

CAPISTRANO BAY DISTRICT  
AGENDA REPORT  
March 1, 2016

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*Old Business*

## **ITEM 10a**

### Temporary Shoreline Protection

\*Legal expenses to date for the emergency permit (Nov/Dec/Jan) are approx. \$73,500

The Emergency Coastal Development Permit (ECDP) that was issued to the community in December is good through May 21<sup>st</sup>. This means that in just three months the Coastal Commission will expect property owners to remove their sandbags, K-rails and gabions.

With global climate change and the past three summers of a Pacific hurricane season, our emergency shoreline protection needs are no longer seasonal but are becoming year-round. If the sandbags and K rails currently in place are removed in late May, the community can be assured that more sand will be eroded off the beach by the summer south swells.

The question becomes do we want to try to seek a time extension on the ECDP to be allowed to leave the shoreline protection in place, at least through the summer? At the previous meeting the Board chose to wait and see how the sandbags and K-rails are working out and to stop further communication with the CC.

## **ITEM 10b**

### District Authority on the Beach

The legal counsel for CSDA was reluctant to offer an opinion about the 'sphere of influence' of the District's authority for shoreline protection citing the fact that our legislative mandate does not preclude us or any other Community Services District from complying with state and local laws.

Our own counsel has pointed out in the past that the District's powers and jurisdiction do not include land use or planning authority over private property, that is mandated to the local planning authority which for us is the City of Dana Point and the Coastal Commission. The District can ask our legal counsel to provide a written opinion on this but we would have to pay for the legal work if the Board chooses to dig deeper into an official response.