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Prepared September 23, 2024 for October 10, 2024 Hearing

To: Coastal Commissioners and Interested Persons

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Subject: **Notice of Impending Development No. MAR-NOID-0003-24 (Tomales Bay State Park Forest Health and Wildfire Resilience Project)**

SUMMARY OF STAFF RECOMMENDATION

California State Parks (CSP) Bay Area District is proposing to restore ecological function on up to 1,590 acres of forest, woodland, shrubland, and grassland within the Tomales Bay State Park pursuant to the Commission-certified Tomales Bay State Park Forest Health and Fire Resilience Public Works Plan (PWP). Tomales Bay State Park is located along the western and eastern shores of Tomales Bay in Marin County, northwest of the unincorporated community of Point Reyes Station.

Like many areas of the State, forest, woodland, shrubland, and grassland landscapes throughout Marin County and in Tomales Bay State Park are undergoing significant change. Climate change, drought, invasive species, and pathogens like sudden oak death are increasing the vulnerability of many ecosystems to wildfire. Ecosystems within Tomales Bay State Park are also in decline due to altered fire regimes; the last substantial fire in the Park's Heart's Desire Area burned in 1932. As a result of fire suppression, heavy accumulation of dead and downed woody material, dense understory, and thick layers of litter and duff are inhibiting forest regeneration and increasing fuel loads, making a catastrophic wildfire more likely. In addition, disrupted fire patterns have resulted in dense thatch accumulation and shrub encroachment into native grasslands where the habitat is now being converted and increasingly occupied by invasive species.

The proposed ecological restoration project seeks to restore ecosystem processes, native stand conditions, and ecosystem resilience through the removal of dead, dying, and diseased trees and shrubs, and dense understory fuels, including through the elimination of invasive species and removal of excess buildup of fire fuel. Proposed initial treatment activities would consist of manual and mechanical treatments involving the use of chainsaws, masticators, excavators, and skidders, as well as limited application of herbicides strategically used to control the growth of invasive vegetation. In addition, the project includes prescribed burning, including broadcast and cultural burning, pile burning, and air curtain burning, while fire engines, bulldozers and other

heavy equipment would be staged along control lines in the event emergency measures are required. Cultural burns would only occur in consultation and with the participation of the Federated Indians of Graton Rancheria.

The work is expected to occur over the next decade, with scheduling of annual treatment activities dependent on funding, availability of equipment and contractors, weather conditions, and other restrictions. Following initial treatment activities, CSP would conduct periodic maintenance treatments with timing and frequency dependent on the rate of understory species reestablishing dense, continuous understory and ladder fuels. Maintenance work will involve the same treatment type and treatment activities used in the initial treatments (manual, mechanical, prescribed burning, and limited herbicide application), with the addition of prescribed herbivory in the Millerton Area only within grassland and encroaching shrubland habitat.

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 the life of the PWP, ensure monitoring and reporting for each phase of activities, require submittal of final paperwork for burn plans, address on-site practices for handling accelerants that would be used in broadcast burns near coastal waters, require submittal of a grazing management plan prior to implementation of any prescribed herbivory maintenance treatments, and allow for project changes, all necessary to meet PWP requirements. With these 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 CSP waives such requirement. The NOID was filed as complete on August 29, 2024, and thus the Commission has until October 11, 2024, to act or else the project may proceed without Commission action. Thus, unless CSP waives the action deadline, the Commission is required to take action on this NOID at its October 2024 meeting.

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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] PWPs typically involve large or phased public works projects, and review authority for projects under PWPs remains with 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-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 Tomales Bay Forest Health and Wildfire Resilience PWP was effectively certified on May 9, 2024.[2] The PWP allows California State Parks (CSP) Bay Area District to facilitate the planning, review, and authorization of vegetation treatment projects within Tomales Bay State Park to improve forest health, restore ecosystems, and increase wildfire resilience. Thus, CSP 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. CSP 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 Vegetation Treatment Program (CalVTP) Programmatic Environmental Impact Report

[1] Coastal Act Section 30114.

[2] See: https://documents.coastal.ca.gov/reports/2024/5/Th9/Th9-5-2024-report.pdf. The final, certified PWP is available at: https://www.parks.ca.gov/pages/470/files/TomalesBay_Final%20PWP.pdf.

(PEIR) (Project Standard 2), the coastal-specific Coastal Vegetation Treatment Standards (Coastal VTS) applicable to the project and project area (Project Standard 3), and the Tribal Cultural Resources Standards (Project Standard 5). 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 CSP on August 22, 2024 and filed as complete on August 29, 2024. 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 11, 2024), unless CSP waives such a requirement. CSP has not waived the 30-working-day action deadline, and so the Commission must take an action on the subject NOID at the October 2024 Commission meeting, or else CSP 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 California State Parks certified Tomales Bay State Park Forest Health and Wildfire 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 MAR-NOID-0003-24, as conditioned pursuant to the staff recommendation, is consistent with the certified Tomales Bay State Park Forest Health and Wildfire 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 MAR-NOID-0003-24, as conditioned, is consistent with the certified Tomales Bay State Park Forest Health and Wildfire Resilience Public Works Plan for the reasons discussed in the findings herein.*

3. SPECIAL CONDITIONS

1. **Authorization Period.** Implementation of treatment activities, including initial and maintenance treatment activities, as described in the NOID, is authorized to occur for ten years following approval of the NOID (i.e., until October 9, 2034) or up until

the PWP expiration date (including any amendments thereto), whichever occurs first. However, continued authorization past 5 years (i.e., October 9, 2029) is contingent on CSP submitting a written explanation to the Executive Director describing whether conditions have changed significantly, and the Executive Director determining that there are no significantly changed conditions that affect the ability of the project to still be implemented consistent with the PWP. Any other non-exempt development shall require a separate NOID or CDP authorization.

2. **Monitoring Reports.** CSP shall submit monitoring reports for the review of the Executive Director that shall be substantially consistent with the requirements of SPR AD-7 (and any other reporting required under the CalVTP). In addition to any monitoring reports required pursuant to the CalVTP, CSP shall submit a 5-year and 10-year programmatic review to the Executive Director and to Marin County pursuant to PWP Project Standard 4. CSP shall also carry out its proposal to provide annual updates on CSP's project website of treatments implemented in the past year, including the treatment type, acres treated, a map of where treatment has occurred, and anticipated treatments for the coming year.

3. **Burn Plans.** PRIOR TO COMMENCEMENT OF ANY INDIVIDUAL BURN PROJECT, CSP shall provide to the Executive Director a copy of the final, signed Burn Plan for the subject development. Prior to submitting each copy, CSP shall inform the Executive Director of any significant changes to the project (as reflected in the Burn Plan) required by CSP and/or CAL FIRE that could have additional adverse environmental impacts within the Coastal Zone. Such changes shall not be incorporated into the project until CSP obtains Commission authorization, unless the Executive Director determines that no new authorization is legally required.

4. **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.

5. **Grazing Management Plan.** PRIOR TO COMMENCEMENT OF ANY PRESCRIBED HERBIVORY MAINTENANCE TREATMENT, CSP shall submit, for the review and approval of the Executive Director, a Grazing Management Plan. The Grazing Management Plan shall describe current and target conditions including native and invasive vegetation, as well as wildlife and habitat use; the potential impacts of goat or sheep grazing or browsing on resources of concern and any special consideration given thereto; grazing management goals, objectives, and performance standards; details of the grazing program, including stocking rates and capacity, timing, grazer distributions, grazer supplements (e.g., water), infrastructure (e.g., fencing), and; a summary of grazing management requirements that ensure compliance with PWP, Coastal VTS, and CalVTP SPR and mitigation standards designed to avoid and minimize any potentially adverse impacts that grazing could have on sensitive coastal resources; and monitoring

and reporting requirements. Grazing shall be limited to a total of up to 40 acres within coyote brush scrub and grassland habitats.

6. **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.

4. FINDINGS AND DECLARATIONS

A. Project Description and Background

The California State Parks (CSP) Bay Area District Tomales Bay State Park Forest Health and Wildfire Resilience Public Works Plan (PWP) allows for the planning, review, and authorization of vegetation treatment projects within the Tomales Bay State Park area of Marin County's coastal zone to improve forest health, restore ecosystems, and increase wildfire resilience. The PWP provides for efficient programmatic streamlining of both California Environmental Quality Act (CEQA) compliance and Coastal Act authorizations through a framework within which identified vegetation treatment projects can be analyzed and implemented under a coordinated plan that relies on the standards (called Standard Project Requirements, or SPRs) and mitigation measures adopted as part of the California Vegetation Treatment Program (CalVTP) Programmatic Environmental Impact Report (PEIR), local coastal-specific standards (Coastal Vegetation Treatment Standards, or Coastal VTS), and Tribal Cultural Resources standards specific to Tomales Bay State Park.

CSP is requesting review of this NOID for ecological restoration vegetation treatments on up to approximately 1,590 acres of forest, woodland, shrubland and grassland within Tomales Bay State Park (see Exhibit 3). Tomales Bay State Park is located along the western and eastern shores of Tomales Bay in Marin County, northwest of the unincorporated community of Point Reyes Station (see Exhibit 1). The State Park contains a variety of habitat types, with forested areas of Bishop pine, mixed hardwood, and mixed hardwood-conifer stands. Over 1,100 acres of rare Bishop pine forest exist in the State Park, but the population is in decline.[3] Like many areas of the State, forest, woodland, and grassland landscapes throughout Marin County and in Tomales Bay State Park are undergoing significant change. Climate change, drought, invasive species, and pathogens like sudden oak death are increasing the vulnerability of many ecosystems to wildfire. Ecosystems within Tomales Bay State Park are also in decline due to altered fire regimes; the last substantial fire in the Park's Heart's Desire Area burned in 1932. As a result of fire suppression, heavy accumulation of dead and downed woody material, dense understory, and thick layers of litter and duff are inhibiting forest regeneration and increasing fuel loads, making a catastrophic wildfire more likely. In addition, disrupted fire patterns have resulted in dense thatch accumulation and shrub encroachment into native grasslands where the habitat is now being converted and increasingly occupied by invasive species.

[3] Bishop pine forests along the California coast have recently been in a state of decline due to age senescence, fire suppression, disease, and drought. (Tomales Bay State Park Ecological Restoration Vegetation Treatment Guidelines, Nov. 2022)

The proposed ecological restoration project seeks to reset ecosystem processes, native stand conditions, and ecosystem resilience through the removal of dead, dying, diseased trees and shrubs, and unnaturally 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). The project goals are to improve resilience of the vegetation in the park for ecological benefit and to reduce wildfire risk; preserve and steward the park's Bishop pine forests, mixed hardwood forests, grasslands and other habitats; and integrate Federated Indians of Graton Rancheria (FIGR) Tribal Knowledge and perspectives into vegetation management in the park.

This project will consist of manual treatments, mechanical treatments, prescribed burning (broadcast burning, cultural burning, pile burning, air curtain burning), limited herbicide application, and prescribed herbivory (limited to treatment maintenance only within the Millerton Area, described further below) (see Exhibit 2 for locations of proposed treatment activities). Across the 1,590 acre project area, a maximum of 1,170 acres would be treated using manual activities (use of hand tools and hand-operated power tools) to cut, thin, remove or prune trees, shrubs and herbaceous vegetation in areas within and adjacent to identified natural, cultural, and tribal cultural resources and on slopes greater than 35 percent. Mechanical treatment activities (use of motorized equipment, like masticators, tracked chippers and skidders) are proposed on up to 428 acres and are limited to areas with road or trail access points and generally on slopes less than 35 percent. Pile burning and air curtain burning are proposed on up to 566 acres to process biomass following vegetation removal using manual and mechanical treatments and to facilitate the opening of Bishop pine cones in the canopy. Broadcast and cultural burning are proposed on up to 401 acres within the project area. Cultural burns would only occur in consultation and with the participation of FIGR. Targeted herbicide application is proposed to occur on a maximum of 6 acres across the entire project area in discrete locations, primarily to prevent the growth and spread of invasive species when other treatment methods are not effective, feasible, or would result in greater potential impacts.

Biomass resulting from all treatment activities would be disposed of through masticating, chipping, lopping and scattering, piling and burning, broadcast burning, and air curtain burning. Invasive plant biomass would be treated on-site or would be disposed of offsite at an appropriate waste collection facility to prevent reestablishment or spread of invasive plants and noxious weeds.

Maintenance treatment is anticipated to be required approximately every 5 years but may be required as soon as 1-2 years after initial treatment. Monitoring of treatment areas would occur annually at a minimum to ensure early detection and rapid removal of invasive plant species and to monitor vegetation regrowth. Maintenance treatment is intended to continue to facilitate regeneration of Bishop pine and hardwood trees, prevent reestablishment of coyote brush in grasslands, control invasive plant species, and reduce potential risk from wildfire by maintaining vegetation density at the level expected had fire been active in this landscape at historic frequencies and intensities. Prior to implementation of a maintenance treatment, CSP will verify that the expected

site conditions as described in the PSA/Addendum are present in the treatment area and update environmental analyses if changed conditions or circumstances occur.

Maintenance work will involve the same treatment type and treatment activities used in the initial treatments (manual, mechanical, prescribed burning, and limited herbicide application), with the addition of prescribed herbivory in the Millerton Area only within grassland and encroaching shrubland habitat. Prescribed herbivory maintenance treatments would include the use of goats or sheep to graze or browse target vegetation and would be limited to a total of up to 40 acres within coyote brush shrubland and grassland habitats on the east side of Tomales Bay (Exhibit 2). As proposed by CSP, temporary fencing for prescribed herbivory activities would not exceed 1 mile, herds would be managed with shepherd(s) or utility terrain vehicles (UTVs), use of herding dogs would be prohibited, water for livestock would be supplied by existing stock ponds or with portable water troughs, and although prescribed herbivory could occur at any time, noise-generating equipment use would be prohibited during night hours. **Special Condition 5** requires CSP to prepare a Grazing Management Plan for the review and approval of the Executive Director prior to implementation of any prescribed herbivory maintenance treatments to ensure that grazing complies with the PWP's resource protection policies and avoids significant environmental impacts.

CSP will schedule annual treatments during the term of the PWP based on funding, contractor/equipment availability, weather conditions, and other restrictions. CSP proposes to provide annual updates on its project website of treatments implemented over the prior year (including the treatment type, acres treated, and a map of completed treatments) and anticipated treatments for the coming year.

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 for ten years or until the expiration date of the PWP (including any extensions thereto), pursuant to **Special Condition 1**. **Special Condition 6** 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 CSP to ensure treatment is implemented consistent with the PWP.

As indicated above, the standard of review for the subject NOID is consistency with the PWP. CSP submitted a Project-Specific Analysis and Addendum (PSA/Addendum) (attached as Exhibit 4), 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/Addendum also provides that all applicable SPRs and mitigation measures identified in the CalVTP PEIR will be implemented. As part of the PSA/Addendum, Attachment B, Coastal Vegetation Treatment Standards, details how the proposed project meets the local coastal-specific protection measures incorporated within the PWP. The PSA/Addendum details how the NOID is consistent with PWP Section 4 (Summary of the CalVTP SPRs,

CalVTP Mitigation Measures, Coastal VTS, and Tribal Cultural Resources Project Requirements), including Project Standard 1 (Qualifying PWP Projects), Project Standard 2 (consistency with the CalVTP Program EIR), Project Standard 3 (Coastal VTS), Project Standard 4 (Project and Program Monitoring), and Project Standard 5 (Tribal Cultural Resources).

B. Environmentally Sensitive Habitat Areas

Pursuant to PWP Project Standard 1 (Qualifying PWP Projects), projects proposed within the PWP program area are limited to forest health 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. The proposed forest health project treatments 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 uncharacteristically dense stands to reduce resource competition and improve individual tree health. Prescribed burning will also be used to treat understory biomass and reintroduce appropriate fire regimes for target plant communities. The proposed project therefore satisfies the PWP standard requiring all implementing projects to be forest health and restoration projects.

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 Marin County LCP, Land Use Plan Policy C-BIO-1(1); Coastal VTS Standard 5). Rarity determinations for habitats and species are made by CDFW, USFWS, and CNPS, and are used to support Coastal Commission ESHA determinations.[4] 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. (Coastal VTS Standard 5.)

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.

[4] 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 ranked by the California Native Plant Society (CNPS) as '1' and '2' plant species as constituting ESHA.

Consistent with the PWP, CSP 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 November 2022, a reconnaissance survey was also conducted to identify and document presence of such ecological resources and to assess the suitability of habitat for special-status plant and wildlife species. In total, 33 special-status wildlife species and 65 special-status plant species were determined to have the potential to occur in the treatment areas (PSA/Addendum Attachment C). Most of the treatment activities pursued at Tomales Bay State Park will take place within natural communities that qualify as ESHA per the PWP and LCP (e.g., Bishop pine forest, coast live oak woodland and forest, tanoak forest, California bay woodland and forest, native shrublands, native grasslands, riparian habitat, and wetlands), or might affect identified special-status species. Thus, the subject sites contain ESHA which is protected under the PWP. Importantly, though the project area does include approximately 22 acres of rare Eastwood manzanita chaparral, no treatments are proposed within this habitat type.

Restoration is an allowable use in ESHA, and all of the work proposed in this project is truly restorative. As required by the PWP, the proposed project has been designed to protect ESHA and other ecological resources during project implementation (PWP Project Standards 2 and 3). 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, including Marin manzanita, Point Reyes salt bird's beak, western leatherwood, marsh microseris, northern spotted owl, burrowing owl, California red-legged frog, foothill yellow-legged frog, western pond turtle, California giant salamander, monarch butterfly, Myrtle's silverspot butterfly, ringtail, Point Reyes jumping mouse, Point Reyes mountain beaver, and American badger, as well as nursery sites such as bat maternity roosts. Where such species are present, no-disturbance buffers will be applied as consistent with recommendations from the relevant regulatory authorities and/or treatment activities will be adjusted, including so that they occur outside reproduction seasons. 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, such as northern spotted owl Myrtle's silverspot butterfly, and Marin manzanita, 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, snags, native herbaceous vegetation, and native shrubs for cover, which would provide refuge for California red-legged frogs, California giant salamander, foothill yellow-legged frogs, northern spotted owls, and other species. These design mechanisms will ensure that the site retains its capacity to provide valuable habitat patches within a landscape mosaic.

Finally, all treatment activities will also be monitored by a qualified biological monitor and CSP will be required to submit monitoring reports and 5-year and 10-year programmatic reviews, as required under **Special Condition 2**, consistent with the PWP and in accordance with Project Standard 4 (Project and Program Monitoring).[5] As proposed, the project did not specify that CSP would submit 5- and 10-year monitoring reports, as required by the PWP. These reports—especially the 5-year monitoring report—are important for ensuring that project activities are progressing as anticipated and are not having unanticipated impacts. In particular, because project activities are being authorized for a relatively long period of time, they could have unanticipated impacts if conditions on the ground change substantially during the course of project implementation. For this reason, the PWP anticipates that any project authorized for longer than five years will require CSP to submit a written explanation to the Executive Director describing whether conditions have changed significantly, and the Director determining that there are no such significantly changed conditions. **Special Condition 1** (along with the reports required in **Special Condition 2**) implements this requirement and will ensure that project activities may not proceed past five years if there are significantly changed conditions that affect the ability of the project to be implemented consistent with the PWP.

Treatment activities will also adhere to the vegetation removal hierarchy consistent with PWP Project Standard 3 (Coastal VTS; including Coastal VTS Standard 7.e). Initial treatments would remove live and dead shrubs, dead trees, and select live understory trees generally 10 inches diameter at breast height (dbh) and smaller, where thinning would accomplish restoration goals. Nonnative trees of any size would be removed and invasive species such as jubata grass (*Cortaderia jubata*), cape ivy (*Delairea adorata*), blue gum (*Eucalyptus globalus*), French broom (*Genista monspessulana*), and acacia (*Acacia* spp.) would be treated to prevent resprouting. Larger Douglas fir trees less than 30 inches dbh would be removed to limit encroachment into other habitats. 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, and where available, the association, level protocols, except in areas formerly characterized by grassland vegetation types that have been converted to coyote brush scrub that would be restored to native grassland vegetation alliances within California annual and perennial grasslands.

The proposed project will also contribute to ecological restoration of the subject site by removing vegetation infected with pests and disease. When working in sensitive natural communities, riparian habitats, or oak woodlands that are at risk from plant pathogens,

[5] The monitoring report required under Special Condition 2 is to be substantially consistent with the requirements of SPR AD-7, but those reports, along with the programmatic reviews, will 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).

best management practices will be followed to prevent the spread of forest pathogens and disease, particularly Sudden Oak Death. 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.

The proposed project will also meet PWP standards, including but not limited to Coastal VTS Standard 7.a, to protect ecosystems, including that it will restore and maintain vegetation cover to a threshold that reflects appropriate fire frequencies, maintain vegetation cover and composition to comply with MCV standards, and provide for an appropriate mosaic of native plants by age, size, and class that support overall habitat function. Attachment B of CSP's PSA/Addendum describes the need for, and goals of, the project, and it also describes how treatments would focus on restoring ecosystem processes, conditions, and resiliency to reflect vegetative composition, structure, habitat values, and fuel conditions expected prior to modern fire exclusion. It would also prevent unintended habitat conversion. The Commission concurs with the analysis in CSP's PSA/Addendum with regard to the project's consistency with the habitat protection standards of the PWP.

The subject development also ensures that ESHA and other biological resources are protected through the controlled and limited strategic use of herbicides and continued maintenance of heavy machinery. For example, herbicide use must be implemented under a Spill Prevention and Response Plan that includes procedures for proper storage, use, transport, and disposal of herbicides, consistent with state and federal law. Herbicides will also only be applied by hand and only used when they are determined to constitute the least environmentally damaging feasible alternative, are prohibited in all wetlands, are highly restricted within wetland buffers and around watercourses, and will be applied pursuant to state and federal label instructions. 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.

Finally, the project may include limited use of prescribed herbivory in the Millerton Area only within grassland habitat and encroaching shrublands. The PSA/Addendum documents how such treatments would be carefully managed to avoid impacts that grazing animals can have on habitat, special status species, wildlife movement, and other resources. For example, grazing animals would be limited to a total of up to 40 acres within coyote brush shrubland and grassland habitats on the east side of Tomales Bay; temporary fencing would not exceed 1 mile and would be designed to allow wildlife to pass over or under easily without injury; use of herding dogs would be prohibited; water for livestock would be supplied by existing stock ponds or with portable water troughs; noise-generating equipment use would be prohibited during night hours; and herbivory would not be allowed within 50 feet of environmentally sensitive areas such as waterbodies, wetlands, or riparian areas. Prescribed herbivory in these specific landscapes, and for the purposes of maintenance, will have fewer impacts than other

types of treatment because it can be used strategically over a large area to control invasive vegetation without the introduction of herbicides, is more efficient than manual treatments, exerts fewer impacts on the ecosystem than would heavy machinery (including via ground disturbance and noise), is relatively compatible with sensitive wildlife using the area (including California red-legged frogs and other amphibians), has relatively fewer carbon emissions than prescribed fire, and is consistent with the visual character of the Tomales Bay landscape. **Special Condition 5** carries out, and adds additional requirements regarding, CSP's proposal to prepare and submit a Grazing Management Plan for the review and approval of the Executive Director prior to implementation of any prescribed herbivory maintenance treatments. The Grazing Management Plan is necessary to provide additional detail regarding proposed grazing activities and on-the-ground conditions prior to permitting grazing to occur, thus ensuring that any final plan for grazing complies with the PWP's resource protection policies and avoids significant environmental impacts.

For the reasons described above and in the PSA/Addendum (including the attachments to the PSA/Addendum), 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 Program EIR), Project Standard 3 (Coastal VTS), and Project Standard 4 (Project and Program Monitoring). 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 and 3. 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 Requirements[6] 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 includes several perennial, intermittent and ephemeral streams. The project is designed to identify and protect watercourses by establishing buffer zones where equipment usage is restricted (or limited to existing roads or watercourse

[6] 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.

crossings where vehicle tires or tracks remain dry). Within these buffers no mechanical treatment activities or pile burning would occur. In addition, prescribed herbivory would be excluded from areas within 50 feet of waterbodies, wetlands or riparian areas through the use of temporary fencing or active herding. Broadcast or cultural burning, targeted herbicide application, and manual treatments beneficial for removal of invasive species 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.

Broadcast or cultural burning is allowed within wetland boundaries, including small patches of rushes (*Juncus* spp.) that are widely dispersed throughout the park and within Bishop pine habitat. However, no ignition points or accelerants for prescribed burning activities and no pile burning will be located within any watercourse or buffers. However, although accelerants can have significant adverse impacts on waterways, as demonstrated by the PWP's prohibition on using them near waterways, the project did not propose a restriction on mixing accelerants near waterways. To address this issue, Special Condition 4 requires that any accelerants used to facilitate ignition of fuels during prescribed burning operations will be mixed, poured, and filled at least 100 feet away from all streams. 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 requirements. Prior to the start of treatment activities, all equipment will be inspected for leaks and inspected every day thereafter until equipment is removed from the site. Any equipment found leaking will be promptly removed. In addition, herbicide use will comply with all appropriate laws and regulations pertaining to the safe use of pesticides including preparation of an adherence to a Spill Prevention and Response Plan that includes procedures for proper storage, use, and disposal of herbicides; implementation consistent with annual recommendations prepared by a licensed Pest Control Advisor; and application by a State-licensed applicator. Further, non-aquatic herbicides will not be applied within 50 feet of any riparian area and herbicide use will be prohibited during or within 24 hours of a precipitation event. Following completion of herbicide use, all herbicide containers will be cleaned and disposed of at an approved disposal facility. No equipment or personnel will be cleaned or washed in a manner that would allow contaminated water to directly enter any body of water within the treatment area of adjacent watersheds.

To prevent impacts to water quality from erosion and sedimentation, mechanized operations will occur on slopes generally less than 35 percent. Mechanical treatments have been designed to be within 500 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 slopes greater than 35 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/Addendum (including the attachments to the PSA/Addendum), 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 Program EIR), Project Standard 3 (Coastal VTS), and Project Standard 4 (Project and Program Monitoring). 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 and 3. Any proposed treatment activity must therefore be designed to ensure that project sites be screened with sufficient vegetation within, at the edge of, or adjacent to treatment areas to screen views from outside the project area. Similarly, for mechanical and manual treatment, vegetation must be thinned and feathered to break up or screen linear edges to mimic forms of natural clearings to the extent feasible. Lastly, all treatment types must also avoid staging equipment, including vehicles and vegetation debris, within viewsheds to the extent feasible.

In this case, work would occur throughout a publicly accessible recreation area and proposed treatment areas could be visible from viewpoints along public trails and recreation areas within Tomales Bay State Park, State Route 1 (a state scenic highway), and other public roadways. However, treatments would generally remove shrubs and trees smaller than 10 inches dbh, with only select removal of larger trees, leaving mature vegetation to partially screen treatment areas. Existing views of Tomales Bay from trails would remain or potentially improve due to vegetation removal. Equipment staging would occur in developed areas such as trailheads to the extent possible to minimize visual impacts to the park. Equipment, crews and smoke from prescribed burning could be temporarily visible from public viewpoints and State Route 1. 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/Addendum (including the attachments to the PSA/Addendum), the Commission finds that the subject NOID is consistent with the PWP, including Project Standard 2 (Consistency with the CalVTP Program EIR), Project Standard 3 (Coastal VTS), and Project Standard 4 (Project and Program Monitoring). 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: creating a burn plan to ensure public safety, including the design and implementation of an approved Incident Action Plan for overall tactical action, including appropriate emergency responses; 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, prescribed fire, and the limited strategic application of herbicides. Prescribed herbivory treatment is also proposed as a maintenance treatment in the Millerton Area only. Biomass is proposed to be masticated, chipped, lopped and scattered across the forest floor, in some cases stacked and piled to be burned, incinerated with an air curtain burner, or minor amounts may be transported to an appropriate waste facility. 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 vegetation regeneration will facilitate site conditions that are less likely to contribute to catastrophic burns (and subsequent flooding and erosion) observed following past wildfires.

If not managed effectively, the project could cause potentially significant hazards associated with prescribed burning, including exposure to toxic air contaminants and odors, as well as the potential for fire to escape control boundaries. To address these issues, CSP will prepare a burn plan for each of the burn units proposed for prescribed fire. Burn plans are critical to planning and ensuring safe and successful burning operations and generally provide a description of the targeted burn areas, appropriate weather conditions to implement prescribed burning safely and with lower environmental effects (e.g., when winds are blowing in a particular direction to both ensure safety but also minimize smoke impacts), and the appropriate emergency response measures for a fire that becomes difficult to control. CSP has indicated that prescribed burns will only be undertaken as conditions and prescriptions allow, pursuant to certified burn plans and under the guidance of a certified Burn Boss. These Burn Plans, which will be finalized and submitted to the Commission pursuant to **Special Condition 3**, will include Incident Action Plans (IAP) to aid in operational risk assessment to prioritize hazards, safety and health issues, and to develop appropriate controls. For example, where a prescribed burn escapes beyond its containment area, the IAP allows for the Burn Boss to declare the prescribed burn a wildfire, which would trigger all fire personnel to operate as holding or suppression forces. Development and appropriate approval of the Burn Plans will ensure that project activities do not have significant impacts related to coastal hazards.

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, prescribed fire will only be implemented under prescriptive conditions and through low intensity fire as a measure to minimize soil burn severity. A registered professional forester or licensed geologist will also be required to evaluate treatment areas with slopes greater than 50 percent for unstable areas prior to treatment implementation, though most mechanized operations will occur on slopes less than 35 percent.

The initial and maintenance treatments of this proposed project 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 or within 0.25 miles of the treatment area.

Therefore, for the reasons described above and in the PSA/Addendum (including the attachments to the PSA/Addendum), 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 VTS), and Project Standard 4 (Project and Program Monitoring) included in Section 4 (Summary of CalVTP SPRs, CalVTP Mitigation Measures, Coastal VTS, and Tribal Cultural Resources Project Requirements) of the PWP. Thus, the Commission determines that the NOID, as conditioned, is consistent with the PWP as it relates to coastal hazards.

F. Tribal Cultural Resources

Vegetation treatment activities proposed under the PWP must be designed and implemented to ensure that tribal cultural resources are protected, consistent with PWP Project Standards 2 through 5. For example, during the project design stage, an archaeological and historical resources record search must be conducted pursuant to local and state agency procedures. In addition, all California Native American Tribes in Marin County must 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, CSP must avoid treatment activities near historical resources (as defined by Section 15064.5 of the State CEQA Guidelines), including by prohibiting prescribed burning and mechanical treatment within 100 feet of such resources. Reduced buffers in such instances may be allowed only after consultation with and approval from a qualified archaeologist.

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

The proposed project includes initial and maintenance treatment of dead and dying vegetation using manual and mechanical treatment methods, prescribed fire, the limited strategic application of herbicides, and prescribed herbivory (as a maintenance treatment only). Biomass is proposed to be masticated, chipped, lopped and scattered across the forest floor or burned in an air curtain burner, broadcast burn, or piles. Accordingly, proposed treatment activities could impact tribal cultural resources if not appropriately implemented.

Consistent with the requirements of the PWP, CSP conducted a cultural resources records search for the proposed treatment areas, including a sacred lands search. A total of 20 previously recorded archeological sites were identified within the project area; however, large portions of the project area have not previously been systematically surveyed. CSP also contacted geographically-affiliated Native American representatives to discuss the proposed project (on May 25, 2023). Prior to sending notification letters, CSP contacted FIGR in June 2022 to initiate consultation on the design of the project. CSP and FIGR have worked cooperatively to ensure the project protects tribal cultural resources (TCRs) and integrates FIGR Traditional Knowledge. CSP and FIGR have developed TCR SPRs intended to enhance the general requirements in the Archaeological, Historical, and Tribal Cultural Resources SPRs in the CalVTP PEIR. For example, CSP will invite FIGR to participate in site specific archaeological surveys of the treatment area and will consult with and invite FIGR tribal cultural monitor observation near known tribal cultural resources to ensure protection during activities or for project activities occurring within known sensitive areas. If any tribal cultural resources are discovered during project operations, CSP will halt development activities, and will contact and consult with FIGR to assess significance of the find and 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. FIGR will

be invited to be present at all crew trainings. As of September 26, 2024, no responses were received from any other Native American tribes.

Therefore, for the reasons described above and in the PSA/Addendum (including the attachments to the PSA/Addendum), the Commission finds that the subject NOID, as proposed and conditioned, has incorporated all necessary measures to protect tribal cultural resources and is consistent with the PWP, including PWP Project Standard 2 (Consistency with the CalVTP PEIR), Project Standard 3 (Coastal VTS), Project Standard 4 (Project and Program Monitoring), and Project Standard 5 (Tribal Cultural Resources). Thus, the Commission determines that the NOID, as conditioned, is consistent with the PWP as it relates to tribal 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 reduce adverse impacts from prescribed burning including through limitations on the duration of prescribed burning activities; restrictions on the types and amounts of materials authorized for burning, as well as location; adherence to appropriate climatic and meteorological conditions to lower smoke impacts; and compliance with the applicable air quality requirements of the air district 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 prescribed burning activities. Operation of heavy machinery and application of fire to vegetation, including through broadcast burning, cultural burning, pile burning, and use of curtain burners can lead to the release of air pollutants, smoke and odors if not appropriately implemented.

As designed by CSP, the proposed project will ensure that air quality impacts are minimized to the extent feasible. For example, CSP will prepare a Smoke Management Plan (as part of its Burn Plan) for review and approval by the Bay Area Air Quality Management District (BAAQMD) prior to implementing any prescribed fire activities. The Smoke Management Plan must describe how prescribed burning activities will ensure compliance with the applicable air quality requirements of the BAAQMD. Measures to ensure compliance include: identifying the location of smoke sensitive areas and the appropriate meteorological conditions necessary for burning, as well as contingency actions (such as fire suppression or containment) that will be taken if conditions deviate from those specified in the plan; requiring vegetation to be in a condition that will minimize the smoke emitted during combustion when feasible, considering fire safety and other factors; and requiring piled materials to be prepared so that they will burn with a minimum of smoke.

Relatedly, the proposed project has been designed to minimize dust during vegetation treatment, including by: limiting the speed of vehicles and equipment traveling on dirt roads to 15 miles per hours; wetting appurtenant, unpaved, and dirt roads with non-toxic chemical dust suppressants if road use creates excessive dust; removing visible dust,

silt, or mud tracked-out on to public paved roadways where access to available water supplies is sufficient; and suspending ground-disturbing treatment activities, such as land clearing, if dust transport is visible outside the treatment boundary and it may cause public health impacts. Further, no naturally-occurring asbestos has been identified in the subject area, so ground-disturbance activities are not expected to create asbestos-related hazards.

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

Therefore, for the reasons described above and in the PSA/Addendum (including the attachments to the PSA/Addendum), 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 VTS), and Project Standard 4 (Project and Program Monitoring). 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 during and following treatment activities. For example, CSP must post notifications of any potential closures of public recreation areas or facilities at least two weeks prior to the commencement of the treatment activities. Similarly, projects designed to use prescribed fire within or adjacent to public recreation areas must post signage along the closest public roadway to the treatment area describing the activity and timing. Such notification must also be published in local newspapers or other widely distributed media sources. Relatedly, herbicide use within or adjacent to public recreation areas also requires signage posting at each end of a herbicide treatment area and any intersecting trails. Further, a Traffic Management Plan (TMP) must be prepared “if traffic generated by the project would result in obstructions, hazards, or delays exceeding applicable jurisdictional standards along access routes for individual vegetation treatments.” Lastly, the PWP requires that public access and public recreational areas and facilities be protected during project operations to the maximum extent feasible, including through the minimization of trails closures; limiting the use of public parking spaces for staging operations; posting available accessway signage and using flaggers; and designing construction access corridors in a manner that has the least impact on public access. Completed vegetation treatment projects must also ensure that any impacted coastal public access and recreational amenities are restored to existing conditions.

The proposed vegetation treatment activities will occur within a publicly accessible recreation area. Treatment activities include manual and mechanical removal of vegetation, prescribed fire, the strategic application of herbicides, and prescribed herbivory (as a maintenance treatment only in the Millerton Area). Heavy machinery,

including tracked vehicles like masticators and skid steers, will be operated along existing roads and trails, while fire engines, bulldozers and other machinery will be present for emergency fire suppression purposes when prescribed fire is being implemented.

Although the proposed project has the potential to impact public access and recreation through restricted park access (e.g., trail closures, parking and traffic impacts) and noise and smoke impacts, the project has been designed to avoid and minimize these adverse impacts during project operations to the maximum extent feasible. For example, treatment will occur in phases such that only certain geographic areas will be closed at a given time, which will help minimize access restrictions across the park. A Traffic Management Plan will be implemented to reduce potential traffic obstructions, hazards, and service level degradation along affected roadway facilities. Signage will also be posted along roads and trails impacted by treatment activities in as much advanced notice as feasible. Where coastal public access and recreational amenities are impacted, such amenities will also be restored to existing conditions following completion of treatment.

While noise impacts and changes to scenic views could also potentially disrupt nearby public recreational activities, the proposed project has been designed to follow applicable protection measures that will minimize such impacts, including measures to reduce noise impacts by limiting heavy equipment use to daytime hours; maintaining equipment according to manufacturer specifications; requiring engine shroud closures; locating staging areas away from noise-sensitive land uses; and restricting equipment idling time. 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, 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 VTS), and Project Standard 4 (Project and Program Monitoring). 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. 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. CSP is a responsible agency tasked with overseeing the project and implementation of vegetation treatment under the PWP that is within the scope of the Programmatic EIR. However, because some treatment activities are proposed outside the treatable

landscape identified as part of the CalVTP PEIR, and in order to reflect changes in the SPRs applicable to this project, CSP acted as a lead agency in preparing an addendum to the PEIR. In that addendum, CSP determined that treatments in project areas outside the CalVTP treatable landscape and the revisions to SPRs do not result in new or substantially more severe significant impacts than those identified in the CalVTP PEIR.

Section 13096 of the Commission's administrative regulations requires Commission approval of project applications to be supported by a finding showing that the application, as modified by any conditions of approval, is consistent with any applicable requirements of CEQA. Public Resources Code Section 21080.5(d)(2)(A) 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. (see also CEQA Guidelines §§ 15021(a)(2), 15096(g)(2).)

The Commission has reviewed and considered the information in the PEIR for the CalVTP and CSP's addendum for the proposed project, which address potential environmental effects, proposed mitigation measures, and alternatives, as applicable to the project. The findings above, which are hereby incorporated by reference in full for purposes of this analysis, 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 and ensure the project is consistent with the PWP. Further, the Commission's May 9, 2024 certification of the PWP considered the effects that would be caused by projects implemented under that plan, including projects such as this one that are both within and outside the scope of the PEIR.

For the reasons discussed in the findings, above, the project, as proposed, could have had significant impacts on ESHA and wetlands related to grazing, prescribed burning, and any project activities that did not conform strictly with what was described in the NOID or that took place over time if there were significantly changed conditions on the ground. It could also have had significant impacts related to hazards due to prescribed burns. However, by imposing six special conditions, the Commission has made changes or alterations to the project that will mitigate these potentially significant effects on the environment and ensure that the project will not have any significant effects on the environment. These conditions are enforceable by the Commission pursuant to the Coastal Act, as described in Section 7.6 of the PWP. By reviewing the project's potential impacts and imposing these conditions, the Commission has complied with CEQA, including with its requirement for responsible agencies to ensure that an activity will not be approved as proposed if there are feasible alternatives or mitigation measures within their control that would substantially lessen a significant adverse effect that the activity may have on the environment.

Appendix A – Substantive File Documents[7]

- Tomales Bay State Park Forest Health and Wildfire Resilience Public Works Plan, certified May 9, 2024
- California Board of Forestry California Vegetation Treatment Program (CalVTP) Certified Programmatic Environmental Impact Report (December 2019)
- Marin County Local Coastal Program

Appendix B – Staff Contacts with Agencies and Groups

- Tomales Bay State Park
- County of Marin Community Development Agency

[7] These documents are available for review from the Commission's North Central Coast District office.