
16.0 RESPONSE TO COMMENTS ON DRAFT EIR

16.1 Introduction

In accordance with Chapter 15088 of the California Environmental Quality Act Guidelines, the Conservancy and MRCA, as joint lead agencies, have reviewed the comments received on the Draft Environmental Impact Report (Draft EIR or DEIR) for Malibu Parks Public Access Enhancement Plan—Public Works Plan and have prepared written responses to all comments received during the circulation of the Draft EIR. The Draft EIR was circulated for a 45-day public review period that began February 5, 2010 and concluded on March 22, 2010. Responses to late comment letters received up until April 2010 are also included herein. The comment letters included herein were submitted by public agencies, private organizations, and private citizens. An environmental hearing to receive comments on the DEIR was held on February 22, 2010, at 7:30 PM, at a joint meeting of the Conservancy/ MRCA Boards at the Webster Elementary School, located at 3602 Winter Canyon Road in Malibu, California.

A summary of each comment received is included in this section. Responses to these comments have been prepared to address the environmental concerns raised by the commenters and to indicate where and generally how the EIR addresses pertinent environmental issues.

Sections 6.1.1 and 16.1.2 are intended as broad topical responses to two key concerns that were identified as a result of the circulation of the DEIR. Topical Response #1 (Section 6.1.1) speaks to the Modified Redesign Alternative—a plan alternative that would remove camping from more remote areas of then Santa Monica Mountains area in Malibu and consolidate and cluster camping uses at two primary sites at Corral Canyon Park and the Malibu Bluffs Conservancy Property; this alternative would reduce all identified significant and unavoidable impacts associated with the Proposed Plan to a level of insignificance. Topical Response #2 (Section 6.1.2) speaks to Fire Concerns highlight key features of the Proposed Plan's Fire Protection Plan and Modified Redesign Alternative's Fire Protection Plan and further provides perspective for fire risk in wildland urban interface and fire hazard zones. When comments (see Section 16.2 and Section 16.3, as further discussed below) are identified which speak to one or both these issues, the commenter is directed to Topical Response #1 and /or Topical Response #2.

Within Section 16.2, individuals who provided verbal comments on the Draft EIR at the February 22, 2010 environmental hearing are listed within Table 16-1. Following the table, each speaker's verbal comments are summarized followed by a written response;

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the commenter and his or her stated agency/group affiliation is identified in a single-line column, followed immediately below by a summary of the individual's comment in the left-hand column with the Conservancy/MRCA response in the right-hand column.

Within Section 16.3, individuals or groups/ agencies who provided written comments on the Draft EIR are listed within Table 16-2. Following Table 16-2, each comment letter received during the circulation of the Draft EIR has been reproduced in its entirety. Each comment letter has been identified with a letter code, and each comment (or grouping of comments) has been assigned an individual number. Comments, therefore, are referenced first by the letter assigned to each comment letter (i.e., A, B, C, etc.), and second, by the numbered comment (i.e., -1, -2, -3, etc.). Responses follow each individual comment letter; the comment reference is located in the left-hand column and within the adjacent right-hand column a summary of the comments is offered in italics, followed immediately below by the Conservancy/MRCA response.

The focus of the responses to comment is the disposition of environmental issues that are raised in the comments, as specified by Section 15088 of the State CEQA Guidelines. Detailed responses are not provided to comments which relate to the merits of the proposed plan. However, when a comment does not identify an environmental issue of concern, a response has been provided which indicates that the comment will be considered by the decision-makers in their review and consideration of the project.

16.1.1 Topical Response #1—Modified Redesign Alternative

In response to both oral and written comments received on the DEIR for the Malibu Parks Public Access Enhancement Plan – Public Works Plan (the Proposed Plan), the Conservancy/MRCA has revised one of the alternatives detailed in the DEIR to create the Modified Redesign Alternative (MRA). In developing this MRA, the Conservancy/MRCA worked to refine the Redesign Alternative Plan contained in the DEIR to reduce all significant and unavoidable impacts to a level of insignificance. The Conservancy/MRCA also created the MRA to further reduce those impacts deemed insignificant (with or without mitigation) in the DEIR, but were of concern to the public. The intent was to make use of the comments received, and the analysis contained in the DEIR, to develop an alternative which was environmentally superior to the Proposed Plan analyzed in the DEIR. A detailed description of the MRA is provided in Appendix MRA-1 in Volume IV of the FEIR and a detailed analysis of the environmental consequences of the MRA is included in Volume IV (Section 14.0) of the FEIR, which is scheduled to be released prior to the Conservancy/MRCA's public hearing on the Plan.

Briefly, compared to the proposed Plan, the MRA reduces the total number of campsites from 71 to 54, eliminates the Escondido Canyon Park and Latigo Trailhead campsites included in the Proposed Plan, and clusters the 54 campsites at primarily two parks: Corral Canyon Park (17 campsites) and Malibu Bluffs Conservancy Property (35 campsites). These two campsite locations have easy access to Pacific Coast Highway (PCH). In addition, under the MRA, two accessible campsites would be implemented at Ramirez Canyon Park in Phase 2. Phased roadway/ bridge improvements for enhanced access to Ramirez Canyon Road, Delaplane Road, and/or Via Acero are proposed, if required by the appropriate fire agency. Within each park containing campsites, the campsites would be clustered. For example, at Corral Canyon Park, the campsites would be eliminated along the creek and clustered along a bluff overlooking the Pacific Ocean. Clustering is intended to facilitate the oversight/management of the camp areas, result in lower operational costs, and maximizes the efficiency and effectiveness of fire protection and relocation efforts.

Under the MRA, day use facilities would be provided at Corral Canyon Park, the Malibu Bluffs Conservancy Property, Ramirez Canyon Park and Latigo Canyon. At Escondido Canyon Park the MRA includes only trail improvements to connect the proposed Coastal Slope Trail from Murphy Way to Latigo Trailhead.

Additionally, numerous project features have been added in the MRA to address the community's fire concerns. Under the MRA, for example, cooking would be limited to small electrical cook stations, and the use of flame-less cook-stoves and lanterns would be required. Further, a camp host, staff maintenance person, or Ranger, (all of whom would be wildland fire-trained), would be required to be onsite at park properties included in the MRA, during times when camping is permitted at the location.

The Final EIR includes an analysis of the MRA as well as a MRA Fire Protection Plan.

16.1.2 Topical Response #2—Fire Concerns

This fire concerns topical summary has been prepared for the Malibu Parks Public Access Enhancement Plan-Public Works Plan (the Plan). The purpose of this summary is to provide background and framework, highlight key features of the Proposed Plan's Fire Protection Plan (see DEIR, Volume I, *Appendix I*) and Modified Redesign Alternative's Fire Protection Plan (see FEIR, Volume IV, *Appendix MRA-5*) and provide perspective for fire risk in wildland urban interface and fire hazard zones.

As defined by CEQA Guidelines Appendix G, Environmental Checklist, a significant fire risk impact would occur if a project would:

- FIRE-1** Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.
- FIRE-2** Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

It is important to note that the CEQA threshold is triggered if a project results in significant risk, not if it results in what is considered to be an acceptable level of increased risk. The California Building Code provides a basis for judging acceptable versus significant risk.

Development projects occur in designated very high fire hazard severity zones throughout California. There is no regulation prohibiting projects, be they residential, commercial, or recreational in nature within these fire hazard zones. Rather, development is allowed and regulated by State Code. The State Fire Marshal's Office, in 2005 amended the California Code of Regulations (CCR), Title 24, Part 2, known as the 2007 California Building Code (CBC). The amendments incorporated Chapter 701A.3.2 designating that new buildings located in any fire hazard severity zone within State Responsibility Areas (SRA) or Local Agency-designated very high fire hazard severity zones, or any wildland urban interface fire area designated by the enforcing agency for which an application for a building permit is submitted (on or after January 1, 2008), will comply with all sections of the Chapter. The Chapter provides direction on the type of construction materials and methods to be used for buildings in these areas. Namely, the Codes are focused on regulating building in fire hazard areas to reduce losses from wildfire through ignition resistant and ember protected structures. In addition, Title 14 and local Codes and Ordinances drive additional infrastructure requirements to ensure that adequate fire response and public safety are provided. Accordingly, the Proposed Plan and Modified Redesign Alternative, both of which focus on recreational uses with minimal new structures, are well within the parameters of allowable development.

The Proposed Plan and Modified Redesign Alternative Fire Protection Plans were prepared by Dudek fire protection planners with input and 3rd party review provided by various agencies and independent consultants. The qualifications of the preparers are provided in *Appendix MRA-5*.

Proposed Plan

The Proposed Plan is consistent with applicable fire safety-related codes and ordinances, as detailed in the Proposed Plan's Fire Protection Plan (see DEIR, Appendix I). Among the features provided that are consistent with the fire safe regulations are:

- Fuel modification is provided around all proposed facilities and ranges from roadside clearance of 10 to 20 feet up to 200 feet around existing structures and camp host accommodations.
- Road improvements are provided for emergency ingress and egress, if required by the authority having jurisdiction, and would include road widening and secondary emergency access, where applicable.
- Water capabilities are improved throughout the Plan area with stored water in 10,000 gallon water tanks and inclusion of pressurized hydrants in all Parks where improvements are planned.
- Chapter 7A building codes for wildland urban interface areas are met for all new buildings and some existing buildings that are designated temporary on-site shelters
- Emergency response capabilities by Los Angeles County Fire Department and MRCA Fire Personnel are capable of responding within 5 minutes to the Parks and the calculated call volume does not place a burden on the existing capabilities.

In addition to the Code-compliant fire safety features of the project, there are other features that are provided that are not required by the Code and in fact, provide protection beyond the Code requirements. Among these features are:

- On-site fire fighting resources are provided by MRCA and include 15 engines, 75 trained wildland fire fighting personnel, and equipment necessary to provide response to emergencies within the Plan area. This results in quick response to emergencies, including fires.
- The Plan follows the "Ready, Set, Go" program endorsed by FIRESCOPE. According to this program, MRCA maintains and the FPP augments Pre-Planning for relocation of visitors and staff in a conservative manner, well before fire would threaten the Parks. Early evacuations will be the highest priority, resulting in relocation out of the area well before fire could put visitors at risk.

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- All public uses would be prohibited on Red-Flag Warning days/periods. These periods are historically linked to occurrences of large fires in the Santa Monica Mountains. As such, when Red Flag Warnings are declared, and opportunities for fire ignition and spread are favorable, no visitors will be allowed. Egress routes would not be impacted by relocation.
- As a safety precaution, the project provides temporary on-site fire shelters at Ramirez Canyon Park and optional fire shelters associated with campsites. These shelters provide the ability to temporarily shelter visitors and staff should a fire threaten and not allow an early evacuation. The designated shelters at Ramirez Canyon Park are provided ignition resistance upgrades, will be protected by on-site Class A foam engine, and a well-trained staff.
- All structures at Ramirez Canyon Park will be retrofitted with interior sprinklers
- Campfires will be prohibited and cooking at campsites will be by propane stoves only in enclosed, fire-proof cook stations
- All restrictions will be enforced by Rangers, camp hosts, and staff, all trained, public officers with the authority to issue citations. Each campsite would have an empowered camp host on site while campers are present.

Modified Redesign Alternative

Following the public comment period on the Draft Environmental Impact Report (DEIR), additional fire safety related features were added to the Plan under a modified alternative, the Modified Redesign Alternative (MRA). The MRA was developed to address community concerns. The Modified Redesign Alternative FPP is presented in FEIR (*Appendix MRA-5*) and described in FEIR (*Appendix MRA-1*). The MRA FPP incorporates the same list of fire safety features as presented for the Proposed Plan, but includes additional measures aimed at further reducing fire risk. A short list of the most notable fire safety improvements includes:

- The Modified Redesign Alternative includes a prohibition on all flames. No campfires, cooking stoves, fuel-based lanterns, or other flames will be allowed. This removes primary ignition sources related to the Plan.
- Camping has been removed from Escondido Canyon Park and Latigo Trailhead and clustered in primarily two Parks, Corral Canyon Park and Malibu Bluffs

Conservancy Property. Both locations are in areas with lower intensity fire behavior and near primary roadways as well as other open space areas.

- The MRA restricts the number of visitors year round during Phase I at Ramirez Canyon Park while offering expanded visitation during non-fire season under Phase 2 at RCP (similar to the Proposed Plan), but with the number of large events reduced by 50% in comparison to the Proposed Plan. Escondido Canyon Park and Latigo Trailhead would also have reduced visitation when compared to that which was identified in the DEIR for the Proposed Plan, resulting in lower probability for impacts to egress roads and lower potential fire safety risk.

These measures, in concert with all of the measures identified in the FPP, specifically address the fire risk associated with the Proposed Plan's and Modified Redesign Alternative's location and intended uses, and would, therefore, result in further reduction of public fire risk.

Residential Development vs. Camping/Recreational Development

The Proposed Plan and Modified Redesign Alternative Fire Protection Plans provide a comprehensive analysis of the Plan area's and surrounding region's fire risk. Particularly, the FPPs focus on assessing the fire environment of the area (fire hazard rating, topography, location, vegetation (fuel), climate, fire history, ignition sources, and fire behavior) in an effort to evaluate the potential risk associated with the project. Also included in the evaluation of potential risk are the Plan area's proposed uses, infrastructure, emergency response resources, and on-site fire suppression capability, amongst others. Based on that evaluation, the FPP formulates and addresses fire safety measures for each potential fire safety risk.

While there is no question wildfires can, and have had catastrophic results, both nationally and in California, it is important to analyze the potential risk from wildfire compared to fires in general so that a sound risk analysis can be formulated and resulting decision making can be facilitated. Nationwide and within California, there are roughly the same number of structure fires as there are wildfires. However, 98% of lives lost occur in structure fires, particularly in residences (NFPA, 2008). Yet, every year, residential development is permitted within fire hazard zones and wildland urban interface areas. In fact, since January 2008, corresponding with adoption of the 2007 California Building and Fire Codes, a total of 45 residential structures have been approved in the Malibu area within the vicinity of the MRCA Plan area. New residential development combined with existing residential development in the Santa Monica Mountains region results in residences and the associated vehicles and related human

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activities (leading causes of ignitions) adjacent to and within the fire environment. Increased residential development and the ignition sources they represent result in increased fire risk, and most of these activities are unsupervised and unmanaged. Implementation of either the Proposed Plan or the Modified Redesign Alternative would increase the average daily population in the Plan area, but each Plan incorporates layers of controls to minimize the likelihood of ignition by removing ignition sources and activities and by robust supervision and monitoring. Further, the provisions detailed in the FPP are provided as protection and safety measures to minimize the likelihood that people are present if an ignition occurs and if they are present, that they can be safely relocated.

Fire Risk Addressed By FPP Measures

It has been established that the Plan area includes a higher fire danger as an existing condition due to the terrain, fuels, ignition sources, weather, and history of wildfires. The project would enable an increased number of average daily visitors and overnight campers. In the Santa Monica Mountains, most wildfires are the result of humans, including arson, power lines, trash burning, vehicle and building fires, power equipment, and smoking, resulting in 95% of known fire starts. Of the total acres burned between 1982 through 2008, a total of 92% resulted from two sources, arson (72%) and power lines (19%) (ForeverGreen Forestry, 2010). Based on this data from 1982 through 2008, the causes for future increased ignitions in the nearby Santa Monica Mountains, which represent the most significant fire threat to the Plan area, would be primarily from accidents associated with vehicles, power lines, power equipment, cooking fires, or intentional sources.

In order to address the potential ignition sources, this FPP provides a number of measures that directly address the potential for increased ignitions from these sources that historically have caused fires in the Santa Monica Mountains (along with measures for other potential sources), such as:

Vehicle sources

- Wider roadways and fuel modification along all access roads
- Restrictions and requirement for vehicle/equipment operation
- Walk-in camping

Power Lines

- There are no new, above ground power lines proposed by the project.

Power Equipment

- Restrictions on mechanical device use - gas or diesel powered equipment used during construction and for ongoing maintenance at campsites and on trails will be required to include appropriate spark arrestors and/or catalytic converters to reduce potential for vegetation ignition.
- Requirements for mechanical device use - mechanical equipment or devices will be required to be used with extreme care for fire safety and will be allowed only when required fire suppression equipment is on-site, including fire extinguishers, shovels, and pressurized water tank, or equivalent.
- Exclusion of mechanical device use at camp sites - campers will be prohibited from possessing or using mechanical devices capable of generating a spark or flame.

Cooking Fires

- No flames will be allowed at any campsites.
- Cooking will only be allowed on flameless, electric hot plate or similar
- Lanterns will be battery or solar powered only.

Other Potential Plan Area Sources

- Enforcement of a No Smoking policy in all parks, punishable by a \$1,000 fine
- Regular monitoring and patrols
- Visitor Education program
- Campground fuel modification
- Communication maintained with CAL FIRE, LACFD, City of Los Angeles Fire Department, the Ventura County Fire Department, California State Parks, and the National Park Service to promote cooperative fire prevention and response efforts
- Performance of annual brush clearance and fire prevention on its properties
- Maintaining fire extinguishing/fighting equipment on site
- Restricting and monitoring most aspects of site use

Arson

The last primary potential ignition source, intentional fires/arson, has historically been an issue in the Malibu area. The trend has been toward increasing area burned in wildfires, resulting from the high number of arson-related ignitions associated with Santa Ana winds (ForEverGreen Forestry, 2010). When the weather conditions are favorable for wildfire ignition and spread, arsonists have made their presence in the Santa Monica Mountains known. The importance of the Santa Ana winds to overall wildfire severity and risk cannot be understated. Statistics reveal that wildfires ignite with approximately equal occurrences in summer and fall, but almost 90% of the total area burned occurs in late fall, when Santa Ana winds are blowing (National Park Service 2005).

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In order to address this, the FPP requires:

- Closure of parks and trails on Red Flag Warning days/periods – the period when arson has been at its peak. This results in removing visitors from potential risk and enables Rangers to more closely monitor any unauthorized persons or vehicles on site.
- Monitoring of park use visitation to protect Park properties from potential risks associated with unauthorized and unattended visitors
- Additional eyes and ears in the field when open to visitors and campers - increasing the number of humans in the area who are wildfire educated and monitored by the equivalent of law enforcement agents (MRCA Rangers); increased human presence within the Plan area could actually discourage arsonists and reduce arson-related ignitions

In addition, the project will participate and implement the following programs throughout the Plan area, which will support CAL FIRE/ LACFD efforts throughout the remaining wildlands of Los Angeles County:

- Support wildfire education programs for all visitors and in the community
- Involvement in the “We Tip” program with signage indicating Ranger telephone numbers
- Neighborhood Watch program participation
- Work with LA County Fire on testing and using Remote Ignition Detection Systems
- Supporting coordination and training between agencies

In order to reduce potential on-site risks associated with human-influenced wildfire ignitions, the SMMC/MRCA also implements the following measures, which will be continued, and in some cases made more restrictive, with the project:

- Employment of 75 (total increases during high fire season) trained wildland fire fighting personnel
- Maintenance and deployment of its own fire fighting equipment, including provisions for new fire engine sheds at Malibu Bluffs and Corral Canyon Park, as discussed in the focused FPPs for those facilities.
- Storage of water for fire fighting purposes in many parks
- Housing of a remote automated weather service station for the LACFD at Ed Edelman Park in Topanga Canyon
- Providing emergency helicopter-landing zones on its property.

Supervised Camping

Causes of wildfires in California can be classified as either natural (lightning, volcanic) or anthropogenic, including intentional (arson) and unintentional sources (railroad, escaped prescribed burn, equipment use, etc.). Traditional recreation-based land uses introduce potential wildfire ignition sources that differ from other development types such as road construction, power line installation, or residential development. Potential fire ignition risks associated with recreation-based land use typically include illegal or unattended campfires, smoking, arson, or vehicle-originated fires (e.g., catalytic converters). Of these, only campfire ignition sources are specific to recreation-based land uses. The California Department of Forestry and Fire Protection (CAL FIRE), through its Fire and Resource Assessment Program (FRAP), maintains a GIS database of wildfire perimeters for the state of California from 1878 to 2008 which includes amongst its attributes a fire cause designation. Based on an analysis of this data set (FRAP 2009), wildfire incidents in California originating from campfire ignition sources are extremely low. Specifically, of the 16,852 fires 10 acres or larger recorded in California between 1878 and 2008 (FRAP 2009), only 268 (1.6%) were caused by campfires. Based on the same data set, of the 2,208 fires recorded in Los Angeles County over this time period, only 10 (0.5%) were caused by campfires. Further, none of the historic wildfires in the Santa Monica Mountains have campfire origins from any existing and operational campground. The dataset does not distinguish between campfires in managed and patrolled campgrounds as compared to those in unmanaged areas or illegal campfires, the latter of which is more likely to result in escape. For example, the Corral Fire (2007) was caused by an illegal campfire in a cave on state parkland at the top of Corral Canyon during November 2007. All of the referenced Los Angeles County "campfire-caused" fires were in the Angeles National Forest. A personal interview with Angeles National Forest staff revealed that there have been no known fires caused by campfires in developed campgrounds¹. The Proposed Plan prohibits campfires and allows only managed cooking using propane stoves in non-flammable cookstations. The Modified Redesign Alternative places even more restrictive prohibitions by making campfires and all flame-emitting devices illegal at Plan area campsites and trails. In addition, the Plan area will be patrolled, Ranger and/or camp hosts will be onsite when camping is permitted, and all restrictions will be enforced by empowered and trained public officers.

More likely causes for wildfires in the Plan area and the greater Santa Monica Mountains region are associated with other anthropogenic sources including roadways (tossed cigarette, vehicle accidents, catalytic converter, or car fire), unattended children, arson,

¹ April 2009 telephone conversation between Paul Edelman, Deputy Director for Natural Resources and Planning, Santa Monica Mountains Conservancy and Marty Dumpis, Deputy Supervisor, Angeles National Forest.

electrical transmission lines, or gas powered mowers, trimmers or other equipment. Public access to Parks within the Plan area currently occurs under the existing baseline, and along with that access comes the ignition potential based on some of the aforementioned causes. However, carefully planned and controlled access and increased patrols along with the restrictions regarding flames of any type, and better education of park visitors would actually result in the lowering of baseline ignition risks, as has been demonstrated at other camp areas throughout the state.

Conclusion

The Proposed Plan and Modified Redesign Alternative FPPs provide an extensive list of fire prevention, fire protection, fire suppression and fire safety measures customized for the Plan area fire environment and the proposed recreational uses in the Plan area. According to Mr. Woody Smeck (Superintendent of Santa Monica Mountains National Recreation Area, National Park Service), the proposed camping plan (under both the Proposed Plan and Modified Redesign Alternative) would have the most restrictive campfire rules in California and possibly the nation. For example, the Angeles National Forest has 70 campgrounds, all of which allow open flames during periods of the year and State Parks allow camp fires (such as a campfire grill) at their campgrounds, subject to weather conditions. Flames are prohibited all year, regardless of weather conditions, under the Modified Redesign Alternative. Further, Mr. Ron Schafer, California State Parks Superintendent, Angeles District, commented that the Conservancy/MRCA camping plan is at least as restrictive as California State Park's most restrictive policies. The extensive list of prohibitions, restrictions, limitations, and associated monitoring and enforcement detailed in the project's FPP result in a Plan that sets a new standard for recreational fire safety.