

CALIFORNIA COASTAL COMMISSION

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W10

**Deputy Director's Report- Orange County
September 7, 2022**

Correspondence



September 1, 2022

California Coastal Commission
455 Market Street Suite 300
San Francisco, CA 94105

**Re: W10 – Deputy Director’s Report for Orange County
Emergency CDP G-5-22-0030 – Laguna Beach Fuel Modification**

Dear Chair Brownsey and Commissioners:

On behalf of Sierra Club California’s 400,000 plus members throughout the state of California , who are all very concerned about climate change and the unintended consequences of poor planning; please allow us to share our concerns with you regarding this proposed Emergency CDP and ask that this item be pulled for staff presentation and Commission deliberation given the long history of our Save Hobo Aliso Task Force’s involvement in attempting to protect and preserve this area.

In review of the Deputy Director’s report, please consider these concerns and substantiated reasons for not allowing this Emergency CDP to move forward, but instead requiring that the City of Laguna Beach and the Laguna Beach Fire Department (LBFD) complete the conditions of their pending CDP for fuel mod in FMZs 10 and 11 as required by this Commission at the March 2022 CCC hearing <https://documents.coastal.ca.gov/reports/2022/3/W12e/W12e-3-2022-report.pdf>.

We recommend the Coastal Commission provide guidance to LBFD and the City of Laguna Beach that it must first remove all non-native vegetation in the “emergency zone.” Specifically, that they remove the non-native Fountain Grass which should be a priority. The excuse that native plants are less expensive to remove than non-native species is an argument that the Coastal Commission should strongly oppose!

We find it baffling that the Emergency Permits describes the emergency as follows from the staff report, and would appreciate staff explaining why this is an unexpected occurrence and why these fragile areas must be destroyed prior to the native habitat and special status species being allowed to seed the area during their normal fall cycle.

Emergency Description: An unexpected occurrence in the form of a fire hazard due to the growth of non-native fire-prone vegetation requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

This is not an emergency. There is nothing unexpected about the non-native vegetation in this area. However, what is unexpected is that the Laguna Beach Fire Department (LBFD) and City of Laguna Beach, refuse to remove the most pervasive and dangerous non-native that they allow to continue to spread freely, and that's Fountain Grass.

Commission staff describes the removal of this highly invasive non-native as a "bigger effort" in a recent email reply to our task force, and that the City is not prepared to deal with this type of removal at this time. Following, is a recent email to the Deputy Director regarding the Fountain Grass removal and eradication:

From: Penny Elia <greenp1@cox.net>
Subject: Re: Jeremy Frimond and fuel mod in September
Date: August 30, 2022 at 7:03:30 AM PDT
To: "Schwing, Karl@Coastal" <Karl.Schwing@coastal.ca.gov>

Thanks for getting in touch with him, Karl.

I'm afraid the logic escapes me here. They can achieve most of their goals by focusing on removal of non-natives, but if they don't they'll be in touch on next steps? The Fountain Grass is the worst non-native they have, and the most dangerous due to the fact that it burns so hot and fast [Fountain Grass - Saguaro National Park \(U.S. National Park Service\)](#) What's there to discuss? The Fountain Grass should be the first non-native they tackle.

What is the threat?

Fountain grass can form dense stands with several undesirable effects. It provides a large amount of fuel for hot fires that can destroy native plants and animals. It displaces native grasses, blocks the natural flow of water in washes, and alters the habitat for animals, particularly frogs and toads that are sensitive to such changes.

The fact that it's a much bigger effort is what confounds me. Does the City and LBFD want to do this properly after all these decades, or just continue to make greater strides to destroy ESHA? Instead of taking that extra percentage of fuel load out of ESHA, why can't they at least start removing some of the Fountain Grass to make up that 50%? Why isn't this part of the condition of the CDP and/or the Emergency Permit? Yes, what is needed is a bigger effort, not a plan that includes destroying ESHA if they feel they haven't "easily" removed enough non-natives.

The Sierra Club cannot support an Emergency Permit that does not include a requirement to remove at least some of the very dangerous and highly flammable Fountain Grass. The CDP should not allow this either. At minimum, the permit should state that any additional fuel load that needs to be removed must consist of removal of Fountain Grass - NOT ESHA.

Why is every single restoration project conditioned/required to remove Fountain Grass, but the City and LBFD are allowed to maintain the abundant grass which then, by its nature, spreads seeds everywhere and continues to multiply and make it even more difficult for the restoration sites to be free of this invasive grass? The SCE site is a good example of where this comes into play. The Nakai team is always having to remove new Fountain Grass sprouts from the restoration area because it's blown there from the very areas that the LBFD refuses to take on the "bigger effort." Why must this continue to be done the wrong way after all these years of begging and pleading with the City to do it the right way? The Hometown America site is another restoration site that has Fountain Grass all around the perimeter, but the LBFD won't touch that. They would rather have at the actual restoration area. Does any of this follow a path of logical thinking if we are attempting to protect and preserve ESHA?

Please let me know if this makes more sense to you than just allowing an Emergency Permit that doesn't deal with the elephant in the room - the Fountain Grass.

Thanks, Karl - I would really appreciate your assistance and support on getting this done properly for a change.

Best -

Penny

On the next page, please note the Fountain Grass in one area of FMZ 11 that lines the entire edge of the slope and populates this entire area except for the two restoration sites being managed by Hometown America and SCE. Why isn't this targeted as an invasive species when the LBFD does their fuel mod that requires 50% removal? And please note, the photo is dated May 29, 2022, so where is the "unexpected occurrence in the form of fire hazard due to the growth of non-native fire-prone vegetation?" This Fountain Grass has been in FMZs 10 & 11 for decades, and presents the biggest danger of all non-natives.



The staff report also states that:

5. All work shall take place in a time and manner to minimize any potential damages to any resources, including wildlife.

AND

13. Non-native plant cuttings and seeds removed as part of the subject fuel modification activities shall be removed from the site and shall not be left on the soil where they remain a seed source. When a biologist determines that a plant has already gone to seed, and where seeds are already on the ground, the permittee is not required to collect such seeds.

Given that Jeremy Frimond at the City of Laguna Beach has advised Mr. Schwing that he'll "be in touch with next steps" if they find they must remove ESHA to meet their 50% removal rate, how can this work to "minimize any potential damages to any resources?" Once again there is a contradiction between the permit conditions and what the City and Lbfd actually plan on doing.

As for the seeds being removed, one must question why the seeds from the natives and special status species are not being collected. We certainly concur that all non-native cuttings and seeds must be removed from the site, but will the biologist oversee the protection and preservation of the seeds that need to remain on site? And can't these seeds be used for mitigation areas or other productive restoration projects?

Our task force was alerted on the morning of August 30, 2022 that the Lbfd was in Hobo Canyon, on K Street, walking the area with the mobilehome park manager where there are currently biological studies underway under the guidance of Coastal Commission permitting and enforcement staff. There is also an active restoration site adjacent to this study area that was being surveyed by the Lbfd. There is no fuel mod scheduled for this area at all, and we fear that the Lbfd will once again over step the permit conditions by requiring the mobilehome park to conduct unpermitted fuel mod as they have in the past. This unpermitted fuel mod has been going on for over a year now without any acknowledgement by the Coastal Commission staff. This proposed Emergency Permit clearly states that, "if the Permittee wishes to expand the scope of work beyond that authorized by this ECDP" they must inform staff. This has not happened. Here is the exact language from the staff report:

(e) a regular CDP must be obtained for the emergency development to become more than temporary emergency abatement and/or if the Permittee wishes to expand the scope of work beyond that authorized by this ECDP

Our task force has sent many photos of the ESHA clearance the Lbfd has required the mobilehome park to conduct on the slopes of Hobo Canyon over the last year without any permits. During a recent site visit of the area with Coastal Commission permitting and enforcement staff this unpermitted clearance of ESHA was pointed out to them. Why is the Lbfd in Hobo Canyon once again making plans with the mobilehome park manager? An email exchange with staff has revealed that staff is not aware of the Lbfd meeting with the Hometown America mobilehome park manager. We request that staff address this visit and advise why the Lbfd is once again making plans in Hobo Canyon, and request that they cease this unpermitted "development" aka fuel mod.

SCE has been diligently working on their restoration site and just recently submitted their year one monitoring report. That report is attached so that the Commissioners can better understand how much work goes into Fountain Grass removal during these intense restoration projects. We must beg the question once again as to why the Lbfd is allowed to consider the removal of ESHA and not remove Fountain Grass because it's a "bigger effort" than they are prepared to take on? We also respectfully request that staff correct the photo in their exhibits of the SCE restoration area so that everyone, Lbfd included, is dealing with the reality of what's on the ground and not a dated image that doesn't apply to the situation at all at this time.

Please note a more appropriate and accurate image of the SCE restoration site on the next page.



Mitigation Areas and Actions (SCE CP 5-17-0506-A1, Special Condition 9)

- Photo Points
- ▭ On-site Mitigation Planting Areas (0.03 acre or ~1300 sqft)
 - ▭ Weed Management & Plant 40 1-gal container plants (25 required)
 - ▭ Strategic planting to close trail and reduce erosion
- ▭ Off-site Mitigation Planting Area (0.2 acre or ~8,700 sqft)
 - ▭ Weed Management & Plant 170 1-gal plants (100 required)
- ▭ Weed Management Buffer Areas
 - ▭ Area 1 (0.07 acre): High Density of Fountain Grass (*Pennisetum* sp.)
 - ▭ Area 2 (0.25 acre): Low Density of Nonnative Annual Grasses and Forbs

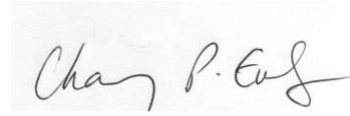
Thank you for considering these comments and we once again ask the Commissioners to:

- Take the time to pull this item, hear this issue and direct staff to deny the City of Laguna Beach's request for an Emergency Permit.

Should the Commission feel they must approve this permit, please:

- Require the LBFD to, at minimum, begin removal of Fountain Grass in these two FMZs and develop a plan for annual Fountain Grass removal until it is eradicated.
- Condition the Emergency Permit to protect and preserve ALL ESHA and special status species in these two FMZs that are a portion of the Coastal Conservancy's Conservation Easement.

Sincerely,



Nancy Okada

Charming Evelyn

Nancy Okada

Sierra Club California Water/Coastal Committee

Attachment: SCE Driftwood Restoration Project Year 1 Monitoring Report

