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# F12a

**Date:** October 31, 2022  
**To:** Coastal Commissioners and Interested Persons  
**From:** Dan Carl, Deputy Director, Central Coast District  
Shana Gray, Deputy Director, Statewide Planning  
Erin Prahler, Coastal Program Manager, Statewide Planning  
Daniel Nathan, Wildfire Resilience Coordinator, Statewide Planning  
**Subject:** **Notice of Impending Development No. VTP-NOID-0007-22 (Butano State Park Forest Health Project)**

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## SUMMARY OF STAFF RECOMMENDATION

The San Mateo Resource Conservation District (RCD), in collaboration with the California Department of Parks and Recreation (State Parks), proposes a phased approach to restore ecological functions over 1,636.9 acres<sup>1</sup> of forest and shrubland within Butano State Park, as well as reduce fuel loads within the Wildland Urban Interface (WUI) and establish fuel breaks along existing roads and trails. Butano State Park is located in the Santa Cruz Mountains of southern San Mateo County, approximately 4 miles southeast of the town of Pescadero and approximately 3 miles east of Highway 1. Following the catastrophic 2020 CZU Lightning Complex fires, which burned over 86,000 acres throughout the counties of Santa Cruz and San Mateo, the project area experienced variable intensity wildfire leading to areas with significant amounts of unconsumed dead and dying vegetation that leave it vulnerable to subsequent wildfire, as well as areas where high intensity fire decimated vegetation communities without fully consuming the biomass, ultimately leaving behind an understory composed of dead shrubs and small diameter trees.

The proposed work would include a myriad of treatment activities to manage vegetation within the park, including manual and mechanical treatment activities involving the use of chainsaws, masticators, excavators, feller-bunchers, and skid steers, as well as herbicides strategically applied to control the growth of invasive vegetation. In addition, the project includes prescribed fire activities, including broadcast burning and pile burning, while fire engines, bulldozers and other heavy equipment would be staged along control line roads in the event emergency measures are required. The ecological restoration component of the project seeks to return forest and shrubland conditions to a more resilient state where mature trees can thrive and native understory plant species can naturally regenerate. This will be accomplished by reintroducing ecologically-

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<sup>1</sup> A total of 2,103.6 acres is proposed for treatment, with 1,636.9 acres occurring within the coastal zone, including 1,589.2 acres of Ecological Restoration and WUI fuel reduction, and 47.7 acres of Fuel Breaks.

appropriate disturbance regimes, initially by partially reducing fuel loads via mechanical mastication and hand thinning tailored to each site-specific vegetation community, and subsequently, through the use of prescribed fire. For both the WUI and Fuel Break components, fuel reduction would consist of the strategic thinning of vegetation to prevent or slow the spread of wildfire between structures and wildlands, and vice versa, while also providing critical emergency first responders with support areas to access and stage equipment when fighting wildfires. Treated biomass resulting from project activities would remain on-site and would either be masticated, chipped, or in some locations, lopped and scattered across the forest floor. Some fraction would be stacked and piled to be burned at a later date or incinerated using a curtain burner. Invasive vegetation would also be treated on-site to eliminate seeds and propagules and prevent reestablishment.

The work is expected to occur over the next decade. Following initial treatment activities, RCD and State Parks would conduct periodic maintenance treatments with timing and frequency dependent on the rate of understory species reestablishing dense, continuous understory and ladder fuels. Maintenance treatments would consist of methods similar to initial treatment activities.

As proposed, the project activities include extensive best management practices, mitigation measures, and implementation protocols designed to protect coastal resources consistent with the certified PWP. However, staff is recommending four additional special conditions to ensure monitoring and reporting for each phase of activities, to authorize work for the life of the PWP, to obtain final paperwork for burn plans, and to address on-site practices for handling accelerants near coastal waters. With these additional protocols, staff recommends that the Commission determine that the proposed development is consistent with the certified PWP, as conditioned. The motion and resolution to implement the staff recommendation can be found below on **Page 5**.

**Procedural Note – Action Deadline**

The PWP provides the Commission with 30 working days to take action on the subject notice of impending development (NOID) after the date it was filed, unless the RCD waives such requirement. The NOID was filed as complete on October 26, 2022, and thus the Commission has until December 9, 2022 to act, or else the project may proceed without Commission action. Thus, unless the RCD waives the action deadline, the Commission should take action on this NOID at its November 2022 meeting.

**TABLE OF CONTENTS**

1. PROCEDURAL BACKGROUND .....4  
    A. PUBLIC WORKS PLAN BACKGROUND AND HISTORY ..... 4  
    B. STANDARD OF REVIEW ..... 5  
    C. NOID PROCEDURES..... 5  
2. MOTION AND RESOLUTION .....5  
3. SPECIAL CONDITIONS .....6  
4. FINDINGS AND DECLARATIONS .....7  
    A. PROJECT DESCRIPTION AND BACKGROUND ..... 7  
    B. ENVIRONMENTALLY SENSITIVE HABITAT AREAS..... 10  
    C. WATER QUALITY ..... 13  
    D. PUBLIC VIEWS..... 14  
    E. COASTAL HAZARDS..... 15  
    F. CULTURAL RESOURCES..... 17  
    F. AIR QUALITY AND GREENHOUSE GAS EMISSIONS..... 19  
    G. PUBLIC ACCESS AND RECREATION ..... 20  
    H. CALIFORNIA ENVIRONMENTAL QUALITY ACT ..... 21  
APPENDIX A – SUBSTANTIVE FILE DOCUMENTS..... 22  
APPENDIX B – STAFF CONTACTS WITH AGENCIES AND GROUPS ..... 22

**APPENDICES**

Appendix A – Substantive File Documents

Appendix B – Staff Contacts with Agencies and Groups

**EXHIBITS**

[Exhibit 1](#) – Regional Project Vicinity Map

[Exhibit 2](#) – Project Treatment Types Map

[Exhibit 3](#) – Project Treatment Activities Map

## 1. PROCEDURAL BACKGROUND

### A. Public Works Plan Background and History

Section 30114 of the Coastal Act defines public works to include, among other things, the following:

*(c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.*

Section 30605 of the Coastal Act states, in part:

*To promote greater efficiency for the planning of any public works ... and as an alternative to project-by-project review, plans for public works ... may be submitted to the commission for review in the same manner prescribed for the review of local coastal programs set forth in Chapter 6 (commencing with Section 30500). ... If any such plan for public works is submitted after the certification of local coastal programs, any such plan shall be approved by the commission only if it finds, after full consultation with the affected local governments, that the proposed plan for public works is in conformity with certified local coastal programs in jurisdictions affected by the proposed public works. ... Where a plan for a public works ... has been certified by the commission, any subsequent review by the commission of a specific project contained in the certified plan shall be limited to imposing conditions consistent with Sections 30607 and 30607.1. ...*

A public works plan (PWP) is an alternative to case-by-case Coastal Development Permit (CDP) review that is available to the Commission and entities performing public works, typically involving large or phased public works projects, whereby such projects remain under the authority of the Commission irrespective of CDP jurisdictional boundaries. PWPs must be sufficiently detailed regarding the size, kind, intensity, and location of development to allow the Commission to determine their consistency with the Chapter 3 policies of the Coastal Act (in areas that are pre-LCP certification) or the certified LCP (in post-LCP certification areas). Once the Commission approves a PWP, in general, CDPs are not required for specific projects described within it, as long as the Commission determines that such projects are consistent with the PWP, with or without conditions to make them so. As part of the PWP process, before commencing any specific project, the project proponent must submit notice in the form of a notice of impending development (or NOID), and the Commission must determine whether the submitted project is consistent with the PWP, or if conditions are necessary to make it consistent.

In this case, the Commission certified San Mateo County's Forest Health and Fire Resilience PWP on July 8, 2021.<sup>2</sup> The PWP allows the RCD, as the project proponent, to facilitate the planning, review, and authorization of vegetation treatment projects within the County's coastal zone to improve forest health, restore ecosystems, and increase wildfire resilience. The Butano State Park Forest Health project is the second

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<sup>2</sup> See: <https://documents.coastal.ca.gov/reports/2021/7/Th16a/Th16a-7-2021-report.pdf>, <https://documents.coastal.ca.gov/reports/2021/7/Th16a/Th16a-7-2021-addendum.pdf> and <https://documents.coastal.ca.gov/reports/2021/7/Th16a/Th16a-7-2021-exhibits.pdf>

project being proposed under the PWP, with the other being the Girl Scouts of Northern California Camp Butano Creek project that was approved as part of the PWP in July of 2021.

### **B. Standard of Review**

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 (CCR) govern the Coastal Commission's review of subsequent development where there is a certified PWP, where the standard of review is consistency with the PWP. These provisions are also incorporated into the PWP. As identified in the PWP, development submitted to the Commission for review under the NOID process shall not be authorized unless it is of a type, location, and size as identified in PWP Section III, and it is demonstrated that project implementation is in compliance with all Standard Project Requirements (SPRs) and Mitigation Measures of the California Vegetation Treatment Program (CalVTP) Programmatic Environmental Impact Report (PEIR) (Project Standard 2), as well as the coastal-specific Coastal Vegetation Treatment Standards (Coastal VTS) applicable to the project and project area (Project Standard 3). Projects may also be conditioned by the Commission to ensure consistency with the PWP; however, the Commission cannot reject a proposed project if it is included within the listed projects approved as a part of the Commission's original PWP review and can be conditioned to be PWP-consistent.

### **C. NOID Procedures**

CCR Section 13354 requires the Executive Director to review the NOID within five working days of receipt to determine whether it provides sufficient information to determine if the proposed development is consistent with the certified PWP. The notice is to be filed when all necessary supporting information has been received. The subject NOID was submitted as a draft by RCD on August 10, 2022 and filed as complete on October 26, 2022. Pursuant to CCR Section 13359 the Commission is required to take action on the NOID within thirty working days of its filing (i.e., here, no later than December 9, 2022), unless the RCD waives such requirement. RCD has not waived the 30-working-day action deadline, and so the Commission must take an action on the subject NOID at the November 2022 Commission meeting, or else RCD may proceed with the project without Commission approval.

## **2. MOTION AND RESOLUTION**

Staff recommends that the Commission determine that the development described in the Notice of Impending Development, as conditioned, is consistent with the certified San Mateo County Forest Health and Fire Resilience Public Works Plan. To implement this recommendation, staff recommends a **yes** vote on the following motion which, if passed, will result in the adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission determine that the development described in Notice of Impending Development VTP-NOID-0007-22, as conditioned pursuant to the staff recommendation, is consistent with the certified San Mateo County Forest Health and Fire Resilience Public Works Plan, and I recommend a yes vote.*

**Resolution:** *The Commission hereby determines that the development described in the Notice of Impending Development VTP-NOID-0007-22, as conditioned, is consistent with the certified San Mateo County Forest Health and Fire Resilience Public Works Plan for the reasons discussed in the findings herein.*

### 3. SPECIAL CONDITIONS

1. **Authorization Period.** Implementation of treatment activities, including initial and maintenance treatment activities, as described in the NOID, is authorized to occur up until the PWP expiration date (i.e., until July 7, 2031). Any other non-exempt development shall require separate NOID or CDP authorization.
2. **Monitoring Report.** RCD shall submit monitoring reports for the review and written approval of the Executive Director. The monitoring reports shall be substantially consistent with the requirements of SPR AD-7 (and any other reporting required under the CalVTP) and shall be submitted after each completed phase of development (as such phases are described in the NOID). The monitoring reports shall describe compliance with PWP protection measures, progress of treatment activities (including initial and maintenance treatments), lessons learned, post-treatment evaluations for adaptive management purposes (including through photos documenting treatment areas before and after treatment), and an assessment of any changes in conditions that may affect project consistency with the PWP.
3. **Submittal of Final Burn Plans.** PRIOR TO COMMENCEMENT OF (INDIVIDUAL BURN UNIT) DEVELOPMENT, RCD shall provide to the Executive Director a copy of each final, signed Prescribed Fire Plan for the subject development. Prescribed Fire Plans will be submitted to meet ministerial requirements of the PWP and not for technical review or approval. Prior to submitting each copy, RCD shall inform the Executive Director of any significant changes to the project (as reflected in the Prescribed Fire Plan) required by State Parks and/or CAL FIRE that could have additional adverse environmental impacts within the Coastal Zone. Such changes shall not be incorporated into the project until RCD obtains Commission authorization, unless the Executive Director determines that no new authorization is legally required.
4. **Restriction on Accelerants.** Activities related to the mixing, filling, and pouring of fuels and other materials to create accelerants shall take place in designated areas located at least 100 feet from coastal waters, streams, wetlands, and other watercourses and shall be designed to fully contain spills of fuels and other contaminants.

## 4. FINDINGS AND DECLARATIONS

### A. Project Description and Background

The San Mateo County Forest Health and Fire Resilience Public Works Plan (PWP)<sup>3</sup> allows for the planning, review, and authorization of vegetation treatment projects within San Mateo County's coastal zone to improve forest health, restore ecosystems, and increase wildfire resilience. The PWP provides for efficient programmatic streamlining of both California Environmental Quality Act (CEQA) compliance and Coastal Act authorizations through a framework within which identified vegetation treatment projects can be analyzed and implemented under a coordinated plan that relies on the standards (called Standard Project Requirements, or SPRs) and mitigation measures adopted as part of the California Vegetation Treatment Program (CalVTP) Programmatic Environmental Impact Report (PEIR), as well as local coastal-specific standards (Coastal Vegetation Treatment Standards, or Coastal VTS for San Mateo County) developed collaboratively by Commission and RCD staff, as well as officials from the County of San Mateo, CAL FIRE, and State Parks. In addition to compliance with the State's fire planning efforts, the PWP applies additional efficiencies over and above implementation of the CalVTP by addressing specific local coastal issues and ensuring full consistency with the County of San Mateo Local Coastal Program (LCP) and California Coastal Act. The PWP thus enables the RCD and project partners to design and implement critical fire resilience projects throughout the 85,000-acre PWP program area over a 10-year period. Vegetation treatment activities under the PWP are categorized as either "forest health" projects designed to restore and enhance ecosystems, including to mitigate fire behavior to which the ecosystem is not adapted, or "fire prevention" projects that will protect existing structures and infrastructure, such as through strategic fuel breaks and defensible space clearances. Both types of projects are required to prioritize enhancement of habitat values as much as possible where implemented throughout the County (e.g., through the removal of invasive species).

RCD, in collaboration with the California Department of Parks and Recreation (State Parks), is requesting review of the NOID for Ecological Restoration, Wildland Urban Interface (WUI) Fuel Reduction, and establishment of Fuel Breaks over 1,636.9 acres of forest and shrubland within Butano State Park (see [Exhibit 2](#) and [Exhibit 3](#))<sup>4</sup>. Butano State Park is located in the Santa Cruz Mountains of southern San Mateo County, approximately 4 miles southeast of the town of Pescadero and approximately 3 miles east of Highway 1 (see [Exhibit 1](#)). Following the catastrophic 2020 CZU Lightning Complex fires, which burned over 86,000 acres throughout the counties of Santa Cruz and San Mateo, the project area experienced variable intensity wildfire leading to areas with significant amounts of unconsumed dead and dying vegetative materials that leave it vulnerable to subsequent wildfire, as well as areas where high intensity fire killed

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<sup>3</sup> See: <https://documents.coastal.ca.gov/reports/2021/7/Th16a/Th16a-7-2021-exhibits.pdf> for the full PWP, and <https://documents.coastal.ca.gov/reports/2021/7/Th16a/Th16a-7-2021-report.pdf> and <https://documents.coastal.ca.gov/reports/2021/7/Th16a/Th16a-7-2021-addendum.pdf> for the report and addendum.

<sup>4</sup> A total of 2,103.6 acres is proposed for treatment, with 1,636.9 acres occurring within the coastal zone, including 1,589.2 acres of Ecological Restoration and WUI area, and 47.7 acres of Fuel Breaks.

vegetation communities without fully consuming the biomass, ultimately leaving behind an understory composed of dead shrubs and small diameter trees.

The ecological restoration component of the project seeks to restore ecosystem processes, native stand conditions, and ecosystem resilience through the removal of dead, dying, diseased, and overstocked trees, and dense understory fuels, including through the elimination of invasive species and removal of excess buildup of fire fuel, consistent with PWP Project Standard 1 (Qualifying PWP Projects) (see [Exhibit 2](#)). This will be accomplished by reintroducing ecologically-appropriate disturbance regimes, initially by partially reducing fuel loads via mechanical mastication and hand thinning tailored to each site-specific vegetation community, and subsequently, through the use of prescribed fire. Ecological restoration activities would thus involve both manual and mechanical treatment activities (including use of chainsaws, masticators, excavators, feller-bunchers, skid steers, and chippers) to remove dead, dying and irreversibly diseased trees; reduce ladder fuels by selectively cutting and chipping material while leaving root systems intact for resprouting; remove select live Douglas-fir trees between 16 inches diameter at breast height (dbh) and 36 inches dbh where stands are overly dense and consequently, compromise the health of individual trees; spread certain residual masticated biomass uniformly; and retain certain features to support special-status species and other wildlife, such as healthy hardwoods greater than 16 inches dbh and some downed woody debris to maintain forest floor complexity. Invasive vegetation within the treatment area would be controlled, including via limited strategic application of herbicides.

Prescribed fire would also be implemented for ecological restoration through pile burning of biomass resulting from manual and mechanical work, or broadcast burning to reintroduce appropriate fire regimes following a predetermined burn plan under the guidance of a State Park certified Burn Boss (see [Exhibit 3](#)). Prescribed burn plots, or burn units, will be subdivided along preexisting abiotic features such as roads, trails, drainages, or other locations that can function as a barrier to fire spread, or through control lines established through a combination of manual and mechanical vegetation removal. RCD initially indicated that there will be three burn units but may adjust as conditions and prescriptions allow. Drip torches, fuzees, helitorches, and other ignition devices would be used for these prescribed fire purposes, while fire engines, bulldozers and other heavy equipment would be staged along control line roads in the event emergency suppression measures are required. Burn units will also be assigned treatment prescriptions that consider goals for prescribed fire, expected fire behavior, available resources, weather parameters, and ignition tactics; and in all instances, prescribed burning would occur only as conditions and prescriptions allow.

For the WUI component, which would overlap areas designated for ecological restoration, fuel reduction would consist of the strategic removal of vegetation to prevent or slow the spread of wildfire between structures and wildlands, and vice versa (see [Exhibit 2](#)). The project area includes highly-used natural areas and park infrastructure including housing, camps, access roads and maintenance facilities, as well as a community of homes, called the Butano Subdivision, as close as 0.8 miles north of the proposed treatment boundaries at the end of Canyon Road. Treatment within the WUI would entail treatment methods similar to ecological restoration treatments, including



the use of chainsaws, masticators, excavators, feller-bunchers, and skid steers, as well as drip torches, fuzees, helitorches and other ignition devices for prescribed fire activities. Fire engines, bulldozers and other heavy equipment would also be staged along control line roads in the event emergency suppression measures are required. WUI treatment would also involve the limited, strategic use of herbicides as a tool in controlling invasive vegetation.

For the fuel break component, RCD would create and maintain both shaded and non-shaded fuel breaks along approximately 47.7 acres along Butano Fire Road, Olmo Fire Trail, and the main (unnamed) park access road, running for approximately 3.7 linear miles and extending from 30 feet up to 250 feet (including road width) on either side of the roads and trails<sup>5</sup> (see [Exhibit 2](#)). Fuel break treatments would provide critical emergency ingress/egress for first responders, with support areas to access and stage equipment when fighting wildfires. Additionally, shaded fuel breaks will support residual and regenerating forest stands through the retention of an overstory canopy that will aid in the reduction of rapid re-growth of understory vegetation and maintain forest continuity, consistent with PWP Project Standard 1. Non-shaded fuel breaks will be limited to shrub or grass fuel types and will be designed to create a mosaic of fuel composition, near key infrastructure or in a naturally dense plant community, consistent with PWP Project Standard 1. Both types of fuel break treatment will involve mechanical treatment methods similar to ecological restoration treatments, including use of masticators, excavators, feller-bunchers, and skid steers, with limited strategic use of herbicides as a tool in controlling invasive vegetation.

In all treatment types, biomass resulting from treatment activities would remain on-site and would either be masticated, chipped, or in some locations, lopped and scattered across the forest floor. Some biomass will be stacked and piled to be burned at a later date or incinerated using a curtain burner. Invasive plant biomass would also be treated on-site to eliminate seeds and propagules and prevent reestablishment.

The proposed project is designed to be conducted through initial and maintenance treatment activities covering over 2500 acres of land both within and outside the coastal zone. Given the scale of the project, initial treatment will consist of the aforementioned activities (e.g., manual, mechanical, and prescribed fire) organized by geographic area and treatment goal (i.e., ecological restoration, WUI fuel reduction, and fuel breaks), while maintenance treatments will be performed by returning to a previously treated area, using the same treatment activities implemented during initial treatment. Maintenance frequency will be determined by the rate of understory species reestablishing dense, continuous understory and ladder fuels, as well as funding and appropriate field conditions. To facilitate this process of conducting initial and maintenance treatments and allow for flexibility to accommodate funding and field conditions opportunistically, the proposed development is authorized until the expiration date of the PWP, pursuant to **Special Condition 1**. All initial and maintenance

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<sup>5</sup> Approximately 128 acres of fuel breaks are proposed throughout the treatment area, with 47.7 acres within the Coastal Zone and 80.3 acres outside the Coastal Zone. Out of the 128 acres, 115 acres are proposed for shaded fuel breaks and approximately 13 acres are proposed for non-shaded fuel breaks. The fuel breaks extend 9.4 linear miles, with 3.7 miles occurring within the Coastal Zone and 5.7 miles outside the Coastal Zone.

treatment activities would be supervised and overseen by the RCD to ensure treatment is implemented consistent with the PWP.

As indicated above, the standard of review for the subject NOID is consistency with the PWP. RCD has submitted a Project-Specific Analysis (PSA), including a Mitigation Monitoring and Reporting Program, which together serve as the primary evaluation mechanism for the proposed project in determining whether the environmental effects of the proposed activities are addressed within the scope of the CalVTP PEIR. The PSA also provides that all applicable SPRs and mitigation measures identified in the CalVTP PEIR will be implemented. As part of the PSA, Appendix F, *Coastal Vegetation Treatment Standards*, details how the proposed project meets the local coastal-specific protection measures incorporated within the PWP. The PSA details how the NOID is consistent with PWP Section IV (CalVTP Protective Measures and Coastal Vegetation Treatment Standards), including Project Standard 1 (Qualifying PWP Projects), Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards), and Project Standard 4 (Project and Program Monitoring). Accordingly, the Commission finds that the subject NOID has incorporated all applicable protection measures of the Forest Health and Fire Resilience PWP, and as conditioned, is consistent with the Forest Health and Fire Resilience PWP, as discussed in greater detail in the findings sections below.

## **B. Environmentally Sensitive Habitat Areas**

Pursuant to PWP Project Standard 3 (Coastal Vegetation Treatment Standards), projects proposed within the PWP program area must be either forest health projects and/or fire prevention projects. Under forest health projects, the goal of vegetation treatment is “to restore and enhance ecosystems, including to prevent fire behavior to which the ecosystem is not adapted”. Forest health projects must therefore restore and maintain vegetation communities that reflect appropriate compositions and structural distributions for native fire frequencies while avoiding unintended habitat conversion. Under fire prevention, the goal of vegetation treatment is “to protect existing structures and infrastructures, including access roads”, while meeting the goals of forest health projects to the maximum extent feasible.

The proposed project specifically addresses post-CZU fire conditions and includes forest health and fire prevention components through initial and maintenance treatments. For forest health, the proposed project aims “to ecologically restore forest and shrubland conditions to exhibit an increase in healthy growth of mature vegetation while allowing for natural regeneration of understory plant species”. The subject site exhibits numerous unhealthy ecosystem characteristics due to historic land management activities dating back over a century, including logging, grazing, and fire suppression, which has led to serial habitat degradation and conversion, as well as increased homogenization of plant species and age classes in some areas. During the 2020 CZU wildfire, the subject site experienced variable intensity fire. In areas that burned under high intensity wildfire, many shrubs and forest stands experienced significant mortality of the dominant vegetation, while in areas that were left untouched or experienced lower intensity fire, severely overstocked forest stands remain that include large amounts of compromised vegetation. Ecological restoration of the subject site will therefore promote regeneration of native species as well as resilience among

surviving vegetation through the removal of dead and dying material as well as invasives, and thinning select live trees in overly stocked stands to reduce resource competition and improve individual tree health. Pile burning and broadcast burning will also be used to remove biomass and reintroduce appropriate fire regimes for target plant communities.

For fire prevention, the proposed project would reduce fuel loads around WUI park infrastructure and a nearby residential community, as well as create shaded and non-shaded fuel breaks along park roads through the removal of dead (and dying) but unconsumed trees and vegetation. While the purpose of fire prevention activities is not first and foremost to address ecological needs, such treatments can also be implemented to facilitate resilience and retain ecological value by maintaining live overstory canopy (in shaded fuel breaks).

Consistent with the PWP, RCD conducted a data review of project-specific biological resources, including habitat and vegetation types, special-status plants, special-status wildlife, and sensitive habitats with the potential to occur in the subject treatment area. A reconnaissance survey was also conducted to identify and document presence of such ecological resources to the extent feasible given post-CZU fire conditions, and to assess the suitability of habitat for special-status plant and wildlife species. In total, seventeen special-status plants and fourteen special-status wildlife were determined to have the potential to occur in the treatment area. In addition, the majority of natural vegetation communities present, including coast redwood, Douglas-fir, and knobcone pine forests, coast live oak woodlands, shrublands consisting of various scrubs and mixed chaparral, and California oat grasslands, qualify as sensitive. Thus, the subject site as a whole readily constitutes environmentally sensitive habitat and is protected under ESHA policies in both the LCP and Coastal Act.

Restoration is considered an allowable use in ESHA, and the vast majority of the work proposed in this project is truly restorative. Where restoration is not the primary objective (i.e. fire prevention), the work can still be implemented so as to benefit ESHA, including through the removal of invasive species, promotion of healthy native vegetation communities, and mitigation of catastrophic fire risk. As required by the PWP, the proposed project has been designed to protect ESHA and other ecological resources during project implementation. For example, all treatment crews will be required to undergo resource-protection training to ensure work activities are implemented in accordance with the PWP protection measures. No roads or other permanent structures or barriers to wildlife movement are proposed. Pre-treatment surveys and inspections will be required for a number of sensitive plant and wildlife species with the potential to occur in the subject site. Where such species are present, no-disturbance buffers will be created and/or treatment activities will be adjusted, including to occur outside active reproduction seasons. If avoidance and/or adjustment is infeasible, measures to minimize impacts will be implemented, including consultation with relevant regulatory agencies (e.g., California Department of Fish and Wildlife) and specimen relocation, as applicable. In many instances, the project has already been designed to avoid impacts to certain protected species, such as Marbled Murrelets and other wildlife and plant species, as certain treatment activities are proposed to occur when such species are least likely to be present within the treatment area. Further, the

ecological restoration component of the proposed project requires that habitat features necessary for the survival of sensitive species be retained, including for example, downed wood, native herbaceous vegetation, and native shrubs for cover, which would provide refuge for San Francisco dusky-footed woodrat, California red-legged frogs, and other species. These design mechanisms will ensure that the site retains its capacity to facilitate habitat regeneration. Finally, all treatment activities will also be monitored by a qualified biological monitor and RCD will be required to submit a monitoring report after each completed phase of development, as required under **Special Condition 2**, consistent with the PWP.<sup>6</sup>

The subject development also ensures that ESHA and other biological resources are protected through the controlled and limited strategic use of herbicides and continued maintenance of heavy machinery. For example, herbicide use must be implemented under a Spill Prevention and Response Plan that includes procedures for proper storage, use, transport, and disposal of herbicides, consistent with state and federal law. Herbicides will also only be applied by hand, may not be used near wetlands or in areas with open water bodies, and will be applied pursuant to state and federal label instructions. Machinery used for treatment activities will also be maintained per manufacturer's specifications and in compliance with all state and federal emissions requirements. Such equipment will also be inspected daily and removed from operation if found to be leaking.

The proposed project will also contribute to ecological restoration of the subject site by removing invasive species and vegetation infected with pests and disease. For example, host species impacted by Sudden Oak Death will be removed, while invasives such as Pampas Grass and French Broom – which is problematic due to rapid colonization as well as ignitability – will be manually removed and in some cases treated with herbicides. To avoid the spread of pathogens and invasives, specific measures include worker awareness trainings prior to treatment, minimizing the movement of soil and non-target plant materials during treatments, and cleaning and sanitizing all hand equipment and boots worn by treatment crews, as well as mechanized equipment.

For the reasons described above, the Commission finds that the project, as proposed and conditioned, has incorporated all necessary measures to protect ecological resources and environmentally sensitive habitat areas consistent with PWP Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards), and Project Standard 4 (Project and Program Monitoring) included in Section IV (CalVTP Protective Measures and Coastal Vegetation Treatment Standards). Thus, the Commission determines that the NOID, as conditioned, is consistent with the PWP as it relates to ESHA.

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<sup>6</sup> The monitoring report required under Special Condition 2 is to be substantially consistent with the requirements of SPR AD-7, but also provide detail on consistency with the PWP. SPR AD-7 requires project proponents to provide information on proposed, approved, and completed treatment projects to the Board of Forestry or CAL FIRE. Such information shall be made available to the public via an online database and shall include information on completed projects including GIS data of the treated area and a post-project implementation report that includes size of treated area; treatment types and activities; dates of work; a list of SPRs and mitigation measures that were implemented; and any explanation regarding implementation where required by an SPR or mitigation measure of the CalVTP.

### **C. Water Quality**

Vegetation treatment activities under the PWP must be designed and implemented in a manner that ensures the protection of water quality, consistent with PWP Project Standards 2 through 3. Projects must therefore identify any sensitive water resources and implement various protection measures. These include: establishment of buffer zones around sensitive water resources and restrictions and/or limitations within such buffer zones; designing treatment activities to prevent the spillage of pesticides; compliance with the appropriate Waste Discharge Requirements and/or Basin Plan Prohibitions of the Regional Water Quality Control Board; maintaining equipment to prevent fuel leakages; following proper herbicide disposal procedures; minimizing erosion through soil stabilization, restrictions on heavy machinery use, and monitoring; and requiring drainage features and conditions to remain unchanged following treatment activities. The PWP also prohibits the construction or reconstruction of any new roads, including temporary roads.

The proposed project includes various treatment activities to remove and reduce targeted vegetation within Butano State Park, including manual and mechanical treatment activities, as well as prescribed fire and the strategic application of herbicides to control the growth of invasive vegetation. Heavy machinery, including tracked vehicles like masticators and skid steers, will be operated along existing roads and trails, while fire engines, bulldozers and other machinery will be present for emergency fire suppression purposes during prescribed burning activities. Treated biomass, including invasive vegetation, would remain on-site either as chipped materials spread across the forest floor or burned through prescribed fire activities.

The subject site includes two major watercourses: Little Butano Creek and Gazos Creek. Little Butano Creek is a perennial (class II) watercourse that runs westward in the center of the park and serves as a tributary to Butano Creek, which runs to the north of Butano State Park. Gazos Creek is a perennial (class I) watercourse that borders portions of the southern property boundary. Further, multiple class II and class III tributaries can be found within the park that feed into Little Butano Creek, Butano Creek, and Gazos Creek. Accordingly, the proposed project has been designed to identify and protect watercourses by establishing buffer zones where equipment usage is restricted (or limited to existing roads or watercourse crossings where vehicle tires or tracks remain dry). For example, buffers from 50 to 150 feet on either side of a class I or class II stream would be established depending on slope, while a buffer of 30 to 50 ft. (depending on slope) for class III streams, which are streams without aquatic life, would also be established. Within these buffers, no mechanical treatment activities would occur, though some manual treatment activities and prescribed broadcast burning may occur within or adjacent to buffer zones to meet project goals. Mechanized treatment activity is also restricted during the wet season, including through restrictions on mechanized operations within 24 to 72 hours of a precipitation event of 0.20 inches and up to 2 inches within a 24-hour period. RCD will also inspect for erosion following the first large storm of the season. Finally, no ignition points for prescribed burning activities will be located within any watercourse.

To guard against impacts to water quality from erosion and sedimentation, mechanized operations will occur on slopes less than 40 percent, though equipment access may

occur on slopes less than 50 percent. Where mechanical treatment is required on slopes greater than 40 percent, heavy equipment will be used from existing roads or trails to the maximum extent feasible. Broadcast burning will also be conducted when fuel moisture is high enough to allow for effective understory and ladder fuel control, while also reducing the risk of high severity burns that create burned landscapes leading to increased erosion. RCD will also immediately stabilize any disturbed soils during heavy equipment usage using vegetative debris, such as masticated vegetation or chips. Similarly, water breaks, which are diagonal channels created in roads or paths to divert surface water off the road and into a stable drain, will be used to drain stormwater on compacted soils and bare treatment areas.

To ensure against fuel leakage and herbicide spills, all diesel- and gasoline-powered equipment will be maintained per manufacturer's specifications and in compliance with all state and federal emissions requirements. Such equipment will also be inspected daily and removed from operation if found to be leaking. In addition, herbicide use will comply with all appropriate laws and regulations pertaining to the safe use of pesticides, including preparation of and adherence to a Spill Prevention and Response Plan that includes procedures for proper storage, use, and disposal of herbicides; implementation consistent with annual recommendations prepared by a licensed Pest Control Advisor; and application by a State-licensed applicator. Further, non-aquatic herbicides will not be applied within 50 feet of any waterbody or riparian area and herbicide use will be prohibited during or within 24 hours of a precipitation event. Following completion of herbicide use, all herbicide containers will be cleaned and disposed of at an approved disposal facility. No equipment or personnel will be cleaned or washed in a manner that would allow contaminated water to directly enter any body of water within the treatment area of adjacent watersheds.

Lastly, accelerants are proposed for usage to facilitate ignition of fuels during broadcast burning and pile burning operations. Accelerants primarily include a mixture of gasoline and diesel fuel to promote initial ignition of fuels and will be mixed, poured, and filled at least 100 ft. away from all watercourses, as required by **Special Condition 4**. Accelerants will also burn off during the ignition process, with very little to no residual material remaining.

For the above reasons, the Commission finds that the project, as proposed and conditioned, has incorporated all necessary measures to protect water quality and is consistent with PWP Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards), and Project Standard 4 (Project and Program Monitoring) included in Section IV (CalVTP Protective Measures and Coastal Vegetation Treatment Standards). Thus, the Commission determines that the NOID, as conditioned, is consistent with the PWP as it relates to water quality.

#### **D. Public Views**

The PWP requires treatment activities to avoid and minimize impacts to public views, consistent with PWP Project Standards 2 through 3. Any proposed treatment activity must therefore be designed to ensure that project sites be screened with sufficient vegetation within, at the edge of, or adjacent to treatment areas to screen views from outside the project area. Similarly, for mechanical and manual treatment, vegetation

must be thinned and feathered to break up or screen linear edges to mimic forms of natural clearings to the extent feasible. Lastly, all treatment types must also avoid staging equipment, including vehicles and vegetation debris, within viewsheds to the extent feasible.

The proposed project includes initial and maintenance treatment of dead and dying vegetation using manual and mechanical treatment methods, as well as the targeted application of herbicides. Work would occur throughout a publicly accessible recreation area, with some of the proposed treatment areas visible from Cloverdale Road, which has been designated a County Scenic Corridor. At present, public views that include the subject site have also been altered by the 2020 CZU fire.

While use of heavy equipment, thinning and removal of vegetation, and use of fire on the landscape could all degrade public views, the proposed project has been designed to avoid and minimize significant impacts. For example, treatment is proposed through the phasing of activities, so heavy equipment would be present for limited durations in certain areas, with heavy equipment also staged outside of the viewshed of public trails, parks, recreation areas, and roadways to the maximum extent feasible. Vegetation will also be thinned and feathered to screen views from visible locations to maintain park-like appearances, with the goal of retaining natural vegetation densities. Removal of vegetation for the purpose of creating fuel breaks will also be undertaken primarily as shaded fuel breaks, which ensure through the retention of overstory canopy that the proposed development does not substantially contrast with the surrounding forest. Where non-shaded fuel breaks are proposed, these will be strategically placed where there are natural changes in vegetation type. RCD will also conduct visual reconnaissance to determine whether proposed non-shaded fuel breaks must be relocated to avoid and/or minimize visibility. Lastly, RCD will also notify recreational users through posted signage of any temporary closures. For these reasons, the proposed project is not expected to substantially impact public views.

Therefore, the Commission finds that the subject NOID is consistent with Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards), and Project Standard 4 (Project and Program Monitoring) included in Section IV (CalVTP Protective Measures and Coastal Vegetation Treatment Standards) of the PWP. Thus, the Commission determines that the NOID, as conditioned, is consistent with the PWP as it relates to public views.

### **E. Coastal Hazards**

Vegetation treatment activities proposed under the PWP must be designed and implemented to ensure that existing coastal hazards are not exacerbated, consistent with PWP Project Standards 2 and 3. A number of PWP protection measures address coastal hazards, including for example: requiring the identification and avoidance of known hazardous waste sites prior to treatment activities and restrictions on soil disturbing activities where such hazardous sites are discovered; creating a burn plan to ensure public safety, including the design and implementation of an approved Incident Action Plan for overall tactical action, including appropriate emergency responses; and standards that ensure treatment activities do not contribute to erosion, such as

restrictions on mechanical treatment under specified environmental conditions, such as precipitation.

The proposed project includes initial and maintenance treatment of dead and dying vegetation using manual and mechanical treatment methods, as well as prescribed fire and the limited strategic application of herbicides. Biomass is proposed to be masticated, chipped, or in some locations, lopped and scattered across the forest floor, while in some cases stacked and piled to be burned at a later date, or incinerated using a curtain burner. Accordingly, proposed treatment activities could exacerbate existing coastal hazards or create new hazards if development activities are not appropriately implemented.

As designed, the subject development ensures that risks from natural hazards will not be created or exacerbated through proposed treatment activities. Through initial and maintenance treatment of dead, diseased, and dying vegetation using manual and mechanical treatment methods, as well as prescribed fire, the subject site will be restored to more natural conditions that ultimately support native vegetative species regeneration. This will facilitate site conditions that are less likely to contribute to catastrophic burns (and subsequent flooding) observed following past wildfires, such as the 2020 CZU fire.

For potential hazards associated with prescribed burning, including exposure to toxic air contaminants and odors, as well as the potential for fire to escape control boundaries, the applicant is preparing a Burn Plan for each of the burn units proposed for prescribed fire. Burn Plans are critical to planning and ensuring safe and successful burning operations and generally provide a description of the targeted burn area, appropriate weather conditions to implement prescribed burning safely and with lower environmental effects (e.g., when winds are blowing in a particular direction to both ensure safety but also minimize smoke impacts), and the appropriate emergency response measures for a fire that becomes difficult to control. RCD has indicated that prescribed burns will only be undertaken as conditions and prescriptions allow, pursuant to certified Burn Plans and under the guidance of a certified State Parks' Burn Boss. These Burn Plans, which will be finalized and submitted to the Commission pursuant to **Special Condition 3**, will include Incident Action Plans (IAP) to aid in operational risk assessment to prioritize hazards, safety, and health issues, and to develop appropriate controls. For example, where a prescribed burn escapes beyond its containment area, the IAP allows for the Burn Boss to declare the prescribed burn a wildfire, which would trigger all fire personnel to operate as holding or suppression forces.

To ensure against fuel leakage and herbicide spills, all diesel- and gasoline-powered equipment will be maintained per manufacturer's specifications and in compliance with all state and federal emissions requirements. Such equipment will also be inspected daily and removed from operation if found to be leaking. In addition, herbicide use will comply with all appropriate laws and regulations pertaining to the safe use of pesticides, including preparation of and adherence to a Spill Prevention and Response Plan that includes procedures for proper storage, use, and disposal of herbicides; implementation consistent with annual recommendations prepared by a licensed Pest Control Advisor; and application by a State-licensed applicator.



The project has also been designed to avoid and minimize erosion impacts through design measures to reduce erosion impacts, ongoing monitoring for erosion during treatment activities and measures to immediately stabilize disturbed soils using vegetative debris for mulching. For example, prescribed fire will only be implemented under prescriptive conditions and through low intensity fire as a measure to minimize soil burn severity. A registered professional forester or licensed geologist will also be required to evaluate treatment areas with slopes greater than 50 percent for unstable areas prior to treatment implementation, though most mechanized operations will occur on slopes less than 40 percent. Where mechanical treatment is required on slopes greater than 50 percent, heavy equipment will be used from existing roads or trails to the maximum extent feasible. Similarly, water breaks, which are diagonal channels created in roads or paths to divert surface water off the road and into a stable drain, will be used to drain stormwater on compacted soils and bare treatment areas. Finally, no new roads are proposed for development and the subject development does not include treatment activities that could result in additional erosion (and subsequent flooding) impacts.

RCD also conducted a database search and review of the Department of Toxic Substances Control Hazardous Waste and Substances Site List (Cortese List) for hazardous materials sites. No such sites were found in the proposed treatment area or within half a mile of the treatment area.

Therefore, the Commission finds that the subject NOID as proposed and conditioned, has incorporated all necessary measures to minimize coastal hazards and is consistent with PWP Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards), and Project Standard 4 (Project and Program Monitoring) included in Section IV (CalVTP Protective Measures and Coastal Vegetation Treatment Standards). Thus, the Commission determines that the NOID, as conditioned, is consistent with the PWP as it relates to coastal hazards.

#### **F. Cultural Resources**

Vegetation treatment activities proposed under the PWP must be designed and implemented to ensure that cultural resources are protected, consistent with PWP Project Standards 2 through 3. For example, during the project design stage, an archaeological and historical resources record search must be conducted pursuant to local or state agency procedures. All California Native American Tribes in the counties where the treatment activity is located must also be contacted and provided with a written description of the project objectives and location, as well as the proposed treatment activities and depth of excavation if ground disturbance is proposed. Pre-field research is also required to inform survey design within the context of local history and prehistory. Finally, a site-specific survey of the treatment area must also be conducted and reported by a qualified archaeologist.

Where cultural resources are known to exist or are discovered through project implementation, the PWP provides for additional protection measures. First and foremost, all project crew members and contractors must be trained in the protection of cultural resources, including halting work where archaeological resources are encountered and treatment activities involve soil disturbance. Relatedly, consultation

with the culturally affiliated tribe(s) is required for the purpose of developing protection measures for known and discovered cultural resources in the treatment area. Such protection measures may include adjustments to the treatment location so that impacts to cultural resources are avoided, and/or changing the treatment design so that adverse impacts to cultural resources do not occur. Lastly, project proponents must avoid treatment activities near historical resources (as defined by Section 15064.5 of the State CEQA Guidelines), including by prohibiting prescribed burning and mechanical treatment within 100 feet of such resources. Reduced buffers in such instances may be allowed only after consultation with and approval from a qualified archaeologist.

Despite the aforementioned measures to protect cultural resources, the PWP recognizes that ground disturbance during vegetation treatment activities could result in inadvertent damage to or destruction of cultural resources that are discovered during project operations. As such, the PWP requires all ground-disturbing activities within 100 feet of a discovered cultural resource to cease where such resources are discovered (Project Standard 2 of the PWP).

The proposed project includes initial and maintenance treatment of dead and dying vegetation using manual and mechanical treatment methods, as well as prescribed fire and the limited strategic application of herbicides. Biomass is proposed to be masticated, chipped, or in some locations, lopped and scattered across the forest floor, while in some cases stacked and piled to be burned at a later date, or incinerated using a curtain burner. Accordingly, proposed treatment activities could impact cultural resources if not appropriately implemented.

Consistent with the requirements of the PWP, RCD conducted a cultural resources records search (on June 30, 2022) for the proposed treatment areas, including a sacred lands search. No cultural resources were identified; however, large portions of the project area have not previously been systematically surveyed. RCD also contacted geographically-affiliated Native American representatives to discuss the proposed project (on June 27, 2022). As of the date of NOID submittal, no responses were received from any Native American tribes. However, if any tribal cultural resources are discovered during project operations, RCD will halt development activities immediately, install exclusion zones around the discovered cultural resources, and restrict mechanical treatment within 100 feet. RCD will then contact all culturally affiliated tribe(s) to develop appropriate protection measures for identified tribal cultural resources in the treatment area, consistent with the PWP. Relatedly, all crew members working on site will be trained in the protection of sensitive archaeological, historical, or tribal cultural resources, including halting operations where such resources are discovered. RCD will also monitor and oversee all treatment maintenance to ensure continued protection of cultural resources after the initial phases of treatment.

Therefore, the Commission finds that the subject NOID, as proposed and conditioned, has incorporated all necessary measures to protect cultural resources and is consistent with PWP Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards), and Project Standard 4 (Project and Program Monitoring) included in Section IV (CalVTP Protective Measures and Coastal

Vegetation Treatment Standards). Thus, the Commission determines that the NOID, as conditioned, is consistent with the PWP as it relates to cultural resources.

#### **F. Air Quality and Greenhouse Gas Emissions**

Consistent with the PWP, vegetation treatment activities must be designed and implemented to avoid and/or minimize impacts to air quality, including through greenhouse gas (GHG) emissions reductions. For example, the PWP requires implementation of measures to reduce adverse impacts from prescribed burning, including through limitations on the duration of prescribed burning activities; restrictions on the types and amounts of materials authorized for burning, as well as location; and adherence to appropriate climatic and meteorological conditions to lower smoke impacts.

The proposed project includes treatment of dead and dying vegetation using heavy machinery as well as prescribed fire activities. Operation of heavy machinery and application of fire to vegetation, including through pile burning, broadcast burning, and the use of curtain burners, can lead to the release of air pollutants, smoke and odors if not appropriately implemented.

As designed by the applicant, the proposed project will ensure that air quality impacts are minimized to the extent feasible. For example, RCD will prepare a Smoke Management Plan (as part of its Burn Plan) for review and approval by the Bay Area Air Quality Management District (BAAQMD) prior to implementing any prescribed fire activities. The Smoke Management Plan must describe how prescribed burning activities will ensure compliance with the applicable air quality requirements of the BAAQMD. Measures to ensure compliance include: identifying the location of smoke sensitive areas and the appropriate meteorological conditions necessary for burning, as well as contingency actions (such as fire suppression or containment) that will be taken if conditions deviate from those specified in the plan; requiring vegetation to be in a condition that will minimize the smoke emitted during combustion when feasible, considering fire safety and other factors; and requiring piled materials to be prepared so that they will burn with a minimum of smoke. Relatedly, the proposed project has been designed to minimize dust during vegetation treatment, including by: limiting the speed of vehicles and equipment traveling on dirt roads to 15 miles per hours; wetting appurtenant, unpaved, and dirt roads with non-toxic chemical dust suppressants if road use creates excessive dust; removing visible dust, silt, or mud tracked-out on to public paved roadways where access to available water supplies is sufficient; and suspending ground-disturbing treatment activities, such as land clearing and bulldozer lines, if dust transport is visible outside the treatment boundary and it may cause public health impacts. Further, no naturally-occurring asbestos has been identified in the subject area, so ground-disturbance activities are not expected to create asbestos-related hazards.

Finally, one of the main goals of the PWP is to reduce the risk of catastrophic wildfires, which are a major contributor to GHG emissions in the State. While use of prescribed fire (and heavy machinery) may increase GHG emissions in the short-term, use of prescribed fire to help restore degraded habitat at the subject site will aid in GHG emissions reductions over the long-term.

Therefore, the Commission finds that the subject NOID, as proposed and conditioned, has incorporated all necessary measures to protect air quality and is consistent with PWP Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards), and Project Standard 4 (Project and Program Monitoring) included in Section IV (CalVTP Protective Measures and Coastal Vegetation Treatment Standards). Thus, the Commission determines that the NOID, as conditioned, is consistent with the PWP as it relates to air quality and greenhouse gas emissions.

### **G. Public Access and Recreation**

Consistent with PWP, impacts to public access and recreation must be avoided and/or minimized during and following treatment activities. Therefore, project proponents are required to coordinate with the owner or manager of any public recreation area or facility that might impact public recreational access, including to post notifications of any potential impacts at least two weeks prior to the commencement of the treatment activities. Similarly, projects designed to use prescribed fire within or adjacent to public recreation areas must post signage along the closest public roadway to the treatment area describing the activity and timing. Such notification must also be published in local newspapers or other widely distributed media sources. Relatedly, herbicide use within or adjacent to public recreation areas also requires signage posting at each end of a herbicide treatment area and any intersecting trails. Further, a Traffic Management Plan (TMP) must be prepared “if traffic generated by the project would result in obstructions, hazards, or delays exceeding applicable jurisdictional standards along access routes for individual vegetation treatments.” Lastly, the PWP requires that public access and public recreational areas and facilities be protected during project operations to the maximum extent feasible, including through the minimization of trails closures; limiting the use of public parking spaces for staging operations; posting available accessway signage and using flaggers; and designing construction access corridors in a manner that has the least impact on public access. Completed vegetation treatment projects must also ensure that any impacted coastal public access and recreational amenities are restored to existed conditions.

The subject development involves vegetation treatment activities within a publicly accessible recreation area. Treatment activities include manual and mechanical removal of vegetation, as well as prescribed fire and the strategic application of herbicides. Heavy machinery, including tracked vehicles like masticators and skid steers, will be operated along existing roads and trails, while fire engines, bulldozers and other machinery will be present for emergency fire suppression purposes when prescribed fire is being implemented.

Although the proposed project has the potential to impact public access and recreation through restricted park access (e.g., trail closures, parking and traffic impacts) and noise and smoke impacts, the project has been designed to avoid and minimize these adverse impacts during project operations to the maximum extent feasible. For example, treatment will occur in phases such that only certain geographic areas will be impacted temporarily, which will help minimize access restrictions across the park. No roads are proposed for closure, while a Traffic Management Plan will be implemented to reduce potential traffic obstructions, hazards, and service level degradation along

affected roadway facilities, including Cloverdale Road, which is accessed by park visitors and residents in the Butano Canyon Subdivision. Signage will also be posted along roads and trails impacted by treatment activities in as much advanced notice as feasible. Where coastal public access and recreational amenities are impacted, such amenities will also be restored to existing conditions following completion of treatment.

While noise impacts and changes to scenic views could also potentially disrupt nearby public recreational activities, the proposed project has been designed to follow applicable protection measures that will minimize such impacts, including measures to reduce noise impacts by limiting heavy equipment use to daytime hours; maintaining equipment according to manufacturer specifications; requiring engine shroud closures; locating staging areas away from noise-sensitive land uses; and restricting equipment idling time. Further, initial treatment implementation is proposed through phased development activities by area, so any potential noise impacts would be temporary and localized. Relatedly, the project has been designed to prevent any long-term degradation of scenic views that may be seen from publicly-used recreational trails in the area, including by maintaining vegetative screening and staging equipment outside of the viewshed of public trails, parks, and recreation areas to the extent feasible (see also Public Views findings).

Therefore, the Commission finds that the subject NOID, as proposed and conditioned, has incorporated all necessary measures to protect public recreational access and is consistent with PWP Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards), and Project Standard 4 (Project and Program Monitoring) included in Section IV (CalVTP Protective Measures and Coastal Vegetation Treatment Standards). Thus, the Commission determines that the NOID, as conditioned, is consistent with the PWP as it relates to public recreational access.

#### **H. California Environmental Quality Act**

Pursuant to Public Resources Code Section 21067 and Sections 15050 and 15051 of Title 14 of the California Code of Regulations, the Board of Forestry and Fire Protection (Board) was the lead agency under CEQA that had principal responsibility for approving and carrying out the CalVTP, while RCD is a responsible agency tasked with implementing vegetation treatment under the PWP. As the lead agency under CEQA, the Board certified its PEIR in December 2019 in accordance with State CEQA Guidelines Section 15168(c) for streamlining later vegetation treatment activities. As a responsible agency, the RCD has found that most of the activities subject to this NOID are within the scope of the PEIR and therefore do not need additional CEQA review. However, since some treatment activities are proposed outside the treatable landscape identified as part of the CalVTP PEIR, State Parks acted as a lead agency in preparing an addendum to the PEIR in collaboration with RCD. In that addendum, State Parks determined that treatments in project areas outside the CalVTP treatable landscape do not result in new or substantially more severe significant impacts than those identified in the CalVTP PEIR.

Section 13096 of the Commission's administrative regulations requires Commission approval of project applications to be supported by a finding showing that the

application, as modified by any conditions of approval, is consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA also prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effect which the activity may have on the environment. The Commission has a regulatory program that has been certified by the Secretary of the Resources Agency under Section 21080.5 of CEQA, thereby allowing the Commission to use this program in lieu of drafting an environmental impact report, negative declaration or other CEQA document.

The Commission has reviewed and considered the information in the PEIR and addendum for the CalVTP addressing potential environmental effects, proposed mitigation measures, and alternatives, as applicable to the project. The findings above have also analyzed the relevant coastal resource issues with the proposal and have identified appropriate and necessary conditions to address adverse impacts to such coastal resources, consistent with the PWP. Further, the Commission's July, 2021 certification of the PWP considered the effects that would be caused by projects implemented under that plan, including projects such as this one that are both within and outside the scope of the PEIR. Thus, the proposed project, as conditioned to be consistent with the PWP, will not result in any significant environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A). For the reasons discussed in this report, the project, as conditioned, is consistent with the governing PWP and its coastal zone protection policies, including its adherence to standards required by the 2019 PEIR. Because the project is within the scope of the PEIR, an addendum was adopted to address the project areas outside the geographic extent of the PEIR, and the project is conditioned to be consistent with the PWP, there are no other feasible alternatives or feasible mitigation measures available that would substantially lessen a significant adverse effect that the activity may have on the environment, the project is consistent with CEQA.

#### **Appendix A – Substantive File Documents<sup>7</sup>**

- San Mateo County Forest Health and Fire Resilience Public Works Plan, certified July 2021
- California Board of Forestry California Vegetation Treatment Program (CalVTP) Certified Programmatic Environmental Impact Report (December 2019)
- County of San Mateo Local Coastal Program

#### **Appendix B – Staff Contacts with Agencies and Groups**

- San Mateo Resource Conservation District (Multiple Dates)
- California Department of Parks and Recreation (Multiple Dates)
- Auten Resource Consultant (Consultant to RCD) (Multiple Dates)
- CAL FIRE (Site Visit on April 29, 2022)

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<sup>7</sup> These documents are available for review from the Commission's North Central Coast District office.