

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142



Filed: 6/17/97
49th Day: 8/4/97
180th Day: 12/13/97
Staff: R. Richardson
Staff Report: 6/24/97
Hearing Date: 7/8-11/97
Commission Action:

STAFF REPORT: REGULAR CALENDAR**W12d****APPLICATION NO.: 4-97-048****APPLICANT: California Department of Parks and Recreation****PROJECT LOCATION:** Point Dume State Preserve (Headlands), City of Malibu, Los Angeles County**PROJECT DESCRIPTION:** Construct a 700 ft. long boardwalk, an 800 ft. long trail, interpretative signs, and water meter on Point Dume State Preserve. The project also involves revegetation involving approximately 2 acres of the park.**LOCAL APPROVALS RECEIVED: N/A****SUBSTANTIVE FILE DOCUMENTS:** Certified 1986 Malibu/Santa Monica Mountains Land Use Plan; City of Malibu General Plan, 11/95; The California Natural Diversity Database, California Department of Fish and Game Status, Revised 1995; Coastal Conservancy Enhancement Plan, Project No. CP 2-96; Coastal Development Permits: P-6693 (California Department of Fish and Game); A-78-4390 (California Department of Fish and Game); 57-80 (California Department of Fish and Game); 4-97-116 (Heal the Bay and California Department of Parks and Recreation).**SUMMARY OF STAFF RECOMMENDATION:**

The Department of Parks and Recreation is proposing to make improvements to Point Dume State Preserve, which is a sub-unit of Point Dume State Park. The project consists of constructing a 700 ft. long boardwalk, an 800 ft. long trail, interpretative signs, and water meter on Point Dume State Preserve. The project also involves revegetation involving approximately 2 acres of the park. State Parks has indicated that the work at Point Dume is intended to occur from mid-September 1997 through October 31, 1997.

The Point Dume State Preserve is 31 acres in size and comprises the south and east portions of Point Dume State Beach and include the upland terrace, bluff faces and the

SUMMARY OF STAFF RECOMMENDATION CONTINUED ON PAGE 2

SUMMARY OF STAFF RECOMMENDATION CONTINUED FROM PAGE 1

small beach just west of the point in the headland area (Pirate's Cove). The beach area upcoast (Westward Beach) is highly visited and improved with a parking lot. The area downcoast is Dume Beach and remains relatively isolated and undeveloped. Point Dume is a highly visible coastal landmark. Recreational uses of the State Park include the following: experiencing landmark coastal views; whale watching; viewing sea lions, migratory birds and plant life; surfing at Dume Cove; snorkeling; scuba diving; sunbathing and, walking the trails and beach..

In 1963, the State acquired the beach areas upcoast and downcoast of the preserve (Westward Beach and Dume Beach). In 1977, the Regional Commission authorized the Attorney General's office to investigate the possibility of the existence of prescriptive rights on the project site. In summary, the report found, in part, that: 1) public use of the Point Dume area has been open and continuous at least since World War II; and, 2) the intensity of said usage has increased almost every year. Thus, the State authorized in the 1978-79 budget, to acquire the 31 acres that are now categorized as a Point Dume State Preserve. Subsequent to the state's acquisition of Point Dume headlands, several coastal development permits and Commission actions relating to Point Dume have transpired.

Staff is recommending approval of the proposed project subject to special conditions relating to continued public access during construction, submittal of a revegetation and monitoring plan and handling of archaeological resources.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Public Access During Construction

During construction of boardwalk and trail, the applicant agrees by acceptance of this permit, to maintain access to the Point Dume Preserve and beach areas, except in those areas of the boardwalk and trails that are under construction. Additionally, the applicant agrees that all revegetation efforts will not impede the public's ability to access the existing trails along the bluff top and to the beach.

2. Revegetation and Monitoring Plan

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a detailed Revegetation and Monitoring Program prepared by a qualified biologist, that shall at minimum include: a) a map of all areas to be restored or revegetated; b) technical specifications for the removal of exotic vegetation and planting of native species; c) schedule of restoration and revegetation activities; d) a three year maintenance and monitoring program that includes a provision that if the restoration program has been in part, or in whole, unsuccessful, the applicant shall submit a revised or supplemental program to compensate for those portions of the original program which were not successful in order to minimize site erosion and bluff failure. The revised or supplemental restoration program shall be processed as an amendment to this permit.

3. Archaeological Resources

By acceptance of this permit, the applicant agrees that in the event that an area of intact buried cultural deposits are discovered during excavation and construction operations, work in this area shall be halted and an appropriate data recovery strategy shall be developed, by the applicants archaeologist, and a Native American consultant, consistent with CEQA guidelines and implemented, subject to the review and approval of the Executive Director.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description

The Department of Parks and Recreation is proposing to make improvements to Point Dume State Preserve, which is a sub-unit of Point Dume State Park. The project consists of constructing a 700 ft. long boardwalk, an 800 ft. long trail, interpretative signs, and water meter on Point Dume State Preserve. The project also involves revegetation involving approximately 2 acres of the park. State Parks has indicated that the work at Point Dume is intended to occur from mid-September 1997 through October 31, 1997.

The Point Dume State Preserve is 31 acres in size and comprises the south and east portions of Point Dume State Beach and include the upland terrace, bluff faces and the small beach just west of the point in the headland area (Pirate's Cove). The Preserve is also referred to as the Point Dume headland or terrace. The beach area upcoast (Westward Beach) is highly visited and improved with a parking lot. The area

downcoast (Dume Beach) remains relatively isolated and undeveloped. The two beach areas make up the remaining 28 acres that is Point Dume State Beach and are not included in the Preserve.

Point Dume forms the western and northern end of Santa Monica Bay and is a significant topographical feature. The relatively flat terrace was graded during World War II and the vertical bluff face drops approximately 100 ft. to the beach.

Detailed Background -- Legislative

In 1963, the State acquired the beach areas upcoast and downcoast of the preserve (Westward Beach and Dume Beach). In the 1978-79 budget, the State authorized the acquisition of the 31 acres that are now categorized as a Point Dume State Preserve. The acquisition of terrace and bluff area in 1978 was the topic of considerable debate. Five elements of compromise between local residents, the department of Parks and Recreation, Assemblyman Priolo and Coastal Commission staff were adopted by the California Legislature in the 1978-79 budget. (*Coastal Commission Findings coastal permit 57-80: June 18, 1980, p.3*). The elements adopted included the following:

- 1) The purchase of the 31 acre area which includes, the Point and two adjacent parcels;
- 2) Specific exclusion from acquisition authorization of four parcels located east of the acquisition area;
- 3) Designation of the acquired land as either a Reserve or Preserve, as defined by State Parks;
- 4) Protection of the natural and cultural resources on the property against damages from public use by immediate erection of a fence by the Department of Parks and Recreation; and,
- 5) Expedited coastal permit process and determination of whether to assume direct consideration of the permit application by Coastal Commission for fence described in #4 above.

Detailed Background -- Coastal Commission Permits and Other Actions

In October of 1978, the Department of Parks and Recreation (State Parks) received a permit for the construction of a small scale fence (approximately 3 ft. in height) placed around the landward boundary of the terrace area. The fence provided gates to allow for continued public use of the site. No additional improvements such as re-vegetation

of disturbed areas or signage for trail use were ever implemented by State Parks at that time. Thus, the site remained disturbed and degraded in areas.

In 1980, the 31 acre Preserve area was transferred to the Department of Fish and Game (DFG). Under coastal development permit application 57-80, DFG applied to install barbed wire fencing around the perimeter of Point Dume and construct an overlook area on the top of Point Dume to serve as a whale watch facility. DFG proposed to preclude public use of the site in an attempt to accelerate the re-establishment of vegetation on the site. In addition to precluding public use to the terrace area, the fencing would also preclude any public use of Pirates Cove Beach and Dume Beach. Public access to Dume Beach is gained by either public trust land down coast or by a trail that descends from the blufftop down to the beach area. The Commission approved the subject permit with two special conditions: 1) DFG submit revised plans which demonstrate a public pedestrian accessway extending from either Cliffside Drive or Westward Beach to Dume and Pirates Cove Beach and also modify the proposed fencing to allow for public use of the trails and overlook area; and, 2) the submittal of a progress report within three years of completion of the fencing to indicate whether the wildlife and vegetation on the point were successfully re-established.

In 1986, the Commission certified the Malibu Santa Monica Mountains Land Use Plan (LUP) which contains public access and habitat protection policies specific to Point Dume State Beach. As contained in the LUP, the Commission found that Point Dume State Park (including the Preserve area), the adjacent rocky shoreline areas and the offshore kelpbeds are Environmentally Sensitive Habitat Areas (discussed in more detail below): and, therefore, certified policies to insure the balance of resource protection and public access.

According to State Parks, rehabilitation of accessways to the Preserve and trails as well as placement of an approximate 5 foot fence were completed in 1990. It appears that this project was not subject to the review and approval of the Commission.

In March of 1988 DFG transferred the 31 acre blufftop and beach area of Point Dume back to State Parks. In 1991, the Southern Region Headquarters and Resource Management Section and Resource Protection Division of State Parks proposed that the 31 acre section of the park be a Natural Preserve. Since such time, the Point Dume headland or terrace, bluff faces and Pirate's Cove Beach have formed the Point Dume State Preserve, a sub-unit of Point Dume State Beach.

In 1991, the City of Malibu incorporated and in November 1995, the City adopted a General Plan. Between the period of incorporation and adoption of the General Plan, the Commission and the Commission staff have had many communications with the City of Malibu regarding public access and resource protection at Point Dume State Park.

In 1995, the City of Malibu placed large boulders along the shoulder of Cliffside Drive, which extends approximately 1200 ft. in length, making up the northern boundary of the park. Additionally, the City replaced 25 parking restriction signs along Cliffside Drive and Birdview with standardized no-parking signs. Of the 25 signs replaced, 20 signs appear to have been placed along the park without the benefit of a coastal development permit.

In 1996, the State Coastal Conservancy submitted an Enhancement Plan (project #2-96) which involved authorizing the Conservancy to grant \$5,000 to Heal the Bay to fund the Point Dume Habitat Restoration Project. Heal the Bay is a nonprofit organization that with organized volunteers would at some future date implement the enhancement plan. The project involves the eradication of ice plant, a non-native invasive plant and the re-vegetation of coreopsis, a native plant indigenous to coastal bluffs. The Commission found the Enhancement Plan, as submitted, to be in conformance with the policies and objectives of the Coastal Act. Subsequently, coastal development permit requirements to perform the restoration were waived by the Executive Director and the Commission concurred in June 1997 (#4-97-116).

In January, 1996, the Deputy Director of the Commission's South Central Coast Area presented a report to the Commission regarding the parking at the blufftop area of Point Dume State Park. The report tentatively concluded the following: 1) only five (5) No Parking signs existed along Cliffside Drive and Birdview Ave (the streets adjacent to Point Dume State Park) prior to 1972 and the passage of Proposition 20; 2) from 1972-1995 approximately 20 new No Parking signs were placed within the subject area; 3) in 1995 the City of Malibu Public Works Department replaced the signs with approximately 25 signs with a standardized No Parking symbol. The parking along the blufftop road is adjacent to the area subject to this permit application (#4-97-048).

On May 9, 1997 the Commission staff issued a Notice of Intent to Commence Cease and Desist Order Proceedings to the City of Malibu regarding the City's placement of no parking signs and boulders adjacent to the State Park. At the date of writing this staff report, no further action has been taken by the Commission.

B. Public Access and Recreation

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30213 of the Coastal Act states (in part):

Lower cost visitor serving and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. . . .

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreation activities that could be accommodated on the property is already adequately provided for in the area.

The California Constitution and the public access sections of the Coastal Act require the Commission to consider the impacts of development in the coastal zone on public access and recreational opportunities, including balancing the public's right to access the beach with the need to protect natural resource areas. In addition, Coastal Act §30213 and §30220 mandate that lower cost visitor serving recreational facilities be protected and coastal areas suited for water-oriented recreational activities be maintained where feasible.

As contained in the November, 1991 Resource Summary prepared by State Parks, Point Dume forms the western and northern terminus of Santa Monica Bay and is a highly visible coastal landmark. From the terrace, coastal visitors can experience views of the entire Santa Monica Bay, the Santa Monica Mountains and the Channel Islands. Additionally the Resources Summary states that, "California gray whales pass close by the point during their annual winter migration, Making Point Dume an important whale watcher's destination." Also, Point Dume provides visitors the opportunity to view wildlife and plant life. Such viewing of nature include the following: observing migratory birds, particularly shore birds such as, surf scoters, pelicans and plovers; marine mammals at Pirate's Cove such as California sea lion and harbor seal; native plants in bloom such as the giant coreopsis the giant sea dahlia and sand verbenas.

The Point Dume State Beach Preserve is a 31 acre parcel where approximately 10 acres are inaccessible because of steep topography. As illustrated in Exhibit 1, the aerial photo of Point Dume, there are numerous trails that traverse the headlands. Public Access to Point Dume and the adjacent beach areas has historically been an

area of interest to the Commission and to members of the public. The majority of the trails were a result of historic public use of Point Dume.

In 1977, the Regional Commission authorized the Attorney General's office to investigate the possibility of the existence of prescriptive rights on the project site. As described in the preceding section, IVA. Detailed Background, a permit relative to placing a fence around the Preserve boundary was proposed (#57-80). As contained in the findings for approval, as conditioned, the Commission placed emphasis on the public's ability to maintain access across the site. The Commission found that the Report on Implied Dedication performed in 1978 concluded that:

Public use of the Point Dume area has been open and continuous at least since World War II. The intensity of said usage has increased almost every year. Said usage has occurred over much of the subject property, especially on and around the Point itself and the beach areas, i.e., Westward Beach, Dume Cove, and Pirate's Cove. (*Report on Implied Dedication, Investigation of Point Dume, Department of Justice, Office of the Attorney General, July 1978.*)

Point Dume affords visitors with opportunities to access the numerous recreational uses, such as the passive recreation activities described above, and access adjoining beaches which complete the State Park. Beach activities available to the public include, swimming, surfing, enjoyment of the tidepools, kayaking, sun bathing and walking.

The majority of the access improvements included in the proposed project will occur on existing footpaths. Of the total 1500 ft. of trail improvements, 700 ft. will be improved with a boardwalk and the remaining 800 ft. will be improved by minor earth work (11 cu. yds. of total grading). Staff has visited Point Dume with members of the State Park staff who indicated that two additional trails are currently contemplated for development at a future date. The proposed project also includes the placement of four interpretive signs within the Preserve area.

Improvements to State Preserves and sensitive habitat areas within public parkland areas have been the topic of Commission review and approval in other areas of the state. For example, at Emma Wood State Beach in the City of Ventura, the Commission certified the local coastal program with policies that allowed for the development and implementation of an Estuary Enhancement Plan. Point Lobos State Reserve in Monterey County similarly contains public access improvements while also protecting the natural resources.

As stated in the preceding Detailed Background Section, the Commission and Commission staff have had numerous communications with the City of Malibu as to the public's ability to access Point Dume. Presently the boundary of the Headlands along the shoulder of Cliffside Drive and Birdview Ave. (approximately 1600 total feet)

prohibits parking. Even though the boundary of the park is fenced there are four existing openings in the fence. As such, four footpaths from these openings that lead to Dume Cove, Westward Beach, significant viewing areas and to the whale watching look-out exist. The only parking in the vicinity of Point Dume is at Westward Beach along the western side of the base of the headlands, a drop in elevation of approximately 200 ft. Therefore, in order to get to the improved trails that are proposed under the subject application, coastal visitors would be required to hike from the parking area up a trail approximately 400 ft. to reach the start of the new trail areas (distance based on site plan provided by State Parks). In order to access Dume Cove, surfers and beach goers would be required to hike approximately 800 ft. from the Westward Beach Parking area. Staff inquired with State Parks as to where coastal visitors and recreators would achieve access to the terrace area where the improvements are proposed. In a letter dated April 18, 1997, State parks responded stating:

No off-street parking (i.e. parking lot) is provided directly at the preserve at Cliffside or Birdview because the Natural Preserve designation legally prevents road improvements, including parking lots, on the property. As for roadside parking, we do not object to parking along Cliffside or Birdview. However, that is the jurisdiction of the City of Malibu and they have chosen to post the area as a no parking zone. Unless the City chooses to allow parking on Cliffside or Birdview, all parking for the site will remain at Westward Beach.

One of the reasons for constructing boardwalks is to allow disabled individuals the opportunity to enjoy the public parkland. As mandated in §30213, lower cost visitor serving and recreational facilities shall be protected, encouraged, and where feasible provided. The Commission underscores the importance of maintaining all members of the public's right to access the sea as required by §30211 of the Coastal Act.

As described in the preceding Background Section, approximately 20 No Parking signs appear to have been placed along Cliffside Drive and Birdview Avenue after 1972 and the passage of Proposition 20 without the benefit of a coastal development permit. Additionally, large boulders were placed in the 1200 ft. long Cliffside Drive road shoulder abutting the Preserve by the City of Malibu Public Works Department in 1995 in order to prevent any parking. The "No Parking" signage and placement of boulders prohibits access to the Preserve area of the State Park. The Commission's Enforcement Unit has initiated Cease and Desist proceedings against the City regarding the signs and boulders. The Commission finds that other parking alternatives on the terrace area of Point Dume should be considered a priority in review of future Point Dume State Park projects.

State Parks has indicated that the construction of the boardwalk and trail improvements is intended to occur from mid-September 1997 through October 31, 1997. The

operating hours of the Preserve are from sunrise to sunset. State Parks has indicated that none of the public access improvements will impede the public's access to the beach areas and along the existing trails. Special condition #1 has been drafted in order to insure that the public access during construction of boardwalk and trail will be maintained, except in those areas of the boardwalk and trails that are under construction. Additionally, special condition #1 requires the applicant to agree that all of the revegetation efforts will not impede the public's ability to access the existing trails along the bluff top and to the beach. For all the reasons stated above, the proposed project, as conditioned is consistent with the applicable recreation and public access policies of the Coastal Act.

C. Environmentally Sensitive Habitat Areas

The Coastal Act requires that special protection shall be given to areas and species of special biological or economic significance. §30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Use of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific and educational purposes.

The Coastal Act mandates that ESHAs be protected against habitat disruption. Furthermore, the Coastal Act requires that development adjacent to an ESHA be sited and designed to prevent impacts that would degrade the ESHA value. Specifically, §30240 states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

§30230 of the Coastal Act mandates that marine resources be maintained, enhanced and where feasible restored. Areas, such as environmentally sensitive habitat areas (ESHA), are to be given special protection to provide for and to sustain their habitat. Likewise, §30240 of the Coastal Act mandates that only resource dependent uses be allowed in ESHAs. Such uses which could be considered resource dependent could include developing a public trail in parkland, restoring of habitat or placing a fish ladder in a stream. §30240 of the Coastal Act also mandates that development adjacent to parks and recreation areas be performed in a manner that would not adversely impact habitat area. For example, in accordance with §30240, development involving

vegetation removal, should also include erosion control measures to ensure that streambanks or coastal bluffs remained stable.

In addition, the Malibu/Santa Monica Mountains LUP contains several policies and standards regarding ESHAs, and marine habitat protection. These policies have been certified as consistent with the Coastal Act and used as guidance by the Commission in numerous past permit actions in evaluating a project's consistency with Sections 30230 and 30240 of the Coastal Act. For example, policy 111 regarding the marine resources in Point Dume states, in part, that, " The bluffs and adjacent cliffs shall be managed to eliminate erosion and the loss of natural vegetation caused by the formation of foot paths through sensitive habitats." Consistent with §30240 of the Coastal Act, Policy 98 of the LUP suggests that development should have no adverse impacts on sensitive marine and beach habitat areas and Policy 90 of the LUP suggests that development in areas adjacent to sensitive beach and marine habitat areas be designed to prevent impacts which could degrade the environmentally sensitive habitats. Finally, the LUP Resource Map designates the bluff faces, beach and rocky outcrop areas of the 30 acre state park as ESHA, identifies the kelp beds adjacent to the shoreline as sensitive resources and designates the blufftop area as a disturbed sensitive resource.

Point Dume State Beach contains three beach areas: 1) Westward Beach; 2) Pirate's Cove; and, 3) Dume Beach. The state beaches, which are located below the area subject to the enhancement efforts, has a rocky outcrop and tidepool area that contain sensitive marine resources. In addition, the nearshore area contain kelpbeds that are also considered environmentally sensitive. The California State Water Resources Control Board considers Point Dume and its offshore waters as an Area of Special Biological Significance. Erosion and increased sedimentation that occurs as a result of development and increased drainage velocities pursuant to the buildout of Point Dume Community, has in part caused degradation of the marine environment in the vicinity of Point Dume State Beach.

The proposed project involves the revegetation of approximately 2 acres of area on the headlands (See *Exhibit 5*). Even though the total area is 2 acres the total planted area will be considerably less. As contained in the applicant's plant list, plantings will include native species from coastal bluff scrub and sand dune communities along the denuded unofficial footpath and disturbed areas. Vegetation will also be restored adjacent to the proposed boardwalk and trail areas. The applicant also proposes to remove non-native plant species such as iceplant. Iceplant which is located on the blufftop area not only out competes native vegetation but when planted on coastal bluff faces perpetuates surficial erosion. The eradication, if performed in a manner that will not exacerbate site erosion by exposing bare soil for long periods of time, will serve to enhance a biologically significant area.

The proposed revegetation component of the project outlined in the proposal furthers the mandate of §30240 of the Coastal Act because it is compatible with the continuance and protection of the ESHA. However, in order to ensure that a proposed revegetation is designed and implemented in a manner that will not adversely impact the headlands and the bluff face as well as the intertidal and nearshore areas, special condition #2 has been drafted. As set forth in the condition, the applicant is required to submit a detailed Revegetation and Monitoring Program prepared by a qualified biologist, that shall at minimum include: a) a map of all areas to be restored or revegetated; b) technical specifications for the removal of exotic vegetation and planting of native species; c) schedule of restoration and revegetation activities; d) a three year maintenance and monitoring program that includes a provision that if the restoration program has been in part, or in whole, unsuccessful, the applicant shall submit a revised or supplemental program to compensate for those portions of the original program which were not successful in order to minimize site erosion and bluff failure. This program will ensure the proposed restoration will be successful and conducted in a manner which will not result in any short or long term erosion problems. Only as conditioned, is the proposed project consistent with §30230 and §30240 of the Coastal Act.

D. Archaeological Resources

Section 30244 of the Coastal Act states that:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Archaeological resources are significant to an understanding of cultural, environmental, biological, and geological history. The Coastal Act requires the protection of such resources to reduce potential adverse impacts through the use of reasonable mitigation measures. Archaeological resources can be degraded if a project is not properly monitored and managed during earth moving activities conducted during construction. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be lost. As so many archaeological sites have been destroyed or damaged as a result of development activity or natural processes, the remaining sites, even though they may be less rich in materials, have become increasingly valuable. Further, because archaeological sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites which remain intact. The greater province of the Santa Monica Mountains is the focus of one of the most important concentrations of archaeological sites in Southern California. Although most of the area has not been systematically surveyed to compile an inventory, the

sites already recorded are sufficient in both number and diversity to predict the ultimate significance of these unique resources.

Archeological investigations of varying scope have been conducted at Point Dume since 1939. As identified by the Point Dume State Beach Resource Summary dated November 1991, "Point Dume State Beach has one of the few remaining archeological sites on the coast which remains intact." State Parks is proposing as part of this project to have state archaeologists test auger at 31 locations along the boardwalk alignment to determine if construction of the boardwalk will impact any cultural deposits of site CA-LAN-454. If deposits are found during the augering, State archaeologists will excavate 1x1-meter test units and will sort, analyze and catalog any artifacts unearthed. State archaeologists will also monitor the installation of the boardwalk. The Commission has, in permit actions where extensive studies were not prepared, required on-site archaeologists and Native American consultants to monitor grading and site preparation operations in areas where cultural resources are or may be present. The Commission finds that, in this case, State archaeologists will test and oversee of construction; therefore, it is not necessary to require monitors as a special condition of approval. However, it is necessary to require the applicant to agree that if archaeological resources are encountered during site grading, construction would halt and a qualified archaeologist would develop a data recovery strategy in order to ensure that archaeological resources, are properly identified and adequate mitigation measures are implemented. The Commission finds that the proposed project, as conditioned, is consistent with Section 30244 of the Coastal Act.

E. Local Coastal Program

Section 30604 of the Coastal Act states that:

- a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds

that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.



EXHIBIT 1
POINT DUME STATE PARK
4-97-048 (CA Department of Parks & Rec.)

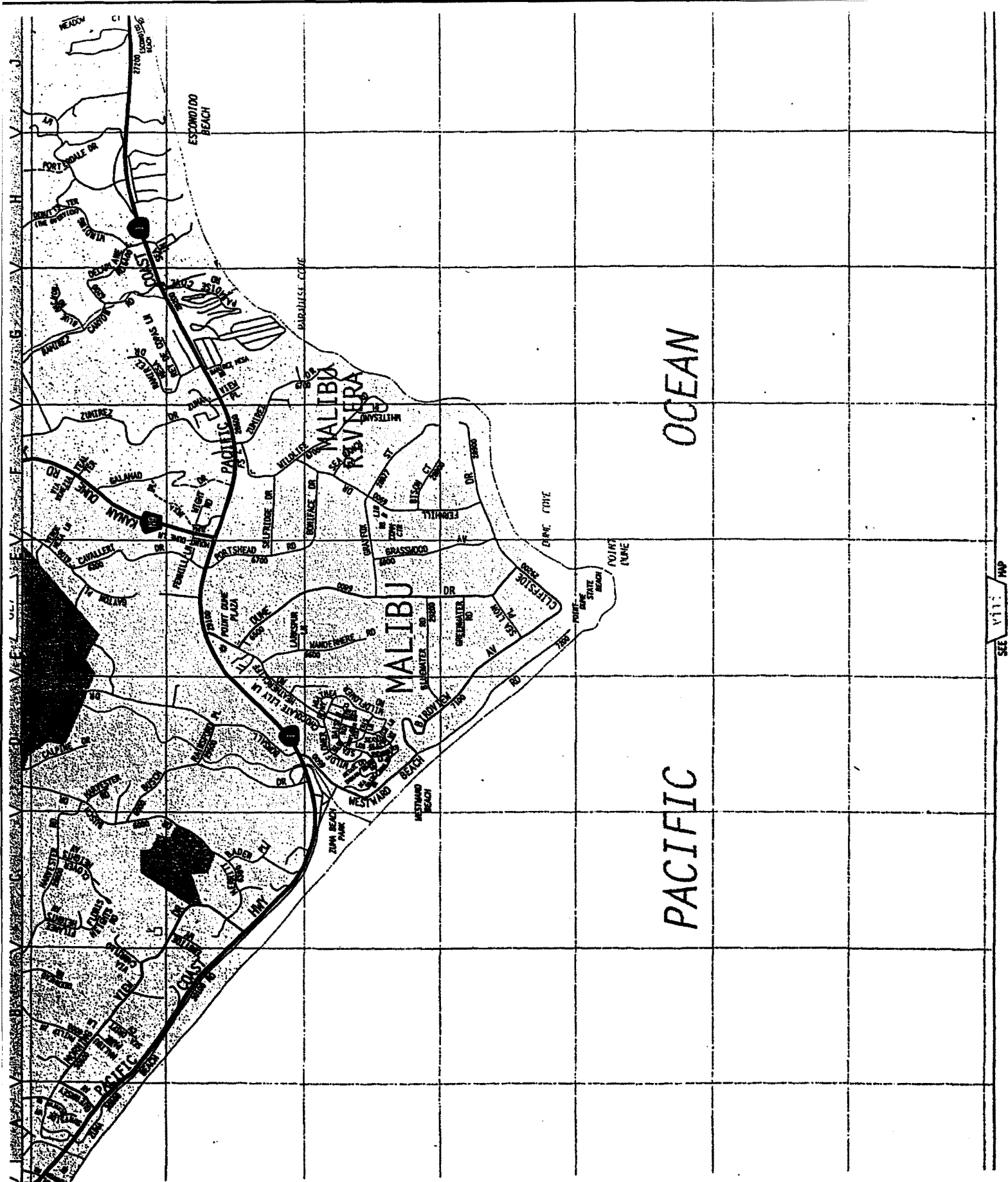


EXHIBIT 2

4-97-048 (California Department of Parks and Recreation
VICINITY MAP

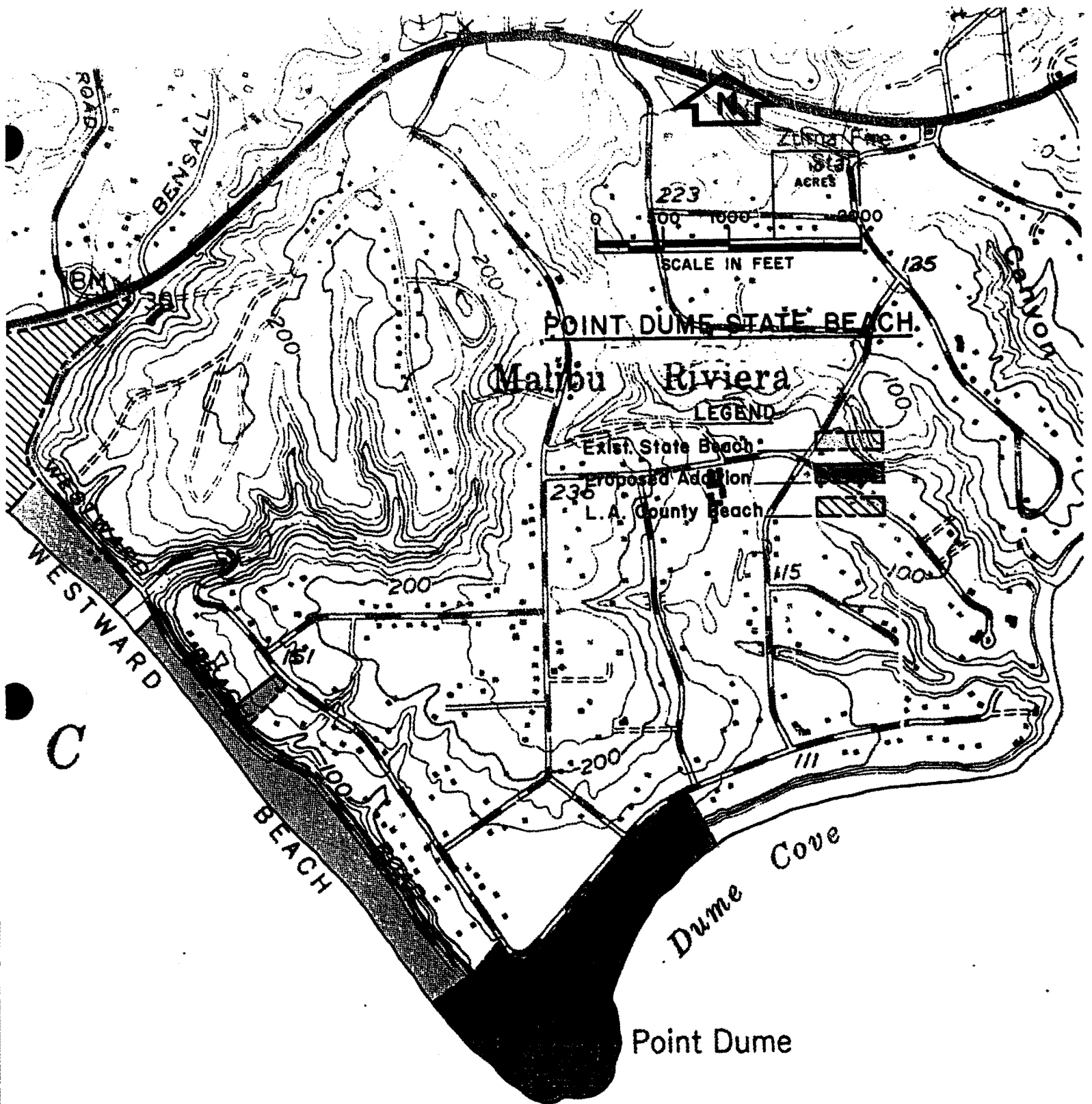


EXHIBIT 3

4-97-048 (California Department of Parks and Recreation)
TOPOGRAPHY MAP & ADJACENT PUBLIC BEACH AREAS

4-97-048 (California Department of Parks and Recreation
SITE PLAN --TRAIL IMPROVEMENTS

EXHIBIT 4

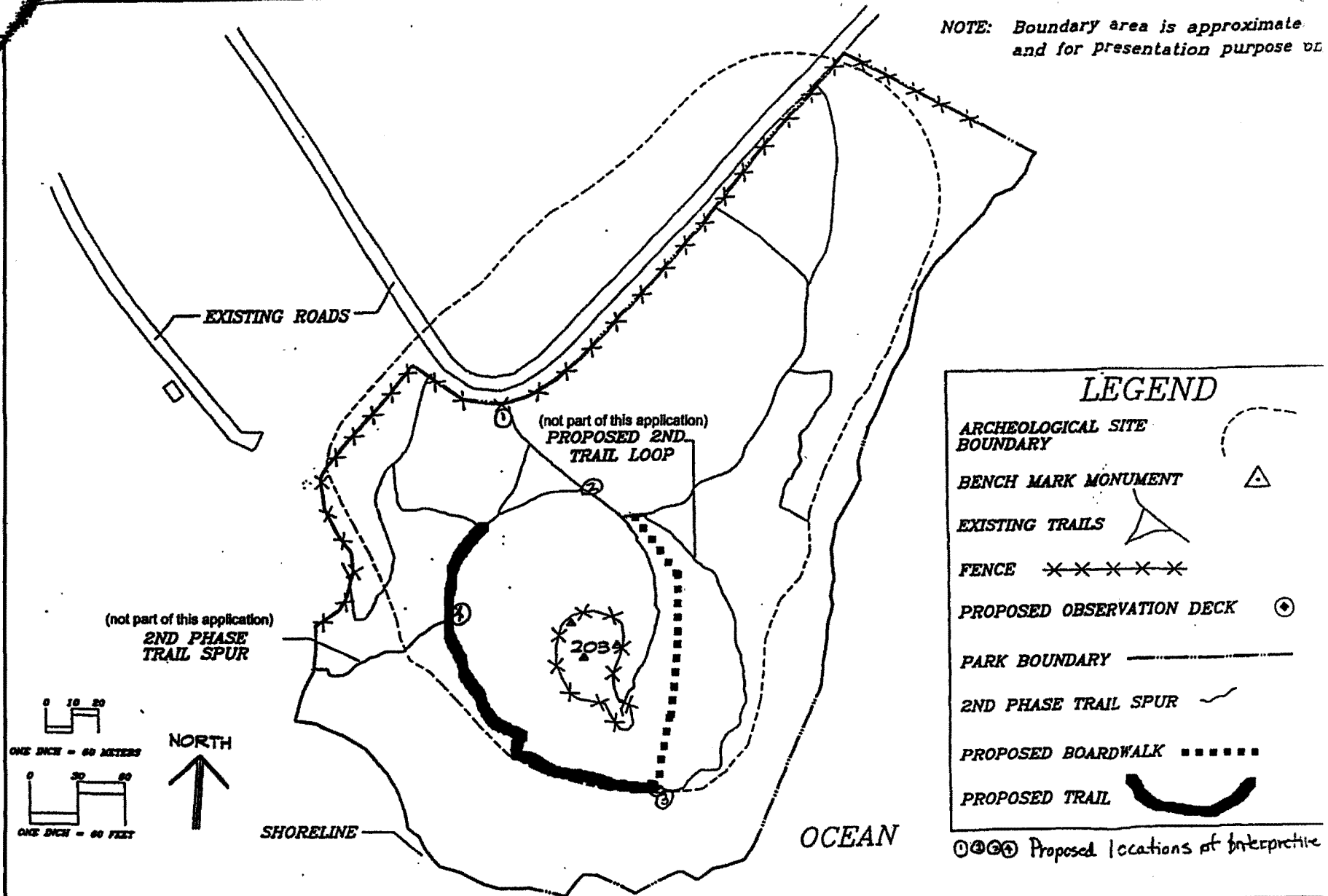


EXHIBIT 5
4-97-048 (California Department of Parks and Recreation)
SITE PLAN - AREA OF REVEGETATION

