

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CALIFORNIA 90802-4830
PH (562) 590-5071
WWW.COASTAL.CA.GOV



April 10, 2025

EMERGENCY PERMIT ACCEPTANCE FORM

TO: CALIFORNIA COASTAL COMMISSISON
South Coast District Office
301 E. Ocean Blvd., Suite 300
Long Beach, California 90802-4830

RE: Emergency Permit No. G-5-25-0013

INSTRUCTIONS: After reading the attached Emergency Permit, please sign this form and return to the South Coast District Office within 15 working days from the permit's date (i.e., by **May 1, 2025**).

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them.

I also understand that the emergency work is TEMPORARY and that a regular Coastal Development Permit is necessary for any permanent installation. I agree to apply for a regular Coastal Development Permit OR I will remove the emergency work in its entirety as outlined in the terms and conditions of the emergency permit.



Signature of Property Owner or
Authorized Representative

Address: 550 S. Main Street
Orange, CA 92868

James G. Beil

Print Name
Per 4/17/25 letter, OCTA objects
to the 120-day sand placement
condition.

4/17/2025

Date of Signing

Signature of Property Owner or
Authorized Representative

Address: _____

Print Name

Date of Signing



AFFILIATED AGENCIES

*Orange County
Transit District*

*Local Transportation
Authority*

*Service Authority for
Freeway Emergencies*

*Consolidated Transportation
Service Agency*

*Congestion Management
Agency*

April 17, 2025

Mr. Karl Schwing
California Coastal Commission
South Coast District Office
301 E. Ocean Blvd, Suite 300
Long Beach, CA 90802

Subject: Emergency Coastal Development Permit No. G-5-25-0013

Dear Mr. Schwing:

I would like to thank you and your team for continuing to meet with the Orange County Transportation Authority (OCTA) regarding the Los Angeles-San Diego-San Luis Obispo rail corridor imminent risk areas in south Orange County. OCTA appreciates the California Coastal Commission's (Commission) expedited review of our March 31, 2025, emergency Coastal Development Permit (eCDP) submission and your action to acknowledge an emergency exists. I would like to bring to your attention a couple of challenges created by the Commission's decision to bifurcate the four Reinforcement Area project components as they relate to the permitting process, and the expected sand placement timeline.

On April 10, 2025, the Commission issued a partial eCDP for the Areas 1 and 2 riprap repair and sand placement, and Area 3 preparatory work (removal of damaged Mariposa Pedestrian Bridge). Subsequent to that OCTA also received emails from Commission staff stating future CDP applications and Commission actions would be required for the remaining Area 3 catchment wall and Mariposa Beach trail restoration and Area 4 riprap repair, sand placement, and shoreline protection structure components. This bifurcation from the rest of the project presents funding challenges to the overall implementation schedule for the project as the state is only able to release Trade Corridor Enhancement Program and the Transit and Intercity Rail Capital Program funding for the initial eCDP work. Since Area 3 and Area 4 State funds have not been allocated, additional design work would be performed at risk and not eligible for reimbursement. This jeopardizes funding approved for this work at the state and federal level, hindering emergency response and completion efforts.

Mr. Schwing
April 17, 2025
Page 2

While OCTA is fully committed to delivering the sand placement component of this project, we strongly urge the Commission to reconsider the timeframe of sand placement completion within 120 days of the eCDP issuance. We understand the executive director, at her discretion, may choose to extend the timeline if OCTA has compelling reasons why the sand placement cannot be achieved within the prescribed timeline, however, we firmly believe that a 120-day timeline is not achievable given there are factors beyond OCTA's control.

In a recent meeting between OCTA, Commission, and the State Lands Commission (SLC) staff on April 14, 2025, the SLC indicated that OCTA would need to secure a lease before moving forward with procuring sand from the Surfside-Sunset borrow site; a process which could take between six months and one year. In addition, OCTA is coordinating with the United States Army Corps of Engineers (USACE) to obtain the necessary federal permit for the sand borrow site and placement site. At the present time, the USACE has indicated the appropriate mechanism for the sand permit process is a Letter of Permission (LOP). The LOP process requires Section 106, Endangered Species Act, and Essential Fish Habitat consultation processes which could run concurrently and takes a minimum of 120 days. It is important to note that the National Environmental Policy Act documentation cannot be signed off until the Federal Railroad Administration (FRA) has completed the consultation processes. While the FRA, SLC and USACE have indicated a willingness to expedite review of the process, we believe it is not reasonable to expect the sand placement to be completed in 120 days.

With several parallel efforts underway with respect to permitting and documentation required that are outside of OCTA's direct control, combined with some of the conditions being at the discretion of the executive director, the current conditions as-is for this component is likely to put OCTA at risk of being non-compliant with the provisions of this eCDP. We respectfully request that you consider our request to modify the eCDP timeline to reflect 365 days for sand placement to ensure we have adequate time to secure all of the necessary documentation and approvals outside of OCTA's control.

Regarding the Commission's request to complete CDP applications No. 5-24-0714 and No. 5-24-0715 as soon as possible, we acknowledge that further documentation is needed to complete these CDP applications. However, OCTA is prioritizing the current eCDP and commencement of emergency work as this is an immediate need, and will shift focus to these CDP applications once the immediate needs have been fully addressed.

Mr. Schwing
April 17, 2025
Page 3

In summary, OCTA thanks the Commission for its continued commitment to working with us and other stakeholders to address emergency needs to stabilize the railroad in south Orange County. In order to meet all conditions of the eCDP as satisfactorily as possible, we would appreciate your thoughtful consideration of our request as defined above.

If you have any questions, please contact me at (714) 560-5907 or dphu@octa.net.

Sincerely,



Dan Phu
Director of Planning

DP:rs

enclosure

c: Dr. Kate Hucklebridge, Commission
Shannon Vaughn, Commission
Dani Ziff, Commission
Liliana Roman, Commission
Vince Lee, Commission
Jeremy Smith, Commission
Jim Beil, OCTA
Jason Lee, OCTA