9.0
GOVERNANCE STRUCTURE AND IMPLEMENTATION

Implementation of this Coastal RSM Plan requires enforcement mechanisms and incentives. Without these mechanisms in place, sediment management will likely remain an ad-hoc activity, performed on a case-by-case basis without a long-term vision. A few possible mechanisms for governance are presented in this section.

9.1 Implementation Options for Governance Structure

Adoption of this Coastal RSM Plan by SANDAG is the first step towards ensuring that the Plan is consulted during sediment management activities throughout the San Diego region. SANDAG is best positioned to maintain the regional perspective needed to coordinate the various activities identified in this section and ensure that the Plan’s goals and objectives are met.

Options for implementing this Coastal RSM Plan are included herein and specified below. The RSM projects require funding that may not presently be available but could potentially be obtained through economic incentives, bonds, legislation, or fees. A combination of multiple measures would increase the effectiveness of the Coastal RSM Plan.

9.1.1 Add to/Amend CEQA Initial Study Checklist

The California Environmental Quality Act (CEQA) requires each discretionary “project” in the state to be analyzed for potential environmental impacts. The Initial Study (IS) checklist is a screening document to help the reviewer determine which level of environmental review may be required by posing questions about potential impacts to resource areas. Each jurisdiction typically uses a standardized IS form, or the form provided by the state. Questions about whether the project will have an adverse impact or be consistent with coastal regional sediment management should be included in the CEQA IS to raise the issue for all projects. This would potentially require full disclosure of project inconsistencies with the Coastal RSM Plan and identify opportunities long before the project comes “on line.” Mitigation measures, in the form of beach nourishment, or payment of an in-lieu fee could be identified for certain projects. Candidate projects could be proactively anticipated and incorporated into the sediment management effort, thereby increasing opportunities for nourishment.

The San Diego Chapter of the Association of Environmental Professionals (AEP) solicited member input on the local region’s CEQA IS form in 2008, and SANDAG commented that questions should be added addressing the Coastal RSM Plan. The specific questions recommended for addition would inquire about whether the project may generate surplus sediment that could benefit the coast, and what specific data are available about the sediment. At
the time of adoption of this RSM Plan, the AEP had not yet concluded revision of the CEQA IS form. If the AEP does not revise the CEQA IS form, then the cities and County should consider amending the CEQA IS forms they use to incorporate RSM. This action is a highly feasible, and should not require any additional funding. State legislation may also be required to amend the CEQA IS form. However, local agencies could proceed with using a modified IS form in the near-term.

9.1.2  
**Rely on the California Coastal Act**

The California Coastal Act (Coastal Act) is the law guiding operation of the California Coastal Commission. The present Coastal Commission policy is to require all projects within the coastal zone with surplus sandy sediment to place it at the coast. However projects often end up placing the sediment elsewhere for various reasons (e.g., limitations of timing, budget, and practical limitations). Amending the Coastal Act to more directly address regional sediment management is unlikely, so relying on the existing Act to guide policy is the practical alternative. The Coastal Act may be able to be relied upon to specifically require all projects within the coastal zone to consult this Coastal RSM Plan and identify why or why not the project is consistent with the Plan. It could also be an avenue to require that local agencies consult the Plan and initiate actions to secure approvals for use of receiver sites whenever possible. No additional funding or actions are required to apply the Coastal Act as described above.

9.1.3  
**Add to/Amend Local Coastal Programs**

Existing Local Coastal Programs (LCPs) could be amended to require that project proponents consult the Coastal RSM Plan during conceptual project phases. This could be done when each LCP is renewed, and would probably require advisory input from the Coastal Commission. Actual sediment management activities are implemented most frequently at the local level, and local policy documents should specifically relay instructions of how to carry out the Coastal RSM Plan for individual projects. Amending LCPs is feasible, but would require funding for cities to perform the necessary planning tasks.

9.1.4  
**City/County Grading Permits**

Local permits for construction could include requirements to implement sediment management activities if surplus sandy sediment is expected to be generated during project construction. To secure the permit, the local agency could require the applicant to consult the Coastal RSM Plan prior to formalizing their project, in order to either demonstrate consistency with the Plan or justify an exemption to the Plan. This action is feasible and no additional funding is required for this suggested action.
9.1.5
Incentives Through Reduced Developer Fees

Local agencies (cities and the County) impose fees on projects to issue permits. The local agencies gain revenue and fund staff time from this practice. If local agency financial conditions were suitable, the agency could either forego or reduce the fees imposed on applicants in exchange for an agreement to contribute the sandy sediment to either a stockpile or the coast. This economic incentive may either partially or entirely offset the incremental added costs for the developer to transport the material to the desired location. This action is feasible, depending on city economic conditions, and no additional funding is required for this recommended action.

9.1.6
Local Zoning Ordinances and General Plans

Local zoning ordinances and General Plan documents for both cities and the County could include provisions to require consultation of the Coastal RSM Plan. These ordinances could specify that the local agency identify and carry out actions called out in the Plan at the local level. The zoning ordinance is the main tool of enforcement available to a local agency. Modifying existing Zoning Ordinances and General Plans is feasible, but additional funding would be required.

9.1.7
Establish “Sandsheds/Littoral Cell” Planning Agencies

Establishment of “sandshed” (Revell et al. 2007) or littoral cell planning agencies that are analogous to watershed planning groups could further the initiatives of the Coastal RSM Plan. The closest resemblance to this type of group in the San Diego region is SANDAG’s SPWG. The SPWG performs this function well at this point, but has to address a very broad range of coastal issues in addition to sediment management. The SPWG could therefore benefit from creation of a subgroup focused on sediment management within the sandsheds that carries information and recommendations forward to the SPWG. The feasibility of this action is in question, and additional funding would be required for its completion. Required steps would include SANDAG staff or members proposing formation of a sandshed planning agency to the SPWG, and a recommendation from the SPWG to the SANDAG Regional Planning Committee and Board of Directors.

9.1.8
General Permits

The USACE has issued Regional General Permit (RGP) #67 for opportunistic beach fill projects in Southern California. RGP 67 generally allows beach nourishment for projects that utilize at least 80 percent sandy sediment proven to be uncontaminated and proposed for placement below the mean higher high tide line. Requirements include a demonstrated need for the sediment at
the beach and a finding that sensitive environmental resources will not be impacted. The RGP 67 permit also was approved by the State Water Resources Control Board.

However, projects that lie outside of these parameters still require either individual permits or establishment of an opportunistic beach fill program. An opportunistic beach fill program was established in Carlsbad, and is being established as part of SCOUPI at Oceanside, and part of SCOUP II at Encinitas, Solana Beach, Coronado, and Imperial Beach. An opportunistic beach fill program results in general permits from all agencies, including the USACE, Regional Water Quality Control Board, California Coastal Commission, California State Parks, and State Lands Commission to place sediment on only designated local beaches if the material is at least 75 percent sand and clean of contaminants.

Approvals for implementing the Coastal RSM Plan would need to be made by all jurisdictional agencies. General permits should be secured for specific RSM Plan actions from jurisdictional agencies to allow elements of the plan to be carried out without the need for repeated permitting of each individual element. The permits should include elements of the Plan that are not already permitted (large-scale offshore dredging, sediment management devices, and nourishment), such that implementation can be streamlined for project construction. Permit periods could extend from 5 to 10 years, at which time permits would have to be extended or re-issued.

Establishing general permits is feasible, but would be challenging and require additional funding for planning tasks, agency applications, and staff processing time. Required steps would include:

1. Conducting a pre-application meeting with all agencies to present the concept;
2. Perform any outstanding technical studies or prepare technical documents identified as necessary from this RSM and from resource/permitting agency input including site investigations, monitoring plans, etc.
3. Prepare a draft CEQA/NEPA document;
4. Apply for permits to all jurisdictional agencies;
5. Respond to requests for additional information from permit agency staff;
6. Finalize the CEQA/NEPA document;
7. Attend hearings of permit agencies;
8. Complete all tasks required as part of permit conditions; and
9. Sign and file the permits.

Once individual projects are to occur, project-specific notifications, monitoring actions and reports will have to be completed and submitted to all permitting agencies to secure written concurrence to perform proposed actions. These project-specific actions will also require additional funds, but are feasible and required for any beach nourishment project.

9.1.9 Environmental Review

CEQA and NEPA have to be met to secure general permits for RSM Plan actions. The environmental review document could potentially be a combined Program Environmental Impact
Report/Environmental Impact Statement (PEIR/EIS) for the un-permitted components of the Plan involving offshore dredging, sediment management devices, and nourishment. However, the level of environmental review still needs to be determined. An appropriate regional or state entity may be most suitable to serve as CEQA Lead Agency, and the USACE (or another appropriate federal agency) could be the NEPA lead for the environmental document.

A program-level document would allow for evaluation of a suite of actions that would occur repeatedly over time through-out a defined future period, such as future modified RBSPs. As each future RBSP comes on-line, a supplemental EIR/EIS could be prepared to update the original programmatic document and to support updated or new permit applications. This approach is less costly and time-consuming as compared to preparing a new project-specific CEQA/NEPA document every 5 to 10 years.

This action is feasible and will require additional funding to complete. Next steps would be for SANDAG to discuss actions that could be the basis for the Project Description, and determine how best to coordinate the RSM Plan with the RBSP program. An initial vision may be to complete RBSP II and one pilot project for a sediment management device, and then proceed with a program-level RBSP project that includes the RSM elements of large-scale offshore dredging, sediment management devices, and nourishment.

9.1.10
Coordinate with State Regulatory Programs

There are several California regulatory efforts focused on planning measures directed at coastal resource protection that have the potential to limit the effectiveness of regional sediment management and implementation of the recommendations contained within this Coastal RSM Plan. SANDAG, CSMW and other stakeholders need to work with agency staff involved in these efforts to highlight needs and identify mutual goals and objectives so that all these important efforts can succeed. The following efforts are needed:

- The Marine Life Protection Act being implemented by the California Department of Fish and Game has the potential to inhibit dredging of offshore sources and placement of sediment or sediment management devices on the beach and nearshore. Designation of a Marine Protected Area where nourishment, placement of a sediment management device, or offshore dredging are proposed could severely limit the ability to conduct RSM (dependant on the type of MPA designated). CSMW and SANDAG have and should continue participating in the MLPA process to identify locations of future sediment management, and to share information on results of SANDAG monitoring (AMEC 2005, Coastal Frontiers 2008) and recent research on habitat benefits (e.g., SAIC 2005), and how nourishment can be conducted in an environmentally sensitive manner (e.g., SAIC, in review).

- Future Total Maximum Daily Load (TMDL) regulations for sediment being set by the Regional Water Quality Control Board (RWQCB) have the potential to further reduce delivery of beach-compatible sediment to the coast. SANDAG and the
CSMW are actively working with the State Water Resources Control Board and RWQCB staff and Directors to find ways to differentiate between coarse and fine sediment and to consider the impacts on sediment transport to the coast when developing TMDLs.

- Storm-water permits by the RWQCB requiring containment of all sediment on-site in detention basins at development projects also has the potential to reduce sediment delivery to the coast. SANDAG, CSMW and other stakeholders have and should continue to work with the SWRCB and RWQCB to find innovative ways to trap fine sediment on-site while allowing coarse, beach-compatible sediment to find its way to the coast.

### 9.2 Possible Challenges to Implementation

Challenges to the reuse of surplus sediments at eroding coastal areas exist that may be anticipated and accommodated. Challenges include certain federal policies, stakeholder interests, potential future regulations, existing economic disincentives, and practical project considerations. Examples of potential challenges to regional sediment management include those listed below. This is not an exhaustive list but more of a representative list of typical impediments within a region.

- **Policies** - USEPA uses a “rule-of-thumb” that the material placed at the coast should not exceed the percentage of fine-grained sediments at placement site by more than 10 percent, and that the material must be at least 80 percent sand and no more than 20 percent fines for nourishment, unless significant evidence is presented indicating a lack of adverse biological impacts. This step is costly and time-consuming to perform repeatedly for individual projects. CSMW and other stakeholders are working with USEPA to assess the impact of higher-percentage fine-grained sediment on water quality and biota through the Tijuana Estuary Sediment Fate and Transport Science Study. If the results of the study indicate that those materials can be used without adverse environmental impacts, USEPA will consider amendments to the 80/20 rule of thumb, most likely through a general permit approach.

- **Stakeholder Interests**
  - Concerns regarding adverse impacts to surfing and coastal resources;
  - Preventing impacts to local fisheries; and
  - Local citizen groups concerned about beach nourishment’s potential adverse impacts on the environment, economics, and health and public safety.

- **Economic Disincentives**
  - Increased project costs and time required to secure permits for beach nourishment using upland material as part of a development proposal rather than disposing of it at an approved inland facility;
  - Increased costs to truck material to the coast from inland construction sites; and
  - Financial obligations associated with monitoring and possible mitigation.
- **Practical Project Considerations**
  - Existing constraints imposed on opportunistic beach fill projects (SCOUps) for percentage of fines, timing of nourishment, and the rate of nourishment to minimize impacts on sensitive habitat areas; and
  - Monitoring and potential mitigation obligations and requirements.

These challenges may be avoided or proactively minimized to enable regional sediment management. A concentrated effort should be made to inform and coordinate with the various groups that might be opposed to activities specified within this the Coastal RSM Plan, or that are developing regulations that inadvertently or directly oppose regional sediment management. Education and information about regional sediment management should be shared with other groups to enable their objectives and needs to be met along with the needs of the coastal cities. Federal, state, and regional leaders will need to strike a balance amongst the interests of various stakeholder groups and the needs of the coast, and strive to maintain that balance as further development occurs throughout the region in the future if the quality of life committed to by SANDAG is to be preserved.