CALIFORNIA COASTAL COMMISSION
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DATE: November 21, 2017

TO: Commissioners and Interested Persons

FROM: Steve Hudson, Deputy Director
Barbara Carey, District Manager
Deanna Christensen, Supervising Coastal Program Analyst

SUBJECT: **Malibu State Beaches Notice of Impending Development No. MSB-NOID-0005-17** (La Piedra State Beach Access Trail Rehabilitation) for Public Hearing and Commission Action at the December 14, 2017 Commission Meeting in Dana Point.

SUMMARY OF STAFF RECOMMENDATION

The California Department of Parks and Recreation submitted a Notice of Impending Development (NOID) for rehabilitation of the existing beach access trail at La Piedra State Beach by repairing erosion gullies, reconfiguring the lower portion of the trail that has been damaged by coastal erosion, and revegetating damaged and unauthorized, "volunteer" segments of trail. The proposed project is needed to provide improved, safer public beach access from the existing parking lot at La Piedra State Beach in the western portion of the City of Malibu, Los Angeles County. The standard of review for the proposed Notice of Impending Development is the policies of the Malibu State Beaches Public Works Plan that was certified by the Commission in 1982.

The La Piedra State Beach site is 8.9 acres in size and is located on a coastal bluff terrace between Pacific Coast Highway and the ocean. The site is developed with a paved access road that extends south from Pacific Coast Highway to an existing gravel-surfaced parking lot that can accommodate approximately 25 vehicles. The parking lot site contains two portable restrooms and an overlook area with several picnic tables and informational signage. A beach access trail extends west from the parking lot down to a drainage ravine, where it then extends south and follows the west side of the drainage ravine (referred to as Segment 1) before continuing down the face of the bluff to the sandy beach (referred to as Segment 2). The existing development on the site was originally constructed in the 1980's following certification of the Malibu State Beaches Public Works Plan.

The lower approximately 100 feet of the beach access trail that extends down to the beach (Segment 2) has significantly eroded over time and become extremely steep (six to eight foot near-vertical drop) and unsafe. Rather than install a more permanent and costly engineered stairway at that location, the applicant proposes to reconfigure this lower trail segment to extend approximately 300 feet east along the lower portion of the bluff face and down to a wider portion of the site's sandy beach. The applicant proposes to construct the 3-4 foot wide trail along this

alignment by creating a bench cut into the slope using hand crews. It is estimated that up to approximately 50 cu. yds. of cut grading will be required to construct the trail segment, and any excess material will be used to repair erosion gullies in the upper portion of the existing beach access trail to restore the trail grade. The applicant also proposes to incorporate water diversion bars (small earthen ridges across the trail) at regular intervals to divert runoff off of the trail and, where appropriate, place cobble/gravel or small puncheons (wooden walkways) on some segments of the trail to reduce the velocity of runoff from upslope areas while providing a suitable walking surface. In addition, the applicant proposes to revegetate the damaged and unauthorized segments of trail with native plants and fence them off to allow the plantings to establish and to prevent further use and degradation.

While the proposed realignment of the lower portion of the beach access trail will require removal of approximately 900 sq. ft. of native coastal bluff scrub vegetation that meets the definition of an environmentally sensitive habitat area (ESHA), the proposed removal of ESHA is consistent with Coastal Act Section 30240 (which is incorporated into the certified PWP by reference) because it is necessary to restore safe public beach trail access which is a resource dependent use and will not result in significant disruption of habitat values. Given site constraints, no feasible trail alignment alternatives exist that would avoid or reduce impacts to ESHA. Further, an approximately equal area of habitat restoration is proposed through re-vegetation of the damaged and unauthorized, "volunteer" segments of trail along the bluff (350 linear feet). All areas temporarily disturbed during trail construction will also be restored.

The proposed project will improve public beach access and recreation. The development has been designed to protect coastal resources, minimize erosion potential, and to not adversely affect geologic stability or visual resources, consistent with the policies of the certified PWP. In addition, the proposed work is expected to take approximately 30 days to complete and will be conducted before February 15th to avoid the peak public recreational use period. Staff is recommending one special condition (Special Condition 1) to ensure that temporary Best Management Practices (BMPs) will be implemented to minimize erosion and sedimentation during construction, and to minimize runoff and pollution of coastal waters.

Staff recommends that the Commission determine that the Notice of Impending Development, as conditioned, is consistent with the certified Malibu State Beaches Public Works Plan.

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EXHIBITS

I. PROCEDURAL ISSUES

Sections 30605 and 30606 of the Coastal Act and Title 14, Sections 13357(a)(5), 13359, and 13353-54 of the California Code of Regulations govern the Coastal Commission's review of subsequent development where there is a certified Public Works Plan (PWP). Section 13354 requires the Executive Director or his designee to review the Notice of Impending Development (or development announcement) within five working days of receipt and determine whether it provides sufficient information to determine if the proposed development is consistent with the certified PWP. The notice is deemed filed when all of the necessary supporting information has been received. In this case, the notice was deemed filed on November 7, 2017.

Pursuant to Section 13359 of Title 14 of the California Code of Regulations, within thirty working days of filing the Notice of Impending Development, the Executive Director shall report to the Commission the pendency of the development and make a recommendation regarding the consistency of the proposed development with the certified PWP. After public hearing, by a majority of its members present, the Commission shall determine whether the development is consistent with the certified PWP and whether conditions are required to bring the development into conformance with the PWP. No construction shall commence until after the Commission votes to render the proposed development consistent with the certified PWP.

II. MOTION AND RESOLUTION

Motion:

> *I move that the Commission determine that the development described in the Notice of Impending Development No. MSB-NOID-0005-17, as conditioned, is consistent with the certified Malibu State Beaches Public Works Plan.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in a determination that the development described in the Notice of Impending Development No. MSB-NOID-0005-17, as conditioned, is consistent with the certified Malibu State Beaches Public Works Plan and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

> *The Commission hereby determines that the development described in the Notice of Impending Development No. MSB-NOID-0005-17, as conditioned, is consistent with the Malibu State Beaches Public Works Plan for the reasons discussed in the findings herein.*

III. SPECIAL CONDITION

1. Construction Responsibilities and Best Management Practices

The California Department of Parks and Recreation shall comply with the following construction-related requirements:

A. **Minimize Erosion and Sediment Discharge.** During construction, erosion and the discharge of sediment shall be minimized through the use of appropriate Best Management Practices (BMPs), including:

1. Land disturbance during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, and grading activities shall be phased, to avoid increased erosion and sedimentation.

2. Erosion control BMPs (such as mulch, soil binders, geotextile blankets or mats, or temporary seeding) shall be installed as needed to prevent soil from being transported by water or wind. Temporary BMPs shall be implemented to stabilize soil on graded or disturbed areas as soon as feasible during construction, where there is a potential for soil erosion to lead to discharge of sediment off-site or to coastal waters.

3. Sediment control BMPs (such as silt fences, fiber rolls, sediment basins, inlet protection, sand bag barriers, or straw bale barriers) shall be installed as needed to trap and remove eroded sediment from runoff, to prevent sedimentation of coastal waters.

B. **Minimize Discharge of Construction Pollutants.** The discharge of other pollutants resulting from construction activities (such as chemicals, paints, vehicle fluids, petroleum products, asphalt and cement compounds, debris, and trash) into runoff or coastal waters shall be minimized through the use of appropriate BMPs as needed, including:

1. Materials management and waste management BMPs (such as stockpile management, spill prevention, and good housekeeping practices) shall be installed or implemented as needed to minimize pollutant discharge and polluted runoff resulting from staging, storage, and disposal of construction chemicals and materials. BMPs shall include, at a minimum:

    a) Covering stockpiled construction materials, soil, and other excavated materials to prevent contact with rain, and protecting all stockpiles from stormwater runoff using temporary perimeter barriers.

    b) Cleaning up all leaks, drips, and spills immediately; having a written plan for the clean-up of spills and leaks; and maintaining an inventory of products and chemicals used on site.

    c) Proper disposal of all wastes; providing trash receptacles on site; and covering open trash receptacles during wet weather.

    d) Prompt removal of all construction debris from the beach.

    e) Detaining, infiltrating, or treating runoff, if needed, prior to conveyance off-site during construction.

2. Fueling and maintenance of construction equipment and vehicles shall be conducted off site if feasible. Any fueling and maintenance of mobile equipment conducted on site shall not take place on the beach, and shall take place at a designated area located at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible (unless those inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain

any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area (such as cranes) may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.

C. **Minimize Other Impacts of Construction Activities.** Other impacts of construction activities shall be minimized through the use of appropriate BMPs, including:

1. The damage or removal of non-invasive vegetation (including trees, native vegetation, and root structures) during construction shall be minimized, to achieve water quality benefits such as transpiration, vegetative interception, pollutant uptake, shading of waterways, and erosion control.
2. Soil compaction due to construction activities shall be minimized, to retain the natural stormwater infiltration capacity of the soil.
3. The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers) shall be avoided, to minimize wildlife entanglement and plastic debris pollution.

D. **Construction In, Over, or Adjacent to Coastal Waters and Habitat.** Construction taking place in, over, or adjacent to coastal waters and habitat shall protect the coastal waters and habitat by implementing additional BMPs, including:

1. No construction equipment or materials (including debris) shall be allowed at any time on the beach or below the mean high tide line.
2. All work shall take place during daylight hours, and lighting of the beach and ocean area is prohibited.
3. Tarps or other devices shall be used to capture debris, dust, oil, grease, rust, dirt, fine particles, and spills to protect the quality of coastal waters.
4. All erosion and sediment controls shall be in place prior to the commencement of construction, as well as at the end of each workday. At a minimum, if grading is taking place, sediment control BMPs shall be installed at the perimeter of the construction site to prevent construction-related sediment and debris from entering the ocean, waterways, natural drainage swales, and the storm drain system, or being deposited on the beach.

E. **Manage Construction-Phase BMPs.** All BMPs shall be maintained in a functional condition throughout the duration of the project and appropriate protocols shall be implemented to manage all construction-phase BMPs (including installation and removal, ongoing operation, inspection, maintenance, and training), to minimize erosion and protect coastal water quality.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. PROJECT DESCRIPTION

On March 17, 1982, the Commission certified the California State Department of Parks and Recreation Public Works Plan (PWP) for the development of recreation facilities at El Pescador, La Piedra and El Matador State Beaches. These approved facilities include parking, restrooms, and public access trails and stairways. The approved facilities were constructed pursuant to the PWP and each of the three beach parks is available for public use.

On November 6, 2017, the Department of Parks and Recreation submitted a Notice of Impending Development (NOID) for rehabilitation of the existing beach access trail at La Piedra State Beach by repairing erosion gullies, reconfiguring the lower portion of the trail that has been damaged by coastal erosion, and revegetating damaged and unauthorized, "volunteer" segments of trail. The proposed project is needed to provide improved, safer public beach access from the existing parking lot at La Piedra State Beach in the western portion of the City of Malibu, Los Angeles County (**Exhibits 1-2**). The La Piedra State Beach site is 8.9 acres in size and is located on a coastal bluff terrace (including bluff top and bluff face areas) between Pacific Coast Highway and the ocean. The site is developed with a paved access road that extends south from Pacific Coast Highway to an existing gravel-surfaced parking lot that can accommodate approximately 25 vehicles. The parking lot site contains two portable restrooms and an overlook area with several picnic tables and informational signage. A beach access trail extends west from the parking lot down to a drainage ravine, where it then extends south and follows the west side of the drainage ravine (referred to as Segment 1) before continuing down the face of the bluff to the sandy beach (referred to as Segment 2) (**Exhibit 3**). The existing development on the site was originally constructed in the 1980's following certification of the Malibu State Beaches Public Works Plan.

The lower approximately 100 feet of the beach access trail that extends down to the beach (Segment 2) has significantly eroded over time and become extremely steep (six to eight foot near-vertical drop) and unsafe. Rather than install a more permanent and costly engineered stairway at that location, the applicant proposes to reconfigure this lower trail segment to extend approximately 300 feet east along the lower portion of the bluff face and down to a wider portion of the site's sandy beach. The applicant proposes to construct the 3-4 foot wide trail along this alignment by creating a bench cut into the slope using hand crews. It is estimated that up to approximately 50 cu. yds. of cut grading will be required to construct the trail segment, and any excess material will be used to repair erosion gullies in the upper portion of the existing beach access trail to restore the trail grade. The applicant also proposes to incorporate water diversion bars (small earthen ridges built across the trail) at regular intervals to divert runoff off of the trail and, where appropriate, place cobble/gravel or small puncheons (wooden walkways) on some segments of the trail to reduce the velocity of runoff from upslope areas while providing a suitable walking surface. In addition, the applicant proposes to revegetate the damaged and unauthorized segments of trail with native plants and fence them off to allow the plantings to establish and to prevent further use and degradation. The proposed project is expected to take approximately 30 days to complete and will be conducted before February 15th to avoid the peak public recreational use period.

There are no known archeological resources within the project area and no special status species were detected during the biological analysis of the site, during previous surveys or during a review of records. The biological survey notes, however, that there is a possibility of the presence of silvery legless lizard (*Anniella pulchra pulchra*; designated as a California Species of Special Concern), coastal whiptail (*Aspidoscelis tigris stegnegeri*; designated as a California Department of Fish and Wildlife Special Animal) and coast horned lizard (*Phrynosoma blainvillii*; designated as a California Species of Special Concern) to occur onsite due to the occurrence of potentially suitable habitat. The applicant has proposed pre-construction biological surveys and nesting bird surveys, ongoing biological monitoring and the use of exclusion fencing under the supervision of the Department of Parks and Recreation's Environmental Scientist.

B. PUBLIC ACCESS

The following Malibu State Beaches Public Works Plan policies, referenced in pertinent part, pertain to the protection and provision of public access and recreation:

> *Maximum coastal access and recreational opportunities shall be provided consistent with safety, public and private property rights, and the protection of natural resources.*

An existing beach access trail extends west from the parking lot down to a drainage ravine, where it then extends south and follows the west side of the drainage ravine (referred to as Segment 1) before continuing down the face of the bluff to the sandy beach (referred to as Segment 2). Typical recreation activities occurring at La Piedra State Beach consist of picnicking, sunbathing, wading, swimming, sailing, fishing, surfing and scuba and skin diving.

As stated above, the Malibu State Beaches Public Works Plan provides, in part, that "maximum coastal access…shall be provided consistent with safety…and the protection of natural resources." The proposed trail rehabilitation project is necessary to restore safe public beach trail access at the site. The proposed project is expected to take approximately 30 days to complete. The proposed will require the closure of the parking lot and trail to protect public safety during construction and to minimize the duration of construction. Thus, the temporary closure of the parking lot and trail has the potential to impact public access to La Piedra State Beach. However, the duration is not significant and the proposed project will be constructed before February 15th to avoid the peak public recreational use period in order to provide safer public access to the beach in the long term.

Therefore, for the reasons discussed above, the Commission finds that the Notice of Impending Development is consistent with the applicable public access and recreation policies of the certified Public Works Plan.

C. BIOLOGICAL RESOURCES & WATER QUALITY

The following Malibu State Beaches Public Works Plan policies pertain to the protection of biological resources and water quality:

> *Protect any rare, endangered, or unique plant or animal species, or their habitats, found in the project area.*

Manage public use of the units to protect and preserve the intertidal and subtidal marine life found adjacent to the project area.

Environmentally sensitive habitat areas, including marine environments, shall be protected from any significant disruption.

Protect the sea cliffs from excessive erosion. New development should be designed so runoff will not cause erosion. Access down and across the cliff face will be designed to minimize erosion potential and will be located away from ecologically fragile areas.

Coastal Act Section 30240: (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The project site is located on the edge of a coastal bluff within the western Santa Monica Mountains that contains native coastal bluff scrub vegetation considered to be environmentally sensitive habitat. The existing beach access trail is primarily bare soil that has been compacted by long-term foot traffic and is highly eroded due to storm runoff from the adjacent upslope areas. Scattered coastal bluff vegetation is present along the eroded slopes of the existing and proposed trail alignment.

Currently, the lower approximately 100 feet of the beach access trail that extends down to the beach (Segment 2) has significantly eroded over time and become extremely steep (six to eight foot near-vertical drop) and unsafe. As described above, rather than install a more permanent and costly engineered stairway at that location, the applicant proposes to reconfigure this lower trail segment to extend approximately 300 feet east along the lower portion of the bluff face and down to a wider portion of the site's sandy beach.

While the proposed realignment of the lower portion of the beach access trail will require removal of approximately 900 sq. ft. of native coastal bluff scrub vegetation that meets the definition of ESHA, the proposed removal of ESHA is consistent with Coastal Act Section 30240 (which is incorporated into the certified PWP by reference) and the PWP policy requiring ESHA to be protected from any significant disruption. This is because the project is necessary to restore safe public beach trail access, which is a resource dependent use that is allowed in ESHA, and because it is a minor disturbance that will not result in significant disruption of habitat values. Given site constraints, no feasible trail alignment alternatives exist that would avoid or reduce impacts to ESHA. Further, an approximately equal area of habitat restoration is proposed through re-vegetation with native bluff scrub plants of the damaged and unauthorized, "volunteer" segments of trail along the bluff (350 linear feet). All temporary disturbance of ESHA areas during trail construction will also be restored.

The biological survey conducted at the project site did not identify any special-status animal species, however, the California Natural Diversity Database indicates that the project site contains the appropriate habitat for the silvery legless lizard (*Anniella pulchra pulchra*;

designated as a Species of Special Concern), the coastal whiptail (*Aspidoscelis tigris stejnegeri*; designated as a California Department of Fish and Wildlife Special Animal) and the coast horned lizard (*Phrynosoma blainvillii*; designated as a Species of Special Concern). The applicant is proposing to conduct pre-construction biological surveys to detect the presence of any special status species directly before construction commences. Also, the applicant is proposing to conduct biological monitoring during construction and, if necessary, to install temporary construction fencing to ensure that no impacts to local wildlife result from the project.

The proposed project has been designed to protect biological resources and minimize erosion potential to protect water quality, consistent with the policies of the certified PWP. Construction of the trail improvements is proposed to take place for up to a 30-day period during the non-summer season between September 15th and February 15th in order to avoid adverse impacts to public access and recreation. Work during the rainy season has the potential to result in erosion and loss of natural vegetation coverage in the absence of adequately constructed erosion and run-off control devices. While the applicant proposes to utilize hand tools for trail construction, minimize the area of disturbance, and implement erosion control measures during construction, the Commission finds that **Special Condition One (1)** is necessary to ensure that temporary Best Management Practices (BMPs) will be implemented to minimize erosion and sedimentation during construction and to avoid adverse impacts to water quality and biological resources.

Therefore, for the reasons discussed above, the Commission finds that the Notice of Impending Development, as conditioned, is consistent with the applicable biological resource and water quality protection policies of the certified Public Works Plan.

D. GEOLOGIC STABILITY

The following Malibu State Beaches Public Works Plan policies pertain to geologic stability:

> *Protect and enhance all areas that have been disturbed by past development or human use so erosion will not deteriorate the resources.*
>
> *Protect the public from hazardous geologic features such as landslides and active faults.*
>
> *Maintain native drought tolerant vegetation for landscaping and erosion control.*
>
> *Restrict development of trails, roads, and public use areas to the flattest grades possible and design and manage them so human-caused erosion will be minimized.*
>
> *Protect the sea cliffs from excessive erosion. New development should be designed so runoff will not cause erosion. Access down and across the cliff face will be designed to minimize erosion potential and will be located away from ecologically fragile areas.*
>
> *Manage the units so the stability of the land forms present, such as the sea cliffs, is not reduced by public use.*

As stated above, the Malibu State Beaches Public Works Plan provides several policies aimed at maintaining the geologic stability of the site through erosion control. The purpose of the proposed project is to rehabilitate the existing beach access trail at La Piedra State Beach by

repairing erosion gullies, reconfiguring the lower portion of the trail that has been damaged by coastal erosion, and revegetating damaged and unauthorized, "volunteer" segments of trail. The proposed project is needed to provide improved, safer public beach access. The project does not propose to interrupt or inhibit natural coastal erosive or soil loss processes or natural drainage courses. Rather, the project proposes to stabilize and reduce further erosion of the beach access trail. The project includes water diversion bars at regular intervals to divert runoff off of the trail and, where appropriate, place cobble/gravel or small puncheons (wooden walkways) on some segments of the trail to reduce the velocity of upslope runoff while providing a suitable walking surface. The applicant's engineer provided an evaluation of the project with recommendations and determined that the siting and design of all proposed trail and runoff control improvements will serve to assure stability and minimize erosion potential.

The presence of natural vegetation on the bluff also maintains slope stability. As previously described, the applicant proposes to revegetate all damaged and unauthorized, "volunteer" segments of trail along the bluff (350 linear feet) as well as all temporary impact areas associated with the proposed trail improvements. The proposed revegetation plan includes planting locally-collected seeds of native plant species, weeding to facilitate native regrowth, and installing a symbolic fence and sign to inform the public that revegetation is in progress and to stay on designated trails. Construction of the trail improvements is proposed to take place for up to a 30-day period during the non-summer season between September 15th and February 15th in order to avoid adverse impacts to public access and recreation. Work during the rainy season has the potential to result in erosion and loss of natural vegetation coverage in the absence of adequately constructed erosion and run-off control devices. While the applicant proposes to utilize hand tools for trail construction, minimize the area of disturbance, and implement erosion control measures during construction, the Commission finds that **Special Condition One (1)** is necessary to ensure that temporary Best Management Practices (BMPs) will be implemented to minimize erosion and sedimentation during construction.

Therefore, for the reasons discussed above, the Commission finds that the Notice of Impending Development, as conditioned, is consistent with the applicable geological stability policies of the certified Public Works Plan.

E. VISUAL RESOURCES

The following Malibu State Beaches Public Works Plan policies pertain to the protection of visual resources:

> *Preserve the scenic quality of the land between the Pacific Coast Highway and the ocean by limiting development to areas where views of the ocean and shoreline will be least affected.*
>
> *Protect the scenic values of the area by placing developments only where they can be screened, are mostly out of sight of nearby residential areas, or are not readily visible from the Pacific Coast Highway, and do not intercept views of the ocean from the highway.*
>
> *Use native plant species if landscaping and screening are needed in development areas. Exotic plant species will be removed from the units.*

The expanse of the Pacific Ocean, the sandy beach, the coastal terrace system and the large outcroppings of native bedrock that protrude from the beach are the main visual resources of La Piedra State Beach. Panoramic views of the Pacific Ocean and adjacent land features of the Santa Monica Mountains are available from the terrace. As stated above, the Malibu State Beaches Public Works Plan requires all development to be limited to that which will not detract from views of the ocean and shoreline. Further, the Public Works Plan provides that native plant species shall be used when landscaping or screening is necessary to preserve the visual quality of an area.

The existing development at La Piedra State Beach was created to both facilitate public access and preserve the natural and visual resources of the site. The proposed project would rehabilitate the existing beach access trail at La Piedra State Beach by repairing erosion gullies and reconfiguring the lower portion of the trail that has been damaged by coastal erosion. The applicant also proposes to revegetate all damaged and unauthorized, "volunteer" segments of trail along the bluff as well as all temporary impact areas associated with the proposed trail improvements. The proposed revegetation plan includes planting locally-collected seeds of native plant species, weeding to facilitate native regrowth, and installing a symbolic fence and sign to inform the public that revegetation is in progress and to stay on designated trails. The proposed trail improvements will not impact scenic coastal views from public viewing areas or significantly alter the natural landforms at the site.

Therefore, for the reasons discussed above, the Commission finds that the Notice of Impending Development is consistent with the applicable visual resource policies of the certified Public Works Plan.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California State Department of Parks and Recreation, in its role as lead agency for the Malibu State Beaches Public Works Plan and the Notice of Impending Development for purposes of the California Environmental Quality Act ("CEQA"), has determined that the project is categorically exempt from the provisions of CEQA, under CEQA Guidelines Section 15301 ("Existing Facilities") and Section 15303 ("Minor Alterations to Land"). As an agency with a certified regulatory program under Public Resources Code section 21080.5, the Commission must also consider alternatives and mitigation measures that would substantially lessen any significant adverse environmental effects that the proposal would otherwise have on the environment.

The Commission incorporates its findings on Coastal Act and PWP consistency at this point as if set forth in full. For the reasons discussed in this report, the proposed NOID is consistent with the Malibu State Beaches Public Works Plan, and the Commission has imposed conditions upon Notice of Impending Development MSB-NOID-0005-17 to include such feasible measures as will reduce environmental impacts of new development. 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 activities may have on the environment, and there are no remaining significant environmental impacts. Therefore, the Commission finds that the Notice of Impending Development is consistent with CEQA and with the applicable provisions of the Public Works Plan.

APPENDIX A

Substantive File Documents

Malibu State Beaches Public Works Plan; “Biological Assessment - La Piedra Trail Repair Project” prepared by Danielle LeFer, Environmental Scientist for the California Department of Parks and Recreation, and dated October 24, 2017; “Memorandum - Proposed Trail Alignment Evaluation” prepared by Matthew A. Anderson, P.E. and dated October 4, 2017.