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March 13, 2024

VIA ELECTRONIC MAIL

Board of Directors
Capistrano Bay Community Services District
35000 Beach Road
Capistrano Beach, CA 92624
Attn.: Donal S. Russell, General Manager
Email: drussell@capobay.org

Re: Capistrano Bay Community Services District (the “**District**”)

Dear Members of the Board:

As you know, this firm represents the Coalition to Protect Capistrano Beach (the “**Coalition**”). The Coalition believes that the District’s Board members (the “**Board**”) can take action to protect the Beach Road Community from continuing shoreline erosion.

The Coalition congratulates the Board and the Beach Road Community on the passage of the special parcel tax to fund shoreline protection efforts. As the Coalition has previously noted in previous correspondence to the Board, the special tax will be instrumental in providing a dedicated funding source for the protection of homeowners and families along Beach Road from the increasing threat of coastal erosion. The Coalition is also pleased to see that the Board has assembled a group of consultants with expertise in the various legal, lobbying and engineering issues needed to address shoreline protection and sea level rise in the Beach Road Community.

The Coalition is also pleased to see that the District is monitoring and participating in regional efforts to address shoreline protection and sea level rise. As the Coalition has noted previously, combating shoreline protection requires a regional, coordinated effort. For example, the Coalition supports the District’s decision to share in the costs of the SANDAG RBSP III since it will allow the District to benefit from a regional beach nourishment plan. The Coalition fully supports the District’s continued commitment to collaboration and coordination with regional partners.

Lastly, the City of Dana Point’s Agenda Report (February 6, 2024) notes that one of the overall objectives of RBSP III is identifying beach erosion areas that may impact **critical public infrastructure**. The Coalition has previously noted that a rail line and the Pacific Coast Highway are located adjacent to the Beach Road Community and thereby constitute critical public infrastructure – to be clear, the rail corridor adjacent to the Beach Road Community is one of the nation’s busiest rail routes. In any discussions regarding RBSP III, the

District should reach out to, and emphasize the importance of, the Southern California Regional Rail Authority, Amtrak and Orange County Transportation Authority and their vital interests in the rail line and PCH. Moreover, because the State and Federal governments will never allow these key transportation assets to be submerged by elevated sea level rise, managed retreat cannot apply to Beach Road. Accordingly, the District needs to take the position that managed retreat is inapplicable to Beach Road. As an alternative to the various governmental agencies and California taxpayers incurring the cost to protect these transportation assets, the Coalition believes that the Board needs to emphasize that the District and the Beach Road private property owners need to be permitted to construct barriers and devices that protect not only the Beach Road homes but also the vital public infrastructure projects located immediately adjacent to the District. In effect, the private property owners along Beach Road in the District would be subsidizing the protection of PCH and the railroad and the vital governmental, economic and public interests that they serve – all that the Coalition asks is that in exchange for the District's private property owners protecting these infrastructure projects that they also be permitted to protect their homes.

Sincerely,

A handwritten signature in black ink, appearing to read 'AS', with a long horizontal stroke extending to the right.

Alexander W. Schwada
of Schwada Law, P.C.