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Date: March 23, 2022
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Subject: **Notice of Impending Development No. VTP-NOID-0002-22 (Skylark Ranch Forest Health Project)**

SUMMARY OF STAFF RECOMMENDATION

The Resource Conservation District of Santa Cruz County (RCD) proposes to implement ecological restoration treatments over 40 acres of forested habitat within Skylark Ranch, as well as to create a shaded fuel break along approximately 1.5 miles of Old Woman's Creek Road and associated access roads (totaling approximately 20 acres). The project is located within the Skylark Ranch Girl Scout Camp in northern Santa Cruz County, approximately 2.5 miles inland of Highway 1 at Año Nuevo State Park. Before the catastrophic 2020 CZU fire, the project area had been identified as a high fire-risk area due to a buildup of dead and dying vegetative materials, and it was exhibiting suboptimal forest health. The CZU fire burned in this area, but it also left behind significant amounts of unconsumed fuel and compromised vegetation that simultaneously thwart natural recovery processes and leave the area vulnerable to subsequent catastrophe.

The proposed work would include both manual and mechanical treatment activities, including use of chainsaws, masticators, feller-bunchers, and skid steers, with herbicides strategically applied to control the growth of invasive vegetation. The ecological restoration component of the project seeks to return the landscape closer to conditions where natural fire processes can be reestablished and habitat quality improved, including through the removal of invasive species and removal of excess buildup of fire fuel. The fuel break component would provide emergency responders with areas to access and stage equipment when fighting future wildfires. The retention of overstory canopy over the fuel break is intended to aid in the reduction of rapid re-growth of understory vegetation while helping to maintain continuity of the forest landscape. Biomass created from treatment activities would be masticated and placed as mulch on the ground concurrently with vegetation removal, or chipped and used for erosion control, such as along roads and trails.

Following initial treatment activities, RCD would oversee maintenance treatments conducted by the landowners with timing and frequency dependent on the rate of understory species reestablishing dense, continuous understory and ladder fuels. Maintenance treatments would involve methods similar to initial treatment activities and would be supervised by RCD to ensure implementation is consistent with the certified Santa Cruz County Forest Health and Fire Resilience Public Works Plan (PWP).

Subject to conditions for monitoring and that limit the authorization for initial treatment to five years, staff recommends that the Commission determine that the proposed development is consistent with the certified PWP. The motion and resolution to implement the staff recommendation can be found below on **Page 5**.

Procedural Note – Action Deadline

The PWP requires the Commission to take action on the subject notice of impending development (NOID) within 30 working days of the date it was filed, unless the RCD waives such requirement. The NOID was filed as complete on March 23, 2022, and thus the Commission must take action on it no later than May 4, 2022. Thus, unless the RCD waives the action deadline, the Commission is required to take action on this NOID at its April 2022 meeting.

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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 the County of Santa Cruz's Forest Health and Fire Resilience PWP on July 8, 2021.¹ The PWP allows the Resource Conservation District of Santa Cruz County (RCD), as the project proponent, to facilitate the planning, review, and authorization of vegetation treatment projects within the County's coastal

¹ See: <https://documents.coastal.ca.gov/reports/2021/7/Th19a/Th19a-7-2021-report.pdf>, <https://documents.coastal.ca.gov/reports/2021/7/Th19a/Th19a-7-2021-addendum.pdf> and <https://documents.coastal.ca.gov/reports/2021/7/Th19a/Th19a-7-2021-exhibits.pdf>

zone to improve forest health, restore ecosystems, and increase wildfire resilience. The Skylark Ranch project is one of the first two projects being proposed under the PWP, with the other being the Last Chance Road project, also on the Commission's April 2022 meeting agenda.

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 by RCD on March 16, 2022, and filed as complete on March 23, 2022. Pursuant to CCR Section 13359 and the PWP, the Commission is required to take an action on the NOID within thirty working days of its filing (i.e., here, no later than May 4, 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 April 2022 Commission meeting.

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 Santa Cruz 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 recommended determination and 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-0002-22, as conditioned, is consistent with the certified Santa Cruz 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-0002-22, as conditioned, is consistent with the certified Santa Cruz County Forest Health and Fire Resilience Public Works Plan for the reasons discussed in the findings herein.*

3. SPECIAL CONDITIONS

1. **Authorization Period.** Initial implementation as described in the NOID is authorized to occur within the first five (5) years from the date of Commission action (i.e., until April 6, 2027), and subsequent maintenance 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 a monitoring report for the review and written approval of the Executive Director. The monitoring report shall be substantially consistent with the requirements of SPR AD-7 and shall be submitted after each completed phase of development (as such phases are described in the NOID). The monitoring report shall describe compliance with PWP protection measures, progress of treatment activities (including initial and maintenance treatment), and an assessment of any changes in conditions that may affect project consistency with the PWP.
3. **Landowner Authorization.** PRIOR TO COMMENCEMENT OF DEVELOPMENT, RCD shall provide to the Executive Director a copy of all applicable landowner authorizations for the subject development. RCD shall inform the Executive Director of any changes to the project required by any landowner. Such changes shall not be incorporated into the project until RCD obtains a Commission amendment to this NOID, unless the Executive Director determines that no amendment is legally required.

3. FINDINGS AND DECLARATIONS

A. Project Description and Background

The Santa Cruz County Forest Health and Fire Resilience Public Works Plan (PWP)² allows for the planning, review, and authorization of vegetation treatment projects within Santa Cruz 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. This plan relies on the standards (called Standard Project Requirements, or SPRs) and mitigation measures

² See: <https://documents.coastal.ca.gov/reports/2021/7/Th19a/Th19a-7-2021-exhibits.pdf> for the full PWP, and <https://documents.coastal.ca.gov/reports/2021/7/Th19a/Th19a-7-2021-report.pdf> and <https://documents.coastal.ca.gov/reports/2021/7/Th19a/Th19a-7-2021-addendum.pdf> for the report and addendum.

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 Santa Cruz County) developed collaboratively by Commission and RCD staff, as well as officials from the County of Santa Cruz, 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 Santa Cruz 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 52,500-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 prevent 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 is requesting review of the NOID for ecological restoration treatments over 40 acres of forested habitat within Skylark Ranch, as well as creation of a shaded fuel break along 20 acres of Old Woman's Creek Road and associated access roads and trails (see [Exhibit 1](#) and [Exhibit 2](#)). This initial phase of development is anticipated to occur from May to August of 2022. The project is located within Skylark Ranch Girl Scout Camp in northern Santa Cruz County, approximately 2.5 miles inland of Highway 1 at Año Nuevo State Park. Before the catastrophic 2020 CZU fire, the project area had been categorized by CAL FIRE as a high fire hazard severity area due to decades of buildup of unnatural vegetation densities and suboptimal forest health. The CZU fire burned this area, but it also left behind significant amounts of unconsumed fuel and compromised vegetation that simultaneously thwarts natural recovery processes and leaves the area vulnerable to subsequent catastrophe ([Exhibit 3](#)).

The ecological restoration component of the project seeks to address the legacy of fire suppression efforts, which persist even following the catastrophic CZU fire. Although that event did burn through Skylark Ranch and effectively restore processes related to a more natural fire cycle, it also left behind abnormal amounts of unconsumed fuel that was either killed or has been severely compromised. These materials continue to pose an elevated threat to the ecosystem and surrounding areas, while also monopolizing the space and resources that now-regenerating vegetation would benefit from as it matures to a more resilient state ahead of the next fire event. In addition, the threats of establishing invasive species, including both competition and proliferation, are heightened in such early successional stages. In this case, the objective is to facilitate returning the landscape closer to natural conditions where natural fire processes and fuel conditions can be reestablished and habitat quality improved, including through the elimination of invasive species and removal of excess buildup of fire fuel, consistent with PWP Project Standard 1 (Qualifying PWP Projects). Restoration would thus support native vegetative species regeneration, including through the reduction in resource competition between compromised and regenerating vegetation.

Ecological restoration activities would involve both manual and mechanical treatment activities, including use of chainsaws, masticators, feller-bunchers, skid steers, and chippers to remove dead, dying and irreversibly diseased trees and vegetation, reduce ladder fuels by pruning, and selectively remove live trees less than 12 inches diameter at breast height (dbh). Invasive vegetation will be removed, including through the limited, strategic use of herbicides.

For the 20-acre fuel break component, RCD would re-create and maintain a shaded fuel break along approximately 1 mile of Old Woman's Creek Road, extending up to 100 ft. on either side, as well as another half mile of shaded fuel breaks extending up to 25 ft. on either side of associated access roads and trails within forested habitats. Fuel break treatment would provide emergency responders with areas to access and stage equipment when fighting wildfires. It would also support residual forest stands by retaining overstory canopy that will aid in the reduction of rapid re-growth of understory vegetation while maintaining continuity across the forest canopy, consistent with PWP Project Standard 1. Fuel break treatment will involve manual and mechanical treatment methods similar to ecological restoration treatments, including use of chainsaws, masticators, feller-bunchers, and skid steers, with herbicides selectively applied in some cases to prevent the growth of invasive vegetation. Finally, biomass created from mechanical treatments would be masticated and placed as mulch on the ground concurrently with vegetation removal or chipped and used for erosion control, such as along roads and trails. Invasive plant biomass would be treated on-site to eliminate seeds and propagules and prevent reestablishment, or disposed of off-site within a closed container.

Following initial phase of treatment activities, RCD would oversee maintenance treatments conducted by Skylark Ranch landowners with timing and frequency dependent on the rate of understory species re-establishing dense, continuous understory and ladder fuels. Maintenance treatments will involve use of mechanical and manual treatment methods similar to initial treatment activities, as well as limited strategic herbicide use. All maintenance treatment activities would be supervised and overseen by the RCD to ensure treatment is implemented consistent with the PWP.

RCD has indicated that the Skylark Ranch landowners are in agreement with the proposed project, but legal authorization is yet to be formalized; accordingly, **Special Condition 3** requires submittal of landowner authorization prior to commencement of development activities.

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), Project Standard 4 (Santa Cruz County Habitat and Cultural Resource Protection), and Project Standard 5 (Project and Program Monitoring). Accordingly, the Commission finds that the subject NOID has incorporated all applicable protection measures of the PWP, and as conditioned, is consistent with the 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 may 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 vegetative cover to a threshold that reflects appropriate fire frequencies by providing for a mosaic of appropriate native plants by age, size, and class, 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 a forest health and fire prevention component through initial and maintenance treatments. Based on CZU fire severity within the project area, tree mortality is expected to be between 60-95% depending on the species and individual tree dbh. For forest health, the proposed project aims “to establish an open, healthy and diverse understory by allowing sunlight to penetrate to the forest floor after removing dead and dying trees and thinning smaller diameter trees”. The removal of compromised and smaller material (i.e., some native live trees less than 12 inches dbh, which are expected to have significantly lower survival) would thus allow for larger persisting trees increased access to light and nutrient resources that would support growth of a more resilient mosaic of native vegetation, both existing large trees and newly regenerating matter. The goal of ecological restoration treatments in shrub communities is to facilitate natural post-fire re-establishment and successional stages of the vegetation alliances that existed prior to the 2020 CZU fire. While initial treatments in these areas will focus on removing dead material and controlling for invasives to reduce fuel loads, maintenance treatments will aim to approximate conditions of healthy, mature reference stands of the specific communities determined to be present as regrowth proceeds.

For fire prevention, the proposed project would create a shaded fuel break through the removal of dead but unconsumed trees (from the 2020 CZU fire), thereby providing emergency responders with more open areas along existing access roads and trails to control or contain wildfires and stage firefighting equipment. Such treatment would also facilitate resilience and retain ecological value by maintaining an overstory canopy, while also providing shade that will reduce the potential for rapid re-growth of understory vegetation and invasive species.

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 biological 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, thirty-eight special-status plants and ten special-status wildlife were determined to have the potential to occur in the treatment area. Much of the habitat on the subject-site thus qualifies as ESHA, including forested habitat that consists of redwoods, Douglas-fir, tanoak, knobcone pine, and madrone, as well as coastal scrub and in some cases, chaparral species where habitat has been mixed.

As required by the PWP, the proposed project has been designed to protect ESHA and other biological 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 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 nesting or growth seasons. However, 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 species relocation. In many instances, the project has already been designed to avoid impacts to certain protected species, such as California red-legged frogs and other riparian wildlife and plant species, as treatment activities are proposed to occur outside the wet season when such species are more likely to be active within the treatment area. Further, buffer zones from riparian habitats will be implemented, which would avoid impacts to some other sensitive species. In addition, 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 California red-legged frogs. 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 detailing the successful implementation of all phases of the proposed project (i.e., initial treatment as well as maintenance), as required under **Special Condition 2**, consistent with the PWP.³

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

³ 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.

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 and/or Pitch Canker will be removed, while invasives such as French Broom – which is problematic due to rapid colonization as well as ignitability – will be manually removed. 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 biological resources and environmentally sensitive habitat areas consistent with PWP Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards), Project Standard 4 (Santa Cruz County Habitat and Cultural Resource Protection), and Project Standard 5 (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.

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 4. 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 initial and maintenance treatment of dead and dying vegetation and thinning of smaller live trees using manual and mechanical treatment methods, including use of heavy equipment such as masticators, feller bunchers, and skid steers, as well as the targeted application of herbicides. Biomass is proposed to be chipped and placed on the ground during mechanical treatment activities (e.g., during

mastication). While there are no perennial streams within the treatment area, the subject site contains several ephemeral streams, a potential intermittent stream, and is within 300 feet of Whitehouse Creek, a perennial stream. 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 the watercourse would be established depending on slope and water class. Similarly, buffer zones will be established around all ephemeral streams within the treatment area sufficient to prevent the degradation of downstream beneficial uses of water based on recommendations from a qualified biologist or Registered Professional Forester. Heavy equipment will also be prohibited from operating within 30 feet of all watercourses other than to travel over an existing crossing. Further, no mechanized treatment activity is proposed to occur during the wet season, beginning with the first frontal rain system depositing a minimum of 0.25 inch of rain after October 15th, and ending on April 15th. No mechanized treatment will occur within 24 hours of a predicted precipitation event of 0.20 inches or greater, and RCD will inspect for erosion following the first large storm of the season.

To guard against impacts to water quality from erosion and sedimentation, mechanized operations will occur on slopes less than 50 percent, with most of the proposed work to 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. 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. Following completion of herbicide use, all herbicide containers will be cleaned and disposed of at an approved disposal facility. No equipment will be cleaned or washed in a manner that would allow contaminated water to directly enter coastal waters.

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), Project Standard 4 (Santa Cruz County Habitat and Cultural Resource Protection), and Project Standard 5 (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 4. 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 public viewsheds to the extent feasible.

The proposed project includes initial and maintenance treatment of dead and dying trees and vegetation using manual and mechanical treatment methods, as well as the targeted application of herbicides. Live tree species under 12 dbh will be removed as well to create less dense tree stands. Biomass is proposed to be chipped and placed on the ground during mechanical treatment activities (e.g., during mastication). Work would occur within the Skylark Ranch Girl Scout Camp, which is currently closed. The subject site may be visible from public hiking trails that are part of West Waddell Creek State Wilderness and Big Basin State Park. At present, views of the subject site have also been altered by the 2020 CZU fire.

While use of heavy equipment, thinning of vegetation, and placement of vegetative debris could all degrade public views, the proposed project has been designed to avoid and minimize such impacts. For example, initial treatment is proposed for a limited duration (40 days) with heavy equipment proposed for staging outside of the viewshed of public trails, parks, recreation areas, and roadways to the extent feasible. Removal of vegetation for the proposed fuel break will also be limited, and the proposed project will ensure that overstory canopy be maintained where vegetation is cleared for fuel break purposes, thereby ensuring that the proposed development does not substantially contrast with the surrounding forest. Any biomass created from mechanical treatment is also proposed to be chipped on site and scattered evenly throughout the treatment area. For these reasons, the proposed project is not expected to substantially impact public views.

Therefore, the Commission finds that the subject NOID, as proposed and conditioned, has incorporated all necessary measures to protect public views and is consistent with PWP Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards), Project Standard 4 (Santa Cruz County Habitat and Cultural Resource Protection), and Project Standard 5 (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 views.

E. Coastal Hazards

Vegetation treatment activities proposed under the PWP must be designed and implemented to ensure protection from risks associated with natural hazards and hazardous materials, consistent with PWP Project Standards 2 through 4. A number of PWP protection measures address 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; and standards that ensure treatment activities do not contribute to erosion, such as restrictions on mechanical treatment under specified environmental conditions, such as precipitation.

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, 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. Further, no prescribed burning is proposed under the treatment activities.

The project has also been designed to avoid and minimize erosion impacts through ongoing monitoring for erosion during treatment activities and measures to immediately stabilize disturbed soils using vegetative debris to mulch eroded areas, such as along roads and trails. 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 Cortese List via the State Water Resource Control Board's GeoTracker database for hazardous materials sites. No such sites were found in the proposed treatment area or within half a mile of the treatment area, so according to RCD "the risk of exposing the public or [the] environment to significant hazards from the disturbance of a known hazardous materials site is extremely low".

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), Project Standard 4 (Santa Cruz County Habitat and Cultural Resource Protection), and Project Standard 5 (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

The certified PWP requires that vegetation treatment activities be designed and implemented to ensure that cultural resources are protected, consistent with PWP Project Standards 2 through 4. 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 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 200 feet of a discovered cultural resource to cease where such resources are discovered (Project Standard 4 of the PWP).

The proposed project includes initial and maintenance treatment of dead and dying vegetation using manual and mechanical treatment methods, thinning of smaller trees, as well as the limited strategic application of herbicides. Biomass is proposed to be chipped and placed on the ground during mechanical treatment activities (e.g., during mastication). 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 within the proposed treatment area, including a sacred lands search. No cultural resources were identified due to the site never having been previously

surveyed. RCD also contacted geographically-affiliated Native American representatives to discuss the proposed project (on December 1-3, 2021). 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 with 200 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), Project Standard 4 (Santa Cruz County Habitat and Cultural Resource Protection), and Project Standard 5 (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.

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 herbicides within or adjacent to public recreation areas must post signs 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 private property owned by the Girl Scouts of Northern California. Thus, development activities are not proposed within a publicly accessible recreation area and impacts to public recreational access are not anticipated. While noise impacts and changes to scenic views could 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 for a duration of 40 days, so any potential noise impacts would be temporary. 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), Project Standard 4 (Santa Cruz County Habitat and Cultural Resource Protection), and Project Standard 5 (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 the 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. The RCD has found that the activities subject to this NOID are within the scope of the PEIR and therefore do not need additional CEQA review. Section 13096 of the Commission's administrative regulations requires Commission approval of CDP applications and NOID 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 for the CalVTP addressing potential environmental effects, proposed mitigation measures, and alternatives, as applicable to the project. These findings have 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. Thus, the proposed project as modified 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 and 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 Documents⁴

- Santa Cruz 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 Santa Cruz Local Coastal Program

Appendix B – Staff Contacts with Agencies and Groups

- Resource Conservation District of Santa Cruz County (Multiple Dates)
- Ascent Environmental (Consultant to RCD) (Multiple Dates)
- County of Santa Cruz (Site Visit on October 15, 2021)
- CAL FIRE (Site Visit on October 15, 2021)

⁴ These documents are available for review from the Commission's Central Coast District office.