

February 14, 2014

Hon. Steve Kinsey, Chair
California Coastal Commission
c/o Sea-Level Rise Work Group
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Comments on Commission's Draft Sea-Level Policy Guidance

Dear Chair Kinsey:

These comments are submitted on behalf of the more than 2,500 Encinitas and Solana Beach oceanfront property and business owners who care deeply about the coastal environment, public safety, and helping to create and maintain safe beach access and recreational opportunities for all Californians. Specifically, this firm represents and speaks for the Shoreline Preservation Association, the Beach & Bluff Conservancy, the Condominium Owners of South Sierra Avenue, the homeowner associations for the 9 oceanfront condominium projects in Solana Beach, and numerous individuals and organizations who own properties and businesses along and near the shoreline in the Project area.

We recognize that the Commission is concerned about the potential impacts of sea-level rise ("SLR") on coastal resources and that the intent of the Guidance is, in part, to provide coastal communities with guidelines with which to base their SLR policies and planning, based on the best available science.

Our clients share many of the viewpoints already expressed to the Commission by local government and coastal landowners, however, we have the following reservations about the Guidance as currently drafted:

1. The Guidance may be interpreted by many as a regulatory document in the future.
2. The Guidance contains discrepancies in SLR projections.
3. The highly technical baseline analysis of coastal conditions called for in the Local Hazard Condition Analysis will be costly and time-intensive.
4. There will be unpredictability associated with certifying LCPs and Implementation Plans in conformance with the Guidance if it morphs into a set of regulations.
5. There will be significant fiscal impacts on coastal communities in an effort to comply with the Guidance if it morphs into a set of regulations.

6. The Guidance does not take into account studies and papers that have been published by Dr. Scott Sherman of Scripps Institution of Oceanography (“SIO”), Dr. Reinhart Flick of SIO and the Commission’s own coastal engineer, Lesley Ewing, showing that (a) SLR in Southern California is projected to be significantly lower than SLR in the Central and Northern Coast regions of California and the rest of the nation, and (b) beach sand nourishment at a number of locations in Southern California would mitigate against projected inundation of land along the coast.
7. It does not appear that the Commission has coordinated its efforts on SLR with the Department of Parks and Recreation’s Facilities Division, which manages the state’s beach restoration program formerly managed by the Department of Boating & Waterways (AB 64, The Public Beach Restoration Act, Laws of 1999), nor does it appear that the Guidance has been adequately vetted by state agencies, departments and commissions that have coastal jurisdiction, including the state’s Ocean Protection Council.
8. The Guidance does not adequately address sand replenishment (aka beach renourishment), especially on crowded urban beaches, as a means of dealing with SLR. It has been documented that each foot of SLR can be neutralized with one foot of sand placement. California’s economy, beach environment, and the safety of beach goers is highly dependent on the availability of sandy beaches. Retreat from an potentially advancing sea will is neither feasible nor desirable. Humankind’s massive and unrelenting development of lands within the coastal watershed, along with artificial harbors and jetties, has permanent disrupted nature’s sediment delivery systems to the beach. As a result, some areas of our coastline are far more sensitive to SLR than they otherwise would be. The responsible, and most cost effective, way to deal with SLR is to restore what society has taken – a sandy beach – through artificial means. Beach replenishment is not only the best way to confront SLR, but is in the best interests of most Californians or its millions of annual visitors who come to enjoy its sandy beaches.

We respectfully urge the Commission to consider the foregoing concerns prior to finalizing the Guidance, especially items 6, 7 and 8 above. Thank you for the opportunity to provide comments regarding the Guidance and we look forward to working with the Commission on the areas of concern expressed above.

Respectfully submitted,

AXELSON & CORN, P.C.



Jon Corn