



September 4, 2026

Delivered via email

To: Meagan Harmon, Chair, California Coastal Commission

CC: Kate Huckelbridge, Executive Director, California Coastal Commission, Rob Modellmog, Enforcement Council

Re: Th7.1 – Th7.3, Consent Cease and Desist Order CCC-26-CD-04, Consent Restoration Order CCC-26-RO-02, and Consent Administrative Penalty Actions CCC-26-AP-03 and CCC-26-AP3-03 (2XMD Partners LLC).

Dear Chair Harmon and Commissioners,

Surfrider Foundation writes in strong support of the proposed Consent Orders and Consent Administrative Penalty Actions for the violations at 31430 and 31438 Broad Beach Road.

The conduct described in the staff report is some of the most brazen we have seen come before the Commission. Excavators were driven into the ocean inside the Point Dume State Marine Conservation Area to extract sand, cobbles, and boulders from a sensitive rocky intertidal boulder field. That material was then hauled up and packed in behind a private seawall as fill. This was public sand and public rock, taken from state tidelands where habitat is protected, apparently to spare a private property owner the cost of trucking in fill. Two years later a hole remains in the boulder field where that habitat used to be.

Compounding this, the unpermitted revetment at 31438 Broad Beach was pushed seaward into a recorded lateral public access easement to serve as a ramp for the equipment. A 2019 local permit had already called for the revetment's removal. Instead, it was relocated further onto the public's beach and left there for a year and a half. Additionally, the unpermitted private stairway at 31430 has encroached into the access easement for roughly two decades. Broad Beach is already narrow because of the volume of armoring along it. Every foot of encroachment negatively impacts the public, who have very little beach left to use.

We appreciate that the resolution staff has negotiated meets the scale of the harm. We support each of its central components:

- Full removal of the unpermitted revetment.
- Restoration of the excavated boulder field, with replacement rock matched in type and size to what was taken, so the habitat can return.
- Dedication in fee of an undeveloped oceanfront parcel at Big Rock Beach to the public for access, open space, and recreation.

We want to thank enforcement staff in particular for two things. First, for requiring genuine remediation of the excavated habitat. This sets (or upholds) useful precedent, that damaged intertidal habitat must be restored in-kind in addition to any other penalties. Second, for converting penalty liability into an outcome that will deliver exceptional and lasting public benefit. Eastern Malibu has nearly six miles of shoreline within an hour of millions of people, with very few public accessways. Staff has negotiated a rare, highly valuable opportunity to add an entire beachfront parcel to the public.

Surfrider Foundation respectfully urges the Commission to approve the staff recommendation.

Sincerely,

Mitch Silverstein
California Policy Senior Coordinator
Surfrider Foundation
msilverstein@surfrider.org
619.736.7757

Eugenia Ermacora
Los Angeles Chapter Manager
Surfrider Foundation
ermacora@la.surfrider.org