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To: Coastal Commissioners and Interested Persons

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Subject: **Notice of Impending Development No. MCO-NOID-0001-23 (Rancho Rico Forest Restoration Treatment Project)**

SUMMARY OF STAFF RECOMMENDATION

The Resource Conservation District (RCD) of Monterey County is proposing to restore ecological function over 83.7 acres of forest and to establish shaded fuel breaks on 17.4 acres along existing roads pursuant to the Commission-certified Monterey County Forest Health and Fire Resilience Public Works Plan (PWP). The project area is located in the Rancho Rico portion of the Big Sur area of southern Monterey County.

Multiple large wildfires have impacted the Big Sur region over the past several decades, with the periodicity, intensity and scale of wildfires increasing on an annual basis. Past fire suppression practices have contributed to a buildup of vegetation densities, overstocked stands, and an accumulation of dead and dying vegetation. By targeting mixed-conifer, oak woodland, and coastal redwood forest habitats in the project area, the objective is to both enhance community wildfire safety and restore forest health, through targeted fuel reduction around community infrastructure, as well as ecologically-appropriate vegetation management, including the removal of invasive French broom. Proposed treatment activities would consist of manual and mechanical treatments and pile burning.

The vast majority of the project, about 85%, would involve pure ecological forest restoration, where the goal of this project component is to restore 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. For the rest of the project, about 15%, the main goal is fire prevention, while also improving ecological function as much as possible, where this would be accomplished through creating what is called a 'shaded fuel break' along just over a mile of the ridgetop road in this area (through mowing of vegetation (grasses, forbs, etc.) and/or mastication or pruning of woody stemmed species). Treated vegetation may be lopped and scattered on-site, processed into chips or residual masticated material, or burned on-site using pile burning. Treatments would begin in 2023 or as soon as

possible following approval, and initial implementation would occur within one year, after which maintenance treatments of the same sort would be implemented in subsequent years to maintain the initial treatments.

The proposed project includes extensive best management practices, mitigation measures, and implementation protocols designed to protect coastal resources consistent with the certified PWP. In addition, staff is recommending six special conditions that would authorize work for defined time periods, ensure monitoring and reporting for each phase of activities, address on-site practices for handling accelerants near coastal waters, allow for project changes, and obtain landowner authorizations, all necessary to meet PWP requirements. With these additional conditions, 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 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 September 14, 2023, and thus the Commission has until October 26, 2023, to act or else the project may proceed without Commission action. Thus, unless the RCD waives the action deadline, the Commission is required to take action on this NOID at its October 2023 meeting.

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[Exhibit 2](#) – Vegetation Treatment Type Maps

[Exhibit 3](#) – Revised Project Specific Analysis (PSA)

1. PROCEDURAL BACKGROUND

A. Public Works Plan Background and History

Section 30605 of the Coastal Act authorizes public works plans (PWP) as an alternative to case-by-case coastal development permit (CDP) review for “public works,” which are defined, in relevant part, as publicly financed recreation facilities, projects of the State Coastal Conservancy, and any development by a special district.¹ PWP typically involve large or phased public works projects, and review authority for projects under PWP remains with the Commission irrespective of CDP jurisdictional boundaries. PWP 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-Local Coastal Program (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 certified PWP, or if conditions are necessary to make it consistent.

In this case, the Commission certified the Monterey County Forest Health and Fire Resilience PWP on February 10, 2023.² The PWP allows the Monterey County Resource Conservation District (RCD) to facilitate the planning, review, and authorization of vegetation treatment projects within the Monterey County coastal zone to improve forest health, restore ecosystems, and increase wildfire resilience. Thus, the RCD prepares proposed NOID components, including drafting Project-Specific Analyses, public noticing of NOIDs, submitting NOIDs to the Commission, and preparing and submitting any other project materials to the Commission. The RCD is responsible for monitoring project conditions, reporting, and maintaining oversight to confirm that all work is consistent with the PWP and NOID. This is the first project being proposed under the certified PWP.

B. Standard of Review

Coastal Act Sections 30605 and 30606 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 the PWP, and it is demonstrated that project implementation is in compliance with all Standard Project Requirements (SPRs) and Mitigation Measures of the California Board of Forestry and Fire Protection’s California

¹ Coastal Act Section 30114.

² See: <https://documents.coastal.ca.gov/reports/2023/2/F16a/F16a-2-2023-exhibits.pdf> for the full PWP, <https://documents.coastal.ca.gov/reports/2023/2/F16a/F16a-2-2023-report.pdf> for the report.

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 September 7, 2023, and filed as complete on September 14, 2023. 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 October 26, 2023), unless the RCD waives such a 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 October 2023 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 Resource Conservation District of Monterey County's certified Monterey 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 MCO-NOID-0001-23, as conditioned pursuant to the staff recommendation, is consistent with the certified Monterey 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 MCO-NOID-0001-23, as conditioned, is consistent with the certified Monterey 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 October 13, 2028), and subsequent maintenance as described in

the NOID is authorized to occur up until February 10, 2033. Any other non-exempt development shall require separate NOID or CDP authorization.

- 2. Monitoring Report.** RCD shall submit monitoring reports for the review 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; authorization received for, and implementation, of burn piles; 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 whether the project, including follow-up maintenance, can still be carried out as described in the NOID.
- 3. 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. Project Changes.** Only that work described in this NOID is authorized. Any additional work that does not substantially conform with the project authorized by this NOID requires separate authorization, unless the Executive Director determines that no new authorization is legally required.
- 5. Landowner Authorization.** PRIOR TO COMMENCEMENT OF DEVELOPMENT, RCD shall provide to the Executive Director a copy of all applicable property owner authorizations for the subject development during the Authorization Period of this NOID. RCD shall inform the Executive Director of any changes to the project required by any property owner. 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.
- 6. Revised Project Specific Analysis.** RCD shall implement the project consistent with the revised Project Specific Analysis (attached as [Exhibit 3](#)) showing changes in strikeout/underline format.

4. FINDINGS AND DECLARATIONS

A. Project Description and Background

The Resource Conservation District (RCD) of Monterey County Forest Health and Fire Resilience Public Works Plan (PWP) allows for the planning, review, and authorization of vegetation treatment projects within the area of Monterey County's coastal zone subject to RCD oversight (which covers an area within the County's LCP jurisdiction that stretches from just north of Elkhorn Slough to the southern Big Sur Coast) 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, specific to the PWP area.

The coastal VTS were initially developed in collaboration with the RCDs and Counties of both San Mateo and Santa Cruz, with input from Cal FIRE to ensure that they were not redundant with the CalVTP PEIR, in order to ensure that the VTS would bring projects in the Coastal Zone into conformance with LCP coastal resource protection requirements. This initial version of Coastal VTS were then revised to address LCP-specific requirements for Monterey County in collaboration with the RCD of Monterey County and planning staff from the County of Monterey Housing and Community Development Department. Thus, 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 Monterey County LCP and California Coastal Act. The PWP enables the RCD and project partners to design and implement critical forest health and fire resilience projects throughout the nearly 119,735-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 can enhance habitat value and forest health by creating a heterogeneous vegetation mosaic structure, augmenting wildlife habitat, removing invasive species, and reducing wildfire spread rate and intensity by increasing horizontal and vertical spacing in the understory.

Forest, woodland, chaparral, and grassland landscapes throughout Monterey County are undergoing significant change as warmer and drier conditions threaten native species, allow more encroachment of invasives, and perpetuate diseases such as Sudden Oak Death (SOD). Altered fire regimes and increased fuel loads result in larger and more catastrophic wildfire. The 2016 Soberanes fire and the 2020 Carmel, Dolan and River Fires exemplify the level of risk posed by these wildfires. The latter three wildfires combined burned approximately 312,044 acres in Monterey County, destroyed 185 structures, and exhibited extreme fire behavior. Fires burned larger areas at high severity, destroying soil structure, and resulted in damaging debris flows. Post-fire mapping data suggest that many forested areas in the Big Sur region burned at high fire severities due to dense understory growth.

RCD is requesting review of this NOID for vegetation treatments on up to approximately 101 acres of land, where the vast majority of the project, about 85%, would involve pure ecological forest restoration, and the rest of the project, about 15%, would focus on fire prevention (through shaded fuel breaks), while also improving ecological function as much as possible. Specifically, the straight restoration component of the proposed project covers 83.7 acres, and the shaded fuel break would cover up to 17.4 acres (see

[Exhibit 2](#)). This project will occur entirely on private property in the Big Sur area. The project area is located within Rancho Rico, a small residential community situated atop a ridge above Sycamore Canyon and extending west toward the coastline (see [Exhibit 1](#)). Several parcels in the project area contain homes and ancillary structures, including barns, gardens, fences and sheds, and a series of private roads connect these areas, with only a single ingress and egress to Highway 1. The Post Ranch Resort and the Big Sur Fire Brigade station are immediately to the south of Rancho Rico, while private residences and Pfeiffer Beach are to the north and west. There are no records of major fire occurrences on the majority of the Rancho Rico property for at least seventy years, with the exception of the Pfeiffer Fire in 2013, which reached the northern edge of the treatment area. The property is at risk to wildfire due to being overstocked with small trees, shrubs, and French broom.

The forest health 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). Covering up to 83.7 acres, the Ecological Restoration Treatment Area is comprised of Tanoak, California bay forest, Redwood forest, Coast live oak woodland, and annual grasslands. Slopes range from 30 to 75 percent, south to north, respectively. As the project area slopes north towards Sycamore Canyon, many of the forested areas are dense and would benefit from thinning.

The Shaded Fuel Break Treatment Area covering up to 17.4 acres extends along 1.26 miles of Rancho Rico Road, an unpaved road that runs along the ridge south of Sycamore Canyon and serves as the primary ingress/egress into the Rancho Rico community. Vegetation (grasses, forbs, etc.) will be mowed and/or woody stemmed species masticated or pruned to create the shaded fuel break primarily within 50 feet of Rancho Rico Road along the ridge top, with some sections widening to approximately 300 feet on either side of the road in the flatter areas on top of the ridge within annual grassland habitat to provide staging areas for fire response and allow for evacuation, if necessary. Shaded fuel breaks can support residual and regenerating forest stands through the retention of an overstory canopy that will aid in the reduction of rapid regrowth of understory vegetation and maintain forest continuity, consistent with PWP Project Standard 1. Locations of the Ecological Restoration Treatment Area and Shaded Fuel Break Treatment Area are shown in [Exhibit 2](#).

This project will primarily use manual and mechanical treatments to mimic the effect of historic fire occurrences, by removing lower limbs on mature trees and ladder fuels (shrubs and trees less than 8-inch diameter at breast height) and mowing of annual grasslands to reduce the accumulation of fire fuels along the main road to the community. The selective reduction of forest stand density and removal of French broom will provide increased sunlight to the forest floor and maintain desired stand structure, based on Manual of California Vegetation (MCV) membership rules. Currently much of the north slope of the project area has high stand density (greater than 300 trees per acre) due to a combination of vigorous stand growth in the understory as well as an increase in French broom along the margins of the project area. The project will

follow the Vegetation Removal Hierarchy defined under the PWP, which specifies priorities for vegetation removal during treatment activities as described in the Coastal VTS, consistent with PWP Project Standard 3, with the end goal of having appropriate species composition in the plant community with a mix of vegetation age, height and density. The proposed vegetation treatments will result in a less dense stand structure, which will reduce fire risk as well as decrease the risk of pathogens and disease (such as Sudden Oak Death, that is widespread within both proposed treatment areas) affecting the overstocked forest in this area.

Biomass resulting from all treatment activities would remain on-site and would either be cut and piled, chipped, or in some locations, lopped and scattered across the forest floor. Cut and chipped vegetation may be left on-site or burned on-site in the form of pile burning. Invasive plant biomass would also be treated on-site to eliminate seeds and propagules, then piled, and either burned or left in piles to decompose on and under tarps to inhibit seed germination.

The proposed project is designed to be conducted through initial and maintenance treatment activities covering up to 101 acres of land. Given the scale of the project, initial treatment will consist of the aforementioned activities (e.g., manual and mechanical), while maintenance treatments will be performed by returning to a previously treated area and 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 existing PWP, pursuant to **Special Condition 1**. Any extension of the PWP's expiration date would not automatically extend the authorization period for the work under this NOID. **Special Condition 4** is also necessary in order to provide limited flexibility by acknowledging that, although a project might need to be modified prior to implementation, it may proceed only if the changes substantially conform with the work described in this NOID and will not cause substantial new or increased environmental effects. All initial and 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 Rancho Rico property owners are in agreement with the proposed project, but legal authorization for the full term of the initial and maintenance treatments is not yet formalized; accordingly, **Special Condition 5** requires submittal of property owner authorization prior to commencement of development activities.

As indicated above, the standard of review for the subject NOID is consistency with the PWP. Following adoption of the Project-Specific Analysis (PSA) by the RCD's Board, Commission staff and RCD staff coordinated on revisions to the PSA to ensure consistency of the project with the PWP. The RCD submitted a revised PSA (attached in strikeout/underline format as [Exhibit 3](#)), including a Mitigation Monitoring and Reporting Program (Attachment A), 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, Attachment C, *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 (Monterey County Coastal Resource Protection), Project Standard 5 (Defensible Space as a component of Fire Prevention), Project Standard 6 (Project and Program Monitoring), and Project Standard 7 (Prioritization of Projects). **Special Condition 6** requires that the RCD implement the project as described in the revised PSA that is attached as Exhibit 3. 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 is also discussed below.

B. Environmentally Sensitive Habitat Areas

Pursuant to PWP Project Standard 1 (Qualifying PWP Projects), 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 includes forest health components through initial and maintenance treatments, meaning they are explicitly designed to provide direct ecological benefits to the local landscape. Ecological restoration of the subject site will promote regeneration of native species as well as resilience among surviving vegetation through the removal of dead, dying, and diseased 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 may also be used to remove biomass. The treatment activities will also help protect against loss of life, property, and ecosystems from catastrophic wildfire.

For fire prevention, the proposed project would create a shaded fuel break along the ridge road through mowing of vegetation and/or mastication/pruning of woody stemmed species. 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. In the coastal zone, environmentally sensitive habitat area (ESHA) is defined as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and that could be easily disturbed or degraded by human activities and developments (see Coastal Act Section 30107.5); and such definition is repeated verbatim by the certified Monterey County LCP. Rarity determinations for habitats and species are made by CDFW, USFWS, and CNPS, and are used to support Coastal Commission ESHA

determinations.³ In addition, an ESHA determination may be made on the basis of an area constituting ‘especially valuable habitat’ where it is of a special nature and/or serves a special role in the ecosystem, such as providing a pristine example of a habitat type or supporting important ecological linkages.

The PWP was designed to carry out the Coastal Act and LCP requirements that ESHA be protected against any significant disruption of habitat values, including by only allowing uses dependent on the ESHA resources within those areas. (see Coastal VTS Standard 5). As detailed below, the proposed project is consistent with the PWP’s habitat protection standards.

Consistent with the PWP, the 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. In total, eleven special-status wildlife species and thirteen special-status plant species were determined to have the potential to occur in the treatment areas (PSA Attachment B). Many of the treatment activities pursued at Rancho Rico will take place within natural communities that qualify as ESHA per the Coastal Act and the LCP (e.g., redwood forest and woodland alliance, tanoak forest, California bay forest and woodland alliance, and coast live oak woodland alliances), or might affect identified special-status species. Thus, the subject sites contain ESHA which is protected under the PWP.

Restoration is considered an allowable use in ESHA, and the majority of the project area (nearly 85%) is proposed for the Ecological Restoration Treatment (i.e., restoration) designed to restore ecosystem processes, native stand conditions, and forestland resiliency. And for the remainder of the project, even though restoration is not the primary objective, the work has been proposed in such a way as to 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. In any case, project treatment and maintenance could result in direct or indirect adverse effects to sensitive habitats, including designated sensitive natural communities, riparian habitats, and redwood, California bay, and tanoak forest. As required by the PWP, the proposed project has been designed to protect ESHA and other ecological resources during project implementation (PWP Project Standards 3 and 4). 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

³ CDFW defines natural communities, animals, and plants with a global or state ranking of 1, 2, or 3 as rare and the Commission typically finds these to be ESHA. The Commission also typically considers plant and animal species listed by the federal and state endangered species acts (ESA and CESA, respectively) and/or identified under other special status categories (e.g., California Species of Special Concern) and/or identified by the California Native Plant Society (CNPS) as ‘1B’ and ‘2’ plant species as constituting ESHA.

adjusted, including so that they occur outside active wildlife reproduction seasons. Landmark⁴ trees occurring within a riparian corridor or wetland habitat, critical habitat, scenic easement, critical viewshed, or ridgeline will be identified, flagged, and avoided, consistent with protections for those trees as well as nesting birds. If avoidance and/or adjustment for sensitive plant and wildlife species 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, as certain treatment activities are proposed to occur when such species are least likely to be present within the treatment area. Further, 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 Monterey dusky-footed woodrat, Monarch butterfly, California red-legged frogs, and other species. These design mechanisms will ensure that the site retains its capacity to provide valuable habitat patches within a landscape mosaic. The project does not include the use of pesticides for any aspect, including removal of French broom. Finally, all treatment activities will also be monitored by a qualified biological monitor and the 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 and in accordance with Project Standard 6 (Project and Program Monitoring).⁵

Treatment activities will also adhere to the vegetation removal hierarchy consistent with PWP Project Standard 3 (Coastal VTS for Monterey County). Dead, dying and diseased bay laurel and coast live oak will be cut, chipped or lopped in place, followed by invasive French broom. French broom plants will be piled near roadsides and either burned or covered with material to decompose in place. Next, ladder fuels and understory vegetation will be thinned to restore forest health of tan oak forests, California bay laurel forests and woodlands, redwood forests and woodlands, and coast live oak woodlands. Project design and vegetation treatments will be based on membership rules of the online edition of the Manual of California Vegetation (MCV) to meet alliance level protocols. To ensure consistency of the project with the Coastal VTS vegetation removal hierarchy protocols, **Special Condition 6** requires documentation of vegetation treatment using MCV membership terminology and additional detail on understory shrub treatments. In areas that are not chaparral habitat but contain important understory shrub species that may compose sensitive chaparral habitat, the project will institute a

⁴ As defined by the LCP landmark trees are trees that are 24 inches or more in diameter at breast height (dbh) that are visually or historically significant (more than 100 years old) or are otherwise exemplary regardless of species or size.

⁵ 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 is required to be made available to the public via an online database and to 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).

shrub treatment hierarchy based on ecological characteristics of the existing species, relative rarity of the shrub species, and/or relative rarity of a vegetation alliance.

There are currently no known or delineated wetland features within the project area. If an inadvertent coastal wetland discovery is made prior to or during treatment, the wetland feature will be delineated, flagged and avoided with a 100-foot avoidance buffer, consistent with LCP buffering requirements. All work crews will also be trained on the avoidance of wetlands.

The subject development also ensures that ESHA and other biological resources are protected through continued maintenance of heavy machinery. Machinery used for treatment activities 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.

The proposed project will also contribute to ecological restoration of the subject site by removing invasive species and vegetation infected with pests and disease. When working in sensitive natural communities, riparian habitats, or oak woodlands that are at risk from plant pathogens, best management practices will be followed to prevent the spread of forest pathogens and disease, particularly Sudden Oak Death. Invasive species control will target French broom, with hand pulling, cutting, and mowing. Because a French broom seed bank lasts at least 5-7 years, targeted treatments on seedlings will continue after initial treatment. 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 and in the PSA (including the attachments to the PSA), 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 the PWP, including PWP Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards), Project Standard 4 (Monterey County Coastal Resource Protection),⁶ and Project Standard 6 (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

⁶ Project Standard 4 requires project consistency with LCP resource protection policies; however, as described in the Commission's findings for the PWP certification, the PWP was designed to be consistent with the LCP. See <https://documents.coastal.ca.gov/reports/2023/2/F16a/F16a-2-2023-report.pdf> (e.g., p. 18). Thus, because the project is consistent with PWP standards for protection of habitat (and other coastal resources), it is also consistent with relevant LCP policies.

Standards 2 through 4. Projects must therefore identify any sensitive water resources and implement various protection measures. These include: avoidance of sensitive water resources and establishment of buffer zones with restrictions and/or limitations within such buffer zones; compliance with the appropriate Waste Discharge Requirements⁷ and/or Basin Plan Prohibitions of the Regional Water Quality Control Board; maintaining equipment to prevent fuel leakages; 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 project area is bordered by Sycamore Creek, a perennial stream that supports aquatic life, on its northern side. Several intermittent streams fall within the treatment area. The project is designed to identify and protect streams by establishing buffer zones where equipment usage is restricted (or limited to existing roads or watercourse crossings where vehicle tires or tracks remain dry). Sycamore Creek will be flagged in areas in proximity to treatment areas with a 100-foot avoidance buffer prior to operations. All other streams will be flagged prior to operations in areas where equipment could potentially cross the streams and buffers of 30 to 50 feet (depending on slope) would be established. Within these buffers, no mechanical treatment activities would occur, though some manual treatment activities 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. Inspections for erosion will occur following the first large storm of the season. Finally, no ignition points for prescribed burning activities will be located within any watercourse.

Pile burning treatments will be protective of water quality because burn piles will not exceed 4 feet in height, width or depth, and be located in relatively flat areas (less than 30 percent slopes) atop a ridge, more than 1,000 feet from Sycamore Creek. Vegetative cover will remain around the piles after they are burned to help filter runoff. At least a 50-foot buffer will be established between pile burns at the top of the ridge along Rancho Rico Road and any intermittent streams within the project area to capture any potential sediment or runoff created and to prevent it from entering the watercourses. Lastly, any accelerants to facilitate ignition of fuels during pile burning operations will be mixed, poured, and filled at least 100 feet away from all streams, as required by **Special Condition 3**. As the project did not include this buffering, this condition is necessary to protect water quality per Project Standard 2. Accelerants will burn off during the ignition process, with very little to no residual material remaining.

To ensure against fuel leakage, all fuel-powered equipment will be maintained per manufacturer's specifications and in compliance with all state and federal emissions

⁷ In general, waste discharge requirements and waivers for fuel reduction and forest health activities require that wastes, including but not limited to petroleum products, soil, silt, sand, clay, rock, felled trees, slash, sawdust, bark, ash, and pesticides must not be discharged to surface waters or placed where it may be carried into surface waters.

requirements. Prior to the start of treatment activities, all equipment will be inspected for leaks and inspected everyday thereafter until equipment is removed from the site. Any equipment found leaking will be promptly removed.

To prevent impacts to water quality from erosion and sedimentation, mechanized operations will occur on slopes less than 50 percent. Machine treatments have been designed to be within 50 feet of the road. When treatments exceed the reach of the equipment from the road or a trail, only smaller equipment, such as chippers or smaller skid steers will be allowed and only within the pre-designated machine treatment area. For all slopes greater than 50 percent or where mechanical treatment is not feasible, hand tools will be used to remove target vegetation. Any soils disturbed by heavy equipment usage will be stabilized using vegetative debris, such as masticated vegetation or chips. Existing drainage patterns in the treatment area are expected to be maintained through compliance with water quality regulations, avoiding construction of new roads, and identifying and protecting avoidance buffers around streams.

For the reasons described above and in the PSA (including the attachments to the PSA), the Commission finds that the project, as proposed and conditioned, has incorporated all necessary measures to protect water quality and is consistent with the PWP, including PWP Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards for Monterey County), Project Standard 4 (Monterey County Coastal Resource Protection) and Project Standard 6 (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 viewsheds to the extent feasible.

The Big Sur coast is famous worldwide for its spectacular and grand public vistas, especially as seen from the hillside-hugging and windy Highway 1. In fact, Highway 1 in Big Sur is designated as an All American Road (generally reserved for highways considered destinations in themselves), an American National Scenic Byway, a state scenic highway, part of the Pacific Coast Bike Route, an LCP-designated scenic road, and it is an intrinsic and an important element of what is commonly described as the one of the most scenic areas in all the world. As a result, the LCP places a substantial emphasis on protecting public views in Big Sur.

In this case, the project area is entirely on private property that is not open to general public access. Even so, parts of the site may be visible from public National Forest

hiking trails (including the Mount Manuel and Pine Ridge Trails). In terms of views from Highway 1, the project area ranges from 850 feet to 1,500 feet from that highway. In these views, treatment activities will thin and feather vegetation to break up or screen linear edges of the clearing, and to mimic naturally appearing forms. Due to the angle at which Highway 1 sits in comparison to the project area, neither equipment nor project treatments would be visible, and there is only the potential for small plumes of smoke generated by pile burning. In other words, there may be some minor and temporary short-term impacts but the long-term visual character and quality of public views would remain consistent with the current natural, vegetated landscape. For all of the above reasons, the proposed project is not expected to adversely impact public views.

Therefore, for the reasons described above and in the PSA (including the attachments to the PSA), the Commission finds that the subject NOID is consistent with the PWP, including Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards for Monterey County), Project Standard 4 (Monterey County Coastal Resource Protection), and Project Standard 6 (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: best practices protecting against fuel leakage; standards that ensure treatment activities do not contribute to erosion, such as restrictions on mechanical treatment under specified environmental conditions, such as precipitation; and 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.

The proposed project includes initial and maintenance treatment of dead and dying vegetation using manual and mechanical treatment methods, as well as prescribed fire for pile burning. 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. 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 hazards will not be created or exacerbated through proposed treatment activities. Restoring the treatment areas to more natural conditions that ultimately support native vegetative species regeneration will facilitate site conditions that are less likely to contribute to catastrophic burns (and subsequent flooding) observed following past wildfires.

To ensure against fuel leakage, all fuel-powered equipment will be maintained per manufacturer's specifications and in compliance with all state and federal emissions requirements. Prior to the start of treatment activities, all equipment will be inspected for leaks. Such equipment will also be inspected daily and removed from operation if found to be leaking.

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, mechanical equipment to mulch targeted vegetation may only be operated from the road and vehicle trail prism at the top of the ridge on slopes less than 50 percent for the shaded fuel break roadside treatments. And ecological treatments would only include manual vegetation removal in steep areas greater than 50 percent slope, including those that contain Los Gatos Gravelly Loam, which has slopes of 50 to 75 percent. 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. Additionally, prescribed fire (for pile burning) will only be implemented on slopes 25 percent or less and/or soils with a K-factor⁸ of 0.4 or less.

The initial and maintenance treatments of this proposed project include mechanical treatments that will disturb soils, which could expose workers or the environment to hazardous material if a contaminated site is present within the project area. However, there are no known hazardous material sites in the proposed treatment area.

Therefore, for the reasons described above and in the PSA (including the attachments to the PSA), the Commission finds that the subject NOID as proposed and conditioned, has incorporated all necessary measures to minimize coastal hazards and is consistent with the PWP, including PWP Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards for Monterey County), Project Standard 4 (Monterey County Coastal Resource Protection), and Project Standard 6 (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 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 4. For example, consistent with PWP requirements, an archaeological and historical resources record search was conducted pursuant to local and state agency procedures during the project design stage. In addition, all California Native American Tribes in Monterey County were 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.

⁸ A K-factor is a soil erodibility factor that represents soil's erosion and runoff vulnerability, where lower K-factors signify less erosion-prone soils.

The proposed project includes initial and maintenance treatment of dead, dying, diseased, and overstocked trees, and dense understory vegetation, using manual and mechanical treatment methods. 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. Accordingly, proposed treatment activities could impact cultural resources if not appropriately implemented.

Where cultural resources are known to exist or are discovered through project implementation, the PWP provides for additional protection measures. First, 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 tribes 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. Project proponents must also 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. In addition, landmark trees, defined as 24-inches dbh or greater that are visually or historically significant (more than 100 years old) or are otherwise exemplary regardless of species or size, will be identified, flagged, and avoided. To ensure landmark trees have been fully accounted for, the RCD will consult with the Housing and Development Department of Monterey County prior to implementing any project activity to determine if there are any historically significant or exemplary landmark trees within the project area.

Despite the aforementioned measures to protect cultural resources, the PWP recognizes that ground disturbance during vegetation treatment activities could result in inadvertent damage to cultural resources that are discovered during project operations. The project requires every reasonable effort to identify and protect resources if inadvertently found during the project implementation, including having appropriate tribal monitors on-site to ensure that cultural, archaeological and/or historic resources are not impacted by project implementation activities, such as mastication, mowing, chipping and manual methods. Local indigenous tribes were contacted in July 2022 regarding the project. One tribe (Esselen Tribe of Monterey County) requested that an Esselen tribal monitor be present during implementation of the project; therefore, an Esselen tribal monitor is expected to be on site for implementation activities. The PWP also requires all ground-disturbing activities within 100 feet of any discovered cultural resource to cease where such resources are discovered and a qualified archaeologist will be brought onto the site to determine the significance of any new resource (Project Standard 2 of the PWP).

Neither archival research nor ground surveys conducted in 2022 identified any structures listed on the historic register within the project area and only one residence on the eastern portion of the project area appears to have been present in 1954 imagery, and it is more than 100 feet away from treatment area. If a built historical

resource is discovered during ongoing archaeological surveys within the treatment area during treatment operations, operations will cease within proximity to the resource site and appropriate protection measures will be implemented. All treatment maintenance will be monitored to ensure continued protection of cultural resources after the initial phases of treatment.

Therefore, for the reasons described above and in the PSA (including the attachments to the PSA), the Commission finds that the subject NOID, as proposed and conditioned, has incorporated all necessary measures to protect cultural resources and is consistent with the PWP, including PWP Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards for Monterey County), Project Standard 4 (Monterey County Coastal Resource Protection), and Project Standard 6 (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 cultural resources.

G. 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 comply with the applicable air quality requirements of air districts within whose jurisdiction the project is located, to reduce adverse impacts from prescribed burning, and to minimize dust.

The proposed project includes treatment of dead, diseased, and dying as well as dense understory vegetation using heavy machinery as well as pile burning. Operation of heavy machinery and application of fire to vegetation, including through pile burning, 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. Measures to reduce emissions of criteria air pollutants include: use of gasoline-powered (rather than diesel-powered) equipment, encouraging carpooling to the project site and using Best Available Control Technology for emission reductions of NOX and PM on equipment. Equipment meeting Tier 4 emission standards and the use of renewable fuel would be implemented to the extent feasible. The amount and quantity of burn piles (less than 4 feet in length, width or height, comprising less than 15% of the project area) that will be generated from treatments are not expected to impact nearby areas with smoke contaminants, and the closest areas that are zoned as Rural Density Residential lay to the north of the project area while the prevailing wind direction is from the west/northwest. In addition, requirements are in place for piled materials to be prepared so that they will burn with a minimum of smoke and will be done in accordance with Monterey County regulations, in addition to Cal FIRE burn status windows.

The proposed project has also 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 heavy machinery may increase GHG emissions in the short-term, use of vegetation treatment to help restore habitat and minimize catastrophic wildfire risk at the subject site will aid in GHG emissions reductions over the long-term.

Therefore, for the reasons described above and in the PSA (including the attachments to the PSA), the Commission finds that the subject NOID, as proposed and conditioned, has incorporated all necessary measures to protect air quality and is consistent with the PWP, including PWP Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards for Monterey County), Project Standard 4 (Monterey County Coastal Resource Protection), and Project Standard 6 (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 air quality and greenhouse gas emissions.

H. Public Access and Recreation

Consistent with the PWP, impacts to public access and recreation must be avoided and/or minimized where unavoidable during and following treatment activities. Therefore, project proponents are required to coordinate with the owner or manager of any public recreation area or facility where vegetation treatments might impact public recreational access. 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 existing conditions.

The project area is entirely on private property that is not open to general public access. Though no public recreation trails exist within the project area, the project site may be visible from National Forest hiking trails (including Mount Manuel and Pine Ridge Trails). However, due to the nature of the treatment types, primarily focused on dead-woody debris removal and understory thinning, treatments themselves would not be

visible from public views, such as Highway 1 and National Forest hiking trails. No roads are proposed for closure. For all of the above reasons, the proposed project is not expected to substantially impact public access and recreation.

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, any potential noise impacts would be temporary and localized. Relatedly, the project has been designed to prevent any 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, for the reasons described above and in the PSA (including the attachments to the PSA), 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 the PWP, including PWP Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards for Monterey County), Project Standard 4 (Monterey County Coastal Resource Protection), and Project Standard 6 (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 recreational access.

I. 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 overseeing the project and those implementing vegetation treatment under the PWP. As the lead agency under CEQA, the Board certified its Programmatic EIR 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 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 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 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 February 10, 2023, 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 within the scope of the PWP and PEIR. Thus, the proposed project, as conditioned to be consistent with the PWP, imposes feasible mitigation and will not result in any significant environmental effects, consistent with CEQA Section 21080.5(d)(2)(A). Accordingly, the project is consistent with CEQA.

Appendix A – Substantive File Documents⁹

- Monterey County Forest Health and Fire Resilience Public Works Plan, certified February 10, 2023
- California Board of Forestry California Vegetation Treatment Program (CalVTP) Certified Programmatic Environmental Impact Report (December 2019)
- Monterey County Local Coastal Program

Appendix B – Staff Contacts with Agencies and Groups

- Resource Conservation District of Monterey County
- Monterey County Housing and Community Development Department

⁹ These documents are available for review from the Commission's Central Coast District office.