

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
301 East Ocean Boulevard, Suite 300
Long Beach, CA 90802-4302
(562) 590-5071



April 10, 2025

Jason Lee
Program Manager, Capital Project Delivery
Orange County Transportation Authority
550 South Main Street
P.O. Box 14184
Orange, CA 92863-1584

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

Dear Mr. Lee,

In January 2024, OCTA published a Coastal Rail Resiliency Study – Initial Assessment Technical Memorandum with the goal of developing alternative concepts for maintaining railroad operations within the existing railroad corridor. The Initial Assessment identified four “potential reinforcement areas” which they found may be susceptible to risk from future bluff failures and coastal erosion within the next two years that may result in further shutdown of railroad operations. In August 2024, OCTA submitted CDP applications (i.e., CDP 5-24-0715 for Areas 1 and 2, CDP 5-24-0398 for Area 3, CDP 5-24-0714 for Area 4) with conceptual plans to address ongoing bluff erosion and bluff failures inland of the railroad tracks and erosion of the railroad embankment rock protection on the seaward side of the railroad tracks in these four “potential reinforcement areas.” Staff has worked with the applicant for the past year with the goal of completing these applications and helping inform how to address coastal erosion at these sites while addressing Coastal Act requirements. The applicant states that over the past year, however, they have observed additional beach erosion and deterioration of the rock protection of the railroad embankment seaward of the railroad tracks posing imminent risk to the railroad service, life, and property along these four areas. Thus, the submittal of the subject Emergency Coastal Development Permit (ECDP) request aimed to expedite work currently proposed under the previously submitted CDP applications to address increased risk from these ongoing hazards.

We have completed review of your ECDP request received on April 1, 2025 and issued ECDP number G-5-25-0013. In brief, using the area descriptions for priority projects along the railroad line in San Clemente, the ECDP request is for rock rip rap repair and sand placement in Areas 1 & 2; installation of a new catchment wall and reconstruction of the public pedestrian trail in Area 3; and sand placement, reinforcement of some existing sections of rock rip rap, and either a new engineered rock revetment or seawall in Area 4. The following subsections, organized by these areas, outline how we are addressing your request and the rationale for our approach.

Areas 1 & 2 - Commission staff concurs with OCTA’s assessment that an emergency exists at Areas 1 and 2. An emergency CDP (No. G-5-25-0013) for the proposed sand and rock placement at these two sites is included herein. In the emergency permit application materials, OCTA provided new information and pictures demonstrating that the

existing rock revetment is damaged and unstable. Our staff agree that the conditions of the revetment along this stretch are inadequate to provide the existing rail with sufficient protection against potential high tides and storms in the coming months. Placement of sand with the addition of supplemental rock should avoid further damage from wave runoff as OCTA works to complete CDP Application No. 5-24-0715 (received August 21, 2024). Commission staff see the placement of sand as a necessary component of the proposed work at Areas 1 and 2 that both minimizes risk to the railroad from coastal erosion and minimizes service disruption to rail operations. Placing sand dredged from offshore could be achieved with minimal closure of the railroad as compared to the construction of an engineered armoring structure. This is evident when comparing the construction of the rock placements for Cyprus Shores and the sand placement at the City's main beach by the U.S. Army Corps of Engineers. Our staff are available to assist OCTA staff as it works through the necessary authorizations for the rapid placement of sand with our regulatory partners.

Area 3 – We share OCTA Staff's concerns about the potential for additional landsliding and urgent need to address the risk posed by the landslide episodes of March 2024 and in November 2024 through January 2025 to maintaining essential public rail services. We are also pleased to see reconstruction of an important section of the California Coastal Trail that has been closed for some time as part of OCTA's proposal. As you know, we have been working closely with OCTA staff on this proposal for the past several months, and had agreed upon an expedited regular CDP permitting process of CDP 5-24-0398 received back in May 15, 2024 to authorize the work now proposed by this ECDP at Area 3. CDP 5-24-0398 was deemed incomplete awaiting several key project details that have now been provided under this latest emergency submittal. Therefore, we believe that the most appropriate, efficient and expeditious path to authorize the bulk of the permanent development proposed at Area 3 is to incorporate the additional information you have provided into your current application for this development (CDP Application No. 5-24-0398) and aim to bring it before the Commission at its meeting in May. One of the purposes of an ECDP is to allow for authorization of critical work needed to protect life and property from a sudden unexpected occurrence demanding immediate action faster than normal permitting pathways allow. Thus, in acknowledgment of the present geologic instability of the adjacent bluff and potential unpredictable catastrophic failure, immediate initial site preparatory work such as the proposed Area 3 Action 1: demolition of the remaining portions of the Mariposa Pedestrian Bridge structure and preparatory site grubbing and grading is the minimum necessary development to address the emergency situation and may be approved under the ECDP.

Area 4 – Commission staff requires additional information before it can concur that an emergency, as defined under the Coastal Act, exists at Area 4. In its emergency permit application, OCTA submitted new information suggesting that the existing rail protection at Area 4 could be damaged with a 10-year storm. While the application did not include the details of the modeling that predicted this, the shoreline erosion observed in the past few years has exposed the vegetated berm fronting much of Area 4 to increased wave attack. To fully evaluate the conditions at this site, we request additional information that will help us better understand what recent observations, or information that led to OCTA's change

in approach and decision to seek an emergency permit. If staff does concur that an emergency exists at some point in the future, it is critical that we have a clear proposal on what is being proposed and enough information to assess that the emergency action(s) proposed is the minimum necessary to address the emergency, and to evaluate coastal resource impacts associated with the action(s). Commission staff understands that it is important to move quickly to address vulnerabilities at Area 4 and will continue to work with OCTA staff on evaluating proposed solutions as more information becomes available.

Please read the conditions of the attached ECDP carefully and return the signed ECDP to Coastal staff as soon as possible. The emergency work is not authorized until we receive the signed copy.

We look forward to continuing our coordination to complete the incomplete CDP applications for development in these hotspot areas (CDP Application Nos. 5-24-0715 for Areas 1 and 2; 5-24-0714 for Area 4; 5-24-0398 for Area 3, and 5-21-0866) and contemplate long-term solutions to maintaining public access and protecting coastal resources along this stretch of coastline. If you have any questions or require further clarification, feel free to reach out to our staff.

Sincerely,
DocuSigned by:


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Karl Schwing
Deputy Director, South Coast District
Orange County Area

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
301 East Ocean Boulevard, Suite 300
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**EMERGENCY COASTAL DEVELOPMENT PERMIT****Emergency CDP G-5-25-0013 (OCTA Area 1, 2, and 3)****Issue Date: April 10, 2025****Permittees:** Orange County Transportation Authority (OCTA)**Emergency Location:** OCTA Railroad Right-Of-Way (ROW) at Area 1: Mile Post (MP) 203.83 to 203.90; Area 2: MP 204.00 to 204.40; and Area 3 MP 204.07 and MP 204.34, San Clemente, Orange County**Emergency Description**

The subject site is a section of the Orange County subdivision of the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail corridor running parallel to the beach at the toe of coastal bluffs in the City of San Clemente. According to the applicant, since 2021, rail corridor closures along the San Clemente stretch due to bluff landslides and ongoing natural coastal bluff erosion inland of the railroad and coastal erosion resulting in loss of dry sandy beach and railroad embankment revetment loss has affected annual passengers and impacted more than \$1 billion in annual freight movement. Over the past year, the applicant states they have observed additional landslides, continued hillside instability, and additional beach and railroad embankment erosion that pose imminent risk to the railroad service, life, and property. The railroad embankment and railroad track ballast in Areas 1 and 2 are considered to be at imminent risk of damage due to the loss of dry beach and loss/damage of rock riprap protecting the rail caused by past storms and continuing erosional processes. The beach width varies seasonally and is impacted by storm waves and King Tide events leaving little protection of the rail line by the existing embankment. At the identified Area 3, the railroad is threatened on the inland side of the railroad tracks. Landslide debris from three recent landslides (two in March 2024 and one in November 2024 through January 2025) is currently being retained by the remaining closed-off sections of the damaged Mariposa Pedestrian Bridge structure. Erosion at this same location in January 2024 at MP 204.2 led to the eventual collapse of two segments of the Mariposa Pedestrian Bridge structure and the ultimate closure of the railroad and subsequent need for emergency repair. These most recent landslide movements are expected to continue to progress with potential unpredictable catastrophic sudden failures, thus requiring immediate action to prevent or mitigate loss or damage to life and/or essential public services.

Emergency Development

The proposed emergency work for each area is as follows:

Area 1 - Placement of approximately 900 tons (600 CY) of 3-ton sized rock roughly between MP 203.83 and MP 203.90 immediately seaward of railroad tracks to reinforce existing rock protection. Site preparation, access and staging, and placement of rock is estimated to start in April 2025 and would require two weeks construction.

Area 2 - Placement of approximately 6,750 tons (4,500 CY) of 3-ton sized rock between MP 204.00 and MP 204.40 immediately seaward of railroad tracks to reinforce existing rock protection. Site preparation, access and staging, and placement of rock is estimated to start in April 2025 and would require two weeks construction.

Areas 1 and 2 - Placement of 240,000 cu. yds. of total volume of sand nourishment over the replaced rock immediately adjacent to the railroad infrastructure.

Area 3

- Action 1) Demolition of all of the remaining portions of the Mariposa Pedestrian Bridge structure, grubbing and grading for site preparation.
- Actions 2-4 identified in the applicant's original submittal are not covered by this ECDP.

Executive Director's Determination

The Executive Director of the California Coastal Commission makes the following findings:

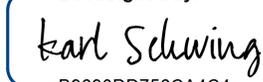
Areas 1 and 2: (a) Wave erosion during storm and king tide events which could potentially cause damage to the railroad track ballast resulting in closure of railroad service demands immediate action to prevent or mitigate loss or damage to life, health, property or essential public services (i.e., an "emergency" (see Title 14 California Code of Regulations Section 13009 and California Coastal Act (Public Resources Code) Section 30624); (b) an emergency exists that requires action more quickly than allowed by the procedures for administrative or regular Coastal Development Permits (CDPs); (c) the emergency development can and will be completed within 60 to 120 days of Emergency Coastal Development Permit (ECDP) issuance unless otherwise specified by the terms of this ECDP; (d) the emergency development carried out under this ECDP is considered temporary work done in an emergency situation to abate an emergency and is undertaken at the Permittees' risk; (e) a regular CDP must be obtained for the emergency development to become more than temporary emergency abatement and/or if the Permittee wishes to expand the scope of work beyond that authorized by this ECDP; (f) absent obtaining a regular CDP, the emergency development shall be removed and the affected area restored; and (g) Commission staff will review public comment on the proposed emergency development as time allows.

The emergency development for placement of a maximum of 5,100 cu. yds. of 3-ton rock and 240,000 cu. yds. of sand replenishment in Areas 1 and 2 is hereby approved, subject to the conditions listed in the "Conditions of Approval" section below.

Areas 3: (a) Landslide debris from three recent landslides (two in March 2024 and one occurring in November 2024 through January 2025) is currently being retained and held

back by the remaining sections of the damaged and closed Mariposa Pedestrian Bridge structure. The landslide debris flow movement is expected to continue to progress with the potential of unpredictable and possibly catastrophic sudden debris flow which could potentially cause damage to the railroad tracks resulting in closure of railroad service demands immediate action to prevent or mitigate loss or damage to life, health, property or essential public services exists (i.e., an “emergency” (see Title 14 California Code of Regulations Section 13009 and California Coastal Act (Public Resources Code) Section 30624); (b) an emergency exists that requires action more quickly than allowed by the procedures for administrative or regular Coastal Development Permits (CDPs); (c) Action 1 - demolition of all of the remaining portions of the Mariposa Pedestrian Bridge structure, grubbing and grading for site preparation is the minimum necessary to address the emergency situation; (d) Except for Action 1, the emergency development proposed in Actions 2-4 cannot be considered temporary work done in an emergency situation to abate an emergency. Actions 2-4 will be considered for expedited approval separately.

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Karl Schwing, Deputy Director
South Coast District, Orange County Area
for Dr. Kate Huckelbridge, Executive Director

Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the Permittee and returned to the California Coastal Commission’s South Coast District Office **within 15 working days** of the date of this ECDP (i.e., by **May 1, 2025**). This ECDP is not valid unless and until the acceptance form has been received in the South Coast District Office.
2. All emergency development shall be limited in scale and scope to that identified for Areas 1 and 2, and Action 1 in Area 3 in the conceptual design plans prepared by Coastal Frontiers dated March 18, 2025 for OCTA and Metrolink and received on April 1, 2025, titled “Orange County Transportation Authority, Coastal Rail Stabilization Priority Projects, Area 1 Riprap Repair;” conceptual design plans titled “Orange County Transportation Authority, Coastal Rail Stabilization Priority Projects, Area 2 Riprap Repair,” “Areas 1,2, and 4 Site Plan and Sand Placement,” “Orange County Transportation Authority, Coastal Rail Stabilization Priority Projects, Area 3 Removals by Metrolink” and “Orange County Transportation Authority, Coastal Rail Stabilization Priority Projects Staging Areas and Construction Access Routes Areas 1,2,& 3” attached as exhibits to this ECDP. All other development seeking emergency approval in this emergency CDP submittal is not authorized by this ECDP. Only the emergency development specifically described in this ECDP and for the specific locations listed above is authorized. Any other development requires separate authorization from the Executive Director or the Commission, as applicable.
3. The Permittee shall submit a Sand Replenishment Plan for review and approval by

the Executive Director **within 30 days** of ECDP Issuance (i.e. by **May 10, 2025**). The Sand Replenishment Plan shall address the elements listed in the Emergency Sand Placement Plan Template document included as Appendix A. This includes identifying the source of the sand, the method for placing sand on the beach and a timeline for sand placement that is consistent with Condition 4.

4. The emergency development authorized on a temporary basis by this ECDP must be completed, as follows: a) within **60 days** of ECDP issuance (i.e., by **June 9, 2025**) for the rock placement in Areas 1 and 2, and for the demolition of the Mariposa Pedestrian Bridge structure, grubbing and grading in Area 3; and b) **within 120 days** of ECDP issuance (i.e., by **August 8, 2025**) for the sand nourishment in Areas 1 and 2. Per Condition 27, deadline extension adjustments may be approved by the Executive Director if deemed appropriate in light of circumstances, including that the Permittee has shown diligence in pursuing the emergency development and meeting all ECDP terms and conditions.
5. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other resource agencies, the local government (e.g., City of San Clemente, California State Lands Commission, California State Parks, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, etc.), or landowners. The Permittee shall submit to the Executive Director copies of any other such authorizations and/or required permits upon their issuance.
6. By exercising this ECDP, the Permittee acknowledges and agrees that the emergency development is temporary, is designed to temporarily abate the emergency, and shall be removed unless and until a regular CDP authorizing the work is approved, and provided the Permittee adheres to the terms and conditions of the follow up CDP. The Permittee further acknowledges and agrees that any regular CDP is subject to all of the provisions of the California Coastal Act (as codified in Sections 30000 to 30900 of the Public Resources Code) and any applicable Local Coastal Program (LCP) policies and may be conditioned accordingly to avoid and/or to offset coastal resource impacts consistent with the Coastal Act (and LCP as applicable) (including but not limited to requirements for public access provisions (such as offers to dedicate, easements, in-lieu fees, etc.), assumption/disclosure of risks (including deed restrictions), triggers for relocation/removal, offsetting mitigations, etc.). The Permittee acknowledges that review of the CDP application(s) to determine consistency with the Coastal Act (and LCP as applicable) will be based on the conditions the property(s) was legally in prior to initiation of the temporary emergency development that is the subject of this ECDP.
7. By exercising this ECDP, the Permittee acknowledges and agrees that it may be required to complete a Railroad Relocation Analysis for the relocation of the railroad line from its present location in a coastal hazard zone as a part of the required follow up CDP(s).
8. By exercising this ECDP, the Permittee acknowledges and agrees in relation to this ECDP and the emergency development that it authorizes: (a) to assume all risks (including all coastal hazard risks, that include but are not limited to episodic and

long-term shoreline retreat and coastal erosion, high seas, ocean waves, tidal scour, storms, tsunami, coastal flooding, landslide, earth movement, and the interaction of all of these, many of which will worsen with future sea level rise); (b) to unconditionally waive any claim of damage and/or liability against the Commission and/or its officers, employees, agents, successors and/or assigns; (c) to indemnify and hold harmless the Commission and its officers, employees, agents, successors and/or assigns 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, including as it relates to any damages to public and/or private properties and/or personal injury; (d) that any adverse effects to property or people caused by the emergency development shall be fully the responsibility of the Permittee.

9. The Permittee shall reimburse the Commission in full for all Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (a) charged by the Office of the Attorney General; and/or (b) required by a court) that the Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Commission, its officers, employees, agents, successors and/or assigns challenging the approval or issuance of this ECDP, the interpretation and/or enforcement of ECDP terms and conditions, or any other matter related to this ECDP. The Permittee shall reimburse the Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission, its officers, employees, agents, successors and/or assigns.
10. Within **60 days** of ECDP issuance (i.e., by **June 9, 2025**), the Permittee shall either: (a) remove all of the materials placed or installed in connection with the emergency development, and restore all affected areas to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP); or (b) complete the submitted CDP applications that the Permittee already has pending for the work permitted to Areas 1 & 2 (CDP 5-24-0715) and Area 3 (CDP 5-24-0398) under this ECDP (i.e., satisfying the requirements of Title 14 California Code of Regulations Section 13056) for a regular CDP to authorize the emergency development. These pending CDP applications, once completed, can serve as the vehicles to permanently authorize the temporary work approved by this ECDP. If such regular follow-up CDP application is withdrawn by a Permittee, or is denied by the Commission, or if it remains incomplete for a period of 120 days after the Executive Director informs the Permittee that the application is incomplete, then all of the materials placed and/or installed in connection with the emergency development shall be removed, and all affected areas shall be restored to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP).
11. Follow-up CDP applications submitted consistent with Condition 10 shall include the following:
 - a. Habitat Mitigation and Monitoring Plan. Each Plan (HMMP) shall be prepared by

a qualified resource specialist and shall be structured according to impacts at the different project areas:

- i. HMMPs submitted as mitigation for impacts to habitats in Areas 1 and 2 shall include, at a minimum, the following components: Introduction and purpose; Partnering agencies and/or subcontractors; Description, location, and acreage of habitats prior to impact; Project impact validation report; Description and assessment of different mitigation strategies, ratios, and locations considered as fully compensatory for the observed habitat impacts; Presentation of at least 3 separate, high-level mitigation plans that include the mitigation strategies, ratios, and locations described in the previous section; and Justification for the selected mitigation strategy and ratios. HMMPs consisting of habitat creation, substantial restoration, or enhancement are subject to the additional components described in Condition 11(a)(ii) below (excepting the mitigation ratios), whereas preservation or other mitigation strategies shall be considered separately at the time of submittal.
 - ii. HMMPs submitted as mitigation for impacts to habitats in Area 3 shall include, at a minimum, the following components and may be structured to address multiple mitigation sites: Introduction and purpose; Partnering agencies and/or subcontractors; Mitigation goals and objectives, including a requirement to meet a minimum ratio of 3:1 for permanent impacts to ESHA and 4:1 for permanent impacts to wetlands, where these base ratios assume compensation as habitat creation or substantial restoration mitigation strategies and doubled and tripled the base ratios for enhancement or preservation strategies, respectively; Description, location, and acreage of habitats prior to impact; Project impact validation report; Mitigation design plans and construction methods; Invasive species control measures; As-Built report; A monitoring plan to include monitoring timing and frequency, interim and final success criteria, quantitative performance assessment, and sampling design; Annual monitoring and annual and final reporting requirements; Adaptive and remedial management measures or triggers; and a Provision for further action should the mitigation site not meet the approved final success criteria..
- b. Revetment Monitoring Program that includes, at a minimum, the following:
- i. An evaluation of the conditions and performance of the revetments immediately after they are constructed; annual reports of the conditions of the revetments, including performance, rock migration, and any significant weathering or damage that may adversely impact performance.
 - ii. Identification of benchmarks and measurements from the identified

benchmarks to measure the height and seaward limits of the revetments.

- iii. Changes in the beach profile fronting the sites and potential impacts of the changes on the development approved by this ECDP and any and all follow up CDPs.
 - iv. Recommendations of any necessary maintenance to assure continued function and no seaward encroachments beyond the permitted footprint of the revetments.
- c. Sand Replenishment Monitoring, Maintenance and Mitigation Plan – this plan shall include post-project monitoring components described in Appendix A, a plan for ongoing maintenance of sand in replenishment areas, and biological resource mitigation as necessary.
12. Failure to meet any of the applicable requirements of Condition 10 above shall constitute a knowing and intentional violation of the Coastal Act and may result in formal enforcement action by the Executive Director and/or the Commission. Such formal action may include: recordation of a Notice of Violation on the Permittees' property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties of up to \$11,250 per day per violation; a civil lawsuit (that may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day); and/or other applicable penalties and relief pursuant to Coastal Act Chapter 9. In addition, failure to follow and meet all terms and conditions of this ECDP shall also constitute a knowing and intentional Coastal Act violation to which the same actions above may be applied.
13. Nesting Bird Monitoring and Avoidance Plan – Area 3. If project activities occur during bird nesting season (i.e., February 1 through September 15), a qualified biologist, with experience conducting nesting surveys, for sensitive species known to occur within the vicinity of the project site, shall survey for active nests within seven days prior to commencement of project activities, and once a week thereafter during construction, to detect any such activity within 500 feet of the project area. If an active songbird nest(s) is located within 300 feet of construction activities (500 feet for raptors), the qualified biologist shall halt construction activities to enable the Permittee to employ best management practices (BMPs) to ensure that construction activities do not disturb or disrupt nesting activities. Noise levels at active nest sites must not exceed 65 dB unless a noise study has determined that ambient noise in the immediate area exceeds that level. If this is the case, noise levels at the nest site must not exceed the ambient noise level measured. Noise reducing measures may include using alternative equipment, equipment noise buffering, sound blankets, etc. Alternatively, construction activities and schedules may be adjusted to avoid active nest areas until the respective young birds have fledged. Unrestricted construction activities may resume when no active nests remain in the construction area. Results of nesting bird surveys, ambient noise surveys, and any follow-up construction avoidance measures shall be documented in monthly reports by the qualified biologist and submitted to the Executive Director throughout the bird breeding season.

14. All emergency development shall be limited to the least amount necessary to temporarily abate the emergency and shall be undertaken in a time and manner that avoids any and all coastal resource impacts as much as possible, including avoiding impacts to public access. The Permittees shall keep the Executive Director informed regarding emergency development progress, including in terms of any issues encountered that may require adjustment.
15. A licensed civil engineer or other qualified professional with experience in coastal processes and bank stabilization shall oversee all construction activities and shall ensure that all emergency development is limited to the least amount necessary to temporarily abate the emergency consistent with the terms and conditions of this ECDP.
16. Archaeological and Tribal Cultural Resource Monitoring. A qualified Archaeological Monitor and, if available, Juaneño (Acjachemen)-affiliated Native American monitor(s), including but not limited to a representative of the Juaneño Band of Mission Indians, Acjachemen Nation, shall be onsite during all ground-disturbing activities in Area 3, in order to avoid and minimize impacts to archaeological tribal cultural resources. If archaeological or tribal cultural resources are encountered during construction activities, work shall be stopped immediately or, if not human remains, shall be redirected until the qualified Archaeological and Native American monitor(s) are consulted and are able to further evaluate the significance of the find. Should human remains be discovered on-site during the course of the project, immediately after such discovery, the on-site Archaeologist and Native American monitor(s) shall notify the County Coroner within 24 hours of such discovery, and all construction activities shall be temporarily halted until the remains can be identified. The permittee shall comply with the requirements of Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. The Archeological and Native American monitor(s) shall inspect the construction site throughout the emergency construction to ensure compliance with all archeological and tribal cultural resource avoidance measures. The Permittee shall submit a report detailing the monitoring results as part of the follow-up CDP.
17. Inadvertent Discovery. If an area of archaeological and/or tribal cultural resources is discovered during the course of the project, project activities with the potential to impact archaeological and/or tribal cultural resources shall cease and shall not recommence until a qualified resource specialist (Juaneño (Acjachemen)-affiliated representative(s) for found tribal cultural resources or archaeologist for archaeological resources), analyzes the significance of the find and prepares a supplementary archaeological plan for the review and approval of the Executive Director. If human remains are encountered, the permittee shall comply with applicable State and Federal laws. 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 Executive Director authorization. Upon approval of the supplementary archeological plan, the permittee shall implement the development in compliance with the approved final plans.
18. All construction areas, including staging areas, shall avoid impacts to native vegetation to the maximum extent feasible, and shall be minimized and demarked by

temporary fencing designed to allow through public access and protect public safety to the maximum extent feasible, where such areas shall be limited in their spatial extent as much as possible. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.

19. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep equipment covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach; etc.).
20. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach or the adjacent marine environment shall be prohibited. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the end of each workday.
21. All areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction.
22. All contractors shall ensure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitive work environment. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of retrieval/cleanup of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.
23. The Permittee shall notify planning staff of the Coastal Commission's South Coast District Office immediately upon completion of construction. If planning staff should identify reasonable restoration measures, such measures shall be implemented immediately.
24. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
25. Within **60 days** of completion of construction authorized by this ECDP, the Permittee shall submit site plans and cross sections to the Executive Director clearly identifying all development completed under this emergency authorization (comparing the legal pre-emergency development condition to both the emergency condition and to the post-emergency development condition), and a narrative description of all emergency development activities undertaken pursuant to this ECDP. A survey of the pre-emergency development conditions shall be completed if such conditions are not adequately documented as of the date of issuance of this ECDP. Photos showing the project site before the emergency (if available), immediately prior to commencement of emergency development construction activities, during emergency development construction activities, and after the work authorized by this

ECDP is complete shall be provided with the site plans and cross sections.

26. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and the construction coordinator's contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, an email address and a telephone number (with voice mail capabilities) that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (e.g., name, address, email, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. The Permittees shall submit the record of complaints/inquiries and actions taken in response to the Executive Director on a weekly basis, and upon completion of construction activities.
27. Adjustments to the requirements above, including deadline adjustments, may be allowed by the Executive Director if the Executive Director determines that such adjustments: (a) are deemed reasonable and necessary to help to temporarily abate the identified emergency, including as emergency conditions may change; (b) are designed to avoid coastal resource impacts (and limit those that are unavoidable) as much as possible; and (c) in the case of deadline extension adjustments, are appropriate in light of circumstances, including that the Permittee has shown diligence in pursuing the emergency development and meeting all ECDP terms and conditions.
28. By exercising this ECDP, the Permittee acknowledges and agrees that this ECDP shall not constitute evidence against and/or a waiver of any public rights which may exist on the property(s).
29. The Permittee shall disclose this ECDP, including all of its terms and conditions, to any prospective buyer of the affected property(s) during the period of time that any development that is the subject of this ECDP remains on such property(s).
30. Failure to comply with the terms and conditions of this ECDP may result in enforcement action under the provisions of Coastal Act Chapter 9. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the property without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Coastal Act Chapter 9.

If you have any questions about the provisions of this ECDP, please contact the Commission's South Coast District Office at 301 E. Ocean Blvd., Suite 300, Long Beach, CA 90802, (562) 590-5071, or send email to southcoast@coastal.ca.gov.
cc: Local Planning Department

Enclosure: Acceptance Form

APPENDIX A – Emergency Sand Placement Plan Template

OCTA proposes to obtain and place 240,000 cu. yds. of beach quality material between Area 1 and 2 between Mile Post (MP) 203.83 and MP 204.40; 33°25'46.35" N, 117°37'49.21" W to 33°25'23.96" N, 117°37'26.30" W, as it becomes available. This ECDP authorizes sand placement to occur under an emergency basis but requires that additional information be provided prior to sand placement and that sand placement is completed within 120 days of ECDP issuance. Within 30 days of the issuance of this ECDP, the following plan shall be submitted outlining basic project information.

1 Source

1.1 General Site Location

If the source material is from the coastal zone, include maps, figures, and text description of site location and surrounding areas.

1.2 Specific Location of Source Material at Site

Describe where on the site the source material is found.

1.3 Volume of Material (Total volume and volume proposed for beach placement)

Describe the total volume of material available at the site and the volume proposed to be used for this beach nourishment episode. Describe the disposal method of excess material if relevant.

1.4 Material Testing & Suitability

The material placed shall be chemically and physically suitable for beach placement as determined by the Executive Director with guidance from the Southern California Dredged Material Management Team (DMMT) and consistent with U.S. Army Corps of Engineers (ACOE) beach sand suitability requirements. Provide all testing results, including chemistry and grain size testing. Testing completed for the source material can be from previous non-OCTA investigations so long as the material can be shown to be physically unchanged and there have not been any known source of potential contamination since the material was last tested.

2 Receiving Site

2.1 Receiving Site Location and Conditions

Describe the receiving beach site location and pre-project conditions with supporting documentation by photos.

2.2 Sand Placement

Provide engineering plans detailing the spatial extent of the sand placement with typical cross sections (beach nourishment templates).

2.3 Transportation Method

Describe how the material will get to the beach site. Outline barge or trucking routes and provide figures, if needed. Indicate how many barges, trucks or rail cars and frequency.

2.4 Beach Placement Method

Describe the placement method, including any equipment that may be needed to construct the project. Outline specific public access closures or restrictions. Outline project BMPs, such as flagmen, perimeter fencing, and others that are proposed.

Construction materials or waste will not be stored where it could potentially be subjected to wave erosion and dispersion. In addition, no machinery will be placed, stored, or otherwise located in the intertidal zone at any time, except for the minimum necessary to implement the project.

Construction equipment shall not be washed on the beach or in the beach parking lots. Construction debris and sediment shall be properly contained and secured on site with BMPs, to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain, or tracking. Construction debris and sediment shall be removed from the construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction.

Plans for the staging and storage of the construction equipment shall be provided by the contractor. Access corridors and staging areas shall be located in a manner that has the least impact of public access via the maintenance of existing public parking areas and traffic flow on coastal access routes.

2.5 Contractor Information

Include Contractor name, address, and contact information.

3 Project Monitoring & Best Management Practices

This section will outline the pre-, during, and post-construction monitoring plan for the project and best management practices (BMPs) for the emergency sand placement which will be adhered to. Post-construction monitoring, maintenance and mitigation requirements may be further refined or modified as part of the follow-up regular CDP needed pursuant to the conditions of the ECDP. Given the urgency of the emergency sand placement project, when on-site conditions make adherence to the BMPs infeasible, modifications to the BMPs can be implemented in coordination with the Executive Director and shall be documented to the extent feasible.

3.1 Pre-Construction Monitoring

Describe all pre-construction monitoring that will be conducted. This will include biological monitoring and physical monitoring (pre-fill beach profiles). The description will include what will be monitored, procedures for the monitoring, frequency, who will conduct the monitoring and their qualifications. Figures representing areas, transects, and other details will be included in the pre-construction monitoring.

Biological and physical monitoring will be conducted prior to and following the completion of beach nourishment to document the authorized work. The following programs will be implemented to assess observed effects on intertidal and reef resources.

3.2 Beach Profiling

Beach profile surveys will be conducted prior to and after construction of the beach fills. The City of San Clemente has established a citywide yearly beach-profiling program that will help supplement the beach profiling monitoring. Profiling will occur immediately after construction and at six and twelve months after construction.

A licensed surveyor experienced with the survey methods and the specific project site, will survey the beach profiles. Four profiles exist that will be used for this study. The tasks include:

1. Re-establish three beach profile transects. The attached figure shows the profile locations.
2. Record beach and seabed elevation along the profiles from the back of the beach out to the depth of closure (estimated to be approximately -40 feet relative to MLLW). Survey equipment to be used includes:

3. Standard survey equipment (level, Global Positioning System or GPS, rod) for work on land; and
4. A survey boat with fathometer and GPS for work on the water to tie into the land profile.
5. Reduce data for interpretation and reporting.

3.3 Surfing Resource Concerns Documentation

A mechanism will be created to solicit and document concerns from the public on potential impacts to surfing resources available from the start of construction until 180 days post construction, noting the location and timing of the identified concerns.

3.4 Debris Management

Describe general content of source material with regard to debris. Include a description of the kinds of debris found in the source material, methods for screening, separating, and/or retrieving the debris, and disposal methods.

Provide an on-site debris monitor to be present during beach replenishment to monitor for the presence of debris in the sandy material. If any debris or non-sandy material is detected, use of that sand material shall be halted at that site(s). The project(s) shall not continue until a new report with updated information on the composition of the material is submitted and approved by the Executive Director and appropriate resource agencies.

3.5 Grunion Impact Avoidance

Grunion spawning runs will be monitored during grunion spawning periods. If grunion are observed, then construction activities will be halted within a buffer zone until the spawn has been completed. In addition, sand berms will be placed around the spawning area, if possible. The buffer zone would extend 65 feet (ft) landward of the highest high-water mark and extend both 100 ft upcoast and downcoast from the spawning area. A sand dike would be constructed along the buffer zone to ensure that construction materials and equipment would not enter the spawning area. The buffer zone would be kept in place until the next predicted grunion run (about 14 days) to allow for the eggs to hatch and surveys show that no subsequent spawning occurred in the area.

A report will be prepared within two weeks of the completion of each grunion survey and submitted to the Executive Director and appropriate wildlife and regulatory agencies.

3.6 Infaunal Resource Surveying

The intertidal infaunal community provides essential foraging habitat for numerous shorebirds that use these beach areas. To compare the beach infaunal community occupying the intertidal zone (also called the swash zone) before and after sand placement, beach sampling must occur no sooner than 30 days before work commences and 30, 180, and 360 days after work is completed. The beach sampling must employ 10 cm diameter by 20 cm deep cores and sieve the samples using a 1.5mm/1.0mm aperture sieve. A minimum of 3 transects randomly placed across each work zone (Areas 1 and 2) perpendicular to the ocean and running from the low intertidal/swash zone to the toe of the rock revetment shall be sampled. Cores shall be collected in the low, mid, and high intertidal areas as present at each work zone. Core samples within each work zone and intertidal area may be combined for analysis each sampling session (e.g., all low intertidal samples within area 1 sampled 30 days after placement may be combined). The samples must be sent to a lab with expertise identifying Southern California beach infaunal invertebrates for species identification and counts in order to estimate species richness, abundance, and diversity.

A report will be prepared within four weeks of the completion of the lab's core sample analysis for each sampling event and submitted to the Executive Director and the appropriate wildlife and regulatory agencies. The report shall estimate species richness, abundance, and diversity for each intertidal zone and summarize the findings in context with previous reports as a part of this sand placement effort. In the event that it is determined that the beach infaunal community is being negatively affected by beach fill operations, appropriate mitigation shall be determined as part of the follow up CDP.

3.7 Nearshore Reefs and Surfgrass Resources

A sediment monitoring program and surfgrass health inventory will be conducted at the nearshore zone off the receiving beach. Monitoring will occur prior to and after beach fill placement. A series of nearshore reef monitoring sites will be established offshore of each beach fill site and coordinates will be determined using Differential GPS. At each site, sand levels on the reef will be measured. Baseline measurements will be taken 30 days before beach fill operations will occur and be used as a benchmark. At each site, random surfgrass percent-cover measurements and surfgrass blade-length measurements will be collected. If sand is covering surfgrass, then sand depth over surfgrass and surfgrass blade length will be measured.

In addition, the presence and health of other macrophytes (i.e., *Egria* and *Eisenia*) will be noted and the amount of any sand deposition over these plants will be estimated. A random point-contact assessment of the reef cover will also be conducted using a 0.25 square meter sampling quadrat. The purpose of the point-contact study is to provide an estimate of the types and amount of sand and/or marine biological cover on the nearshore reefs that may be under the influence of the beach fill sediment movement.

Surveys will be conducted after the completion of beach fill at each of the four sites at days 30, 90, 180 and 360 after construction. A report will be prepared within four weeks of the completion of each survey and submitted to the Executive Director and the appropriate wildlife and regulatory agencies. In the event that it is determined that nearshore reefs and surfgrass meadows are being negatively affected by beach fill operations, appropriate mitigation shall be determined as part of the follow up CDP.

3.8 Pre-Project Bird Monitoring

Implementation of a shorebird monitoring program to generally evaluate shorebird usage and determine the general effects of beach fill projects on restoring shorebird habitat.

This monitoring effort should include conducting rough counts of shorebirds at the beach fill site by volunteers from the Audubon Society or other naturalist groups. The data would then be analyzed by an ornithologist or biologist using non-statistical methods to develop preliminary conclusions as to the effects of the beach fills on restoring shorebird habitat.

3.9 Turbidity

Turbidity monitoring will be conducted to prevent impacts to foraging birds from increased turbidity caused by fines suspended in the nearshore. Turbidity monitoring will be conducted during construction of the beach fills by visual observation to ensure that the turbidity plume does not increase significantly over ambient conditions for extended duration.

Turbidity will be first monitored visually from a shore-based vantage point (e.g., the pier, or bluffs backing the coast) by a monitor observing the placement of the beach fill. If observations indicate a significant change in visibility over ambient conditions as judged by the monitor, then field measurements will occur. A 100% decrease in visibility as estimated by the monitor for a period of more than four days will warrant a temporary halt to operations and reduction of the placement rate until conditions return to ambient. Observations will be documented with photos, and maps of maximum daily plumes will be made and assembled into a report submitted 30 days after construction.

