

RESOLUTION NO. 2023-0xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING USACE COASTAL STORM DAMAGE REDUCTION PROJECT IN SAN CLEMENTE; CERTIFYING THE FINAL EIS/EIR AND SEA/FONSI; ADOPTING THE MMRP AND FINDINGS OF FACT; AND AUTHORIZING THE FILING OF A NOTICE OF DETERMINATION TO SUPPORT THE PROJECT.

WHEREAS, Coastal erosion is a very significant problem in the City of San Clemente that threatens the public beaches and coastal public access, key public facilities, existing structures, and critical public infrastructure; and

WHEREAS, In 2001, the City of San Clemente entered into a Federal Cost Share Agreement (FCSA) with the United States Army Corps of Engineers (USACE) for purposes of collaborating on the San Clemente Coastal Storm Damage Reduction Project; and

WHEREAS, The Project was originally authorized under the Energy and Water Development Appropriations Act of 2000 and the City has been participating in Project development efforts with Federal and State agency partners for more than 20 years; and

WHEREAS, The State of California, through the State Parks, Division of Boating and Waterways, has been a steadfast State partner through the California Public Beach Restoration Act Program; and

WHEREAS, The Project is intended to reduce coastal storm damages to property and infrastructure along the study area shoreline for a period of 50-years; improve public safety in the study area by providing a wider sandy beach which serves as a natural wave buffer; and reduce coastal erosion and shoreline narrowing to improve public recreational opportunities for beach users within the City for the next 50 years; and

WHEREAS, The Proposed Project includes construction of a 50-foot-wide beach fill along a 3,412-foot-long stretch of shoreline. The Project would place an initial 251,000 cubic yards of compatible sediment on the beach. Over the 50-year life of the Project, renourishment would occur every 6 years; and

WHEREAS, Material for the beach fill will be dredged from a borrow site located within the Oceanside Littoral cell located off the coast south of the Project site; and

WHEREAS, The Project is anticipated to be the first entirely new USACE supported public beach restoration project in California in more than four decades and would provide local coastal storm damage reduction benefits and local, regional, state and federal economic benefits; and

WHEREAS, The project has been designed to be resilient to future sea level rise over its 50 year life using various sea level rise scenarios and is consistent with the California Coastal Commission Sea Level Rise Policy Guidance document which recognizes beach nourishment as preferred sea level rise adaptation strategy for developed coastlines; and

WHEREAS, The Draft EIS/EIR was issued in 2011 and recommended the “National Economic Development” (NED) plan; and

WHEREAS, At a March 15, 2011 San Clemente City Council hearing, the City expressed its support for the Project recommended by the USACE in the EIR/EIS and this milestone set the stage for Project approval by the USACE; and.

WHEREAS, The Project is consistent with Federal, Statewide, regional and local shoreline management goals which recognize the importance of public beach restoration along the South Orange County shoreline as the preferred method of addressing the critical coastal erosion problems caused by a lack of sediment supply; and

WHEREAS, In the absence of the Project, continued hard shoreline protection is expected to occur; and

WHEREAS, With implementation of the Proposed Project, the cities, State and USACE will be providing a viable nature based, green, soft solution as a means of advancing natural infrastructure protection; and

WHEREAS, The Project was approved by the USACE Civil Works Review Board CWRB on May 12, 2011; and

WHEREAS, The Final EIS/EIR was filed with the U.S. Environmental Protection Agency and was made available to interested parties for review and comment pursuant to regulations of the President's Council on Environmental Quality for implementing NEPA (40 CFR Parts 1500-1508) as well as the State Clearinghouse/Governor's Office of Planning and Research for a 45-day public review period beginning on August 9, 2011 and ending on September 23, 2011; and

WHEREAS, The Project was assigned State Clearinghouse Number 2010084002 and responses to the public comments are included in the Final EIR/EIS; and

WHEREAS, The Final EIS/EIR determined that all of the potential significant impacts of the Project can be avoided or reduced to a level below significance by the implementation of feasible mitigation measures as outlined in the Mitigation Monitoring and Reporting Program; and.

WHEREAS, In November 2011, the City and the USACE received approval from

the CCC when they issued their Consistency Determination (CD-029-11) for the Project; and

WHEREAS, The USACE Chiefs Report approving the Project was issued on April 15, 2012 and the final NEPA action of publishing the Record of Decision (ROD) occurred on September 6, 2012; and

WHEREAS, These approvals signaled the formal conclusion of the Project's "Feasibility Phase" which enabled the Project to progress to the "Pre-Construction Engineering and Design" (PED) phase beginning in June 2018. The Project's PED Phase concluded in 2020 following the collection of pre-construction baseline data; and.

WHEREAS, The Regional Water Quality Control Board issued a Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements Order No. 2003-0017-DWQ for the Project on November 3, 2022; and

WHEREAS, The USACE prepared a Supplemental Environmental Assessment and Finding of No Significant Impact in 2023 to address green sea turtles; and

NOW THEREFORE, the City Council of the City of San Clemente, California, does resolve as follows:

1. That the foregoing recitations are true and correct.

2. Approve the USACE Project in San Clemente; Certify the Final EIS/EIR and SEA/FONSI; Adopt the MMRP and Findings of Fact; File the Notice of Determination; authorize the City Manager, or his designee, to enter into a State Lands Lease for the Project from the California State Lands Commission and adopt **Resolution 2023-0xx**.

Section 3. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this 18th day of July, 2023.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California