

CALIFORNIA COASTAL COMMISSION

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Staff: RMR-LB *RMR*
Staff Report: 06-11-97
Hearing Date: July 8-11, 1997
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 5-97-136

APPLICANT: Marblehead Coastal, Inc.

AGENT: RBF & Assoc.

PROJECT LOCATION: El Camino Real & Avenida Pico, City of San Clemente
County of Orange

PROJECT DESCRIPTION: Implementation of the Blochman's Dudleya Translocation Plan dated October 2, 1996. The plan includes collection of on-site Blochman's Dudleya seed, cultivation of seed, revegetation with associated native plants, installation of a six foot high chain link fence around the 1.34 acre site, establishment of a 50 foot buffer zone (.8 acre), and relocation of adult Dudleya plants to a 1.34 acre site (not including the buffer zone) in the southwest corner of the 254 acre parcel. The proposed site will be maintained and monitored for a minimum of 3 years and a maximum of 7 years, depending upon the success of the program. The goal is to establish 10,000 Blochman's Dudleya plants on the proposed site.

Lot area:	1.34 ac.
Building coverage:	NA
Pavement coverage:	NA
Landscape coverage:	NA
Parking spaces:	NA
Zoning:	NA
Plan designation:	
Project density:	NA
Ht abv fin grade:	NA

LOCAL APPROVALS RECEIVED: Approval in concept from the City of San Clemente,
Letter of support from the California Department of Fish and Game

SUBSTANTIVE FILE DOCUMENTS:

1. Blochman's Dudleya Translocation Plan for the Marblehead Bluffs
10-02-96
2. Year One Annual Report for the Blochman's Dudleya Translocation Plan
for Marblehead Bluffs, 02-13-97
3. Draft Geotechnical Investigation of the Lusk Marblehead Coastal Property
for Environmental Impact Report (EIR) Purposes, 08-02-96

4. Marblehead Coastal Bluffs Emergency Grading Program, Focused EIR, 11-19-91
5. Emergency Permit G5-90-274 & Coastal Development Permit 5-90-274 (Marblehead)
6. Coastal Development Permit 5-94-263 (Marblehead)
7. Coastal Development Permit 5-94-256 (Colony Cove)
8. Coastal Development Permit A5-DPT-93-275 and 5-94-052 (La Ventana)
9. Marblehead Coastal Bluffs Emergency Grading Program Focused
10. Environmental Impact Report, Nov. 19, 1991
11. Biological Assessment Update Marblehead Coastal Project Site, San Clemente, March 11, 1985
12. Draft Dudleya blochmanae Protection and Salvage Program, April 30, 1990
13. 1991 Biological Assessment Update Marblehead Coastal Project Site, San Clemente, January 23rd, 1991

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends the Commission approve the proposed project with special conditions for a conservation/open space deed restriction and a rodent trapping program.

SUMMARY OF UNRESOLVED ISSUES:

In 1990 the Executive Director approved an emergency permit for the mass grading of about two-thirds (Phase I) of the Marblehead coastal bluffs for public safety reasons. In the process approximately 5,000 Blochman's dudleya plants were salvaged and stored in a nursery. Coastal development permit application (5-90-274) for the grading which was completed in Phase I and the proposed grading for Phases II and III was incomplete upon submittal in 1990 and was not filed complete until 1994. Permit 5-90-274 was then withdrawn prior to the 270th day. Another permit application (5-94-263) was filed immediately after permit 5-90-274 was withdrawn. Permit 5-94-263 was subsequently withdrawn prior to the 270th day.

The Marblehead coastal property is an area of deferred certification and is not subject to the City of San Clemente's certified Land Use Plan. Currently the applicant is preparing a specific plan for the property which involves regional commercial, residential, public park space, open space, trails and a Blochman's dudleya area.

Previous staff recommendations in staff reports 5-90-274 and 5-94-263 required that prior to commencement of grading for Phases II and III, the applicant submit a comprehensive plan for the preservation, relocation and enhancement of the Blochman's dudleya at its former population of 10,000 plants. However, this coastal development permit application is for the Blochman's dudleya area only. No grading of coastal bluffs or any other development is proposed. The grading approved under the emergency permit and the grading proposed for Phases II and III is contemplated at this time to be included in the specific plan.

In this permit the Commission is addressing the three year translocation plan only. Any further bluff grading or proposed commercial and residential

development will have to be addressed in a coastal development permit or in the context of a specific plan. This permit contains special conditions for a conservation/open space deed restriction and rodent trapping program, however, the long-term maintenance of the site will have to be considered with the overall specific plan for the Marblehead site.

Additionally, this is an after the fact application because the project has been underway for approximately one year and development has proceeded without benefit of a coastal development permit.

STAFF RECOMMENDATION

The Staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, 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, 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 this permit is reported to the Commission. 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 in the application for permit, subject to any special conditions 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 project during its development, 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. Open Space/Conservation Deed Restriction

Prior to the issuance of the coastal development permit, the applicant as landowner shall record a deed restriction, in a form and content acceptable to the Executive Director, which provides that the 1.34 acre Blochman's dudleya preserve site and the 0.8 acre buffer zone as shown in Exhibit 4, will be precluded from future development.

The restriction shall provide that no development, including construction, grading, removal of major vegetation or other development as defined in Section 30106 of the Coastal Act, shall occur in the area defined as the 1.34 Blochman's dudley site and the 0.8 buffer area, other than development specified in the plan approved by this permit and the minimum required to remove exotic non-native plants and replant natives in conformance with the maintenance and monitoring plan approved by the Commission as part of this permit.

The restriction shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed. The restriction shall run with the land, binding successors and assigns of the applicant or landowner.

2. Trapping Program

Prior to the issuance of a coastal development permit the applicant shall provide, for the review and approval of the Executive Director, a detailed rodent trapping or eradication program to be implemented on the proposed 1.34 acre dudleya translocation site. The plan shall provide for a 75% reduction in rodents over a 3 year time period and shall be carried out in conformance with the approved plan.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description & Location

The applicant is proposing to implement a relocation, enhancement and preservation program for a sensitive coastal bluff plant, the Blochman's Dudleya. The plan includes collection of seed from on-site Blochman's Dudleya adult plants, cultivation of seed in a greenhouse and sown on-site, revegetation with associated native plants, and relocation of adult Dudleya plants from the greenhouse and Phase II portion of the bluffs to a 1.34 acre Blochman's Dudleya site (see Figure 4). The proposal includes a six foot high chain link fence around the 1.34 acre site and a 50 foot buffer zone with native plants outside the fence. The site will be maintained and monitored for 3 to 7 years, depending upon the success of the program. The goal is to establish a minimum of 10,000 Blochman's Dudleya plants on the proposed site.

The Marblehead bluff site is an area of deferred certification and, therefore, there are no policies in the certified LUP regarding it. The applicant and the City are currently preparing a specific plan for the site.

The Marblehead bluffs site is the last large vacant parcel in the coastal zone of the City of San Clemente (see Exhibit 2). It is located between El Camino Real (Pacific Coast Highway), Avenida Pico and the Interstate 5 freeway. To the east is the Colony Cove residential subdivision. El Camino Real is part of the emergency road network of the San Onofre nuclear power plant evacuation plan.

Prior to the 1880's the bluffs were subject to wave attack. However, with the construction of the railroad in the 1880's and El Camino Real in 1929, the bluffs were cut back and steepened. The bluffs do not provide access to the beach. The closest beach access is at North Beach, which is across the street and southwest of the bluffs. North Beach contains a Metrolink train station, beach parking and is a popular beach spot. Directly west of the Marblehead site is the highway, the railroad and then a private, gated beach community.

The proposed 1.34 acre reserve is located on the 254 acre Marblehead site adjacent to the stormwater channel close to the intersection of the channel with El Camino Real (see Exhibit 4). The entire site is currently vacant and includes bluffs adjacent to Pacific Coast Highway, a marine terrace and inland canyons. The level marine terrace area is disturbed and is cleared annually. The bluffs and inland canyons contain native coastal bluff plants.

The Marblehead bluffs, prior to the grading approved under permit G5-90-274, contained habitat for approximately 10,000 Blochman's Dudleya plants, the largest single population in Orange County. Smaller populations are found on the Dana Point Headlands and San Clemente State Beach. The Blochman's Dudleya is a Category 2 candidate for federal listing as threatened or endangered under the Endangered Species Act. The California Native Plant Society (CNPS) placed Dudleya blochmanae on List 1B of their Inventory of Rare and Endangered Vascular Plants. According to the CNPS classification, the plant is eligible for state listing as an endangered species, but the California Department of Fish and Game has not recommended listing or candidate status.

With the implementation of the emergency grading in 1990, approximately 2,500 linear feet of the coastal bluffs were laid back. In the process, it is estimated that approximately 5,000 Blochman's dudleya were salvaged and taken to the Tree of Life Nursery. Other estimates state that 3,700 plants were salvaged, while 2,900 plants were destroyed, out of a total population of approximately 10,000-12,000 plants. An estimated 4,200 plants remained on site in Phase II (3,600) and Phase II (600) areas.

There was no development on the Marblehead bluffs. Since the 1990 bluff grading, however, there have been significant bluff failures north of the site at Colony Cove (5-94-256) and La Ventana. These bluff areas did have residential development out to the bluff edge which necessitated massive bluff reconstruction with tie-backs and shotcrete surfaces shaped and colored to resemble natural bluff. The reconstruction plan for the Colony Cove involved grading to be conducted in the Phase III portion of the Marblehead bluffs. No impacts to the Blochman's dudleya were involved. This bluff reconstruction, undertaken by CDP 5-94-256 has been completed. When the grading for the remaining Marblehead bluffs is approved and undertaken, the coastal bluffs from the Dana Point City boundary to North Beach will have been significantly altered.

B. Project History

In 1987 the City of San Clemente processed an environmental impact report for the Marblehead site which included 27 acres of tourist commercial (TC), 16.3 acres of park, 36.4 acres of residential (250 units), 5.9 acres of very low residential, and a small parcel of general commercial. The tourist commercial designation was intended for the Nixon Library site. Staff submitted a letter in response to the Nixon Library Draft Environmental Impact Report, however, the project never progressed beyond the EIR stage and an application was not submitted for a CDP. In this letter staff expressed concerns regarding coastal canyon setbacks, filling of coastal canyons which are designated as ESHAs, the filling of wetland habitat in coastal canyons, coastal bluff and landform alteration and protection of the Blochman's dudleya on the coastal bluffs.

In 1990 the Executive Director issued emergency permit G5-90-274 for the first phase of three phases of bluff stabilization. The Lusk Company together with the City of San Clemente asserted that the ongoing bluff failures of the Marblehead coastal bluffs represented a safety hazard to vehicular traffic and pedestrians along Pacific Coast Highway (alternately known as El Camino Real). The position of the Lusk Company and the City of San Clemente as to the public safety hazard was supported by the Commission geologist, Richard McCarthy, and an emergency permit was issued by the Executive Director.

Phase I grading approved by Emergency Permit G5-90-274 was for approximately 310,000 cubic yards of grading to lay the bluffs back to a 1.5:1 or 2:1 gradient. The grading was completed for Phase I but not for phases II and III (see Exhibit 3). The applicants submitted a follow-up permit which was officially designated as incomplete by staff. On March 7, 1994 the application was determined to be complete and was agendized for hearing. Prior to the 270th day the applicants withdrew permit 5-90-274 because of finance and organization restructuring considerations. However, because the lack of completion of a follow-up CDP for the emergency permit presented an enforcement scenario, the applicants agreed to immediately submit another CDP application, CDP 5-94-263.

CDP 5-94-263 was determined complete on December 22, 1994. The application was scheduled for hearing by the 180th day and a 180 day waiver was filed. The application was scheduled for hearing in August 1995 and was continued. Due to the constraints of the Permit Streamlining Act, the application had to be acted on by the Commission prior at the September 1995 hearing, the 270th day deadline. On August 7, 1995 Commission staff received a letter from the applicant requesting the withdrawal of permit 5-94-263.

At the time of the 2nd permit withdrawal, and in subsequent meetings with the applicant and the City of San Clemente, the applicant indicated that he was proceeding with the entitlement process for development on the Marblehead bluffs and was proceeding with a specific plan. In fact, the applicants have been proceeding with the specific plan. The applicant also indicated that he was exploring options for disposition of the dudleya.

In the eventual specific plan the applicant is proposing regional commercial in the area adjacent to the Interstate 5, residential across most of the site, a park area and preservation of one coastal canyon. A preliminary plan concept is included as Exhibit 6. The plan shows that the dudley

translocation site would be located adjacent to the park area. The specific plan is not a part of this permit. Based upon meetings with Commission staff and recommendations made in previous staff reports, the applicants realized that a key component of any project on Marblehead needed to take into account the Blochman's Dudleya. For this reason the applicant contacted Mark Dadero, an expert in the dudleya field. Mr. Dadero has then devised a relocation and preservation plan for the Blochman's dudleya on the Marblehead site.

C. Environmentally Sensitive Habitat Area

Section 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Existing Conditions

The Blochman's Dudleya is a Category 2 candidate for federal listing as threatened or endangered under the Endangered Species Act. The California Native Plant Society (CNPS) placed Dudleya blochmanae on List 1B of their Inventory of Rare and Endangered Vascular Plants. According to the CNPS classification, the plant is eligible for state listing as an endangered species, but the California Department of Fish and Game has not recommended listing or candidate status.

Blochman's dudleya is a perennial succulent plant species found on coastal bluffs from San Luis Obispo County into Baja, California. The Blochman's dudleya is a very small plant (see Exhibit 5) which grows with spring rainfall, flowers in April and May and then remains dormant during the summer and fall. The plant survives on starch reserves stored in the underground caudex or stem, somewhat akin to a bulb. The plant reproduces primarily by seed but can reproduce vegetatively, via detached leaves. The plant is found on the margin of open areas on coastal bluffs usually in association with other native plants such as California boxthorn (Lythrum californicum), California sagebrush (Artemisia californica), coastal goldenbush (Isocoma menzeisii), golden tarplant (Hemizonia fasciculata), and the lance leaf dudleya (Dudleya lanceolata).

With the implementation of the emergency grading in 1990, approximately 2,500 linear feet of the coastal bluffs were laid back. In the process, it is estimated that approximately 5,000 Blochman's dudleya were salvaged and taken to the Tree of Life Nursery. Other estimates state that 3,700 plants were salvaged, while 2,900 plants were destroyed, out of a total population of approximately 10,000-12,000 plants. An estimated 4,200 plants remained on site in Phase II (3,600) and Phase II (600) areas.

The plants remained in the Tree of Life Nursery, however, no provisions were made for their upkeep and preservation and thus the plants were subject to

hybridizaion by association with other dudleyas. The genetic integrity of these plants is questionable and Fish and Game ecologists consider the plants unsuitable for relocation back to the site.

In CDPs 5-90-274 and 5-94-263 staff recommended special conditions requiring that before any grading is approved which would further disrupt the existing remaining native population of Blochman's dudleya, a relocation and preservation plan be prepared and approved by the Commission. One of the constraints to any plan was that once the plants were removed and the bluffs graded it would be difficult to recreate the soil structure and plant assemblage necessary to support the Blochman's dudleya.

Another constraint is that the bluffs which were graded have been colonized by an annual non-native iceplant (*Mesembryanthemum nodiflorum*) and crystalline ice plant. The crystalline ice plant tends to shed salt and make the soil saline and inhospitable to native plants. Therefore, if these graded slopes were to be used for relocation of the dudleya, the top layer with the iceplant would have to be removed, the topsoil replaced and the entire native plant community would have to be recreated. Fish and Game ecologists agreed with the applicant's consultant, dudleya expert Mark Dadero, that the Phase I graded slopes would not be conducive to dudleya relocation and would jeopardize chances of the plan's success.

The alternative, as proposed by dudleya consultant Mark Dadero, was to find a relatively undisturbed (not graded) portion of coastal bluff containing existing suitable soil conditions and a plant assemblage similar to that found on the ground at the Phase II and III bluffs.

Proposed Site

The Blochman's dudleya is found in coastal bluff scrub on southwest-facing coastal bluffs. Mark Dadero identified a potential relocation site on the southwest corner of the bluffs in an area which the proposed specific plan identifies as public park and public open space. Exhibit 4 shows the proposed 1.34 acre dudleya translocation site and 50 foot buffer (.8 acre). The applicants are proposing to remove exotic non-natives from the buffer zone and revegetate with native plants associated with the Blochman's dudleya.

Several factors determine the selection of the proposed preserve site. First, the soil and topography conditions at the proposed site closely resemble those where the dudleya now exist in Phase II. The dudleya is commonly found in the shade of native plants like the boxthorn on the margin of open spaces containing little or no vegetation. There are numerous areas on the proposed 1.34 acre site which meet this requirement. Second, although there are no Blochman's dudleya existing at the site prior to this program, many of the native coastal plants such as the artemesia, boxthorn and *Dudleya lanceolata* are found there. Finally, the proposed site is situated on the perimeter of the site adjacent to a flood control channel as opposed to a central location, and is thereby less likely to be disturbed by humans. There are invasive plants on the site but none which will outcompete the dudleya, like the salt producing iceplant. Finally, the consultant states that the site is capable of supporting the goal of re-establishing 10,000 Blochman's dudleya plants.

The site will not require grading, the use of soil amendments, or site preparation. The consultant is proposing that non-natives be eliminated

during the three year monitoring program, that the dudleya be introduced and that native plant associations on-site be augmented. The site will be fenced to keep humans out and the buffer zone is being planted with native plants (see exhibit 4).

Translocation, Revegetation & Exotic Plant Removal Plan

As part of the application the applicant has submitted a Blochman's Dudleya Translocation Plan and the Year 1 Annual Report. The goals for the translocation plan are to: 1) establish a self-sustaining population of 10,000 individuals of which 5,000 will be flowering plants, and 2) the restoration and enhancement of the native coastal bluff scrub community through the control of exotics, broadcasting of native seed, and limited planting of container stock. The plan calls for a minimum three year plan with possible extension to seven years, depending upon the success of the translocation plan. The 1.34 acre site is currently fenced to protect the site from human disturbance.

During the three-year period approximately 75 one-gallon boxthorn plants will be grown from seed collected on site and planted in preserve areas to serve as nurse plants for the Blochman's dudleya. Seed of coast goldenbush, which also serves as a nurse plant for the dudleya, will also be broadcast during the three-year plan.

Maintenance activities during the three year period include removal of exotics either by hand removal or selective spraying with an herbicide and visual inspections of dudleya plants for adverse conditions. Maintenance inspections are to occur monthly during the first year and quarterly thereafter.

Dudleya seed was collected in 1995, 1996 and will be collected in 1997 and 1998 from identified on-site colonies in Phase II and Phase III areas. Twenty-five percent of the seed was broadcast at the translocation site, 25 percent will be used in greenhouse propagation, and 25 percent will be sent to a seed bank at the Rancho Sana Ana Botanic Garden in Claremont, CA for storage.

The Blochman's dudleya is being introduced to the site through a combination of: 1) broadcasting of seed from plants currently on the Phase II site, 2) placement of leaf cuttings, 3) the translocation of adult plants from the Phase II site, and 4) translocation of nursery-grown plants.

Leaf cuts are taken from the existing populations of dudleya on the Phase II bluff site and are taken to an off-site nursery where they are allowed to root. Of these leaf cuts, 50% will be transplanted onto the reserve site and the remainder used for greenhouse propagation and later planting. 10% of the remaining plants on the bluffs will be salvaged for placement on the reserve site. Plants propagated from seed will be transplanted two years following germination.

If the translocation is success then the remaining plants from the Phase II and Phase III populations will be salvaged and relocated to the reserve site.

Monitoring Plan

The translocation site will be monitored for 3 and possibly up to 7 years and will include the following measures:

1. photographing plots during the active growing period (February),
2. collection of quantitative data on total counts of Blochman's dudleya plants in February,
3. collection and identification of insect pollinators from both the existing sites and the translocation site,
4. collection of quantitative data on counts of flowering individuals at the translocation site in April and May,
5. collection of quantitative data regarding the eradication of exotic species at the translocation site
6. establishment of two 0.5 meter by 1.0 meter plots in 1996 and 1997 for the collection of data on dudleya growth rates, so that 20 plants can be monitored for three growing seasons,
7. establishment of two test plots at the Phase II bluffs to monitor the growth of natural populations for two years.

Success Criteria

The success criteria were developed by Mark Dadero in coordination with Jim Dice, CDFG's Region 5 plant ecologist. The goal of the three year translocation plan is to have 10,000 or more individuals with a minimum of 5,000 flowering plants. If that goal is achieved then no further efforts for seeding, propagation or transplanting would be required. Monitoring for exotic plants shall continue for 6 years. In years 4, 5 and 6, the project biologist will consult with a CDFG plant ecologist to assess the effectiveness of the weeding efforts.

The translocation plan will be deemed partially successful if at the end of three years there are 4,000 to 9,999 plants, with an increase in numbers for at least two years, and has a minimum of 2,000 flowering plants. The monitoring plan shall then continue with translocation, restoration, monitoring and maintenance efforts with annual reviews by CDFG for a period not to exceed 7 total years (or 4 more years). If at any time during the plan extension the goal is achieved then the plan shall be deemed a success, as described in the paragraph above. An annual review for exotic plant control will continue for years 4 through 7 or until the project biologist in consultation with CDFG determines it is no longer necessary.

The project will be deemed unsuccessful if at the end of three years the population of Blochman's dudleya consists of less than 4,000 individuals, has never reached a total of 2,000 flowering individuals or has shown a decreasing trend in numbers for two of the three years. In this instance, the translocation plan shall be continued not to exceed a total of 7 years.

Finally, annual reports shall be issued in September of 1996, 1997 and a final report issued in September 1998. If the plan is not successful after three years, the applicant will continue the same maintenance and monitoring plan as per the first three years, including the submittal of annual reports. These reports will document the results of exotic plant control, the seeding program, photodocumentation of the site, total counts of plants, and an assessment of the health of the plants.

First Year Report

Exotic plant removal was conducted from February to August 1996 by hand-removal and spraying with Roundup. Weed removal was conducted four times on the site between February and March. In January 1996 dudleya seed was broadcast. Leaf cuttings collected in January 1996 and 225 leaf cuts were planted in February 1996, at which time germinating seedlings were visible at the translocation site. In February 1996 clumps of adult and juvenile dudleya (250) were salvaged from existing bluff sites and replanted at the site. By June the dudleya were dormant.

A seedling count was conducted at 15 locations in the translocation site and 3,500 seedlings were counted. In order to monitor the growth of the plants, select seedlings, leaf cuts and transplanted plants were tagged.

The report notes that only five plants successfully flowered during the first season and that the low success rate was due to predation by rodents and rabbits. However, the plant can still survive if the leaves are chewed off.

The report notes that even though a small number of the 3,500 germinated seedlings are expected to live, the large number of plants which germinated is a good sign.

One possible obstacle to the success of the translocation program are the on-site rodents which eat the leaves of the plants. There was no provision made in either the Year 1 Report or the initial Translocation Plan for the eradication of rodents. These rodents may interfere with the success of the program and it seems a good idea to eradicate them from the site, at least in the critical three year period until the site becomes established. Therefore, the Commission is requiring that the applicants submit a plan for eliminating at least 75% of the rodents preying on the 1.34 acre site within three years.

The proposed plan will be implemented for a minimum of three years and a maximum of seven years. It is expected that within this time period the applicants will move forward with a specific plan which shall include provision for the long-term protection of the proposed dudleya site. However, there is no guarantee if or when the specific plan will be implemented. In order to protect and ensure the integrity of the site and the sensitive Blochman's Dudleya, the Commission finds that the applicant shall conform with a conservation/open space deed restriction for the 1.34 acre site and 50 foot buffer strip.

Only as conditioned for submittal of a rodent eradication plan and an open space/conservation deed restriction does the Commission find that the proposed development conforms with Section 30240 of the Coastal Act.

D. Unpermitted Development

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred; nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

E. Local Coastal Program

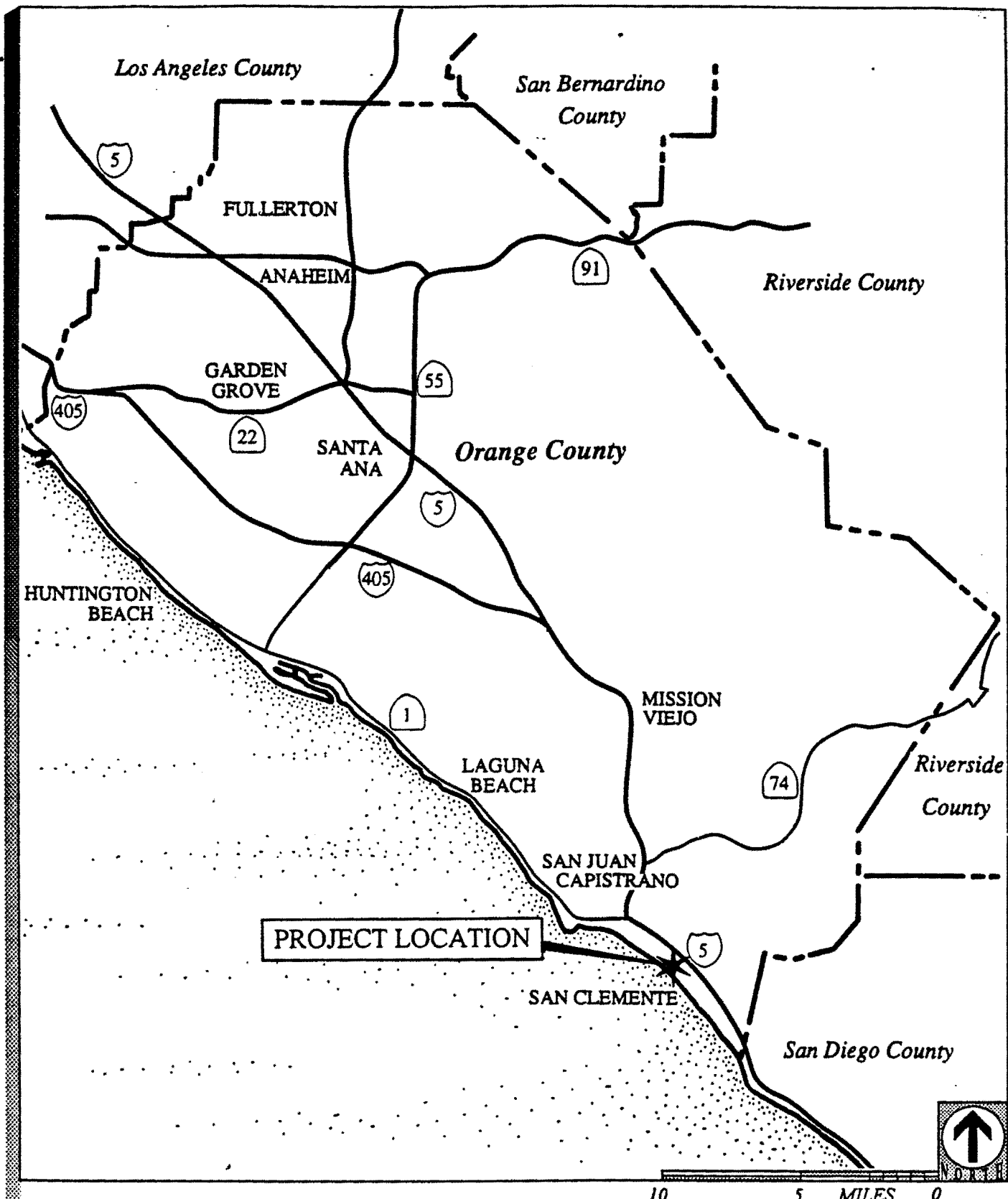
The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988 and certified a major amendment in October 1995. However, the Marblehead bluffs site is an area of deferred certification and not included in the certified LUP.

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. As conditioned the Commission finds that proposed development is consistent with the Chapter 3 policies of the Coastal Act and approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for Marblehead bluffs that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

F. California Environmental Quality Act

Section 13096 of the California Code of 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 proposed project has been conditioned in order to be found consistent with the Section 30240 policies of the Coastal Act regarding the protection of Environmentally Sensitive Habitat Area. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



Regional L

EXHIBIT NO. 1
APPLICATION NO. 5-97-136
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California Coastal Commission

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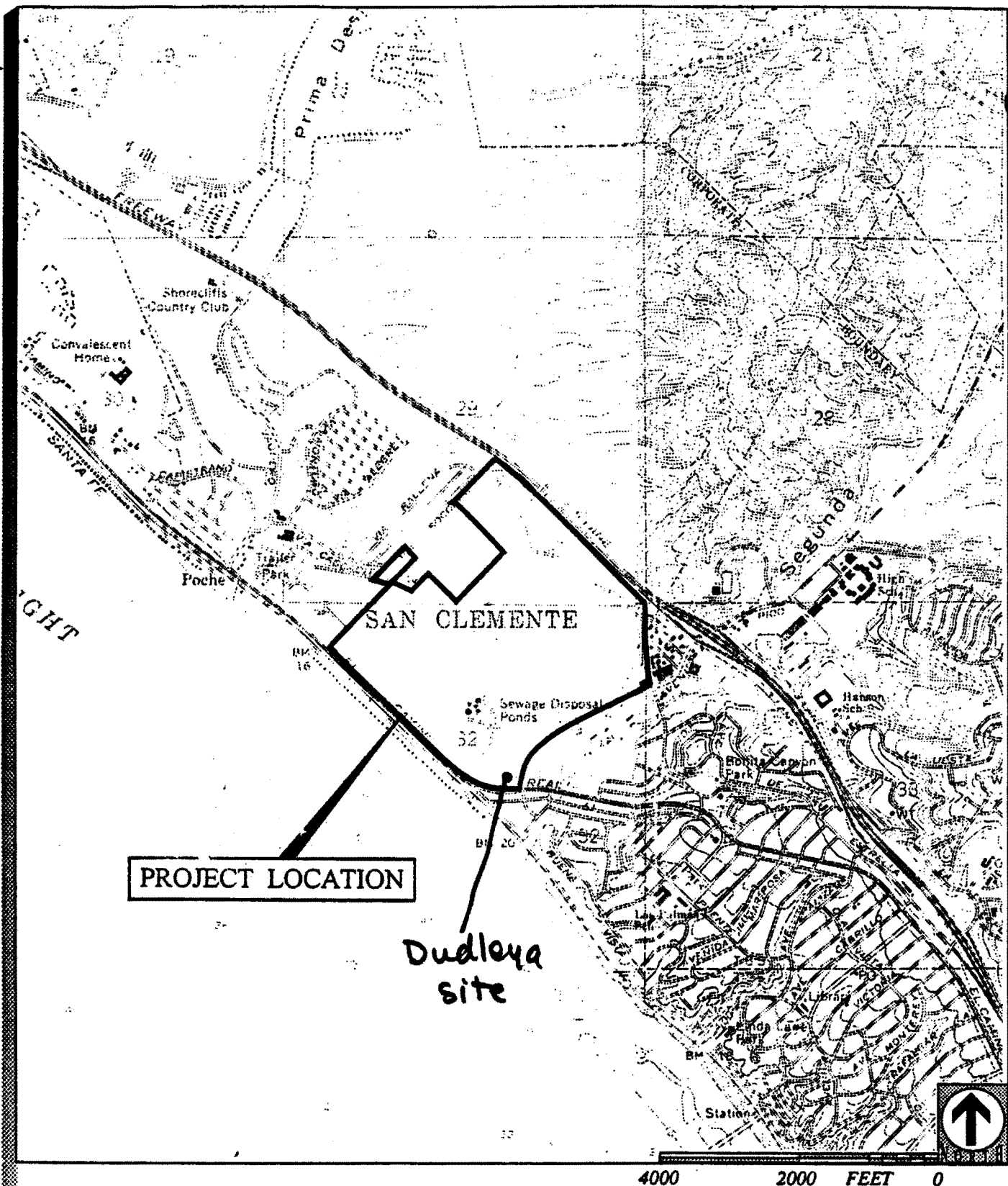


EXHIBIT NO. 2

APPLICATION NO.

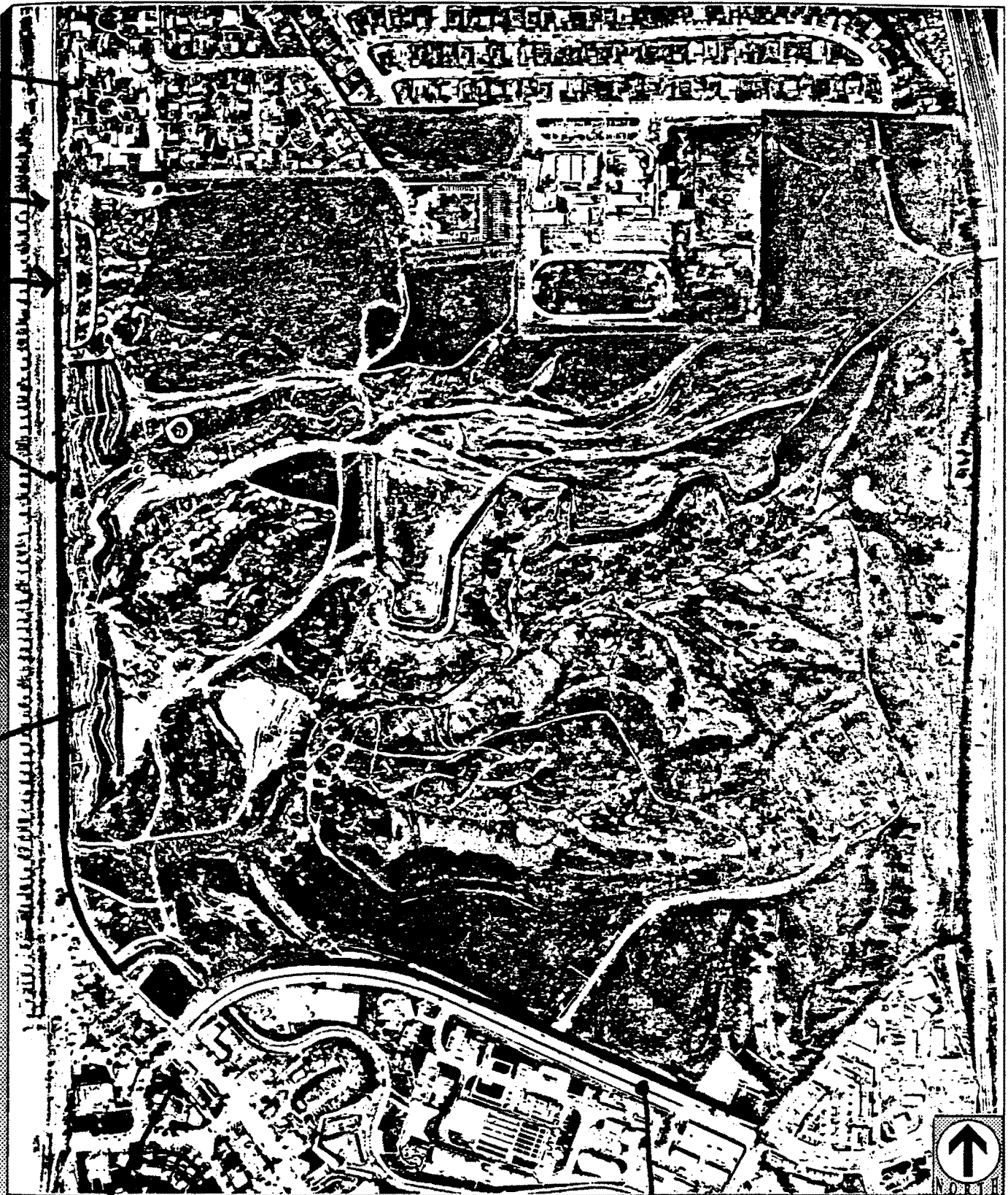
5-97-136

LOCATION

U.S.G.S. 7.5 Minute Topographic Map of
Dana Point and San Clemente

California Coastal Commission

Colonore III
 Phase II
 El Camino Real
 Phase I
 Graded Bluffs



NORTH BEACH
 Translocation/restoration site

Existing natural populations area

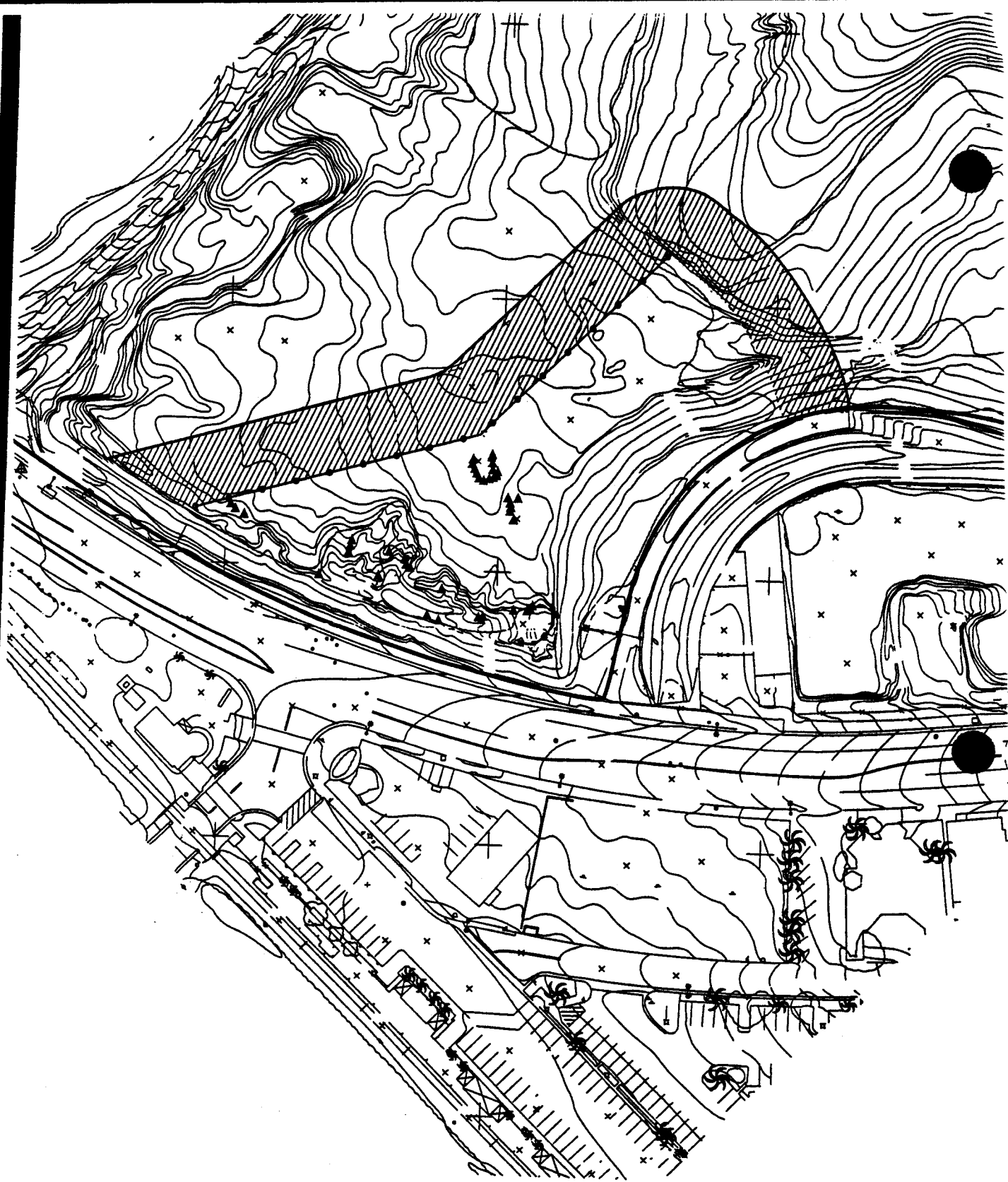
AVE PICO

FIGURE 3





EXHIBIT NO. 3
APPLICATION NO. 5-97-136
SITE PHOTO

Blochman's Dudle






Base mapping source: RBF&Assoc. #30461

-  Buffer fence
-  Dudleya locality
-  50' Buffer zone
-  Marblehead Bluffs property boundary

Note: Information is for the site only

EXHIBIT NO. 4
APPLICATION NO.
S-97-136
Dudleya Site
 California Coastal Commission



PHOTOGRAPH 1

Blochman's Dudleya (*Dudleya blochmaniae* ssp. *blochmaniae*)
in Native Habitat



PHOTOGRAPH 2

Blochman's Dudleya Flowering in

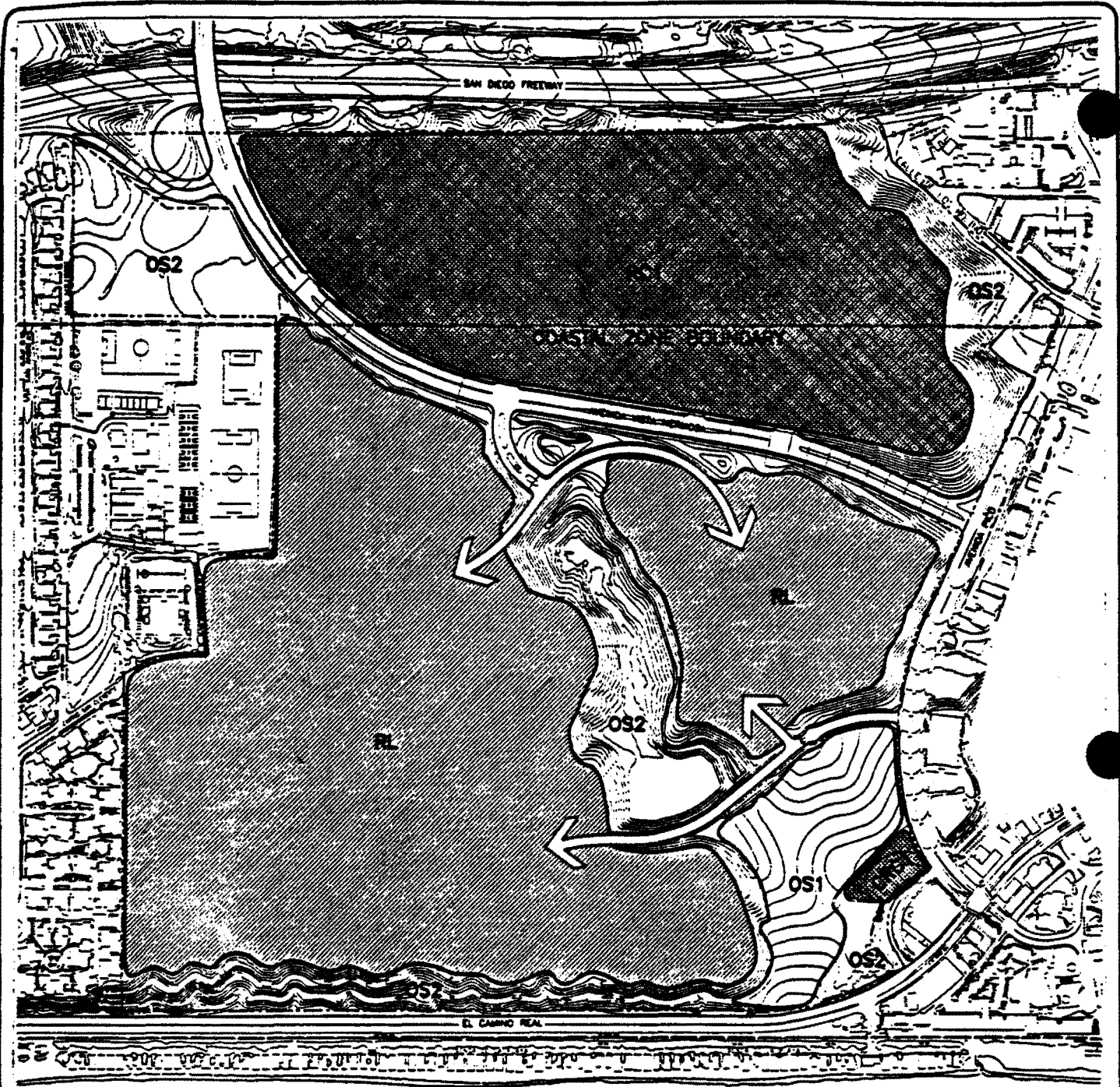
EXHIBIT NO. 5

APPLICATION NO.

5-97-136

Dudleya





LEGEND

RESIDENTIAL

RL 4.5 UNITS/GROSS ACRE

COMMERCIAL

RC1 REGIONAL SERVING

CRC1 COASTAL AND RECREATION SERVING

OPEN SPACE

OS1 PUBLIC OPEN SPACE (PARK)

OS2 PRIVATELY OWNED OPEN SPACE



EXHIBIT NO. 6

APPLICATION NO.
5-97-136

**FUTURE
LAND USE**



Prepared by Robert Bein, William Frost & Associates for the



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GENERAL PLAN LAND

**MARBLEHEAD COAST
SPECIFIC PLAN/GPA/LC**

Memorandum

✓ Rubin
- Stine
- Teresa

To : Mr. Chuck Damm, Regional Director
California Coastal Commission

Date : March 10, 1997

From : Department of Fish and Game - Region 5

Subject : Blochman's Dudleya Translocation Plan for Marblehead Bluffs
(Orange County)

RECEIVED
MAR 18 1997
CALIFORNIA
COASTAL COMMISSION

The Department of Fish and Game (Department) would like to express our support for the "Blochman's Dudleya Translocation Plan for Marblehead Bluffs" prepared by RECON for the Lusk Company. It is our understanding that this plan will soon come before the California Coastal Commission (Commission) for review and final approval as part of the Commission's oversight of the proposed Marblehead Bluffs development within the city of San Clemente in Orange County.


The Department has been consulted extensively in the development and refinement of the proposed translocation plan. Our participation to date has included input into the site selection, methodology and development of success criteria, as well as review of the final draft document. Although the Department does not normally support translocation of rare plant species as an acceptable mitigation measure, we believe the translocation plan as developed by RECON, in consultation with Department staff, is feasible and represents a viable solution to the existing situation at Marblehead Bluffs.

Department staff is committed to participation in monitoring and oversight of the translocation project and willing to work with the Commission to verify and ensure that the plan is adhered to. If you or your staff have any questions regarding the Department's support for, or comments on, the proposed translocation plan, please do not hesitate to contact our Regional Plant Ecologist, Mr. Jim Dice, at (619) 767-3384.


Patricia Wolf

for Acting Regional Manager

cc: See attached page.

EXHIBIT NO. 7
APPLICATION NO. 5-97-136
Letter
 California Coastal Commission

