



October 14, 2026

The Honorable Wade Crowfoot, Secretary for Natural Resources
California Natural Resources Agency
715 P Street, 20th Floor
Sacramento, CA 95814

The Honorable Yana Garcia, Secretary for Environmental Protection
California Environmental Protection Agency
1001 I Street
Sacramento, CA 95814

cc: Office of Governor Gavin Newsom, Office of Emergency Services, California Coastal Commission, California State Lands Commission, Ocean Protection Council, State Coastal Conservancy

**RE: Proclamation of a State of Emergency – 2026–2027 El Niño (Sept. 21, 2026):
Recommendations for Coastal Preparedness and the Paragraph 3 Joint Recommendation**

Dear Secretary Crowfoot and Secretary Garcia,

On behalf of the Surfrider Foundation, we thank the Administration for taking swift and early action on what may be the strongest El Niño on record. We also submit recommendations regarding Paragraph 3 of the Governor's September 21, 2026 Proclamation, which directs you to submit, on or before October 16, a joint recommendation on whether further action or "emergency" suspensions are necessary.¹

On the definition of "emergency"

Governor Newsom's Emergency Order appropriately and importantly serves as a way to provide greater resources. When discussing an "emergency" in the context of the California Coastal Act, however, we refer to the legal definition of "emergency" as "a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services."

This El Niño has been anticipated, widely covered in a variety of news and social media, and should not be used to justify "emergency" permitting processes as a way to circumvent Coastal Act permits. Therefore, we respectfully urge the forthcoming joint recommendation to (1) preserve the Coastal Act's limits on shoreline armoring; (2) favor temporary, soft, and

¹ Governor Gavin Newsom, Proclamation of a State of Emergency (Sept. 21, 2026), https://www.gov.ca.gov/wp-content/uploads/2026/09/ATTESTED_Super-El-Nino-SOE-9-21-26.pdf

nature-based measures in emergency response; (3) tie short-term emergency protection to accelerated long-term adaptation planning by local jurisdictions; and (4) direct state funding to local governments for that planning and for nature-based adaptation. Notwithstanding potential emergency suspensions, the State's public trust obligations, rooted in common law² and reflected in the State Constitution, continue to apply and require protecting public trust resources and uses.

This El Niño is a preview, not an anomaly

The Proclamation itself finds that climate change is intensifying weather and hydrologic extremes in California, and that elevated coastal water levels combined with high tides, large waves, and storms increase the risk of beach erosion, bluff erosion, and damage to public and private infrastructure. The Governor's announcement cited a study published in *Science* in August 2026 finding that El Niño events are now more than 36 percent stronger than in the pre-industrial era, with the trend accelerating over the last 40 years.^{3 4} Earlier modeling published in *Nature Climate Change* projected that extreme El Niño events will occur roughly twice as often under greenhouse warming.⁵

We know what these events do to our beaches. During the 2015–16 El Niño, winter beach erosion across 29 surveyed West Coast beaches was 76 percent above normal, and most California beaches eroded beyond historical extremes.⁶

Looking ahead, USGS modeling projects that 31 to 67 percent of Southern California beaches could be completely eroded by 2100 under 3 to 6 feet of sea level rise, absent major intervention.⁷ Decisions made under this emergency will shape whether California's beaches survive that future. Every hard structure approved this winter sets a precedent and a physical condition Californians will live with for decades.

² See, e.g., *Illinois Cent. R. Co. v. State of Illinois* (1892) 146 U.S. 387 (providing, in part, that public trust property is held in trust for the people of the state, that they may enjoy the navigation of the waters, carry on commerce over them, and have liberty of fishing therein, freed from the obstruction or interference of private parties.)

³ Office of the Governor, press release, "Governor Newsom proclaims state of emergency to bolster statewide El Nino preparedness, protect California" (Sept. 21, 2026).

<https://www.gov.ca.gov/2026/09/21/governor-newsom-proclaims-state-of-emergency-to-bolster-statewide-el-nino-preparedness-protect-california/>

⁴ Associated Press, "As super El Niño strengthens, study suggests that climate change is intensifying El Niños" (Aug. 2026) (reporting Cole et al., *Science*, Aug. 27, 2026).

<https://www.ajc.com/news/2026/08/as-super-el-nino-strengthens-study-suggests-that-climate-change-is-intensifying-el-ninos/>

⁵ Cai, W., et al. (2014). Increasing frequency of extreme El Niño events due to greenhouse warming. *Nature Climate Change*, 4(2), 111–116. <https://doi.org/10.1038/nclimate2100>

⁶ Barnard, P. L., et al. (2017). Extreme oceanographic forcing and coastal response due to the 2015–16 El Niño. *Nature Communications*. Summary: <https://scripps.ucsd.edu/news/severe-west-coast-erosion-during-el-nino>

⁷ Vitousek, S., et al. (2017). *Journal of Geophysical Research – Earth Surface*. USGS summary: <https://www.usgs.gov/news/disappearing-beaches-modeling-shoreline-change-southern-california>

Sea level rise and erosion, including from El Niño events, are not unanticipated, and require thoughtful, long-term solutions; not harmful “emergency armoring”

- **Long Beach.** Hurricane Marie’s swell in early September flooded streets, broke sections of the Peninsula boardwalk, and forced evacuations at 19 homes; it stripped so much sand between 62nd and 69th Places that no beach remained to build the protective berm. The City’s planned response includes a \$11.4 million project to move sediment from the Alamitos Bay channel to widen the beach by about 260 feet.⁸
- **Newport Beach.** On October 9, swell associated with Tropical Storm Rachel flooded about 10 blocks of the Balboa Peninsula; the City declared a local emergency and rebuilt sand berms.⁹ The City is also moving sand to The Wedge ahead of the season.¹⁰
- **San Clemente / LOSSAN rail corridor.** Waves and high tides in early September overtopped the tracks and temporarily suspended passenger service; OCTA declared an emergency on what is described as the second-busiest passenger rail corridor in the nation.¹¹ OCTA’s proposed adaptation plan pairs riprap repair and a new engineered structure with roughly 690,000 cubic yards of sand. On-the-ground reports regarding the corridor note that rock previously placed to protect the line pulls sand offshore as waves strike it, accelerating the very erosion that will threaten the tracks again. OCTA has said it will study moving the trains inland.¹²
- **San Onofre State Beach.** A revetment installed under an emergency permit in 2017 to protect the access road was, not surprisingly, followed by flanking erosion; during the 2023–24 El Niño, the road washed out and vehicle access was suspended for roughly two months. Following the Tropical Storm Rachel swell, the beach road and parking have been completely closed with no foreseeable reopening.¹³

These examples point in the same direction: sand placement, berms, and beneficial reuse of dredged sediment can sometimes buy time, but are not permanent solutions; emergency armoring tends to become permanent, accelerates erosion at its edges, and defers the harder decisions at the expense of the public’s beach.

⁸ Patch, Long Beach Begins Rebuilding Effort (Oct. 13, 2026)

<https://patch.com/california/longbeach-ca/long-beach-begins-multimillion-dollar-rebuilding-effort-after-storm>

⁹ NBC Los Angeles, Newport Beach flooding (Oct. 9, 2026).

<https://www.nbclosangeles.com/weather-news/newport-beach-flooding/3953749/>

¹⁰ Hoodline, Newport Beach sand placement at The Wedge (Sept. 19, 2026).

<https://hoodline.com/2026/09/newport-beach-rushes-sand-to-the-wedge-before-el-nino-storms-hit/>

¹¹ Metro Magazine, “OCTA declares emergency to protect rail corridor from coastal erosion” (Oct. 1, 2026). <https://www.metro-magazine.com/news/octa-declares-emergency-to-protect-rail-corridor-from-coastal-erosion>

¹² Associated Press via PBS NewsHour, “Sea level rise reshaping California beach town and threatening rail line” (Sept. 28,

2026). <https://www.pbs.org/newshour/science/sea-level-rise-reshaping-california-beach-town-and-threatening-rail-line>

¹³ Surfrider Foundation, San Onofre El Niño update.

<https://www.surfrider.org/news/supercharged-pacific-pummels-san-o-where-things-stand-and-whats-next>

Long-term solutions are already working in California

True, long-term solutions come in the form of coastal restoration and adaptive development patterns, including inland relocation of development. California already has proof, much of it funded by your agencies:

- **Surfers' Point, Ventura.** The public bike path and parking lot were relocated inland and the area restored with cobble, sand, and dunes. Phase II, supported by \$16.2 million from the State Coastal Conservancy, began construction in October 2024 and was completed in early 2026.¹⁴
- **Gleason Beach, Sonoma County.** Caltrans moved Highway 1 inland onto an 850-foot bridge; traffic shifted to the new alignment in March 2023. The Coastal Commission found the realignment necessary to avoid shoreline armoring and required removal of the old roadway and shoreline debris.¹⁵
- **Piedras Blancas, San Luis Obispo County.** In 2017, Caltrans rebuilt nearly 3 miles of Highway 1 up to 475 feet inland, with the old highway and rock slope protection removed and the bluff restored.¹⁶
- **Ocean Beach, San Francisco.** In November 2024, due to ongoing and increasing erosion, the Commission approved converting the Great Highway between Sloat Boulevard and Skyline Drive to a coastal trail, paired with ongoing sand nourishment and a buried wall to protect wastewater infrastructure.¹⁷

In contrast is Goleta Beach County Park, where a managed retreat plan to remove 1,200 feet of revetment was set aside; emergency permits in 2017 added more rock, which still needs a regular permit to remain.¹⁸ Emergency armoring that is never removed becomes the long-term plan by default. This approach contravenes the Coastal Act and its intent for “emergency” permitting.

Emergency permits are justifiable only in the case of an emergency, because the emergency permit process circumvents the Coastal Act’s typical procedures designed to protect the state’s coastal resources. For purposes of the Coastal Act, and as defined in the Coastal Commission’s regulations, an “emergency” is a “sudden *unexpected* occurrence *demanding* immediate action

¹⁴ NOAA U.S. Climate Resilience Toolkit, “Managed Retreat at Surfer’s Point, California.”
<https://toolkit.climate.gov/case-study/managed-retreat-surfer%E2%80%99s-point-california>

¹⁵ Caltrans District 4, “Traffic Switch on Hwy 1 at Gleason Beach in Sonoma County” (Mar. 8, 2023).
<https://dot.ca.gov/caltrans-near-me/district-4/d4-news/traffic-switch-on-hwy-1-at-gleason-beach-in-sonoma-county>

¹⁶ Construction Equipment Guide, “\$54.5M Project Should Protect Highway 1 for 100 Years” (Feb. 20, 2017).
<https://www.constructionequipmentguide.com/545m-project-should-protect-highway-1-for-100-years/32752>

¹⁷ SFPUC, Ocean Beach Climate Change Adaptation Project Fact Sheet (Oct. 2025).
<https://www.sfpuc.gov/sites/default/files/documents/Ocean%20Beach%20Climate%20Change%20Adaptation%20Project%20Fact%20Sheet%20October%202025.pdf>

¹⁸ Climate Adaptation Knowledge Exchange (CAKE), “Goleta Beach 2.0: Managed Retreat to Mitigate Coastal Erosion.” <https://www.cakex.org/case-studies/goleta-beach-20-managed-retreat-mitigate-coastal-erosion>

to prevent or mitigate loss or damage to life, health, property or essential public services.”¹⁹ (*Emphasis added*).

An “emergency” does not exist under the Coastal Act for situations which are expected, or for which alternatives exist and obviate the desired immediate action. If emergency actions are approved, such actions “must usually be completed within 30 days,” and the authorization is “only temporary.”

So called “emergency” permits are not appropriate, where an applicant, by not acting to address long-expected threats, such as sea level rise and more intense storms due to climate change, fails to act, and essentially manufactures the purported “emergency.”

Recommendations for the Paragraph 3 joint recommendation

1. Do not suspend the Coastal Act for shoreline work. Paragraph 3 is directed at flooding, landslides, and debris flows, and Paragraph 9 already directs the Coastal Commission to act on urgent emergency permit requests within 24 hours. Existing authority is sufficient for genuine emergencies.

The Coastal Act requires permitting seawalls, revetments, and similar construction only when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and only when designed to eliminate or mitigate adverse impacts on local shoreline sand supply (Pub. Resources Code § 30235). New development must not require protective devices that would substantially alter natural landforms along bluffs and cliffs (Pub. Resources Code § 30253(b)).

“Existing structures” in section 30235 means structures in existence when the Act took effect on January 1, 1977.²⁰ No suspension should undo these standards through an emergency process, particularly when they do not meet the standard for “emergency” under the California Coastal Act.

2. Protect the public beach. The State’s public trust obligations, rooted in common law and reflected in the State Constitution, continue to apply and require protecting public trust resources and uses. The California Constitution protects public access to the navigable waters of the State (Cal. Const., art. X, § 4), which the Coastal Act implements through its access policies, including the prohibition on development that interferes with the public’s right of access to the sea, including dry sand beaches (Pub. Resources Code §§ 30210, 30211). The State holds tidelands in trust for the public and has an affirmative duty to protect trust resources wherever feasible (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419).

¹⁹ 14 CCR § 13009

²⁰ *Casa Mira Homeowners Assn. v. California Coastal Com.* (Dec. 2024, A168645). See, e.g., <https://www.surfrider.org/news/protecting-california-coastline-from-rampant-armoring>

Fixed armoring on a retreating shoreline causes the public beach in front of it - a trust resource - to narrow and disappear. Under the public trust doctrine, protecting private structures must not come at the expense of a public beach. The State Lands Commission should remain fully engaged wherever emergency work may encroach onto sovereign lands.

3. Allow short-term protection; require long-term adaptation. We recommend that emergency authorizations under this Proclamation:

- Meet the requirements for an actual, legitimate “emergency” under the Coastal Act.
- Prefer temporary and removable measures (sand placement, berms, sandbags), consistent with the Coastal Commission’s emergency guidance, and limit emergency permits to the minimum work needed to abate the emergency.²¹
- Authorize hard structures only where life, safety, or critical public infrastructure is imminently threatened and no feasible soft alternative exists.
- Require a complete follow-up regular coastal development permit application within a fixed period, with removal and site restoration if the permit is not obtained, and mitigation for sand-supply and public-access impacts in any permanent approval. Removal may also be required, as there are no vested rights where public trust resources are harmed.
- Condition state emergency assistance to local jurisdictions on a commitment to advance their sea level rise plans under SB 272 (Pub. Resources Code, § 30985 et seq.), which requires coastal local governments to address sea level rise through their Local Coastal Programs by January 1, 2034.²²
- Track and publish every emergency coastal permit issued under the Proclamation, so the cumulative effect on the shoreline can be evaluated after the season.

These measures carry out duties the Legislature has already assigned: to anticipate, assess, plan for, and to the extent feasible avoid, minimize, and mitigate the effects of sea level rise in the coastal zone (§ 30001.5, subd. (f)), and for state and regional agencies to do the same within their statutory authorities (§ 30421).

4. Fund local planning and nature-based adaptation. Local governments cannot plan or adapt without resources. SB 272 (2023) is effective only to the extent the Legislature appropriates funds for its purposes, and it prioritizes implementation funding for jurisdictions with approved plans (Pub. Resources Code §§ 30985.5, 30985.6). Proposition 4 (2024) provides \$1.2 billion for coastal resilience; as of the Legislative Analyst’s February 2026 review, approximately \$770 million of that amount remained unappropriated.²³

²¹ California Coastal Commission, El Niño preparedness and emergency permits (last updated Dec. 18, 2023). <https://www.coastal.ca.gov/climate/extreme-weather/el-nino>

²² SB 272 (Laird), Stats. 2023, ch. 384 (Pub. Resources Code, § 30985 et seq.). <https://legiscan.com/CA/text/SB272/2023>

²³ Legislative Analyst’s Office, *The 2026-27 Budget: Proposition 4 Spending Plan* (Feb. 2026). <https://lao.ca.gov/reports/2026/5115/2026-2027-Prop-4-Spending-Plan-021026.pdf>

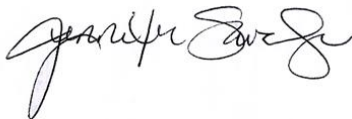
We urge the Agencies to:

- Direct remaining Prop 4 coastal resilience funds, through OPC and the State Coastal Conservancy, toward local sea level rise planning, Local Coastal Program updates, and nature-based projects in the communities facing El Niño impacts now.
- Seek a dedicated appropriation so SB 272 is fully operative and local governments can meet the 2034 deadline.
- Prioritize permitting and funding for beach nourishment, beneficial reuse of dredged sediment, dune and wetland restoration, regional sediment management, and managed realignment of public infrastructure. This is the approach of the State's own *Principles for Aligned State Action*, endorsed by both of your agencies: Prioritize nature-based solutions, avoid shifting flood and erosion risk to other parts of the coast, protect beaches and public access, and pursue dedicated funding for local resilience planning and projects.²⁴
- Pair emergency stabilization of critical infrastructure (including the LOSSAN corridor and State Park access at San Onofre) with funded, time-bound planning for relocation and long-term solutions.

Conclusion

This El Niño is a stress test for policies California will need more often as the climate warms. Responding quickly to protect development must not come at the cost of the public beach. We ask that your joint recommendation keep the Coastal Act's armoring limits and public trust protections intact, favor temporary and nature-based measures, and pair every emergency response with funded, accountable long-term adaptation. We would welcome the opportunity to discuss these recommendations with you and your staff.

Sincerely,



Jennifer Savage
California Policy Associate Director
Surfrider Foundation



Staley Prom
Senior Staff Attorney
Surfrider Foundation

²⁴ *Making California's Coast Resilient to Sea Level Rise: Principles for Aligned State Action* (Oct. 2020), Principles 4–6. https://www.opc.ca.gov/webmaster/_media_library/2021/01/State-SLR-Principles-Doc_Oct2020.pdf