

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
 (805) 585-1800



Th 21b

ADDENDUM

DATE: May 9, 2011
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item 21b, Thursday, May 12, 2011, Coastal Development Permit Application 4-10-036 (California Department of Parks and Recreation)

The purpose of this addendum is to modify Special Condition No. Four (4), clarify that oak saplings will be transplanted, clarify the project description, and attach and respond to a request from the public for postponement of the hearing. *Note: ~~Strikethrough~~ indicates text deleted from the April 26, 2011 staff report pursuant to this addendum and underline indicates text added to the April 26, 2011 staff report pursuant to this addendum.*

1. Special Condition No. Four (4) shall be revised to clarify the provisions of the Oak Tree and Riparian Protection Program, including mitigation ratios and monitoring programs.

Special Condition No. Four (4) on page 7 shall be revised as follows:

Oak Tree and Riparian Protection ~~Mitigation~~

Prior to commencement of development, the applicant shall submit, for the review and approval of the Executive Director, an oak tree ~~replacement planting plan~~ and riparian protection program, prepared by a qualified biologist, arborist, or other resource specialist, comprised of the following: ~~which specifies tree location area, tree or seedling size planting specifications.~~ At least 10 replacement seedlings, less than one year old, grown from acorns collected in the area, shall be planted on the project site, as mitigation for development impacts such as tree trimming or removal to any mature oak trees, as identified by the Oak Tree Assessment referenced in the Substantive File Documents.

~~The applicant shall commence implementation of the approved oak tree replacement planting plan concurrently with the construction on the project site.~~

- A. The applicant shall submit an oak tree transplanting plan which specifies tree relocation area, planting specifications, and a monitoring program with specific performance standards to ensure that the transplanting plan is successful.

- B. The applicant shall submit an oak tree replacement plan which specifies tree replacement area, planting specifications, and a monitoring program with specific performance standards to ensure that the replacement plan is successful. At least 10 replacement seedlings, less than one year old, grown from acorns collected in the area, shall be planted on the project site, as mitigation for impacts resulting from substantial trimming of the one oak tree located at the first bridge site, as identified by the Oak Tree Assessment referenced in the Substantive File Documents. If unforeseen impacts to any other mature (greater than 8 inches diameter breast height) oak trees arise including, but not limited to, loss or excessive trimming, then the applicant shall be required to submit a revised or supplemental replacement plan, for the review and approval of the Executive Director, to adequately mitigate such impacts at a 10 to 1 ratio.
- C. The applicant shall submit a revegetation plan which specifies revegetation area, planting specifications, and a monitoring program with specific performance standards to ensure that the revegetation plan is successful. Following construction, all temporarily disturbed areas will be stabilized by salvaged vegetation, mulched, or revegetated with native species obtained from a qualified nursery.

The applicant shall commence implementation of the approved oak tree and riparian protection program concurrently with the construction on the project site. If monitoring indicates the oak trees and other native vegetation are not in conformance with or have failed to meet the performance standards specified in the monitoring programs approved pursuant to this permit, the applicant shall submit a revised or supplemental planting plan for the review and approval of the Executive Director. The revised planting plan shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

Pages 11 and 16 of the staff report shall be revised as follows:

No mature oak trees are proposed to be impacted (with the exception of the trimming of one significant branch of one oak tree near the culvert removal element of the project) or removed; however, if such action is unavoidable, ~~the~~ each tree(s) would be mitigated at a ratio of 10 to 1.

2. The staff report shall be revised to clarify that oak saplings will be transplanted. Pages 11, 16, and 19 of the staff report shall be revised as follows:

As part of the project, trees and shrubs within project limits will be avoided, to the maximum extent practicable, or salvaged for later use. Approximately 27 coast live oak saplings ranging in size from ½ inch to 4 inches diameter breast height (DBH) could potentially be ~~removed and/or~~ transplanted (Exhibit 12).

3. The Project Description shall be revised to clarify the originally proposed pond overlook and the subsequent changes made by the applicant to minimize adverse impacts.

The "Pond Overlook" section of the Project Description on page 11 shall be revised as follows:

Pond Overlook: Construction of a 72 sq. ft. pond overlook on the southwest edge of Nicholas Pond to meet ADA standards. An informal overlook area already exists here in the shade of several oak trees, which has resulted in the compaction of the soil within the oak protected zones. Originally, the applicant proposed a 354 sq. ft. pond overlook consisting of a graded flat pad and a 2 ft. high rock retaining wall within the canopy of several oak trees. At the request of staff, Sseveral alternatives were considered by the applicant to avoid surface disturbance within the oak canopy/dripline. Due to visitor safety concerns, construction and maintenance limitations, and budget restrictions, the applicant proposes to construct the overlook in its originally proposed location, but has altered the design. However, at the request of staff, the applicant has revised the proposed project to construct a raised permeable wooden deck platform which will avoid the need for any grading or landform alteration, decrease the size, and delete the retaining wall to minimize impacts to the adjacent oak trees. As proposed, the deck overlook design would minimize potential impacts to the oak root systems by being elevated off the ground and limiting total surface disturbance to six small piers (Exhibit 10). Additional mitigation measures will be employed during construction to avoid impacts.

The first paragraph on page 20 of the staff report shall be revised as follows:

Construction activities at the pond overlook will also encroach into the canopy/dripline of two oak trees; however, the applicant has modified the design of the overlook to minimize impacts to the oak trees. Originally, the applicant proposed a 354 sq. ft. pond overlook consisting of a graded flat pad and a 2 ft. high rock retaining wall within an oak canopy. Sseveral alternatives were considered by the applicant to avoid surface disturbance within the oak canopy/dripline. Due to visitor safety concerns, construction and maintenance limitations, and budget restrictions, the applicant proposes to construct the overlook in its originally proposed location, but However, at the request of staff, the applicant has changed the proposed project to utilize a raised permeable wooden deck platform which will avoid the need for any grading or landform alteration, decrease the size, delete the retaining wall, and has altered the design to minimize impacts to the adjacent oak trees.

4. A requirement for construction fencing was unintentionally included in the findings of the April 26, 2011 staff report; however, it is not required in any special conditions and shall be deleted from pages 20-21. Due to the majority of the project's location within an oak canopy, such a requirement is infeasible. However, a biological monitor shall be present on site during all construction operations on site.

Construction fencing is not required in any of the special conditions and shall be deleted on pages 20-21 as follows:

Finally, the Commission finds that impacts to oak trees on the project or adjacent site will be minimized by employing protective measures during project construction. The applicant shall follow the oak tree preservation recommendations contained in the Oak Tree Report referenced in the substantive file documents. ~~Additionally, the~~

~~Commission requires the applicant to install temporary protective barrier fencing around the protected zones (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of all oak trees and retained during all construction operations. If required construction operations cannot feasibly be carried out in any location with the protective barrier fencing in place, then temporary flagging must be installed on all oak trees to ensure protection during construction. Further, t~~The Commission requires that a biological consultant, arborist, or other resource specialist shall be present on-site during all construction operations on site and shall be directed to immediately notify the Executive Director if unpermitted activities occur or if any oak trees are damaged, removed, or impacted beyond the scope of the work allowed by this coastal development permit.

5. The following provides a brief response to a public comment letter (attached for reference) received on May 5, 2011:

A letter from Marcia Hanscom, on behalf of Coastal Law Enforcement Action Network (CLEAN) and Wetlands Defense Fund, dated and submitted to the Commission on May 5, 2011, requests postponement of the May hearing for this project until June but does not raise any Chapter 3 issues relevant to the project. CLEAN and Wetlands Defense Fund state that it would serve the public interest far better if the hearing for this project were scheduled in the Los Angeles County area venue during June. Additionally, they assert that the Commission has not complied with the California Environmental Quality Act (CEQA) because it has not posted staff reports on the website that allow the public a 30-day time period for review. The letter references a legal case brought against the Commission in Los Angeles County Superior Court, stating that the Commission must provide 30 day notice to the public for review of permit approvals such as these.

In response, the Commission disagrees with the interpretation referenced in the letter and expressed in the Superior Court decision, regarding CEQA and its relationship to the Coastal Act, to which Ms. Hanscom refers. The Commission has received contrary opinions (that affirm the validity of the Commission's process and procedure of acting on staff recommendations that have not been released to the public 30 days in advance) from another division of the Los Angeles County Superior Court and from other courts in other counties. Further, one of the two Los Angeles County Superior Court decisions against the Commission on this issue is currently on appeal. Finally, the Commission's regulations, which were certified by the Secretary of Resources as satisfying the requirements of CEQA, do not require that Commission staff reports be made available to the public 30 days prior to Commission action. Therefore, the letter does not raise any Chapter 3 issues relevant to the project and staff recommends that the Commission take action on this project at the May hearing, as scheduled.

Th21b



Wetlands
Defense
Fund

The Honorable Sara Wan, Chair
Honorable Commissioners &
Deputy Director Jack Ainsworth
California Coastal Commission
c/o 45 Fremont Street, Ste. 2000
San Francisco, CA 94105

May 5, 2010

faxed to Ventura Office

Re: Application #4-10-036
Nicholas Pond Trail/Leo Carrillo State Park – URGENT

Dear Coastal Commission Chair Wan, Coastal Commissioners &
Deputy Director Ainsworth:

On behalf of Coastal Law Enforcement Action Network (CLEAN) and Wetlands Defense Fund, we appeal to you in the strongest sense the need for the above-referenced item to be heard closer to the subject site. In June the Commission is scheduled to convene a hearing in Marina del Rey, and the public and its interest would be far better served if the hearing for this project were scheduled for this Los Angeles county area venue.

We also ask that you delay this item from being heard at the Santa Rosa hearing due to the Los Angeles Superior Court's recurring opinions that the Coastal Commission is not complying with CEQA (the California Environmental Quality Act) when it has not posted staff reports that allow the public a 30-day time period for review.

According to several recent legal cases brought against the California Coastal Commission in Los Angeles Superior Court, the Court has ruled that the Coastal Commission must provide 30 day notice to the public for review of permit approvals such as these. The staff report for this item was not circulated to the public with the required 30 days notice, having been posted on the Coastal Commission's website on or about April 22, 2011.

*California Coastal Commission-Nicholas Flat, Nicholas Pond
Leo Carrillo State Park, Santa Monica Mountains
Re: Amendment #4-10-036
Letter from CLEAN, Wetlands Defense Fund
May 5, 2001
Page 2*

Following is a citation from one of the relevant cases: November 30, 2009 decision. *Littlejohn v. California Coastal Commission*

“Public Resources Code section 21091(1) states that the ‘public review period for a draft environmental impact report may not be less than 30 days.’ The Coastal Commission is not exempt from section 21091, which is part of chapter 2.6 and regulatory programs certified under section 21080.5 in pertinent part are exempt only from Chapters 3 and 4. This regulatory program exemption also must be narrowly construed. See Ultramar, Inc. v. South Coast Air Quality Management District (1993) 17 Cal.App.4th 689, 699; City of Coronado, 69 Cal.App.3d 570, 581.”

“In sum, the Coastal Commission is governed by section 21091’s requirement for a 30-day review period for its staff report, the functional equivalent of an EIR.”

In alignment with this ruling and others that the Los Angeles Superior Court has issued related to Coastal Commission legal challenges, we also believe this circulation of the staff report must include review by all relevant agencies, as CEQA requires, including the California Department of Fish & Game, which surely has comments to make related to the proposed ESHA (Environmentally Sensitive Habitat Area) on this subject site and how to best protect it. We are particularly concerned with public access and ESHA “mitigations” proposed for this project and believe a full circulation time period will result in a better service to the public and its public lands.

With best regards,

/s/ Robert Roy van de Hoek

Robert van de Hoek
Biologist, Science Director,
Wetlands Defense Fund

/s/ Marcia Hanscom

Marcia Hanscom
Managing Director, **CLEAN**
Director, **Wetlands Defense Fund**

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Th 21b

Filed: 4/19/11
 49th Day: 6/7/11
 180th Day: 10/16/11
 Staff: Kanani Brown
 Staff Report: 4/26/11
 Hearing Date: 5/12/11

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-10-036

APPLICANT: California Department of Parks and Recreation

AGENT: Debbie Waldecker

PROJECT LOCATION: Leo Carrillo State Park, Santa Monica Mountains, Los Angeles County

APN No.: 4472-018-901, 4473-002-900

PROJECT DESCRIPTION: Habitat restoration and access upgrades to comply with the Americans with Disabilities Act (ADA) at Nicholas Pond Trail, including: (1) creation of one ADA parking space; (2) conversion of 1,430 feet of existing ranch road to trail; (3) removal of 945 feet of road/trail; (4) re-route of 1,050 feet of trail; (5) reconstruction of 490 feet of trail; (6) removal of existing culvert and fill to restore natural stream profile of San Nicholas Creek; (7) installation of two pedestrian bridges; (8) construction of 72 sq. ft. pond overlook; and (9) approximately 4,262 cu. yds. of grading (2,101 cu. yds. cut, 2,161 cu. yds. fill).

MOTION & RESOLUTION: Page 4

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **approval** of the proposed project with **seven (7) special conditions** regarding (1) plans conforming to engineer's recommendations (2) assumption of risk, (3) biological monitoring, (4) oak tree mitigation, (5) interim erosion control plans and construction responsibilities, (6) required approvals, and (7) archaeological monitoring.

The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified Malibu – Santa Monica Mountains Land Use Plan (LUP) serve as guidance. Following is a summary of the main issues raised by the project and how they are resolved by staff's recommendation:

- **OAK TREE PROTECTION.** The project includes the encroachment of development within the protected zone of oak tree(s). The encroachment(s) are minor and are unlikely to significantly impact the health of the trees. The project includes the removal and transplantation of many oak saplings (less than 4 inches dbh) in order to remove a berm and to restore an existing ranch road to a trail.

- **ARCHAEOLOGICAL RESOURCES.** The proposed project site contains significant archaeological resources. The proposed project includes grading and other ground disturbance, although much of the proposed work will be located in areas that have been previously disturbed by development of a ranch. Nonetheless, archaeological resources could be discovered during implementation of the project. The project is conditioned to have an archaeological monitor and Native American consultant on-site during ground-disturbing activities.

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EXHIBITS

- Exhibit 1. Vicinity Map
 - Exhibit 2. Parcel Map
 - Exhibit 3. Aerial Photo
 - Exhibit 4. Project Photos
 - Exhibit 5. Site Plan
 - Exhibit 6. Trailhead Parking Area Plan
 - Exhibit 7. Stream Crossing Plans
 - Exhibit 8. Bridge Specifications
 - Exhibit 9. Culvert Removal Plans
 - Exhibit 10. Overlook Plan
 - Exhibit 11. Vegetation Communities & Project Impact Areas
 - Exhibit 12. Potential Tree Removals
 - Exhibit 13. Historical & Archaeological Review
-

LOCAL APPROVALS RECEIVED: N/A

REQUIRED APPROVALS: U.S. Army Corps of Engineers, Los Angeles District, Permit No. SPL-2009-00681-PHT expected in May 2011; California Department of Fish and Game, Lake or Streambed Alteration Agreement dated September 29, 2009; and Section 401 Water Quality Certification from the California Regional Water Quality Control Board dated September 28, 2010.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; The March 25, 2003 Memorandum Regarding the Designation of ESHA in the Santa Monica Mountains, prepared by John Dixon, Ph. D; Cut and Fill Quantities prepared by Engineering Geologist Cynthia Walck and Landscape Architect Jason Spann; Field Hydrology Study prepared by Engineering Geologist Cynthia Walck, dated March 4, 2008; Culvert Analysis prepared by Brian R. Merrill, C.E.G.; Oak Tree Assessment; Historical Review and Archaeological Review prepared by the California Department of Parks and Recreation, dated January 6, 2009; Mitigated Negative Declaration dated June 18, 2009; and Natural Environment Study Report prepared by Debbie Waldecker and Richard Burg, dated June 8, 2009; The Stormwater Best Management Practice Handbook for Construction (California Stormwater Quality Association, January 2003); California State Parks Trails Handbook; Best Management Practices for Road Rehabilitation, "Road to Trail Conversion;" and Best Management Practices for Road Rehabilitation, "Stream Crossing Removal."

I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No 4-10-036 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2)

there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Plans Conforming to Engineer's Recommendations**

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in all of the plans and reports prepared by a registered engineer that are referenced as Substantive File Documents. These recommendations, including recommendations concerning hydrology, bridge installation, overlook installation, best management practices (BMPs), and drainage, shall be incorporated into all final design and construction plans, which must be reviewed and approved by a registered engineer prior to commencement of development.

The final plans approved by the engineer shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require amendment(s) to the permit(s) or new Coastal Development Permit(s).

2. Assumption of Risk, Waiver of Liability and Indemnity

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from wildfire, landslide, erosion, flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

Prior to issuance of the Coastal Development Permit, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

3. Biological Monitoring

For any construction activities the applicant shall retain the services of a qualified biologist or environmental resource specialist (hereinafter, "environmental resources specialist") to conduct sensitive species surveys (including birds and other terrestrial species) and monitor project operations associated with all construction activities. At least 30 calendar days prior to commencement of any construction activities, the applicant shall submit the name and qualifications of the environmental resources specialist, for the review and approval of the Executive Director. The environmental resources specialist shall ensure that all project construction and operations shall be carried out consistent with the following:

- A. A qualified environmental resources specialist, with experience in conducting bird surveys, shall conduct bird surveys within 30 days prior to construction that will occur during the migratory bird breeding season (February 1st to September 15th) to detect any active bird nests in the vegetation to be removed and any other such habitat within 500 feet of each construction area. The last survey should be conducted 3 days prior to the initiation of clearance/construction. If an active songbird nest is located, clearing/construction within 300 feet shall be postponed until the nest(s) is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. If an active raptor, rare, threatened, endangered, or species of concern nest is found, clearing/construction within 500 feet shall be postponed until the nest(s) is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest shall be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the sensitivity of the area. The project biologist shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to protection of nesting birds.

- B. The environmental resources specialist shall be present during all construction, grading, excavation, vegetation eradication and removal, hauling, and maintenance activities. The qualified biologist shall require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise. If significant impacts or damage occur to sensitive habitats or to wildlife species, the applicants shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit or a new coastal development permit

4. Oak Tree Mitigation

Prior to commencement of development, the applicant shall submit, for the review and approval of the Executive Director, an oak tree replacement planting plan, prepared by a qualified biologist, arborist, or other resource specialist, which specifies replacement tree location area, tree or seedling size planting specifications. At least 10 replacement seedlings, less than one year old, grown from acorns collected in the area, shall be planted on the project site, as mitigation for development impacts such as tree trimming or removal to any mature oak trees, as identified by the Oak Tree Assessment referenced in the Substantive File Documents.

The applicant shall commence implementation of the approved oak tree replacement planting plan concurrently with the construction on the project site.

5. Interim Erosion Control Plans and Construction Responsibilities

Prior to commencement of development, the applicant shall submit to the Executive Director an Interim Erosion Control and Construction Best Management Practices plan, prepared by licensed civil engineer or qualified water quality professional. The consulting civil engineer/water quality professional shall certify in writing that the Interim Erosion Control and Construction Best Management Practices (BMPs) plan is in conformance with the following requirements:

1. Erosion Control Plan

- (a) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the plan and on-site with fencing or survey flags.
- (b) Include a narrative report describing all temporary run-off and erosion control measures to be used during construction.
- (c) The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.
- (d) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps); temporary drains and swales; sand bag barriers; silt fencing; stabilize any

stockpiled fill with geofabric covers or other appropriate cover; install geotextiles or mats on all cut or fill slopes; and close and stabilize open trenches as soon as possible.

- (e) The erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.
- (f) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

2. Construction Best Management Practices

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.

- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity
- (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

B. The final Interim Erosion Control and Construction Best Management Practices plan, shall be in conformance with the site/ development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans required by the consulting civil engineer/water quality professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

6. Required Approvals

Prior to commencement of development, the applicant shall submit, for the review and approval of the Executive Director, evidence of final required approval from the Army Corps of Engineers.

7. Archaeological Monitoring

By acceptance of this permit, the applicant agrees to have a qualified archaeologist(s) and appropriate Native American consultant(s) present on-site during construction of the new trail alignment, excavation for bridge footings, rehabilitation of the existing trail beds, and any grading, excavation, or other subsurface work, including trail grading. The number of monitors shall be adequate to observe the activities of each piece of active earth moving equipment. Specifically, the earth moving operations on the project site shall be controlled and monitored by the archaeologist(s) and Native American consultant(s) with the purpose of locating, recording and collecting any archaeological materials. In the event that any significant archaeological resources are discovered during operations, grading work in this area shall be halted and an appropriate data recovery strategy be developed, subject to review and approval of the Executive

Director, by the applicant's archaeologist, and the native American consultant consistent with CEQA guidelines.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION

The applicant proposes habitat restoration and access upgrades to comply with the Americans with Disabilities Act (ADA) at Nicholas Pond Trail, including: (1) creation of one ADA parking space; (2) conversion of 1,430 feet of existing ranch road to trail; (3) removal of 945 feet of road/trail; (4) re-route of 1,050 feet of trail; (5) reconstruction of 490 feet of trail; (6) removal of existing culvert and fill to restore natural stream profile of San Nicholas Creek; (7) installation of two pedestrian bridges; (8) construction of 72 sq. ft. pond overlook; and (9) approximately 4,262 cu. yds. of grading (2,101 cu. yds. cut, 2,161 cu. yds. fill). Due to seasonal restrictions, the applicant proposes construction in phases. The project will consist of the following elements:

1. **Parking Space:** Construction of a 306 sq. ft. accessible parking space and a one ft. high concrete retaining wall in the cul-de-sac at the end of Decker School Road, near the trailhead to Nicholas Pond Trail (Exhibit 6).
2. **Road to Trail Conversion:** Conversion of 1,430 ft. of existing ranch road to trail, extending from the trailhead to Nicholas Pond. The ranch road was graded by the previous owner and a dirt berm has formed on the west side of the road, altering natural water flows and causing incising along the roadway and into the creek. Construction would involve cutting and filling to transfer the compacted soils to the interior slope, backfilling ditches, and narrowing the road corridor from eight ft. to four ft. This would restore the natural, sloping hillside that extends to the creek, improve sheet flow into the creek, and eliminate erosion issues (Exhibit 5).
3. **Road/Trail Removal:** Removal of 945 ft. of road/trail. A portion of the road located northeast of Nicholas Pond is proposed to be abandoned to allow for an ADA trail reroute. The road would be decompacted, regraded, and allowed to naturally revegetate. Additionally, two trail sections located west of Nicholas Pond would be removed due to nonconformance with ADA standards. The existing trail would be graded, recontoured, and closed to the public (Exhibit 5).
4. **Trail Reroute:** Reroute of 1,050 ft. of trail to meet ADA standards and to replace portions of the trail removed. The three reroutes would be constructed to the north and west of Nicholas Pond and maintain a width of four ft. (Exhibit 5).
5. **Trail Reconstruction:** Reconstruction of 490 ft. of trail to meet ADA standards. The trail would be regraded to maintain a width of four ft. on the west side of San Nicholas Creek and Nicholas Pond (Exhibit 5).

- 6. Stream Improvements:** Removal of existing culvert and fill to restore natural stream profile of San Nicholas Creek and its side channel. Upstream of the first proposed bridge crossing, an existing culvert and accompanying fill would be removed to eliminate an in-stream obstruction, reestablish natural flows, and prevent head-cutting below the pipe. A series of rock steps would also be installed upstream and downstream of the culvert to control the grade, reduce the intensity of flows, and minimize overall erosion (Exhibit 9). Additionally, in the area of the second proposed bridge crossing, the channel would be graded and rock step pools would be installed to prevent head-cutting and to stabilize the stream profile (Exhibit 9).
- 7. Installation of Two Pedestrian Bridges:** A 65 ft. free-spanning bridge would be constructed over San Nicholas Creek to create a continuous, ADA-compliant trail to San Nicholas Pond. An existing, non-ADA crossing, consisting of a culvert and in-stream fill, would be removed, and the channel would be restored to its natural configuration (Exhibit 7). A second bridge, 45 ft. in length, would be constructed over a side channel of San Nicholas Creek to replace an existing dirt crossing which encroaches into the drainage (Exhibit 7).
- 8. Pond Overlook:** Construction of a 72 sq. ft. pond overlook on the southwest edge of Nicholas Pond to meet ADA standards. An informal overlook area already exists here in the shade of several oak trees, which has resulted in the compaction of the soil within the oak protected zones. Several alternatives were considered by the applicant to avoid surface disturbance within the oak canopy/dripline. Due to visitor safety concerns, construction and maintenance limitations, and budget restrictions, the applicant proposes to construct the overlook in its originally proposed location, but has altered the design to minimize impacts to the adjacent oak trees. As proposed, the deck overlook design would minimize potential impacts to the oak root systems by being elevated off the ground and limiting total surface disturbance to six small piers (Exhibit 10). Additional mitigation measures will be employed during construction to avoid impacts.
- 9. Grading:** Approximately 4,262 cu. yds. of grading (2,101 cu. yds. cut, 2,161 cu. yds. fill) is proposed. Over half of the total grading will occur as part of the removal of the existing culvert and its associated fill.

As part of the project, trees and shrubs within project limits will be avoided, to the maximum extent practicable, or salvaged for later use. Approximately 27 coast live oak saplings ranging in size from ½ inch to 4 inches diameter breast height (DBH) could potentially be removed and/or transplanted (Exhibit 12). No mature oak trees are proposed to be impacted (with the exception of the trimming of one significant branch of one oak tree near the culvert removal element of the project) or removed; however, if such action is unavoidable, the tree(s) would be mitigated at a ratio of 10 to 1. Following construction, all temporarily disturbed areas will be stabilized by salvaged vegetation, mulched, or revegetated with native species obtained from a qualified nursery. Where feasible, vegetation within the project footprint will be replanted in post construction cut/fill areas. Vegetation which cannot be saved or salvaged from

construction areas shall be replanted, at a ratio suitable for project success in post construction cut/fill areas.

Standard equipment, including bulldozers, small excavators, small dump trucks, and power and manual wheelbarrows will be used to conduct the proposed work. Minor tasks will be conducted with hand tools, such as shovels, Pulaskis, McLeods, picks, hammers, drills, rock bars, and a grip hoist. Any excess soil will be used as fill along the trail or to restore nearby slopes.

B. BACKGROUND

The site (Nicholas Pond Trail) is located within the Nicholas Flat Natural Preserve, a largely undeveloped area (600 acres) in the northeast portion of Leo Carrillo State Park, along the western end of the Santa Monica Mountains, Los Angeles County (APN 4472-018-901 and APN 4473-002-900) (Exhibits 1-3). Leo Carrillo State Park (SP) is a unit of the Malibu Sector of the Angeles District of the California Department of Parks and Recreation (DPR), and part of, the Point Mugu State Seashore, which extends from Ormond Beach to San Nicholas Canyon. Leo Carrillo SP extends from the Pacific Coast to approximately two miles inland and is accessed from the Pacific Coast Highway (PCH) and Mulholland Highway. Nicholas Pond Trail is accessed from PCH to Decker Canyon Road (Highway 23) to Decker School Road, where there are two entry gates and currently no marked parking spots. The project site was once the homestead site of a ranch which is now gone and any agriculture associated with the old ranch was discontinued prior to the park acquisition.

The proposed project site is located within the Nicholas Canyon watershed, at an elevation of approximately 1,450 feet above sea level. The site's main drainage is via San Nicholas Creek. Approximately 70%, or 627 acres, of San Nicholas Creek falls within the park's boundaries and this watercourse runs north to south, with flows collecting in Nicholas Pond, before continuing downstream. Portions of the creek extending upstream of, and including, the pond are situated on a coastal foothill among gently to moderately sloping flats. South of the pond, flows drop steeply into San Nicholas Canyon and traverse approximately two miles before reaching the Pacific Ocean.

As a natural preserve, the project area supports a variety of habitat types including coast live oak woodland, Venturan coastal sage scrub, nonnative grassland, riparian vegetation, and valley freshwater marsh (Exhibit 11). Five listed/sensitive plants have been historically recorded in the vicinity of Leo Carrillo SP, including Plummer's Mariposa Lily, Orcutt's Pincushion, Santa Susana Tarplant, Santa Monica Mountains Dudleya, and Sonoran Maiden Fern. Suitable habitat is not present in the Nicholas Pond area for three of the aforementioned plants; however, potential habitat for Plummer's Mariposa Lily and Sonoran Maiden Fern exists within the proposed project footprint. Two special-status wildlife species, the monarch butterfly and southern steelhead trout have the potential to exist within the project site; however, field work determined that suitable habitat is not present at Nicholas Flat for either species. The initial site assessment documented the occurrence of the sensitive San Diego mountain

kingsnake at the southern end of the project limits. Mitigation measures will be employed to minimize habitat disturbance and avoid impacts to sensitive plants and wildlife.

The site is located within and immediately adjacent to an existing park day-use area with trails, including Nicholas Pond Trail. During construction, public access along the trail to Nicholas Pond and adjoining areas would be maintained by temporarily rerouting the trailhead off Decker School Road and portions of Nicholas Pond Trail. Additionally, the Nicholas Flat Trail, originating at the entrance station of Leo Carrillo SP and traversing through the main portion of the park, would provide an alternative route to the overlook and pond.

The project site is located in a secluded, upland area of Leo Carrillo SP that is relatively undeveloped, with the exception of some dirt trails/roads, remnant ranching equipment, Native American artifacts, and an asphalt entry road and unmarked parking area. The topography is reasonably flat near Nicholas Pond and surrounded by rolling hills (Exhibit 4). Aside from the proposed parking space at the end of Decker School Road, project elements, including the pedestrian bridges and pond overlook, are not visible from any roads, residences, or businesses. Removal of portions of the existing ranch road will improve the aesthetic character of the site and the new trail will allow park visitors with disabilities the opportunity to access and view portions of the park which were not previously accessible. Therefore, no significant impacts to visual resources will occur.

Leo Carrillo SP contains many cultural resources including archaeological sites and several historic features that are reflective of past land use prior to State ownership in the 1950s. Homesteads were formed in and around the north and west portions of the Park in the 1880s through the 1890s and evolved into a community of small cattle ranches in the 1920s and 1930s. The California Department of Parks and Recreation demolished the complex of structures in 1985. Additionally, Leo Carrillo SP is located in the ethnographic area of the Ventureño Chumash. Archaeological sites at Nicholas Flat include a large habitation site with multiple bedrock milling stations and several lithic features. According to local oral history, rock art may be buried in a rock shelter under the pond and a Native American cemetery feature may have been located nearby. Archaeological and Native American monitoring will be employed to minimize impacts to cultural resources.

C. HAZARDS AND GEOLOGIC STABILITY

Section **30253** of the Coastal Act states, in pertinent part, that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed project area is located at Nicholas Flat where a total of seven different soil types underlie the project area. Near the trailhead entrance, Gilroy clay loam (9-15% slopes, eroded) occurs as a minor component. Along the ranch road, Los Osos clay loam (15-30% slopes, eroded) and Millsholm loam (15-50% slopes) occur. The two series are characterized as well-drained, typical of moderately steep to steep upland. However, the Millsholm soils are subject to faster runoff and pose an overall, higher erosion hazard. Malibu loam (30-50% slopes) is also found at the southern end of the ranch road and is susceptible to erosion. While many of the project elements are intended to reduce erosion, during the construction phase and until revegetated slopes have matured, the project would have a risk of soil erosion without appropriate mitigation measures.

The project site is located in the Malibu/Santa Monica Mountains area, an area historically subject to significant natural hazards including, but not limited to, landslides, erosion, flooding and wild fire. The submitted plans and reports referenced as Substantive File Documents conclude that the project site is suitable for the proposed project based on the evaluation of the site's geology and soils in relation to the proposed development. The reports contain best management practices to be incorporated into the project plans to ensure the stability and geologic safety of the proposed project and the project site. The Commission requires the applicant to comply with the recommendations contained in the applicable reports, to incorporate those recommendations into all final design and construction plans, and to obtain the project engineer's approval of those plans prior to the commencement of construction.

Additionally, to minimize erosion and ensure stability of the project site, the project must include adequate drainage and erosion control measures. In order to achieve these goals, the Commission requires the applicant to submit interim erosion control plans certified by the project engineer.

Further, the Commission finds that, for the project to ensure stability and avoid contributing significantly to erosion, all slopes and disturbed areas of the subject site must be landscaped, primarily with native plants, to stabilize disturbed soils and reduce erosion resulting from the development.

Although the conditions described above render the project sufficiently stable to satisfy the requirements of Section 30253, no project is wholly without risks. Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from natural hazards, including wildfire and erosion, those risks remain substantial here. If the applicant nevertheless chooses to proceed with the project, the Commission requires the applicant to assume the liability from these associated risks. Through the assumption of risk condition, the applicant acknowledges the nature of the fire and/or geologic hazard that exists on the site and that may affect the safety of the proposed development.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30253 of the Coastal Act and as a response to the risks associated with the project:

- Special Condition 1:** Plans Conforming to Engineer's Recommendations
- Special Condition 2:** Assumption of Risk, Waiver of Liability and Indemnity
- Special Condition 5:** Interim Erosion Control Plans & Construction Responsibilities

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

D. ENVIRONMENTALLY SENSITIVE HABITAT

Section **30240** of the Coastal Act protects environmentally sensitive habitat areas (ESHA) by restricting development in and adjacent to ESHA. Section **30240** states:

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

Section **30107.5** of the Coastal Act, defines an environmentally sensitive area as:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

In addition, the Malibu/Santa Monica Mountains LUP provides policy guidance regarding the protection of environmentally sensitive habitats. The Coastal Commission has applied the following relevant policies as guidance in the review of development proposals in the Santa Monica Mountains.

P57 Designate the following areas as Environmentally Sensitive Habitat Areas (ESHAs): (a) those shown on the Sensitive Environmental Resources Map (Figure 6), and (b) any undesignated areas which meet the criteria and which are identified through the biotic review process or other means, including those oak woodlands and other areas identified by the Department of Fish and Game as being appropriate for ESHA designation.

P63 Uses shall be permitted in ESHAs, DSRs, Significant Watersheds, and Significant Oak Woodlands, and Wildlife Corridors in accordance with Table I and all other policies of this LCP.

P68 Environmentally sensitive habitat areas (ESHAs) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential use shall not be considered a resource dependent use.

P69 Development in areas adjacent to environmentally sensitive habitat areas (ESHAs) shall be subject to the review of the Environmental Review Board, shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

P72 Open space or conservation easements or equivalent measures may be required in order to protect undisturbed watershed cover and riparian areas located on parcels proposed for development.

Where new development is proposed adjacent to Environmentally Sensitive Habitat Areas, open space or conservation easements shall be required in order to protect resources within the ESHA.

P74 New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.

P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

P84 In disturbed areas, landscape plans shall balance long-term stability and minimization of fuel load. For instance, a combination of taller, deep-rooted plants and low-growing ground covers to reduce heat output may be used. Within ESHAs and Significant Watersheds, native plant species shall be used, consistent with fire safety requirements.

1. Project Description and Site Specific Biological Resource Information

The proposed project site is located within the Nicholas Canyon watershed, at an elevation of approximately 1,450 feet above sea level. The site's main drainage is via San Nicholas Creek. Approximately 70%, or 627 acres, of San Nicholas Creek falls within the park's boundaries and this watercourse runs north to south, with flows collecting in Nicholas Pond, before continuing downstream. Portions of the creek extending upstream of, and including, the pond are situated on a coastal foothill among gently to moderately sloping flats. South of the pond, flows drop steeply into San Nicholas Canyon and traverse approximately two miles before reaching the Pacific Ocean.

As a natural preserve, the project area supports a variety of habitat types including coast live oak woodland, Venturan coastal sage scrub, nonnative grassland, riparian vegetation, and valley freshwater marsh (Exhibit 11). Five listed/sensitive plants have been historically recorded in the vicinity of Leo Carrillo SP, including Plummer's Mariposa Lily, Orcutt's Pincushion, Santa Susana Tarplant, Santa Monica Mountains Dudleya, and Sonoran Maiden Fern. Suitable habitat is not present in the Nicholas Pond area for three of the aforementioned plants; however, potential habitat for Plummer's Mariposa Lily and Sonoran Maiden Fern exists within the proposed project footprint. Two special-status wildlife species, the monarch butterfly and southern steelhead trout have the potential to exist within the project site; however, field work determined that suitable habitat is not present at Nicholas Flat for either species. The initial site assessment documented the occurrence of the sensitive San Diego mountain kingsnake at the southern end of the project limits. Mitigation measures will be employed to minimize habitat disturbance and avoid impacts to sensitive plants and wildlife.

As part of the project, trees and shrubs within project limits will be avoided, to the maximum extent practicable, or salvaged for later use. Approximately 27 coast live oak saplings ranging in size from ½ inch to 4 inches diameter breast height (DBH) could potentially be removed removed and/or transplanted (Exhibit 12). No mature oak trees are proposed to be impacted (with the exception of the trimming of one significant branch of one oak tree near the culvert removal element of the project) or removed;

however, if such action is unavoidable, the tree(s) would be mitigated at a ratio of 10 to 1. Following construction, all temporarily disturbed areas will be stabilized by salvaged vegetation, mulched, or revegetated with native species obtained from a qualified nursery. Where feasible, vegetation within the project footprint will be replanted in post construction cut/fill areas. Vegetation which cannot be saved or salvaged from construction areas shall be replanted, at a ratio suitable for project success in post construction cut/fill areas.

2. ESHA Designation on the Project Site

Pursuant to Section 30107.5, in order to determine whether an area constitutes an ESHA, and is therefore subject to the protections of Section 30240, the Commission must answer three questions:

- 1) Is there a rare species or habitat in the subject area?
- 2) Is there an especially valuable species or habitat in the area, which is determined based on:
 - a) whether any species or habitat that is present has a special nature, OR
 - b) whether any species or habitat that is present has a special role in the ecosystem;
- 3) Is any habitat or species that has met either test 1 or test 2 (i.e., that is rare or especially valuable) easily disturbed or degraded by human activities and developments?

If the answers to questions one or two and question three are “yes”, the area is ESHA.

The project site is located within the Mediterranean Ecosystem of the Santa Monica Mountains. The Coastal Commission has found that the Mediterranean Ecosystem in the Santa Mountains is rare, and valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. Large, contiguous, relatively pristine areas of native habitats, such as coastal sage scrub, chaparral, oak woodland, and riparian woodland have many special roles in the Mediterranean Ecosystem, including the provision of critical linkages between riparian corridors, the provision of essential habitat for species that require several habitat types during the course of their life histories, the provision of essential habitat for local endemics, the support of rare species, and the reduction of erosion, thereby protecting the water quality of coastal streams. Additional discussion of the special roles of these habitats in the Santa Monica Mountains ecosystem are discussed in the March 25, 2003 memorandum prepared by the Commission’s Ecologist, Dr. John Dixon¹ (hereinafter “Dr. Dixon Memorandum”), which is incorporated as if set forth in full herein.

¹ The March 25, 2003 Memorandum Regarding the Designation of ESHA in the Santa Monica Mountains, prepared by John Dixon, Ph. D, is available on the California Coastal Commission website at <http://www.coastal.ca.gov/ventura/smm-asha-memo.pdf>

Unfortunately, the native habitats of the Santa Monica Mountains, such as coastal sage scrub, chaparral, oak woodland and riparian woodlands are easily disturbed by human activities. As discussed in the Dr. Dixon Memorandum, development has many well-documented deleterious effects on natural communities of this sort. These environmental impacts may be both direct and indirect and include, but certainly are not limited to, the effects of increased fire frequency, of fuel modification, including vegetation clearance, of introduction of exotic species, and of night lighting. Increased fire frequency alters plant communities by creating conditions that select for some species over others. The removal of native vegetation for fire protection results in the direct removal or thinning of habitat area. Artificial night lighting of development affects plants, aquatic and terrestrial invertebrates, amphibians, fish, birds and mammals. Thus, large, contiguous, relatively pristine areas of native habitats, such as coastal sage scrub, chaparral, oak woodland, and riparian woodlands are especially valuable because of their special roles in the Santa Monica Mountains ecosystem and are easily disturbed by human activity. Accordingly, these habitat types meet the definition of ESHA. This is consistent with the Commission's past findings in support of its actions on many permit applications and in adopting the Malibu LCP².

As described above, the project site contains sensitive habitats that are part of a large, contiguous block of pristine native vegetation. As discussed above and in the Dr. Dixon Memorandum, this habitat is especially valuable because of its special role in the ecosystem of the Santa Monica Mountains and it is easily disturbed by human activity. Five communities deemed sensitive by CDFG (coast live oak woodland, Venturan coastal sage scrub coast, southern willow scrub, nonnative grassland, and valley freshwater marsh) were recorded within or adjacent to San Nicholas Creek and San Nicholas Pond. Further, the Malibu/Santa Monica Mountains LUP designate the riparian areas on the project site as Environmentally Sensitive Habitat Area (ESHA). Accordingly, the Commission finds that the habitat on the project site meets the definition of ESHA in the Coastal Act.

3. Mitigation Measures

As part of the project, the applicant proposes to have a biologist present for both the pre-construction and construction phases to review grading plans, address resource issues, monitor ongoing work, and survey for sensitive species.

4. Protection of Oaks

The project site contains oak woodland that meets the definition of ESHA. Through past permit actions in the Santa Monica Mountains, the Commission has found that native oak trees are an important coastal resource, especially where they are part of a larger woodland or other habitat area that is ESHA. As required by Section 30250 of the Coastal Act, the proposed new development can be approved only where it will not have impacts on coastal resources. Additionally, oak trees are an important component

² Revised Findings for the City of Malibu Local Coastal Program (as adopted on September 13, 2002) adopted on February 6, 2003.

of the visual character of the area and must be protected in order to ensure that the proposed development is visually compatible with this character, as required by Section 30251 of the Coastal Act. Furthermore, native trees prevent the erosion of hillsides and stream banks, moderate water temperatures in streams through shading, provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife. Individual oak trees such as those on or adjacent to the subject site do provide habitat for a wide variety of wildlife species and are considered to be an important part of the character and scenic quality of the area.

Oak trees are easily damaged. They are shallow-rooted and require air and water exchange near the surface. The oak tree root system is extensive, extending as much as 50 feet beyond the spread of the canopy, although the area within the "protected zone" (the area around an oak tree that is five feet outside the dripline or fifteen feet from the trunk, whichever is greater) is the most important. Oaks are therefore sensitive to surrounding land uses, grading or excavation at or near the roots and irrigation of the root area particularly during the summer dormancy. Improper watering, especially during the hot summer months when the tree is dormant and disturbance to root areas are the most common causes of tree loss. Oak trees in residentially landscaped areas often suffer decline and early death due to conditions that are preventable. Damage can often take years to become evident and by the time the tree shows obvious signs of disease it is usually too late to restore the health of the tree.

Obviously, the removal of an oak tree results in the total loss of the habitat values of the tree. Encroachments into the protected zone of an oak tree can also result in significant adverse impacts. Changes in the level of soil around a tree can affect its health. Excavation can cut or severely damage roots and the addition of material affects the ability of the roots to obtain air or water. Soil compaction and/or pavement of areas within the protected zone will block the exchange of air and water through the soil to the roots and can have serious long term negative effects on the tree.

In order to ensure that oak trees are protected so that development does not have impacts on coastal resources and so that the development is compatible with the visual character of the area, the Commission has required, in past permit actions, that the removal of native trees, particularly oak trees, or encroachment of structures into the root zone be avoided unless there is no feasible alternative for the siting of development.

The Oak Tree Assessment, listed in the Substantive File Documents, indicates that a total of 27 coast live oak saplings, ranging in size from ½ inch to 4 inches diameter breast height (DBH), could potentially be removed. These saplings are found along the ranch road from the trailhead to the end of the proposed road/trail conversion segment. Oak woodland was also recorded around, and extending beyond, the area of the culvert and the two future bridges. It is anticipated that work would be conducted around the larger oaks, which are typically widely spaced; however, due to the density and distribution of the smaller coast live oaks, up to 27 could be unavoidably impacted.

Construction activities at the pond overlook will also encroach into the canopy/dripline of two oak trees; however, the applicant has modified the design of the overlook to

minimize impacts to the oak trees. Several alternatives were considered by the applicant to avoid surface disturbance within the oak canopy/dripline. Due to visitor safety concerns, construction and maintenance limitations, and budget restrictions, the applicant proposes to construct the overlook in its originally proposed location, but has altered the design to minimize impacts to the adjacent oak trees. As proposed, the deck overlook design would minimize potential impacts to the oak root systems by being elevated off the ground and limiting total surface disturbance to six small piers (Exhibit 10). An informal overlook area already exists here in the shade of several oak trees, which has resulted in the compaction of the soil within the oak protected zones. The placement of the proposed deck would direct visitors and minimize compaction of the oak canopy in nearby areas. Additional mitigation measures will be employed during construction to avoid impacts such as the use of hand tools to avoid disturbance to the root system.

The project includes temporary encroachments within (in other words, portions of the proposed structures will be located within) the protected zone of oak tree(s) on or adjacent to the site. The "protected zone" is defined as the area around an oak tree that is five feet outside the dripline or fifteen feet from the trunk, whichever is greater. Encroachments of development will result in impacts including, but limited to: root cutting or damage, compaction, trunk or branch removal or trimming, changes in drainage patterns, and excess watering. Further, the introduction of development within a woodland will interrupt the oak canopy coverage and will lessen the habitat value of the woodland as a whole. The impacts to individual oak trees range from minor to severe lessening of health, (including death) depending on the location and extent of the encroachments. In this case, the proposed encroachments are relatively minor/temporary in nature and are not anticipated to adversely impact the health of the oak trees. It is unlikely that it will significantly injure the trees' health or result in their

Given the location of the individual oak trees on or adjacent to the project site, there is a potential for trimming of mature oak trees. In this case, the potential encroachment(s) above the existing culvert are substantial and it is possible that this tree will experience lessened health and possible death as a result. Therefore, the Commission requires the applicant to mitigate these impacts in the form of planting ten replacement trees for every tree impacted. Resource specialists studying oak restoration have found that oak trees are most successfully established when planted as acorns collected in the local area or seedlings grown from such acorns. The Commission has found, through permit actions, that it is important to require that replacement trees be seedlings or acorns. Many factors, over the life of the restoration, can result in the death of the replacement trees. In order to ensure that adequate replacement is eventually reached, it is necessary to provide a replacement ratio of ten replacement trees for every tree removed or impacted to account for the mortality of some of the replacement trees. If there is suitable area on the project site, replacement trees should be provided on-site.

Finally, the Commission finds that impacts to oak trees on the project or adjacent site will be minimized by employing protective measures during project construction. The applicant shall follow the oak tree preservation recommendations contained in the Oak Tree Report referenced in the substantive file documents. Additionally, the Commission requires the applicant to install temporary protective barrier fencing around the

protected zones (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of all oak trees and retained during all construction operations. If required construction operations cannot feasibly be carried out in any location with the protective barrier fencing in place, then temporary flagging must be installed on all oak trees to ensure protection during construction. Further, the Commission requires that a biological consultant, arborist, or other resource specialist shall be present on-site during all construction operations on site and shall be directed to immediately notify the Executive Director if unpermitted activities occur or if any oak trees are damaged, removed, or impacted beyond the scope of the work allowed by this coastal development permit. This monitor will have the authority to require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30240 of the Coastal Act:

Special Condition 3: Biological Monitoring

Special Condition 4: Oak Tree Mitigation

Special Condition 5: Interim Erosion Control Plans and Construction Responsibilities

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30240 of the Coastal Act.

E. WATER QUALITY

Section **30231** of the Coastal Act states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality and aquatic resources because changes such as the removal of native vegetation, the increase in impervious surfaces, and the introduction of new uses cause increases in runoff, erosion, and sedimentation, reductions in groundwater recharge and the introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutants, as well as effluent from septic systems.

The proposed project site is located within the Nicholas Canyon watershed, at an elevation of approximately 1,450 feet above sea level. The site's main drainage is via San Nicholas Creek, a blue-line stream. Approximately 70%, or 627 acres, of San Nicholas Creek falls within the park's boundaries and this watercourse runs north to

south, with flows collecting in Nicholas Pond, before continuing downstream to the Pacific Ocean. Discharges into San Nicholas Creek exhibit strong seasonal fluctuations in response to winter rains and the potential for radically reduced flows during the summer.

A Hydrology Analysis prepared by Engineering Geologist Cynthia Walk on March 4, 2008, reports that the existing Nicholas Pond Trail utilizes a system of former ranching roads to reach Nicholas Pond. These ranch roads were constructed to access portions of the ranch and did not take into regard the natural resources or hydrology of the site. The trail has deteriorated and impacted the hydrology of San Nicholas Creek; primarily, the culvert/fill in the streambed crossing has lead to a damming effect and erosion problems at the crossing location.

The objective of the proposed culvert/fill removal is to restore the natural stream profile of San Nicholas Creek and its side channel. Upstream of the first bridge crossing, an existing culvert and accompanying fill would be removed to eliminate an in-stream obstruction, reestablish natural flows, and prevent head-cutting below the pipe. A series of rock steps would also be installed upstream and downstream of the culvert to control the grade, reduce the intensity of flows, and minimize overall erosion (Exhibit 7). Additionally, in the area of the second bridge crossing, the channel would be graded and rock step pools would be installed to prevent head-cutting and to stabilize the stream profile (Exhibit 7). The installation of the two pedestrian bridges will also remove visitor use outside the streambed and bank.

According to a report by Brian R. Merrill, C.E.G. (Senior Engineering Geologist) of the C DPR, the procedures for assessment and excavation of the backcountry stream crossing that would be implemented at the culvert crossing along San Nicholas Creek are as follows:

Small vegetation growing on the surface of the backwater deposit will be removed and set aside for later use. Once clear, a longitudinal survey will be conducted from 100 ft. upstream of the uppermost recognizable backwater deposits downstream the site, a minimum of 50 ft. downstream of the crossing. The results will be plotted to determine the probable depth of backwater deposits at given points along the stream and to indicate whether a significant grade change occurs between the upstream and downstream reaches.

The cross sectional morphology of the stream valley and floodplain surfaces will be characterized visually using presumed undisturbed slopes and surfaces upstream of the backwater deposit. Slope angle, length, and shape will be considered. The floodplain and active channel dimensions will be estimated using the dimensions and plan form of their upstream counterparts. For the floodplain, the width and cross-sectional slope will be considered. For the active channel, the width, depth, and sinuosity will be considered.

Once the depth of the backwater deposit is estimated and the valley/floodplain plan form has been characterized, the excavation will begin at the upstream end of the backwater deposit. Excavation will be conducted using a medium capacity excavator and a small dozer. The excavator will remove small shrubs and other minor vegetation within the treatment footprint and stockpile it nearby for mulch. The excavator will conduct the excavations, feeding material to the dozer which will push the materials to an adjacent stable fill site. Fill required at other locations within the project area will be stockpiled for

later transport. The excavator will excavate through the backwater deposit seeking to uncover floodplain and active channel deposits. Using subsurface indicators, if present, coupled with estimated dimensions and plan form, the backwater deposit will be completely removed. As the excavation proceeds, the excavator will replace any large woody debris onto the floodplain that was removed prior to excavation. Smaller vegetative mulch will be replaced by the hand crew following heavy equipment operations.

Removal of the culvert crossing and upstream sediment plug will greatly reduce sediment loading into Nicholas Pond. Minor channel adjustments following construction may rearrange coarse sediment within the treatment reach, but transport of coarse sediment downstream into Nicholas Pond is not likely to exceed pre-disturbance loading. As the floodplain function is restored, fine sediment in transport from higher in the watershed will be trapped on those surfaces, further reducing the fine sediment loads downstream.

The stream improvements will be conducted by in-house (California Department of Parks and Recreation) staff and experts. A professional, experienced team of State Park staff will supervise construction activities on a full-time basis. The applicant states that this team and aforementioned process has been used successfully for multiple culvert removals, road to trail conversions, and stream restoration projects located throughout the State Park system.

Construction activities within the creek shall be conducted during the no/low flow season, from April 16 to October 14, to minimize impacts to the creek. Therefore, use of a secondary diversion system is not anticipated. However, avoidance/minimization measures for the project include a contingency plan should field conditions warrant the diversion of creek flows due to unforeseen rainfall. Under such circumstances, the simplest design, requiring the least amount of ground disturbance, would be implemented. The preferred alternative would consist of a small upstream earthen berm and piping that would divert water around the worksite and deliver flows back into the channel below the area of disturbance. Additionally, during any rainfall event, construction would be suspended until waters returned to no/low flow volumes.

To avoid adverse impacts to water quality, all project elements will comply with all applicable water quality control standards during and post construction. The applicant proposes to use Best Management Practices (BMP's) to support areas with a risk of soil erosion or landslides and to protect waterways from accidental discharge/sedimentation into the creek, including: The Stormwater Best Management Practice Handbook for Construction (California Stormwater Quality Association, January 2003), California State Parks Trails Handbook, Best Management Practices for Road Rehabilitation "Road to Trail Conversion" and Best Management Practices for Road Rehabilitation "Stream Crossing Removal".

In addition, permits will be acquired from the appropriate regulating agencies including Army Corps of Engineers, California Department of Fish and Game, and the Regional Water Quality Control Board. **Special Condition No. 6** requires the applicant to submit, for the review and approval of the Executive Director, evidence of final required

approval from the Army Corps of Engineers prior to commencement of any construction activities.

In order to minimize the potential for such adverse impacts to water quality and aquatic resources resulting from runoff both during construction and in the post-development stage, the Commission requires the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site, including: 1) site design, source control and/or treatment control measures; 2) implementing erosion sediment control measures during construction and post construction; and 3) revegetating all graded and disturbed areas with primarily native landscaping.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30231 of the Coastal Act:

Special Condition 5: Interim Erosion Control Plans and Construction Responsibilities

Special Condition 6: Required Approvals

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

E. Archaeological Resources

Section 30244 of the Coastal Act states that:

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

Archaeological resources are significant to an understanding of cultural, environmental, biological, and geological history. The proposed development is located in a region of the Santa Monica Mountains which contains one of the most significant concentrations of archaeological sites in southern California. The Coastal Act requires the protection of such resources to reduce the potential adverse impacts through the use of reasonable mitigation measures.

Degradation of archaeological resources can occur if a project is not properly monitored and managed during earth moving activities and construction. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be permanently lost. In the past, numerous archaeological sites have been destroyed or damaged as a result of development. As a result, the remaining sites, even though often less rich in materials, have become increasingly valuable as a resource. Further, because archaeological sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites which remain intact.

In this case, three previously recorded archaeological resources (CA-LAN-2264, P-19-10001, UCLA-SFS-2000-1) and one significant archaeological site (CA-LAN-49) are located within or immediately adjacent to the project area. A records review and site history research was performed by Marla Mealey and Barbara Tejada on June 24, 2008 and updated in 2009 (Exhibit 13). The review states that:

Site-CA-LAN-2264 is a bedrock outcrop containing mortar holes, cupules, and a low density artifact scatter. P-19-10001 is an isolated brown chert flake and a white chert chunk. UCLA-SFS-2000-1 is a lithic scatter consisting of chert and obsidian debitage and at least one bifacial stone tool fragment. None of these archaeological resources have been tested or evaluated for significance.

There is a large, significant archaeological site, CA-LAN-49, located just south of the current project area. This site contains areas of bedrock grinding including slicks and mortars, midden, scattered artifacts, and reported but undocumented human burials and rock art.

In addition, there is a collection of potentially historic ranching features and equipment located within the project area. These ranching resources have not been recorded or evaluated for significance.

Additionally, Site CA-LAN-2264 is potentially eligible for nomination or listing:

Site has not been previously tested or evaluated, however, its probable association with nearby site CA-LAN-49, a significant upland habitation site that is unusual in this area, indicated that there is a level of significance that should be evaluated. Additionally, the small "cupule" grinding holes in the bedrock outcrop here may be a form of rock art that could be considered ceremonial and sacred. Some cupules are evidence of geophagy, which can be either medicinal or ceremonial ingesting of soils or ground up rock.

The existing trail and proposed reroute section on the east side of San Nicholas Creek fall within the boundaries of the archaeological site (CA-LAN-2264). The archaeological testing program completed as part of the aforementioned study examined extent and content of the deposit along the proposed trail reroute. Based on the limited amount of material recovered during the testing (only 13 flakes of debitage) and observed during the survey (9 flakes of debitage), the site appears to be a sparse lithic scatter without much depth. It does not appear to contain significant cultural deposits, materials, or features other than the mortar and cupule rocks, which are outside the proposed project area.

Archaeological Site CA-LAN-49 is approximately 98 feet to the south of the project area. This large site consists of multiple bedrock grinding features, dense midden deposits, scattered artifacts, and rumored rock art and human remains. The site was tested by UCLA in 2000 and found to contain a deep deposit containing ground and chipped stone tools, lithic debitage, bone tools, a shell disk bead, and bone and shell subsistence remains.

The proposed work areas are located on and adjacent to a site where archaeological resource sites (CA-LAN-49, CA-LAN-2264) have been identified and recorded. Much of the proposed work will be located in areas that have been previously disturbed by

development of a ranch. Nonetheless, archaeological resources could be discovered during implementation of the project. As such, the Commission finds that potential adverse effects may occur to those resources as a result of the proposed project and that; therefore, reasonable mitigation measures should be required pursuant to Section 30244 of the Coastal Act.

In past permit actions regarding development on sites containing potential cultural resources the Commission has required that a qualified archaeologist and appropriate Native American consultant be present on-site during all grading, excavation, and site preparation that involve earth moving operations in order to ensure that adverse effects to archaeological resources are minimized during operations that involve earth moving or subsurface activities. **Special Condition No. 7** requires the applicant to have a qualified archaeologist(s) and appropriate Native American consultant(s) present on-site during all grading, excavation or other subsurface work, including trail grading, in order to monitor these activities. In addition, if any significant archaeological resources are discovered during construction, work shall be stopped and an appropriate data recovery strategy shall be developed by the applicant's archaeologist, and the Native American consultant consistent with California Environmental Quality Act (CEQA) guidelines

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30244 of the Coastal Act:

Special Condition 7: Archaeological Monitoring

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30244 of the Coastal Act.

F. PUBLIC ACCESS AND RECREATION

Coastal Act Section **30210** states:

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

Coastal Act Section **30212.5** states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Coastal Act Section **30213** states:

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

Coastal Act Section 30223 states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Coastal Act Section 30252 states:

The location and amount of new development should maintain and enhance public access to the coast by...(6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The Coastal Act mandates that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Additionally, the Coastal Act mandates that lower cost visitor and recreational facilities, such as public hiking and equestrian trails, shall be protected, encouraged, and provided, where feasible.

In the Malibu/Santa Monica Mountains area, the existing system of heavily used historic trails located on private property has been adversely impacted by the conversion of open lands to housing. In an effort to preserve and formalize the public's right to use these trails, Los Angeles County adopted the Riding and Hiking Trails Master Plan for the Santa Monica Mountains, which is adopted by ordinance into the highway element of the County's 1982 General Management Plan for the Santa Monica Mountains National Recreation Area as updated in 1984 as the Land Protection Plan. The trail system is mapped as part of the 1986 certified Land Use Plan (LUP) for the Malibu/Santa Monica Mountains Area, a component of the County's Local Coastal Program. This trail system has become an important and commonly used recreational asset and a means of providing access to and links between natural, scenic, and recreational areas in the mountains.

The project site is located within and immediately adjacent to an existing park day-use area (Leo Carrillo SP) with trails, including Nicholas Pond Trail. Park safety, maintenance and other operations personnel currently manage the site. During construction, public access along the trail to Nicholas Pond and adjoining areas would be maintained by temporarily rerouting the trailhead off Decker School Road and portions of Nicholas Pond Trail. Additionally, the Nicholas Flat Trail, originating at the entrance station of Leo Carrillo SP and traversing through the main portion of the park, would provide an alternative route to the overlook and pond.

Although there is the potential for short-term impacts to public access and recreation on Nicholas Pond Trail during construction, the trail will remain open for public access and recreation. Furthermore, over the long-term, the new trail will allow park visitors with disabilities the opportunity to access and view portions of the park which were not previously accessible.

The Commission therefore finds that the proposed project, as conditioned, is consistent with Sections 30210, 30212.5, 30213, 30223, and 30252 of the Coastal Act.

G. LOCAL COASTAL PROGRAM PREPARATION

Section **30604(a)** of the Coastal Act states:

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

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

Special Conditions 1 through 7

Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed in detail above, the proposed project, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation

measures which will minimize all adverse environmental effects have been required as special conditions.

The following special conditions are required to assure the project's consistency with Section 13096 of the California Code of Regulations:

Special Conditions 1 through 7

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

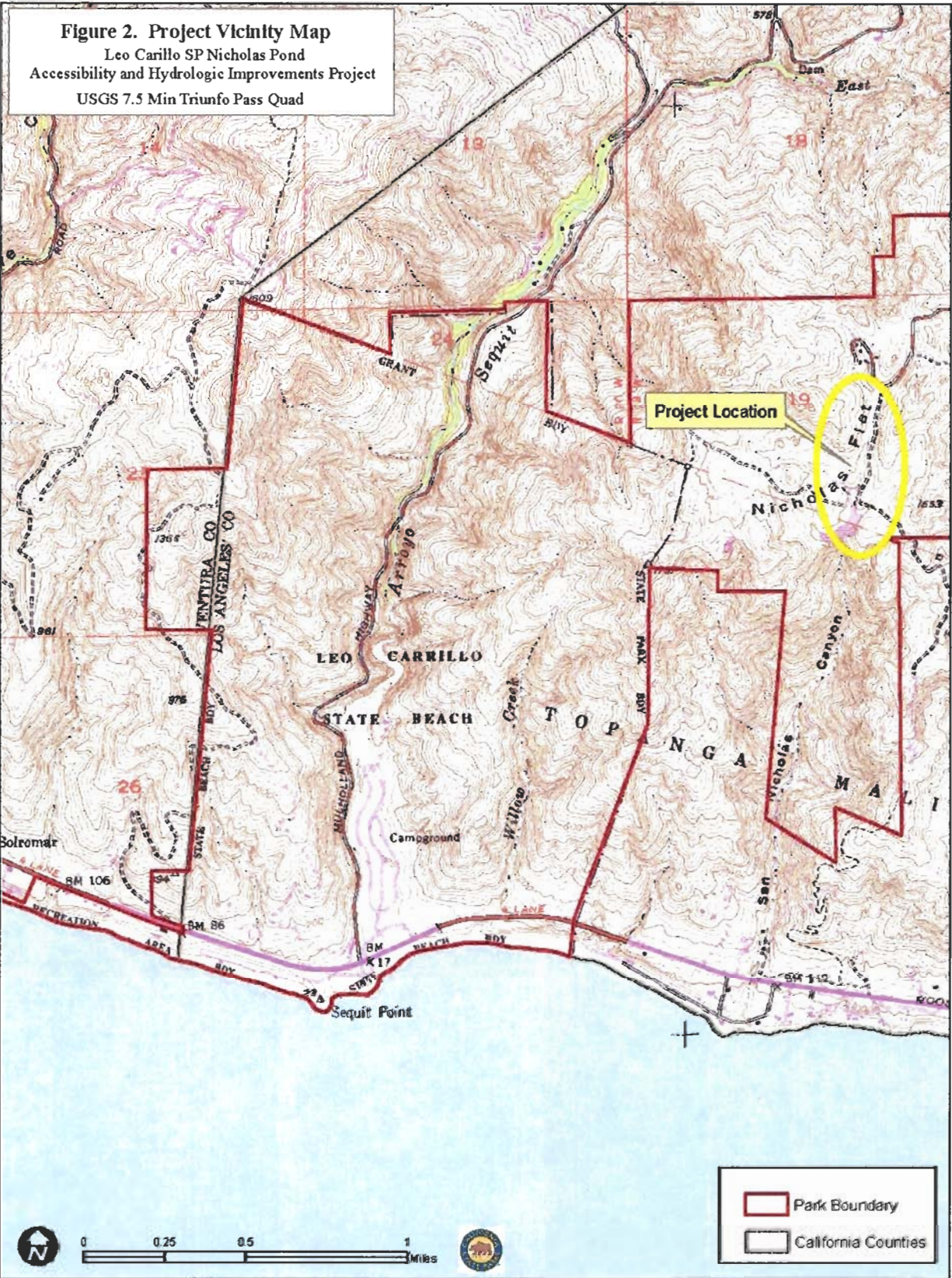
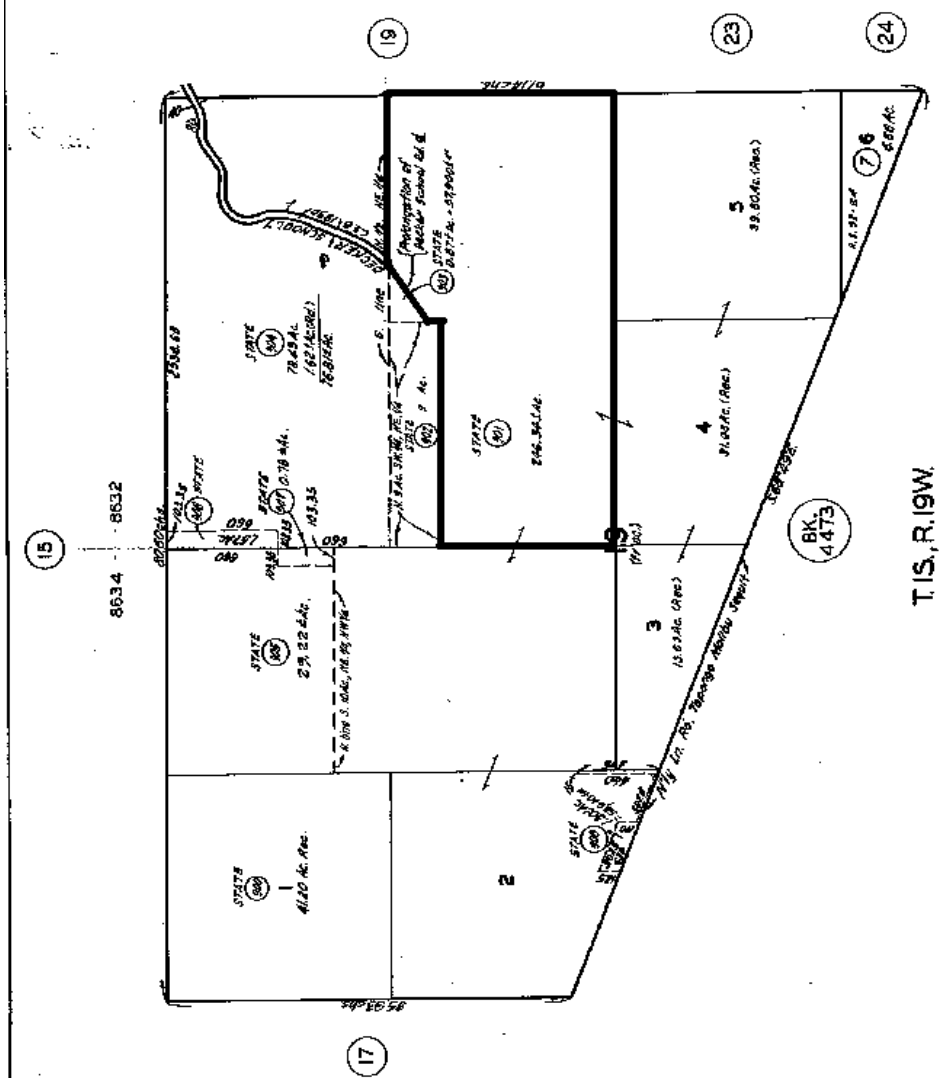


EXHIBIT 1
 Permit 4-10-036
 Vicinity Map

Rechecked
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 1-8-64
 5-20-64
 09-02-74
 7-07-76
 10-01-76 and
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 78002543



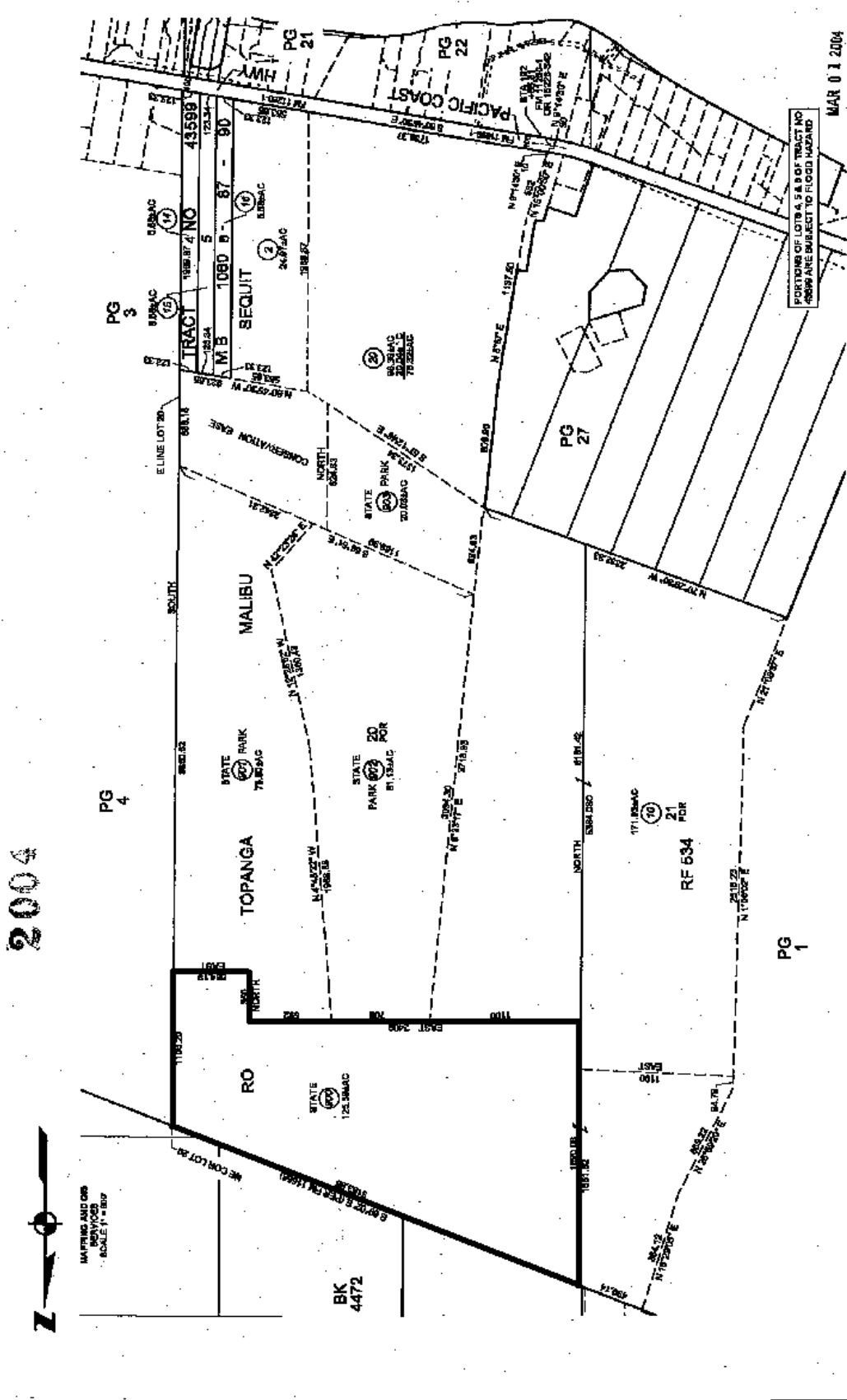
4472 18
 SCALE 1" = 600'

CODE
 8634
 8635
 8632

FOR PREV. ASSMT. SEE:
 4472 -18

ASSESSOR'S MAP
 COUNTY OF LOS ANGELES, CALIF.

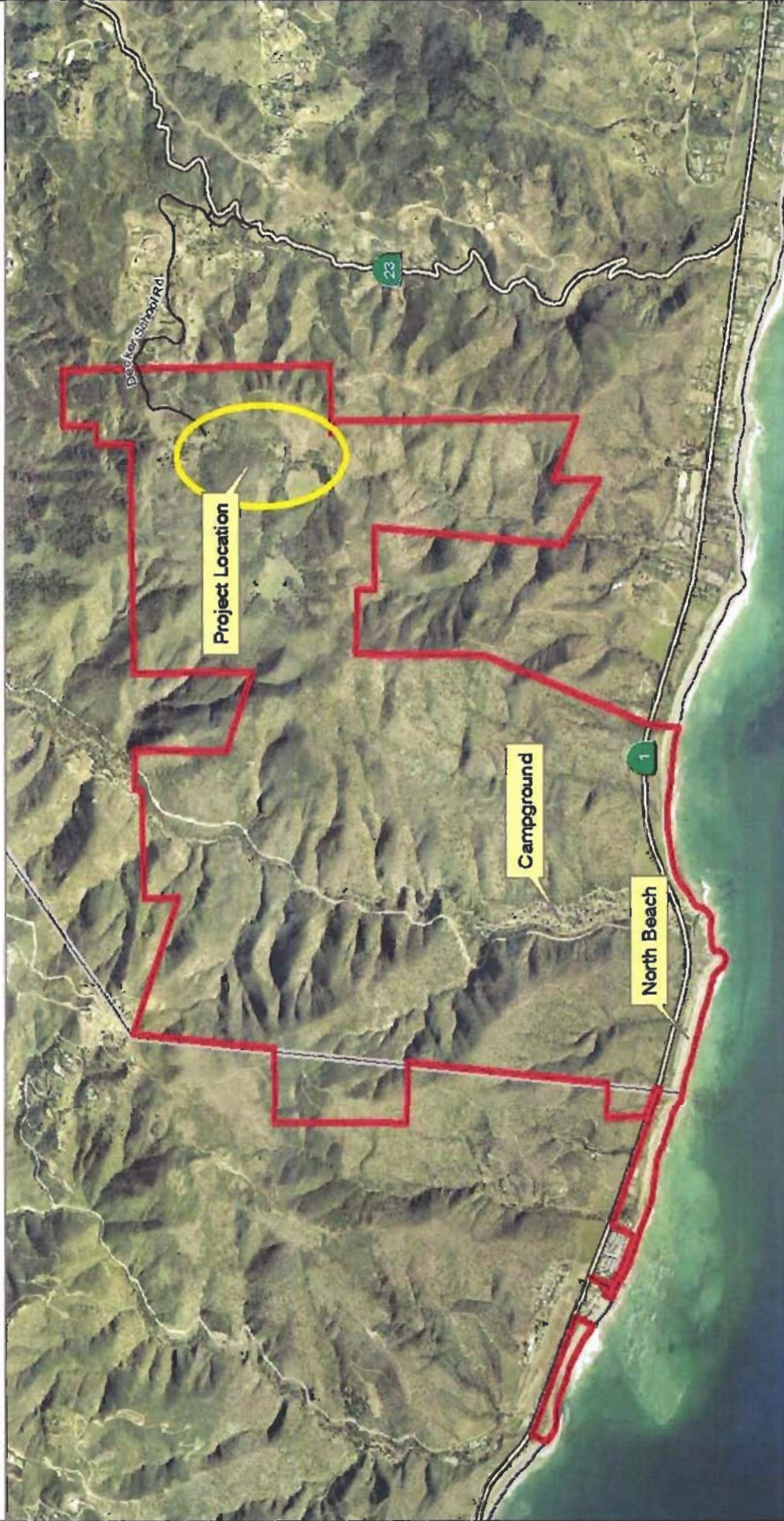
EXHIBIT 2
 Permit 4-10-036
 Parcel Map (Pg. 1 of 2)



2004

PORTIONS OF LOTS 4, 5 & 9 OF TRACT NO 43589 ARE SUBJECT TO FLOOD HAZARD
MAR 01 2004

Figure 3. Aerial Photo
Leo Carrillo SP Nicholas Pond
Accessibility and Hydrologic Improvements Project



Park Boundary
California Counties



Project Photos

March 14, 2008



Road to trail conversion section



View of Nicholas Pond



Erosion occurring along existing road



View of existing culvert to be removed



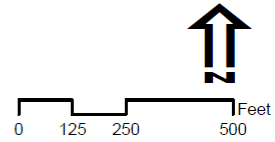
Road removal section



California Department of
Parks and Recreation
Accessibility Section

NICHOLAS POND TRAIL ACCESSIBILITY IMPROVEMENTS Leo Carrillo State Park

Drawn by: Jason Spann
10/19/10



Proposed Trail Length = .7 miles

Legend

- Parking
- Overlook
- Information Sign
- Trail Removal
- Trail Resurface
- Road Removal
- Bridge
- Trail Reconstruction
- Road to Trail Conversion
- Boardwalk
- Existing Trail
- Trail Reroute

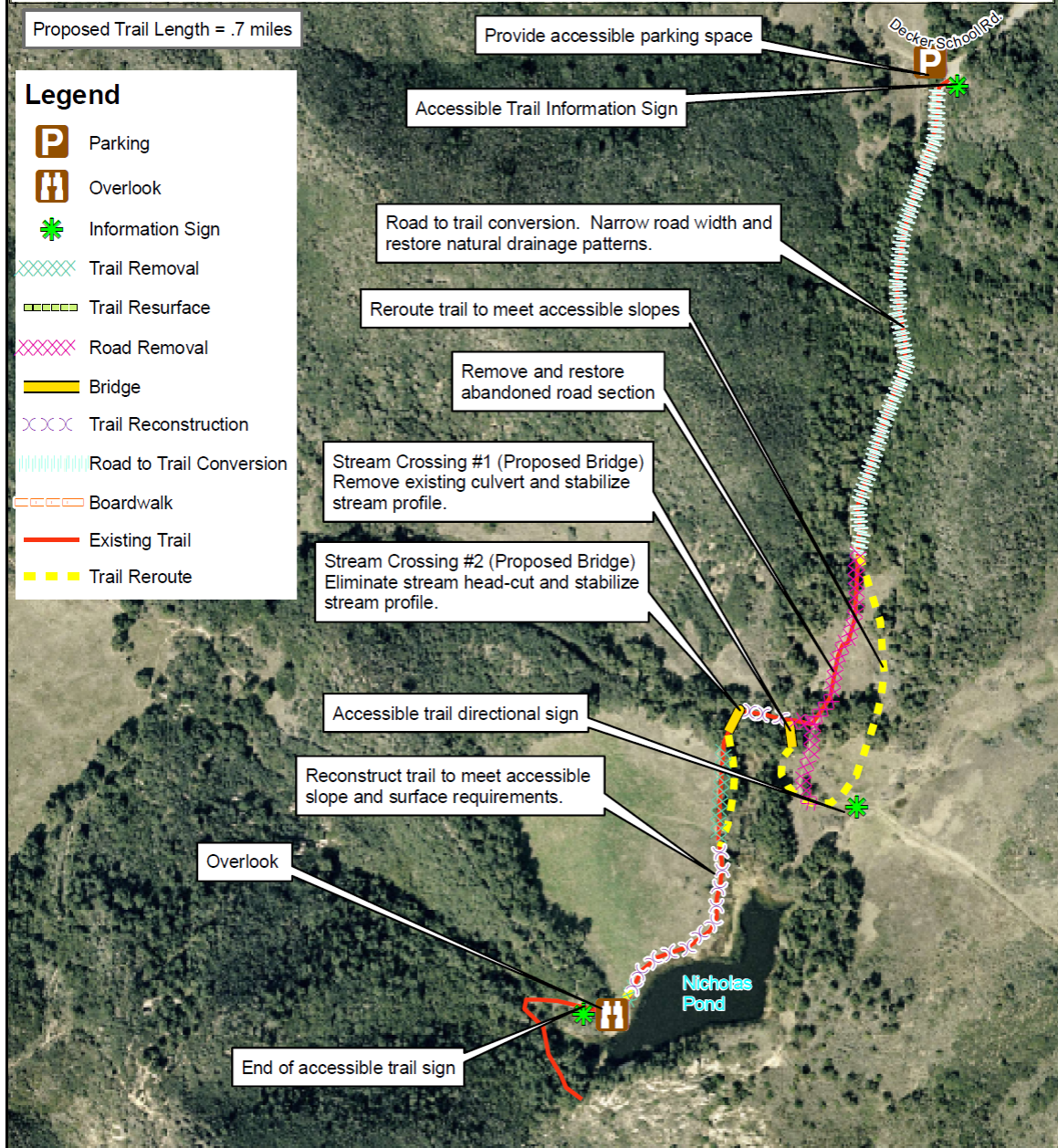


EXHIBIT 5
Permit 4-10-036
Site Plan



ACQUISITION &
DEVELOPMENT DIVISION
One Capitol Mall
Sacramento, CA
95833

<p>THE STATE OF CALIFORNIA Department of Parks and Recreation Division of Acquisition & Development Sacramento, CA</p>	<p>DATE: 10/15/2010 TIME: 10:00 AM BY: J. SPANGL S. SPANGL</p>
<p>PROJECT: TRAILHEAD PARKING AREA SHEET NO. L3</p>	<p>DATE: 10/15/2010 TIME: 10:00 AM BY: J. SPANGL S. SPANGL</p>
<p>DESIGNED BY: J. SPANGL CHECKED BY: S. SPANGL DATE: 10/15/2010 TIME: 10:00 AM</p>	<p>DATE: 10/15/2010 TIME: 10:00 AM BY: J. SPANGL S. SPANGL</p>

LEO CARRILLO STATE PARK
NICHOLAS POND TRAIL ACCESSIBILITY IMPROVEMENTS
TRAILHEAD PARKING AREA

DRAWING NO. XXXXXXXX
SHEET NO. L3
XXX OF XX

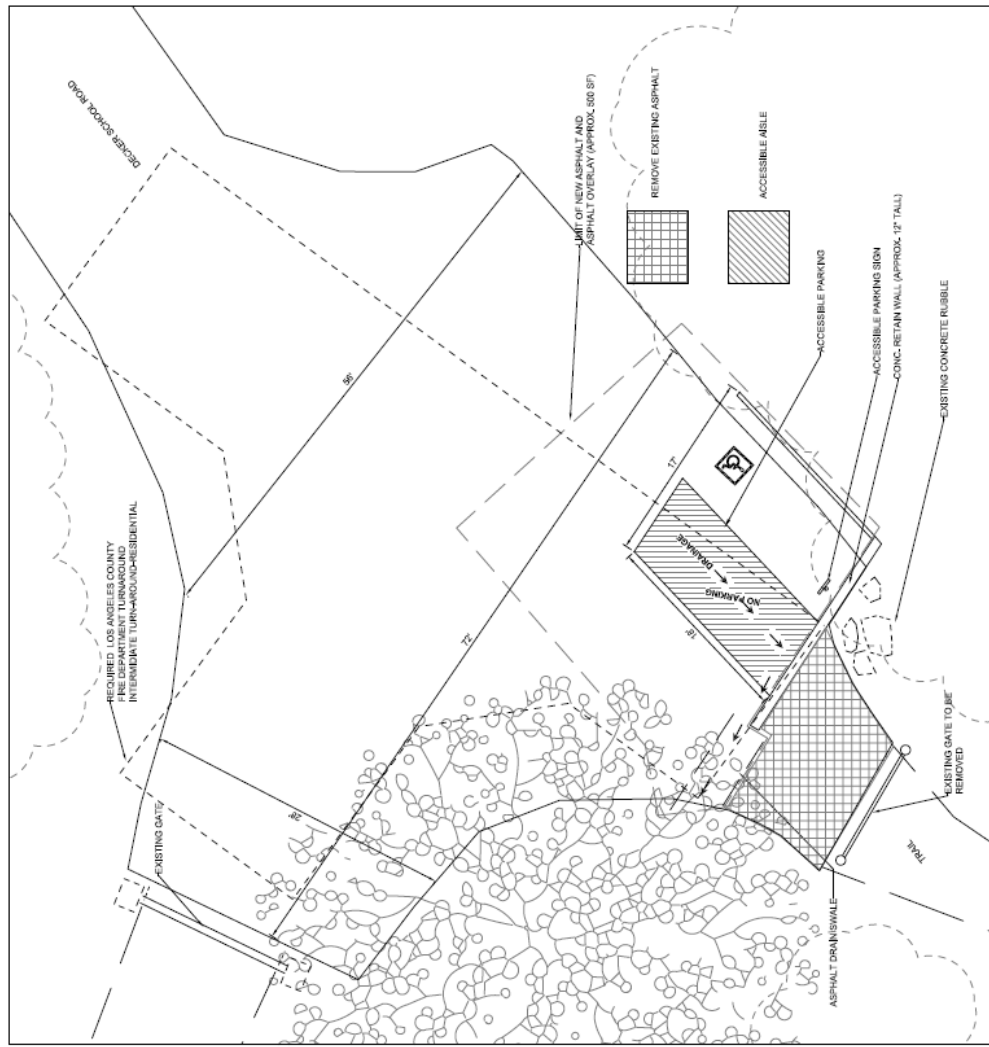
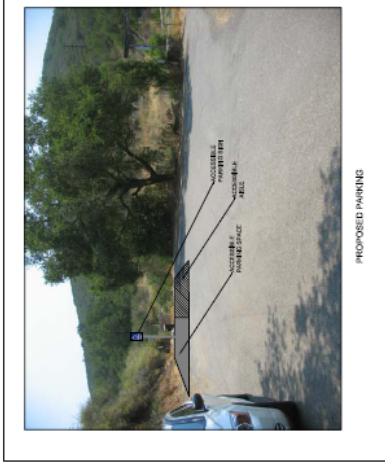


EXHIBIT 6
Permit 4-10-036
Trailhead Parking Area Plans

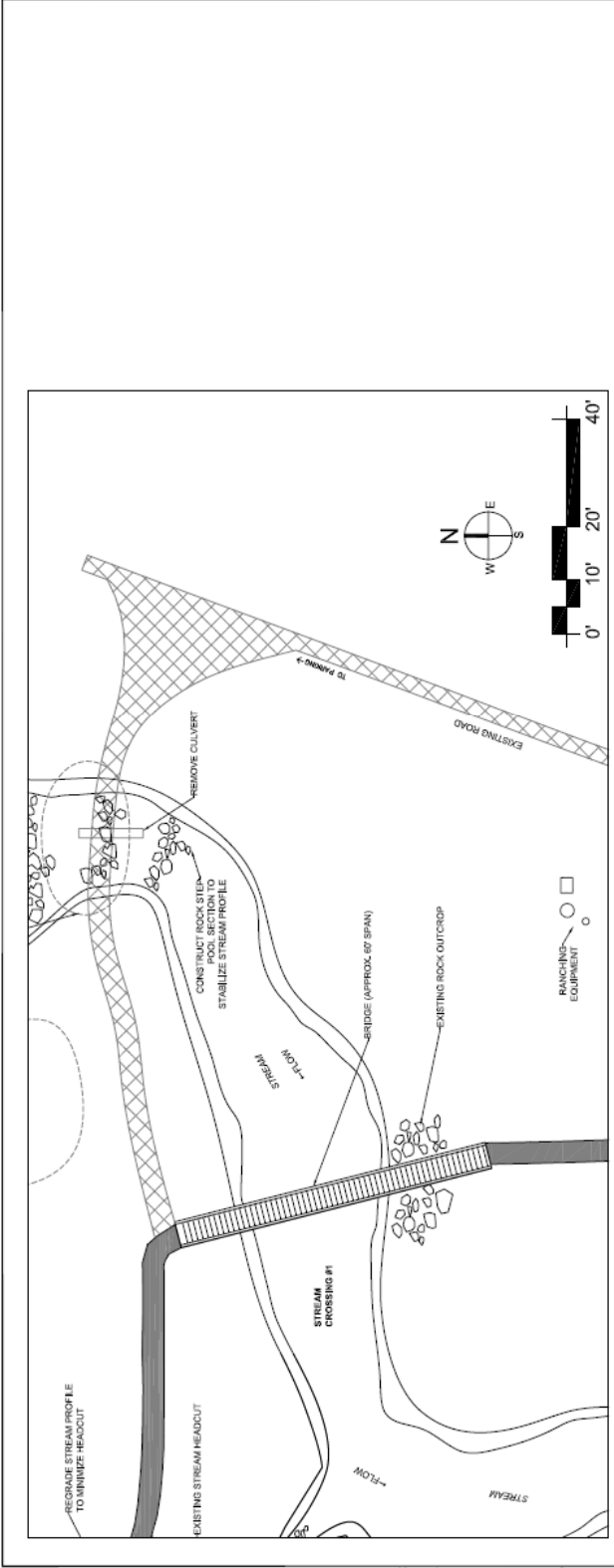


ACQUISITION &
DEVELOPMENT DIVISION
One Capital Mall
Sacramento, CA
95833-0002

PROJECT NO. 4-10-036
DRAWING NO. XXXX-XXX
SHEET NO. L5
XXX OF XX

LEO CARRILLO STATE PARK
NICHOLAS POND TRAIL ACCESSIBILITY IMPROVEMENTS
STREAM CROSSING #1

DESIGNED BY: J. SPANN
CHECKED BY: S. NAVRATH
DATE: 12/10/09
REVISIONS: DATE



EXAMPLE OF BRIDGE CROSSING

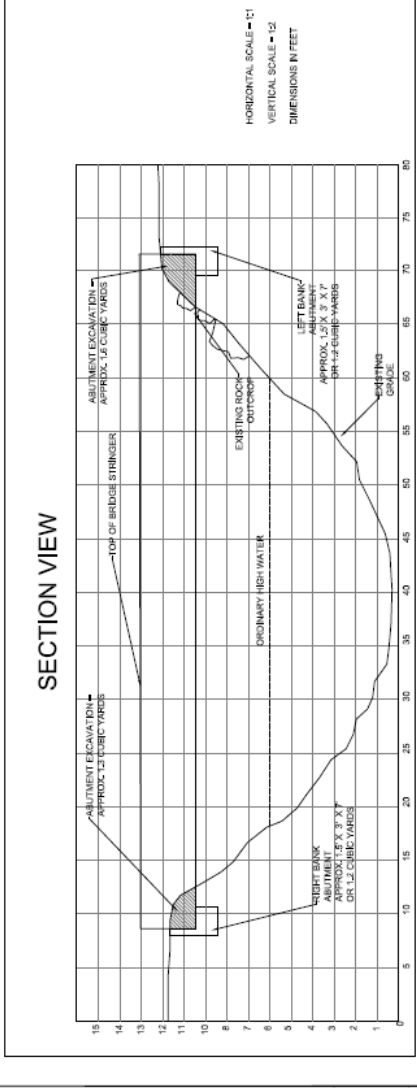


EXHIBIT 8
Permit 4-10-036
Stream Crossing Plans



ACQUISITION &
DEVELOPMENT DIVISION
One Capitol Mall
Sacramento, CA
95833

<small>THE STATE OF CALIFORNIA Department of Parks and Recreation Approval of this document does not constitute an endorsement of the products or services mentioned herein. The Department of Parks and Recreation is not responsible for any liability or damages arising from the use of any of the products or services mentioned herein.</small>	
<small>DATE PLOTTED: 05/14/2008 10:57:57 AM CADD FILE: 110811.dwg CADD USER: J. SPANGLER CADD DATE: 05/14/2008 10:57:57 AM</small>	<small>DATE: 05/14/2008 DRAWN BY: J. SPANGLER CHECKED BY: S. SAWWASTI DATE: 5/17/09</small>
<small>PROJECT: LEO CARRILLO STATE PARK LOCATION: LEO CARRILLO STATE PARK PROJECT NO: 4-10-036 SHEET NO: L6</small>	<small>REVISIONS</small>
<small>DATE</small>	<small>DATE</small>

LEO CARRILLO STATE PARK
NICHOLAS POND TRAIL ACCESSIBILITY IMPROVEMENTS
STREAM CROSSING #2

DRAWING NO.: XXXXXXXX
SHEET NO.: L6
XXX OF XX



EXAMPLE OF ROCK STEP POOL CONSTRUCTION



EXAMPLE OF BRIDGE CONSTRUCTION

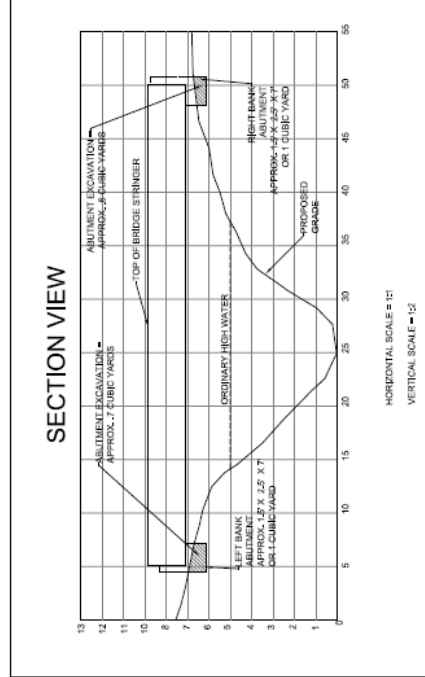
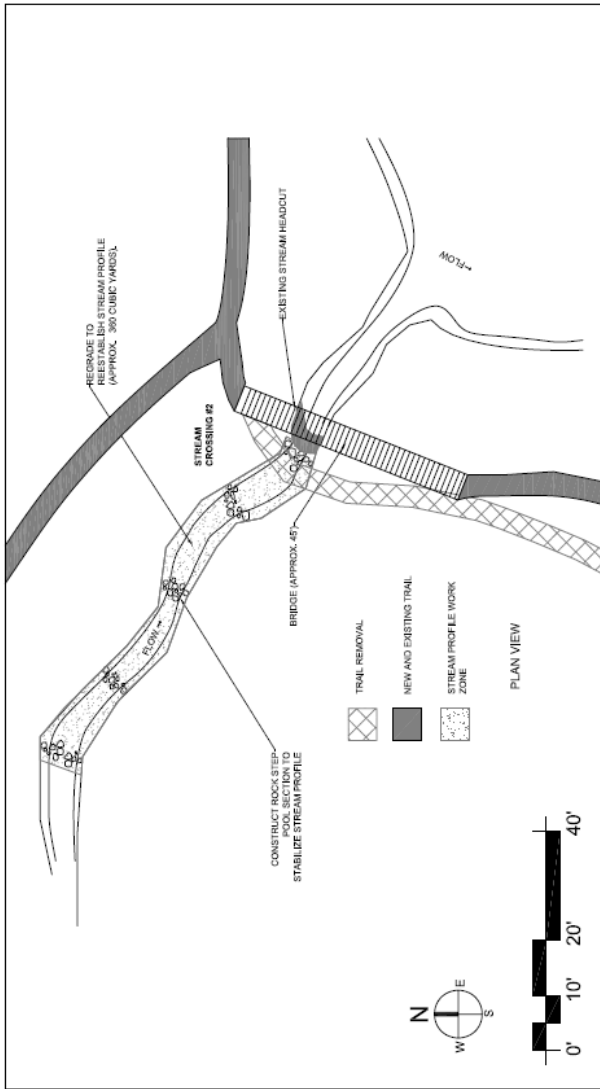


EXHIBIT 8
Permit 4-10-036
Stream Crossing Plans

Pedestrian Bridge Specifications

WESTERN WOOD



STRUCTURES

SECTION 02852/BRIDGES GLUED-LAMINATED PEDESTRIAN

Western Wood Structures, Inc. (WWS), incorporated in 1969 as a structural wood products sales company, offers pre-engineered, glued-laminated timber vehicular and pedestrian bridges to meet a diverse set of specified needs. Timber bridges are naturally beautiful, durable and cost-effective, and clients are given the flexibility to select a bridge style and rail system that best suits the project setting. Stamped design calculations and assembly drawings are supplied with all orders. WWS bridges are pre-fabricated prior to pressure-treatment to ensure a long and useful service life. WWS also offers field supervision to assist in the assembly and installation of the bridge superstructure.



Top: North Fork Wilson River Bridge, Tillamook County, Oregon Left: Cosumnes River Bridge, Sacramento, California
Center: Glen Oaks Bridge, Oregon City, Oregon Right: Cascade Canyon Bridge at The Oregon Zoo, Portland, Oregon



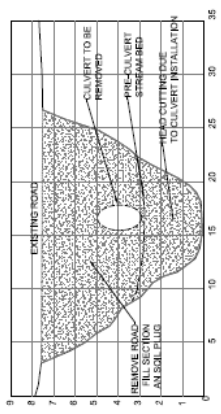
ACQUISITION &
DEVELOPMENT DIVISION
One Capitol Mall
Sacramento, CA
95833

APPROVED FOR THE CONTRACTOR	Date
APPROVED FOR THE COUNTY	Date
APPROVED FOR THE STATE	Date
DESIGNED BY	DATE
CHECKED BY	DATE
DATE	DATE
REVISIONS	DATE

LEO CARRILLO STATE PARK
NICHOLAS POND TRAIL ACCESSIBILITY IMPROVEMENTS
ROAD AND CULVERT REMOVAL

DRAWING NO. XXXXXX
SHEET NO. L4
XXX OF XX

SECTION VIEW



HORIZONTAL SCALE = 1" = 12'
VERTICAL SCALE = 1" = 12'
DIMENSIONS IN FEET

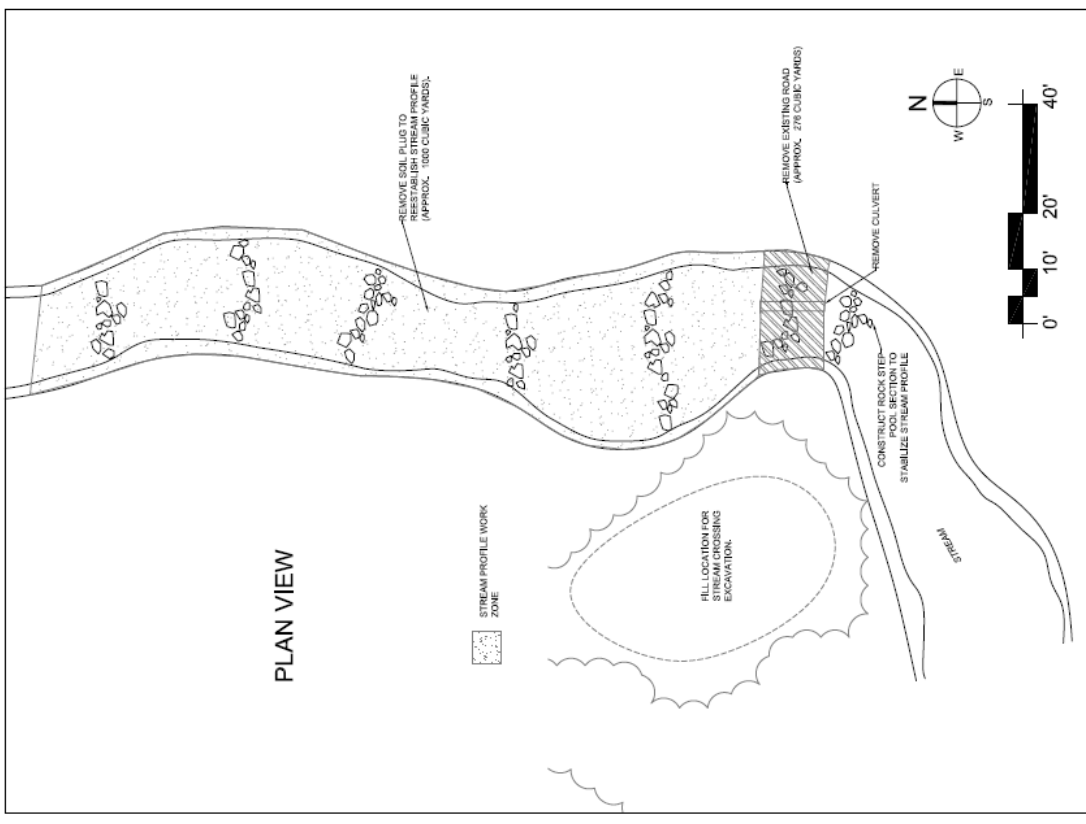


EXHIBIT 10
Permit 4-10-036
Road & Culvert Removal

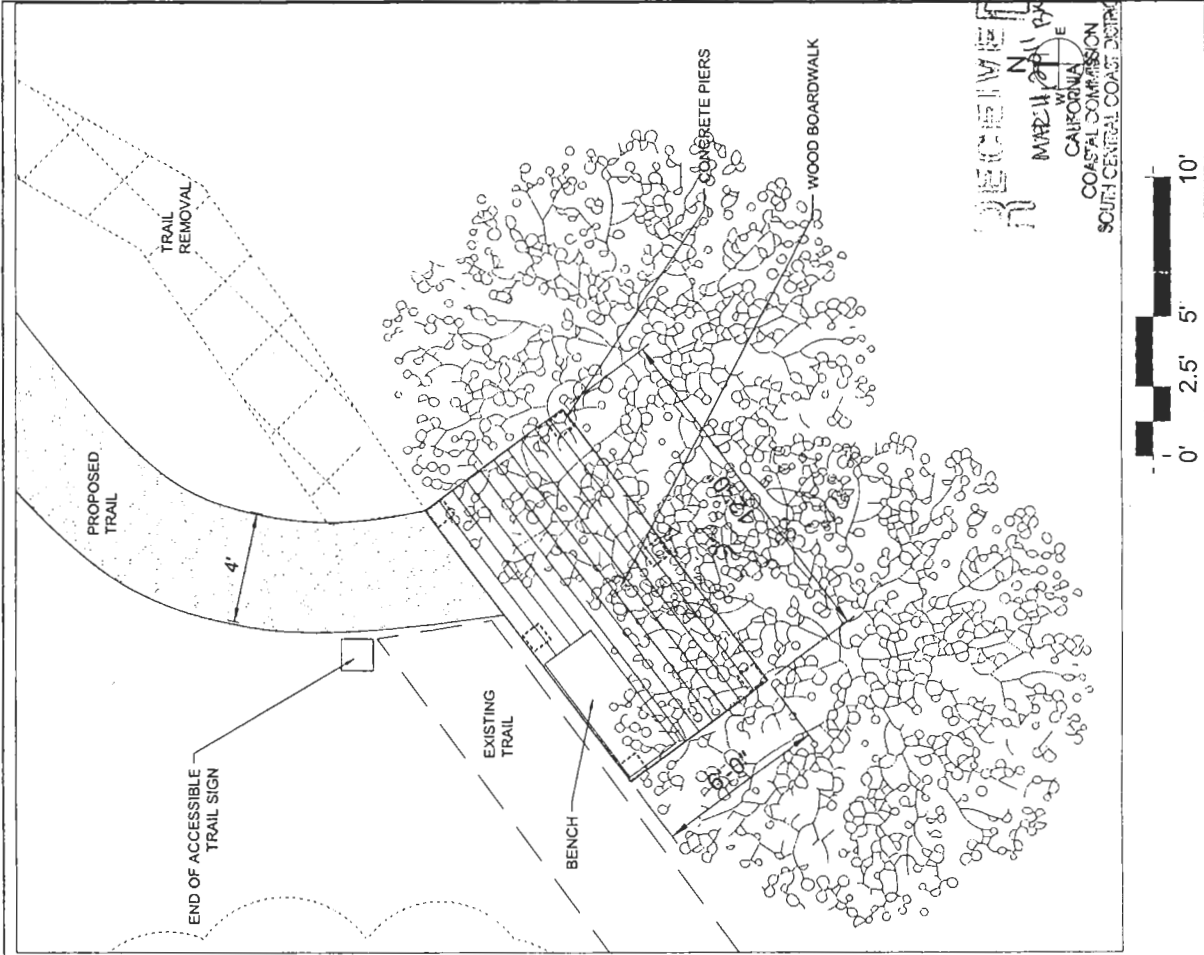


ACQUISITION &
DEVELOPMENT DIVISION
SACRAMENTO, CA
95814-3229

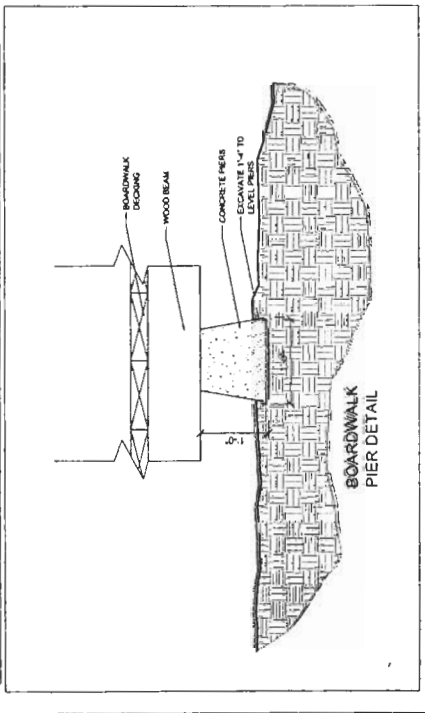
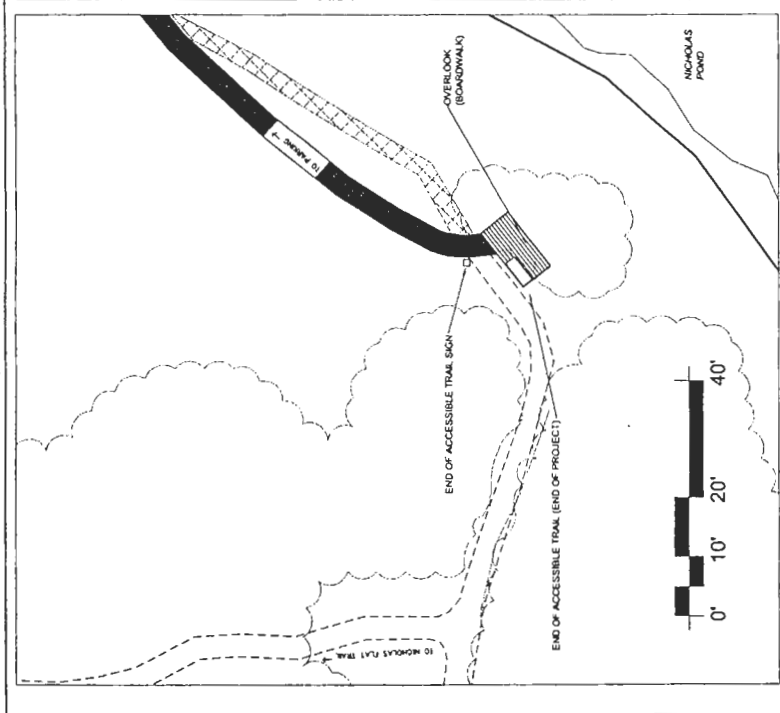
<p>APPROVED FOR THE PROJECT BY THE ARCHITECT/ENGINEER DATE: 3/4/11</p>	<p>APPROVED FOR THE PROJECT BY THE ARCHITECT/ENGINEER DATE: 3/4/11</p>
<p>DESIGNED: J. SPANNA CHECKED: S. HANRAATH DATE: 3/4/11</p>	<p>REVISIONS</p>
<p>PROJECT NO. 4-10-036</p>	<p>DATE: 3/4/11</p>

LEO CARRILLO STATE PARK
NICHOLAS POND TRAIL ACCESSIBILITY IMPROVEMENTS
OVERLOOK

DRAWING NO. XXXXXX
SHEET NO. L2
XXX of XX



REGISTERED PROFESSIONAL ENGINEER
MURRAY W. HARRIS
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



FILE: C:\projects\4-10-036\Drawings\10-036-02.dwg (Date: 3/4/11) 10:51 AM User: jharr

EXHIBIT 10
Permit 4-10-036
Pond Overlook Plan

Figure 36 Vegetation Communities and Project Impact Areas for the Proposed Nicholas Pond Trail ADA Improvement Project, Leo Carrillo State Park.

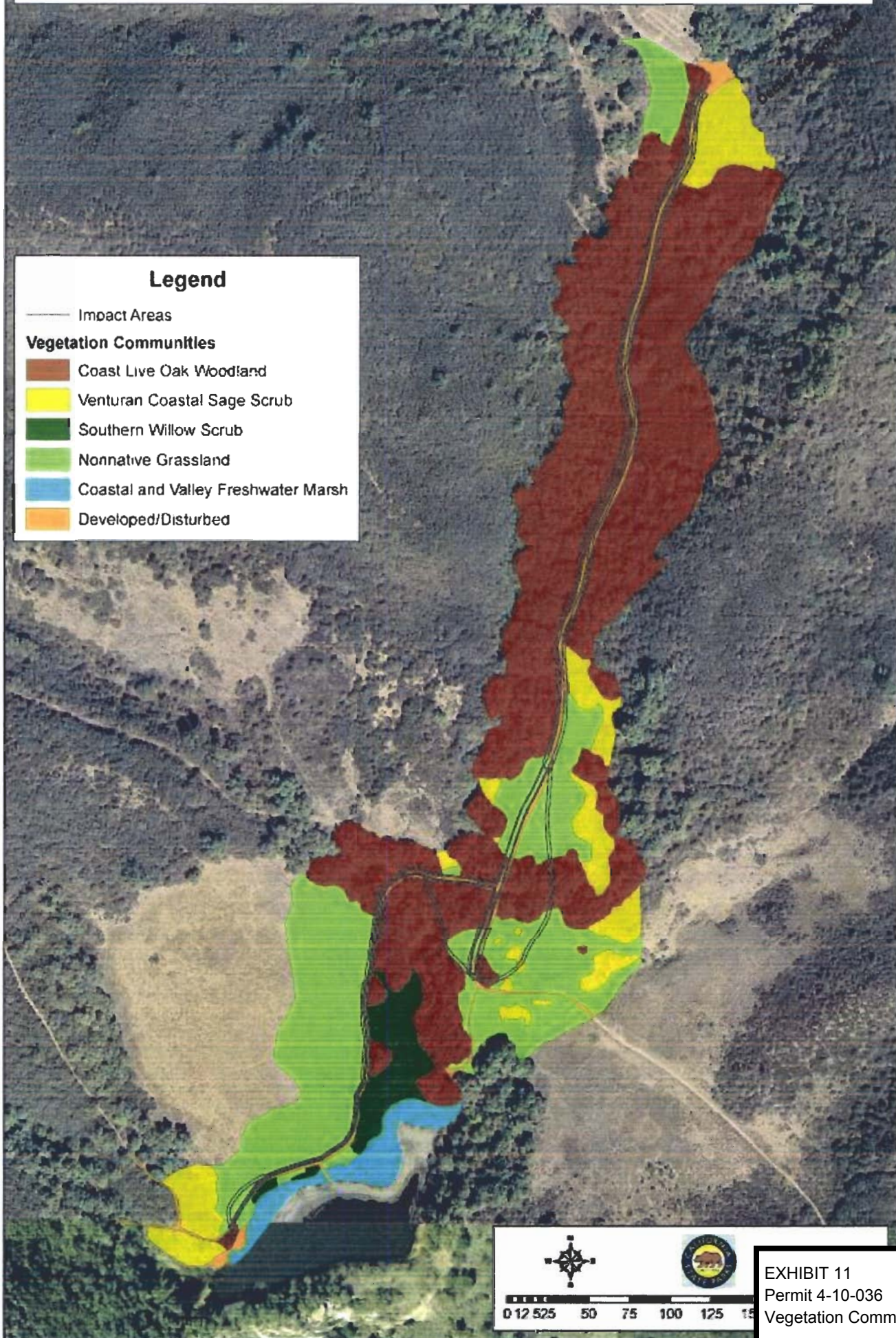


EXHIBIT 11
Permit 4-10-036
Vegetation Communities

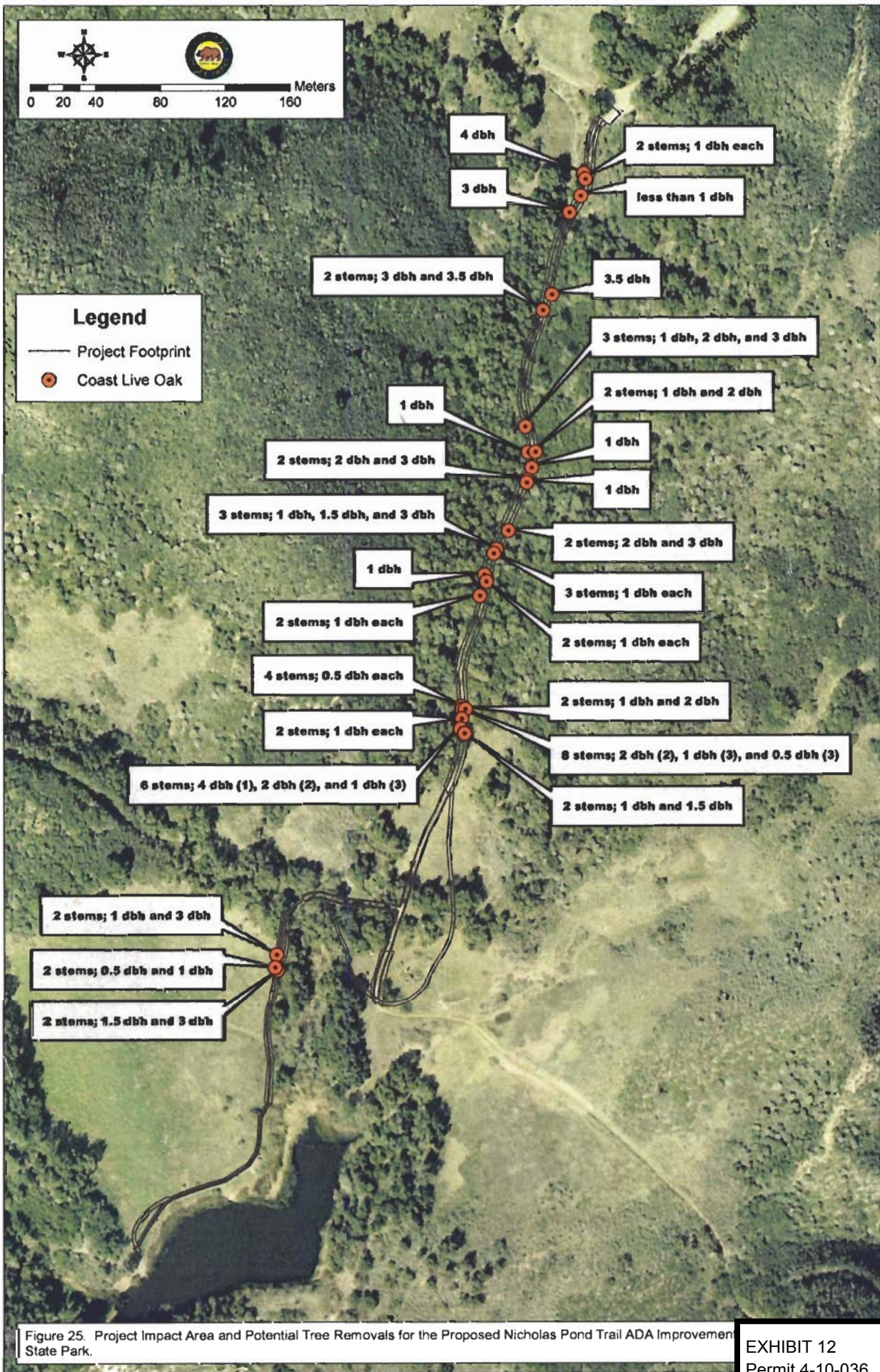


Figure 25. Project Impact Area and Potential Tree Removals for the Proposed Nicholas Pond Trail ADA Improvement Project, State Park.

EXHIBIT 12
Permit 4-10-036
Potential Tree Removals

Project No.:
ER Number: 8610
CEQA Log No.:

California Department of Parks and Recreation
Historical Review Archaeological Review Both
Project Evaluation
(P.R.C. 5024, 5024.5 and E.O. W-26-92)

RECEIVED
MAY 12 2009

PROJECT: Nicholas Pond Trail--Accessibility and Hydrological Improvements

PARK UNIT: Leo Carrillo SP

DISTRICT: Angeles

Project Manager: Jason Spann

Date: 1/6/09

Contact Phone #: 916-445-8709

FAX #:

District Project Manager: Suzanne Goode

Phone: (818) 880-0350 x 113

Email: sgoode@parks.ca.gov

PROJECT DESCRIPTION / DEFINE A.P.E. BOUNDARY: This project involves improvements to the existing Nicholas Pond Trail designed to bring the trail in compliance with California State Parks accessibility guidelines and mandates, and to improve stream hydrology and geomorphology at existing trail stream crossings. Project implementation will meet accessibility requirements and guidelines as stated in "California State Parks Accessibility Guidelines" and the federal access board's outdoor recreation guidelines, and will assist in meeting the legal accessibility requirements as stated in the (*Tucker v. California Department of Parks and Recreation*) consent decree. In addition project implementation will improve and protect natural resources and assist the department in better managing and protecting resources located in a state designated natural preserve.

The project will consist of the following elements:

- **Parking:** (approx 306 sf)- One accessible parking space will be located in the vicinity of the Cul-de-sac at the end of Decker School Road
- **Road to trail conversion:** (approx 8950 sf) - The existing width of the road will be reduced from approx. 8' to a 4' trail tread width utilizing cut and fill construction to place exiting road fill back to the cut bank. Road conversion will reestablish natural hillside out sloping to the creek and reestablish natural drainage patterns entering the creek.
- **Road Removal:** (approx. 7244 sf) - Portions of the existing road which will no longer be used as a trail route will be decompacted and regraded to pre-road conditions.
- **Trail Removal:** (approx. 520 sf) - Portions of the existing trail which will no longer be used as a trail route will be decompacted and regraded to pre-trail conditions.
- **Trail Reroute:** (approx. 1200 feet) - Portions of existing trail which do not meet ADA accessibility guidelines will be reroute to obtain accessibility compliance. These rerouted sections shall be 4 feet wide.
- **Trail Reconstruction:** (approx. 616 feet) - Portions of existing trail which will require reconstruction within the existing trail tread necessary to meet ADA accessibility guidelines. These reconstructed sections shall be 4 feet wide.
- **Bridge Construction:** (approx 60 feet) - Construct bridge necessary for trail access across stream. Bridge construction to eliminate the need for a culvert and associated filling of the stream.
- **Boardwalk Construction:** (approx.30 feet) - Construct one section of boardwalk necessary for trail access across secondary stream channel. Boardwalks to eliminate trail use within stream bed and bank.
- **Overlook:** (approx. 160 sf) - Construct one overlook as a viewing point of Nicholas Pond.
- **Cultural Resources-** There are known cultural resources located along the West and South banks of Nicholas Pond. No trail improvements will occur in these locations
- **Stream Improvements-** In addition to removing visitor use out of stream bed and bank the project proposes partial stream restoration and stabilization components. Stream crossing #1 will involve the removal of a 36" culvert and associated fill and soil plug (approx. 45 cubic yards). A rock step pool section will then be constructed to control streambed grade and reduce erosion. Stream crossing #2 will involve the stabilization of head cutting that has resulted from streambed down cutting associated with crossing #1. Crossing #2 will be regraded and will use rock step pool construction to stabilize the stream profile.
- **Vegetation Protection:** Trees with a minimum dbh of 12" will not be disturbed unless absolutely necessary for project installation or sustainability. All vegetation outside of the project limits will be protected during construction.
- **Revegetation:** All disturbed locations will be mulch or revegetated after project installation. Where feasible vegetation within the construction area will be replanted in post construction cut and fill areas. Vegetation which cannot be saved or salvage from construction zones shall be replanted, at a ratio suitable for project success; in post construction cut and fill locations.

Best Management Practices (BMP's): This project will incorporate department best management practices to control erosion and protect waterways to include: The Stormwater Best Management Practice Handbook for Construction (California Stormwater Quality Association, January 2003), California State Parks Trails Handbook, Best Management Practices for Road Rehabilitation "Stream Crossing Removal" and Best Management Practices for Road Rehabilitation "Stream Crossing Removal"

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Project No.:
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CEQA Log No.:

Source of Funding/Amount: ADA

CULTURAL RESOURCES:

HISTORIC ARCHAEOLOGICAL TRADITIONAL CULTURAL PROPERTY (TCP) NONE
POTENTIALLY PRESENT (i.e. potentially buried resources or survey inconclusive due to inaccessibility)

APE visited by Cultural Resources Staff Yes No

Name: Marla Mealey & Barbara Tejada

Date: 6/24/2008

Methods of Inventory:

Records Review Site History Research Field Survey Subsurface Testing Other

Explain Findings (list references including 523s, 649s, 750s, reports, maps, etc.): Three previously recorded archaeological resources are located within or immediately adjacent to the trail/project area: CA-LAN-2264, P-19-10001, and UCLA-SFS-2000-1. Site CA-LAN-2264 is a bedrock outcrop containing mortar holes, cupules, and a low density artifact scatter. P-19-10001 is an isolated brown chert flake and a white chert chunk. UCLA-SFS-2000-1 is a lithic scatter consisting of chert and obsidian debitage and at least one bifacial stone tool fragment. None of these archaeological resources have been tested or evaluated for significance.

There is a large, significant archaeological site, CA-LAN-49, located just south of the current project area. This site contains areas of bedrock grinding including slicks and mortars, midden, scattered artifacts, and reported but undocumented human burials and rock art.

In addition, there is a collection of potentially historic ranching features and equipment located within the project area. These ranching resources have not been recorded or evaluated for significance.

NEGATIVE SURVEY DETERMINATION:

NO EFFECT: No Historical Resources Present

[If no cultural resources are present, or potentially present within the project APE, no further documentation is required. Proceed to review Section VII. APPROVAL AND CERTIFICATION for signature and attach a negative DPR 649 (survey report)]

RECOMMENDED PROJECT MODIFICATIONS, TREATMENTS, OR CONDITIONS (from Section VII.):

HISTORIC:

PREHISTORIC: Prework Archaeological testing needs to be completed using professional archaeological practices and procedures. The results of the prework testing will determine presence or absence of significant cultural resources within the project APE and if significant deposits are identified, they will be evaluated to determine the best course of action for avoidance, mitigation, or protection of the resources. Prework testing will also determine the need for construction monitoring by an archaeologist and/or Native American.

I. EXISTING CONDITIONS/RESOURCE STATUS - Attach appropriate documentation (DPR 523 forms, etc.):

A. Resources within APE: [Site Number(s)/Description(s)/Date of Latest Recordation Form(s)/Additional Documentation (reports, studies, etc)]: Site CA-LAN-2264 is a bedrock outcrop containing mortar holes, cupules, and a low density artifact scatter. P-19-10001 is an isolated brown chert flake and a white chert chunk. UCLA-SFS-2000-1 is a lithic scatter consisting of chert and obsidian debitage and at least one bifacial stone tool fragment. None of these archaeological resources have been tested or evaluated for significance. UCLA-SFS-2000-1 has not been officially recorded with the California Historical Resources Information System or assigned a permanent trinomial. It was documented in 2000 by T. Wake and students from UCLA.

The ranching equipment and features including the Pond, Tanks, Walnut Trees, Water Pump Housing, and other miscellaneous Equipment are all character-defining structures associated with the Salisbury Ranch. Also known as the Mesa at upper Nicholas Flat, the ranch was a small complex of residences, barn, horse sheds, and pump house. The ranch is associated with Stewart Salisbury, a "gentleman farmer" from Los Angeles. During the 1930s Salisbury and his ranch manager, Larry Lily, constructed the ranch complex. In 1954 Salisbury and his ranch foreman Percy Meek built an earthen dam to hold back the Nicholas Flats reservoir/pond for watering stock and eventually for pumping water to neighboring fields and orchards. (Bevil & Dallas 2003)

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REFERENCES:

Hood, J., J. Kelly, N. Evans, J. McAleer (1991) Archaeological Site Record for CA-LAN-2264
Bevil, A. and H. Dallas (2003) 5024 Review Form for Grassland Restoration at Nicholas Flat
Dallas, H. and M. Mealey (1994) Archaeological Site Record Update for CA-LAN-2264
Dallas, H. and M. Mealey (1994) Archaeological Primary Record for P-19-10001
Wake, T. (2000) Archaeological Investigations at CA-LAN-49, an Archaeological Site in the Uplands of Leo Carrillo State Park, Los Angeles County, California.

- B. Newly identified resources recorded or updated previous records?: Yes No
Explain/List:

II. ELIGIBILITY DETERMINATION(S) (use continuation page [separate file] for additional resources identified):

- A. RESOURCE EVALUATION AND SIGNIFICANCE (IF RESOURCE IS NOMINATED OR LISTED, DO NOT FILL OUT SECTION IIB BELOW. ATTACH APPROPRIATE RECORDATION FORMS TO REVIEW PACKAGE. IF NOT, MOVE TO SECTION IIB BELOW).

Resource Name / Site Number: CA-LAN-2264

Resource Type is: Individual Building/Structure Archaeological Site(s) Historic Site(s) Landscape District
Historic District Archaeological District TCP National Historic Landmark Cultural Preserve
Historic Object Other (e.g., Isolate, California Landmark, Point of Historic Interest, etc.):

Nominated for or Listed on: California Register: Yes No National Register: Yes No
(If Nominated: Eligibility Concurrence status by OHP: Yes No In process

B. SITE/STRUCTURE ELIGIBILITY DETERMINATION (FOR NEWLY RECORDED, NON-NOMINATED OR LISTED RESOURCES):

Not Eligible

Explain (include documentation of negative DOE):

Potentially Eligible

Criteria: A - Events B - People C - Design D - Information

Significance Statement: Site has not been previously tested or evaluated, however, its probable association with nearby site CA-LAN-49, a significant upland habitation site that is unusual in this area, indicates that there is a level of significance that should be evaluated. Additionally, the small "cupule" grinding holes in the bedrock outcrop here may be a form of rock art that could be considered ceremonial and sacred. Some cupules are evidence of geophagy, which can be either medicinal or ceremonial ingesting of soils or ground up rock.

Integrity Discussion: It is unclear how much previous ranching activities or park trail development and use have impacted this site. The bedrock is eroded, however, the mortars and cupules retain enough shape and depth to be distinguishable.

III. DPR POLICY COMPLIANCE

- A. Is project consistent with General Plan?: Yes No GP date: 1996
B. If no General Plan, is project scope consistent with current resource use?: Yes No
C. Is project consistent with Cultural Resource Management Directives?: Yes No

Comments:

IV. IMPACT ASSESSMENT

- A. Historic Resources

Historic Facility Name(s):

Will the proposed project impact historic resources? Yes No

Describe impacts or non-impacts and provide Comments:

Is proposed project consistent with Secretary of Interior's Standards and Guidelines?: Yes No

Explain:

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B. Archaeological Resources

Site Number(s): CA-LAN-2264, P-19-10001, UCLA-SFS-2000-1, historic ranching equipment & features

Archaeological Site Type: Historic Prehistoric Unknown

Will the proposed project impact archaeological resources? Yes No

Describe impacts or non-impacts and provide Comments: Archaeological testing will be conducted prior to start of project work within and adjacent to recorded site boundaries, however it is unknown if any of the resources contain subsurface deposits, and as such it is unclear if archaeological testing will impact the sites or not. All testing will be conducted using professional archaeological procedures and practices. Results of the testing will be used to determine if project modifications are needed to avoid significant impacts to cultural resources and to determine if archaeological and or Native American monitoring of project construction is necessary or not.

Is proposed project consistent with Secretary of Interior's Standards and Guidelines in relation to archaeological resources?:

Yes No

Explain:

V. TREATMENTS AND MITIGATION

A. Would project redesign lessen resource impacts?: Yes No

Explain: archaeological testing is needed to determine if sites extend within the area of potential effect (APE) for the ADA trail project and if there is a potential for significant impacts associated with the trail project. Based on the results of the prework testing, project modifications may be needed to ensure avoidance of significant impacts to cultural resources.

B. Are appropriate treatment measures included within project scope?: Yes No

Explain: Archaeological testing will be done using professional archaeological practices and procedures. If significant archaeological deposits are discovered within the project APE, an archaeologist will evaluate the resources and make a determination as to the best course of action for avoidance, mitigation, or protection of the resources. The results of the prework testing will also help determine if archaeological or Native American monitoring is needed during project construction.

C. Does treatment involve salvaging historic fabric or excavating archaeological deposits?: Yes No

If yes, has a recordation program or archaeological treatment plan been approved by a senior-level CRS? Yes No

Explain: At this point it is unknown if any intact archaeological deposits are within the project APE. If intact and significant deposits are discovered and avoidance or protection of the deposit is not possible, then a mitigation plan will be developed in consultation with a senior level CRS and others as appropriate.

D. In order to bring the project into compliance with the Secretary of the Interiors Standards, the project should proceed with the following modifications or special provisions (Identify specific treatment measures): If significant archaeological deposits are discovered within the project APE, an archaeologist will evaluate the resources and make a determination as to the best course of action for avoidance, mitigation, or protection of the resources. The results of the prework testing will also help determine if archaeological or Native American monitoring is needed during project construction.

VI. DETERMINATION

A. Is documentation sufficient for Determination of Effect?: Yes No

If no, check below:

NO DETERMINATION OF EFFECT CURRENTLY POSSIBLE

Explain:

If Yes: the reviewer has sufficient documentation to determine that the Proposed Project will have:

- No Effect: No Historical Resources Present (See Section)
- No Effect: No Historical Resources Affected
- No Adverse Effect
- Adverse Effect

on the Historical or Archaeological Resources of the State Park System.

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Explain: Pework Archaeological testing will be done to determine if significant cultural deposits are within the project APE and if they will be affected by the project. Based on the results of the prework testing, archaeological evaluation will determine the need for construction monitoring and the best course of action to avoid, mitigate, or protect the cultural resources.

Has a Secondary Review of this DOE been completed by a Cultural Resource Specialist?: Yes No

VII. APPROVAL AND CERTIFICATION

(APPROVAL OF THIS PROJECT IS CONTINGENT ON PROJECT SCOPE NOT BEING CHANGED FROM ABOVE DESCRIPTION. IF SCOPE IS CHANGED, PROJECT MANAGER MUST CONTACT CULTURAL RESOURCE REVIEWER(S) FOR POTENTIAL REVIEW.)

Primary Reviews:

Historical Review

I recommend this project be Approved Not Approved Approved Conditionally

Summarize project modifications/treatments/conditions:

Historical Reviewer:

Date:

Signature: _____

Title: State Historian II

Phone #:

Hours Spent on Evaluation:

Archaeological Review

I recommend this project be Approved Not Approved Approved Conditionally

Summarize project modifications/treatments/conditions: Pework Archaeological testing needs to be completed using professional archaeological practices and procedures. The results of the prework testing will determine presence or absence of significant cultural resources within the project APE and if significant deposits are identified, they will be evaluated to determine the best course of action for avoidance, mitigation, or protection of the resources. Pework testing will also determine the need for construction monitoring by an archaeologist and/or Native American.

Archaeological Reviewer: Marla Mealey

Date: 1-6-09

Signature: _____

Title: Associate State Archaeologist

Phone #: 619-220-5329

Hours Spent on Evaluation: 2

Restoration Architect Review

I recommend this project be Approved Not Approved Approved Conditionally

Summarize project modifications/treatments/conditions:

Architectural Reviewer:

Date:

Signature: _____

Title:

Phone #:

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Project No.:
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CEQA Log No.:

Hours Spent on Evaluation:

Secondary Review:

I recommend this project be Approved Not Approved Approved Conditionally

Explain:

Secondary Reviewer:

Signature: _____

Title: _____ **Phone #:** _____

Comments:

Project Manager:

I understand that this project as proposed or modified may affect historical or archaeological resources. I will insure that all treatment measures necessary for the project to confirm with Historic Preservation standards and professional guidelines will be carried out as specified above. If project scope is changed, I will contact cultural resource reviewer(s) for potential re-review.

Project Manager:

Title: _____ **Phone #:** _____

Date: _____ **FAX #:** _____

*Note: All review packages must include a project map and appropriate documentation. For archaeological surveys, attach new/updated DPR 649 (or equivalent) with coverage map and site records. For historic structures, attach new/updated DPR 523 or 750. For archaeological sites, attach new/updated DPR 523. **For previously recorded site or structure forms, previous study reports, etc. list under "Explain Findings" on pg. 1.*

ATTACHMENTS: project map DPR 649 (with map & site forms) DPR 523 DPR 750 Other: DPR422, Report sections

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