of native materials and appearance of the natural environment, such as the appearance of rock facing. The project site is located in an area that could potentially contain archeological and/or tribal cultural resources. To ensure that the project protects any archeological and/or tribal cultural resources that may be present onsite, **Special Condition 3** is imposed to require retention of a qualified archaeologist and tribal monitors for ground-disturbing activities. The Special Condition also provides guidelines that must be followed if archaeological, tribal cultural, and/or paleontological resources are discovered during construction. There is the potential for various wildlife species to be present near the project footprint. Therefore, in order to ensure that project activities avoid impacts to these various species, **Special Condition 4** is imposed, which requires the applicant to conform to the Grunion Monitoring and Avoidance Plan prepared by ICF dated December 12, 2024, the Avian Monitoring and Avoidance Plan prepared by ICF dated December 12, 2024, and avoidance and minimization measure BIO-1 of the Biological Technical Report prepared by ICF dated May 2022. **Special Condition 5** 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. **Special Condition 6** authorizes the culverts to remain until the time when the currently existing railroad is: either no longer present or becomes abandoned, unless it is demonstrated that the culverts are still required for adequate drainage; or no longer requires a culvert drainage device, whichever occurs first. **Special Condition 7** requires the applicant to agree to comply with project-related requirements to provide for the safe storage of project materials, drainage controls, and safe removal of potentially contaminated soils.

Special Condition 8 requires the applicant to obtain all other local, state or federal permits that may be necessary prior to commencement of development. The applicant is also required to assume the risks of developing in an inherently hazardous area, per **Special Condition 9**. **Special Condition 10** requires the applicant to maintain the revetment in its approved configuration and **Special Condition 11** prohibits any future seaward expansion of the revetment. Lastly, **Special Condition 12** provides notice that the Coastal Commission's approval of this permit does not constitute a waiver of public rights that exist or may exist on the property.

The Commission certified the City's LUP in 1988 and approved a comprehensive update most recently in 2018. However, the City does not yet have a certified Local Coastal Program (LCP). Therefore, the Chapter 3 policies of the Coastal Act constitute the standard of review for the project, with the certified LUP used as guidance.

Therefore, staff recommends that the Commission **APPROVE** the CDP with the conditions described above. The motion to carry out the staff recommendation is on **page 7** of this report.

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EXHIBITS

[Exhibit 1 – Vicinity Map and Project Location](#)

[Exhibit 2 – Project Plans](#)

[Exhibit 3 – Description of Maintenance Activity](#)

[Exhibit 4 – Vegetation Community Map](#)

[Exhibit 5 – Construction Staging Plan](#)

[Exhibit 6 – LUP Public Access Point 16](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit No. 5-23-0237 pursuant to the staff recommendation.

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 the Commissioners present.

Resolution:

The Commission hereby approves a coastal development permit for the proposed development 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 and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. 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 or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the applicant to bind

all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Final U-Ditch Maintenance Plan.

- a. PRIOR TO COMMENCEMENT OF DEVELOPMENT, the Permittee shall submit for review and written approval of the Executive Director a revised u-ditch maintenance plan that conforms with the Description of Maintenance Activity shown in [Exhibit 3](#), except the final plan shall be modified to include the following:
 - i. Provide a complete site plan that shows where the sediment would be temporarily stockpiled within the ROW, and where on the beach the sediment would be placed if it is determined to be beach compatible. Stockpile and placement areas shall avoid placement within environmentally sensitive habitat areas. The site plan shall also include the contour elevations at which the sand would be placed and spread out. Sand shall not be piled up higher than 16 ft. NAVD88 and shall be spread out at a slope of no steeper than 10 to 1 (horizontal to vertical).
 - ii. Provide a construction staging plan for u-ditch maintenance activities with construction phase BMPs, avoiding the use of environmentally sensitive habitat areas and public beach access areas, and minimizing use of public parking areas.
 - iii. Provide an anticipated construction schedule for u-ditch maintenance activities. The schedule shall indicate that maintenance activities during peak beach use season (Memorial Day weekend through Labor Day weekend) shall be avoided and where avoidance is not possible, minimized to the greatest extent feasible.
 - iv. Indicate that safe public access to or around areas where u-ditch maintenance activities will occur shall be maintained during all project operations.
 - v. Indicate that the site will be posted with a notice, in English and Spanish, indicating expected dates of maintenance activities.
 - vi. Indicate that u-ditch maintenance activities will conform with the Grunion Monitoring and Avoidance Plan prepared by ICF dated December 12, 2024, the Avian Monitoring and Avoidance Plan prepared by ICF dated December 12, 2024, and avoidance and minimization measure BIO-1 of the Biological Technical Report prepared by ICF dated May 2022.
 - vii. Indicate that no sediment shall be removed from the project site for placement on the beach until the permittee submits to the Executive Director, for review and written approval, a sediment sampling and analysis plan identifying all areas proposed for excavation that are hydrologically connected to the railroad tie area

- or that may receive runoff, seepage, or drainage from the rail corridor. The plan shall require representative sediment sampling and analysis for creosote-related contaminants, including polycyclic aromatic hydrocarbons (PAHs), using approved analytical methods.
- viii. Indicate that no sediment shall be placed on the beach until the permittee submits the analytical results to the Executive Director for review and written approval and demonstrates that the sediment is suitable for unrestricted beach placement. Suitability shall be determined based on the most current and applicable sediment quality screening benchmarks and human health screening levels established or recommended by the U.S. Environmental Protection Agency, the California Environmental Protection Agency, the State Water Resources Control Board, the applicable Regional Water Quality Control Board, NOAA, or other appropriate regulatory agencies. Any sediment that exceeds applicable screening levels, benchmarks, or criteria shall not be placed on the beach unless the Executive Director approves such placement in writing. Sediment that is not suitable for placement on the beach shall be disposed of at a legal disposal site. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
 - ix. The plan shall include a provision for project notification to Coastal Commission staff a minimum of 10 days prior to u-ditch maintenance activities detailing how much sediment is suitable for placement on the beach, and notification within 10 working days after the maintenance activity is complete detailing the volume of sediment that was moved to the beach side.
- b. Coastal Development Permit No. 5-23-0237 authorizes u-ditch maintenance for a twenty-year period, from the date of Commission action (i.e., until August 14, 2046), after which time the authorization for any maintenance activities approved as part of this permit shall cease. At the end of the authorization period, the permittee shall submit a summary report that includes the measured volume of sediment placed on the beach or backshore during scheduled maintenance and an estimate of the volume of sediment delivered passively through the self-flushing culverts during the twenty-year authorization period. The estimate of passive sediment transport shall be determined based on observations of the culvert bed before and after large runoff events, elevation change within the tributary areas, and the quantities of sediment excavated from the u-ditch considering observed precipitation. After the authorization for the development expires, any additional u-ditch maintenance within the

project area will require either the issuance of a new coastal development permit or an amendment to this coastal development permit.

Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Material/Design Specifications for Visual Resource Protection. PRIOR TO COMMENCEMENT OF DEVELOPMENT, the Permittee shall submit final revised project plans, for the review and written approval of the Executive Director, which shows that all exposed surfaces of the approved culverts, headwalls, and wingwalls shall be designed to include, or mimic, the native materials and appearance of the natural environment.

3. Protection of Archaeological, Paleontological, and Tribal Cultural Resources. BY ACCEPTANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee agrees to all of the following:

- a. The permittee shall retain, at least 60 days prior to ground disturbance:
 - i. a minimum of one archaeological monitor that is a Qualified Archaeologist. A Qualified Archaeologist means an individual who meets the Secretary of the Interior's Professional Standards for an Archaeological Principal Investigator and/or is listed as Registered Professional Archaeologist. The Archaeologist(s) monitoring the site shall have experience monitoring for archaeological resources of the local area, be competent to identify significant resource types, and be aware of recommended procedures for the inadvertent discovery of archaeological resources and human remains;
 - ii. a minimum of one Native American monitor from the Juaneño (Acjachemen)-affiliated tribes provided by the Native American Heritage Commission, unless the tribes state they are not interested in monitoring or they have not responded within 60 days. If more than one tribe requests to monitor, the permittee shall ensure that each tribal group that requests to monitor has a fair and equal opportunity to monitor with equal representation. All tribal monitors not monitoring under contract shall be allowed to be present onsite when monitoring occurs as volunteer observers. There shall be a sign-in sheet so that all monitors can review who was assigned during each day/week; and
 - iii. a sufficient number of Archaeological and Native American monitors on site to assure that all ground disturbance activity that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times.

- b. Monitors shall be onsite during all “ground disturbance,” which includes but is not limited to: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing asphalt or cement, clearing, driving posts, augering, coring, backfilling, blasting, stripping topsoil, landscaping, and any other similar activity at the project site.
- c. Prior to any ground disturbance, the permittee shall notify the Archaeologist and Native American monitor(s) of the requirements and procedures, any archaeological monitoring or research plans, and past archaeological reports.
- d. Prior to any ground disturbance, there shall be at least one training lead by the Archaeologist. The Archaeologist shall conduct a Worker Environmental Awareness Program (WEAP) and Cultural Resource Sensitivity Training for all project personnel prior to the start of construction. The training shall address the types of archaeological, paleontological, or Tribal Cultural Resources (TCRs) that may be encountered during ground-disturbing activities, as well as the proper procedures to follow in the event of a discovery. Once the ground-disturbing activities have commenced, the need for additional or supplemental worker trainings shall be determined by the qualified Archaeologist based upon consultation with project personnel.
- e. In the event that a tribal cultural resource(s) is discovered during ground disturbance activities, all ground disturbance shall cease within a minimum of 50 feet of the find, or a larger buffer may be recommended by the Native American monitor(s). In the event that no Native American monitor has been retained per subsection 1.ii. above or the resources discovered are non-tribal archaeological resources, all ground disturbance shall cease within a minimum of 50 feet of the find, or a larger buffer may be recommended by the Archaeologist.

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

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

If the resource(s) is found to be Archaeological or Tribal Cultural resource(s), the applicant must submit an amendment to this permit or a new permit to either: revise the project to avoid impacting the resource or provide a plan for further investigations and treatment plans developed by a qualified Archaeologist in coordination with affected the Tribal governments.

The treatment of human remains and of associated or unassociated funerary objects discovered during any ground disturbance activity shall comply with applicable State and Federal Laws. Should human remains

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

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

- f. **Paleontological Resource Mitigation Plan.** If the resources found are identified by the Archaeologist as paleontological resources, prior to recovery, the permittee shall provide a Paleontological Resources Mitigation Plan for the Executive Director's review and approval, which should include: a description of discovery procedures; sampling and data recovery procedures; procedures for the preparation, identification, analysis, and curation of fossil specimens and data recovered; and procedures for the preparation and distribution of a final paleontological discovery report documenting the paleontological find, consistent with the Society for Vertebrate Paleontology Standard Guidelines.
- 4. Biological Resources.** All measures described within the Grunion Monitoring and Avoidance Plan prepared by ICF dated December 12, 2024, the Avian Monitoring and Avoidance Plan prepared by ICF dated December 12, 2024, and avoidance and minimization measure BIO-1 of the Biological Technical Report prepared by ICF dated May 2022, shall be strictly adhered to, and incorporated into all final project design plans, construction methodologies and management practices. No changes to the approved measures shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
 - 5. Biological Monitoring and Mitigation.** Any inadvertent adverse impacts to sensitive habitat areas by the proposed development shall be mitigated. Adverse impacts shall be documented using photos taken towards the bluff and along the length of the proposed development at fixed points. The bluff should be photographed no more than 72 hours prior to construction and no greater than 72 hours after construction is complete and all temporary fencing and materials on the site removed. A map of the photo points and orientation shall accompany the photo set, and the map and photos shall be submitted to the Executive Director no more than 2 weeks after construction is complete.

Adverse impacts may include, but are not limited to, vegetation removal or death on the bluff side of the proposed development. Temporary impacts shall be

mitigated at a minimum 1:1 ratio and permanent impacts to ESHA shall be mitigated at a minimum 3:1 ratio, where the impact type is determined by Commission staff. Such mitigation shall require an amendment to this permit or a new permit unless the Executive Director determines that no permit is legally required.

6. Culvert Duration of Approval

- a. Culvert Authorization Period.** This coastal development permit authorizes the subject culverts to remain until the time when the currently existing railroad either: A) is no longer present or becomes abandoned, unless it is demonstrated that the culverts are still required for adequate drainage; or B) no longer requires a culvert drainage device, whichever occurs first. Prior to the anticipated expiration of the permit and/or in conjunction with redevelopment of the property, the Permittee shall apply for a permit amendment to remove the culverts or to modify the terms of authorization.
- b. Culvert Modifications.** If, during the term of this authorization, the Permittee desires to expand or alter the subject culverts, the Permittee shall apply for an amendment to this coastal development permit. If approved, additional mitigation may be required for the potential impacts of the enlarged or reconstructed culverts on landform alteration, geologic and shoreline processes, and all other affected coastal resources that have not already been mitigated through this permit will be addressed and required at that time.

7. Storage of Construction Materials, Mechanized Equipment, and Removal of Construction Debris. The Permittee shall comply with the following construction-related requirements:

- a.** No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;
- b.** All debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project;
- c.** Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
- d.** All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- e.** The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- f.** Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be

required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;

- g. The applicant shall use plastic-free netting or no netting in a temporary erosion and sediment control BMPs.
 - h. The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and heavy-duty silt fences) that incorporate plastic netting shall be prohibited, to minimize wildlife entanglement and plastic debris pollution. Only 100% biodegradable (not photodegradable) natural fiber netting shall be allowed.
 - i. All stockpiles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
 - j. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
 - k. The discharge of any hazardous materials into any receiving waters is prohibited;
 - l. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
 - m. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity;
 - n. All BMPs shall be maintained in a functional condition throughout the duration of construction activity;
 - o. No equipment shall be stored on the sandy beach; and
 - p. No mechanized equipment shall operate in the wet sand (below the ordinary high tide line).
- 8. Other Agency Approvals.** PRIOR TO COMMENCEMENT OF DEVELOPMENT, the Permittee shall submit to the Executive Director written evidence that all approvals have been granted by all other applicable agencies, including at a minimum the California Department of Fish and Wildlife (CDFW), the Regional Water Quality Control Board (RWQCB), U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service, California Department of Parks and Recreation, and the California State Lands Commission, or evidence that no such authorizations are required from each of these entities. The Permittee shall inform the Executive Director of any changes to the project required by any other authorizations. Any such changes shall not be incorporated into the project until

the Permittee obtains an amendment to this CDP, unless the Executive Director determines that no amendment is legally required.

9. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the Permittee acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to landslides, tsunamis, flooding, sea level rise, erosion and wave uprush; (ii) to assume the risks to the permittee and the property that are 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. Future Revetment Maintenance. The Permittee shall maintain the existing revetment in its approved state. Any change in the design of the revetment or future additions or reinforcement of the revetment, beyond exempt maintenance as defined in Section 13252 of Title 14 of the California Code of Regulations to restore the structure to its original condition, will require a coastal development permit or amendment. However, in all cases, if after inspection, it is apparent that repair and maintenance is necessary, the permittee shall contact the Executive Director to determine whether a coastal development permit or an amendment to this permit is legally required, and, if required, shall subsequently apply for a coastal development permit or permit amendment for the required maintenance.

The applicant agrees to remove (or deposit on the revetment) any debris, rock, or other materials from the beach which become dislodged after completion of the approved project through weathering, wave action, settlement or other action, on an as-needed basis and as soon as feasible after discovery, subject to the permitting requirements listed above.

11. No Future Seaward Extension of Shoreline Protective Device. By acceptance of this permit, the Permittee agrees, on behalf of themselves and all successors and assigns, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the existing rock revetment shall be undertaken if such activity extends the footprint seaward of the existing revetment. By acceptance of this permit, the applicant waives, on behalf of themselves and all successors and assigns, any rights to such development that may exist under Public Resources Code Section 30235.

12. Public Rights. By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of themselves and all successors and assigns, that the Coastal

Commission's approval of this CDP shall not constitute a waiver of any public rights that may exist on the affected property, and that the Permittees shall not use this CDP as evidence of a waiver of any public rights that may exist now or in the future.

IV. FINDINGS AND DECLARATIONS

A. Project Description, Location, and Background

The proposed development is located between the sea and the first public road within the railroad right-of-way (ROW) at Mile Post (MP) 206.13 in the City of San Clemente ([Exhibit 1](#)). MP 206.13 is located within the southern portion of the City at Calafia State Beach/San Clemente State Beach. The railroad tracks in this location were constructed in the late 1880s. Southern California Regional Rail Authority (SCRRA)/Metrolink and Amtrak operate passenger rail service through this corridor.

SCRRA is proposing to replace two existing culverts and install a third new culvert and u-ditch within the railroad ROW. Two culverts previously existed in this location but have been buried by sediment prior to SCRRA's acquisition of the railroad. These culverts have been abandoned and are not proposed to be removed or otherwise disturbed under the proposed project. Erosion from the bluffs above the track yields significant amounts of sediment that has affected the tracks. Currently, the sediment from the adjacent bluff side has been topping over the tracks causing sediment build-up and water ponding that is affecting the structural integrity of the tracks by deteriorating the ties and impeding drainage. The soil is primarily an eroded sandy loam that is transported down to the project side by steep rills and gullies cut into the adjacent bluffs. The proposed project seeks to reestablish the drainage patterns and restore natural sediment transport towards the beach by channeling runoff and sediment through the proposed culverts and u-ditch.

SCRRA proposes to replace the two existing non-functional buried 2 ft.-wide culverts with a new 2 ft.-wide by 49.5 ft.-long corrugated metal pipe (CMP) culvert and a new 2 ft.-wide by 50.9 ft.-long CMP culvert. SCRRA is also proposing to install a new 3 ft.-wide, 2 ft.-high, 40.15 ft.-long reinforced concrete box (RCB) culvert, and a 6 ft.-wide, 4 to 4.5 ft.-high, 640 ft.-long concrete u-ditch drainage channel with 3 ft. 10.5 in.-tall steel handrail posts with stretch wire cable between posts. The u-ditch would be located between the existing K-rails and the coastal bluff ([Exhibit 2](#)). The new drainage u-ditch is proposed to convey the surface runoff and sediment affecting the tracks from the bluffs and direct flow through the proposed culverts to the beach. SCRRA proposes to excavate approximately 382 cu. yd. of sediment for construction of the u-ditch and test this material for beach compatibility using a Chemical and Grain Size Analysis. The results of this analysis would be provided to Coastal Commission staff. If the analysis shows that the material is consistent with the native beach sand, then SCRRA proposes to place this material on the beach within the project limits. If the sediment is not beach compatible, then SCRRA would dispose of it outside of the Coastal Zone.

SCRRA noted that the existing contributory drainage areas can generate a sediment volume of up to approximately 116 cu. yd. annually and estimates that up to approximately 78 cu. yd. of sediment could pass through the self-flushing culverts annually. Over time, the sand and sediment originating from the adjacent bluffs are expected to accumulate within the concrete U-ditch and culverts. To maintain drainage flow, maintenance crews will remove the material and repurpose it for beneficial reuse on the revetment or beachside area as part of natural beach nourishment efforts. SCRRA estimates that approximately 38 cu. yd. of sediment could be captured within the u-ditch annually. SCRRA proposes to implement a u-ditch maintenance plan for the sediment that is expected to accumulate within the u-ditch and culvert system ([Exhibit 3](#)). Prior to reuse, the collected sand will undergo visual screening to remove any debris such as trash or foreign objects. The sediment is derived directly from the adjacent bluffs, which are the natural source of the existing beach material; therefore, the composition is expected to be consistent with the native beach sand, and additional routine testing is not required. However, to confirm material suitability, one Chemical and Grain Size Analysis will be performed during the first maintenance activity following project construction. The results will be provided to the Executive Director for review prior to the transfer of any collected sediment to the beach. If the material is determined to be suitable for beach placement, approval will be granted and the material may be transferred to the beachside. The placement of the screened sand/sediment will occur above the mean high tide line. Maintenance crews will access the site from the bluff side using excavation equipment (e.g. small bucket excavator or loader) and temporarily stockpile the material within the SCRRA ROW. Once the reuse location is determined – either haul-off disposal or beach replenishment- an excavator positioned on the bluff side will place the sediment over the tracks onto the revetment/beach area. All maintenance construction activities will occur within SCRRA ROW and will not require beach or parking lot closures.

The proposed project also includes removal of existing riprap and sediment on site, some of which will be disposed of and some of which will be reused on site. SCRRA proposes to excavate approximately 500 cu. yd. of existing sediment and riprap to haul and dispose of, excavate approximately 600 cu. yd. of riprap to stockpile and reuse, and excavate approximately 825 cu. yd. of existing sand and sediment to reuse and bury the proposed riprap. SCRRA also proposes to install approximately 700 cu. yd. of new riprap and 240 cu. yd. of new bedding material at the culvert outlets ([Exhibit 2](#)).

Background

CDP Application No. 5-23-0237 was originally scheduled for a public hearing at the Commission's July 2026 meeting. However, prior to the originally scheduled hearing, the Commission received new information relating to the estimated quantities of sediment delivered. Thus, the item was postponed by Commission staff in order to allow Commission staff more time to review the information provided.

Standard of Review

The Commission certified the City's LUP in 1988, and approved a comprehensive update most recently in 2018. However, the City does not yet have a certified Local Coastal Program (LCP). Therefore, the Chapter 3 policies of the Coastal Act constitute the standard of review for the project, with the certified LUP used as guidance.

B. Consultations and Other Agency Approvals

Tribal Governments

The Commission recognizes that the entirety of the State's Coastal Zone was originally indigenous territory that continues to have cultural significance to Native American tribes. The Commission's Tribal Consultation Policy (adopted on August 8, 2018) recognizes the importance of State efforts to protect Tribal Cultural Resources and improve communication and coordination with Tribes, and it sets out a tribal consultation process that is fully consistent with, and complementary to the nature of, the Commission's goals, policies (including Section 30244), and mission statement. Tribal Cultural Resources can be sites, features, cultural landscapes, sacred places, and objects with cultural value and can also qualify as archaeological, paleontological, visual, biological, or other resources that the Commission is tasked with protecting pursuant to the Coastal Act.

SCRRA contacted the California Native American Heritage Commission (NAHC) to request a records search of its Sacred Lands File. The NAHC responded on May 6, 2021, indicating that the results of the records search was positive. The NAHC indicated that SCRRA should contact the Juaneño Band of Mission Indians Acjachemen Nation, for more information. Although there was no requirement to complete consultation, SCRRA sent out letters to the contacts they were provided for the Juaneño Band of Mission Indians Acjachemen Nation on June 14, 2022.¹ SCRRA did not receive a response from the tribal entities.

To better understand the cultural significance of the project site and the surrounding project area, Commission staff engaged in tribal consultation, consistent with the Coastal Commission's Tribal Consultation Policy. Staff reached out to Native American tribal representatives in accordance with the Native American Heritage Commission contacts via email on April 3, 2023, to request consultation. Commission staff received a response on April 28, 2023, to consult on the project. Through consultation meetings on June 14, 2023, May 7, 2026, and May 12, 2026, tribal representatives noted the

¹ The project is being environmentally processed with a CEQA Categorical Exemption that has been approved and filed and a NEPA Categorical Exclusion. As such, the project does not qualify for Assembly Bill 52 consultation. In addition, the Federal Transit Administration, who is the NEPA lead agency for this project, allows for Section 106 streamlining through Section 11504 of the 2015 Fixing America's Surface Transportation Act as directed by the Secretary of Transportation to develop a proposed exemption of railroad ROWs from review under the requirements of Section 106 of the NHPA.

sensitivity of the area and requested that monitors be on site for any ground disturbing activities.

To ensure that the project minimizes and mitigates potential impacts to archaeological and/or tribal cultural resources and is consistent with past Commission action, the Commission imposes **Special Condition 3**, requiring the applicant to retain a qualified Archaeologist monitor and Native American monitors, including at a minimum one from each tribe that engaged in consultation and requested the work be monitored, prior to ground disturbance. **Special Condition 3** also includes procedures to follow should archaeological, tribal cultural, and/or paleontological resources be discovered. The Commission finds, therefore, that as conditioned, the proposed project is consistent with Section 30244 of the Coastal Act and the cultural resource protection policies of the certified LUP.

Other Agency Approvals

The project requires other local, state, and/or federal permits, including but not limited to:

- California Department of Parks and Recreation (CA State Parks). The project requires a Right-of-Entry (ROE) permit from CA State Parks.

SCRRA explained the no approvals are needed from the U.S. Army Corps of Engineers (USACE), the local Regional Water Quality Control Board (RWQCB), the California Department of Fish and Wildlife (CDFW), and/or the U.S. Fish and Wildlife Service because the project is either out of their jurisdiction or no impacts would occur to their regulated resources. SCRRA did not provide information regarding necessary approvals from the California State Lands Commission.

Special Condition 8 requires SCRRA to obtain all other necessary permits prior to the commencement of development or provide evidence that no such authorizations are required from each of these entities.

C. Biological Resources

Section 30107.5 of the Coastal Act, defines an environmentally sensitive area as:

"Environmentally sensitive area" means 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 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 such resources shall be allowed within such 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 such areas, and shall be compatible with the continuance of such habitat areas.

Relevant San Clemente LUP Biological Resource Policies:

RES-51 ESHA Designation. Environmentally Sensitive Habitat Area (ESHA) means 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 easily be disturbed or degraded by human activities and developments as defined in Section 30107.5 of the Coastal Act. Three main elements must be met for an area or habitat to be considered ESHA.

- a. The presence of individual rare plants or animals or the presence of a particular rare habitat. Plant and animal communities whose designation includes, but is not limited to rare, threatened or endangered by the State or federal governments such as those in the CDFW's California Natural Diversity Database (CNDDB).
- b. 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.
- c. Areas that could be easily disturbed or degraded by human activities and developments.

RES-54 ESHA Buffer. A 100-foot buffer, shall be provided around all ESHA, except where establishment of such a buffer is prevented by existing development. In those circumstances, the largest feasible buffer will be established. ESHA buffers less than 100 feet wide, may be allowed only where it can be demonstrated, through submittal of site specific biological study that provides substantial evidence from qualified biologists, that the proposed narrower buffer would prevent impacts that would significantly degrade and/or disrupt the biological integrity and habitat values of the ESHA.

RES-90 Construction Near Nesting and Foraging Habitat. If an active nest of any species listed pursuant to the federal or California Endangered Species Act, California bird species of special concern, or a wading bird (herons or egrets) as well as owls or raptors is found, construction activities within 300 feet (500 feet from any identified raptor nest) shall not exceed noise levels of 65 dB peak until the nest(s) is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. The 65 dB peak noise levels may only be increased if a noise study demonstrates the ambient noise level is above 65 dB at the subject site.

Nesting Bird Surveys for the above bird species during their breeding season shall be conducted by a qualified biologist prior to commencement of construction on sites where there is probable cause to believe that nesting birds may exist.

Coastal Act Section 30107.5 defines environmentally sensitive habitat areas (ESHAs) as areas 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. Additionally, although not the standard of review, the City of San Clemente's LUP contains policies regarding ESHA resources that may be considered as guidance.

The City has identified the potential for ESHA along the bluffs near MP 206.13 in the certified LUP. However, the quality of habitat must be assessed on a site-by-site basis. The applicant provided a Biological Technical Report prepared by ICF dated May 2022 which included a general biological survey, vegetation mapping and habitat assessment. The applicant also provided an Aquatic Resource Delineation Report prepared by ICF dated March 2022 for the proposed project. The biological study area (BSA) and the aquatic resource study area (ARSA) include the project footprint of disturbance and a 100-ft. buffer for potential direct and indirect impacts on sensitive biological resources and jurisdictional aquatic resources that could result from the project.

Description of Existing Habitat

According to the report, MP 206.13 contains three vegetation communities within the BSA. Vegetation communities identified in the area include:

- Coastal bluff scrub
- Open beach
- Disturbed/developed

A Vegetation Community Map delineating the proposed project's limits of disturbance within a polygon outlined in red is included as [Exhibit 4](#). The proposed impact area totals approximately 1.24 acres (0.48 acres of permanent impacts and 0.76 acres of temporary impacts). The proposed impacts are anticipated to occur to disturbed/developed habitat and open beach.

Areas mapped as disturbed/developed within the BSA include the railroad tracks and associated infrastructure, riprap, parking lots, and other permanent structures, as well as open areas that are mostly devoid of vegetation and are frequently disturbed by human activities. This land use type is the dominant land cover within the project footprint and is typically unvegetated or composed of nonnative, ruderal vegetation. The riprap adjacent to the railroad tracks has mature big saltbush (*Atriplex lentiformis*) and patches of iceplant (*Carpobrotus sp.*) interspersed throughout. The railroad tracks and ROW are devoid of vegetation. Areas mapped as Open Beach are free of vegetation and occur associated with the Pacific Ocean along the western edge of BSA.

Within the BSA, the coastal bluff scrub community is dominated by California encelia (*Encelia californica*) and coastal goldenbush (*Isocoma menziesii*) with associated shrubs such as deerweed (*Acmispon glaber*) and lemonade berry (*Rhus integrifolia*). The herbaceous understory is variable, ranging from areas with high cover to sparse cover and is dominated by nonnative species such as iceplant, crystalline iceplant (*Mesembryanthemum crystallinum*), radish (*Raphanus sativus*), and ripgut brome (*Bromus diandrus*). Within the BSA, coastal bluff scrub is found on the coastal bluffs along the eastern edge of the BSA outside of the project footprint, including the construction staging and access areas.

Environmentally Sensitive Habitat Area (ESHA)

The Commission's ecologist, Dr. Corey Clatterbuck, reviewed the information provided in the Biological Technical Report and determined that the coastal bluff scrub adjacent to the proposed project rises to the level of ESHA. The coastal bluff scrub community in this area is dominated by California encelia (*Encelia californica*) and coastal goldenbush (*Isocoma menziesii*) with associated shrubs such as deerweed (*Acmispon glaber*) and lemonade berry (*Rhus integrifolia*). Southern coastal bluff scrub was last ranked G1 S1.1 by the California Department of Fish and Wildlife in 2010. Communities with a rank of G3 or S3 or below meet the rarity requirement for ESHA. Further, the coastal bluff scrub is connected to State Park land which suggests that the community is likely not fragmented beyond the train tracks. The Coastal Act and San Clemente's LUP establish high standards for protection of areas that are identified as ESHA. Only resource-dependent uses, such as habitat restoration or nature study, are allowed within ESHA, and all development within or adjacent to ESHA must be sited and designed to prevent significant disruption or degradation of the ESHA. Under the Coastal Act, if an ESHA is identified, it cannot be relocated and impacts which significantly degrade it must be prevented, and the development adjacent to it must be compatible with the continuance of the ESHA.

Direct impacts are those that involve direct loss, modification, or disturbance of plant communities, and/or the direct loss or removal of individual plants or wildlife. Indirect impacts can be both short- and long-term and involve the effects of increases in human disturbance such as increased levels of noise or artificial night lighting, traffic, permanent development (i.e., structures, walls, fences), unnatural predators (i.e., domestic pets), competition with exotic plants and ornamental plantings. The proposed development footprint is within the railroad ROW where the railroad tracks currently exist. In this case, the proposed culverts and u-ditch will be constructed in areas that are already developed and/or disturbed and will not encroach into the ESHA. The applicant states that the project has been sited and designed to prevent all direct impacts to ESHA. As proposed, the development avoids direct impacts to ESHA but would be sited at its closest point approximately less than one ft. from the ESHA, and approximately nine ft. at its furthest point.

To ensure that potential indirect impacts to ESHA are avoided, the Commission typically requires a 100-foot buffer between development and ESHA. Certified LUP Policy RES-

54 also requires a 100-foot buffer around ESHA, however a narrower buffer may be allowed based on site specific constraints. Section 30240 of the Coastal Act requires that ESHA be protected and buffered to prevent impacts which would significantly degrade those areas. Buffers are important for preserving the integrity and natural function of individual species and habitats. The purpose of a buffer is to create a zone where there will be little or no human activity; to “cushion” species and habitats from disturbance and allow native species to go about their “business as usual.” A buffer area is not itself a part of the ESHA, but a “buffer” or “screen” that protects the habitat area from adverse environmental impacts caused by development.

In some cases, a reduced buffer is consistent with Section 30240 because the proposed development will not “significantly degrade” the ESHA and is compatible with the continuation of the habitat. In this case, the Commission’s ecologist concluded that a reduced buffer is appropriate for the project and would not significantly degrade or disrupt the biological integrity or habitat values of the onsite ESHA. This determination is largely based on the extent of existing development and the high level of ongoing human disturbance in the area, including railroad maintenance activities and regular public use. Additionally, to ensure that construction activities do not result in temporary or permanent impacts to ESHA, SCRRA proposes to install ESA fencing and signs, as well as flag the habitat boundaries. However, because the proposed project will require heavy construction equipment and, even with every precaution taken, there is always the possibility of accidental or unintentional disruption to sensitive habitat or species. Therefore, **Special Condition 5** requires that any inadvertent adverse impacts to sensitive habitat or species caused by the proposed development activities be reported to the Executive Director and be mitigated. More specifically, **Special Condition 5** requires adverse impacts to be documented using photos taken towards the bluff and along the length of the proposed development at fixed points. The bluff should be photographed no more than 72 hours prior to construction and no greater than 72 hours after construction is complete and all temporary fencing and materials on the site removed. A map of the photo points and orientation shall accompany the photo set, and the map and photos shall be submitted to the Executive Director no more than 2 weeks after construction is complete. Adverse impacts may include, but are not limited to, vegetation removal or death on the bluff side of the proposed development. Temporary impacts shall be mitigated at a minimum 1:1 ratio and permanent impacts to ESHA shall be mitigated at a minimum 3:1 ratio, where the impact type is determined by Commission staff.

Special Status Plant and Wildlife Species

The applicant conducted a literature search of the BSA. A list of special-status plant and animal species that have the potential to occur within the project study area was prepared using information provided by U.S. Fish and Wildlife Service (USFWS) Critical Habitat for Threatened and Endangered Species online mapper (USFWS 2022a), USFWS Information, Planning, and Conservation System List of Proposed, Threatened, and Endangered Species, and Critical Habitats Resource List (USFWS 2022b),

California Natural Diversity Database (CNDDB) (CDFW 2022b), and CNPS Online Inventory of Rare and Endangered Vascular Plants of California (CNPS 2022).

Based on the literature review conducted by the applicant, 14 special-status plant species have a potential to occur within BSA outside of project limits of disturbance: aphanisma (*Aphanisma blitoides*), Coulter's saltbush (*Atriplex coulteri*), south coast saltscale (*Atriplex pacifica*), Orcutt's pincushion (*Chaenactis glabriuscula* var. *orcuttiana*), seaside cistanthe (*Cistanthe maritima*), cliff spurge (*Euphorbia misera*), vernal barley (*Hordeum intercedens*), decumbent goldenbush (*Isocoma menziesii* var. *decumbens*), Santa Catalina Island desert-thorn (*Lycium brevipes* var. *hassei*), California box-thorn (*Lycium californicum*), cliff malacothrix (*Malacothrix saxatilis* var. *saxatilis*), south coast branching phacelia (*Phacelia ramosissima* var. *austrolitoralis*), chaparral ragwort (*Senecio aphanactis*), and woolly seablite (*Suaeda taxifolia*).

However, none of these 14 species are expected to occur within the project limits of disturbance due to lack of suitable habitat. The potential for these species to occur within the coastal bluff scrub portion of the BSA is low given the disturbed conditions and high cover of non-native plant species. In addition, none of these species were observed during the field survey, which was performed during the appropriate blooming period for these species. Consequently, no impacts to any special-status plant species, including federally and/or state-listed as threatened and/or endangered plants, are anticipated as a result of the proposed project.

Six special-status wildlife species have a potential to occur within the BSA outside of the project limits of disturbance: Southern California legless lizard (*Anniella stebbinsi*), California glossy snake (*Arizona elegans occidentalis*), coast horned lizard (*Phrynosoma blainvillii*), Dulzura pocket mouse (*Chaetodipus californicus femoralis*), northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*), and San Diego desert woodrat (*Neotoma lepida intermedia*). No listed or candidate species have a potential to occur within the BSA.

Habitat to support these species is limited to the coastal bluff scrub portion of the BSA and is only marginally suitable due to the disturbed conditions and high cover of non-native plant species. None of the six special-status wildlife species are expected to occur within the project limits of disturbance, which is composed of the railroad tracks and SCRRA ROW within disturbed/developed land cover types. No native vegetation communities that could support any special-status wildlife species would be disturbed or removed as a result of project construction. As such, no direct impacts on any special-status wildlife species are anticipated as a result of the proposed project.

There is the potential for various wildlife species, such as the California Grunion (*Leuresthes tennius*), as well as nesting birds, including but not limited to the California least tern (*Sterna antillarum browni*) and the Western snowy plover (*Charadrius alexandrinus nivosus*), to be present near the project footprint. Therefore, to ensure that project activities avoid impacts to these various species, **Special Condition 4** is imposed, which requires the applicant to conform to the Grunion Monitoring and

Avoidance Plan prepared by ICF dated December 12, 2024, the Avian Monitoring and Avoidance Plan prepared by ICF dated December 12, 2024, and avoidance and minimization measure BIO-1 of the Biological Technical Report prepared by ICF dated May 2022. These plans detail the necessary measures for the applicant to implement should construction activities occur during bird nesting/breeding season and/or during the grunion run season. The measures include pre-construction surveys for active nests and/or grunion runs. If active nests and/or grunion runs are located within the survey area the plans require BMPs to ensure that construction activities do not disturb or disrupt nesting and/or grunion activities.

As previously explained, SCRRA also proposes to implement a u-ditch maintenance plan for the placement of collected sediment on the beach. **Special Condition 1** requires a final revised u-ditch maintenance plan that includes conformance with the monitoring and avoidance measures outlined in **Special Condition 4**. **Special Condition 1** also requires a construction staging plan for the u-ditch maintenance that avoids the use of environmentally sensitive habitat areas.

Wetlands

The Aquatic Resources Delineation Report identified and mapped the following aquatic resource areas: Feature 1 (ephemeral stream) and Feature 2 (Pacific Ocean). The aquatic resource areas that were mapped are outside of the project footprint, including the construction staging and access areas, therefore the proposed project would not result in impacts to CCC wetlands.

Conclusion

As conditioned, the project is sited and designed to prevent any adverse impacts to sensitive species, ESHA, and wetlands, and can be found consistent with Coastal Act section 30240(b) and the relevant policies of the LUP.

D. Hazards

Applicable Coastal Act Provisions

The Coastal Act requires that new development minimize risks to life and property, assure stability and structural integrity, not contribute to instability, and not rely on protective devices in order to be safe from hazards. Specifically:

Coastal Act Section 30253 states, in pertinent part:

New Development shall do all of the following:

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

- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protection devices that would substantially alter natural landforms along bluffs and cliffs.

On the other hand, notwithstanding the prohibition on “new” development that would require armoring to protect it, when the Coastal Act was adopted, the Legislature included a provision allowing “existing” development to obtain just such protection, with certain caveats. Specifically,

Coastal Act Section 30235 states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.

Relevant San Clemente LUP Hazard Policies:

HAZ-2 Development Near Hazards. New development that is in proximity to a geologic, coastal or fire hazard area shall be sited and designed in ways that avoid and/or mitigate risks to life and property, provide for or maintain existing public access and recreation, protect and enhance scenic resources, avoid and/or mitigate adverse impacts to the quality or quantity of the natural supply of sediment to the coastline, control runoff, and account for sea level rise and coastal storm surge projections.

HAZ-10 Applicant’s Assumption of Risk. A Coastal Development Permit (CDP) for development in a hazardous area shall be conditioned when consistent with Policy GEN-8 to require the property owner to record a document (i.e., deed restriction) that waives and indemnifies the approving entity from liability for any personal or property damage caused by geologic, coastal or other hazards on such properties in relation to any development approved by the CDP and acknowledging that future shoreline protective devices to protect structures authorized by such a CDP are prohibited as outlined in HAZ-18.

HAZ-18 Limits on Bluff or Shoreline Protective Devices. Limit the use of protective devices to the minimum required to protect coastal-dependent uses, or existing structures or public beaches in danger of erosion, unless such devices are otherwise consistent with the public access and recreational policies of the Coastal Act and all relevant policies of the LCP. Protective devices shall be permitted when

required to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Any approved protective devices shall also be designed to avoid, or mitigate where unavoidable, impacts on public access and recreation, habitat, scenic views, beach width and other coastal resources, and they shall not substantially impair public trust resources.

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

- a. The bluff, canyon or shoreline protective device is required for the protection of coastal-dependent uses, existing structure(s) (including a principal structures or residence or public beaches in danger from erosion,
- b. Where there is no less environmentally damaging alternative to the bluff, canyon or shoreline protective device,
- c. The device is sited to avoid sensitive resources,
- d. The device is designed to eliminate or mitigate adverse impacts on local shoreline sand supply and public access and to avoid or, where avoidance is infeasible, to minimize and mitigate the encroachment on the public beach, and
- e. The device is designed to minimize adverse visual impacts to the maximum extent feasible.

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

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

HAZ-37 Removal of Non-conforming, Unpermitted and/or Obsolete Structures and Uses. When a principal structure is removed, all non-conforming accessory development and/or uses shall be removed. Development on the shoreline, canyon, and/or bluff sites must identify and remove all unpermitted and/or obsolete structures that are no longer being used, including but not limited to protective devices, fences, walkways, stairways, etc. which encroach into canyons or bluffs or shoreline or onto public property.

Adverse Coastal Resource Impacts Due to Shoreline Protective Devices

The Coastal Act and the certified LUP discourage seawalls, revetments, bluff retaining walls and other forms of hard shoreline and bluff protective devices because they generally cause significant impacts to coastal resources and can constrain the ability of the shoreline to respond to dynamic coastal processes. This is expected to be exacerbated with future sea level rise. Shoreline and bluff protective devices, by their very nature, tend to conflict with Chapter 3 policies because hard forms of armoring can have a variety of adverse impacts on coastal resources, including adverse effects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of beach. Because protection devices, such as retaining walls, revetments, and groins, can create adverse impacts on coastal processes, Coastal Act Section 30253 specifically prohibits development that could "...create [or] contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs."

The applicant's original project proposal included placing approximately 5,849 cu. yd. of new riprap on the beach along an approximately 850 ft. stretch of the railroad to supplement the existing riprap on site. The existing riprap on site is a part of a historic revetment in this area. The placement of additional riprap was proposed to protect the tracks from wave runup and sea level rise. SCRRA explained that the existing riprap on site is undersized and varies in its height and width along the project location. Therefore, SCRRA originally proposed to reuse the smaller sized riprap on site as a backing layer and place larger new riprap on top to a higher elevation. Throughout the review process, and based on feedback from Commission staff, SCRRA revised their proposed project to include the installation of approximately 700 cu. yd. of new riprap only at the culvert outlets, not along the entire stretch of beach at MP 206.13. Although the revised riprap footprint is less environmentally damaging than the initial proposal, the riprap could prevent naturally eroded sediment from reaching the beach and therefore could have significant adverse impacts on shoreline sand supply. Applied to this project, the riprap would likely be inconsistent with Coastal Act Section 30253 because it alters natural landforms.

Accordingly, with the exception of coastal-dependent uses, Section 30235 authorizes the construction of armoring that is otherwise inconsistent with the Coastal Act only if the armoring is necessary to protect "existing structures" or public beaches in danger from erosion and where impacts of the armoring are eliminated or mitigated. Therefore, to protect core coastal resources, the Coastal Act has a series of specific criteria that must be met in order to approve a protective device. For example, protective devices compelled by Coastal Act Section 30235 must be supported by substantial evidence demonstrating: (1) there is an existing structure; (2) the existing structure is in danger from erosion; (3) shoreline-altering construction is required to protect the existing threatened structure; and (4) the required protection is designed to eliminate or mitigate its adverse impacts on shoreline sand supply. The first three criteria pertaining to

Section 30235 relate to whether the proposed armoring is necessary, while the fourth criterion applies to mitigation for some of the impacts of such armoring.

Existing Structure to be Protected

The first Section 30235 criterion is whether or not a structure for which armoring is proposed as protection is considered “existing,” if it existed in its current form when the Coastal Act came into effect (i.e., January 1, 1977) and hasn’t been redeveloped since. Under Coastal Act Section 30235, structures in existence when the Coastal Act took effect on January 1, 1977, are potentially allowed armoring if the remaining three criteria identified above are satisfied.

In this case, the railroad in this location was constructed in the 1880s, well before CDP requirements associated with The Coastal Act of 1976 and is not known to have been significantly redeveloped since nor is a major redevelopment proposed now; therefore, the structure is considered an existing structure for purposes of Section 30235 of the Coastal Act. Thus, the proposed project meets the first test of Section 30235 of the Coastal Act.

In Danger from Erosion

The second Section 30235 test is whether the existing structure is in danger from erosion. The Coastal Act allows armoring to be installed to protect existing structures that are in danger from erosion, but it does not define the phrase “in danger.” There is a certain amount of risk involved in maintaining any development along the actively eroding California coastline that also can be directly subject to violent storms, wave attack, flooding, earthquakes, landslides and other hazards.

The applicant has established that the railroad is in need of protection due to the ongoing erosion of the project site from wave runup and sea level rise. Additionally, the proposed construction of the culverts would create gaps in the rail prism that would threaten the railroad if not armored. The proposed riprap will also serve to dissipate the energy of the runoff exiting the culvert, control erosion at the culvert outlet, and prevent undercutting of the railroad tracks. The Commission’s Coastal Engineer, Jeremy Smith, agrees that the riprap is necessary in this location to prevent erosion that would damage the existing railroad. Therefore, the Commission concludes that the railroad is an existing structure in danger from erosion for purposes of 30235 and that the riprap is necessary to protect the structure.

Feasible Protection Alternatives to a Shoreline Structure

The third test of Section 30235 that must be met is that revetments and other construction that alters natural shoreline processes shall be permitted when required to protect existing structures that are in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. In this case, the railroad is an existing structure, and its operations are vulnerable to disruption from

further erosion and, therefore, it is entitled to protection under Section 30235. While the railroad is not prohibited from the receiving shoreline protection, Section 30235 requires that such device be designed to eliminate or mitigate adverse impacts when such structures are allowed, therefore, the Commission considers the least environmentally damaging alternative that still provides structural support.

Other alternatives to protective devices typically considered include the “no project” alternative, managed retreat (including abandonment and demolition of threatened structures), relocation of threatened structures and/or portions thereof and combinations of each. Additionally, if armoring is determined to be the only feasible alternative, this test also requires that the chosen structural design of the protective device be the least environmentally damaging option, including being designed such that it produces the minimum amount of impacts to coastal resources necessary while protecting the endangered existing structure in question (here the railroad).

For the “no project alternative” the applicant explained that the culverts would not be constructed, which would require SCRRA to continue to have constant ongoing maintenance and repair issues along this portion of the rail corridor. The bluffs will continue to generate sediment that would accumulate uncontrolled along the track which threatens the integrity of the track bed structure. Furthermore, large storms would continue to threaten the stability of track, possibly requiring emergency repairs that would shut down train service, as other nearby sections of this busy rail corridor have recently experienced. According to SCRRA the no-project alternative would not meet the purpose of the proposed project and frequent maintenance activities would have the potential to impact to various coastal resources such as biological resources, public access, and water quality. The Commission’s Coastal Engineer, Jeremy Smith, determined that installing riprap at the culvert outlets is necessary to fill the gaps created by construction of the culverts and to protect the railroad. In response to staff’s concerns with the initial proposal, the applicant also revised the project to reduce new riprap placement by 5,184 cu. yds., limiting work solely to the culvert outlets rather than the entire beach segment. The railroad is a critical piece of public infrastructure that supports interregional travel between San Diego, Orange, and Los Angeles Counties and also serves as a strategic national defense corridor. For these reasons, demolition or relocation alternatives were not considered feasible at this time. However, long-term studies for relocation are underway. Overall, the revised project represents the least environmentally damaging feasible alternative and is consistent with Coastal Act Section 30235. Therefore, the project satisfies the third test of Section 30235.

Shoreline Sand Supply Impacts

The final test of Section 30235 that must be met is that the armoring must be designed to eliminate or mitigate adverse impacts to local shoreline sand supply. Some of the effects of engineered armoring structures on the beach (such as scour, end effects and modification to the beach profile) are temporary or are difficult to distinguish from all the other actions that modify the shoreline. Others are more qualitative (e.g., impacts to the character of the shoreline and visual quality). Some of the effects that a shoreline

structure may have on natural shoreline processes can be quantified, including: (1) the loss of the beach and shoreline recreational area on which the structure is located (encroachment); (2) the long-term loss of beach and shoreline recreational area that will result when the back-beach location is fixed on an eroding shoreline (passive erosion); and (3) the amount of material that would have been supplied to the beach and shoreline recreational area if the back-beach or bluff were to erode naturally (sand retained). The first two calculations affect beach and shoreline use areas, and the third calculation is related to shoreline sand supply impacts, but all three calculations relate to public recreational access to the beach and shoreline recreational area.

The proposed riprap would be installed in three relatively short segments along the beach. Two segments would each occupy approximately 30 ft. of shoreline, and the third segment would extend approximately 42 ft. Altogether the riprap would cover an area of about 2,225 sq. ft. However, a majority of the proposed riprap would be placed within the limits of the existing riprap. The existing railroad tracks and continuous revetment currently function as a barrier that prevents most of the eroded hillside material from reaching the shoreline. Because of this, the new riprap – limited to relatively short segments at the culvert outlets – is expected to have minor effects on shoreline sand supply. As designed, the proposed riprap is the minimum necessary to ensure proper culvert function so that stability and water quality concerns are addressed, as described in more detail below.

The project is designed to serve two main purposes. First, it will reduce the amount of sediment accumulating on the tracks, which creates stability problems. Second, it will improve the delivery of sediment to the beach by channeling runoff through the proposed u-ditch and self-flushing culvert system. As a result, any potential minor impacts to shoreline sand supply caused by the short segments of proposed riprap at the culverts outlet would effectively be offset by the project's own design, which SCRRA estimates would provide for the annual delivery of up to 116 cu. yds. of sediment to the beach, both through passive transport and maintenance events. SCRRA proposes to implement a u-ditch maintenance plan that allows accumulated sediment that cannot be naturally transported to be tested and placed on the beach. Maintenance events are expected to occur every one to three years, depending on storm conditions and other factors, and may occur multiple times a year at varying levels of severity. **Special Condition 1** requires SCRRA to submit a final revised u-ditch maintenance plan that incorporates measures to protect coastal resources. The maintenance plan would be valid for 20 years from the date of permit approval. This would allow the Commission to reevaluate the plan to ensure that impacts to coastal resources are being avoided and/or minimized to the greatest extent possible. A 20-year authorization period is appropriate because the project is designed for long-term operation, with maintenance occurring only as needed based on storm events and natural sediment conditions. The drainage system was sized using the Revised Universal Soil Loss Equation (RUSLE), discussed further below, which provides long-term average sediment generation estimates. Given the natural variability in sediment transport, a multi-decade authorization aligns with how the system is intended to function and allows for

meaningful data collection on culvert performance and sediment delivery to the beach over time.

At the end of the authorization period, SCRRA must submit a summary report identifying the amount of sediment placed on the beach or backshore during maintenance, as well as an estimate of the sediment transported passively through the culverts over the twenty years. Passive delivery would be estimated using a range of observations such as comparisons of actual build up of sand in the u-ditch with what would be expected given observed rainfall data and/or a before and after comparison of elevations of the tributary areas. This reporting requirement ensures the Commission can evaluate whether the project continues to conform with Chapter 3 of the Coastal Act, including Section 30235's resource-protection and mitigation standards.

This item was initially scheduled for the July 2026 Commission hearing. Following publication of the staff report, the Commission received a comment letter from Surfrider Foundation requesting the special conditions be modified to require annual monitoring and reporting of sediment delivery. Surfrider noted that the Commission's conclusion—that the riprap is consistent with Section 30235—is based on the project's ability to offset its impacts through sediment delivery, yet the CDP did not require annual reporting of sediment volumes reaching the beach.

Surfrider's comments are appreciated; however, annual monitoring and reporting of passive sediment transport is not necessary or practical in this case. The riprap footprint is very limited relative to the scale of the railroad and associated armoring, and the corresponding impact to shoreline sand supply is small. More importantly, the amount of sediment delivered to the beach each year will naturally fluctuate. SCRRA clarified that the estimated annual delivery of approximately 116 cu. yds. is based on the RUSLE methodology, which predicts long-term average annual soil loss across a watershed. Actual sediment transport varies based on storm intensity and frequency, localized deposition and remobilization within drainage features, and coastal processes such as waves, tides, and longshore currents. Multiple storms of differing strengths may occur each year, each contributing varying amounts of sediment. Because of this inherent variability, precise annual measurement would not meaningfully change the project's mitigation. Furthermore, directly measuring passive sediment transport through culverts is extremely challenging and practicably infeasible in this case. Even if the actual yearly sediment delivery is lower than the estimate, the Commission finds that the combination of passive transport and routine maintenance will adequately mitigate the limited impacts associated with the relatively small riprap segments. In addition, an expectation that storm severity and frequency, and therefore sediment delivery, may increase over the 20-year authorization period as a result of climate change is not unreasonable. The primary benefit of this system is to reliably and repeatedly move sediment to the beach over time. Additionally, while annual measurement of passive transport is not required, **Special Condition 1** does require SCRRA to report to the Commission the amount of sediment transported to the beach through each maintenance activity.

Additionally, throughout the years SCRRA and OCTA (Orange County Transportation Authority) have removed sediment that has accumulated adjacent to the tracks and have stockpiled it within the railroad ROW, as discussed further in Section H. of this report. OCTA estimates that there is approximately 2,000-3,000 cu. yd. of sediment stockpiled in this location. OCTA has communicated to Commission staff that they intend to submit a CDP application with SCRRA sometime in 2026 to relocate this sediment to the beach, after testing to ensure that it is beach compatible. The one-time placement of this sand, along with the annual transport of sand, will serve as mitigation for the proposed 700 cu. yd. of new riprap at the culvert outlets.

Other Hazard Considerations

In terms of recognizing and assuming the hazards risks for shoreline development, the Commission's experience in evaluating proposed development in areas subject to hazards has been that permittees continue to pursue development despite periodic episodes of heavy storm damage and other such occurrences. Development in such dynamic environments is susceptible to damage due to such long-term and episodic processes. Past occurrences statewide have resulted in public costs (through low-interest loans, grants, subsidies, direct assistance, etc.) in the multiple millions of dollars. As a means of allowing continued development in areas subject to these hazards while avoiding placing the economic burden for damages onto the people of the State of California, applicants are regularly required to acknowledge site hazards and agree to waive any claims of liability on the part of the Commission for allowing the development to proceed. Accordingly, consistent with LUP Policy HAZ-10, this approval is conditioned for the applicant to assume all risks and indemnify the Commission against all liability due to such hazards associated with developing at this location (see **Special Condition 9**).

To find the proposed project consistent with Coastal Act Section 30253, the project must be maintained in its approved and required state. Thus, **Special Condition 10** requires the applicant to maintain the revetment in its approved configuration and to retrieve any rock that gets dislodged onto the beach. This condition also notes that reconfiguration of the revetment or future additions or reinforcements of the revetment to restore the structure to its original condition beyond exempt maintenance shall require a new CDP or CDP amendment. **Special Condition 11** is also imposed which prohibits future seaward extensions of the revetment.

LUP Policy HAZ-37 requires the removal of all non-conforming accessory development when a principal structure is removed. This LUP policy also requires the removal of all unpermitted and/or obsolete structures that are no longer being used which encroach into canyons or bluffs or shoreline or onto public property. Therefore, **Special Condition 6** authorizes the culverts to remain until the time when the currently existing railroad is: either no longer present or becomes abandoned, unless it is demonstrated that the culverts are still required for adequate drainage; or no longer requires a culvert drainage device, whichever occurs first.

Only as conditioned, does the Commission find that the development conforms to the requirements of Section 30253 of the Coastal Act and the relevant policies of the City's certified LUP regarding the siting of development in a hazardous location.

E. Water Quality and Marine Resources

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 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 waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Relevant San Clemente LUP Coastal Resource Policies:

RES-16 Use of Mechanized Equipment on Beach. Beach maintenance shall strike a balance between protection of habitat and maintaining the recreational value of the beach.

a. Mechanized equipment may be permitted for use on the dry sand areas of the beach above the high tide/wrack line, subject to any applicable CDP requirement, for the following activities:

1. Regular maintenance operations, including: (a) beach cleaning (e.g., trash, driftwood, and large debris removal); (b) leveling for recreational activities; (c) seasonal re-contouring to clear public access stairways (e.g., after storms) or address safety hazards (e.g., steep drop-offs near public access points on the beach, due to storms or erosion events); and (d) installing lifeguard towers and handicap ramps;
2. Seasonal sand grooming and seasonal construction of sand berms, as provided in Policies RES-14 and RES-15;

3. Kelp removal on dry sand areas above the high tide/wrack line between May 15th and September 15th, as provided in Policy RES-13.

4. Safety activities, including use of lifeguard vehicles and other emergency machines.

5. Construction activities which require use of mechanized equipment, covered by a separate CDP.

b. The use of mechanized equipment on the beach is subject to the following management provisions:

1. No equipment will be stored on the sandy beach.

2. No mechanized equipment will operate in the wet sand (below the ordinary high tide line), except in cases of emergency and when required for safety reasons.

3. Maintenance activities will be scheduled to prevent conflict with access and use of the beach by the public.

4. Debris shall be reused or disposed of at the City landfill. Disposal at other sites within the coastal zone requires a separate CDP.

5. The operation of any equipment will be with safety as the first consideration.

RES-36 Minimization of Water Quality Impacts During Construction.

Development shall minimize water quality impacts during construction by minimizing land disturbance and soil compaction, minimizing erosion and sedimentation, and minimizing the discharge of other pollutants resulting from construction activities.

a. Minimize Land Disturbance During Construction. Development shall minimize the land disturbance activities of construction (e.g., clearing, grading, cut-and-fill, and soil compaction), especially in erosive areas (including steep slopes, unstable areas, and erosive soils), to avoid detrimental water quality impacts caused by increased erosion or sedimentation.

b. Minimize Erosion and Sedimentation During Construction. Construction shall be conducted using measures to minimize soil erosion and off-site transport of sediment and debris originating at the construction site, including as follows:

1. For necessary grading operations, the smallest practical area of land shall be exposed at any one time during development, and the length of exposure shall be kept to the shortest practical amount of time.

2. The clearing of land shall be avoided during the winter rainy season, whenever feasible, and all measures for removing sediments and stabilizing slopes shall be in place before the beginning of the rainy season, whenever feasible.

3. Sediment control measures shall be installed with the initial grading operations and maintained through the development process to remove sediment from runoff to the maximum extent practicable. All captured sediment shall be retained on site unless removed to an approved disposal location.

4. Erosion control measures such as temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soil subject to erosion that has been disturbed during grading or development. All disturbed soil areas that are inactive shall be stabilized with suitable stabilization measures as soon as feasible, no later than 14 days after inactivity. At project completion, all disturbed soil areas shall be planted to provide permanent soil stabilization/erosion control. Primarily native, drought-tolerant, non-invasive landscaping species shall be used (only California native species shall be used in areas adjacent to coastal canyons and bluffs).

5. Construction runoff control BMPs, (such as a dewatering tank, detention basin, and dedicated vehicle wash area) shall be implemented, where necessary, to either retain or infiltrate stormwater and non-storm water runoff, or to treat runoff prior to conveyance off-site during construction.

c. Minimize Discharge of Construction Pollutants. Development shall minimize pollution of runoff and coastal waters by construction chemicals and materials.

1. Materials management and waste management BMPs (such as stockpile management BMPs and debris disposal plan) shall be implemented to minimize the discharge of pollutants from staging, storage, and disposal of construction chemicals and materials.

2. Site management "good housekeeping" BMPs (such as maintaining an inventory of chemicals used on site, and having a written plan for the clean-up of spills and leaks) shall be implemented to minimize the discharge of pollutants from construction activities.

d. Avoid Construction Staging on the Beach. Construction on or adjacent to the sandy beach shall avoid staging/material storage on sandy beaches or within any other biological resource area.

RES-38 Best Management Practices for Development. To control pollutant discharges, minimize post-development changes in runoff flows, and provide long-term, post-construction erosion control and water quality protection in all physical

development, Site Design strategies and Source Control BMPs shall be required for all new development and redevelopment.

- a. **Site Design Strategies:** Development shall address runoff management early in site design planning and alternatives analysis, and shall implement appropriate and feasible Site Design strategies. Site Design strategies are project design and site layout techniques that integrate existing site characteristics that affect runoff (e.g., topography, drainage patterns, vegetation, soil conditions, natural drainage features, and infiltration conditions) in the design of strategies to minimize post-development changes in the runoff flow regime, control pollutant sources, and, where necessary, remove pollutants. Priority shall be given to the use of LID Site Design strategies (such as minimizing impervious surfaces or minimizing grading/site disturbance, protecting natural drainage features, and minimizing removal of natural vegetation), see RES-28.
- b. **Source Control BMPs:** Development shall implement appropriate and feasible long-term, post-development pollutant Source Control BMPs to minimize the transport of pollutants in runoff from the development. Source Control BMPs are structural features or operational practices that control pollutant sources and keep pollutants segregated from runoff (such as covering work areas and trash receptacles, practicing good housekeeping, requiring maintenance operational procedures, using efficient irrigation, and reducing use of landscaping chemicals).
- c. **In- or Over-Water Source Control BMPs:** Development shall implement additional Source Control BMPs for construction taking place over, in, or adjacent to coastal waters (including wetlands) if there is a potential for construction chemicals or materials to enter coastal waters. Examples include using tarps to capture debris and spills, and using BMPs for preservative-free treated wood.

The above policies of the Coastal Act and LUP require protection of marine resources, including the protection of coastal waters by controlling runoff and preventing spillage of hazardous materials.

The proposed project would have a net benefit on water quality by helping to improve runoff flows and alleviate localized flooding and erosion on the railroad mainline and surrounding area, respectively. However, the proposed project has potential for discharge of polluted runoff from project site construction activities, ultimately into coastal waters. Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. LUP Policies RES 16 and RES 36 also outline requirements related to the use

of mechanized equipment on the beach to best protect marine resources, including noting that no equipment will be stored on the sandy beach and that no mechanized equipment will operate on the wet sand (below the ordinary high tide line). Therefore, to ensure that construction material, debris, or other waste associated with the project activities does not enter the water, **Special Condition 7** outlines construction-related requirements to provide for the safe storage of construction materials and removal of debris from the area. **Special Condition 1** also requires a final revised u-ditch maintenance plan that incorporates construction phase BMPs.

The railroad ties in this area are constructed of creosote-treated wood, which is a known source of environmental contaminants. Creosote is a complex mixture composed primarily of polycyclic aromatic hydrocarbons (PAHs), as well as phenols and other organic compounds. Many of these constituents are toxic to aquatic organisms, can persist in sediments, bioaccumulate in marine food webs, and include known or suspected carcinogens. SCRRA has explained that removing and replacing the creosote-treated ties with non-leaching materials, such as steel or concrete, is not feasible because the existing ties are integral to the current rail infrastructure.

Because replacement of the creosote-treated railroad ties is not feasible, stormwater from the railroad tie area should remain hydrologically disconnected from the beach and other receiving waters through infiltration into native soils or treatment by appropriate BMPs prior to any discharge. According to SCRRA, the project's u-ditch and culverts are designed to convey stormwater across the corridor, prevent flow along the tracks, and minimize contact with rail materials. SCRRA also states that runoff reaching the track bed will infiltrate through the ballast, sub-ballast, and underlying soils. Although ballast and sub-ballast are primarily intended to provide structural support, drainage, and track stability, they can also promote infiltration and remove coarse sediment. SCRRA explained that the project is designed to fully infiltrate the 85th percentile, 24-hour water quality storm event, or 0.83 inches, and that the embankment's silty sand marine beach deposits are expected to infiltrate 100 percent of that event. SCRRA further stated that the sub-ballast section alone provides storage equivalent to approximately a 2-inch storm depth, and that runoff to the culvert system would occur only during larger storm events that exceed the water quality design storm, with most such runoff originating from upstream State Park bluff areas. Based on this information, Commission staff have concluded that stormwater contacting the creosote-treated railroad ties is unlikely to be discharged to the beach through the proposed culvert system and that the project includes sufficient water quality protections as designed.

However, sediment that has accumulated within the project area historically, including within the u-ditch, may be hydrologically connected to the railroad tie area or may have received runoff, seepage, or drainage from the rail corridor and therefore could contain creosote-related contaminants, including PAHs. Because such sediment is proposed for removal and beneficial reuse as beach nourishment, additional safeguards are required to ensure that contaminated material is not placed on the beach.

Accordingly, **Special Condition 1** requires that prior to removal of any sediment from the project site for placement on the beach, the permittee shall submit for the Executive Director's review and written approval a sediment sampling and analysis plan identifying all areas proposed for excavation that are hydrologically connected to the railroad tie area or that may have received runoff, seepage, or drainage from the rail corridor. The plan must require representative sampling and analysis of sediment for creosote-related contaminants, including PAHs, using approved analytical methods. The condition further requires that no sediment be placed on the beach until the permittee submits the analytical results to the Executive Director for review and written approval and demonstrates that the sediment is suitable for unrestricted beach placement based on the most current and applicable sediment quality screening benchmarks and human health screening levels established or recommended by the U.S. Environmental Protection Agency, the California Environmental Protection Agency, the State Water Resources Control Board, the applicable Regional Water Quality Control Board, NOAA, or other appropriate regulatory agencies. Any sediment exceeding applicable screening levels, benchmarks, or criteria may not be placed on the beach unless the Executive Director approves such placement in writing.

Thus, as conditioned, the Commission finds that the proposed project is consistent with Coastal Act and LUP policies related to the protection and enhancement of water quality and marine resources.

F. Visual Resources

Section 30251 of the Coastal Act states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

Relevant San Clemente LUP Visual Resource Policy:

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

VIS-13 Siting New Development. Development on sandy beach areas shall be designed and sited to minimize impacts to public coastal views.

Section 30251 of the Coastal Act requires that visual resources in scenic areas be protected, and, where feasible, enhanced. Consistent with this mandate, the certified LUP includes several policies addressing the protection of scenic views. LUP Policy VIS-1 echoes Section 30251, requiring that the scenic and visual qualities of the coastal zone—including views to and along the ocean—be preserved and, where feasible, restored and enhanced.

The proposed culverts would be visible from the public beach seaward of the site. As noted, the LUP requires protection and enhancement where feasible, of all scenic and visual qualities within the coastal zone. The LUP also requires that development on sandy beach areas should be designed and sited to minimize impacts to public coastal views. While the project introduces new visible elements that are not currently present, there are no feasible alternatives that would avoid these visual impacts. The culverts must be located at this specific point along the rail corridor because their function depends on connecting the inland drainage and sediment transport system to the beach. Shifting the culverts to another location would prevent them from intercepting and conveying sediment from the inland side of the tracks, thereby defeating the essential purpose of restoring sediment movement to the beach. Therefore, locating the culverts outside of public view areas is not feasible.

To ensure that any unavoidable adverse effects to public views are minimized to the maximum extent feasible, **Special Condition 2** requires that the visible surfaces of the culverts, headwalls, and wingwalls be designed to incorporate, or closely mimic, the color and texture of native materials and the surrounding natural environment, such as rock-faced treatments. Only as conditioned can the proposed development be found consistent with the visual resource protection policies of the Coastal Act and the City's certified LUP.

G. Public 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.

Relevant San Clemente LUP Public Access Policy:

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

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The majority of construction activities, including all of the staging and laydown areas, will occur within the railroad ROW between the railroad tracks and the bluff ([Exhibit 5](#)). Beach access at Avenida Calafia is by way of a protected pedestrian at-grade railroad crossing and stairs that lead down to the beach. This accessway is designated as Public Access Point 16 in the City of San Clemente's certified LUP ([Exhibit 6](#)). Access to the public beach through the pedestrian at-grade railroad crossing and stairs would remain open during construction. Additionally, the Calafia State Beach parking lot would remain open during construction, and all vehicles will be able to access the parking lot using Avenida Calafia. Therefore, public access is not anticipated to be impacted by construction activities. Additionally, no fencing or other barriers are proposed within the railroad ROW after construction is complete, therefore completion of the proposed project is not anticipated to result in impacts to public access to and along the coast.

As previously explained, SCRRA proposes to implement a u-ditch maintenance plan for the placement of collected sediment on the beach. **Special Condition 1** requires a final revised u-ditch maintenance plan that includes a construction staging plan avoiding the use of public beach access areas and minimizing use of public parking areas. The revised plan should also indicate that that maintenance activities during peak beach use season (Memorial Day weekend through Labor Day weekend) shall be avoided and where avoidance is not possible, minimized to the greatest extent feasible, and that safe public access to or around areas where maintenance activities will occur shall be maintained during all project operations.

Under current conditions, the width of the dry sandy beach fluctuates considerably with seasonal changes, storm events, and tidal cycles. During periods of high surf or king tides, wave runup can reach the existing rock revetment, making lateral access seaward of the revetment difficult for both the public and emergency responders. During typical high tides the beach width varies from approximately 20-35 ft. In contrast, during low tides, the dry beach can widen to up to approximately 100 ft. The proposed energy dissipators would extend onto approximately 9 ft. of sandy beach for one of the 2-ft. wide culverts, and about 13 ft. of sandy beach for the box culvert. The 13-ft. extension accommodates the energy dissipator, which is expected to be periodically buried due to the culvert's self-flushing design and its ability to move sediment from the bluff side to the beach side of the railroad tracks. Because current extreme highwater conditions already extend landward of the proposed dissipators limiting lateral access, the addition of the culvert structures is not expected to create new access impacts compared to the existing situation. During typical high tides and all low tide conditions, sufficient beach

width is expected to remain for the public to traverse around any exposed portions of the dissipators. Over the 20-year authorization period for the u-ditch maintenance plan, the relatively slow rate of sea level rise and the anticipated periodic burial of the dissipator further reduce the likelihood of significant access impacts. However, if at the end of the authorization period it is determined that the project no longer conforms with Chapter 3 of the Coastal Act, including Section 30235's resource protection and mitigation standards, any impacts would be required to be addressed through an amendment to this CDP or through a new CDP.

The Commission's action herein is not intended waive any public rights that exist or may exist on the affected property, and thus, the CDP is so conditioned to require the applicant to agree and acknowledge the same, including that the applicant shall not use the CDP as evidence of a waiver of any public rights that may exist on the property now or in the future (see **Special Condition 12**).

Therefore, the Commission finds that the development, as conditioned, is consistent with the public access policies of the Certified LUP and Chapter 3 of the Coastal Act.

H. Coastal Act Violations

Commission staff has discovered a potential violation on the subject site, including but not limited to grading and stockpiling of sediment within an approximately 8,600 sq. ft. area of Coastal bluff scrub ESHA, without the benefit of the necessary CDP. Staff has opened an investigation into the potential violation and met with representatives from SCRRA and OCTA on June 30, 2026, to discuss potential resolution measures including, but not necessarily limited to, restoration of the affected area and mitigation. Enforcement staff then sent follow up correspondence to SCRRA and OCTA on July 16, 2026, to memorialize this discussion and present directions for resolution through the CDP process. Staff will continue to work with SCRRA and OCTA to resolve this matter in a timely fashion.

The application does not include resolution of the potential violation and, thus, even if this application is approved, and the permit is exercised, a potential violation will remain on the subject property that will not be addressed by the Commission's action on this application. Accordingly, the applicant remains subject to enforcement action just as it was prior to this permit approval for engaging in unpermitted development. The matter has been referred to the Commission's enforcement division to consider options for future action to address the potential violation.

Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations (or any other violations), nor does it constitute an implied statement of the Commission's position regarding the legality of the development undertaken on the subject site without a coastal permit, or of any other development, except as otherwise expressed herein. Although development has taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act.

I. Local Coastal Program

Coastal Act Section 30604(a) states that, prior to certification of an LCP, a CDP can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Commission certified the LUP for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested modifications the Implementation Plan (IP) portion of the Local Coastal Program. The suggested modifications expired on October 10, 1998. The City re-submitted an IP on June 3, 1999, but withdrew the submittal on October 5, 2000. Most recently in 2018, the City certified an LUP amendment for a comprehensive update of the LUP. The City is currently also working on resubmittal of an IP, however, there is no certified LCP at this time.

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LUP for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

J. Response to Comments

Prior to publication of the staff report, staff received a comment letter on July 27, 2026, from Suzie Whitelaw of Save Our Beaches (SOB) San Clemente. SOB requests that the Commission deny the CDP application unless the applicant redesigns the project to conform to existing standards for storm drain outlets along the San Clemente coastline. Staff received 28 additional comment letters requesting that the Commission deny the application. The primary concerns raised by SOB and other commenters include: the belief that the proposed structures are overdesigned; that the structures would impact lateral access along the beach and may create public safety hazards; that the applicant has not demonstrated a need for the project; that annual sediment maintenance should be pursued instead; and that the project does not include adequate mitigation for coastal resource impacts.

Project design and public access and safety concerns

SOB states that the proposed storm drains would extend approximately 50 ft. onto the dry sandy beach, compared to nearby storm drains that extend only 15–25 ft. from the seaward side of the rail, and expresses concern that this additional extension could block lateral access for pedestrians and lifeguards during high tides and extreme tide events such as king tides. However, the images provided with SOB's letter seem to exhibit a misunderstanding of the project design. While the two 2-ft.-wide culverts are approximately 50-ft.-long, they would begin on the inland side of the railroad tracks and would extend approximately 30 ft. seaward of the center line of the tracks entirely within the existing riprap limits. As proposed, the culvert energy dissipator for the furthest upcoast culvert would extend an additional approximately 9 ft. beyond the outfall and

onto the sandy beach, whereas the furthest downcoast energy dissipator would not extend onto the sandy beach. Additional riprap is proposed up to the edge of the railroad ROW (in line with the buried portion of the adjacent rip rap revetment)—about 50 ft. from the track centerline—but this riprap would be buried roughly 5 ft. below grade and is not anticipated to become exposed. Therefore, the exposed portions of the culvert structure would extend approximately 39 ft. from the tracks and only approximately 9 ft. of one of the exposed 2-ft.-wide culvert structures would extend onto the sandy beach, the remainder of the structures would be located within the limits of the existing riprap. The box culvert would extend approximately 33 ft. from the track centerline within the existing riprap footprint, with its energy dissipator extending an additional 13 ft. onto the sandy beach. The applicant expects that sediment passing through the self-flushing box culvert will periodically bury the entire 13-ft. of the dissipator structure. Thus, the culverts are not anticipated to significantly impact lateral coastal access, as explained further in the public access section of this staff report.

Regarding comparisons in the comments to nearby culverts, such as those at Avenida Calafia, those structures are designed only to convey runoff from the adjacent parking lot. The culverts proposed in this application serve a different function; they are intended to convey runoff and sediment from the nearby tributary and therefore require a different design including extending further seaward and consisting of a slightly larger structure.

Demonstrated need for the project

SOB also states that SCRRA did not provide any evidence for the existing buried culvert outlets and suggested that, without existing culverts, there is no demonstrated need for the project. In response to this, SCRRA provided a track map which shows the location of the buried culverts. In any case, the project is necessary to reduce the amount of sediment accumulating on the tracks, which creates stability problems, and will improve the delivery of sediment to the beach by channeling runoff through the proposed u-ditch and self-flushing culvert system.

Annual Sediment Maintenance Alternative

SOB states that the tracks in this area have been in place for over 100 years, with only one recent instance of stormwater overtopping the existing K-rails on the east side of the tracks. Therefore, SOB suggests that SCRRA initiate a maintenance plan to excavate the sediment from the east side of the tracks and move that sand to the beach, rather than construct the culverts as proposed.

Annual sediment maintenance was evaluated as part of the “no project” alternative; however, SCRRA explained that this alternative would not meet the project objectives of improving drainage, reducing sediment and water buildup, or decreasing the need for continuous maintenance. Therefore, this alternative was determined to be infeasible for the proposed project.

Alleged Lack of Mitigation

SOB states that, as phrased in the application, authorization would allow for up to 2,100 cu. yd.² of sand to be placed on the beach annually as mitigation for riprap placed on the beach. SOB raises concerns that this phrasing would mean that the project proponent will be in complete compliance if zero grains of sand are placed on the beach, and that the proposed permit, as written, does not require any mitigation for coastal resource impacts.

The applicant's estimate (actually 3,140 cu. ft., 116 cu. yd.) represents a maximum expected annual sediment delivery based on their methodology for evaluating sediment transport through the proposed drainage system. It is not a guaranteed delivery amount and is intended to illustrate the anticipated performance of the system under typical conditions. Importantly, given the design of the culverts including the self-flushing box culvert, it is highly unlikely that zero sediment would reach the beach. Even if annual sediment delivery is somewhat lower than the applicant's estimate, the combination of passive sediment transport and routine maintenance is expected to adequately mitigate the limited impacts associated with the relatively small riprap segments along the culverts. Additionally, it is reasonable to expect storm severity and frequency—and therefore sediment delivery—may increase over the 20-year authorization period due to climate change. The primary benefit of the system is that it is designed to reliably deliver sediment to the beach over time, which is the intended purpose of the project. Additionally, the u-ditch maintenance plan for placement of sediment on the beach would be valid for 20 years from the date of permit approval. This would allow the Commission to reevaluate the plan to ensure that impacts to coastal resources are being avoided and/or minimized to the greatest extent possible.

K. California Environmental Quality Act (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of CDP applications to be supported by findings showing the approval, 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 Commission's regulatory program for reviewing and granting CDPs has been certified by the Resources Secretary to be the functional equivalent of CEQA. (14 CCR § 15251(c).)

In this case, SCRRA is the lead agency and the Commission is a responsible agency for the purposes of CEQA. SCRRA determined that the proposed development is a statutory exemption under Sections 15301, 15302, and 15303 which exempts from CEQA requirements existing facilities, replacement or reconstruction projects, and new

² This quantity was revised by SCRRA to be approximately 116 cu. yd.

construction or conversion of small structures. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment, either individually or cumulatively with other past, present, or reasonably foreseeable probable future projects. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Coastal Development Permit Application Number 5-23-0237 and associated file documents