

Staff Report 38

APPLICANT:

Orange County Transportation Authority

PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Pacific Ocean, adjacent to Orange County Assessor's Parcel Number 060-160-25, San Clemente, Orange County (as shown in Figure 1).

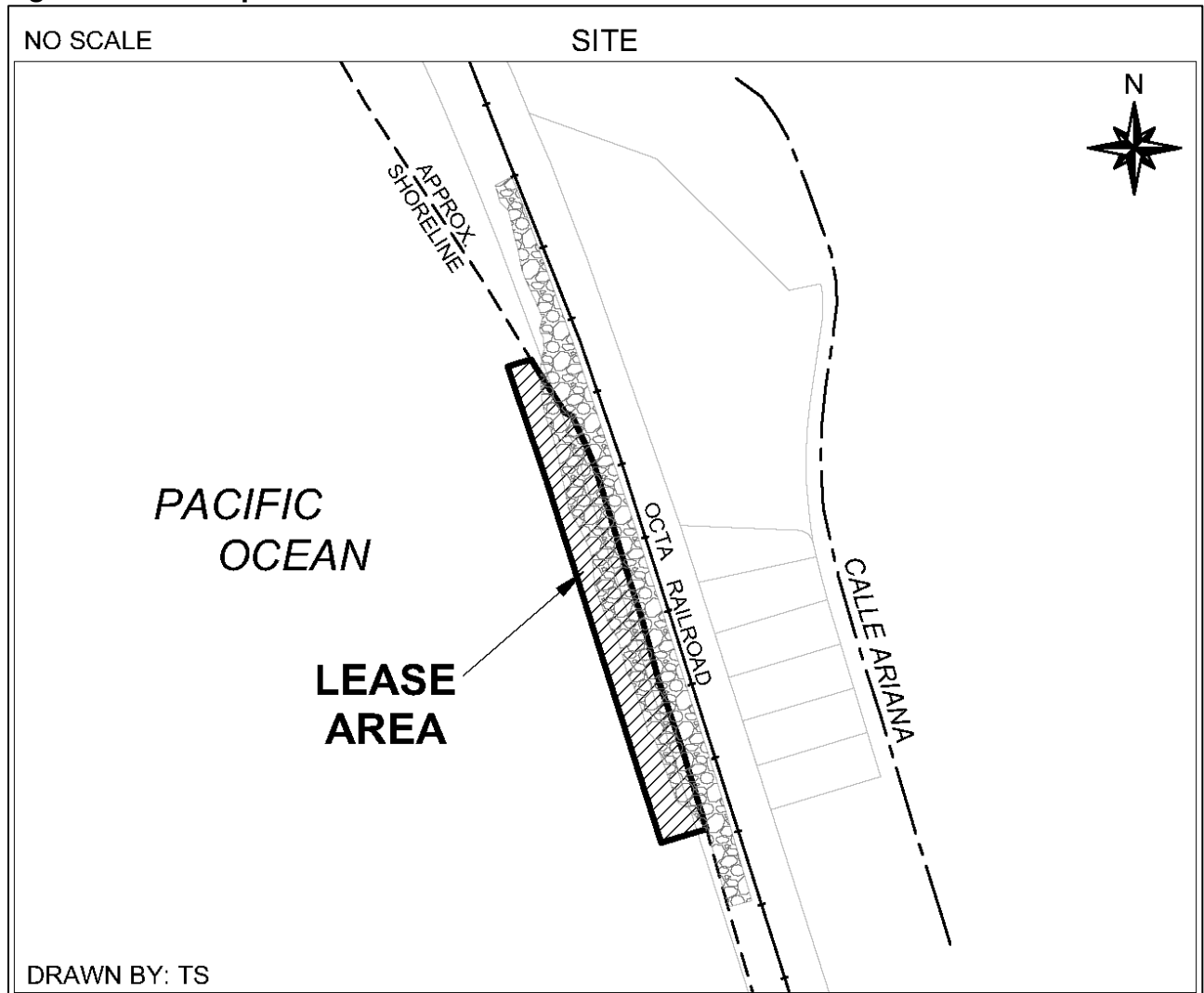
Figure 1. Location



AUTHORIZED USE:

Use of existing rock riprap (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 August 25, 2026.

CONSIDERATION:

The public use and benefit, with the State reserving the right to set a monetary rent if the Commission finds such an action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

- Prior to requesting approval for major repairs or alterations, Lessee agrees to assess the feasibility of replacing or supplementing the rock riprap on the Lease Premises with alternative adaptation strategies such as nature-based solutions or hybrid protective structure designs such as those discussed in the Lessor's report [*Shoreline Adaptation and the Public Trust*](#), and as amended.
- No later than August 25, 2029, Lessee shall provide Lessor with final plans for sand placement on or adjacent to the lease premises to replace, supplement, or support the existing rock riprap and to facilitate consistent lateral beach access to the area.
- If Lessee fails to implement sand placement on the lease premises by August 25, 2031, then Lessor reserves the right to re-evaluate public access impacts on the lease premises and determine whether additional consideration is appropriate.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

The Applicant is applying for a General Lease – Public Agency Use for existing rock riprap that was placed adjacent to the Applicant's railroad in the subject location. The subject railroad is located adjacent to the beach in San Clemente, serves as a main transit and freight rail corridor in Southern California, and is designated as a Strategic Rail Corridor by the U.S. Department of Defense.

The existing riprap was placed between September 2021 and ~~October 2022~~ March 2023 through three separate projects in response to a landslide event that caused westward lateral displacement of the railroad. This landslide, and the subsequent displacement of the railroad, was considered an emergency and was significant enough to force suspension of passenger and freight rail service along the railroad until it could be sufficiently stabilized. Pursuant to this emergency status, the Applicant's riprap installation was conducted as an emergency repair without prior Commission approval.

Geotechnical analysis performed by the Applicant's consultant determined that placement of the subject riprap was the most expedient method of effectively stabilizing the railroad to halt further displacement. To address the emergent need for railroad stabilization, the Applicant installed the subject riprap without notifying the Commission. Upon determining that the riprap encroached onto State lands, the Applicant contacted staff to seek Commission authorization. Subsequently, in October 2023, the Applicant applied for a lease. Since that time, staff, the Applicant and other agencies have been engaged on the overall project, including but not limited to activities conducted under emergency authorizations, surveys to determine the extent of encroachment on sovereign land, and potential for sand replenishment.

Based on the Applicant's post-project monitoring, the subject riprap sufficiently stabilized the railroad and rail service was restored. The placed riprap encroached far enough waterward into the ocean that it blocks lateral beach access in the area except during the lowest tides or when there has been significant seasonal sand deposition. There was significant outcry from the public, advocacy groups, and State agencies in response to the Applicant's riprap installation accelerating erosion of the beach and impacting public access. Subsequently, the Applicant has held a series of public meetings to engage with stakeholders regarding its coastal stabilization strategies. In response to public concerns, the Applicant has determined that it will pursue sand replenishment projects in addition to riprap as a method of stabilizing the railroad and protecting against further coastal erosion.

Following its decision to pursue sand replenishment, the Applicant met with staff to discuss the specifics of such projects. Based on these discussions, staff understands that implementation of sand replenishment will likely not occur for at least a few years as implementation of such projects requires significant time for studies, planning, permitting, and preparation of environmental documents. Additionally, staff has informed the Applicant that any sand replenishment projects will require authorization from the Commission.

While the Applicant has continued to move forward with various studies and plans to advance its proposed sand replenishment projects, in early 2025 it also identified four areas of the San Clemente railroad that required emergency stabilization. To address these emergencies, the Applicant applied for an emergency Coastal Development Permit (CDP) from the California Coastal Commission (CCC) and an emergency permit from the U.S. Army Corps of Engineers (USACE). On April 10, 2025, the Applicant received an emergency CDP from CCC which authorized riprap repair (via placement of new riprap) and sand nourishment for three of the

four emergency areas. CCC asked for more information about the fourth area as there was insufficient information to support the Applicant's assertion that this area was experiencing an emergency. Pursuant to its emergency permits, the Applicant placed more riprap adjacent to the railroad and subsequently provided a mean high tide line survey to staff which indicated that none of the new riprap encroached onto State sovereign lands.

As mentioned above, the riprap on the lease premises was placed as an emergency repair to stabilize and protect a railroad that serves as a main transit and freight rail corridor in Southern California, and which is designated as a Strategic Rail Corridor by the U.S. Department of Defense. Due to the public benefit provided by continued operation of this railroad, the subject riprap can be considered an improvement supporting a use that is of regional and statewide public benefit. However, it must also be acknowledged that the subject riprap has reduced lateral access across the adjacent beach, and the Applicant has not yet implemented sand nourishment on or adjacent to the proposed lease premises.

For the reasons detailed above, the proposed lease ultimately supports a use that is of regional and statewide benefit. Though the existing riprap has impacted lateral public access in the area, it is anticipated that these impacts will be temporary and will be abated by the Applicant's proposed sand replenishment projects. To ensure the Applicant remains committed to future sand replenishment projects, and to motivate timely implementation of such projects, the proposed lease includes provisions that require the Applicant to provide the Commission with final plans for sand placement by August 25, 2029 and allow the Commission to reconsider monetary rent if lateral access on the lease premises has not been provided by August 25, 2031.

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, does not grant the lessee exclusive rights to the lease premises, and reserves an easement to the public for Public Trust-consistent uses. Upon termination of the lease, the lessee may be required to remove any improvements from State land and restore the lease premises to their original condition. The proposed lease requires the lessee to carry liability insurance and to 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. These impacts are contributing factors to the severe bluff erosion and slope instability along the section of the Los Angeles-San Diego-San Luis Obispo Rail Corridor upland of the lease premises, and likely to affect the existing riprap revetment subject to the proposed lease, located in the Pacific Ocean, near San Clemente, Orange County. Near-term strategies to reduce the impacts of these coastal hazards include measures to stabilize the bluff slopes, widen the beach to buffer wave action, and use hard armoring at the base of the slope, such as the existing emergency riprap revetment. Long-term strategies are needed to ensure sustained function and operation of the rail line and improve the resiliency of the lease premises and uplands to climate change impacts.

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. The application materials utilized lower projected amounts of sea level rise, which are inconsistent with the State's best available science and guidance. This analysis will rely on the state guidance cited above.

ANALYSIS:

The lease premises currently flood during high tides and annual storm events. Commission staff used the online sea level rise mapping tool, [Our Coast Our Future](#), to evaluate risks to the lease premises and structures from future sea level rise. At 0.6 feet of sea level rise, the lease premises will become regularly flooded and subjected to stronger and more frequent wave impacts and erosion, potentially damaging any structures or improvements on the lease premises. Based on sea level rise projections in Table 1, this could occur between 2030 and 2040. However, episodic or short-term events, such as extreme storms, very high or King tides, and El Niño events, alone or in combination, increase the vulnerability of the lease premises and could expose it to flooding, wave runup and overtopping, and erosion much sooner.

As a result, the riprap revetment may sustain substantial damage and degradation over the lease term, requiring more frequent repairs and maintenance to retain its function. Once waves start regularly colliding with the riprap revetment, the reflected wave energy can erode the sediment below and surrounding the revetment, leading to structural instabilities. Reliance on revetments is typically not a long-term or sustainable protection strategy because the revetment will provide diminishing protection as (1) it becomes destabilized, and (2) rising sea levels exceed the conditions for which the riprap revetment was originally designed. The Applicant's planned sand replenishment project could temporarily provide protection to the rail line and riprap revetment by increasing the width of the beach to provide a larger buffer between the revetment and the effects of storm erosion and damage. By making the beach wider and gradually sloped, sand

replenishment could reduce wave run up and flooding and reduce erosion of the beach around the revetment ([Shoreline Adaptation and the Public Trust, 2023](#)).

In the absence of sand replenishment, although the riprap revetment may protect the rail line on the upland property, the protection comes at the expense of the adjoining beach because the revetment covers the intertidal area, making it inaccessible except at lower tides. Its placement also disrupts natural coastal processes such as longshore transport sedimentation and beach sand replenishment from adjacent slope erosion. As sea levels rise, the beach will continue to narrow. The loss of intertidal areas harms critical habitats and ecosystem services, degrades the scenic quality of California's iconic coast, and impairs public coastal access and recreational uses. The revetment blocks public access to the shoreline in front of and adjacent to the revetment, exacerbating the existing inequities in coastal access that affect many disadvantaged and tribal communities ([Reineman et al., 2017](#)).

RECOMMENDATIONS:

In addition to the proposed beach nourishment, alternative strategies should continue to be explored to protect the upland property and preserve the beach, including nature-based strategies (also referred to as 'natural shoreline infrastructure'), accommodation strategies, and relocating vulnerable structures further inland. These approaches can be more effective long-term because they interfere less with dynamic coastal processes, which would help to maintain the width of the beach, preserve public access and natural resources, and protect the upland property by buffering coastal hazards. Coordinating with adjacent properties and local governments to develop a regional approach could further enhance the effectiveness of these strategies.

Refer to Section Four of the Commission's 2023 Shoreline Adaptation and the Public Trust report for more information about various shoreline adaptation strategies and their advantages and disadvantages for mitigating coastal hazards and protecting Public Trust resources. Any future construction or activities on State land would require a separate authorization from the Commission.

Regular maintenance, as referenced in the terms of the lease, may reduce the likelihood of severe structural degradation or dislodgement. Pursuant to the proposed lease, the Lessee acknowledges that the lease premises and adjacent upland (not within the lease area) are located in an area that may be subject to

the effects of climate change, including sea level rise and rising groundwater levels.

CONCLUSION:

For all the reasons above, staff believes the proposed lease will not permanently interfere with Public Trust needs and values at this location 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. If the Commission denies the application, the Applicant must remove the improvements and restore the property to its original condition. The lessee has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Leading Climate Activism" and "Meeting Evolving Public Trust Needs" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
3. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 14, section 15301.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15061.

APPROVALS OBTAINED:

- California Coastal Commission
- Regional Water Quality Control Board
- U.S. Army Corps of Engineers

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 14, section 15301.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not permanently interfere with Public Trust needs and values at this location and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning August 25, 2026, for a term of 10 years, for the use of existing rock riprap; consideration being the public use and benefit, with the State reserving the right to set a monetary rent if the Commission finds such an action to be in the State's best interests; liability insurance in an amount no less than \$5,000,000 per occurrence, with all or part of this insurance requirement capable of being satisfied through maintenance of a staff-approved self-insurance program as specified in the lease.