

CALIFORNIA COASTAL COMMISSION

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W13b



Prepared June 12, 2007 (for June 13, 2007 hearing)

To: Commissioners and Interested Persons

From: Charles Lester, Deputy Director
Dan Carl, Coastal Planner

**Subject: STAFF REPORT ADDENDUM for W13b
Monterey County Local Coastal Program Major Amendment Number 1-07 (Measure A)**

Since completion of the June 1, 2007 staff report for the proposed Measure A Local Coastal Program (LCP) amendment, staff has received comments from the Pebble Beach Company and additional *ex parte* communication disclosures from Commissioners, and has identified various errata in the staff report. This addendum provides:

1. A response to the Pebble Beach Company's (through their representatives) arguments regarding the Coastal Act's conflict resolution provisions in a letter from the Company's representatives dated June 7, 2007. This response takes the form of new findings to be added to the staff report dated prepared June 1, 2007. See Part 1 beginning on page 2 below.
2. Coastal Commissioner *ex parte* disclosure forms received since the staff report was distributed June 1, 2007. These *ex parte* forms are attached to this addendum as attachment 1, and they are hereby added to the staff report dated prepared June 1, 2007 as part of Exhibit 15 ("Coastal Commissioner Ex Parte Communications").
3. Clarifications and changes to the staff report (see Part 2 beginning on page 12 below).

In addition, staff notes that in the time since the staff report was distributed, the Commission has received additional correspondence from the Pebble Beach Company and their representatives, as well as additional correspondence from other interested parties. This correspondence has been added to correspondence previously received related to the Measure A amendment and/or the Pebble Beach Company's project, and will be available for review at the hearing. Correspondence includes: (1) correspondence received from January 1, 2004 to June 12, 2006; (2) correspondence received from June 13, 2006 to June 12, 2007; (3) Pebble Beach Company correspondence; and (4) Sierra Club comments dated June 14, 2006. In terms of the Sierra Club comments, there are also two copies of an additional binder that has hard copy print outs representing the documents provided on the CD that came with the comments. In addition, more recent correspondence dating from March 2007 (when the Commission last met in Monterey) is provided separately in the District Director's Report.



California Coastal Commission

June 2007 Meeting in Santa Rosa

Staff: D. Carl Approved by:

MCO LCPA 1-07 (Measure A) stfprt addendum 6.13.2007.doc

Part 1 – Response to Pebble Beach Company Conflict Resolution Comments

The Pebble Beach Company argues in recent correspondence that if the Commission finds that Measure A is inconsistent with Coastal Act ESHA and wetland policies it may nonetheless approve the LCP amendment under the conflict resolution provisions of Coastal Act Sections 30007.5 and 30200(b) (see letter dated June 8, 2007 in recent correspondence). In response to this argument, staff recommends that the following finding be inserted immediately following Finding “E. Conclusion - Denial” on staff report page 170.

Conflict Resolution

Introduction

In adopting the Coastal Act, the legislature recognized that conflicts between one or more Chapter 3 policies of the Act (30210-30265.5) may occur in evaluating the consistency of LCPs with Chapter 3. The Act thus declares that when such conflicts occur, they should be resolved in a manner that is on balance most protective of significant coastal resources. It has been suggested that the denial of Measure A because of its inconsistency with Coastal Act Sections 30240 and 30231 will result in such a conflict with other Chapter 3 policies and further, that such a conflict should be resolved in favor of approving Measure A.¹

As discussed below, denial of Measure A does not result in any conflict with other Chapter 3 policies. Therefore, the conflict resolution provisions of the Coastal Act are not applicable to this case. In addition, even if there was a conflict, the approval of Measure A would not, on balance, be the most protective of significant coastal resources. This is thoroughly documented in the Environmentally Sensitive Habitat, Wetlands, and Other Biological Resources Finding which clearly establishes that Measure A would lead to significantly greater impacts to coastal resources than would implementation of the LCP without the Measure A amendment.

A. Relevant Policy

The Coastal Act contemplates that the Commission may encounter irreconcilable conflicts between Chapter 3 policies in implementing the provisions of the Coastal Act, including those relevant to the review of LCP amendments. In such situations Coastal Section 30200(b) directs the Commission to resolve such conflicts using Coastal Act Section 30007.5:

(b) Where the commission...in implementing the provisions of this division identifies a conflict between the policies of this chapter [Chapter 3], Section 30007.5 shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts.

Coastal Act Section 30007.5 directs that such conflicts be resolved in a manner that is on balance most protective of significant resources:

30007.5. *The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the*

¹ Correspondence, Lombardo and Gilles to Commissioners, June 8, 2007.

provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.

In order to use the conflict resolution mechanism of Section 30007.5, the Commission must first identify a conflict between Chapter 3 policies of the Coastal Act. If there is no conflict between policies, Section 30007.5 is not applicable. Further, the conflict must be one that inevitably arises out of an attempt to meet another Chapter 3 policy. Thus, the Commission must find that in meeting the requirements of one Chapter 3 policy, it is impossible to meet the requirements of another Chapter 3 policy. More precisely, the Commission must find that denial of an LCP amendment due to a Chapter 3 inconsistency necessarily will itself result in an inconsistency with a Chapter 3 policy.²

In the event that a conflict is encountered, the Commission may resolve it in a manner that it finds is most protective of significant coastal resources. The classic example given in the text of Section 30007.5 observes that concentrating development in urban areas (i.e. transferring development potential from more sensitive rural areas to the already developed urban area) may be, on balance, more protective, even if it results in adverse impacts to sensitive habitats that may exist in the urban area.

B. Denial of Measure A does not result in any Conflicts with Chapter 3 Policies

As detailed in previous findings, Measure A is inconsistent with the ESHA and wetland protection policies of the Coastal Act. Therefore, it must be denied. However, the Pebble Beach Company's representative (Lombardo and Gilles) argues that denial of Measure A because of these inconsistencies would result in a conflict with other policies of the Chapter 3 of the Coastal Act:

... the refusal to certify Measure A conflicts with other Coastal Act policies which define visitor serving and recreational development and greater public access as priority uses, [sic] promote the concentration of development into existing development areas resulting in the aggregation and preservation of greater areas of natural and sensitive habitats.³

More specifically, Lombardo and Gilles cite conflicts with Coastal Act Sections 30001.5, 30221, 30222, and 30250. However, as discussed below, denial of Measure A would not result in a conflict with these policies such that the Commission might invoke Section 30007.5.

Coastal Act Section 30001.5

Lombardo and Gilles argue that denial of Measure A would conflict with Coastal Act Section 30001.5. However, this policy is not a Chapter 3 policy of the Act and therefore, Section 30007.5, as applied through Section 30200(b), does not apply to this policy. However, to the extent the goals of Coastal Act

² The applicant's representative confuses the legal construction of Section 30007.5 that requires a policy conflict stating, for example, that past precedents have recognized that approval of an amendment "provides an opportunity to significantly advance certain Coastal Act goals and policies" and that the Commission has used conflict resolution "where denial of the amendment would frustrate the attainment of important Coastal Act goals..." *Id.* Pp. 9-10. The applicant's representative also misquotes section 30007.5 by dropping the qualifying term "significant" in the phrase, "most protective of significant coastal resources." *Id.* Pp. 9, 11.

³ *Id.*, p. 9.

Chapter 1 are relevant to the Commission's consideration of Measure A, it is worth observing that the denial of Measure A does not result in any conflicts with these goals.

Section 30001.5 states the basic goals of the state for the coastal zone:

30001.5. The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:

- (a) Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.*
- (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.*
- (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.*
- (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.*
- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.*

Denial of Measure A to protect ESHA and wetlands is consistent with the Section 30001.5(a) goal to protect and maintain overall quality of the natural resources of the coastal zone. As detailed in Finding 1 of Part 2 of this report, approval of Measure A would potentially result in significant adverse impacts to ESHA and wetlands, by providing for intensive recreational development in identified ESHA and wetland areas. Thus, it is approval of Measure A, not denial, that results in a conflict with this stated goal. In contrast, the certified LCP requires the protection of ESHA. As discussed previously, of the 448 acres of mitigation being offered by the Pebble Beach Company in the coastal zone, 184 acres or 41% of the total area is already protected by resource conservation zoning in the LCP. The remaining 264 acres are lands currently designated for residential land uses that would be largely protected by application of the ESHA policies of the LCP to any future residential development proposals. Moreover, denial of Measure A would not prevent the redesignation of other sensitive areas in Del Monte Forest to resource conservation.

Second, denial of Measure A does not conflict with the Section 30001.5(b) goal. There is no doubt that protecting the ESHA and wetland resources of the various areas affected by the Measure A LCP amendment will assure the conservation of coastal zone resources. In addition, the evaluation of Measure A in Finding 1 of Part 2 above identifies numerous and significant opportunities for development in the Del Monte Forest that could probably be found consistent with the Coastal Act absent their association with the parts of Measure A that are not approvable. These include the potential removal of the visitor-serving unit caps at Spanish Bay and Pebble Beach Lodge, and significant acreages not identified as ESHA that are suitable for development, including the old Spyglass quarry fill site and the Pebble Beach corporation yard area. Assuming that it was otherwise consistent with the

LCP, additional development at Spanish Bay and Pebble Beach alone would constitute substantial developments in the coastal zone of Del Monte Forest – clearly a case of orderly and balanced use and conservation of coastal zone resources. Denial of Measure A does not in any way prevent such land uses from being pursued in a future LCP amendment that does not also include fundamental inconsistencies with the Coastal Act. Finally, it is not clear in what manner the “social and economic needs of the people of the state” would be adversely impacted by the denial of Measure A. Generally speaking, the proposed recreational and residential land uses of Measure A would benefit a relatively narrow economic and social demographic of Californians that either can afford the higher residential market values of the Del Monte Forest, or that are equestrians or golfers. There does not appear to be an overriding social or economic need in California that would necessitate the provision of a ninth golf course in the Del Monte Forest in an identified ESHA.

Denial of Measure A also does not conflict with Section 30001.5(c). First, the public recreational developments that would be provided for by Measure A (a golf course, driving range, and equestrian center) would not provide public access to and along the coast. Each of them would be located at inland, not shoreline locations (see Figure 7). Second, to the extent that these land uses might be considered public recreational opportunities in the coastal zone, they cannot be provided as envisioned by Measure A “consistent with sound resources conservation principles.” Rather, as contemplated by Measure A, their provision would actually result in significant adverse impacts to ESHA and wetlands, not their sound conservation.

Nor would denial of Measure A conflict with the provision of maximum public access generally. First, as acknowledged by the Pebble Beach Company, the Del Monte Forest already provides significant opportunities for coastal recreation and visitation.⁴ Denial of Measure A would not adversely affect the provision of these opportunities or conflict with the Coastal Act goal to maximize such opportunities. This is because denial of Measure A does not preclude the future provision of maximum public access, *that would not adversely affect ESHA*, including such public access as low-intensity nature trails, improved trail connections and other lower-cost visitor-serving opportunities. As discussed in the staff’s preliminary Periodic Review of the Monterey County LCP, the Del Monte Forest LUP would benefit from an LCP amendment that addressed such needs, such as improved accommodation of the California Coastal Trail.⁵ In addition, to the extent that Measure A would provide increased opportunities for public recreation, for the most part they would not be lower cost opportunities for the general public.

Fourth, denial of Measure A also does not conflict with Section 30001.5(d). This goal speaks to assuring priority for coastal-dependent and coastal related development over other development on the coast. The intensive recreational developments contemplated by Measure A are not coastal-dependent.⁶ Nor are any other coastal-dependent uses contemplated by Measure A. And while the Del Monte Forest LUP describes the existing golf courses in the forest as “coastal-related”, it is not clear in what sense a new golf course, driving range, or equestrian center should be considered coastal-related under the Coastal

⁴ Correspondence, Lombardo and Gilles to Commissioners, June 8, 2007.

⁵ Draft Findings of the Monterey County Local Coastal Program Periodic Review, California Coastal Commission, December, 2003.

⁶ Coastal Act Section 30101 defines coastal dependent development or use as: any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

Act, which is the standard of review for the Measure A LUP amendments.⁷ None of them meet the Coastal Act definition of coastal-related development.⁸ More fundamentally, this goal of the Coastal Act should not be misunderstood to provide priority of certain land uses over others at the expense of ESHA and wetlands. Rather, the intent of the Coastal Act is, all things being equal, to prioritize coastal-dependent and coastal-related development when such development can be accommodated consistent with other policies. This intent is well stated, in fact, in the DMF LUP itself, which speaks directly to the first four goals of Section 30001.5 in relation to the protection of natural resources:

Four basic goals of the California Coastal Act establish direction for land use planning proposals for the Del Monte Forest Area. They are: 1) Protect, maintain, and, where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and man-made resources. 2) Assure orderly, balanced utilization and conservation of Coastal Zone resources, taking into account the social and economic needs of the people of the state. 3) Maximize public access to and along the coast and maximize public recreation opportunities in the Coastal Zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners. 4) Assure priority for coastal-dependent and coastal-related development over other development on the coast.

In applying these goals, retention of the Del Monte Forest Areas unique natural character is paramount. The Del Monte Forest Area contains rich environmental resources. The long-term protection of these resources inevitably requires a cautious and thoughtful approach to planning decisions. The natural environment and its resources vary widely in their sensitivity to development. Environmentally sensitive areas such as the locations of rare and endangered species, wetlands, and riparian habitats need to be protected. Other areas, where potential constraints can be mitigated through careful site planning and development controls can be allowed to have appropriate levels of development.⁹ [emphasis added]

Thus, denial of Measure A does not prevent the prioritization of and development of appropriate coastal-dependent and coastal-related land uses over residential uses in areas where new development can be accommodated consistent with other resource protection policies of the Coastal Act and the LCP. For example, redesignating the former Spyglass Quarry fill site from Residential to a higher priority use, such as visitor-serving commercial, or to open space forest to allow for public use and enjoyment of the natural resources of the surrounding coastal habitats would better meet the goals of the Coastal Act and is not prevented by the denial of Measure A.¹⁰

Finally, denial of Measure A does not conflict with Section 30001.5(e). On the contrary, denial of

⁷ Text of the DMF LUP observes: "The Del Monte Forest coastal area is also known for its variety of passive and active coastal-related recreational opportunities available to visitors and residents. The Lodge at Pebble Beach, portions of 17-Mile Drive (and turnouts), and portions of several golf courses are currently considered coastal related uses. It is therefore necessary that priority be given to these coastal-related developments, as well as to similar uses which may be feasible at remaining undeveloped coastline locations. Other development should be located and planned to minimize conflicts with coastal-related uses in these locations as well as to avoid natural hazards which cannot be mitigated through design." DMF LUP, pp. 38-39.

⁸ Section 30101.3 defines "Coastal-related development" as any use that is dependent on a coastal-dependent development or use.

⁹ DMF LUP, p. 34.

¹⁰ See discussion of Area 1 and 5 for more detail. It is not immediately clear what other coastal-dependent or coastal-related land uses might be appropriate for this site.

Measure A to protect ESHA and wetlands would provide a foundation for new coordinated planning and development for land uses that are consistent with the Coastal Act. In particular, denial of Measure A does not prevent the planning and development of additional interpretive and educational facilities in the Del Monte Forest.

In conclusion, the Commission may not use Section 30007.5 to reconcile any conflicts with Coastal Act Section 30001.5 caused by denial of Measure A because Section 30001.5 is not a Chapter 3 policy. But even if it were, denial of Measure A to protect ESHA does create any conflicts with the basic goals of the Coastal Act. Rather, denial of the LCP amendment is consistent with, and would further these goals.

Coastal Act Section 30221

Lombardo and Gilles argue that denial of Measure A would conflict with Coastal Act Section 30221. However, the Commission cannot find any such conflict. Coastal Act Section 30221 states:

***30221.** Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

On its face this Chapter 3 policy concerns the protection of “oceanfront land” for recreational use and development. None of the areas proposed for intensive recreational use under Measure A constitute “oceanfront land.” In fact, with perhaps the exception of the seaward tip of LUP planning unit L (proposed for conservation), Measure A does not propose to change land use designations for any oceanfront lands in the Del Monte Forest (see Figure 5). In short, the denial of Measure A to protect ESHA and wetlands cannot, by the plain language of the Act, create a conflict with Coastal Act Section 30221.

Moreover, even if one could interpret Measure A as proposing to provide for recreational land uses on oceanfront land, Section 30221 must be understood within the broader context of Chapter 3, which requires that new development be consistent with other resource protection policies, regardless of the nature of the proposed use. Simply proposing recreational uses along the shoreline does not, for example, obviate the need to protect ESHA (30240), coastal views (30251), or sensitive cultural resources (30244). So, similar to the Coastal Act goal in Section 30001.5(d), this policy cannot be interpreted to allow impacts to ESHA or wetlands simply because a higher priority use, such as public recreation, is proposed. Therefore, the denial of Measure A, and thus the maintenance of existing residential land use designations, does not result in a conflict with Section 30221. As discussed above, this context for understanding Section 30221 also is supported by text of the DMF LUP itself, which recognizes the paramount importance of natural resources and the need to plan appropriately for development, whatever its relative priority, to avoid impacts to such resources.

Coastal Act Section 30222

Lombardo and Gilles argue that denial of Measure A would conflict with Coastal Act Section 30222. This section states:

***30222.** The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private*

residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

This section of the Coastal Act establishes a priority for recreational facilities designed to enhance “public opportunities for coastal recreation” on private lands in the coastal zone. Similar to Section 30221, denial of Measure A to protect ESHA and wetlands would not result in a conflict with this section. First, it cannot reasonably be asserted that the intensive recreational land uses contemplated by Measure A constitute opportunities for “coastal recreation.” The areas proposed for a golf course, driving range, and equestrian center are not on the shoreline, and the use of such facilities by the public would not afford any direct opportunity for coastal recreation, such as access to a beach. The only indirect benefit possibly would be the views of the ocean and shoreline available from the few proposed golf course holes in the vicinity of the Spyglass Quarry fill site. In distinct contrast to the Spanish Bay Golf and Pebble Beach Golf Links, which are aligned directly along on the shoreline, the contemplated facilities would be located at inland locations under Measure A.

And as observed above, none of the contemplated recreational uses meet the Coastal Act definitions of coastal-dependent or coastal-related land uses. Although the DMF LUP acknowledged in 1984 that the existing recreational facilities were “coastal-related,” it also clearly contemplated such status only for those developments or portions of existing and potential new facilities (i.e. Spanish Bay) at “coastline locations”:

*The Lodge at Pebble Beach, portions of 17-Mile Drive (and turnouts), and portions of several golf courses are currently considered coastal related uses. It is therefore necessary that priority be given to these coastal-related developments, as well as to similar uses which may be feasible at remaining undeveloped **coastline locations**.¹¹ [emphasis added]*

In short, given their inland locations and specific land use types, the proposed recreational uses are not coastal-related under the Coastal Act or the general discussion of the certified LUP.

Second, the context of interpreting Coastal Act Section 30222 is similar to that of Section 30221. Certain land uses have priority if they can otherwise be developed consistent with the resource protection policies of the Coastal Act. Again, proposing a public recreational land use does not override the protection of ESHA, wetlands, or other coastal resources. Such uses must be planned consistent with the policies that protect these resources. Moreover, as with Section 30221, denial of Measure A would not result in a conflict with the Coastal Act policy to prioritize public recreation. As discussed above, enhanced public recreation could be provided in Del Monte Forest without impacts to ESHA and wetlands. Thus, there is no policy conflict.

Coastal Act Section 30250

Lombardo and Gilles argue that denial of Measure A would conflict with Coastal Act Section 30250. This section states:

30250. (a) *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing*

¹¹ DMF LUP, p. 38-39.

developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas. (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Coastal Act Section 30250(a) states the policy to locate new development in existing developed areas with adequate public services, and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. Subsections (b) and (c) are not applicable to this analysis. With respect to subsection (a), denial of Measure A would not result in a conflict with this policy.

First, development on existing parcels, consistent with the certified LCP, would at worst concentrate development in a similar general pattern of development no less concentrated than would occur under Measure A, albeit at a much lower level of intensity, and with significantly fewer ESHA impacts, than Measure A. As shown in Figures 4 and 5, and as discussed in the specific area analyses in Finding 1 of Part 2 above, new development located and designed to meet the requirements of the LCP ESHA policies would result in development in the same general dispersed pattern throughout Del Monte Forest as is proposed under Measure A. This is because any residential development that may need to be approved (see Area discussions for detail) would likely be sited as close to existing development as possible to minimize impacts to ESHA.¹² In fact, given the large expansions of intensive recreational development into currently undeveloped ESHAs that would be facilitated by Measure A, the development pattern under Measure A would be less concentrated. Thus, the development of an 18 hole course at Area 1 would be much less concentrated than would the clustering of any allowable residential development outside or on the edges of the identified ESHAs, such as immediately adjacent to the existing equestrian center. Similarly, the proposed driving range use in Area 2 would expand into the interior of a large, contiguous block of native Monterey pine forest. In contrast, development under the certified LCP could be clustered adjacent to existing developed areas in an optimum location along the perimeter of this area – a significantly more concentrated pattern of development. And with the proposed equestrian use at Sawmill Gulch under Measure A, there is no question that a more “dispersed” pattern of development would result in this area of the Del Monte Forest, as compared to the existing LCP, which designates Sawmill Gulch for Resource Conservation. In short, denial of Measure A would not result in a conflict with Coastal Act Section 30250. Rather, denial of the amendment to protect ESHA would establish a planning foundation for future LCP amendments or development proposals that could better locate and concentrate development to avoid impacts to ESHA and wetlands.

Second, and more generally, it should be observed that there is nothing inherent in the denial of Measure

¹² Even if the lands in question could, theoretically, be subdivided to the maximum density identified in LUP Table A, the general pattern of development in the DMF would be the same except, perhaps, in some of the Areas proposed for redesignation to resource conservation. To the extent one might argue that these areas would have a more concentrated pattern in the immediate vicinity under Measure A, the proposed expansion of a new equestrian center in the heart of the Huckleberry Hill Natural Habitat Area would cut the other way. Thus, the overall change in development pattern would not be significant.

A that precludes the proposed down-zoning or other protective measures that could be argued to be more protective of sensitive resources. That is, the denial of Measure A does not result in an unavoidable conflict with Section 30250, which could be better implemented through a different LCP amendment that more appropriately concentrated development outside of ESHA.

Finally, Section 30250 requires that new development be located where it will not have adverse impacts, individually or cumulatively, on coastal resources. As analyzed in this report, the primary reason for denying the Measure A LCP amendment are the potential adverse impacts to ESHA and wetland resources from the development contemplated under Measure A. Thus, consistency with Section 30250 is best achieved through the denial of Measure A. In contrast, implementation of the existing LCP will result in significantly fewer direct, indirect, and cumulative impacts to coastal resources. In short, denial of Measure A does not conflict with Section 30250 but rather, supports its basic premise.

C. Approving the Measure A LCP Amendment would be Less Protective of Coastal Resources than the Certified LCP

Even if a conflict between the denial of Measure A to protect ESHA and other Chapter 3 policies could be identified, approval of Measure A would not be, on balance, the most protective of significant coastal resources. As detailed in Finding 1 of Part 2 above, the approval of Measure A, and the most reasonably foreseeable development that would follow such approval, would result in substantially greater impacts to significant coastal resources than would denial of Measure A. As documented in this report, most of the areas affected by the proposed land use designations of Measure A contain significant ESHAs. Under Measure A, it is reasonable to expect significant impacts to these resources, including the loss of approximately 150 acres of native Monterey pine forest, 21% of the world's known population of Yadon's piperia, and at least 45 acres of central maritime chaparral (see Finding 1, Part 2 supra). Given that the lands affected by Measure A are not currently subdivided, and such potential subdivision is not an entitlement, application of the existing LCP to development on existing legal lots of record, including any possible subdivision of land outside of ESHA, would result in significantly fewer ESHA impacts.

Nor does Measure A and the mitigation proposed as part of the associated Pebble Beach Company development plan compensate for the potential impacts of development contemplated by Measure A. As discussed previously, the Commission does not have the ability to accept mitigation in order to rationalize avoidable impacts to identified ESHA. This proposition has been upheld in California's courts.¹³ Moreover, in terms of the balance that would be "most protective" of significant coastal resources, of the 448 acres of land in the coastal zone proposed for protection under the Measure A project, 184 of them (41%) are already designated for resource conservation and thus protected by the LCP. In addition, the remaining 264 acres of land that would be "down-zoned" under Measure A would be substantially protected by the ESHA policies of the LCP if development were proposed today under the certified LCP (including by the Resource Constraint Area (B-8) overlay).¹⁴ In terms of specific areas, under Measure A, one of the largest remaining undeveloped areas of Monterey pine forest in Del Monte Forest would be developed with intensive recreational uses (a golf course). Under the certified LCP, this area would be mostly if not completely protected. Overall, the impacts to coastal resources under Measure A, as mitigated, would be greater than under the certified LCP. With respect to the

¹³ *Bolsa Chica, Id.*

¹⁴ And 51 acres would also be "upzoned" from resource conservation to development categories.

proposed mitigation outside of the coastal zone, this report previously observed that allowing impacts to resources in the coastal zone in exchange for the protection of resources outside of the coastal zone is in fundamental conflict with one of the basic premises of the Coastal Act. As the legislature has declared:

[T]he California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.¹⁵

If taken to its logical end, accepting the proposed mitigation outside the coastal zone would result in the systematic loss of the coastal zone resources that the legislature has declared are a distinctly valuable natural resource.

In short, even if a conflict between one or more Chapter 3 policies could be identified as a result of the denial of Measure A, the Commission must resolve such a conflict in favor of the denial to protect ESHA and wetland resources.

Part 2 – Staff Report Clarifications and Changes

Since the staff report for the proposed Measure A LCP amendment was distributed, a number of typographical errors, ambiguities and internal inconsistencies have been discovered. Although these oversights are generally minor, staff has identified clarifications and changes to the staff report for enhanced clarity in this regard. None of the clarifications and changes alter the fundamental staff recommendation and conclusion, but serve to clarify the report for the record.

Accordingly, the staff report dated prepared June 1, 2007 is modified as shown in the table below. In the

¹⁵ Coastal Act Section 30001(a).

table, “PP” refers to the page number, “P” refers to the paragraph within the cited page (where paragraph is in terms of any full or partial paragraphs on that page, not counting headings as paragraphs), “L” refers to the line of text within the cited paragraph (or the first line where multiple lines are involved), and “F” refers to footnotes (and by footnote number). As applicable, text in ~~strickethrough~~ notes text that is removed, and text in underline notes text that is to be added to the staff report. The pages, paragraphs and sentence lines correspond to the file copy of the staff report maintained in the Commission’s Central Coast District office in Santa Cruz. It is possible that the web version and/or copies printed elsewhere may slightly differ in terms of the location of the identified text within the staff report. Staff apologizes for any confusion, and is available to the extent there is any confusion in this respect.

PP	P	L	Staff Report Change
2	4	6	Replace “LUP” with “LCP”
4	3	2	Replace “and” with “as well as”
4	7	13	“...the <u>Measure A</u> LCP amendment Measure A. ”
6	2	4	Replace “must” with “most”
6	4	4	Replace “First” with “Most importantly”
6	4	5	Replace “land use” with “LUP”
6	4	10	“...evaluate <u>the</u> Land Use Plan...”
7	3	4	“...identified <u>in</u> the EIR...”
8	1	1	“...federally listed Threatened listed. ”
8	5	3	“...reduced <u>in</u> habitat value overall , and <u>subjected to</u> increased negative edge effects...”
8	6	2	“...native Monterey pine forest. The environmental conditions of native Monterey pine forest have changed significantly, including in the time since the certification... ”
8	6	4	“...pine pitch canker has emerged...”
9	1	3	“...Thus, there is <u>also</u> a...”
9	4	10	“...including what <u>types of</u> uses <u>may be</u> is appropriate for the non-ESHA areas)....”
10	6	6	Add “Santa Cruz, CA 95060, Phone: 831-427-4863, E-mail: dcarl@coastal.ca.gov”
13	-	-	Add “Exhibit 17: Site Visit Memos Regarding Central Maritime Chaparral” and add attachment 2 to this addendum as Exhibit 17.
15	2	1	“...land use and implementation plans for 26 distinct areas encompassing over 600 acres in the Del Monte Forest segment of its Local Coastal Program (LCP) <u>for 26 distinct areas encompassing over 600 acres in the Del Monte Forest LCP segment.</u> The...”
16	2	2	“...held a <u>hearing on</u> March 9, 2006. <u>The Coastal Commission was presented a preliminary analysis of Measure A at this hearing,</u> and no...”
17	1	4	“...and Commission’s staff’s <u>analysis...</u> ”
17	1	4	“... <u>Subsequently, in</u> the December 2006, ...”
18	3	1	Replace “its” with “this”
18	3	2	“...setting <u>identified in the LUP.</u> Framed...”

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18	3	11	Replace “mottled” with “mantled”
18	3	14	“...unique and valuable habitat ecosystems.”
20	-	-	F13: “...see Figure 23)...”
21	2	2	“...November 7, 2000 voters [sic]. This...”
22	-	-	F21: “...Monterey County conditions numbered 16 and 174.”
22	-	-	F22: “...PDP EIR, though...”
22	-	-	F23: “...See Figure 7 for a graphic showing the LCP amendment reference...”
23	2	10	“...see PDP project <u>residential development (employee housing units)</u> below...”
23	2	11	“...resource conservation and management component...”
24	2	14	“...this PDP project <u>component</u> includes...”
24	3	12	“...In total, the <u>this</u> PDP project <u>Pebble Beach Lodge expansion component</u> includes...”
26	3	3	“...including Area 10 on Figure 15);...”
26	3	5	“...including all of Area 24, <u>together with that portion of Pescadero Canyon that would be developed residentially but omitting (Areas 15 and 16)</u> ...”
27	2	2	“...These per se inconsistencies...”
29	2	3	Add footnote at “The Spanish Bay permit” to state: “See Exhibit 6 for excerpts from the Spanish Bay CDP.”
31	1	1	“...the first submittal Measure A submittal...”
31	3	11	“...process, <u>through</u> the original CDP decision process, and up to <u>through and including</u> the...”
31	3	12	“...resolution (December 2006), the County...”
33	1	6	“...as Areas <u>planning units A through Y</u> ...”
33	2	12	“...distinction between the two <u>designations is almost exclusively primarily</u> locational (i.e., immediate shoreline versus inland areas). <u>See Exhibit 7 for the LUP’s description of these land use designations.</u> ”
34	1	2	“...and the equestrian center (see pages 4 and 5 of Exhibit 7)....”
34	-	-	F64: “...Open Space Forest <u>LUP land use</u> ...”
36	8	3	“...approximate 8-acre <u>area</u> portion...”
37	2	1	Replace “indicated” with “indicate”
37	2	2	Replace “zone” with “zoned”
37	3	5	“...could not be built under the existing LCP <u>irrespective of resource constraints</u> because it conflicts with the Open Space Forest (RC) land use designation applicable to a portion of planning unit O, and the Resource Constraint Area (B-8) <u>designation would not allow for it.</u> ”
37	6	2	“...see Exhibit 8 and Figure 9). <u>The proposed driving range pending approval by the County could not be built under the existing LCP irrespective of resource constraints because the Resource Constraint Area (B-8) designation would not allow for it.</u> ”
38	2	4	“...absent the proposed LCP amendments <u>irrespective of resource constraints</u> because it conflicts with the Open Space Forest (RC) land use designation applicable to Sawmill Gulch.” Add footnote at end of sentence: “And it also could not be built absent amendments to the Commission’s Spanish Bay CDP (see also

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			previous Spanish Bay CDP findings).”
38	3	1	Replace “of” with “making up”
38	-	-	F71: “There is a mapping error in the Measure A figures that was as approved... ”
39	2	8	Add footnote at end of paragraph: “Id; LUP Policy 116 previously cited.”
39	3	4	“...absent the proposed LCP amendments <u>irrespective of resource constraints because it is not allowed under the current land use and zoning designations, including the Resource Constraint Area (B-8) designation.</u> ”
39	5	7	“...without the proposed LCP amendment <u>because they exceed the current LCP unit caps that apply to Spanish Bay and the Pebble Beach Lodge.</u> ” Add footnote at end of sentence: “And for Spanish Bay, they also exceed the unit counts specified in CDP 3-84-226, and thus they also could not be built absent amendments to the Commission’s Spanish Bay CDP (see also previous Spanish Bay CDP findings).”
40	3	7	Add footnote at end of sentence: “The subdivision is not allowed by the existing Resource Constraint Area (B-8) designation and could not proceed absent the proposed LCP amendment.”
40	-	-	F78: “...include additional development areas <u>that may be needed for access to the building envelope area as well as and other ancillary...</u> ”
41	1	11	“...the proposed LCP amendment <u>irrespective of resource constraints...</u> ”
41	2	12	“...the proposed LCP amendment <u>irrespective of resource constraints...</u> ”
41	-	-	F83: “Id; same reasons as for Area 12 (planning unit F2).”
41	-	-	F84: “...commonly referred to as planning units I1 (<u>for the northern two areas – see Area 22 description</u>) and I2.”
42	1	3	“...the proposed LCP amendment <u>irrespective of resource constraints...</u> ”
42	2	11	“...the proposed LCP amendment <u>irrespective of resource constraints...</u> ”
42	3	7	“...overlay <u>where it applies. The proposed...</u> ”
42	3	13	“...the proposed LCP amendment <u>irrespective of resource constraints...</u> ”
42	-	-	F85: “Id; same reasons as for Areas 12 and 13.”
42	-	-	F86: “Id; the Resource Constraint Area (B-8) does not allow for subdivision. In the...”
42	-	-	F87: “Id; same reasons as for Area 15.”
43	2	4	Add footnote: “Id; same reasons as for Areas 12, 13, and 14 (and Areas 15 and 16, with distinction at those areas being that they are not part of a legal lot acknowledged by the County).”
43	3	2	“...southern base of <u>the Huckleberry Hill Natural...</u> ”
43	4	1	“ The proposed amendment would also add text to the LUP’s text relative to the LUP’s Huckleberry Hill planning area to make the text changes applicable to employee housing previously noted above. ”
43	5	7	Add footnote at end of text that reads “...corporation yard commercial area.” Footnote to state: “That is, to the extent such units could be allowed within the Commercial land use and zoning designations.”
44	2	1	Replace “of” with “in”
44	5	1	Replace “of” with “making up”
46	5	7	Add footnote at end of text that reads “...and its maximum unit limitations).”

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			Footnote to state: “Measure A also revises Table 22 of the Monterey County General Plan (“Suitable Sites for Low and Moderate Income Housing Development”) to reduce the number of potential units described in the table for moderate and above moderate income for Pebble Beach. This component of Measure A (see Exhibit 3) does not affect the LCP, and is not part of the proposed LCP amendment.”
47	2	3	“...51 acres are designated for resource <u>conservation protection</u> ,...”
47	2	4	“...resource <u>conservation protection</u> (and...”
48	-	-	F96: “...all the areas <u>directly affected</u> by Measure A...”
48			F98: “...shows this area to be 29 acres.”
49	-	-	F100: “...application and review. The <u>plan</u> ultimately adopted...”
49	-	-	F102: “...specific analysis of various potential resource constraints. <u>In addition, subdivision is a conditional, as opposed to a principally permitted, use on residentially designated properties in the Del Monte Forest.</u> ”
50	2	7	“...denial of such a project <u>based on this reason on a single...</u> ”
51	2	9	Replace “primarily” with “partially”
52	2	2	“...to residential <u>development</u> , but...”
52	3	15	“...a conditional use in residentially designated DMF areas <u>also would not</u>
53	-	-	Add footnote to “B. Development Expected Under the Amended LCP” heading: “For more detail and specific descriptions regarding development expected under the amended LCP relative to each of the 26 areas, see the ESHA findings that follow.”
53	2	4	“...the amendment could <u>would be expected to result...</u> ”
53	2	5	Add paragraph return starting with sentence “First, ...” and change as follows: “First, <u>in terms of residential development, and depending on the conclusions...</u> ”
53	-	-	F117: “...or the intent of adding these <u>IP sections</u> .; <u>In fact, with respect to the IP amendment that added golf courses as conditional uses in the MDR and LDR zoning districts (LCP amendment 1-95), the County initially only identified golf courses for the LDR zone, and it was only after Commission staff suggested that these provisions be deleted (as inconsistent with the LUP) that the Pebble Beach Company requested that golf courses be added as conditional uses in both districts and that these changes which were not initially proposed by the County in its LCP amendment submittal but rather, were adopted by the Commission as modifications at the request of the Pebble Beach Company.</u>
53	-	-	F118: “...before assigning a unit count to them that would be inappropriate. ”
53	-	-	F119: “...development of eight buildings <u>in the corporation yard area.</u> ”
54	2	1	“Second, <u>with respect to hotel units and related development</u> , Measure A also
54	5	1	“Finally, and perhaps most importantly, <u>with respect to recreational uses</u> , the
54	5	2	“...uses <u>in Areas 1 and...</u> ”
54	5	8	Add paragraph return starting with sentence “In short, ...”
54	5	12	“...under the certified LCP. <u>In this respect, the Pebble Beach Company’s PDP projects are the reasonably foreseeable specific outcome of the proposed Measure A LCP amendment, and these PDP projects represent a significant level of</u>

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			<u>development for the directly affected land that would result in significant adverse coastal resource impacts (see also more specific description in the individual LCP amendment reference area analyses that follow). This concern...</u>
54	5	13	"...under the LCP amendment..."
55	2	3	"...for the PDP to date (i.e., easements over and resource management of this area), 356 acres..."
55	2	5	"...have <u>direct authority over these lands and/or lands surrounding them</u> , and thus"
55	2	10	Underline the word "in"
55	3	7	"...current land use designation..."
57	5	3	Replace "approval" with "approve"
60	1	2	"...by the <u>California Department of Fish and Game...</u> "
61	3	1	Delete 30233(a)(3) and renumber (a)(4) through (a)(8) as (a)(3) through (a)(7).
66	5	2	... LUP Appendix A and Figure 2 <u>are not the standard of review and are have not legally controlling relevance</u> in that Coastal Act consistency analysis..."
67	3	8	"...concerning ESHA identification; in an effort to protect ESHA, <u>and not to limit the application of Coastal Act Section 30240...</u>
67	3	10	Replace "known" with "determined"
67	6	2	"...Part One of the Title..."
69	6	4	"...what habitat areas can be protected as ESHA. <u>In practice, given that the easily disturbed or degraded criterion is, unfortunately, fairly readily met in most ESHA determination cases, the difference is fairly small. That said, the omission of this criterion means that the LUP's general construct it should be considered at the least more expansive than the Coastal Act definition. LCP policies...</u> "
70	2	6	Replace "known" with "determined"
70	2	10	"...that represents a <u>non-exhaustive</u> subset of a..."
70	3	6	"...They area not..."
74	1	2	Add footnote after text that reads "(such as the California red legged frog)" as follows: "PDP EIR pages ES-17, 3.3-51, and 3.3-52, and mitigation measure BIO-D5-1."
74	3	14	Add footnote after text that reads "...resources on the ground." Footnote to state: "ESHA is required to be determined based on substantial evidence in the record, and specifically in terms of resources as they exist on the ground today as those resources are understood based on current assessment and evaluation, current conditions, and current understandings (see, for example, Sierra Club v. California Coastal Commission (1993) 12 Cal.App.4th 602, regarding pygmy forests in Mendocino County).
75	5	2	"...involving sensitive habitats that <u>than</u> would be..."
75	6	9	"...including designing the subdivision to avoid <u>this habitat</u> and <u>to buffer the habitat</u> it with..."
76	4	2	"...the Coastal Act alone. LUP Appendix A <u>is not the standard of review, and is has not controlling relevance</u> in ..."
76	5	1	Replace "consistency" with "conformity"
76	5	3	Replace "examples" with "a non-exhaustive list"

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80	2	9	“...that <u>significant stands of native Monterey pine forest</u> <u>is are</u> ESHA.”
82	4	6	“and the LUP (and the LCP)...”
82	-	-	F166: “...Cedros Islands off of Baja), the R-E-D...”
82	-	-	F168: “...Pine Forest Policy (March 1995); see <u>Exhibit 11</u> .”
83	1	10	“...wildlife mortality. <u>Human activities can also spread pathogens, such as pitch canker (see also below) which can be spread by contaminated tree cutting tools as well as transport and/or use of infected materials (e.g., wood chips). In addition,...</u> ”
83	2	1	“...and development, <u>significant stands of native Monterey pine forest</u> meets the definition...”
83	-	-	F172: “...a finding more clearly perhaps most explicitly established...that CNPS List 1B species <u>and their habitats</u> be considered ESHA in DMF.”
84	2	6	“...potential effects <u>of adding a foreign species...</u> ”
86	-	-	F183: “...List (January 2006). <u>See also Exhibit 10 for further explanation of CNDDDB codes.</u> ”
87	5	3	“...the <u>growth of roots and leaf buds, and an unknown proportion...</u> ”
88	1	6	Add footnote after text that reads “...130,000 individuals” that states: “Note that the 130,000 individuals estimated is for the DMF only. Rangeland (i.e., both in and out of the DMF), the most recent estimate of the overall Yadon’s piperia population is 172,513 individual plants (PDP EIR Table P2-2).”
88	1	6	Replace “9,000” with “8,000”
88	-	-	F190: “Based on <u>2005 estimates of rates of production of flower spikes (17%), proportion of spikes grazed (62%), avoidance of herbivory (38%), and proportion of grazed plants spikes that produced seed (11%), and loss of spikes to disease (7%); in McGraw et al. 2006. If these estimated rates of production were applied to the overall population estimate of 172,513, about 11,000 plants would be estimated to have flowered and produced seed.</u> ”
90	-	-	F207: Delete footnote 207 and references to it.
91	1	6	“...reduction on <u>of habitat buffers...</u> ”
91	1	8	“...its habitat, including <u>any identified dispersal corridors,...</u> ”
92	1	2	Replace “eight” with “seven”
92	3	1	“...the LCP amendment <u>area, wetlands...</u> ”
93	3	7	Add footnote after text that reads “distributed.” as follows: “McMinn, H. E. 1942. <i>Ceanothus</i> vol. II: a systematic study of the genus <i>Ceanothus</i> . Santa Barbara Botanical Garden, Santa Barbara, Calif. as cited in: N.J. Ritchie and D.D. Myrold. 1999. Geographic distribution and genetic diversity of <i>Ceanothus</i> -infective <i>Frankia</i> strains. Applied and Environmental Microbiology 65:1378-1383. The more recent Jepson Manual lists 45 species of which 31 are endemic to California.”
93	-	-	F213: “Both the North Monterey County LCP and the Big Sur <u>segments of the Monterey County LCP identify maritime chaparral as...</u> ”
93	-	-	F214: “...as a proxy in this report for identifying areas of central maritime chaparral... large areas of shaggy-barked manzanita not identified by the PDP EIR – see Exhibit 17),...”
94	1	11	“...In summary, <u>areas of native Monterey pine forest</u> <u>may</u> meets the definition of

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			ESHA under the Coastal Act and LCP for three reasons: the habitat is significant <u>areas of relatively undisturbed Monterey pine forest are rare, it is such areas are especially valuable for its their special nature as areas that contribute significantly to the genetic repository conservation of the species, and it is many areas of Monterey pine forest are especially valuable for its their ecosystem role of providing habitat for other rare species and other rare biological communities.</u>
94	2	6	“...or aren’t part of a <u>significant native forest area</u> . Such cases...”
96	2	6	“...the nearby unoccupied forest areas also <u>probably constitute...</u> ”
96	3	5	“...documented to occur. Currently, or where scientific studies (e.g., McGraw et al. ²²³) demonstrate the presence of <u>are underway to determine the habitat elements that are necessary to support the species.</u> ” Add footnote: “It is possible in the future that piperia habitat might be further demonstrated by identifying the presence of documented constituent habitat elements, but that methodology has not been explicitly applied to the LCP amendment/PDP project area; at least partly because the County did not evaluate this area at the level of detail of such habitat elements.”
96	-	-	F221: “...native forest stand would <u>could be considered ESHA independently for piperia in the forest area where the orchid was documented to occur given that the area of forest would be considered the area of Yadon’s piperia habitat</u> (see also previous Yadon’s piperia findings, and see next finding below).”
98	1	3	“...Monterey pine as ESHA <u>is are more...</u> ”
102	2	2	“...as an example of ESHA <u>determined in 1984 or...</u> ”
103	3	16	“...that the significant stands of native Monterey pine forest is <u>are rare and especially valuable, and that it they</u> meets the Coastal Act and LUP (and LCP) ESHA criteria”
103	3	18	Add footnote after text that reads “...and LUP (and LCP) ESHA criteria.” Footnote to state: “Id; Sierra Club v. California Coastal Commission (1993) regarding evaluation of pygmy forest in Mendocino.”
105	2	4	Add footnote after text that reads “The reader is directed to these preceding sections for additional information in that respect.” Footnote to state: “It is noted here that the staff report figures depict data provided to the Commission by the County and the Pebble Beach Company, and that this data is presented as is, without manipulation or alteration. Any apparent errors in positional accuracy of features are shown without correction. As such, some figure elements appear shifted slightly relative to planning unit and area boundaries. These offsets can be visually distracting, but they are generally minor, and they do not significantly affect the usefulness of the figures overall for analytic and illustrative purposes.”
107	2	14	“...similar size in <u>Area combined planning unit PQR...</u> ”
107	3	4	“... <u>Thus, given the extent of Yadon’s piperia within the The Monterey pine forest boundaries at Area 1 (i.e., essentially all undeveloped area that is not coastal dune), it is clear that the forest area with piperia in it is are</u> thus considered to be the Yadon’s piperia habitat boundaries as well.”
107	-	-	F261: “...higher elevations of planning unit N. See also Exhibit 17.”
107	-	-	F263: “PDP EIR Table P2-1. <u>The area occupied by Piperia was based on one of</u>

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			<u>several possible methods of estimating habitat boundaries. In this case, a 50-foot radius was drawn around each Piperia occurrence and the area summed. This results in a smaller estimate of habitat area than other common methods, such as connecting occurrence locations to create a maximum convex polygon.</u>
108	-	-	F265: “Also significant occurrences of shaggy-barked manzanita <u>can also generally be used as a proxy for central maritime chaparral. The...</u> ”
108	-	-	F266: “...but this difference has not to date been quantified. <u>Given the small area relative to the County’s delineation that is located outside of Area 1 (see, for example, Figure 8), the acreage difference would be minor.</u> ”
109	2	9	“...In conclusion and in a mapping sense , the area...”
110	1	6	Replace “eight” with “seven”
110	1	8	Replace “eight” with “seven”
111	2	3	“...that dictate a golf course <u>management and maintenance standards</u> for this area...”
111	-	-	F281: “...This are <u>area</u> was not...”
112	4	6	“...not consistent with Coastal Act <u>Sections 30240, 30231, or 30233.</u> ”
113	-	-	F295: “...In a PDP project takings scenario <u>relative to the golf course site, the Applicant is... that includes a total of 28 COC lots...ESHA issues. (If the Resource Constraint Area (B-8) overlay were removed through an LCP amendment, the development potential of the non-ESHA areas might be greater, and dependent on the underlying zoning and consistency with the policies of the LCP. However, this area is relatively small, and such potential increased density in non-ESHA areas does not alter the basic comparison premise.) That said...</u> ”
114	4	7	“...golf course or <u>probably even a golf driving range...</u> ”
115	1	6	Add footnote after text that reads “and the coastal views.” Footnote to state: “One of the alternatives considered for this location in the original Pebble Beach lot program applications (i.e., the PDP project’s predecessor) was a 34-room inn located in the fill area, with the surrounding dune/ESHA area, including that now proposed by the PDP project for golf holes, left alone.”
115	-	-	F308: “...to indicate that theses areas have the...”
118	3	1	“...as they relate to the Area 2...”
119	-	-	F326: “..wetland areas than have to date been delineated to date.”
120	2	6	“...understory). <u>Clearly, restoration Restoration</u> of such a difficult site is <u>best understood as a long-term...</u> ”
120	2	7	“...It has <u>also</u> suffered due...”
120	-	-	F330: “...who was also present during the May 2007 visit (see Exhibit 17). In...”
121	2	4	“...rare species such as Hooker’s <u>manzanita and rare habitats such as central maritime chaparral. It...</u> ”
122	3	1	“Although not entirely clear from the project <u>County’s PDP EIR materials presented to date (because of the way in which attempts have been made to distinguish between</u> <u>lack important details (e.g., delineation of forest areas that were planted and those that weren’t), as well a lack of clarity concerning and identification of potential impacts...</u> ”

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123	2	6	“...existing LCP is <u>essentially nil...</u> ”
123	2	7	“...it is possible that some minor <u>resource-dependent recreational use...</u> ”
124	2	1	“...as they relate to the Area 3...”
126	4	1	“...as they relate to the Area 4...”
128	2	1	“...as they relate to the Area 5...”
132	2	12	“...the proposed designation <u>is</u> at best the...”
133	4	1	“Area 9 is part of a larger area of native Monterey pine forest with a <u>healthy native understory</u> and, as such, is rare. In addition, it Area 9 is <u>also</u> especially valuable because of its ...”
135	3	1	“The undeveloped portion of Area 10 is part of a larger area of native Monterey pine forest with a <u>healthy native understory</u> and, as such, is rare. In addition, The undeveloped portion of Area 10 is <u>also</u> especially valuable...”
137	4	7	“...the Commission in 1984 prior to <u>just after</u> certification of the LUP...”
137	-	-	F390: “Id; May 2007 site visit (see Exhibit 17).”
138	2	1	“Area 11 is part of a larger area of native Monterey pine forest with a <u>healthy native understory</u> and, as such, is rare. In addition, it Area 11 is <u>also</u> especially valuable because of its ...”
138	4	1	“...as reflected in the <u>previously approved and now pending PDP project...</u> ”
139	2	9	“...could be considered to be less protective...”
139	3	1	“...as they relate to the Area 11...”
140	1	2	“...Area 12 is accessed from Lopez Road and is opposite <u>across</u> the street from <u>the main entrance to Poppy Hills Golf Course (i.e., with the parking lot, clubhouse, etc.)</u> and mostly”
140	3	5	“...As a result, all of Area 12 is considered central maritime chaparral and Yadon’s <u>piperia is also present. habitat.</u> ⁴⁰³ ...”
140	-	-	F402: “Id; May 2007 site visit (see Exhibit 17).”
142	2	1	“...as they relate to the Area 12...”
143	1	1	“...Therefore, the understory <u>is</u> made up of central...”
143	3	1	“...the <u>previously approved and now pending PDP project...</u> ”
143	-	-	F412: “Id; May 2007 site visit (see Exhibit 17).”
144	3	1	“...as they relate to the Area 13...”
146	-	-	F424: “...whether the LCP were amended or <u>by</u> Measure A or not...”
147	2	1	“...as they relate to the Area 14...”
147	5	11	“...includes PQR (and thus all of PQR) is...”
150	3	1	“...as they relate to the Area 15...”
150	-	-	F437: “...three conditional COCs that <u>area are</u> part of the PDP project.”
152	2	1	“...as they relate to the Area 16...”
153	4	9	“...degraded, <u>including in Area 2.</u> ”
154	2	1	“...as they relate to the Area 17...”
154	3	4	Add footnote after text that reads “...should be designated as Open Space Forest.” Footnote to state: “Again, more detailed analysis of the fill area west of the fire road would be appropriate (again, see Figure 22) and may factor into the

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			appropriate designation for this small component of Area 17.”
157	-	-	Heading: “5. Resource Conservation Areas (Areas...”
159	1	5	Add footnote after text that reads “...and the LUP (and the LCP).” Footnote to state: “Other than portions of the quarry reclamation replanting area previously described in relation to Area 18 that may be located partially in Area 20.”
159	3	4	“...Yadon’s piperia (and thus piperia habitat throughout). Other...”
159	5	2	“...and Yadon’s piperia habitats. Other special status species...”
160	1	1	“...and Monterey shrew and ringtail habitat in <u>along</u> the creeks...”
161	2	4	Replace “eight” with “seven”
162	-	-	Heading: “2. Area 26 (LUP Planning Unit XY)”
163	3	1	“...as they relate to the Areas 25 and 26...”
165	2	4	“...designated by virtue of Measure A (i.e., the 264 acres represents the combined acreage of Areas 19 through 24)....”
165	2	5	“...notwithstanding their current land use designation (see previous Resource Conservation Areas finding). This 264-acre area...”
165	2	12	“...facilitated by and <u>are</u> a reasonably foreseeable outcome of Measure A.”
166	4	2	“...the resource protection policies of the LUP. <u>In other words, the proposed IP changes cannot be found in conformity with and adequate to carry out the LUP for similar reasons as are described in the LUP amendment findings above (incorporated herein by reference). In sum,...</u> ”
168	4	1	“...proposed for a VSC IP designation (i.e., Area 5), the OR <u>VSC</u> district...”
177	5	3	“...other than development of <u>a single home on existing legal lots of record...</u> ”
179	1	2	“...since it was <u>initially</u> submitted to the Commission in 2005...”
181	3	11	“...which is a required <u>PDP EIR mitigation measure of the County’s approval</u> , should...”
182	2	16	“...understood, etc.. Again, in order...”
182	-	-	F531: “ Monterey County, PDP, Conditions of Approval and Mitigation Monitoring and Reporting Program, March 2005, p. III-95; and PDP FEIR, F-26 et seq. ”
184	1	7	“...Carmel Bay is a State Ecological Reserve and as a State Water Quality Protection Area, State Marine Conservation Area, and an Area of Special Biological Significance, and as a component of the Monterey Bay National Marine Sanctuary, and how... ”
187	3	5	“...as described in the previous finding such is not the case, and, therefore, <u>More broadly, the LUP amendment must be denied because it is not consistent with Coastal Act policies concerning ESHA. These inconsistencies are so pervasive that they cannot be easily remedied by “suggested modifications.” Because this is one amendment that must be denied for such reasons, this same observation applies to the whole of the Coastal Act analysis and no modifications...</u> ”
190	6	1	“As described in the Background finding above preceding Proposed LCP Amendment finding , the Del Monte Forest has significant scenic beauty, borders the Carmel Bay State Water Quality Protection Area/State Marine Conservation Area/Area of Special Biological Significance/Monterey Bay National Marine Sanctuary, and provides...”

PP	P	L	Staff Report Change
190	7	3	"...The PDP project EIR and subsequent <u>the PDP projects'</u> original approval by Monterey County provide..."
192	2	1	"...as they relate to the Area 1 public access and recreation cannot..."
192	3	11	"...Company's corporation, yard, etc.),..."
195	2	1	"...as they relate to the water quality..."
195	3	6	"...the existing Table A/LCP structure, could be pursued..."
196	3	1	"...as they relate to the Table A and potential increased cumulative coastal resource impacts cannot..."
196	5	3	Add footnote after text that reads "Regions many visitors." Footnote to state: "LUP's Scenic and Visual Resources Section; LUP page 30."
196	6	10	"...resource impacts and potential inconsistencies, and thus - also serves to protect visual resources...."
197	1	4	"...cannot be addressed at a project level <u>provided ESHA, wetland, and related habitat concerns are resolved.</u> "
197	3	3	"...as did the Presidio when it was established in the mate late 1700s. By..."
198	2	4	"...beyond the necessary denial of the LUP Amendments <u>amendments</u> . In addition..."
198	-	-	Delete heading: "1. Conclusion: IP Amendment Inconsistent with the LUP"
198	4	6	"...three issue areas described above,..."
199	5	1	"This report has discussed the relevant <u>Coastal Act and LCP</u> consistency issues with the proposal. All above LCP consistency findings are incorporated herein in their entirety by reference...."
199	6	1	Insert following paragraph before final paragraph: "The Commission has evaluated the proposed project; the no-project alternative (i.e., denial of the LCP amendment as submitted); and alternatives with respect to land use designations, zoning, and potential development of the planning areas subject to this LCP amendment. The Commission finds that the no-project alternative and the alternatives discussed in the findings with respect to individual planning areas are environmentally superior to the proposed project."
All	-	-	Correct all non-substantive typos, punctuation errors, reference errors (e.g., to the wrong exhibits), inconsistent abbreviations (e.g., "p." and "pp." versus page and pages), etc..

DISCLOSURE OF EX PARTE COMMUNICATION

Date and time of communication: **Monday June 11, 2007 9:02-11:42pm**
(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date/time of receipt should be indicated.)

Location of communication: **Email /Telephone Call/Email**
(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

Person(s) initiating communication: **Mark Massara, Sierra Club**

Person(s) receiving communication: **Steve Blank**

Name or description of project: **Monterey County LCP Amendment, Pebble Beach**

Detailed substantive description of content of communication:

--Original Message-----
From: Mark Massara [mailto:Mark.Massara@Sierraclub.org]
Sent: Monday, June 11, 2007 9:02 PM
To: Steve Blank
Subject: PBC

Hi Steve:

I have thought about the findings question we discussed and have concluded that detailed findings are necessary for all parties in order that the CCC adequately discloses its entire reasoning on all issues presented. Being a quasi-judicial agency, and this being an LCP Amendment that must be evaluated in light of its consistency with the Coastal Act, it is necessary that great detail be provided to the County and any other interested parties that may try in the future to determine with great specificity the Commission's deliberative process. Anything less leaves informational gaps that could undermine the legal requirement that all the Commission's decisions- no matter what they are - be supported by substantial evidence.

In that regard, I am attaching a legal case that involves issues nearly identical to those presented with Measure A. Ironically, in that case the Commission chose to find that the rare pygmy forests in Mendocino County were not ESHA, as requested by the County, over the objection of staff and Sierra Club.

You probably had no idea that you'd be burning the midnight oil reading coastal land use litigation cases..... but this case is remarkably similar. The one other case that is super important on ESHA is the bolsa chica litigation. I'll email you that one as well since you'll probably want to attend law school soon :)

Markm

ATTACHED: Sierra Club – Pygmy Forest Ruling

RECEIVED

JUN 12 2007

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

**ATTACHMENT 1
(1 OF 13)**

----- Original Message

--Original Message-----

From: Mark Massara [mailto:MarkMassara@CoastalAdvocates.COM]

Sent: Monday, June 11, 2007 9:03 PM

To: Steve Blank

Subject: Fwd: sierra club v. ccc - bolsa chica

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JUN 12 2007

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

> BOLSA CHICA LAND TRUST et al., Petitioners,
> v.
> The SUPERIOR COURT of San Diego County, Respondent;
> California Coastal Commission, Real Party in Interest.
> California Coastal Commission et al., Petitioners,
> v
.... *entire Bolsa Chica Ruling in the email body*

Telephone conversation with Mark Massara ~9:15pm

Mark reviewed the contents of his email sent at 9:02pm. He referred me to the Sierra Club - Pygmy Forest Decision. Mark mentioned the video of the editorial board meeting at the Monterey Herald was now on-line.

We discussed a call I received by Ken Weiss of the LA Times who was interested in the PBC story. I told Mark I had sent Ken my slide summary of what I believed were the public statements of staff and PBC (that I had sent to Charles Lester for comments.) I suggested that Mark follow up with a call to Ken, but told him Ken was interested in the agents who were sleeping over at my house (Rick Zbur and Susan McCabe.) Mark reminded me that I had also invited him to sleep over as well, but he just hadn't taken me up on it yet.

Mark asked for a copy of my summary slides of the public positions of staff and PBC.

From: steve blank <sblank@kandsranch.com>

Date: Mon, 11 Jun 2007 22:57:59 -0700

To: Mark Massara <mark.massara@sierraclub.org>

Conversation: Slides

Subject: FW: Slides

Mark,

Let me know if I accurately captured staff's and PBC's positions.

Thanks,
steve

sblank@kandsranch.com
415 999-9924-

Staff and PBC Positions (1)

	Staff	PBC
LCP/LUP Interpretation	New Facts Change ESHA, can be modified by the staff/Commission	ESHA is what the <i>existing LUP</i> says until modified by the county
Buildable lots	41	898
Protection	0 new 448 in coastal zone but: • 264 are now ESHA • 184 already protected	800 acres 448 in coastal zone 356 outside coastal zone
ESHA Definition	New Facts	1984 LUP
ESHA Types	New facts allow us to identify new ESHA types: Forest, Pine Ecosystem	ESHA is what is in Appendix 2 of 1984 LUP
Balancing	No Coastal Act policy conflicts since its all ESHA	Conflicts Allow balance

Staff and PBC Positions (2)

	Staff	PBC
Monterey Pine Forest	Forest is ecosystem 20 acres or more	Forest is an ecosystem but not ESHA
Monterey Pine Ecosystem	Yadon's Piperia, CRLF, Chaparral	Species are not ESHA according to LUP
Monterey Pine Rare	Rare and endangered	Science and other gov't agencies disagree
Monterey Pine Especially Valuable	1. Genetic Repository 2. Ecosystem/Habitat	Science and other gov't agencies disagree
ESHA Notice	Objections on record since 1999	Reliance on the LCP since 1984
Public Services	Cal-Am using too much of Carmel River	1) No jurisdiction 2) 1100 af/yr of recycled water

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

---Original Message-----

From: Steve Blank [mailto:sblank@kandsranch.com]
Sent: Monday, June 11, 2007 11:42 PM
To: 'Mark Massara'
Subject: RE: PBC

Mark,

Thanks for the Pygmy forest ruling. BTW, I've been using the Topanga decision (attached) as the standard for findings.

I still wonder; the Pygmy Forest ruling was for an _original LUP_ not an amendment.

- To my naïve reading of the coastal act, the act seems to specifically treat amendments differently than original applications: Section 30514 specifically says that the commission shall make no determination as to whether a proposed _amendment_ raises a substantial issue as to conformity with the policies in of Chapter 3.

- While Cal. Civ. Proc. Code § 1094.5, defines prejudicial abuse of discretion as an agency's decision being unsupported by its findings or its findings being unsupported by the evidence.

- In the Pygmy Forest case it seems that the court held that the record demonstrated that pygmy forests were rare or valuable habitats and were easily disturbed or degraded by human activities and development within the meaning of Section 30107.5. Nothing in the Coastal Act allows denial of ESHA status to rare or valuable habitats just because they are partially protected outside the aegis of the act.

However, the problem with applying this ruling going forward, is that the record to date may not show that staff's claims about new ESHA were uncontested by equally credible scientific evidence. So it is possible that the findings may not supported by substantial evidence "in light of the whole record" Code Civ. Proc., § 1094.5

I understand the staff's reluctance to exercise its authority under the Section 30519.5 of the Coastal Act – there's no teeth in the section - and while we should theoretically require a review of the Monterey County LCP, starting with the Del Monte Forest Land use Plan, it won't change the status quo.

Help me think through why every LCP/LUP amendment that contains a resource component does not become a defacto substitute for Section 30519.5 - but without the public and commissioners review? Why in essence we aren't rewriting the Coastal Act and existing LCP's an amendment at a time?

My apologies for amateur lawyering. Correct and edit the thinking as necessary.

steve

ATTACHED: Topanga Decision

Monday June 11, 2007

Date



Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

4

ATTACHMENT 1
(40513)

DISCLOSURE OF EX PARTE COMMUNICATION

Date and time of communication: **Monday June 11, 2007 ~5:00 – 6:10pm**
(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date/time of receipt should be indicated.)

Location of communication: **Telephone Call**
(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

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Person(s) initiating communication: **Ken Weiss, LA Times**

JUN 12 2007

Person(s) receiving communication: **Steve Blank**

Name or description of project: **Monterey County LCP Amendment, Pebble Beach**

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COASTAL COMMISSION
CENTRAL COAST AREA

The conversation was wide ranging, covered multiple areas, with only some directly relevant to Monterey County LCP Amendment or matters in front of the commission. I've included those as well as discussion that covered agent influence of commissioners:

I received a call from Ken Weiss who identified himself as a reporter from the LA Times. (After the call I discovered that Ken had won the 2007 Pulitzer Prize for Explanatory Reporting for his Series on Altered Oceans.) Ken asked me for my view of the Pebble Beach matter. I said my role as a commissioner was to adjudicate between the staff's recommendations and the applicants request using the coastal act, regulations and the record at the hearing as a guide. I said that in this case the staff report alone was 200 pages with perhaps at least that again in attachments and memos from PBC. That the way I worked with this much information was to gather all the data and then summarize the staff and PBC's public positions as I understood them, as slides to help me sort out the claims. Then to listen to the testimony at the hearing. Ken asked me to send him those slides. Ken asked me how I would vote. I told him that I would tell him and everyone else on Wednesday.

Ken segued the conversation to the role of agents in influencing the commission. I explained that my belief was that my role as a commissioner required me to get the best reasoned and thorough recommendations from staff that support the coastal act and regulations that I can. That while part of commissioners roles were judicial, the majority of the time we are acting in an administrative role (much like a planning and zoning commission.) That while our staff was the primary source of my data and recommendations, the coastal act specifically permits us to gather data from multiple sources. I mentioned that no staff likes when their work is questioned, however having staff respond to multiple points of view made their arguments stronger, not weaker. When people tell me "don't listen to anyone else" I tend to wonder if they were doing so because their arguments can not stand scrutiny.

Ken specifically asked if I thought it was a conflict having Rick Zbur or Susan McCabe stay at my house, I told him no. (I said that members of the staff had been at the house for dinner and I didn't think anyone believed that was a conflict.) I mentioned I had a standing offer for Mark Massara and the Sierra Club as well as the Commission staff to use the house for staff meetings or stay over if they wanted to. I didn't believe that listening to all points of view were a sign of influence but perhaps an indication of an open and inquisitive mind. We discussed a written code of conduct I had sent the agents/lawyers that asked them to respect how I will manage ex parte. Ken asked for a copy and I sent it to him. We talked a bit about the notion of public service, and why I was on the commission. Ken asked about whether money was an influence for commissioners, I said I couldn't speak for others, but I had refused to take salary or any reimbursement from the commission and that this was a small part of what I considered "public service."

**ATTACHMENT 1
(5 OF 13)**

From: steve blank <sblank@kandsranch.com>
Date: Mon, 11 Jun 2007 16:59:24 -0700
To: <ken.weiss@latimes.com>
Conversation: Slides
Subject: Slides

Staff and PBC Positions (1)

	Staff	PBC
LCP/LUP Interpretation	New Facts Change ESHA, can be modified by the staff/Commission	ESHA is what the <i>existing LUP</i> says until modified by the county
Buildable lots	41	898
Protection	0 new 448 in coastal zone but: • 264 are now ESHA • 184 already protected	800 acres 448 in coastal zone 356 outside coastal zone
ESHA Definition	New Facts	1984 LUP
ESHA Types	New facts allow us to identify new ESHA types: Forest, Pine Ecosystem	ESHA is what is in Appendix 2 of 1984 LUP
Balancing	No Coastal Act policy conflicts since its all ESHA	Conflicts Allow balance

Staff and PBC Positions (2)

	Staff	PBC
Monterey Pine Forest	Forest is ecosystem 20 acres or more	Forest is an ecosystem but not ESHA
Monterey Pine Ecosystem	Yadon's Piperia, CRLF, Chaparral	Species are not ESHA according to LUP
Monterey Pine Rare	Rare and endangered	Science and other gov't agencies disagree
Monterey Pine Especially Valuable	1. Genetic Repository 2. Ecosystem/Habitat	Science and other gov't agencies disagree
ESHA Notice	Objections on record since 1999	Reliance on the LCP since 1984
Public Services	Cal-Am using too much of Carmel River	1) No jurisdiction 2) 1100 af/yr of recycled water

From: steve blank <sblank@kandsranch.com>
Date: Mon, 11 Jun 2007 18:16:24 -0700
To: <ken.weiss@latimes.com>
Conversation: Steve Blank Coastal Commission Ex Parte
Subject: FW: Steve Blank Coastal Commission Ex Parte

Ken,
FYI.
steve

From: Steve Blank [<mailto:sblank@kandsranch.com>]
Sent: Saturday, May 05, 2007 7:43 PM
To: xxxx
Cc: 'Hope Schmeltzer'
Subject: Steve Blank Coastal Commission Ex Parte

To: Coastal Commission Agents
From: Commissioner Steve Blank
Subject: Ex Parte

Now with three months on the Coastal Commission (and more meetings that I would have imagined,) I want to share the conditions of how I will take ex parte.

1. Requests for ex parte need to be in writing via email to sblank@kandsranch.com
 2. These emails need to state the item, the proposed ex parte meeting agenda, and the anticipated participants
 3. Within 24 hours of an ex parte communication (in person or via the phone) with you and/or your client I need your written summary of the items we covered.
I will provide my version of the ex parte to the commission, but yours will be a subset of mine.
 4. I prefer that ex parte occur more than 7 days before a commission hearing. If not, I will provide an oral, detailed description of our meeting at the hearing.
 5. If the ex parte is at a commission hearing, I need a written summary of our meeting the evening before the item is heard.
 6. I do not take ex parte on the day an item will be heard.
 7. I will take no written materials (either in person or via email) that does not clearly state, "this item has been shared with the Coastal Commission Staff and all the Coastal Commissioners."
 8. If you are representing a client who wants to send me materials, please instruct them to send them through you. If that is impossible, please ensure they follow the disclosure rule above. I throw out items unopened and unread that do not have the appropriate disclosure in bold in the cover letter, and delete emails that do not have that disclosure in the subject or first line of the message body.
 9. I like to see projects first hand. We can save lots of meeting time if you can get me to the appropriate site. If we do so, I would like to invite the appropriate commission staff member so I can hear all points of view while looking at the project.
 10. Assume I have read the staff material and your clients material.
 11. I do not take breakfast, lunch or dinner, gifts, trips, honorariums, etc. If I forget to ask for a separate check, please remind me.
 12. I do not take ex parte for items in litigation with the Commission.
- I know each of the commissioners have different rules for ex parte, I'd appreciate if you can respect mine.

I look forward to continuing to work with each of you.

thanks,

steve

Steve Blank
(415) 999-9924

ATTACHMENT 1
(7 OF 13)

Monday June 11, 2007
Date



Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.
If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

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JUN 12 2007

DISCLOSURE OF EX PARTE COMMUNICATION

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Date and time of communication: **Friday June 9, 2007; 3:00pm**

(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date/time of receipt should be indicated.)

Location of communication: **Café Borrone, Menlo Park**

(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

Person(s) initiating communication: **Mark Massara, Sierra Club**

Person(s) receiving communication: **Steve Blank**

Name or description of project: **Monterey County LCP Amendment, Pebble Beach**

Detailed substantive description of content of communication:

(If communication included written material, attach a copy of the complete text of the written material.)

Mark reviewed the Sierra Clubs concern over the destruction of pristine Monterey Pine Forest ESHA in the Del Monte forest. He gave me two "Save the Forest" postcards.

He shared with me the letter from Tony Lombardo describing Mark's characterization "as one of the most destructive projects ever proposed on the California Coast" as misrepresenting the facts.

Mark described his meeting with the Monterey Herald Editorial board. He said he was surprised that the Pebble Beach Company hadn't changed their proposal or followed up with any additional letters suggesting changes. And the company is characterizing the LCP amendment as a much better alternative to the existing LCP.

We discussed whether denying the LCP amendment meant that the commission would be explicitly approving all of the staffs findings – therefore in all but name, amending the existing Del Monte Land Use Plan without going through the formal process of doing so.

We discussed if an alternate action might be to have the commissioners:

1. Section 30514 specifically says that the commission shall make no determination as to whether a proposed amendment raises a substantial issue as to conformity with the policies in of Chapter 3.
2. Use its authority under CCR 13555(b) and the Coastal Act sections 30512 and 30513 (and CCR 13522-13542) to reject the LCP amendment. There is no requirement in the regs or act to detail the findings. That only applies to an original LCP submittal (Coastal Act sections 30514.1 specifically says findings are for new LCP applications.)
3. Direct the staff to exercise its authority under the Section 30519.5 of the Coastal Act – and require a review of the Monterey County LCP, starting with the Del Monte Forest Land use Plan

This way the staff, the county, and the commissioners all get a voice into the review of the LCP as required by coastal act.

Friday, June 9, 2007

Date


Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

**ATTACHMENT 1
(9 OF 13)**

RECEIVED

JUN 12 2007

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION**

Date and time of communication: May 16, 2007 - 10:00 a.m.
(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)

Location of communication: Eureka, CA
(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

Person(s) initiating communication: Tony Lombardo

Person(s) receiving communication: Bonnie Neely

Name or description of project: Peeble Beach Project

Detailed substantive description of content of communication:
(If communication included written material, attach a copy of the complete text of the written material.)

Discussed the current certified LCP and its policies. Golf course already allowed in LCP, not an intensification of use. Discussed Measure A, an initiative that was passed by the voters in Monterey County in November of 2000. Presented information regarding the reduction of housing units, the old equestrian site, the quarry area, permanent set asides and Del Monte Forest. Mr. Lombardo indicated Fish and Game officials as well as Fish and Wildlife officials will be testifying in support of the project.

5/16/07

Date


Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceedings and provide the Executive Director with a copy of any written material that was part of the communication.

ATTACHMENT 1
(10 OF 13)

RECEIVED

Diana Chapman

JUN 12 2007

From: Jeff Staben
Sent: Tuesday, June 12, 2007 7:09 AM
To: Charles Lester; Steve Monowitz; Dan Carl
Cc: Diana Chapman
Subject: FW: Commissioner Clark Ex Parte:: Monterey County LCP Amendment (Measure A) & Pebble Beach Company Development Plan
Importance: High

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fy records

-----Original Message-----

From: Larry Clark [mailto:forelc@cox.net]**Sent:** Mon 6/11/2007 10:29 AM**To:** Jeff Staben**Cc:****Subject:** Commissioner Clark Ex Parte:: Monterey County LCP Amendment (Measure A) & Pebble Beach Company Development PlanCommissioner Clark Ex Parte:**Date:** Monday 5/04/07**Location:** El Segundo**Parties:** Clint Eastwood, Tony Lombardo, John Arriaga**Subject:** Monterey County LCP Amendment (Measure A) & Pebble Beach Company Development Plan

Discussion: I met with Clint Eastwood, Tony Lombardo, and John Arriaga at their request on Monday, 5/04/07 at my office in El Segundo and received their reaction to the Staff Report for the June 13th (W13b) agenda item regarding the Monterey County LCP Amendment (Measure A) & Pebble Beach Company Development Plan:

The following summarizes their inputs to me:

1. The conclusion reached by Coastal Commission staff in its report that no development whatsoever is allowed either under the proposed Measure A Local Coastal Plan amendment or the existing certified Local Coastal Plan is both factually and legally in error. This conclusion also ignores the history of twenty years of development that has been approved by the Coastal Commission in the Del Monte Forest as well as the existing policies

ATTACHMENT 1
(11 OF 13)

6/12/2007

allowing development in the Del Monte Forest contained in the certified Local Coastal Plan.

2. The staff report's definition of ESHA which is based on conclusions having to do with global rarity, rapid global climate change and genetic repositories are inconsistent with the language of the existing certified Local Coastal Plan and Coastal Act definitions of what are environmentally sensitive habitats.

3. Neither the California Department of Fish and Game nor the U.S. Fish and Wildlife Service in their review of the environmental impacts associated with both Measure A and the development of a project which could result from the approval of Measure A reach the conclusions reached by the Coastal Commission staff.

4. The arguments in the staff report that allowing mitigation outside the coastal zone is akin to saying it could destroy all the habitat in the coastal zone as long as it existing outside the coastal zone is clearly not what is being proposed here. In fact the opposite, the overwhelming majority of the pine forest and other habitats in the Del Monte Forest as a component of Measure A are receiving greater protection than they have under the existing certified Local Coastal Plan and the approval of Measure A will give the Commission the opportunity to further protect the Monterey pine forest habitat through mitigations which can be imposed on Monterey pine forest lands owned by Pebble Beach Company adjacent to the coastal zone.

The meeting concluded with my indicating to Messieurs Eastwood, Lombardo, and Arraga that until all the testimony and inputs are received by the Commission at the hearing on the 13th, I remain undecided but objective in considering all inputs before making a decision.

**ATTACHMENT 1
(12 OF 13)**

Larry Clark

Coastal Commissioner

6/12/2007

ATTACHMENT 1
(13 OF 13)

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



MEMORANDUM

FROM: John Dixon, Ph.D.
Ecologist

TO: Dan Carl

SUBJECT: Shaggy-bark manzanita in the Del Monte Forest

DATE: June 1, 2007

Documents reviewed:

Hickman, J.C., ed. 1993. The Jepson Manual. Higher Plants of California. Berkeley and Los Angeles: The University of California Press.

Munz, P.A. and D.D. Keck. 1959. A California Flora. Berkeley: University of California Press.

Vasey, M. 2006. Letter to J. Dixon (CCC) regarding the taxonomic status of shaggy-bark manzanita.

Shaggy-bark manzanita (*Arctostaphylos tomentosa*) is characterized by the presence of a burl, gray shredding bark, and leaf surfaces that are not alike (the lower surface is generally covered with fine hairs). It is a relatively uncommon species that is generally restricted to sandy soils in the coastal fog zone in Monterey County, with a few occurrences as far south as northern San Luis Obispo County. Shaggy-bark manzanita is one of the diagnostic species of central maritime chaparral where it usually occurs with one or more other narrowly endemic manzanita species and other more common chaparral species such as huckleberry and salal. Central maritime chaparral occurs as a distinct vegetation type that typically includes other common chaparral species such as chamise and mountain lilac, and it occurs as an understory component within Monterey pine forest. The dynamic relationship between maritime chaparral and Monterey pine forest is probably a function of the fire cycle, with the prominence of chaparral declining with time since the last fire and increased shading by maturing forest trees. Within the Del Monte Forest, maritime chaparral, characterized by the presence of both shaggy-bark manzanita and the rare Hooker's manzanita (CNPS 1b), is a common component of the Monterey pine forest understory. The prostrate growth form of the Hooker's manzanita in the forest is unusual and may indicate a variety unique to the Del Monte Forest. Central maritime chaparral is considered a rare community type by the California Department of Fish and Game.

ATTACHMENT 2
(1 of 8)

Areas containing significant occurrences of a particular form of shaggy-bark manzanita, *A. tomentosa* var *hebeclada*, are specifically designated as Environmentally Sensitive Habitat Areas in the LUP. Therefore, the distribution of the variety is of interest. Surprisingly, this issue was not even addressed in the EIR or any of the technical documents upon which it was based. This lapse probably reflects practical difficulties in identification resulting from a change in taxonomy within the genus *Arctostaphylos* that had taken place. At the time of certification of the LUP, the identification of the species *A. tomentosa* was clear enough, but the description of the variety *hebeclada* in Munz and Keck (1959) was ambiguous. Although many of the individual shaggy-bark manzanita that are present today may have been alive then, there is no good way to determine how they would have been assigned to variety at that time. By the time the EIR was being developed, there was a new taxonomy of manzanita in the Jepson Manual authored by P.V. Wells that lumped together morphologically dissimilar taxonomic entities and subsumed the earlier varieties in newly described subspecies. The taxonomy of this group is currently be revised once again for the new edition of the Jepson manual by Mike Vasey and his colleagues. Shaggy-bark manzanita will no longer be lumped with the group of manzanita that have smooth red bark and its distribution will be recognized as essentially the same as it was when the LUP was certified. Variety *hebeclada* is again recognized, though elevated to subspecies and described using unambiguous characters. *A. tomentosa* ssp. *hebeclada* is currently considered to restricted to the Del Monte Forest and an area near Jack's Peak. It is very rare and intermixed with the other more common forms of shaggy-bark manzanita. We observed *A. tomentosa* ssp. *hebeclada* in Area 11. It probably occurs as rare individuals in the central maritime chaparral understory in many areas of the Del Monte Forest. It does not occur in discrete stands. Therefore, intensive field work would be required to inventory this subspecies.

ATTACHMENT 2
(2 OF 8)



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May 28, 2007

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JUN 04 2007

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Subject: Site visit to Pebble Beach properties (May 11, 2007)

Dear Dr. Dixon:

Per your request, I accompanied you and Dan Carl (also from the Coastal Commission) on a site visit to several areas within the Del Monte Forest that are part of a proposed future development. You requested my assistance primarily to identify manzanita species (*Arctostaphylos*) that occur on these lands. This letter will serve as a written confirmation of my observations and the information about manzanitas on this site that were relayed to you and Mr. Carl at the time of this visit.

By way of background, my assistance was requested because of my expertise in manzanita taxonomy. I have been working with my colleague, Dr. Tom Parker, and with several graduate students at San Francisco State University, for over 16 years as part of an effort to prepare a treatment of *Arctostaphylos* for the Flora of North America project. Our treatment (Parker and Vasey, in review) is due out next year. Tom and I later joined with Dr. Jon Keeley to prepare another, similar treatment for the 2nd edition of the Jepson Manual that is also due out next year (Parker et al., in review). This work has included extensive field surveys and collections, examination of herbarium specimens, morphological analyses, and molecular genetic analyses. As a result of our study, a number of important changes will be made to the status of several manzanitas in California, including the two species that occur in the Del Monte Forest. Accordingly, I will briefly describe how the old taxonomic treatment relates to the new treatment, and also what we saw during our field visit that relates to both as well. These changes are also documented in a scientific paper submitted and accepted for publication by *Madroño* (Journal of the California Botanical Society) entitled "Taxonomic revisions in the genus *Arctostaphylos* (Ericaceae)" by V. Thomas Parker, Michael C. Vasey and Jon E. Keeley. Although not yet published, I will draw from this paper in the following discussion.

During our visit, we went to six areas: (1) upper Sawmill Gulch; (2) Area 11 - F1; (3) Area 12 - F2; (4) Area 13; (5) Area 14; (6) Area 15; and (7) Area 16. Common to each area were two species of manzanitas: *Arctostaphylos tomentosa* (shaggy-barked manzanita) and *A. hookeri* (Hooker's manzanita). In upper Sawmill Gulch and Area 11, *A. tomentosa* was particularly abundant, clearly representing the dominant understory species below a woodland-like Monterey pine canopy. In the other five areas, *A.*

tomentosa occurred as scattered individuals that were prominent but not as dominant. In upper Sawmill Gulch, *A. hookeri* was also present as low, prostrate mats. In all of the other areas visited, this same, low prostrate habit was characteristic of *A. hookeri* in these stands, with only a few low, mounding individuals observed the entire day. In Areas 12, 13, 14, 15, and 16, the *A. hookeri* was barely distinguishable from low perennial bunchgrasses that were the dominant vegetation under the Monterey pine canopy in these sites. Also, in both upper Sawmill Gulch and Area 11, I observed different subspecies of *A. tomentosa* occurring inter-mixed in these stands. While *A. tomentosa* subsp. *tomentosa* was prominent, I also observed many individuals of *A. tomentosa* subsp. *bracteosa* in the same stands. Also, in Area 11, I saw two individuals of a third subspecies, *A. tomentosa* subsp. *hebeclada*.

This latter finding invites a digression to discuss changes to the status of *A. tomentosa* that will appear in the new Jepson Manual and Flora of North America treatments. For a combination of reasons detailed in the *Madroño* paper described above, we are splitting the *A. tomentosa* complex as treated in the current Jepson Manual into two species complexes - *A. tomentosa* (including all subspecies with persistent, grey shreddy bark on their primary and secondary stems) and *A. crustacea* (including all subspecies with smooth red bark on their primary and secondary stems). This change makes *A. tomentosa* (the entity that occurs at Del Monte Forest) a much more geographically restricted species than the old treatment. Now, *A. tomentosa* will consist of four subspecies (*A. tomentosa* subsp. *tomentosa*, *A. tomentosa* subsp. *bracteosa*, *A. tomentosa* subsp. *hebeclada*, and *A. tomentosa* subsp. *daciticola*). Two of these subspecies (*A. tomentosa* subsp. *bracteosa* and *A. tomentosa* subsp. *hebeclada*) only occur in Monterey County and *A. tomentosa* subsp. *hebeclada* is particularly rare, so far being found only on Jack's Peak and the Del Monte Forest. *Arctostaphylos tomentosa* subsp. *tomentosa* is also predominantly found in Monterey but occurs sporadically along the Big Sur coast and barely enters northern San Luis Obispo County. The fourth subspecies (*A. tomentosa* subsp. *daciticola*) is also very rare and is found only on coastal uplands near Morro Bay. At present, *A. tomentosa* subsp. *hebeclada* is not recognized in the Jepson Manual so it is not currently in the natural inventory data base but we expect this to change once the new Jepson Manual comes out.

You asked me to clarify the status of the *A. tomentosa* treatment in A Flora of California (Munz 1959, 1968). The treatment in Munz was published in 1959. It was consistent with a paper Munz published in *Aliso* (Munz 1958). The *A. tomentosa* that we were seeing at the Del Monte Forest described in Munz is the same *A. tomentosa* described by Wells in the Jepson Manual and it is the same as we recognize in the upcoming Jepson Manual (2nd Edition). It is *A. tomentosa* (Pursh) Lindley. It has shreddy bark, a burl, branchlets with short dense pubescence (tomentum), and bifacial leaves with dense pubescence on the lower leaf surface. Munz did not describe this as a variety (e.g. *A. tomentosa* var. *tomentosa*) but he did recognize three varieties within *A. tomentosa*, one of which is *A. tomentosa* var. *hebeclada* and another of which is *A. tomentosa* var. *trichoclada* (the var. *tomentosiformis* is not relevant here so let's leave it out for simplicity's sake). The so-called *A. tomentosa* var. *trichoclada* (DC) Munz is the same thing as *A. tomentosa* subsp. *bracteosa* (DC) Adams. This is the *A. tomentosa* with long

glandular hairs on its stems, inflorescence, and pedicels. The confusion dates back to DeCandolle and is not worth explicating. Suffice it to say that Wells (1968, 1987, 1993, and 2000) submerges *trichoclada* into *bracteosa* and we do the same in our treatment. So, the majority of individuals that we would have seen in the Del Monte Forest in 1980 using Munz would have keyed either to *A. tomentosa* or *A. tomentosa* var. *trichoclada* (which we now call *A. tomentosa* subsp. *bracteosa*).

Munz built his treatment of *A. tomentosa* off treatments prepared earlier by Adams (1940) and McMinn (1939). McMinn (p. 412) recognized *A. tomentosa* var. *hebeclada* and key characters he mentions are "pedicels glabrous, leaves pale green, glabrous but dull above, tomentulose, puberulent, or nearly glabrous beneath". Note that he doesn't say anything about leaf size differences. McMinn treats *A. bracteosa* as a separate species. Adams also recognizes *A. tomentosa* var. *hebeclada* but does not include it in his key and he includes *A. bracteosa* as a subspecies of *A. tomentosa*. He also mentions the lower leaf being "glabrous, puberulent, or tomentulose" (i.e. sparsely hairy). Adams is the one who suggests the leaves of var. *hebeclada* are slightly larger than *A. tomentosa* (we have not found this to be the case). Munz apparently picked that up from Adams. These subtle leaf differences were never given much credence other than by Adams and Munz (that is, subsequently, by Wells or by us). In 1968, Wells erected a problematic trinomial system for the burl-sprouting *A. tomentosa* complex (Madrono 19:1999). Wells lumped the smooth barked *A. crustacea* and shreddy barked *A. tomentosa* together. He then broke up *A. tomentosa* into a series of subspecies with two forms each (usually either glandular or non-glandular). So, *A. tomentosa* subsp. *bracteosa* (a long-haired, glandular entity) became *A. tomentosa* subsp. *bracteosa* f. *trichoclada* and the non-glandular, essentially glabrous entity became *A. tomentosa* subsp. *bracteosa* f. *hebeclada*. Even though Munz added a supplement in 1968, the new Wells treatment did not make it into that treatment. The Jepson Manual editors refused to go along with Wells' trinomial system and, therefore, in 1993, the "*hebeclada*" variant dropped into synonymy with *A. tomentosa* subsp. *bracteosa* in the first edition of the Jepson Manual (Wells 1993).

Both Adams and McMinn recognize that *A. tomentosa* var. *hebeclada* (which we now call *A. tomentosa* subsp. *hebeclada*) is restricted in distribution. McMinn (1939) writes that "this variety occurs in the pine woods and adjacent open areas around Monterey Bay. It is quite similar in aspect to *A. bracteosa* but lacks the glandulosity characteristic of that species". Adams (1940) simply says "In open pine woods near the coast, Monterey Co., Calif." (p. 57).

Today, based on our field observations and collections, as well as our analysis of this taxonomic history, we recognize *A. tomentosa* subsp. *hebeclada* (DC) V.T. Parker, M.C. Vasey, and J.E. Keeley as *A. tomentosa* individuals that generally lack long glandular hairs, have densely pubescent stems and are largely glabrous on the underside of the leaves (Parker et al. In press). Such individuals co-occur in a mixed population with *A. tomentosa* subsp. *bracteosa* (individuals with long glandular hairs and mixed hairiness on lower leaves) primarily on Jack's Peak and there are also individuals of this subspecies in the Del Monte Forest (as we saw). To summarize, *A. tomentosa* subsp. *tomentosa* occurs

from Fort Ord down the coast to San Luis Obispo and is the most widespread member of this complex. *Arctostaphylos tomentosa* subsp. *bracteosa* is more restricted, ranging from Fort Ord to Point Lobos. *Arctostaphylos tomentosa* subsp. *hebeclada* is only known from Jack's Peak and the Del Monte Forest. It is as limited in distribution as *Arctostaphylos tomentosa* subsp. *daciticola* in San Luis Obispo County.

Another key point that is raised by this new classification of the *A. tomentosa* complex is that all of these subspecies are found in maritime chaparral that is associated with the coastal fog zone. In this sense, *A. tomentosa* is an excellent indicator of maritime chaparral. During our visit, I observed stands of what I would call maritime chaparral (evergreen, sclerophyllous shrub-dominated vegetation) associated with the upper canopy of Monterey pine. Coastal closed cone conifer forests and maritime chaparral clearly have a dynamic relationship as revealed in the Monterey region, on the northern Channel Islands, and on Point Reyes in Marin County as well. In the upper Saw Mill Gulch and Area 11 sites, the understory was very rich in species typical of maritime chaparral communities.

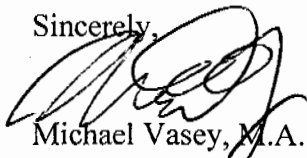
Another change that is being made relates to *A. hookeri*. In the current Jepson Manual, *A. hookeri* is considered part of a complex that includes five subspecies (*A. hookeri* subsp. *hookeri*, *A. hookeri* subsp. *hearstiorum*, *A. hookeri* subsp. *franciscana*, *A. hookeri* subsp. *Montana*, and *A. hookeri* subsp. *ravenii*). The latter three subspecies are found in San Francisco and Marin serpentine habitats. We have developed molecular genetic and morphological evidence to suggest that these three subspecies are not part of the *A. hookeri* lineage and therefore they have been placed separately. This means that *A. hookeri* as a species is more limited in its distribution and habitats than previously understood, now ranging from southern Santa Cruz County into northern Monterey County with a very rare subspecies (*A. hookeri* subsp. *hearstiorum*) in northern San Luis Obispo County. The latter, like the prostrate mats that occur in the Del Monte Forest, are also prostrate plants that occur chiefly in coastal grasslands, a habitat similar to those found in many parts of the Del Monte Forest understory. Elsewhere, *A. hookeri* tends to be mounding to upright shrubs. Hence, the population of *A. hookeri* in the Del Monte Forest is of particular interest and may represent an undescribed race.

Regarding the general condition of the vegetation in the areas we visited, I made notes of species I observed at most of these places. Based on these notes and my recollections, I offer the following observations: (1) Upper Sawmill Gulch – Didn't make detailed species notes but I noted rich shrub assemblage in the understory of Monterey pines and some coast live oaks (*Quercus agrifolia*). Species I recall seeing included *Vaccinium ovatum*, *Gaultheria shallon*, *A. tomentosa*, *A. tomentosa* subsp. *bracteosa*, *A. hookeri*, *Ceanothus cuneatus* var. *rigidus*, *Xerophyllum tenax*, and many other diverse species; (2) Area 11 – area between golf course and road – pine forest with large amount of understory vegetation consisting of *A. tomentosa*, *A. tomentosa* subsp. *bracteosa*, *A. tomentosa* subsp. *hebeclada*, *A. hookeri*, *Vaccinium ovatum*, *Toxicodendron diversilobum*, *Mimulus aurantiacus*, *Festuca rubra*, *Nasella pulchra*, *Iris douglasiana*, *Rosa gymnocarpus*, *Juncus patens*, *Satureja douglasii*, *Sisyrinchium bellum*, *Elymus glaucus*, *Holcus lanatus*, *Juncus effusus*, and *Athyrium felix-femina*. There were grassy

openings in a dominant scrub and a wetland area; (3) Area 12 – pine forest with grassy understory predominating and scattered shrubs. Species observed included *Vaccinium ovatum*, *Solidago sp.*, *Holcus lanatus*, *Elymus glaucus*, *Iris douglasiana*, *Deschampsia holciformis*, and *Gaultheria shallon*; (4) Area 13 – pine forest with largely grassy understory. Species included *A. hookeri*, *A. tomentosa*, *Deschampsia holciformis*, *Mimulus aurantiacus*, *Vaccinium ovatum*, *Myrica californica*, *Juncus patens*, *Iris douglasiana*; (5) Area 14 – I did not make species notes. I recall pine overstory with *A. tomentosa* and *A. hookeri* scattered in grassy areas. This area was more disturbed than the others we visited; (6) Area 15 – pine overstory with mostly grassy understory and scattered shrubs. Species observed were *Iris douglasiana*, *Agrostis sp.*, *Elymus glaucus*, *Heteromeles arbutifolia*, *Chlorogalum pomeridianum*, *Baccharus pilularis*, *A. tomentosa*, *A. hookeri*, *Toxicodendron diversilobum*; (7) Area 16 – pine overstory and grass dominated understory with scattered shrubs. Species included *A. tomentosa*, *A. hookeri*, *Juncus patens*, *Vaccinium ovatum*, *Sisyrinchium bellum*, *Elymus glaucus*, *Pipereia yadonii*, *Chlorogalum pomeridianum* and *Iris douglasiana*. In general, except for Area 14, these areas appeared to be dominated by native species. In the stands with grasslands dominating the understory, these grasses appeared to be native bunchgrasses although not all of them could be identified due to lack of reproductive structures.

In summary, both the shaggy-barked manzanita (including three subspecies) and the Hooker's manzanita are important understory components in all of the areas I visited with you and Mr. Carl. This was true particularly in upper Sawmill Gulch and Area 11. The Hooker's manzanita in the Del Monte Forest is quite unusual because of its prostrate habit and deserves more study. I hope this helps to clarify what I observed during our site visit and provides some insight into the nomenclatural changes that will be made and how these changes will likely affect the conservation status of the manzanitas we observed in the project area. As soon as the final pdf from our new publication is available, I will send it to you. Meanwhile, if you have any questions, or I can be of any help in shedding light on this aspect to this proposal, please let me know and I will be happy to be of assistance.

Sincerely,



Michael Vasey, M.A.
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