

CAPISTRANO BAY DISTRICT  
AGENDA REPORT  
October 26, 2021

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Old Business

## ITEM 9a

### MHTL Issue/CCC Staff Comments

In a letter from CCC staff to a CDP applicant here on Beach Road earlier this year, the following language was used in reference to the Mean High Tide Line that the District surveys every June:

*“We (the CCC) understand that you have provided a survey (MHTL survey) to demonstrate that the unpermitted shoreline armoring is not within the deed-restricted area (here they are referring to a deed restriction for public access the owner was required to record back in 1979 for a CDP). Initially, we point out that the surveys were conducted on one day in the summertime, when the beach would be at its widest and the MHTL furthest seaward. In the winter, the MHTL would be expected to be located much closer to the home and potentially landward of the shoreline protection.”*

It appears the Coastal Commission is challenging the MHTL data, citing the surveys conducted in the summer do not accurately represent the actual location of the Mean High Tide Line. Our survey data indicates the CCC has this summer/winter comparison backwards, as evidenced by the survey chart on the following page, from 2002 through 2007. During this time period, the District was surveying the beach twice each year. The data on the chart indicates that the beach actually builds up in the winter, thus moving the MHTL further seaward, rather than closer to the homes, as claimed by the CCC.

Keep in mind when reading the chart that the MHTL survey points are all located out on the beach side of the homes and typically out at the seaward edge of that home’s patio or seawall – this is the point where the distance to MHTL is measured from.

In 2008 the Board decided to cut the surveys to once per year so there hasn’t been any winter surveys conducted since then. It is recommended that the District order a survey this winter, in early January, to provide current data on how the MHTL is moving from summer to winter.

The MHTL surveys are running about \$6000, so the Board is being asked to approve this additional expense for this coming winter. The Board can then make a more informed decision in June of next year as to the need to increase the number of MHTL surveys every year.

