

CAPISTRANO BAY DISTRICT  
AGENDA REPORT  
April 26, 2022

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*Old Business*

## ITEM 9a

### Shoreline Protection/Advisory Committee Report

The Committee and its consultants have been busy working for the best interests of our property owners. On March 31<sup>st</sup>, two days following the last Board meeting, the Committee met with our attorney and consultant team, Stan Lamport, Steve Kaufmann and Susan McCabe, to begin the process of bringing the team up to speed with the problems of shoreline erosion. Subjects covered in that first all-hands meeting were as follows:

#### March 31st ALL-HANDS Strategy Session

- City of Dana Point jurisdiction over issuing Coastal Development Permits (CDP's)
- In depth discussion of Mean High Tide and its impact on jurisdiction
- Continued support for the County's Beach Park shoreline protection efforts
- Involvement and support for the County's region-wide coastal resiliency plan (the most probable pathway to a regional sand replenishment project)
- Selection of coastal engineers/who to retain and when (Dave Skelly/GeoSoils Inc and Moffatt & Nichol Engineers)
- Importance of keeping the Board and the community informed of Committee progress

#### April 13th Meeting with City Officials

Committee members Will Wiersig, Jack Tarr and Don Russell met in conference with the following City Officials, at City Hall, to discuss coastal development regulatory jurisdiction:

- Mike Killebrew, City Manager and Kelly Reenders, Asst. City Manager
- Pat Munoz, City Attorney
- Brenda Wisneski, Director of Community Development
- John Ciampa, Senior Planner

The City's certified Local Coastal Plan expressly requires that development in the Coastal Zone that is landward of the Mean High Tide Line (MHTL) falls to the City and development seaward of the MHTL falls to the Coastal Commission.

The purpose of the meeting was to reinforce our expectation that the City NOT cede its jurisdiction to the Coastal Commission.

The next step with the matter of jurisdiction will be to meet with City Council members and educate them on the 'rules of engagement' so to speak. This is in preparation for the near future when homeowners will need to go to the City to apply for after-the-fact permits for shore line protection and the alleged violations of the Coastal Act.

# ITEM 9a

## SANDBAG MESS

*(Email from homeowner Dan Nickel)*

3-27-22

Don,

The district needs to start reviewing some of the shoreline experiments on the beach. We all know and appreciate the “free will spirit” the district has allowed owners in their personal efforts to protect their property. However we have a few owners that are putting us all in a vulnerable position. Any ocean conservation group that may and most likely will come along this summer, will and rightly should take issue with the sand bags disintegrating on our beach. This situation will only get worse as the newly placed sand bags on numerous other properties start to deteriorate. I think we can all agree that erosion control, is difficult, expensive, and necessary. I do not have the answer, however we can clearly see the sandbag experiment is not the solution. (see attached photo)

Our family owned a property in San Juan Capistrano, and suffered a significant land slide. The City of San Juan Capistrano put a lien on the property until we the owners completed the repairs. I am not suggesting we start putting liens on properties, but the owners that have created a “mini environmental disaster” need to clean up their shit. At a minimum the district needs to put the owners with failing sandbags on notice.

I understand the “Coastal Commission” allows for sand bags and not rocks. Another strategy would be to put this on the 5 o’clock news, and let all hell break loose.

Regardless, no action by the district and not having the deteriorating sand bags as an agenda item is not acceptable.

Respectfully,

Dan Nickel

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