



November 29, 2022

NRDA Trustee Agencies
Via: California Department of Fish and Wildlife
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, CA 94244-2090
fw8cfwocomments@fws.gov

RE: Suggested restoration priorities to mitigate impacts from the Amplify Energy Oil Spill 2021

Dear NRDA Trustee Agencies,

The Surfrider Foundation is a grassroots environmental organization dedicated to the protection and enjoyment of the world's ocean, waves and beaches for all people through a powerful activist network. We submit these comments on behalf of our 20 California chapters and members, as well as our U.S. network of 200 chapters and clubs and more than 350,000 supporters, activists, and members in the United States.

Surfrider deeply appreciates the ongoing efforts of the Natural Resource Damage Assessment (NRDA) Trustee agencies to address the October 2, 2021 Amplify Energy Oil Spill off Southern California which occurred on the lands and waters of the Acjachemen and Tongva Native Nations. As directed by federal law, the NRDA trustee agencies must support the development of a restoration plan that will provide sufficient restoration and compensation for injuries to wildlife, habitat, and other natural resources.

Surfrider supports the eleven NRDA example project selection criteria presented by Trustee agencies on February 2, 2022 during the liaison briefing including: nexus to injured resources, technical feasibility, no duplicate funding, legality, likelihood of success, cost effectiveness, multiple resource benefits, duration of benefits, public health and safety, avoidance of adverse impacts, and opportunities for collaboration. These criteria provide a good framework for evaluating potential mitigation measures and will help support a successful environmental restoration effort. Special emphasis should be given to providing multiple resource benefits and avoidance of adverse impacts in order to best fulfill the intent of the NRDA process. The criteria should be applied in an objective manner based on best available science.

However, Surfrider urges the NRDA Trustee agencies to apply an additional criterion of supporting coastal resilience in its project evaluation process. The NRDA project area is currently being impacted by

a range of climate change effects including sea level rise, coastal erosion and ocean acidification. The NRDA process provides a critical opportunity to advance nature-based solutions to address these growing challenges. Moreover, not accounting for coastal resilience in all aspects of the environmental restoration plan may undermine the long-term success of mitigation strategies funded under the NRDA process.

Accordingly, an effective environmental restoration plan that will protect, restore, and enhance the resources impacted by the spill, must consist of projects that employ coastal resilience principles. Coastal Resilience is building the ability of natural and human communities to "bounce back" after hazardous events such as hurricanes, coastal storms, and flooding – rather than simply reacting to impacts. In the NRDA process, this can be achieved by:

- Prioritizing nature-based projects that address multiple climate-related stressors while providing co-benefits.
- Evaluating and preparing for the most disastrous H++ sea level rise scenarios.
- Including the mean high tide line as an ambulatory point of reference and acknowledge that public tidelands are migrating inland.
- Clearly acknowledging that a narrow window of opportunity exists to act proactively.
- Emphasizing the need to avoid the siting and design of new critical infrastructure or the redevelopment of existing infrastructure in hazard zones.
- Ensuring projects incorporate planning for the short, medium and long-term.
- Facilitating a less armored coastline.

Armoring the shoreline has historically been California's primary response to coastal hazards, but this coastal management practice is maladaptive as it actually reduces coastal resilience. Beach loss due to armoring will result in reduced public access, fewer opportunities for recreation, loss of habitat, and loss of revenues. The physical, ecological, economic, social, and aesthetic effects of coastal armoring are why Surfrider is advocating for soft nature-based solutions which actually have multiple benefits instead of multiple impacts. Coastal armoring has significant negative impacts; and once these structures are in place they are very rarely removed. Accordingly, coastal armoring should be categorically avoided in the NRDA environmental restoration plan. Furthermore, such structures should not be used as interim adaptation solutions because they typically result in more public harm than good. In many cases, shoreline armoring in the near-term may even preclude or delay much needed nature based solutions.

Natural infrastructure such as coastal dunes, oyster reefs and restored wetlands provide co-benefits to the environment; including improved adaptability, habitat, aesthetics, and flood protection. Soft solutions such as flood mitigation in the back bay of Newport Beach would implement these criteria well. [Marsh transition](#) and [thin layer sediment work](#) could be implemented where feasible to help wetlands and [salt marsh adapt](#) to sea-level rise. In order to maintain the ecological integrity of this mitigation process, these approaches should be broadly applied within the suite of restoration projects.

Below is a list of projects that Surfrider believes embody these criteria and would perform well:

- [San Onofre Living Shorelines project to protect beach access](#)

San Onofre State Beach is home to a globally iconic coastal site for surfing, public beach access, cultural significance, and outdoor recreation. Nearby is the Acjachemen village of Panhe, a sacred ceremonial cultural and burial site for the Acjachemen people for time immemorial. Families, surfers, youth, and visitors from around the world have frequented the San Onofre shoreline since the 1940s when it became renowned for its gentle waves and natural setting. As submitted previously to the NRDA project solicitation page, this living shorelines project would directly mitigate both the environmental and human-use impacts from the Pipeline P00547 incident, in that it would facilitate recreation, ensuring this treasured coastal access stays open for the next few decades; will protect coastal ecosystems threatened by sea-level rise; and will protect and enhance biodiversity. Furthermore, the project location is within the area impacted by oil, and it has a high likelihood of success due to stakeholder buy-in. This, like the [Cardiff Living Shoreline Project](#), is a truly multi-benefit project that will enhance coastal resilience and avoid adverse impacts; while mitigating for impacts to birds, the sandy beach and rocky intertidal habitat.

- [Capistrano Beach Living Shorelines project](#)

Due to the impacts from the Amplify Oil spill in Orange County, Surfrider recommends the living shoreline elements of efforts to restore north Capistrano Beach as possible mitigation. Preservation of beach space and coastal access is directly related to the impacts of the oil contamination. However, only nature based projects should be used as mitigation. Proliferation of concrete and coastal armoring does not restore our beaches. Efforts are underway to refine specific short and long term plans for Capistrano Beach, so there are some unknowns. Preference should be given to the innovative nature based solutions proposed to protect and restore San Onofre State Beach. However, improvements at Capistrano Beach are sorely needed, and we support the living shoreline elements of these efforts as possible mitigation. Further details about current plans can be found here: ([Coastal Commission staff report](#))

Additional opportunities that need further development:

- Develop a coastal resilient project to protect/mitigate flooding of Newport Beach Peninsula at high tides and expand the [Living Shorelines Project](#) in the Newport Back Bay.
- Provide funding for the restoration of [Banning Ranch](#) once the remediation is complete. Restore wetlands and convert the oil fields [to open space for recreation and habitat](#).
- Conduct a blue carbon baseline study in Orange County to determine the amount of carbon stored in coastal wetlands and how best to protect it. Climate smart restoration guidance for wetlands should also be developed to maximize not only habitat and recreational value, but carbon sequestration as well.
 - <https://www.pewtrusts.org/-/media/assets/2022/09/incorporating-blue-carbon-into-california-climate-planning.pdf>
 - <https://climateadapt.ucsd.edu/blue-carbon/>

- Fund environmental restoration projects that support coastal recreation opportunities including surf spots threatened from Sea Level Rise and provide recommendations to those threats.
- Wetland restoration, [San Diego ReWild Mission Bay](#)

The NRDA trustees should ensure full public review of the science that underlies the restoration plan. Surfrider looks forward to actively participating in the NRDA process through public comment and meeting opportunities, and we look forward to NOAA's publication of the Notice of Intent to Conduct Restoration Planning. Increased success can be achieved by reaching out to and coordinating with the NGOs and other groups planning these types of restoration work. Together we can achieve more than the sum of our parts. We sincerely appreciate all of the efforts of the resource agencies working on these complex issues.

Finally, with a shared goal of environmental protection in mind, we want to draw attention to the need for increased education of coastal public works departments about the benefits and drawbacks of each rapid response measure used when oil is detected; and the importance of abiding by the Area Contingency Plan. After all, the rapid response measures themselves are not without impacts. Building berms across wetlands, while providing protection, also cuts off the tidal exchange and can have devastating impacts on wildlife and ecological health. All coastal jurisdictions should be encouraged to purchase rapid response equipment, much like Huntington Beach had on hand in order to be prepared for future events. If Huntington Beach had not secured their additional equipment the year prior due to a boat leak, the impacts of this spill would have been much greater.

Thank you for your time and consideration. Please do not hesitate to reach out with questions or for support.

Sincerely,

Pete Stauffer, Ocean Protection Manager, Surfrider Foundation

Julia Chunn-Heer, Amplify Oil Spill Response Contractor, Surfrider Foundation

Additional Resources for your consideration:

- The Nature Conservancy, Coastal Resilience: <https://coastalresilience.org/>
- [*Protection Public Trust Shoreline Resources in the Face of Sea Level Rise*](#) by the University of California Santa Barbara's Ocean & Coastal Policy Center
- Surfrider's 2022 [State of the Beach Report](#)