

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
FAX (415) 904-5400
TDD (415) 597-5885



W11a

County of Los Angeles Santa Monica Mountains LCP Amendment

LCP-4-MMT-19-0166-1

JULY 7, 2021

CORRESPONDENCE



BOARD OF SUPERVISORS COUNTY OF LOS ANGELES

KENNETH HAHN HALL OF ADMINISTRATION
500 W. TEMPLE ST. SUITE 821, LOS ANGELES, CALIFORNIA 90012

SHEILA KUEHL
SUPERVISOR, THIRD DISTRICT

July 1, 2021

The Honorable Steve Padilla, Chair
California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

RE: Item W11a - County of Los Angeles Santa Monica Mountains Local Coastal Program Amendment
No. LCP-4-MMT-19-0166-1 (Resource Dependent Uses)

Dear Chair Padilla and Commissioners:

I want to express my appreciation for the ongoing work of the Commission and Commission staff on Item W11a, Los Angeles County's proposed amendment to the Santa Monica Mountains Local Coastal Plan (LCP) as it relates to Low-Impact Camping.

The Board of Supervisors (Board) passed the proposed amendment on September 24, 2019, in an effort to address community concerns surrounding the effects of low-impact camping on sensitive habitat areas while also providing appropriate opportunities for this resource dependent use in the Santa Monica Mountains. The provisions, as approved by the Board, were directed at enhancing those recreational opportunities in a way that mitigated the environmental impacts of such activities and also provided for the safety of those who would participate in this type of camping as well as the safety of the communities in the Santa Monica Mountains, an area that is designated as a Very High Fire Hazard Severity Zone.

Through an ongoing collaboration with Commission staff, the Los Angeles County Department of Regional Planning, and staff in my office, I believe we have been able to craft an amendment that provides strengthened policies and standards to afford entities that may propose a low-impact camping site with the necessary guidance and information to appropriately develop a low-impact camp location. Further, the provisions of the amendment would require that critical safety provisions must be in place in order to permit such a use in the Coastal Zone.

Thank you for your consideration and ongoing commitment to these efforts. I look forward to seeing this amendment implemented and am appreciative of our continued partnership in ensuring that the Santa Monica Mountains remain protected, enjoyed, and preserved.

Sincerely,

A handwritten signature in cursive script that reads "Sheila Kuehl".

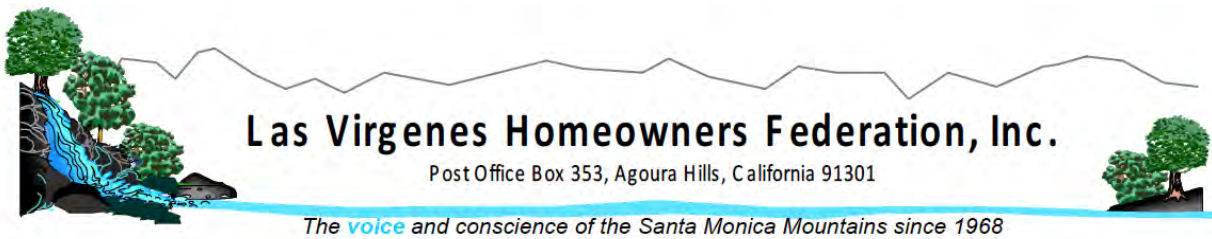
Sheila Kuehl
Supervisor, Third District

From: Kim Lamorie <kimlamorie1@gmail.com>

Sent: Friday, July 2, 2021 4:07 PM

To: SouthCentralCoast@Coastal <SouthCentralCoast@coastal.ca.gov>

Subject: Public Comment on July 2021 Agenda Item Wednesday 11a - County of Los Angeles LCP Amendment No. LCP-4-MMT-19-0166-1 (Resource Dependent Uses)

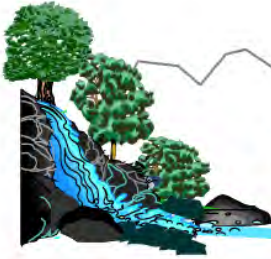


To Whom It May Concern:

Thank you for distributing the attached comment letter in reference to Agenda Item 11a to the Coastal Commissioners. We would really appreciate additional time to consider this item since it is the July 4th holiday weekend and the meeting commences shortly after the holiday.

Sincerely,
Kim Lamorie
President
LVHF

*Save California's Mountain Lions
Support Endangered Species Status!*



Las Virgenes Homeowners Federation, Inc.

Post Office Box 353, Agoura Hills, California 91301



*The **voice** and conscience of the Santa Monica Mountains since 1968*

July 2, 2021

Re: Agenda Item #11a
County of Los Angeles LCP Amendment No. LCP-4-MMT-19-0166-1 (Resource
Dependent Uses)

Honorable Chair Padilla and Commissioners:

We'd like to express our gratitude to the Los Angeles County Department of Regional Planning and to the Coastal Commission staff for their efforts to attempt to clarify and find language resolution for our proposed Santa Monica Mountains LCP (SMMLCP) amendment, which consists of changes to the Land Use Plan (LUP) and Local Implementation Plan (LIP) in respect to Resource Dependent Uses.

We respectfully ask however that before you vote to approve or deny these modifications, there is a larger, more serious and impacting issue that must be given **overriding consideration**.

And, that is the unequivocal **wildfire risk** posed by camping - low impact or other - at this time statewide and in the SMMLCP in this Very High Fire Hazard Severity Zone (VHFHSZ). This can be addressed in a variety of ways by the Commission in the interest of recreation and safety to protect coastal resources, residents, visitors, and campers. The Commission could for example, impose a temporary moratorium on this use to be re-evaluated annually or otherwise by L.A. County as conditions change.

And as a subsequent action, the Commission could approve the LUP and bring back the LIP after further investigation. Coastal staff's changes to the LIP enhance the risk of fire.

Here are the facts and the rationale:

The Las Virgenes Homeowners Federation, Inc., has been the voice of the Santa Monica Mountains for more than 50 years. Our mountain/coastal community stakeholders have battled to save these precious coastal resources from massive development, urban sprawl, poisons, freeways, pollution, and more. We have been instrumental in driving to fruition resource protective policies and lobbied to save this parkland for all and the

wildlife it sustains for generations to come. Fire is a foe however of an entirely different magnitude, an uncontrollable destructive force, that cannot be prevented and therefore must in all situations be risk reduced.

Reality vs the Ideal. Public Safety. Resource Preservation.

As residents we live and breathe the reality and fragility of these mountains 24/7 -- and oftentimes as demonstrated in this instance, there is a disconnect between the reality of a situation vs. the ideal. And this is further reflected in Coastal staff's modifications to the County's LIP proposed amendment.

Ideally, low impact camping, is a viable resource dependent use, and one that is safe, supportable and successful. But that is not the case today in the Santa Monica Mountains -- given the extreme and worsening drought conditions -- and the fact that the habitat has not recovered from the devastating impacts of the Woolsey fire. We have only had 1/3 of our average rainfall this year and conditions are extremely dangerous and volatile as evidenced by a rash of continuing new fires.

In temporarily removing the wildfire risk of low impact campgrounds, and carry-in carry-out camping, public access will not be diminished, instead it will be assured and enhanced:

The National Recreation Area hosts millions of visitors and park users annually to a vast array of resources, regional trails, etc. As the National Park Service states: "*The Santa Monica Mountains offer easy access to surprisingly wild places. Experience the famous beaches of Malibu or explore more than 500 miles of trails. The park abounds with historical and cultural sites, from old movie ranches to Native American centers. What will you and your family discover?*".

Woolsey Fire and Lack of Recovery.

Woolsey fire-impacts to our biological resources were extreme and any type of new human activity will impact recovery -- particularly sensitive and endangered species. ESHA - H1 and H2, have not recovered from the Woolsey fire (Nov. 2018) so how can the Commission justify burdening that recovery further by adding more activity and more fire risk?

Camping in H1 or H2 regardless puts more humans into wildlife space -- many of whom are still cramped into smaller spaces because of repeat fire and diminished habitat. The noise and lighting impacts will be particularly significant at night when wildlife is most active. Those cannot be mitigated either.

Many trails due to fire damage are still closed, and historic buildings that were destroyed are not yet rebuilt. The majority of community homes that were lost in the fire have not been rebuilt yet either.

As good as L.A. County Fire or Ventura County Fire, etc., may be the fact is they could not defend more than 90,000 acres of habitat from burning in the Woolsey fire alone.

Furthermore, Cal Fire policies are antiquated in their fire-fighting approach and not driven by the latest science thus inflicting more potential damage onto resources -- including continuing to refer to coastal habitat as “fuel load”. Habitat defense in a fire is not a priority and crews routinely bulldoze parkland without regard for the destruction either.

Bottom line is fire risk reduction is key -- and camping regardless is a risk that can be avoided now and reinstated as recovery transpires and conditions change.

Red Flag Days are Year-Round.

As evidenced by the May 15th catastrophic Palisades/Topanga fire that burned more than 1300 acres of old growth chaparral this spring, we maintain that the wildfire risk is now a 365-day threat. There were no red flag days while this fire raged. The true devastation of fire on the environment as seen below is undeniable and was human caused.



Topanga State Park -- Post Palisades/Topanga fire - Obliteration of old growth chaparral

The fact is despite best efforts to educate and impose safety conditions on “low impact” camping, it is not low impact any way you look at it. Some guests will do what they want regardless of the rules especially in a perceived isolated area. Unfortunately, in this climate, it just takes one inadvertent bad decision or one accident to set a catastrophic fire into motion. There are far safer and better ways at the moment to recreate in the Santa Monica Mountains.

Movement in the California legislature is all in the direction of recognizing the significant risk and impact of fire in VHFHSZs and working on preventing it statewide, while contrarily the Coastal staff seems to be ignoring it and in doing so is increasing the risk of fire. For example, in their Modification 2 they propose to allow “fireproof” cooking stations -- there is no such thing as a fireproof cooking station. A cooking station located out in the heart of brutally dry H1 or H2 habitat is a grave cause for concern. And, proposing to remove daily inspections gives us added consternation.

Further, Coastal staff’s LIP Modification 2 is increasing the impact to biological resources -- specifically changing the minimum stream/riparian setback to 50 feet instead of 100. Riparian areas supply food, cover, and water for a large variety of wildlife and they serve as important wildlife corridors and stopping points. Noise and light impacts at 50 feet will have far greater negative impacts on wildlife usage than 100 feet and far greater impacts on more sensitive riparian habitat.

In summary, we respectfully ask the Commission to consider imposing a temporary moratorium on low impact camping in the SMMLCP for the reasons outlined herein to preserve coastal resources and to protect recreational opportunities, and to consider adopting the LUP changes and denying the LIP modifications as referenced above.

Sincerely,
Kim Lamorie
President
Las Virgenes Homeowners Federation, Inc., of the Santa Monica Mountains





Chatten-Brown, Carstens & Minter LLP

Hermosa Beach Office
Phone: (310) 798-2400
San Diego Office
Phone: (858) 999-0070
Phone: (619) 940-4522

2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
www.cbcearthlaw.com

Douglas P. Carstens
Email Address:
dpc@cbcearthlaw.com
Direct Dial:
310-798-2400 Ext. 1

July 5, 2021

By E-mail

California Coastal Commission,
South Coast District Office
California Coastal Commission

Re: Comments Regarding Staff-Recommended LIP Modifications to County of Los Angeles Land Use Plan Amendment (No. LCP-4-MMT-19-0166-1) For the Santa Monica Mountains Segment of the County's Coastal Zone; Support for LUP Approval; Agenda number W11a-Wednesday, July 7, 2021

Honorable Commissioners:

As the Commission is aware, this matter returns to you after the Superior Court, on September 26, 2017, issued a writ of mandate in *Ramirez Canyon Preservation Fund vs. Coastal Commission*, Los Angeles Superior Court Case No. BS 149044 (see Exh. 2 to Staff Report). The writ required modifications to certain provisions of the LUP and LIP, particularly those that allowed low impact camping in ESHA, which the Plans denominated as SERA -- H1, H2 and H3. The basis for the Court's ruling was that certain provisions were not sufficiently protective of ESHA resources. (See Staff Report, p. 2 and Exh. 2.)

The County worked long and hard to draft amendments to the LUP and LIP that complied with the writ -- allowing low impact camping while minimizing the potential impacts to H1, H2 and H3 habitat to the greatest extent feasible. Commission Staff is now suggesting modifications to the County's modifications that would undo both the letter and the spirit of the Coastal Act, the Court's Decision, and the County's actions. Ramirez Canyon Preservation Fund (RCPF) respectfully submits the following comments, to call your attention to the specific provisions at issue.

A. Under the Circumstances, The Matter Should be Continued to Allow Sufficient Time for Public Examination and Comment.

Several of the staff's proposals constitute major changes to the County's modifications. In addition, staff used two methods of strike outs (in different colors) and two methods of underlining (single and double) to demonstrate the text changes by the County, on the one hand, and the Commission, on the other. On the screen, the changes are difficult to analyze. In print, they are undecipherable.

The Fund respectfully submits that there is no rush. Consideration of these amendments have been pending since 2017, when the Court issued its tentative decision, and then adopted it as its final decision and issued the writ. The County certified its proposed amendments to the Commission in 2019. The Commission initially examined the County's amendments, and then – on April 23, 2020, continued the matter for more than a year. Then, on the eve of a long holiday weekend, staff issued its report.

For these reasons, the matter deserves more time and attention – by the Commissioners, by the County, by the Fund, and by the public. The Fund respectfully requests that the Commission continue the hearing at least until its next meeting.

B. The Proposed Modifications Do Not Comport with Either the Letter or the Spirit of the Court's Ruling.

Please pay particular attention to pages 14-16 of the decision. The trial court found that low impact camping – in the abstract – might be considered a resource dependent use of ESHA. However, the trial court also found that the SMM LCP violated the heightened protection granted ESHA by the Coastal Act, citing Public Resources Code section 30240 which requires that ESHA “***shall be protected against any significant disruption of habitat values.***” The trial court also confirmed that, in the event of a conflict between policies, resource protection takes precedence over public access. (Pub. Resources Code §30007.5).

The primary problem identified by the Court was that, while the LUP and LIP gave lip service to protecting ESHA, those plans attempted to re-write the Coastal Act by requiring protection only to the maximum extent feasible, and allowing disruption if it was not feasible to avoid it. The County deleted the allowance for disruption where it was “not feasible to avoid it,” and added the statutory requirement that ESHA be protected against any significant disruption of habitat. The County also left in place the provision for avoiding that disruption to the “maximum extent feasible. Commission staff does not propose any modification to the general language. However, staff has suggested modifications to specific provisions which derail those standards.

Therefore, the Fund respectfully disagrees with staff's statements that the modifications are "necessary to ensure that the proposed LIP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, as amended." (Staff Report., p. 1; see, also, p. 3: "[o]nly as amended will the LUP meet the requirements of, and be in conformity with, the policies of Chapter 3 of the Coastal Act," and the Court's order.) The County's modifications fully comply with the Coastal Act, and the Court's decision. Thus, the County's modifications to the LIP should be adopted as proposed rather than made less protective of coastal resources and made less safe.

1. **Staff's Description of Modification No. 1 (LIP, sec. 22.44.630, Definitions) Is Not Accurate.**

At page 3, the Staff Report states that "Suggested Modification No. 1 would *restore* the list of potential associated support facilities from the certified low-impact campground definition *that was proposed to be removed* by the County's amendment." (Emphasis added; see, also, p. 29, which suggests that the County removed support facilities.) The statements give a warped perception of what occurred. The County did not propose to remove the list of support facilities from the LIP. The County moved the list of support facilities from Section 22.44.630 to Section 22.44.1920 – and Commission staff has left that change in place. However, as demonstrated below, Commission staff is suggesting major revisions to the support facilities set forth by the County in Section 22.44.1920.

2. **Commission Staff's Suggested Modification to the LIP, Section 22.44.1920.M, 2, c, ii, Allows More Support Facilities in H1 and H2 Habitat Than Would the County.**

Staff suggests a modification to the introductory language of this subsection. The modification, while seemingly innocuous, changes the County's ESHA-protective provisions.

As modified by the County, the introductory language of Section 22.44.1920.M.2.c.ii stated that the support facilities listed in that subsection could be provided for low-impact campgrounds, consistent with certain standards. Staff suggests the following modification:

ii. Where the following support facilities for ~~low-impact campgrounds~~ may be supported by the following facilities, and if established, are proposed in H1 or H2 habitat areas, they must be consistent with the included standards: (Staff Report, p. 12, bold added.)

At first glance, the modification may appear simply grammatical. However, on closer examination, the change is significant. The County did not recommend

“proposing” support facilities in H1 and H2 habitat. The County recommended support facilities that could be located outside of those protected areas. Commission staff’s suggested modification has the effect of allowing proposals for a long list of support facilities in H1 and H2 from the outset of the permitting process. That sets the stage for significant invasions of ESHA.

3. **Staff Proposes to Reduce the County’s 100-Foot Buffer for ESHA to a Mere 50-Foot Buffer.**

The first version of the County’s LIP provided for a minimum 50-foot buffer between low impact campgrounds and the top bank of all streams or from the outer edge of riparian vegetation. In response to the Court’s ruling, the County increased that minimum buffer to 100-feet. Suggested Modification 2 reduces the County’s minimum 100-foot buffer back to the original 50-feet (Sec. 22.44.1920M, 2c).

Staff claims that the 50-foot buffer can serve to protect stream and riparian ESHA as long as the restrooms are required to be set back 100 feet (Staff Report, p. 26). However, other than that conclusory statement, staff offers no evidence to support the assumption.

Moreover, one of the other modifications suggested by staff (see Sec. 4, *infra*), reveals just how significant the disruption of stream and riparian ESHA could be. Unlike the County, Commission staff would allow permanent foundations and plumbing for restrooms in H3 habitat. If the low impact camp is permitted in H2 or H2 habitat within 50 feet of the stream, and the ESHA outside the 50-foot perimeter is H3 ESHA, a restroom with a permanent foundation and plumbing (requiring grading and trenching) could be allowed just outside 50 feet of the stream of riparian ESHA. That scenario sets the stage for the significant disruption of ESHA.

There is no precedent for a 50-foot buffer rather than a 100-foot buffer anywhere in the LUP or LIP. ESHA is protected by a 100-foot buffer in multiple provisions of the LUP and LIP. The LUP Biological Resources Map (Map 2) depicts H1 Habitat with 100-foot buffers. For the LIP to allow mere 50-foot buffers where the LUP provides for 100-foot buffers to protect ESHA would render the LIP inconsistent with LUP.

4. **Staff Proposes Significant Intrusions Into H3 Habitat.**

Two of staff’s suggested modifications fail to protect H3 habitat areas, which are recognized habitat that has been degraded but could be restored in the future. The Coastal Act protects all habitat areas, including degraded habitat. (*Bolsa Chica Land Trust v. Superior Court* (1999) 71 Cal.App.4th 493, 507 [determining that Coastal Act section 30240 protects “the area of an ESHA,” not just “habitat values”].) The County

took this rule into consideration when it modified the LIP. Commission staff would undo its application in two important areas:

First, while restroom support facilities may not be affixed to a foundation and may not have associated plumbing infrastructure, Commission staff would allow foundations and plumbing outside of H1 and H2, i.e., in H3. (Staff Report, p. 12, LIP 22.44.1920, M, 2, c, ii.) As demonstrated in the preceding section, the construction necessary to install them would significantly damage H3 ESHA, and under certain scenarios, H1 and H2 ESHA as well.

Second, the County's modifications required water storage tanks for fire suppression and allowed 55-gallon potable water containers within the boundaries of an established campsite. Like the County's approach to restroom facilities, these water supplies cannot be permanently affixed to the ground or other permanent structure, and there can be no associated plumbing facilities. Commission staff suggests that these limitations should not apply outside of H1 and H2 (Staff Report, p. 12, LIP 22.44.1920, M, 2, c, ii.) That would allow significant disruption of H3 ESHA, also in violation of Public Resources Code Section 30240.

5. The Proposed LIP Would Allow Non-ADA Parking in H2 Habitat Areas.

We object to non-ADA parking in H2 habitat areas, which is contemplated by the LIP in section 22.44.1920. Grading and paving of parking lots would be a significant disruption of ESHA in violation of the trial court's order.

6. Staff Proposes to Add Back "Fire Proof Cooking Stations." As Defined, Those Stations Do Not Appear to Exist.

As the Commission is aware, chaparral is the most common type of ESHA located in the Santa Monica Mountains and it is the most flammable ESHA in the world. There is no question that fire can result not only in "significant disruption" of ESHA, but its destruction – as evidenced by recent fires in the area.

When the County took the list of "support facilities" from then LIP 22.44.630 (see text in Modification 1), and revised those support facilities under the heading "Development Standards" in LIP 22.44.1920, the County deleted the provision allowing for "fire-proof cooking stations." Staff's suggested Modification No. 2 adds them back in:

- Fireproof Cooking Stations. Fireproof cooking stations may be installed for use at low-impact campgrounds but are limited to one per tent site and full instructions for their operation shall be provided. Campers would be required to utilize only designated fireproof cooking stations provided at

each approved campsite, which shall be designed of nonflammable materials and capable of being enclosed vertically on three sides (leaving one side open for cooking operations). Only cold-camping apparatus with no open flames, such as flame-less cook-stoves and lanterns, are allowed. Use of any type of liquid fuel (alcohol, kerosene, unleaded gasoline, white gas, mentholated Spirit, etc), canister fuel (propane, butane, etc), wood, wax or any other type of combustible material for cooking or lighting shall be expressly prohibited. Prospective campers shall be informed of the “no flame” policy upon reserving and/or registering for use of low-impact camping facilities and shall be put on notice that unauthorized use of fire-related camping and cooking apparatus specifically prohibited by the “no flame” policy will be cause for confiscation of such devices and/or expulsion of visitors from low-impact camp facilities. Signs shall be posted to explain the “no flame” policy and low-impact campgrounds will be periodically patrolled to enforce the policy.

The problem with staff’s modification is that it does not appear that the type of apparatus (a “fireproof cooking station”) contemplated by staff exists. Other than repeating the phrase “fire-proof cooking station” several times in the Staff Report, there is no description of what is allowed – the description focuses on what is not allowed. It is also far too vague when it attempts to describe how one of these devices might work.

A cooking device enclosed vertically on three sides – leaving one side open for cooking operations – suggest that the open side will give access to some type of burner, which generates heat without flame. At the same time, however, the provision bans the use of “alcohol, kerosene, unleaded gasoline, white gas, mentholated Spirit, etc, canister fuel (propane, butane, etc), wood, wax or any other type of combustible material” – components that might generate heat. Battery operated lanterns do exist, and pose little danger of ignition. However, we were unable to find a similar battery-operated product for cooking. The only battery-operated camp cookstove we could locate generates a flame. See, e.g.: <https://www.fastcompany.com/3056990/this-battery-powered-camping-stove-uses-the-lowest-tech-fuel-around-twigs>.

A thorough search of the web - focused on flameless cooking, or fire proof cooking – demonstrates that the only type of device that is truly flame free consists of a container (metal or plastic) into which water and a “heat pack” are placed. The heat pack is chemical based, and generates sufficient heat in the container to warm a MRE or dehydrated meal. These are not items that are “installed” or “affixed” to anything so no cooking station is necessary. They are easily carried in and carried out by low impact campers and used inside a tent. See, e.g., the following:

<https://www.amazon.com/Barocook-Rectangular-Flameless-Cookware-System/dp/B0124LAV3I>

<https://www.amazon.com/Old-Faithful-Flameless-Portable-Cooking/dp/B01MRA0NEL>

<https://www.outdoorlife.com/blogs/wringer/gear-review-flameless-portable-cooking-systems-backcountry-camping/>

<https://newatlas.com/trekmates-flameless-stove/23366/>

<https://newatlas.com/yabul-cook-flameless-camping-cooker/53004/>

The Fund respectfully submits that, given the threat that fire poses to ESHA, as well as people and property, if staff is aware of any device that actually meets the description it has set forth, that device should be called out and mandated. Otherwise, so-called fireproof cooking stations should be removed from staff's recommendations, as the County removed these stations from its list of support facilities. There is no room for vagueness with something as devastating as fire.

7. Camping on Red Flag Days and Inspections of Campsites

The threat of destruction of ESHA by fire is also apparent in staff's proposed modifications to regulations regarding red flag days and inspections. When the County modified the LIP after the Court's order, it prohibited camping on red flag days and required camp management to inspect the sites daily. See County Section 22.44.1920M.2.i:

Camping is prohibited when hazardous conditions exist (e.g., when "red-flag" wildfire warnings or flash flood warnings are issued by the National Weather Service.

Campground management staff shall inspect the low-impact campground at least once per day, including on red flag days when camping is otherwise prohibited.

Commission staff suggests deleting those mandatory provisions, and replacing them with a watered-down version, shifting to the permittee the decision about both when camping should be allowed on red-flag days and how often inspections should occur:

The plan shall include a campground-specific inspection plan with criteria for how frequently campground management staff shall inspect the campground and shall include a system to determine when camping will be prohibited in relation to "red-flag" wildfire warning days or other emergency conditions. (Staff Report, p. 13.)

Staff suggests that inspection and monitoring requirements could be based on “how remote the given campground area is.” (Staff Report, p. 31.) However, in terms of saving ESHA from fire, the more remote the area, the more important it is to require daily inspections. In remote areas, a significant amount of ESHA could be consumed before the fire became obvious to other campers or to firefighters. Therefore, for both protection of ESHA and public safety, the County’s mandatory inspection provisions should apply.

C. Conclusion

With regard to Cooking Stations, Staff recommends the allowance of so-called “Fireproof Cooking Stations” outside H1 and H2 habitat areas, and recommends allowing restrooms outside of H1 and H2 habitat areas. Allowing restrooms and cooking stations in such degraded habitat areas would prevent their restoration in the future. Furthermore, allowing cooking stations of any type in very high fire hazard areas, including H3 habitat, is unsafe and should not be forced upon the County.

The only lawful manner in which to comply with the Coastal Act and the trial court’s order is to provide that no disruption is allowed, and resource dependent uses are only allowed if they do not disrupt ESHA.

We urge you to reject the proposed modifications, and instead approve the LUP and LIP amendments as the County has approved them and as is consistent with the Coastal Act and the trial court’s order.

Sincerely,



Douglas P. Carstens