RESOLUTION NO. 2021-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH REQUESTING THAT THE UNITED STATES ARMY CORPS OF ENGINEERS FUND AND IMMEDIATELY PROCEED WITH SURFSIDE-SUNSET BEACH NOURISHMENT PROJECT STAGE 13 FROM ANAHEIM BAY HARBOR TO NEWPORT BAY IN ORANGE COUNTY, CALIFORNIA

WHEREAS the longshore current carries beach sand southward along the California coast, nourishing the beaches of Orange County from Anaheim Bay Harbor through Huntington Beach to Newport Beach; and

Prior to onshore structural development between the San Gabriel River outlet and Newport Bay, local beaches received sand from flood runoff of the Los Angeles, San Gabriel, and Santa Ana Rivers; and

In 1942, the United States constructed jetties at Anaheim Bay to serve the Seal Beach Naval Weapons Station, adjacent to Surfside Beach. Waves reflected off the East Jetty combine with ocean waves, causing strong, localized southward-flowing longshore currents near the jetty. These currents cause severe down coast erosion at both Surfside Beach in Seal Beach, and Sunset Beach in Huntington Beach. In response, and without any formal Congressional action, the Army Corps of Engineers initiated beach replenishments in 1945, 1946 and 1956; and

The Army Corps conducted studies and issued a Report (House Document 602, October 2, 1962) identifying three causes of Orange County beach erosion: (1) the jetties at the entrance to Anaheim Bay; (2) flood-control structures constructed on the Los Angeles, San Gabriel, and Santa Ana rivers reducing sand delivery; and (3) construction of the Los Angeles/Long Beach breakwater system further altering and exacerbating the local sediment transport processes. The Army Corps acknowledged that all three causes of beach erosion were the result of the Federal government’s own actions. Accordingly, the Army Corps recommended that the Federal Government provide sixty-seven percent (67%) of the cost of initial deposition of sand, with periodic beach nourishment. Congress authorized the Report’s recommendations through the 1962 River and Harbor Act, Public Law 87-874, which the President signed; and

From 1964 through 1997, Beach Nourishment Stages 1 through 10 were completed. For 32 years, the Army Corps Commander considered beach nourishment a mandatory requirement. However, in 1995, the Army Corps began a phase-out of nourishment without regard to its past practice that nourishment was unique and necessary. Nourishment Stage 11 was completed in 2001, and Stage 12 was not completed until 2009; and

On April 2, 2018, the City of Huntington Beach and the County of Orange executed an Agreement For Construction of Periodic Nourishment Of the Orange County Beach Erosion Control Project Stage 13, in which the City agreed to contribute $281,966 towards Stage 13 construction. The State of California, the City of Newport Beach and others will provide additional contributions; and

In September 2018, the Army Corps issued a Draft Environmental Assessment for Nourishment Stage 13, indicating the project would begin in the winter of 2019, and that Stage 14 would occur in 2023. The Environmental Assessment acknowledged that Stages 13 and 14 were required pursuant to the 1962 act of Congress, Public Law 87-874, and that “Federal
authority directs the Corps to nourish the beaches between the Anaheim Bay jetties and the Newport pier;" and

If nourishment is discontinued, Orange County beaches will erode, reducing recreation opportunities and protection of shoreline facilities from of storm damage; and

Despite the warning that failure to nourish local beaches would not only reduce recreation opportunities but also expose property to storm damage, the Army Corps has failed to fund the Nourishment Stage 13 for 11 years, and shows no signs of pursuing it;

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

1. The City Council finds all of the above Recitals true and correct.

2. The City Council urges the U.S. Army Corps of Engineers, South Pacific Division Los Angeles District to immediately fund and proceed with Surfside-Sunset Beach Nourishment Project Stage 13.


4. The City Council directs the City Manager and the City Director of Public Works, or their designees to meet directly with Colonel Balten, and take all other actions reasonable and necessary to ensure that Nourishment Stage 13 proceeds immediately in 2021, and Stage 14 occurs within two years of the completion of Stage 13.

5. PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 19th day of April, 2021.

Mayor

REVIEWED AND APPROVED:

City Manager

INITIATED AND APPROVED:

Director of Public Works

APPROVED AS TO FORM:

City Attorney
STATE OF CALIFORNIA
COUNTY OF ORANGE } ss:
CITY OF HUNTINGTON BEACH }

I, ROBIN ESTANISLAU, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at a Regular meeting thereof held on April 19, 2021 by the following vote:

AYES: Peterson, Kalmick, Ortiz, Carr, Posey, Moser, Delgleize
NOES: None
ABSENT: None
RECEIVE: None

Robin Estanislaw
City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach, California
RESOLUTION 7144

A RESOLUTION OF THE SEAL BEACH CITY COUNCIL REQUESTING THE UNITED STATES ARMY CORPS OF ENGINEERS FUND AND PROCEED WITH SURFSIDE-SUNSET BEACH NOURISHMENT PROJECT STAGE 13 FROM ANAHEIM BAY HARBOR TO NEWPORT BAY IN ORANGE COUNTY, CALIFORNIA

WHEREAS, the longshore current carries beach sand southward along the California coast, nourishing the beaches Orange County from Anaheim Bay Harbor to Newport Beach; and,

WHEREAS, prior to onshore structural development between the San Gabriel River outlet and Newport Bay, local beaches received sand from floor runoff of the Los Angeles, San Gabriel, and Santa Ana Rivers; and,

WHEREAS, in 1942, the United States constructed jetties at Anaheim Bay to serve the Seal Beach Naval Weapons Station, adjacent to Surfside Beach. Waves reflected off the East Jetty combined with ocean waves, causing strong, localized southward-flowing longshore currents near the jetty. These currents cause severe down coast erosion. In response, and without any formal Congressional action, the Army Corps of Engineers (Army Corps) initiated beach replenishment in 1945, 1946, and 1956; and,

WHEREAS, the Army Corps conducted studies and issued a Report (House Document 602, October 2, 1962) identifying three causes of Orange County beach erosion:

1. The jetties at the entrance in Anaheim Bay.
2. Flood-control structures constructed on the Los Angeles, San Gabriel, and Santa Ana rivers reducing sand delivery.
3. Construction of Los Angeles/Long Beach breakwater system.

The Army Corps acknowledged that all three causes of beach erosion were the result of the Federal Government's own action. Accordingly, the Army Corps recommended that the Federal Government provide sixty-seven percent (67%) of the cost of initial deposition of sand, with periodic beach nourishment. Congress authorized the Report's recommendation through the 1962 Rivers and Harbor Act, Public Law 87-874, which the President signed; and,

WHEREAS, from 1964 through 1997, Beach Nourishment Stages 1 through 10 were completed. For 32 years, the Army Corps Commander considered beach nourishment a mandatory requirement. However, in 1995, the Army Corps began a phase-out of nourishment without regard to its past practice and Congressional declaration that periodic nourishment was unique and necessary.
Nourishment Stage 11 was completed in 2001, and Stage 12 was not completed until 2009; and,

WHEREAS, in September 2018, the Army Corps issued a Draft Environmental Assessment Nourishment Stage 13, indicating the project would begin in Winter 2019, and that Stage 14 would occur in 2023. The Environmental Assessment acknowledged that Stages 13 and 14 were required pursuant to the 1962 Act of Congress, Public Law 87-874, and that "Federal authority directs the Corps to nourish the beaches between the Anaheim Bay jetties and the Newport Pier;" and,

WHEREAS, if the nourishment is discontinued, Orange County beaches will continue to erode as a result of federal actions, reducing recreation opportunities and protection of shoreline facilities from storm damage; and,

WHEREAS, despite the warning that failure to nourish local beaches would not only reduce recreation opportunities but also expose property to storm damage, the Army Corps has failed to fund Stage 13 for 11 years.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEAL BEACH DOES HEREBY RESOLVE:

Section 1. The City Council finds all of the above Recitals true and correct.

Section 2. The City Council urges the United States Army Corps of Engineers, South Pacific Division Los Angeles District to immediately fund and proceed with Surfside-Sunset Beach Nourishment Project Stage 13.

Section 3. The City Council hereby directs the City Clerk to forward this Resolution to the United States Army Corps of Engineers.

Section 4. The City Council hereby directs the City Manager to take all other reasonable actions necessary to ensure Surfside-Sunset Beach Nourishment Project Stage 13 proceeds immediately after the Army Corps of Engineers acts to fund it.
PASSED, APPROVED AND ADOPTED by the Seal Beach City Council at a regular meeting held on the 26th day of April, 2021 by the following vote:

AYES: Council Members: Kalmick, Massa-Lavitt, Moore, Sustarsic, Varipapa

NOES: Council Members: None

ABSENT: Council Members: None

ABSTAIN: Council Members: None

Joe Kalmick, Mayor

ATTEST:

Gloria D. Harper, City Clerk

STATE OF CALIFORNIA    }    SS
COUNTY OF ORANGE      }    SS
CITY OF SEAL BEACH    }

I, Gloria D. Harper, City Clerk of the City of Seal Beach, do hereby certify that the foregoing resolution is the original copy of Resolution 7144 on file in the office of the City Clerk, passed, approved, and adopted by the City Council at a regular meeting held on the 26th day of April, 2021.

Gloria D. Harper, City Clerk
ATTACHMENT B

RESOLUTION NO. 2021-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, REQUESTING THAT THE UNITED STATES ARMY CORPS OF ENGINEERS FUND AND IMMEDIATELY PROCEED WITH SURFSIDE-SUNSET BEACH NOURISHMENT PROJECT STAGE 13 AND PRIORITIZE ALL FUTURE BEACH NOURISHMENT PROJECTS FROM ANAHEIM BAY HARBOR TO NEWPORT BAY IN ORANGE COUNTY, CALIFORNIA

WHEREAS, the longshore current carries beach sand southward along the California coast, nourishing the beaches of Orange County from Anaheim Bay Harbor through Huntington Beach to Newport Beach;

WHEREAS, the construction of engineered flood control structures between the San Gabriel and Newport Bay have prevented the natural transportation of sediment and sand from the Los Angeles, San Gabriel and Santa Ana rivers, which would otherwise, naturally replenish sand depleted by winter storms and other naturally occurring sand depletion actions;

WHEREAS, in 1962, the United States Congress passed the Rivers and Harbors Act, Public Law 87-874, which required the Army Corps of Engineers ("Army Corps") to address the impacts of flood control structures on natural sand deposits;

WHEREAS, the Army Corps studied and issued House Document 602, October 2, 1962 which led to beach nourishment projects wherein sand was imported onto beaches where sand depletion was occurring;

WHEREAS, from 1984 through 1997, Nourishment Stages 1 through 10 were completed, however, since 1995 the Army Corps began a phase-out of nourishment projects;

WHEREAS, Nourishment Stages 11 and 12 were completed in 2001 and 2009, respectively;

WHEREAS, on December 13, 2016, the City of Newport Beach ("City") and County of Orange entered into an Agreement for Periodic Nourishment of the Orange County Beach Erosion Control Project Stage 13, in which the City agreed to contribute $158,601 towards Nourishment Stage 13 with additional funding from the State of California, City of Huntington Beach and others contributors;
WHEREAS, in September 2018, the Army Corps prepared a Draft Environmental Assessment for Nourishment Stage 13 which acknowledged that Nourishment Stages 13 was required pursuant to the Rivers and Harbors Act, Public Law 87-874 and projected Nourishment Stages 13 and 14 would begin in 2019 and 2023, respectively;

WHEREAS, despite the warning that failure to nourish local beaches would not only reduce recreation opportunities but also expose property to storm damage, the Army Corps has not funded the Nourishment Stage 13 for 11 years, and shows no signs of pursuing future nourishment projects; and

WHEREAS, if Nourishment Stages 13 and other future nourishment projects are discontinued, Orange County beaches will erode and, consequently, reduce recreation opportunities and protection of shoreline facilities from storm damage.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council does hereby urge the U.S. Army Corps of Engineers, South Pacific Division Los Angeles District to immediately fund and proceed with Surfside-Sunset Beach Nourishment Project Stage 13.

Section 2: The City Clerk shall forward this resolution to Commanding General of the U.S. Army Corps of Engineers Lieutenant General Scott A. Spellmon, Commander of the U.S. Army Corps of Engineers South Pacific Division General Paul E. Owen, and Los Angeles District Commander Colonel Julie Balten.

Section 3: The City Manager and the Public Works Director, or their designees, may meet directly with Colonel Balten or her designee and take all other actions reasonable and necessary to ensure that Nourishment Stage 13 proceeds immediately in 2021, and for Nourishment Stage 14 to occur within two years of completion of Nourishment Stage 13.

Section 4: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 5: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.
Section 6: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 7: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 27th day of April, 2021.

______________________________
Brad Avery
Mayor

ATTEST:

______________________________
Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

______________________________
Aaron C. Harp
City Attorney
April 22, 2021

The Honorable Michelle Steel
United States House of Representatives
1113 Longworth House Office Building
Washington, DC 20515

Re: Surfside Sunset Beach Nourishment Project Stage 13 Funding Request - SUPPORT

Dear Congresswoman Steel,

On behalf of the Orange County Board of Supervisors, I write to express my strong support for the Surfside Sunset Beach Nourishment Project Stage 13 to receive community project funding. This collaborative project will directly serve the residents of the County of Orange by reducing severe beach erosion and allowing for habitat and wildlife preservation along our coast.

This sand nourishment project will alleviate the beach erosion problem caused by flood control and water conservation along the Los Angeles, San Gabriel, and Santa Ana Rivers, general navigation improvements in Long Beach and federal jetties that are constructed at the entrance to Anaheim Bay.

The project consists of periodic beach nourishment through construction of a feeder beach at Surfside-Sunset and includes back-passing of sand to fill in the cells of the Newport Beach groin field which was constructed during the earlier stages of this project. These beach nourishment projects were authorized by Section 101 of the Rivers and Harbors Act of 1962 and were slated to be conducted every five years. To date, there have been 12 stages of beach nourishment projects since 1964, with the latest Stage conducted in 2010. The impacted cities and the County have been prepared to provide our share of the local matching funds since this project was scheduled to commence in 2018.

Thank you for continuing to advocate for the Surfside Sunset Beach Nourishment Project as a project to receive community project funding. This project impacts the entire region and has strong benefits to the taxpayers of Orange County and for these reasons, the Orange County Board of Supervisors enthusiastically supports this budget request. If you have any questions, or would like more information, please contact Peter DeMarco, Director of Legislative Affairs, at 714-834-5777.

Sincerely,

[Signature]

ANDREW DO
Chairman, Orange County Board of Supervisors
Supervisor, First District

cc: Members, Orange County Board of Supervisors
Frank Kim, County Executive Officer
James Treadaway, PE & SE, Director – OC Public Works
May 13, 2021

Hon. Representative Michelle Steel
17011 Beach Boulevard, Suite 570
Huntington Beach, CA 92647

Re.: Stage 13 Surfside-Sunset Beach Sand Replenishment Project—SUPPORT

The Independent Special Districts Association of Orange County (ISDOC) writes to express its full support for the federal funding and scheduling of the crucial Stage 13 Surfside-Sunset Beach Sand Replenishment Project, with work to be conducted, per prior precedent, by the U.S. Army Corps of Engineers ("USACE").

As a nonprofit membership association, ISDOC represents the interests of and provides advocacy for Orange County’s 27 independent special districts, including the Surfside Colony Storm Water Protection District, that provide essential government services to Orange County’s coastal and other communities.

Sand replenishment to protect 12 miles of coastline from the impacts of currents, sea-level rise, and waves has not happened since 2010. The area’s sand erosion, caused by multiple U.S. Government actions and compounded by natural forces, is threatening the area’s beaches, public health and safety, property values, recreation, and tourism so vital to our region’s economy. The situation is dire—1.9 million cubic yards of sand is urgently needed to shield the area’s beaches from further damage.

ISDOC would greatly appreciate your assistance in petitioning the federal government to immediately fulfill its obligations to the Stage 13 Surfside-Sunset Beach Sand Replenishment Project by allocating funds and scheduling the USACE to conduct this work as soon as possible.

If you have any questions about this letter, please feel free to call me at 949.939.6612. Thank you for your time and consideration of this request.

Sincerely,

Mark Monin, ISDOC President and Director, El Toro Water District

Mark D. Monin

City of Huntington Beach Mayor Kim Carr
City of Newport Beach Mayor Brad Avery
City of Seal Beach Mayor Joe Kalmick
County of Orange, 2nd District Supervisor Katrina Foley
ISDOC Executive Committee and Member Agencies
Orange County Congressional Delegation
Orange County State Legislative Delegation
Orange County Council of Governments Chair Trevor O’Neil
USACE Los Angeles District Commander Col Julie Balten