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April 7, 2025

To: California Coastal Commission

Delivered via email to Dr. Caryl Hart, Chair

cc: Kate Huckelbridge, Executive Director

Karl Schwing, Deputy Director, South Coast District

Louise Warren, Chief Counsel

Re: Deny Portions of OCTA Request for Emergency Coastal Development Permit and Require Long-Term Track Alternative Development

Dear Honorable Chair and Commissioners:

Orange County Coastkeeper (“Coastkeeper”) is a non-profit environmental organization with the mission to protect swimmable, drinkable, fishable water and promote watershed resilience throughout our region. Founded in 1999, Coastkeeper has over 8,000 members living in the Orange County and Inland Empire region. For decades, Coastkeeper has built a reputation as an organization that balances the importance of coastal and inland water resources with the needs of our thriving local economies.

It is with a great sense of both environmental and fiscal responsibility that Coastkeeper submits this letter to the California Coastal Commission regarding the Orange County Transportation Authority’s (“OCTA”) Emergency Coastal Development Permit (“ECDP”) application (“Application”). We respectfully request that the Commission narrowly tailor the scope of any emergency authorization to include only repairs to existing riprap within the existing footprint, and only if such authorization is conditioned on a clear, enforceable timeline for sand replenishment activities. Permanent development proposed in Areas 3 and 4—including construction of new shoreline armoring structures—must be subject to the full Coastal Development Permit (CDP) process, with proper environmental review, public engagement, and expert consultation.

1. The Application Exceeds the Scope of the Coastal Act’s Emergency Permitting Scheme

Under the California Coastal Act, emergency permits are intended only for sudden and unforeseen events that pose a clear and imminent danger to life, health, property, or essential public services.¹ They are not a backdoor to avoid the rigorous environmental review and public process required for permanent development under a Coastal Development Permit (CDP). Portions of OCTA’s application does not meet the statutory standard for emergency authorization.

¹ Cal. Pub. Res. Code Section 30600.

First, the conditions cited by OCTA—coastal erosion, land subsidence, and the encroachment of the ocean onto the railway—are not new or unanticipated. These are chronic and well-documented issues, known to both OCTA and the public for decades. In fact, OCTA submitted an Emergency Coastal Development Permit application as far back as 2003 to address similar concerns. The impacts of sea-level rise and coastal instability in this area have been repeatedly acknowledged, including in public reports and infrastructure planning documents. A known, ongoing risk is not a qualifying emergency under the Coastal Act.

The absence of any immediate danger is further highlighted by the fact that the rail corridor continues to operate. Trains were running on the tracks as recently as April 6, 2025, the day prior to this letter. If the situation were truly urgent and unsafe, operations would have been halted. The continued use of the corridor undermines the claim of any imminent threat requiring emergency authorization.

Second, OCTA's reliance on the February 2025 winter storm to justify its request is unconvincing. Based on climatological data available from NOAA, San Clemente received merely 2.62 inches of rain in the entire month of February over six days.² Between February 13 and February 14, San Clemente received a total of 2.33 inches.³ This is not a notable amount of rainfall over a 48-hour period and instead represents a typical winter storm. In fact, after one of the driest starts to the Water Year, California rounded out February with average precipitation according to the California Department of Water Resources.⁴ Routine winter storm activity does not rise to the level of an emergency requiring expedited approval of permanent shoreline development. The use of such a standard seasonal occurrence to justify the bypass of ordinary permitting requirements would render the emergency permit process meaningless.

Third, even if the Coastal Commission were to find that some emergency existed—which we strongly dispute—the portions of the project clearly exceeds the scope of what an emergency permit can authorize. Emergency permits under the Coastal Act are limited to temporary work—measures taken solely to address the immediate threat, with the understanding that the applicant must later apply for a full CDP to authorize any permanent solution. Yet, the work proposed by OCTA is explicitly permanent in nature, and it is not the minimum necessary to maintain basic operations. This is evident by the fact that passenger rail service is currently underway.

The application includes the construction of a seawall, along with other hard armoring structures that are designed to remain in place indefinitely.

The environmental consequences of such permanent infrastructure are significant and irreversible. Shoreline armoring in this area will accelerate beach loss, interfere with natural sediment transport, and severely compromise public access to the coast. San Clemente's remaining sandy beaches—already threatened by erosion and sea-level rise—will be further diminished. These impacts go to the heart of the Coastal Act's mandate to preserve and enhance California's coastal resources and public access.

² See, Exhibit A, NOAA Climatological Daily Summary, Station: San Clemente, 1.6 SSW, CA US US1CAOR0076.

³ Ex. A.

⁴ https://cww.water.ca.gov/service/document/hydroreport?_id=1741993200062

Granting an emergency permit under these circumstances would constitute a misuse of the Commission's authority, set a dangerous precedent for future shoreline management, and undermine public trust protections enshrined in California coastal law.

2. The Project Will Irreparably Harm Public Trust Resources

The proposed project poses significant and likely irreversible harm to public trust resources, especially the remaining sandy beaches in San Clemente. These consequences demand a full Coastal Development Permit (CDP) process, including environmental review and public input, before any construction begins.

The installation of riprap and other shoreline armoring structures is well known to accelerate coastal erosion and eliminate public beach space over time. These structures reflect wave energy rather than absorbing it, causing the scouring of sand in front of the revetment and disrupting natural sand replenishment processes. This does not just impact the beach immediately adjacent to the project—it has cascading effects on the entire littoral cell, affecting nearby coastal segments and accelerating the regional loss of sandy beach.

This is exactly why the Coastal Act requires that these types of long-term impacts be studied through a full CDP process. The California Coastal Commission has a duty to protect public trust resources—including tidelands, public access, and coastal recreation—for both present and future generations. That duty cannot be fulfilled without a careful, science-based review of how this project will alter the coast, and whether there are less damaging alternatives available.

Orange County Coastkeeper respectfully requests the opportunity for other stakeholders to retain an independent coastal engineering expert to review aspects of the proposed project that fall outside the scope of the existing rip rap and the likely impacts, and to provide recommendations on possible alternatives that would better preserve public beach and ecological resources. We believe the Commission itself deserves the same opportunity to receive expert input and fully assess whether the long-term damage to public resources is justified by the project's claimed benefits. That type of informed balancing is impossible under the compressed timeline of an emergency permit process.

3. A Misguided Investment in the Face of Inevitable Loss

OCTA has secured over \$300 million in state and federal taxpayer dollars for this project, but the application fails to provide any realistic assessment of how long this investment will last. With sea level rise encroaching from the ocean side and landslide activity threatening the landward bluffs, this corridor is being slowly but inexorably squeezed out of existence—regardless of whether the Coastal Commission approves this permit.

The situation on the ground is plain to see. Even without the benefit of expert consultation—something Orange County Coastkeeper has not had time to obtain, having received only seven days' notice of this application—it is obvious to anyone familiar with coastal dynamics that this project offers, at best, a temporary reprieve. Investing hundreds of millions of dollars to build seawalls and

harden a rail corridor perched between a rising tide and a collapsing hillside is an act of short-term desperation, not long-term planning.

To illustrate: this is like watching children at the beach building a sandcastle. As the tide begins to rise, the children respond by digging moats and building walls, desperately trying to keep the water out. The adults watching from their beach chairs know exactly how this story ends—the ocean always wins. And so it is here. The Commission, the public, and decision-makers across the state are the adults in this scenario, and we must ask: Who will step in to tell OCTA that the tide is coming in and the sea will prevail?

No amount of riprap or seawall can reverse the effects of climate change or geological instability. Continuing to funnel public money into shoreline armoring in this location, without a full and honest evaluation of its expected lifespan and effectiveness, is a misuse of limited resources. That money could be redirected toward resilient, adaptive solutions—such as long-term relocation planning, bluff stabilization alternatives, or investments in inland transit infrastructure.

The Coastal Commission should not sanction this emergency permit simply to prolong an unsustainable status quo. Instead, it should use this moment to call for a real plan—one that reflects the best available science, acknowledges the reality of climate change, and puts public trust resources and taxpayer funds to better use.

4. The Pubic and the Commission Deserve the Opportunity to Fully Assess the Impacts of this Application.

Coastkeeper understands the vital importance of the LOSSAN rail corridor and the services it provides. We are not advocating for inaction. But the work proposed here is intended to address chronic, long-standing coastal hazards, not a sudden or unforeseeable emergency.

While it may be appropriate to allow temporary repairs, this should be limited to the existing footprint and conditioned on a commitment for OCTA to identify a firm date for sand replenishment to begin. Any permanent development as described in Areas 3 and 4 must go through the full CDP process.

The Commission may ultimately determine that shoreline armoring is necessary. But that decision must be made with full information, public input, and expert review—not under the compressed timeline of an emergency authorization. The stakes—for our beaches, our communities, and the integrity of the Coastal Act—are simply too high.

Sincerely,



Garry Brown

Founder, President

Orange County Coastkeeper

Exhibit A

U.S. Department of Commerce
National Oceanic & Atmospheric Administration
National Environmental Satellite, Data, and Information Service
Current Location: Elev: 112 ft. Lat: 33.4267° N Lon: 117.6230° W
Station: **SAN CLEMENTE 1.6 SSW, CA US US1CAOR0076**

**Record of Climatological
Observations**
These data are quality controlled and may not
be identical to the original observations.
Generated on 04/07/2025

National Centers for Environmental Information
151 Patton Avenue
Asheville, North Carolina 28801

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Y e a r	M o n t h	D a y	Temperature (F)		Precipitation				Evaporation		"Soil Temperature (F)"							
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time				At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth			8 in. Depth		
						Rain, Melted Snow, Etc. (in)	F l a g	Snow, Ice Pellets, Hail (in)	F l a g				Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
2025	02	01																
2025	02	02																
2025	02	03																
2025	02	04																
2025	02	05																
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2025	02	27																
2025	02	28																
Summary			0	0		2.62												

Empty, or blank, cells indicate that a data observation was not reported.
*Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown
"s" This data value failed one of NCEI's quality control tests. "At Obs." = Temperature at time of observation
"T" values in the Precipitation or Snow category above indicate a "trace" value was recorded.
"A" values in the Precipitation Flag or the Snow Flag column indicate a multiday total, accumulated since last measurement, is being used.
Data value inconsistency may be present due to rounding calculations during the conversion process from SI metric units to standard imperial units.