



AGENDA REPORT

CITY OF SAN CLEMENTE

City Council Meeting

910 Calle Negocio
2nd Floor
San Clemente, California
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Meeting Date: 2/7/2023

Agenda Item: 9E

Department: Community Development

Prepared By Cecilia Gallardo-Daly, Community Development Director

Subject:

CONSIDER SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA COASTAL COMMISSION AND THE ARMY CORPS OF ENGINEERS TO AUTHORIZE AN OCEAN CAPABLE DREDGING VESSEL, WITH A TRAILING SUCTION DEVICE, TO DREDGE A SWATH OF APPROPRIATE SAND QUALITY SEABED NEAR THE BEACH, AND SIMULTANEOUSLY SPRAY THE SAND ONTO THE ADJACENT BEACHES

Fiscal Impact:

Unknown at this time. Compliance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) will require studies, however, the scope of that analysis is not defined, and therefore the costs are unknown

Summary:

This item is the consideration of an application submittal to the California Coastal Commission (CCC) and the United States Army Corps of Engineers (USACE) to authorize an ocean-capable dredging vessel, with a trailing suction device, to dredge a swath of appropriate sand quality seabed near the beach, and simultaneously spray the sand onto the adjacent beaches.

Background:

At the January 17, 2023 City Council meeting, the City Council agendized consideration of the submittal of an application to the CCC and the USACE to authorize an ocean capable dredging vessel, with a trailing suction device, to dredge a swath of appropriate sand quality seabed near the beach, and simultaneously spray the sand onto the adjacent beaches.

Discussion:

The request is the submittal of an application to the CCC and USACE to authorize a dredge ship to retrieve offshore clean, beach quality, compatible sand deposits in the general area past the surf zone (i.e., seaward of the zone where the waves break) and spray or "rainbow" the material back to the beach. The general concept of rainbow dredging (also referred to as "rainbowing") is the process in which a dredge ship propels sand reclaimed from the ocean floor (i.e., borrow site) in a high arc to a predetermined location.

On December 20, 2022, the City Council approved a project partnership with the USACE for the San Clemente Shoreline Project. The San Clemente Shoreline Project includes the nourishment of the city beach between Linda Lane and T Street on an approximate 6-year average nourishment cycle over a 50-year period. Phase I will include dredging beach quality sand from offshore the Oceanside Harbor with a hopper dredge and transporting the sand to San Clemente. Approximately 250,000 cubic yards of sand will be placed onto the city beach from Linda Lane to T-Street, encompassing a

new beach area of roughly 3,700 feet long by 50 feet wide. The USACE is finalizing plans and specifications for Phase I. The proposed application for a rainbow dredging could augment the San Clemente Shoreline Project.

Rainbowing has various effects and regulatory consideration by different agencies as part of the project's environmental review under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). In addition to the CCC and USACE, the following agencies would be a part of any such project review and approval:

- United States Environmental Protection Agency (USEPA): The EPA would review the Sampling and Analysis Plan (SAP) to ensure compliance with federal sampling protocols for the borrow site and receiver site. EPA would also review the SAP-R (results of the SAP) to ensure sediments are clean and compatible (grain size) with the receiver beach.
- National Oceanic Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS): Essential Fish Habitat & Critical Habitat Analyses under the Magnuson-Stevens Act, Marine Mammal Protection Act and the Endangered Species Act. Coordination occurs as part of the USACE regulatory permit process.
- United States Fish and Wildlife Service (USFWS): Federal Endangered Species Act Section 7 Consultation/Biological Opinion. Coordination occurs as part of the USACE regulatory permit process.
- California State Lands Commission (CSLC): Lease of State Lands for the borrow site(s) and the beach sand placement site(s).
- California Department of Fish and Wildlife (CDFW): Habitat analyses for the offsite borrow area and the beach sand placement area pursuant to the California Endangered Species Act in coordination with USFWS and NOAA/NMFS. Coordination would occur as part of the CCC and USACE permit processes.
- Regional Water Quality Control Board (RWQCB): Clean Water Act Section 401 Water Quality Permit/Certification regulating discharges of dredged or fill material to waters of the State. Coordination would occur as part of the CCC & USACE permit processes.
- California State Parks (State Parks): Right of Entry Permit if any staging or construction occurs within a State Park/State Beach.

Environmental Review

The City conducted an environmental review of the proposed action to file an application for rainbow dredging with the CCC and USACE for compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The filing of an application to the CCC and USACE for rainbowing does not constitute a "project" as defined by the State CEQA Guidelines (Cal. Code Regs., Title 14, § 15000 et seq.). The filing of an application does not commit the City to a specific project. The City would gain information from the submittal of an application to the CCC and USACE that will be used to inform a defined project scope, including necessary analyses and studies, and

environmental review. Because the request is not a “project” per CEQA, it is not subject to further environmental review.

Information is needed from these permitting agencies in order to inform the project parameters, including applicable environmental review. Once feedback from the permitting agencies is received, staff will return to the Council for authorization to proceed with a project and the necessary studies, including environmental review.

Under CEQA, the City of San Clemente is the lead agency on the project. A lead agency is the public agency that has the principal responsibility for carrying out or approving a project that is subject to CEQA. Therefore, before the City Council could take action to approve a rainbowing project, CEQA and NEPA review would be required, including the analysis of alternatives to lessen any environmental impacts.

Recommended Actions:

Staff Recommendation

1. Determine submittal of application to the California Coastal Commission and the United States Army Corps of Engineers for rainbow dredging is not subject to CEQA because it does not constitute a “project” as defined by the State CEQA Guidelines; and
2. Provide direction to staff as to the City Council’s desire to submit an application to the California Coastal Commission and United States Army Corps of Engineers for rainbow dredging approval.

Attachment:

None.

Notification:

None.