

Staff Report 50

APPLICANT:

City of San Clemente

PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean, adjacent to North Beach, Linda Lane Beach, T-Street Beach North, and T-Street Beach South, San Clemente, Orange County (as shown in Figure 1).

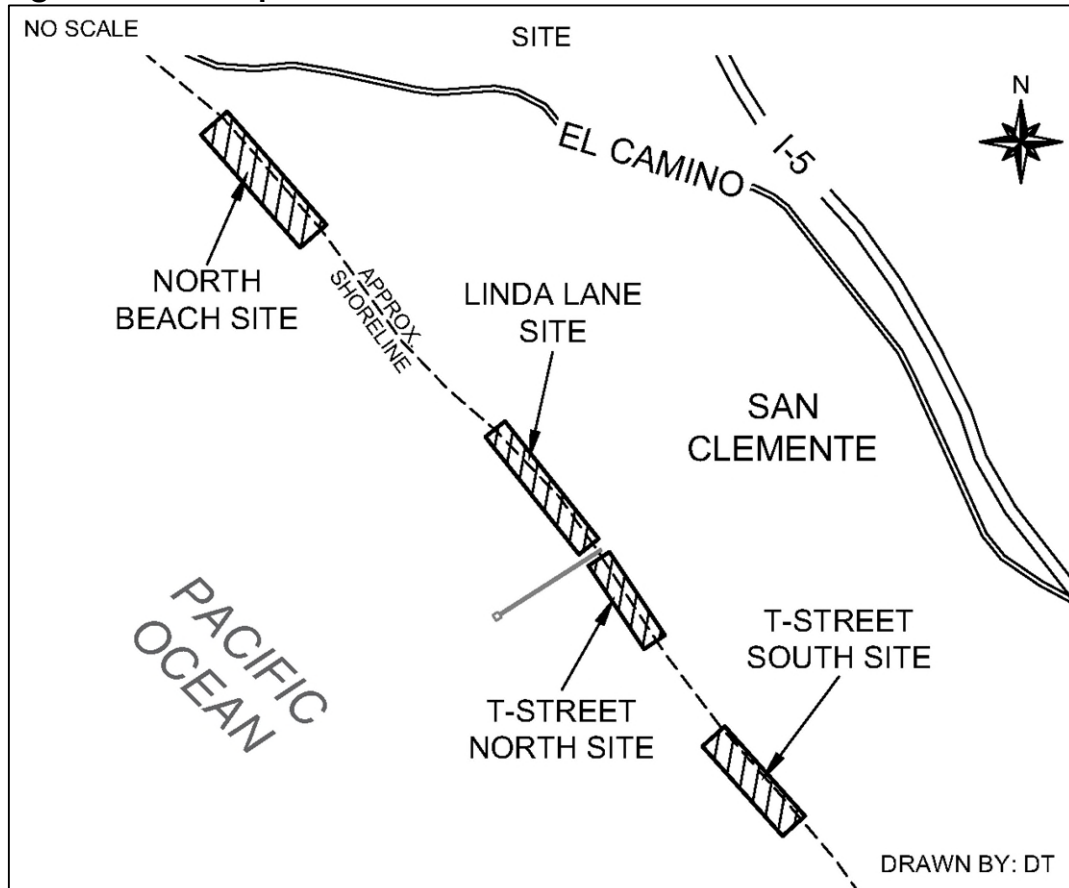
Figure 1. Location



AUTHORIZED USE:

Deposition of a maximum of 125,000 cubic yards (cy) of material annually at North Beach, 75,000 cy of material annually at Linda Lane Beach, 45,000 cy of material annually at T-Street Beach North, and 55,000 cy of material annually at T-Street Beach South, under the City of San Clemente Opportunistic Beach Fill Program (Program) (as shown in Figure 2).

Figure 2. Site Map



NOTE: This depiction of the lease premises is based on unverified information provided by the Applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

TERM:

10 years, beginning October 14, 2025.

CONSIDERATION:

Public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

- Prior to each beach replenishment event, Lessee shall provide Lessor with a mean high tide line survey of the receiver site for staff review.
- Prior to the start of each beach replenishment event as described within the lease, Lessee shall provide Lessor with the name, address, telephone number, and contractor's license number(s) of the contractor(s) selected to implement the beach replenishment program.
- Lessee agrees to be bound by and fully carry out, implement, and comply with all mitigation measures and reporting obligations identified as Lessee's, or Responsible Party's responsibility as set forth in the Mitigation Monitoring Program, or as modified by Lessor as permitted by law.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6303, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On April 5, 2016, the Commission authorized a 5-year General Lease – Public Agency Use to the City of San Clemente (City) for the deposition of a maximum of 125,000 cubic yards of sand annually at North Beach, and a maximum of 75,000 cubic yards annually at Linda Lane Beach, under the Program ([Item 42, April 5, 2016](#)). This lease expired on April 4, 2021. The City did not apply for a new lease at that time due to the Program being postponed indefinitely. The City is now applying for a new General Lease – Public Agency Use to continue the Program.

The Program is implemented according to the guidelines specified in the March 2006 [Sand Compatibility and Opportunistic Use Program](#) (SCOUP) plan adopted by the San Diego Association of Governments (SANDAG) and the Coastal Sediment Management Workgroup (CSMW). The SCOUP was prepared to assist in streamlining the permitting and regulatory approval process for beach replenishment projects using opportunistic materials in volumes less than 150,000 cy per replenishment event (each location constitutes an independent replenishment event). Streamlining the approval process can prevent otherwise suitable beach fill

materials from being lost due to the timing and cost associated with obtaining individual permits for each project.

As part of the Program, the City is seeking Commission authorization to place a maximum of 125,000 cubic yards (cy) of material annually at North Beach, 75,000 cy of material annually at Linda Lane Beach, 45,000 cy of material annually at T-Street Beach North, and 55,000 cy of material annually at T-Street Beach South, opportunistically based on available resources

Over the past eight decades, beaches along the Orange County coastline have narrowed due to declining natural sand supply attributable to urban development, especially from dams that block the natural flow of sediment from upland streams and rivers to the ocean. By implementing this Program, the City will be attempting to restore the sediment supply to its coast through direct sand placement. Sand placement is proposed on the beach to reduce impacts from storms, enhance recreational use for both residents and tourists, and restore beach habitat for shorebirds and grunion. Source materials come from local upland construction, development, or dredging projects.

The timing of beach nourishment activities is intended to replicate natural sediment delivery, which occurs during the wet seasons (fall and winter). As such, beach nourishment activities typically occur between September and March. This is also during low beach-use season when there is significantly less human usage compared to the summer months. No more than 100,000 cy of sediment will be placed on the beach during the spring and summer months between March and September.

Under the Program, the City identifies potential beach fill material, which is then tested according to regulatory requirements to confirm suitability for placement. A Project Notification Report detailing findings such as percentage of fines, grain size, possible toxicities, and confirmation that the material conforms to the receiver site specifications, is submitted to each agency with approval authority over the project a minimum of 30 days prior to any placement activity. Written concurrence of suitability is required from each agency, or the material is not allowed to be used for beach replenishment.

Some potential environmental Project impacts exist, consisting of minor short-term impacts to fish and wildlife during placement activities and temporary increases in ambient noise levels and turbidity during sand placement. Grunion, least tern, and western snowy plover may be present at the receiver sites, especially during their respective spawning and breeding seasons between late February and early

September. Biological monitoring will occur at the placement sites to ensure that the species are not present during sediment placement events. Construction activities will halt if any grunion, least tern, or western snowy plover are present.

Material would be delivered either via truck or railroad transport from local projects throughout the City. While truck transport may be used for all the sites, railroad transport may also be used for T-Street North and T-Street South. Sand hauling and placement would occur between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 10-year term and does not grant the lessee exclusive rights to the lease premises. The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon.

CLIMATE CHANGE:

INTRODUCTION:

The climate crisis and rising sea levels are impacting coastal California now. As underscored in the [State of California Sea Level Rise Guidance](#) (Ocean Protection Council, 2024), the combination of extreme weather events and the persistent and accelerating rise in sea levels will lead to increased coastal hazards, such as wave runup, storm surges, flooding, and erosion. Shorelines will move inland due to rising seas, exposing more of the natural and human-built environment to coastal hazards. The resulting damage will occur repeatedly and incrementally over years and, in extreme cases, over the span of a few large winter storms. Opportunistic placement of beach sand subject to the proposed lease, located on four public beaches within the City of San Clemente, can partially mitigate the effects of sea level rise and erosion. However, the project itself can be vulnerable to sea level rise and extreme storms, which can decrease the effectiveness of the project by washing away the sand after it is placed.

DATA & PROJECTIONS:

Sea levels along most of the California coast rose four to eight inches during the last century, and this trend will accelerate throughout this century. The current rate of sea level rise is triple the rate during the last century. There is growing confidence that by 2050 sea levels will be approximately ten inches higher than they were in

2000. The severity of sea level rise beyond 2050 is contingent on future levels of greenhouse gas emissions. The California Ocean Protection Council updated the State of California Sea Level Rise Guidance in 2024 to provide a synthesis of the best available science on sea level rise projections and rates for multiple emissions scenarios. To apply a precautionary approach, Commission staff evaluated the “intermediate-high” and “high” scenarios due to the vulnerability and exposure of the lease location and the continued global reliance on fossil fuels. The Los Angeles tide gauge was used for the projected sea level rise scenario for the lease area, as listed in Table 1.

Table 1. Projected Sea Level Rise for Los Angeles

Year	Intermediate-High (feet)	High (feet)
2040	0.6	0.7
2060	1.4	1.8
2080	2.8	3.8
2100	4.5	6.3

Source: Table 12, State of California Sea-Level Rise Guidance: 2024 Update

Note: Projections are with respect to a 2000 baseline.

ANALYSIS:

Commission staff used the online sea level rise mapping tool, [Our Coast Our Future](#), to evaluate risks to the lease premises and structures from sea level rise. At present sea levels, the lease premises are already regularly flooded and subjected to wave impacts and erosion. Episodic or short-term events, such as extreme storms, very high or King tides, and El Niño events, alone or in combination, will increase the vulnerability of the lease premises and expose it to higher water levels and stronger wave runup, overtopping, and erosion. This can affect the beach replenishment project and could wash away the sand after it is placed, decreasing the effectiveness of the project over time.

In the meantime, the beach replenishment project will provide short- to mid-term hazard mitigation against sea level rise, flooding, erosion, and strong storms by widening the beach to provide a wider buffer between the upland development and the ocean. In addition to hazard mitigation, beach replenishment can provide other social and economic benefits by providing more beach space to be used by the public for Public Trust uses, such as recreation and fishing. Beach replenishment is a “soft” or “nature-based” protection strategy that can protect upland development from coastal hazards without armoring the beach with hard structures, such as seawalls and rock revetments. The beach nourishment program

is consistent with and implements many of the recommendations of the Commission's report [Shoreline Adaptation and the Public Trust: Protecting California's Public Trust Resources from Sea Level Rise](#), including recommendations for monitoring of potential impacts or benefits to biological resources and recreation.

CONCLUSION:

For the reasons stated above, staff believes the issuance of the proposed lease will not substantially impair the public rights to navigation, fishing, or other Public Trust needs and values at this location, at this time, and for the term of the lease; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law.
2. This action is consistent with the "Leading Climate Activism", "Committing to Collaborative Leadership", and "Meeting Evolving Public Trust Needs" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
3. A Mitigated Negative Declaration (MND), State Clearinghouse No. 2002081044, was prepared for this Project by the City and adopted on October 7, 2003. Commission staff reviewed the MND and Mitigation Monitoring and Reporting Program (MMRP) pursuant to the provisions of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21081.6) and adopted by the lead agency.

The Commission considered the MND at its October 6, 2004 meeting ([Item 35, October 6, 2004](#)). As part of the Commission's approval of the lease, the Commission adopted an independent Mitigation Monitoring Program (MMP) made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15096), as contained on file in the Sacramento office of the California State Lands Commission and incorporated by reference hereto. The Commission's previously adopted MMP remains in full force and effect.

No substantial changes to the project, to the circumstances in which the project occurs, or other new information requires a subsequent or supplemental CEQA

document for the project to continue. The Applicant will be required by the terms of the proposed lease to continue to implement the Commission's previously imposed MMP.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq. At the time the Commission considered the MND in 2004, staff concluded that such activity would not affect those significant lands, and the Commission found the activity to be consistent with its use classification pursuant to Public Resources Code section 6370 et seq.

APPROVALS OBTAINED:

- United States Army Corps of Engineers
- California Coastal Commission
- Regional Water Quality Control Board

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an MND, State Clearinghouse No. 2002081044, was prepared for this project by the City of San Clemente and adopted on October 14, 2003, and that the Commission has reviewed and considered the information contained therein; that in the Commission's independent judgment, the scope of activities to be carried out under the lease to be issued by this authorization have been adequately analyzed; that none of the events specified in Public Resources Code section 21166 or the State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impact has occurred; and, therefore no additional CEQA analysis is required.

Find that the Commission's previously adopted Mitigation Monitoring Program remains in full force and effect.

PUBLIC TRUST AND STATE'S BEST INTEREST

Find that issuance of the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for the term of the lease; and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning October 14, 2025, for a term of 10 years, for the deposition of a maximum of 125,000 cubic yards (cy) of material annually at North Beach, 75,000 cy of material annually at Linda Lane Beach, 45,000 cy of material annually at T-Street Beach North, and 55,000 cy of material annually at T-Street Beach South, under the City of San Clemente Opportunistic Beach Fill Program; consideration is the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.