

From: Judi Pace [mailto:secos@charter.net]
Sent: Monday, March 22, 2010 1:04 PM
To: EIRcomments@smmc.ca.gov; Judi Tamasi
Subject: Public Comments: Malibu Parks Public Access Enhancement Plan – Public Works Plan Draft EIR – SCH# 2009091018

RE: Malibu Parks Public Access Enhancement Plan – Public Works Plan Draft Environmental Impact Report – SCH# 2009091018

I have been a resident of Corral Canyon in Malibu since 1974. I have been through multiple brush fire events and we lost one home in the 2007 Corral Fire and sustained serious damage to our residence. Our family camps, hikes, rides and surfs. We use the many parks in the Santa Monica Mountains National Recreation Area frequently. We love the area and want to try and minimize detrimental effects and dangers that we perceive in the proposed plan.

AA-1

After attending multiple hearings and reviewing the draft EIR these are my comments:

I am opposed to camping element in Corral Canyon for the Malibu Parks Public Access Enhancement Plan - Public Works Plan Draft EIR - SCH# 2009091018 for the following reasons:

AA-2

Fire Safety - for both the residents and visitors in Corral Canyon.

- Corral Canyon has one narrow, steep and winding road in and out. Corral Canyon is classified as a "Very High Fire Hazard Severity Zone" with a heavy load of chaparral and heavy fuel load. Our community has been ravaged by wildfires many times with the latest being Nov. 24, 2007 from which many of us are still trying to recover. The plan for hike-in campgrounds just below and adjacent to residential areas of El Nido is a formula for another disaster.
- The SMMC and MRCA do not have the ranger resources needed to patrol and be on site 24/7 to supervise the campers in each of the proposed campgrounds to ensure they are following the proposed rules. Posting rules and threatening fines for campfires and smoking is meaningless without the ranger resources and continuous ranger presence to enforce and implement those rules. Cold camping allows cooking on propane stoves which emit a flame and can be knocked over. No cooking of any kind should be allowed - pack in food or sandwiches! Since the Corral Canyon fire, neighbors have found people camping in areas where it is not permitted, complete with candles and fires in the part of Malibu Creek State Park at the top of Corral - an area which is infrequently patrolled by

AA-3

AA-4



rangers but frequently used by party goers. Neighbors have also reported people at night hiking into the lower Corral Canyon area with lit tiki torches - again with no ranger presence or rules enforcement. Camping in established campgrounds in Malibu has been successful and safe (Leo Carrillo and Malibu Creek St. Park) because they do have 24/7 ranger presence with ranger residences in the parks and near-by. Corral Canyon already has tent camping spaces available in the Malibu RV Park (on-site 24/7 supervision) which are infrequently utilized.



AA-4

- The EIR discusses how fires spread more rapidly up steep slopes and more slowly down-slope. The proposed Corral Canyon hike-in campground is down-slope from the residential areas of the canyon, but with heavy Santa Ana winds, fire spread in that area has been rapid due to the heavy fuel loads and narrow canyon topography. Although the plan calls for no camping during "red flag alert" days, without on-site ranger presence, the plan will not be sufficiently protective. What was not stated is that most frequently the afternoon/evening wind pattern is onshore. Should a fire start from within the hike-in campground area an onshore wind could spread fire rapidly up-slope and right into our residential areas.

AA-5

- Hikers and campers have been know to misjudge time and get lost on unfamiliar trails after dark. They have started campfires to keep warm and as signal fires. There was an incident of this recently (mid Feb. 2010) in Zuma Canyon in the Santa Monica Mountains in Malibu which had a happy ending, but could have had a devastating effect on the surrounding areas. A campfire was the cause for the huge (33,000 acres) Indians Fire in the Los Padres National Forest that burned all the way from the Central Coast to the outskirts of King City. A cooking fire cause another fire to burn 75,000 acres in another part of the Los Padres National Forest in Santa Barbara County. A cigarette caused a large fire in Griffith Park in 2007. A signal fire was the cause of a enormous fire in the inland San Diego area a few years ago. When people are lost, they panic and do dumb things. Negligent and illegal activity has caused some of the most destructive fires in recent years. On site Ranger presence 24/7 is the only safe way to operate a campground and to insure rule enforcement and provide for safety of the campers/public.

AA-6

I am in favor of the trails element of the proposed plan in Corral Canyon and throughout Malibu.

- The plan for extending the long planned trail linkages throughout the Malibu area of the Santa Monica Mountains is a fabulous use for the various park properties and open space areas owned by the many public



AA-7

AA

agencies. This would provide great opportunities for public access to the area and increased recreational opportunities for everyone. These trails have existed on paper for too long and I encourage the SMMC and MRCA to concentrate its efforts on this aspect of the Public Access Enhancement Plan - actually physically building the trails with a budget for maintaining the trails to multi-use trail standards. (Please try to remember to include adequate parking areas for horse trailers -on DG - and space to load/unload and tie horses to trailers in the designated trail parking areas).



AA-7

Sincerely,
Judi Pace

<p>Letter AA Commenter: Judi Pace Date: March 22, 2010</p>	
<p><i>Introduction</i></p>	<p>In response to comments, two topical responses have been created (Topical Response #1 – the Modified Redesign Alternative & Topical Response #2 – Fire Concerns). Where a response to a comment can be addressed with one of these topical responses, the commenter is referred to the topical response.</p>
<p>COMMENT NO.</p>	<p>RESPONSE</p>
<p>AA-1</p>	<p><i>This comment states that the author is a resident of Corral Canyon and her family uses the many parks in the Santa Monica Mountains. The commenter also expresses concern with perceived detrimental effects and dangers from the proposed plan.</i></p> <p>RESPONSE:</p> <p>CEQA Guidelines Section 15088(a) specifies that the “lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” This comment does not address an environmental issue. Your opinion is on the proposed project is important, however, and your comment will be included in the FEIR presented for review and consideration by the Conservancy/MRCA’s decision-making body. Nevertheless, please see Topical Response #2.</p>
<p>AA-2</p>	<p><i>This comment expresses the commenter’s opposition to camping in Corral Canyon.</i></p> <p>RESPONSE:</p> <p>See response to comment AA-1.</p>
<p>AA-3</p>	<p><i>This comment states that the plan for hike-in campgrounds just below and adjacent to residential areas of El Nido is a formula for another disaster.</i></p> <p>RESPONSE:</p> <p>See response to comment AA-1.</p>
<p>AA-4</p>	<p><i>This comment states that the SMMC and MRCA do not have the ranger resources necessary to patrol and be onsite 24/7 to supervise and ensure campers are following the rules and regulations. The commenter suggests</i></p>

	<p><i>that no cooking be allowed; stating that campers should pack in food or sandwiches. The commenter also provides information on people found camping in areas not permitted in Corral Canyon and Malibu Creek State Park, and notes that successful and safe camping is allowed at Leo Carillo State Beach, Malibu Creek State Park, and the Malibu RV Park due to 24/7 onsite ranger presence.</i></p> <p>RESPONSE:</p> <p>Please see response to comments A-2, A-4, B-3, and K-10. See, also, Topical Responses #1 and #2.</p> <p>Based on the above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p> <p>The portion of the comment relative to successful and safe camping at area sites is acknowledged. This portion of the comment does not identify an inadequacy in the analysis, conclusions or mitigation measures in the EIR. Please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.</p>
AA-5	<p><i>This comment suggests that without on-site ranger presence during red flag days, the Plan area would not be sufficiently protected. The commenter also states that the DEIR did not discuss onshore winds and the potential fire hazards associated with onshore winds.</i></p> <p>RESPONSE:</p> <p>Please see response to comments A-2, A-4, B-3, and K-10 relative to ranger patrols. See, also, Topical Response #2. Note that the parks would be closed to the public during red flag days, but Rangers would be on patrol 24 hours a day for the duration of red flag events.</p> <p>Please see response to comment Y-8 relative to onshore winds and potential fire hazards.</p> <p>Based on the above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
AA-6	<p><i>This comment cites a number of fires caused by negligent and illegal activity and suggests that 24/7 onsite ranger presence is the only way to ensure rule</i></p>

	<p><i>enforcement and safety when operating campgrounds.</i></p> <p>RESPONSE:</p> <p>See response to comment AA-4 and Topical Response #2.</p> <p>Based on the above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>AA-7</p>	<p><i>This comment expresses support for the trail element of the proposed Plan and requests that adequate parking be provided, particularly for horse trailers.</i></p> <p>RESPONSE:</p> <p>CEQA Guidelines Section 15088(a) specifies that the “lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” This comment does not address an environmental issue. Your opinion is on the proposed project is important, however, and your comment will be included in the FEIR presented for review and consideration by the Conservancy/MRCA’s decision-making body.</p> <p>The Plan, however, does retain one trailer parking space at Corral Canyon Park that could accommodate camping or horse trailers.</p>

From: Ted Fulton [mailto:ted.fulton@gmail.com]
Sent: Monday, March 22, 2010 1:39 PM
To: EIRcomments@smmc.ca.gov
Cc: dash.stolarz@mrca.ca.gov
Subject: EIR Comments Malibu Parks Public Access Enhancement Plan – Public Works Plan Draft Environmental Impact Report – SCH# 2009091018

Malibu Parks Public Access Enhancement Plan Draft Environmental Impact Report – SCH# 2009091018 is inadequate.

BB-1

CEQA explicitly requires that the initial study examine whether the project may have a significant adverse affect on "unique archaeological resources." This impact report does not adequately address the issue as the areas in question are known to have significant archaeological resources and have not been adequately assessed by competent professionals.

BB-2

Portions of the Malibu Parks Public Access Enhancement Plan directly contradicts the the primary mission of Malibu Creek State Park as stated in the general plan of the park:

BB-3

"The primary purpose of Malibu Creek State Park is to protect and perpetuate the oak woodland and riparian features of a ruggedly beautiful natural landscape that has been set aside for the protection of its diverse natural resources."

Numerous assertions in the consideration and rejection of alternatives are inaccurate and incorrect. King Gillette Ranch is connected to Malibu Creek State Park via an existing trail network and tunnel under Las Virgenes road providing the same hiking opportunities as the Corral Canyon Campsite. The term "blue water" views is vague and undefined. Public transit could easily be created to provide service to King Gillette Ranch. None has existed in the past because the property was only recently acquired for public use. The SMMC created public transit to nearby parks with great fan fare and created "bus stops" to the detriment of the environment only to discontinue the service quietly when there was no demand for the service.

BB-4

I believe there is no demand for the current expansion of camping in the Santa Monica Mountains. The EIR contains no statistically significant study to suggest that there is a demand for the proposed expansion of services in the proposed areas. This is not Yosemite....the Santa Monica Mountains have historically been a day use recreation area and the draft EIR does not adequately explain why there is a need to change this historical precedent. The CEQA required, "no project alternative" has not been adequately vetted.

BB-5

Fire protections established by the plan are inadequate and do not provide significant input from local fire authorities who have expertise in dealing with the dangers unique to the terrain and weather conditions of the Santa Monica Mountains. The following is a public quote from the Los Angeles County Fire Chief, "We are opposed to any new campgrounds, hike in camps, trail camps or large group gatherings in very high fire risk areas." The Public Access Plan directly contradicts the wisdom of this sentiment arrived at by officials with over 30 years of experience dealing with fire safety in the Santa Monica Mountains. Inadequate staffing levels at state parks in the Santa Monica Mountains have recently led to hundreds of millions of dollars in damages by wild fire. The draft EIR does not adequately balance or justify the need to expand camping with the increase risk of fire, nor does it address chronic under staffing of existing parks. The draft EIR fails to adequately identify staffing required by the expanded facilities or how such increased staffing will be maintained in a time of fiscal crisis.

BB-6

The following is a quote from the President of the SMMC regarding development near the area covered by the Malibu Parks Public Access Enhancement Plan,

"Unfortunately, it is impossible to construct the five homes strung over a mile of ridgeline and 7,800 feet of water main without resulting in unavoidable significant adverse visual and ecological impacts," says the nine-page letter, which was signed by the conservancy's chair, Ronald P. Schafer

BB-7

I contend that most reasonable people would agree that the SMMC's Malibu Parks Expansion Plan is a more significant undertaking than the construction of five homes by one individual. For the draft EIR to conclude no significant impact is laughable and cast doubt that the plan was conceived or vetted in an objectively legal manner.

Sincerely,

Ted V Fulton

<p>Letter BB Commenter: Ted Fulton Date: March 22, 2010</p>	
<p><i>Introduction</i></p>	<p>In response to comments, two topical responses have been created (Topical Response #1 – the Modified Redesign Alternative & Topical Response #2 – Fire Concerns). Where a response to a comment can be addressed with one of these topical responses, the commenter is referred to the topical response.</p>
<p>COMMENT NO.</p>	<p>RESPONSE</p>
<p>BB-1</p>	<p><i>This comment expresses the commenter’s belief that the Malibu Parks Public Access Enhancement Plan Draft EIR is inadequate.</i></p> <p>RESPONSE:</p> <p>CEQA Guidelines Section 15088(a) specifies that the “lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” This comment does not address a specific environmental issue other than a general conclusion. As such, no response can be provided other than refer the commenter to the DEIR and FEIR that details extensive environmental analysis on the proposed Plan. Your opinion is on the proposed project is important, however, and your comment will be included in the FEIR presented for review and consideration by the Conservancy/MRCA’s decision-making body.</p>
<p>BB-2</p>	<p><i>This comment states that the impact report does not adequately address the potential significant adverse affects on unique archaeological resources located within the project areas and questions the competency of the report preparers.</i></p> <p>RESPONSE:</p> <p>The cultural resources section for the Malibu Parks Public Access Enhancement Plan DEIR addresses cultural resources that are located within proposed Plan site areas and provides measures to mitigate potential project-related impacts on cultural resources to less than significant. The cultural resources section was prepared by Ken Victorino. Mr. Victorino has a Master's Degree in Anthropology, 18 years' experience in cultural resources management, and was certified by the Register of Professional Archaeologists in 1997. The cultural</p>

	<p>resources section was reviewed by David Stone. Mr. Stone has a Master's Degree in Anthropology, 30 years' experience in cultural resources management, and is certified by the Register of Professional Archaeologists. Both Mr. Victorino and Mr. Stone are considered experts in the assessment of cultural resources.</p> <p>Based on the above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>BB-3</p>	<p><i>This comment states that the Malibu Parks Public Access Enhancement Plan directly contradicts with the primary mission of the Malibu Creek State Park's General Plan, which is to protect its diverse natural resources, including oak woodland and riparian features.</i></p> <p>RESPONSE:</p> <p>The proposed Malibu Parks Public Access Enhancement Plan and Malibu Creek State Park's General Plan actually have similar missions, which is to provide recreational and environmental educational opportunities for the public in a manner compatible with each Park's values and features. The proposed Malibu Parks Public Access Enhancement Plan includes trail and park improvements intended to enhance public access opportunities in the Plan area and would include primarily low-intensity uses consisting of access trails which are sited and designed to be noninvasive on the natural topography of trail corridors and to minimize impacts to sensitive habitat areas. Limited camping facilities are proposed exclusively within existing park boundaries which would provide rare and unique resources for low-cost overnight recreation in the Plan area; these facilities are limited in size and location in consideration of geologic and natural resource constraints of each park property.</p> <p>In addition, DEIR, Section 2.2, <i>Project Objectives</i> of Section 2.0 <i>Project Description</i> discusses the proposed Plan objectives, which in addition to enhancing public park and recreational opportunities is to protect and enhance the natural resources of the park areas, which includes oak woodlands and riparian features.</p> <p>Furthermore, as discussed in DEIR Section 2.0, <i>Project Description</i>, the Plan includes a creek restoration plan for Ramirez Canyon Creek. The creek restoration/enhancement plan includes removing existing</p>

gabions and installing pervious boulder berms and/or log deflection structures throughout the creek to control stream degradation; creating areas of overbank enhancement in two areas (by the existing tennis court and at the southerly portion of the park) by removing artificial creek wall linings, grading back the slopes, constructing rock toe protection, installing retaining walls, and planting native plants; and planting of native plant species and removing non-native plants throughout the creek and implementing corresponding best management practices.

As discussed in detail in DEIR Section 5.4, *Biological Resources*, the proposed Plan would include preparation and implementation of a habitat restoration plan that would be consistent with the required tree protection plan for the project. This habitat restoration plan would be developed to mitigate/minimize potential impacts to the natural landscape.

Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.

In addition, a Modified Redesign Alternative has been proposed for consideration and adoption by the Conservancy/MRCA. Under this alternative, concentrated campsites have been developed through a clustering of campsites limited primarily to two parks: Corral Canyon Park and the Malibu Bluffs Conservancy Property. Further, under this alternative, no campsites are proposed at Escondido Canyon Park, the Latigo Trailhead Property and remote camping locations have been removed from Ramirez Canyon Park. As indicated in Section 3.4 of the FEIR (Volume IV), although impacts to sensitive vegetation communities and sensitive wildlife habitat would be similar to that of the Proposed Plan, impacts to sensitive plant species, native trees, and wildlife movement would be reduced compared to the Proposed Plan as a result of a reduction in campsites and parking. The overall reduction in the number of campsites and other facilities proposed under the MRA would, therefore, facilitate the further avoidance of wildlife impacts located within the Plan. Please see Topical Response # 1.

Based on the above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.

<p>BB-4</p>	<p><i>This comment questions the accuracy of the information used in the evaluation of alternatives considered, but rejected. The commenter also asserts that the term “blue water” views are vague and undefined.</i></p> <p>RESPONSE:</p> <p>DEIR Section 8.1.3 of Section 8.0, <i>Alternatives</i> provides accurate and correct information as to why specific alternatives were considered and rejected. For instance, King Gillette Ranch was considered and rejected based on the park not being able to meet many of the project objectives, which is to provide front country camping and hiking opportunities that take advantage of the coastal (bluewater) views afforded along the Malibu coast. A bluewater view is a term used in the City of Malibu Local Coastal Program Local Implementation Plan (LIP) to describe “ocean views”. The term is used in Chapter 6, Scenic, Visual, and Hillside Resources of the City’s LIP to refer to the protection of “ocean” or “bluewater” views from new development.</p> <p>Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required</p>
<p>BB-5</p>	<p><i>This comment states that there is no statistically significant study to suggest that there is a demand for the proposed expansion of services in the project area. The commenter notes that the Santa Monica Mountains have historically been a day use recreation area and the Draft EIR does not adequately explain why there is a need to change this historical precedent. The commenter also states the CEQA required “no project alternative” has not been adequately vetted.</i></p> <p>RESPONSE:</p> <p>The portion of the comment regarding the absence of a statistical study to support demand for the proposed park improvements, including overnight camping is planning related and does not identify an inadequacy in the analysis, conclusions or mitigation measures in the EIR. Please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.</p> <p>As for the portion of the comment stating that the “no project alternative” was not adequately vetted in the DEIR, the level of analysis</p>

	<p>detail provided in DEIR Section 8.0, <i>Alternatives</i> is adequate to allow a meaningful comparison of potential environmental impacts that would result from the proposed project, and that could result from the alternatives that were evaluated (including the “no project”), consistent with the requirements of CEQA Guidelines Section 15126.6(d).</p> <p>Based on the discussion above and the analysis contained within the Draft EIR, no further revisions to the Draft EIR would be required</p>
<p>BB-6</p>	<p><i>This comment states that the fire protection plans are inadequate and do not provide input from local fire authorities. The comment also states that the Draft EIR did not adequately balance the need to expand camping and increase risk of fire, nor does it address staffing at existing parks or identify the staffing required by the expanded facilities.</i></p> <p>RESPONSE:</p> <p>The comment indicates the FPPs are inadequate to reduce fire hazards to a less than significant level, but does not speak to any specific inadequacies, nor does the commenter demonstrate why or how implementation of the Plan would result in significant fire hazards. The comment also states that staffing levels would be inadequate, but does not identify how or why they would be inadequate. In short, the comments are unsubstantiated.</p> <p>According to the Conservancy, existing staffing levels are adequate to provide monitoring of the Plan area. Please see, also, response to comments A-4, K-2, and LL-16. Implementation of the FPP would significantly reduce the fire risk associated with the Plan and the project area. The Master FPP and park-specific FPPs prepared as part of the proposed Plan, include LA County Fire Code requirements, fuel modification guidelines, and incorporate comments from the Fire Chief.</p> <p>See, also, Topical Response #2.</p> <p>Based upon the above discussion and the analysis contained within the DEIR, no further revision to the DEIR would be necessary.</p>
<p>BB-7</p>	<p><i>This comment expresses the author’s opinion that most reasonable people would agree that the SMMC’s Malibu Parks Access Plan is a more significant</i></p>

undertaking than the construction of five homes by one individual. The commenter also expresses doubt that the Draft EIR was conceived or vetted in an objectively legal manner.

RESPONSE:

CEQA Guidelines Section 15088(a) specifies that the “lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.”

This comment does not address an environmental issue. Your opinion is on the proposed project is important, however, and your comment will be included in the FEIR presented for review and consideration by the Conservancy/MRCA’s decision-making body.

RECEIVED CC
STATE OF CALIFORNIA
SMMC

MAR 22 2010

MALIBU

March 18, 2010

Attn: Ms. Judi Tamasi

Santa Monica Mountains Conservancy
Mountains Recreation & Conservation Authority
5750 Ramirez Canyon Road
Malibu, CA 90265

Re: Proposed Campsites in Corral Canyon/Puerco Canyon area of Malibu

Dear Ms. Tamasi:

My family and I are 16 year residents of Malibu. We live at the bottom of Puerco Canyon with the Canyon belonging to the Conservancy directly north of us and our neighbor's property. Two years after moving here we were impacted by the fire of 1996 which burned right up to our property line in back and partially on the canyon side. In fact, the local news station came by to interview us because we had correctly followed the procedures for brush abatement as required by the County, and therefore our house was saved by that and our wonderful firefighters who camped out on our property!

CC-1

Then again we were impacted by the Fall fire of 2007 which was accidentally started in a cave by some people who had illegally started a campfire during a red flag period. Evidently the community had complained about parties in the cave, etc and were told that there weren't the funds to properly protect the area. How is the County or City going to pay for all that's involved with added campsites when they couldn't patrol one area in Corral Canyon.

CC-2

We are deeply concerned about the proposed campsites in the EIR for the Malibu Parks Public Enhancement Plan and the repercussions on Corral Canyon south and neighboring Puerco Canyon. When we bought our home we were reassured that the canyon next to us could never be developed because it was donated to the Santa Monica Conservancy (by Bob Hope I believe) and were happy our view would be preserved. Unfortunately we never imagined that future campsites would crop up with the view that non-residents' rights were more important than residents' rights.

CC-3

Unfortunately, even with all the precautions that the very lengthy EIR lays out for fire situations, accidents happen. The only ones to suffer will be the local residents, who will be forced to evacuate and wait helplessly to find out if their beloved homes still stand. There are no designated "red flag" days anymore. The EIR allows for 10 a year! No longer. Due to climate change, we are experiencing very erratic weather patterns and our predictable Santa Ana's that usually occur in the Fall are becoming more frequent. We don't believe that ANY amount of precautions will help us local residents as we are already in precarious situations with the existing campsites and careless people smoking and dropping their cigarette butts out the window. There is no way anyone can possible patrol 24/7 at these campsites.

CC-4

It's unclear whether the Park Rangers will have the ability to effectively supervise hike in camping. How will campers know how to use a fire plug or hose without training. A fire at the camp will cut

CC-5

CC

access to the Corral Canyon community before any first responders can arrive. The tall grass surrounding the main camp site on the Bluff would allow a fire to spread quickly into surrounding chaparral. And honestly, human nature tells us that nothing will happen if we make a small campfire, it's the "other guy" who always has a problem! Why does the community have to trust the "goodwill" of the campers. No one begrudges anyone from hiking along our beautiful coast and its' mountain trails. But camping so close to hundreds of private homes and expecting people to "follow the rules" when the consequences of those broken rules are so severe to us "taxpaying residents", is ludicrous. Additionally, tiny embers from fires are easily carried away to the brush in very high winds. These canyons become wind tunnels during Santa Ana's and the speed at which these flames travel makes them very hard to contain before damage is done.

↑
CC-5

We respectfully request that you reconsider the campsite proposals for Corral Canyon South/Puerco Canyon areas in light of the highly likely chances of camper error fires. It's bad enough that wildfires are also caused by high winds that take down power poles, we don't need to add to the mix with human error or ignorance.

CC-6

There are many more reasons to not add additional campsites to our beautiful coast, namely environmental consequences and the impact on wildlife, too numerous to name here. Please carefully consider this decision. It is a matter of life or death.

CC-7

Thank you,



Sheryl Sher

Howard Sher

3945 Puerco Canyon Road

Malibu, CA 90265

<p>Letter CC Commentor: Sheryl Sher and Howard Sher Date: March 22, 2010</p>	
<p><i>Introduction</i></p>	<p>In response to comments, two topical responses have been created (Topical Response #1 – the Modified Redesign Alternative & Topical Response #2 – Fire Concerns). Where a response to a comment can be addressed with one of these topical responses, the commenter is referred to the topical response.</p>
<p>COMMENT NO.</p>	<p>RESPONSE</p>
<p>CC-1</p>	<p><i>This comment provides a personal account of the commenter’s experience during a 1996 fire in the Puerco Canyon area.</i></p> <p>RESPONSE:</p> <p>CEQA Guidelines Section 15088(a) specifies that the “lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” This comment does not address an environmental issue. Your opinion is on the proposed project is important, however, and your comment will be included in the FEIR presented for review and consideration by the Conservancy/MRCA’s decision-making body. Please, also, see Topical Response # 2.</p>
<p>CC-2</p>	<p><i>This comment questions how the County or City would pay for all that’s involved with added campsites when they couldn’t patrol one area in Corral Canyon, where the 2007 Corral Canyon Fire originated from an illegal campfire.</i></p> <p>RESPONSE:</p> <p>Please see Topical Response # 2. Also, CEQA Guidelines Section 15088(a) specifies that the “lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” This comment does not address an environmental issue regarding the adequacy of the EIR. Your opinion is on the proposed project is important, however, and your comment will be included in the FEIR presented for review and consideration by the Conservancy/MRCA’s decision-making body. Please, also, see Topical Response #2.</p>

<p>CC-3</p>	<p><i>This comment expresses concerns with the proposed campsites in Corral Canyon Park and the repercussions to the Corral Canyon and Puerco Canyon areas.</i></p> <p>RESPONSE:</p> <p>See response to comment CC-2 above. Please also see Topical Response # 2.</p>
<p>CC-4</p>	<p><i>This comment expresses concerns with the EIR allowing for only 10 “Red Flag” days per year and notes that due to climate change, there are no designated “red flag” days anymore. The commenter also states that there is no way anyone can possibly patrol 24/7 at the proposed campsites.</i></p> <p>RESPONSE:</p> <p>A Fire Protection Plan (FPP) has been created for the entire project area, with individual plans prepared for each park site (see DEIR Appendix I). DEIR Section 5.6, <i>Fire Hazards</i>, speaks to impacts relating to Fire Hazards.</p> <p>The EIR acknowledges that it is the existing baseline condition that “given the climatic, vegetation, and topographic characteristics of the Plan area region, along with the fire history and fire behavior modeling results..., the Plan area is determined to be potentially vulnerable to wildfire starting in, burning onto, or spotting onto the site.”</p> <p>Restrictive policies have been outlined in the FPP to reduce the wildfire risk associated with the proposed project. The FPP provides details regarding site-specific policies and implementation measures that would govern these park areas with regards to fire protection. The FPP outlines a "systems approach" to fire prevention, protection, suppression, and emergency relocation to ensure proposed park improvements and uses will reduce potential risks associated with fire hazard. Important concepts included in this approach include pre-planning for emergency response, funded ongoing fuel modification, structural protection, water supply, access (ingress/egress), and optional fire shelters.</p> <p>For trails, through vegetation management, posting of fire danger information at trailheads, patrolling and strict enforcement of existing</p>

and proposed access and fire policies (as identified in the Fire Protection Plan), when compared to the existing baseline condition of the existing Plan area (where recreational access is already occurring, both legally and illegally) the likelihood of a lost hiker starting a camp or signal fire, which could get out of control, would be substantially diminished under the proposed FPP.

For campsites, each camp area will employ a host of Site Specific Fire Protection Measures, as identified in the Fire Protection Plan, including vegetation management to reduce fuels around campsites, having wildland fire-trained personnel on-site at all times when camping is permitted, having on-site wildland fire hydrants, etc. When compared to the existing baseline condition of the existing Plan area (where recreational access is already occurring, both legally and illegally) the likelihood of a campsite fire incident, which could get out of control, would be substantially diminished under the proposed FPP.

At times of year when trail use/ camping is not permitted and during red flag events, the campsites and trails will be regularly patrolled to ensure that unsanctioned use of the park sites is kept under strict control. When compared to the existing baseline condition of the existing Plan area (where recreational access is already occurring, both legally and illegally) the likelihood of a trail-side or campsite fire incident occurring at times of year when trail use/ camping is not permitted and during red flag events would be substantially diminished under the proposed FPP.

It should be noted further, in response to comments raised on the DEIR, the Conservancy/MRCA is being presented with a Modified Redesign Alternative. This alternative would limit camping to primarily two parks: Corral Canyon Park and Malibu Bluffs Conservancy Property in an effort to reduce fire risk. Both sites are located in close proximity to PCH to facilitate highway access in a fire event, and are considered areas with lower intensity fire behavior and near other open space areas for relocation purposes.

Under the Modified Redesign Alternative, additional widening of roads would provided (as required by the appropriate fire agency) in order to ensure adequate fire access.

	<p>Additionally, a Fire Protection Plan is included in the FEIR for this Modified Redesign Alternative and for each park area, and further and includes the following additional measures to ensure any fire risk is reduced further. First, the drop box registration system has been eliminated and all camping fees would be collected in person. Furthermore, under the Fire Protection Plan for this alternative included in the FEIR, a strict cold camp policy prohibiting the use of propane stoves and other flammable devices would be strictly enforced. The only approved cooking devices would be small electrical cooking appliances compatible with the park provided all-weather electrical outlet. Further, the Modified Redesign Alternative would provide permanent overnight accommodations for wildland fire-trained MRCA rangers, camp hosts, or a staff maintenance person to monitor and enforce this cold camp policy and further reduce any fire risk associated with the Plan. Additionally, all MRCA rangers and camp hosts will be public officers designated pursuant to the MRCA Park Ordinance as authorized by the Public Resources Code and would be able to issue citations to strictly enforce this cold camp policy.</p> <p>See, also, Topical Response #2.</p> <p>Based upon the above discussion and the analysis contained within the DEIR, no further revision to the DEIR would be required.</p>
<p>CC-5</p>	<p><i>This comment questions the ability of Park Rangers to effectively supervise hike-in campsites and asks how campers will know how to operate fire fighting equipment at each campsite.</i></p> <p>RESPONSE:</p> <p>Please see response to comments A-2, A-4, B-3, K-10, K-17, T-6, U-3 and CC-4.</p> <p>Based upon the above and the analysis contained within the DEIR, no further revision to the DEIR would be required.</p>
<p>CC-6</p>	<p><i>This comment requests that SMMC reconsider the campsite proposals for Corral Canyon Park due to the likely chances of an accidental fire caused by campers.</i></p>

	<p>RESPONSE:</p> <p>This comment does not identify an inadequacy in the analysis, conclusions or mitigation measures in the EIR. Please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.</p> <p>It should be noted, in response to comments raised on the DEIR, the Conservancy/MRCA is being presented with a Modified Redesign Alternative. This alternative would cluster camping in primarily two parks: Corral Canyon Park and Malibu Bluffs Conservancy Property in an effort to reduce fire risk. Both sites are located in close proximity to PCH to facilitate highway access in a fire event, and are considered areas with lower intensity fire behavior and near other open space areas for relocation purposes. See, also, Topical Responses #1 and #2.</p>
<p>CC-7</p>	<p><i>This comment expresses the author's opposition to allowing campsites along the Malibu Coast and states that it is a matter of life or death.</i></p> <p>RESPONSE:</p> <p>Please see Topical Response #2.</p>

DD

TO: Judy Tomasi 310-589-3207 March 22, 2010
From: Lucile Keller, Secretary, Malibu Township Council, phone/FAX 310-457-7086

Subj. SMMC Public Works Plan draft EIR comments 2 pgs inc. cover

Ms. Tomasi:

Please find attached EIR comments for above project. Please include them in your file of comments.



**Lucile Keller, Secretary
Malibu Township Council**



MALIBU
TOWNSHIP COUNCIL, INC.
A Community Association
MALIBU, CALIFORNIA
P.O. BOX 803, 90285-0803

SMM Conservancy Park Public
Works Plan draft EIR hearing
February 22, 2010

We appreciate that water supply and equipment improvements are offered. But, there is a huge deficiency due to the lack of commitment to provide sufficient Park Rangers who have authority to enforce rules to patrol the sites. How often will each of the 71 campsites be visited? A walk-thru once a day will not deter violations. Use of Camp hosts, or maintenance personnel who have no police power is inadequate and useless. Proposed patrol services using all personnel types is about 2.3 hours per 24 hour period per park. This is totally inadequate. Page 2-51 offers 3 alternatives: that staff personnel will be onsite whenever camping is permitted OR that apparatus will be available for daily and nightly patrols OR that patrols will be conducted daily. This allows the Conservancy to do as they wish and guarantees nothing.

DD-1

No Needs Assessment has been provided. A list of supervised campsites in the immediate vicinity of Malibu from the National Park Service indicates enough sites to conservatively serve 1300 persons per night. If more sites are needed they should be located at existing supervised campgrounds. For instance Leo Carillo is immediately adjacent to the northern city boundary.

DD-2

Reference is made to using state funds yet no responsible agency is identified for any kind of funding. The State has admitted they do not have enough rangers to patrol the park land currently in use. How many rangers will be used for these parks?

DD-3

There is no notification or fire evacuation plan for the community surrounding the parks provided in the SMMC Plan. If a fire starts in one of these parks, it could reach residents in minutes.

DD-4

The proposal violates Sec. 30253 and 30210 of the Coastal Act which requires risks to life and property in areas of high fire hazard be minimized... and be consistent with public safety.

DD-5

Development of proposed campsites creates an extreme, unnecessary fire safety hazard for the entire community. SMMC parks and most of Malibu are in a designated Very High Fire Hazard Zone. The Corral Fire, (estimated cost \$100M), demonstrates that night use of park areas, legal or illegal, is extremely dangerous to the community AND to the parks and users themselves. As many sources of fire as possible needs to be eliminated.

DD-6

Campers would be allowed to use propane cook stoves. The Conservancy admits in the Ramirez Evacuation Plan, Pg. 2 (Appendix II of the SMMC Plan), that "camping cook stoves and lanterns ... could potentially be a source of fire ignition if such items are dropped..." These stoves must be ignited with a match or lighter - that is a flame. There is no guarantee that users of the campsites will be knowledgeable or careful.

DD-7

It is proposed to notify campers of the requirement to use propane stoves when they make a reservation. However, walk-in use is allowed - how will these users know of the restriction and come prepared with the required equipment. Prior reservations should be mandatory.

DD-8

There have been many documented incidents of wildfires being started by careless or clueless campers. 99% of fires in greater Malibu were human caused. The adjacent communities and the parks themselves, should not be put at risk in order to provide recreational camping - again this violates the Coastal act's safety requirement.

DD-9

To allow proposed trail campsites in these parks is irresponsible and an invitation to disaster.

DD-10

Malibu Township Council Board of Directors

<p>Letter DD Commenter: Lucile Keller Secretary, Malibu Township Council Date: March 22, 2010</p>	
<i>Introduction</i>	In response to comments, two topical responses have been created (Topical Response #1 – the Modified Redesign Alternative & Topical Response #2 – Fire Concerns). Where a response to a comment can be addressed with one of these topical responses, the commenter is referred to the topical response.
COMMENT NO.	RESPONSE
DD-1	<p><i>This comment questions the ability of Park Rangers to adequately enforce park rules and regulations and questions the ability of Camp Hosts or maintenance personnel without police power to provide adequate enforcement.</i></p> <p>RESPONSE:</p> <p>Please see response to comments A-2, A-4, B-3, K-10, K-17, T-6, and U-3. See, also, Topical Response #2.</p> <p>Based on the above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
DD-2	<p><i>This comment states that a needs assessment was not provided to justify the need for additional campsites in the area.</i></p> <p>RESPONSE:</p> <p>CEQA Guidelines Section 15088(a) specifies that the “lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” This comment does not address an environmental issue. Your opinion is on the proposed project is important, however, and your comment will be included in the FEIR presented for review and consideration by the Conservancy/MRCA’s decision-making body.</p>
DD-3	<p><i>This comment states that the DEIR does not identify the responsible agency for funding ranger patrols and asks how many rangers will be used for these parks.</i></p> <p>RESPONSE:</p>

	<p>Please see response to comments A-2, A-4, B-3, K-10, K-17, K-23, T-6, and U-3.</p> <p>Based on the above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>DD-4</p>	<p><i>This comment states that there is no notification or fire evacuation plan for the community surrounding the parks provided in the Plan.</i></p> <p>RESPONSE:</p> <p>Please see response to comments A-2 and A-4. The City of Malibu and County of Los Angeles are responsible for notification and fire evacuation for areas within their jurisdiction. As such, the City of Malibu has implemented the City's Emergency Preparedness program which was established to coordinate the City's response to disasters, such as fires, floods, earthquakes and storms. Under the City Manager's direction, the Emergency Services Coordinator is responsible for maintenance and implementation of the City's Emergency Operations Plan. This includes training of City staff and community volunteers, equipping and management of the Emergency Operations Center (EOC), overseeing the Community Emergency Response Team (CERT) and managing the City's emergency notification systems.</p> <p>The City of Malibu has also developed its own, specialized team of CERT volunteers. The team meets regularly at City Hall and trains to support the activities of the City's Emergency Operations Center (EOC), as well as to be available to support the volunteer needs of associated agencies, such as the Sheriff's and Fire Departments.</p> <p>Finally, the Conservancy/MRCA is the Western Sector Emergency Command Center for fire/disaster/public safety emergencies. As the command center, MRCA is equipped with full computer and radio dispatch capabilities in the event of any emergency.</p> <p>Based on the above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>DD-5</p>	<p><i>This comment states that the proposed Plan violates Sections 30253 and 30210 of the Coastal Act which requires risks to life and property in areas</i></p>

	<p><i>of high fire hazards be minimized and consistent with public safety.</i></p> <p>RESPONSE:</p> <p>DEIR Section 4.2 of Section 4.0, <i>Consistency with Plans and Policies</i>, provides a detailed analysis explaining how the proposed project improvements and design measures would be consistent with Coastal Act Section 30210 and generally consistent with Section 30253. See, also, Topical Response #2. Based on the above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
DD-6	<p><i>This comment expresses general concern with the potential for increased fire from development of the proposed campsites.</i></p> <p>RESPONSE:</p> <p>Please see response to comments A-2 and A-4. See, also, Topical Responses #1 and #2. Based on the above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p> <p>Please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.</p>
DD-7	<p><i>This comment states that campers would be allowed to use propane cook stoves and lanterns and there are no guarantees that campers would be knowledgeable or careful when using such items.</i></p> <p>RESPONSE:</p> <p>See response to comment A-2. See, also, Topical Responses #1 and #2. Based on the above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p> <p>Please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.</p>
DD-8	<p><i>This comment expresses general concern with walk-in campsites and how will campers at these sites be made aware of park rules and regulations and suggests that prior reservations should be mandatory.</i></p>

	<p>RESPONSE:</p> <p>Please see response to comment O-1. See, also, Topical Responses #1 and #2. Based on the above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p> <p>Please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.</p>
DD-9	<p><i>This comment states that there have been many fires caused by careless or clueless campers and suggests that the proposed Plan violates the Coastal Act's safety requirements.</i></p> <p>RESPONSE:</p> <p>Please see response to comment DD-5. See, also, Topical Response #2. Based on the above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p> <p>Please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.</p>
DD-10	<p><i>This comment states that to allow campsites in the parks as proposed in the Plan is irresponsible and an invitation to disaster.</i></p> <p>RESPONSE:</p> <p>CEQA Guidelines Section 15088(a) specifies that the "lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response." This comment does not address an environmental issue. Your opinion on the proposed project is important, however, and your comment will be included in the FEIR presented for review and consideration by the Conservancy/MRCA's decision-making body. Nevertheless, please see Fire Topical Response #2.</p>



bay restoration commission

STEWARDS OF SANTA MONICA BAY

santa monica bay restoration commission ✂ 320 west 4th street, ste 200; los angeles, california 90013
213/576-6615 phone ✂ 213/576-6646 fax ✂ santamonica bay.org

EE

Santa Monica Mountains Conservancy
Mountains Recreation and Conservation Authority
Attn: Ms. Judi Tamasi
5750 Ramirez Canyon Road
Malibu, California 90265

Dear Ms. Tamasi,

The Santa Monica Bay Restoration Commission (SMBRC) has reviewed the Malibu Parks Public Access Enhancement Plan – Public Works Plan Draft Environmental Impact Report (D-EIR) and have the following comments.

The SMBRC strongly supports increasing public access to the myriad natural resources and park lands in the Santa Monica Mountains. The SMBRC believes this plan will dramatically improve public access and enhance recreational opportunities to Santa Monica Mountains visitors. We commend the Santa Monica Mountains Conservancy (SMMC) for improving alternative methods of transportation between parklands and designing improved facilities and increased level of accessibility for visitors with special needs. The SMBRC believes that SMMC has diligently attempted to make these important improvements while affording the maximum protection to the existing significant habitats and resources at the proposed sites.

EE-1

We respectfully offer the following suggestions or clarifications in the D-EIR in order for the SMMC to more fully realize their goal to protect these sensitive resources.

Pedestrian and Vehicular Bridges

SMBRC recommends that all bridge piers and/or abutments, either pedestrian or vehicular, that cross a stream or drainage channel be placed outside of the bankfull width. Bankfull flows are generally associated with a 1.5 to 2 yr storm event and are considered the critical channel-forming flows of a stream. Placing these supporting structures outside of the bankfull width will dramatically increase the longevity of the structure, will minimize future maintenance of the structure, and will cause the least disruption to the natural hydrology of the stream. We believe it is the goal and intent of the SMMC to install all piers and abutments outside of the bankfull width and would recommend that they emphasize this in the appropriate sections of the D-EIR.

EE-2

Stone Bridge Paths

SMBRC supports the use of stone bridge walkways for hikers to cross streams. However, we are very concerned about the spread of invasive New Zealand mudsnails (NZMS) as the stone bridges may promote hiker contact with NZMS infested streams. NZMS attach themselves to equipment and especially footwear that come into contact with infested streams. NZMS then "hitchhike" on that equipment until they come in contact with the next water source. NZMS

EE-3

our mission: to restore and enhance the santa monica bay through actions and partnerships that improve water quality, conserve and rehabilitate natural resources, and protect the bay's benefits and values





bay restoration commission

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EE

reproduce by cloning so a single snail can contaminate a previously uninfected waterbody. SMBRC respectfully recommends that **no** stone bridge paths be placed in Ramirez Creek as it already has extremely high densities of NZMS that could be easily transported to other streams via recreational users. We further recommend that NZMS warning signs (available from SMBRC and National Parks Service) be posted near all stone bridges to educate recreational users about how they can prevent spread of NZMS. Finally, we recommend the use of large stones for these paths, to eliminate the need for mechanical anchors, and careful placement of these stones to prevent damming or backing up of stream flows.



EE-3

Impervious Surface Areas

SMBRC recommends that all impervious surface areas be built with natural materials such as shale or gravel and that these surfaces be designed to capture, treat, and infiltrate a minimum 1.5 inch 24-hour rainfall event. We believe that SMMC intends to capture, treat and infiltrate the runoff from these new or improved impervious surface areas but would recommend that they emphasize these water quality enhancements in the D-EIR.

EE-4

Trail Drainage

We recommend that SMMC highlight and further document the protection measures designed to prevent sedimentation from trail erosion entering waterbodies. While this was discussed in the D-EIR we recommend highlighting where and how they will be used to further protect water quality at these project locations.

EE-5

The Santa Monica Bay Restoration Commission strongly supports the SMMC plan to enhance recreational access for the millions of people who visit the Santa Monica Mountains each year. We would like to commend the SMMC on developing a plan that will enhance access while protecting the significant resources in this area.

EE-6

Sincerely,

Shelley Luce, D.Env.
Executive Director

our mission: to restore and enhance the santa monica bay through actions and partnerships that improve water quality, conserve and rehabilitate natural resources, and protect the bay's benefits and values



Letter EE
Commenter: Shelley Luce
D. Env Executive Director, Santa Monica Bay Restoration Commission
Date: March 22, 2010

<p><i>Introduction</i></p>	<p><i>Pursuant to State CEQA Guideline 15088, proposed written responses shall be provided to all public agencies that commented on an EIR at least 10 days prior to the certification of any EIR. The Conservancy and MRCA provided all public agencies with proposed written responses to their comments on the DEIR at least 10 days prior to the certification of this FEIR. The version of all responses contained in this FEIR constitutes the final version as any previous version was a proposed response.</i></p> <p>In response to both oral and written comments received on the Draft Environmental Impact Report (“DEIR”) for the Malibu Parks Public Access Enhancement Plan – Public Works Plan (the “Proposed Plan”) the Santa Monica Mountains Conservancy and the Mountains Recreation and Conservation Authority (“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-I in Volume IV of the Final Environmental Impact Report (“FEIR”) and a detailed analysis of the environmental consequences of the MRA is included in Volume IV of the FEIR which is scheduled to be released prior to the Conservancy/MRCA’s public hearing on the Plan.</p> <p>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</p>
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	<p>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.</p> <p>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.</p> <p>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.</p> <p>The Final EIR includes an analysis of the MRA as well as a MRA Fire Protection Plan. The responses to comments that follow address the comments on the DEIR and indicate where concerns raised by oral or written comments will be potentially eliminated or reduced with the adoption of this MRA.</p>
<p>COMMENT NO.</p>	<p>RESPONSE</p>
<p>EE-1</p>	<p><i>This comment expresses support for increasing public access to the Santa Monica Mountains.</i></p> <p>RESPONSE:</p> <p>Comment noted. This comment does not identify an inadequacy in</p>

	<p>the analysis, conclusions or mitigation measures in the EIR. Please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.</p>
EE-2	<p><i>This comment suggests that all bridge piers and/or abutments, either pedestrian or vehicular, that cross a stream or drainage channel be placed outside of the bankfull width.</i></p> <p>RESPONSE:</p> <p>As discussed in detail in Draft EIR Section 5.4 <i>Hydrology, Drainage, Water Quality</i>, the Plan does propose several vehicular and pedestrian bridges as well as stone creek crossings. The pedestrian bridges would span the creeks and would not require any encroachment into the creek area. Construction of the proposed vehicular bridges at Ramirez Canyon and Malibu Bluffs may require limited encroachment into the creeks during construction, which would be subject to review by and possible permits from the Coastal Commission, ACOE, CDFG, and RWQCB. Associated with this activity, no permanent obstructions would be placed within the creeks, and all vehicular bridges would be located above the 100-year flood plain. Based on preliminary designs, it is anticipated that all bridge piers and abutments would occur outside the bank-full width (defined as 1.5 to 2-year storm event). Furthermore, DEIR Section 5.4, <i>Biological Resources</i>, contains Mitigation Measure BIO-1.11, which limits construction activities to the dry season.</p> <p>In consideration of the discussion above, no further revisions to the Draft EIR would be required.</p>
EE-3	<p><i>This comment expresses support with the use of stone bridge walkways for hikers to cross streams; however, the commenter expresses concern with the spread of invasive New Zealand mudsnails (NZMS) as the stone bridges may promote hiker contact with mudsnail infected streams.</i></p> <p>RESPONSE:</p> <p>All of the waterways crossed by trails included in the Plan already have trail traffic. The Proposed Plan and the MRA would not worsen the potential for spreading the NZMS. The Proposed Plan and MRA both include features such as pedestrian bridges which would likely reduce the potential for the NZMS to be spread by hikers, as compared to</p>

	<p>existing conditions.</p> <p>In order to increase public awareness about the problems associated with New Zealand mudsnails (NZMS), as recommended by the commenter, warning and educational signs would be provided at appropriate locations (consistent with MM BIO-10.12, Item #4). The following clarification language has been added to MM BIO-10.12:</p> <p style="padding-left: 40px;">MM BIO-10.12 Regulatory signs shall be provided at park entrance areas, staging areas or gathering points and may include, but need not be limited to, the following information: 1) permitted use of the area or facility being posted, 2) general regulations at trailheads, 3) general regulations at jurisdiction boundaries, 4) regulations required to promote safe use of an area (including limitations on fires) and resource protection, and 5) identification of private property boundaries, <u>and 6) warning and guidelines about the New Zealand mudsnail.</u></p> <p>It should be noted that MM BIO-1.11 requires that stone creek crossings (i.e., Arizona crossings) would be limited to repair and maintenance activities for existing legal crossings only. The replacement of smaller stones/ boulders (or no stones, in some cases) with taller stones/ boulders would be an improvement over the existing baseline condition, decreasing the likelihood of hikers' transmission of NZMS to non-infested streams.</p> <p>The above clarified version will be included as MM BIO-10.12 in the MMRP for the adopted Plan. The clarification does not alter the function or efficacy of the mitigation and is not required to address a project impact, but is included at the suggestion of the commenter to increase the educational benefits of the project. The required mitigation monitoring and reporting program would ensure compliance with the clarified mitigation measure.</p> <p>Based upon the above discussion and the analysis contained within the Draft EIR, no revision of the Draft EIR would be required.</p>
EE-4	<p><i>This comment recommends that the Draft EIR emphasize the water quality enhancements proposed as part of the Plan, and that all impervious surface areas be built with natural materials such as shale or gravel and be designed to capture, treat, and infiltrate a minimum 1.5 inch 24-hour rainfall event.</i></p>

RESPONSE:

As explained in the *Project Description* for the Proposed Plan contained in Section 2.0 of the DEIR and the Project Description for the MRA contained in *Appendix MRA-1*, the proposed Plan and MRA improvements have been designed to utilize above-ground vegetated methods to collect and treat stormwater runoff for post-project conditions. These methods include passing unconcentrated flows over natural vegetation, vegetated filter strips or through bio-swales. Where necessary, rock rip-rap energy dissipaters have been incorporated into specific project features to collect stormwater runoff and minimize erosion and scour at discharge points. Additional water treatment components include gravel or rock-filled drainage sumps provided for potable water spigots. Infiltration best management practices such as bioretention and permeable surface materials (including decomposed granite) have been incorporated into the project design, or would be implemented during final design, where necessary and if feasible.

Please refer to the “Storm Water Drainage” section of the Draft EIR contained in Section 5.10. Discussion in Impact HYD-2 concludes that surface runoff from new impervious surfaces would not result in significant impacts, based upon the implementation of PWP policy and implementation measures. More detailed run-off volume and water quality impacts are addressed within Impact HYD-6. As discussed therein, PWP Water Quality Policy 1 and 2, and PWP Water Quality Implementation Measures 1, 5, 6, 7 and 8 establish requirements for stormwater management including minimization of net new run-off volumes, infiltration opportunities, and natural or physical filtration processes to maintain water quality such that impacts are avoided, on and off-site.

In addition, language has been added to the detailed description of the MRA, contained in *Appendix MRA-1* of the FEIR, explaining that:

- Additional permeable materials in parking lot areas would be utilized where feasible and consistent with site-specific geotechnical recommendations.

	<ul style="list-style-type: none"> • An informal overflow parking area proposed at the westernmost portion of the Bluffs property, adjacent to Parking Lot 1, would consist of permeable 3/4 inch aggregate base (with maintenance performed annually, as necessary). <p>In consideration of the discussion above, no further revisions to the Draft EIR would be required.</p>
<p>EE-5</p>	<p><i>This comment suggests that the Draft EIR further document and highlight the protection measures designed to prevent sedimentation from trail erosion entering waterbodies.</i></p> <p>RESPONSE:</p> <p>In designing the trail alignments, the project civil engineer for the Plan referenced the June 2006 <i>Park and Trail Accessibility Design Guidelines</i>, prepared by Moore Iacofano Goltsman, Inc. and the <i>United States Forest Service Standard Specifications for Construction and Maintenance of Trails (1996)</i> to supplement specific design criteria commonly used by the National Park Service, California State Parks, the Mountains Recreation and Conservation Authority, and the Santa Monica Mountains Conservancy for new trail construction. The trail design is intended to minimize trail maintenance needs and address existing erosion problems associated with existing trails. As discussed in detail in Section 5.7 of the DEIR, <i>Geology, Soils, and Seismic Hazards</i>, the trail improvements have been specifically located to avoid geotechnical constraints and designed to minimize trail maintenance needs and decrease existing erosion concerns. See DEIR Section 5.7 for a more complete discussion of trail design.</p> <p>These design guidelines provide specific trail design measures to ensure resource protection through appropriate drainage and control measures. There is also a design standard that requires adherence to trail construction in accordance with accepted current design practice for mountain trail design including addressing drainage, erosion control and surface run-off energy dissipation. Additional discussion of trails is included within the Draft EIR, Section 5.10, <i>Hydrology, Drainage & Water Quality</i>, as well as within the PWPs for the Proposed Plan and the MRA, Section 5.5.3, <i>Coastal Trails Maintenance Supplemental Plan</i>.</p> <p>In consideration of the discussion above, no further revisions to the</p>

	Draft EIR would be required.
EE-6	<p><i>This comment expresses support for the proposed Plan and commends SMMC in developing a plan that will enhance access while protecting the significant resources in the area.</i></p> <p>RESPONSE:</p> <p>Comment noted. This comment does not identify an inadequacy in the analysis, conclusions or mitigation measures in the EIR. Please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.</p>



Mr. Joe Edmiston
 Executive Director
 Santa Monica Mountains Conservancy
 c/o Ms. Judi Tamasi
 5750 Ramirez Canyon Road
 Malibu, CA 90265

March 22, 2010

Dear Mr. Edmiston,

We are reaching out to you in a state of desperation and alarm over your heedless pursuit of overnight camping in our fire-ravaged community. We urge you to work with the good people of Corral Canyon to find safe alternatives to the extremely dangerous plan currently on the table. While we appreciate the wonderful work the SMMC – and you personally – have done to protect public lands and expand trails for public use, we vehemently oppose overnight camping in any “high fire hazard severity zone” -- particularly one as vulnerable and traumatized as Corral Canyon.

FF-1

Having carefully reviewed the EIR Draft Report, the Corral Canyon Fire Safety Alliance (CCFSA) objects to the proposed overnight camping plan, in its current form, on the following grounds:

FF-2

Fact: Corral Canyon is designated as a “very high fire hazard severity zone” and has been deemed to be one of the most dangerous, fire prone canyons in all Southern California.

FF-3

Fact: The Corral Canyon community has just one access road in and one access road out -- the same road -- Corral Canyon Road at PCH. A wildfire erupting near the proposed campsite locations will block evacuations and impede emergency response. People will burn in their cars trying to escape through the only egress out of our neighborhood.

FF-4

Fact: The 2007 Corral Fire burned 4,901 acres, destroying 53 homes and damaging 40 others. In addition to the human toll, residents left homeless and without means to rebuild, the fire also killed dozens of domestic animals while decimating local wildlife.

FF-5

Fact: Fighting the 2007 Corral Fire cost taxpayers \$7 million dollars and resulted in personal losses totaling over \$500 million dollars.

FF-6

Fact: As a result of the 2007 Corral Fire, there are numerous documented cases of Post Traumatic Stress Disorder among Corral Canyon residents. Two elderly residents died prematurely due to health conditions aggravated by the emotional stress of losing their homes. The safety threat posed by the SMMC’s proposed overnight camp grounds within our canyon is causing further anxiety among already victimized residents, who are seeking medical care as a result.

FF-7

Fact: Documented major wildfires in Malibu have occurred nearly every decade over the past century -- 1917, 1929, 1956, 1958, 1970, 1978, 1982, 1985, 1993, 1996, 2003, 2007(2). The November 2007 Corral Fire was Malibu’s worst fire in fifteen years.

FF-8

Fact: As a result of the 2007 Corral Fire, homeowners have seen increases in insurance premiums and some have lost their policies following the fire. Private insurance companies have already informed residents that should camping be established in Corral Canyon, additional increases and policy cancellations are most likely to ensue ~ causing severe financial hardship for many of the residents.

FF-9

Fact: Corral Canyon has its own unique weather patterns and a natural wind tunnel within the canyon. Wind gusts have been documented up to 90 mph on any given day. The wind speed during both the October & November 2007 fires was clocked at 70mph. Moreover, strong onshore winds occur which do not trigger red flag warnings. This will pose a particular threat to Corral Canyon, yet there is no provision in the EIR to define policy under such conditions.

FF-10

Fact: The campsites planned between Corral and Puerco Canyons are located in a high fire hazard area and covered in tall grass and chaparral that constitute fast burning fuel.

FF-11

Fact: Cold Camping, as defined by the SMMC allows propane stoves, which emit a flame.

FF-12

Fact: The proposed camping location is the last undeveloped coastal canyon in Los Angeles County where the creek flows freely to the ocean. Increasing human traffic and activity in this area will jeopardize preservation.

FF-13

Fact: There is no cell phone service available in this area should a situation require immediate emergency response.

FF-14

Fact: The campsites planned between Corral and Puerco Canyons will not have adequate/LACOFD required road access for emergency response and law enforcement patrols. The EIR does not address even the most basic LACOFD and California State Fire code requirements. If camping were to occur, then at a minimum, fire apparatus would need to have proper vehicular access including vehicle “turn-arounds”. Water supplies, pressures and flows must be engineered and proven adequate, and most important, communication and response.

FF-15

Fact: The use of a fire shelter in a fire emergency requires proper training for survival. There is no provision for campers to receive daily mandatory orientation on how to use the fire shelter and fire hose. In a wildfire situation, untrained campers will panic and attempt to flee, putting themselves at risk for injury or death.

FF-16

Fact: There is no provision in the EIR for notifying first responders when a fire erupts.

FF-17

Fact: There is no provision in the EIR for brush clearance and fuel modification on the surrounding hillsides to make a “fire break.”

FF-18

Fact: The SMMC proposes placing a fire truck in the parking lot next to the trail head -- approximately 2000 feet from the campsites. Yet without proper fire truck access roads, and no firefighters on site, this truck provides zero benefit – only a false sense of security to park visitors, at best.

FF-19

Fact: The SMMC’s proposed installation of cross walks and trailheads along some of the most dangerous sections of Corral Canyon Road fails to take into account the real hazards and issues of traffic safety. This was tragically brought home to residents with the recent vehicular killing on Corral Canyon Road of a local resident by an outside motorist unfamiliar with our uniquely serpentine, intrinsically dangerous roads replete with dozens of blind spots. Clearly this needs more

FF-20



consideration and a professional traffic study to determine the safe and proper locations for these alterations to the roadway.

↑ FF-20

Fact: The guidelines for patrolling only require supervision during authorized camping. Camping during Red Flag conditions is not authorized and therefore there won't be 24-hour supervision at that time leaving the camp area vulnerable to reckless behavior.

FF-21

Fact: The SMMC does not have adequate resources to properly supervise and maintain any of the proposed Malibu projects that will insure the highest public safety measures are carried out on a 24/7 basis.

FF-22

Fact: Due to budget cuts and layoffs, State Rangers are not available by phone at any of the area State Parks. In fact, a recording at the Topanga State Parks declares that due to these budget cuts, messages left may take up to four days to return. Adding camping sites when the State cannot properly manage and run existing parks makes no sense.

FF-23

It is pure fantasy to maintain that posted signs and red flag closures in the SMMC campground will contain the threat that wildfire poses to Corral Canyon. Posted signs and red flag warnings did not hinder the park visitors who recklessly started an illegal fire on unsupervised public land, destroying 53 homes on November 24, 2007. By establishing overnight camping in Corral Canyon, and other fire prone areas of Malibu, you are essentially guaranteeing that history will repeat itself.

FF-24

As a community, Corral Canyon has already been "through the fires" quite literally. As a result we stand shoulder-to-shoulder, ready fight the proposed overnight camping plan, as currently structured, in order to protect our lives, our families and our homes. While we remain open to constructive dialogue toward a mutually acceptable resolution we will resort to legal measures to oppose this plan as currently structured. If you would like to meet to discuss these objections, please contact us by email at info@corralcanyon.org or by mail at: The CCFSA P.O. Box 84, Malibu, CA 90265

FF-25

Sincerely,

The Corral Canyon Fire Safety Alliance

CCFSA Board of Directors

- Paul J. Morra, President
- Jennifer A. Grossman, Vice President
- John Shafai, esq, Treasurer
- Brian Weiss, Secretary
- Matthew Haines
- Charlie Case
- Will Jacobus
- Steve Poswillo

<p>Letter FF Commenter: Corral Canyon Fire Safety Alliance Date: March 22, 2010</p>	
<p><i>Introduction</i></p>	<p>In response to comments, two topical responses have been created (Topical Response #1 – the Modified Redesign Alternative & Topical Response #2 – Fire Concerns). Where a response to a comment can be addressed with one of these topical responses, the commenter is referred to the topical response.</p>
<p>COMMENT NO.</p>	<p>RESPONSE</p>
<p>FF-1</p>	<p><i>This comment expresses concern and opposition regarding the proposed overnight camping in any “high fire hazard severity zones”.</i></p> <p>RESPONSE:</p> <p>CEQA Guidelines Section 15088(a) specifies that the “lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” This comment does not address an environmental issue. Your opinion is on the proposed project is important, however, and your comment will be included in the FEIR presented for review and consideration by the Conservancy/MRCA’s decision-making body. Please, also, see Topical Response # 2</p>
<p>FF-2</p>	<p><i>This comment expresses opposition to the proposed overnight camping.</i></p> <p>RESPONSE:</p> <p>See response to comment FF-1.</p>
<p>FF-3</p>	<p><i>This comment states that Corral Canyon is a designated “high fire hazard severity zone” and has been deemed to be one of the most dangerous, fire prone canyons in all Southern California.</i></p> <p>RESPONSE:</p> <p>See response to comment FF-1.</p>
<p>FF-4</p>	<p><i>This comment expresses concern that Corral Canyon residents have just one access road in and out of their community and should a wildfire erupt near a proposed campsite, it will block emergency response, resulting in people burning in their cars while trying to escape.</i></p>

	<p>RESPONSE:</p> <p>Please see response to comments A-2, A-4, and DD-4. See, also, Topical Response #2.</p> <p>Please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
FF-5	<p><i>This comment provides information regarding the Corral Canyon Fire.</i></p> <p>RESPONSE:</p> <p>See response to comment FF-1.</p>
FF-6	<p><i>This comment provides information regarding the cost of the Corral Canyon Fire.</i></p> <p>RESPONSE:</p> <p>See response to comment FF-1.</p>
FF-7	<p><i>This comment states that the proposed overnight campgrounds within their canyon are causing anxiety among residents, who are seeking medical care as a result.</i></p> <p>RESPONSE:</p> <p>See response to comment FF-1.</p>
FF-8	<p><i>This comment provides information relative to past wildfires in Malibu.</i></p> <p>RESPONSE:</p> <p>See response to comment FF-1.</p>
FF-9	<p><i>This comment states that due to the Corral Canyon Fire, insurance premiums have increased with some insurance policies being cancelled.</i></p> <p>RESPONSE:</p> <p>See response to comment FF-1.</p>

<p>FF-10</p>	<p><i>This comment states that Corral Canyon has its own unique weather patterns and a natural wind tunnel within the canyon, where wind gusts up to 90 mph have been documented, and strong onshore winds that do not trigger red flag warnings pose a threat to Corral Canyon, yet there is no provision in the Draft EIR to define policy under such conditions.</i></p> <p>RESPONSE:</p> <p>Please see response to comment Y-8 relative to onshore winds and potential fire hazards. See, also, Topical Response #2.</p> <p>Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>FF-11</p>	<p><i>This comment expresses concern with the campsites proposed between Corral and Puerco Canyons being located in a high fire hazard area and covered with tall grass and chaparral that constitute fast burning fuel.</i></p> <p>RESPONSE:</p> <p>Please see response to comments K-8 and T-5. See, also, Topical Responses #1 and #2.</p> <p>Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>FF-12</p>	<p><i>This comment expresses concern with cold camping as defined by SMMC that allows propane stoves, which emit a flame.</i></p> <p>RESPONSE:</p> <p>Please see response to comments A-2 and A-4.</p> <p>It should be noted further, in response to comments raised on the DEIR, the Conservancy/MRCA is being presented with a Modified Redesign Alternative. This alternative would limit camping to primarily two parks: Corral Canyon Park and Malibu Bluffs Conservancy Property in an effort to reduce fire risk. Both sites are located in close proximity to PCH to facilitate highway access in a fire event, and are considered areas with lower intensity fire behavior and near other open space areas for relocation purposes.</p>

	<p>Under the Modified Redesign Alternative, additional widening of roads would be provided (as required by the appropriate fire agency) in order to ensure adequate fire access.</p> <p>Additionally, a Fire Protection Plan is included in the FEIR for this Modified Redesign Alternative and for each park area, and includes the following additional measures to ensure any fire risk is reduced further. First, the drop box registration system has been eliminated and all camping fees would be collected in person. Furthermore, under the Fire Protection Plan for this alternative included in the FEIR, a strict cold camp policy prohibiting the use of propane stoves and other flammable devices would be strictly enforced. The only approved cooking devices would be small electrical cooking appliances compatible with the park provided all-weather electrical outlet. Further, the Modified Redesign Alternative would provide permanent overnight accommodations for wildland fire-trained MRCA rangers, camp hosts, or a staff maintenance person to monitor and enforce this cold camp policy and further reduce any fire risk associated with the Plan. Additionally, all MRCA rangers and camp hosts will be public officers designated pursuant to the MRCA Park Ordinance (as authorized by the Public Resources Code) and would be able to issue citations to strictly enforce this cold camp policy.</p> <p>See, also, Topical Response #2.</p> <p>Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>FF-13</p>	<p><i>This comment expresses concern that increased human traffic and activity in the Corral Canyon area would jeopardize preservation of this area.</i></p> <p>RESPONSE:</p> <p>Please see response to comments L-2 and EE-5. Proposed trail and park improvements include primarily low-intensity uses consisting of access trails and low-impact camp areas which are sited and designed to be noninvasive on the natural topography and to minimize impacts to sensitive habitat areas. The majority of proposed campsites would be located in existing public use areas and in previously disturbed or non-sensitive areas.</p>

	<p>The above clarification does not alter the level of the impact as identified in the DEIR. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.</p>
<p>FF-14</p>	<p><i>This comment expresses concern that there is no cell phone service available in the Corral Canyon area should a situation require immediate emergency response.</i></p> <p>RESPONSE:</p> <p>Please see response to comment A-4. The proposed Plan includes Fire Protection and Evacuation Plans (FPPs) for each park area. Each FPP provides detailed analysis of the proposed Plan area and each of the park areas, the Plan's potential risk for wildfire, and its impact on the fire response capabilities. The FPP provides a redundant layering of prevention, protection, suppression and pre-planning methods and measures that have been proven to reduce fire risk. The combined fire protection system designed for the proposed Plan includes fuel reduction/treatment, enhancement and maintenance of ingress/egress routes, park and trail access control, options for emergency relocation and contingency sheltering areas, and restriction of open flames in all Park areas, amongst others. The system significantly reduces the fire risk associated with the Plan and the project area.</p> <p>Furthermore, the Conservancy/MRCA is the Western Sector Emergency Command Center for fire/disaster/public safety emergencies. As the command center, MRCA is equipped with full computer and radio dispatch capabilities in the event of any emergency.</p> <p>It should be noted further, in response to comments raised on the DEIR, the Conservancy/MRCA is being presented with a Modified Redesign Alternative. This alternative would limit camping to primarily two parks: Corral Canyon Park and Malibu Bluffs Conservancy Property in an effort to reduce fire risk. Both sites are located in close proximity to PCH to facilitate highway access in a fire event, and are considered areas with lower intensity fire behavior and near other open space areas for relocation purposes.</p>

	<p>Under the Modified Redesign Alternative, additional widening of roads would provided (as required by the appropriate fire agency) in order to ensure adequate fire access.</p> <p>Additionally, a Fire Protection Plan is included in the FEIR for this Modified Redesign Alternative and for each park area, and further and includes the following additional measures to ensure any fire risk is reduced further. First, the drop box registration system has been eliminated and all camping fees would be collected in person. Furthermore, under the Fire Protection Plan for this alternative included in the FEIR, a strict cold camp policy prohibiting the use of propane stoves and other flammable devices would be strictly enforced. The only approved cooking devices would be small electrical cooking appliances compatible with the park provided all-weather electrical outlet. Further, the Modified Redesign Alternative would provide permanent overnight accommodations for wildland fire-trained MRCA rangers, camp hosts, or a staff maintenance person to monitor and enforce this cold camp policy and further reduce any fire risk associated with the Plan. Additionally, all MRCA rangers and camp hosts will be public officers designated pursuant to the MRCA Park Ordinance as authorized by the Public Resources Code and would be able to issue citations to strictly enforce this cold camp policy.</p> <p>See, also, Topical Response #2.</p> <p>Based upon the above discussion and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>FF-15</p>	<p><i>This comment states that the planned campsites at Corral Canyon Park require proper vehicular access per LA County Fire access requirements for emergency response and law enforcement patrols. The commenter also states that the EIR did not address fire code requirements.</i></p> <p>RESPONSE:</p> <p>Please see response to comment O-4. As discussed in Section 5.6, <i>Fire Hazards</i>, the proposed improvements associated with the Plan would continue to provide adequate access for emergency vehicles, and appropriate evacuation routes. Further, the Plan would comply with applicable Uniform Fire Code regulations for issues such as fire</p>

protection systems and equipment, general safety precautions, water supplies and distances from fire hydrants. Additionally, during construction of the proposed improvements, temporary road or lane closures, which could potentially block emergency access and/or evacuation routes, are not anticipated to occur.

Furthermore, the Plan includes Hazards Implementation Measure 4 (see above) that requires preparation of a *Fire Protection Plan* for each park (see DEIR, Volume I, *Appendix I*). The Fire Protection and Evacuation Plans as discussed above under Impact FIRE-1 provide for an effective and efficient plan of action for all park properties within the Plan area that includes defined fire protection measures for all park areas and specialized fire protection measures for Ramirez Canyon Park due to the built-out nature of the property and the unique access and use programs the park supports.

In regards to fire code requirements, structural components proposed for the Park enhancement project are limited to restroom facilities, water tanks, camp host accommodations (Corral Canyon Park), emergency fire shelters and fire truck sheds. Where it is infeasible or not appropriate to meet all applicable current Building and Fire Code requirements for fire protection due to site or resource constraints, the FPP provides alternatives, as provided by Section 702A of Chapter 7A of the 2007 California Building Code and Section 4702.1 of the 2007 California Fire Code, as may be amended. Modifications proposed in the FPP are based on the type of occupancy/use, analyzed site fire risk and proposed measures for mitigating the risk including design, construction, maintenance and operation requirements of the park improvements in compliance with applicable fire codes and, where necessary, fire protection enhancement requirements to provide "same practical effect" or functional equivalency for any non-code complying park improvement element. The optional emergency fire shelters proposed for this project are fire resistant, modular structures made of steel and/or concrete and exceed the Fire Code standards for ignition resistance.

Based upon the above discussion and the analysis contained within the DEIR, no further revisions to the DEIR would be required.

	<p>It should be noted further, in response to comments raised on the DEIR, the Conservancy/MRCA is being presented with a Modified Redesign Alternative. This alternative would limit camping to primarily two parks: Corral Canyon Park and Malibu Bluffs Conservancy Property in an effort to reduce fire risk. Both sites are located in close proximity to PCH to facilitate highway access in a fire event, and are considered areas with lower intensity fire behavior and near other open space areas for relocation purposes.</p> <p>Under the Modified Redesign Alternative, additional widening of roads would provided (as required by the appropriate fire agency) in order to ensure adequate fire access.</p> <p>Additionally, a Fire Protection Plan is included in the FEIR for this Modified Redesign Alternative and for each park area, and further and includes the following additional measures to ensure any fire risk is reduced further. First, the drop box registration system has been eliminated and all camping fees would be collected in person. Furthermore, under the Fire Protection Plan for this alternative included in the FEIR, a strict cold camp policy prohibiting the use of propane stoves and other flammable devices would be strictly enforced. The only approved cooking devices would be small electrical cooking appliances compatible with the park provided all-weather electrical outlet. Further, the Modified Redesign Alternative would provide permanent overnight accommodations for wildland fire-trained MRCA rangers, camp hosts, or a staff maintenance person to monitor and enforce this cold camp policy and further reduce any fire risk associated with the Plan. Additionally, all MRCA rangers and camp hosts will be public officers designated pursuant to the MRCA Park Ordinance (as authorized by the Public Resources Code) and would be able to issue citations to strictly enforce this cold camp policy.</p> <p>See, also, Topical Response #2.</p> <p>Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
FF-16	<p><i>This comment expresses concern that there is no formal training for campers on how to utilize the proposed fire shelters and fire hose.</i></p>

	<p>RESPONSE:</p> <p>Please see response to comments K-3 and K-7. The proposed Fire Protection Plans (FPPs) prepared for each park area address required vegetation management in/around fire shelters which is a critical component to enhancing the safety of these structures. The FPPs include measures to educate registered visitors on the use of such structures as well as MRCA ranger training/ supervision of the use of such structures (“Temporary On-site Sheltering – Contingency Option”). It should be noted that the optional fire shelters are considered a contingency, “last-resort” alternative, and that all efforts would be first directed to relocate visitors away from harm.</p> <p>See, also, Topical Response #2.</p> <p>The above clarification does not alter the level of the impact as identified in the DEIR. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required</p>
<p>FF-17</p>	<p><i>This comment expresses concern that there is no provision in the EIR for notifying first responders when fire erupts.</i></p> <p>RESPONSE:</p> <p>Please see response to comment Y-9. See, also, Topical Response #2.</p> <p>Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>FF-18</p>	<p><i>This comment expresses concern that there is no provision in the EIR for brush clearance and fuel modification on the surrounding hillsides to make a “fire break”.</i></p> <p>RESPONSE:</p> <p>Please see response to comment Y-10. See, also, Topical Response #2.</p> <p>Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>

<p>FF-19</p>	<p><i>This comment expresses general concern that the proposed fire truck at the Corral Canyon trailhead would provide a false sense of security since without proper access roads, the fire truck would not be able to access the campsites 2,000 feet away.</i></p> <p>RESPONSE:</p> <p>Please see response to comment K-26. See, also, Topical Response #2.</p> <p>Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>FF-20</p>	<p><i>This comment expresses general concern and suggests that the proposed crosswalks and trailheads along Corral Canyon Road failed to take into consideration the traffic issues and hazards associated with this roadway.</i></p> <p>RESPONSE:</p> <p>The proposed Plan does not include any proposed crosswalks along Corral Canyon Road. In the course of considering trail crossings at Corral Canyon Road (see DEIR, <i>Appendix D-1</i>, Sheet 18), sight distance was considered by the design engineer. The PWP contemplates a signage program; trail signage at these crossings would identify the presence of on-road vehicular traffic and to exercise caution in crossing the road. Section 5.15 (Transportation & Parking) now includes an expanded discussion of the on-road trail crossing issue; mitigation measures are identified as appropriate. Furthermore, the Traffic Engineer (Associated Transportation Engineers) determined that painted crosswalks were not warranted and therefore not recommended where the trails cross Murphy Way, Latigo Canyon Road, and Corral Canyon Road. These roadways carry low volumes and vehicles travel at relatively low speeds (30 MPH or less). It was recommended that signs be installed on the trails to notify pedestrians/hikers of vehicle traffic at the road crossings.</p> <p>The only trailhead to be located at Corral Canyon Park is the existing trailhead/parking lot located adjacent to Pacific Coast Highway.</p> <p>Finally, as noted in DEIR Section 2.0, <i>Project Description</i>, many of the proposed trail alignments (Coastal Slope Trail and feeder trails) generally follow the alignments in other planning documents, including</p>

	<p>City of Malibu-Malibu Trails system (2004), City of Malibu Local Coastal Program, and the Draft Santa Monica Mountains National Recreation Area (SMMNRA) Interagency Trail Management Plan. Figure 2-19 in DEIR Section 2.0 provides an illustration of existing and planned park and trail resources in the area.</p> <p>Based upon the above discussion and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
FF-21	<p><i>This comment expresses concern that the guidelines requiring patrolling of the campsites only during authorized camping would leave the camp areas unsupervised during red flag conditions.</i></p> <p>RESPONSE:</p> <p>Please see response to comments A-2, A-4, B-3, K-10, K-17, K-18, M-5, T-4, and U-3. See, also, Topical Response #2.</p> <p>Based on the above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
FF-22	<p><i>This comment expresses concerns that SMMC does not have adequate resources to properly supervise and maintain any of the proposed Malibu projects to ensure public safety on a 24/7 basis.</i></p> <p>RESPONSE:</p> <p>Please see response to comment B-3 and K-23. Resources and measures identified on-site and in near proximity (as outlined in the Fire Protection Plans) would provide adequate fire prevention and protection. See, also, Topical Response #2.</p> <p>Based on the above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
FF-23	<p><i>This comment expresses general concern that due to budget cuts and layoffs, adding camping sites when the State cannot properly manage and operate existing parks makes no sense.</i></p> <p>RESPONSE:</p> <p>See response to comment K-23. DEIR Section 2.3.5 (Operations & Maintenance) within the <i>Project Description</i> provides information on</p>

	<p>operations and maintenance; project funding/ financial feasibility need not be analyzed within the context of CEQA.</p> <p>CEQA Guidelines Section 15088(a) specifies that the “lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” This comment does not address an environmental issue. Your opinion is on the proposed project is important, however, and your comment will be included in the FEIR presented for review and consideration by the Conservancy/MRCA’s decision-making body. Nevertheless, please see Topical Response # 2.</p>
<p>FF-24</p>	<p><i>This comment questions the effectiveness of posted signs and red flag closures to reduce the threat of wildfires in Corral Canyon.</i></p> <p>RESPONSE:</p> <p>Please see response to comments A-2 and A-4. A Fire Protection Plan (FPP) has been prepared for each park area (see DEIR, <i>Appendix I</i>, for specific details). Each FPP provides a redundant layering of prevention, protection, suppression and pre-planning methods and measures that have been proven to reduce fire risk. The combined fire protection system designed for the proposed Plan includes fuel reduction/treatment, enhancement and maintenance of ingress/egress routes, park and trail access control, options for emergency relocation and contingency sheltering areas, and restriction of open flames in all Park areas, amongst others. The system significantly reduces the fire risk associated with the Plan and the project area.</p> <p>See, also, Topical Response #2.</p> <p>Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>FF-25</p>	<p><i>This comment expresses the author’s strong opposition to the Plan’s proposed campsites in Corral Canyon Park.</i></p> <p>RESPONSE:</p> <p>CEQA Guidelines Section 15088(a) specifies that the “lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.”</p>

	<p>This comment does not address an environmental issue. Your opinion is on the proposed project is important, however, and your comment will be included in the FEIR presented for review and consideration by the Conservancy/MRCA's decision-making body. Please, also, see Topical Responses #1 and #2.</p>
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City of Malibu

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March 22, 2010

Santa Monica Mountains Conservancy
Mountains Recreation and Conservation Authority
Attn: Ms. Judi Tamasi
5750 Ramirez Canyon Road
Malibu, CA 90265

Re: Comment on Draft Environmental Impact Report
Malibu Parks Public Access Enhancement Plan – Public Works Plan

Dear Ms. Tamasi:

The City of Malibu submits the following comments in response to the Draft Environmental Impact Report (DEIR) for the Malibu Parks Public Access Enhancement Plan – Public Works Plan (PWP). It should be recognized that the Public Works Plan project (the Plan) has been formulated under the purview of MAL-MAJ-1-8, an amendment to the Malibu Local Coastal Program (LCP) which the California Coastal Commission (CCC) processed under the override procedures set forth in the Coastal Act (Pub. Res. Code. Sec 30515, 14 Cal. Code Regs., sec. 13666, et seq.). The CCC's jurisdiction over MAL-MAJ-1-08 has been challenged by both the City of Malibu and the Ramirez Canyon Preservation Fund, and those challenges are now pending in consolidated Los Angeles Superior Court Case. No. BS 121650, Department G, Southeast District, Norwalk, Hon. John A. Torribio (the litigation). Until the litigation is resolved, no further proceedings under MAL-MAJ-1-08 are proper. The comments below are not meant to validate the DEIR in any way, but are submitted to ensure a continual administrative record.

GG-1

A. Discrepancies with the Project Description

The project description is inaccurate and misleading. The DEIR attempts to portray and analyze a passive land use consisting of hiking and biking trails and "cold camping." These are the only uses analyzed. What the project description and DEIR fails to acknowledge or analyze are the other uses permitted in all Mountains Recreation and Conservation Authority (MRCA) parklands pursuant to MRCA Ordinance No. 1-2005 (see Appendix P of the DEIR) amended September 2, 2009, which was also the same day the Plan Initial Study started circulation. The fact that MRCA Ordinance No. 1-2005 was amended the same day as the Plan Initial Study started circulation shows that the uses within the parkland were reasonably foreseeable.

GG-2

According to Chapter 3 (General Rules and Regulations) of amended MRCA Ordinance No. 1-2005 (Appendix P of the DEIR), the following uses are permitted via a special use permit issued by the Executive Officer:¹

- a. Campfire permits²
- b. Alcohol permits³
- c. Taking or collecting specimens⁴
- d. Fishing⁵
- e. Fireworks⁶
- f. Off-leash dog areas⁷
- g. Off-road vehicles⁸
- h. Camping⁹

GG-2

¹ "Executive Officer" is the Executive Director of the Santa Monica Mountains Conservancy serving ex officio the Executive Officer of the Mountains Recreation Conservation Authority pursuant to Sec. 10.1 of the Mountains Recreation and Conservation Authority Joint Exercise of Powers Agreement. MRCA Ordinance No. 1-2005 (as amended), §1.1(c).

² "Smoking and fires. No person shall smoke any substance nor light or maintain any fire of any kind; provided, however, that the Executive Officer or the Executive Officer's designee may issue campfire permits and other special use permits for activities that might otherwise contravene this section if he finds that adequate precautions will be taken by the permittee." MRCA Ordinance No. 1-2005 (as amended), §3.2 (*emphasis added*).

³ "Alcohol. No person shall possess any alcoholic beverage, except pursuant to a permit issued by the Executive Officer or the Executive Officer's designee." MRCA Ordinance No. 1-2005 (as amended), §3.3 (*emphasis added*).

⁴ "Injury to property. No person not having a permit from the Executive Director shall encroach upon, injure, deface, destroy, collect, harvest, or in any way alter the existing condition of any parkland or property thereon. The Executive Officer or the Executive Officer's designee may issue permits for the limited taking or collecting of specimens for educational or scientific purposes or the alteration of property for management purposes..." MRCA Ordinance No. 1-2005 (as amended), §3.5 (*emphasis added*).

⁵ "Wildlife. No person shall hunt, fish, or take wildlife, except that the Executive Officer may designate and post fishing areas specifically developed for that purpose." MRCA Ordinance No. 1-2005 (as amended), §3.6 (*emphasis added*).

⁶ "Fireworks. No person shall use or possess any fireworks except by permit signed by the Executive Officer or the Executive Officer's designee." MRCA Ordinance No. 1-2005 (as amended), §3.8 (*emphasis added*).

⁷ "Dogs (d) Where conditions permit, the Executive Officer may post an area where dogs may be present off-leash so long as the owner or the person in possession of the dog (1) exercises that degree of control that enables such person to recall the dog on command, and (2) has a leash on his person at all times so as to be able to restrain the dog if necessary. (e) No person may be in possession of more than three dogs, either on or off-leash, at any time." MRCA Ordinance No. 1-2005 (as amended), §3.9 (*emphasis added*).

⁸ "Bicycle and motorized travel. (b) No person shall operate a motorcycle, motorized bicycle or motorized scooter anywhere other than on a paved roadway or parking lot. Except as authorized by the Executive Officer or the Executive Officer's designee, no person shall operate any off-road vehicle, off-road motorcycle, or all-terrain vehicle." MRCA Ordinance No. 1-2005 (as amended), §3.10 (*emphasis added*).

⁹ "Camping: No person shall camp on any parkland except by permit issued by the Executive Officer or the Executive Officer's designee. Camping areas shall be expressly designated and posted for that purpose. Any person or group



- i. Commercial or filming¹⁰
- j. Flight (hang gliders and parasailers)¹¹

It is understandable that the issuance of special use permits will help generate revenue needed to maintain the MRCA's Fire Department and administrative offices, as well fund programs within Ramirez Canyon Park (as stated in MM BIO-10.6 on page 5.4-76). It is also understandable why uses such as commercial filming and fireworks in public parkland need to be regulated. However, what is not easily understood is why the additional uses within MRCA Ordinance 1-2005 (as amended) were not acknowledged or analyzed in the project description and DEIR given the community's well-known fire concerns.

The phrase "prohibition on campfires and the 'cold camping' regulation" appears throughout the DEIR and appendices.¹² However, it appears that campfires were always intended to be part of the Plan, yet were not acknowledged or analyzed in the DEIR. In addition to the additional uses listed in MRCA Ordinance No. 1-2005 (as amended), this is further evidenced in an recent e-mail excerpt, dated February 24, 2010, between the Executive Director of the Santa Monica Mountains Conservancy (SMMC) and a member of the public. The Executive Director states that campfires would be permitted with a special use permit.¹³

camping in such a designated area shall have the original signed permit in their possession and shall display such permit at the request of any employee of the Authority or the Santa Monica Mountains Conservancy, or any peace officer." MRCA Ordinance No. 1-2005 (as amended), §3.11 (*emphasis added*).

¹⁰ "Commercial or filming use. No person shall use parkland for any commercial or filming use without permit issued by the Executive Officer or the Executive Officer's designee. Commercial or filming use may be permitted only when to do so would not damage or impair the natural features of any park, nor unreasonably interfere with public employee of the area. Any person using MRCA parkland for commercial or filming purposes shall have the original signed permit in their possession and shall display such permit at the request of any employee of the Authority or of the Santa Monica Mountains Conservancy, or any peace officer. No person shall violate any term, condition, or limitation of any such permit. Commercial use includes paid service contractors including, but not limited to fitness instructors, dog walkers, and food vendors." MRCA Ordinance No. 1-2005 (as amended), §3.13 (*emphasis added*).

¹¹ "Flight. No person shall parachute into, fly an unlicensed aircraft, ultralight vehicle, helicopter, or hang glider over, or parasail or balloon at an altitude of less than 500 feet except by permit signed by the Executive Officer or the Executive Officer's designee. MRCA Ordinance No. 1-2005 (as amended), §3.17 (*emphasis added*).

¹² For example, page 26 of Appendix R (Alternatives) reads, "The SMMC/MRCA LCP amendment *proposes cold camping (i.e., outright prohibition on campfires at all facilities)*, vegetation modification to reduce potential fuels adjacent to camp areas, prohibition of camping on red flag days, provision of special fire-proof cook stations and fire protection apparatus, and mandated park patrols" (*emphasis added*).

¹³ "A special use permit campfire, probably with a fire engine in attendance is possible for special occasions (like a weekly interpretation event), but other than that, no fires at any time. Of course, it is so ironic--and unfair--that the private Malibu Beach RV Park allows open fires at each of their RV and camp sites and city of Malibu permits this. Just goes to show the hostility of Malibu to "public" camping. For example, none of the Corral Canyon folks objected to the RV park camping or open fires. Only public camping fires. The clear implication is that if you pay through the nose for an RV site or a private camp site, then it is OK (I guess their rationale is by paying more one is a better class of person and less likely to set a fire). If the city of Malibu were serious about fire, especially at Corral Canyon, site of the most recent fire, then they would ban all fires at the private Malibu Beach RV Park and Campground. Of course, that would affect the economic viability of this expensive facility and so they haven't even touched the issue or mentioned it." E-

“Unauthorized use of fire-related camping” is another phrase used in the project description in Section 2.3.4 and throughout the DEIR. The Plan is predicated on the assumption that fires are prohibited and that no open flames area is allowed in any of the project areas. However, if there are *unauthorized* campfires, can there be *authorized* campfires? This is not explained. However, according to the comprehensive Fire Protection and Emergency Evacuation Plan (FPP) included in the DEIR (page 2-49 and Appendix I), all campfires are prohibited in all project areas.

Section 2.3.4 (FPP) provides “...the following fire protection and emergency evacuation measures:

- Notification and enforcement of all standard park rules and regulations per existing policies of the Conservancy/MRCA including:
 - Except in designated camp areas, park properties shall be closed sunset to sunrise.
 - No smoking or fires.
 - No alcoholic beverages.
 - No littering or dumping.
 - No authorized vehicle use.
 - No defacing or destroying property.
 - Dogs must be on a leash and cleaned up after.
 - Possession of firearms, bow and arrow prohibited.
 - Violations subject to \$500 fine and / or 6 months in County jail.”

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In addition to inadequate analysis within the DEIR for proposed uses, the FPP conflicts with the information provided in MRCA Ordinance No. 1-2005 (as amended). Nowhere does it include, “Except without a permit from the Executive Officer.”

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- “No person shall make or maintain, nor aid and abet others in making or maintaining a campfire or any other open fire in any of the park facilities covered by this Plan.”

In addition to inadequate analysis within the DEIR for proposed uses, the FPP conflicts with the information provided in MRCA Ordinance No. 1-2005 (as amended). Nowhere in the project description does it say, “No person except the Executive Officer.”

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- “Campers shall be required to utilize designated cook stations (hospitality stations) provided at each campsite...Prospective campers shall be informed of the No Campfire/Cold Camp Policy upon reserving and/or registering for use of camp facilities...”

In addition to inadequate analysis within the DEIR for proposed uses, the FPP conflicts with the information provided in MRCA Ordinance No. 1-2005 (as amended). Nowhere in this discussion

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mail communication excerpt between Joseph Edmiston, Executive Director of the SMMC and a member of the public, February 24, 2010 (see Exhibit A attached).



about the *no campfire / cold camp policy* does it include, "Except without a permit from the Executive Officer."

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B. Additional Discrepancies with the Project Description

- 1) Emergency Fire Shelters (page 2-15) have not been adequately described in the project description. The stated purpose of the structures is "to address fire safety concerns." The DEIR fails to disclose or direct the reader to the information buried in Appendix I (FPP) as to the true function of these shelters as a "last resort."¹⁴ This means that all other options to leave the area during a wildfire have been exhausted. Note that this non-resource dependent development is not consistent with low-impact passive recreation such as hiking or camping. The shelters' only purpose is to *mitigate* the real fire danger associated with the proposed activity. Unfortunately, this mitigation creates impacts itself. While some of these impacts, such as additional environmentally sensitive habitat area (ESHA) disturbance have been studied, less environmentally damaging alternatives exist (such as no permitted campfires or fireworks) and require further study. This analysis is absent in the DEIR. Also, the unintended consequences of these unoccupied outdoor structures have not been addressed in the DEIR. For example, they could serve as an attractive nuisance to partying teenagers. Note that in December 2007, partying teenagers in a sheltered area started a campfire which resulted in the loss of 53 homes in the Malibu area.¹⁵
- 2) The Fire Truck Sheds (page 2-15) and their intended purpose has not been adequately described in the project description. The DEIR does not define if they are garages or mini-fire stations, or explain why they are necessary. The DEIR does not discuss what studies have been conducted that conclude mini-fire stations are warranted at Bluffs and Corral Canyon Parks or assess the risks associated with hiking and camping in Bluffs and Corral Canyon as greater than in the other parks. The DEIR does not discuss if these garages or mini-fire stations will be fully manned and responsive to medical emergencies. The DEIR does not confirm if they will serve just the SMMC Bluffs Park or adjacent City parkland and residential areas. In addition, the DEIR does not explain if there are sirens associated with the fire trucks which may require testing on a regular basis; regardless, this analysis has not been included in the noise analysis section of the DEIR.

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¹⁴ "However, the first priority is early relocation from the Park to off-site areas away from wildland fuels. This is evidenced by and will be aided by the fact that on declared Red Flag days, the park will be closed to visitors and other activities, including camping. However, because Southern California's fire season is now considered to be nearly a year-round event, wildfire may occur when persons are at the site on non-Red Flag days. Therefore, the Park includes provisions for early relocation and for contingency, "last resort," temporary on-site sheltering, should relocation from campsites or the developed portions of the Park be determined to be more dangerous than remaining on site." Appendix I (FPP), page 73.

¹⁵ "Five men ranging in ages 18 to 27 have been charged in connection with last month's Corral Fire, Malibu's most damaging blaze since 1993. Authorities say the blaze was created after an illegal campfire built in a cave at the top of Corral Canyon Road...[the fire] injured six firefighters and destroyed 86 structures, including 53 homes at an estimated cost of at least \$100 million." Article from the Malibu Times, December 19, 2007 (see Exhibit B attached).

- 3) The Camp Host has been inconsistently described. For example, in discussing the Corral Canyon Park, "The Plan includes a camp host location at the Corral Canyon trailhead, located north of the existing restaurant fronting on Pacific Coast Highway." Yet, in the Focused Fire Protection Plan (Appendix C of Appendix I), it calls out "Permanent Camp Host Accommodations in Corral Canyon Park." A permanent camp host residence cannot be permitted since the LCP does not permit any residential use in the Open Space land use designation. [Also, parking spaces have been provided for recreational vehicles and trailers in both Corral Canyon (one space) and Escondido Canyon Park (three spaces). The DEIR does not disclose the intent of these spaces or detail that recreational vehicle parks are not a permitted use in the Open Space land use designation. In addition, this use was not considered as a permitted use in the Malibu Parks Public Access Enhancement Plan Overlay District (Overlay). A detailed analysis of these uses is not provided within the Land Use section of the DEIR.
- 4) Table 2-1 (page 2-4) is incorrect. The categories for *Zoning* and *Land Use Designations* state, "RR (Rural Residential) 2du/acre, 5du/acre, 10du/acre, 20du/acre, 40du/acre." The DEIR incorrectly designates the subject properties as zoned for multiple dwelling units. However, the corresponding number after the RR designation (e.g., RR-5) refers to the minimum required lot area, not a density quotient. For example, only one single-family residence is permitted on an RR-40 zoned parcel (i.e., one residence per every 40 acres, not 40 units per acre).
- 5) Table 2-1 (page 2-4) is incorrect. Malibu Bluffs Conservancy Property is incorrectly identified with the address of 24250 Pacific Coast Highway. This address is legally assigned to the City of Malibu Bluffs Park. In addition, Ramirez Canyon Park is identified as 5810 Ramirez Canyon Road, an address that is not recognized by the City. However, on the previous page it is addressed as 5750 Ramirez Canyon Road. Note that the addresses assigned to the Ramirez Canyon property for the four legal residences are 5750, 5775, 5800, and 5802 Ramirez Canyon Road.
- 6) Page 2-10: The DEIR does not provide a clear project description that includes all the elements found at each site. The project description contains the general description, "Proposed camp facilities consists of low impact campsites and associated support facilities including, where appropriate, day-use picnic areas and picnic tables, potable water, self-contained chemical/composting restrooms, shade trees, water tanks, portable fire suppression apparatus, and fire-proof cooking stations." It does not include the camp host sites or the 400 square foot, 18 foot high fire truck sheds/garages (with electricity) or the 504 square foot, 10 foot high fire shelter structures.
- 7) Table 2-5 (page 2-17): The project proposes 8,000 lineal feet of trenching. This trenching is considered *development* pursuant to the LCP and constitutes landform alteration which is only allowed in ESHA if it is the least environmentally damaging alternative. The proposed trenching is required for a use that is not resource dependent and cannot qualify for a "utilities exemption" pursuant to LCP Local Implementation Plan (LIP) Section 13.4.8. The DEIR does not provide an analysis that the proposed trenching is the least environmentally damaging alternative or how all required power lines will be installed underground.

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Moreover, the DEIR does not study overhead power lines as an alternative, or review their presence as an additional fire risk or visual impact from public viewing areas.¹⁶

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8) Section 2.3.2.4 (page 2-34): The DEIR incorrectly cites the “Corral Canyon Park trailhead.” The trailhead was renamed prior to the release of the DEIR to the “Sara Wan Trailhead.”¹⁷

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9) Restrooms and Waste Water Treatment are not consistently discussed throughout the project description and DEIR. It is unclear whether or not the restrooms proposed at the parks will be self-contained chemical or compost toilets. Also, it appears that the proposed chemical toilets, composting toilets, and grey water systems meet the definition of *onsite wastewater treatment system* and are subject to the requirements of LIP Chapter 18.¹⁸ The DEIR does not clarify how the chemical and composting toilets will be managed or explain if the compost is intended to be spread within the City’s watershed. Further, the DEIR does not explain how the proposed camp host sites will manage their associated wastes, if a holding tank will be proposed for this waste, or what program will be used for managing this waste.

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10) Onsite Wastewater Treatment: Section 5.16 (Utilities and Service Systems) states on page 5.16-5 that “Ramirez Canyon Park includes a state-of-the-art wastewater treatment and recycled water disposal system that serves Barwood House, Peach House and the Barn....The Art Deco House and Caretaker’s residence are both served by independent septic systems that are designed to treat effluent generated by a single family residence.” On page 5.16-6, a discussion ensues regarding CCC-issued CDP No. 4-98-334. This permit encompasses all of the events and other activities previously conducted at Ramirez Canyon. The expansion of wastewater system capacity is under the City of Malibu’s jurisdiction and subject to the requirements of LIP Chapter 18 because: 1) the validity of the permit is uncertain pending the outcome of litigation; and 2) there appears to be an expansion of the intensity of use of the existing wastewater system capacity (i.e., two new restrooms proposed). An environmental impact analysis of the impacts associated with the expansion of the existing wastewater system is incomplete due to missing information in Appendix M of the DEIR. This information includes the following: 1) the alternative onsite wastewater treatment system plans approved by the CCC via CDP No. 4-98-334 to assess existing conditions; and 2) plans for an alternative onsite wastewater treatment system that meet the requirements of LIP Chapter 18.

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¹⁶ In October 2007, a downed power line created a firestorm through Malibu Canyon which destroyed Malibu Presbyterian Church and eight other structures, and damaged Our Lady of Malibu and Webster Elementary school.

¹⁷ “Santa Monica Mountains Conservancy Dedicates Malibu Trailhead in Honor of Environmentalist, Coastal Advocate, and Public Access Champion Sara Wan - Sara Wan Trailhead at Corral Canyon provides beach access and trail into the last undeveloped coastal canyon in Los Angeles,” SMMC Press Release, October 20, 2009.

¹⁸ Onsite wastewater treatment system or OWTS means an onsite system designed to treat and dispose of domestic sewage (City Council Resolution No. 07-004 / LCP Amendment No. 05-001).



C. Inadequate Analysis of Impacts

In general, the discussion of the Plan's impacts is seriously deficient. As identified above in comments regarding the project description, a number of anticipated uses have not been analyzed in the DEIR. For example, the related fire impacts are especially problematic given that fireworks, campfires, and helicopters can all be permitted for use within the parklands by the Executive Officer. Since these impacts have not been studied in the DEIR, it is impossible to determine whether these impacts could be properly mitigated.

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D. Consistency with Plans and Policies

The consistency analysis contained within the DEIR is flawed. It relies on the Overlay, the future of which is uncertain given the pending litigation. The only valid standard of review for this project (which would require a coastal development permit) is the City's certified LCP, adopted by the CCC on September 13, 2002.

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As such, the proposed project is inconsistent with LIP Chapter 4. Chapter 4 specifically prohibits development within ESHA. LIP Section 4.5 outlines permitted uses within each type of ESHA. LIP Section 4.5.1 and 4.5.2 outline the permitted uses within Wetland and Stream ESHA, respectively. Permitted uses within these areas are strictly limited to scientific research, public services such as burying cables and pipes, necessary water supply projects, flood protection, and restoration projects. LIP Section 4.5.3 outlines specific permitted uses within all other types of ESHA as follows:

- A. Public accessways and trails, including directional signs;
- B. Interpretive signage designed to provide information about the value and protection of the resources;
- C. Restoration projects where the primary purpose is restoration of the habitat; and
- D. Invasive plant eradication projects if they are designed to protect and enhance habitat values.

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The proposed project includes a network of trails, campsites, parking, and support structures. As outlined above, the trails and parking are considered permitted uses within ESHA only if they are considered public accessways. However, the development of campsites and support structures are not considered permitted uses within ESHA. As such, development of campsites and support structures in any area designated as ESHA within the jurisdictional boundaries of the Malibu LCP is in direct violation of LIP Chapter 4. Page 5.4-9 specifically states "...therefore, those permitted uses in these areas as identified by public access and recreation policies of the LCP and the Plan *must be developed consistent with the ESHA protection policies of the LCP*" (emphasis added).

The Bolsa Chica decision [Bolsa Chica Land Trust v. Sup. Ct. 71 Cal.App.4th 493] confirmed that the Coastal Act requires that ESHA be avoided and buffered from development impacts and that providing mitigation is not sufficient justification for allowing development with avoidable impacts to ESHA.



Since the proposed development of campsites and support structures is not permitted in ESHA pursuant to the Malibu LCP, no mitigation would reduce the significant impacts to a less than significant condition.

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E. Additional Inconsistencies

- 1) The proposed uses at the Latigo site are inconsistent with the Rural Residential 10 acre minimum lot size zoning designation. Although a trail could be permitted, none of the other proposed structures or uses could be permitted. Interestingly, the campsite and support facility uses could not be permitted under the Overlay either. The inclusion of this project appears to be a red-herring (i.e., a throw a way) component of the project should a bargaining position be taken by the SMMC.
- 2) The proposed project is inconsistent with the Coastal Act. Section 30240 of the Coastal Act requires the protection of ESHA against any significant disruption of habitat values. No development, with the exception of uses dependent on the resources, is allowed within any ESHA. However, Section 30240 must be applied in concert with other Coastal Act requirements, particularly Section 30010, which prohibits the taking of private property. This policy further requires that development adjacent to ESHA is sited and designed to prevent impacts that would significantly degrade ESHA and that development be compatible with the continuance of the habitat areas. Development adjacent to parks and recreation areas must be sited and designed to prevent impacts.
- 3) The DEIR does not provide a clear breakdown or analysis of the ESHA impacted associated with the non-resource dependent uses proposed (i.e., permanent camp hosts, fire shelters, and fire truck sheds/garages). The proposed project significantly destroys massive amounts of ESHA to meet the requirements of fuel modification. The additional fuel modification required for the permanent camp hosts, fire shelters, and fire truck sheds/garages is extensive. The DEIR does not specify how much fuel modification is required for trails, restrooms, 71 campsites, 183 parking spaces, and approximately nine fire truck sheds/garages.
- 4) The proposed project is not consistent with the City's certified LCP Land Use Plan (LUP) as follows:
 - a. LUP Policy 3.9 states that public accessways and trails are considered resource dependent uses. Accessways and trails located within or adjacent to ESHA shall be sited to minimize impacts to ESHA to the maximum extent feasible. Measures, including but not limited to, signage, placement of boardwalks, and limited fencing shall be implemented as necessary to protect ESHA.

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The amount of landform alteration for the proposed trails and improvements has not been shown to be the least environmentally damaging alternative. The proposed extensive trail network through the coastal sage scrub ESHA at the SMMC Bluffs Park was commented upon by California Department of Parks and Recreation, Senior Environmental Scientist, Suzanne Goode in her October 30, 2009 comment.

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letter on the Notice of Preparation (see DEIR Appendix B).¹⁹ Ms. Goode stated that “Malibu Bluffs Park offers the visiting public outstanding views of the Santa Monica Bay, as well as the opportunity to view and study coastal sage scrub and related habitats and resident native fauna. While portions of the park have been disturbed by human activities and invasion of non-native plants, the landscape has a great potential for restoration to a more native state.” [She further stated that “The conceptual plan for campsites and trails indicates that these facilities may be dispersed throughout the park. The Environmental Impact Report (EIR) should include alternatives that allow a less intensive use of the park. One alternative should consider keeping campsites to one or two more concentrated locations, as well as the elimination of some proposed or existing trails. A less human footprint in the park would permit opportunities for habitat restoration in more areas.”

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- b. LUP 3.27 requires that buffers shall be provided from coastal sage scrub and chaparral ESHA that are of sufficient width to ensure that no required fuel modification (Zones A, B, or C, if required) will extend into the ESHA and that no structures will be within 100 feet of the outer edge of the plants that comprise the habitat.

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The proposed project requires fuel modification directly in coastal sage scrub and chaparral ESHA. There is no setback from the proposed development since the park locations must be cleared of ESHA to provide for site development.

- c. LUP 3.43 requires that new septic systems shall be sited and designed to ensure that impacts to ESHA are minimized, including those impacts from grading and site disturbance as well as the introduction of increased amounts of water. Adequate setbacks and/or buffers shall be required to protect ESHA and to prevent lateral seepage from the leachfield(s) or seepage pit(s) into stream waters or the ocean.

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Ramirez Creek runs through the Ramirez Canyon Park site and the onsite wastewater treatment systems and expansion of the systems may be within the required stream ESHA setback. As discussed previously, an environmental impact analysis of the impacts associated with the expansion of the existing wastewater system is incomplete due to missing information for the onsite wastewater treatment system in the DEIR.

- d. LUP 3.51 requires that disturbed areas ESHAs shall not be further degraded, and if feasible, restored. If new development removes or adversely impacts native vegetation, measures to restore any disturbed or degraded habitat on the property shall be included as mitigation.

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¹⁹ Suzanne Goode is also a member of the City of Malibu’s Environmental Review Board (ERB) pursuant to LUP Policy 3.38.



As properly stated by Ms. Goode, the less of a footprint required, the more ESHA has a chance to revegate to its natural state. The extensive trails network combined with the extensive ESHA clearance are not in compliance with the LUP.

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e. LUP 2.45 and County of Los Angeles (LACo) LUP Policy 32: The project, including the uses permitted by the Executive Officer, is inconsistent with both City of Malibu LUP Policy 2.45 and LACo LUP Policy 32 which prohibits the public use of motorized vehicles on trails.

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5) The proposal to do improvements along Ramirez Canyon Road does not include the fee holders of the easements and, therefore, is inconsistent with LIP §13.6.2 (Proof of Ownership or Owner's Consent) which requires the following:

LIP §13.6.2(A): In addition to other information required to be submitted with an application, applicants must prove that they own the property which is the subject of the application or provide the City with written consent from the owner for the proposed development for the City to file the application.

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LIP §13.6.2(C): Where the applicant for a Coastal Development Permit is not the owner of a fee interest in the property on which a proposed development is to be located, but can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, the City shall not require the holder or owner of any superior interest in the property to join as a co-applicant. All holders or owners of any other interest of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant.

F. Aesthetics

1) Table ES-2 (page ES-13) lists the residual impact to Aesthetics and Visual Resources as being less than significant. The DEIR fails to adequately analyze the visual impacts of the fire truck sheds/garages, fire shelters, and cumulative loss of native vegetation.

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2) Proposed Mitigation Measure (MM) VIS. 1.1 (page 5.1-101) consists of painting the restroom facilities, water tanks, emergency fire shelters, and fire truck storage sheds/garages colors compatible with the surrounding landscape. This fails in concept since the surrounding landscape (100 feet from the edge of the structures) must be removed for the purpose of fire protection and fuel modification. Since no schematic plans for the proposed emergency shelters and fire truck sheds/garages were included in the DEIR, it is not feasible to say there will a less than significant impact.

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The visual impact of the new development, including the 800 square foot fire truck sheds/garages (20 feet by 40 feet by 18 feet in height) in the SMMC Bluffs area and Corral Canyon area have not been adequately considered. The visual simulations provided do not show a true representation of the mass of the proposed structures in the context of the existing natural environment. Nor are the simulations shown from what would be considered a public viewing spot or from a scenic vantage point. The simulations are

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inadequate as they are only shown from the northbound vantage along Pacific Coast Highway, rather than southbound since the proposed development is most immediately adjacent the southbound side of Pacific Coast Highway. Also, the scenic impacts from Malibu Canyon Road, an LCP-identified scenic road in LUP Policy 6.3(g), have not been adequately considered. The conclusion of less than significant impact is not appropriate.

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3) Page 5.1-3: "Debutts Way" should be referred to as "Murphy Way."

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4) Page 5.1-3: "Malibu Estates" should be referred to as "Malibu Country Estates."

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5) Page 5.1-4: "Key locations...designated by the City" should reference "designated in the City's certified LCP."

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6) Page 5.1-15: "Area roadways...are also considered Scenic Roads by the City of Malibu" should reference "are designated in the City's certified LCP."

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7) Page 5.1-58: "The restroom facilities and water tank are relatively small in comparison to a single-family structure..." The DEIR incorrectly compares this type of development to a single-family residence when it extends beyond the allowable 10,000 square foot development envelope permitted for single-family residences in ESHA. It is not a comparable standard. Moreover, this section fails to account for the development areas needed for parking lot square footage proposed for vehicles and RV campers.

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8) Page 5.1-64: "Although the proposed expanded parking facilities...would transform this area...from a view of a manufactured/ countered slope to a view of a camping/ parking improvements..." The DEIR incorrectly states that existing onsite ESHA will be improved visually by the introduction of a parking lot and restroom facility. These project components cannot visually improve onsite ESHA.

GG-40

9) Overall, the DEIR repeatedly states that a project component(s) "will comply with LIP Chapter 6..." (e.g., page 5.1-64). However, the DEIR does not demonstrate how it will comply with LIP Chapter 6 or provide the level of analysis used to make these determinations.

GG-41

G. Biological Resources

1) The DEIR must assess the proposed Plan as it relates to an increase on public access/use in and around the City. For example, the DEIR does not assess Total Maximum Daily Load (TMDL) regulations or implementation/monitoring measures mandated by the Federal Clean Water Act (CWA). Currently, all land owners and managers must comply with Malibu Creek Trash and Bacteria TMDL Implementation and Monitoring Plans, the Malibu Creek Nutrient TMDL, and the Santa Monica Bay Bacteria and Marine Debris TMDL (CWA Section 303(d)). As required by the CWA, the SMMC as a land owner and manager must have ongoing monitoring programs that are funded and in place.

GG-42



With respect to the specific project area, the SMMC is currently not compliant in Santa Monica Bay Bacteria TMDL. Activities that could impact bacteria content of streams and the ocean include horse and dog feces which are created in the trail and camping systems proposed. Also, trash attracts birds that add to feces to streams. In addition to monitoring, the responsible agencies must also be responsible to implement projects to mitigate any contamination to the streams and ocean. It is not just monitoring only. In addition, the Plan proposes to remove a vegetated area (i.e., an ESHA) in Escondido Canyon for parking and horse trailers. This meadow naturally removes contaminants before they reach the ocean; however, will become a method of transport, not detention, for stormwater pollution. The Plan must plan, mitigate, and monitor these types of activities proposed.

GG-43

The CWA also has Section 305(b) (invasive plants and aquatic life) that is expected to be in place as a regulatory tool in about three years. In addition to assessing impacts to the Trash, Marine Debris, and Bacteria TDMLs, the DEIR should discuss mitigation requirements for baseline bio assessment as required by Section 303(b) and include a commitment to plan development and monitoring as required in any new TMDL regulations.

GG-44

- 2) The Bolsa Chica decision [Bolsa Chica Land Trust v. Sup. Ct. 71 Cal.App.4th 493] confirmed that the Coastal Act requires that ESHA be avoided and buffered from development impacts and that providing mitigation is not sufficient justification for allowing development with avoidable impacts to ESHA.

GG-45

H. Fire Hazards

The Fire Hazards section of the DEIR (Section 5.6) is limited, incomplete, and shows an attempt to obscure the true hazards of the proposed project, as opposed to illuminating the true nature of the inherent fire risk in any plan that increases development within the Santa Monica Mountains, whether public or private.

GG-46

- 1) The DEIR improperly relied upon the SCal custom of fuel models for fire behavior analysis. Of the three possible choices of fire fuel models (i.e., Anderson, Scott/Burgan, and SCal custom fuel models) to be used in the fire behavior analysis, SCal models are the least well-documented fire model, the least well-supported fire model by the National Fire research community, and have been shown in documented field testing to under-predict the rate of fire spread in California chaparral.²⁰ In the cited Stephens research, using prescribed burning and BehavePlus modeling, the Anderson model was shown, while still under-predicting, to explain the closest relationship to both the rate of fire spread and the flame length in a field test of three fuel models. Of the three models tested, the SCal custom fuel models had the greatest amount of under-prediction.
- 2) The DEIR did not include the “surface rate of spread” analysis in the BehavePlus examination of predicted fire conditions. In previous fire protection plans prepared by the

GG-47

GG-48

²⁰ Stephens, Scott L., et al. “Measuring the Rate of Spread of Chaparral Prescribed Fires in Northern California.” Fire Ecology 4.1 (2008).



environmental consultants for this DEIR (Dudek & Associates), most notably the Fire Protection element of the Santa Barbara Botanic Garden Vital Mission Plan (July 2009) and the Tejon Mountain Village Fire Protection Plan (May 2009), this was not the case. In these documents, that are in some cases, verbatim in their narrative and description of the Flammap/BehavePlus variables and their method of analysis, the reporting of the *surface rate of spread* output variable has a prominent role. In the proposed SMMC Plan, this critical fire output variable has been discussed throughout the document, but has been left out as an output variable in the fire analysis of the individual camp sites. The *surface rate of spread*, under various fire conditions, is a critical element to determine if it even possible to evacuate an area, as opposed to a *shelter in place* strategy for fire survival. This variable is even more critical when you take into consideration that most wildland fire deaths are the result of attempting to outrun the fire or attempting to move from one location to another for emergency shelter.

↑
GG-48

Had BehavePlus analysis for the proposed Plan been incorporated, using the given input variables of the Bluffs Park camping site, it would have shown that under extreme fire conditions, the *surface rate of fire spread* would be in the order of 630 feet per minute. Note that the projected *surface rate of spread* would have been significantly higher had the Anderson or the Scott/Burgan fuel models been used. This fire would be advancing from a northerly direction, mostly likely from Pacific Coast Highway (the location of the most recent major fire in Bluffs Park) and would be traveling toward the camp sites. These conditions would dictate that campers would be forced to run toward the fire to seek shelter in the Plan's emergency fire shelter, or attempt an emergency evacuation under fire conditions down the bluff face. This is clearly a design for disaster.

GG-49

Had BehavePlus analysis for the proposed Plan been incorporated for just the Bluffs Park location, it would have indicated that relative to camper safety, the lack of *surface rate of spread* analysis is critical and should require further fire behavior analysis to determine the level of risk of each location. Furthermore, it seems essential that a complete *surface rate of spread* analysis be conducted to determine if an *evacuation to shelter* strategy is even possible, or if a *shelter in place* strategy would offer a greater chance of survival.

GG-50

- 3) The DEIR inadequately assesses whether or not camping is a safe activity relative to the wildland fire risk. The use of the Fire and Resource Assessment Program (FRAP) wildland fire database to justify the expansion of camping in the Santa Monica Mountains is disingenuous at its best, and at its worst, is an attempt to mislead the public relative to the inherent fire risk of camping. In the discussion of the historical fire risk, the Plan states that based upon the FRAP data set, over the past one hundred years, only 0.5 percent of the fires in LACo were caused by camp fires.

GG-51

The facts of the matter are a little different. The above cited database contains approximately 16,000 records, of which over 8,000 have a recorded fire *cause* identified as "unknown." Furthermore, the Corral Fire of 2007 is identified as caused by "unknown," but, two individuals are currently awaiting sentencing for causing the out of control *campfire* that resulted in the lost of over 53 structures and 4,707 acres burned. Using this example, one



could say there is a possibility that up to 8,000 of the largest fires in California could have been caused by camping; however, that remains undetermined. Using this same database, and the same level of analysis, one could factually state that 20 percent of the 10 largest fires in the past 100 years have been identified as being caused by *camping*. The fact of the matter is that neither of these statements are supportable, and have little or no bearing on whether camping is safe or not safe. The only relevant fire history is whether there is a fire potential based upon the fire return history, and what the risks are to individuals in the area.

GG-51

4) The Plan has a heavy reliance upon the fuel modification standards of the LACo Forestry Division, which is directed toward structure protection and not toward life protection. Further, the DEIR's analysis does not clarify what factors were considered with regard to studying fuel modification requirements in the proposed project areas. Factors include sufficient distances of brush clearing to minimize structure blaze resulting from radiated heat, site topography, fire brands (sparks/embers), etc.

GG-52

5) The DEIR fails to provide the FlamMap landscape file, which makes it virtually impossible to evaluate Dudek & Associates' analysis of the fire risk potential and *surface rate of spread* (the file was requested for review, but not provided). The lack of supporting documents or research to support the use of emergency fire shelters, where the real issue is human survivability and not structure survivability, is a relevant issue not assessed in the DEIR. Without adequately confirming the *surface rate of spread*, which is conducted via review of the FlamMap landscape file, it is near impossible to determine if an evacuation strategy is even possible, or if the shelter in place strategy is the best option for protecting lives. Note that shelter in place results in substantial brush clearing to provide for the structure and safety zone for fire fighting personnel.

GG-53

6) Further fire behavior analysis needs to be included in the DEIR given the limited resources of the State, and the past history of State agencies filling their obligations to protect the public from the risk of wildland fire.

GG-54



- 7) Table 5.6-1 (page 5.6-37) does not provide a comprehensive history of fires within the City of Malibu as cited in the March 2010 draft of the SMMC Wildfire Protection Plan, Planning Unit Descriptions.

The following fires were not included in the DEIR:

DATE	FIRES	ACRES	NEIGHBORHOOD LOSSES/DESCRIPTION	SOURCE
1903	CALABASAS/RINDGE		REACHED PT DUME	1
1910	LAS FLORES/TEMESCAL			1
1913	TOPANGA/ESCONDIDO			1
November 17, 1928	LAS FLORES #29/#59			1
1929	UNNAMED		13 HOMES BURNED	1
November 1930	PRECO #42			1
December 23, 1935	LATIGO			1
1938	TOPANGA		NEARLY ALL THE HOMES FROM TOPANGA TO BIG ROCK BEACH	NONE
July 13, 1940	SEQUIT #54			1
October 20, 1942	LAS FLORES #47		FROM MALIBU CANYON ROAD WESTWARD 1.4 MILES	1
July 29, 1946	DUME		CROSSED PCH EAST OF KANAN ROAD	NONE
December 27, 1956	HUME			1
November 28, 1958	LIBERTY	18,000	100+ HOMES LOST BETWEEN US 101 & THE COAST	1
October 30, 1973	TRIPPER			1
September 23, 1978	TRANCAS			1
May 31, 1982	BRUSH			NONE
October 14, 1985	DECKER	6,567		1
October 18, 1991	ARCHERY			NONE
November 24, 1991	CHARMLEE			NONE
September 10, 1992	BIG ROCK			1
November 20, 1992	MALIBU			1
September 18, 1993	MALIBU			NONE
October 26, 1993	GREEN MEADOW		24 HOMES DESTROYED	2
August 5, 1994	KANAN			NONE
July 1, 1996	CHARMLEE			1
April 21, 1997	DECKER			1
August 22, 1998	ENCINAL			1
April 10, 2002	WEST PCH			1
November 13, 2002	DECKER		BURNED TO THE NORTH SIDE OF PCH	1
January 6, 2003	PACIFIC		BURNED TO THE NORTH SIDE OF PCH	1

SOURCES (as cited in the March 2010 draft of the Santa Monica Mountains Community Wildfire Protection Plan, Planning Unit Descriptions)

- 1) R.S. Taylor (2010, February 12), Biogeographer /Fire GIS Specialist, Santa Monica Mountains National Recreation Area, Personal communication
- 2) M. Davis (1993), The Case for Letting Malibu Burn, In *Ecology of Fear* (pp. 93-147), New York: Henry Holt

I. Geology, Soils, and Seismic Hazards

- 1) Pursuant to City geotechnical staff's review of Section 5.7 of the DEIR (Geology, Soils, and Seismic Hazards) the Winter Mesa Alquist-Priolo Special Studies Zone was removed by the California Geological Survey in a revised map dated August 16, 2007. This is not reflected on Page 5.7-4 for the Malibu Coast Fault Zone.
- 2) The Southwestern Geology technical reports included in Appendix J were not included on the CD of the DEIR. City geotechnical staff has requested the study be made available for review.

J. Hydrology, Drainage, and Water Quality – OWTS

Provided that Ramirez Creek drains into the Pacific Ocean at Paradise Cove, the DEIR does not address how the proposed intensification of uses at Rameriz Canyon Park impacts the new stormwater treatment system facility at Paradise Cove.

GG-58

K. Land Use and Planning

- 1) As previously provided herein, the land use consistency analysis is flawed since it uses the Overlay as the standard of review. The DEIR relies on the Overlay which is not a valid regulatory document. The only valid standard of review for this project is the City's certified LCP, adopted by the CCC on September 13, 2002.
- 2) The DEIR fails to discuss the Plan's conformance to typical development standards and processing requirements within the LCP, such as 1) site of construction on slopes; 2) grading limitations; 3) front and rear yard setbacks; 4) parking within a front yard setback – in this case along Pacific Coast Highway; 5) development on property lines – in this case at Malibu Road; 6) variances – including variance requests for parking within a front yard setback and development on property lines.
- 3) As previously discussed, the project is not consistent with stream ESHA setbacks or any ESHA development standards contained in the LCP even though the Overlay proposes relief from ESHA setbacks and development standards.
- 4) The DEIR does not provide any real/concrete development standards to site the physical development proposed. If the Plan is supposed to be the *implementing* document, whereas the Overlay is supposed to be the *policy* document, development standards and an analysis of such standards needs to be provided in the DEIR. As such, significant environmental analysis cannot be conducted absent real/concrete development standards.
- 5) The provided conceptual drawings may change. The DEIR studies a *proposed* location for development; however, it does not provide any further information limiting the actual development to these proposed sites. The DEIR does not confirm if future studies will be conducted and/or required should new locations be determined in the future.
- 6) The residential zoning of RR-10 (Latigo Trailhead) does not allow camping to be permitted. A zone change will be required to pursue this area for either a parking lot or camping area. The DEIR mistakenly implies that campsites were considered in the Overlay.
- 7) The policy consistency analysis contained in Section 4.0 indicates that proposed park facility improvements at the Latigo Trailhead property present a *potentially significant and unavoidable impact* associated with geologic/landslide hazards, which is inconsistent with Section 30253 of the Coastal Act, LUP Policies 4.2, 4. 4, and 4.14.

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GG-65



The policy consistency analysis contained in Section 4.0 indicates that implementation of the Plan would result in minor impacts to sensitive habitats from new development that does not constitute a resource dependent use and, therefore, is prohibited in ESHA as defined by Section 30240 of the Coastal Act and LUP Policies 3.8 and 3.9. These improvements and associated impacts generally consist of development encroachment and/or fuel modification requirements for support facilities that are not defined as resource-dependent uses per the Coastal Act or LCP. These include: 1) encroachment of parking areas and associated fuel modification proposed on Kanan Dume Road and emergency access road improvements for Via Acero; 2) fuel modification requirements for the Murphy Way (Debutts Terrace) Emergency Fire Shelter; 3) encroachment of parking improvements and fuel modification requirements for the emergency fire shelter proposed at the Latigo Trailhead property; 4) fuel modification requirements for the Corral Canyon Park emergency fire shelters, camp host, and fire truck shed/garage improvement area; and 5) encroachment of circulation improvements and fuel modification requirements for the parking, camp host, and emergency fire shelter improvement area at Malibu Bluffs (Parking Area 3). Though minor, the facility and fuel modification requirements result in impacts to ESHAs which is inconsistent with Section 30240 of the Coastal Act and LUP Policies 3.8 and 3.9.

GG-66

Therefore, the proposed Plan would potentially conflict with land use plan policies addressing geologic hazards and protection of ESHA adopted for the purpose of avoiding or mitigating an environmental effect resulting in a *significant and unavoidable impact*.

- 8) The policy consistency analysis contained in Section 4.0 indicates that implementation of the Plan would result in minor impacts to sensitive habitats resulting from development of emergency fire shelters along the trail system which do not constitute a resource dependent use and, therefore, are prohibited in ESHA as defined by Section 30240 of the Coastal Act and LUP Policies 3.8 and 3.9. As a result, proposed trail improvements, where constructed in conjunction with emergency fire shelters at the Latigo Trailhead Property, Corral Canyon Park, Malibu Bluffs, and at Murphy Way (Debutts Terrace), would potentially conflict with policies addressing protection of ESHA adopted for the purpose of avoiding or mitigating an environmental effect resulting in a *significant and unavoidable impact*.
- 9) The Latigo option is inconsistent with the analysis contained in the DEIR on the basis that it is the option is not even allowed per the Overlay in Section D(2)(a)(i).²¹
- 10) The proposed Plan would result in conflicts with policies addressing geologic hazards due to facility improvements at the Latigo Trailhead property that would be subject to landslide issues. This is inconsistent with Section 30253 of the Coastal Act and LUP Policies 4.2, 4.14, and 4.4. However, this element may either be removed from the Plan, adopted via a proposed Plan alternative, or considered by making findings and a Statement of Overriding Consideration if such elements are deemed crucial to implementation of the Plan and/or satisfaction of the basic project objectives. This would provide for consistency of the

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GG-69

²¹ "To maximize access to parklands, trails and recreational opportunities, new campsite facilities shall be provided within park boundaries at Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park and Malibu Bluffs Park." Malibu Parks Public Access Enhancement Plan Overlay District, Section D(2)(a)(i).



proposed Plan with applicable policies of the Coastal Act and LCP that address protection and enhancement of public access and recreation and minimizing risks of new development associated with geologic hazards.

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GG-69

- 11) Page 5.11-32: In addition, it is envisioned that the provision of compensatory mitigation required as part of policies and implementation measures included in the Plan, as well as mitigation identified in Section 5.4 (Biological Resources), would offset the adverse impacts resulting from the project by eradicating large expanses of non-native species from the area and designing a native plant palette that meets the needs of nesting and foraging resident and migratory avifauna, adequately mitigating cumulative effects on biological resources. As such, the proposed Plan's contribution to cumulative impacts to ESHA resulting in conflicts with plans and policies adopted for the purpose of avoiding or mitigating an environmental effect would be *less than significant*.

GG-70

L. Noise

- 1) The DEIR does not study the noise impacts of three proposed RV camping spaces at Escondido Park (e.g., generator noise echoing through Escondido's box canyon).
- 2) The DEIR does not analyze the potential impacts of the alarm/siren, discussed on page 74 of Appendix I, Section 6.1.1 (Off-Site Relocation Process), being operated and/or tested on a periodic bases. Potential impacts may include impacts on surrounding wildlife and neighboring residents. Section 6.1.1 states that "Staff will conduct a sweep of the facility and of the trail system within the vicinity of the parks to notify hikers/pedestrians of the relocation decision. Hikers will be briefed at check in and by signage regarding wildfire danger and responses. *MRCA Rangers will broadcast an alarm/siren* so hikers on trails beyond the immediate vicinity of the Park and Trailhead are alerted and return to their vehicle. Communication with remote hikers will be via cell phone (cell phone numbers will be collected at check in), siren/warning signal, and/or when possible, trail sweeps by MRCA Rangers" (emphasis added).

GG-71

GG-72

M. Public Services

- 1) Sections 2.0 & 5.15: The DEIR does not address left turn movement impacts generated from southbound Kanan Dume Road traffic into the proposed parking area. The southernmost proposed parking area adjacent to Kanan Dume Road is located within the City limits. Parking improvements shall be located outside of the public right-of-way as the City cannot be responsible for maintaining the parking area.
- 2) Section 2.0 (Figure 2-18e) & Appendix A (Sheet 21 of 23): The figures and Appendix do not provide warrants for the proposed mid-block crosswalks proposed. The parking area off of Malibu Road shall be located outside of the public right-of-way as the City cannot be responsible for maintaining the parking area.

GG-73

GG-74



- 3) Section 5.16 (pages 5.16-10 & 5.16-11): Note that storm water drainage is conveyed through natural drainage courses and through private drains in addition to City, County, and State maintained facilities.

GG-75

N. Recreation

- 1) Page 5.14-3: When referencing the City's Malibu Bluffs Park, some park amenities were omitted, including the community center, onsite parking area, maintenance facility, and restroom facility. In addition, the list indicates the City's Malibu Bluffs Park as a six-acre park; the actual size of the park is 10 acres.
- 2) Table 5.14-1 (page 5.14-4): The City of Malibu Park and Recreation Facilities information requires the following corrections:

GG-76

- Malibu Bluffs Park
 - 10 acres, not six
 - Owned, not leased
 - Omitted the four playgrounds
- Trancas Canyon Park
 - Under construction, not proposed
- Malibu Community Pool
 - The pool is not leased. City use of the pool is provided for through a Joint Use Agreement with Santa Monica-Malibu Unified School District (SMMUSD).
- Malibu Equestrian Center
 - The name is incorrectly listed as "Center," not "Park" (Center means there are facilities onsite to board horses, which is not the case).
 - The park is not leased. The City operates and maintains the park under a Community Recreation Agreement with the SMMUSD.
- Papa Jack's Skate Park
 - The park is not leased. The use of the property is authorized through a letter of agreement with the private property owner.
- The table refers to park and recreation facilities:
 - Malibu Senior Center was not included as a recreation facility.

GG-77

- 3) Page 5.14-5: Trancas Canyon Park and Legacy Park are identified as "in design;" however, they should be listed as "under construction."

GG-78

- 4) Table 5.14-3 (page 5.14-8): The Joint Use of School Facilities Table should reference that all the schools are used by the City during "non-school" hours, not "after school" hours. In addition, activities for Webster Elementary and Point Dume Elementary Schools should be listed as "Multi-use sports fields," not "Facility Rental."

GG-79



O. Alternatives

- 1. Section 8.1 (*Description of Alternatives*) failed to use the City’s LCP Amendment as an Alternative. GG-80
- 2. Section 8.2 (*Alternative Environmental Impact Summary*) incorrectly assumes that the 2002 LCP allows camping in all Public Open Space (POS) zoned properties within the City. GG-81
- 3. The alternatives analysis contained within the DEIR does not present an independent assessment to the *decision makers*. It fails to consider valid alternatives that have previously been met with support by the City of Malibu. It is likely that if the two 2007 fires (October and December) had not occurred during the Malibu City Council review of the Malibu Planning Commission approved alternative, the alternative which allowed limited camping at Ramirez and Corral Canyon Parks would have been approved. GG-82
- 4. The alternatives analysis is flawed as it fails to consider the full scope of the project as previously discussed under *Discrepancies with the Project Description*, including permitted campfires, fireworks, and other uses allowed via a special use permit issued by the Executive Officer. GG-83
- 5. Section 8.1.3: None of the alternative site locations considered in the SAIC analysis are within the City of Malibu or even immediately adjacent to the City. None of the alternative site locations involve the coastal resources at issue in the Malibu coastal zone, and only one of the alternative sites considered (King Gillette Ranch) is even partially located in the Coastal Zone. GG-84
- 6. Of the 92 parcels evaluated for potential overnight camping opportunities, the SAIC report ultimately suggests only four parcels, in particular, that have the potential for construction of overnight campgrounds, including accessible facilities. The report recognizes that a more thorough evaluation is needed to determine actual suitability of the identified sites. However, all four alternatives are located outside of the Coastal Zone and, therefore, would provide no public access or public recreation for coastal users; the four alternatives would not meet the most basic project objectives or public need addressed by the LCP amendment. In particular, none of SAIC’s proposed alternatives would provide access to any area or trail that provides for the unique and spectacular views of the ocean and California coastline. In addition, none of SAIC’s proposed alternatives could connect the shoreline and the California Coastal Trail with upland trails in the Santa Monica Mountains. GG-85
- 7. Page 21 of Appendix R (Alternatives): A statement in the DEIR is questionable and needs to be clarified. The statement reads, “It is curious that it appears to be acceptable for the Conservancy administrative personnel to occupy parklands within the City, as long as it is not Ramirez Canyon Park.” GG-86
- 8. Page 26 of Appendix R (Alternatives) reads, “...the City’s LCP amendment essentially eliminates all reasonable public use of Ramirez Canyon Park, pending construction of an GG-87



alternative vehicle access to the Park from Kanan Dume Road, which would require non resource-dependent development in a designated ESHA. This action is strictly prohibited by the Malibu LCP and the Coastal Act.”



GG-87

This statement is incorrect. Pursuant to LUP Policies 2.4 and 3.9, the action to develop public access within an ESHA is a resource dependent use and allowed so long as it is sited to minimize impacts to ESHA to the maximum extent feasible.

- 9. Page 33 of Appendix R (Alternatives) reads, “...the public improvements being considered in the Overlay are already allowed under the existing LCP.”

This statement is incorrect and assumes camping is universally allowed. Pursuant to LUP Section 5(C)(2), the only land use designation within the City that explicitly allows camping is Commercial Recreation (CR). While uses related to passive recreation are allowed, camping is not a permitted use within the Rural Residential, Commercial Visitor Serving, or Public Open Space land use designations. LUP policies takes precedence and all development must conform to the policies and requirements contained in the LUP.

GG-88

Concerns raised in this response are intended to be reviewed during preparation of the EIR in order to avoid or minimize potential environmental impacts caused by the proposed development. The City’s response is based on applicable policies, interpretations and land use plans in effect as of this date. Any changes to applicable policies, interpretations and/or land use plans may result in a different determination of items requiring further review.

GG-89

If you have any questions, please call (310) 456-2489 x251, or e-mail at vpeterson@ci.malibu.ca.us.

Sincerely,

Vic Peterson
Community Development Director

- cc: Jim Thorsen, City Manager
- Christi Hogin, City Attorney
- Joyce Parker-Bozylinski, Planning Division Manager
- Stefanie Edmondson, AICP, Principal Planner



Page 23 of 25
 City of Malibu DEIR Comments
 March 22, 2010

Exhibit A (excerpt)

From: Joseph T. Edmiston, FAICP [mailto:edmiston@smmc.ca.gov]
 Sent: Wednesday, February 24, 2010 7:41 PM
 To: madresierra@earthlink.net
 Cc: bdac@smmc.ca.gov; board@mrca.ca.gov
 Subject: Campfire hypocrisy

Dear Caroline,

A special use permit campfire, probably with a fire engine in attendance is possible for special occasions (like a weekly interpretation event), but other than that, no fires at any time.

Of course, it is so ironic--and unfair--that the private Malibu Beach RV Park allows open fires at each of their RV and camp sites and city of Malibu permits this. Just goes to show the hostility of Malibu to "public" camping. For example, none of the Corral Canyon folks objected to the RV park camping or open fires. Only public camping fires. The clear implication is that if you pay through the nose for an RV site or a private camp site, then it is OK (I guess their rationale is by paying more one is a better class of person and less likely to set a fire).

If the city of Malibu were serious about fire, especially at Corral Canyon, site of the most recent fire, then they would ban all fires at the private Malibu Beach RV Park and Campground. Of course, that would affect the economic viability of this expensive facility and so they haven't even touched the issue or mentioned it.

 Joseph T. Edmiston, FAICP, Hon. ASLA
 Executive Director
 California Natural Resources Agency
 Santa Monica Mountains Conservancy
 edmiston@smmc.ca.gov

-----Original Message-----

From: madresierra@earthlink.net [mailto:madresierra@earthlink.net]
 Sent: Wednesday, February 24, 2010 7:02 PM
 To: Joseph T. Edmiston, FAICP
 Subject: Re:

Joe--I do know that campers want a campfire--it is almost the icon of camping. Maybe the regulation simply has to prohibit any camp fires in high fire season. Period. Or there only be a group campfire program at a central location with the ranger showing proper campfire dousing, etc., as unattended campfires are often the start of wildfires.

Best with this.

Caroline



Exhibit B

Five suspects charged in Corral Canyon fire

Malibu Times – Published Wednesday, December 19, 2007 12:46 PM PST

By Jonathan Friedman / Assistant Editor

Five men ranging in ages 18 to 27 have been charged in connection with last month's Corral Fire, Malibu's most damaging blaze since 1993. The suspects have been charged with two felony counts, and could face several years in prison if convicted. Authorities say the blaze was created after an illegal campfire built in a cave at the top of Corral Canyon Road got out of control. The attorneys of two of the suspects have not denied that their clients attended the party or that there was a campfire, but they say their clients are not criminally responsible.

The suspects are Los Angeles residents Brian Alan Anderson, 22, William Thomas Coppock, 23, and Brian David Franks, 27 as well as Culver City residents Eric Matthew Ullman, 18, and Dean Allen Lavorante, 19. They were charged last Thursday with recklessly causing a fire with great bodily injury and recklessly causing a fire to an inhabited structure. The fire was started "during and within an area of a state of emergency," which could be a factor in sentencing if the suspects are convicted.

The arraignment hearing for Anderson and Coppock was to take place Monday at Van Nuys Superior Court, but it was continued to Feb. 14. They are free on \$240,000 bail each.

The other three suspects, who appeared before Judge Michael Kellogg in the Van Nuys court on Friday, did not post bail and remain in custody at the Men's Central Jail in downtown Los Angeles. No formal plea was taken from the suspects Friday. Their formal arraignment and bail hearing will take place Friday this week.

Speaking to the media outside the courthouse, attorneys John Duran, representing Anderson, and Andrew Flier, counsel for Coppock, said a group that arrived at the cave prior to their clients built the campfire (a fact agreed on by the District Attorney's Office, although the size of that group is disputed). And, the lawyers said, when Anderson, Coppock and Franks left the area, they believed they had put out the campfire.

Flier said in an interview on Tuesday that his client and the other defendants were being used as scapegoats.

"I don't think it's right to blame these guys," Flier said. "I don't think anybody deliberately tried to burn down Malibu. They went to a party to have a good night, and after the fact, something got totally ugly and out of control."

Flier added he does not believe anybody should be held responsible for creating the fire, which injured six firefighters and destroyed 86 structures, including 53 homes at an estimated cost of at least \$100 million.

"It's just like a car accident," he said. "People have insurance because accidents happen. Nobody likes them, but they happen."

Flier said his client did drink beer at the party, but he was not intoxicated.

"They were having fun," Flier said. "They were just having fun, not doing anything illegal."

Flier added that he was "baffled" by the charge involving "causing bodily injury," since the injured were firefighters, including one who received second-degree burns to the face.

"Isn't that his job?" Flier asked rhetorically about the firefighter. "Doesn't he assume the risk?"

Sheriff Lee Baca said at a press conference announcing the charges last Thursday that the fire started at approximately 3 a.m. Nov. 24. Los Angeles County Fire Department officials said last month they received the first call about the fire after 3:30 a.m. Some Corral Canyon residents told the media they heard a honking car horn possibly warning about a fire at approximately 2:30 a.m.



The Los Angeles County District Attorney's Office says Ullman and Lavorante, and two unidentified young women built the campfire (Flier says that group included more people). Later, Anderson, Coppock and Franks arrived. At some point those three were the only people remaining at the party, authorities said, and that is when the Santa Ana-wind driven blaze was created.

"Embers from the fire touched off flames in the tinder dry hillside," a press release from the District Attorney's Office stated. "Whipped by 50 mph winds, the fire swept into homes in the area."

Flier said prior to his client leaving the scene, he and his friends believed they had put out the campfire.

"They were stomping on it and trying to put out the campfire," he said. "They thought they had done it successfully. The prosecution is going to have a very difficult time proving they are responsible for this fire."

The district attorney's press release added that none of the defendants or their companions attempted to notify authorities about the fire. Flier said this was true on the day of the fire, but his client began cooperating less than a week later.

The investigation into the fire was a joint effort by the county's Sheriff's and fire departments along with the California Department of Forestry. Investigators found food wrappers and precut fire logs near the cave, Sheriff Baca said at the press conference Thursday. Investigators checked with local businesses regarding the purchase of the items, and soon determined they came from the Ralphs in Malibu Colony Plaza. They then viewed surveillance tapes and searched through receipts. After obtaining a search warrant, they retrieved debit card information that led to two witnesses to the fire. Also, a citizen responding to a press release by arson investigators requesting information, "offered valuable assistance," Baca said.

"Scores of interviews were conducted at locations as far away as Shasta County and near the Oregon border," Baca said.

The speed of the investigation impressed City Councilmember Ken Kearsley. "It's amazing; some great detective work," he said Thursday night.

Mayor Pro Tem Pamela Conley Ulich also praised the investigators in a Thursday e-mail to The Malibu Times.

"Mixing campfires with Santa Ana winds and drought conditions is a recipe for disaster," she wrote. "I hope those responsible for causing pain and suffering to innocent people will be brought to justice. I applaud the Sheriff's Department for their fine detective work and hope that we can turn this horrible catastrophe into a learning moment for those who still believe that campfires should be encouraged in areas that are prone to wildfires and disaster."

Meanwhile, Flier said he wants people to know that his client is not a bad person.

"I've got a good kid here," Flier said. "He has no malice."

<p>Letter GG Commenter: City of Malibu Date: March 22, 2010</p>	
<p><i>Introduction</i></p>	<p><i>Pursuant to State CEQA Guideline 15088, proposed written responses shall be provided to all public agencies that commented on an EIR at least 10 days prior to the certification of any EIR. The Conservancy and MRCA provided all public agencies with proposed written responses to their comments on the DEIR at least 10 days prior to the certification of this FEIR. The version of all responses contained in this FEIR constitutes the final version as any previous version was a proposed response.</i></p> <p>In response to both oral and written comments received on the Draft Environmental Impact Report (“DEIR”) for the Malibu Parks Public Access Enhancement Plan – Public Works Plan (the “Proposed Plan”) the Santa Monica Mountains Conservancy and the Mountains Recreation and Conservation Authority (“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-I in Volume IV of the Final Environmental Impact Report (“FEIR”) and a detailed analysis of the environmental consequences of the MRA is included in Volume IV of the FEIR which is scheduled to be released prior to the Conservancy/MRCA’s public hearing on the Plan.</p> <p>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, Delaplaine</p>

	<p>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.</p> <p>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.</p> <p>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.</p> <p>The Final EIR includes an analysis of the MRA as well as a MRA Fire Protection Plan. The responses to comments that follow address the comments on the DEIR and indicate where concerns raised by oral or written comments will be potentially eliminated or reduced with the adoption of this MRA.</p>
<p>COMMENT NO.</p>	<p>RESPONSE</p>
<p>GG-1</p>	<p><i>This comment states that the City of Malibu and the Ramirez Canyon Preservation Fund has challenged the CCC's jurisdiction over MAL-MAJ-1-8, an amendment to the Malibu LCP, which the CCC processed under the override procedures set forth in the Coastal Act. The comment also notes that the comments on the DEIR are not meant to validate the DEIR, but to ensure a continual administrative record.</i></p> <p>RESPONSE:</p> <p>This comment does not identify an inadequacy in the analysis, conclusions</p>

	<p>or mitigation measures in the EIR. Therefore, no revision of the DEIR would be required. Please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.</p>
<p>GG-2</p>	<p><i>This comment states that the project description is inaccurate and misleading as it only analyzes passive land uses consisting of trails and cold camping, instead of acknowledging the other uses permitted in all MRCA parklands. This comment states that uses permitted with a special use permit issued by the Executive Officer pursuant to MRCA Ordinance No. 1-2005 include campfires, and continues to state that these uses were not acknowledged or analyzed in the project description, but should have been considering the community's fire concerns. The commenter also expresses their belief that the uses within the park were reasonably foreseeable as the Plan's IS was circulated at the same time the MRCA Ordinance No. 1-2005 was amended.</i></p> <p>RESPONSE:</p> <p>Please note that on May 10, 2010, MRCA Ordinance No.1-2005 was amended to remove the ability of the Executive Officer to issue special use permits contrary to the Malibu Parks Public Access Enhancement Plan – Public Works Plan. Furthermore, the Fire Protection Plan (FPP) (Appendix I, Page 60), which is a part of the Public Works Plan (PWP), will establish the following new restriction within Plan area: “No person shall make or maintain, nor aid and abet others in making or maintaining a campfire or any other open fire in any of the park facilities. The only cooking apparatus permitted shall consist of self-contained propane stoves, when permitted and consistent with the terms of the FPP. No kerosene or white gas lanterns shall be permitted.”</p> <p>Further, a Modified Redesign Alternative has been proposed for consideration by the Conservancy/MRCA. This Modified Redesign Alternative includes within its FPP, a further limitation that mandates the use of flameless cook-stoves and lanterns within the camp areas. As part of the Modified Redesign Alternative PWP, an all-weather electrical outlet will be provided to allow for small electrical cooking appliances at campsites.</p> <p>Thus, if the PWP (and associated FPP) either for the Public Works Plan analyzed in the DEIR, or the Modified Redesign Alternative detailed in the FEIR is approved, while the Executive Officer would continue to be able to</p>

	<p>make well-reasoned exceptions to the no campfire rule for areas outside the PWP area, there would be <u>no</u> campfire exceptions within the PWP area.</p> <p>Additionally, no other uses would be allowed if those uses would be inconsistent with the PWP or FPP. In addition to the example detailed above with regard to campfire permits (which would not be allowed in the PWP area as it is inconsistent with the FPP), Mitigation Measure MM BIO-10.7 requires that all dogs must be on leashes at all times when visiting Plan park and trail improvements and would ensure no off-leash dogs would be allowed in the PWP area. Thus, all special use permit holders would be required to comply with the PWP and FPP policies and the mitigations set forth within the DEIR. Impacts associated with the issuance of alcohol permits, taking or collecting of specimens, fishing, off-road vehicles, camping, commercial or filming, and flight (hand gliders and parasails) is anticipated to be no greater than that which exists currently within the Plan area.</p> <p>In consideration of the above discussion, no further revisions to the DEIR would be required.</p>
GG-3	<p><i>This comment states that the use of the phrase, “unauthorized use of fire-related camping,” insinuates that there would be authorized campfires, which contradicts the FPP that states that all campfires are prohibited in all project areas.</i></p> <p>RESPONSE:</p> <p>Please see response to comment GG-2; no campfires will be permitted/authorized in the PWP area subject to the restrictions detailed in the FPP for both the PWP analyzed in the DEIR and the Modified Redesign Alternative detailed in the FEIR. Please see comment GG-2 above.</p>
GG-4	<p><i>This comment suggests that there is a conflict between the FPP and MRCA Ordinance No. 1-2005 as the FPP does not include the statement “except without a permit from the Executive Officer,” when discussing the prohibition of fires in any park facilities covered by the Plan.</i></p> <p>RESPONSE:</p> <p>Please see response to comment GG-2. The rule under the MRCA Ordinance No. 1-2005 that allows for campfires with a special use permit issued by the Executive Officer does not apply to any parkland included in</p>

	<p>the PWP. As such, no exemptions are allowed under the Plan's FPP. Therefore, although MRCA Ordinance No. I-2005 currently allows the Executive Officer to issue campfire permits for areas outside the PWP area if he finds that adequate precautions will be taken by the permittee, this regulation does not apply to any parkland included within the PWP area.</p> <p>In consideration of the above discussion, no further revisions to the DEIR would be required.</p>
<p>GG-5</p>	<p><i>This comment suggests that there is a conflict between the FPP and MRCA Ordinance No. I-2005 as the FPP does not include the statement "no person except the Executive Officer," when discussing the required use of designated hospitality stations by campers for cooking and the no campfire/cold camp policy for all camp facilities as explicated during reserving and/or registering.</i></p> <p>RESPONSE:</p> <p>Please see response to comment GG-2. The rule under the MRCA Ordinance No. I-2005 that allows for campfires with a special use permit issued by the Executive Officer does not apply to any parkland included in the PWP. As such, no exemptions are allowed under the Plan's FPP and no one, including the Executive Officer, would be permitted to authorize use of cooking apparatuses for campers other than the provided hospitality station nor would they be exempt from the no campfire/cold camp policy.</p> <p>In consideration of the above discussion, no further revisions to the DEIR would be required.</p>
<p>GG-6</p>	<p><i>This comment suggests that there is a conflict between the FPP and MRCA Ordinance No. I-2005 as the FPP does not include the statement "except without a permit from the Executive Officer," when discussing the no campfire/cold camp policy.</i></p> <p>RESPONSE:</p> <p>Please see response to comment GG-2. The rule under the MRCA Ordinance No. I-2005 that allows for campfires with a special use permit issued by the Executive Officer does not apply to any parkland included in the PWP. As such, no exemptions are allowed under the Plan's FPP and the only camping permitted under the PWP would be cold camping, where campfires are prohibited.</p>

	<p>In consideration of the above discussion, no further revisions to the DEIR would be required.</p>
<p>GG-7</p>	<p><i>This comment states that emergency fire shelters are not adequately described in the project description, and states that such fire shelters are non-resource dependent uses.</i></p> <p>RESPONSE:</p> <p>The emergency fire shelters are described within the DEIR, Section 2.0, <i>Project Description</i>. In addition, further details are identified within the FPP.</p> <p>The DEIR Section 4.0, <i>Consistency with Plans and Policies</i>, provides a detailed analysis explaining how the proposed project improvements and design measures would be consistent with Coastal Act and certified Local Coastal Program policies relative to ESHA, including analyzing project features for consistency with policies which limit uses in ESHA to resource dependent uses. The following discussion is provided in response to the commentors' concern that fire shelters are non-resource dependent uses.</p> <p>DEIR Section 4.0, <i>Consistency with Plans and Policies</i>, cites and analyzes City of Malibu Land Use Plan policy 5.69 and City of Malibu Local Implementation Plan policy 3.5.2.D.7.a., which define resource-dependent uses for the proposed park improvements as follows:</p> <p>City of Malibu Land Use Plan policy 5.69</p> <p><i>"Overnight campsites, including "low-impact" campsites, are permitted uses in parklands subject to the Malibu Parks Public Access Enhancement Plan Overlay and should be developed within park boundaries for public use to provide a wider range of recreational opportunities and low-cost visitor serving opportunities for visitors of diverse abilities, where impacts to coastal resources are minimized and where such sites can be designed within site constraints and to adequately address public safety issues. For purposes of this Overlay, low impact campsites (and associated support facilities including, where appropriate, picnic tables, potable water, self-contained chemical/composting restrooms, shade trees, water tanks, portable fire suppression apparatus, and fire-proof cooking stations) are "carry-in carry-out" campsites accessed by foot or wheelchair and which have an educational or interpretative component including signage related to the natural resources of the Santa Monica Mountains. Low impact campsites, as defined,</i></p>

constitute a resource dependent use."

City of Malibu Local Implementation Plan policy 3.5.2.D.7.a.

"Trails, camp facilities, park uses as described in this Overlay, and necessary support facilities shall be considered permitted uses for those parkland areas subject to the Malibu Parks Public Access Enhancement Plan Overlay and as identified on the Public Parkland Map and Proposed Trail Resources Map. Trails and other resource dependent park uses, and necessary support facilities associated with resource dependent uses, located within or adjacent to areas mapped as ESHA shall be sited and designed to avoid significant disruptions of habitat values within the ESHA and avoid significantly degrading such areas. Minor disruptions to ESHA resulting from resource dependent uses shall be mitigated pursuant to LIP provision 3.4.2(D)(7)(a)(viii). "

Policy 5.69 specifically defines low-impact campsites and associated support facilities as resource dependent uses. Policy 3.5.2.D.7.a. further specifies that resource dependent park uses and necessary support facilities associated with resource dependent park uses, located within or adjacent to areas mapped as ESHAs, must be sited and designed to avoid significant disruption of habitat values and that appropriate mitigation be applied pursuant to the certified LCP. These policies recognize trails and low-impact campsites, and associated support facilities, as resource dependent uses and as such acknowledge that such uses may occur within ESHA.

In addition, City of Malibu Local Implementation Plan policy 3.5.2.D.12 defines support facilities under the Malibu Parks Public Access Enhancement Plan Overlay as follows:

"Existing and proposed support facilities are defined as those facilities deemed necessary to support the primary permitted land use, public access and recreation, research and education, and nature observation. The type of support facilities addressed at each park facility shall be based on the level and complexity of public uses and specialized programs offered at each park area."

In approving the Overlay, the Coastal Commission concluded that low impact camping is a resource dependent use. The Commission's revised findings (LCPA 1-08, Revised Findings, included in Appendix C of the DEIR, draft, Malibu Parks Public Access Enhancement Plan Public Works Plan) explained:

"Clearly, hiking trails and low impact interpretive walk-in camp sites are dependent on the spectacular parkland sensitive habitats and resources. An integral part of any public access or recreational experience in the Santa Monica Mountains is the ability to experience the sights, smells, and feel of the habitat up-close by being within it; by being "in nature". This means that by its very essence, such access and recreation use, including its various components, is dependent on the resource to function at all."

"In order to clarify that campsites (including necessary support facilities) are a resource dependent use, the Commission finds it necessary to revise Section D2 of the Overlay to include a definition for "low impact campsites" and the limited support facilities associated with these campsites, etc." (LCPA I-08, Revised Findings, p. 95.)

In connection with the Overlay and proposed trail and camp improvements, the County of Los Angeles Fire Department has stated its opposition to all the proposed parkland improvements unless certain mitigation measures are provided, including "approved fire proof shelters strategically located the trails and in camping areas to accommodate park visitors when evacuation is obstructed by an approaching fire" and "Emergency fire shelters shall be located as approved by the Fire Department" (6/2/09 Letter from Chief P. Michael Freeman to John Ainsworth, Dep. Dir., CCC; 6/2/09 Letter from Chief P. Michael Freeman to John Ainsworth, Dep. Dir., CCC; 04/21/10 Letter from County of Los Angeles Fire Department to Judi Tamasi, Santa Monica Mountains Conservancy). Thus, but for fire protection shelters and any associated fuel modification required by the Fire Department, there can be no new trails, camp areas or any other increased public use of the parklands in the Plan area. Fire protection shelters and associated fuel modification are therefore equally integral to the public access and recreation experience in the Santa Monica Mountains because, according to the Fire Department, they are essential to the ability to develop trails and low impact campsites and therefore are *necessary support facilities associated with resource dependent uses* as defined by to Policies 5.69 3.5.2.D.7.a. As such, fire protection shelters and associated fuel modification are resource-dependent uses and may occur in ESHA where sited and designed to avoid significant disruption of habitat values and with appropriate mitigation applied pursuant to the certified LCP

	<p>Potential environmental impacts related to the implementation of these optional fire shelters are adequately described in the Section 5.0 of the DEIR. Active patrolling of the Plan area by MRCA Rangers would ensure that these structures (if required by LACFD) do not become nuisances (see response to comment A-2 and T-4).</p> <p>Additionally, a Modified Redesign Alternative is being proposed for adoption by the Conservancy/MRCA as further detailed in the FEIR. Under this alternative, camping will be clustered and primarily limited to two areas: Corral Canyon Park and the Malibu Bluffs Conservancy Property. Both of these campsites are in immediate Proximity to PCH that would facilitate emergency access in a fire event and make the need for fire shelters less likely. Nevertheless, if required by LACFD, fire shelters would be provided.</p> <p>Finally, the commenter notes the attractive nuisance that fire shelters may create for teenagers. CEQA does not require that the scope of an EIR be exhaustive. Please see CEQA Guideline 15151. Nevertheless, if the Conservancy/MRCA were to adopt the Modified Redesign Alternative, this alternative would provide permanent structures to provide overnight accommodations for MRCA rangers and/or wildland fire-trained specialists at the two primary campsites (Corral Canyon Park and Malibu Bluffs Conservancy Property) at all times that camping is permitted to ensure that any fire shelters are properly monitored and the campsites patrolled.</p> <p>In consideration of the above discussion and the policy consistency analysis contained within the DEIR and Modified Redesign Alternative Public Works Plan, no revisions to the DEIR would be required.</p>
<p>GG-8</p>	<p><i>This comment states that fire truck sheds have not been adequately described in the project description.</i></p> <p>RESPONSE:</p> <p>The Fire Safety section of the DEIR, Section 2.0, <i>Project Description</i>, provides information related to the proposed Fire Truck Storage Sheds. The following paragraphs provide additional details relative to the location, use and occupancy of these structures.</p> <p>The Plan includes two Fire Truck Storage Sheds, which would be unmanned, enclosed steel structures, located on a concrete slab, and</p>

	<p>utilized for the parking of fire engines and/or housing miscellaneous fire protection equipment. The Fire Truck Storage Sheds are proposed at Corral Canyon Park Parking Area and Malibu Bluffs Parking Area I.</p> <p>The fire trucks are intended to service parklands owned and/or managed by the Conservancy/MRCA. The primary first responders to City/County Parks and residential areas for medical and fire emergencies would continue to be the responsibility of LACFD. All maintenance of fire trucks, when and if acquired by the Conservancy/ MRCA, would occur off-site at Conservancy/MRCA Vehicle Service Shops (located at Towsley Canyon or King Gillette Ranch); sirens would be tested on a regular basis at one of these off-site Conservancy/MRCA Vehicle Service Shops.</p> <p>The Corral Canyon Park and Malibu Bluffs locations were identified by MRCA staff as appropriate sites for the Fire Truck Storage Sheds because sufficient room was available at these locations and because they are strategically located near Pacific Coast Highway for ready access by either on- or off-site MRCA rangers and wildfire trained specialists in need of MRCA-authorized use of fire fighting vehicles and/or equipment.</p> <p>Further, a new Modified Redesign Alternative is being proposed for consideration and adoption by the Conservancy/MRCA. Under this alternative, camping would be removed from many of the proposed areas and limited to primarily two: Corral Canyon Park and Malibu Bluffs Conservancy Property. Further, under this alternative, the fire engine sheds would continue to be located at Corral Canyon Park and the Malibu Bluffs Conservancy Property.</p> <p>Based upon the above discussion, supplemental project description verbiage, and the analysis contained within the DEIR; no further revision of the DEIR would be required.</p>
<p>GG-9</p>	<p><i>This comment suggests an inconsistency in the Project Description and FPP when describing the camp host at Corral Canyon Park. The comment also states that the FPP calls out “Permanent Camp Host Accommodations in Corral Canyon Park,” which cannot be permitted.</i></p> <p>RESPONSE:</p> <p>The DEIR Section 2.0, <i>Project Description</i>, and the FPP Appendix C (Corral Canyon Park Focused FPP), describe the proposed location of the Corral</p>

Canyon camp host as near the existing parking lot, north of the existing restaurant, which is consistent with the Concept Plans (P&S 2010). On the first page of the Corral Canyon Park Focused Fire Protection Plan, the camp host is described as portable. Page 12 of the FFPP refers to the camp host as a “semi-permanent, modular type camp host accommodation.”

To provide clarification, the FPP (Dudek 2010) is clarified as follows:

”Semi-Permanent Camp Host Accommodations: CCP includes a semi-permanent, modular camp host accommodation. The building is proposed for location near the existing parking lot and existing buildings.”

It should be noted, however, that the LCP Overlay does, in fact, allow for permanent camp host accommodations as provided in the following:

"Land Use Plan Policy 5.71: Trails to and within public parklands, camp facilities, public outreach and educational programs and/or related support facilities (e.g. parking, public restrooms, picnic amenities, ranger/ maintenance supervisor housing, nature centers, administrative personnel facilities related to the daily operation and maintenance of parklands and park programs), and special programs and events conducted at Ramirez Canyon Park, are defined as principal permitted uses in the Malibu Parks Public Access Enhancement Plan Overlay and shall be permitted to be constructed, opened and operated for intended public use or benefit where it is determined feasible to locate, design, and maintain such facilities and uses so as to avoid, or minimize and fully mitigate, potential impacts to ESHA.

Local Implementation Plan Policy 11.b.i. requires, in part: A Camp Host, staff maintenance person, or Ranger, who is wildland fire-trained, shall be onsite at each park property during the times camping is permitted. This shall be accomplished by either providing for residency of a Camp Host, staff maintenance person or Ranger at existing park properties, or ensuring that support facilities and apparatus are provided to sustain continuous daily and nightly patrols to strictly enforce the No Campfire Policy and use restrictions relating to hazardous conditions. Park patrols shall be conducted daily at each park property when campers are present. Adjustments to patrol procedures will be made as necessary to ensure park rule enforcement and compliance. "

The above clarification to the FPP does not alter the analysis in the DEIR. Based upon the above discussion and the analysis contained within the

	DEIR, no revision of the DEIR would be required.
GG-10	<p><i>This comment states that the DEIR does not disclose the intent of parking spaces provided for recreational vehicles, which are not permitted within the Open Space land use designation.</i></p> <p>RESPONSE:</p> <p>The project does not include any overnight parking spaces for general recreational vehicle use. Project plans prepared by Penfield & Smith demonstrate where camp host trailers would be accommodated in specific parking areas, which are also described for each park property in the <i>Project Description</i>. Proposed camp host trailers/accommodation are specifically permitted by the LCP Overlay, which states:</p> <p><i>"Land Use Plan Policy 5.71: Trails to and within public parklands, camp facilities, public outreach and educational programs and/or related support facilities (e.g. parking, public restrooms, picnic amenities, ranger/ maintenance supervisor housing, nature centers, administrative personnel facilities related to the daily operation and maintenance of parklands and park programs), and special programs and events conducted at Ramirez Canyon Park, are defined as principal permitted uses in the Malibu Parks Public Access Enhancement Plan Overlay and shall be permitted to be constructed, opened and operated for intended public use or benefit where it is determined feasible to locate, design, and maintain such facilities and uses so as to avoid, or minimize and fully mitigate, potential impacts to ESHA."</i></p> <p>Local Implementation Plan Policy 11.b.i. requires, in part: A Camp Host, staff maintenance person, or Ranger, who is wildland fire-trained, shall be onsite at each park property during the times camping is permitted. This shall be accomplished by either providing for residency of a Camp Host, staff maintenance person or Ranger at existing park properties, or ensuring that support facilities and apparatus are provided to sustain continuous daily and nightly patrols to strictly enforce the No Campfire Policy and use restrictions relating to hazardous conditions. Park patrols shall be conducted daily at each park property when campers are present. Adjustments to patrol procedures will be made as necessary to ensure park rule enforcement and compliance.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>

<p>GG-11</p>	<p><i>This comment indicates that the Section 2.0, Project Description, of the DEIR incorrectly designates the subject properties as zoned for multiple dwelling units, when the corresponding number for RR (Rural Residential) designations refers to the minimum required lot area for a residential unit.</i></p> <p>RESPONSE:</p> <p>The commentor correctly identifies that the designations have been erroneously presented in Table 2-1. The description of zoning and land uses plan designations for the various Plan Area properties within Table 2-1 (Section 2.0, Project Description), is clarified as follows:</p> <p>“City of Malibu: POS (Public Open Space); RR-2 (Rural Residential, 1 du/2 acres)2 du/acre, RR-5 (51 du/5 acres), RR-10 (401 du/10 acres), RR-20 (201 du/20 acres), RR-40 (401 du/40 acres); CV-1 (Commercial Visitor Serving 1)”</p> <p>Although the Rural Residential zoning and land use designations were incorrectly presented in Table 2-1, the DEIR analysis was based on the correct interpretation of the City of Malibu designations as a minimum required lot area, and not a density quotient. As such, no changes to the land use analysis are required.</p>
<p>GG-12</p>	<p><i>This comment states that Section 2.0, Project Description, of the DEIR incorrectly identifies the addresses of the Malibu Bluffs Conservancy Property and Ramirez Canyon Park.</i></p> <p>RESPONSE:</p> <p>Thank you for your comment. However, the address used in the referenced Table 2-1 (Section 2.0, Project Description) corresponds to the United States Postal Service delivery address for Ramirez Canyon Park, which is 5810 Ramirez Canyon Road. As no formal address assignment has been made to the Malibu Bluffs Conservancy Property proper, the address for the adjacent parking lot shared between the City of Malibu and MRCA (which serves the Malibu Bluffs Conservancy Property) was identified. The DEIR Project Description, also, identifies affected Plan sites by Assessors Identification Number and through visual aides such as Figures/ Maps.</p> <p>This comment does not identify an inadequacy in the analysis, conclusions</p>

	<p>or mitigation measures in the EIR. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required. Please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.</p>
<p>GG-13</p>	<p><i>This comment states that the DEIR does not provide a clear project description that includes all of the elements found at each site and that although the project description includes a general description, the commenter requests that the camp hosts, fire truck sheds, and fire shelters be included on page 2-10 of Section 2.0, Project Description.</i></p> <p>RESPONSE:</p> <p>The commenter correctly indicates that the general description of proposed camp facilities (Section 2.3.2, under the <i>Camp Sites and Parking</i> heading) does not identify camp hosts, fire truck sheds, or fire shelters. Camp hosts are discussed within Sections 2.3.2.1 through 2.3.2.5 when included as an improvement to the proposed park area. Fire truck sheds and emergency fire shelters are described in detail under the <i>Fire Safety</i> heading, within Section 2.3.2. Thus, the Project Description section did include the camp hosts, fire truck sheds, and fire shelters.</p> <p>Further, the Conservancy/MRCA is being presented with a Modified Redesign Alternative that could possibly eliminate the need for fire shelters as a clustering of campsites is proposed. These campsites are primarily limited to two parks: Corral Canyon Park and the Malibu Bluffs Conservancy Property. Both sites are located in immediate proximity to PCH to facilitate highway access in the event of a fire emergency.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>GG-14</p>	<p><i>This comment states that the DEIR does not provide an analysis that the proposed trenching is the least environmentally damaging alternative or how all power lines would be installed underground.</i></p> <p>RESPONSE:</p> <p>The environmental impacts of the installation of subterranean utilities have been identified within the DEIR as noted by the commenter. The proposed campsites that would be served by electricity are mostly located</p>

	<p>in close proximity to adjacent roadways. Current utility connections are readily accessible and/or located within close proximity to the camp areas, and the extension of these services would have limited impacts as the installation of any necessary utility lines would generally be confined to roadways and existing and/or proposed trail corridors, which are or would be subject to regular disturbance. Nevertheless, the impacts to ESHA while permissible under the LCP Overlay were avoided to the extent feasible with all such impacts being adequately mitigated on a 3:1 basis.</p> <p>In the absence of Class I biological impacts with respect to utilities, which the proposed Plan does not have, CEQA does not require exploration of the least environmentally damaging alternative with respect to this issue. Further, CEQA does not require that the scope of an EIR be exhaustive. Please see CEQA Guideline 15151. Nevertheless, given the analysis contained within the DEIR and the absence of identified visual impacts related to subterranean power lines, CEQA would not require a study of the use of overhead power unless specifically identified as a project component or requested by the project applicant.</p> <p>In consideration of the above discussion and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>GG-15</p>	<p><i>The comment states that the DEIR does not study overhead power lines as an alternative or review the presence of power lines as a fire risk or visual impact.</i></p> <p>RESPONSE:</p> <p>See response to comment GG-14. The commenter does not demonstrate that the proposed Plan would either create significant impacts or be subject to significant impacts, utilizing the CEQA thresholds set forth within the EIR impact analysis. Any existing power lines within the Plan area would be a part of the Plan's existing setting; any associated fire risk or visual impacts on the Plan caused by existing overhead power lines would be a part of the CEQA baseline and need not be further analyzed within this EIR.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>GG-16</p>	<p><i>This comment states that the DEIR incorrectly cites Corral Canyon Park trailhead, which has been renamed to Sara Wan Trailhead prior to the release of the DEIR for public comment.</i></p>

	<p>RESPONSE:</p> <p>The commenter correctly identifies that the Corral Canyon Park Trailhead was renamed in October 2009 in honor of Sara Wan. The name of the trailhead does not affect the environmental analysis of the proposed Plan and no revision of the DEIR would be required.</p>
<p>GG-17</p>	<p><i>This comment states that the proposed restrooms and waste water treatment system are not consistently discussed throughout the Project Description and the DEIR. The comment also states that the proposed restrooms meet the definition of onsite wastewater treatment systems, and would therefore, be subject to LIP Chapter 18. The comment also asserts that the DEIR did not explain how waste would be managed.</i></p> <p>RESPONSE:</p> <p>As indicated in the DEIR Section 2.0, <i>Project Description</i>, and described and analyzed within the impacts discussion in Section 5.16, <i>Utilities/Service Systems</i>, with the exception of restrooms facilities at Ramirez Canyon Park (See, GG 18), all proposed restrooms will be self-contained chemical toilets. On-site chemical toilets do not meet the definition of an on-site wastewater treatment system (OWTS). The DEIR requires consultation with the Los Angeles Regional Water Quality Control Board (LARWQCB) relative to the permitting and/or expansion of the existing OWTS at Ramirez Canyon Park.</p> <p>With respect to Malibu LIP Chapter 18, the addition of the three new restrooms connected to the existing alternative sewage disposal system at Ramirez Canyon Park are not anticipated to require new advanced septic treatment or conventional septic systems. However, an increase in the intensity of use/ demand of the existing systems would be associated with Plan implementation. Section 18.4 (a) of the City of Malibu’s LCP Local Implementation Plan (LIP) requires that an intensity of use of existing sewage disposal systems be consistent with requirements of the LARWQCB, which require all tertiary treatment facilities to prepare and submit annual monitoring/maintenance reports. LARWQCB review and approval would be necessary to ensure compliance with LARWQCB wastewater discharge requirements for the Ramirez Canyon Park sewage treatment and disposal systems and would comply with LIP Section 18.4(a). Therefore, as identified in Section 5.16, <i>Utilities/Service Systems</i>, the DEIR</p>

	<p>includes Mitigation Measure US-3 to ensure that LARWQCB reviews and approves waste discharge requirements for the Ramirez Canyon Park wastewater system(s).</p> <p>The existing state-of-the-art alternative wastewater treatment and recycled water system currently serving the Ramirez Canyon Park provides secondary treatment, filtering and disposal of the effluent for reuse in subsurface landscape irrigation. The highly treated effluent is pumped to a terraced orchard area onsite for subsurface irrigation. The existing wastewater treatment system at Ramirez Canyon Park can effectively receive and treat the effluent that would be generated by a 200-person event (the maximum proposed event size), and would be supplemented by portable self-contained restrooms when necessary. Existing septic systems at the Art Deco House and Caretaker’s residence, proposed for small group gatherings/ tours use and on-site employee (& family) residential use, respectively, are currently performing adequately; no increase in maintenance or service is anticipated.</p> <p>The Plan includes a comprehensive maintenance plan for the proposed park and trail facility improvements (see Section 2.3.5, <i>Project Description</i>). Under the Plan’s maintenance plan, the self-contained chemical restroom tanks are proposed to be pumped at least once per month (note: the restrooms would be inspected during maintenance and cleaning; maintenance 5-7 times per week and cleaning 3 times per month), restroom overflow due to capacity concerns is, therefore, considered highly improbable.</p> <p>The Plan includes Water Quality Implementation Measures 5 thru 8 that require proper maintenance/monitoring to ensure impacts to water quality would be avoided.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>GG-18</p>	<p><i>This comment addresses onsite wastewater treatment discussion within Section 5.16, Utilities and Service Systems, and states that the expansion of wastewater system capacity is under the City of Malibu’s jurisdiction and subject to the requirements of LIP Chapter 18. This comment further states that the EIR analysis of the impacts associated with expansion of existing wastewater system is incomplete due to missing information in Appendix M and requests additional information.</i></p>

RESPONSE:

This comment incorrectly interprets the City of Malibu's jurisdiction with respect to the onsite septic systems located on state property within Ramirez Canyon Park. As noted in Section 5.16, *Utilities/Service Systems*, the Los Angeles Regional Water Quality Control Board (LARWQCB) regulates water quality in southern California in accordance with the State Water Resources Control Board Water Quality Control Plan or "Basin Plan". The LARWQCB has jurisdiction over public and private sewage disposal systems and is the permitting authority to protect and preserve water quality in the area. However, LARWQCB delegates its permitting authority to the City of Malibu for residential and small commercial projects that generate less than 2,000 gallons per day, but MRCA/ Conservancy properties, as state facilities, fall under LARWQCB permitting authority.

Furthermore, no new septic systems are proposed as part of the Plan. All new restrooms proposed as part of the Plan would be self-contained chemical restrooms, with the exception of three proposed restrooms at Ramirez Canyon Park. These three restrooms would be connected to an existing state-of-the-art alternative wastewater treatment and recycled water system currently serving the Ramirez Canyon Park uses. The existing wastewater treatment system at Ramirez Canyon Park can effectively receive and treat the effluent that would be generated by a 200-person event (the maximum proposed event size) (Questa, 2000), and would be supplemented by portable self-contained restrooms when necessary.

Moreover, the addition of the three new restrooms connected to the existing alternative sewage disposal system at Ramirez Canyon Park are not anticipated to require new advanced septic treatment or conventional septic systems. However, an increase in the intensity of use/ demand of the existing systems would be associated with Plan implementation. Section 18.4 (a) of the City of Malibu's LCP Local Implementation Plan requires that an intensity of use of existing sewage disposal systems be consistent with requirements of the LARWQCB, which require all tertiary treatment facilities to prepare and submit annual monitoring/maintenance reports. LARWQCB review and approval would be necessary to ensure compliance with LARWQCB wastewater discharge requirements for the

	<p>Ramirez Canyon Park sewage treatment and disposal systems. Therefore, as identified in Section 5.16, <i>Utilities/Service Systems</i>, the DEIR includes Mitigation Measure US-3 to ensure that LARWQCB reviews and approves waste discharge requirements for the Ramirez Canyon Park wastewater system(s).</p> <p>Lastly, <i>Appendix M</i> was included in the DEIR as a placeholder should additional hydro-geological or wastewater analysis be necessary as part of the FEIR. The DEIR did not rely upon any new technical reports, and therefore, did not reference <i>Appendix M</i> in the DEIR. As a result, there is no missing information.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
GG-19	<p><i>This comment states that the discussion of the Plan’s impacts, in general, is deficient, including the analysis of impacts associated with special uses permitted within the parklands by the Executive Officer.</i></p> <p>RESPONSE:</p> <p>See response to comment GG-2.</p>
GG-20	<p><i>This comment states that the DEIR consistency analysis is flawed as it relies on the Overlay, which is uncertain given the pending litigation.</i></p> <p>RESPONSE:</p> <p>The Los Angeles Superior Court will provide resolution to the legal objections to the Overlay raised by the City of Malibu and the Fund its deliberations on Case No. BS 12650. The Court has not acted to prevent the Conservancy/Board from preparing CEQA environmental documentation for the Plan. The Conservancy/MRCA, as joint lead agencies, are properly exercising their duties to conduct environmental review for a project being considered under their jurisdiction. As comments related to the DEIR should be focused on the potential environmental consequences of implementing the project, no further response relative to the propriety of the Plan’s consideration or the related CEQA proceedings is warranted by the Conservancy/ MRCA at this time.</p> <p>DEIR Section 4.0, <i>Consistency with Plans & Policies</i>, and the policy</p>

	<p>consistency analysis contained within the Modified Redesign Alternative Public Works Plan, include a detailed consistency analysis of the project with all applicable policies of the City of Malibu LCP, including but not limited to, the Malibu Parks Public Access Enhancement Plan Overlay. Ultimate findings of policy consistency will be determined by co-lead agencies (MRCA/ Conservancy), as well as by the California Coastal Commission, as part of any project approval.</p> <p>In consideration of the above discussion and the policy consistency analysis contained in the Modified Redesign Alternative Public Works Plan, no revisions to the DEIR would be required.</p>
<p>GG-21</p>	<p><i>This comment states that the proposed Plan development of campsites and support structures would be inconsistent with LIP Chapter 4, which prohibits development within ESHA. This comment also states that the Bolsa Chica decision confirmed that the Coastal Act requires that ESHA be avoided and buffered from development impacts and that providing mitigation is not sufficient justification for allowing development with avoidable impacts to ESHA. This comment concludes that the proposed development is not permitted in ESHA pursuant to the Malibu LCP and that no mitigation would reduce significant impacts to a less than significant condition.</i></p> <p>RESPONSE:</p> <p>Please see response to comment GG-7 relative to permitted development and uses in ESHA. The DEIR Section 4.0, <i>Consistency with Plans and Policies</i>, and the policy consistency analysis for the Modified Redesign Alternative Public Works Plan provide detailed analysis explaining how the proposed project improvements and design measures would be consistent with Coastal Act and certified Local Coastal Program policies relative to ESHA, including analyzing project features for consistency with policies which limit uses in ESHA to resource dependent uses and require buffers from ESHA.</p> <p>The Bolsa Chica decision cited by the commentor is not applicable to the proposed project. The Bolsa Chica case held that a residential use is not a resource dependent use, and therefore is not permitted in ESHA. The proposed project does not include residential uses that would impact ESHA.</p> <p>Where resource-dependent Plan improvements would result in unavoidable impacts to ESHA, mitigation measures have been identified to</p>

	<p>fully mitigate all impacts to less than significant levels (See DEIR Section 5.4, <i>Biological Resources</i>).</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>GG-22</p>	<p><i>This comment states that the proposed uses at the Latigo site, with the exception of trails, would be inconsistent with the RR-10 zoning designation and would not be permitted under the Overlay. The commenter also expresses that the inclusion of this project appears to be a throw-a-way component of the Plan.</i></p> <p>RESPONSE:</p> <p>DEIR Section 4.0, <i>Consistency with Plans & Policies</i>, and Section 5.11, <i>Land Use</i>, include detailed consistency analysis of the project with all applicable policies of the City of Malibu LCP, including but not limited to, land use and zoning designation for the Latigo property and the Malibu Parks Public Access Enhancement Plan Overlay. The DEIR policy consistency analysis appropriately concludes that the proposed improvements and uses at the Latigo property are consistent with the LCP. The following discussion is provided in response to the commenter’s information requests / identified concerns, and has been incorporated into the policy consistency analysis for the Modified Redesign Alternative Public Works Plan:</p> <p>While the Latigo property is designated and zoned residential, the Plan includes park and recreation improvements for parklands owned by the Conservancy/MRCA, which according to policy 2.7 are permitted uses in all land use and zoning designations. In addition, because the Latigo property is specifically included in and subject to the provisions of the Overlay, all improvements and uses permitted pursuant to Land Use Plan policy 5.71 (trails, camp facilities, public outreach and educational programs and/or related support facilities) are allowable uses for the Latigo property irrespective of its residential land use designation and zoning.</p> <p>In consideration of the above discussion and the policy consistency analysis for the Modified Redesign Alternative Public Works Plan, no revisions to the DEIR would be required.</p>
<p>GG-23</p>	<p><i>This comment states that the proposed Plan would be inconsistent with the provisions of the Coastal Act including Section 30240, requiring protection of ESHA, and Section 30010, prohibiting the taking of private property. This comment further states that under Section 30010, development adjacent to</i></p>

ESHA is required to be sited and designed to prevent impacts to ESHA and that development be compatible with the continuance of the habitat areas.

RESPONSE:

The DEIR Section 4.0, *Consistency with Plans and Policies*, and policy consistency analysis for the Modified Redesign Alternative Public Works Plan provide detailed analysis explaining how the proposed project improvements and design measures would be consistent with Coastal Act and certified Local Coastal Program policies relative to ESHA, including analyzing project features for consistency with policies which limit uses in ESHA to resource dependent uses, and those policies that require new development to be sited and designed so as to prevent impacts to ESHA and such that new development be compatible with the continuance of the habitat areas.

The proposed project does not raise issue with Coastal Act Section 30010 as the project will not result in the taking or damaging of private property for public use without the payment of just compensation. Chapter 2, Section 2.0, of the Public Works Plan (*DEIR Appendix C*) specifically addresses private property included in the Plan area and confirms there would be no taking or damaging of private property for public use without the payment of just compensation:

"...private property included in the Plan area consists only of those properties containing existing trail and open space Offers To Dedicate (OTDs) and subject to the trail segments depicted on the Local Coastal Program - City of Malibu Park Lands Map 6, and Figure 7 of this Plan, or such trail easements that may be purchased from willing sellers, dedicated to public use as part of the entitlement process, donated by a private landowner in the future or acquired through eminent domain. Eminent domain will be considered as a last resort when all other methods have failed (negotiation, etc.) and where a critical connection must be acquired to ensure the functionality of the trail system.

Neither the Santa Monica Mountains Conservancy nor the Mountains Recreation and Conservation Authority have land use regulatory or zoning power. No entity must obtain a permit or other entitlement from the Santa Monica Mountains Conservancy or Mountains Recreation and Conservation Authority to develop private property. Inclusion of a privately owned parcel within the Plan area does not mean that the Santa Monica Mountains Conservancy has any land use

	<p><i>regulatory or zoning control over that property. Land use regulation and zoning control over private property will remain unaffected by the Plan and will remain with the City of Malibu, County of Los Angeles, and/or California Coastal Commission, as the case may be.”</i></p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>GG-24</p>	<p>This comment states that the DEIR does not provide a clear breakdown or analysis of ESHA impacts associated with the proposed non-resource dependent uses (i.e., camp hosts, fire shelters, fire truck sheds). This comment also states that the DEIR does not specify how much fuel modification is required for such uses</p> <p>RESPONSE:</p> <p>See response to Comment GG-27.</p>
<p>GG-25</p>	<p><i>This comment states that the proposed Plan is not consistent with the City’s certified LCP LUP, including LUP Policy 3.9, which requires that accessways and trails located within or adjacent to ESHA shall be sited to minimize impacts to ESHA. This comment states that the amount of landform alteration for the proposed trails and improvements has not been shown to be the least environmentally damaging alternative.</i></p> <p>RESPONSE:</p> <p>The DEIR Section 4.0, <i>Consistency with Plans and Policies</i>, analyzes the Plan’s consistency with LUP Policy 3.9 and other ESHA protection policies of the Coastal Act and LCP and notes that, although trails are a resource-dependent use and are permitted in environmentally sensitive habitat areas (ESHA), proposed trails have been located and designed to avoid or minimize impacts to ESHA by utilizing established trail corridors, following natural contours, and avoiding naturally vegetated areas with significant native plant species to the maximum extent feasible. In addition, as illustrated on the Public Works Plan Proposed Trail Map and site-specific conceptual project plans, the proposed Plan incorporates a number of existing trail corridors, trail corridors previously evaluated for the Draft Santa Monica Mountains National Recreation Area Interagency Trail Management Plan, the City of Malibu LCP and the City of Malibu Trail Master Plan, and analyzes alternative trail alignments to minimize potential conflicts with sensitive habitat, adjacent neighborhoods and/or steep</p>

terrain. As discussed in the policy consistency analysis, where trail construction will result in unavoidable impacts to ESHA, mitigation measures have been identified to fully mitigate all impacts to less than significant levels.

With respect to proposed improvements at the Conservancy's Malibu Bluffs property, such improvements would not result in impacts to ESHA from non-resource dependent uses. The park entrance road for Parking Area 3 would result in very minor encroachment into an isolated patch of laurel sumac / California sagebrush vegetation located adjacent to Pacific Coast Highway. Analysis of site-specific biological data concludes that the area does not meet the definition of an ESHA. This area is 0.56 acre and supports laurel sumac scrub and California sage brush vegetation, which is situated as a linear, isolated area located directly adjacent to Pacific Coast Highway. The northerly portion of the area is located in the Pacific Coast Highway right-of-way and, unlike the majority of the Malibu Bluffs property, there is no natural berm that provides a topographic separation of this area from activities occurring along the highway corridor. Due to its isolated nature and linear location directly adjacent to the highway in an area that is subject to ongoing disturbance, the area is not considered part of the larger laurel sumac scrub and California sage brush community the occurs on Malibu Bluffs. No special-status plant or wildlife species were recorded in this area during biological resource surveys conducted in 2009 and 2010. Further, given its isolated nature and the fact that its consistently subject to a high level of disturbance, the area likely does not provide habitat for special-status plant and wildlife species nor provide essential wildlife movement corridors or critical ecological linkages in the area. Therefore, this 0.56-acre patch of laurel sumac scrub and California sage does not meet the City's definition of ESHA as it does not support plants or wildlife that are particularly rare or valuable and which could be easily disturbed or degraded by human activities and development. As there are no other alternative locations which could accommodate the entrance road, and the improvements are located and designed so as not to impact ESHA, with implementation of appropriate mitigation measures identified in the FEIR, the entry road improvements for Parking Area 3 are consistent with applicable LCP policies relative to ESHA buffers (policies 3.23- 3.30).

Based upon the above discussion, no revision of the DEIR would be required.

<p>GG-26</p>	<p><i>Based on the NOP response letter from Suzanne Goode, California Department of Parks and Recreation, this comment states that the EIR should include alternatives that allow for a less intensive use of the park, including concentrated campsite locations and elimination of trails, which would allow for greater habitat restoration opportunities.</i></p> <p>RESPONSE:</p> <p>In response to both oral and written comments, a new Modified Redesign Alternative has been proposed for consideration and adoption by the Conservancy/MRCA. Under this alternative, concentrated campsites have been developed through a clustering of campsites limited primarily to two parks: Corral Canyon Park and the Malibu Bluffs Conservancy Property. Further, under this alternative, no campsites are proposed at Escondido Canyon Park, the Latigo Trailhead Property and remote camping locations have been removed from Ramirez Canyon Park.</p> <p>This comment does not identify an inadequacy in the analysis, conclusions or mitigation measures in the EIR. Therefore, no revision of the DEIR would be required. Please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.</p>
<p>GG-27</p>	<p>This comment states that the proposed Plan is not consistent with the City’s certified LCP LUP, including LUP Policy 3.27, as the Plan would require fuel modification within coastal sage scrub and chaparral ESHA. This comment also states that the Plan would be inconsistent with the ESHA buffer and setback requirements under Policy 3.27.</p> <p>RESPONSE:</p> <p>Please see response to comment GG-7 relative to permitted development and uses in ESHA. With respect to City of Malibu LUP Policy 3.27, this Policy states: “Habitat restoration and invasive plant eradication may be permitted within required buffer areas if designed to protect and enhance habitat values.” Biological mitigation includes, among other items, restoration of areas designated ESHA or areas that could achieve ESHA designation once enhancement/restoration occurs. The Plan, including biological mitigation programs, is therefore consistent with Policy 3.27.</p> <p>In addition, the following discussion is provided in response to the</p>

commentors' identified concerns, and has been incorporated into the policy consistency analysis for the Modified Redesign Alternative Public Works Plan:

"The FEIR includes site specific mapping of proposed improvements and associated impacts which demonstrates that throughout the Plan area, site specific environmental analysis has found that proposed park facility improvements and associated fuel modification would not result in unpermitted development impacts to sensitive habitats. Impacts to ESHA have been limited to the Plan's resource dependent uses (trails, low-impact camp areas, and Ramirez Canyon Creek enhancement/restoration) and, as detailed in the BTR and FEIR analysis, all impacts will be appropriately mitigated pursuant to the Malibu Parks Public Access Enhancement Plan – Habitat Mitigation Program, which provides for 3:1 mitigation (3 acres of mitigation for each acre of impact) for all ESHA impacts and will establish native habitat within the Malibu and Santa Monica Mountains area of the Coastal Zone (see additional discussion of mitigation in following discussions).

Ramirez Canyon Park

Kanan Dume Parking Areas

Proposed parking improvements at Kanan Dume limits all direct parking area development footprints to within the disturbed, informal parking area footprints that currently exist in these locations. The project also limits fuel modification requirements around the parking areas to 10 ft. consistent with LACFD requirements. Very minor encroachment into bigpod ceanothus chaparral areas would result from the 10 ft. fuel modification requirements associated with Parking Areas 1 and 2. These minor parking area fuel modification encroachments would be limited to within an area likely already subject to vegetation management and fuel modification requirements that would typically apply to public roads and/or existing parking areas. City of Malibu Land Use Plan 3.1, ESHA Designation, specifically exempts areas subject to fuel modification activities as follows: "*Existing, legally established agricultural uses, confined animal facilities, and fuel modification areas required by the Los Angeles County Fire Department for existing, legal structures do not meet the definition of ESHA.*" As such, although Parking Areas 1 and 2 fuel modification requirements will result in minor encroachments into bigpod ceanothus chaparral vegetation, these affected

areas are likely subject to current fuel modification activities and are therefore not considered ESHA under the Malibu LCP or the Coastal Act. In addition, as the proposed parking areas consist of improvements to an existing and disturbed development footprint, and because there are no other alternative locations which could accommodate the proposed parking improvements and the improvements are located and designed so as not to impact ESHA, with implementation of appropriate mitigation measures identified in the FEIR, the proposed parking improvements are consistent with applicable LCP policies relative to ESHA buffers (policies 3.23- 3.30).

Via Acero Road Improvements

City of Malibu Local Implementation Plan policy 3.4.2.D.II.b.iv. requires the following in connection with the Public Works Plan: *“Opportunities for additional emergency ingress/egress to and from Kanan Dume Road over Via Acero shall be explored, including the potential for feasibly obtaining easements from willing property owners or by eminent domain. Construction of an additional emergency ingress/egress at Ramirez Canyon may occur consistent with all applicable policies and provisions of the LCP. This policy is not intended to limit the use of, or access to, Ramirez Canyon Park via Ramirez Canyon Road. The Conservancy/MRCA are required to pursue options for additional emergency ingress/egress to and from Kanan Dume Road over Via Acero to and from Ramirez Canyon. The certified LCP specifically requires that this project component be explored and, as such, this component of the project has been appropriately included and analyzed in the FEIR. As there appears to be a conflict between the coastal access, recreation, and ESHA protection policies of the Coastal Act and LCP, the Via Acero road improvements may be found consistent with these applicable policies because the proposed road improvements would, on balance, improve conditions for coastal resources subject to LCP policy mandate by improving emergency ingress/egress into Ramirez Canyon and enhancing public access and recreation opportunities at Ramirez Canyon Park.*

Ramirez Canyon Road Widening

The project includes minor road improvements to Ramirez Canyon Road/Delaplane to improve emergency access for the Ramirez Canyon neighborhood. Very minor encroachment into California sycamore-coast live oak and coast live oak areas would result from the Ramirez Canyon

Road widening improvements. These minor road widening encroachments would be limited to within disturbed areas already subject to fuel modification requirements associated with surrounding residential uses on both sides of the road. City of Malibu Land Use Plan 3.1, ESHA Designation, specifically exempts areas subject to fuel modification activities as follows: “Existing, legally established agricultural uses, confined animal facilities, and fuel modification areas required by the Los Angeles County Fire Department for existing, legal structures do not meet the definition of ESHA.” As such, although the road widening would result in minor encroachment into California sycamore-coast live oak and coast live oak areas, these affected areas are already subject to current fuel modification activities and are therefore not considered ESHA under the Malibu LCP or the Coastal Act. In addition, as the proposed road widening improvements consist of improvements to an existing and disturbed development footprint, and because there are no other alternative locations which could accommodate the road widening improvements, and the improvements are located and designed so as not to impact ESHA, with implementation of appropriate mitigation measures identified in the FEIR, the proposed road improvements are consistent with applicable LCP policies relative to ESHA buffers (policies 3.23- 3.30).

Latigo Trailhead

Parking and Camping Emergency Fire Shelter Improvements-ESHA

The project includes a single, supervised camp area (no emergency fire shelter is required), reduced parking area and day-use picnic areas for the Latigo property. Proposed parking improvements, the only non-resource dependent use proposed on the site, would be located in a disturbed area and outside of all mapped ESHA on the property. In addition, as the proposed parking improvements consist of improvements to an existing and disturbed development footprint, and because there are no other alternative locations which could accommodate the parking area, and the improvements are located and designed so as not to impact ESHA, with implementation of appropriate mitigation measures identified in the FEIR, the proposed parking improvements are consistent with applicable LCP policies relative to ESHA buffers (policies 3.23- 3.30).

Corral Canyon Park

Employee/Camp Host Quarters and Fire Truck Shed

Fuel modification associated employee/camp host quarters and fire truck shed improvements at Corral Canyon Park would be limited to areas already subject to fuel modification requirements associated with the adjacent restaurant and RV facility. City of Malibu Land Use Plan 3.1, ESHA Designation, specifically exempts areas subject to fuel modification activities as follows: *“Existing, legally established agricultural uses, confined animal facilities, and fuel modification areas required by the Los Angeles County Fire Department for existing, legal structures do not meet the definition of ESHA.”* As such, although fuel modification associated employee/camp host quarters and fire truck shed will result in encroachment into native vegetation areas, these affected areas are already subject to current fuel modification activities and are therefore not considered ESHA under the Malibu LCP. In addition, as the proposed employee/camp host quarters and fire truck shed improvements consist of improvements to an existing and disturbed development footprint (and existing, paved parking area), and because there are no other alternative locations which could accommodate the improvements, and the improvements are located and designed so as not to impact ESHA, with implementation of appropriate mitigation measures identified in the FEIR, the employee/camp host quarters and fire truck shed improvements are consistent with applicable LCP policies relative to ESHA buffers (policies 3.23- 3.30).

Malibu Bluffs

Proposed improvements at Malibu would not result in impacts to ESHA from non-resource dependent uses. The park entrance road for Parking Area 3 would result in very minor encroachment into an isolated patch of laurel sumac / California sagebrush vegetation located adjacent to Pacific Coast Highway. Analysis of site-specific biological data concludes that the area does not meet the definition of an ESHA. This area is 0.56 acre and supports laurel sumac scrub and California sage brush vegetation, which is situated as a linear, isolated area located directly adjacent to Pacific Coast Highway. The northerly portion of the area is located in the Pacific Coast Highway right-of-way and, unlike the majority of the Malibu Bluffs property, there is no natural berm that provides a topographic separation of this area from activities occurring along the highway corridor. Due to its isolated nature and linear location directly adjacent to the highway in an area that is subject to ongoing disturbance, the area is not considered part

	<p>of the larger laurel sumac scrub and California sage brush community the occurs on Malibu Bluffs. No special-status plant or wildlife species were recorded in this area during biological resource surveys conducted in 2009 and 2010. Further, given its isolated nature and the fact that its consistently subject to a high level of disturbance, the area likely does not provide habitat for special-status plant and wildlife species nor provide essential wildlife movement corridors or critical ecological linkages in the area. Therefore, this 0.56-acre patch of laurel sumac scrub and California sage does not meet the City’s definition of ESHA as it does not support plants or wildlife that are particularly rare or valuable and which could be easily disturbed or degraded by human activities and development. As there are no other alternative locations which could accommodate the entrance road, and the improvements are located and designed so as not to impact ESHA, with implementation of appropriate mitigation measures identified in the FEIR, the entry road improvements for Parking Area 3 are consistent with applicable LCP policies relative to ESHA buffers (policies 3.23- 3.30). “</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
GG-28	<p>This comment addresses a perceived inadequacy regarding the review of potential impacts associated with expansion of the wastewater treatment facility for the Ramirez Canyon Park site, and possible encroachment of the system expansion into the ESHA setback.</p> <p>RESPONSE:</p> <p>No expansion of the existing wastewater treatment facility for Ramirez Canyon Park is anticipated with the improvements proposed in the Plan. The additional three restrooms would be connected to the existing system which can effectively receive and treat effluent that would be generated by a 200-person event (the maximum proposed event size).</p> <p>Moreover, the addition of the three new restrooms connected to the existing alternative sewage disposal system at Ramirez Canyon Park are not anticipated to require new advanced septic treatment or conventional septic systems. However, an increase in the intensity of use/ demand of the existing systems would be associated with Plan implementation. Section 18.4 (a) of the City of Malibu’s LCP Local Implementation Plan requires that an intensity of use of existing sewage disposal systems be consistent</p>

	<p>with requirements of the LARWQCB, which require all tertiary treatment facilities to prepare and submit annual monitoring/maintenance reports. LARWQCB review and approval would be necessary to ensure compliance with LARWQCB wastewater discharge requirements for the Ramirez Canyon Park sewage treatment and disposal systems. Therefore, as identified in Section 5.16, <i>Utilities/Service Systems</i>, the DEIR includes Mitigation Measure US-3 to ensure that LARWQCB reviews and approves waste discharge requirements for the Ramirez Canyon Park wastewater system(s).</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>GG-29</p>	<p>This comment states that the proposed Plan is not consistent with the City’s certified LCP LUP, including LUP Policy 3.51, which requires that disturbed ESHA areas shall not be further degraded, and if feasible, restored. This comment further states that reducing the trail network footprint would increase the chance for ESHA to be revegetated to its natural state.</p> <p>RESPONSE:</p> <p>Please see response to comment GG-7 and GG-27 relative to permitted development and uses in ESHA. Please note that pursuant to Malibu LUP Policy 3.1, fuel modification areas required by LACFD for existing legal structures do not meet the definition of ESHA.</p> <p>With regard to LUP Policy 3.51, the DEIR Section 4.0, <i>Consistency with Plans and Policies</i>, analyzes the Plan’s consistency with LUP Policy 3.51 and other ESHA protection policies of the Coastal Act and LCP and notes that the proposed Plan includes several measures to ensure that public park areas subject to degradation resulting from intense and/or unrestricted use are addressed and fully mitigated. These measures include: 1) revegetation of degraded areas with native plants, 2) trail consolidation and improvement, 3) provision of support facilities such as defined parking areas and trail corridors, trash and recycling receptacles, self-contained restrooms, picnic areas, and 4) provision of support facilities necessary for operations and maintenance personnel and associated maintenance equipment. The Plan includes a comprehensive Coastal Campgrounds and Trails Maintenance Plan for proposed trail and park improvements, and the existing structures of Ramirez Canyon Park have and will continue to</p>

	<p>provide a center within the Plan area for maintenance personnel and associated equipment storage necessary to sustain maintenance operations for the subject park areas. The Plan’s support facilities will ensure that adequate facilities are provided and maintained to manage public parking, trailhead, day-use and camp areas, to accommodate potential trash and waste generation at park areas, and to ensure that support necessary to support personnel and store equipment to maintain the park properties are provided. These measures will ensure that public use of the parklands is maximized in a way that maintains park areas and sensitive resources such that they remain desirable destination areas for visitors.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>GG-30</p>	<p><i>This comment states that the proposed Plan would be inconsistent with LUP 2.45 and the LACo LUP Policy 32, which prohibits the public use of motorized vehicles on trails.</i></p> <p>RESPONSE:</p> <p>There would be no public use of motorized vehicles allowed on existing or proposed trails in the Plan area with the exception that the Plan includes provisions for very limited motorized vehicular access for park personnel to support accessibility services and public safety.</p> <p>However, no other motorized vehicles would be allowed within the Plan Area. Although the Executive Director has the authority to issue special use permits for off-road vehicles, any use permit issued would require compliance with the PWP. As the PWP only allows for limited motorized vehicular access for park personnel, no other motorized vehicles would be allowed.</p> <p>No revisions to the DEIR would be required.</p>
<p>GG-31</p>	<p><i>This comment states that the Plan is inconsistent with LIP §13.6.2, Proof of Ownership or Owner's Consent, as the proposal to do improvements along Ramirez Canyon Road does not include the fee holders of the easements.</i></p> <p>Commentor's opinions relative to access and improvement rights for the proposed Plan uses associated with Ramirez Canyon Road are unsubstantiated. The Conservancy/MRCA believe that their proposed use and improvement of Ramirez Canyon Road is in accordance with their</p>

	<p>rights as an easement holder and is in accordance with well-established case law. The Conservancy/MRCA can sue to enforce their easement rights, exercise their right of eminent domain in a worst case scenario, and also pursuant to Public Resources Code Section 30804 “maintain an action to enforce the duties specifically imposed upon the (Coastal) commission...or any local government (City of Malibu) by this division (removal of unpermitted improvements).” Section 29177 – definition of “person” includes the state and any agency thereof (the SMMC) and any local government (the MRCA).</p> <p>Further, based on the Conservancy/MRCA’s easement holder status, it is fully consistent with LIP § 13.6.2(C) as it has a legal interest as an easement holder that is fully consistent with its proposed use and improvement of Ramirez Canyon Road.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>GG-32</p>	<p><i>This comment states that the DEIR fails to adequately analyze the visual impacts of the fire truck sheds, fire shelters, and cumulative loss of native vegetation.</i></p> <p>RESPONSE:</p> <p>DEIR, Section 5.1, <i>Aesthetic/Visual Resources</i>, analyzes project-specific and cumulative impacts with respect to structural development and the associated removal of vegetation associated with fuel modification buffers. Visual simulations for each Plan have been provided. The camp area improvements, including restrooms, emergency fire shelters and fire truck storage sheds have been designed to be clustered in specific locations that would not damage existing scenic resources (including minimizing impacts to surrounding vegetation); visibility from primary public viewing areas would also be minimized. Furthermore, camp facility improvements have been sufficiently setback on the marine terrace at Corral Canyon Park and the coastal bluff at Malibu Bluffs and would generally not be visible from the beach below or Pacific Coast Highway. The Plan’s improvements are minor in nature and would serve to provide additional public access and recreational opportunities to enjoy the substantial open spaces and visual resources afforded protection by the existing parklands in the Plan area.</p> <p>Table 5.4-7 summarizes the impacts to sensitive vegetation communities that are considered ESHAs. Impacts to native vegetation communities, as</p>

	<p>well as non-native vegetation communities are provided in the BTR, included as <i>Appendix H-1</i> to the DEIR in Tables 11–16. With respect to cumulative impacts to vegetation communities, the DEIR states the following: “As proposed, implementation of the proposed project in conjunction with other planned state, local, federal, and private projects in the project vicinity would result in the cumulative loss of biological resources in the region. Proposed campsites, trails, restrooms, and parking facilities would encroach into areas currently supporting natural habitats. However, it is envisioned that the provision of compensatory mitigation required as part of policies and implementation measures included in the PWP as well as mitigation identified in the BTR (<i>Appendix H-1</i>) would offset the adverse impacts resulting from the project by eradicating large expanses of non-native species from the area and designing a native plant palette that meets the needs of nesting and foraging resident and migratory avifauna, adequately mitigating cumulative effects on biological resources (page 5.4-140 of DEIR).”</p> <p>Since the project would result in the cumulative loss of biological resources in the region, but the impacts would be mitigated through the proposed biological mitigation measures, the same conclusion applies to potential visual impacts associated with cumulative loss of vegetation. Visual resource impacts associated with cumulative vegetation loss would be mitigated through the proposed biological mitigation measures.</p> <p>In consideration of the above discussion, no further revisions to the DEIR would be required.</p>
<p>GG-33</p>	<p><i>This comment suggests that proposed Mitigation Measure VIS 1-1, which requires use of colors compatible with the surrounding landscape fails in concept since the surrounding landscape must be removed for fire protection and fuel modification. The comment also states that without schematic plans for the proposed emergency shelters and fire truck sheds, it is not feasible to conclude that impacts would be less than significant.</i></p> <p>RESPONSE:</p> <p>As noted in Section 5.1, <i>Aesthetics/Visual Resources</i>, the proposed improvements would be sited and designed to minimize visibility consistent with the Plan’s Visual Resources Policies and Implementation Measures and Chapter 6 of the City of Malibu’s Local Implementation Plan, which includes Policy 6.13 that requires new development incorporate colors and</p>

	<p>exterior materials that are compatible with the surrounding landscape. The Plan includes use of the topography and dense vegetation of the area to naturally screen the areas from public views, and employ natural materials that blend with the surrounding earth materials and landscape. Despite the fuel modification requirements near the proposed structures as noted by the commenter, the location of most proposed improvements would not be visible from public viewpoints, and those that are visible are designed to minimize the potential for intrusion into the public viewshed.</p> <p>Furthermore, the proposed fire sheds and emergency shelters are located in previously disturbed areas where existing vegetation is minimal and would not provide visual screening. Therefore, the commenter's note that the use of color fails in concept since the vegetation surrounding the structures would be removed is inaccurate. As illustrated in Figure 5.6-8 the emergency shelter located at Corral Canyon Park Camp Area 2 is setback from the bluff in an area primarily vegetated with non-native grasslands. The use of appropriate colors would ensure that these structures blend, to the maximum extent feasible, into the surrounding landscape, particularly from public viewpoint along PCH.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>GG-34</p>	<p><i>This comment states that the visual impact of the new development has not been adequately considered and that a less than significant conclusion would not be appropriate. This comment further states that the visual simulations are inadequate as they are not shown in the context of the existing natural environment or shown from a public viewing spot, and that the southbound PCH vantage point is more appropriate than the simulated northbound view. This comment also states that the scenic impacts from Malibu Canyon Road have not been adequately considered.</i></p> <p>RESPONSE:</p> <p>The commenter did not consider the existing 15' high berm that exists along PCH adjacent to Malibu Bluffs along this portion of the project area, which provides a natural visual barrier of the fire truck sheds for southbound travelers on PCH. Similarly, the steep slopes along PCH near Corral Canyon Park also provide a natural visual barrier to the park and proposed improvements. The proposed fire truck shed at Corral Canyon Park would be located behind the existing restaurant, screening the shed</p>

	<p>from view for southbound travelers along PCH.</p> <p>The proposed project area is not visible from Malibu Canyon Road. The natural topography of the area visually obstructs views of the Plan area from Malibu Canyon Road. As a result, there would be no visual impacts from Malibu Canyon Road.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
GG-35	<p><i>This comment states that “Debutts Way” should be referred to as “Murphy Way,” on page 5.1-3 of the DEIR.</i></p> <p>RESPONSE:</p> <p>The commenter is correct. “Debutts Way” should be referred to as “Murphy Way” on page 5.1-3 of the DEIR.</p> <p>The above clarification does not alter the level of the impact as identified in the DEIR. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.</p>
GG-36	<p>This comment states that “Malibu Estates” should be referred to as “Malibu Country Estates,” on page 5.1-3 of the DEIR.</p> <p>RESPONSE:</p> <p>The commenter is correct. “Malibu Estates” should be referred to as “Malibu Country Estates“.</p> <p>The above clarification does not alter the level of the impact as identified in the DEIR. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.</p>
GG-37	<p><i>This comment states that “Key locations... designated by the City,” should reference “designated in the City’s certified LCP,” as stated on page 5.1-4 of the DEIR.</i></p> <p>RESPONSE:</p> <p>The commenter correctly specifies the document (i.e., the LCP) that the City of Malibu uses to designate certain public viewing areas as scenic. However, this specification does not alter the level of the impact as</p>

	<p>identified in the DEIR. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.</p>
GG-38	<p><i>This comment states that "Area roadways... are also considered Scenic Roads by the City of Malibu" should reference "are designated in the City's certified LCP," on page 5.1-15 of the DEIR.</i></p> <p>RESPONSE:</p> <p>Thank you for your comment. Please see response to comment GG-37.</p>
GG-39	<p><i>This comment asserts that the DEIR Section 5.1, Aesthetics and Visual Resources, incorrectly compares the restroom facility and water tank to a single-family structure. This comment also states that Section 5.1 fails to account for parking lot square footage.</i></p> <p>RESPONSE:</p> <p>The commenter misinterprets the intended comparison between the proposed restroom facilities and water tank and a single-family structure. The comparison provided was a visual comparison between the size of the proposed structures (e.g., restroom facilities and water tank) and a typical single-family home as to blocking views across the site, not a comparison between the type of development and their respective permitted footprints.</p> <p>The portion of the comment suggesting that Section 5.1 failed to account for the proposed parking lots at Escondido Canyon Park is incorrect. Impact VIS-1, under Section 5.1 Visual Resources, discusses the proposed improvements, stating that the proposed expanded parking facilities, camp and day-use areas, and hiking trails would transform this area of Escondido Canyon Park, from a view of a manufactured/ countered slope to a view of camping/ parking improvements; however, all of the improvements are located below grade from the public roadway, thereby minimizing any potential intrusion into the public viewshed of the area and north to the Santa Monica Mountains.</p> <p>Furthermore, the DEIR states that park-specific site design layouts utilize the most level portions of the park areas to minimize grading and landform alteration, and specifically utilize park areas presently screened from public views by natural topography and/or existing vegetation. Necessary grading would be designed to follow the natural contours of proposed</p>

	<p>improvement areas to minimize disturbed areas and timely vegetation restoration of disturbed areas with native plant species would minimize any potential visual impacts associated with grading.</p> <p>Finally, the Conservancy/MRCA has been presented with a Modified Redesign Alternative that eliminates all proposed campsites and new parking areas at Escondido Canyon Park. If selected as the project, this Modified Redesign Alternative would eliminate the various concerns detailed by the commenter with respect to Escondido Canyon Park.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>GG-40</p>	<p><i>This comment asserts that the DEIR incorrectly states that existing onsite ESHA would be improved visually by the introduction of a parking lot and restroom facility.</i></p> <p>RESPONSE:</p> <p>The DEIR does not state that existing ESHA would be improved visually by introduction of a parking lot and restroom facility. The DEIR states that although the proposed expanded parking facilities, camp and day-use areas, and hiking trails would transform this area of Escondido Canyon Park, from a view of a manufactured/ countered slope to a view of camping/ parking improvements, all of the improvements are located below grade from the public roadway, thereby minimizing any potential intrusion into the public viewshed of the area and north to the Santa Monica Mountains. In addition, most of the improvements are minor in scale (e.g., picnic tables, a drinking fountain, hose bibbs, a bike rack, and an information kiosk), with parking and tent camping occurring on a temporary basis. The only permanent structures associated with the proposed improvements at Escondido Canyon Park that have the potential to intrude into the public view are the restrooms, water tank, and emergency fire shelter, and each have been sited and designed to minimize their visibility from public viewpoints (see Figure 5.1-24).</p> <p>Finally, as detailed in the Modified Redesign Alternative, the Conservancy/MRCA has been presented with an alternative that would eliminate new parking and camping facilities at Escondido Canyon Park.</p>
<p>GG-41</p>	<p><i>This comment states that the DEIR does not demonstrate how it will comply with LIP Chapter 6 or provide the level of analysis to make the determination.</i></p>

RESPONSE:

The DEIR Section 4.0, *Consistency with Plans and Policies*, analyzes in detail the Plan's consistency with the visual resource protection policies of the Coastal Act, the County LUP and the City LCP, including applicable provisions of LIP Chapter 6, and finds the following:

"The Plan and associated improvements will not impact public views to or from the ocean, and will not be substantially visible from public viewing or otherwise degrade the scenic character of the Plan area. Proposed improvements are located in level areas to minimize grading and land form alteration, and within areas where existing vegetation and variations in terrain establish a natural buffer to minimize visibility of the improvements locations. Where necessary, planting efforts utilizing native vegetation will be implemented to provide additional buffer areas for new improvement areas to screen these areas from public views within park areas. These efforts will ensure compliance with LIP Chapter 6."

Further, under the Modified Redesign Alternative that is under consideration by the Conservancy/MRCA, the camp area improvements, including restrooms, fire shelters and fire truck storage sheds are designed to be clustered in specific locations that would not damage existing scenic resources and would not be highly visible from primary public viewing. Proposed camp areas are sufficiently setback from the marine terrace at Corral Canyon Park and the coastal bluff at Malibu Bluffs and would not be visible in the surrounding area from the beach below or Pacific Coast Highway. Proposed improvements at Malibu Bluffs would be visible from some locations on Pacific Coast Highway, however the improvements are designed to maintain existing bluewater views across the site.

In addition, the Plan and the Modified Redesign Alternative includes design features to ensure compatibility of the proposed improvements with the surrounding landscape. These features include installing restrooms, temporary fire shelters, water tanks and fire truck sheds with colors that are earth-toned, camouflage, or otherwise compatible with the existing landscape, and screening of structures and retaining walls for trail construction. Retaining walls be allowed only where required to support critical trail linkages on hillside terrain and where no other alternative route or method for trail support is available. Retaining walls would also

	<p>not exceed six feet; stepped or terraced retaining walls (up to twelve feet in height), with planting in between. All retaining walls would be designed with natural materials or would incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape.</p> <p>In addition, the following additional discussion is provided in response to the commenter’s identified concerns, and has been incorporated into the policy consistency analysis for the Modified Redesign Alternative Public Works Plan:</p> <p><u>“Finally, although the proposed Plan improvements are consistent with all applicable visual resource protection policies of the Coastal Act, City LCP and County LUP, Policy 6.8 of the City’s Local Implementation Plan directs that the proposed access and recreation improvements included in the Plan shall not be prohibited by application of the policies or standards of the LCP.”</u></p> <p>In consideration of the above discussion and the policy consistency analysis for the Modified Redesign Alternative Public Works Plan, no revisions to the DEIR would be required.</p>
<p>GG-42</p>	<p><i>This comment states that the EIR must assess the proposed Plan as it relates to an increase on public access/use in and around the City, including assessing TMDL regulations and implementation/monitoring measures mandated by the Federal CWA.</i></p> <p>RESPONSE:</p> <p>The following clarification language is provided (5.10.1 Setting) to include a description of current TMDL regulations as adopted by the Los Angeles RWQCB in 2008. There is an adopted TMDL for Malibu Creek watershed; however, neither the Plan Area nor any proposed park site improvements are located within the watershed of Malibu Creek. Portions of Santa Monica Bay are subject to an adopted TMDL for bacteria. As such, measures to address control of bacteria sources within the Plan area are appropriate, as identified in the DEIR, including MM HYD-8.</p> <p>Page 5.10-27, top of page (Federal Regulations, Regulatory Setting) has been clarified as follows:</p>

“Section 303 / 305 Impaired Waters (Porter-Cologne)

California adopts water quality standards to protect beneficial uses of state waters as required by CWA Sections 303 and 305 and the Porter-Cologne Water Quality Control Act of 1969 (Porter-Cologne). **The CWA requires states, territories, and authorized tribes to conduct an assessment of the quality of all their waters [Section 305(b)] and develop a list of those waters that are “impaired or threatened” [Section 303(d)]**~~Under Section 303(d) of the CWA, states, territories, and authorized tribes are required to develop a list of water quality limited segments. In California, the State Water Board develops the list of water-quality-limited segments, while the EPA holds approval authority for each state’s list.~~

Water bodies on the impaired list do not meet water quality standards, even after point sources of pollution have installed the minimum required levels of pollution control technology. Section 303(d) also establishes the **Total Maximum Daily Load (TMDL) process as a means of achieving compliance with**~~to guide the application of state water quality standards~~ **for impaired water bodies.**~~The TMDL process established to address these impairments is further described in below.~~ **For each impaired water body, a TMDL is identified for constituents (pollutants) that interfere with the identified beneficial uses of such water (i.e., recreation, drinking water, biological habitat, etc.), with the aim that enforcement of the TMDL will eventually improve water quality consistent with adopted standards and/or identified beneficial uses. Municipalities and landowners within the watersheds of impaired water bodies must implement storm water quality maintenance and monitoring plans to ensure compliance with the TMDL.**

The Plan Area as well as all of the component parks and trail system are in the geographic jurisdiction of the California Regional Water Quality Control Board, Los Angeles Region. The Los Angeles RWQCB most recently prepared a report that integrates the two CWA assessment efforts into one: 2008 Los Angeles Region 303(d)/305(b) Integrated Report (adopted July 2009). According to the 2008 303(d)/305(b) Integrated Report, Malibu Creek and Santa Monica Bay are listed as impaired water

	<p><u>bodies. Malibu Creek has TMDL identified for benthic-macro-invertebrate, coliform bacteria, fish barriers, invasive species, nutrients, scum, siltation, selenium, sulfates, and trash. Santa Monica Bay has a TMDL identified for debris, DDT, PCB, and sediment toxicity.</u></p> <p><u>The Plan Area, including all of the proposed park and trail sites, is located outside of the watershed for Malibu Creek. None of the drainages within the Plan Area, or watersheds serving the Plan Area, are listed as impaired water bodies in the 2008 303(d)/305(b) Integrated Report, Nor do the watersheds encompassing the Plan Area drain to Santa Monica Bay. Consequently, there is not a current mandate for adoption of a stormwater quality maintenance or monitoring program with regard to any adopted TMDL’s under the CWA, as identified in the 2008 303(d)/305(b) Integrated Report.”</u></p> <p>The above clarification does not alter the level of the impact as identified in the DEIR. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.</p>
<p>GG-43</p>	<p><i>This comment explains that the project area is currently not compliant with the Santa Monica Bay Bacteria TMDL and that as proposed activities could impact bacteria content in streams and the ocean, the responsible agency should implement projects to mitigate any stream and ocean contamination. This comment also states that the Plan should mitigate and monitor proposed activities, including removal of a vegetated area in Escondido Canyon that currently acts as a stormwater detention basin.</i></p> <p>RESPONSE:</p> <p>The Plan contains a specific mitigation measure addressing pet and horse wastes (MM HYD-8) which were identified in the DEIR as potentially significant. The discussion is expanded below to indicate bacteria are an existing issue with established TMDL, for Malibu Creek and Santa Monica Beach. The proposed parking area in Escondido Canyon, as with proposed parking areas in each park site, are subject to compliance with Water Quality Policy I and Water Quality Implementation Measure I which dictate appropriate design and inclusion of BMPs to intercept and treat run-off with potential petroleum contaminants, including monitoring of these systems.</p>

Page 5.10-47, third paragraph (Impact HYD-8) has been clarified as follows:

“In recognition of the importance of carefully controlling trash (as exemplified by the adopted TMDL governing trash and debris in Malibu Creek and Santa Monica Bay which are adjacent to the Plan Area), To prevent prevention of transport of trash transport off-site would be accomplished via MRCA would provide trash collection by MRCA at each park location on a weekly basis, and further, on as-needed basis during times of heavier park use. Trash and recycling would be collected by MRCA staff, utilizing pick-up trucks and/or small Cushman-style utility vehicles.”

Page 5.10-48, first paragraph (Impact HYD-8) has been clarified as follows:

“Pet and horse excrement could impact Plan streams without appropriate mitigation. **While none of the water bodies within the Plan Area are currently listed as impaired in the Los Angeles RWQCB 2008 303(d)/305(b) Integrated Report, bacteria is identified as a contaminant in Malibu Creek and on Santa Monica Beach. Therefore, sources which could contribute to elevated bacterial levels in local streams are recognized as an issue. The potential for elevated bacterial levels in Plan stream resulting from pet and horse wastes** Associated impacts would be *potentially significant*.”

Page 5.10-49, MM HYD-8 (Mitigation Measures) has been clarified as follows:

“MM HYD-8 Plan day use, camping areas, and trails shall be required to implement a pet waste program, which would entail installing pet waste dispensers and bags as well as posting signage in both Spanish and English. MRCA shall be required to refill the dispensers on a routine basis and be required to document the number of bags found abandoned. Signage shall include verbiage addressing the importance of proper disposal of pet waste as well as stating the jurisdictional authority’s ordinance section and fines associated with failure to comply with the ordinance. Offenders caught not using the bags shall be fined. If horsewaste is deposited less than 50 feet from the bottom of the low flow channel where a trail crosses a drainage, during patrols and maintenance activities **at a frequency of not less than once per week during camping season (approximately April**

	<p>I through November 1), MRCA staff will move the waste to a distance greater than 50 feet to allow for natural decomposition away from the drainage course. “</p> <p>The above clarification does not alter the level of the impact as identified in the DEIR. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.</p>
<p>GG-44</p>	<p><i>This comment states that the DEIR should discuss mitigation requirements for the baseline biological resources assessment as required by CWA, Section 305(b) (invasive plants and aquatic life), and include a commitment to plan development and monitoring as required in any new TMDL regulations.</i></p> <p>RESPONSE:</p> <p>In no case are invasive plants allowed to be introduced under the proposed Plan. To the contrary, the Plan includes restoration of a portion of Ramirez Canyon Creek including removal of existing invasive species. Routine maintenance of landscaping installed under the Plan would include removal of self-propagated invasive species. None of the water bodies within the Plan area are listed as impaired under the Los Angeles RWQCB 2008 303(d)/305(b) Integrated Report; nonetheless, MRCA and SMMC would comply with future TMDL regulations as they are promulgated and adopted by the Los Angeles RWQCB.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>GG-45</p>	<p>This comment states that the Bolsa Chica decision confirmed that the Coastal Act requires that ESHA be avoided and buffered from development impacts and that providing mitigation is not sufficient justification for allowing development with avoidable impacts to ESHA.</p> <p>RESPONSE:</p> <p>Please see Response to GG-21.</p>
<p>GG-46</p>	<p>This comment states that the Fire Hazards section of the DEIR is limited, incomplete, and attempts to obscure fire hazard conditions of the proposed project.</p> <p>RESPONSE:</p>

	<p>The Fire Hazards section of the DEIR is supported by the preparation of the project Fire Protection Plan and Focused Fire Protection Plans for each Park area. The project Fire Protection Plans identify the fire hazard conditions in the Plan area and provide greater detail regarding site hazard conditions and management guidelines intended to mitigate fire risk. Additionally, a Master Fire Protection Plan and Focused Fire Protection Plans for each park property are also included in the FEIR for the Modified Redesign Project Alternative.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>GG-47</p>	<p><i>This comment states that improper fuel model assignments were used in evaluating fire behavior for the project and quotes a recent study to justify this opinion.</i></p> <p>RESPONSE:</p> <p>The fuel models selected for evaluating fire behavior in the Plan area include representation from each of the currently available fuel model data sets (Anderson (1982), Scott and Burgan (2005), and Weise and Regelbrugge (1997)). Fire behavior calculations conducted in support of the Plan utilized three of the SCAL models for evaluating fire behavior in sage scrub, ceanothus, and manzanita vegetation types, while other chaparral vegetation types were assigned models from the Scott and Burgan (2005) set. The SCAL fuel models are appropriate for use in the Plan area and were developed specifically for southern California fuel types, with input from numerous fire and fuels specialists, including representatives from the Los Angeles County Fire Department. Further, the study referenced by the commenter (Stephens, S.L., et al. 2008) does not support an argument for using different fuel models for analysis in the Plan area, as this study 1) evaluated fire spread rates in chamise-dominated chaparral, 2) was focused in coastal <u>northern</u> California, 3) was burned under moderate weather conditions and 4) was burned within a prescribed burn environment, conditions dissimilar to those in the Plan area.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>GG-48</p>	<p><i>This comment states that a “surface rate of spread” analysis was not conducted for evaluating fire behavior potential and identifies two other fire protection documents that include this type of analysis. Additionally, the comment states</i></p>

that the surface rate of spread variable was excluded from the analysis conducted at the individual camp sites and that this variable is important in evaluating evacuation potential. The commenter also states that surface spread rates are critical to understanding evacuation capabilities and shelter in place strategies.

RESPONSE:

BehavePlus calculated surface spread rates for each of the modeling scenarios presented in the Focused Fire Protection Plans are presented in Table 3.1 below.

Table 3.1 Surface Rate of Spread Analysis Using Fall Weather Conditions and Maximum Wind Speeds (69 mph)

Park Name	Scenario	Rate of Spread (ft./min.)
Corral Canyon Park	1	385
Corral Canyon Park	2	382
Corral Canyon Park	3	658
Escondido Canyon Park	1	385
Escondido Canyon Park	2	660
Santa Monica Mountains Conservancy-Owned Malibu Bluffs	1	732
Santa Monica Mountains Conservancy-Owned Malibu Bluffs	2	382
Ramirez Canyon Park	1	380
Ramirez Canyon Park	2	480

The rates of spread vary up to approximately 8 mph (732 feet per minute) in the flashy fuels in Santa Monica Mountains Conservancy-Owned Malibu Bluffs Park. However, this spread rate is misleading as it relates to the flaming front. In reality, fire embers may be producing spot fires well ahead of the fire, especially under extreme weather conditions. Because the modeled spread rates are not indicative of a wind driven fire, the FPPs do not rely on them for fire safety measure application. While spread rates are important in site risk analysis, precautions are built into the fire protection plan(s) that directly mitigate the risk of a fast moving fire. Specifically, during Red Flag Warning periods for this area as declared by the National Weather Service (days where humidity is equal to or less than 15% and wind is greater than or equal to 25 mph sustained or gusting

	<p>to 35 mph), all parks will be closed to all recreational use. This does not preclude the possibility that fire can ignite and spread during non-Red Flag Warning Periods. It is situations like this that have lead to the Los Angeles County Fire Department requiring the "last resort" fire shelters at these camp locations. Should fires ignite nearby when campers are on site and evacuation/relocation from the site is not possible or is unsafe, campers would temporarily shelter in the provided fire structures while the fire front passed, then evacuate as directed by fire officials/law enforcement. Again, seeking shelter in a fire shelter is a last-resort contingency measure with early evacuation the top priority and an abundance of caution by removing people from the area on days when wildfire ignitions and spread are most likely.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>GG-49</p>	<p><i>This comment states that had BehavePlus analysis been incorporated, that surface spread rates at the Malibu Bluffs location would reach 630 feet/minute under extreme fire conditions and that spread rates would have been higher if the Anderson or Scott and Burgan fuel models had been used. Additionally, the comment states that a fire advancing from the north (Pacific Coast Highway) would be moving toward the campsites and that campers would need to run either toward the fire to access the fire shelter, or southward toward the bluffs resulting in a hazardous situation.</i></p> <p>RESPONSE:</p> <p>BehavePlus analysis was completed for each park area within the Focused Fire Protection Plans prepared for the project, and surface rate of spread calculations have been completed and are presented in the response to Comment GG-48 above. Maximum surface spread rates calculated for the Malibu Bluffs area reach 732 feet per minute in grassland fuels (modeled as a Fuel Model I (Anderson)), and 382 feet per minute in sage scrub fuels (modeled as a Fuel Model SCAL 18 (Weise and Regelbrugge)). This result is expected, as fire spread rates in dry grasses (Fuel Model I) are typically much higher than those in shrubland fuels. It should also be noted that although spread rates are higher in grassland fuels, flame lengths and heat output (fire intensity) are lower than fires burning in shrubland fuels.</p> <p>It is unclear which variables were used by the commenter to calculate spread rates at 630 feet per minute, as this result is unsupported by the</p>

	<p>analysis of surface rate of spread presented in the response to Comment GG-48 above, which utilized the same fire behavior input variables as presented in the project Focused Fire Protection Plans. Further, the comment regarding the use of Anderson or Scott and Burgan fuel models and their effect on surface spread rates failed to consider the fire behavior modeling inputs presented in the Malibu Bluffs Focused Fire Protection Plan. Specifically, maximum spread rates are observed in grassland fuels, which were already classified with an Anderson fuel model (Fuel Model 1). Further, evaluating surface spread rates in sage scrub vegetation by using alternative fuel models did not result in rates reaching 630 feet per minute, as presented by the commenter. Using fuel model 6 (Anderson) and fuel model SH2 (Scott and Burgan) to represent sage scrub fuels, surface rate of spread values are calculated at 175 feet per minute and 481 feet per minute, respectively, far lower than the 630 feet per minute stated by the commenter.</p> <p>The statement that a wildfire approaching the Malibu Bluffs site from the north would dictate that campers evacuate either toward the fire to access the fire shelter, or southward toward the bluffs fails to consider the fire protection measures included in the project Fire Protection Plan. Specifically, the scenario presented by the commenter indicates a Santa Ana wind-driven fire approaching from the north. Under any Red Flag Warning period (which includes Santa Ana events), all parks will be closed to all recreational use. Additionally, should a fire ignite during a non-Red Flag Warning period, when campers may be on site, early evacuation will be implemented before the fire threatens the Bluffs location. In the worst-case situation, where fire starts on or spots onto the Bluffs site while campers are present, there are several potential escape routes in addition to the site fire shelters. Depending on location and spread direction, evacuation may occur by foot to safer areas in any direction.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>GG-50</p>	<p><i>This comment states that surface rate of spread analysis is necessary to evaluate camper safety and should be provided and that a complete surface rate of spread analysis evaluation should be completed to determine if evacuation or shelter in place is more viable.</i></p> <p>RESPONSE:</p>

	<p>A surface rate of spread analysis using BehavePlus was completed and the results are included in the response to Comment GG-48 through 49 above. Also, as stated in the response to Comment GG-51 (below), fire spread rate is not always indicative of actual conditions and therefore mitigation measures have been designed for the project to negate affects of fire spread rates, including closure of all parks to all recreational use during Red Flag Warning periods. See the response to Comment GG-48 through 49 for a discussion of evacuation and shelter situations.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>GG-51</p>	<p><i>This comment states that the DEIR inadequately addresses whether camping is a safe activity relative to wildland fire risk and quotes statistics from the FRAP wildland fire database related to camping and unknown fire causes.</i></p> <p>RESPONSE:</p> <p>The use of the FRAP fire history data set is a valuable tool in evaluating fire return history and origination. The alternative interpretations of the data presented by the commenter, although unsupported by evidence, are noted. Typical campfire-originated wildfires are the result of illegal campfires (e.g. 2007 Corral Fire). As such, the risk associated with campfire ignitions has been addressed in the Fire Protection Plan and has been incorporated into the safety regulations outlined for all camp areas, which include a strict prohibition on campfires and all open flames at all times and the use of hospitality stations with fire safe shields to provide safe, non-flammable cooking surfaces for approved-camp stoves to be provided at all proposed camp areas. Further, fire history data was analyzed in the context of fire return history, and, as stated in the Fire Protection Plan, “fire return intervals range between I and II years, indicating significant recurring wildfire potential for the Plan area.” This hazard potential informed the development of the safety regulations and management guidelines included in the project Master Fire Protection Plan and Focused Fire Protection Plans aimed at the historical causes of wildfires in the Santa Monica Mountains and mitigating those causes in relation to the project.</p> <p>Finally, the Conservancy/MRCA has been presented with a Modified Redesign Alternative that reduces the number of campsites and limits camping to primarily two campsites: Corral Canyon Park and Malibu Bluffs</p>

	<p>Conservancy Property); this reduction in camp sites and inclusion of various additional restrictions address reduce the risk of fire hazard to an even greater degree. A Master Fire Protection Plan and Focused Fire Protection Plans for each park property are also included in the FEIR for the Modified Redesign Project Alternative.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>GG-52</p>	<p><i>This comment states that the DEIR relies heavily on the County of Los Angeles Fuel Modification Standard, which is directed toward structure protection, not life protection. Additionally, the comment states that the DEIR does not clarify which factors were considered in studying fuel modification requirements.</i></p> <p>RESPONSE:</p> <p>The County of Los Angeles Fuel Modification Plan Guidelines were developed as a result of analysis conducted by the Wildfire Safety Panel established by the County Board of Supervisors. According to the Fuel Modification Plan Guidelines, the mission of the Wildfire Safety Panel was to “enhance life safety concerns in Los Angeles County through the analysis and development of meaningful, cost-effective ways to improve fire safety.” One of the recommendations resulting from this mission was the development of the Fuel Modification Plan Guidelines. While their use provides for structure protection, stating that they were not developed with consideration for life protection is inaccurate.</p> <p>As outlined in the project Fire Protection Plan, fuel modification requirements were developed based on the evaluation of wildfire hazard variables, including topography, climate, fire history, vegetation/fuels, and results of fire behavior modeling. The project Fire Protection Plan identifies that Fuel Modification Plans will be prepared for the various Park improvements and will incorporate the fuel modification requirements outlined in the Fire Protection Plan. These plans will address site-specific vegetation, topography, and weather conditions in determining fuel reduction and maintenance standards. In summary, the fuel modification areas around the structures at Ramirez Canyon Park will be consistent with LA County guidelines. Since no other typical structures will be built, modified fuel modification areas are proposed that will provide buffers from camp areas and camp host accommodations to the nearest wildland fuels and larger buffers around the last-resort fire shelters and fire engine</p>

	<p>sheds.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
GG-53	<p><i>This comment states that the FlamMap landscape file used in evaluating fire behavior was not provided to allow for a verification of fire risk potential, specifically surface rate of spread, or the applicability of using fire shelters.</i></p> <p>RESPONSE:</p> <p>The FlamMap landscape file was made available to the City via ftp site transfer on March 18, 2010. Dudek was contacted by the City on March 23, 2010 (after the date of the comment letter), as the City was having difficulty downloading the available files. Due to these technical difficulties, a CD containing this data file was delivered to the City of Malibu on March 25, 2010. For a discussion on the comments regarding evacuation and shelter, please see the response to Comment GG-50 above.</p> <p>Additionally, it should be noted that the Conservancy/MRCA has been presented with a Modified Redesign Alternative that limits camping to two primarily campsites: Corral Canyon Park and Malibu Bluffs Conservancy Property. Both campsites are in close proximity to PCH to ensure access to the highway in the event of a fire emergency.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
GG-54	<p><i>This comment indicates that further fire behavior analysis is needed due to limited State resources and the history of State agencies filling obligations for public protection from wildland fire risk.</i></p> <p>RESPONSE:</p> <p>Additional fire spread rate calculations were prepared and analyzed, as presented in the response to Comment GG-50 above. As mentioned, these spread rates are irrelevant to the site risk assessment as a worst-case condition was assumed and that condition includes spotting well ahead of the flame front and a higher than calculated spread rate.</p> <p>The statement regarding State resources and the history of State agency wildfire protection is unclear. The Plan area is within the service area of</p>

	<p>the County of Los Angeles Fire Department, which maintains a contractual relationship with Cal Fire and utilizes the California Fire Plan within Los Angeles County as the primary wildland fire protection plan. .The commenter’s attempt to evaluate State-level involvement in a future wildland fire event is speculative. However, the combined fire fighting resources available for fires in this area include numerous agencies under automatic or mutual aid as well includes a very robust array of aircraft, apparatus, equipment and personnel.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>GG-55</p>	<p><i>This comment states that Table 5.6-1 does not provide a comprehensive history of fires within the City of Malibu.</i></p> <p>RESPONSE:</p> <p>Table 5.6-1 is not intended to be a comprehensive history of fires in the area, but a list of some of the more notable recorded fires in vicinity of the Plan area. Additionally, the proposed additions to the list in Table 5.6-1 do not alter the environmental analysis or conclusions contained in the DEIR regarding fire impacts.</p> <p>The above clarification to the DEIR does not alter the analysis provided in the DEIR. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.</p>
<p>GG-56</p>	<p><i>This comment addresses the rescission of the Winter Mesa Alquist-Priolo Special Studies Zone in a revised Map dated August 16, 2007.</i></p> <p>RESPONSE:</p> <p>The following clarification is provided concerning Geology discussion contained in the DEIR relative to the reference to the Winter Mesa Alquist-Priolo Zone.</p> <p>Page 5.7-4, fourth paragraph (Malibu Coast Fault Zone) has been clarified as follows:</p> <p>“Parts of the Malibu Coast fault are classified as active and are included within <u>an</u> Alquist-Priolo Special Studies Zone by the State of California. These-This zone occurs on Winter Mesa just west of the Civic Center and</p>

	<p>just west of Corral Canyon Park, beginning near the intersection of Pacific Coast Highway and Corral Canyon Road. This zone extends westward to the northern half of Escondido Canyon Park (Southwestern Engineering Geology, 2009).”</p> <p>The above clarification to the DEIR does not alter the analysis provided in the DEIR. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.</p>
GG-57	<p><i>This comment points out that Appendix J (Southwestern Geology technical reports) was omitted from the CD of the DEIR.</i></p> <p>RESPONSE:</p> <p>This omission appears to have been an isolated case, as file copies of the CD contain <i>Appendix J</i>. Nonetheless, the entire DEIR document (including <i>Appendix J</i>) was made available for the duration of the public review period on the MRCA and the Conservancy websites, through request at MRCA offices, and at the local Library.</p>
GG-58	<p><i>This comment addresses a perceived inadequacy in the review of potential water quality impacts from intensification of uses at Ramirez Canyon Park, particularly upon the new stormwater treatment system facility for Ramirez Creek at Paradise Cove.</i></p> <p>RESPONSE:</p> <p>Run-off volume and water quality impacts are addressed under Impact HYD-6. As discussed therein, Water Quality Policy 1 and 2, and Water Quality Implementation Measures 1, 5, 6, 7 and 8 establish mandates for stormwater management including minimization of net new run-off volumes, infiltration opportunities, and natural or physical filtration processes to maintain water quality such that impacts are avoided, on and off-site. Further, no expansion of the existing wastewater treatment facility for Ramirez Canyon Park would be required with the proposed improvements detailed in the Plan. See response GG 28.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
GG-59	<p><i>This comment states that the land use consistency analysis is flawed since it uses the Overlay as the standard of review, which, as the commenter states, is not a valid regulatory document.</i></p>

	<p>RESPONSE:</p> <p>Please see response to GG-20</p>
GG-60	<p><i>This comment states that the DEIR fails to discuss the Plan’s conformance to typical development standards and processing requirements within the LCP.</i></p> <p>RESPONSE:</p> <p>The proposed Plan improvements are subject to the Malibu Parks Public Access Enhancement Plan Overlay for which, unlike the other Overlay Districts identified in Section 3.4 of the LCP, there are no specific development standards as noted by the commenter. No revision of the DEIR would be required. Further, please see response GG-20.</p>
GG-61	<p><i>This comment states that the project is not consistent with the LCP ESHA development standards, even though the Overlay proposes relief from such standards.</i></p> <p>RESPONSE:</p> <p>Please see response to comment GG-7 and GG-27 relative to permitted development and uses in ESHA and required buffers. No revision of the DEIR would be required.</p>
GG-62	<p><i>This comment states that the DEIR does not provide real/concrete development standards and associated analysis necessary for an implementing document. This comment further states that significant environmental analysis cannot be conducted absent of such standards,</i></p> <p>RESPONSE:</p> <p>As identified and discussed throughout the DEIR, the proposed Plan includes site-specific projects plans from which to conduct environmental analysis, and includes a number of policies and implementation measures to ensure future project implementation would be carried out consistent with all applicable Coastal Act and LCP policies, which provide the standard of review for future NOID submittals. In addition, upon certification of the FEIR, mitigation measures identified in the FEIR would be incorporated into the certified Public Works Plan which will serve as additional standards for future project implementation.</p>

	No revision of the DEIR would be required.
GG-63	<p><i>This comment states that the DEIR studies a proposed location for development, but does not provide information limiting the development of the proposed sites. This comment also states that the DEIR does not confirm if future studies would be conducted if new locations are chosen.</i></p> <p>RESPONSE:</p> <p>As identified and discussed throughout the DEIR and the Draft Public Works Plan (see also the Modified Redesign Alternative Public Works Plan), the proposed Plan includes site-specific projects plans from which to conduct environmental analysis, and these project plans will continue to be a component of the Public Works Plan from which to assess development consistency with the approved Plan during future NOID submittal. As detailed in the development review procedures included in the Public Works Plan, any substantial deviation from the Plan would potentially require that a public works plan amendment be filed with the Coastal Commission and any associated study and/or environmental review would be conducted at that time, as applicable.</p> <p>No revision of the DEIR would be required.</p>
GG-64	<p><i>This comment states that the RR-10 zoning at Latigo Trailhead does not allow for camping; as such, a zone change would be required. The commenter expresses their belief that the DEIR mistakenly implies that campsites are considered in the Overlay.</i></p> <p>RESPONSE:</p> <p>Please see response to GG-22.</p>
GG-65	<p><i>This comment states that Section 4.0, Consistency with Plans and Policies, indicates that the proposed park facility improvements at Latigo trailhead result in a potentially significant and unavoidable impact associated with geologic and landslide hazards, which is inconsistent with the Coastal Act and the LUP. As such, the proposed Plan would conflict with land use policies for the purpose of avoiding or mitigation significant impacts.</i></p> <p>RESPONSE:</p> <p>The commenter is correct in that DEIR Section 4.0, <i>Consistency with Plans and Policies</i>, indicates that the proposed park facility improvements at</p>

	<p>Latigo Trailhead would result in a potentially significant and unavoidable impact associated with geologic and landslide hazards, which is inconsistent with the Coastal Act and the LUP.</p> <p>Because an unavoidable significant impact was identified for the Proposed Project, a Modified Redesigned Alternative is being proposed for consideration and would reduce the unavoidable geology impact to a less than significant residual level. The policy consistency analysis included in the Modified Redesign Alternative Public Works includes the following analysis which demonstrates the identified land use impact would be reduced to less than significant.</p> <p><u>“Parking and Camping Improvements-Geology Hazards</u></p> <p>The project includes a single, supervised camp area, reduced parking area and day-use picnic areas at the Latigo property. All structural improvements would be located with adequate setbacks from the recent landslide identified on the property. With implementation of appropriate mitigation measures identified in the FEIR, the park facility improvements at the Latigo Trailhead would be consistent with Section 30253 of the Coastal Act and City of Malibu Local Coastal Program Policies 4.2, 4.14, 4.4.”</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>GG-66</p>	<p><i>This comment states that Section 4.0, Consistency with Plans and Policies, indicates that the Plan would result in minor impacts to sensitive habitats from development that does not constitute a resources dependent use, which is prohibited in ESHA; therefore, the Plan would be inconsistent with the Coastal Act and the LUP. Improvements that would result in impacts, as specified by the commenter, consist of development encroachment and/or fuel modification required for support facilities.</i></p> <p>RESPONSE:</p> <p>The commentor is correct in that DEIR Section 4.0, <i>Consistency with Plans and Policies</i>, indicates that the proposed park facility improvements would result in a potentially significant and unavoidable impact associated with Plan conflicts with policies addressing permitted uses in ESHA, which is inconsistent with the Coastal Act and the LUP.</p>

	<p>Please see response to comment GG-7 and GG-27 relative to permitted development and uses in ESHA. Because an unavoidable significant impact was identified for the Proposed Project, a Modified Redesigned Alternative is being proposed for consideration by the Conservancy/MRCA, and if adopted, it would reduce the significant and unavoidable impacts to ESHA to a less than significant residual level. The policy consistency analysis included in the Modified Redesign Alternative Public Works Plan demonstrates the identified land use impact would be reduced to less than significant</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>GG-67</p>	<p><i>This comment states that Section 4.0, Consistency with Plans and Policies, indicates that the Plan would result in minor impacts to sensitive habitats from development of emergency fire shelters, which are prohibited in ESHA as they do not constitute a resources dependent use. As such, the Plan would be inconsistent with the Coastal Act and the LUP policies that require avoidance or mitigation of significant ESHA impacts.</i></p> <p>RESPONSE:</p> <p>Please see response to comment GG-7 and GG-27 relative to permitted development and uses in ESHA. Because an unavoidable significant impact was identified for the Proposed Project, a Modified Redesigned Alternative is being proposed for consideration by the Conservancy/MRCA. If adopted, this alternative would reduce the significant and unavoidable geology impacts, and impacts to environmental sensitive habitat areas (ESHA) to a less than significant residual level. The policy consistency analysis included in the Modified Redesign Alternative Public Works Plan demonstrates the identified land use impact would be reduced to less than significant.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>GG-68</p>	<p><i>This comment states that the Latigo option is inconsistent with the analysis contained in the DEIR on the basis that it is not allowed per the Overlay, in Section D(2)(a)(i).</i></p> <p>RESPONSE:</p>

	<p>Section D(2)(a)(i) states: “To maximize access to parklands, trails, and recreational opportunities, new campsite facilities shall be provided within park boundaries at Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park and Malibu Bluffs Park.”</p> <p>It should be noted that the Conservancy/MRCA has been presented with a Modified Redesign Alternative that limits camping primarily to two campsites: Corral Canyon Park and Malibu Bluffs Conservancy Property (along with two accessible camp sites in Ramirez Canyon Park). Adoption of the modified Design Alternative would remove the potential inconsistency with Section D(2)(a)(i) identified in this comment.</p>
<p>GG-69</p>	<p><i>This comment states that the proposed Plan improvements at Latigo Trailhead would conflict with Coastal Act and LUP policies. This comment further states that this element may either be removed from the Plan, adopted via a proposed alternative, or considered with a Statement of Overriding Consideration, which would provide for consistency with the applicable policies.</i></p> <p>RESPONSE:</p> <p>Please see responses to GG-65.</p>
<p>GG-70</p>	<p><i>This comment restates text from the DEIR to indicate that the provision of compensatory mitigation, including mitigation to offset adverse impacts to biological resources, would reduce cumulative effects on biological resources. As such, the Plan’s contribution to cumulative impacts to ESHA resulting from conflicts with plans and policies would be less than significant.</i></p> <p>RESPONSE:</p> <p>It is unclear if the commenter is taking issue with the required mitigation. Nevertheless, based on the expansive discussion contained in the DEIR, this mitigation has been imposed to ensure a less than significant impact on biological resources, and would further ensure a less than significant cumulative impact caused by the Plan on ESHA with regard to consistency with plans and policies.</p> <p>This comment does not identify an inadequacy in the analysis, conclusions or mitigation measures in the EIR. Therefore, no revision of the DEIR would be required.</p>
<p>GG-71</p>	<p><i>This comment states that the DEIR does not study noise impacts associated with</i></p>

	<p><i>proposed RV camping at Escondido Canyon Park.</i></p> <p>RESPONSE:</p> <p>The Plan does not include RV camping at Escondido Canyon Park. There is a single parking space designated for a Camp Host Trailer, which would be occupied by a properly trained individual very familiar with the noise restrictions applicable to use of the camping areas. This individual would in fact be responsible for monitoring/enforcing compliance of camper activity with the noise restrictions. Consequently, there would not be significantly adverse noise impacts from the Camp Host trailer function.</p> <p>Additionally, under the Modified Redesign Alternative, all new parking at Escondido Canyon Park would be eliminated. If this alternative is adopted by the Conservancy/MRCA, the commenter’s concern regarding noise impacts would be eliminated.</p>
<p>GG-72</p>	<p><i>This comment states that the DEIR does not analyze the potential impacts of the alarm/siren discussed in the FPP, including potential impacts to surrounding wildlife and neighboring residents.</i></p> <p>RESPONSE:</p> <p>As discussed in the FPP, an emergency alarm system is proposed within the Plan area. The alarm system would consist of sirens, megaphones or PA systems that are mounted to vehicles or portable. The alarm system would be periodically tested during day-light hours and the noise could briefly be audible to residents in the immediate testing vicinity. However, due to the periodic and short-term duration of the testing the noise impact would be less than significant upon surrounding wildlife and neighboring residents.</p> <p>In consideration of the discussion above, no further revisions to the DEIR would be required.</p>
<p>GG-73</p>	<p><i>This comment states that the DEIR does not address left turn movement impacts generated from southbound Kanan Dume Road traffic into the proposed parking area.</i></p> <p>RESPONSE:</p> <p>Kanan Dume Road adjacent to the proposed parking areas is a four-lane</p>

	<p>road with a double-yellow stripe in the center of the road. The double-yellow stripe allows for southbound left-turns into the parking areas. However, Los Angeles County has recommended that the section of roadway be restriped to provide one travel lane and one paved shoulder in each direction and a two-way left-turn lane.</p> <p>In an effort to respond to this comment, the Conservancy/MRCA is considering the adoption of a Modified Redesign Alternative. The Modified Redesign Alternative has incorporated the following design changes via civil plans (see <i>Appendix MRA-3, Sheets 4 & 8</i>):</p> <p>“Vehicles wanting to make the southbound left-turn into the parking areas will utilize the two-way left-turn lane to make this maneuver safely. The restriping will make this section of roadway identical to the section of Kanan Dume Road south of the parking areas, where there are several driveways and roads where vehicles safely turn into/out of using the two-way left-turn lane. “</p> <p>In consideration of the discussion above, no further revisions to the DEIR would be required.</p>
<p>GG-74</p>	<p><i>This comment states that the Section 2.0, Project Description, and Appendix A (NOP & IS) do not provide warrants for the proposed mid-block crosswalks. This comment also states that the parking area off of Malibu Road should be located outside of the public right-of-way as the City cannot be responsible for maintenance.</i></p> <p>RESPONSE:</p> <p>According to the project traffic engineer, painted crosswalks are not warranted and therefore not recommended where the trails cross Murphy Way, Latigo Way, and Corral Canyon Road. These roadways carry low volumes and vehicles travel at relatively low speeds (30 MPH or less). Signs would be installed (consistent with the proposed Sign Program) on the trails to notify pedestrians/hikers of vehicle traffic at the road crossings.</p> <p>Parking Area 4, located along Malibu Road, would be located entirely on the Malibu Bluffs Conservancy Property and would not be located within the public right-of-way.</p> <p>In consideration of the discussion above, no further revisions to the DEIR</p>

	would be required.
GG-75	<p><i>This comment requests that natural drainage course and private drains be added to the description of storm water conveyance systems.</i></p> <p>RESPONSE:</p> <p>The narrative in Section 5.16.1 is clarified with the following:</p> <p><u>"In general, the City of Malibu utilizes the existing natural drainage systems to carry storm flows to the ocean. Within private property, natural drainage courses are often supplemented or replaced with private storm drainage systems. At locations where these natural systems cross the State Highway (Pacific Coast Highway) or a local street, the drainage is collected and channeled into a culvert under the roads. According to the City of Malibu Public Works Department, the drainage along PCH is conveyed via City, County, and/or Caltrans owned drainage systems (Kiepkke, 2008), where necessary in addition to natural drainage systems."</u></p> <p>In consideration of the discussion above, no further revisions to the DEIR would be required.</p>
GG-76	<p><i>This comment states that DEIR Section 5.14, Recreation, omits some of the amenities provided at the City's Malibu Bluffs Park. This comment also indicates that this Section incorrectly describes the park as 6 acres, when it is 10 acres.</i></p> <p>RESPONSE:</p> <p>Section 5.14, <i>Recreation</i>, is clarified as follows:</p> <p>"The property lies immediately adjacent to and west of the City of Malibu's Malibu Bluffs Park site, which contains several ball fields, playground equipment, <u>a community center, onsite parking area, maintenance facility, restroom facility,</u> and grassy picnic areas.</p> <p>The park is accessible from Pacific Coast Highway where an existing parking lot supports shared access to the open space area and the City of Malibu's adjacent six 10-acre Malibu Bluffs Park."</p> <p>In consideration of the discussion above, no further revisions to the DEIR would be required.</p>

GG-77

This comment states that Table 5.14-1 of the DEIR requires corrections to information regarding Malibu Bluffs Park, Trancas Canyon Park, Malibu Community Pool, Malibu Equestrian Park, and Papa Jack’s Skate Park, and the addition of the Malibu Senior Center.

RESPONSE:

Table 5.14-1 is clarified as follows:

**Table 5.14-1
City of Malibu Park and Recreation Facilities**

Name	Type of Facility	Activities
Malibu Bluffs Park	610-acre Community Park (Leased)	2 baseball diamonds, soccer/multi-use field, jogging course, picnic tables, whale watching stand, community center, 4 playgrounds
Las Flores Creek Park	4.4-acre Neighborhood Park	Play and picnic areas
Charmlee Wilderness Park	532-acre Open Space area	8 miles of hiking trails, native plant display, nature center
Trancas Canyon Park	13-acre Community Park (Proposed Under construction)	Multi-use area for sports, children’s play area, dog park, picnic area, walking paths
Malibu Community Pool	Swimming Pool (Leased Joint agreement with the SMMUSD)	Non-school hour recreation programs and activities
Malibu Equestrian Center Park	10.13 acre Horse Riding Facility (Leased Joint agreement with the SMMUSD)	Two riding rings, a judges stand, tie bars, picnic tables
Papa Jack’s Skate Park	10,000 square foot skate facility (Leased Agreement with private property owner)	Skate park with ramps and obstacles
Malibu Senior Center	Located at Malibu City Hall	Programs include yoga, day excursions, reading, computer lab

In consideration of the discussion above, no further revisions to the DEIR would be required.

GG-78

This comment states that DEIR Section 5.14, Recreation, incorrectly identifies Trancas and Legacy Park as “in design,” which should instead, be listed as

“under construction.”

RESPONSE:

Section 5.14, *Recreation*, is clarified as follows:

“The City of Malibu’s **Trancas Canyon Park**, is currently in the planning and design process for a planned 13-acre community park, called **Trancas Canyon Park is currently under construction**. In addition, the City of Malibu **is currently in** has entitled and plans to **the construction phase** for the 17-acre Malibu Legacy Park Project, **which is** bordered by Pacific Coast Highway on the south, Cross Creek Road on the east, Webb Way on the west, and Civic Center Way on the north.”

In consideration of the discussion above, no further revisions to the DEIR would be required.

GG-79

This comment states that Table 5.14-3 within Section 5.14, Recreation, should reference that all schools are used by the City during “non-school” hours and that activities at Webster Elementary and Point Dume Elementary Schools should be listed as “Multi-use sports fields.”

RESPONSE:

Table 5.14-3 is clarified as follows:

Table 5.14-3 Joint Use School Facilities

Name	Type of Facility	Activities ^a
John L. Webster Elementary	School	Facility rental (after school hours) Multi-use sports fields
Juan Cabrillo Elementary	School	Facility rental (after school hours) Multi-use sports fields
Point Dume Marine Science School	School	Ball fields, basketball, children’s play area, picnic area, restrooms, and walking/hiking path (after school hours)
Malibu High School	School	Ball fields, basketball, facility rental, restrooms, soccer fields, swimming pool, tennis courts, and walking/hiking path (after school hours)

^a During non-school hours

Source: <http://www.ci.malibu.ca.us/>; Vic Peterson, City of Malibu, 2010,

	<p>As can be seen in the above table, all reference to “after school hours” has been removed and a footnote has been added to indicate that listed activities would occur during non-school hours. The activities for John L. Webster Elementary and Juan Cabrillo Elementary Schools have been clarified from “Facility rental” to “Multi-use sports fields.”</p> <p>In consideration of the discussion above, no further revisions to the DEIR would be required.</p>
<p>GG-80</p>	<p><i>This comment states that Section 8.1, Description of Alternatives, fails to use the City’s LCP Amendment as an Alternative.</i></p> <p>RESPONSE:</p> <p>The City’s proposed LCP Amendment No. MAJ-3-07 was denied by the Coastal Commission in June 2009. As such, it is not a feasible alternative and need not be analyzed in the Alternatives Section of EIR. No revisions to the DEIR would be required.</p>
<p>GG-81</p>	<p><i>This comment states that Section 8.2, Alternative Environmental Impact Summary, incorrectly assumes that the 2002 LCP allows camping in all of the City’s Public Open Space zoned properties.</i></p> <p>RESPONSE:</p> <p>The DEIR Section 4.0, <i>Consistency with Plans and Policies</i>, analyzes the Plan’s consistency with the City’s LCP and states:</p> <p><i>"In addition, Table 2 Permitted Uses, of the City of Malibu Local Coastal Program Implementation Plan (attached) indicates that the following uses are permitted uses in the OS Zone:</i></p> <ul style="list-style-type: none"> • <i>equestrian and hiking trails</i> • <i>wildlife preserves</i> • <i>camping</i> • <i>parks, beaches and playgrounds</i> • <i>public beach accessways</i> • <i>recreation facilities (including swimming pools, sandboxes, slides, swings lawn bowling, volley ball courts, tennis courts and similar uses)</i> • <i>educational (non-profit) activities are primary permitted uses in the OS Zone."</i>

	<p>Based on a review of this information, camping is an allowable use on all properties zoned Public Open Space under the LCP pre- and post-certification of the Overlay. No revisions to the DEIR would be required.</p>
GG-82	<p><i>This comment states that the DEIR alternatives analysis does not present an independent assessment to the decision makers as it fails to consider alternatives that have previously been met with support by the City of Malibu. The comment also speculates that an alternative that allowed for limited camping would have been approved if the 2007 fires occur during or prior to the review of the approved alternative.</i></p> <p>RESPONSE:</p> <p>Please see response to comment GG-80.</p>
GG-83	<p><i>This comment states that the DEIR alternatives analysis fails to consider the full scope of the project including uses permitted with a special use permit issued by the EO.</i></p> <p>RESPONSE:</p> <p>Please see Response to Comment GG-2 through GG-5</p>
GG-84	<p><i>This comment states that none of the alternative site locations considered in the SAIC analysis are within or adjacent to the City of Malibu or involve coastal resources at issue in the coastal zone.</i></p> <p>RESPONSE:</p> <p>This comment does not identify an inadequacy in the analysis, conclusions or mitigation measures in the EIR. Therefore, no revision of the DEIR would be required.</p>
GG-85	<p><i>This comment states that the SAIC report suggests that 4 of the 92 parcels evaluated have the potential for development, yet all 4 alternatives would not provide for public access or recreation for coastal uses, meet the project objectives, or connect the shoreline and the California Coastal Trail.</i></p> <p>RESPONSE:</p> <p>This comment does not identify an inadequacy in the analysis, conclusions or mitigation measures in the EIR. Therefore, no revision of the DEIR would be required.</p>

<p>GG-86</p>	<p><i>This comment identifies a “questionable” statement on page 21 of DEIR Appendix R (Alternatives) and requests clarification.</i></p> <p>RESPONSE:</p> <p>The commenter is referring to an anecdotal comment in the DEIR that is applicable neither to the setting nor impact analysis discussion for the Alternatives. This comment does not identify an inadequacy in the analysis, conclusions or mitigation measures in the EIR. Therefore, no revision of the DEIR would be required</p>
<p>GG-87</p>	<p><i>This comment states that pursuant to the LUP, the action to develop public access within an ESHA is allowed as a resource-dependent use if it is sited to minimize impacts. Accordingly, this comment suggests that the statement on page 26 of DEIR Appendix R (Alternatives) incorrectly identifies vehicle access to Ramirez Canyon Park from Kanan Dume Road as a non resource-dependent development within ESHA.</i></p> <p>RESPONSE:</p> <p>Please see response to comment GG-27 relative to Via Acero road improvements and permitted uses in ESHA.</p>
<p>GG-88</p>	<p><i>This comment states that pursuant to the LUP, the only land use designation within the City that explicitly allows camping is Commercial Recreation; as such the statement on page 33 of DEIR Appendix R (Alternatives) incorrectly states that “...the public improvements being considered in the Overlay are already allowed under the LCP.”</i></p> <p>RESPONSE:</p> <p>Please see response to comment GG-81.</p>
<p>GG-89</p>	<p><i>This comment serves as a closing statement to the City of Malibu’s comment letter on the DEIR and indicates that the City’s response is based on current applicable policies, plans, and interpretations; any changes to such may result in a different determination by the City.</i></p> <p>RESPONSE:</p> <p>The report preparers appreciate the City’s effort in expressing their concerns with the proposed Plan, and in providing their comments on the DEIR within the public review deadline. The Conservancy acknowledges</p>

	that the City's comments are based on applicable material in effect on or prior to the date the letter was submitted.
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From: stellem [mailto:stellem@tellem.com]
Sent: Monday, March 22, 2010 3:37 PM
To: EIRcomments@smmc.ca.gov
Subject: Malibu Parks Public Access Enhancement Plan Comments

To Whom It May Concern:

I attended the recent SMMC meeting in Malibu where the public was offered an opportunity to make comments re: the EIR for this plan <http://www.mrca.ca.gov/DEIR.html> and was insulted that SMMC head Joseph Edmiston sat with his back to us the entire time. Further, the SMMC board was given 3/4s of the room to sit while the residents were forced into the final 1/4 as standing room only. It was a disgusting display of contempt for Malibu residents as usual.

HH-1

Here are my comments.

I am opposed to putting overnight camping into Malibu’s narrow deep canyons where campers can start illegal fires to keep warm or signal when they are lost. It is a fool hardy idea and a thumb in the eye of every Malibu resident who has lost his home to fire. I have.

HH-2

You are aware that there were six hikers lost a few weeks ago after hiking in Newton Canyon off Kanan Road. They started an illegal campfire. No one...not rangers, not SMMC personnel, not police or fire saw it or them. This points out the very real danger of people trying to get warm in a cold canyon whether camping and getting cold or just getting lost.

HH-3

Further, Escondido Canyon, another camp site, hosts several beautiful waterfalls. Read how people will get hurt and die including the disabled you so strongly promote on this walk – this is an actual our guide webs site. Hiking to Escondido Falls in Malibu - LAist <http://bit.ly/aHjntk> Here's an excerpt...A steep trail--get ready to use your hands--can be found off to the right of the waterfall (there are actually two ways up, **an extremely steep route for crazy people** found immediately to the right of the waterfall or the much easier, yet still steep, official trail a little further to the right). As you make your way up, you'll come upon a set of small waterfalls, but keep going. Eventually, you'll make it to the upper tier, a perfect place to chill out, play and eat lunch. While this is where most all hikers stop before turning around, a trail to the right of the fall will lead you to the top. **But be warned, this is the most dangerous part, complete with loose soil and rocks and very steep portions.**

HH-4

I must say that I am not surprised at the conclusions reached by SMMC/MRCA and Dudek which can be summed up in a few words... "environmental issues are less than significant." Less than significant. Ridiculous.

HH-5

Please explain to me how taking beautiful natural areas surrounded by ESHA and grading them for:

- parking lots
- day-use picnic areas
- picnic tables
- potable water
- self-contained chemical restrooms
- shade trees
- water tanks
- portable fire suppression apparatus
- designated tent areas
- disability improvements
- modifying the stream channel
- road improvements
- fire-proof cooking stations
- a vehicle bridge
- trail bridges
- water hydrants
- water lines
- fire truck sheds 40 feet by 18 feet high
- fire shelters
- and so on

HH-6

can be less than significant. Just dragging all this stuff in and bringing people and equipment into a previously pristine area is significant. From a personnel standpoint, there are not enough rangers and now you claim to be adding "hosts." Whose in charge of hiring them and who is in charge of cleaning the toilets?

HH-7

And as you propose who is going to monitor the noise levels for the California gnatcatcher you claim you will not harm. We'd like the name and training of the monitors.

HH-8

This is yet another fiasco perpetrated by an agency that has no over sight for the personal glory and edification of one Joseph Edmiston.

HH-9



Susan M. Tellem
5782 Calpine Drive
Malibu, CA 90265
310-589-5521

<p>Letter HH Commenter: Susan Tellum Date: March 22, 2010</p>	
<p><i>Introduction</i></p>	<p>In response to comments, two topical responses have been created (Topical Response #1 – the Modified Redesign Alternative & Topical Response #2 – Fire Concerns). Where a response to a comment can be addressed with one of these topical responses, the commenter is referred to the topical response.</p>
<p>COMMENT NO.</p>	<p>RESPONSE</p>
<p>HH-1</p>	<p><i>This comment expresses the author’s frustration regarding the environmental hearing held in Malibu.</i></p> <p>RESPONINSE:</p> <p>CEQA Guidelines Section 15088(a) specifies that the “lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” This comment does not address an environmental issue. Your opinion on the proposed project is important, however, and your comment will be included in the FEIR presented for review and consideration by the Conservancy/MRCA’s decision-making body. See, also, Topical Responses #1 and #2.</p>
<p>HH-2</p>	<p><i>This comment expresses the author’s opposition to proposed camping in Malibu.</i></p> <p>RESPONSE:</p> <p>See Response to Comment HH-1.</p>
<p>HH-3</p>	<p><i>This comment states that six hikers were lost in Newton Canyon off Kanan Road and they started an illegal campfire.</i></p> <p>RESPONSE:</p> <p>See Response to Comment HH-1.</p>
<p>HH-4</p>	<p><i>This comment states that people will get hurt or die hiking to Escondido Falls.</i></p> <p>RESPONSE:</p>

	See Response to Comment HH-1.
HH-5	<p><i>This comment expresses the author’s opinion regarding the conclusions of the DEIR.</i></p> <p>RESPONSE:</p> <p>See Response to Comment HH-1.</p>
HH-6	<p><i>This comment requests an explanation as to how implementation of the proposed Plan can result in less than significant impacts.</i></p> <p>RESPONSE:</p> <p>The proposed Plan includes trail and park improvements intended to enhance public access opportunities in the Plan area and would include primarily low-intensity uses consisting of access trails which are sited and designed to be noninvasive on the natural topography of trail corridors and to minimize impacts to sensitive habitat areas. Limited camping facilities are proposed exclusively within existing park boundaries which would provide rare and unique resources for low-cost overnight recreation in the Plan area; these facilities are limited in size and location in consideration of geologic and natural resource constraints of each park property.</p> <p>Furthermore, the proposed park improvements, uses and programs have been designed to protect natural resources, to ensure public safety, to protect the rights of private property owners, and to minimize conflicts with and preserve the character and integrity of adjacent residential areas. The proposed Plan has been designed to avoid and/or minimize impacts to sensitive and special-status biological resources by focusing on constructing campsites and associated infrastructure in clustered, designed patterns and in disturbed, upland, and non-native land covers adjacent to existing trail corridors where human activity already exists, thus reducing impacts to wildlife movement and reducing adverse edge effects.</p> <p>Lastly, as identified within each section of the DEIR, the proposed Plan includes a number of policies, implementation measures, and proposed mitigation measures designed to minimize potential impacts to the various issue areas to a less than significant level.</p>

	Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.
HH-7	<p><i>This comment states that there are not enough Park Rangers and asks who is in charge of hiring and training camp hosts as park monitors.</i></p> <p>RESPONSE:</p> <p>The MRCA has 23 sworn rangers, 3 seasonal sworn rangers, and a total of 103 qualified wildland firefighters. The MRCA has its own Ranger Training Academy and Fire Academy. Rangers are trained to the Park Rangers Association of California (PRAC) standards for the generalist ranger. Rangers are California Peace Officers whose authority extends to any place in the state for the performance of their primary duty and may make arrests for any public offense anywhere in the state for an offense committed in their presence. (CA Penal Code 830.31(b).) All field personnel go through a background check and screening and are selected by an interview panel of senior management, all of whom have over 10 years experience in park management. The Chief Ranger of MRCA has assured that there will be made available adequate staffing resources to meet the supervision commitments as stated in the Malibu Parks Public Access Enhancement Plan—Public Works Plan.</p> <p>CEQA Guidelines Section 15088(a) specifies that the “lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” This comment does not address an environmental issue. Your opinion is on the proposed project is important, however, and your comment will be included in the FEIR presented for review and consideration by the Conservancy/MRCA’s decision-making body.</p>
HH-8	<p><i>This comment requests the name and training of the monitor to oversee noise levels concerning the California gnatcatcher.</i></p> <p>RESPONSE:</p> <p>CEQA Guidelines Section 15088(a) specifies that the “lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” This comment does not address an environmental issue. Your opinion on the proposed project is important, however, and your comment</p>

	<p>will be included in the FEIR presented for review and consideration by the Conservancy/MRCA's decision-making body. See DEIR Section 5.4 for additional discussion relating to gnatcatchers.</p>
<p>HH-9</p>	<p><i>This comment expresses the author's opinion regarding the proposed Plan.</i></p> <p>RESPONSE:</p> <p>CEQA Guidelines Section 15088(a) specifies that the "lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response." This comment does not address an environmental issue. Your opinion on the proposed project is important, however, and your comment will be included in the FEIR presented for review and consideration by the Conservancy/MRCA's decision-making body.</p>

March 22, 2010

VIA E-MAIL & PERSONAL DELIVERY

Chair George Lange and Members of Governing Board
of the MOUNTAINS RECREATION AND CONSERVATION AUTHORITY
Chair Ronald P. Schafer and Members of the
SANTA MONICA MOUNTAINS CONSERVANCY
c/o 5750 Ramirez Canyon Road
Malibu, California 90265
Attn: MS. JUDI TAMASI

**Re: Malibu Parks Public Access Enhancement Plan
Public Works Plan Draft EIR**

Dear Chairs Lange and Schafer, and Board/Conservancy Members:

This office represents and is writing on behalf of the Malibu Road Association (“MRA”), a non-profit organization dedicated to promoting the safety and welfare of its approximately 350 constituent landowner/residents. Over the years, the MRA has repeatedly focused upon hazards posed by the geologically unstable, wildfire-prone bluffs of South Winter Mesa adjacent to and above Malibu Road. The issue of fire risk is a primary focus of the comments provided below regarding the draft environmental impact report (“EIR”) for the Malibu Parks Public Access Enhancement Plan/Public Works Plan (the “Project”) now before your respective organizations^{1/} as “co-Lead Agencies.”

II-1

Malibu, with its dry chaparral and north-to-south running canyons, is particularly susceptible to Santa Ana wind-driven flames. Such chaparral is known as one of the most combustible types of brush in existence. The campgrounds proposed by the Project would be located in zones having the highest risk of fires; and the outbreak of fire at the Malibu Bluffs Conservancy Property (“Malibu Bluffs Park”) is not a matter of if, it is a matter of when. Our client’s members cannot forget the blaze that began a few years ago at Malibu Bluffs Park -- thought to have been caused by an errant cigarette butt -- which blew from the outbreak point near Pacific Coast Highway across the Bluffs and down to Malibu Road, destroying five (5) homes notwithstanding the presence of a fire station less than a mile away. In literally a matter of minutes, with nearby fire equipment poised to act, homes were turned to ash. A fire official stated at the time that the estimated damages of approximately \$60 million made this fire one of the most expensive brush fires on a per-acre basis in State history.

II-2

The MRA hereby joins with other local community organizations in opposing certification and approval of the instant EIR. While our client’s members have been strong advocates of public use of our federal and state-owned coastal parklands, health and safety issues cannot be summarily ignored in order to achieve laudable goals. Nor do such goals justify wholesale abrogation of fundamental procedural

II-3

^{1/}The Santa Monica Mountains Conservancy is hereinafter referred to as “SMCC,” and the Mountains Recreation and Conservation Authority is hereinafter referred to as “MRCA”).

March 22, 2010

Page 2

requirements posed by state law, including, without limiting the generality of the foregoing, the California Environmental Quality Act (“CEQA”).^{2/}

↑ II-3

Specific comments regarding procedural issues, and the potentially far-reaching, unintended and potentially adverse environmental and related consequences posed by the instant Project, are provided below. We also hereby incorporate by reference the pleadings and administrative record filed in connection with the pending litigation^{3/} brought by the City of Malibu and Ramirez Canyon Preservation Fund (“RCPF”) relating to the Project.

II-4

FACTUAL AND PROCEDURAL BACKGROUND

Procedural Background of the Project

The instant Project (e.g. the nature and location of the proposed facilities, its resource and related impacts, and hazards posed in connection with same) is essentially identical to the project described in the Malibu Parks Public Access Enhancement Plan/Public Works Plan dated September 2009, drafted by the preparer of the instant EIR (Dudek) in connection with and as a follow up to the June 10, 2009 California Coastal Commission (“Commission”) approval of MAL-MAJ-1-08, an amendment to Malibu’s LCP incorporating the Malibu Parks Public Access Enhancement Plan overlay. The 1600-plus page Staff Report (dated May 28, 2009) for such June 2009 Commission meeting, which by law served as the functional equivalent of an environmental impact report, did not mention anything about improvements or camping at Malibu Bluffs Park. The Commission nonetheless approved the Project -- including the Malibu Bluffs Park component -- at the conclusion of the June hearing, and adopted final findings for such administrative approval at the Commission’s October 2009 meeting.

II-5

Pertinent Provisions of EIR Relating to Malibu Bluffs Park^{4/}

As shown at Figure 5.4-2 of the instant EIR, most of Malibu Bluffs Park is located in environmentally sensitive habitat area (“ESHA”). Thirty-two (32) campsites, in five (5) separate and distinct areas are proposed. Two (2) of the camping areas (and their related parking, i.e. Camping and Parking Areas 1 and 2) are located outside of the designated ESHA area. The remaining campsites (two of which are proposed to be sited in close proximity to the steep cliffs above Malibu Road) are located in designated ESHA. Each camp area is to have its own restroom. Four (4) parking areas are proposed, three of which are located directly off Pacific Coast Highway. Proposed Parking Area 4 is to be located on Malibu Road. It is noteworthy that the EIR’s written project description (at pages 2-36/37) states that restrooms are proposed at each of the parking areas except for Parking Area 4 along Malibu Road. However, if one goes to the trouble of taking a magnifying glass to closely inspect Figure 2-18e (which describes the concept plan for

II-6

^{2/}Public Resources Code, §§21000 et seq., and the administrative guidelines (“Guidelines”) pertaining to same (California Code of Regulations [“CCR”], Title XIV, §§15000 et seq.).

^{3/}*City of Malibu vs. California Coastal Commission et al., Santa Monica Mountains Conservancy/Mountains Recreation & Conservation Authority, et al., real parties-in-interest* (Case No. BS121650); and *Ramirez Canyon Preservation Fund vs. California Coastal Commission et al., Santa Monica Mountains Conservancy and Mountains Recreation & Conservation Authority et al.* (L.A.S.C. Case No. BS121820).

^{4/}Aside from the procedural issues discussed below, this letter is only focusing upon aspects of the Project relating to Malibu Bluffs Park.

March 22, 2010

Page 3

Camping Area 5 and Parking Area 4), one realizes that a restroom is also proposed at the Malibu Road parking lot.

↑ II-6

Overnight camping is allowed at each of the 32 proposed campsites. While propane stoves are permissible, smoking, campfires and “any other open fire” are ostensibly prohibited, as are kerosene or white gas lanterns. However, the SMMC’s Executive Director (Joseph Edmiston), or his designee, is given broad and unilateral power to authorize campfires and fireworks as, when and where they please (pp. ES 52 - 53, MM N-3.5).

II-7

The EIR proclaims that a “Camp Host, staff maintenance person, or Ranger, who is wildland fire-trained shall be on-site at each park property during the times camping is permitted.” (p. 2-51). However, the foregoing seemingly mandatory language is deceptive, given the next following sentences which reveal that periodic patrols are an acceptable alternative.^{5/}

II-8

Adverse Environmental and Related Consequences Posed by the Instant Project, Which Have Not Been Adequately Considered and Mitigated

It is axiomatic that CEQA is to be interpreted to afford the fullest possible protection to the environment within the reasonable scope of the statutory language. (*Marin Mun. Water Dist. v. KG Land California Corp.* (1991) 235 Cal.App.3d 1652, 1660). A “substantive mandate” requires public agencies to refrain from approving projects with significant environmental effects if “there are *feasible* alternatives or *mitigation measures*” that can substantially lessen or void such effects. (*County of San Diego v. Grossmont-Cuyamaca Community College Dist.* (2006) 141 Cal.App.4th 86-98). The “heart of CEQA” is the environmental impact report (*Marin Water, supra.*, 235 Cal.App.3d at p. 1660); and the requirements governing environmental impact reports are set forth by the statute and in the CEQA Guidelines. Because an EIR must be certified or rejected by public officials, it is supposed to be a document of accountability. (*Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392).

II-9

CEQA requires that an EIR, in addition to analyzing the environmental effects of a proposed project, must also consider and analyze project alternatives that would reduce adverse environmental impacts. (*In re: Bay Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1163). According to the Guidelines: “An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” (Guidelines, §15126.6, subd. (a)). Project alternatives “typically fall into one of two categories: on-site alternatives, which generally consist of different uses of the land under consideration; and off-site alternatives, which usually involve similar uses at different locations.” (*Citizens for Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 566).

II-10

^{5/}The qualifying sentences provide: “[t]his shall be accomplished by either providing for residency of a Camp Host, staff maintenance person or Ranger at existing park properties, or ensuring that support facilities and apparatus are provided to sustain continuous daily and nightly patrols to strictly enforce the No Campfire Policy and use restrictions relating to hazardous conditions. Park patrols shall be conducted daily at each park property when campers are present.”

March 22, 2010

Page 4

The instant EIR acknowledges the mandate of the Malibu LCP that ESHA be protected against significant disruption of habitat values, and that only resource dependent uses are allowed in ESHA. Accessways and trails are specifically identified within the LCP as resource dependent uses. However, it is submitted that the grading and permanent improvements proposed for Campsite Areas 3, 4 and 5, located in ESHA, do not fall within the purview of resource dependent use.

II-11

Fire risks must certainly be considered in the context of the instant Project. Given fiscal and other practical realities, once campsite facilities are in place, the frequency and scope of patrols can easily deteriorate into irregular and haphazard oversight, especially with respect to the camping areas which are furthest away from the primary facilities near Pacific Coast Highway. Even when the park might be ostensibly "closed," this hardly means that individuals (Malibu has a significant homeless population) will not choose to take advantage of such amenities. The fact that park patrons could have their improper cooking or heating devices confiscated, or be forced to leave the campgrounds if caught smoking, provides little solace to nearby Malibu Road residents whose safety is put at risk by violators who choose to ignore park rules. The MRA's concern in this regard is simple and straightforward: if wildland fire-trained personnel are not actually on-site, ready and able to act at the time an outbreak of fire occurs, an unstoppable chain of events may lead to tragic consequences.

II-12

Given the inevitable and unavoidable risks posed by camping of any sort in a high fire risk area such as Malibu Bluffs Park (located at the mouth of Las Virgenes/Malibu Canyon, an historically well-defined fire and wind corridor), the MRA submits that overnight use should not be allowed. Day camping, as long as a Ranger is on-site and empowered to exercise appropriate police powers, is a reasonable mitigation measure/project alternative that would attain most of the basic objectives presented by the instant Project while at the same time avoiding or at least substantially lessening the risks posed by overnight activities when oversight and enforcement will undoubtedly be less rigorous and effective. It is further submitted that Camping Areas 4 and 5 should be eliminated due to their remoteness from the primary facilities that would be sited near Pacific Coast Highway. If the foregoing risk avoidance measures are rejected, at the very least, overnight camping should only be allowed at Camping Areas 1 and 2 to facilitate optimum emergency access from Pacific Coast Highway. Camping should be prohibited if a full time Ranger is not continuously on-site to address hazardous conditions that might develop. The MRA also respectfully suggests that all combustible brush be removed for a distance of not less than 100 feet around each and every campsite, consistent with clearance standards imposed upon local homeowners.

II-13

Parking Area 4 should be eliminated. Its presence necessitates removal of at least one and possibly two parking spaces that are currently available along Malibu Road, thus yielding a single additional parking space. The meager utility furnished by such improvements is more than offset by the negative impacts -- creation of attractive nuisance for graffiti and vandalism, creation of impermeable surface area, and the cost and other inevitable consequences associated with regular maintenance of waste facilities -- associated with its presence.

II-14

The instant EIR fails to comport with CEQA's mandate of providing a range of reasonable alternatives to the Project, or to the location of the Project. Off-site alternatives such as the State parklands at the mouth of Topanga Canyon, or at Malibu Lagoon State Park and/or Point Dume State Beach, which may be conducive to camping without material adverse impact upon the environment, should certainly be

II-15



March 22, 2010

Page 5

considered. The instant EIR's assessment of project alternatives is unreasonably limited, creating the impression that nothing short of the Project as proposed would suffice to meet the proponents' objectives.

↑
II-15

Approval of the Instant EIR Would Constitute a Failure to Proceed in the Manner Required by Law. Because as a Practical Matter, the co-Lead Agencies Have Already Clearly and Unequivocally Committed Themselves to the Project, Thereby Effectively Precluding Alternatives or Mitigation Measures That CEQA Would Otherwise Require to Be Considered, Including the Alternative of Not Going Forward with the Project

The instant EIR, including its appendices, encompasses 5,212 pages. While impressive in length, its viability is irreparably undermined because the SMMC and MRCA, as co-Lead Agencies, have already as a practical matter committed themselves to the instant Project, evidenced by their submission of the Santa Monica Mountains Conservancy/Mountains Recreation and Conservation Authority Malibu Bluffs Public Access Enhancement Plan/Public Works Plan approved by the Commission in October of 2009. Serving as the fact finding body charged with providing independent review and consideration of the instant Project, when the SMMC and MRCA are the proponents of same, renders the instant process fatally flawed. Whoever heard of a project developer having the right and opportunity to make the CEQA evaluation of its own project?

II-16

CONCLUSION

For all of the foregoing reasons, the instant Project should be revised to eliminate overnight camping at Malibu Bluffs Park and add the further mitigation measures discussed hereinabove. Additional off-site alternatives should also be considered.

II-17

Respectfully submitted,

LAW OFFICES OF G. GREG AFTERGOOD
a Professional Corporation

By: 
G. GREG AFTERGOOD

GGA:gm

cc: Client

<p>Letter II Commenter: G. Greg Aftergood Malibu Road Association, represented by the Law Offices of G. Greg Aftergood Date: March 22, 2010</p>	
<p><i>Introduction</i></p>	<p>In response to comments, two topical responses have been created (Topical Response #1 – the Modified Redesign Alternative & Topical Response #2 – Fire Concerns). Where a response to a comment can be addressed with one of these topical responses, the commenter is referred to the topical response.</p>
<p>COMMENT NO.</p>	<p>RESPONSE</p>
<p>II-1</p>	<p><i>This comment provides information on the purpose of the Malibu Road Association (MRA), which is a non-profit organization dedicated to promote the safety and welfare of its approximately 350 constituent landowner/residents.</i></p> <p>RESPONSE:</p> <p>CEQA Guidelines Section 15088(a) specifies that the “lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” This comment does not address an environmental issue. Your opinion is on the proposed project is important, however, and your comment will be included in the FEIR presented for review and consideration by the Conservancy/MRCA’s decision-making body.</p>
<p>II-2</p>	<p><i>This comment provides information on a fire that occurred a few years ago at Malibu Bluffs park.</i></p> <p>RESPONSE:</p> <p>See response II-1, above.</p>
<p>II-3</p>	<p><i>This comment expresses MRA’s opposition to certification and approval of the DEIR.</i></p> <p>RESPONSE:</p> <p>See response II-1, above.</p>
<p>II-4</p>	<p><i>This comment states that the pleadings and administrative record filed in connection with the pending litigation brought by the City of Malibu and</i></p>

	<p><i>Ramirez Canyon Preservation Fund (RCPF) are incorporated by reference.</i></p> <p>RESPONSE:</p> <p>See response II-1, above.</p>
<p>II-5</p>	<p><i>This comment states that the California Coastal Commission staff report for the proposed Plan did not mention anything about improvements or camping at Malibu Bluffs Park.</i></p> <p>RESPONSE:</p> <p>At the CCC June 2009 meeting and in the Revised Findings adopted by the Commission in certifying the Malibu LCP Overlay, the Commission did identify Malibu Bluffs Park as an Alternative site for MRCA improvements such as trails and camping. Please see the Commission's revised findings (LCPA I-08, Revised Findings, included in <i>Appendix C</i> of the DEIR, Draft Malibu Parks Public Access Enhancement Plan Public Works Plan). The Malibu Bluffs Conservancy Property is therefore addressed and analyzed in the EIR as part of the Plan area, consistent with the approved LCP Overlay.</p> <p>Also, please refer to response II-1, above.</p>
<p>II-6</p>	<p><i>This comment reiterates the proposed Plan's improvements at Malibu Bluffs and indicates that the improvements at Malibu Bluffs will be located in ESHA. Additionally, the comment points out that the textual description of "parking area 4" did not state a restroom facility.</i></p> <p>RESPONSE:</p> <p>With regard to the first comment, the policy consistency analysis contained in DEIR Section 4.0, <i>Consistency with Plans and Policies</i>, of the DEIR indicates that implementation of the proposed Plan would result in minor impacts to sensitive habitats resulting from development at Malibu Bluffs that does not constitute a resource-dependent use, and which is therefore prohibited in environmentally sensitive habitat areas as defined by Section 30240 of the Coastal Act and City of Malibu Local Coastal Program Policies 3.8, 3.9, and 5.69. These improvements and associated impacts are limited to encroachment of circulation improvements and fuel modification requirements for a parking/camp host/emergency fire shelter improvement area (Parking Area 3).</p>

	<p>In response to this comment and others, the Conservancy/MRCA is considering for adoption a Modified Redesigned Alternative. This alternative includes a redesigned scope of improvements for Malibu Bluffs which eliminates all impacts to ESHA from non-resource dependent uses. Please see Topical Response #1.</p> <p>The second portion of the comment correctly points out that the textual discussion in DEIR Section 2.0, <i>Project Description</i>, describing “parking lot 4” did not include mention of the proposed restroom. The following clarification is provided:</p> <p>"parking lot 4 includes one self-contained restroom."</p> <p>Based upon the above discussion and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>II-7</p>	<p><i>This comment states that although the proposed Plan does not permit smoking, campfires, kerosene or white gas lanterns, the Conservancy's Executive Director, or his designee, is given broad and unilateral power to authorize campfires and fireworks as, when and where they please.</i></p> <p>RESPONSE:</p> <p>Please note that on May 10, 2010, MRCA Ordinance No.1-2005 was amended to remove the ability of the Executive Officer to issue special use permits contrary to the Malibu Parks Public Access Enhancement Plan – Public Works Plan. Furthermore, the Fire Protection Plan (FPP) (DEIR Appendix I, Page 60), which is a part of the Public Works Plan (PWP), will establish the following new restriction within Plan area: “No person shall make or maintain, nor aid and abet others in making or maintaining a campfire or any other open fire in any of the park facilities. The only cooking apparatus permitted shall consist of self-contained propane stoves, when permitted and consistent with the terms of the FPP. No kerosene or white gas lanterns shall be permitted.”</p> <p>Further, a Modified Redesign Alternative has been proposed for consideration by the Conservancy/MRCA. This Modified Redesign Alternative includes within its FPP, a further limitation that mandates the use of flameless cook-stoves and lanterns within the camp areas.</p>

	<p>As part of the Modified Redesign Alternative PWP, an all-weather electrical outlet will be provided to allow for small electrical cooking appliances at campsites.</p> <p>Thus, if the PWP (and associated FPP) either for the Public Works Plan analyzed in the DEIR, or the Modified Redesign Alternative detailed in the FEIR is approved, while the Executive Officer would continue to be able to make well-reasoned exceptions to the no campfire rule for areas outside the PWP area, there would be no campfire exceptions within the PWP area.</p> <p>Please also see Topical Response #2.</p> <p>Based upon the above discussion and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>II-8</p>	<p><i>This comment claims that the language in the DEIR is deceptive relative to Park Ranger patrols of campsites.</i></p> <p>RESPONSE:</p> <p>As noted in DEIR Section 2.0, <i>Project Description</i>, and DEIR Section 5.6, <i>Fire Hazards</i>, a Camp Host, staff maintenance person, or Ranger, who is wildland fire-trained, will be on site at each park property during the times camping is permitted. This shall be accomplished by either providing for residency of a Camp Host, staff maintenance person or Ranger at existing park properties, or ensuring that support facilities and apparatus are provided to sustain continuous daily and nightly patrols to strictly enforce the No Campfire Policy and use restrictions relating to hazardous conditions. Park patrols shall be conducted daily at each park property when campers are present. Adjustments to patrol procedures will be made as necessary to ensure park rule enforcement and compliance.</p> <p>Finally, in response to oral and written comments, a Modified Redesign Alternative has been proposed for consideration and adoption by the Conservancy/MRCA. The Modified Redesign Alternative would provide permanent overnight accommodations for wildland fire-trained MRCA rangers, camp host, or staff maintenance person to strictly enforce the cold camp policy and further reduce any fire risk associated with the Plan. All MRCA rangers and camp hosts will be</p>

	<p>public officers designated pursuant to the MRCA Park Ordinance as authorized by the Public Resources Code and would be able to strictly enforce all policies through the issuance of citations.</p> <p>Based upon the above discussion and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
II-9	<p><i>This comment provides a narrative of certain CEQA case law.</i></p> <p>RESPONSE:</p> <p>The DEIR details the project as well as various alternatives for consideration by the Conservancy/MRCA. The alternatives detailed in the DEIR have not been rejected, but are alternatives to be considered by the Conservancy/MRCA at the time it makes its determination on whether to proceed with the project or an alternative. Thus, at the time the Conservancy/MRCA makes its decision, it is free to select the project as proposed in the DEIR, or an alternative.</p> <p>Further, in response to comments on the DEIR, the Conservancy/MRCA is also considering for adoption a Modified Redesign Alternative. Please see Topical Response #1.</p> <p>Please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.</p>
II-10	<p><i>This comment states that CEQA requires an EIR to consider and analyze project alternatives that would reduce adverse environmental impacts.</i></p> <p>RESPONSE:</p> <p>Please see response to comment N-1.</p>
II-11	<p><i>This comment questions the proposed Malibu Bluff campsite Areas 3, 4, and 5, located in ESHA as a resource dependent use.</i></p> <p>RESPONSE:</p> <p>As discussed in detail in DEIR, Section 4.0, <i>Consistency With Plans and Policies</i>, the Plan includes development of low-impact campsites, as defined by the City LCP, and are therefore resource-dependent uses and permitted in ESHA. Nevertheless, the majority of proposed</p>

campsites would be located in existing public use areas and in previously disturbed or non-sensitive areas. The proposed park-specific project plans demonstrate that campsites are appropriately setback from the top of bank from all streams, or outer edge of the riparian canopy, whichever is greater, and in areas of level terrain, where feasible, to avoid the need for excessive grading and to minimize associated impacts to sensitive habitat areas and water quality. Where construction of camp facilities will result in unavoidable impacts to ESHA, mitigation measures have been identified in the DEIR to fully mitigate all impacts to less than significant levels (see DEIR Section 5.4, *Biological Resources*).

Furthermore, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas (ESHAs) must be protected against disruption of habitat values, and that proposed development adjacent to ESHA and parks shall be designed to prevent adverse impacts to those areas and be compatible with their continuance. Section 30240 of the Coastal Act, and City and County LUP policies state that only resource dependent uses are permitted to occur in ESHA. City and County LUP policies, including the Malibu Parks Public Access Enhancement Plan Overlay, define resource dependent uses as including trails and low-impact campsites. In addition, the proposed Ramirez Creek Habitat Enhancement/Restoration Plan, prepared by Penfield & Smith, includes a detailed analysis of stream restoration opportunities for Ramirez Canyon Creek, which was channelized by a previous property owner. The creek restoration project would significantly improve the water quality and habitat value of Ramirez Canyon Creek, and is also considered a resource dependent use pursuant to the Coastal Act, and the City and County LUP.

Additionally, a Modified Redesign Alternative is being proposed for consideration by the Conservancy/MRCA that includes a redesigned scope of improvements for Malibu Bluffs which eliminates all impacts to ESHA from non-resource dependent uses. The park entrance road for Parking Area 3 would result in very minor encroachment into an isolated patch of laurel sumac / California sagebrush vegetation located adjacent to Pacific Coast Highway. The policy consistency analysis for the Modified Redesign Alternative-Public Works Plan analyzes site-specific biological data in this location for consistency with ESHA designation policies of the LCP and, based on site-specific evidence,

	<p>determines that the area does not meet the definition of an ESHA. This is a 0.56-acre area which supports laurel sumac scrub and California sage brush vegetation, which is situated as a linear, isolated area located directly adjacent to Pacific Coast Highway. The northerly portion of the area is located in the Pacific Coast Highway right-of-way and, unlike the majority of the Malibu Bluffs property, there is no natural berm that provides a topographic separation of this area from activities occurring along the highway corridor. Due to its isolated nature and linear location directly adjacent to the highway in an area that is subject to ongoing disturbance, the area is not considered part of the larger laurel sumac scrub and California sage brush community the occurs on Malibu Bluffs. No special-status plant or wildlife species were recorded in this area during biological resource surveys conducted in 2009 and 2010. Further, given its isolated nature and the fact that it is consistently subject to a high level of disturbance, the area likely does not provide habitat for special-status plant and wildlife species nor provide essential wildlife movement corridors or critical ecological linkages in the area. Therefore, this 0.56-acre patch of laurel sumac scrub and California sage does not meet the City’s definition of ESHA as it does not support plants or wildlife that are particularly rare or valuable and which could be easily disturbed or degraded by human activities and development.</p> <p>As there are no other alternative locations which could accommodate the entrance road, and the improvements are located and designed so as not to impact ESHA, with implementation of appropriate mitigation measures identified in the FEIR, the Modified Redesigned Alternative entry road improvements for Parking Area 3 are consistent with applicable LCP policies relative to ESHA buffers (policies 3.23- 3.30).</p> <p>Based upon the above discussion and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>II-12</p>	<p><i>This comment states that if wildland fire trained personnel are not actually onsite, ready and able to act at the time an outbreak of fire occurs, an unstoppable chain of events may lead to tragic consequences.</i></p> <p>RESPONSE:</p> <p>Please see response to comments A-2, A-4, B-3, K-5, K-7, K-10, K-12, K-17, and U-3. In addition, DEIR subsection 5.6.2 of Section 5.6, <i>Fire</i></p>

	<p><i>Hazards</i>, provides a detailed impact analysis of the proposed Plan that includes overnight camping. The proposed Plan includes Fire Protection Plans (FPPs) for each of the five park areas, which provide detailed analysis of the proposed Plan improvements and the Plan’s potential risk for wildfire, and its impact on the fire response capabilities. The FPPs provide a redundant layering of prevention, protection, suppression and pre-planning methods and measures that have been proven to reduce fire risk. The combined fire protection system designed for the proposed Plan includes fuel reduction/treatment, enhancement and maintenance of ingress/egress routes, park and trail access control, options for emergency relocation and contingency sheltering areas, and restriction of open flames in all Park areas, amongst others. The system significantly reduces the fire risk associated with the Plan and the project area. Please see Topical Response #2.</p> <p>Finally, in response to oral and written comments, a Modified Redesign Alternative has been proposed for consideration and adoption by the Conservancy/MRCA. The Modified Redesign Alternative would provide permanent overnight accommodations for wildland fire-trained MRCA rangers, camp host, or staff maintenance person to strictly enforce the cold camp policy and further reduce any fire risk associated with the Plan. All MRCA rangers and camp hosts will be public officers designated pursuant to the MRCA Park Ordinance as authorized by the Public Resources Code and would be able to strictly enforce all policies through the issuance of citations.</p> <p>Based upon the above discussion and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>II-13</p>	<p><i>This comment states that overnight camping should not be allowed at Malibu Bluffs, due to the unavoidable risks posed by camping in high fire risk areas. Day camping would be a reasonable alternative as long as a Park Ranger is in on-site. The comment also expresses opposition to Malibu Bluffs Camp Areas 4 and 5 due to their remoteness from primary facilities located near Pacific Coast Highway, and states that if the foregoing requests are rejected, then overnight camping should be confined to Malibu Bluffs Camp Areas 1 and 2 to facilitate optimum emergency access from Pacific Coast Highway. The commenter also notes that camping should be prohibited if a full time Ranger is not continuously on-site and that all combustible brush be removed for a distance of not less than 100 feet around each campsite,</i></p>

	<p><i>consistent with clearance standards imposed upon local homeowners.</i></p> <p>RESPONSE:</p> <p>Please see response to comment II-12.</p> <p>With respect to brush clearance, as part of each FPP, fuel modification areas are identified and have been designed to gradually reduce fire intensity and flame lengths from advancing fire by reducing fuels, placing thinning zones, restricted vegetation zones, and irrigated zones adjacent to each other on the perimeter of structures and adjacent naturally vegetated areas. Fuel modification requirements will vary at each park property depending on site-specific characteristics and the type of improvement/uses proposed. Site-specific planting and spacing requirements apply to all Parks, as described in detail in DEIR Appendix I.</p> <p>See, also, Topical Responses #1 and #2.</p> <p>Based upon the above discussion and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>II-14</p>	<p><i>This comment suggests that Parking Area 4 at Malibu Bluffs should be eliminated since it would remove one, possibly two parking spaces that are currently available along Malibu Road.</i></p> <p>RESPONSE:</p> <p>The proposed 3-space Parking Area 4 at Malibu Bluffs would provide off-street visitor parking instead of utilizing public on-street parking, which is consistent with City of Malibu Land Use Plan policies requiring new development to provide off-street parking to minimize impacts to public street parking for coastal access and recreation.</p> <p>Finally, in response to oral and written comments, a Modified Redesign Alternative has been proposed for consideration and adoption by the Conservancy/MRCA. The Modified Redesign Alternative would eliminate Parking Area 4 as the commenter suggests, providing a public restroom at this location instead.</p> <p>Based upon the above discussion and the analysis contained within the</p>

	DEIR, no further revisions to the DEIR would be required.
II-15	<p><i>This comment asserts that the EIR fails to provide a range of reasonable alternatives to the Project and provides examples of off-site alternatives (Topanga Canyon, Malibu Lagoon State Park, Point Dume State Beach), which may be more conducive to camping without the adverse impact on the environment.</i></p> <p>RESPONSE:</p> <p>Please see response to comments L-2 and N-1. While the Conservancy/MRCA believe that a reasonable range of alternatives has been considered in order to allow for informed decision-making, the alternative sites mentioned by the commenter were considered by the Conservancy/MRCA and were determined to be not feasible, inconsistent with the project objectives, and/or likely to result in similar or greater environmental impacts than the proposed project. Brief justifications for the rejection of the suggested alternatives are identified below.</p> <p><u>Topanga State Park:</u></p> <p>Topanga State Park (TSP) is comprised of over 11,500 acres, most of which is upland topography that does not meet the objectives for coastal camping and enjoyment of predominately coastal resources. TSP is also located outside the City of Malibu far from the Public Works Plan (PWP) park sites, making it less accessible to Malibu coastal parks and trails. For instance, the recently acquired Lower Topanga State Park property (the only portion of the park that has direct coastal proximity), does not connect with the east-west Coastal Slope Trail. There are also no safe north-south trail connections; a more than six mile walk along the dangerous narrow shoulder along Topanga Canyon Blvd would be required to reach the Backbone Trail. This site would also have limited transit connectivity, and would be difficult to separate vehicle access roads and parking from campgrounds, providing an inferior visitor experience to that found at the primary park site in the PWP. Furthermore, this park is under California Department of Parks and Recreation (CDP&R) ownership; planning options being considered by CDP&R include total restoration of the historic Topanga Creek Lagoon, restoration of the historic Topanga Ranch Motel, and various other combinations of historic preservation and restoration of resources. None of the options being</p>

	<p>studied involves the kind of low intensity coastal camping contemplated by the Malibu Parks Public Access Enhancement Plan-Public Works Plan, and consequently there is no certainty that CDP&R would consider camping at this state park. Lastly, the habitat and vegetation types within this park are similar to the proposed Plan, and therefore, implementation of a project at this location would likely have similar or greater impacts to ESHA as the Proposed Plan. As a result, this alternative was eliminated from further consideration.</p> <p><u>Malibu Lagoon State Park:</u></p> <p>This alternative would not meet most of the project objectives. The park area is predominantly built-out with limited undeveloped in-fill areas sufficient in size for site development. Due to insufficient developable acreages, this alternative would not meet primary project objectives to enhance public access and recreation opportunities, particularly low- impact and low-cost camping and trail facilities. As a result, this alternative was eliminated from further consideration.</p> <p><u>Point Dume State Beach:</u></p> <p>This alternative would meet some project objectives supporting enhanced public access and recreation opportunities to park facilities in the Plan area; however, it would not meet the objectives to increase accessibility for all persons, since the beach is only accessible via a foot path down the cliff. In addition, adequate undeveloped land suitable to develop necessary facilities is not available and the beach is owned by the County of Los Angeles; it is not known whether this public agency would allow camping at the beach. As a result, this alternative was eliminated from further consideration.</p> <p>Based upon the above discussion and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>II-16</p>	<p><i>This comment states that the Conservancy and MRCA have committed themselves to the proposed Plan and questions the process where the Conservancy and MRCA prepares and review the CEQA document.</i></p> <p>RESPONSE:</p> <p>Please see response to comment B-1. Further, the Conservancy/MRCA have not committed to the project detailed in the DEIR, and in fact, have refined the existing Redesign Alternative</p>

	<p>detailed in the DEIR to create a Modified Redesign Alternative. Please see Topical Response #1. The Conservancy/MRCA will consider all comments provided on the DEIR, as well as the project and all of the alternatives prior to making a decision on whether to approve the project or an alternative.</p>
<p>II-17</p>	<p><i>This comment states that the proposed Plan should be revised to eliminate overnight camping at Malibu Bluffs and requests that additional offsite alternatives be considered.</i></p> <p>RESPONSE:</p> <p>The portion of the comment relative to eliminating overnight camping does not identify an inadequacy in the analysis, conclusions or mitigation measures in the EIR. CEQA Guidelines Section 15088(a) specifies that the “lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” This comment does not address an environmental issue. Your opinion is on the proposed project is important, however, and your comment will be included in the FEIR presented for review and consideration by the Conservancy/MRCA’s decision-making body. For the portion of the comment requesting additional offsite alternatives be considered, please see response to comments L-2, N-1, and II-15.</p> <p>Based upon the above discussion and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>

From: Scott Tallal [mailto:scott@commcinema.com]
Sent: Monday, March 22, 2010 4:12 PM
To: EIRcomments@smmc.ca.gov
Subject: Proposal for overnight camping in Malibu

Over the past several years, I have personally donated hundreds of hours of my time organizing free public events to attract visitors to Malibu and entertain them while they're here – so please stop insulting local residents like me by falsely accusing us of being racist and elitist. Aside from all of the traffic they cause and the several tons of litter they leave behind (which we local residents take care of on Beach Cleanup Day), Malibu has never had a problem welcoming the estimated 16 million visitors who come here each year – so we and you both know that SMMC is simply playing politics whenever you accuse us of NIMBYism. There are idiots everywhere, so please stop blaming our entire community when the rare, selfish neighbor crops up trying to interfere with public access.

JJ-1

By the same token, we know and you know that the overwhelming majority of Malibu residents who strongly support public access are only objecting to your overnight camping proposal because WE DON'T WANT OUR HOMES TO BURN DOWN! For the past several decades, every wildfire which has caused loss of life, destroyed homes, and burned hundreds of thousands of acres of ESHA has been man-made – not a natural occurrence. And since it's obviously impossible for anyone to guarantee that there will never be an overnight camper who'd start a fire (again, there are idiots everywhere), any resulting fire caused by your horribly misguided proposal will have ultimately been caused by you.

JJ-2

If someone dies as a result, are you really ready to have that blood on your hands? We all know that it would be a matter of if – not when – so how about if we just agree to forever refer to it as the Edmiston Commemorative Fire, so that no one will ever forget who's responsible?

<p>Letter JJ Commenter: Scott Tallal Date: March 22, 2010</p>	
<p><i>Introduction</i></p>	<p>In response to comments, two topical responses have been created (Topical Response #1 – the Modified Redesign Alternative & Topical Response #2 – Fire Concerns). Where a response to a comment can be addressed with one of these topical responses, the commenter is referred to the topical response.</p>
<p>COMMENT NO.</p>	<p>RESPONSE</p>
<p>JJ-1</p>	<p><i>This comment provides personal information regarding the author’s efforts to organize free public events to attract visitors to the Malibu area and requests that the Conservancy stop accusing the local community of NIMBYism in trying to interfere with public access.</i></p> <p>RESPONSE:</p> <p>CEQA Guidelines Section 15088(a) specifies that the “lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” This comment does not address an environmental issue. Your opinion on the proposed project is important, however, and your comment will be included in the FEIR presented for review and consideration by the Conservancy/MRCA’s decision-making body.</p>
<p>JJ-2</p>	<p><i>This comment expresses opposition to overnight camping as proposed in the Plan.</i></p> <p>RESPONSE:</p> <p>CEQA Guidelines Section 15088(a) specifies that the “lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” This comment does not address an environmental issue. Your opinion on the proposed project is important, however, and your comment will be included in the FEIR presented for review and consideration by the Conservancy/MRCA’s decision-making body. Please, see Topical Responses #1 and #2.</p>

From: Julie Carmen Hoffman, LMFT [mailto:info@juliehoffmantherapy.com]
Sent: Monday, March 22, 2010 4:00 PM
To: EIRcomments@smmc.ca.gov
Subject: Puerco Canyon Concerns

PUERCO CANYON CONCERNS

Thank you for listening to some of the serious concerns among Puerco Canyon residents about overnight camping at Corral Canyon South. We appreciate that you are giving us this window of opportunity to voice our concerns before irreversible changes are made to our undisturbed mountain.

KK-1

PLEASE MAKE THE FOLLOWING ITEMS ESSENTIAL COMPONENTS OF YOUR IMPACT RESEARCH:

FLAMMABLE MATERIALS - Details of all **flammable material** including but not limited to **propane and gasoline** at the **RV Park** which is located between Corral Canyon and Puerco Canyon. We would like to know the contents and quantity of flammable materials, especially during high tourist season. That information can probably be gotten from their logs.

KK-2

FIRE PROTECTION - Detailed plans to protect hikers, campers and residents from propane / gasoline fed fires due to negligence from people using your proposed trails between Corral and Puerco Canyons. The canyons mentioned are narrow, the fires travel very fast. My family has watched flames jump the canyon and reach our homes within five minutes. We were evacuated four times last year alone. Corral and Puerco Canyons are more flammable than other canyons. Pepperdine University and many small businesses are also in the direct line of fire if the winds are directed South or East. The EIR states there will not be a road suitable for fire trucks into the proposed campsite and a one inch hose will be there.

KK-3

Having lived through fifteen years of fires at Puerco Canyon, we consider a one inch hose to be extraordinarily insufficient.

↑
KK-3

RED FLAG WARNINGS - We would like to know your solution to the problem of red flag warning conditions including up to **ninety mile an hour winds** from the Northwest or Southeast which often drive the fires around the RV park and the gas station at the base of Corral Canyon. Will all trails and campgrounds be **closed during red flag warnings**, similar to beach closures during serious riptides? Who will actually enforce these closures? In fifteen years we have never seen a ranger in Malibu State Parks and we are avid hikers.

KK-4

MOUNTAIN LIONS - Regarding sensitive habitats, please let us know how you plan to not disturb the mountain **lion** pair which has been re-populated into Puerco Canyon and often walks around my neighbor's swimming pool like it's their watering hole. Not only do you need to consider the response the cats will have to being re-located yet again but also the safety of the hikers and campers you plan to introduce to the area.

KK-5

BEES - Please let us know your experts' opinions of the **bees** which have congregated in the **micro climate of Puerco Canyon**. With global concern that bees may be becoming extinct, it has been exciting to witness their abundance on the mountain area between Corral Canyon and Puerco Canyon. Our hope is that the bee population will not be deemed a pest for campers and hikers and eradicated.

KK-6

DOG WALKING/DOG PACKS - Since the Puerco Canyon fire road has gotten the reputation for **not having Rangers**, professional dog walkers let dozens of dogs off leash daily and the **dogs form aggressive packs towards hikers**. As I mentioned during your open meeting at Webster School, I was bitten during such an attack. Not only is there **no cell phone reception** on those trails but once I got into cell phone range I was told by both the Lost Hills Police Department and Parks Department that no one is available to patrol those mountains and prevent those problems.

KK-7

CEMENT SHAFT - You may not be aware that there is a very **dangerous cement shaft** alongside your trail leading from PCH up to Puerco Canyon. A hiker slipped down it two years ago while she was looking for her dog. It took two days for rescue teams to find her and remove her. Please assure us that the shaft has been sealed off before such an accident happens again.

KK-8

We have all read in the Los Angeles Times that people from certain agencies consider residents an intrusion to the undisturbed campground potential of the California Coast. Unfortunately, the residents you are negotiating with happen to be the taxpayers who support those agencies. If more of our homes, churches, temples, schools, stores and universities burn due to negligent civic planning, there will be deep erosion in the government's ability to support the agencies.

KK-9

Thank you for considering these crucial issues.

Julie Hoffman, LMFT

<p>Letter KK Commenter: Julie Hoffman Date: March 22, 2010</p>	
<p><i>Introduction</i></p>	<p>In response to comments, two topical responses have been created (Topical Response #1 – the Modified Redesign Alternative & Topical Response #2 – Fire Concerns). Where a response to a comment can be addressed with one of these topical responses, the commenter is referred to the topical response.</p>
<p>COMMENT NO.</p>	<p>RESPONSE</p>
<p>KK-1</p>	<p><i>This comment expresses appreciation for the opportunity to comment on the DEIR and requests that the author's comments become essential components of the DEIR.</i></p> <p>RESPONSE:</p> <p>CEQA Guidelines Section 15088(a) specifies that the “lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” This comment does not address an environmental issue. Your opinion is on the proposed project is important, however, and your comment will be included in the FEIR presented for review and consideration by the Conservancy/MRCA’s decision-making body.</p>
<p>KK-2</p>	<p><i>This comment requests that details of all flammable material including propane and gasoline at the RV Park located between Corral Canyon and Puerco Canyon be provided, particularly the contents and quantity during the high tourist season.</i></p> <p>RESPONSE:</p> <p>DEIR Section 5.9, <i>Hazardous Materials</i>, provides detailed information regarding hazardous materials or wastes that could result from implementation of the Plan and the results of an October 2009 search of regulatory databases for sites with known or suspected hazardous material contamination, use of hazardous or toxic materials and regulated wastes, discharge or spillage incidents, discharge permits, landfills, and storage tanks for the Plan and surrounding area.</p> <p>The results of the regulatory search listed the RV Park as a site with a septic disposal system and did not indicate that the RV Park contained</p>

	<p>hazardous materials (e.g., flammable materials) at levels which would trigger the need, under the Los Angeles County Fire Department Health Hazardous Materials Division, of a “Unified Program Consolidated Form” (UPCF). Businesses which use, store, or handle 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas at standard temperature and pressure require a Consolidated Contingency Plan to be submitted and approved by LACFD. At any point were the RV Park (as a businesses handling or storing certain amounts of hazardous materials) to exceed these threshold quantities, they would be required to prepare a Consolidated Contingency Plan, which includes an inventory of hazardous materials stored onsite (above specified quantities), preparation of an emergency response plan, and an employee training program. Such plans must be prepared and submitted to LACFD for approval prior to facility operation and are reviewed/updated biennially or within 30 days of a change.</p> <p>Please, also, see Topical Response #2.</p> <p>Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>KK-3</p>	<p><i>This comment requests that detailed plans be prepared to protect hikers, campers, and residents from propane/gasoline fed fires due to negligence from people accessing the proposed trails in Corral and Puerco Canyons.</i></p> <p>RESPONSE:</p> <p>Please see response to comments A-2 and A-4. See, also, Topical Responses #1 and #2.</p> <p>Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>KK-4</p>	<p><i>This comment requests information as to how red flag warnings will be enforced and monitored.</i></p> <p>RESPONSE:</p> <p>Please see response to comments A-2, A-4, B-3, K-10, K-17, K-18, T-4, and U-3.</p>

	<p>During Red Flag days/periods as declared for the Santa Monica Mountains area by the National Weather Service, a division of NOAA, all the Parks would be closed to all recreational use. Park properties would be posted and patrolled by Park Rangers to inform visitors of Red Flag Day closures and notification provided that violation of the Red Flag Day closure policy may be punishable by fines up to \$1,000.</p> <p>Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>KK-5</p>	<p><i>This comment requests information on how the proposed Plan will not disturb the mountain lion pair that lives in the area.</i></p> <p>RESPONSE:</p> <p>Human activity in wildland areas also used by mountain lions invariably increases the chances of encounters and interactions between lions and the public. The primary means of addressing these potential interactions is through public education and monitoring, and regulating public activities within the study areas. The DEIR includes several project design features and mitigation measures to reduce the potential for conflicts between humans and mountain lions. MM BIO-10.5 and MM BIO-10.6 require trash receptacle and food storage lockers and regular trash maintenance measures to reduce wildlife attractants (although mountain lions tend not to be attracted to such areas). Park regulations require that dogs be kept on leash at all times; this regulation is also included as MM BIO-10.7. MM BIO-10.8 provides for routine trail and camp maintenance to ensure that public activities are limited to authorized areas (e.g., prohibiting off-trail and off-campsite activities). MM BIO-10.12 provides for signage including regulations required to promote safe use of an area. This signage would include warnings and information about mountain lion activity in the study area, and procedures to avoid and minimize negative encounters with mountain lions.</p> <p>With regard to the effect on mountain lions living in the area, the Plan would not disrupt the large, contiguous stretches of native upland and riparian scrub/forest communities, which provides habitat for the mountain north to Thousand Oaks and on to the Los Padres National Forest. At a local level, Mountclef Ridge, an east-to-west trending ridgeline north of the study area, extends from Point Mugu State Park</p>

to the Los Padres National Forest and is part of an extended habitat linkage that has been constrained by development from 1.2 miles wide to approximately 800 feet wide (Save Our Ring of Green [SOROG] 2007). This wildlife corridor provides important wildlife movement habitat for mountain lion, and its main prey, mule deer. The Mountclef Ridge wildlife corridor has been identified as one of the last remaining movement corridors for mountain lion in the Santa Monica Mountains (SOROG 2007).

The Plan has been designed to avoid and/or minimize impacts to sensitive and special-status biological resources, including the mountain lion. The Plan focuses on constructing campsites and associated infrastructure in disturbed, upland, and non-native land covers adjacent to existing trail corridors where human activity already exists, thus reducing impacts to wildlife movement and reducing adverse edge effects. Mountain lion use, movement, and dispersal in the Plan area may be temporarily hindered by construction of the campsites, associated facilities, and trails/trail connectors, but because of the localized setting of these disturbances, nocturnal movement is unlikely to be substantially affected. In addition, there are no “bottlenecks” adjacent to the proposed construction area (e.g., narrow passages between construction areas and existing development) that would preclude movement during construction. The most narrow potential passage area in the study area is where the gap between two single residences is about 750 feet on either side of the Latigo Trailhead. This kind of short “pinch point” would not hinder mountain lion movement. Otherwise, there is substantial natural vegetation adjacent to the construction areas to provide for movement during construction, especially at night. Furthermore, any impediments to mountain lion use, movement, and dispersal during construction will be temporary in nature and the species would be expected to use the area following construction.

With respect to long-term mountain lion activity, apart from the campsites, the Plan would not construct physical obstacles to mountain lion movement. MM BIO-10.13 requires that all proposed park fencing will be designed to allow for wildlife passage. In addition, a variety of project mitigation measures would be implemented to reduce the chance of adverse indirect effects to mountain lions and other wildlife. In addition to the mitigation measures cited above

	<p>regarding food and trash, campsite and trail maintenance, leashing of dogs, and signage, MM BIO-10.3 (lighting restrictions) and MM BIO-10.4 (noise restrictions) would be implemented. Following completion of the Plan, the mountain lion would continue to move without substantial hindrance through the study area to other areas of high biological value.</p> <p>Based upon the above discussion, no further revision of the DEIR would be required</p>
KK-6	<p><i>This comment requests opinions of experts on the bee population in Puerco Canyon.</i></p> <p>RESPONSE:</p> <p>It is the expert opinion of the project biologists that there is no reason to expect that the Plan would have an adverse effect on the local bee population, which is not endangered, threatened, or otherwise designated a species of special concern.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
KK-7	<p><i>This comment expresses concern with dogs on the Puerco Canyon fire road, particularly professional dog walkers that may be in possession of dozens of dogs.</i></p> <p>RESPONSE:</p> <p>MRCA Ordinance No. 1-2005, Chapter 3, General Rules and Regulations, strictly regulates dogs on MRCA park property. For instance, no person may be in possession of more than three dogs, either on or off leash, at any time. Although this comment does not identify an inadequacy in the analysis, conclusions or mitigation measures in the EIR, please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
KK-8	<p><i>This comment provides information on the existence of a very dangerous cement shaft adjacent to the proposed trail between PCH and Puerco</i></p>

	<p><i>Canyon.</i></p> <p>RESPONSE:</p> <p>CEQA Guidelines Section 15088(a) specifies that the “lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” This comment does not address an environmental issue. Your opinion is on the proposed project is important, however, and your comment will be included in the FEIR presented for review and consideration by the Conservancy/MRCA’s decision-making body.</p>
<p>KK-9</p>	<p><i>This comment states that the residents of Malibu support the planning agencies through payment of taxes, and if more homes, churches, temples, schools, stores and universities burn due to negligent civic planning, there will be a decline in the ability of taxpayers to support those agencies.</i></p> <p>RESPONSE:</p> <p>See response to comment KK-8.</p>



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James R. Repking
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March 22, 2010

File No. 58656

VIA E-MAIL AND U.S. MAIL

Santa Monica Mountains Conservancy
Mountains Recreation & Conservation Authority
750 W. Avenue 26, Ste. 100
Los Angeles, California 90065
Attn: Judi Tamasi

Re: **Comments on Draft EIR for Malibu Parks Public Access Enhancement Plan /
Public Works Plan**

Dear Ms. Tamasi:

Our firm represents the Winding Way Murphy Way Home and Landowners Association (the "Association"). The Association's appreciates the ability to comment on the Draft EIR ("DEIR") for the Malibu Parks Public Access Enhancement Plan / Public Works Plan ("Parks Plan"). However, for the following reasons, the Association has found the DEIR to be inadequate. It must be significantly revised and recirculated in order to comply with CEQA.

LL-1

**1. The DEIR Concedes the Parks Plan is Inconsistent With Coastal Act
ESHA Protections**

The DEIR states that a significant unavoidable impact would result because the project would disturb areas designated as Environmentally Sensitive Habitat Area ("ESHA") in the LCP. Furthermore, DEIR states that this disturbance is to build improvements which are not resource dependant under either the Coastal Act (Pub. Res. Code § 30240) or LCP Policies 3.8, 3.9 and 5.69. (*Id.*)

LL-2

The law is clear that non-resource dependant uses may not be located in an ESHA. (See Pub. Res. Code 30240 (a); *McAllister v. California Coastal Com.* (2008) 169 Cal. App. 4th 912, 928-929; *Bolsa Chica Land Trust v. Superior Court* (1999) 71 Cal.App.4th 493, 858.) It is irrelevant whether the ESHA is degraded or whether mitigation measures will be imposed to reduce environmental impacts. (*Id.*; see also, *Sierra Club v. California Coastal Com.* (1993) 12 Cal. App. 4th 602, 617.) Furthermore, impacts cannot be mitigated by creating ESHA elsewhere, as the DEIR proposes. (*Bolsa Chica Land Trust, supra*, 71 Cal.App.4th at 858.)

LL-3

The DEIR admits that the Parks Plan is inconsistent with the Coastal Act and the Local Coastal Plan Amendment ("LCP Amendment") approved by the Coastal Commission on

LL-4

June 22, 2009. As a matter of law, the Parks Plan may not be approved without being revised to be consistent with these policies.

↑ LL-4

2. The DEIR Is Inadequate

a. Biological Impacts

Contrary to the DEIR's conclusions, the significant and unavoidable impacts to ESHA are not simply an inconsistency with a plan or a land use impact. The impacts to ESHA are a biological impact which must be analyzed in the biological impact section of the DEIR.

LL-5

The biological section of the DEIR relies on a study of a very small area of the various parks where improvements are proposed. For example, for Escondido Canyon, the study only studied the area where the parking lot and camp sites will be built, and a narrow area where a trail will be constructed. (DEIR, Figure 5.4-3a.) The remainder of the park does not appear to have been studied. (*Id.*) A new study should be conducted which covers the park areas as a whole. Considering that the Parks Plan will dramatically increase visitors to the area, there is no assurance that people and pets will remain only on designated trails and camp site areas. There is no analysis of the present or anticipated increase foot traffic due to the proposed improvements. The additional use will impact the park areas as a whole.

LL-6

The most glaring omission in the study is the area surrounding Escondido Falls, which is the focal point of the park and used by all visitors. Hiking is currently degrading the riparian habitat and there is off trail access to the upper falls. The area surrounding Escondido Falls is salamander habitat. Salamanders have been observed by members of the Association. Neighborhood residents observations of sensitive species are substantial evidence that those species may exist in the area. (See *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322.)

LL-7

The DEIR did not adequately study other sensitive species in Escondido Canyon. This included the burrowing owl, the coastal gnatcatcher, the arroyo toad and the California red-legged frog. The DEIR concedes that the park areas contain suitable habitat for these species (DEIR, p. 5.4-46 to 47), but the DEIR did not perform detailed studies or follow the required protocol to determine the effect on these species.

LL-8

Furthermore, the DEIR did not take into account the biological impacts of nighttime lighting and construction noise.

LL-9

The DEIR proposes to mitigate biological impacts by creating habitat elsewhere outside Escondido Canyon. (DEIR, p. 5.4-58.) However, this is inadequate to mitigate impacts *within* Escondido Canyon. Because of the special habitat values of Escondido Canyon, any mitigation measures to create additional habitat should be within Escondido Canyon.

LL-10

b. Traffic Impacts

The traffic study was based on (1) an inflated trip count that occurred during a period of unique and non-reoccurring conditions which overstates the baseline traffic and (2) trip generation rates which dramatically understate the impact of the park plan. The trip counts for existing traffic on Winding Way were taken on a day which does not represent typical conditions. The trip meter was placed in front of driveway of a house which was undergoing substantial construction. Furthermore, there was a water leak on Porterdale Drive which resulted in many DWP trucks accessing the street. The Association notified the Conservancy of these issues (November 10, 2006 letter attached hereto), but never received a response. The DEIR states that the weekday average daily trips are 421 on a weekday and 261 on a weekend. (DEIR, p. 5.15-8.) However, members of the Association estimate that there are only 20 to 30 car trips per day on a weekday and less on the weekends. Neighbors observations of traffic conditions can be substantial evidence of a potential adverse environmental impact. (See *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322.)

LL-11

The trip generation rates used for camping are not consistent with the rates used in Institute of Traffic Engineers Trip Generation Manual. The ITE rates for "Campground / Recreational Vehicle Park" are .20 trips per occupied camp site in the AM Peak Hour and .37 trips in the PM Peak Hour. In contrast, the DEIR used .15 for both the AM and PM Peak Hours. (DEIR, p. 5.15-26.) As a result, the DEIR underestimated trips by 25 percent in the AM and 59 percent in the PM peak hour.

LL-12

With respect to the day-use area, the DEIR calculated trips based on the number of paved spaces. In contrast, ITE calculates trips based on the number of acres of park. This methodology recognizes that the number of parking spaces does not dictate who will come to the park. The ITE rates for "Beach Park" are .48 per acre for AM Peak and .60 per acre for the PM Peak. Considering that Escondido Canyon is 140 Acres, AM Peak trips would be 67.2 and PM trips would be 84. These numbers are a dramatic contrast with those found in the DEIR (0 for AM Peak and 1 for PM Peak).

LL-13

The DEIR does not analyze the traffic safety impacts of placing a large number of new trips on narrow, winding roads and the potential of automobile/pedestrian conflicts. This omission is particularly troubling considering recent accidents in the area.

LL-14

With respect to Escondido Canyon, the sole vehicular access to the park will be from Winding Way. The Association previously notified the Conservancy that it has no legal right to use Winding Way for vehicular access. Winding Way is not a public road and the underlying property is owned by each of the homeowners along Winding Way. Pursuant to the 1998 quitclaim deed from the County of Los Angeles to the Conservancy (Instrument No. 98-1506312), the Conservancy was granted an easement only for a "public riding and hiking trail." The 1998 Quitclaim expressly reserved all other rights. Furthermore, the portion of Escondido Canyon where the camping is proposed is subject to a deed restriction which prohibits "overnight camping and/or vehicular use by the general public." (Instrument No. 90-272033.) Simply put, Winding Way cannot be used for vehicular access to Escondido Canyon.

LL-15

c. Fire Hazard / Public Safety Impacts

The DEIR focuses on the potential impacts of fires on campers, not the increase in fires due to the campers use of the parks. This is backwards. CEQA evaluates the impact of the project on the environment, not the environment on the project. (See *Baird v. County of Contra Costa* (1995) 32 Cal.App.4th 1464, 1468.)

LL-16

In addition to impacts to surrounding residents, increased fires have the potential to cause significant environmental impacts, including, but not limited to, biological and water quality impacts. The mitigation measures proposed are inadequate to reduce fire hazards to a less than significant level. For example, the DEIR states that the parks will be closed on red flag fire days, but the proposed level of staffing is inadequate to ensure that individuals will not use the park despite the restriction.

LL-17

The DEIR discussion of fire department services relies on existing services and does not take into account recent and reasonably foreseeable future cut-backs in fire services. Furthermore, the DEIR does not consider funding more fire services as a mitigation measure for park construction.

LL-18

Fire Department regulations require that there be a minimum of a 20-foot access road to all development. Here, the campsites are not within 20 feet of a road. Again, the Conservancy does not have any legal right to use Winding Way for vehicular access.

LL-19

There are also other safety risks from the Park Plan. Currently, there are at least three hikers per year helicoptered out of the Escondido Falls area after injuring themselves. The Park Plan will increase the number of visitors, and, consequently, the number of injuries which will result in the park.

LL-20

The DEIR does not address the maintenance of the trail along Winding Way. This is a public safety issue because ruts and overgrowth cause hikers and horses to trip and get injured. It also causes hikers to use the street rather than the trail, causing traffic safety impacts.

LL-21

d. Noise Impacts

The DEIR does not include any quantification of construction noise impacts. (See DEIR, p. 5.12-13.) It merely includes a narrative discussion without any quantification of the noise generated by construction equipment or how this will impact noise levels at nearby residences. The DEIR proposes mitigation measures, but, again, does not evaluate the efficacy of these measures with any quantitative analysis. Furthermore, many of the mitigation measures are legally inadequate because they will only be imposed where "feasible." (DEIR, p. 5.12-18.) Under CEQA, the DEIR must determine whether or not these mitigation measures are feasible now.

LL-22

Likewise, the DEIR discussion of operational noise from campers does not contain any quantification of the noise or its effects on overall noise levels in the area. Furthermore, although the DEIR recommends various mitigation measures to reduce noise levels, such as

LL-23



imposing quiet hours, the DEIR does not evaluate the efficacy of these measures and the reasonably foreseeable potential that campers will violate the restrictions.

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LL-23

e. Alternatives

i. *The DEIR Improperly Rejected Alternative Sites*

The DEIR inappropriately rejected four alternative locations (King Gillette Ranch, Charmlee Park, Tuna Canyon Park, and Solstice Canyon Park/Zumas/Trancas Canyons Site) outright without further study. Under CEQA, the DEIR must evaluate all alternatives which meet the “basic project objectives”. (See CEQA Guidelines, 15126.6(a).) Many were rejected for reasons which were not even specified as project objectives. The DEIR has failed to show that any of the four alternate park sites eliminated from consideration at the outset do not meet most of the basic project objectives.

LL-24

The DEIR rejected King Gillette Ranch because it was located near the coastal zone boundary, was in a different “microclimate” than the parks included in the Plan and did not create a “true blue-water coastal experience”. (DEIR, p. 8.0-5 to 6.) None of these factors were listed as project objectives and there was no basis for rejecting King Gillette Ranch as an alternative.

LL-25

Likewise, the DEIR dismissed Charmlee Park even though it “has many of same qualities as the parklands included in the Plan.” (DEIR, p. 8.0-6.) The DEIR rejected Charmlee Park because the City has refused to “entertain any camping uses within the park and only limited parking.” (*Id.*) However, just because the City will not allow camping on the park and limited parking does not mean that the site does not meet the basic project objectives of creating increased public park access and recreational opportunities.

LL-26

The DEIR rejected Tuna Canyon Park because of its “limited accessibility.” (DEIR, p. 8.0-6.) However, the DEIR did not consider whether access could be improved to the site.

LL-27

With respect to Solstice Canyon Park/Zumas/Trancas Canyons Site of the Santa Monica National Recreation Area, the DEIR found that these National Park Service-owned parks share the same qualities as the areas in the Park Plan. However, the DEIR rejects this alternative location because the NPS management plan does not “specifically identify camping as a proposed use” and “the feasibility of camping at these locations cannot be ascertained at this time.” (DEIR, p. 8.0-6 to 7.) Simply because the feasibility of camping cannot be ascertained at this time does not mean that camping is infeasible. Furthermore, even if camping were not allowed, these alternative sites would meet the basic project objective of increased public park access and recreational opportunities.

LL-28

ii. *The DEIR Did Not Consider A Reasonable Range of Alternatives*

The DEIR failed to consider a reasonable range of alternatives as required by CEQA. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553.) The DEIR only studied three alternatives: a no project alternative and two reduced project alternatives. This is not a

LL-29
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reasonable range of alternatives under CEQA. The DEIR should have considered the following additional alternatives: (1) a no-camping alternative, (2) a reduced camping alternative (camping only at some of the parks, (3) alternative sites (including the four parks eliminated from consideration at the outset) and (4) the alternative parks plan proposed by the City of Malibu during the LCP proceedings. The above alternatives would reduce biological, traffic, and fire safety impacts, among other things.

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LL-29

With respect to Escondido Canyon in particular, the DEIR should have considered an alternative where no new parking lot would be built and Winding Way could not be used for vehicular access. The DEIR should have considered expanding or reconfiguring the existing parking lot at PCH and Winding Way and additional parking along PCH. This alternative would eliminate traffic impacts along Winding Way. Furthermore, it would reduce biological and ESHA impacts by reducing the amount of developed area.

LL-30

With respect to the two reduced park plan alternatives considered, the DEIR rejected them because it concluded that they would “fall short in providing adequate facilities” to meet current and future demands. However, the DEIR does not contain any quantification of demand for park services. CEQA does not allow alternatives to be rejected based on justifications which are unsupported by evidence in the record. (See *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1357.)

LL-31

3. The EIR Should Not Be Processed While The LCP Override Litigation is Pending

The Parks Plan has been prepared pursuant to the LCP Amendment approved by the California Coastal Commission on June 22, 2009 (MAL-MAJ-1-08). However, the Commission’s approval of the LCP Amendment has been challenged by the City of Malibu and other parties and the lawsuit is now pending in Los Angeles Superior Court (Case No. BS 121650, Norwalk Courthouse, Department G, Hon. John A. Torribio presiding).

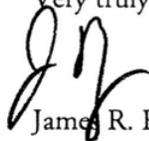
LL-32

In light of this lawsuit, it is premature for the Conservancy/MRCA to move forward with the EIR. If the LCP Amendment is overturned, the entire process will need to be redone. Therefore, it is both inappropriate and a waste of resources to move forward with the EIR now.

In any event, the DEIR must be revised and recirculated in light of the inadequacies detailed above.

LL-33

Very truly yours,


James R. Repking

Laurie Collins
Santa Monica Mountains Conservancy
570 W. Avenue 26th
Los Angeles, CA 90065

November 10, 2006

Dear Ms. Collins,

I am writing to you to document our phone conversation regarding the traffic meter placed on Winding Way. We had noted that a traffic meter was placed across the road of Winding Way on the private property with the address 5301 Porterdale Drive. The meter and its cable extended across the road of Winding Way, which is private property.

I advised you that placement of this meter was illegal, since it was put on private property without obtaining permission of the owners. You had indicated that you disagreed that this was an illegal placement. However, the SMMC easement is limited to the trail itself, which is not where the meter was placed.

I pointed out to you that the meter was placed below the driveway to 27720 Winding Way, a property currently under active construction of a large house and associated improvements that carries a high level of traffic. There are also two properties under construction on Porterdale Road. There was also a major water leak on Porterdale Road during one of the days of the survey that added to normal traffic with the repair crews. Beyond Porterdale Road, two houses are under construction which are accessed at the driveway to 27465 Winding Way, and there is a development project involving multiple homes at the end of Winding Way.

I pointed out to you that your choice of placement of the meter would give falsely high results of normal traffic, since construction is a temporary situation. I asked that you remove the traffic meter and not rely on or use the data from it. You refused to remove it and did not agree to not use this misleading data, but agreed to move the placement of the meter.

You did confirm to me by a second phone call that the original meter was placed by the SMMC and that you were trying to arrange moving it. Subsequently, a second meter was placed just beyond Porterdale Road, while leaving the first meter in place. It should be noted that there was no human monitor to record what types of traffic were occurring.

The Homeowners Association requests that you do not utilize or rely upon the data from this survey which was performed without the required permission, and in a placement that will give false data. As I advised you in our phone call, you need to contact one of the Association Officers or the specific homeowner on whose property any such device will be placed to get our permission before equipment is placed. I am providing you again with the officers' phone numbers to facilitate that communication.

I would appreciate your written response regarding not using this traffic survey data. Feel free to contact us if you have questions,

Sincerely,

Judy Villablanca

Winding Way DeButts Terrace HLA Association Officers:

Dan Cislo	President	457-7599
Larry Gray	Vice President	457-1029
Judy Villablanca	Treasurer	589-8123
Mary O'Leary	Secretary	457-1628

<p>Letter LL Commenter: James Repking Winding Way Murphy Way Home and Landowners Association, represented by Cox, Castle & Nicholson LLC Date: March 22, 2010</p>	
<p><i>Introduction</i></p>	<p>In response to comments, two topical responses have been created (Topical Response #1 – the Modified Redesign Alternative & Topical Response #2 – Fire Concerns). Where a response to a comment can be addressed with one of these topical responses, the commenter is referred to the topical response.</p>
<p>COMMENT NO.</p>	<p>RESPONSE</p>
<p>LL-1</p>	<p><i>This comment states that the DEIR is inadequate and must be significantly revised and recirculated in order to comply with CEQA.</i></p> <p>RESPONSE:</p> <p>Although the commenter asserts that the DEIR is inadequate and must be significantly revised and recirculated, the commenter does not identify a specific inadequacy in the analysis, conclusions or mitigation measures in the EIR.</p> <p>Nevertheless, the comment is noted, but without any specific environmental inadequacy alleged, no specific response on an environmental issue can be provided.</p> <p>With regard to recirculation, the standard for recirculation of an EIR under the CEQA Guidelines is a high one. Only the addition of significant new information triggers recirculation, and only where: (1) a new significant environmental impact would result from the project or a new mitigation measure proposed; (2) a substantial increase in the severity of an environmental impact would result unless mitigation is adopted; (3) a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but it is declined to be adopted; and (4) the draft EIR was so fundamentally and basically inadequate and conclusory in nature. See, CEQA Guideline 15088.5. The DEIR circulated for public review analyzed the environmental impacts of the proposed Plan and did so at a volume of 5,253 pages. Thus, the analysis was extensive and would not meet the standard of</p>

	<p>recirculation even with the minor revisions provided in response to comments.</p> <p>Please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>LL-2</p>	<p><i>This comment states that the DEIR is inconsistent with the Coastal Act and Malibu LCP relative to ESHA protections.</i></p> <p>RESPONSE:</p> <p>The DEIR Section 4.0, <i>Consistency with Plans and Policies</i>, provides a detailed analysis explaining how the proposed project improvements and design measures would be consistent with Coastal Act and certified Local Coastal Program policies relative to ESHA, including analyzing project features for consistency with policies which limit uses in ESHA to resource dependent uses. The following discussion is provided in response to the commentors' concern regarding inconsistency with the Coastal Act and Malibu LCP relative to ESHA protections.</p> <p>The DEIR Section 4.0, <i>Consistency with Plans and Policies</i>, analyzes the Plan's consistency with Coastal Act Section 30240 and LUP Policy 3.8, which limit uses in ESHA to resource-dependent uses. As described in DEIR Section 4.0, the proposed Plan would result in minor impacts to ESHA from non-resource dependent uses. However, as described below, in an effort to respond to this comment and others, the Conservancy/MRCA is being presented with a Modified Redesign Alternative for consideration and adoption. Under this alternative, the proposed Plan would not result in impacts to ESHA from non-resource dependent uses.</p> <p>The DEIR Section 4.0, <i>Consistency with Plans and Policies</i>, analyzes the Plan's consistency with LUP Policy 3.9 and other ESHA protection policies of the Coastal Act and LCP and notes that, although trails are a resource-dependent use and are permitted in environmentally sensitive habitat areas (ESHA), proposed trails have been located and</p>

designed to avoid or minimize impacts to ESHA by utilizing established trail corridors, following natural contours, and avoiding naturally vegetated areas with significant native plant species to the maximum extent feasible. In addition, as illustrated on the Public Works Plan Proposed Trail Map and site-specific conceptual project plans, the proposed Plan incorporates a number of existing trail corridors, trail corridors previously evaluated for the Draft Santa Monica Mountains National Recreation Area Interagency Trail Management Plan, the City of Malibu LCP and the City of Malibu Trail Master Plan, and analyzes alternative trail alignments to minimize potential conflicts with sensitive habitat, adjacent neighborhoods and/or steep terrain. As discussed in the policy consistency analysis, where trail construction will result in unavoidable impacts to ESHA, mitigation measures have been identified to fully mitigate all impacts to less than significant levels.

Further, DEIR Section 4.0, *Consistency with Plans and Policies*, cites and analyzes City of Malibu Land Use Plan policy 5.69 and City of Malibu Local Implementation Plan policy 3.5.2.D.7.a., which define resource-dependent uses for the proposed park improvements as follows:

City of Malibu Land Use Plan policy 5.69

Overnight campsites, including “low-impact” campsites, are permitted uses in parklands subject to the Malibu Parks Public Access Enhancement Plan Overlay and should be developed within park boundaries for public use to provide a wider range of recreational opportunities and low-cost visitor serving opportunities for visitors of diverse abilities, where impacts to coastal resources are minimized and where such sites can be designed within site constraints and to adequately address public safety issues. For purposes of this Overlay, low impact campsites (and associated support facilities including, where appropriate, picnic tables, potable water, self-contained chemical/composting restrooms, shade trees, water tanks, portable fire suppression apparatus, and fire-proof cooking stations) are “carry-in carry-out” campsites accessed by foot or wheelchair and which have an educational or interpretative component including signage related to the natural resources of the Santa Monica Mountains. Low impact campsites, as defined, constitute a resource dependent use.

City of Malibu Local Implementation Plan policy 3.5.2.D.7.a.

Trails, camp facilities, park uses as described in this Overlay, and necessary support facilities shall be considered permitted uses for those parkland areas

subject to the Malibu Parks Public Access Enhancement Plan Overlay and as identified on the Public Parkland Map and Proposed Trail Resources Map. Trails and other resource dependent park uses, and necessary support facilities associated with resource dependent uses, located within or adjacent to areas mapped as ESHA shall be sited and designed to avoid significant disruptions of habitat values within the ESHA and avoid significantly degrading such areas. Minor disruptions to ESHA resulting from resource dependent uses shall be mitigated pursuant to LIP provision 3.4.2(D)(7)(a)(viii).

Policy 5.69 specifically defines low-impact campsites and associated support facilities as resource dependent uses. Policy 3.5.2.D.7.a. further specifies that resource dependent park uses and necessary support facilities associated with resource dependent park uses, located within or adjacent to areas mapped as ESHAs, must be sited and designed to avoid significant disruption of habitat values and that appropriate mitigation be applied pursuant to the certified LCP. These policies recognize trails and low-impact campsites, and associated support facilities, as resource dependent uses and as such acknowledge that such uses may occur within ESHA.

In addition, City of Malibu Local Implementation Plan policy 3.5.2.D.12 defines support facilities under the Malibu Parks Public Access Enhancement Plan Overlay as follows:

“Existing and proposed support facilities are defined as those facilities deemed necessary to support the primary permitted land use, public access and recreation, research and education, and nature observation. The type of support facilities addressed at each park facility shall be based on the level and complexity of public uses and specialized programs offered at each park area.”

In approving the Overlay, the Coastal Commission concluded that low impact camping is a resource dependent use. The Commission’s revised findings (LCPA I-08, Revised Findings, included in Appendix C of the DEIR, draft, Malibu Parks Public Access Enhancement Plan Public Works Plan) explained:

"Clearly, hiking trails and low impact interpretive walk-in camp sites are dependent on the spectacular parkland sensitive habitats and

resources. An integral part of any public access or recreational experience in the Santa Monica Mountains is the ability to experience the sights, smells, and feel of the habitat up-close by being within it; by being "in nature". This means that by its very essence, such access and recreation use, including its various components, is dependent on the resource to function at all."

"In order to clarify that campsites (including necessary support facilities) are a resource dependent use, the Commission finds it necessary to revise Section D2 of the Overlay to include a definition for "low impact campsites" and the limited support facilities associated with these campsites ETC." (LCPA I-08, Revised Findings, p. 95.)

In connection with the Overlay and proposed trail and camp improvements, the County of Los Angeles Fire Department has stated its opposition to all the proposed parkland improvements unless certain mitigation measures are provided, including "approved fire proof shelters strategically located along the trails and in camping areas to accommodate park visitors when evacuation is obstructed by an approaching fire" and "Emergency fire shelters shall be located as approved by the Fire Department" (6/2/09 Letter from Chief P. Michael Freeman to John Ainsworth, Dep. Dir., CCC; 6/2/09 Letter from Chief P. Michael Freeman to John Ainsworth, Dep. Dir., CCC; 04/21/10 Letter from County of Los Angeles Fire Department to Judi Tamasi, Santa Monica Mountains Conservancy). Thus, but for fire protection shelters and any associated fuel modification required by the Fire Department, there can be no new trails, camp areas or any other increased public use of the parklands in the Plan area. Fire protection shelters and associated fuel modification are therefore equally integral to the public access and recreation experience in the Santa Monica Mountains because, according to the Fire Department, they are essential to the ability to develop trails and low impact campsites and therefore are *necessary support facilities associated with resource dependent uses* as defined by Policies 5.69 3.5.2.D.7.a. As such, improvements, such as fire protection shelters and associated fuel modification are resource-dependent uses and may occur in ESHA where sited and designed to avoid significant disruption of habitat values and with appropriate mitigation applied pursuant to the certified LCP.

	<p>Finally, under the Modified Redesign Alternative, impacts from non resource dependent uses to ESHA would be eliminated. Similar to the proposed Plan and consistent with LCP ESHA protection policies, the Modified Redesign Alternative includes site specific mapping of proposed improvement areas and associated impacts which demonstrates that throughout the Plan area, site specific analysis has found that proposed park facility improvements and associated fuel modification would not result in unpermitted development impacts to ESHA. Consistent with Coastal Act Section 30240 and LCP policy 3.8, impacts to ESHA have been limited to the Plan’s resource dependent uses (trails, low-impact camp areas as defined by the Malibu LCP, and Ramirez Canyon Creek enhancement/restoration). Specifically, proposed parking improvements at Kanan Dume limit all direct parking area development footprints and associated fuel modification to within the disturbed, informal parking area footprints and fuel modification areas that currently exist in these locations. The campsites at Latigo Trailhead have been eliminated and the parking area reduced, and the only improvements on site would be parking improvements that would be located in a disturbed area and outside of all mapped ESHA. Further, at the Malibu Bluffs Conservancy Property, there is a redesigned scope of improvements for Malibu Bluffs which eliminates all impacts to ESHA from non-resource dependent uses. Finally, at Escondido Canyon Park, all improvements with the exception of trail improvements, which are resource dependent uses, are eliminated. All other improvements that impact ESHA at other park sites under this alternative would be from resource dependent uses as detailed above.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>LL-3</p>	<p><i>This comment cites several cases and makes the statement that the law is clear that non-resource dependent uses may not be located in an ESHA and impacts cannot be mitigated by creating ESHA elsewhere, as the DEIR proposes.</i></p> <p>RESPONSE:</p> <p>Please see response to comment II-11. In addition, the proposed Plan includes a Biological Concept Mitigation/Restoration Plan (DEIR Appendix H-2), which provides for 3:1 mitigation (3 acres of mitigation</p>

	<p>for each acre of impact) for all ESHA impacts and which would establish 66.77 acres of native habitat within the Malibu and Santa Monica Mountains area of the Coastal Zone.</p> <p>With respect to the cases cited, the cases are very general propositions. For example, the Bolsa Chica case held that a residential use is not a resource dependent use, and therefore is not permitted in ESHA. The proposed Plan does not include the development of new residential development. The Plan includes new trails and low-impact interpretive walk-in campsites and limited support facilities associated with the campsites. As evidenced through numerous Coastal Commission decisions where trail development through ESHA have been approved based on the conclusion that trails are a resource-dependent use. Furthermore, the Coastal Commission as part of their approval of the LCPA override, concluded that camping and associated limited support facilities are also resource-dependent uses, as they are dependent on the spectacular parkland sensitive habitats and resources. See also response LL-2 above.</p> <p>In addition, LUP policy 3.14 states, in part, that impacts to ESHA that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated with priority given to on-site mitigation, and that off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site, or where off-site mitigation is more protective in the context of a Natural Community Conservation Plan that is certified by the Commission as an amendment to the LCP. As with the proposed Plan, impacts to habitat areas under the Modified Redesign Alternative would be mitigated pursuant to the Modified Redesign Alternative Biological Concept Mitigation/Restoration Plan (<i>Appendix MRA-11</i>), whereby mitigation would be proportional to the resource being impacted and, where high-quality habitat is impacted, the proposed mitigation would replace the ecological function through the establishment of similar high-quality habitat.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
LL-4	<p><i>This comment states that the DEIR admits that the proposed Plan is inconsistent with the Coastal Act and Local Coastal Plan Amendment approved by the Coastal Commission, and therefore, the Plan may not be</i></p>

approved without being revised to be consistent with the Coastal Act and LCP Amendment.

RESPONSE:

Please also refer to Response to Comment LL-2.

The DEIR Section 4.0, *Consistency with Plans and Policies*, analyzes the Plan's consistency with Coastal Act and LCP and finds that the proposed Plan would be inconsistent with Coastal Act and LCP ESHA policies due to minor impacts to ESHA from non-resource dependent uses, and that Latigo Trailhead improvements would be inconsistent with Coastal Act and LCP policies addressing geologic hazards. However, in an effort to respond to this comment and others, the Conservancy/MRCA is being presented with a Modified Redesign Alternative for consideration and adoption. Under this alternative, the proposed Plan would be consistent with all applicable Coastal Act and LCP policies, including policies addressing protection of ESHA and geologic hazards.

Consistent with Coastal Act Section and LCP ESHA protection policies, impacts to ESHA have been limited to the MRA's resource dependent uses (trails, low-impact camp areas as defined by the Malibu LCP, and Ramirez Canyon Creek enhancement/restoration). All non-resource dependent park improvements are located and designed so as not to impact ESHA and, as there are no other alternative locations which could accommodate the proposed park improvements, with implementation of the appropriate mitigation measures identified the proposed improvements are consistent with applicable Coastal Act and LCP policies relative to development adjacent to ESHA and ESHA buffers. In addition, the project includes a reduced parking area, day-use picnic areas and a restroom at the Latigo property. All structural improvements would be located with adequate setbacks from the recent landslide identified on the property. Picnic tables would be placed near the landslide area but with no grading. With implementation of the appropriate mitigation measures identified, the park facility improvements at the Latigo Trailhead would be consistent with Coastal Act and LCP policies relative to geologic hazards.

The Coastal Commission will make the final determination of the

	<p>proposed project's consistency/inconsistency with the Coastal Act and Local Coastal Plan Amendment.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>LL-5</p>	<p><i>This comment states that impacts to ESHA are a biological impact and must be analyzed in the biological impact section of the DEIR.</i></p> <p>RESPONSE:</p> <p>Please refer to DEIR subsection 5.4.2 of Section 5.4, <i>Biological Resources</i>, which provides a detailed impact analysis of the potential for the Plan's proposed improvements to directly or indirectly impact sensitive vegetation communities and populations of native and/or sensitive plant and animal species.</p> <p>Please also refer to Response to Comment LL-2.</p> <p>Further, in an effort to respond to this comment and others, the Conservancy/MRCA is being presented with a Modified Redesign Alternative for consideration and adoption. Similar to the proposed Plan and consistent with LCP ESHA protection policies, the Modified Redesign Alternative includes site specific mapping of proposed improvement areas and associated impacts which demonstrates that throughout the Plan area, site specific analysis has found that proposed park facility improvements and associated fuel modification would not result in unpermitted development impacts to ESHA. Consistent with Coastal Act and LCP ESHA protection policies, impacts to ESHA have been limited to the Plan's resource dependent uses (trails, low-impact camp areas as defined by the Malibu LCP, and Ramirez Canyon Creek enhancement/restoration) and appropriate ESHA buffers have been provided. Further, under this alternative, the overall impact level of the Modified Redesign Project Alternative on biological resources would be considered <i>potentially significant, but mitigable (Class II)</i> (similar to the Proposed Plan). Although impacts to sensitive vegetation communities and sensitive wildlife habitat would be similar, impacts to sensitive plant species, native trees, and wildlife movement would be reduced compared to the Proposed Plan as a result of a reduction in campsites and parking.</p>

	<p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>LL-6</p>	<p><i>This comment requests that a new biological study be prepared to cover each park as a whole and address the increased use of the parks from implementation of the proposed Plan.</i></p> <p>RESPONSE:</p> <p>DEIR subsection 5.4.2 of Section 5.4, <i>Biological Resources</i>, provides a detailed discussion and impact analysis relative to increased use of park areas. The DEIR states that the increased presence of domesticated animals, trash and debris, and human trampling could indirectly affect adjacent sensitive habitats in the long-term. As this would represent a substantial adverse effect on sensitive natural communities identified in local or regional plans, this could be considered a significant impact. However, the proposed Plan's signage program would provide information on regulations required to promote safe use of the project area and resource protection. Appropriate signage and visual cues would also serve to clearly identify the designate public parking areas and public trails throughout the Plan area to avoid conflicts with private property and sensitive habitat areas. This also includes requirements for appropriate fencing and signage installation around restoration areas for purposes of identifying sensitive habitats and educating visitors of ESHA occurrence and/or restoration efforts. Therefore, with the implementation of these project design features, significant, long-term indirect impacts to vegetation communities are not anticipated.</p> <p>Furthermore, the proposed Plan has been designed to avoid and/or minimize impacts to wildlife corridors and habitat linkages by focusing on constructing campsites and associated infrastructure in disturbed, upland, and non-native land covers adjacent to existing trail corridors where human activity already exists, thus reducing impacts to wildlife movement and reducing adverse edge effects.</p> <p>Please also refer to Response to Comment YY-41.</p> <p>Further, in an effort to be responsive to comments raised on the DEIR, the Conservancy/MRCA is being presented with a Modified Redesign Alternative. Under this alternative, camping would be</p>

	<p>clustered and limited mainly to two locations: Corral Canyon Park and the Malibu Bluffs Conservancy Property. Escondido Canyon that is cited by the commenter would be eliminated as a proposed campsite location. This clustering and limiting of campsites would further aid in reducing the impact visitors may have on the area.</p> <p>See, also, Topical Response #1.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>LL-7</p>	<p><i>This comment states that the DEIR did not address the potential existence of salamanders in the Escondido Canyon Park area and the degradation of riparian habitat in area surrounding Escondido Falls. The commenter also states that members of the Association have observed salamanders near Escondido Falls and notes that according to the case Mejia v. City of Los Angeles, neighborhood residents observations of sensitive species are substantial evidence that those species may exist in the area.</i></p> <p>RESPONSE:</p> <p>This comment addresses an environmental concern regarding salamanders in Escondido Canyon.</p> <p>It is unclear from the comment what species of salamander(s) has or have been observed in the Escondido Canyon Park area. Nonetheless, there are four salamander species that could occur in the study area. One of the species is a California Species of Special Concern—Coast Range newt (<i>Taricha torosa torosa</i>)—and is considered to have a high likelihood of occurring in the study area in riparian areas and adjacent chaparral, coastal scrub, and woodland communities, which would include the Escondido Falls area. There are three non-special-status salamanders whose geographic ranges overlap the project area and which may have potential to occur in the study area: the arboreal salamander (<i>Aneides lugubris</i>), which inhabits valley-foothill hardwood, valley-foothill hardwood-conifer, mixed conifer, and sometimes chaparral; the black-belly salamander (<i>Batrochoseps nigriventris</i>), which inhabits open oak, mixed conifer, and mixed chaparral; and the ensatina (<i>Ensatina eschscholtzii</i>), which typically inhabits conifer forest and mixed chaparral. However, these three salamander species are not special-status species.</p>

In order to clarify the effects of the project on Coast Range newt, an analysis of the Plan impacts on Coast Range newt is provided below, including the impacts of public uses and activities.

<i>Taricha torosa torosa</i>	Coast Range newt	None/CSC	Often occurs in areas where streams and ponds dry up in the summer. Occurs beneath logs, boards, rocks, and in rodent burrows, but adults must return to water to breed. May be found in drier habitats, such as oak forests, chaparral, and rolling grasslands. Commonly found in or near ditches, ponds, lakes, and streams; however, a permanent water source is not necessary. Stream-breeding populations typically breed in slow moving or stagnant pools in streams.	High potential to occur in study area in riparian areas and adjacent chaparral, coastal scrub, and woodland communities.
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Impacts of public activities within the study area that could impact the coast range newt, including Escondido Canyon Park, would be mitigated through standard park policies and MM BIO-10.8, MM BIO-10.11, and MM BIO-10.12. As described in the DEIR Section 2.0, *Project Description*, standard rules and regulations include:

- Except in designated camp areas, park properties shall be closed sunset to sunrise.
- No smoking or fires.
- No alcoholic beverages.
- No littering or dumping.
- No unauthorized vehicle use.
- No defacing or destroying property.
- Dogs must be on a leash and cleaned up after.
- Possession of firearms, bow and arrow prohibited.
- Violations subject to \$1000 fine and/or 6 months in

County jail

With regard to enforcement, the Plan includes providing seven hours of patrol per day, as described in Section 2.0, *Project Description*, of the FEIR. These hours would be assigned during various times of the day reflecting the needs of the parks that would be patrolled. In addition, there would be a two-person car on Friday and Saturday for four hours of patrol. During Red Flag Days (estimated 10 days per year), there would be a one person car 17 hours to provide 24 hour coverage.

In addition, MM BIO-10.8 provides for routine trail and camp maintenance to ensure that public activities are limited to authorized areas (e.g., prohibiting off-trail and off-campsite activities). MM BIO-10.11 provides signage where appropriate to identify Environmentally Sensitive Habitat Area (ESHA), which includes Escondido Falls and to educate the public about ESHA occurrence and/or restoration efforts. MM BIO-10.12 provides for signage including regulations about permitted uses and resource protection.

These standard park policies, rules and regulations, and mitigation measures will serve to avoid and minimize impacts to salamander habitat in Escondido Canyon Park.

Nevertheless, in response to this comment, the Conservancy/MRCA has developed a modified version of the Redesign Alternative contained in the DEIR. This Modified Redesign Alternative is being proposed for consideration and adoption by the Conservancy/MRCA and would eliminate previously proposed camping and trailhead facilities at Escondido Canyon Park, including a fire shelter and restroom facilities. The elimination of these activities would further reduce impacts in this area, including those potential impacts to salamanders cited by the commenter. However, standard park policies and MM BIO-10.8, MM BIO-10.11, and MM BIO-10.12 would continue to be imposed under this alternative to ensure a less than significant impact.

Finally, in response to the case cited, *Mejia v. City of Los Angeles*, the court concluded that neighbor observations about the presence of special-status wildlife species on property was relevant evidence, but that was in part because prior expert assessment corroborated the

	<p>personal observations and in that case specific neighbors testified to their observations. The commenter makes a generalized statement regarding the observation of salamanders in the area surrounding Escondido Falls. The statement, however, lacks any factual foundation, does not identify who made the observations, the nature of the species identified, or any quantifications regarding the observation. It therefore does not constitute substantial evidence under CEQA or the CEQA Guidelines concerning the presence of a special-status wildlife species in the area of the Falls.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>LL-8</p>	<p><i>This comment states that the DEIR did not adequately study four sensitive species in Escondido Canyon: burrowing owl, coastal California gnatcatcher, arroyo toad, and California red-legged frog.</i></p> <p>RESPONSE:</p> <p>This comment addresses an environmental concern regarding the analysis of burrowing owl, coastal California gnatcatcher, arroyo toad, and California red-legged frog for the Escondido Canyon area.</p> <p>The potential for impacts to California red-legged frog and arroyo toad as a result of the new trail in Escondido Canyon is considered to be very low.</p> <p>In the last thirty years, there are no known or recorded sitings of California Red-legged Frogs (<i>Rana aurora draytonii</i>) or Arroyo Toad (<i>Bufo californicus</i>) on the coastal slope of the Santa Monica Mountains between Ramirez Canyon and Puerco Canyon. More broadly, there are no documented sitings for either species in the Santa Monica Mountains proper for a minimum of 25 years. The only known population of Red-legged frogs within 20 miles of the project area is located on Santa Monica Mountains Conservancy-owned property in the Simi Hills at the upper northern end of the Malibu Canyon watershed (East Las Virgenes Canyon). Bull frog predation and other factors downstream in Las Virgenes/Malibu Creek have most likely isolated this population and prevented its expansion.</p> <p>Documentation of the absence of these species from the project area between the Ramirez and Puerco Canyon watersheds has been</p>

supported by a joint stream survey effort between the National Park Service (NPS), United States Geological Survey, Pepperdine University, Santa Monica Mountains Resource Conservation District, and California State Parks. From 2000 to present each of these entities has collected its own data for compilation by the NPS. None of the above agencies has reported the presence of Red-legged frogs or Arroyo Toad in Ramirez, Escondido, Solstice, Corral or Malibu Creeks over the past ten years.

The NPS has five years of amphibian survey data from Corral Canyon and lower Malibu Canyon (2000-2004), 2008 survey data from Escondido Canyon, three years of data in Ramirez Canyon between 2000-2004, ten years of data from Solstice Canyon, and 2008 data for Malibu Canyon at Cross Creek.

The Mountains Recreation and Conservation Authority's staff biologist who is on the shared USFWS permit to survey the East Las Virgenes Creek Red-legged frog population, and has been the principal surveyor for the past three years, surveyed Escondido Creek on April 2, 2010 and did not site either sensitive species.

With regard to burrowing owl and coastal California gnatcatcher, impacts to potential habitat from trail construction in Escondido Canyon would be small and less than significant. The primary concern would be impacts to these species if they were to nest within or adjacent to construction areas. Pre-construction surveys will be conducted during the nesting season for both species. MM BIO-7 will be implemented to avoid direct impacts to nesting raptors and songbirds. Additionally, MM BIO-8 will also be implemented and requires pre-construction surveys for coastal California gnatcatcher during the breeding season.

With regard to potential impacts to burrowing owl and coastal California gnatcatcher during the non-breeding season, MM BIO-10.2 requires that a monitoring biologist be on site during any clearing of habitat (annual ground cover, shrubs, or trees).

Although the analysis contained within this response, the DEIR and the mitigation detailed above would ensure a less than significant impact on the various species cited by the commenter, to be fully responsive

	<p>to this comment, the Conservancy/MRCA is considering for adoption a Modified Redesign Alternative as discussed in response LL-7 above. As this alternative will eliminate many of the most impactful portions of the Plan in Escondido Canyon Park, impacts to the various species would be further reduced.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>LL-9</p>	<p><i>This comment states that the DEIR did not consider the biological impact of nighttime lighting and construction noise.</i></p> <p>RESPONSE:</p> <p>Please refer to DEIR subsection 5.4.2 of Section 5.4, <i>Biological Resources</i>, which provides a detailed analysis of construction-related noise impacts to potentially disrupt foraging, nesting, and reproductive activities of breeding birds. The DEIR includes Mitigation Measure MM BIO-7, which requires pre-construction nesting bird surveys between February 15 and August 31, as well as buffers if nests are found during that seasonal period.</p> <p>Within the camping areas, the Plan’s proposed improvements do not include the introduction of any new building, security, landscaping, or street lighting, beyond the extension of electrical service to each of the proposed camp host sites. The proposed new restroom facilities are designed to take advantage of natural lighting through non-reflective skylights and vents. Furthermore, construction activity associated with implementation of the proposed improvements would not create an increase in nighttime lighting or glare. The Plan does not include the use of nighttime security lighting for construction equipment during implementation of the Plan’s improvements. No reflective elements (with the exception of standard night-time reflective signage) are included as part of the Proposed Plan.</p> <p>Although the Plan would allow the extension of electrical service to the proposed new camp host sites and would permit temporary lighting for special events and allow campers to use flashlights and lanterns, any lighting associated with the special events, camp host sites and campers would be temporary and would be limited to relatively small lighting “foot-prints” such that nocturnal habits of</p>

	<p>wildlife would not be substantially affected.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>LL-10</p>	<p><i>This comment states that the DEIR proposes to mitigate biological impacts by creating habitat elsewhere outside the Escondido Canyon area. The commenter states that this is inadequate to mitigate impacts within Escondido Canyon and any mitigation measure to create additional habitat should be within Escondido Canyon.</i></p> <p>RESPONSE:</p> <p>This comment addresses an environmental concern regarding mitigating impacts in Escondido Canyon by creating habitats outside Escondido Canyon.</p> <p>With respect to the location of mitigation sites, mitigation for impacts to loss of vegetation communities will be implemented as described in <i>Appendix H-2</i> of the DEIR, the “Biological Concept Mitigation/Restoration Plan”. As discussed in the restoration plan (DEIR <i>Appendix H-2</i>), the proposed revegetation sites have been analyzed for appropriate hydrology, soil, site quality, slope aspect, site access and species diversity to enable long-term success of the revegetation effort.</p> <p>Large expanses of mature native vegetation communities are already preserved through the Mountains Recreation and Conservation Authority and Santa Monica Mountains Conservancy in their parkland areas and areas adjacent to restoration sites. Thus, native wildlife species will be able to utilize adjacent intact, contiguous habitat for foraging and breeding while the vegetation at the mitigation sites matures. Given the minimal effect on wildlife, as described above, and because the functions and services of the impacts will be replaced, it is not considered necessary or appropriate to restrict mitigation of impacts such that it must occur within the canyon wherein the impact is originating.</p> <p>Further, to be responsive to this comment and others raising concern regarding Escondido Canyon Park, a Modified Redesign Alternative is being considered for adoption by the Conservancy/MRCA. Under this alternative, camping and other related improvements would be</p>

	<p>eliminated from Escondido Canyon Park and only resource dependent trail improvements would occur (trail segments 4 and 9). Escondido Canyon Park improvements would be reduced and limited to only two trail segments; therefore, this alternative would not impact the habitat values of the park. In addition, LUP policy 3.14 states, in part, that impacts to ESHA that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated with priority given to on-site mitigation, and that off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site, or where off-site mitigation is more protective in the context of a Natural Community Conservation Plan that is certified by the Commission as an amendment to the LCP. Because a large expanse of mature native vegetation communities is already preserved in Escondido Canyon Park, there is little opportunity in the park for additional mitigation/restoration that would meet the criteria of the Biological Concept Mitigation/Restoration Plan. As with the proposed Plan, impacts to habitat areas in Escondido Canyon Park and elsewhere in the Plan area would be mitigated pursuant to the Modified Redesign Alternative Biological Concept Mitigation/Restoration Plan (see <i>Appendix MRA-11</i>), whereby mitigation would be proportional to the resource being impacted and, where high-quality habitat is impacted, the proposed mitigation would replace the ecological function through the establishment of similar high-quality habitat.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>											
<p>LL-11</p>	<p><i>The comment states that the traffic study was based on trip counts for Winding Way that were taken on a day which does not represent typical conditions (including a house that was undergoing substantial construction and a water leak that resulted in many trucks accessing the street).</i></p> <p>RESPONSE:</p> <p>The weekday traffic counts (collected October 30, 2006) were compared to the weekday P.M. peak hour turning movement counts for the PCH/Winding Way intersection that were collected by ATE on September 22, 2009 to determine if the 2006 counts were unusually high. This data is summarized below.</p> <table border="1" data-bbox="461 1822 1401 1892"> <thead> <tr> <th rowspan="2">Counts</th> <th colspan="3">Winding Way</th> </tr> <tr> <th>Northbound</th> <th>Southbound</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Counts	Winding Way			Northbound	Southbound	Total				
Counts	Winding Way											
	Northbound	Southbound	Total									

Traffic counts (October 30, 2006) 4:00-5:00 P.M.	25	16	41
Turning movement counts (September 22, 2009) P.M. peak hour	26	33	59
Difference	+1	+17	+18

The newer counts collected in 2009 were slightly higher than the 2006 counts. The difference in the new counts and the old counts is not significant and both counts confirm that Winding Way currently operates in the LOS A range.

Additionally, the weekend traffic counts (collected October 29, 2006) were compared to new weekend counts that were collected by ATE on April 10, 2010. This data is summarized below.

TIME	Westbound			Eastbound		
	Traffic counts (Oct 29, 2006)	New counts (Apr 10, 2010)	Difference	Traffic counts (Oct 29, 2006)	New counts (Apr 10, 2010)	Difference
11:00AM	7	19	+12	8	7	-1
12:00PM	13	22	+9	4	17	+13
1:00PM	7	10	+3	9	14	+5
2:00PM	8	10	+2	17	16	-1

The newer counts were higher for each time period except eastbound during 11:00 A.M. and 2:00 P.M., where they were only one vehicle less than the older counts performed on Winding Way. The difference in the new counts and the old counts is not significant and both counts confirm that Winding Way currently operates in the LOS A range.

Additionally, it is noted that the traffic impact analysis determines roadway operations based on an evaluation of the volume to capacity ratio for the roadway. If traffic volumes are higher on a given roadway segment then the volume to capacity ratio is higher and the capacity to handle project-generated traffic is decreased. Thus utilizing baseline volumes that are higher than average presents a more conservative worst-case scenario for evaluating project impacts than using lower volumes.

Further, to respond to this comment and others, the Conservancy/MRCA is being presented with a Modified Redesign Alternative that would eliminate all improvements, including proposed

	<p>day-use, camping, and parking improvements at Escondido Canyon Park thereby eliminating all potential trips to this area. See, also, Topical Response #1.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
LL-12	<p><i>This comment states that the trip generation rates used for camping are not consistent with the rates used in the ITE Trip Generation Manual. As a result, the DEIR underestimated trips by 25% in the AM and 59% in the PM peak hour.</i></p> <p>RESPONSE:</p> <p>Institute of Transportation Engineers (ITE) Trip Generation Manual description for “Campground/Recreational Vehicle Park” is as follows: “Campground and recreational vehicle parks are recreational sites that accommodate campers, trailers, tents and recreational vehicles on a transient basis. They are found in a variety of locations and provide a variety of facilities, often including restrooms with showers, recreational facilities such as swimming pool, convenience store and laundromat.” The Escondido Canyon Park Project would not include these facilities. The project proposes to develop 13 new campsites and a new parking lot on Winding Way to accommodate 11 standard spaces, 3 RV/trailer spaces, and 2 ADA spaces, for a total of 16 parking spaces. Therefore the “Campground/Recreational Vehicle Park” rates do not apply. Instead, counts were performed at similar parks in the Santa Monica area to determine the trip generation rates used for the Escondido Canyon Park Project.</p> <p>Nevertheless, to respond to this comment and others, the Conservancy/MRCA is being presented with a Modified Redesign Alternative that would eliminate all improvements, including proposed day-use, camping, and parking improvements at Escondido Canyon Park thereby eliminating potential trips to this area. See, also, Topical Response #1.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
LL-13	<p><i>This comment states that the DEIR calculated trips based on the number of paved spaces, where ITE calculates trips based on the number of acres of</i></p>

	<p><i>park and states that ITE rates for “Beach Park” should have been used to estimate trips.</i></p> <p>RESPONSE:</p> <p>The ITE Trip Generation Manual description for “Beach Park” is as follows: “Beach parks consist of a beach and possibly other facilities such as changing rooms, restrooms, picnic facilities and hiking, fishing and camping facilities.” The Escondido Canyon Park Project would not include these facilities. The project proposes to develop 13 new campsites and a new parking lot on Winding Way to accommodate 11 standard spaces, 3 RV/trailer spaces, and 2 ADA spaces, for a total of 16 parking spaces. Therefore the “Beach Park” rates do not apply. Instead, counts were performed at similar parks in the Santa Monica area to determine the trip generation rates used for the Escondido Canyon Park project.</p> <p>Nevertheless, to respond to this comment and others, the Conservancy/MRCA is being presented with a Modified Redesign Alternative that would eliminate all improvements, including proposed day-use, camping, and parking improvements at Escondido Canyon Park thereby eliminating potential trips to this area. See, also, Topical Response #1.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>LL-14</p>	<p><i>This comment states that the DEIR did not analyze the traffic safety impacts of placing a large number of trips on narrow, winding roads and the potential of automobile/pedestrian conflicts.</i></p> <p>RESPONSE:</p> <p>The project would generate a total of 367 average daily trips over the entire study area, which equates to approximately 30 to 40 trips per hour over the entire study area. This small increase in traffic would not result in safety impacts to the study-area roadways.</p> <p>The proposed Plan would not result in any automobile/ pedestrian conflicts. For all trail crossings at roadways, sight distance was considered by the design engineer. The PWP also contemplates trail</p>

	<p>signage at these crossings would identify the presence of on-road vehicular traffic and to exercise caution in crossing the road. Furthermore, the Traffic Engineer (Associated Transportation Engineers) determined that painted crosswalks were not warranted and therefore not recommended where the trails cross Murphy Way, Latigo Canyon Road, and Corral Canyon Road. These roadways carry low volumes and vehicles travel at relatively low speeds (30 MPH or less). It was recommended that signs be installed on the trails to notify pedestrians/hikers of vehicle traffic at the road crossings.</p> <p>Nevertheless, to respond to this comment and others, the Conservancy/MRCA is being presented with a Modified Redesign Alternative that would eliminate all improvements, including proposed day-use, camping, and parking improvements at Escondido Canyon Park thereby eliminating potential trips to this area. See Topical Response #1.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>LL-15</p>	<p><i>This comment asserts that Winding Way cannot be used by the Conservancy for vehicular access to Escondido Canyon pursuant to a 1998 quitclaim deed from the County of Los Angeles to the Conservancy. The comment also notes that the proposed camping in Escondido Canyon is located in an area where “overnight camping and/or vehicular use by the general public” is prohibited per the 1998 quitclaim deed.</i></p> <p>RESPONSE:</p> <p>The commenter incorrectly interprets the applicability of the 1998 quitclaim deed. The quitclaim deed only applies to one parcel (Assessor Parcel No. 4460-002-901) owned by MRCA; it does not apply to the remainder of the park owned by the Conservancy. The overnight camping and vehicle use restriction under the 1998 quitclaim deed only encumber APN 4460-002-901. The restriction is no overnight camping on APN 4460-002-901 or no vehicular use on APN 4460-002-901; it does not restrict vehicular access to APN 4460-002-901.</p> <p>However, in response to this comment and others, the Modified Redesign Alternative would eliminate this concern as all proposed Plan</p>

	<p>improvements at Escondido Canyon Park would be eliminated with this alternative. No day-use activities, camping, or parking improvements would be proposed. See Topical Response #1.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>LL-16</p>	<p><i>This comment states that the DEIR focuses on the potential impacts of fires on campers, not the increase in fires due to the camper's use of the parks, which is backwards.</i></p> <p>RESPONSE:</p> <p>As defined in CEQA Guidelines Appendix G, Environmental Checklist, a significant impact would occur if a project would 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.</p> <p>Therefore, consistent with the CEQA Guidelines, the DEIR assesses the potential for impacts associated with wildland fires considering changes to the built environment and activity levels resulting from the proposed Plan as well as implementation of the measures identified in the Fire Protection Plans (FPPs). DEIR Section 5.6, <i>Fire Hazards</i>, provides detailed analysis of the potential impacts of exposing people to a significant risk of loss, injury, or death involving wildland fires. The proposed Plan includes preparation and implementation of the FPPs and the site-specific risk assessments for each Park property included in the Plan area, provides fire protection and emergency relocation measures designed to minimize the risk of fire ignition, reduce the risk to Park users and adjacent properties, enhance the ability of responding fire fighters to access the Parks, and provide for off-site relocations or contingency sheltering should an emergency wildfire occur.</p> <p>See, also, response to comment 3-1, DEIR Section 5.6, <i>Fire Hazards</i>, and Topical Response #2. It is well documented that residents within the Plan area live within an area prone to wildfires; the LACFD and CAL FIRE consider the area a Very High Fire Hazard Severity Zone. There have been at least six (6) major fires within the Plan vicinity over the past ten years. Based on fire history data for the vicinity (see</p>

FPP), fire return intervals range between 1 and 11 years, indicating significant recurring wildfire potential for the Plan area.

It should be noted that the thousands of structures, residences, vehicles, and related human activities that are adjacent to and within the Santa Monica Mountains (and the fire environment that they represent) result in substantial ignition sources; most of these activities are unsupervised and unmanaged. The proposed Plan includes increasing the daily population in the area, but is tightly controlled to minimize the likelihood of ignition by highly regulating and/or 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.

As the description and analysis of FPPs within the DEIR is considered adequate by Conservancy/MRCA staff, and absent specific analysis to the contrary, with incorporation of the above discussion, no further revision of the DEIR would be required.

Nevertheless, the Conservancy/MRCA in developing the Modified Redesign Alternative, considered this fire risk concern and incorporated components into the alternative that would reduce any fire risk. This alternative would limit camping to primarily two locations: Corral Canyon Park and Malibu Bluffs Conservancy Property. Both campsites would be clustered at each location to facilitate patrolling of each campsite. Additionally, both campsites are in close proximity to PCH to allow easy highway accessibility. Further, under the Fire Protection Plan for this alternative included in the FEIR, a strict cold camp policy prohibiting the use of propane stoves and other flame-emitting devices would be strictly enforced. The only approved cooking devices would be small electrical cooking appliances compatible with a park provided all-weather electrical outlet. Lastly, the Modified Redesign Alternative would provide permanent overnight accommodations for wildland fire-trained MRCA rangers, camp host, or staff maintenance person to strictly enforce this cold camp policy and further reduce any fire risk associated with the Plan. All MRCA rangers and camp hosts would be designated and trained as public officers designated pursuant to the MRCA Park Ordinance as

	<p>authorized by the Public Resources Code and would be able to strictly enforce the Plan cold camp policy.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>LL-17</p>	<p><i>This comment states that the proposed mitigation measures are inadequate to reduce fire hazards to a less than significant level. The commenter also states that the proposed level of staffing is inadequate to ensure individuals will not use the parks despite being closed on Red Flag days.</i></p> <p>RESPONSE:</p> <p>The commentor indicates the mitigation measures are inadequate to reduce fire hazards to a less than significant level, but does not speak to any specific inadequacies of the FPP (which is, in effect, a fire-mitigation program which has been incorporated into the Plan/ Project Description), nor does the commentor demonstrate why or how implementation of the Plan would result in significant fire hazards. The commentor also states that staffing levels would be inadequate, but does not identify how or why they would be inadequate. In short, the comments are unsubstantiated.</p> <p>See, also, response to comment 3-1, A-2, A-4, K-23, and LL-16.</p> <p>Further, as detailed above, the Conservancy/MRCA developed the Modified Redesign Alternative and considered this fire risk concern and incorporated components into the alternative that would reduce any fire risk. This alternative would limit camping to primarily two locations: Corral Canyon Park and Malibu Bluffs Conservancy Property. Both campsites will be clustered at each location to facilitate patrolling of each campsite. Additionally, both campsites are in close proximity to PCH to allow easy highway accessibility. Further, under the Fire Protection Plan for this alternative included in the FEIR, a strict cold camp policy prohibiting the use of propane stoves and other flame-emitting devices would be strictly enforced. The only approved cooking devices would be small electrical cooking appliances compatible with a park provided all-weather electrical outlet. Lastly, the Modified Redesign Alternative would provide permanent overnight accommodations for wildland fire-trained MRCA rangers, camp host, or staff maintenance person to strictly enforce this cold camp policy</p>

	<p>and further reduce any fire risk associated with the Plan. All MRCA rangers and camp hosts would be designated and trained as public officers designated pursuant to the MRCA Park Ordinance as authorized by the Public Resources Code and would be able to strictly enforce this cold camp policy. See, also, Topical Response #2.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>LL-18</p>	<p><i>This comment states that the DEIR relies on existing fire department services and does not take into account recent and reasonable foreseeable future cut-backs in fire services. The commenter also states that the DEIR does not consider funding more fire services as mitigation for park construction.</i></p> <p>RESPONSE:</p> <p>As stated in DEIR Section 5.13, <i>Public Services</i>, LACFD stated that current LACFD staff levels and facilities at stations within Battalion 5 are sufficient to support the incremental increase in recreational demands associated with the proposed Plan.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>LL-19</p>	<p><i>This comment states that the LACFD regulations require a minimum 20-foot access road to all development and states that the campsites are not within 20-feet of a road.</i></p> <p>RESPONSE:</p> <p>Section 5.6.2 <i>Impact Analysis</i> provides specific requirements relative to LACFD fire access road requirements. The requirements shown are consistent with LACFD requirements and would remain in accordance with LACFD requirements. Furthermore, the LACFD minimum 20-foot access road requirement applies to habitable structures, of which there are none proposed in camp sites. See, also, Topical Response #2.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>LL-20</p>	<p><i>This comment suggests that the proposed Plan will increase the number of</i></p>

	<p><i>injuries in Escondido Canyon Park due to increased visitation from Plan implementation.</i></p> <p>RESPONSE:</p> <p>CEQA Guidelines Section 15088(a) specifies that the “lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” This comment does not address an environmental issue. Your opinion is on the proposed project is important, however, and your comment will be included in the FEIR presented for review and consideration by the Conservancy/MRCA’s decision-making body.</p> <p>Nevertheless, to respond to this comment and others, the Conservancy/MRCA is being presented with a Modified Redesign Alternative that would eliminate all improvements, including proposed day-use, camping, and parking improvements at Escondido Canyon Park. See, also, Topical Response #1.</p>
<p>LL-21</p>	<p><i>This comment states that the DEIR does not address maintenance of the trail along Winding Way and is a public safety issue.</i></p> <p>RESPONSE:</p> <p>As discussed in Section 2.0, <i>Project Description</i>, the proposed Plan includes a Coastal Trails Maintenance Supplemental Plan, which is a comprehensive approach to providing for both regular maintenance and periodic repairs to Coastal Trails and Trailheads. The plan would make use of both existing agency maintenance and repair databases; as well as, the incorporation of several site-specific management tools. The trail network would have projected maintenance hours and supplies and servicing outlines. The above, combined with a regular inspection process would provide for an active oversight system that would identify needs, provide for adjustments to maintenance levels, and assure that trail users have a “clean and safe” trail system available to them.</p> <p>Nevertheless, to respond to this comment and others, the Conservancy/MRCA is being presented with a Modified Redesign Alternative that would eliminate all improvements, including proposed day-use, camping, and parking improvements at Escondido Canyon</p>

	<p>Park. See, also, Topical Response #1.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>LL-22</p>	<p><i>This comment states that the DEIR does not include a quantification of construction noise impacts. It also asserts that mitigation measures which indicate application “only where feasible” are inadequate under CEQA.</i></p> <p>RESPONSE:</p> <p>As discussed in detail in DEIR Section 5.12, <i>Noise</i>, across the Plan site, the improvements proposed at individual park properties vary. However, in total, proposed Plan improvements include road development, creation of campsites and paved parking lots, installation of water storage tanks and distribution lines, restroom facility construction, camp host and camp sites development, creation or widening of hiking trails, and associated limited utility work. Such improvements would require the use of standard construction equipment, both for grading and for limited structure or facility construction. Noise levels in the immediate vicinity of each of the construction areas would increase during construction activities. The intensity of potential noise impacts would depend upon the proximity of the noise receptor to the area under construction, the number and type of construction equipment operating each day, and the length of time each piece of equipment is in use. Construction equipment anticipated to be used for the project may include a crane, excavator/backhoe, drill auger, concrete trucks, concrete pumper trucks, dump trucks, backhoe, small skip-loader and various other smaller equipment and manual tools. Small equipment may include generators, air compressors and welding equipment. In order to provide a conservative assessment, and to address the range of anticipated construction projects, a typical assembly of heavy construction equipment was assumed for each construction project, at each park property. As reported in DEIR Table 5.12-4, <i>Construction Equipment Noise Levels</i>, temporary noise impacts associated with grading and construction activities anticipated to be used on this project could result in potential noise levels ranging between 76 dBA to 88 dBA for heavy equipment measured 50 feet from the noise source.</p>

Because construction would occur only during daytime hours, avoiding critical evening and overnight periods, construction noise would be considered a nuisance effect, with short-term duration. The prescribed mitigation measures are intended to minimize nuisance, short-term, noise effects from construction. All mitigation measures would be strictly enforced pursuant to a mitigation monitoring and reporting program that would be enforced for the implementation of the Plan.

With regard to the one portion of the comment addressing mitigation feasibility, the assemblage of ten mitigations all addressing short-term nuisance noise is a catch-all comprehensive approach with control actions that apply to a plethora of noise sources in the typical construction zone environment. By far, the most effective (and proven) mitigation to avoid nuisance noise from construction is a limitation on the construction schedule, which restricts noise generating construction activity in the evening and overnight period. Such a measure (MM N-1.10) is included in the DEIR, is feasible, and has well-demonstrated efficacy. The remaining required mitigation measures would further reduce nuisance potential by lowering the noise level of construction activity as experienced at noise sensitive receptor locations (i.e., neighboring residential properties). While two of the 10 short-term noise mitigations in the DEIR have a “where feasible” qualifier (MM N-1.2 use of electric power to run compressors, and MM N-1.3 sound blankets on noise-generating equipment), the remaining 8 have no such distinction and would be mandated in all cases. Therefore, in certain circumstances, at a particular construction site associated with Plan implementation, if either or both MM N-1.2 and MM N-1.3 are in fact found to be infeasible. MM N-1.1 and MM N-1.4 thru MM N-1.10 would continue to control construction noise in a manner to avoid a significant short-term nuisance noise impact.

However, in light of the stated concern, MM N-1.3 is clarified as follows:

“MM N-1.3 ~~When feasible,~~ Where construction employing heavy equipment would occur within 400 feet of a neighboring residential property line construction contractors shall use sound blankets on noise-generating equipment or erect a temporary sound barrier”

	<p style="text-align: center;"><u>between the construction zone and neighboring residential property.”</u></p> <p>The above clarification does not alter the level of the impact as identified in the DEIR. These requirements will be included in the Mitigation Monitoring and Reporting Program (MMRP) for the adopted Plan. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.</p>
<p>LL-23</p>	<p><i>This comment states that the DEIR does not include a discussion of operational noise from campers or any quantification of the noise or its effect on overall noise levels, and that the DEIR did not evaluate the efficacy of the mitigation measures to reduce the noise levels and the reasonably foreseeable potential that campers will violate noise restrictions.</i></p> <p>RESPONSE:</p> <p>As discussed in detail under Impact N-3 in DEIR Section 5.12, Noise, operational noise from camp site would generally include a variety of activities such as driving of tent stakes, conversation, cooking functions, children playing, music, cars in the parking lots, people walking along trails, periodic maintenance of toilets and trails, etc. These types of activities would typically generate low to moderate levels of noise. However, because of the close proximity of the proposed camp sites within Malibu Bluffs Park to the western Park property boundary and adjacent existing residential property (approximately 80 feet to the residential property line) the potential exists that noise from camping activities could cause nuisance noise which might exceed the City of Malibu’s maximum noise level thresholds (depicted in DEIR Table 5.12-2) for the adjacent residential development.</p> <p>It should be noted the National Park Service, US Forest Service, Environmental Protection Agency, and California State Park System (as of June 2010) have not conducted noise measurements or attempted to quantify the noise generation associated with camp sites, concluding there would be minimal, less than significant, noise generated by typical campground activities. Environmental impact documentation (including those prepared for CEQA and NEPA) certified by these agencies have used this assumption. This EIR employs a conservative stance, in that the residences along the western Malibu Bluffs Park are</p>

	<p>accustomed to noise levels from unimproved open space, and could be sensitive to even minimal changes to the noise environment.</p> <p>The remaining proposed camp sites would be located 200 feet or more from a neighboring residence; at this distance, typical noise associated with camp site activities would not be clearly noticeable or constitute a nuisance. Many of the proposed camp sites are located at distances of 500 feet or more from the closest residence.</p> <p>The DEIR includes several mitigation measures designed to avoid significant noise impacts from future use of the proposed camp sites and trail system. The measures include noise restrictions such as quiet hours from 10 p.m. to 6 a.m., no generators allowed in camp areas, and electronic sound emitting devices shall be operated so that sound is not audible at adjacent campsites or off-site properties. The on-site Camp Host and/or Park Ranger would enforce these restrictions. Given the presence of a camp host or resident ranger at the Malibu Bluffs Park (where residences are closest to proposed camp sites), it is not reasonable to assume campers will violate the adopted campground rules governing noise restrictions. Additionally, all Rangers and Camp Host will be designated and trained as public officers designated pursuant to the MRCA Park Ordinance as authorized by the Public Resources Code and would be able to strictly enforce quiet hours through the issuance of citations.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>LL-24</p>	<p><i>This comment states that the DEIR inappropriately rejected four alternative locations (King Gillette Ranch, Charmlee Park, Tuna Canyon Park, and Solstice Canyon Park/Zumas/Trancas Canyons Site) for reasons which were not specified as project objectives.</i></p> <p>RESPONSE:</p> <p>Please see response to comments N-1 and BB-4. In addition, as discussed in detail in DEIR Section 8.0, <i>Alternatives</i>, use of KGR as a camping area, with trails located in the Malibu front country, would not satisfy the project objective of an emphasis on pedestrian circulation between park areas and the shoreline as a primary form of circulation, nor would it provide low-impact and low-cost camping and</p>

	<p>trail facilities for all persons in the coastal zone, and specifically the Malibu coastal zone. City restrictions on the use of Charmlee Park would not satisfy project objectives for low-impact and low-cost camping and would limit coastal access to potential trail facilities to only a select few persons; it would, therefore, not be regionally serving. Access to Tuna Canyon Park is several miles inland at the juncture of Saddle Peak Road and Ferndale Pacific Road, a couple of miles from Topanga Canyon Boulevard, and therefore, could not provide similar connectivity between the five coastal parks included in the Plan, nor the proposed trail system that would link the parks. In addition, the site has no potential for direct access to the shoreline. Thus, Tuna Canyon Park would not meet the project objectives. The NPS SMMNRA General Management Plan does not specifically identify camping as a proposed use at Solstice Canyon Park and Zuma/Trancas Canyons. The feasibility of camping at these locations cannot be ascertained at this time and would likely require extensive Federal review that would include adoption of a development concept plan and National Environmental Policy Act review, which may require an amendment to the General Management Plan. NPS is a different landowner than the Conservancy and MRCA and there is no level of certainty at this time that NPS would ever entertain the possibility of creating campsites at these locations, and therefore, this alternative would not meet the primary project objective of providing new overnight camping opportunities in the Santa Monica Mountains and Malibu coastal area.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>LL-25</p>	<p><i>This comment states that the DEIR reject King Gillette Ranch as an alternative for factors not listed as project objectives.</i></p> <p>RESPONSE:</p> <p>Please see response to comments N-1, BB-4, and LL-24.</p> <p>Based upon the above, no revision of the DEIR would be required.</p>
<p>LL-26</p>	<p><i>This comment states that the DEIR dismissed Charmlee Park as an alternative simply because the City refused to allow camping, when the site meets other project objectives, such as increased public park access and recreational opportunities.</i></p>

	<p>RESPONSE:</p> <p>Please see response to comment LL-25.</p> <p>Based upon the above, no revision of the DEIR would be required.</p>
LL-27	<p><i>This comment states that the DEIR rejected Tuna Canyon Park as an alternative based on its “limited accessibility”, but did not consider whether access could be improved to the site.</i></p> <p>RESPONSE:</p> <p>Please see response to comment LL-25.</p> <p>Based upon the above, no revision of the DEIR would be required.</p>
LL-28	<p><i>This comment states that the DEIR rejected Solstice Canyon Park/Zumas/Trancas Canyons site as an alternative based on the NPS Management Plan does not identify camping as a proposed use, yet the site would meet the project objective of increased public park access and recreational opportunities.</i></p> <p>RESPONSE:</p> <p>Please see response to comment LL-25.</p> <p>Based upon the above, no revision of the DEIR would be required.</p>
LL-29	<p><i>This comment states that the DEIR failed to consider a reasonable range of alternatives as required by CEQA and should have included additional alternatives, such as (1) no camping alternative, (2) a reduced camping alternative (camping at only some of the parks), (3) alternative sites (including the four sites eliminated from consideration), and (4) the alternative City of Malibu parks plan presented during the LCP proceedings.</i></p> <p>RESPONSE:</p> <p>Please see response to comments N-1, BB-4, and LL-24. Also, in response to this comment and others, an additional project alternative called the Modified Redesign Alternative has been created. This new alternative would include improvements similar to the proposed Plan, but not as extensive as it would develop fewer campsite and parking</p>

	<p>spaces. Specifically, camping would be clustered and limited mainly to two locations: Corral Canyon Park and the Malibu Bluffs Conservancy Property. Please see Topical Response #1.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>LL-30</p>	<p><i>This comment states that the DEIR should have considered an alternative to the Escondido Canyon Park plan where no new parking lot would be built, which would reduce biological and ESHA impacts.</i></p> <p>RESPONSE:</p> <p>Please see response to comments N-1, BB-4, and LL-24.</p> <p>Further, as stated previously, in response to this comment and others, a Modified Redesign Alternative is being considered for adoption by the Conservancy/MRCA. This alternative would eliminate the proposed parking lot, day-uses and camping at Escondido Canyon Park, thereby reducing any potential impacts to biological resources and ESHA. Please see Topical Response #1.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>LL-31</p>	<p><i>This comment states that the DEIR rejected two reduced park plan alternatives since they would “fall short in providing adequate facilities” to meet current and future demands, yet the DEIR does not contain any quantification of demand for park services. The commenter also states that CEQA does not allow alternatives to be rejected based on justifications that are unsupported by evidence in the record.</i></p> <p>RESPONSE:</p> <p>The commenter incorrectly interprets the discussion under DEIR Section 8.3, <i>Discussion of Environmentally Superior Alternative</i>. The two reduced park plan alternatives mentioned by the commenter, were not rejected, but were the two alternatives considered as part of the DEIR and per Section 15126.6 (e)(2) of the State CEQA Guidelines that requires an environmentally superior alternative be identified among the selected alternatives (excluding the No Project alternative). No selection of the project or any alternative has occurred and will not</p>

	<p>occur until a decision is made by the Conservancy/MRCA. As noted in the DEIR, this analysis found that the 2002 LCP Alternative was determined to be environmentally superior to the Redesign alternative as it would reduce potential impacts to Land Use & Planning (Class I), which would be similar to the Redesign Alternative, but would also further reduce impacts to other impact issue areas, with biological resources being a primary consideration. Furthermore, although the Reduced Project Alternative would not provide as many camping and recreational amenities as that of either the Proposed Plan or the Redesign Alternative, it would achieve most of the goals and objectives of the proposed Plan.</p> <p>Further, based on oral and written comments received on the DEIR, the Conservancy/MRCA is considering for adoption a Modified Redesign Alternative. Please see Topical Response #1.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
<p>LL-32</p>	<p><i>This comment questions the appropriateness of moving forward with the EIR when the California Coastal Commission approval of the LCP Amendment, which is the basis of the proposed Plan, is being litigated.</i></p> <p>RESPONSE:</p> <p>The decision is presumed to be valid. The Los Angeles Superior Court will provide resolution to the legal objections to the Overlay raised by the City of Malibu and the Fund through its deliberations on Case No. BS121650. The Conservancy/MRCA, as joint lead agencies, are properly exercising their duties to conduct environmental review for a project being considered under their jurisdiction. As comments related to the DEIR should be focused on the potential environmental consequences of implementing the project, no further response relative to the propriety of the Plan's consideration or the related CEQA proceedings is warranted by the Conservancy/MRCA at this time.</p>
<p>LL-33</p>	<p><i>This comment states that the DEIR must be revised and recirculated in light of inadequacies identified in the commenter's letter.</i></p> <p>RESPONSE:</p>

	<p>Please see response LL-1. This comment does not identify a specific inadequacy in the analysis, conclusions or mitigation measures in the EIR. A blanket statement alleging inadequacy without a foundation requires no formal response. Please note that the Santa Monica Mountains Conservancy Board will take into consideration all comments and suggestions during the decision-making process.</p> <p>Based upon the above discussion, no revision of the DEIR would be required.</p>
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From: Gary Hoffman [mailto:garyhofprods@charter.net]
Sent: Monday, March 22, 2010 4:30 PM
To: EIRcomments@smmc.ca.gov
Subject: Over night camping in Malibu

Although the EIR addresses the fire issues by stating that there has been success in predicting fires in the areas that resemble Malibu and in fighting them, this quote used in the EIR is from a 1984 document. I don't believe the people who put together the EIR were totally forthcoming in using that quote or the 1984 document.

If there is such success in predicting and fighting these fires, why has there been the loss of about 100 homes in Malibu since 1993, which is when I purchased our residence.

MM-1

The statement utilized in the EIR from 1984 is simply not true and just because some agency said something 26 years ago doesn't mean it is true, or has value at this time.

The most recent fires in Malibu, set by campers up in Latigo, raced through dozens of homes in a matter of hours and in many cases the fire departments were unable to do anything because of the intensity and location of the fires which were fed by the winds.

MM-2

If there is such a success rate of predicting the fires why weren't the more than 6 BIG FIRES since 1993 predicted and either avoided or easily put down? The answer is that they weren't predicted and people were killed and homes destroyed. I don't understand the logic of creating more danger for the people who live in Malibu by integrating over night camping in highly fire prone areas. To say that fires are prohibited is like saying there will be no drunk driving or speeding accidents because drinking while driving and speeding are against the law. Why increase the danger in such a clearly fire prone area?

MM-3

I think we all know that there are many place for people to camp in Malibu that are under utilized now.

MM-4

Let us not play politics with the lives and property of the people who live here.

MM-5

Thanks, Gary Hoffman

<p>Letter MM Commenter: Gary Hoffman Date: March 22, 2010</p>	
<p><i>Introduction</i></p>	<p>In response to comments, two topical responses have been created (Topical Response #1 – the Modified Redesign Alternative & Topical Response #2 – Fire Concerns). Where a response to a comment can be addressed with one of these topical responses, the commenter is referred to the topical response.</p>
<p>COMMENT NO.</p>	<p>RESPONSE</p>
<p>MM-1</p>	<p><i>This comment questions the accuracy and value in citing a source from a 1984 document in predicting fires and states that if there is such success in predicting and fighting wildfires, why has there been the loss of 100 homes in Malibu since 1993.</i></p> <p>RESPONSE:</p> <p>The fire behavior modeling conducted for the Plan area includes a high level of detail and analysis which results in reasonably accurate representations of how wildfire may move through available fuels. This modeling is not intended to provide a prediction as to when a fire may occur as noted in the comment.</p> <p>DEIR Section 5.6, <i>Fire Hazards</i>, provides detailed information on the fire behavior modeling conducted to document the type and intensity of fire that would be expected in the Plan area, given characteristic features including topography, vegetation, and weather. The fire behavior models prepared for the Fire Protection Plans (see DEIR, <i>Appendix I</i>) were based on existing site conditions. The 1984 reference in question is used as a source not to predict wildfires, but to support the use of fire behavior modeling in fire prevention planning. The context of the reference is shown below, which is from DEIR Section 5.6.</p> <p><i>“Predicting wildland fire behavior is not an exact science. As such, the movement of a fire will likely never be fully predictable, especially considering the variations in weather and the limits of weather forecasting and the weather that is created by the firestorm. Nevertheless, practiced and experienced judgment, coupled with a validated fire behavior modeling system, results in useful and accurate fire prevention planning information</i></p>

	<p><i>(Rothermel, 1983)."</i></p> <p>Please also see Topical Response #2.</p> <p>Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.</p>
MM-2	<p><i>This comment states that the fire set by illegal campers up in Latigo raced through the area and in many cases, the fire departments were unable to do anything due to the intensity, location, and winds.</i></p> <p>RESPONSE:</p> <p>CEQA Guidelines Section 15088(a) specifies that the "lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response." This comment does not address an environmental issue. Your opinion on the proposed project is important, however, and your comment will be included in the FEIR presented for review and consideration by the Conservancy/MRCA's decision-making body. Please, also, see Topical Response #2.</p>
MM-3	<p><i>This comment questions the success rate of predicting fire and expresses skepticism that people will not start fires simply because it is prohibited.</i></p> <p>RESPONSE:</p> <p>See Response to Comment MM-2.</p>
MM-4	<p><i>This comment expresses the author's opinion that there are many places for people to camp in Malibu that are underutilized.</i></p> <p>RESPONSE:</p> <p>See Response to Comment MM-2.</p>
MM-5	<p><i>This comment states "Let us not play politics with the lives and property of the people who live here".</i></p> <p>RESPONSE:</p> <p>See Response to Comment MM-2.</p>

From: Even, Greg [mailto:GEVEN@dpw.lacounty.gov]
Sent: Monday, March 22, 2010 4:33 PM
To: EIRcomments@smmc.ca.gov
Cc: Lafferty, Dan; Gindi, Ramy
Subject: Comments for the Malibu Parks Public Access Enhancement Plan - Public Works Plan Draft Environmental Impact Report - SCH# 2009091018

Santa Monica Mountains Conservancy

Mountains Recreation and Conservation Authority

Attn: Ms. Judi Tamasi

5750 Ramirez Canyon Road

Malibu, CA 90265

The Los Angeles County Waterworks Districts (District) has reviewed the referenced document and have the following comments:

NN-1

• Ramirez Canyon Park – In multiple locations the report states “Hydrants located near the park; along Ramirez Canyon Road and Via Acero achieve pressures ranging from 661 to 2,500 gallons per minute” this statement is inaccurate, as flows through an 8-inch water main is restricted to approximately 1,500 gallons per minute of flow. The flow is additionally restricted by existing water main locations and elevations. Any requirements above the existing system capability shall entail the replacement of existing main and the potential upgrade of existing facilities such as storage tanks and pump station. Approval of domestic water supply shall require the installation of a regulating station and conversion of existing main to a lower pressure to reduce the pressure for the required backflow device(s).

NN-2

• Escondido Canyon – The existing public fire protection is limited to 1,500 gallons per minute of flow, any additional requirements shall entail the replacement of existing main and the potential upgrade of existing facilities such as storage tanks and pump station. Approval of domestic water supply shall require the installation of a regulating station and conversion of existing main to a lower pressure to reduce the pressure for the required backflow device(s).

NN-3

• Latigo Trailhead – The existing public fire protection is limited to 1,500 gallons per minute of flow, any additional requirements will entail the replacement of existing main and the potential upgrade of existing facilities such as storage tanks and pump station. Approval of domestic water supply shall require the installation of a regulating station to reduce the pressure for the required backflow device(s).

NN-4

- Corral Canyon Park – The existing water supply infrastructure on Pacific Coast Highway fronting the park lacks the necessary storage tanks to provide the park with customary level of water service for fire fighting purposes and/or domestic use. Project proponent shall install approximately 3,800 feet of 12-inch water main along Pacific Coast Highway, and construct a water storage tank of adequate size and elevation to meet project domestic and fire storage demands. All water system infrastructure shall be constructed in accordance with District standards and shall be dedicated to the District upon completion.

NN-5

- Malibu Bluffs Open Space Area – The existing water supply infrastructure on Pacific Coast Highway fronting the park lacks the necessary storage tanks to provide the propose facility with customary level of water service for fire fighting purposes and/or domestic use. Project proponent shall install approximately 2,400 feet of 12-inch water main along Pacific Coast Highway, and shall utilize infrastructure required for the Corral Canyon Park to provide domestic and fire storage.

NN-6

- Project proponent shall construct on-site facilities meeting all health and safety codes, and all domestic water service meter and fire protection connections shall have a backflow device to prevent contamination of the public water system.

NN-7

The above stated flows are estimated maximum flows based on pipe size, actual fire flow tests must be physically conducted to obtain actual system yields. The Draft EIR must adequately address all of the above mentioned infrastructure improvements and additional requirements may be added as the project impacts are more thoroughly defined.

NN-8

Please add the LA County Waterworks District No. 29, Malibu to your distribution list for CEQA documents of projects within the Districts' service area.

NN-9

Thank you

Greg Even

LA County Waterworks Districts

LA County Department of Public Works

900 S. Fremont Avenue

Alhambra, CA 91803

626-300-3331

Letter NN
Commenter: Greg Even
Los Angeles County Waterworks Districts
Los Angeles County Department of Public Works
Date: March 22, 2010

<p><i>Introduction</i></p>	<p><i>Pursuant to State CEQA Guideline 15088, proposed written responses shall be provided to all public agencies that commented on an EIR at least 10 days prior to the certification of any EIR. The Conservancy and MRCA provided all public agencies with proposed written responses to their comments on the DEIR at least 10 days prior to the certification of this FEIR. The version of all responses contained in this FEIR constitutes the final version as any previous version was a proposed response.</i></p> <p>In response to both oral and written comments received on the Draft Environmental Impact Report (“DEIR”) for the Malibu Parks Public Access Enhancement Plan – Public Works Plan (the “Proposed Plan”) the Santa Monica Mountains Conservancy and the Mountains Recreation and Conservation Authority (“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-I in Volume IV of the Final Environmental Impact Report (“FEIR”) and a detailed analysis of the environmental consequences of the MRA is included in Volume IV of the FEIR, which is scheduled to be released prior to the Conservancy/MRCA’s public hearing on the Plan.</p> <p>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).</p>
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	<p>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.</p> <p>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.</p> <p>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.</p> <p>The Final EIR includes an analysis of the MRA as well as a MRA Fire Protection Plan. The responses to comments that follow address the comments on the DEIR and indicate where concerns raised by oral or written comments will be potentially eliminated or reduced with the adoption of this MRA.</p>
<p>COMMENT NO.</p>	<p>RESPONSE</p>
<p>NN-1</p>	<p><i>This comment states that LA County Waterworks District has reviewed the DEIR and has provided comments.</i></p> <p>RESPONSE:</p>

	<p>The Conservancy/MRCA acknowledge LA County Waterworks District's review of the DEIR and appreciate their effort in commenting on the DEIR.</p>
<p>NN-2</p>	<p><i>This comment questions the accuracy of the fire flow information provided for the existing fire hydrants in the Ramirez Canyon Park area. The commenter also notes that a regulating station and conversion of the existing main to a lower pressure to reduce pressure for the required backflow device(s) shall be required.</i></p> <p>RESPONSE:</p> <p>Please see Section 2.4 of the DEIR, which describes water supply and infrastructure for the Proposed Plan. A meeting with LA County Waterworks District staff (Greg Even and Ramy Gindi) was held on May 3, 2010 to discuss and clarify the District's comments on the DEIR. At this meeting, it was communicated to District staff that the fire flow data included in the DEIR was provided by District staff. It was also clarified that the fire flow data contained in the DEIR did not represent a requirement applicable to a private water system, but was provided as informational. However, in order to avoid confusion, District staff requested that the DEIR provide clarification regarding the fire flow data included in the DEIR, explaining that the proposed "private water system" for fire protection does not require specific flows, but would rely upon whatever flows are available from the District.</p> <p>The following clarification is provided in response to the commenter's identified concerns.</p> <p>"The proposed private water systems at each park area do not require specific fire flows greater than what is currently available from existing County of LA Waterworks infrastructure."</p> <p>In addition, subsequent communication with District staff (Greg Even and Kirk Allen) on July 21, 2010 and July 23, 2010 confirmed and clarified that the flow data contained in the DEIR for Ramirez Canyon Park was accurate. The flow tests were conducted within the last couple of years (3/4/2009, 9/8/2008, and 5/24/2007) and no mains have been replaced that would change flow capacities in the area. It was also clarified that due to elevation changes and storage capacity in the area,</p>

	<p>flow rates will vary as will duration. According to District staff, under normal operation in the area, the storage tank providing gravity storage to this pressure zone would have 350,000 gallons available for fire flow purposes. At a fire flow rate of 2,500 gpm at 20 psi, the duration of fire flow would be 140 minutes.</p> <p>The information detailed above would similarly apply to the MRA.</p> <p>Lastly, in response to the commenter’s note regarding backflow devices, Section 2.3.2 in Section 2.0 <i>Project Description</i> of the DEIR provides detailed information regarding the installation of required backflow devices for the Proposed Plan. Similar information is provided for the MRA in <i>Appendix MRA-1</i> of Volume IV of the FEIR.</p> <p>Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>NN-3</p>	<p><i>This comment states that the existing public fire protection system at Escondido Canyon Park is limited to 1,500 gallons per minute and any additional requirements would require replacement of an existing main and potential upgrade of existing facilities such as storage tanks and pump station. The comment also states that a regulating station shall be required and conversion of an existing main to a lower pressure to reduce pressure for the required backflow device(s).</i></p> <p>RESPONSE:</p> <p>See response to comment NN-2. Under the Proposed Plan analyzed in the DEIR, the proposed private water systems at Escondido Canyon Park would not require specific fire flows greater than what is currently available from existing County of LA Waterworks infrastructure. Escondido Canyon Park receives water via an 8-in. water main line located along Winding Way.</p> <p>The MRA does not include park and recreation improvements at Escondido Canyon Park other than trails. As a result, Escondido Canyon Park would not require specific fire flows greater than what is currently available from existing County of LA Waterworks infrastructure, and existing fire flows currently available from existing County of Waterworks infrastructure for this area would not be affected under the MRA.</p>

	<p>Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>NN-4</p>	<p><i>This comment states that the existing public fire protection at Latigo Trailhead is limited to 1,500 gallons per minute and any additional requirements would require replacement of an existing main and potential upgrade of existing facilities such as storage tanks and pump station. The comment also states that a regulating station shall be required and conversion of an existing main to a lower pressure to reduce pressure for the required backflow device(s).</i></p> <p>RESPONSE:</p> <p>Please see Section 2.4 of the DEIR, which discusses water infrastructure and supply. See response to comment NN-2. The proposed private water systems at the Latigo Trailhead site would not require specific fire flows greater than what is currently available from existing County of LA Waterworks infrastructure.</p> <p>The MRA would eliminate most of the park and recreation improvements at the Latigo Trailhead site. Under the MRA, The Latigo Canyon Trailhead property would receive water via an existing 6-in. water main line located along Latigo Canyon Road. As a result, Latigo Trailhead would not require specific fire flows greater than what is currently available from existing County of LA Waterworks infrastructure, and existing fire flows currently available from existing County of LA Waterworks infrastructure for this area would not be affected under the MRA.</p> <p>Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>NN-5</p>	<p><i>This comment states that the existing water supply infrastructure along Pacific Coast Highway (PCH) fronting Corral Canyon Park lacks the necessary storage tanks to provide the park with customary level of water service for fire fighting purposes and/or domestic use, and requests that approximately 3,800 feet of 12-inch water main along PCH, and construction of a water storage tank of adequate size and elevation to meet project domestic and fire storage demands.</i></p> <p>RESPONSE:</p>

Please see Section 2.4 of the DEIR, which describes the water supply and infrastructure for the Proposed Plan. Please see response to NN-2. In addition, it was clarified during the May 3, 2010, meeting with District staff and a subsequent telephone conference call meeting on May 12, 2010 with Jim Bailey, LA County Fire and District staff (Greg Even and Ramy Gindi) that the proposed “private water system” at Corral Canyon Park would not require specific fire flow requirements; therefore, existing District infrastructure would be able to serve the proposed uses at Corral Canyon Park. However, the District requested that a single point of connection to the District’s fronting main on the south side of PCH be used. Additionally, the District concluded that the Conservancy would not be required to construct its own water storage tank to meet project domestic and fire storage demands, but would be required to pay its pro rata share toward the future construction of a water storage tank for the area.

Under the MRA, Corral Canyon Park and Malibu Bluffs would receive water via a proposed extension of either a 10- or 12-in. main line off of PCH. New water lines, ranging from 2- to 6-in., would connect to and extend to proposed improvement areas from the existing water mains within adjacent streets; back flow prevention devices would be installed as required by the District. As with the Proposed Plan, the MRA would not require specific fire flows greater than what is currently available from existing County of LA Waterworks infrastructure, and existing fire flows currently available from existing County of LA Waterworks infrastructure for this area would not be affected.

For Corral Canyon potable water would be provided via a 6-in. diameter connection to a water main in PCH. This water would be boosted by a small pump station located near the service vehicle access area to serve the camp areas with domestic water. This boosted water will also supply water to the 10,000-gallon storage tank at the top of the knoll above Camp Area I. The 10,000-gallon storage tank will only be used to provide water to the wildland hydrants. To augment pressure and flow to the wildland hydrants, a stand pipe and Siamese connection are provided near the service vehicle access area. This will allow a pumper truck to take municipal water and pump it into the fire water line that services the wildland hydrants in the camp

	<p>area.</p> <p>Under the MRA, as a backup to firewater pressures and flows at Corral Canyon, a gas powered booster pump would be provided at a central location in Camp Area I. The booster pump would be able to connect to the domestic supply and pump into the firewater line boosting the pressure and flow into the wildland hydrants. Additionally, the booster pump would be able to also connect directly to the 10,000-gallon storage tank supply line and be fitted with a fire hose and nozzle to fight fires directly. The gas powered booster pump, hoses and nozzles will be stored in a steel container centrally located in Camp Area I. The approximate 20-horsepower booster pump would be refueled (as needed) and inspected/ tested approximately four (4) times per year by wildfire trained personnel. The booster pump would be housed within a 2 ft by 4 ft steel container. Any necessary refueling of the pump would occur without removing it from the steel container; any accidental fuel spillage would, therefore, be contained. The booster pump would be capable of providing 120 GPM and would be located in a central location between several campsites (with surrounding 20-ft fuel modification buffers) and on a trail (with approximately 10 ft in width of fuel modification).</p> <p>Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>NN-6</p>	<p><i>This comment states that the existing water supply infrastructure along Pacific Coast Highway (PCH) fronting Malibu Bluffs Open Space Area lacks the necessary storage tanks to provide the park with customary level of water service for fire fighting purposes and/or domestic use, and requests that approximately 2,400 feet of 12-inch water main along PCH, and shall utilize infrastructure required for the Corral Canyon Park to provide domestic and fire storage.</i></p> <p>RESPONSE:</p> <p>Please see Section 2.4 of the DEIR, which describes water supply and infrastructure for the Proposed Plan. Please see response to NN-2. In addition, it was clarified during the May 3, 2010, meeting with District staff and a subsequent telephone conference call meeting on May 12, 2010, with Jim Bailey, LA County Fire and District staff (Greg Even and</p>

	<p>Ramy Gindi) that the proposed “private water system” at Malibu Bluffs would not require specific fire flow requirements; therefore, existing District infrastructure would be able to serve the proposed uses at Malibu Bluffs. However, the District would require that a “fronting” 12-in. water main line be installed along Pacific Coast Highway. The “fronting” main line could be extended from either or both of two existing “fronting” mainlines at the north or south ends of the property adjacent to Pacific Coast Highway. Additionally, the District concluded that the Conservancy would not be required to construct its own water storage tank to meet project domestic and fire storage demands, but would be required to pay its pro rata share toward the future construction of a water storage tank for the area.</p> <p>Under the MRA, Corral Canyon Park and Malibu Bluffs would receive water via a proposed extension of either a 10- or 12-in. main line off of PCH. New water lines, ranging from 2 to 6 in., would connect to and extend to proposed improvement areas from the existing water mains within adjacent streets; back flow prevention devices would be installed as required by the District. As with the Proposed Plan, the MRA would not require specific fire flows greater than what is currently available from existing County of LA Waterworks infrastructure, and existing fire flows currently available from existing County of Waterworks infrastructure for this area would not be affected.</p> <p>Under the MRA, an emergency supply of water for fire protection purposes would be provided at and Malibu Bluffs (Parking Lot #1 and #3) via a proposed 10,000-gallon water tank. The tanks would be kept full at all times via a connection to municipal water supplies. The tanks would not be connected to on-site hose-bibs or wildland fire hydrants, but a +4-in. standpipe outflow would be provided at each tank; the tank would be identified with signage for fire protection uses and available for fire pump truck hook-up as an emergency back-up supply of water in the event of failure of the municipal water delivery system.</p> <p>Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>NN-7</p>	<p><i>This comment states that the project shall construct on-site facilities in compliance with all health and safety codes, and all domestic and fire protection water connections shall have a backflow device to prevent</i></p>

	<p><i>contamination of the public water system.</i></p> <p>RESPONSE:</p> <p>Please see response to NN-2. In addition, as discussed in detail in Section 2.0 <i>Project Description</i>, all fire hydrant water connections would have back flow prevention devices attached to prevent backflow and protect water supplies from being contaminated. Under both the Proposed Plan and the MRA, all improvements would be constructed consistent with health and safety codes.</p> <p>Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required</p>
<p>NN-8</p>	<p><i>This comment states that actual fire flow tests must be physically conducted to obtain actual system yields, and that the DEIR must address the mentioned infrastructure improvements and any additional requirements that may be added.</i></p> <p>RESPONSE:</p> <p>The Conservancy acknowledges that actual future fire flow tests may need to be conducted to determine actual system yields; however, as described in the response to comment NN-2, the proposed “private water system” at each park area would not require specific fire flow rates, and therefore, would not require infrastructure improvements to achieve specific fire flows, with the exception of Malibu Bluffs, where a new “fronting” main line would be required to connect to the District’s system.</p> <p>Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.</p>
<p>NN-9</p>	<p><i>This comment requests that LA County Waterworks District No. 29 Malibu office be added to the distribution list for CEQA documents.</i></p> <p>RESPONSE:</p> <p>The LA County Waterworks District No. 29 Malibu office has been added to the distribution list for CEQA documents.</p>

From: Alan Hamel [mailto:Alan@PortCarlingCorp.com]
Sent: Monday, March 22, 2010 4:36 PM
To: EIRcomments@smmc.ca.gov
Subject: MALIBU ROAD FIRE BURNED OUR HOME

I URGE YOU TO RECONSIDER HAVING CAMPSITES ON THE BLUFF ABOVE MALIBU ROAD.

OUR HOME BURNED DOWN TWO YEARS AGO AND WE DISCOVERED AFTER THE FIRE HAD BARED EVERYTHING ON THE HILL ABOVE US, THAT THERE WAS A CAMPSITE WITH SOFAS AND COOKING POTS AND OBVIOUSLY PEOPLE WERE LIVING THERE AND WERE DIRECTLY RESPONSIBLE FOR OUR BURNING DOWN OUR HOME.

OO-1

OFTEN, THE WIND COMES FROM THE BLUFF TO THE SEA AND IF THERE IS EVEN A SMALL SPARK, THE DEADWOOD AND SAGEBRUSH CATCH FIRE AND ALL HELL BREAKS LOOSE.

OO-2

WE LOST ALL OUR BELONGINGS AND ALL OUR FAMILY MOMENTOS AND MOST IMPORTANTLY, OUR HOME. IT HAS CHANGED THE DYNAMICS OF OUR FAMILY INCLUDING KIDS AND GRAND KIDS WHO USED TO SPEND WEEKENDS AND SUMMER VACATIONS WITH US; THAT IS GONE.

OO-3

PLEASE, DO NOT PUT US ON MALIBU ROAD IN JEOPARDY, HAVING TO CONSTANTLY WORRY ABOUT THE COMBINATION OF WIND AND FIRE CREATING A RECURRENCE OF WHAT HAPPENED TO US TWO YEARS AGO.

MOST CAMPERS ARE RESPONSIBLE. IF EVEN ONE IS NOT, IT CAN BE A DISASTER.

OO-4

THANK YOU FOR YOUR CONSIDERATION.

RESPECTFULLY,

**SUZANNE SOMERS
ALAN HAMEL**

<p>Letter OO</p> <p>Commenter: Suzanne Somers and Alan Hamel</p> <p>Date: March 22, 2010</p>	
<p><i>Introduction</i></p>	<p>In response to comments, two topical responses have been created (Topical Response #1 – the Modified Redesign Alternative & Topical Response #2 – Fire Concerns). Where a response to a comment can be addressed with one of these topical responses, the commenter is referred to the topical response.</p>
<p>COMMENT NO.</p>	<p>RESPONSE</p>
<p>OO-1</p>	<p><i>This comment requests that the Conservancy reconsider placing campsites at Malibu Bluffs.</i></p> <p>RESPONSE:</p> <p>CEQA Guidelines Section 15088(a) specifies that the “lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” This comment does not address an environmental issue. Your opinion on the proposed project is important, however, and your comment will be included in the FEIR presented for review and consideration by the Conservancy/MRCA’s decision-making body.</p> <p>Furthermore, in response to comments raised on the DEIR, the Conservancy/MRCA is being presented with a Modified Redesign Alternative. This alternative would limit camping to primarily two parks: Corral Canyon Park and Malibu Bluffs Conservancy Property in an effort to reduce fire risk. Both sites are located in close proximity to PCH to facilitate highway access in a fire event, and are considered areas with lower intensity fire behavior and near other open space areas for relocation purposes.</p> <p>Additionally, a Fire Protection Plan is included in the FEIR for this Modified Redesign Alternative and for each park area, and further includes the following additional measures to ensure any fire risk is reduced further. First, the drop box registration system has been eliminated and all camping fees would be collected in person. Furthermore, under the Fire Protection Plan for this alternative included in the FEIR, a strict cold camp policy prohibiting the use of propane stoves and other flammable devices would be strictly</p>

	<p>enforced. The only approved cooking devices would be small electrical cooking appliances compatible with the park provided all-weather electrical outlet. Further, the Modified Redesign Alternative would provide permanent overnight accommodations for wildland fire-trained MRCA rangers, camp hosts, or a staff maintenance person to monitor and enforce this cold camp policy and further reduce any fire risk associated with the Plan. Additionally, all MRCA rangers and camp hosts will be public officers designated pursuant to the MRCA Park Ordinance as authorized by the Public Resources Code and would be able to issue citations to strictly enforce this cold camp policy.</p> <p>See, also, Topical Response #1 and Topical Response #2.</p>
OO-2	<p><i>This comment stats that the wind comes from the bluff to the sea and if a small spark, dead wood, or sagebrush catch fire, it would most likely be devastating to homes along Malibu Road.</i></p> <p>RESPONSE:</p> <p>CEQA Guidelines Section 15088(a) specifies that the “lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” This comment does not address an environmental issue. Your opinion on the proposed project is important, however, and your comment will be included in the FEIR presented for review and consideration by the Conservancy/MRCA’s decision-making body. Please, also, see Topical Response #2.</p>
OO-3	<p><i>This comment provides a personal account of the effects a fire that originated on Malibu Bluffs.</i></p> <p>RESPONSE:</p> <p>See Response to Comment OO-2.</p>
OO-4	<p><i>This comment states that most campers are responsible, but just one irresponsible camper could create a disaster.</i></p> <p>RESPONSE:</p> <p>See Response to Comment OO-2.</p>