PP

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March 22, 2010

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

Re: Draft Environmental Impact Report for the proposed Malibu Parks Public Access Enhancement Plan – Public Works Plan Project - prepared by the Santa Monica Mountains Conservancy/Mountains Recreation Conservation Authority (Conservancy/MRCA) co-lead Agencies

Dear Ms. Tamasi:

The following are my general comments regarding the draft EIR for the Project Plan:

Instead of proposing new parks, and new camping areas to enhance public access and recreational opportunities in the region, why isn't the SMMC/MRCA focusing on the improvement and enhancement of our existing parks in the region. So many parks and beach access areas in the region are unsafe and lack basic amenities like public bathrooms. Not having bathrooms at most of the trailheads in the Santa Monica mountains (Mishe Mokwa, Sandstone, Backbone Trail @ Tunnel One, Corral Canyon at the top, Piuma/Saddlepeak Trail, the Point Dume Natural Preserve) and at most of the beach access areas along the coast, is reeking havoc on our existing wildlife and biological resources, not to mention the visitors. PP-1

Many trails throughout the area are also in total disrepair (Pt. Dume Natural Preserve's trails to Westward Beach and Point Dume beach are "accidents waiting to happen" and the bushes are being used as communal bathrooms.) In addition, most of our existing parks lack ADA access and basic amenities for people with special needs. It should also be noted that because many of the existing parklands can't be monitored effectively due to budget cuts and ineffective management plans, the recent Corral and Bluffs Park fires recently destroyed approximately 60 homes in the Malibu area, and even more recent than that, a runner at the Pt. Dume Preserve was recently sexually assaulted in the middle of the day. PP-2

As a 32-year resident and daily hiker, I have hiked most of the trails in the Santa Monica Mountains and have noted a significant lack of basic maintenance and amenities for hikers, bikers, and riders of all abilities. Bathrooms, adequate access, and education are the key things lacking. It is a rare occasion that I ever see a Ranger at any of these parks. In addition, there is a lack of appropriate signage on all the trails in the Santa Monica Mountains – one of the main reasons why people get lost on the trails – why can't resources be put into trail signs that direct people along the existing trails – this is a huge safety issue, and could prevent many rescue missions and public funds being used to rescue lost hikers. Safety and sanitation should be a priority. Once these issues have been addressed, then it would make sense to plan for the development of additional parks in a safe and thoughtful manner, as the funds are realized. PP-3

Instead of expanding the number of new parks and camping facilities in the area, why aren't your public agencies working collaboratively to maintain, monitor and improve those parks and trails that already PP-4

exist, and thereby making them safer and reducing the present significant impact on wildlife and biological resources? PP-4

The Conservancy and MRCA state in the EIR that they have considered a combination of design features and public programs specifically intended to facilitate access opportunities that provide alternative solutions to accessibility where the physical challenges of natural parks, or current limitations on accessibility due to lack of transit or necessary support facilities, might otherwise deny access to people of all races, cultures, and incomes. PP-5

There are 100's of miles of existing trails, parklands that are in the need of improved accessibility, alternative transit and support facilities that could greatly improve the access to people of all races, cultures and incomes – why are they being ignored? PP-6

In fact, because many of the parks in the area can't be maintained properly or monitored due to the lack of public funds, they are now being threatened with closure. What is lacking in the region, is a master plan for all the parks in regards to maintenance, monitoring and improvements for access. Where is the master plan for the region, and why aren't your agencies working to create one? Piecemeal development of open space and ESHA simply exasperates the existing problems with the parks in the area, and creates more unsafe and unhealthy conditions for visitors, and increases the overall liability for those agencies. PP-7

I would encourage all the agencies to get together and put together a master plan for the management, maintenance, monitoring of the system of trails, parks and camping areas already in existence. A long-term well thought out plan, an assessment of needs, and the prioritization of those needs should be the cornerstone of responsible oversight and management of our parklands and open spaces. Piecemeal development is a waste of resources and a very inefficient use of public funds. PP-8

It is my professional opinion, that the decision-making body should select the "No Project Alternative" in this EIR, and instead refocus the efforts of all the public agencies in the region to develop a comprehensive master plan for all the parklands. PP-9

Having said this, the following are my specific comments regarding this EIR:

Project Description

Throughout the EIR, the term "existing and increased recreational demand" is used as the main reason for the need to develop open space and ESHA for new parks and camping sites, and there is no reference made to a document or study that defines what the "existing or increased recreational demand" actually is for the region. Without this information, this statement is unfounded and unsupported, making the EIR in my mind deficient and unwarranted. PP-10

In addition, the information regarding the development of the Coastal Slope Trail is very confusing.

"The current, incomplete condition of the trail alignment OTDs renders detailed analysis of anticipated trail improvements (e.g., engineering and natural resource constraints) speculative at this time as it is not known exactly where potential future trail OTDs would be located on adjacent and nearby properties in the future." PP-11

It is my opinion that only a very small segment of the Trail can actually be developed at this point in time given the lack of ownership of critical connecting segments as stated above. It appears as though, only

those parts of the trail that can be developed are limited to the existing parklands themselves that are owned by SMMC/MRCA – trails at the Ramirez Park, at the Escondido Park, at the 2.4 acre Latigo Park, at the Corral Park, and at the Bluffs Park. Without the actual ownership of the critical segments between all these parks, it appears as though this Plan does not include the actual development of the Coastal Slope Trail, and is really just about the development of parks and camping sites and not the trail at all. PP-11

Without the actual ownership of the connecting trails the following statements in the EIR are therefore false:

"The proposed Plan would construct major components of an expansive trail system planned for the Malibu coastal area and the larger Santa Monica Mountains National Recreation Area, thus connecting a number of federal and state-owned parklands in the Plan area including Ramirez Canyon Park, Escondido Canyon Park, Latigo Trailhead, Solstice Canyon Park, Corral Canyon Park and Malibu Creek State Park."

"In addition, the draft PWP includes planning and implementation efforts to connect several federal and State-owned park properties via the proposed trail system; Ramirez Canyon Park, Escondido Canyon Park, the Latigo Trailhead property, Solstice Canyon Park, Corral Canyon Park, and Malibu Creek State Park. The majority of planned trail connections to and between the parks are included in the proposed project. The proposed trail improvements would complete trail connections for the Coastal Slope Trail and its ultimate connection to the Beach to Backbone Trail (in Corral Canyon), which will provide access to and between adjacent urban areas of Los Angeles and Ventura Counties, the larger Santa Monica Mountains National Recreation Area, and to the shoreline within the City of Malibu." This statement is also misleading and false. PP-12

"The parklands subject to the proposed Plan improvements consist primarily of open, undeveloped coastal land and, as such, provide significant connecting links between the coast and large, undisturbed habitat areas in the Santa Monica Mountains." This statement is also misleading.

It should be noted that there are already parklands and trails that accomplish this beach to mountain connection all along the coast - at Point Mugu, La Jolla, Sycamore, Leo Carrillo, Zuma/Trancas Canyons, Solstice and Topanga Canyon Parks. The EIR makes it sound like there are no such connections and there is some "perceived need" for more of them.

Isn't this comprehensive planning backwards? Shouldn't the trails be created first and then the amenities developed once the trails are completed? What happens if the agencies can't get the critical connections and the trailheads have to be moved to accommodate a different trail design. It appears as if the cart is before the horse in this plan. And to use the development of trails as a done deal, and as a public relations ploy, is unfair and confusing to the reader and the public. PP-13

Further, because there are no time-lines or budgets for this Plan, the reader has no idea what is going to be developed first or last. It is the opinion of this reader that the parks and camping will be developed first and then connecting these parks with trails will happen at a much later date, if at all. So using the terminology of "creating comprehensive linkages between wildlife corridors and habitats" is confusing and false. PP-14

Bluffs Park - it was my understanding that the development of Bluff Parks was supposed to be an "alternative" to the proposed Public Works Plan, and not an additional part of the Plan. That being said, the following are my comments: PP-15

The number of parking lots and the number of campsites is excessive. The impacts to the existing wildlife and biological resources cannot be mitigated sufficiently by offsite remediation of other parklands in the valley areas such as Gillette Ranch. Even State Parks has commented that the campsites should be clustered closer together to minimize impacts to wildlife and ESHA. The EIR states that …campsite locations shall be located within existing public use areas to ensure easy access for purposes of maintenance and patrol, and in case of emergency. If access is paramount, then why are the campsites so far apart and hard to access? PP-15

To reduce the biological impacts, the campsites and parking lots should either be eliminated, reduced in number and/or clustered similar to the campsites at Leo Carrillo and Sycamore. To reduce the fire hazard, the park should have 24-hour ranger monitoring and/or 24 hour camp hosts (like State Parks) and the camp hosts should be located right near the campsites for monitoring. Iron rangers and once-in-a-while monitoring is totally insufficient as has been proven over and over again in the other parks in the area. SMMC/MRCA should be held to the same standards as State Parks. To my knowledge there have been no problems associated with fires at the Sycamore, Leo Carrillo and Thornhill Broom campsites. The current proposed distance between the campsites and the camp host location at all the proposed parks is too far. But even this can't make the fire hazard created by this Plan to be less than significant. The agencies will never be able to guarantee that a fire won't be started in these parks inadvertently, and should be required to carry a comprehensive insurance and liability policy to cover any damages caused by such a fire. If this is not feasible then the parks should not be developed and the "No Project Alternative" should be chosen. PP-16

In fact, if it is truly the mission of the agencies to conserve and preserve open space, why isn't the eradication of all invasive non-native plants and protection of wildlife and habitat a priority versus the development of the entire parcels. A simpler plan to improve the access to the trails according to ADA and those with special needs, some parking, and improvement of the open space areas and ESHA for visitors and wildlife alike would be preferable. There appears to be a conflict between the overall goal of conservation and the proposed improvements. Camping has significant unmitigatable impacts and in this Plan requires a significant amount of resources, infrastructure, and development of rare open space/ESHA/coastal sage scrub. A cost/benefit analysis for camping should have been included in this proposed Plan. PP-17

A total of approximately 30 acres of open space is being developed for public use in this Plan and the impacts on wildlife and habitat (ESHA) are significant and cannot be mitigated to less than significant – once the open space/ESHA is gone – it is gone. Remediation of other offsite areas is not sufficient to offset the impacts to the rare coastal sage scrub being destroyed for campsites and associated infrastructure. It is my opinion that there is no such thing as low-impact campsites, especially given the amount of land being developed, the fire hazards being created and wildlife and biological resources being impacted. PP-18

Regarding the proposed fire truck sheds – are these sheds actually going to house a fire truck. The purpose of these sheds is unclear and should be further described. It does not appear that the Agencies have enough fire trucks to place one at each park. PP-19

Re cold camping – are you proposing self-contained propane stoves or centralize cooking areas or both and where? Pg 2-49 needs to be clarified. Please also clarify language re lanterns that will be allowed– it is confusing. PP-20

You have stated in different places that fines for not adhering to the rules are $500 and $1000 - which is it? And will these signs be in English and Spanish? PP-21

Pg 2-51 – the option of "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" is not sufficient and does not mitigate the fire hazard created by this Plan and should be deleted. The only option that should be proposed is 24-hour on-site monitoring by a ranger or camp host. If this is cost prohibitive, then camping should not be allowed. PP-22

2-65 – the distance from Latigo Park for LA County Fire is ….? Will the fire truck sheds actually house a firetruck – what is their intended use – please describe. PP-23

Re police protection – Lost Hills might have 138 sworn officers but the City only contracts a very small number for the area – you should state how many officers are actually patrolling at any one time in the City and surround area. PP-24

2-66 – MRCA does not have the approval to widen Ramirez as proposed and that should be stated in the EIR. PP-25

2-69 – what trails are actually going to be constructed – again this EIR gives the impression to the reader that connecting trails will be developed when they are not. PP-26

2-72 – don't you need to include State Parks here? PP-27

4-11 All proposed park improvement locations have been evaluated by a qualified biologist/s to ensure that park improvements have been appropriately located, to the extent feasible, in previously disturbed areas. This does not appear to be the case if 30 acres of ESHA are being destroyed for the development of the camping sites.

PP-28

Corral Park – the same comments apply for this Park.

Latigo Park – the same comments apply for this Park.

Escondido - the same comments apply for this Park.

Ramirez Park – before this park increases it's commercial/visitor-serving activities all safety issues should first be addressed concerning its existing activities. The primary access to the Park does not meet the requirements for the fire department in regards to the parks commercial/visitor-serving operations and those activities that are currently being conducted should cease and desist until they have been remedied. The primary access roads are private roads and until all the issues surrounding the use and proposed modification of those roads are accomplished, the Coastal Commission cannot approve this Project Plan or the current operations. The additional access road from Kanan is still just a proposal and has not been finalized as stated on 4-89 (this language should be changed because the Plan does not include this – it is not a done deal), and so without some secondary fire evacuation route, the current commercial visitor-serving activities are unsafe and create an unsafe environment for the existing neighborhood. Should a fire break out, the need to evacuate 200 visitors along with the residents would simply be a nightmare and a disaster waiting to happen. It is also improbable to think that the proposed access road off of Kanan would help matters much, because most fires would be coming from that direction and evacuating visitors PP-29

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towards a raging fire wouldn't be practicable. If the current operations of this Park can't be done in a safe manner then the deciding body should vote for the "No Project Alternative;" except that in this case, the current commercial operations should actually cease and desist until access can be made safe. PP-29

Table ES-1 identifies potentially significant environmental impacts which may require mitigation measures, but those measures cannot reduce impacts to a level below significance. If they cannot be mitigated to below significance then the decision-making body should chose the "No Project Alternative" or an alternative that does not include camping and has less impacts.

Impact LUP-2: Implementation of the proposed Plan would potentially conflict with land use plan policies addressing potential geologic hazards and protection of environmentally sensitive habitat areas, adopted for the purpose of avoiding or mitigating an environmental effect. This impact is significant and unavoidable and should require the decision-making body to chose the "No Project Alternative" or an alternative that does not include camping. PP-30

Impact G-1b and Impact LUP-2 – if they are unavoidable and can't be mitigated then the "No Project Alternative" or an alternative that does not include camping should be chosen.

Table ES-2 identifies potentially significant environmental impacts that can be fully mitigated to a level below significance. Fully mitigated is the key here – I question the mitigations proposed below as not being able to reduce the impact to "below significance."

Impact Vis-1 – the mitigation proposed does not reduce the impact below significance – coloring structures does not reduce the impact of "blocking views" – views are still blocked at 3 feet below PCH at the Bluffs edge – it still creates a view impairment whether it is colored or not. Nor does screening a 12 foot wall reduce view blockage - it is a blockage whether it is colored or covered with plants – this is still a significant impact that cannot be mitigated. PP-31

Table ES-3 summarizes potential effects that were found not to be significant as they would not exceed local thresholds of significance defined in this EIR.

I do not agree with the following potential impacts as not being significant and/or have the following comments: PP-32

Impact AQ-1 –There is no proposed monitor for this program – who will monitor the program and be responsible for its implementation? This is not stated. There should be a named employee who will oversee these activities to be sure they are implemented as stated.

Impact BIO-1.1: Project construction would remove California sagebrush scrub, chaparral, purple needlegrass grassland, coast live oak, coast live oak/toyon-poison oak, and California walnut woodland, considered sensitive natural communities by the City of Malibu and County of Los Angeles.
Direct impacts to 21.03 acres of sensitive vegetation communities, including wetland and riparian communities, are considered less than significant. I do not agree that the proposed mitigations will render this impact to less than significant. PP-33

MM BIO-1.1 &1.2: proposes off-site mitigations in valley areas and other areas that are not similar to the coastal areas being developed. The appropriate sites need to be identified in this EIR and not at some

later date. There is a discrepancy as to whether it is 19 and 21 acres of ESHA is being removed. Please clarify. PP-33

MM BIO-1.12 This doesn't make any sense – are you putting restrooms 200 feet, 100 feet or 25 feet from stream beds? This is significant and needs to be changed. All setbacks need to be adhered to whether it is at Ramirez or elsewhere. PP-34

MM BIO-1.15 This is confusing – if campsites can't be located in accordance with the rules then they shouldn't be developed. PP-35

MM BIO-1.17 To the extent possible and consistent with other resource protection policies, campsites shall be located in proximity to maintenance and/or administrative access points to provide for easy access and to minimize potential impacts to sensitive habitat areas associated with maintenance requirements. This is not the case with this proposed Plan. All efforts have not been made to create easy access and to minimize potential impacts to ESHA – the campsites should be eliminated, reduced in number or clustered to minimize these impacts. PP-36

Impact BIO-3: 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 should be considered a potentially significant impact.

This impact cannot be mitigated to less than a significant impact. As a former State Parks volunteer, I have come to realize that signage of any type has very little effect on the public. If domesticated animals are allowed, wildlife as we know it now will not exist at these five parks. Visitors don't abide by the signs, nor do they pick up their pets' waste. Note that State Parks had to ban dogs from their State Beaches because it was such a significant problem. There is no way to truly mitigate this significant impact except to ban domesticated animals and chose the "No Project Alternative" or another alternative that does not include camping. PP-37

MM BIO-7 To avoid direct impacts to nesting raptors and songbirds, construction of the project shall be phased to avoid the migratory bird nesting season (typically February 15 through August 31). There should be no wiggle room here – if the Agencies are to improve any of these parks then no development should occur during nesting season. The mitigation measures appear to be cost prohibitive. The only appropriate mitigation for MMBIO-7, 8, 9 is to not allow for any construction during nesting season – Feb 15 – August 31 otherwise it is a significant impact that is not being mitigated properly. PP-38

Impact BIO-7 has been repeated twice. PP-39

MMBIO-10 – the long term direct impacts to special-status wildlife species is potentially significant. Domesticated animals should not be allowed in all the park areas as is the policy of State Parks. Habitat fragmentation due to trail and campsite development is significant – camp sites should not be allowed, reduced in number or clustered at a minimum. Planned mitigations for this impact are not sufficient.

Planned "quiet hours" cannot not be successfully implemented without full time monitoring by rangers/camp hosts like they do at Leo Carrillo & Sycamore – even at those sites it is a very difficult task to keep campers noise levels down and abiding by the rules. Signs are not sufficient mitigation for these significant impacts to wildlife and nearby neighborhoods. PP-40

MMBIO – 10.7 – dogs should not be allowed. If there are no fulltime-rangers, dogs will not stay on leash – Point Dume Natural Preserve is a good example of an unmonitored park that doesn't allow dogs – but every day you see dogs off leash chasing wildlife. This is a significant impact and the proposed mitigations are not sufficient. PP-41

MMBIO – 10.8 – occasional monitoring will not keep campers on trail – only 24 hour monitoring will have some impact. Signs do not work – only constant monitoring will keep visitors on trail. Unless there is 24 hour monitoring, this impact is significant. PP-42

MMBIO – 10.9 – a ranger/camp host should be on site at all times to enforce campground restrictions – if this is cost prohibitive then camping/ hiking should not be allowed in these five fire-sensitive areas close to residential homes. Simply having daily & nightly patrols to enforce a "no campfire" policy is not sufficient to mitigate this impact. Apparently State Parks followed this plan at the Corral Canyon Park and it was unsuccessful – knowing full well that the Park was used illegally at night – 53 homes were destroyed. This impact is significant and cannot be mitigated to less than significant given these proposed mitigations. PP-43

MMBIO 10.11 & 10.12 – signage does not work. There are signs at all our parks saying no fires and that hasn't and doesn't prevent fires or smoking, nor will it protect sensitive habitats and ESHA. The only way to best protect wildlife, sensitive habitats/ESHA is to not have camping. This impact is very significant and cannot be mitigated by signage. PP-44

MM BIO – 10.14 – motorized vehicle access is a significant impact and should not be allowed. If it is allowed, it should be minimized to the greatest extent possible by eliminating, reducing or clustering the campsites so that roads don't have be constructed in sensitive habitat areas and natural open space in the first place. Limiting these park areas to hiking and day-use only would be the preferable way to help mitigate this impact. PP-45

Impact BIO-12 – if camping and hiking are allowed in wildlife corridors and habitat linkages, none of the proposed mitigations can mitigate the significant potential impacts. None of these activities should be allowed in these areas period. PP-46

Impact B10-13 – not putting campsites near trees would reduce this impact significantly and routing trails around trees would also eliminate this impact. At a minimum reducing the sprawl of campsites and clustering the sites like State Parks does would reduce this impact. 187 native trees is a lot of trees to have to protect and costly. PP-47

MM G-1.5 is incomplete PP-48

Impact HYD-8 – MM HYD-8 – this impact cannot be mitigated with a pet waste program. Few visitors ever pick up their dogs' waste on hiking trails – and signs are not effective – State Parks had to ban dogs from their parks because of this problem and MRCA should do the same. PP-49

Impact N-3 – is a significant impact and cannot be mitigated unless 24 hour ranger/camp host monitoring is provided. MM N-3.5 will be impossible to enforce – you will have to ban all smokers from using the parks and there should never be a provision that allows for any campfires ever. The section that allows campfire permits must be eliminated - it is a complete reversal of what has been said throughout the EIR. Nor shall the Director be allowed to issue permits for alcohol or fireworks at any of the proposed park areas. Fireworks are banned in the City of Malibu for obvious reasons. PP-50

Impact PS-1 – is a significant impact and cannot be mitigated – adding camping will without a doubt increase demand for fire protection services. There should also be an additional Impact for adding parks with camping and trails that has not been addressed here. The only impact addressed here has to do with construction – this is an incomplete analysis re Public Services. Sheriff services, ambulance services, rescue services etc all should all be analyzed due to additional camping and hiking. Note the recent rescues of lost hikers etc. PP-51

Impact TP-3 – parking fees would be a better mitigation to prevent restaurant parking and on-site 24 hour monitoring by rangers. PP-52

Total impact of additional trips should include employees and maintenance personnel, and the atv's that are planned to be used for maintenance and monitoring. PP-53

Impact VIS-3 – are lights being proposed for the new parking lots and campsites/bathrooms or not? PP-54

Impact VIS-6 – coloring buildings and placing plants in front of retaining walls along with 10,000 gallon water tanks does impact and degrade the visual character and the quality of the Plan areas and surrounding areas – especially at Bluffs Park. PP-55

Impact VIS-7 – there is a cumulative impact to aesthetic and visual resources in the Plan areas. Turning open space and ESHA into developed camping sites with added significant infrastructure does have an impact that cannot be mitigated. PP-56

Impact BIO-11 – wildlife movement will be permanently hindered by the development of campsites and trails. This is an inadequate analysis and only deals with construction related activities. Post construction will have a significant long-term impact and cannot be mitigated.

This is not low-impact camping – the campsites are spread all over the parks and not clustered to minimize their impacts. These campsites will permanently restrict or impede wildlife movement. There will not be any foraging in the camping areas except where there are trash cans. PP-57

I don't see any studies as to whether there exists any wildlife corridors and habitat linkages at these sites – and if there are, campsites will directly impact those corridors and linkages. I would highly suspect that Escondido, Corral and Latigo do have corridors and linkages, and camping should not be allowed in these sensitive areas.

Impact BIO-16 – I think you mean to say that this would <u>not</u> result in a significant cumulative contribution – because I agree it would not result in a less than significant impact but instead does create a significant cumulative impact. PP-58

Impact FIREHAZ – 1 The improvements, campsites, and trails would expose people to a significant risk of wildland fires - note the recent Corral Fire and the Bluffs Park fire. PP-59

Impact FIREHAZ –2 The "improvements" to the park areas would interfere with the response time of evacuation requirements in the case of emergency – Ramirez is a good example – imagine if a fire broke out in the hills behind the canyon and 200 guests had to be evacuated along with all the residents in the area – this would be a very significant impact. PP-60

Impact FIREHAZ 3, 4 - I disagree, these plans create a fire hazard and a cumulative and significant contribution to wildland fires – all our worse fires have started in unmonitored Parks!

Note: No SMMC/MRC Park Rangers are currently stationed in the Malibu area. The closest Park Ranger station to the Malibu area is located at MRCA's King Gillette Ranch at 26800 Mulholland Highway, located approximately six miles from Malibu Bluffs and 12 miles from Ramirez Canyon Park. Pg. 3-11 PP-61

Impact GCC-1 – MRCA should be more proactive and try and reduce emissions by using natural gas powered vehicles. PP-62

Impact HYD-2 – paved parking lots do impact surface runoff significantly and should be made permeable. PP-63

Impact HYD-5 – a tsunami at the Corral Canyon Park would have a significant impact on campers. PP-64

Impact LUP-1 - there would be such an impact in Ramirez Canyon and the proposed plans are definitely not compatible with surrounding land uses. No resident would be allowed to have that many large events – the City has a cap on the number per year. Impacts are significant. PP-65

Impact LUP-3 – the proposed plan would conflict with our LUP's objective to conserve open space because the plan is developing open space. PP-66

Impact N-2 – there should be a mitigation for this if it is considered a potentially significant impact. PP-67

Impact N-4 – the Ramirez project is not planning periodic increases – it will be daily and weekly and sensitive receptors – wildlife and neighbors will be greatly impacted. This is a significant impact and should be mitigated. PP-68

Impact N-5 & 6 – the increased levels of the Ramirez project would result in a substantial increase in mobile source noise levels and would be a significant impact on sensitive receptors and needs to be mitigated – this is an in adequate analysis. PP-69

PS –2 – would be significant - you are planning to create five parks with camping – and the City of Malibu pays for that service – MRCA needs to contribute to the costs associated with the need for more police and fire department personnel. The Agencies should also be required to have a liability policy for damages caused to any nearby neighborhood should a fire be started in one of the parks. PP-70

PS – 6 – if the parks aren't monitored 24 hours a day there will be a cumulative impact for the increase demand for fire protection and police protection PP-71

Cumulative Impact REC-3 – please provide the study that speaks to the need for additional camping sites - this proposed project might actually reduce the income that State Parks gets at their existing facilities – so it could very well have a negative significant impact. PP-72

Impact TP-1 – the traffic impact is and would be significant in Ramirez Canyon and the plan needs to show how this will be mitigated – not just proposals, but concrete plans. PP-73

Cumulative Impacts Not Addressed:

Transportation – encouraging the use of biking to the parks is commendable but fraught with safety issues. As we all know, biking on PCH is very dangerous and without a designated bike lane – extremely dangerous given the speeds on PCH. This has cumulative impacts and should be addressed in the EIR. The agencies should work with the City of Malibu and CALTRANS on the development of safe bike lanes to encourage this mode of transportation. Without mitigation, SMMC/MRCA are putting their visitors at great risk, and creating additional significant hazards for visitors. PP-74

Will motorbikes/motorcycles be allowed in the Park areas? How will they be managed and kept out of the proposed park areas?

Parking – what are the planned fees for parking at all the parks. Has a cost/benefit analysis been conducted to determine at what price point access is being discouraged Recent increases at parks such as La Jolla ($8/day) have had negative cumulative impacts on providing safe access. Most visitors now park on PCH, which is dangerous when cars are going 55mph. Parking fees tend to encourage visitors to park on public streets and in some cases can create unsafe conditions for motorists and visitors alike. This can also have unintended consequences in regards to evacuations during emergencies and significantly impact emergency crews ingress and egress along public roadways. This too needs to be addressed in the EIR and mitigated. PP-75

Conclusion

There are numerous impacts associated with this proposed Plan that have, and have not been analyzed. Most of these significant impacts have <u>not</u> been mitigated to "less than significant." The only possible alternative that the Coastal Commission can chose is the "No Project Alternative" or at a maximum an alternative that allows for increased park access for those with special needs, and some parking and trail development that does not include camping. The associated impacts of camping and the required infrastructure in protected ESHA and in such a fire-prone areas are too great and cannot, nor should it trump public safety. There are "no overriding considerations" that can be possibly worth putting wildlife and people at such risk and in such danger. Public safety and the protection of our wildlife should be paramount and should not be jeopardized by adding more camping sites in an area that already has a sufficient number of existing camping sites for its visitors. Appropriate access for people with special needs, trail development, along with picnic tables and bathrooms would have a much less significant impact and could feasibly be managed with existing resources. PP-76

Ideally, there should be a master management plan created for all our park areas in the region so that all the deficiencies, as previously noted, throughout our park system can be addressed and remedied. It doesn't make sense that some of our parks face closure, while new ones are being developed.

Sincerely,

Victoria Hand
Former Ventura County Public Works Manager

Letter	**PP**
Commenter:	**Victoria Hand**
Date:	**March 22, 2010**
Introduction	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**
PP-1	*This comment provides an opinion that Conservancy/MRCA should focus on the improvement and enhancement of existing parks in the region rather than proposing new parks and new camping areas.* RESPONSE: Comment noted. The EIR analyzes a reasonable range of alternatives that would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen some of the significant effects of the project. This comment questions project objectives, rather than the analysis contained 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 Boards.
PP-2	*This comment expresses the author's concern that the lack of funding for monitoring parklands and effective management plans will increase fire hazards and crimes in the area.* RESPONSE: See response to comment PP-1. Please also see Topical Response #1 and #2.
PP-3	*This comment expresses the author's opinion that bathrooms, adequate access, new trail signage and education should be addressed for existing trails prior to the development of new parks and trails.*

	RESPONSE: The commenter's observations are noted. See response to comment PP-1 and Topical Response #1 and #2.
PP-4	*This comment asks the question why aren't the public agencies working together to maintain, monitor, and improve existing parks and trails to make them safer and reduce impacts on wildlife and biological resources instead of expanding the number of new parks and trails.* RESPONSE: The commenter's observations are noted. See response to comment PP-1. This comment questions the merit of the proposed Plan and 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 Boards.
PP-5	*This comment reiterates a statement in the EIR that the proposed Plan includes design features and public programs to increase access to people of all races, cultures, and incomes.* RESPONSE: Comment noted. This comment 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 Boards.

	Please also see Topical Response #1.
PP-6	*This comment asks why hundreds of miles of existing trails which are in need of improved accessibility, alternative transit and support facilities are being ignored when these trails could provide increase access to people of all races, cultures, and incomes.* RESPONSE: This comment questions the merit of the proposed Plan and 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 Boards.
PP-7	*This comment asks why there isn't a master plan for all the parks in the region and why aren't the agencies working to create one.* RESPONSE: While not as extensive in scope as the Plan requested by the commenter, the Proposed Plan and MRA represent an attempt to develop a master plan for the resources in question within the Plan area. 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. Please see Topical Response #1.
PP-8	*This comment encourages all the agencies to get together to prepare a master plan for the management, maintenance, and monitoring of the existing trails, parks, and camping areas.* RESPONSE: See response to comment PP-7.

	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.
PP-9	*This comment expresses the opinion of the author that the decision-making body should select the No Project Alternative and instead focus efforts on developing a comprehensive master plan for all the parklands.* RESPONSE: The commenter's preferred alternative is noted. Please see Topical Response #1. 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.
PP-10	*This comment states that the term "existing and increased recreational demand" used in the EIR is unfounded and unsupported making the EIR deficient and unwarranted.* RESPONSE: Please refer to DEIR Section 5.14, *Recreation*, which provides detailed information on several local jurisdictions in proximity to the Santa Monica Mountains National Recreation Area that have an existing deficit in park and recreation facilities to meet demand within their local boundaries. These agencies have prepared documents identifying existing deficits in recreation facilities, which are based on service levels adopted by each agency to assess whether they are meeting their recreational demand for services. For instance, the Open Space and Recreation Element of the City of Malibu's General Plan and the City's Park and Recreation Master Plan (2000) both identified a deficiency in park and recreational facilities in the City of Malibu to meet the needs of the population. This deficiency is based on standards set by the National Recreation and Parks Association (NRPA), which were 2.5 acres/1,000 persons for neighborhood parks and 2.5 acres/1,000 persons for community parks.

	The City of Agoura Hills standard service level for parks is 8 acres of parks and open space per 1,000 persons. Of this, 3 acres per 1,000 persons includes local parks and recreation space, with the remaining 5 acres per 1,000 persons designated for open space. Based on the 1992 City of Agoura Hills Park and Recreation Element, the City had a shortfall of 24 acres of developed parkland to meet demand. The Park and Recreation Element also states that at buildout of the General Plan, a deficit of parklands would still occur due to a lack of available suitable land for the development of active type park facilities. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-11	*This comment expresses the author's confusion with the development of the Coastal Slope Trail. The commenter also provides an opinion that the proposed Plan is really just about the development of parks and camping and not the Coastal Slope Trail, since only those portions of the Coastal Slope Trail located on SMMC/MRCA property would be developed, leaving several missing segments to completing the Coastal Slope Trail.* RESPONSE: See response to comment PP-7. 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. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-12	*This comment states that the EIR includes misleading and false statements relative to the connection of trails that would accomplish a beach to mountain trail, since there are already parklands and trails that provide beach to mountain trail access.* RESPONSE: As discussed in Section 2.0, *Project Description*, the proposed Plan covers a segment of the Coastal Slope Trail located mostly within the

	City of Malibu from Kanan Dume Road at the west to Corral Canyon to the east, portions of which are existing and portions of which are proposed. The Plan also includes a proposed north-south Beach to Backbone Trail in Corral Canyon. The Beach to Backbone Trail would connect Dan Blocker County Beach to a portion of the Coastal Slope Trail in Corral Canyon Park, then traverse northward to the Backbone Trail in Malibu Creek State Park. The proposed trail improvements would complete trail connections for the Coastal Slope Trail and its ultimate connection to the Beach to Backbone Trail (in Corral Canyon), which would provide access to and between adjacent urban areas of Los Angeles and Ventura Counties, the larger Santa Monica Mountains National Recreation Area, and to the shoreline within the City of Malibu, as illustrated in Figure 2-19, Existing and Planned Trail Resources and Figure 2-20, Proposed Trail Resources. To illustrate trail detail within portions of the proposed Plan area, Figures 2-20a, b, and c in the DEIR provide an enhanced view of the proposed trails at the west extent of the Plan area, within Corral Canyon, and within the Malibu Bluffs. Additional parkland and shoreline access within the City of Malibu would be provided with the Beach to Bluffs trail improvements proposed at the Conservancy-owned Malibu Bluffs. Furthermore, as discussed in DEIR Section 5.14, *Recreation*, the proposed Plan would construct major components of an expansive trail system planned for the Malibu coastal area and the larger Santa Monica Mountains National Recreation Area (SMMNRA), thus connecting a number of federal and state-owned parklands in the Plan area, including the National Park Service's Ramirez Canyon property, Ramirez Canyon Park, Escondido Canyon Park, the Latigo Trailhead property, Solstice Canyon Park, Corral Canyon Park, and Malibu Creek State Park (see Figure 2-19). Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-13	This comment questions the planning process undertaken as part of the proposed Malibu Public Works Plan and expresses confusion with the proposed Plan. RESPONSE: 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.
PP-14	*This comment states that there are no timelines or budgets for the proposed Plan and expresses confusion with how the proposed Plan would be implemented.* RESPONSE: As noted in DEIR Subsection 2.5, *Plan Construction and Phasing,* of Section 2.0, *Project Description*, at the time of DEIR preparation, construction phasing had not yet been specified. To assess the worst-case daily construction scenario, the DEIR evaluated simultaneous construction of proposed improvements for each individual park property and related trail segments, commencing in Spring/Summer 2010. The overall construction periods for construction activity associated with parking lots and park improvements at each park is identified in subsection 2.5. The overall construction periods for trail improvements was conservatively estimated to be concurrent with that for parking lots and park improvements. The construction duration would vary depending on weather, available man-power and the existing terrain and vegetation and proposed trail surface. In addition, DEIR Section 2.3.5 (Operations & Maintenance) within the Project Description provides information on operations and maintenance; project funding/ financial feasibility need not be analyzed within the context of CEQA. See, also, response to comment K-23. See also Topical Response #1. Under the Modified Reduced Alternative (MRA) improvements and associated construction would be less than envisioned under the Proposed Plan. 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.
PP-15	*This comment expresses the author's understanding that the development of Malibu Bluffs was supposed to be an alternative to the proposed Plan, not part of the Plan, and states that the number of parking lots and campsites proposed at Malibu Bluffs is excessive. The commenter also states that*

	impacts to wildlife and biological resources cannot be mitigated sufficiently by offsite remediation, and questions the location of the proposed campsites, stating that they are too far apart and hard to access. RESPONSE: The Malibu Bluffs Conservancy Property is identified within the DEIR analysis as part of the Plan area, consistent with the approved LCP Overlay. See Response to Comment YY-23. For the portion of the comment stating that the number of parking areas and campsites at Malibu Bluffs is excessive 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. For the portion of the comment relative to offsite remediation to mitigate potential impacts to wildlife and biological resources, please see response to comment II-11. In addition, the proposed Plan includes a Habitat Mitigation Program, which provides for 3:1 mitigation (3 acres of mitigation for each acre of impact) for all ESHA impacts. Furthermore, offsite remediation is addressed under Impact BIO-15 and Impact BIO-16 in DEIR, Section 5.4, *Biological Resources*. With respect to the portion of the comment concerning the location of campsites at Malibu Bluffs, the proposed campsites and recreational trails are, for the most part, currently proposed in areas supporting disturbed coastal sage scrub and ruderal land. The proposed improvements at Malibu Bluffs resulting from the parking area, campsites, support facilities and appurtenances would impact limited areas of California sagebrush scrub, southern willow/scrub red willow-arroyo willow and chaparral. No trees would be impacted at all as a result of any of the proposed improvements. The same would be true under the MRA. Table 5.4-19 in DEIR, Section 5.4, summarizes the extent of impacts to sensitive and special status vegetation communities by acreage and improvement. The proposed campsites included in the proposed Plan are located in close proximity to Pacific Coast Highway; accessibility considerations

	have been an integral part of the project design process. Direct access to/from the parking lots and camp areas would be provided by existing and proposed trails. However, as detailed in Topical Response #1, in response to comments, the Conservancy/MRCA have refined one of the alternatives detailed in the DEIR to create the Modified Redesign Alternative ("MRA"). 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. The MRA would be consistent with some of the commenter's suggestions. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-16	*This comment states that the campsites and parking lots should be eliminated, reduced in number, and/or clustered together similar to campsites at Leo Carrillo and Sycamore to reduce potential biological impacts. The commenter also states that 24-hour ranger monitoring should be provided to reduce potential fire hazards.* RESPONSE: Please see response to comment PP-15. In addition, DEIR Section 8.0, *Alternatives*, includes two project alternatives, a "Reduced Project Alternative", which provides for an approximate 30% reduction in the number of camp sites and a 28% reduction in the number of parking spaces when compared to the proposed Plan, and a "Redesign Alternative", which provides for an approximate 24% reduction in the number of camp sites and a 21% reduction in the number of parking spaces when compared to the proposed Plan, which are both designed to attempt to avoid or substantially lessen the identified significant effect of the proposed Plan. As detailed in Topical Response #1, in response to comments, the

	Conservancy/MRCA have refined one of the alternatives detailed in the DEIR to create the Modified Redesign Alternative ("MRA"). 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). The new alternative would also include clustered employee residences/camp host sites at Corral Canyon Park and Malibu Bluffs. In addition, under the MRA, two accessible campsites would be implemented at Ramirez Canyon Park in Phase 2. The MRA would be consistent with some of the commenter's suggestions. As with the Proposed Plan, all alternatives (with the exception of the No Project Alternative) would provide on-site ranger/camp host supervision during times in which camping is permitted. Please also see Topical Response #2 which addresses fire hazards and fire safety. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-17	*This comment questions the mission of the agencies to conserve and preserve open space and asks why isn't the eradication of all invasive non-native plants and protection of wildlife a priority versus the development of the entire parcels, and states that a cost/benefit analysis should have been included as part of the proposed Plan.* RESPONSE: The commenter's opinion is noted. Please see DEIR section 5.4 which details the basis for the biological resource impact judgments contained in the DEIR for the proposed Plan and the three alternatives. A similar analysis for the MRA is included in Section 15 of the FEIR. Cost/Benefit analysis is not a component of an EIR. These comments do 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.
PP-18	*This comment states that approximately 30 acres of open space is being developed for public use under the proposed Plan and the impacts on wildlife and habitat are significant and cannot be mitigated to less than significant. Remediation of other offsite areas is not sufficient to offset the impacts to coastal sage scrub being destroyed for campsites and associated infrastructure. The commenter also expresses an opinion that there is no such thing as low-impact campsites.* RESPONSE: Please see response to comment II-11, which addresses consistency of low-impact camping with LCP ESHA protection-related policies. Please also see Topical Response #1 for a description of the MRA, and Section 15 of the FEIR for analysis of the MRA impacts upon biological resources. The portion of the comment expressing the author's opinion regarding low-impact campsites does not identify an inadequacy in the analysis 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.
PP-19	*This comment requests clarification relative to the proposed fire truck sheds.* RESPONSE: See response to comment K-26.
PP-20	*This comment requests clarification relative to stoves, lanterns, and cooking areas.* RESPONSE: As discussed in Section 2.0, *Project Description*, Under the Proposed Plan, the only cooking apparatus permitted shall consist of self-contained propane stoves when permitted consistent with the terms of the approved Fire Protection and Emergency Evacuation Plan (see *Appendix I*). No kerosene or white gas lanterns shall be permitted. Campers shall be required to utilize designated cook stations (hospitality stations) provided at each approved campsite, which shall

	be designed of nonflammable materials and capable of being fully enclosed. Cold-camping apparatus such as flame-less cook-stoves and lanterns are preferred. Prospective campers shall be informed of the No Campfire/Cold Camp Policy upon reserving and/or registering for use of camp facilities and shall be put on notice that unauthorized use of fire-related camping and cooking apparatus specifically prohibited by the No Campfire/Cold Camp Policy will be cause for confiscation of such devices and/or expulsion of visitors from camp facilities. Signs shall be posted and camp areas will be routinely patrolled to enforce the No Campfire/Cold Camp Policy and notification provided that violation of the No Campfire/Cold Camp Policy may be punishable by fines up to $1,000.00. See, also, response to comment A-2. Under the MRA, an all-weather electrical outlet would be provided at each fire-proof cook station (intended for small electrical cooking appliances) and the use of flame-less cook-stoves and lanterns would be mandated within camp areas. Please see Topical Response #2 for more detail.
PP-21	*This comment requests clarification regarding the stated fines for not adhering to park rules, and whether the signs to be posted will be in English and Spanish.* RESPONSE: As described in Section 2.3.4 of Section 2.0, *Project Description*, the fines are $500 for violations of the standard park rules and regulations as listed in Section 2.3.4, while a $1,000 fine is applicable for not adhering to the No Campfire/Cold Camp Policy, and fines up to $6,000 for violation of the Red Flag Day closure policy. Please refer to the Sign Program language contained within the DEIR, Section 2.0, *Project Description*, for additional signage details, including a discussion of English and Spanish translation.
PP-22	*This comment states that 24-hour on-site monitoring by a ranger or camp host is necessary to enforce the No Campfire policy and use restrictions.* RESPONSE: Please see Topical Response #2 which explains the additional fire

	protection measures which have been included in the MRA. To address identified concerns that adequate patrolling and supervision occur at the proposed camp areas 24 hours a day when camping is permitted, the MRA would provide permanent structures both to station, and to provide over-night accommodations for, MRCA rangers and/or wildland fire-trained specialists at the two primary camping sites—Corral Canyon Park and Malibu Bluffs Conservancy Property. One such permanent structure replaces the RV camp hosts site at Corral Canyon Park included in both the Proposed Project and the Redesign Alternative. At Malibu Bluffs Conservancy Property, the MRA retains two RV camp host sites and adds two permanent structures in the northwest corner of the property close to PCH. In the Proposed Plan, camping would be allowed via drop boxes or onsite registration with a camp host or employee. In the MRA, camping would only be allowed after onsite registration with a camp host/employee, during which the campers would be informed of the "cold-camping" regulation. This change was made in order to address some commenters' concerns about adequate around-the-clock staff presence. An additional element added to the MRA is that all MRCA rangers and camp hosts 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 all policies through the issuance of citations. Please see response to comments A-2, A-4, B-3, K-5, K-7, K-10, and U-3.
PP-23	*This comment asks the distance between the Latigo Trailhead and the closest LA County Fire Station and if the fire truck sheds actually house a fire truck and what is their intended use.* RESPONSE: The distance between the proposed Latigo Trailhead and the closest LA County Fire Station, which is Station 71 is 4.4 miles. Relative to fire truck sheds, please see response to comment K-26.

	As detailed in Topical Response #1, no campsite would be included at the Latigo Trailhead under the MRA.
PP-24	*This comment suggests that the DEIR provide the actual number of LA County Sheriff officers patrolling the City and surrounding area at any one time.* RESPONSE: As stated in Section 5.13, *Public Services*, according to the LA County Sheriff Department, the actual number of sworn deputies assigned to the City of Malibu and their shift rotation varies throughout the week (Brooks, 2008 / Price, 2008). Furthermore, LASD has an established policy that specific patrol activities are not to be made public. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-25	*This comment states that MRCA does not have the approval to widen Ramirez Canyon Road as proposed and that should be stated in the EIR.* RESPONSE: The commenter's opinions relative to access and improvement rights for the proposed Plan uses at Ramirez Canyon Road are unsubstantiated. The Conservancy/MRCA believes that its proposed use and improvement of Ramirez Canyon Road is in accordance with its rights as an easement holder and is in accordance with well-established case law. The Conservancy/MRCA can sue to enforce its easement rights, exercise its right of eminent domain in a worst case scenario, and also pursuant to Public Resources Code Section 30803(a), which states that "any person may maintain an action for declaratory and equitable relief to restrain any violation of the Coastal Act" to address removal of unpermitted development. Public Resources Code section 30111 includes within the definition of "person" "any state, local government, or special district or an agency thereof," which includes the Coastal Commission, Conservancy, and MRCA. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-26	*This comment questions the EIRs claim that the proposed Plan would*

	construct connecting trails. RESPONSE: The overall construction periods for construction activity associated with the proposed improvements for each individual park property and related trail segments at each park is identified in DEIR Section 2.5, *Plan Construction and Phasing*. Furthermore, Section 2.3.3 *Trail Improvements* provides information on the construction of the major components of the expansive trail system planned for the Malibu coastal area and the larger Santa Monica Mountains National Recreation Area. Section 2.0, *Project Description*, includes several figures illustrating the location of the each proposed trail to eventually be constructed under the proposed Plan. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-27	*This comment questions whether State Parks should be listed as an agency responsible for approval to implement the proposed Plan.* RESPONSE: As noted in DEIR Section 2.0, *Project Description*, public parklands that are owned and maintained by the National Park Service, and California State Parks, are included in the Plan to allow for comprehensive and strategic planning for developing trail connectors with the goal of establishing a network of parks, trails, and open space for public use; however, the Plan does not discuss in detail the existing conditions and facilities or future plans of the National Park Service or California State Parks beyond the trail connections. The trail segments shown, but located on State and/or Federal land would be subject to future environmental review and permitting. As a result, DEIR Section 2.0 does not list State Parks as an agency requiring approval to implement components of the proposed Plan. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-28	*This comment states that if all proposed park improvements have been located in previously disturbed areas, why is there approximately 30 acres of*

	ESHA being destroyed for the development of campsites. RESPONSE: As noted in the DEIR, the proposed park improvements are located in previously disturbed areas to the maximum extent feasible. The primary contributor to ESHA impacts near campsites is the required LACFD fuel modification zones surrounding the proposed campsites, which extend beyond existing disturbed areas and fuel modification zones around the optional fire shelters. If these shelters are not required, ESA impacts would be reduced. The same is the case under the MRA. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-29	*This comment states that prior to increasing commercial/visitor-serving activities at Ramirez Canyon Park, all safety issue should be addressed, such as adequate Fire Department access along Ramirez Canyon Road and emergency secondary access. Otherwise, the "No Project" Alternative should be adopted.* RESPONSE: DEIR Section 2.0, *Project Description*, provides detailed information relative to the proposed widening of Ramirez Canyon Road under the proposed Plan to a minimum 20 feet in width. The improvements include widening of the existing access road and removal of encroachments in the road easements, as necessary, to provide 20-ft clearance for emergency ingress/egress in the canyon along Delaplane Road and Ramirez Canyon Road, per recommendations of the Los Angeles County Fire Department, as illustrated on project plans prepared by Penfield & Smith (see Figure 2-11). These improvements would enhance overall vehicular access along Ramirez Canyon Road and would provide for improved emergency access to and from the Ramirez Canyon corridor. As noted in DEIR Section 2.0, *Project Description*, pursuant to recommendations of the Los Angeles County Fire Department, the Proposed Plan also includes improvements to Via Acero to provide secondary emergency vehicular ingress/egress for Ramirez Canyon, as

	identified on the Penfield & Smith project plans. The secondary emergency access improvements include extending the paved portion of Via Acero within an existing dirt road for approximately 1,400 ft to intersect with Kanan Dume, and widening of Via Acero to 20 ft over its entire length between Kanan Dume and Ramirez Canyon Road (approximately 2,938 ft). As described in detail in Section 1.3.2.1 of Appendix MRA-1, the proposed Modified Redesign Alternative includes a preliminary design for emergency ingress/egress road improvements for the Ramirez Canyon community, proposed to be implemented during Phase 1 of the Plan. If required, actual improvements will be implemented consistent with the appropriate fire agency's final design and timing requirements (based on agency jurisdiction). Pursuant to the initial recommendations of the LACFD, the MRA (Phase 2) also includes a preliminary design for improvements to Via Acero to provide secondary emergency vehicular ingress/egress for Ramirez Canyon, as identified on the Penfield & Smith Modified Redesign Civil Plans (see Appendix MRA-3, Sheets 45–49). The secondary emergency access improvements include extending the paved portion of Via Acero generally along the path of an existing dirt road for approximatey1,400-ft to intersect with Kanan Dume, and widening of Via Acero to a width as great as 20-ft over its entire length between Kanan Dume and Ramirez Canyon Road (approximately 2,904 ft). Under the MRA, the widening of Ramirez Canyon Road and the extension of Via Acero as secondary access to Ramirez Canyon, or other similar alternative measures required by the appropriate fire agency consistent with Fire Code allowances, would improve emergency access and visitor/resident relocation. Widening Ramirez Canyon Road would ensure that emergency vehicles can enter the canyon during periods when relocations are occurring, and would provide additional capacity for relocation traffic flows. Providing the secondary emergency access route into Ramirez Canyon would allow emergency vehicles to enter the canyon from two points and would provide a new route for relocations. This secondary emergency access route could be used for relocating residents or Ramirez Canyon and guests/employees of Ramirez Canyon Park in the event of an emergency.

	The Fire Protection Plan (FPP) included in Appendix MRA-5 provides a detailed description fire protection measures which would be implemented at Ramirez Canyon Park to address fire safety concerns at this location, including retrofits to the two structures intended to serve as fire shelters in the event of a wildfire in the area, and provisions for relocation of visitors in the event of an emergency. Please also see Topical Response #2 for additional information about these elements of the FPP. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-30	*This comment states that Table ES-1 identifies potentially significant environmental impacts (Impact G-1b and Impact LUP-2), which may require mitigation measures, but those measures cannot reduce impacts to a level below significance; therefore, the "No Project" Alternative should be selected or an alternative that does not include camping.* RESPONSE: As discussed in detail in Section 5.7, *Geology, Soils, and Seismic Hazards*, the potentially significant impact as stated in Table ES-1 relative to Geology is in reference to the proposed Latigo Canyon Trailhead site. The southwest edge of the proposed parking lot is within the limits of a recent landslide; the proposed emergency fire shelter and water storage tank are located essentially coincident with the northern limit of the same landslide; the self-contained restroom and Camp Host space are within 30-40 feet of the current landslide boundary. The landslide failure plane is estimated to be about 30 feet below the ground surface, and the scarp (vertical face) associated with the landslide is about 200 feet across at the widest point (Southwestern Engineering Geology, 2009). The above- described improvements within, or immediately adjacent to, the identified boundary of the historic landslide could be subject to damage or failure via further landslide activity. The landslide mass could be stabilized with deep caissons, but the cost associated with this solution deem it infeasible, compared to the value of the improvements protected. Therefore, the site layout proposed for structural improvements at Latigo Canyon Trailhead / Campsites is considered to have significant and unavoidable landslide hazard impacts.

	However, the Latigo Canyon property has adequate room on the north side of the access road to accommodate some level of improvements including limited parking, camp sites and restroom. This area of the site does not have landslide risks, and any proposed improvements in this area would therefore have less than significant landslide impacts. The Modified Redesign Alternative (MRA), in particular, provides a configuration of parking, picnic area, and restroom which would be outside of the landslide risk, thereby avoiding this Class I impact of the proposed project. Please refer to the Modified Redesign Alternative analysis contained in FEIR Section 14 for further explanation. Furthermore, as discussed in detail in Section 5.11, *Land Use and Planning*, the potentially significant impact as stated in Table ES-1 relative to Land Use is in reference to the policy consistency analysis contained in Section 4.0 that indicate s that proposed park facility improvements at the Latigo Trailhead property present a potentially significant and unavoidable impact associated with geologic/landslide hazards, inconsistent with Section 30253 of the Coastal Act, and City of Malibu Local Coastal Program Policies 4.2, 4.14, 4.4, and Section 3.4.2.D.11.a. As a result, the proposed Plan would potentially conflict with land use plan policies addressing geologic/landslide hazards. The policy inconsistencies are limited to development encroachment of the proposed parking area and fuel modification requirements for the Emergency Fire Shelter proposed at the Latigo Trailhead property. The Modified Redesign Alternative (MRA) would resolve identified potential policy inconsistencies described above as detailed in FEIR Section 14. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-31	*This comment questions the feasibility of proposed mitigation measures to mitigate Impact VIS-1 to a less than significant level.* RESPONSES: As described in DEIR Section 5.1, *Aesthetics/Visual Resources*, restrooms, water tanks, emergency fire shelters, the fire truck storage sheds, and retaining wall structures are the primary permanent structures required for trail support that may potentially be visible

	from public viewing areas; however, most of these improvements would be located and designed so as not to be visible from significant public viewing areas. In addition, the proposed Plan improvements would be subject to Chapter 6 of the City of Malibu's Local Implementation Plan (LIP), which includes specific development standards (e.g., designing structures to blend into the natural hillside setting, minimizing grading, preserve blue-water views, etc.) to enhance and protect the scenic and visual qualities of the coastal and mountain areas within the City. The proposed Plan includes numerous design features that would minimize the potential for existing public views to be obstructed by the proposed improvements. However, the proposed water tanks, emergency fire shelters, and fire truck storage sheds may create *potentially significant* impacts on the existing visual character of Plan area. The Plan includes Mitigation Measures VIS-1.1, VIS-1.2, and VIS-1.3 to accompany the proposed Plan's Visual Resource policies and implementation measures to further minimize the potential visual resource impacts from implementation of the proposed water tanks, emergency fire shelters, and fire truck storage sheds located in the Plan area. These mitigation measures, as illustrated in Figures 5.1-28 thru 5.1-30, show that the color of the structures and below grade footprint minimize visibility of the structures and impacts on existing bluewater ocean views from Pacific Coast Highway. Visual simulations for the MRA are provided in FEIR *Appendix MRA-6* and analyzed in FEIR Section 14, with similar conclusions. Furthermore, the measure requiring retaining walls greater than 6 feet up to a maximum height of 12 feet shall be stepped/terraced and landscaped is designed to minimize the visual impact of the wall. These mitigation measures are similar to measures imposed on new development (e.g., Malibu Legacy Park Project, Trancas Canyon Neighborhood Park Project) in the City of Malibu to reduce potential visual resource impacts to a less than significant level. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-32	*This comment expresses disagreement with Impact AQ-1 as shown in Table*

	ES-3 and the conclusion that potential impacts would not be significant. The commenter also states that there is no proposed monitor for Impact AQ-1 (construction-generated emissions), and requests that a specific employee be named within the document to ensure compliance with the mitigation. RESPONSE: Impact AQ-1 is listed under Table ES-2, *Summary of Potential Effects Which Can be Mitigated*, not Table ES-3*, Summary* of Potential Effects Which Have Been Found Not to be Significant. As such, the potential impact is identified as potentially significant, but mitigable. As described in Section 5.3 *Air Quality*, the proposed Mitigation Measures AQ-1.1, AQ-1.2, and AQ-1.3 are subject to the following Plan Requirements, Timing, and Monitoring. **Plan Requirement and Timing:** The above measures shall be integrated into the final project construction plans and/or to the Public Works Plan, as applicable, prior to construction activity. Implementation of the measures should be an on-going obligation of the project. **Monitoring:** Prior to construction activity, MRCA staff shall review and approve all construction plans to ensure consistency with the above measures. During construction efforts and prior to project sign-off, MRCA staff shall verify implementation of applicable portions of the above measures. During operation of the project, MRCA management shall ensure faithful compliance with applicable portions of the above measures. These requirements will be included in the Mitigation Monitoring and Reporting Program (MMRP) for the adopted Plan. Preparation of an MMRP is required by Public Resources Code Section 21081.6 Section 15091(d) of the CEQA Guidelines included in Title 14 of the California Code of regulations requires that the mitigation measures be fully enforceable through permit conditions, agreements or other measures. The monitor for the MM AQ-1, as stated above, is MRCA. No specific employee is named in the event of illness, death, or job termination of the employee indicated in the EIR. The agency is more apt to ensure compliance with the requirements of MM AQ-1in

	comparison to an individual, as it has greater resources, authority, and managing abilities. The SCAQMD will address complaints to the district regarding potential non-compliance with required dust control mitigation measures (MM AQ-1.3), to ensure project construction consistency with SCAQMD Rule 403. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-33	*This comment expresses disagreement with the DEIR conclusion that proposed mitigation measures BIO-1.1 and BIO-1.2 mitigate Impact BIO-1.1 to less than significant. The commenter also requests clarification as to whether it is 19 or 21 acres of ESHA being removed associated with the proposed Plan.* RESPONSE: As identified in DEIR Section 5.4, *Biological Resources*, project construction would remove California sagebrush scrub, chaparral, purple needlegrass grassland, coast live oak, coast live oak/toyon-poison oak, California sycamore-coast live oak, southern willow scrub/red willow-arroyo willow, and California walnut woodland, considered sensitive natural communities by the City of Malibu and County of Los Angeles. Direct impacts to 21.03 acres of sensitive vegetation communities, including wetland and riparian communities are considered potentially significant. Impacts to California annual grassland, developed land, ruderal land, disturbed land, Geraldton carnation weed, giant wild rye, poison oak scrub, and eucalyptus would be considered less than significant because these communities are not considered sensitive pursuant to the CEQA guidelines (14 CCR 15000 et seq.) and/or pursuant to the County's LUP. Consistent with both the County of Los Angeles Land Use Program and the City of Malibu's Land Use Program, the proposed Plan includes Mitigation Measures BIO-1.1 and BIO-1.2 to mitigate the direct impacts to 19.01 acres of sensitive vegetation communities as shown in Table 5.4-7. The 19.01 acres shown in the table specifically excludes the 2.02 acres of broad leafed upland tree dominated habitats since mitigation (see Mitigation BIO-13.1) associated with these sensitive

	native communities would occur on a tree-by-tree basis at a 10:1 and not the 3:1 ratio as shown in Table 5.4-7. Impact BIO-13 discusses potential impacts to native trees, with Table 5.4-8 providing the types of trees to be impacted. Compliance with established mitigation ratios would reduce impacts to less than significant. MM BIO-1.8 provides interim annual and final performance criteria for each potential mitigation site and vegetation community in order to ensure successful replacement of biological resource values. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-34	*This comment states that all setbacks need to be adhered to whether it is at Ramirez Canyon Park or elsewhere, and requests clarification on the setbacks for restrooms from stream beds.* RESPONSE: Except at the locations specified in the mitigation measure, restroom setbacks would be between 100 and 200 from the top of bank of any adjacent stream, with the exact distance determined by site conditions and topography. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-35	*This comment states that if campsites can't be located in accordance with the setback requirements then they shouldn't be developed.* RESPONSE: Mitigation Measure BIO-1.15 states that campsites shall be located a minimum of 100 feet from the top of bank of all streams or from the outer edge of riparian vegetation, whichever is most protective. However, this mitigation includes the ability for reduced setbacks for low-impact campsites if a qualified biologist or resource specialist determines to the satisfaction of the reviewing body that potential impacts would be avoided or appropriately mitigated and that there is no alternative site design to meet these setback requirements given other environmental constraints such as sensitive habitat, archaeological resources or topography. Setback would therefore only

	be reduced if impacts would remain less than significant. 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.
PP-36	*This comment expresses the author's opinion that all efforts have not been made in preparation of the proposed Plan to create easy access to minimize ESHA impacts per Mitigation Measure BIO-1.17; therefore, campsites should be eliminated, reduced, or clustered to minimize ESHA impacts.* RESPONSE: As detailed in Topical Response #1, the MRA includes increased clustering of campsites. See response to comment PP-15. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-37	*This comment expresses disagreement with the DEIR conclusion that Impact BIO-3 can be mitigated to a less than significant level.* RESPONSE: The DEIR contains the following mitigation measures to address concerns regarding the effect of domesticated animals, trash and debris and human trampling of sensitive communities: MM BIO-10,7 which requires dogs to be on a leash; MM HYD-8 which addresses pet waste; MM US-62 which addresses operational waste, HYD-1.1 and MM BIO-3 which includes signage and fencing to protect sensitive areas. The commenter has not provided substantial evidence to demonstrate that these measures would fail to reduce impacts to a level considered less than significant. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-38	*This comment expresses disagreement with proposed mitigation measure BIO-7, which states that to avoid direct impacts to nesting raptors and songbirds, construction activity shall be phased to avoid the nesting season. Otherwise, it should be considered a significant impact.*

	RESPONSE: DEIR Impact BIO-7 identifies and discusses the potential direct impacts (e.g., tree removal) to nesting birds should construction activities occur during the breeding season. However, mitigation measure BIO-7 is proposed to reduce the potential impact to less than significant through phasing of construction to avoid the migratory bird nesting season. This measure would allow for construction activities to occur during the nesting season if it can be demonstrated by a qualified biologist that no nests are located within 300 feet of the proposed development. As a result, the potential impact is considered less than significant with mitigation to ensure that trees are not removed during the breeding season and any trees proposed to be removed during the breeding season do not contain nests. This mitigation is consistent with comment requirements designed to ensure that impacts of construction on nesting birds is less than significant. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-39	This comment states that Impact BIO-7 has been repeated twice. RESPONSE: It is unclear exactly what the commenter is referring to as the DEIR did not repeat Impact BIO-7 twice. However, the commenter may be confused regarding the similarities between Impact BIO-7 and Impact BIO-9, which both address breeding birds, raptors, and song birds. Impact BIO-7 addresses the direct impacts of tree removal on nesting raptors and songbirds, while Impact BIO-9 addresses short-term construction noise impacts on breeding birds. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-40	*This comment expresses the author's opinion that mitigation measures for Impact BIO-10 are not sufficient to mitigate habitat fragmentation due to trail and campsite developments proposed as part of the Plan, and the allowance of dogs on leash in the parks. The commenter also notes that without full time monitoring, "quiet hours" cannot be successfully implemented through signage alone.*

	RESPONSE: As described in DEIR Section 2.0, *Project Description*, 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. The proposed Plan includes Mitigation Measures BIO-10.1 though 10.14 that are designed to reduce potential long-term indirect impacts to special-status wildlife through monitoring, maintenance, and signage. The combination of site design to avoid and/or minimize impacts to special-status wildlife and the proposed mitigation measures would reduce the potential long-term indirect impact to a less than significant level. Furthermore, the proposed Plan requires that a Camp Host, staff maintenance person, or Park Ranger be onsite at each park property during times camping is permitted to enforce park rules and regulations. In addition, the MRA would include on-site Ranger housing at Corral Canyon Park and Malibu Bluffs, which would provide for 24-hour on-site Ranger presence at these two parks at times when camping is permitted. To address identified concerns that adequate patrolling and supervision occur at the proposed camp areas 24 hours a day when camping is permitted, the MRA would provide permanent structures both to station, and to provide over-night accommodations for, MRCA rangers and/or wildland fire-trained specialists at the two primary camping sites—Corral Canyon Park and Malibu Bluffs Conservancy Property. One such permanent structure replaces the RV camp hosts site at Corral Canyon Park included in both the Proposed Project and the Redesign Alternative. At Malibu Bluffs Conservancy Property, the MRA retains two RV camp host sites and adds two permanent structures in the northwest corner of the property close to PCH. An additional element added in the MRA is that all MRCA rangers and

	camp hosts 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 all policies through the issuance of citations. See Topical Response #1 and Section 14.0 of the FEIR. Please also see response to comment PP-37. Based upon the above discussion and analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-41	*This comment expresses concern that without full time rangers, dogs will not stay on leash and will chase wildlife creating a significant impact. The proposed mitigation is not sufficient; therefore, dogs should not be allowed.* RESPONSE: Please see response to comment PP-37 and PP-40. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-42	*This comment states that signs alone will not keep campers to the trails; full time monitoring is required to ensure visitors stay on the trails.* RESPONSE: Please see response to comment PP-37 and PP-40. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-43	*This comment expresses the author's opinion that a ranger/camp host should be onsite at all times to enforce campgrounds restrictions and states that if this is cost prohibitive then camping/hiking should not be allowed as part of the proposed Plan.* RESPONSE: Please see responses to comments K-23, PP-37 and PP-40. Please also see Topical Response #1 and Topical Response #2.
PP-44	*This comment expresses the author's opinion that signs stating "no fires"*

	doesn't prevent fires or smoking, nor will it protect sensitive habitats and ESHA. The only way to protect wildlife and sensitive habitats/ESHA is to not allow camping. RESPONSE: Please refer to response to comments A-2, A-4, and PP-40 as well as the substantive analysis of fire-related issues contained within the DEIR, Section 5.6, *Fire Hazards*, and Topical Response #2. 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.
PP-45	*This comment states that motorized vehicle access should not be allowed; however, if allowed it should be minimized by eliminating, reducing, or clustering the proposed campsites, so that roads do not have to be constructed in sensitive habitat areas and natural open space. Limiting park uses to hiking and day-use would be the preferable way to mitigate this impact.* RESPONSE: As described in the DEIR, Section 2.0, *Project Description*, the proposed Plan does not include the construction of any new roads as part of the Plan. Furthermore, 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. Additionally, during Plan operations, the Plan does not propose the use of motorized vehicles at any of the park areas; beyond the occasional use by Park staff of an All-Terrain-Vehicle (i.e., mechanized mule) for trail maintenance, pre-arranged drop-offs to Camp Area 1 in Corral Canyon Park (when necessary), and/or small Cushman-style utility vehicles to collect trash and recycling. The same would be true under the MRA.

	Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-46	*This comment questions the effectiveness of Mitigation Measures BIO-10.1 through BIO-10.14 to mitigate the potential impacts to wildlife corridors and habitat linkages from implementation of the proposed Plan's camping and hiking improvements. Therefore, no camping or hiking should be allowed in these areas.* RESPONSE: As described under the impact discussion for Impact BIO-12, 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 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. Furthermore, implementation of proposed mitigation measures MM BIO-10.1 through MM BIO-10.14, which provide for monitoring, signage, restrictions, and maintenance, would reduce potential indirect impacts to wildlife corridors and habitat linkages to a less than significant level. The same would be true under the MRA. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-47	*This comment states that not putting campsites near trees and routing trails around trees would eliminate the potential impact on trees. The comment also states that at a minimum, reducing the sprawl and clustering of the proposed campsites would reduce the potential impact to trees.* RESPONSE: As described in DEIR Section 2.0, *Project Description*, the proposed Plan has been designed to avoid and/or minimize impacts to trees by focusing on constructing campsites and associated infrastructure in clustered, designed patterns and in disturbed, upland, and non-native land adjacent to existing trail corridors where human activity already exists.

	In an effort to respond to this comment and others, the Conservancy/MRCA is being presented with a Modified Redesign Alternative (MRA) for consideration and adoption. Direct and indirect impacts to trees associated with the implementation of the MRA is further evaluated within the Modified Redesign Alternative Native Tree Protection Plan (NTPP) contained within the FEIR, Appendix MRA-10. Please refer to Topical Response #1, which describes that camp sites would be clustered under the MRA to primarily two park properties: Corral Canyon Park and Malibu Bluffs. .The proposed Plan includes Mitigation Measures BIO-13.1 through BIO-13.8, which require monitoring by an arborist, protective fencing, use of hand tools when within the protected zone of a tree, would reduce the potential long-term direct impacts to native trees to less than significant. Based on the above discussion, clarification provided within the Errata (Section 16.0), and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-48	This comment indicates that Mitigation Measure G-1.5 is incomplete. RESPONSE: The mitigation measure itself is in fact complete. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-49	This comment dismisses the effectiveness of MM HYD-8 which requires a pet waste program with provided pet waste bag dispensers and signage requiring collection and proper disposal of pet waste by pet owners. RESPONSE: While programs such as this may have had limited success in park and public use areas in the past, municipalities (as a result of NPDES Urban Stormwater Regulations) are now more universally sponsoring media outreach/education programs which address animal waste control to avoid storm-water quality violations. Because of this media campaign, it is becoming far less common for pet owners to be unaware of the

	water quality consequences associated with their pet's waste, and to therefore not pay heed to adopted ordinances and posted regulations. The report-preparers therefore respectfully disagree the prescribed mitigation measure would be ineffective. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-50	*This comment states that Impact N-3 cannot be fully mitigated without 24 hour ranger/camp host monitoring and that Mitigation Measure N-3.5 would be impossible to enforce, with respect to smoking and fires. The commenter also states that the Executive Officer or designee should not be allowed to issue campfire permits.* RESPONSE: In response to comments, MM N-3.5 has been changed to remove the language of concern, and read: "**MM N-3.5** The Camp Host and/or Park Ranger shall enforce **<u>all applicable ordinances and regulations designed to restrict the generation of nuisance/ objectionable noise.</u>** ~~provisions of the MRCA Ordinance No. 1-2005 (Appendix P) intended to restrict the generation of nuisance / objectionable noise, including (but not limited to) the following Ordinance Sections.~~ ~~§ 3.2. 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 permitee.~~ ~~§ 3.3. Alcohol. No person shall possess any alcoholic beverage, except pursuant to a permit issued by the Executive Officer or the Executive Officer's designee.~~ ~~§ 3.8. Fireworks. No person shall use or possess any fireworks except by permit signed by the Executive Officer or the Executive Officer's designee.~~ ~~§ 3.11. 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 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 of the Santa Monica Mountains Conservancy, or any peace officer.~~ ~~§ 3.15. Disruptive conduct. No person shall willfully disturb another person by loud and unreasonable noise, or any other activity which maliciously and willfully disturbs the peace of another person.~~ ~~§ 3.18. Violations in specific jurisdictions. Any person who violates any law, ordinance, rule, regulation or resolution punishable as a misdemeanor or infraction, which has been duly adopted and noticed by any jurisdiction with authority over any public open space, park, parkland, forest, recreation area, scenic parkway, scenic highway, trail or roadway in which the Authority has enforcement authority, is guilty of a misdemeanor or an infraction, but shall not be punishable to any degree greater than allowable under the underlying provision. A list of such violations need not be posted. The citation will state this section number, the section of the underlying provision, and a short description of the violation. As an alternative to prosecution, violation of this section is punishable by administrative penalty pursuant to this Ordinance.~~" An additional element added in the MRA is that all MRCA rangers and camp hosts 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 all policies through the issuance of citations. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-51	*This comment suggests that the DEIR did not adequately address the potential impacts on public services from implementation of the proposed Plan, which includes the addition of parks with camping and trails.* RESPONSE: Adequate fire protection service is typically based on two standards, firefighter-to-population ratio and five-minute response times. The proposed Plan does not include any permanent residents which would

	affect existing firefighter-to-population ratios in the area and as noted in Section 5.13, *Public Services*, the average response times for fire stations serving the Malibu area are in the acceptable range of the five-minute response time, According to LACFD and LASD staff, implementation of the proposed project would not result in a substantial decline in fire/police emergency service response times, nor would it result in special fire or police protection problems (Bagwell, 2009; Brooks 2008). Additionally, as discussed in Section 5.13, *Public Services*, increased recreational use of the Plan park sites and trails, which includes a maximum of 200 persons for temporary special events at Ramirez Canyon Park, would likely increase the demand for fire protection services. As indicated in Table 5.13-4, under the Recreation/ Administration Baseline, an average of approximately 291 new visitors would be anticipated on a daily basis as a result of Plan implementation. Under the Vacant Residential Baseline, an average of approximately 318 new visitors would be anticipated on a daily basis as a result of Plan implementation. However, according to Kien Chin of the LACFD Planning Division, current staff levels and facilities at stations within Battalion 5 are sufficient to support the incremental increase in recreational demands associated with the proposed Plan (Chin, 2009). This would also be true for the MRA. Furthermore, implementation of the Plan's Fire Protection Plans (FPPs) and MRCA Park Ranger patrols and enforcement activities would reduce potential impacts to fire protection services through the provision of fire protection apparati, new fire hydrants, water storage tanks and water delivery systems, fire and evacuation plans, and wildfire trained staff. The Plan would, therefore, not result in the need for new or physically altered governmental facilities, in order to maintain acceptable service ratios, response times, or other performance objectives. As a result, potential impacts to fire protection services would be *less than significant.* Similarly for police protection, implementation of the proposed Plan is not anticipated to impact police protection services. Routine daily

	patrols by MRCA Park Rangers would continue under the proposed Plan at all new and/or expanded park facilities. Operationally, use by the public of the proposed Plan's improvements is not anticipated to generate an unusual number of calls for LASD service. As a result, the types and number of calls for LASD service are anticipated to be generally consistent with those presently occurring in the area, which according to LASD (Brooks, 2008) are not substantial. Ambulance services are typically provided by private companies and do not have specific service ratios or response times to assess whether their service is impacted by a particular project. Rescue services are typically provided by fire and police and would be included in their standard services as discussed above. These same conclusions apply to the MRA.
PP-52	*This comment suggests parking fees would be a better mitigation to prevent restaurant parking rather than on-site 24 hour monitoring by Park Rangers.* RESPONSE: The Corral Canyon Trailhead parking lot currently operates an Honor Fee Parking System that is a self parking pay-box system. However, restaurant patrons still take advantage of the available parking stalls whether or not they choose to pay for parking. The proposed Plan and MRA include Mitigation Measure TP-3 which requires preparation of a Corral Canyon Park Parking Management Plan to consider parking lot enforcement (signs, ordinance enforcement and/or parking attendants) to reduce restaurant parking in the trailhead parking lot. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-53	*This comment states that total impacts from additional vehicle trips should include employees, maintenance personnel, and ATV's planned to be used for maintenance and monitoring.* RESPONSE: The DEIR traffic analysis prepared by ATE was based in part on the Institute of Transportation Engineers (ITE) vehicle trip rates, which

	account for all operational trips, including visitor, employee, and maintenance. Therefore, potential impacts from additional vehicle trips were captured and addressed in the traffic analysis. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-54	*This comment asks whether lights are being proposed for the new parking lots and campsites/bathrooms.* RESPONSE: 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 six (6) camp host sites. The proposed new restroom facilities are designed to take advantage of natural lighting through non-reflective skylights and vents. Although, the Plan would allow the extension of electrical service to the proposed six 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. Under the MRA, campsites and camp host spaces would be eliminated for Escondido Canyon Park and Latigo Canyon Trailhead, and the parking lot likewise would be eliminated for Escondido Canyon Park. As such, there would be fewer new light sources under the MRA, as compared to the Proposed Plan.
PP-55	*This comment expresses the author's opinion that coloring buildings and placing plants in front of retaining walls and 10,000 gallon water tanks does impact and degrade the visual character/quality of the Plan area, particularly at the Bluffs Park.* RESPONSE: The planned parking areas, minor self-contained restroom facilities, emergency fire shelters, fire truck storage sheds, water tanks, and limited retaining walls would be located and designed so as not to be substantially visible from Pacific Coast Highway, Kanan Dume Road, Latigo Canyon Road, or Corral Canyon Road. In addition, the

	proposed Plan improvements would be subject to Chapter 6 of the City of Malibu's Local Implementation Plan (LIP), which includes specific development standards (e.g., designing structures to blend into the natural hillside setting, minimizing grading, etc.) to enhance and protect the scenic and visual qualities of the coastal and mountain areas within the City. Please also see response to comment PP-31. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-56	*This comment disagrees with the conclusion of Impact VIS-7 being less than significant, since turning open space and ESHA into developed camping sites with added infrastructure would have an unmitigateable impact.* RESPONSE: As discussed in DEIR Section 5.1, *Aesthetics/Visual Resources*, the existing visual character and aesthetic quality of the Plan area would not significantly change from implementation of the Plan's proposed improvements. The proposed improvements are minor in nature and do not involve substantial grading and are sited and designed to minimize any potential visual impact. The Plan area abuts undeveloped National Park Service land to the north and rural residential development to the south, west and east. Development of other projects in vicinity to the Plan area would be subject to strict development guidelines contained in the City of Malibu's Local Coast Program which would ensure protection of visual resources of the area. As such, cumulative impacts to aesthetic and visual resources would be considered *less than significant (Class III)*. The same would be true for the MRA. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-57	*This comment states that the analysis under Impact BIO-11 is inadequate since it only addresses construction related impacts to wildlife movement and not post construction activities that will have a significant long-term impact which cannot be mitigated. The commenter also disagrees with the proposed camping being described as low-impact camping, since it will be spread out all over the parks and not clustered, impacting wildlife movement. The author also states that the DEIR did not include any studies determining the existence of wildlife corridors and habitat linkages.*

	RESPONSE: The commenter is correct in that Impact BIO-11 addresses direct impacts to wildlife movement from temporary construction activity. Impact BIO-12 addresses long-term (post construction) indirect impacts to wildlife movement. As noted in DEIR Section 5.4, *Biological Resources*, the proposed Plan has been designed to avoid and/or minimize impacts to sensitive and special-status biological resources, including wildlife. The Plan focuses 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. Wildlife movement, and dispersal in the Project 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 wildlife movement, and dispersal during construction would be temporary in nature and the species would be expected to use the area following construction. Furthermore, the DEIR includes *Appendix H-1*, which contains the Biological Technical Report(s) and Memo(s) that address wildlife corridors and habitat linkages. The report cites two habitat linkage design studies prepared for the South Coast ecoregion that includes the Santa Monica Mountains. As noted in the report, the proposed Plan area, while not specifically identified in these current linkage

	studies, supports large, contiguous stretches of native upland and riparian scrub/forest communities, which provide vital habitat and facilitate wildlife movement from coastal areas north to Thousand Oaks and on to the Los Padres National Forest. See also response to comment PP-15 and Topical Response #1 which explains the increased clustering under the MRA. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-58	*This comment expresses disagreement with the level of significance for cumulative impacts as identified under Impact BIO-16.* RESPONSE: DEIR Section 5.4, *Biological Resources*, Impact BIO-16 language has a typo, and has therefore been corrected as follows: "Implementation of the Plan would ~~not~~ result in a less than significant cumulative contribution to the . . ." The correction is consistent with the narrative analysis that goes with the impact statement. Please note that the revisions do not change the conclusion in the EIR, but merely clarify the discussion as to why the impact would be less than significant. As proposed, implementation of the proposed Plan 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 Plan as well as mitigation identified in the BTR (Appendix H -1) 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. Implementation of the Plan would result in a less than significant cumulative contribution to the loss of species identified as being a candidate, sensitive, or special-status species or federally protected wetlands through the direct removal, filling, hydrological interruption or other means, or interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impedes the use of native wildlife nursery sites. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-59	*This comment expresses concern that the proposed campsites and trail improvements would expose people to a significant risk of wildland fires.* RESPONSE: Please see Topical Response #2. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-60	*This comment expresses concern that the proposed park improvements would interfere with emergency response, particularly at Ramirez Canyon Park.* RESPONSE: Please see Topical Response #2. Please also see response to comments A-2, A-4, K-6, K-8, and K-9. In addition, the proposed Plan's Fire Protection Plans (FPPs) (see DEIR *Appendix I and FEIR Appendix MRA-5*) contain detailed relocation plans for each park area. On-site MRCA fire fighting personnel and Rangers would enact pre-planned procedures to initiate relocation. During relocation, MRCA Rangers/fire fighting personnel would direct staff and visitors to utilize the primary access points in the various Parks, as detailed in the focused FPPs in *Appendix I*. In the case of the unlikely, but possible event, where relocation to an off-site area out of harm's way would be too dangerous due to the location of the wildfire, the weather, or other circumstances, staff and/or visitors may be advised to relocate to

	temporary refuge from the approaching wildfire in an emergency fire shelter. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-61	*This comment expresses disagreement with the DEIR's conclusion that implementation of the proposed Plan would result in less than significant impacts related to fire hazards. The commenter also notes that the closest SMMC/MRCA Ranger station is located at King Gillette Ranch outside the City of Malibu.* RESPONSE: Please see Topical Response #2. As for the commenter's note regarding the closest SMMC/MRCA Ranger station being located at King Gillette Ranch (KGR), it is worth noting that while the closest MRCA Park Ranger Station is located at KGR, park rangers are out conducting routine patrols of all park locations from approximately 6:00 a.m. to 1:00 a.m. each and every day, with the exception of red flag days, when ranger patrols are increased to 24 hours per day. MRCA's single patrol station from which personnel disburse to cover a large geographic area is quite similar to the police protection services provided by the Los Angeles County Sheriff Department (LASD), which operates out of its Malibu/Lost Hills station located at 27050 Agoura Road in the City of Agoura Hills. This station serves the Cities of Malibu, Calabasas, Westlake Village, Hidden Hills, Agoura Hills, and the surrounding unincorporated areas. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-62	*This comment suggests that MRCA should be more proactive and try to reduce emissions by using natural gas powered vehicles.* RESPONSE: Vehicles required for operation of the parks within the Plan consist of pick-up trucks and/or small Cushman-style utility vehicles for trash and sewer collection, facility maintenance, patrols (7 hours per day), and

	on a as-needed basis during times of heavier park use. As trash and sewer collection, facility maintenance and patrols are currently provided at various locations within the Plan area, the increase in vehicles to accommodate the proposed park improvements would not result in substantial greenhouse gas (GHG) emissions. The proposed park employees and patrons would be subject to many of the measures to be adopted pursuant to the AB 32 Scoping Plan, including but not limited to GHG emission standards for passenger vehicles and light trucks (AB 1493) and the Low Carbon Fuel Standard. Please see Table 5.8-5 within Section 5.8, *Global Climate Change*, for a description of the project's consistency with Scoping Plan reduction strategies. The commenter correctly identifies liquefied natural gas (LNG)-fueled vehicles as an alternative to diesel-powered vehicles that would result in emissions reductions of nitrogen oxide and GHGs, including carbon dioxide. However, it is important to note that LNG-fueled vehicles generate greater methane emissions, which is a principle GHG that is 21 times more potent as a GHG than carbon dioxide. Although GHG emissions generated from park operation and maintenance vehicles under the proposed Plan are estimated to be minimal, please note that the Conservancy/MRCA boards will take into consideration all comments and suggestions during the decision-making process, including the suggestion of utilizing LNG-powered vehicles. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-63	*This comment suggests that the paved parking lots should be made permeable, since they do impact surface runoff.* RESPONSE: Discussion under Impact HYD-2 concludes that surface runoff from new impervious surfaces would not result in significant impacts, based upon the incorporation of policy and implementation measures. More detailed 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. Please see Chapter 14 which provides a detailed description of the MRA, including increased provisions for permeable surfaces under the MRA. 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.
PP-64	*This comment asserts that a tsunami affecting Corral Canyon Park would have a significant impact on campers.* RESPONSE: According to the adopted City of Malibu Emergency Response Plan for Tsunami (2006), the proposed campsites are located at an elevation which exceeds the run-up elevation of the worst-case tsunami event (run-up elevation of 42 feet MLLW, compared to lowest camp site elevation of 50 feet MLLW). Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-65	*This comment expresses concern that the proposed large event activities associated with Ramirez Canyon Park are incompatible with the surrounding land uses and would create a significant impact.* RESPONSE: As noted in DEIR, Section 5.11, *Land Use*, Ramirez Canyon Park contains a variety of existing facilities available to support the types of programs and special events currently and proposed to be conducted on-site. The DEIR notes that, although no residential uses are located immediately to the north, west or east of the park property, given the park's location at the top of the canyon above adjacent residential uses, there is the potential for traffic and noise to affect adjacent

	residences; however, the proposed Plan includes a number of park use restrictions and limitations on public programs and special events that would serve to minimize potential traffic, noise, and air quality impacts and ensure compatibility between park uses and adjacent Ramirez Canyon neighbors. As a result, the proposed Ramirez Canyon Park improvements, programs and operations would have a less than significant impact on land use compatibility with adjacent residential areas. In addition, DEIR Section 4.0, *Consistency with Plans and Policies*, clearly explains why the proposed uses for Ramirez Canyon Park, as authorized in the certified Malibu LCP Overlay, are consistent with policies of the Coastal Act and the LCP which require new development to be compatible with surrounding uses. The certified Overlay includes implementation measures, which are included in the proposed Plan, by which the Coastal Commission found the proposed Ramirez Canyon Park uses compatible with surrounding land uses. Those implementation measures include the requirement of a Transportation and Parking Management Plan for Ramirez Canyon Park that limits daily vehicle trips associated with authorized uses of the park to a maximum of 80 trips per day (40 round trips) and requires vans and shuttles which must minimize traffic trips on Ramirez Canyon Road by traveling with maximum passenger capability and in convoys, whenever possible. The proposed Plan includes program limitations and restrictions on park use, including administrative uses, public programs and events, limitations on amplified sound and the frequency, timing and duration of programs/events. In particular, the proposed Plan requires that special events be limited to 32 events/year, 1 event/week, March-October only, 8:00 a.m. - 9:00 p.m. Sunday-Thursday and 8:00 a.m. to 10:00 p.m. Friday and Saturday, with no more than 200 participants at any event. The Plan also addresses neighborhood compatibility issues associated with hazardous conditions and includes a detailed and site-specific Fire Protection Plan, hydrology, and geologic constraints analysis. Please see City of Malibu Local Implementation Plan 3.4.2.D and 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). Further, in an effort to respond to this comment and others, the Conservancy/MRCA is being presented with a Modified Redesign Alternative (MRA) for consideration and adoption. As with the

	proposed Plan, the MRA includes program limitations and restrictions on park use, including administrative uses, public programs and events, limitations on amplified sound and the frequency, timing and duration of programs/events, and reduces the number of special events proposed at Ramirez Canyon Park from 32 events/ year to no more 16 events/year which would further ensure compatibility of proposed park uses with adjacent Ramirez Canyon uses. The reader is directed to Chapter 14 of Volume IV of the FEIR which contains an analysis of the MRA. A consistency analysis for the MRA is included in *Appendix MRA-4*. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-66	*This comment states that the proposed Plan would be in conflict with the City of Malibu's LUP, since the Plan is developing open space.* RESPONSE: The commenter incorrectly interprets Impact LUP-3. This impact addresses potential impacts to any applicable habitat conservation plans or natural community conservation plans. As noted under Impact LUP-3, there are no applicable habitat conservation or natural community conservation plans in the Plan area. As a result, the proposed Plan would not be in conflict with these plans. The commenter incorrectly interprets Impact LUP-3. This impact addresses potential conflicts to any applicable habitat conservation plans or natural community conservation plans. As noted under Impact LUP-3, there are no applicable habitat conservation or natural community conservation plans in the Plan area. As a result, the proposed Plan would not be in conflict with these plans. Nevertheless, the DEIR Section 5.11, *Land Use*, notes that, although the Plan area is not part of a habitat conservation plan or natural community conservation plan, the proposed Plan does reflect past determinations and actions of agencies having jurisdiction over the Plan area with respect to protection of coastal-priority uses including public access, recreation, and protection and enhancement of sensitive coastal resources, including coastal streams and drainages, riparian, coastal bluff, native grassland and coastal sage scrub habitat, and areas of archaeological sensitivity. The proposed Plan and associated park-

	specific project improvements would avoid or minimize potential adverse impacts to these resources. No conflicts with any applicable habitat conservation plan or natural community conservation plan would occur, and therefore, potential impacts are considered *less than significant*. In addition, DEIR Section 4.0, *Consistency with Plans and Policies*, clearly explains why all proposed Plan improvements and uses, as authorized in the certified Malibu LCP Overlay, are consistent with policies of the Coastal Act and the LCP requiring protection of open space and resource areas. The certified Overlay includes implementation measures, which are included in the proposed Plan, by which the Coastal Commission found all proposed Plan uses and improvements consistent with applicable open space land use designation and zoning requirements, where applicable. Please see City of Malibu Local Implementation Plan 3.4.2.D and 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). Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-67	*This comment asserts that mitigation should be applied since Impact N-2 is considered potentially significant.* RESPONSE: None of the campsites would be located in areas where the ambient noise level exceeds the recommended maximum of 65dBA CNEL under either the Proposed Plan or the MRA. The statement Impact N-2, on page 5.12-19 is corrected to read as follows: "Creation of new camp sites, as proposed under the Plan, ~~could~~ **would not** expose overnight campers to ambient noise levels which exceed the recommended maximum of 65 dBA CNEL (per CDEH guidelines for transient uses). Therefore, ~~absent mitigation,~~ exposure of campers to unacceptable noise levels is considered a ~~potentially~~ **less than** significant impact." The revision to the impact statement is necessary so that the

	statement is consistent with the impact discussion under Impact N-2. 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.
PP-68	*This comment disagrees with the impact level of significance stated for Ramirez Canyon Park under Impact N-4.* RESPONSE: As noted in Section 5.11, *Land Use and Planning*, the proposed Plan includes Land Use Implementation Measure 8, which specifically limits the number of specialized programs permitted at Ramirez Canyon Park. Furthermore, as discussed under Impact N-4, Ramirez Canyon Park currently contains a number of unique support facilities, including structures, gardens, and designed landscape and hardscape that do not exist at the other parks in the Plan, which provide a range of diverse passive and active recreational uses of the Park. The more developed nature of the Park creates the opportunity for it to be used as a place for the types of special, pre-arranged activities and events that are typically permitted by the State Parks system for the benefit of the community and visitors. Additionally, the Park facilities include indoor and outdoor conference and event amenities. Therefore, the proposed Plan's Special Programs policies and implementation measures allow for pre-arranged, limited event and gathering uses at Ramirez Canyon Park. These same policies and implementation measures (e.g., Land Use Implementation Measure 5) impose event-related noise controls for Ramirez Canyon Park. Furthermore, Impact N-4 would be subject to mitigation measures MM N-3.1 through MM N-3.6 (see Impact N-3 in Section 5.12, *Noise*) to reduce any potential noise impacts associated with temporary and periodic noise increases to a level of *less than significant.* The same would be true for the MRA. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.

PP-69	*This comment states that the impact analysis under Impact N-5 and Impact N-6 are inadequate due to increased mobile noise sources associated with the proposed activities at Ramirez Canyon Park.* RESPONSE: As discussed under Impact N-5, the Plan would minimally increase the traffic volume on several local roads serving residential land uses. The CNEL noise level increase for these roads was determined based on the traffic volume information prepared for the Plan area (ATE, 2010). For each park proposal, the effect of Plan-added trips to existing traffic was evaluated. As compared to existing noise levels, the existing plus Plan noise level would increase by less than 1 dB CNEL along roads to which the individual park improvements would contribute trips (see Table 5.12-5 in Section 5.12, *Noise*). As the change in ambient noise level would not be recognized by the human ear, the effect would be *less than significant.* As noise impacts associated with project-generated traffic trips would be less than significant, no mitigation measures are required. This is also true for the MRA. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-70	*This comment expresses an opinion that MRCA should contribute to the costs associated with the need for increased police and fire personnel, and MRCA should be liable for damages caused to any nearby neighborhood due to a fire started on park property.* RESPONSE: Please see Topical Response #2 which explains the staffing currently provided by the Conservancy/MRCA and the additional staffing which would be provided under the Proposed Plan and the MRA. Please also see response to comment PP-51. 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.
PP-71	*This comment expresses an opinion that if the parks are not monitored 24 hours per day there will be a cumulative impact for increased fire and police*

	protection services. RESPONSE: See Response to Comment PP-51. See Topical Response #2 which includes on-site provision of Camp Host and other patrol activities which will ensure that impacts are less than significant. 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.
PP-72	*This comment requests the name of the study that speaks to the need for additional camping sites.* RESPONSE: Please refer to DEIR Section 5.14.3 Cumulative Impacts that referenced a number of park plans that identified an existing deficit in park and recreation facilities to meet demand within their local boundaries. For instance, the Open Space and Recreation Element of the City of Malibu's General Plan and the City's Park and Recreation Master Plan (2000) both identified a deficiency in park and recreational facilities in the City of Malibu to meet the needs of the population; the City of Calabasas Park & Recreation Masterplan (MIG, 2004), identified a deficit in community park, open space, and sport field needs; the 1992 City of Agoura Hills Park and Recreation Element identified a shortfall of 24 acres of developed parkland to meet demand; the 2004 County DPR prepared Strategic Asset Management Plan for 2020 (SAMP) that inventoried County park and recreation needs and made recommendations for meeting current and future needs. The SAMP report found that by 2020 the County would be approximately 4,600 acres short of providing adequate parklands to meet demand; and the California State Parks, Parks and Recreation Trends in California, 2005, which stated that the demand for all campsites at State Parks grew by approximately 13% between the years 2000 and 2005, resulting in most campsites being at or near capacity during the spring, summer and fall months.
PP-73	*This comment states that the traffic impact at Ramirez Canyon would be significant (TP-1) and further states, that the EIR should show how the*

	impact would be mitigated with concrete plans. RESPONSE: The Proposed Plan would generate an additional 367 average daily trips during weekdays and 504 ADT during weekends to the study-area roadways; and approximately 22 A.M. and 30 P.M. peak hour trips during weekdays, and 35 peak hour trips on weekends to the study-area intersections. The MRA would generate less trips as detailed in Section 14 of the FEIR. The project would not increase roadway and intersection V/C ratios by greater than 0.04 for roadways/intersections operating at LOS C, 0.02 for LOS D, or 0.01 for LOS E or F. Therefore, the project would not generate significant impacts based on the County of Los Angeles impact thresholds. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-74	*This comment refers to safety issues associated with biking to the parks, specifically along PCH, and states that this would be a cumulative impact that should be addressed in the EIR. This comment also requests clarification whether or not motorcycles would be allowed in park areas.* RESPONSE: The section of PCH through Malibu is part of the Pacific Coast Bicycle Route. The project would not increase bicycle traffic by enough to warrant Class I bike lanes (separated from the street) or require changes to the existing bicycle lanes on PCH, or to significantly increase the number of bikers exposed to traffic safety risks. It should be noted that bicyclists typically adjust their recreational bike route, based on perceived safety. This helps to ensure that recreational bicyclist safety risk remains less than significant. Motorcycles designed/intended for street use would be permitted as a transportation option to parks within the Plan Area. However, operation of such vehicles would be strictly limited to paved roadways designed for passenger vehicle operations. Motorbikes would not be allowed on any of the trail system. Based on the discussion above and the analysis contained within the

	DEIR, no further revisions to the DEIR would be required.
PP-75	*This comment asks what the planned parking fees for all the parks are and expresses concern that increased parking along public streets may impact evacuations and emergency crew ingress/egress during emergencies.* RESPONSE: The portion of the comment concerning increased parking along public roadways is addressed under Impact TP-3 in Section 5.12 *Transportation and Parking*. As noted in the impact statement, the proposed parking improvements and additional parking spaces would serve Plan-generated demand and would result in a surplus at all park sites, with the exception of Corral Canyon Park. Table 5.15-31 presents parking data for Corral Canyon Park that shows the parking demand would be 28 spaces during non-summer weekdays and 31 spaces during summer weekends. The parking supply would not satisfy the parking demand for the proposed 16 new campsites, effectively creating overflow parking along Pacific Coast Highway. However, it is noted that existing parking demands observed at Corral Canyon Park included between 10 and 12 cars that came from the restaurant. By eliminating the restaurant parkers, the future parking demands would be between 16 and 18 spaces during non-summer weekdays and 19 and 21 spaces during summer weekends. Therefore the parking supply of 21 spaces would satisfy the parking demands for Corral Canyon Park generated by the proposed Plan. Impacts were determined to be *less than significant.* Furthermore, mitigation measures MM TP-3 is proposed to require SMMC/MRCA to develop a Parking Management Plan to manage the parking supply for Corral Canyon Park and consider parking lot enforcement to reduce restaurant visitors from parking in the Corral Canyon Park parking lot. The portion of the comment asking about the planned parking fees 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. The Conservancy/MRCA boards may at some future date chose to

	consider the use of congestion pricing to balance parking supply and demand. However, this would not alter the conclusion in the DEIR regarding parking supply. MRA parking supply is similarly adequate Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
PP-76	*This comment expresses the opinion that most of the significant impacts have not been mitigated to less than significant, and therefore, the only possible alternative is the No Project Alternative.* RESPONSE: This comment is summary in nature. Specific comments on the analysis and conclusions of the DEIR have been addressed in response to comments PP-2 through PP-75. Comments PP-2 through PP-75 express the commenter's opinion. New information which would alter the impact conclusions contained in the DEIR was not included in comments PP-2 through PP-75. This comment and comments PP-1 through PP-75 do not contain new information which would alter the impact judgments contained in the DEIR, and do 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.

QQ

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FACSIMILE TRANSMISSION
March 22, 2010

To: Judi Tamasi
Santa Monica Mountains
Conservancy

Fax: (310) 589-3207 **Tel:** (310) 589-3200

From: Holly Williams

Re:

☐ **Original(s) to follow** **Number of pages, including cover:** 3

(Begin typing here)

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QQ

March 22, 2010

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

Re: Draft Environmental Impact Report for the Malibu Parks Public Access Enhancement Plan SCH # 2009091018

Dear Ms. Tamasi:

Pepperdine University ("Pepperdine") appreciates this opportunity to comment on the Draft Environmental Impact Report ("Draft EIR") prepared by the Santa Monica Mountains Conservancy ("Conservancy") and Mountains Recreation and Conservation Authority ("MRCA") for the Malibu Parks Public Access Enhancement Plan (the "Project"), SCH # 2009091018. We appreciate our excellent working relationship with the Conservancy. As an immediate neighbor to the Conservancy's Malibu Bluffs property, which is identified in the Draft EIR as part of the Project site, Pepperdine has an inherent interest in the improvements proposed for that area. QQ-1

Since the Draft EIR requests that comments be provided by today, though we are still in the process of completing our review of the Draft EIR, we want to respectfully offer our comments on two threshold issues for your consideration at this time. We would appreciate the opportunity to discuss these issues and your project further with you.

1. *Malibu Bluffs is a Highly Significant Property.* For the past 20 years, Pepperdine has conducted groundwater monitoring in the area south of Pacific Coast Highway that is identified in the Draft EIR as Malibu Bluffs. Groundwater levels on the bluffs have been historically monitored in five wells originally installed in the late 1970s. Pepperdine was not involved with the original installation of the wells; however, in 1989 Pepperdine incorporated the wells into its ongoing Hydrogeological Monitoring Program ("HMP"). The HMP provides important data for water management at Pepperdine, including changes in water levels south of the campus. Pepperdine is required to maintain the HMP as a requirement of its NPDES permit issued by the California Regional Water Quality Control Board, and under the terms of its long-range development plan approved by the California Coastal Commission. Pepperdine is also required to provide monitoring data from the wells to the Los Angeles County Department of Public Works on an annual basis. QQ-2

As the wells on the bluffs were installed many years ago, Pepperdine is in the process of refining a work plan prepared by its consultant, Daniel B. Stephens & Associates, which proposes upgrades to some of the wells on the Malibu Bluffs Conservancy property and adjacent QQ-3

QQ

City-owned land. The plan has been prepared in consultation with the County of Los Angeles Department of Public Works, which strongly encourages Pepperdine to move forward with the upgrades.

Given the important monitoring goals served by the HMP, Pepperdine wants to ensure that the improvements proposed in the Draft EIR do not conflict with the approved and ongoing monitoring it is required to conduct at Malibu Bluffs. We look forward to discussing the HMP with you in greater detail. QQ-3

2. *Support for the Conservative Fire Safety Measures Described in the Draft EIR.* Pepperdine is pleased that the Draft EIR takes a conservative approach to fire safety. As you know, Pepperdine is located in a region of the Santa Monica Mountains that historically is subject to a high frequency of wildfire events. The campsites proposed as part of the Project raise serious fire safety and emergency management concerns for Pepperdine. We therefore strongly concur with the Draft EIR's recommendation that a prohibition on fires will be enforced at all campgrounds, trails and open spaces. We believe that the No Campfire/Cold Camp Policy, as well as other fire protection measures described in the Draft EIR are critically important to ensure that the risk of wildfires to the Pepperdine campus and surrounding area is kept to a minimum. QQ-4

Thank you for your attention to our comments. We look forward to working with you and learning more about this project. QQ-5

Very truly yours,

Rhiannon Bailard
Assistant Vice President, Pepperdine University

cc: Lucinda Starrett, Esq.
Loren Montgomery, Esq.

Letter	**QQ**
Commenter:	**Rhiannon Bailard** **Assistant Vice President, Pepperdine University**
Date:	**March 22, 2010**
Introduction	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**
QQ-1	*This comment expresses appreciation for the opportunity to comment on the DEIR and indicates that due to time constraints they provided comments on two specific issues.* 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. The report preparers appreciate your effort in expressing your concerns with the potential development of the Malibu Bluffs property, and in providing your most substantial comments on the DEIR within the public review deadline.
QQ-2	*This comment describes a long-term groundwater monitoring program Pepperdine has conducted on and around the Malibu Bluffs property.* RESPONSE: Thank you for providing a description of the Hydrogeological Monitoring Program managed by Pepperdine, and for identifying this program as a requirement of Pepperdine's NPDES permit and long range development plan. Based upon the above discussion and the analysis contained within the

	DEIR, no revision of the DEIR would be required.
QQ-3	*This comment explains Pepperdine's concern that proposed site improvements on the Malibu Bluffs under the proposed access plan could conflict with monitor well sites.* RESPONSE: Thank you for identifying this concern, and offering to discuss the monitor well locations in detail with MRCA staff. Final layout of the Malibu Bluffs improvements has been designed to accommodate or avoid the monitor well locations necessary to meet Pepperdine's regulatory requirements with respect to the Hydrogeological Monitoring Program; please see *Appendix MRA-3*, Sheets 29-34. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required
QQ-4	*This comment expresses support for a very conservative approach to fire safety measures.* RESPONSE: Thank you for expressing your support of the program of comprehensive fire safety incorporated into the Access Plan, and as discussed in detail in the DEIR. MRCA is keenly aware of wildland fire hazards along the Malibu Coast and has expended considerable effort in crafting restrictions and design measures to ensure this hazard is minimized. In response to both oral and written comments received on the DEIR for the Malibu Parks Public Access Enhancement Plan – Public Works Plan (the "Proposed Plan") the Conservancy/MRCA has revised one of the alternatives detailed in the DEIR to create the Modified Redesign Alternative ("MRA"). The MRA contains an even more conservative approach to fire safety. For more information, please see Topical Response #2 – Fire Concerns and Topical Response #1 – The Modified Redesign Alternative. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required
QQ-5	*This closing comment expresses appreciation for consideration of the comments provided.*

	RESPONSE: The public comment process in CEQA is intended to ensure a complete, accurate, objective evaluation of project impacts within the environmental document. We appreciate your effort in providing comments. 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.

From: DeeDee [mailto:godofmalibu@verizon.net]
Sent: Monday, March 22, 2010 7:57 PM
To: EIRcomments@smmc.ca.gov
Subject: Overnight Camping

What more is there to say about the thought of allowing overnight camping in MALIBU...An area so prone to fire that we live on the edge all of the time....come September and we start to really breath hard.....in fact when the temperature rises above 70 degrees I immediately start to pray.
I lived in Malibu for 40 + years and find these insane ideas incredibly stupid. We are always so worried about giving all people the right to everywhere.. How about when the damn place burns down because of these same people's carelessness. RR-1

Don't we ever learn..?????

Dolores Rivellino Walsh
Malibu, Calif.

Letter **Commenter:** **Date:**	**RR** **Dolores Rivellino Walsh** **March 22, 2010**
Introduction	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**
RR-1	*This comment expresses the author's concern with overnight camping in Malibu.* 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 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 Responses #1 and #2.

From: Stephen Polk [mailto:sp@providenceproductions.com]
Sent: Tuesday, March 23, 2010 10:43 AM
To: EIRcomments@smmc.ca.gov
Subject: CORRAL CAMPING means more pot parties

I am writing to speak out against overnight camping in Corral and can't imagine the necessary restrictions that might keep partying safe will be effectively enforced. I know this cause the most recent fire could have been prevented if warnings from locals and restrictions were respected and not ignored in the past. SS-1

As much as I enjoy it, I experienced "camping" near LA as an invitation for ritual polluting and partying and smoking that usually inspires if not requires a fire. As a new Malibu resident who was camping at an empty local campsite when the fire hit my house, I am aware of many other safer, more accessible places around LA to camp, places that do not threaten neighborhoods already burned by arson and now burdened with trauma and fatalities. SS-2

It is hard to fathom that, at a time when negligence and disaster necessitates more control over Corral Canyon, the advocates of camping actually believe it is a good idea to make more areas more accessible to the very people who do not know any better but to keep partying and lighting fires in the Corral mountains. SS-3

It is also outrageous to hear that the advocates have made the implied accusation that Malibu is just a bunch of rich elites who are trying to keep handicapped children from camping. Residents in Corral canyon and the trailer park cannot afford beach houses, workhard for a living, and encourage plenty of day use up the canyon, overnight camping elsewhere. SS-4

Warm regards,

Stephen Polk
26236 Fairside
Malibu, CA,90265
310 317 9760

Letter	**SS**
Commenter:	**Stephen Polk**
Date:	**March 22, 2010**
Introduction	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**
SS-1	*This comment expresses opposition to overnight camping in Corral Canyon.* 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 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.
SS-2	*This comment expresses concern with overnight camping in Corral Canyon and suggests other more accessible and safer locations around Los Angeles for camping be considered.* RESPONSE: Please see response to comment 7-1. 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. 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. Please, also, see Topical Responses #1 and #2. Based on the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
SS-3	*This comment expresses concern with overnight camping in Corral Canyon.* RESPONSE: See Response to Comment SS-1.
SS-4	*This comment expresses opposition to overnight camping in Corral Canyon.* RESPONSE: See Response to Comment SS-1.

TT

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

March 24, 2010

Judi Tamasi
Santa Monica Mountains Conservancy/Mtns. Rec Consrvtn Athrty
570 Ramirez Canyon Road
Malibu, CA 90265

Subject: Malibu Parks Public Access Enhancement Plan - Public Works Plan
SCH#: 2009091018

Dear Judi Tamasi:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on March 22, 2010, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

TT-1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Acting Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

TT

SCH# **2009091018**
Project Title Malibu Parks Public Access Enhancement Plan - Public Works Plan
Lead Agency Santa Monica Mountains Conservancy

Type **EIR** Draft EIR

Description NOTE: Review Per Lead

The Plan includes a comprehensive set of policies and implementation measures, and identifies specific actions and park improvements, intended to enhance public access and recreation opportunities for specific park properties and recreation areas within the City of Malibu and Los Angeles County. The Plan would develop an interconnected system of trails, parks, open space, and habitats, including new parking, camping, day-use and trailhead improvements. The project also includes potential widening of, improvements to, and removal of encroachments impacting public safety along certain access roads within the project area, where necessary for ingress/egress and/or to meet standards of the appropriate fire agency(ies). The proposed improvements would be phased over time subject to funding.

Lead Agency Contact

Name Judi Tamasi
Agency Santa Monica Mountains Conservancy/Mtns. Rec Consrvtn Athrty
Phone (310) 589-3200 x 121 ***Fax***
email
Address 570 Ramirez Canyon Road
City Malibu ***State*** CA ***Zip*** 90265

Project Location

County Los Angeles
City Malibu
Region
Lat / Long 34° 4' 40.7" N / 118° 48' 1.1" W
Cross Streets Kanan Dume Rd/Pacific Coast Hwy to Maliby Canyon Rd/Pacific Coast Hwy
Parcel No.
Township 1,2 ***Range*** 17,18W ***Section*** many ***Base*** SBB&M

Proximity to:

Highways 1
Airports No
Railways No
Waterways Pacific Ocean, Ramirez Cyn, Escondido, Corral Creek, etc.
Schools St. Aidans, Webster ES
Land Use Malibu PLU: POS; RR; CV-1
LA PLU: Parks, Mountain Land, Rural Land

Project Issues Agricultural Land; Biological Resources; Toxic/Hazardous; Public Services; Water Quality; Noise; Recreation/Parks; Air Quality; Geologic/Seismic; Landuse; Traffic/Circulation; Aesthetic/Visual; Archaeologic-Historic; Cumulative Effects; Coastal Zone; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Growth Inducing; Minerals; Other Issues; Population/Housing Balance; Schools/Universities; Septic System; Soil Erosion/Compaction/Grading; Solid Waste; Vegetation; Water Supply; Wetland/Riparian

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Conservation; Department of Fish and Game, Region 5; Cal Fire; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; Native American Heritage Commission; Colorado River Board

Note: Blanks in data fields result from insufficient information provided by lead agency.

Date Received 02/02/2010 *Start of Review* 02/02/2010 *End of Review* 03/22/2010

Note: Blanks in data fields result from insufficient information provided by lead agency.

Letter	**TT**
Commenter:	**Scott Morgan** **Acting Director, State Clearinghouse**
Date:	**March 24, 2010**
Introduction	*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.* 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-1 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. Briefly, compared to the proposed Plan, the MRA reduces the total number of campsites from 71 to 54, eliminates the Escondido Canyon Park and Latigo Trailhead campsites included in the Proposed Plan, and clusters the 54 campsites at primarily two parks: Corral Canyon Park (17 campsites) and Malibu Bluffs Conservancy Property (35 campsites). These two campsite locations have easy access to Pacific Coast

	Highway (PCH). In addition, under the MRA, two accessible campsites would be implemented at Ramirez Canyon Park in Phase 2. Phased roadway/ bridge improvements for enhanced access to Ramirez Canyon Road, Delaplane Road, and/or Via Acero are proposed, if required by the appropriate fire agency. Within each park containing campsites, the campsites would be clustered. For example, at Corral Canyon Park, the campsites would be eliminated along the creek and clustered along a bluff overlooking the Pacific Ocean. Clustering is intended to facilitate the oversight/management of the camp areas, result in lower operational costs, and maximizes the efficiency and effectiveness of fire protection and relocation efforts. Under the MRA, day use facilities would be provided at Corral Canyon Park, the Malibu Bluffs Conservancy Property, Ramirez Canyon Park and Latigo Canyon. At Escondido Canyon Park the MRA includes only trail improvements to connect the proposed Coastal Slope Trail from Murphy Way to Latigo Trailhead. Additionally, numerous project features have been added in the MRA to address the community's fire concerns. Under the MRA, for example, cooking would be limited to small electrical cook stations, and the use of flame-less cook-stoves and lanterns would be required. Further, a camp host, staff maintenance person, or Ranger, (all of whom would be wildland fire-trained), would be required to be onsite at park properties included in the MRA, during times when camping is permitted at the location. The Final EIR includes an analysis of the MRA as well as a MRA Fire Protection Plan. 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.
COMMENT NO.	**RESPONSE**
TT-1	*This comment acknowledges that the applicant has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.* RESPONSE:

	The Conservancy acknowledges that the State Clearinghouse has determined that the DEIR has been reviewed in compliance with CEQA.

STATE OF CALIFORNIA – THE NATURAL RESOURCES AGENCY ARNOLD SCHWARZENEGGER, Governor

COLORADO RIVER BOARD OF CALIFORNIA
770 FAIRMONT AVENUE, SUITE 100
GLENDALE, CA 91203-1068
(818) 500-1625
(818) 543-4685 FAX

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RECEIVED
MAR 01 2010
STATE CLEARING HOUSE

February 24, 2010

State Clearinghouse
1400 Tenth Street
P.O. Box 3044
Sacramento, CA 95812-3044

Regarding: SCH# 2009 091 018: Notice of Completion & Environmental Document Transmittal for Notice of Availability/Completion of Draft Environmental Impact Report (EIR) & Notice of Environmental Hearing for Malibu Parks Public Access Enhancement Plan – Public Works Plan, Santa Monica Mountains Conservancy, Mountains Recreation and Conservation Authority, Los Angeles County, California

To Whom It May Concern:

The Colorado River Board of California (CRB) has received and reviewed a copy of Notice of Completion & Environmental Document Transmittal for Notice of Availability/Completion of Draft Environmental Impact Report (EIR) & Notice of Environmental Hearing for Malibu Parks Public Access Enhancement Plan – Public Works Plan, Santa Monica Mountains Conservancy, Mountains Recreation and Conservation Authority, Los Angeles County, California. UU-1

At this juncture, the CRB has determined that it has no comments regarding the EIR and the environmental hearing. If you have any questions, please feel free to contact me at (818) 500-1625.

Sincerely,

Gerald R. Zimmerman
Executive Director

Letter	**UU**
Commenter:	**Gerald R. Zimmerman** **Colorado River Board of California**
Date:	**February 24, 2010**
Introduction	*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.* 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-1 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. Briefly, compared to the proposed Plan, the MRA reduces the total number of campsites from 71 to 54, eliminates the Escondido Canyon Park and Latigo Trailhead campsites included in the Proposed Plan, and clusters the 54 campsites at primarily two parks: Corral Canyon Park (17 campsites) and Malibu Bluffs Conservancy Property (35 campsites). These two campsite locations have easy access to Pacific Coast Highway (PCH). In addition, under the MRA, two accessible campsites

	would be implemented at Ramirez Canyon Park in Phase 2. Phased roadway/ bridge improvements for enhanced access to Ramirez Canyon Road, Delaplane Road, and/or Via Acero are proposed, if required by the appropriate fire agency. Within each park containing campsites, the campsites would be clustered. For example, at Corral Canyon Park, the campsites would be eliminated along the creek and clustered along a bluff overlooking the Pacific Ocean. Clustering is intended to facilitate the oversight/management of the camp areas, result in lower operational costs, and maximizes the efficiency and effectiveness of fire protection and relocation efforts. Under the MRA, day use facilities would be provided at Corral Canyon Park, the Malibu Bluffs Conservancy Property, Ramirez Canyon Park and Latigo Canyon. At Escondido Canyon Park the MRA includes only trail improvements to connect the proposed Coastal Slope Trail from Murphy Way to Latigo Trailhead. Additionally, numerous project features have been added in the MRA to address the community's fire concerns. Under the MRA, for example, cooking would be limited to small electrical cook stations, and the use of flame-less cook-stoves and lanterns would be required. Further, a camp host, staff maintenance person, or Ranger, (all of whom would be wildland fire-trained), would be required to be onsite at park properties included in the MRA, during times when camping is permitted at the location. The Final EIR includes an analysis of the MRA as well as a MRA Fire Protection Plan. 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.
COMMENT NO.	**RESPONSE**
UU-1	*This comment states that the Colorado River Board of California has determined that it has no comments regarding the EIR and the environmental hearing.* RESPONSE: The Conservancy acknowledges that the Colorado River Board of

	California has reviewed the DEIR and does not have any comments. The Conservancy appreciates your effort in reviewing the DEIR.

VV

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

GAIL FARBER, Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
http://dpw.lacounty.gov

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE REFER TO FILE: LD-1

March 25, 2010

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

Dear Ms. Tamasi:

DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
MALIBU PARKS PUBLIC ACCESS ENHANCEMENT PLAN
CITY OF MALIBU

Thank you for the opportunity to review the DEIR for the Malibu Parks Public Access Enhancement Plan. The project is located at various parks/trails/recreation areas in the City of Malibu and unincorporated Los Angeles County. The following comments are for your consideration and relate to the environmental document only. VV-1

Hazards–Flood/Water Quality

1. The peak-flow rates (Qs) calculated for the project and reported in the "summary results" are not consistent with the County of Los Angeles Department of Public Works' peak-flow rates. The reported Qs are much smaller than Public Works' flow rates for the same drainage areas. In some of the subwatersheds, like Ramirez Canyon and Escondido Canyon, the reported peak-flow rates are approximately 30 percent of Public Works' peak-flow rates. It appears that the same time of concentrations were used for the 2-year, 5-year, 10-year, 25-year, 50-year, and the 100-year frequencies hydrologic analyses. VV-2

   We recommend that new hydrologic analyses be performed and resubmitted to Public Works for our review. The new calculated Qs should be used to perform new hydraulic analyses. Also, new time of concentrations calculations, consistent with each design storm frequency, must be included in the new submittal for our review.

2. The area of the proposed project contains Los Angeles County Flood Control District facilities (LACFCD). There was no indication of proposed connection to a LACFCD facility. If the project is to include a future connection to a LACFCD facility, a construction permit from Public Works' Construction Division, Permits Section, is required. VV-3

If you have any questions regarding the flood/water quality comment Nos. 1 and 2, please contact Mr. Peter Imaa at (626) 458-6174 or by e-mail at pimaa@dpw.laconunty.gov.

3. The proposed project does not include enough information or detail to verify conclusively that impacts to water quality are appropriately mitigated, nor does it include enough detail to verify compliance with County, City, State, and Federal water quality requirements, including implementation of designs to address Low-Impact Development, Interim Peak Flow, hydromodification, and treatment for Total Maximum Daily Load. It is recommended that further detail be added to demonstrate that the potential water quality impacts are appropriately addressed. VV-4

If you have any questions flood/water quality regarding comment No. 3, please contact Ms. Lizbeth Cordova at (626) 458-3873 or by e-mail at lcordova@dpw.lacounty.gov.

Hazards–Geotechnical/Soils/Geology

All or portion of the site is located within a potentially liquefiable area per the State of California Seismic Hazard Zones Map–Point Dume and Malibu Beach Quadrangles. Also, all or portion of the site is located within the Alquist-Priolo Earthquake Fault Zone. If applicable, site-specific geotechnical and geologic reports addressing the proposed development and recommending mitigation measures for geotechnical and geologic hazards should be included as part of the DEIR. VV-5

If you have any questions regarding the geotechnical comment, please contact Mr. Jeremy Wan at (626) 458-3873 or by e-mail at jwan@dpw.lacounty.gov.

Services–Traffic/Access

Two of the three proposed parking areas (Areas 2 and 3) are within the County of Los Angeles boundary. The DEIR should address the following items regarding the Kanan Dume Road parking facilities (Figure 2-7): VV-6

1. Since the new parking areas will be paved with Asphalt-Concrete, drainage considerations must be made to prevent sheet flowing onto Kanan Dume Road.

2. Will cars be allowed to make left hand turn out of or into parking areas?

3. How will the public gain access to the trail from the parking areas along Kanan Dume Road? Will the public be required to walk along the road shoulder? VV-6

If you have any questions regarding the traffic/access comments, please contact Mr. Armond Ghazarian at (310) 348-6448 or by e-mail at aghazar@dpw.lacounty.gov.

If you have any other questions or require additional information, please contact Mr. Toan Duong at (626) 458-4921 or by e-mail at tduong@dpw.lacounty.gov.

Very truly yours,

GAIL FARBER
Director of Public Works

for DENNIS HUNTER, PLS PE
Assistant Deputy Director
Land Development Division

JY:ca
P:\ldpub\CEQA\CDM\ THE SANTA MONICA MOUNTAINS CONSERVANCY - MALIBU PARKS PUBLIC ACCESS ENHANCEMENT PLAN_DEIR.doc

cc: Supervisor Zev Yaroslavsky (Maria Chong-Castillo)

Letter	**VV**
Commenter:	**Gail Farber** **County of Los Angeles, Department of Public Works**
Date:	**March 25, 2010**
Introduction	*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.* 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-1 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. Briefly, compared to the proposed Plan, the MRA reduces the total number of campsites from 71 to 54, eliminates the Escondido Canyon Park and Latigo Trailhead campsites included in the Proposed Plan, and clusters the 54 campsites at primarily two parks: Corral Canyon Park (17 campsites) and Malibu Bluffs Conservancy Property (35 campsites). These two campsite locations have easy access to Pacific Coast Highway (PCH). In addition, under the MRA, two accessible campsites

	would be implemented at Ramirez Canyon Park in Phase 2. Phased roadway/ bridge improvements for enhanced access to Ramirez Canyon Road, Delaplane Road, and/or Via Acero are proposed, if required by the appropriate fire agency. Within each park containing campsites, the campsites would be clustered. For example, at Corral Canyon Park, the campsites would be eliminated along the creek and clustered along a bluff overlooking the Pacific Ocean. Clustering is intended to facilitate the oversight/management of the camp areas, result in lower operational costs, and maximizes the efficiency and effectiveness of fire protection and relocation efforts. Under the MRA, day use facilities would be provided at Corral Canyon Park, the Malibu Bluffs Conservancy Property, Ramirez Canyon Park and Latigo Canyon. At Escondido Canyon Park the MRA includes only trail improvements to connect the proposed Coastal Slope Trail from Murphy Way to Latigo Trailhead. Additionally, numerous project features have been added in the MRA to address the community's fire concerns. Under the MRA, for example, cooking would be limited to small electrical cook stations, and the use of flame-less cook-stoves and lanterns would be required. Further, a camp host, staff maintenance person, or Ranger, (all of whom would be wildland fire-trained), would be required to be onsite at park properties included in the MRA, during times when camping is permitted at the location. The Final EIR includes an analysis of the MRA as well as a MRA Fire Protection Plan. 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.
COMMENT NO.	**RESPONSE**
VV-1	*This comment expresses appreciation for the opportunity to comment on the DEIR.* RESPONSE: The Conservancy acknowledges and appreciates the County of Los Angeles Public Works Department effort in providing comments on

	the DEIR within the public review deadline.
VV-2	*This comment states that the peak flow rates calculated for the project are not consistent with the County of Los Angeles Department of Public Works peak-flow rates and recommends that new hydrologic analyses be performed and submitted to the Public Works Department for review.* RESPONSE: The project engineer has coordinated with Los Angeles County Public Works (Peter Imaa) as suggested in VV-3 to refine the hydrologic analyses. These refinements will be implemented in the comprehensive drainage analysis performed during the more highly detailed final design of Proposed Plan or MRA improvements, including storm drain system components. By and large, under both the Proposed Plan and MRA, plan improvements entail a limited degree of new impervious surface creation compared to the total watershed or subwatersheds areas. Substantial land area also exists on park properties such that low impact systems could be developed, as necessary to offset or accommodate stormwater volumes resulting from new impervious surface introduction. Proposed Plan and MRA stormwater systems will both be fully capable of managing surface run-off from the project to avoid significant increases in volumes reaching natural drainages or off-site stormdrain systems (see Penfield & Smith, Preliminary Hydrology/Bridge Crossing Report, DEIR Appendix L). Physical project improvements would not be constructed until the final detailed hydrology analysis was completed, and any such improvements would be shifted, as necessary, outside of the limits of flood inundation (the 50-year burned and bulked boundary), or eliminated from the proposal. It should be noted Los Angeles County Public Works (Toan Duong, 19 Jul 2010) indicated that review and approval of hydrologic/hydraulic calculations by the County will depend on if discretionary County approvals are required for the Proposed Plan or the MRA, or a portion thereof. Based upon the discussion above, no impacts beyond those described in the FEIR are anticipated to occur and no changes would be required in the DEIR.
VV-3	*This comment states that if the proposed project is to connect to a Los*

	Angeles County Flood Control District Facility (LACFCD), a construction permit from Public Works' Construction Division, Permits Section would be required. RESPONSE: We are not aware of any connections to a LACFCD facility proposed for either the Proposed Plan or MRA.
VV-4	*This comment states that the DEIR does not contain enough information or detail to verify conclusively that impacts to water quality would be appropriately mitigated or that compliance with County, City, State, and Federal water quality requirements would be achieved..* RESPONSE: In preparation for addressing this comment, the Project engineer has communicated with Ms. Lisbeth Cordova (Los Angeles County) and Jennifer Vocolla and Elroy Kiepke (City of Malibu). Both the County Low Impacts Development Standards Manual January 2009, and City Guidelines for Water Quality Management and Runoff Mitigation Plan Preparation were reviewed. An analysis of the increased imperviousness was calculated for each of the watersheds (see Penfield & Smith, Preliminary Hydrology/Bridge Crossing Report, DEIR Appendix L). This analysis was prepared for the Proposed Plan, but would also apply to the MRA (in that smaller total ground area covered by impervious surfaces would result from the MRA). There will be a measurable increase in each watershed of watershed imperviousness except Latigo Canyon for the Proposed Plan, and except for Latigo and Escondido Canyons for the MRA. The increase is mainly due to the proposed parking lots, roads, and driveways. There will likely be an increase in runoff volume and flow rate. Los Angeles County and City of Malibu stormwater programs as well as State and Federal regulations require that storm water from new construction projects be filtered for anticipated pollutants and if increased amounts of storm water enter a natural watercourse, that hydromodification controls be implemented to address increases in runoff volume and velocity. Under both the Proposed Plan and MRA the Plan would be subject to Mitigation Measure HYD-1.1 which specifies required actions during construction.

The potential pollutants and the likelihood of their being generated for this type of development and feasible BMPs, are listed in the table below per City of Malibu Guidelines:

Pollutant – likelihood	**Removal Efficiency**			
	Biofilters	***Detention Basins***	***Infiltration***	***Water Quality Inlet***
Sediment - potential	High - Medium	Medium	High - Medium	Low
Nutrients - potential	Low	Medium	High - Medium	Low
Organic - expected	Unknown	Unknown	Unknown	Low
Trash – Expected	Low	Medium	Unknown	Medium
Oxygen Demand - Potential	Low	Medium	Low - Medium	Low
Bacteria - Potential	Unknown	Unknown	High - Medium	Low
Oil - Expected	High - Medium	Medium	Unknown	Medium
Pesticides - Potential	Unknown	Unknown	Unknown	Low
Metals - Expected	High - Medium	Medium	High	Low

Both the Proposed Plan and the MRA would be designed to comply with the following standard requirements indicated in the Guidelines:

A. Conserve natural areas;
B. Protect slopes and channels;
C. Direct roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
D. Direct surface flow to vegetated areas before discharge unless the diversion would result in slope instability.

Local stormwater regulations require that volumetric or flow based treatment control Best Management Practices (BMPs) be implemented. Under both the Proposed Plan and the MRA, as mitigation for this requirement, proposed parking lots would be constructed with permeable materials which would include storm water storage, detention, and if feasible, infiltration. Driveways and roads, to the extent feasible and allowed by fire access requirements, would be constructed of permeable materials and include water quality inlets. Project locations where stormwater is concentrated and discharged would be designed with energy dissipation, erosion protection, and

	filtration or biofiltration wherever possible. The proposed mitigations would reduce stormwater runoff due to the Proposed Plan or MRA improvements and filter the stormwater to the maximum extent possible and address hydromodification. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.
VV-5	*This comment states that all or portion of the site is located within a potentially liquefiable area and Alquist-Priolo Earthquake Fault Zone, and requests site-specific geotechnical and geologic reports addressing the proposed development and recommended mitigation measures should be included in the DEIR.* RESPONSE: The geological constraints analysis discussed in Section 5.7 of the DEIR acknowledged portions of the proposed improvements are located within areas with liquefaction and/or seismicity hazards, consistent with information referenced in this comment. The geologic constraints analysis concluded, based upon preliminary field work, that the proposed public works access plan improvements would be feasible, given final design based upon appropriate site-specific geotechnical investigation. The DEIR and the MRA already include mitigation requiring site-specific geotechnical investigation as input to the final design of proposed improvements (MM G-1.1 thru G-1.9). However, under the MRA Class I impacts at Latigo Canyon would be reduced to a Class II Impact and MM G-1.3 thru G-1.5 would not be required as no potential significant impact would result based on the elimination of certain improvements at Latigo Canyon. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.
VV-6	*This comments requests that the DEIR address drainage issues, egress/ingress movements, and trail access associated with the Kanan Dume parking areas.* RESPONSE:

	As discussed in the DEIR (Section 5.10, *Hydrology, Drainage, Water Quality*), MM HYD-1.1 and MM HYD-1.2 require MRCA to prepare a SWPPP with implementation of appropriate BMPs to prevent the migration of polluted waters from any construction activity under the Plan, and to prepare a Spill Prevention Control and Countermeasure Plan (SPCCP). The same is true for the MRA. The details of the SWPPP and SPCCP will be developed to specifically address each construction components, dictating BMPs specific to the activity and its proximity to sensitive resources. Permanent BMPs are also required for new areas of impervious surface, including roadways and drainage, to ensure drainage is directed and conveyed to proper storm drain systems. Three parking areas along Kanan Dume Road are included in the Proposed Plan with a total of 26 new angled spaces (DEIR, Figure 2-7). Under the MRA, 14 new parallel spaces would be provided in the Kanan Dume Road parking area. The number of parking spaces in these parking areas at Kanan Dume Road was reduced in the Modified Redesign Alternative (compared with the Proposed Plan) because this would result in lessened direct impacts to habitat as compared to the Proposed Plan. In the MRA, the parking lots along Kanan Dume Road would occur as part of Phase 1 development. A new feature in the MRA is striping and turn lanes along Kanan Dume Road. Although not required to address a significant project impact, this improvement was included in the new alternative in response to comments from Los Angeles County Department of Public Works (LACDPW). The Modified Redesign Alternative has incorporated the following design changes via civil plans (see MRA-3, Sheets 4 & 8): 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 which vehicles can safely turn into/out of using the two-way left-turn lane. Existing proposed trail links would provide access from the Kanan Dume parking lots to the park trail system. Final trail design would concentrate on ease of use for the pedestrian connection of the

	parking lots to the trail system. Finalization details would not involve impacts not already considered in the conceptual level design used for analysis in the DEIR. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.

WW

COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 881-2461

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MALIBU

P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

March 18, 2010

Santa Monica Mountains Conservancy
Mountains Recreation and Conservation Authority
5750 Ramirez Canyon Road
Malibu, California 90265

Subject: Draft EIR, Malibu Parks Access Enhancement Plan - Public Works Plan
Reference # FFER 201000043

Attention: Paul Edelman & Judi Tamasi

Dear Mr. Edelman,

The Los Angeles County Fire Department has received your submittal of the draft environmental impact report for the Malibu Parks Access Enhancement Plan. As previously discussed via telephone and e-mails the Fire Department has requested additional information for clarification along with copies of the proposed projects in plan format. This request has been provided to our Land Development Unit for review. Thank you for your immediate attention to our department's request. WW-1

Due to the volume of information requiring our review and the current process time line allowed, we are requesting additional time to properly prepare concise comments to the draft EIR. We request a maximum time extension for our comment period until April 22, 2010. Upon completion of our review we will forward a copy via e-mail along with an original copy for your records via U.S. mail.

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS	BRADBURY	CUDAHY	HAWTHORNE	LA HABRA	LYNWOOD	PICO RIVERA	SIGNAL HILL
ARTESIA	CALABASAS	DIAMOND BAR	HIDDEN HILLS	LA MIRADA	MALIBU	POMONA	SOUTH EL MONTE
AZUSA	CARSON	DUARTE	HUNTINGTON PARK	LA PUENTE	MAYWOOD	RANCHO PALOS VERDES	SOUTH GATE
BALDWIN PARK	CERRITOS	EL MONTE	INDUSTRY	LAKEWOOD	NORWALK	ROLLING HILLS	TEMPLE CITY
BELL	CLAREMONT	GARDENA	INGLEWOOD	LANCASTER	PALMDALE	ROLLING HILLS ESTATES	WALNUT
BELL GARDENS	COMMERCE	GLENDORA	IRWINDALE	LAWNDALE	PALOS VERDES ESTATES	ROSEMEAD	WEST HOLLYWOOD
BELLFLOWER	COVINA	HAWAIIAN GARDENS	LA CANADA FLINTRIDGE	LOMITA	PARAMOUNT	SAN DIMAS	WESTLAKE VILLAGE
						SANTA CLARITA	WHITTIER

Mr. Edelman
March 18, 2010
Page 2

Please contact SFPEA Janna Masi at (323) 890-4242 with any comments or concerns as they pertain to this request.

Respectfully,

James Bailey /JM

JAMES G. BAILEY, HEAD FIRE PREVENTION ENGINEERING
FIRE PREVENTION ENGINEERING SECTION
FIRE PREVENTION DIVISION

C: LDU

Letter	**WW**
Commenter:	**James G. Bailey** **Head Fire Prevention Engineering, County of Los Angeles Fire Department**
Date:	**March 18, 2010**
Introduction	*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.* 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-1 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. Briefly, compared to the proposed Plan, the MRA reduces the total number of campsites from 71 to 54, eliminates the Escondido Canyon Park and Latigo Trailhead campsites included in the Proposed Plan, and clusters the 54 campsites at primarily two parks: Corral Canyon Park (17 campsites) and Malibu Bluffs Conservancy Property (35 campsites). These two campsite locations have easy access to Pacific Coast

	Highway (PCH). In addition, under the MRA, two accessible campsites would be implemented at Ramirez Canyon Park in Phase 2. Phased roadway/ bridge improvements for enhanced access to Ramirez Canyon Road, Delaplane Road, and/or Via Acero are proposed, if required by the appropriate fire agency. Within each park containing campsites, the campsites would be clustered. For example, at Corral Canyon Park, the campsites would be eliminated along the creek and clustered along a bluff overlooking the Pacific Ocean. Clustering is intended to facilitate the oversight/management of the camp areas, result in lower operational costs, and maximizes the efficiency and effectiveness of fire protection and relocation efforts. Under the MRA, day use facilities would be provided at Corral Canyon Park, the Malibu Bluffs Conservancy Property, Ramirez Canyon Park and Latigo Canyon. At Escondido Canyon Park the MRA includes only trail improvements to connect the proposed Coastal Slope Trail from Murphy Way to Latigo Trailhead. Additionally, numerous project features have been added in the MRA to address the community's fire concerns. Under the MRA, for example, cooking would be limited to small electrical cook stations, and the use of flame-less cook-stoves and lanterns would be required. Further, a camp host, staff maintenance person, or Ranger, (all of whom would be wildland fire-trained), would be required to be onsite at park properties included in the MRA, during times when camping is permitted at the location. The Final EIR includes an analysis of the MRA as well as a MRA Fire Protection Plan. 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.
COMMENT NO.	**RESPONSE**
WW-1	*This comment states that the Los Angeles County Fire Department (LACFD) has received the DEIR and due to the volume of information requiring review, LACFD requests a 30-day extension to the deadline to provide comments on the document.* RESPONSE:

	The 45-day comment period for the DEIR began February 5, 2010 and concluded on March 22, 2010. In response to this comment letter, the Conservancy acknowledged and was sensitive to the volume of information requiring LACFD review and granted LACFD's 30-day time extension for the comment period. Comments from the Fire Department were received on April 21, 2010 (see letter DDD) and are addressed in responses DDD-1 to DDD-51. Responses are provided in the Final EIR to all comments received up until April 21, 2010.

XX

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, REGIONAL PLANNING
IGR/CEQA BRANCH
100 MAIN STREET, MS # 16
LOS ANGELES, CA 90012-3606
PHONE: (213) 897-6696
FAX: (213) 897-1337

Flex your power!
Be energy efficient!

IGR/CEQA No. 100223AL, DEIR
Santa Monica Area Parks Public Access
Enhancement Plan
Vic. LA-01 / Various Locations
SCH # 2009091018

March 26, 2010

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

Dear Ms. Tamasi:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The proposed project is a comprehensive set of policies and implementation measures, and identifies specific actions and park improvements, intended to enhance public access and recreation opportunities for specific park properties and recreation areas within the City of Malibu and L.A. County. XX-1

We would like to remind you that any work to be performed within the State Right-of-way will need an Encroachment Permit from the California Department of Transportation. Any modifications to State facilities will need to meet all mandatory design standard and specifications. XX-2

Any transportation of heavy construction equipment and/or materials which requires the use of oversized-transport vehicles on State highways will require a Caltrans transportation permit. We recommend that large size truck trips be limited to off-peak commute periods. XX-3

Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful that projects need to be designed to discharge clean run-off water. Additionally storm water run-off is not permitted to discharge onto State highway facilities. Thank you for the opportunity to have reviewed this project. XX-4

We note the Pacific Coast Highway intersection with Latigo Canyon Road and Winding Way Ave currently operating at unacceptable levels, LOS E and F respectively. We also note the project is expected to generate approximately 22 AM peak hour trips and 30 PM peak hour trips during weekdays (Impact TP-1, page 5.15-25). Therefore, the report concluded that the plan-related trips are not expected to cause a measurable change in traffic operations on PCH. XX-5

XX

If you have any questions, please feel free to contact me at (213) 897-6696 or Alan Lin the project coordinator at (213) 897-8391 and refer to IGR/CEQA No. 100223AL.

Sincerely,

ELMER ALVAREZ
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

Letter	**XX**
Commenter:	**Elmer Alvarez** **IGR/CEQA Branch Chief, Caltrans**
Date:	**March 18, 2010**
Introduction	*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.* 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-1 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. Briefly, compared to the proposed Plan, the MRA reduces the total number of campsites from 71 to 54, eliminates the Escondido Canyon Park and Latigo Trailhead campsites included in the Proposed Plan, and clusters the 54 campsites at primarily two parks: Corral Canyon Park (17 campsites) and Malibu Bluffs Conservancy Property (35 campsites). These two campsite locations have easy access to Pacific Coast Highway (PCH). In addition, under the MRA, two accessible campsites

	would be implemented at Ramirez Canyon Park in Phase 2. Phased roadway/ bridge improvements for enhanced access to Ramirez Canyon Road, Delaplane Road, and/or Via Acero are proposed, if required by the appropriate fire agency. Within each park containing campsites, the campsites would be clustered. For example, at Corral Canyon Park, the campsites would be eliminated along the creek and clustered along a bluff overlooking the Pacific Ocean. Clustering is intended to facilitate the oversight/management of the camp areas, result in lower operational costs, and maximizes the efficiency and effectiveness of fire protection and relocation efforts. Under the MRA, day use facilities would be provided at Corral Canyon Park, the Malibu Bluffs Conservancy Property, Ramirez Canyon Park and Latigo Canyon. At Escondido Canyon Park the MRA includes only trail improvements to connect the proposed Coastal Slope Trail from Murphy Way to Latigo Trailhead. Additionally, numerous project features have been added in the MRA to address the community's fire concerns. Under the MRA, for example, cooking would be limited to small electrical cook stations, and the use of flame-less cook-stoves and lanterns would be required. Further, a camp host, staff maintenance person, or Ranger, (all of whom would be wildland fire-trained), would be required to be onsite at park properties included in the MRA, during times when camping is permitted at the location. The Final EIR includes an analysis of the MRA as well as a MRA Fire Protection Plan. 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.
COMMENT NO.	**RESPONSE**
XX-1	*This comment thanks the Conservancy for the opportunity to comment on the proposed project.* RESPONSE: The Conservancy acknowledges the role of Caltrans in the environmental review process and appreciates their input.

XX-2	*This comment states that any work performed within the State Right-of-Way will require an Encroachment Permit from Caltrans and any modifications to State highways would need to meet all mandatory design standard and specifications.* RESPONSE: The Conservancy acknowledges that any improvements within the State Right-of-Way would require an Encroachment Permit and lists such required approvals and permits under Section 2.6 in the Project Description for the Proposed Plan and in the project description for the MRA.
XX-3	*This comment states that any transportation of heavy construction equipment and/or materials which require the use of oversized-transport vehicles on State highways would require a Caltrans transportation permit. The comment also recommends that large size truck trips be limited to off-peak commute periods.* RESPONSE: Although the Conservancy does not anticipate the need for the use of any oversized-transport vehicles to implement the Proposed Plan or the MRA, should the need arise for some reason to use oversized trucks, the Conservancy would comply with any and all Caltrans permit requirements.
XX-4	*This comment states that storm water run-off is a sensitive issue and projects must be designed to discharge clean run-off water. The comment also notes that storm water run-off is not permitted to discharge onto State highway facilities.* RESPONSE: As discussed in detail in DEIR Section 5.10 *Hydrology, Drainage, Water Quality*, the Proposed Plan would disturb more than 1 acre of soil; therefore, a NPDES General Construction Permit would be required prior to commencement of construction activities. This would also be true for the MRA. As part of the permit requirements, a SWPPP would be developed to incorporate BMPs that capture and treat polluted runoff on site before it enters adjacent stormwater conveyance structures.

	The DEIR, MRA and Mitigation Monitoring and Reporting Program included in the FEIR include mitigation to ensure that MRCA is responsible for complying with the conditions of the NPDES General Construction Permit, including the development of a SWPPP, implementation of BMPs identified in the SWPPP, and monitoring to ensure that effects on water quality are minimized. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.
XX-5	*This comment states that Pacific Coast Highway intersections with Latigo Canyon Road and Winding Way are operating at unacceptable levels and the proposed project would add additional trips to these intersections.* RESPONSE: Caltrans is correct; the DEIR concluded that the Proposed Plan is not expected to cause a measurable change in traffic operations on PCH. The same would be true for the MRA. The traffic analysis completed for the Proposed Plan determined traffic impacts based on CEQA thresholds adopted by the City of Malibu and Los Angeles County, as well as the State CEQA guidelines. The City of Malibu criteria states that a project would result in a significant impact if an intersection operating at LOS D, E, or F with a V/C ratio of greater than 0.800 would experience a project-related V/C ratio increase equal to, or greater than, 0.020. County of Los Angeles criteria states that a project would result in a significant impact if an intersection operating at LOS C would experience a project-related V/C ratio increase equal to, or greater than, 0.040, an intersection operating at LOS D would experience a project-related V/C ratio increase equal to, or greater than, 0.020, or an intersection operating at LOS E/F would experience a project-related V/C ratio increase equal to, or greater than, 0.010. The criteria in the State CEQA guidelines state that a Proposed Plan may have a significant impact on traffic if it would create potential hazards due to addition of traffic to a roadway that has design features (e.g., narrow width, roadside ditches, sharp curves, poor sight distance, inadequate pavement structure) or that supports uses that would be incompatible with substantial increases in traffic. The traffic analysis found that the Proposed Plan would not generate

	significant project-specific or cumulative impacts to the intersections along the PCH based on these adopted thresholds. It is noted that the traffic generation numbers (22 A.M. and 30 P.M. peak hour trips) cited in this comment are for all 5 components of the Proposed Plan, combined. The uses proposed within the Escondido Canyon Park on Winding Way would generate 3 A.M. and 4 P.M. peak hour trips and the uses proposed at the Latigo Trailhead would generate 2 A.M. and 2 P.M. peak hour trips. These trips would not significantly impact the operations of the PCH intersections at Winding Way and Latigo Canon Road. Additionally, if the Conservancy/MRCA were to adopt the MRA, total ADT would be reduced under the MRA from 511 for the Proposed Plan to 317 for the MRA. Under the MRA no camping would be proposed at Escondido Canyon Park or Latigo Trailhead. Other day-use improvements (e.g., parking, restrooms, trails, picnic areas, etc.) would still be located at Latigo Trailhead. Therefore, this alternative would reduce the already less than significant traffic impacts even further. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.

YY

Brownstein | Hyatt
Farber | Schreck

March 22, 2010

Steven A. Amerikaner
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SAmerikaner@bhfs.com

BY U.S. MAIL AND ELECTRONIC MAIL

Santa Monica Mountains Conservancy
Mountains Recreation and Conservation Authority
Attn: Judi Tamasi
570 West Avenue 26, Suite 100
Los Angeles, CA 90065

RE: Comments on Malibu Public Access Enhancement Plan – Public Works Plan Draft Environmental Impact Report

Dear Ms. Tamasi:

The Ramirez Canyon Preservation Fund ("Fund") respectfully 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 or Plan). The comments were prepared by Brownstein Hyatt Farber Schreck and Diane M. Matsinger, attorneys for the Fund, in consultation with Dr. Rosemary Thompson and Tamara Klug of Entrix Corporation and Eli Iskow, a veteran fire fighter who recently retired from the Santa Barbara Fire Department as a Fire Captain after serving 28 years. Dr. Thompson's and Tamara Klug's comments and opinions are reflected in the Biological Impact section (pages 7 to 15 below). Mr. Iskow's comments and opinions are reflected in the Fire Hazard section and in a letter included as Attachment A. YY-1

A. Threshold Legal Objections

We maintain and hereby incorporate by reference the threshold legal objections stated in our October 6, 2009 letter regarding the PWP and the corresponding scope of analysis in the EIR. Briefly restated, these objections include the following:

1. The DEIR evaluates a PWP which was purportedly authorized by the Coastal Commission in MAL-MAJ-1-08. The Commission's jurisdiction over MAL-MAJ-1-08 has been challenged by both the City of Malibu and the Fund, and the challenge is now pending in consolidated Los Angeles Superior Court Case No. BS 121650 ("the litigation"). Until the litigation is resolved, no further proceedings under MAL-MAJ-1-08 are proper.

2. The Coastal Act mandates that a PWP be consistent with the applicable local coastal program (Pub. Res. Code, sec. 30605). The Plan and the project described in the DEIR are not consistent with either the Malibu LCP, as certified by the Coastal Commission in 2002, or with "Section 3.4.2" (the "Overlay"), as purportedly certified by the Coastal Commission in June of 2009. There are also numerous discrepancies between and among the project location and project description contained in the Overlay, the Plan, and the DEIR. The Final EIR (FEIR) should resolve these conflicts in order that the project location and project description are consistent as between (a) the FEIR and the proposed PWP, and (b) the PWP and the LCP. YY-2

21 East Carrillo Street | Santa Barbara, CA 93101-2706 | 805.963.7000 *tel*
Brownstein Hyatt Farber Schreck, LLP | bhfs.com | 805.965.4333 *fax*

YY

Without waiving these objections, and based on the information in the DEIR and the Draft Public Works Plan, we respectfully submit the following comments:

B. Lead Agency

CEQA requires a clear and unambiguous identification of the lead agency, and there can be only one lead agency (CEQA Guidelines, sec. 15050). "'Lead agency' means the public agency which has the principal responsibility for *carrying out or approving* a project which may have a significant effect upon the environment" (Pub. Res. Code, sec. 21067, emphasis added). CEQA Guidelines, Section 15051 provides that "[w]here two or more public agencies will be involved with a project, the determination of which agency will be the lead agency shall be governed by the following criteria: (a) If the project will be carried out by a public agency, that agency shall be the lead agency . . .."

YY-3

The DEIR identifies the Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority as co-Lead Agencies for the purpose of conducting environmental review of and approving the PWP. The Initial Study also states that SMMC and MRCA are the "Lead Agencies." However, as noted in our October 6, 2009 letter, the draft PWP states that "the Commission is the lead agency responsible for reviewing LCPs and public works plans for CEQA compliance" (Draft PWP, Chap. 2, Sec. 2.6, pp. 2-23 through 2-24). The ambiguity should be addressed and resolved in the FEIR.

C. Project Description (DEIR Section 2.0)

The project identified in the DEIR is a "public works plan." However, the project description includes elements which are not allowed by law to be included in such a plan, e.g., administrative office use and special events at the Conservancy's Ramirez Canyon property. These elements of the project should be eliminated in the FEIR.

YY-4

At the June 10, 2009 Coastal Commission Hearing on the Overlay, the Commission voted to require consideration of the Conservancy's Malibu Bluffs property *as an alternative* for the proposed development, not as an additional development site. The Commission purported to revise that finding after the close of the hearing and after the Commission vote on the LCPA. The Commission had no jurisdiction to do so. Therefore, as agreed to by and between the Commission and the Conservancy's Executive Director during the hearing, the FEIR should analyze the Malibu Bluffs property as an *alternative*, *not as an additional site* for proposed development.

YY-5

The existing and proposed trail and park resource maps in the project description of the DEIR are not consistent with the corresponding maps in the PWP. The trail maps in both the DEIR and the PWP are also not consistent with the corresponding maps in the Overlay. See Attachment B for a summary of the inconsistencies in the Ramirez Canyon area of the Plan. The FEIR should resolve the inconsistencies and address the environmental impacts of the trail resources as authorized by the Overlay.

YY-6

YY

1. Ramirez Specialized Programs

Page 2-22. The DEIR includes conflicting information about the intensity of particular uses of the Ramirez Canyon property, and does not provide any information by which to analyze the cumulative impact of simultaneous uses of the property for different activities. The cumulative intensity of the simultaneous proposed uses raises potential environmental impacts in a variety of issue areas, including but not limited to fire hazards, land use and planning, noise, transportation and parking, and utilities/service systems. By way of illustration and not limitation:

The maximum number of participants for group gatherings and tours at the Conservancy's Ramirez Canyon property is unclear. The second bullet on page 2-22 indicates "[u]se of the Peach House, Barn, and Art Deco facility for small group gatherings and tours for up to 60 participants each." However, the list that follows (third bullet) indicates that the maximum number of participants for "Public Outreach Programs" and "Tours and/or Small Group Gatherings" is 40 each. YY-7

The maximum number of persons allowed for special events is stated as 150-200, but the DEIR does not state whether that number includes staff for the event (caterers, waiters, entertainment, etc), nor does the DEIR describe what other uses might be occurring at the same time (i.e., administrative use, camping, etc.). The FEIR should clarify the total number of persons allowed on the property during any special event, and should analyze the potential environmental impacts based on the total.

Page 2-22, second bullet. The DEIR states that use of the Peach House, Barn and Art Deco facilities for small group gatherings and tours is subject to securing "all other necessary approvals under State law for such use of these facilities." The DEIR also states that the other structures on the property will be used for office and administrative use – *without the caveat of securing approvals*. Non-residential use of any of the structures on the property raises significant environmental impacts and poses risks to public safety. All of the structures were built for residential use, some in the 1950s and 1960s. In 2000, the Commission authorized the Conservancy to "convert" the existing single-family residences to use for offices and appurtenant facilities. That conversion was a "change in occupancy" and required that the structures be brought in compliance with the Uniform Fire Code (24 Cal. Code Regs., §§ 102.3, 202). There is no evidence that the Conservancy made any of the improvements necessary to bring the structures up to Code. The FEIR should (a) analyze the existing condition of the structures, (b) determine whether it is feasible to bring the structures up to Code for non-residential use, (c) analyze the environmental impacts of the required construction, and then (d) analyze the environmental impacts of the proposed uses of the improved structures. YY-8

Page 2-22. The Malibu LCP, as purportedly amended by the Coastal Commission in June 2009, allows a maximum of 10 outreach events per month at the Conservancy's Ramirez Canyon property. The DEIR lists a minimum of 10 events per month at several Conservancy properties, five of which would be at the Ramirez Canyon property. The FEIR should identify the maximum number of events that will be conducted at each of the properties each month and should state whether five events is the maximum per month at the Ramirez Canyon property. The environmental analysis and the identification of potential impacts should then be based on the maximum number of events. YY-9

2. Ramirez Canyon Road Widening/Secondary Access

The Plan proposes access over and improvements to Ramirez Canyon Road and Via Acero. These elements of the Plan are not feasible because those are private roads. The Conservancy has no right to use Via Acero and has no right to use or improve Ramirez Canyon Road for the uses proposed by the Plan. Neither the PWP nor the DEIR includes any plans to acquire those rights. Therefore, if these YY-10

access plans are included in the FEIR, the FEIR should state the means by which the Conservancy intends to acquire the necessary rights. YY-10

3. Required Approvals and Permits and Responsible Agencies

The DEIR fails to identify several permits and approvals which would be required to implement the project. The Kanan Dume Road parking improvements would require a conditional use permit (CUP) from the Los Angeles County Regional Planning Department (Los Angeles County Code Sec. 22.20.430-22.20.440.) A CUP, final development plan, and Environmental Review Board approval would be required for the campsites and associated facilities at the Conservancy's Ramirez Canyon property that are located within Los Angeles County (Id. Sec. 22.24.100, 22.44.300, Los Angeles County Malibu LUP P89).

Even if the Conservancy acquired the right to use Via Acero and Ramirez Canyon Road, the proposed road improvements would require a Coastal Development Permit (CDP) from the City of Malibu (Malibu LIP Sec. 13.4.2.B.3). YY-11

CalFIRE, through the State Fire Marshal, and Los Angeles County Fire Department (LACFD), must approve all Fire Protection Plans as well as any proposed modifications to Fire and Building Code standards.

The Los Angeles County Regional Planning Department and the City of Malibu Environmental and Community Development have discretionary approval power over the project and must be included as responsible agencies (CEQA Guidelines, sec. 15381 (p. 2-71)).

D. Environmental Setting (DEIR Section 3.0)

Page 3-1 indicates that private property is included in the Plan area only if there is an existing trail on the property or if an open space Offer to Dedicate (OTD) has been recorded against the property. Via Acero and Ramirez Canyon Roads are private property, there are no existing trails on those roads, and there are no recorded Offers to Dedicate along the length of those roads. Therefore, the FEIR should eliminate the proposals for road improvements and pedestrian trails along Via Acero and Ramirez Canyon Road. YY-12

Pages 3-2 through 3-3. The description of the Conservancy's Ramirez Canyon property should clarify whether all necessary permits have been obtained for the previously developed structures and should also clarify whether those structures comply with the requirements of the Building and Fire Codes for the proposed uses. YY-13

Page 3-3. The existing uses at the Conservancy's Ramirez Canyon property are characterized as "passive and active recreation," but the DEIR does not include the definition of those terms. The FEIR should define and delineate the "passive" and "active" recreation currently occurring on, and proposed for, the property and should provide a separate analysis of the environmental impacts of the intensification of each type of use. YY-14

The DEIR states that no park rangers are currently stationed in Malibu and that the closest rangers are at King Gillette Ranch. The FEIR should indicate whether any rangers will be stationed in Malibu as part of Plan implementation. If no rangers will be stationed in Malibu, the FEIR should analyze the environmental impact of the lack of those rangers given the significant intensification in use proposed by the Plan. YY-15

The watersheds in the Plan area drain into the Santa Monica Bay, and the Plan proposes to intensify the use of the watersheds by humans, dogs and horses. The DEIR does not include any information concerning existing water quality conditions in the Bay. The FEIR should include an analysis of the environmental impacts of the Plan on the Bay and should consider, among other things, the following facts:

"Beach report cards" issued by Heal the Bay regularly show that Malibu beaches have water quality ratings that are among the worst in the state (http://www.healthebay.org/brcv2/). For example, the 30-day testing period ending February 16, 2010, the following Malibu beaches received a grade of F:

Escondido Creek (dry weather – F, wet weather – C)

Paradise Cove Pier at Ramirez Canyon Creek Mouth (dry and wet weather – F)

Marie Canyon storm drain at Puerco Beach (dry and wet weather – F)

Surfrider Beach (dry and wet weather – F)

YY-16

Studies are currently underway to identify and assess the possible source(s) of the bacteria, including a Bacterial TMDL Implementation Plan for the City of Malibu and the County of Los Angeles.

The Regional Water Quality Control Board recently recommended that new septic systems be prohibited in the Malibu Civic Center area and that existing septic systems will have to be phased out by 2015 for commercial properties and by 2019 for residential owners. That recommendation will now be considered by the State Water Board.

E. Policy Consistency (DEIR Sections 4.0 and 5.11)

The comments below address both Sections 4.0 and 5.11 of the DEIR.

Pages ES-4 and 2-9. The DEIR states that the project will be implemented "consistent with all applicable public access and resource protection policies of the Coastal Act and Malibu LCP." The statement is contradicted by the environmental analysis, which finds inconsistency with geologic hazard and ESHA policies to be a significant and unavoidable impact (Impact LUP-2). YY-17

The policy consistency impact analysis for the Conservancy's Ramirez Canyon property does not address the condition of the existing structures on the property, including whether improvements to those structures have been permitted and whether the structures have been or will be brought up to Code for public assembly, commercial or office use. The FEIR should include that information and should evaluate the environmental impacts based thereon. If improvements to the structures are required, the FEIR should identify the environmental impacts of the construction of those improvements. YY-18

Pages 5.11-22 through 5.11-23. The policy consistency analysis for the Conservancy's Ramirez Canyon property identifies parking and associated fuel modification as non-resource-dependent uses. However, commercial special events and administrative offices and the fuel modification associated with these uses are also not resource-dependent. Therefore, impacts to ESHA associated with these proposed uses and improvements are inconsistent with the same Malibu LCP and Coastal Act policies. YY-19

Pages 5.11-29 through 5.11-32. The cumulative impacts analysis states that "it is anticipated that the decision-maker would remove elements of the Plan or adopt a proposed Plan alternative to avoid this policy conflict, or entertain 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, and thus provide for consistency of the proposed Plan with applicable policies of the Coastal Act and City of Malibu Local Coastal Program..." The statement is not consistent with CEQA. Removal of plan elements or adoption of alternatives could result in consistency with applicable policies. However, a Statement of Overriding Consideration would not achieve policy consistency. Therefore, while a Statement of Overriding Consideration may address the CEQA requirement relative to significant and unavoidable impacts, the Plan would remain inconsistent with applicable policies and therefore would not be an approvable project/plan as proposed. YY-20

Pages 2-52 through 2-53. Malibu LCP Policy 5.69 requires campsites to be "carry-in carry-out" and restrooms to be "self-contained chemical/composting restrooms." The DEIR is not consistent with the Policy because it indicates that trash cans will be located at each trail camp area, and that trash and recycling will be collected and that restrooms will be cleaned and maintained utilizing pick-up trucks and/or small Cushman-style utility vehicles on existing trails (MM BIO-10.6 also indicates trash could be picked up by vehicle). Collection of trash and sewer maintenance using motorized vehicles on trails located in ESHA is inconsistent with Malibu LCP Policy 2.45 and Los Angeles County Code, Chapter 22.24.090. YY-21

Table 1 of the County's Malibu LCP states: "Land alteration and vegetation removal, including brushing, shall be prohibited within undisturbed riparian woodlands, oak woodlands and savannahs and any areas designated as ESHA's [stet] by this LCP, except that controlled burns and trails or roads constructed for providing access to recreational areas may be permitted consistent with other policies of the LCP." The Plan improvements proposed within the ESHA in the meadow on the Ramirez Canyon property, which include campsites, restroom facilities and associated grading and fuel modification, are inconsistent with the County's LCP. YY-22

As stated above, the Conservancy's Malibu Bluffs property was not included in the Overlay as purportedly approved by the Coastal Commission. Therefore, the DEIR's inclusion of development of this property and application of policies specific to the Overlay is inconsistent with the Malibu LCP. YY-23

Ramirez Canyon Road is a private residential road owned by the property owners in Ramirez Canyon. Public use of the road, and any use of the road for office and commercial purposes, is inconsistent with numerous policies of the Coastal Act and Malibu LCP which require the balancing of competing needs for public safety, private property rights, and protection of natural resources. YY-24

Under the Coastal Act, camping (with attendant support facilities), grading, and fuel modification are not "resource dependent" uses in ESHA. The provision of the Overlay that allows these uses in ESHA violates the Coastal Act and is therefore void. The FEIR should delete these proposed uses. YY-25

F. Environmental Impact Analysis (DEIR Section 5.0)

CEQA requires that an EIR impact statement describe the extent of the impact *prior to* mitigation. The DEIR does not comply with CEQA because the environmental analysis and corresponding impact statements are inclusive of mitigation measures, some of which are expressly proposed and some of which are implied. As a result, the classification of impacts is erroneous. The FEIR should comply with the analysis required by CEQA. See Attachment C for a list of impact statements which should be revised for this reason. YY-26

1. Aesthetic/Visual Resources (Section 5.1)

The project description includes replacing the existing metal gates and pilasters on private Ramirez Canyon Road with a four-foot high chain link and fabric gate with a four-foot wide pedestrian access. This measure is not feasible because the gates and pilasters belong to the owners of Ramirez Canyon Road, and the Conservancy does not have the right to remove them. In addition, this would have a significant, negative aesthetic impact, which should be addressed in the Aesthetic/Visual Resource analysis in the FEIR. YY-27

The DEIR does not include any information about lighting for the special events which are proposed at the Conservancy's Ramirez Canyon property. Will there be any restrictions placed on the amount, wattage or direction of lighting allowed for special events? For example, lighting directed toward the sky should be prohibited. Lighting used for special events at the Conservancy's Ramirez Canyon property should be analyzed in addition to permanent lighting. YY-28

2. Air Quality (Section 5.3)

The DEIR concludes that the impacts of the Plan on air quality are less than significant. However, as noted above, the DEIR does not include an analysis of construction which might be required to bring the residential structures on the Ramirez Canyon Property up to Code for the proposed uses. The FEIR should describe any required construction and should analyze the corresponding impacts on air quality. YY-29

The DEIR does not include any analysis of the impact of the risk of fire on air quality. The FEIR should include that analysis. YY-30

3. Biological Resources (Section 5.4)

Preliminary Note: In the executive summary, the impacts to ESHA are categorized as Potentially Significant and Unavoidable, the impacts to Sensitive Vegetation Communities, Special Status Plans and Native Trees, and Riparian Resources are categorized as Less Than Significant with Mitigation, and the impacts to wildlife movement are categorized as Less Than Significant. However, the discussion of Biological Resources lumps them all together. The FEIR should include a separate analysis of each. That analysis is necessary because, among other things, the finding of a significant impact to ESHA requires that the EIR evaluate alternatives even if those alternatives "would impede to some degree the attainment of the project objectives . . .." (CEQA Guidelines, sec. 15126.6, subd. (a).) The project as proposed is located almost entirely in ESHA, and there is no adequate discussion of why the project could not be located outside ESHA (see further discussion regarding Alternatives, below). YY-31

Without waiving this fundamental defect, we note the following deficiencies in the discussion of Biological Resources:

The study area for the Biological Technical Report (Appendix H-1) included a 50-foot buffer around proposed improvements. The study area for the Tree Protection Plan (Appendix F) included a 20-foot buffer around park, campsite, and road improvements. There is no study of the areas around existing structures at the Conservancy's Ramirez Canyon property, purportedly because no specific physical changes are proposed. However, if those structures have not been brought up to Code, significant physical changes will be required. In any event, the Fire Protection Plan (Appendix I) requires fuel management of up to 300 feet around new and existing combustible structures. Therefore, because construction and fuel modification could have a significant affect on biological resources, the study YY-32

areas should be expanded. The FEIR should quantify the impacts and include mitigation to offset the short- and long-term impacts on biological resources. YY-32

Figure 5.4-3, which is an index to the following Figures 5.4-3a-e, is helpful. However, the plant community key is provided only on the index map, and not on each map, which makes it difficult to determine what the mapped categories represent on any given map. The key should be provided on each map. In addition, the FEIR should include an indicator to distinguish between plant communities that are primarily non-native and those that are considered sensitive. YY-33

Section 6.0 of the Native Tree Protection Plan (Appendix F) states that "any tree requiring removal will be mitigated with 10:1 tree planting at on-site locations." The DEIR does not quantify the number of trees that will be removed, nor does it identify the mitigation locations. For example, how many native trees would be removed from the Conservancy's Ramirez Canyon property and along Ramirez Canyon Road if the proposed road modifications are made? Figures 7c and 7d in Appendix H-1 show impacts to three California walnut trees, but do not indicate whether that impact is "removal." The FEIR should clarify these ambiguities, identify each tree slated for removal, and indicate the location of any mitigation trees. YY-34

The biological resources section should include a figure (or several figures) that depicts the area of potential impacts overlain on maps showing biological resources. Without this information, it is difficult – if not impossible – to determine where impacts to resources would occur, what resources would be affected, and to provide meaningful comment. YY-35

The fuel management area around the accessible campsites at the Conservancy's Ramirez Canyon property extends across Ramirez Creek (Figure 2-8). The fuel management area around the restroom at the meadow campsites is less than 50 feet from the Creek centerline and the proposed water line is less than 100 feet from creek centerline (Figure 2-9 (the top of the bank is not shown on the project plans so it is impossible to determine this distance)). Would this result in a loss of riparian habitat or impacts to ESHA? Would it result in habitat and ecological function degradation? YY-36

Page 5.4-29, broad leafed upland tree dominated. The second sentence states: "Communities are not common in this area." Does "communities" refer to broad leafed upland trees? This category is mapped extensively in Ramirez and Escondido Canyons, and the proposed trails throughout the Plan area would switchback through it (Figures 5.4-5a-d). Thus, the statement is not accurate. YY-37

Page 5.4-29, non-native grassland. The DEIR states: "Giant reed is considered sensitive because it is a riparian habitat under the CEQA guidelines...." Giant reed is not identified as a sensitive plant community by the California Natural Diversity Database (CNDDB). In any event, giant reed is an invasive non-native species that is rated by the California Invasive Plant Council (CalIPC) as "high," meaning that it causes "severe ecological impacts on physical processes, plant and animal communities, and vegetation structure." Because the giant reed is located in a riparian area, the FEIR should identify the precise extent of this species and its proximity to native species. The FEIR should also address the environmental impact of the potential spread of this species, and necessary mitigation measures. YY-38

Page 5.4-30, Riparian and Bottomland Habitat. The first paragraph states that only one alliance is present. However, four alliances are described under Riparian Forest and Woodland. Which is correct? YY-39

Page 5.4-37, Special Status Species (which should be "Plant Species"). The second sentence states that five special-status plant species were observed. However, the list includes six such species. In YY-40

addition, special-status plant species are defined as CNPS List 1, 2, or 3. Only one of the six species discussed by the DEIR falls within those categories, Plummer's mariposa lily. CNPS List 4 is a watch list. The FEIR should either redefine the special-status species to include List 4 or delete all List 4 species from the analysis. YY-40

Page 5.4-38. The second paragraph discusses special-status plants. However, the table called out in the discussion (Table 5.4-4) is for the sensitive vegetation communities that were discussed on pages 5.4-27 through 5.4-30 with no table called out. YY-41

Table 5.4-4 is essentially a repeat of Table 5.4-2 without a few non-native communities. To allow for a more comprehensive analysis, the FEIR should indicate both sensitive and non-sensitive communities on Table 5.4-2, and should delete Table 5.4-4. YY-42

Table 5.4-5 should indicate which tree species are native. Technically, toyon is a large shrub and not a tree. YY-43

Page 5.4-45, first full paragraph states that "the majority of the native trees included in the surveys are located within Ramirez Canyon Park." The FEIR should provide additional detail and analysis. For example, how many of the native trees are within the property boundaries and how many are along Ramirez Canyon/Delaplane Road? On page 5.4-48 (third paragraph), the description of the Ramirez Canyon property states that the plant species present are mostly ornamental except for several western sycamores, slender wild oat, ripgut brome, and soft chess near the entrance. However, the description also states that there are scattered western sycamores in and near Ramirez Canyon Creek. These statements are in direct conflict. In addition, Figure Appendix A3 (in Appendix F) depicts more native trees than non-native trees. The last paragraph, regarding Ramirez Canyon Road, should indicate the number of native trees present. YY-44

Page 5.4-55 and 5.4-56, Significance thresholds. The DEIR states that a project will have a significant impact if it "conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance." The PWP conflicts with City and County LCP and Coastal Act policies regarding impacts to ESHA for non-resource dependent uses. The biological analysis should identify all the impacts to ESHA as Class I Significant Impacts. YY-45

Pages 5.4-55 and 5.4-56, Significance thresholds. The list in CEQA Guidelines Appendix G provides "examples" and should be modified for this project as follows: The first bullet should add National Marine Fisheries Service (NMFS) because that agency has jurisdiction over steelhead. The third bullet should include state wetlands, particularly for those areas within the Coastal Zone which require the application of federal and Coastal Commission criteria. YY-46

Page 5.4-56, second paragraph. The DEIR does not address short-term direct impacts (e.g., noise, human presence, etc. during construction) and long-term direct impacts (e.g., periodic fuel maintenance, the potential for increased fires, and the impact on vegetation communities and wildlife). An increased frequency of fires in chaparral can cause type conversion, a substantial change that could occur over fairly large areas. YY-47

Page 5.4-57 and following. The DEIR does not address impacts to vegetation that is not considered a sensitive community, and it does not address impacts to common wildlife that are not sensitive species. Increasing human presence, pets and horses in undeveloped areas, such as along the trails and trail camps, will alter wildlife use of these areas and will increase the potential for fires that can affect sensitive and non-sensitive vegetation. Trail and campsite maintenance activities will cause periodic direct and indirect impacts in the long term. The FEIR should address these issues. YY-48

Several biological mitigation measures include terms such as "should" and "may." (See MM BIO-1.3, MM BIO-1.4, MM BIO-1.6, MM BIO-1.7, and Plan Requirement and Timing pp. 5.4-64.) To ensure mitigation is adequate and properly implemented, these terms should be replaced with "shall." YY-49

MM BIO-1.2 indicates that mitigation will occur on land currently owned or managed by SMMC/MRCA. However, SMMC/MRCA owns land far beyond the Plan area. The FEIR should specify the location of mitigation sites or, at a minimum, identify acceptable mitigation sites a maximum distance from the Plan area. YY-50

MM BIO-1.5 should include riparian habitats as well as all native habitats, sensitive or not. YY-51

MM BIO-1.6. Planting layouts should be added in subdivision (b). Subdivision (c) should specify that plant sources must be local material. Subdivision (h) should limit herbicide use. YY-52

MM BIO-1.7. April 30 is very late for planting most native species unless irrigation is provided. The FEIR should require that planting be completed before March 1 to best take advantage of the rainy season. In the alternative, the FEIR should describe and analyze the impact of irrigation measures. YY-53

MM BIO-1.8. This measure appears to include CDFG standard conditions for riparian vegetation. These criteria may not be appropriate or attainable for dry upland communities such as chaparral and coastal sage scrub. Success criteria should be site-specific as noted in MM BIO-1.6. YY-54

MM BIO-1.11. The third bullet should also include the phrase "after the bird nesting season," unless nesting bird surveys are to be conducted prior to the work. YY-55

MM BIO-1.12 and MM BIO-1.13 allow public restrooms and other "support facilities" to be located within 25 feet of the top of stream bank at the Conservancy's Ramirez Canyon property, Latigo trailhead, and Corral Canyon Park. The DEIR does not evaluate the potential environmental impacts of a reduced riparian setback for facilities at these locations. YY-56

MM BIO-1.15 requires a minimum 100-foot setback unless a qualified biologist or environmental resource specialist determines, to the satisfaction of the reviewing body, that potential impacts to ESHA riparian corridors will be avoided or appropriately mitigated and that there is no alternative site design to meet the 100-foot setback requirement. The project plans include campsites within 100 feet of the top of bank of Ramirez Creek. Therefore, a study by a qualified biologist and an alternatives analysis must be included in the EIR to provide the public and the decision makers with the information and analyses necessary to fully evaluate the proposed plan. Deferring this analysis is improper, because it delegates the decision to a "qualified biologist or environmental resource specialist" outside the scope of the EIR. YY-57

MM BIO-1.14. The discharge of construction site drainage should not be directed to storm drain facilities because most of those facilities have no treating/filtering capacity and discharge to waters of the U.S. The issue is particularly sensitive because, as discussed above, the Santa Monica Bay experiences constant and severe pollution from the watershed in which the Plan is located. All runoff from construction sites should be contained and at least filtered before discharge, and this requirement should be included in the project SWPPP. YY-58

MM BIO-1.19. This measure does not explain the manner in which it mitigates the construction impacts under which it is listed. YY-59

Impact BIO-1.1, Residual Impacts. Recovery/mitigation of chaparral and sycamore/oak woodland will take much longer than five years for a functional ecosystem to develop. Therefore, residual impacts will occur in the long-term, making this portion of the impact Class I. YY-60

Page 5.4-64, Short-Term Indirect Impacts (Construction). NPDES is a permit. The text should state that a construction NPDES *permit* will be obtained and implemented. The last sentence is a residual impact statement and should be deleted. YY-61

MM BIO-2.1. This mitigation measure applies to grading in areas *adjacent* to ESHA. However, the DEIR does not include mitigation that requires a biologist to monitor construction activities *within* ESHA, such as in the Conservancy's Ramirez Canyon property. The mitigation measure should be revised to include monitoring of grading activities within ESHA or, in the alternative, another mitigation measure should be added to include this requirement. YY-62

MM BIO-2.2. There is no definition of "significant soil disturbance," and there is no explanation of the criteria under which it might be measured. The FEIR should either include that information or the measure should be revised to apply to <u>all</u> soil disturbance. YY-63

Impact BIO-3. The analysis of this impact should include the effects of potentially increased fire frequency that could result from increased use of wildland and wildland urban interface (WUI) areas in the Plan area, all of which is designated a Very High Fire Hazard Severity Zone. YY-64

Impact BIO-4 includes Southern California black walnut trees (all of which are in Ramirez Canyon). Mitigation measures must be provided for this species. YY-65

Impact BIO-5. The first two sentences of this statement describe mitigation, not impact, and should be deleted. The impact is to Special Status Plants and the word "vegetation" in the third sentence should be changed to "special status plants." Unless the revision is made, this impact is simply a repeat of Impact BIO-2. YY-66

Impact BIO-7. Bird nesting occurs not only in woodlands, but also in shrub and chaparral habitats. Impacts could occur if shrubs are removed. The fourth sentence should be deleted because it discusses mitigation. The analysis should assess impacts prior to mitigation, and then propose appropriate mitigation to reduce impacts. YY-67

MM BIO-7. Does "development" in the last line on page 5.4-71 include trails? YY-68

Impact BIO-10. The biological analysis recognizes the potential long-term, indirect impacts of campers on wildlife. However, the DEIR does not address the potential impacts associated with public gatherings, tours, and special events at the Conservancy's Ramirez Canyon property. The Impacts from special events would be more intense than from the other activities, because up to 200 people could attend some events and activities could occur seven days per week. The EIR should evaluate the effects of noise, lights and other disturbances caused by events and increased use of the Conservancy's Ramirez Canyon property on wildlife, especially in the restored creek habitat. YY-69

Impact BIO-13 and Table 5.4-8. How many of the impacted trees in Table 5.4-8 would be removed and require mitigation on-site? YY-70

MM BIO-13.1. Where will mitigation trees be planted at 10:1 ratio? YY-71

Page 5.4-86, Ramirez Canyon property (Vegetation/Trees). The fact that plant communities may not be considered sensitive does not defend the conclusion that impacts are less than significant. This reasoning appears in other locations in the Biological Resources Section as well. Impacts would be less than significant only if a substantial amount of the community in the region and ecological functions would not be adversely affected. YY-72

Page 5.4-88 line 4: As stated above, NPDES is a permit. The statement starting on line 6 reads "short-term indirect effects listed above during will be less than significant." The statement is incomplete: during what? YY-73

Figure 5.4-5c (as well as Figure 5.4-3a) shows large areas within the Conservancy's Ramirez Canyon property as developed. However, Figure Appendix A-3 in Appendix F shows a number of native trees in these areas. The figure also shows only one California walnut as not being impacted. However, there are at least eight more walnuts on the property. YY-74

Page 5.4-123, first paragraph. The reason for the 'less than significant' finding is not defensible. See comment above for page 5.4-86. YY-75

Page 5.4-127, last line of first paragraph. The "indirect impact to the specific number of trees" is not shown in Table 5.4-22 as stated. The FEIR should include that information, by species, for trees removed and for trees impacted but not removed. Table 5.4-22 repeats the impacts to California sycamore-coast live oak that was given for ESHA in Table 5.4-10. YY-76

Page 5.4-128 last paragraph regarding the Conservancy's Ramirez Canyon property, and page 5.4-131, last paragraph regarding Trail System. The ecological function of the California sycamore-coast live oak community cannot be restored by planting trees and understory plants within a few years. It takes many years to restore community functions. Therefore, impacts would be long term and significant (Class I). YY-77

Page 5.4-132, Ramirez Canyon property (Wetlands). The DEIR analysis is limited to the impact on riparian habitat, which was discussed in previous sections. What are the impacts to wetlands? YY-78

Page 5.4-134, Ramirez Canyon. The FEIR must address the long-term impacts of increased human presence, pets, and fire. YY-79

Impact BIO-15. The FEIR should also include NMFS and state wetlands (see comment above for pages 5.4-55 and 5.4-56). If restoration of chaparral fails to meet performance criteria, what measures will be taken to mitigate the impacts to this plant community? YY-80

Page 5.4-140 to 5.4-141, Cumulative impacts. What are the impacts of the cumulative projects identified in the DEIR without the proposed project? Does the proposed project result in a considerable contribution to that impact prior to mitigation? The cumulative impacts analysis must address these questions and must separately address the plant communities, wildlife, and special status species. State protected wetlands must also be considered. YY-81

Impact BIO-16 states: "Implementation of the Plan would not result in a less than significant cumulative contribution..." Use of a double negative should be avoided. YY-82

The FEIR should address the potential biological impacts of grading, including but not limited to the following: How will cut surfaces be revegetated where topsoil is removed? Will topsoil be salvaged and replaced? Table 2-15 indicates that approximately 2,000 cy of excess cut will be necessary for the YY-83

trails in Ramirez Canyon, resulting in many barren cut slopes that will require revegetation for soil stability and aesthetic purposes. YY-83

The FEIR should address the potential long-term, direct and indirect biological impacts of trail and camp site maintenance, including but not limited to the following: How frequently would trails and camp sites be maintained (i.e., how often would plants and wildlife be disturbed in the long term)? Will herbicides be used in vegetation maintenance? If so, what precautions will be taken so that native plants are not affected? Will personnel be trained to differentiate between weeds and native plants? YY-84

The FEIR should address weed invasion along trails and at camp sites, as well as other regularly disturbed areas, particularly in ESHA. YY-85

The DEIR does not include any evaluation of alternative routes for trails into and out of the Conservancy's Ramirez Canyon property. Were any such alternative routes evaluated? YY-86

There are several native species of willows on the Conservancy's Ramirez Canyon property along Ramirez Creek. The FEIR should address any impacts to these trees and any required mitigation. YY-87

The DEIR does not identify or analyze the impacts on Ramirez Creek of the potential widening of Ramirez Canyon Road. Those impacts must be evaluated, including but not limited to: Will any of the at-grade crossings be widened or altered in any way that could affect riparian vegetation? Will any riparian trees be removed or adversely affected by replacement of the bridge over Ramirez Creek near Via Acero Way? How will runoff from grading, fresh asphalt, and concrete (if used) be contained and treated before release to the creek to avoid impacts to riparian vegetation as well as aquatic and terrestrial wildlife? YY-88

The Fire Protection Plan requires the creation of fuel breaks within proposed development areas around all grading, site work and other construction activities where flammable vegetation exists (Appendix I, p. 58). The FEIR must address the impact of those fuel breaks on sensitive biological resources. YY-89

a. Native Tree Protection Plan (Appendix F)

Page 2 includes a very brief discussion of the Conservancy's Ramirez Canyon property. However, there is no discussion of the trees present on the property. The Native Tree Protection Plan is not complete without that information. YY-90

Page 5. *Heteromeles* and *Salix lasiolepis* are misspelled here and in the Biological Resources section of the EIR. YY-91

Page 8. *Heteromeles* is misspelled twice.

Page 9 includes a partial discussion of indirect impacts, but no elaboration. The section should be clarified to distinguish direct from indirect impacts. This information is provided on page 11, but should be added to page 9. YY-92

The Appendix must include information about the number of very large, or heritage, trees that may be removed or impacted. YY-93

Page 10. The discussion at the top of the page states that up to ten native trees may be removed for camp areas and for the widening of Ramirez Canyon Road. However, it is not clear whether those YY-94

trees are included in Table 7, and if so, where they appear in Table 7. The FEIR should also indicate which species of native trees may be removed. The FEIR should also differentiate between the trees that will be removed and the trees that will remain in place but be substantially impacted. YY-94

Pages 12-17. The Native Tree Protection Plan (NTPP) discusses several alternatives. However, the alternatives do not appear to reduce impacts to native trees. Were any alternatives designed to reduce impacts to native trees? If not, the FEIR should include a discussion of alternatives that would reduce those impacts. YY-95

Pages 18-19. The NTPP contains brief and cursory protection measures, which contain little information on education and enforcement of NTPP provisions. The NTPP should include more stringent plans and information, especially given the number of native trees that could be directly impacted. Some specific deficiencies include:

The annual monitoring report will be reviewed by MRCA, one of the proponents of the project. It would be appropriate to have an outside agency review reports. YY-96

The outermost limits of the protected zone of trees will be fenced. This is a good step. However, there is no monitoring to ensure that fences are erected and maintained throughout the construction period. Monitoring is critical in a construction zone, where needs and activities are constantly changing.

Trails or paths under the trees' crowns will be constructed to minimize encroachment. However, there is no required training for construction and trail maintenance crews to ensure that the condition is enforced. In addition, there is a discussion of appropriate types of mulch, but there is no requirement that the mulch be weed-free. This stipulation should be added to reduce the spread of non-native invasive species.

A specific measure should be added to address placement of impervious surfaces over the roots of protected trees. YY-97

In the discussion of grade changes, use of minor retaining walls outside the dripline of trees should be addressed as a way of minimizing impacts. YY-98

A discussion should be added to address landscaping and irrigation around native protected trees, particularly in developed areas. YY-99

The discussion of compaction in the root zone should include an analysis of bridging and cantilevering as a means of lessening impacts on the roots of protected trees that are not to be removed. YY-100

The NTPP briefly mentions replacing trees that are removed and trees that "suffer reduced vigor" at a 10:1 ratio, with stipulations for long-term monitoring for establishment on-site. The NTPP should include a stipulation to mitigate trees that are not removed, but are substantially impacted. As explained above, those trees have not yet been identified. This concept must be further developed -- waiting ten years to begin mitigation planting unacceptably lengthens the temporal impact of oak removal and replacement. YY-101

Figure Appendix A-3. It would be helpful to show the limits of disturbance and buffer on this figure, in order that the reader could understand which trees would be removed and which would be impacted by the project. In addition, the scale of the map and the size of the dots and labels makes it impossible to discern all of the mapped trees. For example, there are a total of 11 California walnut trees visible on YY-102

Figures Appendix A-3 and Appendix A-4, but there are 15 trees based on Tables 7 and 8 for the same area. The other four are not discernable on the figures. YY-102

b. Biological Concept Mitigation/Restoration Plan(s) (Appendix H-2)

The mitigation plan is conceptual in nature and does not provide sufficient detail to determine either (a) whether it might be feasible and (b) how it might be enforced. Photographs and maps of existing resources should be included. Performance criteria should be developed for each habitat type at each mitigation site. Those criteria should include cover of native species, cover of non-native invasive species, and a time period with no control of non-native invasive species (to document that the site is self-sustaining). The criteria under which non-native invasive species are defined must also be included. YY-103

The mitigation plan should include more information about native tree replacement. The only reference to performance criteria for trees appears in a height requirement. The plan should include specific requirements for survival at the end of the program (ratios or percentages), height, vigor, stem diameter, time period without irrigation, and time period without browse protection. In addition, specific planting areas for different species should be identified. The plan should also provide information concerning if and how trees will be watered and other proposed maintenance measures during the monitoring period. YY-104

c. General comments regarding the Biological Resources section

Table 5.4-2 is called out on page 5.4-14 but does not appear in the document until page 5.4-33. Some tables are not called out or explained in the text. YY-105

U.S. Army Corps of Engineers is defined as both "Corps" and "ACOE." It would avoid confusion if only one abbreviation were used. YY-106

Table callouts do not match tables (e.g., Table Bio-6 in text callout is for Table 5.4-6). This occurs often throughout the DEIR. YY-107

A large number of the scientific names are not spelled, capitalized, or italicized correctly. *Platanus racemosa* is referred to as California sycamore and western sycamore, but the latter is the accepted name of this tree. YY-108

4. Fire Hazards (Section 5.6)

As noted above, CEQA requires that an EIR impact statement describe the extent of the impact *prior to* mitigation. The data set forth in the DEIR conclusively establishes that the project location, environmental setting, and proposed uses raise significant impacts from Fire Hazards – on the project sites as well as in the surrounding residential neighborhoods. The DEIR does not acknowledge the significant impact. Instead, the DEIR concludes that the impact from Fire Hazards is "less than significant;" the conclusion is based entirely on the Fire Protection Plan. YY-109

Whether the FPP is considered as part of the project or, more properly, as a mitigation measure, the FPP must be both feasible and enforceable. From the standpoint of *fire prevention*, the FPP is neither. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, *social*, and technological factors. (Pub. Res. Code, sec. 21061.1, emphasis added.) The primary "fire prevention" element of the FPP is reliance on visitor compliance with no smoking and no campfire rules. That reliance is not a feasible method by which to

prevent fires because it does not take into account the "social" factors. Some campers or other visitors will build campfires, regardless of the rules. Some campers and some guests at events in Ramirez Canyon will smoke – regardless of the rules. Preventing fires with rules is not feasible, nor can fires be feasibly prevented by "enforcement" of the rules, because *it is not possible to provide any level of supervision which will prevent the violation of the rules and thereby prevent ignition.*

YY-109

All of the data set forth in the DEIR demonstrates that there is no manner by which the proposed uses can be accommodated in a Very High Fire Hazard Severity Zone (VHFHSZ), in box canyons with high fuel loads, without raising a significant impact. While measures can be taken to make structures and activities more fire safe, the only immediately effective prevention tool is to limit human use of the VHFHSZ. Therefore, the FEIR must deal with this significant impact of the proposed PWP under the settled rules of CEQA analysis. Only then can the decision-makers be properly informed and only then can they attempt to make appropriate findings if they decide to proceed in any event.

Without waiving this fundamental objection, we offer the following comments:

YY-110

Page 5.6-1. The Topography section includes the statement, "Up-slope fires move significantly faster than down-slope fires because of an up-slope 'wind effect' which accelerates the spread of fire." This is not the case if a Santa Ana or similar "wind effect" is present, in which case a fire can spread and spot downhill as quickly as it can uphill. The FEIR should be revised to recognize this fact.

YY-111

Page 5.6-5 through 5.6-6. The DEIR describes the existing and proposed water supply at each of the properties, but does not provide any information about the amount of water necessary to protect the existing and proposed improvements. Therefore, it is not possible to determine whether or not the water supply would be adequate to serve the Plan area.

YY-112

Pages 5.6-2 through 5.6-5. The FEIR should clarify that while vegetation can affect fire behavior, when a wind-driven fire occurs, all vegetation will carry fire and burn. The critical point is that owners and authorities must have been diligent at previously complying with existing code requirements for ingress and egress and for existing structures.

YY-113

Page 5.6-8 and Appendix I, p. 43. The DEIR incorrectly states that all proposed camp areas are located in the City of Malibu. Three of the proposed campsites at the Conservancy's Ramirez Canyon property are located in the unincorporated area of Los Angeles County.

YY-114

The DEIR does not specify which fuel modification requirements apply to proposed new restroom facilities. Therefore, it is not possible to determine whether the proposed development complies with those requirements, nor is it possible to determine what other impacts, such as biological impacts, may result from Plan implementation.

YY-115

Pages 5.6-9 to 5.6-10. The availability of additional emergency services personnel and equipment through an automatic aid agreement cannot be considered as a substitute for compliance with Fire Codes or Building Codes, particularly in a VHFHSZ.

YY-116

Page 5.6-10. The DEIR states that the Conservancy's Ramirez Canyon property "is a former estate residence with several existing structures that have been converted to alternative uses from office space, administrative, special events, educational classroom and related facilities." As explained above, the Conservancy was authorized by the Coastal Commission to convert the use of the structures *from* residential *to* office. However, there is no evidence that the structures were brought up to Code to accommodate the change in use. Therefore, the EIR must clarify whether the existing structures comply with building and fire codes. If the structures have not been brought up to Code, the

YY

proposed uses of the structures exposes Conservancy visitors and neighboring residents to a significant risk of loss, injury or death involving structure and wildland fires. The EIR should acknowledge and evaluate that risk and should include mitigation measures to require immediate inspections of the structures by the appropriate fire and building authorities and compliance with all applicable fire and building code requirements for office, public assembly and classroom uses. The mitigation measures should clearly state that if improvements are required to bring structures into compliance, the Conservancy and MRCA must obtain all applicable permits from state and local agencies. YY-116

Page 5.6-11. While the DEIR provides information on fire flow for the Conservancy's Ramirez Canyon property, it does not clearly state whether the existing fire flow is adequate. Eli Iskow was directly informed by both LACFD and Los Angeles County Water Works District 29 that the available fire flow for the current use, population and conditions at Ramirez Canyon is sub-standard in relation to existing life safety needs and the Fire Code. The FEIR should be revised to address the current inadequate fire flow in Ramirez Canyon. YY-117

Page 5.6-11. Our fire expert, Eli Iskow, finds that a five minute response time to the Conservancy's Ramirez Canyon property would be feasible only under the best conditions with absolutely no other traffic. Even then, this is only one crew. The FEIR should identify the number of personnel and type of equipment necessary to effectively respond to a wildfire in Ramirez Canyon and when the park is being used for a large special event for which evacuation is necessary, and determine the response time in this situation. The same should be done for the other park properties. YY-118

Pages 5.6-33 thru 5.6-34 and Appendix I, p. 49. The DEIR states that "none of the historic wildfires in the Santa Monica Mountains have campfire origins." The statement is not correct. The 2007 Corral Fire was caused by an illegal campfire on State Parks property. The Corral Fire burned 4,900 acres and destroyed 86 structures, including 53 homes. YY-119

Page 5.6-52. Vegetation management is extremely labor intensive and the requirements proposed by the Plan are extensive. The FEIR should analyze the amount of personnel required to conduct and maintain all of the vegetation management proposed and evaluate whether this is feasible based on the personnel required relative to the Conservancy's resources. YY-120

Page 5.6-52. The DEIR states, "Vegetation management zones cannot extend beyond the property ownership without written, legal permission of off-site landowners, and shall not extend into sensitive biological areas, or other areas controlled by the City, County, and/or resource agencies, without first having written formal permission from all applicable agencies." The FEIR should describe how the vegetation management zones will be compromised by this caveat and the extent to which this increases fire risk and public safety. YY-121

Page 5.6-54. The DEIR proposes a quick attack firefighting system at campgrounds to suppress fires. This would only be effective if the personnel trained to deploy and use the equipment are also at each site 24/7 and act during the initial moments of a small, slow-moving fire during calm conditions. Even light wind conditions will largely diminish effectiveness, and moderate or stronger winds will negate effectiveness of this equipment. This equipment will not effectively reduce the fire risk in most situations. YY-122

Page 5.6-54. Widening Ramirez Canyon Road will not provide the ingress and egress necessary to evacuate large groups of people in buses or shuttles and residents while allowing multiple emergency response crews to access the area in an emergency. While the DEIR purports that evacuation of park visitors and staff would occur early, evacuation does not occur before the emergency is recognized and YY-123

large emergency equipment is already en route, resulting in large vehicles driving in both directions on Ramirez Canyon Road. At best, this will slow both emergency response and evacuation. A second access way is necessary for public safety. The FEIR should require that a second access to Ramirez Canyon Park be provided or the proposed uses should not be allowed. YY-123

Page 5.6-56. The DEIR states that fire risk will be reduced because park properties will be closed on Red Flag Days. However, many of California's highest property and life loss fires have historically occurred outside of declared Red Flag periods. This mitigation does not reduce the fire risk caused by the Plan to a less than significant level. YY-124

Pages 5.6-57 through 5.6-58. The FEIR should clarify that preparation of a FPP does not de facto allow modifications to the Building or Fire Code. This decision is at the discretion of the enforcing agency. YY-125

Pages 5.6-68 through 5.6-69 and 5.6-86. At one point, the DEIR indicates that the *Peach House* and the caretaker residence will be utilized for temporary on-site sheltering during a fire (pp. 5.6-68 through 5.6-69). However, at a later point, the DEIR states that the *Art Deco House* and onsite residence will be used for that purpose (p. 5.6-86 and Appendix A, p. 30). The FEIR should clarify which of the structures are proposed to be used as temporary shelters and should evaluate the capacity of the structures to be used as such. If improvements are required to ensure that certain structures are capable of serving as temporary fire shelters, the FEIR should explain and analyze the impact of the construction of those improvements. YY-126

Page 5.6-70. As recognized by the DEIR, the increased use proposed by the Plan increases the risk of exposing people and structures to wildland fires and negatively affects ingress and egress to these areas, particularly canyons with only one access like Ramirez Canyon. Given the Plan's location in a VHFHSZ, any increased risk is significant. None of the mitigation proposed by the FPP would reduce the risk to less than significant. The only immediately effective prevention tool is to limit human use of the VHFHSZ. YY-127

Pages 5.6-72 through 5.6-75. Hazard Implementation Measure 4 states that camping will be prohibited and Ramirez Canyon Park will be closed when a Red Flag Day/period is declared by National Weather Service (NWS). The FEIR should specify whether or not the parks will be closed when the Fire Chief issues a localized Red Flag Warning independent of NWS , as this is warranted and does occur on occasion. YY-128

Pages 5.6-72 through 5.6-75. Does "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" in Hazard Implementation Measure 4 (last bullet p. 5.6-74) preclude the requirement that occupied campgrounds will have monitors 24/7? If so, will all campers be trained to use the apparatus so they can respond to a fire when trained monitors are not present? YY-129

Page 5.6-82. The DEIR states "there are no new structures (other than restroom facilities and fire shelters) proposed" for the Conservancy's Ramirez Canyon property and therefore, calculating needed fire flow based on structure size and hydrant spacing is not applicable. The statement does not take into account the fact that the existing structures may require improvements to bring them up to Code. In addition, the water supply analysis does not account for the need to protect the existing structures in the event of a wildfire. YY-130

Pages 5.6-83 through 5.6-84. The DEIR states that Hazard Implementation Measure 6 ("Emergency Access and Emergency On-Site Parking Plan for Ramirez Canyon Park") *will address* emergency YY-131

access during construction of fire department hammerhead turnaround areas, road widening, installation of back-up generators, and contribution of fees to the Ramirez Canyon homeowners association for road maintenance. However, the Emergency Access and Emergency On-Site Parking Plan is not included in the materials circulated with the DEIR. Therefore, it is not possible to determine whether the required emergency access, turnaround areas, and other fire safety improvements are feasible. It is also not possible to identify or evaluate potential environmental impacts that may result from these improvements. This information and analysis should be included in the FEIR. YY-131

Page 5.6-87. Diesel fuel to power a back-up generator is proposed to be stored in a new tank either above or below ground at the Conservancy's Ramirez Canyon property. The FEIR should analyze the potential risks of storing diesel fuel in a Very High Fire Hazard Severity Zone and in ESHA and should also identify appropriate mitigation measures as necessary. YY-132

Impact FIRE-1. The DEIR states that Hazard Implementation Measures 7 and 8 require SMMC/MRCA to "explore" opportunities and "exhaust all efforts" to provide secondary emergency ingress/egress and widen Ramirez Canyon Road to the 20-foot width required by fire code standards. However, as explained above, neither SMMC nor MRCA have the right to use Ramirez Canyon Road for the uses proposed by the Plan. Therefore, because the proposal in the DEIR does not guarantee that a secondary access will be provided, the DEIR must evaluate the hazard scenario in the event that secondary access cannot be provided. In addition, "exhausting all efforts" to improve both Ramirez Canyon Road and Via Acero will not diminish the fire hazards and poor safety aspects inherent in the location of the proposed camping spots and large commercial events in the steepest part of Ramirez Canyon, adjacent to thick brush and at the end of the box canyon. Implementation of the PWP, including proposed improvements and uses at the Conservancy's Ramirez Canyon property, would expose staff, visitors and surrounding residents to a significant risk of loss, injury, or death. Therefore, Impact FIRE-1 is a Class I impact and must be mitigated by making proposed improvements and uses of the Ramirez Canyon property contingent upon either the construction of adequate fire access or the selection of an alternative location for the proposed uses. YY-133

Impact FIRE-1 and Appendix A, page 17 indicates that maintenance of the required fuel modification area around structures at the Conservancy's Ramirez Canyon property "will continue." However, the photographs of the property provided in Appendix A – Attachment 1 demonstrate that maintenance of the required fuel modification areas as described in the FPP and DEIR <u>has not occurred</u>. The photographs show vines and climbing plants on structures, prohibited plant species, and flammable materials stacked against buildings. Further, fuel modification records provided to us by MRCA include significant gaps in compliance with LACFD fuel modification requirements for many SMMC/MRCA-owned properties in Malibu. Photo # 9 shows fuel modification on a slope. However, this was the first year such modification has been conducted in the 17 years the Conservancy has owned the property. YY-134

Impact FIRE-2. The analysis following Impact FIRE-2 states that temporary road or lane closures, which could potentially block emergency access and/or evacuation routes, are not anticipated to occur. The DEIR does not include any data to support that conclusion. By their nature, proposed roadway improvements on Ramirez Canyon Road, including replacement of the bridge and road widening, would obstruct traffic. Ramirez Canyon Road is the only ingress/egress for residents of and visitors to the canyon. Therefore, construction on Ramirez Canyon Road would result in a significant short-term impact unless mitigated. Mitigation measures should include, but not be limited to, a requirement that a secondary access over the Lauber property be constructed prior to any improvements to Ramirez Canyon Road. YY-135

a. Fire Protection Plan (Appendix I)

Page 2. The Fire Protection Plan (FPP) states: "proposed park improvements and uses must be developed and maintained in compliance with applicable Fire and Building Code requirements." What modifications are required to bring existing residential structures at the Conservancy's Ramirez Canyon property (which are proposed for public gatherings, classrooms, and administrative offices) into compliance with the applicable building and fire code requirements for these uses? YY-136

Page 41 and Appendix A, p. 2. The description of fire access to the Conservancy's Ramirez Canyon property in the FPP omits numerous pertinent facts, including but not limited to the following: Ramirez Canyon Road currently does not meet minimum access width requirements per fire code standards. Ramirez Canyon Road is a private residential road. Neither the Conservancy nor MRCA has the right to use or improve the Road for the uses proposed by the PWP. The EIR should include and consider these facts. YY-137

Pages 47-48. The estimated annual emergency call volume is reportedly based on population assumptions provided in Appendix F of the FPP. Appendix F does not include any population assumptions for the Ramirez Canyon property from March to October, and appears to assume zero average people per day for special events conducted between November and February. Based on this, the population assumptions and therefore the annual emergency call volume appears to be significantly underestimated. The FEIR should be revised to include the significant increase in population that would result from the proposed commercial and public gathering uses at the Ramirez property. YY-138

Page 53 states that annual fuel modification will occur by May 15. Other sections of the document state that the deadline is June 15. Which date is correct? YY-139

Page 59. The FPP details requirements for fuel modification zones up to 300 feet from combustible structures. However, the FPP also states that vegetation management zones "shall not extend into sensitive biological areas...without first having written formal permission from all applicable agencies." Most of the Plan area is within or adjacent to ESHA and Malibu LCP and Coastal Act policies restrict fuel modification in and adjacent to ESHA. Therefore, it appears that the fuel modification requirements, particularly for the Conservancy's Ramirez Canyon property, may not be feasible. The EIR should evaluate the fire risks associated with the inability to provide adequate fuel modification areas around existing and proposed structures. YY-140

Page 61. The FPP states that the wooden bridge over Ramirez Canyon Creek on Ramirez Canyon Road will be replaced to provide 20-foot wide access. However, the FPP also states that the bridge replacement may be determined unnecessary. The determination of whether the bridge replacement is necessary must be made before the EIR is finalized. If the bridge is to be replaced, the FEIR must evaluate, among other things, the impact of bridge widening on the riparian ESHA. If the bridge is not to be replaced, the FEIR must evaluate, among other things, the public safety impacts of a traffic bottleneck at that location in the event of a fire or flood. YY-141

Page 61-62. The FPP indicates that there will be no trips generated to the Ramirez Canyon property over Ramirez Canyon Road when the Conservancy's Ramirez Canyon property is closed due to Red Flag and Flash Flood/Flood Warnings and Urban/Small Stream Advisories. Does this mean the administrative offices at the property will also be closed on these days? YY-142

Appendix A of the FPP ("Ramirez Canyon Park Focused Fire Protection Plan"). Figure 1 includes purple lines which appear to be areas of proposed development and buffer zones (although this is not indicated in the map key). Some of the buffer zones extend onto adjacent properties, not owned by YY-143

SMMC or MRCA. The FPP notes that fuel modification cannot extend beyond the property ownership. What measures will be taken to mitigate the infeasibility of providing adequate fuel modification areas for existing and proposed improvements? YY-143

Appendix A, pages 11 and 17. The Ramirez Canyon FPP states: "Existing, designated structures may be utilized as last resort, temporary fire shelters and will be retrofitted, *as possible*, to comply with the ignition resistive construction requirements of the 2007 State Building and Fire Codes (Chapter 7A) for projects within very high fire hazard zones with wildland urban interface exposures (or to the State Fire Code in place at the time of project construction)." (Emphasis added.) The FPP also states: "Existing structures identified as temporary on-site shelters *may be* retrofitted for automatic interior sprinklers." (Emphasis added.) The use of the phrases "as possible" and "may be" provide no guarantee that existing buildings -- which may not comply with current codes -- will be safe for use as temporary fire shelters. The EIR must examine whether retrofitting is possible. If it is possible, the EIR must describe the nature of the improvements necessary to provide shelter capacity, and the impacts of construction of those improvements. If retrofitting is not possible, the EIR must discuss whether it is possible to mitigate the Significant Impact from Fire Hazards without temporary emergency shelters at the Ramirez property. YY-144

Appendix A, Fire Shelters and Fire Truck Sheds Figure. The location of the proposed Murphy Way fire shelter should be reevaluated. This proposed fire shelter is at the top of a ridgeline which is typically the hottest and most dangerous area during a wildfire, particularly when a fire is driven by a northeast wind. As super-heated gases run uphill, they can concentrate at the top of the ridge. In addition, the temporary shelters are proposed for the scenario where it is impossible for visitors to evacuate. If a person could get to the proposed location, it is likely they could egress the area via Murphy Way. In contrast, assuming that the shelter proposed for the Conservancy's Ramirez Canyon property adjacent to the Peach House could be brought not only up to Code, but also to the standards required for such a shelter, the Peach House shelter is far better located for people who could not evacuate. In addition, a temporary shelter at the bottom of the canyon would be less likely to be melted by super-heated gases running uphill as in the Murphy Way location. YY-145

Appendix A, page 26 states, "The term 'relocation' is used instead of 'evacuation' as the term indicates an orderly, preplanned process where people are relocated from one area to a fire shelter or to an off-site area." The statement does not appreciate the nature of the risk. Evacuation means to leave the danger zone and move to a safe area, i.e., it is orderly and should be done in advance of the arrival of a fire. People would not "relocate" to a temporary fire shelter; they would seek refuge in a fire shelter as a last resort when evacuation is not possible. YY-146

Appendix A, page 26. The statement that "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," is precisely the reason the Conservancy's Ramirez Canyon property is an inappropriate site for the intensive uses proposed by the PWP. The FPP and DEIR appear to conclude that closure of the Ramirez property on Red Flag days will resolve most of the public safety issues. However, the quoted statement contradicts that conclusion. The safety of the public should be the <u>first</u> priority when selecting a site for overnight camping and large special events. When contrasted with existing campgrounds in the Malibu area and the alternative locations for the PWP's proposed uses (see discussion below), <u>*the Ramirez Canyon property is the most dangerous location*</u> with respect to topography, fuel load, and difficulty of ingress for fire-fighting and egress for evacuation. YY-147

Appendix A, page 27. The statement that evacuation of staff and visitors from the Ramirez Canyon property can be completed relatively quickly, whereas Ramirez Canyon Road residents may require a longer timeframe, assumes facts not necessarily true. Ramirez Canyon residents have lived with fire. They know that when the time comes to go, there is not time to pack up all the family belongings. YY-148

Visitors to the Conservancy's property may not fully understand or appreciate the risks of visiting a Very High Fire Hazard area. YY-149

Appendix A. Why are the fuel modification zones for the existing structures at the Conservancy's Ramirez Canyon property not depicted on Figure 4? YY-150

Appendix A. Park rangers and park officials are public safety professionals and should put public safety foremost in their priorities when planning safe camping areas. Risk analysis dictates a wide margin for error and public agencies should plan for a worst case scenario. The locations selected for public camping at the Conservancy's Ramirez property leave no margin for error. The upper meadow has poor egress, which would force campers to rely on temporary fire shelters which may or may not comply with building and fire code requirements. By contrast, camping areas located on or near the beach are sited in safe zones. YY-151

Appendix G of the FPP (Alternative Analysis Memoranda) notes that both the Redesign and 2002 LCP Alternatives do not include the Via Acero access improvements. However, the memoranda do not mention the fact that an alternative access to the Conservancy's Ramirez Canyon property across the Lauber property is proposed by both these alternatives. Why is this important fact omitted? YY-152

5. Geology, Soils and Seismic Hazards (Section 5.7)

Impact G-1a states that the proposed improvements, including those at the Conservancy's Ramirez property, have the potential to expose people or structures to substantial geologic and/or seismic hazards due to fault/rupture/ground failure, strong seismic ground shaking, liquefaction, and landslides. The analysis indicates "all structures located within Ramirez Canyon Park that are to be used as part of the proposed activities and special programs would be required to satisfy California Building Code seismic requirements for structures, further minimizing the potential impacts on people and structures from geologic hazards." The Plan provides no assurance that the existing residential structures will be upgraded to meet current seismic safety requirements and the DEIR does not analyze the impact of any of the required improvements. The EIR should describe the seismic improvements required to ensure compliance with seismic standards, and should analyze the impacts raised by the construction of those improvements. YY-153

6. Global Climate Change (Section 5.8)

Page 5.8-25. Why is Malibu Creek State Park not included on the list of campgrounds near the Los Angeles area in Table 5.8-7? YY-154

7. Hydrology, Drainage, Water Quality (Section 5.10)

The DEIR should include maps showing the location of the 100-year flood hazard zone relative to the proposed and existing improvements at each property. The 50-year burned and bulked inundation area maps do not depict all existing and proposed improvements and there are no 50-year burned and bulked maps for the Conservancy's Ramirez Canyon property or Ramirez Canyon Road. Without this information, the impacts cannot be adequately evaluated. YY-155

Are septic systems at the Conservancy's Ramirez Canyon property located in a 50-year burned and bulked inundation area or 100-year flood hazard area? If so, what are the potential impacts on water quality? YY-156

Impact HYD-3 states that proposed improvements would not be placed in the 50-year burned-and-bulked flood hazard area. Does the same apply to existing structures at the Conservancy's Ramirez Canyon property? Why is the 100-year flood zone not used as a standard of analysis? YY-157

Page 5.10-51 through 5.10-52. The cumulative impacts analysis does not describe or evaluate the existing water quality conditions for the watersheds in the plan area. "Beach report cards" issued by Heal the Bay regularly show that Malibu beaches have water quality ratings that are among the worst in the state (http://www.healthebay.org/brcv2/). For example, the 30-day testing period ending February 16, 2010, the following Malibu beaches received a grade of F:

Escondido Creek (dry weather – F, wet weather – C)

Paradise Cove Pier at Ramirez Canyon Creek Mouth (dry and wet weather – F)

Marie Canyon storm drain at Puerco Beach (dry and wet weather – F) YY-158

Surfrider Beach (dry and wet weather – F)

Studies are currently underway to identify and assess the possible source(s) of the bacteria, including a Bacterial TMDL Implementation Plan for the City of Malibu and the County of Los Angeles. The Regional Water Quality Control Board recently recommended that new septic systems be prohibited in the Malibu Civic Center area and that existing septic systems will have to be phased out by 2015 for commercial properties and by 2019 for residential owners. That recommendation will now be considered by the State Water Board. The impact of the project itself, and the cumulative impact of the project in an area with documented poor water quality, could be significant. The EIR should address this issue, properly classify the impact, and identify appropriate mitigation measures and alternatives.

MM HYD-8 requires MRCA staff to remove horse waste at least 50 feet from drainage courses. The mitigation measure should specify how often MRCA staff will travel each trail near a drainage course to check for horse waste and move it 50 feet from the drainage. What is the appropriate frequency of monitoring necessary to ensure that water quality is not degraded? How will the mitigation monitoring program ensure that water quality is not degraded? YY-159

Appendix L, page 10. The existing wooden bridge on Ramirez Canyon Road is inadequate to pass the 50-year flow without overtopping. "Preliminary analysis indicates that if the bridge were replaced with a 34-foot wide bridge it would likely pass the 50-year, clear water flow test." It would not pass the 50-year burned and bulked water flow test. The FEIR should demonstrate how the bridge would meet fire code standards and should evaluate whether the bridge exposes people to significant risk of loss, injury or death as a result of flooding. Further, since the DEIR is unclear as to whether the bridge will be replaced, the analysis should evaluate the potential impacts if the bridge is not replaced. YY-160

8. Noise (Section 5.12)

Page ES-65. Impact N-2 appears to be incorrectly placed in Table ES-3 – Class III – Less than Significant. N-2 is a Class II impact and requires mitigation. YY-161

Impact N-2. The analysis fails to identify or evaluate the impact of noise from special events at the Conservancy's Ramirez Canyon property on campers at this site, particularly campers at the two sites proposed at the location of the existing tennis courts. YY-162

Page 5.12-12. The threshold used to determine a substantial increase in ambient noise is calculated on an annual basis in the DEIR. However, special events including up to 200 people would be allowed at the Conservancy's Ramirez Canyon property only from March through October. Therefore, the use of an annual average distorts what could be a significant impact during the eight months when large special events would occur. The threshold for determining significant impacts at the Conservancy's Ramirez Canyon property should be calculated separately for March through October and November through February. YY-163

The DEIR indicates that transportation to and from the Conservancy's Ramirez Canyon property, via Ramirez Canyon Road, will generally use 15- or 22-passenger vans, mini-coaches or small buses up to 30 feet in length (page 5.6-56). There is no provision in the PWP that limits the size or type of vehicles to be used and the DEIR does not identify the types of vans, mini-coaches or buses, and does not quantify or evaluate the noise generated by those vehicles. The noise analysis must take into account the significant increase in noise created by the proposed transport vehicles as compared to noise generated by the current traffic, which is primarily cars and small trucks. YY-164

Impact N-4. The DEIR provides no data or analysis to support the conclusion that impacts of noise from special events and programs at the Conservancy's Ramirez Canyon property, including amplified sound and multiple buses or vans traveling Ramirez Canyon Road, would be less than significant. In addition, while PWP Land Use Implementation Measure 5 requires event monitors to "check sound levels hourly at the site boundaries" during special events, the policy does not describe the manner in which sound levels will be checked and/or what training the event monitor will have with regard to monitoring noise. Therefore, it is impossible to determine whether the impact would in fact be less than significant. YY-165

The noise analysis notes that topography can have the effect of reducing the distance of influence for noise by providing a natural barrier. However, the analysis fails to take into account the fact that in canyons, particularly box canyons, noise propagates when it travels along or bounds off the surrounding canyon walls. YY-166

The Fire Protection Plan indicates that a diesel powered generator will be installed at the Conservancy's Ramirez Canyon property. The location is not specified. Will this generator be used anytime other than during wildfire emergencies? If so, the noise analysis should include the potential impacts from the use of the generator on the surrounding residential neighborhood. YY-167

The analysis should also address potential noise impacts due to ongoing trail and landscaping maintenance, as well as fuel management activities at each property. YY-168

9. Transportation and Parking (Section 5.15)

The description of construction periods for various components of the Plan (pp. 5.15-18 through 5.15-19) does not appear to take into account the proposed improvements to Via Acero. The FEIR should provide clarification. YY-169

Table 5.15-27 separates into different categories (a) construction related trips for the Conservancy's Ramirez Canyon property, (b) Ramirez Canyon Creek Restoration, and (c) Ramirez Canyon Road widening. By separating the trips by "project," the analysis substantially underestimates the traffic impact on Ramirez Canyon Road. The total construction related trips is 58. When combined with existing vehicle trips to the property (54 weekday trips per Table 5.15-10), total trips would exceed the 80 trip per day. Moreover, the analysis does not include any construction-related trips required to bring YY-170

the structures on the Ramirez property up to Code and does not include any analysis of construction related trips for the proposed improvements to Via Acero. YY-170

The project description and parking analysis fail to indicate where staff and visitors to the Conservancy's Ramirez Canyon property would park and how they would access the property when the bridge is under construction. This could result in significant impacts related to parking and fire hazards and should be addressed in the EIR. YY-171

The DEIR states that the Conservancy's Ramirez Canyon property would be "managed" and "monitored" to limit parking to 47 vehicles and total trips per day to 80. It is not possible to determine the feasibility of this "management" technique because the DEIR does not provide any information concerning how the goal might be achieved or what measures would be taken to reduce trips if the thresholds were exceeded. YY-172

The Conservancy's Ramirez Canyon property has been designated as the Conservancy/MRCA Western Sector Emergency Command Center for fire, disaster, and public safety emergencies. Given the location of the property (i.e., dead end of a box canyon without Code-compliant access roads), is the Ramirez Canyon property a feasible location for such a Command Center? What impact does that designation and associated use have on fire hazards, noise and traffic? YY-173

10. Utilities and Service Systems (Section 5.16)

The Art Deco House is served by an independent septic system designed for single-family residential use. However, the Plan proposes to host group gatherings for up to 60 people in this building. The fact that the system currently operates efficiently does not confirm that the system can accommodate the proposed intensification of use and corresponding increase in demand which will result from that change of use. Does the existing septic system comply with size requirements of the City of Malibu Environmental and Building Safety Division or the Los Angeles Regional Water Quality Control Board for a facility serving up to 60 people? YY-174

The DEIR indicates the existing wastewater treatment system at the Conservancy's Ramirez Canyon property can effectively receive and treat the effluent that would be generated by a 200-person event. This analysis does not consider the additional persons who may be on site at the same time as a 200-person event, i.e. visitors on tours or for public education programs, SMMC/MRCA staff, catering and other staff for special events. YY-175

F. Alternatives (DEIR Section 8.0)

1. Discrepancies in Alternatives Analysis

The Alternatives Analysis includes numerous errors and discrepancies. In many instances, tables are not described in the text, information in the tables conflicts with information provided in the text, and no explanation is offered where components of the project that are not proposed to change from the proposed project result in new impacts. The following comments identify some of the specific discrepancies: YY-176

Pages 8.0-22 and 8.0-49. Why is there an increase in direct impacts to vegetation communities of 0.01 acre for Ramirez Canyon Road widening? The alternatives analysis provides no information regarding a proposed change to the road widening component of the plan. YY-177

Table 8-6. The table indicates there would be a reduction in direct impacts to native trees as a result of Ramirez Canyon Road widening for Alternative 2 as compared to the proposed project. However, there is no reference to a change in native tree impacts in the text. Why is there a change in impact to native trees? YY-178

Page 8.0-49. Table 5.6-8 indicates that 36 native trees would be directly impacted by Ramirez Canyon Road widening. Alternative 3 includes those 36 native trees, but then states that this is an increase in direct impacts by 2 trees as compared to the proposed project. The discrepancy should be corrected. YY-179

Page 8.0-49. The text states that there would be no change to impacts associated with Ramirez Canyon Creek restoration under the Redesign Alternative as compared to the proposed project. However, the DEIR also states that there would be an increase in direct impacts by six native trees. Additionally, Table 5.4-8 shows that 26 native trees would be directly impacted as a result of the creek restoration under the proposed project, while Table 8-28 shows that 20 native trees would be directly impacted under Alternative 3. If the creek restoration component of the project did not change, how and why did the impacts change? YY-180

Page 8.0-49. Why is there an increase in the number of native trees directly impacted by recreational support facilities under Alternative 3 if the number of improvements is being reduced? YY-181

Page 8.0-51. The DEIR states that "there would be a direct increase in impacts to native trees by 14 trees" for Alternative 3. This figure does not correspond to the previous information provided in the text or to the conflicting information contained in Table 8-28. The FEIR should clarify the discrepancy. YY-182

Table 8-29 should not be split between two pages because it is difficult to comprehend and/or comment upon the impacts. YY-183

What are the indirect impacts to native trees and vegetation communities, including ESHA, under Alternatives 2 and 3? YY-184

The tables should include a column which reflects the quantitative differences in impacts between the proposed project and each alternative. Some of this information is provided in the text. However, the information is difficult to comprehend because the reader is forced to flip back and forth between the project and the alternatives analysis to ascertain the change for each of the impacts. YY-185

2. King Gillette Ranch

CEQA requires the alternatives analysis to include 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..." (CEQA Guidelines Sec. 15126.6(a), emphasis added.) The analysis must "focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, *even if these alternatives would impede to some degree the attainment of the project objectives*, or would be more costly." (Id. Sec. 15126.6(b), emphasis added.) YY-186

The DEIR indicates that King Gillette Ranch (KGR) was rejected as an alternative because it would not (1) provide hiking or camping opportunities in the Malibu front country, (2) make use of several state owned land assets in the Malibu area, (3) provide "blue water" views of the ocean or trail connectivity along the Malibu coast, and (4) provide accessibility via public transit. The rejection of the alternative is inadequate under CEQA because the DEIR does not consider the possibility of a blended alternative that maintains some elements of the PWP as proposed (e.g., trails for enhanced connectivity and "blue YY-187

water" views along the Malibu coast and day-use educational programs), while locating other elements at KGR (e.g., proposed campsites, administrative offices and special events). (See below for additional discussion of potential campsite locations.) A blended alternative could achieve most of the project objectives while minimizing or avoiding impacts to ESHA, eliminating the policy inconsistencies associated with non-resource dependent uses in ESHA, and reducing exposure of visitors, staff and adjacent residents to fire hazards. Like the Conservancy's Ramirez Canyon property, KGR includes areas of extensive development. However, unlike the Ramirez property, KGR has significantly less sensitive habitat, adequate fire access and is not located immediately adjacent to a residential neighborhood. In terms of accessibility to KGR, the alternatives analysis should evaluate the feasibility of new public transit options (e.g., new or revised MTA route or a park shuttle similar to the ParkLink Shuttle that formerly provided service to Malibu Creeks State Park and the KGR area). Further, the Plan includes providing shuttles for visitors attending park programs. Those same shuttles could be used to provide public access to KGR. YY-187

One of the stated objectives of the PWP is to "increase accessibility to coastal resources from urban population centers," specifically greater Los Angeles (page 5.8-24 through 5.8-28 and 8.0-4). KGR is closer to Los Angeles than any of the campgrounds proposed by the PWP and analyzed in the DEIR. In fact, KGR is closer than all but two of the "Campgrounds Near the Los Angeles Area" listed in Table 5.8-7. Therefore, KGR is a reasonable alternative to achieving this objective of the Plan. The fact that KGR is identified in the Plan as a biological resources mitigation site further contradicts its rejection as an alternative site. YY-188

On a recent walking tour of the proposed/planned visitors' center at KGR, a park representative indicated that park officials considered camping at King Gillette but rejected that option because Malibu Creek State Park (which is located across the street from KGR offers camping). The rejection does not make sense. If the purpose of the Plan is to provide low-cost overnight accommodations, the proximity of KGR to other camping sites is not relevant. YY-189

3. Additional alternative campsite locations

Page 5 of the Fire Protection Plan for Ramirez Canyon (Appendix A of Appendix I) describes Ramirez Canyon as "deeply incised" and states that "slopes to the north, east, and west of the park contain extensive stands of native coastal sage scrub habitat along the canyon walls and northern portion of the property." This is an accurate description of the steepness of the terrain and the density of the fuel bed in the Canyon. The Conservancy's Ramirez Canyon property is in the back of the canyon with the steepest topography in the Plan area. As such, the property is the most ill-suited location in terms of public safety. Yet, the PWP proposes the most intensive uses at this location. The steepness of Ramirez Canyon and the location of the Conservancy's property at the end of a non-compliant emergency access road are in stark contrast to a location like Malibu Creek State Park, where public camping areas are located in one of the flattest parts of the property, within a natural safety zone with limited flammable vegetation, and close to the main public thoroughfare – Malibu Canyon Road. The same applies to other camping areas along the coast, such as Sycamore Canyon at Point Mugu State Park, where the campground is in a flat area adjacent to the main public thoroughfare, Pacific Coast Highway, and hiking trails provide day-use access to the steeper and more vegetated areas. YY-190

In addition to KGR, state-owned beach property in the Malibu area should be evaluated as alternative locations for the campsites identified in the Plan. These alternative sites could achieve the Plan objectives of providing access to the coast and connections to the upland areas via the trails proposed by the Plan, while greatly reducing public safety and wildfire risks. Expansion of existing campsites in the Malibu area coastal zone, including those at Malibu Creek, Point Mugu, and Leo Carrillo State Parks should be evaluated as alternatives for the camping component of the Plan. YY-191

4. Lauber property alternative access

The Fund supports proposed by Alternatives 2 and 3 - the construction of a new access route to the Conservancy's Ramirez Canyon property via the Lauber property. However, the EIR should evaluate moving the alignment further away from the lot lines of the residential properties which front on Via Acero. The Lauber access is an environmentally superior alternative to providing access on Via Acero. It also avoids the use of private roads (Via Acero and a portion of Ramirez Canyon Road) to which the Conservancy has no legal right, and would provide Code-compliant access to the Conservancy's Ramirez Canyon property. YY-192

The DEIR does not explain why Alternatives 2 and 3 characterize access over the Lauber property as "secondary." In order to avoid the impacts associated with the use of Ramirez Canyon Road for both construction and use of the proposed project, the road over the Lauber property should be designated as primary access. The programs proposed by the Plan and evaluated in the EIR should not commence until this alternate access is constructed. YY-193

5. Malibu Bluffs

At the June 10, 2009 Coastal Commission Hearing on the Overlay, the Commission voted to require that the Conservancy's Malibu Bluffs property be considered **as an alternative** for the proposed development, not as an additional development site. The Commission purported to revise the findings after the hearing had closed and after the Commission had voted on the LCPA, but had no jurisdiction to do so – in part because the addition of development at the Malibu Bluffs site presents cumulative environmental impacts which the Coastal Commission did not address in its findings on MAL-MAJ-1-08. Therefore, any DEIR discussion of Malibu Bluffs should be included as an *alternative*, *not as an additional site* for proposed development. . YY-194

Thank you for considering these comments.

Sincerely,

BROWNSTEIN HYATT FARBER SCHRECK

By:

Steven A. Amerikaner

Steven A. Amerikaner

Diane M. Matsinger

cc: Richard Mullen, President, Ramirez Canyon Preservation Fund
Christi Hogin, Malibu City Attorney

Attachments:

A – Letter from Eli Iskow, March 22, 2010
B – Trail and Park Resource Maps Comparison
C – Impact Statements that Erroneously Include Mitigation Measures

SB 535464 v12:011142.0011

Attachment A

Letter from Mr. Eli Iskow

YY

ELI ISKOW
735 Delores Drive
Santa Barbara, CA 93109

March 22, 2010

Steven A. Amerikaner
Brownstein Hyatt Farber Schreck
21 E. Carrillo Street
Santa Barbara, CA 93101

Re: Comments on Draft Environmental Impact Report for
Malibu Public Access Enhancement Plan – Public Works Plan

Dear Mr. Amerikaner:

I have reviewed portions of the Draft Environmental Impact Report for the Malibu Public Access Enhancement Plan – Public Works Plan ("Public Works Plan") prepared by the Santa Monica Mountains Conservancy and the Mountains Recreation and Conservation Authority. The portions I reviewed concerned Fire Hazards (Sec. 5.6), along with the attached Appendix I. In addition, I have personally visited Ramirez Canyon in the City of Malibu, and am familiar with the proposal to increase the intensity of use of the property owned by the Authority in Ramirez Canyon.

Professional Qualifications

YY-195

I have been a professional firefighter for 28 years, and recently retired from the Santa Barbara County Fire Department with the rank of Captain. I served in the Fire Suppression Division for my entire career, including two years as the Fire Department's Public Information Officer and also as an incident commander. In that position, I was responsible for informing the public regarding fire emergency situations, as well as educating the public about fire and life safety issues. I assisted in preparation of a Homeowner's Wildfire Safety video based on new California Defensible Space and Ignition-Resistive Construction Codes, and in "Your Wildfire Action Plan," a comprehensive wildfire safety guide for the County Fire Department. I served as the County's representative to the Southern California Fire Consortium LEOSAD ("Leave Early, or Stay and Defend") research working group, and to the Fire Safe Council.

General Comments and Opinions

1. Increased access to, and public use of, any area designated as a Very High Fire Hazard Severity Zone ("VHFHSZ") will result in an increase in frequency of wildfires. This generalization has proven to be true in many places in Southern California. The DEIR does not contradict this fact. Thus, implementation of the Public Works Plan will cause a significant environmental impact on both the natural environment and on public safety.

YY-196

2. The DEIR does not adequately analyze the public safety risks of having only one means of ingress and egress to Ramirez Canyon Park. Widening Ramirez Canyon Road to fire department standards does not cure the problem caused by the fact that a single means of ingress and egress can easily be blocked during a fire and evacuation. A block may be caused by a disabled vehicle, by injured personnel, by animals being evacuated, or by a myriad of other causes. In my opinion, the only way to reduce the public safety risk to an acceptable level is to have a second means of ingress and egress available for evacuation use during an emergency. The DEIR does not sufficiently examine the impact on public safety of having only one means of ingress and egress. YY-197

3. There are two significant risks resulting from increased access to, and public use of, VHFHSZ areas that the DEIR does not analyze. First, increased public access means that arsonists will have greater opportunities to commit their crimes. Many fires that remain designated as "Undetermined" after investigation are most likely arson. In my opinion, arson is underrated as a cause of wildfires because of the difficulty investigators face in conclusively proving that arson occurred. Second, individuals of all ages – but mostly juveniles and young adults out looking for "fun" – frequently cause escaped recreational fires from very small areas not in immediate view of a "camp host" or a patrol unit. These individuals are often local residents and not registered guests of the park. The Gap and Tea Fires in Santa Barbara County, and the Corral Canyon Fire in Los Angeles County, are just a few examples of this phenomenon. YY-198

4. In my opinion, the Fire Protection Plan's provision for fire apparatus, personnel and supplies on site at Ramirez Canyon will not be adequate to apply foam or protect structures from the exterior in a safe and timely way, or to effect rescue or perform interior firefighting, or to suppress anything more than a very small, slow-moving spot wildfire in its initial moments within easy reach of a fire apparatus approved road surface. In addition, the Plan is deficient because it does not assure that there will be an adequate number of trained personnel on site 24/7 to operate equipment and provide even a minimal level of protection. YY-199

Special Comments

The following comments specifically address Section 5.6 of the DEIR:

Topography (p. 5.6-1). This section includes the statement, "Up-slope fires move significantly faster than down-slope fires because of an up-slope 'wind effect' which accelerates the spread of fire." This is not the case if a Santa Ana or similar "wind effect" is present, in which case a fire can spread and spot downhill as quickly as it can uphill. The FEIR should be revised to recognize this fact. YY-200

Vegetation (pp. 5.6-2 to 5.6-5). The FEIR should clarify that while vegetation can affect fire behavior, when a wind-driven fire occurs all vegetation will carry fire and burn. The critical point is that owners and authorities must have been diligent at previously complying with existing code requirements for ingress and egress and for existing structures. YY-201

Ramirez Canyon Park – Water Supply and Fire Flow (p. 5.6-11). While the DEIR provides information on fire flow for Ramirez Canyon Park, it does not clearly state whether the existing YY-202

fire flow is adequate. I was informed directly by both LACFD and Los Angeles County Water Works District 29 that the available fire flow for the current use, population and conditions at Ramirez Canyon is sub-standard in relation to existing life safety needs and the Fire Code. YY-202

Regional Cooperation/Emergency Response (p. 5.6-9 to 5.6-10). The availability of additional emergency services personnel and equipment through an automatic aid agreement cannot be considered as a substitute for compliance with Fire Codes or building codes, particularly in a VHFHSZ. YY-203

Emergency Response (p. 5.6-11). Based on my experience and knowledge of Ramirez Canyon, a five minute response time to Ramirez Canyon Park would be feasible only under the best conditions with absolutely no other traffic on the road. Even then, this is only one crew. The FEIR should identify the number of personnel and type of equipment necessary to effectively respond to a wildfire in Ramirez Canyon and when the park is being used for a large special event for which evacuation is necessary, and determine the response time in this situation. The same should be done for the other park properties. YY-204

Zone A – Irrigated Zone Applicable at Ramirez Canyon Park for Structures (p. 5.6-47). The requirement for complete removal of undesirable plant species within Zone A is extremely difficult to maintain over the long term for the large area that is within Zone A at Ramirez Canyon Park. YY-205

Construction Phase Vegetation Management (p. 5.6-52). Vegetation management is extremely labor intensive and the requirements proposed by the Plan are extensive. The FEIR should analyze the amount of personnel required to conduct and maintain all of the vegetation management proposed and evaluate whether the proposed work is feasible based on the scope of the work proposed. YY-206

Construction Phase Vegetation Management (p. 5.6-52). The DEIR states, "Vegetation management zones cannot extend beyond the property ownership without written, legal permission of off-site landowners, and shall not extend into sensitive biological areas, or other areas controlled by the City, County, and/or resource agencies, without first having written formal permission from all applicable agencies." The FEIR should describe how the vegetation management zones will be compromised by this caveat and the extent to which this increases fire risk and public safety. YY-207

Campgrounds (p. 5.6-54). The DEIR proposes a quick attack firefighting system at campgrounds to suppress fires. This would only be effective if the personnel trained to deploy and use the equipment are also at each site 24/7 and act during the initial moments of a small, slow-moving fire during calm conditions. Even light wind conditions will largely diminish effectiveness, and moderate or stronger winds will the negate effectiveness of this equipment. This equipment will not effectively reduce the fire risk in most situations. YY-208

Access (p. 5.6-54). Widening Ramirez Canyon Road will not provide the ingress and egress necessary to evacuate large groups of people in buses or shuttles and residents while allowing multiple emergency response crews to access the area in an emergency. While the DEIR YY-209

purports that evacuation of park visitors and staff would occur early, evacuation does not occur before the emergency is recognized and large emergency equipment is already en route, resulting in large vehicles driving in both directions on Ramirez Canyon Road. At best, this will slow both emergency response and evacuation. A second access way is necessary for public safety. The FEIR should require that a second access to Ramirez Canyon Park is provided or the proposed uses should not be allowed. YY-209

Access Control (p. 5.6-56). The DEIR states that fire risk will be reduced because park properties will be closed on Red Flag Days. However, many of California's highest property and life loss fires have historically occurred outside of declared Red Flag periods. This mitigation does not reduce the fire risk caused by the Plan to a less than significant level. YY-210

Building Standards (pp. 5.6-57 to 5.6-58). The FEIR should clarify that preparation of an FPP does not de facto allow modifications to the Building or Fire Code. This decision is at the discretion of the enforcing agency. YY-211

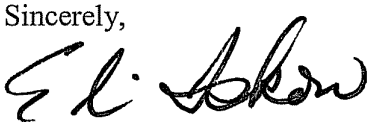
Impacts of Proposed Project (p. 5.6-72 to 5.6-75). Hazard Implementation Measure 4 states that camping will be prohibited and Ramirez Canyon Park will be closed when a Red Flag Day/period is declared by National Weather Service (NWS). The FEIR should specify whether or not the parks will be closed when the Fire Chief issues a localized Red Flag Warning independent of NWS , as this is warranted and does occur on occasion. YY-212

Impacts of Proposed Project (p. 5.6-72 to 5.6-75). Does "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" in Hazard Implementation Measure 4 (last bullet p. 5.6-74) preclude the requirement that occupied campgrounds will have monitors 24/7? If so, will all campers be trained to use the apparatus so they can respond to a fire when trained monitors are not present? YY-213

Impact FIRE-1 (pp. 5.6-70). As recognized by the DEIR, the increased use proposed by the Plan increases the risk of exposing people and structures to wildland fires and negatively affects ingress and egress to these areas, particularly canyons with only one access like Ramirez Canyon. Given the Plan's location in a VHFHSZ, any increased risk is significant. None of the mitigation proposed by the FPP would reduce the risk to less than significant. While measures can be taken to make structures more fire safe, the only immediately effective prevention tool is to limit human use of the VHFHSZ. YY-214

You are authorized to attach this letter to comments you submit to the Conservancy and the Authority with regard to the Draft Environmental Impact Report.

Sincerely,



Eli Iskow

Attachment B
Trail and Park Resource Maps Comparison

Note: This comparison is for trails near Ramirez Canyon only. However, inconsistencies exist in other locations within the Plan area as well.

Table 1: Existing and Planned Trail Maps

	Overlay	PWP	DEIR
Map Name	Existing/Planned Trail Resources	Planned Trail Resources	Existing/Planned Park and Trail Resources
Figure Number	No figure number	Figure 6	Figure 2-19
Ramirez Canyon Road	Portions of southern end shown as "Malibu LCP Trails" or "City of Malibu Trail Master Plan"	Southern portion shown as "Existing Trail (NPS Inventory)" and portions also shown as "Malibu LCP Trails or City of Malibu Trail Master Plan"	Same as PWP
Via Acero	No trail shown	Same	Same
Lauber Property	"Draft SMMNRA Interagency Trail Management Plan Trail" shown running E-W near northern boundary into Conservancy property	"Draft SMMNRA Interagency Trail Management Plan Trail" and "Existing Trail (NPS Inventory)" shown running E-W near northern boundary into Conservancy property	Same as PWP
LA County, NPS and Conservancy property north of City of Malibu	"Existing Trail (NPS Inventory)" extending north from Conservancy property onto NPS land	Same	Same

Table 2: Proposed Trail and Park Facilities Maps

	Overlay	PWP	DEIR
Map Name	Proposed Trail Resources	Proposed Trail Resources & Proposed Trail Resources – West Extent	Proposed Trail and Park Resources & Proposed Trail and Park Resources – West Extent
Figure Number	No figure number	Figure 7 & 7a	Figure 2-20 & 2-20a
Ramirez Canyon Road	"Trail Segment per Malibu Parks Public Access Enhancement Plan (MPPAEP)" along entire length of road	"Connector Trail (Proposed)" along entire length of road, also shown as "Other Existing Trail"	"Connector Trail (Existing)" north from Via Acero through Conservancy property (Trail 5a on map) Gray line on map along entire length of road but not identified in legend
Via Acero	No trail shown	"Connector Trail (Proposed)" and "Other Existing Trail" along entire length of road	"Primary Trail (Proposed)" along entire length of road (Trail 1b)
LA County, NPS and Conservancy property north of City of Malibu	"Existing Trail Segment" beginning on northernmost parcel of Conservancy property and extending north onto NPS land; "Trail Segment per MPPAEP" running E-W through County/NPS/Conservancy property Parking area proposed on LA County parcel to be acquired by MRCA adjacent to Kanan Dume Rd One proposed camping area on Conservancy property in LA County	"Other Existing Trail" through and north of Conservancy property onto NPS land; "Primary Trail (Proposed)" running E-W across County, NPS and Conservancy parcels but different alignment than Overlay map (Trail 1a); Two "Primary Trail (Proposed)" segments extend east of Conservancy property, partially in City Parking areas proposed on LA County parcel to be acquired by MRCA and NPS land adjacent to Kanan Dume Road Camping area same	"Other Existing Trail" same as PWP; "Primary Trail (Proposed)" west of and through Conservancy property same as PWP; Segment of "Primary Trail (Proposed)" east of Conservancy property in Ccounty shown on PWP is eliminated Two parking areas proposed on LA County parcel to be acquired by MRCA and one on NPS land adjacent to Kanan Dume Road Camping area same
Conservancy's Ramirez Canyon Property in City of Malibu	One proposed camping area	"Primary Trail (Proposed)" extending south then east; "Other Existing Trail" through and north of property Camping area same	"Primary Trail (Proposed)" same as PWP; "Connector Trail (Existing)" N-S through property (Trail 5a) Camping area same Existing Park Administrative Area identified

Attachment C
Impact Statements that Erroneously Include Mitigation Measures

The following impact statements include mitigation measures or imply mitigation has already been applied. An impact statement should describe the extent of the impact *prior to* mitigation. The EIR should then propose mitigation to reduce the impact as appropriate.

Impact BIO-5. Indirect, short-term (construction-related) impacts would be mitigated to a less than significant though standard construction BMPs and construction-related minimization measures which would be implemented to control dust, erosion, and runoff. A National Pollution Discharge Elimination System (NPDES) and Stormwater Pollution Prevention Plan (SWPPP) in compliance with the federal Clean Water Act would also be required. However, during construction there would also be a potential for vegetation in areas adjacent to the work areas to be trampled by construction personnel, and this would be considered potentially significant but mitigable.

Impact BIO-7. Foraging and nesting opportunities for a variety of raptors and songbirds exist throughout the plan area. Nesting opportunities will most likely occur in woodland areas where sycamores, willows, eucalyptus, alders, and coast live oaks are prevalent. Direct impacts to nesting birds would occur if tree removal occurs during the breeding season (February 15 through August 31). This would not be considered a significant impact, however, by avoiding construction during the breeding season (February 15 through August 31). Impacts, therefore, would be considered potentially significant but mitigable. YY-216

Impact CR-1. With mitigation, construction of proposed Plan trails, camping facilities, or parking facilities within 30.5 meters (100 feet) of recorded archaeological sites would result in less than significant impacts on cultural resources.

Impact CR-2. With mitigation, impacts due to a potential increase in short term access to cultural artifacts and to the potential for unauthorized collection during construction of proposed Plan facilities would be less than significant.

Impact CR-4. With mitigation, construction of any proposed Plan trails, camping facilities, or parking facilities outside of the 30.5 meter (100 foot) buffer around recorded archaeological site boundaries would result in less than significant impacts on cultural resources.

Impact CR-6. With mitigation, construction of proposed bridges in Ramirez Canyon Park and the Malibu Bluffs Conservancy Property would result in less than significant impacts on paleontological resources.

Impact FIRE-1. Implementation of the Plan's proposed improvements, including the Fire Protection and Emergency Evacuation Plan (FPP), would not expose people to a significant risk of loss, injury, or death involving wildland fires; associated impacts would be less than significant.

Letter	**YY**
Commenter:	**Steven A. Amerikaner** **Ramirez Canyon Preservation Fund** **Brownstein Hyatt Farber Schreck**
Date:	**March 22, 2010**
Introduction	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**
YY-1	*This comment provides an introduction to the comment letter, the preparers, and attachments.* RESPONSE: Thank you for your introductory comments; no environmental issues are discussed.
YY-2	*This comment expresses the commenter's legal objections to the thresholds used in the DEIR and the corresponding scope of analysis. Included in these objections is: 1) The Coastal Commission's authorization of the PWP in MAL-MAJ-1-08 was challenged and is now pending litigation; as such, no proceedings under MAL-MAJ-1-08 are proper, and 2) The Coastal Act mandates that a PWP be consistent with the applicable LCP, yet the Plan and the DEIR are not consistent with the City of Malibu LCP or the Overlay; therefore, the project location and description should be resolved between the EIR, PWP, and the LCP.* RESPONSE: 1. The decision is presumed to be valid. The Los Angeles Superior Court will provide resolution to the legal objections 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. CEQA Guidelines Section 15088(a) specifies that the "lead agency shall evaluate comments on environmental issues received from persons who reviewed the DEIR and shall prepare a written response."

	This comment does not address an environmental issue. Therefore no additional response is provided herein. Your comment will, however, be included in the FEIR for consideration by the Conservancy/MRCA decision-making body. 2. Please see Topical Response #1. 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. The PWP for the MRA is contained in *Appendix MRA-4* of the FEIR and includes a policy consistency analysis for the MRA. A detailed description of the MRA is contained in *Appendix MRA-1* of the FEIR, MRA description Figures are contained in *Appendix MRA-2,* and Civil Plan for the MRA are contained in *Appendix MRA-3*. A PWP for the Proposed Plan evaluated in the DEIR is contained in *Appendix C* to the DEIR and similarly includes a policy consistency analysis for the Proposed Plan. The 70-plus page narrative descriptions of the Proposed Plan and MRA (and related Figures and Appendices) provide substantial clarity to the reader as to the project's location, its objectives, its policies, its development standards, Proposed Plan and MRA substance, and implementation. The Proposed Plan and MRA description are thorough and provide an adequate platform from which environmental review may be conducted. Conservancy/MRCA Staff believe that the Proposed Plan and MRA evaluated within the FEIR are consistent with the Coastal Act and the Malibu LCP Overlay. Any policy-related

	conflicts will be resolved by, and/ or interpretation of the applicability of any policies to the Plan evaluated within the EIR will be determined by, the Conservancy/MRCA Boards and the California Coastal Commission. Based upon the above discussion, no revision of the DEIR would be required.
YY-3	*This comment states that the ambiguity regarding the lead agency or agencies as identified in the DEIR, IS, and PWP should be resolved.* RESPONSE: The commenter is correct in that the Initial Study and Section 1.9 of the *Project Description* of the DEIR identify the Conservancy and MRCA as co-Lead Agencies, which is consistent with CEQA Guidelines Section 15051(d) which states that when there are two or more public agencies with substantial claim to be the Lead Agency, "the public agencies may by agreement designate an agency as the Lead Agency. An agreement may also provide for cooperative efforts by two or more agencies by contract, joint exercise of powers, or similar devices." The Conservancy and MRCA are in agreement as to their respective roles regarding the review and approval of the proposed Plan. Section 2.6 of the *Project Description* of the DEIR further identifies the lead, responsible, and trustee agencies consistent with CEQA Guidelines Section 15124(d). The Notice of Preparation of an EIR, the Notice of Completion, the Notice of Availability, and the DEIR have been made available to Coastal Commission Staff; all of which state that the Conservancy and MRCA are acting as co-Lead Agencies for consideration of the Plan, and that the Coastal Commission will act in the capacity of Responsible Agency in certifying the Public Works Plan after its approval by the Conservancy and MRCA. There is no disagreement between the Conservancy, MRCA, and the Coastal Commission as to the lead agency designation. The Draft PWP (dated January 2010), included in *Appendix C* of the DEIR does not contain the language cited by the commenter relative to the Commission acting as Lead Agency.

	Based upon the above discussion, no revision of the DEIR would be required.
YY-4	*This comment states that the DEIR project description includes elements that are not allowed in a public works plan, which should therefore, be eliminated in the FEIR.* RESPONSE: The Project Description is clear as to what is being evaluated within the EIR. Conservancy/MRCA Staff believe the administrative office uses and special events at Ramirez Canyon Park are permissible components of the Public Works Plan. The commenter fails to convincingly establish that the proposed uses associated with the Plan are not permissible by law. Any policy-related conflicts will be resolved by, and/ or interpretation of the applicability of any policies to the Plan evaluated within the EIR will be determined by, the Conservancy/MRCA Boards and the California Coastal Commission. Project elements requested by the commenter to be removed from the PWP were, therefore, not eliminated within the Final EIR. Based upon the above discussion and the analysis contained within the DEIR; no revision of the DEIR would be required.
YY-5	*This comment states that the Conservancy's Malibu Bluffs property was considered an alternative not as an additional development site during the June 2009 Coastal Commission Hearing and should be analyzed in the FEIR as such.* RESPONSE: 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 1-08, Revised Findings, included in *Appendix C* of the DEIR, 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.

	No revisions to the DEIR would be required.
YY-6	*This comment states that the FEIR should resolve the inconsistencies between the existing and proposed trail and park resource maps in the DEIR project description and the corresponding maps in the PWP. This comment further states that the FEIR should address the environmental impacts of the trail resources as authorized by the Overlay. Specific examples of these inconsistencies were provided in a table, entitled Attachment B – Trail and Park Resource Maps Comparison.* RESPONSE: With regard to impacts associated with trails, a modified redesigned alternative is being proposed for consideration. Appendices MRA-1, MRA-2, MRA-3 and MRA-4 provide for a consistent description of MRA features. Based upon the above discussion, no revision of the DEIR would be required.
YY-7	*This comment states that the DEIR includes conflicting information about the intensity of particular uses of the Ramirez Canyon property and does not provide information to analyze cumulative impacts associated with simultaneous use of the property. This comment also states that the FEIR should clarify the total number of persons allowed on the property and should analyze impacts based on that total.* RESPONSE: In various places in the DEIR, the maximum number of visitors for Ramirez Canyon Park is specified. For example, under Impact US-2 in Section 5.16, *Utilities/Service Systems*, the existing wastewater treatment system at Ramirez Canyon Park is identified as being able to effectively receive and treat the effluent that would be generated by a 200-person event (the maximum proposed event size) (Questa, 2000). However, in response to concerns there could be others on site during a special event, this capacity is specifically called out under a new project alternative, the Modified Redesign Alternative. A detailed description of the MRA is provided in *Appendix MRA-1*.

	Under the MRA uses would be phased at Ramirez Canyon Park. The use levels at each phase of programming at Ramirez Canyon Park under the MRA are provided in *Appendix MRA-1* and the PWP for the MRA contained in *Appendix MRA-4*. A Fire Protection Plan for the MRA is provided in *Appendix MRA-5* and includes assumed park visitation numbers. The maximum number of persons at Ramirez Canyon Park has been clarified as 250 persons, including additional persons that may be on the site during a 200-person event. Based upon the above discussion and the analysis contained within the DEIR; no revision of the DEIR would be required.
YY-8	*This comment states that non-residential use of any of the structures on the Ramirez Canyon property raises significant environmental impacts and poses risks to public safety and that the "change in occupancy" would require that the structures be brought in compliance with the Uniform Fire Code. This comment continues to state that the FEIR should analyze the existing condition of the structures at Ramirez Canyon Park, determine the feasibility of bringing the structures up to Code, and analyze the environmental impacts of the required construction and the proposed uses of the improved structures.* RESPONSE: The environmental baseline used in the EIR for existing structures located within Ramirez Canyon Park is identified within Section 3.2, *Project Site Setting,* of the *Environmental Setting*. Any "change in occupancy" would have occurred on or about the time of change of ownership when the private estate compound was transferred to the Conservancy in the 1993. For purposes of the EIR, the environmental baseline is defined by CEQA Guidelines Section 15125(a) as the conditions at the time the notice of preparation is published. The Notice of Preparation for the EIR was published on September 8, 2009. Both the detailed description of the MRA included in *Appendix MRA-1* and the Fire Protection Plan for the MRA included in *Appendix MRA-5*, include a discussion of "Ramirez Canyon Structural Retrofits" which explains the timing and nature of retrofits which would be made to existing Ramirez Canyon Park

	buildings to address fire safety, given uses proposed at this location under the MRA, including the retrofitting of designated structures intended to be utilized as emergency fire shelters at Ramirez Canyon Park. The FPP for the MRA identifies the following features, which would be utilized as a guide for retrofitting designated structures intended to be utilized as emergency fire shelters at Ramirez Canyon Park (Phase 1: Ranger/Maintenance Supervisor Residence and Phase 2: Peach Building): 1. Exterior walls shall be approved noncombustible (stucco, masonry, or approved cement fiber board) from grade to underside of roof system. Any unenclosed under-floor areas shall have the same protection as exterior walls. Wall coverings shall extend from top of foundation to the roof. The underside of any cantilevered or overhanging appendages and floor projections shall maintain the ignition-resistant integrity of exterior walls, or projection shall be enclosed to grade. The Fire Code allows 0.375-inch plywood or 0.75-inch drop siding if there is an underlayment of 0.5-inch fire rated gypsum sheathing tightly butted or taped and mudded (Section 704A.3 CBC). 2. Two-inch nominal solid blocking shall be provided between rafters at all roof overhangs under exterior wall covering (Section 7041.3.1.1 CBC). 3. Eaves and soffits shall meet requirements of the State Fire Marshal 12-7A-3 or shall be protected by ignition resistant materials or noncombustible construction on the underside (Section 704A.2.3 CBC). 4. All roofs shall be a Class "A" listed and fire-rated roof assembly, installed per manufacturer's instructions, to approval of the state Fire Marshal. Any openings on ends of roof tiles shall be enclosed to prevent intrusion of burning debris. When provided, roof valley flashings shall not be less than 0.019-inch (No. 26 galvanized sheet gage) corrosion-resistant metal installed over a minimum 36-inch-wide underlayment consisting of one layer of No. 72 American Society for Testing and Materials cap sheet running the full

	length of the valley (Section 704A.1 CBC). 5. No attic ventilation openings or ventilation louvers shall be permitted in soffits, rakes, eaves, cornices, eave overhangs, or between rafters at eaves, or in other overhanging areas in the Wildland Urban Interface (WUI) area. Attic or foundation ventilation openings or ventilation openings in vertical walls or other similar ventilated openings shall be louvered and covered with corrosion-resistant metal screening or other approved material that offers equivalent protection. Vents are required to have a 1/8-inch mesh and shall not exceed 144 square inches each. Attic and foundation ventilation shall also comply with the requirements of the CBC. It is recommended that Flame and Ember resistant vents with internal baffles are applied to all wildland-exposed sides of these residences. 6. Vents shall not be placed on roofs unless they are approved for Class "A" roof assemblies or are otherwise approved by the state Fire Marshal. 7. Vents, such as roof vents, dormer vents, gable vents, foundation vent openings, vent openings in walls, or other similar vent openings, shall be covered with louvers and the required 1/8-inch mesh or are specific flame and ember resistant (i.e., Brandguard Vents). 8. Turbine vents shall not be utilized. 9. Glazing, including glass, or other transparent, translucent, or opaque glazing, or leaded glass, shall be one of the following: double pane with one tempered pane or glass block, or have a fire rating of 20 minutes (Section 704A.3.2.2). Plastic or vinyl window frames shall be of an approved type, which will not melt, ignite, or fail. Vinyl frames shall have welded corners and metal reinforcement in the interlock area to maintain integrity. 10. Skylights shall be certified to Architectural Manufacturers Association/Window and Door Manufacturers Association/Canadian Standards Association 101/I.S-2/A440 structural requirements. (Section 2405.5 CBC). 11. Exterior doors shall be approved noncombustible or 1.25-inch solid-core wood or have a 20-minute fire rating.

	Windows within doors and glazed doors shall comply with item 11 above (Section 7904A.3.2.3 CBC). 12. All chimneys and other vents on heating appliances using solid or liquid fuel, including outdoor fireplaces and permanent barbeques and grills, shall have spark arrestors of a type approved by the state Fire Marshal. Spark arrestor openings shall be a maximum 0.5 inch. For all other habitable structures, as the Ramirez Canyon Park is a State-owned property, any requirements for upgrades and/or retrofits to existing structures would be determined by CAL FIRE]. The following language is included in Section 5.6.1 of the FPP for the MRA to address this issue: *If required by CAL FIRE, existing structures at Ramirez Canyon Park may be retrofitted to provide improved ignition resistance. Retrofits will be focused on preventing ember intrusion into attics and openings and may include retrofitting vents and openings (doors, windows). Additionally, each structure will be retrofitted with monitored interior sprinklers.* It should be noted that the California Building Code, Chapter 7A, Materials and Construction Methods for Exterior Wildfire Exposure, states the following: "This chapter applies to building materials, systems and/or assemblies used in exterior design and construction of *new* buildings located within a Wildland-Urban Interface Fire Area as defined in Section 702A." (*Emphasis* added) As stated, this chapter appears to only be directed at new buildings and nowhere in Chapter 7A is there specific mention of existing buildings, nor is there guidance on how this chapter might be applied to retrofits of existing buildings. In addition, the following language from the California Coastal Commission's Revised Findings for City of Malibu Local Coastal Program Amendment MAL-MAJ-1-08 is noted below:

	Where it is infeasible to meet all applicable current Building and Fire Code requirements for fire protection due to site or resource constraints, modifications may be granted pursuant to an approved Fire Protection Plan, 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. Such Fire Protection Plan will analyze the site fire risk at a fine scale and develop customized measure 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 environmental impacts associated with any proposed and/or required retrofit of existing structures at Ramirez Canyon Park would occur simultaneously with other construction efforts proposed at Ramirez Canyon Park and would be limited in duration (approximately 12 weeks) and has been accounted for in the environmental analysis. Although occasional use of forklifts or other small pieces of mobile equipment might be required for the movement of materials and supplies, it is anticipated that any required retrofit(s) would largely be implemented by tradespersons and/or by manual labor. Given the temporary and limited nature of the activity, which could occur simultaneously with other on-site construction efforts and within an existing building development envelope which is already subject to existing vegetation clearance requirements up to 200 feet in radius, the discussion of impacts contained within the FEIR adequately addresses this issue. See, also, Response #YY-29. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.
YY-9	*This comment states that the DEIR incorrectly indicated that the number of outreach events per month at the Ramirez Canyon property is a minimum is 10 events, when it is instead a maximum of 10 events.* RESPONSE:

	The environmental analysis of the Proposed Plan was based primarily on daily maximums, rather than weekly maximums in order to ensure a worst-case analysis. *Appendix MRA-1* contains a detailed description of the Modified Redesign Alternative. The cited language about "a minimum of 10 public outreach events" Is not included in the description of the MRA. Section 1.3.2.1 of the MRA description contained in *Appendix MRA-1* provides detailed information about the existing baseline, phase 1 and phase 2 use assumptions for the Ramirez Canyon facility. Based upon the above discussion, no revision of the DEIR would be required.
YY-10	*This comment states that the proposed improvements to Ramirez Canyon Road and Via Acero are not feasible because they are private roads and that the Conservancy does not have the right to use or improve such roads. This comment further states that if the access plans are included in the FEIR, the means by which the Conservancy would acquire the necessary rights should be discussed.* RESPONSE: Commenter's opinions relative to access and improvement rights for the proposed Plan uses associated with Ramirez Canyon Road are unsubstantiated. The Conservancy/MRCA believes that their proposed use and improvement of Ramirez Canyon Road is in accordance with their 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 30803(a), which states that "any person may maintain an action for declaratory and equitable relief to restrain any violation of " the Coastal Act" to address removal of unpermitted development. Public Resources Code section 30111 includes within the definition of "person" "any state, local government, or special district or an agency thereof," which includes the Coastal Commission, Conservancy, and MRCA.

	Relative to Via Acero, Section 2.34 of the DEIR's *Project Description* identified the following: *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.* As detailed in the description of the MRA contained in *Appendix MRA-1*, the Modified Redesign Alternative similarly includes opportunities for: additional emergency ingress/egress to and from Kanan Dume Road over an extension of Via Acero; access easements would be obtained from willing property owners where ever possible and/ or by eminent domain. The commenter is directed to *Appendix MRA-1* for a detailed description of these improvements. See also Response to Comment YY-12. No additional environmental impacts would occur as a result of this clarification of the Project Description. Based upon the above discussion and the analysis contained within the DEIR, no further revision of the DEIR would be required
YY-11	*This comment states that the DEIR fails to identify several permits and approvals that would be required to implement the project. The comment specifies that the Plan would require the following permits/approvals: CUP from the LACRPD for the Kanan Dume Road parking; a CUP, final development plan, and Environmental Review Board approval for campsites and associated facilities at Ramirez Canyon Park; a CDP from the City of Malibu for the proposed improvements to Via Acero and Ramirez Canyon Road; and approval of the proposed FPPs by CalFIRE (State Fire Marshall and LACFD). This comment further states that the LACRPD and the City of Malibu Environmental and Community Development have discretionary approval power over the project as responsible agencies.* RESPONSE: Approval of the PWP would supercede the need to obtain any

	local permits requiring discretionary action. MRCA understands that any and all subsequent local permits required post-approval of the Plan by the Coastal Commission would be ministerial, as discussed below. The following discussion is offered in response to the points raised by the commenter. <u>LACRPD CUP; Kanan Dume Road Parking:</u> MRCA understands that any public right-of-way (ROW) work would require Road Encroachment Permits from LA County and/or City of Malibu, and that Parking outside of the public ROW would require a local Grading Permit for MRCA-owned properties and a State Architect Grading Permit for Conservancy-owned properties. <u>City of Malibu CUP, Final Development Plan, and Environmental Review Board; Campsites and Associated Facilities at Ramirez Canyon Park (RCP):</u> MRCA understands that campsites and associated facilities at RCP would require Building/Grading Permits from the State Architect only. <u>City of Malibu CDP; Via Acero and Ramirez Canyon Road:</u> MRCA understands that in private ROWs, the proposed work would NOT require Road Encroachment Permits from City of Malibu (except potentially where Via Acero punches-out to Kanan Dume Road), but that work on these roads would likely require a local Grading Permit from the City of Malibu. PWP approval would take the place of any and all discretionary actions normally required at local jurisdiction level. <u>FPPs:</u> The Conservancy/MRCA is responsible for approval of the FPP. LACFD and CalFire have no statutory authority over a Fire Prevention Plan, which is a planning document of the Lead Agencies. Both LACFD and CalFire may have ministerial incremental permit approvals over elements contained in the FPP, but approval of the overall FPP is within the jurisdiction of the Coastal Commission. <u>LACRPD/ City of Malibu Environmental and Community Development; Discretionary Approval:</u> MRCA respectfully disagrees with the position stated by the commenter. MRCA understands that any and all subsequent local permits required

	post-approval of the Plan by the Coastal Commission would be ministerial. The above clarification of required permits/ action and/or agencies with permitting authority over the project are non-substantive and would not result in any additional environmental impacts beyond those disclosed originally within the DEIR. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required
YY-12	*This comment states that the FEIR should eliminate the proposals for road improvements and pedestrian trails along Via Acero and Ramirez Canyon Road as they are private property and there are no existing trails on those roads, and there are no recorded OTD along the length of those roads.* RESPONSE: The Plan is consistent with, and carries out, implementation measures in the Malibu LCP Overlay which address road improvements and hike-in and walk-in trail opportunities along Ramirez Canyon Road and Via Acero to facilitate public access to Ramirez Canyon Park. City of Malibu Local Implementation Plan 3.4.2.D.3.b (Malibu Parks Public Access Enhancement Plan) provides: iii. Hike-in and walk-in public access opportunities shall be developed for Ramirez Canyon Park due to existing limitations on vehicular transportation to the Park. Hike-in opportunities shall be developed from the proposed parking areas along Kanan Dume Road and from dedicated, donated, and purchased easements along De Butts Terrace, Winding Way, Delaplane and Ramirez Canyon Road, and from Pacific Coast Highway, where feasible. City of Malibu Local Implementation Plan 3.4.2.D.11.b further requires: iv. 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. v. The Conservancy/MRCA shall explain and pursue all options to remove any permitted or unpermitted private encroachments into the Ramirez Canyon Road 40 foot easement to achieve full access road width and clearance standards as required by the appropriate fire agency. As to Ramirez Canyon Road, please see also Response to Comment YY 10. The road improvements and pedestrian trails (as identified within the Project Description) are integral components of the *Project Description,* and the Conservancy/MRCA respectfully decline the commenter's request that these components be eliminated from the proposal. As detailed in the description of the MRA contained in *Appendix MRA-1*, The following roadway roadways enhancements would be made, if required by the appropriate fire agency under the Modified Redesign Alternative: widening of Ramirez Canyon Road and Delaplane Road as described in MRA-1 would occur during Phase 1, if required by the appropriate fire agency; if required by the responsible fire agency, road widening improvements also include replacement of a wooden bridge on Ramirez Canyon Road, located just south of the intersection with Via Acero, with a 20-ft clear-width and 34-ft long, prefabricated steel bridge (or other similar alternative measures required by the responsible fire agency consistent with Fire Code allowances); within Ramirez Canyon Park itself, driveways/roads would be widened to necessary widths if required by the responsible fire agency; pursuant to the initial recommendations of the LACFD, the Modified Redesign Alternative also includes a preliminary design for improvements to Via Acero (Phase 2) to provide secondary emergency vehicular ingress/egress for Ramirez Canyon, as identified on the Penfield & Smith Modified Redesign Civil Plans (see *Appendix MRA-3*, Sheets

	45-49). The secondary emergency access improvements include extending the paved portion of Via Acero generally along the path of an existing dirt road for approximatey1,400-ft to intersect with Kanan Dume, and widening of Via Acero to a width as great as 20-ft over its entire length between Kanan Dume and Ramirez Canyon Road (approximately 2,938 ft). Under the MRA, the widening of Ramirez Canyon Road and the extension of Via Acero as secondary access to Ramirez Canyon, or other similar alternative measures required by the responsible fire agency consistent with Fire Code allowances, would improve emergency access and evacuation. Based upon the above discussion, no revision of the DEIR would be required.
YY-13	*This comment states that the description of the Conservancy's Ramirez Canyon property within Section 3.0, Environmental Setting, should clarify if the necessary permits for the existing structures have been obtained and if the structures comply with Building and Fire Codes.* RESPONSE: CEQA Guidelines Section 15125 requires that the Environmental Setting section describe "the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published" and that the EIR discuss "any inconsistencies [within the Consistency with Plans & Policies section) between the proposed project and applicable general plans, specific plans, and regional plans." The commenter has acknowledged that the structures at Ramirez Canyon Park are existing and has not demonstrated that CEQA requires the permit status for each existing structure be identified. The Environmental Setting (Section 3.0) describes the relative size, use, and location of each of the existing structures at Ramirez Canyon Park. It should be noted that the Conservancy has not been cited by any governmental agency with legal purview over the Park site (as of the date of preparation of this EIR) for any illegal and/or unpermitted structures.

	It should be noted further that although the Conservancy asserts their occupancy of the existing structures at Ramirez Canyon Park is and remains valid, should CAL FIRE and/or RWQCB require any additional permits for existing structures, the Project Description and/or Environmental Impact Analysis sections identify the types of improvements/permits which would likely be required. No changes, therefore, to the Environmental Setting have been made with respect to this specific comment. Based upon the above discussion, no revision of the DEIR would be required.
YY-14	*This comment states that the FEIR should define and delineate current and proposed passive and active recreation and should include a separate analysis of the environmental impacts resulting from the intensification of each type at the Conservancy's Ramirez Canyon property.* RESPONSE: Current and proposed passive and active recreation areas at Ramirez Canyon Park are delineated as shown on the proposed, site-specific project plans included in the Plan and analyzed for environmental review. All impacts associated with proposed passive and active uses are discussed in the FEIR. Based upon the above discussion, no revision of the DEIR would be required.
YY-15	*This comment states that the FEIR should indicate whether any rangers will be stationed in Malibu under Plan implementation. If not, the FEIR should analyze the environmental impact associated with the lack of rangers.* RESPONSE: Please see response to comments K-10 and PP-61. Furthermore, while the closest existing MRCA Ranger Station is located at King Gillette Ranch (approximately 6 miles from Malibu Bluffs), park rangers are out conducting routine patrols of all park locations from approximately 6:00 a.m. to 1:00 a.m. each and every day, with the exception of red flag days, when ranger patrols are increased to 24 hours per day. MRCA's single patrol station, from which

	service personnel disburse to cover a larger geographic area, is quite similar to the police protection services provided by LASD, which operates out of Agoura Hills, but serves the City of Malibu, City of Calabasas, City of Westlake Village, City of Hidden Hills, and the surrounding unincorporated communities. The MRA, as described in *Appendix MRA-1,* would include two Park Administration/ Employee Quarters buildings (approx. 600 sf each) and a single self-contained restroom in the southwest corner of the overflow parking area at the Malibu Bluffs Conservancy property. A park Administration/ Employee Quarters building is also included at Corral Canyon park. This would provide 24-hour presence at these two parks by a a wild-fire trained camphost or ranger. These camphost quarters are discussed in detail within the Modified Redesign Alternative project description, which also discusses the roles, responsibilities and training requirements for camphost personnel. Based upon the above discussion and the analysis contained within the DEIR, no further revision of the DEIR would be required.
YY-16	*This comment states that the FEIR should include an analysis of the environmental impacts of the Plan on the Santa Monica Bar and should consider the "beach report cards" issued by Heal the Beach, current studies that identify and assess possible source(s) of bacteria and Bacterial TMDL implementation, and the RWQCB recommendation regarding prohibition of new septic systems and phase out of existing septic systems in the Malibu Civic Center area.* RESPONSE: The Plan contains a specific mitigation measure (MM HYD-8) addressing impacts associated with pet and horse wastes which were identified in the DEIR as potentially significant. The following discussion is provided in response to the commenter's information requests / identified concerns. 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 state water quality standards for impaired water bodies. 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 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. 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. 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. Water Quality Policy 1 and Water Quality Implementation Measure 1 dictate appropriate design and inclusion of BMPs to intercept and treat run-off with potential petroleum contaminants, including monitoring of these systems. The Plan does not include the development of any new septic systems, and is also outside of the referenced ban area associated with the Malibu Civic Center.

	Based upon the above discussion, no revision of the DEIR would be required.
YY-17	*This comment states that the DEIR incorrectly asserts that the project would be consistent with all applicable public access and resources protection policies of the Coastal Act and Malibu LCP as the environmental analysis finds inconsistencies with geologic hazards and ESHA policies to be significant and unavoidable impacts.* RESPONSE: Because several unavoidable significant impacts were identified for the Proposed Plan (in the issue areas of geology and policy consistency), a Modified Redesigned Alternative (MRA) is being proposed for consideration. It has been designed to eliminate the unavoidable impacts identified under the Proposed Plan and reduce these unavoidable geology and policy consistency impacts to a level which is considered less than significant with mitigation. The reader is directed to Chapter 14 of Volume IV of the FEIR. Based upon the above discussion, no revision of the DEIR would be required.
YY-18	*This comment states that the FEIR should address the condition of the existing structures on the Ramirez Canyon property including whether improvements to those structures have been permitted and if they have been or will be brought up to code. This comment further states that impacts associated with the construction of such improvements should be identified in the FEIR.* RESPONSE: Please refer to Response to Comment Y-8, which addresses each of the concerns expressed in this comment. The commenter is also directed to the consistency analysis for the MRA contained in *Appendix MRA-4* of the FEIR. Based upon the above discussion, no revision of the DEIR would be required.
YY-19	*This comment states that the proposed commercial special events and administrative offices and associated fuel modification at Ramirez*

	Canyon Park are not resource-dependent uses and as such, impacts to ESHA resulting from those uses would be inconsistent with the Malibu LCP and Coastal Act policies. RESPONSE: Fuel modification is required for all existing structures within a 200-ft radius at Ramirez Canon Park. Per the policies of the City of Malibu's LCP, any existing structure subject to fuel modification requirements does not meet the definition of ESHA. No new fuel modification would be required for existing commercial special event areas or existing administrative offices; thus, no impacts to ESHA would occur under implementation of the proposed Plan. Accordingly, there would be no inconsistency with either Malibu LCP or Coastal Act policies. The commenter is also directed to the consistency analysis for the MRA contained in *Appendix MRA-4* of the FEIR. Based upon the discussion above, no changes would be required in the DEIR.
YY-20	*This comment states that although a Statement of Overriding Consideration may address the CEQA requirement relative to significant and unavoidable impacts, it would not achieve policy consistency. The commenter further expresses their opinion that as such, it would not be an approvable project/plan as proposed.* RESPONSE: The commenter has selected an isolated statement within the cumulative analysis section of Section 5.11, Land Use & Planning, and sought to make a policy consistency argument. Policy consistency will be determined by the Conservancy/MRCA Boards, as joint lead agencies, and by the California Coastal Commission, as a Responsible Agency. No comments were offered relative to the environmental conclusion that was reached within the analysis for Impact LUP-5 which concluded that the Class I project-specific land use impacts (which were identified earlier in the section) would not result in cumulatively significant land use impacts. Commenter notes that relative to policy consistency, a "Statement of Overriding Considerations may address the CEQA requirement

	relative to significant and unavoidable impacts." Given that the commenter acknowledges that CEQA requirements "may" have been addressed and because no evidence was provided to refute the cumulative impact conclusion, no changes to the EIR were required. Because several unavoidable significant impacts were identified for the Proposed Plan (in the issue areas of geology and policy consistency), a Modified Redesigned Alternative (MRA) is being proposed for consideration. It has been designed to eliminate the unavoidable impacts identified under the Proposed Plan and reduce these unavoidable geology and policy consistency impacts to a level which is considered less than significant with mitigation. The reader is directed to Chapter 14 of Volume IV of the FEIR which contains an analysis of the MRA. Based upon the above discussion, no revision of the DEIR would be required.
YY-21	*This comment states that the DEIR is not consistent with the Malibu LCP Policy that requires campsites to be "carry-in carry-out" and restrooms to be "self-contained chemical/composting restrooms," as it indicates that trash and recycling would be collected and restrooms maintained by utilizing pick-up trucks and other motorized vehicles. This comment further states that the use of motorized vehicles on trails located in ESHA would also be inconsistent with the Malibu LCP and Los Angeles County Code.* RESPONSE: DEIR Section 2.0, *Project Description*, states that, "A truck would access the restrooms at a specific maintenance access point, wherefrom the driver would connect a 300-foot hose to the restrooms and pump them." This section further describes the access points at each park, which would be achieved from existing or proposed driveways or parking lots where no ESHA is located. In regard to trash services, the DEIR states that, "All trash cans at trail heads or campsites would be accessed by foot or vehicle (e.g., maintenance truck). The maintenance truck would access the trash cans at specific maintenance access points. MRCA would pick up trash at trailheads, within campsites, and along trails (during patrols

	or maintenance/monitoring) by hand or by hand tool." As such, the commenter incorrectly states that pick-up trucks and/or small Cushman-style utility vehicles would operate on existing *trails*. Malibu LCP Policy 2.45 states that, "A safe trail system shall be provided throughout the mountains and along the shoreline that… Prohibits public use of motorized vehicles on any trail." The Plan is consistent with this policy in that MRCA/conservancy employees are agency staff, and not members of the public; therefore infrequent use of motorized vehicles on the Plan trails for trail or park maintenance would not constitute a *public use.* Furthermore, any motorized vehicle intended to be operated on an existing trail would be selected to respect the trail dimensions, such that disturbance outside the established trail from vehicle operation would be avoided. No new trails are proposed to be located within identified ESHA. These issues are similarly addressed in the consistency analysis for the MRA contained in *Appendix MRA-4* of the FEIR. Based upon the discussion above, no changes would be required in the DEIR.
YY-22	*This comment states that the Plan improvements proposed within the ESHA in the meadow on the Ramirez Canyon property, which include campsites, restroom facilities and associated grading and fuel modification, are inconsistent with the County's LCP, which states that land alternation and vegetation removal is prohibited in areas designated as ESHA.* RESPONSE: The FEIR includes site specific mapping of Ramirez Canyon Park, including the "meadow area" described by the commenter, which demonstrates the subject area is not considered an ESHA pursuant to the Coastal Act or certified LCP. Site specific environmental analysis has found that proposed park facility improvements and associated fuel modification at Ramirez Canyon Park would not result in unpermitted development impacts to sensitive habitats. Please also see comment GG-7 and GG-27.

	These issues are similarly addressed in the consistency analysis for the MRA contained in *Appendix MRA-4* of the FEIR. No revisions to the DEIR would be required.
YY-23	*This comment states that the Conservancy's Malibu Bluffs property was not included in the Overlay as purportedly approved by the Coastal Commission; therefore, the DEIR's inclusion of development of this property and application of policies specific to the Overlay is inconsistent with the Malibu LCP.* RESPONSE: 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. The Malibu Bluffs Conservancy Property is therefore addressed and analyzed in the EIR as part of the Plan area, consistent with the certified LCP Overlay. Please see 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). No revisions to the DEIR would be required.
YY-24	*This comment states that public use of Ramirez Canyon Road, or use for office and commercial purposes, is inconsistent with the Coastal Act and Malibu LCP, which require the balancing of competing needs for public safety, private property rights, and protection of natural resources.* RESPONSE: The DEIR Section 4.0, *Consistency with Plans and Policies* clearly explains why public use of Ramirez Canyon Road for the uses authorized at Ramirez Canyon Park and along Ramirez Canyon Road in the certified Malibu LCP Overlay are found to be consistent with the Coastal Act and the LCP. The certified Overlay includes implementation measures, which are included in the proposed Plan, by which the Coastal Commission in fact did balance competing needs for public safety, private property rights, and protection of natural resources. Those implementation

	measures include the requirement of a Transportation and Parking Management Plan for Ramirez Canyon Park that limits daily vehicle trips associated with authorized uses of Ramirez Canyon Park to a maximum of 80 trips per day (40 round trips) and requires vans and shuttles which must minimize traffic trips on Ramirez Canyon Road by traveling with maximum passenger capability and in convoys, whenever possible. The proposed Plan includes program limitations and restrictions on park use, including administrative uses, public programs and events for Ramirez Canyon Park to address hazardous conditions (red-flag days and flash flood warnings), and includes a detailed and site-specific Fire Protection Plan, hydrology, and geologic constraints analyses, which have evaluated potential hazards associated with the proposed development and use of the park to ensure that maximum public access and recreational use of the parklands can be achieved consistent with public safety needs. In addition, the DEIR Section 4.0, *Consistency with Plans and Policies* analyzes the proposed Plan for consistency with all applicable resource protection policies of the Coastal Act and LCP. Please see City of Malibu Local Implementation Plan 3.4.2.D and 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). These issues are similarly addressed in the consistency analysis for the MRA contained in *Appendix MRA-4* of the FEIR. No revisions to the DEIR would be required.
YY-25	*This comment states that the provision of the Overlay that allows for camping (with attendant support facilities), grading, and fuel modification uses in ESHA violates the Coastal Act and is therefore void; FEIR should thus, delete those proposed uses.* RESPONSE: A detailed consistency analysis for the MRA is contained in *Appendix MRA-4* of Volume IV of the FEIR. This consistency analysis clearly explains which uses in the proposed MRA meet the definition of "resource dependent" and why the MRA is found to be consistent with the Coastal Act and the provisions addressing

	camping (with attendant support facilities), grading, and fuel modification are found to be consistent with the Coastal Act and the Malibu LCP Overlay. Please also see comment GG-7 and GG-27. No revisions to the DEIR would be required.
YY-26	*This comment states that the DEIR does not comply with CEQA because some of the environmental analysis and corresponding impact statements are inclusive of mitigation measures. This comment directs the reader to Attachment C of the comment letter, which lists impact statements that include mitigation measures or imply mitigation has already been applied.* Response: The DEIR clearly indicates those mitigation measures which are not required to address significant impacts, but are merely recommended. It is clear to any reader of the DEIR that if mitigation is specified as a requirement, then pre-mitigation impacts are potentially significant. However, for purposes of clarification, Response to Comment YY-227 provides for a clarification of each individual impact statement referenced in this comment. Based upon the above discussion, no revision of the DEIR would be required.
YY-27	*This comment states that the mitigation measure to replace the existing metal gates and pilasters on Ramirez Canyon Road with a chain link and fabric gate is not feasible since it is a private road. This comment further states that this would result in a significant, adverse aesthetic impact, which should be addressed in the FEIR.* RESPONSE: It is unclear as to what this comment is referring to as there are no mitigation measures recommended in the DEIR that would replace any gates along Ramirez Canyon Road.

	Access to the Ramirez Canyon Park property is provided by gated vehicular access roads from PCH via Ramirez Canyon Road or via West Winding Way and Delaplane, and then through a gated entrance at the terminus of Ramirez Canyon Road. As detailed in *Appendix MRA-1,* under the MRA, if required by the responsible fire agency, Ramirez Canyon widening improvements also include replacement of a wooden bridge on Ramirez Canyon Road, located just south of the intersection with Via Acero, with a 20-ft clear-width and 34-ft long, prefabricated steel bridge (or other similar alternative measures required by the responsible fire agency consistent with Fire Code allowances). If required by the responsible fire agency, the new bridge would be constructed in two phases. The first phase (Phase A-bridge construction) would leave the existing bridge in place while the first half of the new bridge was constructed on the easterly side of the existing one. Once the new easterly half of the bridge is operational, the old timber bridge would be dismantled; Phase B-bridge construction would entail the construction of the second westerly half of the bridge. The existing footprint of the wood bridge is 10 feet, while the new bridge would be approximately 25 feet wide. The bridge would be designed to withstand a fire truck's weight and to better accommodate two-way vehicular traffic; it is proposed to span the creek bank and be located above the 100-year flood elevation. To achieve a full 20-ft width along Delaplane Road, the appropriate fire agency may require the existing vehicle gate and pilasters along Delaplane Road (which do not allow 20 ft of clearance) to be removed; this eventuality has been considered within the environmental impact analysis as well as the work MRCA would perform to install a new gate with 20-ft-wide opening. The specific design of the gate, and whether it will be required is unknown at this time. However, it would not be located on a scenic highway, is not an element of a scenic vista, would not damage scenic resources, would represent a minor change, and would only be visible to a limited number of people traveling along this local roadway. It would therefore not substantially degrade the visual character of the area. Any change in gate aesthetics would therefore not rise to the level of being a significant aesthetic impact,

	Based upon the above discussion, no revision of the DEIR would be required.
YY-28	*This comment states that the DEIR does not include information about lighting for special events at the Ramirez Canyon property, such as restrictions for wattage or direction of light. Therefore, the commenter states, that special event lighting should be analyzed.* RESPONSE: While DEIR Section 5.1, *Aesthetics/Visual Resources*, does analyze special event lighting and concluded that potential impacts would be less than significant, the following additional information is provided: Lighting at Ramirez Canyon Park is not visible from Pacific Coast Highway or the beach. Although there may be an increase in temporary lighting associated with occasional special events (limited to 32 events per year and with all related event activities concluding by 11 p.m.) would continue for both public safety and ambience (e.g., up lighting of trees, light strands along walkways and driveways), potential light and glare impacts to light sensitive land uses, such as the surrounding residential neighborhoods in proximity Ramirez Canyon Park from implementation of the proposed improvements and temporary special events would be considered *less than significant,* due to the remote location of Ramirez Canyon Park in the back of the canyon, dense vegetation throughout the area, and the temporary nature of the events, which requires special events to shut down by 9:00 p.m., Sunday through Thursday, and 10:00 p.m., Friday and Saturday. Existing and proposed lighting at Ramirez Canyon Park is discussed in *Appendix MRA-1* of the FEIR. There are no significant differences between the lighting at this location under the Proposed Plan and the MRA. However, the MRA anticipates a maximum of 16 large events per year during Phase 2 at this location, rather than the 32 anticipated under the proposed Plan. Based upon the discussion above, no changes would be required in the DEIR

YY-29	*This comment states that the FEIR should describe required construction and analyze impacts to air quality associated with bringing structures on the Ramirez Canyon property up to building code.* RESPONSE: For purposes of a reasonable worst case analysis, potential impacts to air quality associated with construction of the proposed improvements within the EIR assumed that all construction activity would occur simultaneously within a limited duration of time and included a 20% contingency for air quality impacts during any construction phase. As presented in Section 5.3, *Air Quality*, the worst-case scenario assumes that construction at each park or improvement site would occur concurrently. In light of the 20% contingency included within the air quality analysis, it is unlikely that the addition of any construction activity at Ramirez Canyon Park required to bring the existing structures up to code would result in total combined emissions that would exceed SCAQMD thresholds for VOC, CO, SO_2, PM_{10}, or $PM_{2.5}$. Regardless, as total combined Plan construction emissions would exceed the SCAQMD threshold of 100 pounds per day for NO_X, mitigation measure AQ-1.1, which requires that construction of the proposed Plan improvements be scheduled such that no more than one Park site or other improvement area be developed at a single time, would ensure that emissions of all criteria pollutants would not be exceeded during Plan construction. Estimated emissions associated with specific construction at Ramirez Canyon Park (including Kanan Dume) are well below the thresholds for VOC, NO_X, CO, SO_2, PM_{10}, or $PM_{2.5}$, such that a doubling of emissions would not exceed thresholds for this individual park improvement area. As detailed in Chapter 14 of the Final EIR, air quality construction impacts of the MRA would be similar, though slightly less than under the Proposed Plan. NOx construction emissions would still exceed AQMD thresholds, and the MRA therefore includes the same air quality mitigation measures as the Proposed Plan. Based upon the discussion above, no changes would be required in the DEIR.

YY-30	*This comment states that the DEIR does not include an analysis of the impact of the risk of fire on air quality, which should be included in the FEIR analysis.* RESPONSE: As detailed in Topical Response #2 – Fire Concerns, neither the Proposed Plan nor the MRA would result in a substantial risk of fire or wildfire. Any analysis of the risk of fire on air quality is therefore unnecessary. It should be noted that although the general affects of fire on air quality are understood, including the potential for adverse affects on human health and respiratory function, the numerous variables associated with wildland fires make it difficult, if not impossible, to accurately estimate the increase in criteria pollutants resulting from future fire events within the southern California Region. Wildland fire emergencies are temporary; as such, the increase of particulate matter and other air pollutants in the SCAB would be short-term. Although the Plan parks are located in an area which is periodically subject to degraded air quality due to fire events in the region, in the event of red-flag day or a fire event, the Plan parks would be closed to recreational use. Potential users would therefore not be exposed to additional fire-related pollutants beyond what they would experience as a resident of the southern California Region. Based upon the discussion above, no changes would be required in the DEIR.
YY-31	*The commenter states that in the executive summary: the impacts to ESHA are categorized as potentially significant and unavoidable; sensitive vegetation communities, and special-status plants and native trees, and riparian resources are categorized as less than significant with mitigation; and impacts to wildlife movement are categorized as less than significant. The commenter continues and states that the discussion of biological resources "lumps" the impacts together and that the FEIR should include a separate analysis of each impacts. The commenter continues to state that the proposed project is almost entirely in ESHA and there is no discussion of why the project could not be located outside ESHA.*

	RESPONSE: The commenter is incorrect in stating that impacts to ESHA are categorized as potentially significant and unavoidable, or a Class I Impact (See Table ES-1, Page ES-12 of DEIR). The commenter is also incorrect with respect to their statements regarding impacts on wildlife movement; Impact BIO-12 (long-term, indirect impacts on wildlife corridors and habitat linkage) is categorized as less than significant with mitigation considered (Class II) and not as less than significant (Class III) as the comment states. The commenter's statement that the discussion of biological resources in the DEIR "lumps" the impacts together also is not accurate. In fact, impacts to sensitive vegetation communities including riparian habitat are addressed in Impact BIO-1, Impact BIO-2, Impact BIO-3; impacts to special-status plants are addressed in Impact BIO-4, Impact BIO-5, and Impact BIO-6; impacts to native trees are addressed in Impact BIO-13 and Impact BIO-14; and impacts to wildlife movement are addressed in Impact BIO-11 and Impact BIO-12. Passive recreation and nature appreciation are often managed together with environmentally sensitive resources. With proper design of recreation features, education, and enforcement of rules recreation is not incompatible with natural resources. Where structural development or other physical encroachment cannot be sited to avoid encroaching into sensitive areas (ESHA), mitigation is provided. Because several unavoidable significant impacts were identified for the Proposed Plan (in the issue areas of geology and policy consistency), a Modified Redesigned Alternative (MRA) is being proposed for consideration. It has been designed to eliminate the unavoidable impacts identified under the Proposed Plan and reduce these unavoidable geology and policy consistency impacts to a level which is considered less than significant with mitigation. The reader is directed to Chapter 14 of Volume IV of the FEIR which contains an analysis of the MRA. A consistency analysis for the MRA is included in *Appendix MRA-4*. Based upon the above discussion, no revision of the DEIR would be required.

YY-32	This comment states that retrofitting of structures in Ramirez Canyon, or alteration of fuel modification zone requirements, could have impacts upon biological resources, not identified in the DEIR. RESPONSE: The environmental impacts associated with any proposed and/or required retrofit of existing structures at Ramirez Canyon Park would occur simultaneously with other construction efforts proposed at Ramirez Canyon Park and would be limited in duration (approximately 12 weeks). Although occasional use of forklifts or other small pieces of mobile equipment might be required for the movement of materials and supplies, it is anticipated that any required retrofit(s) would largely be implemented by tradespersons and/or by manual labor. Given the temporary and limited nature of the activity, which could occur simultaneously with other on-site construction efforts and within an existing building development envelope which is already subject to existing vegetation clearance requirements up to 200 feet in radius, the discussion of impacts contained within the DEIR adequately addresses this issue. See, also, Comment Response YY-29 The quantification of biological resource impacts in the DEIR and FEIR includes those impacts associated with fuel modification requirements. Please see Response to Comment CCC-10 which details the difference in ESHA impacts and fuel modification assumptions between the proposed Plan and the MRA. Based upon the above discussion, no revision of the DEIR would be required.
YY-33	*The commenter requests that the key to each vegetation community provided on Figure 5.4-3 also be included on Figures 5.4-3a-e in the FEIR and that the FEIR should also include an indicator to distinguish between communities that are primarily non-native and those that are considered sensitive.* RESPONSE: The key to the vegetation communities is provided on Figure 5.4-3.

	Figures 5.4-3a-e include the vegetation abbreviation for each vegetation polygon and the general physiognomic and physical location types (i.e., scrub and chaparral, etc.). The vegetation communities that are considered sensitive are listed in Table 5.4-4 in Section 5.4, Existing Conditions, of the DEIR. Based upon the above discussion, no revision of the DEIR would be required.
YY-34	*The commenter states that the Native Tree Protection Plan (Appendix F) identifies tree mitigation quantities, but the DEIR does not quantify the number of trees to be removed or identify mitigation planting locations. The commenter also notes that Figures 7c and 7d in Appendix H-1 show impacts to three California walnut trees, but impact status is not clear and identification of trees to be removed should be made more clear.* RESPONSE: The Native Tree Protection Plan (NTPP) identifies the quantity of native and non-native trees designated for removal, by Project Alternative. *Appendix MRA-10* provides the Native Tree Protection Plan for the MRA. Further, mitigation tree planting will occur on-site and locations will be coordinated with the project Biological Concept Mitigation/Restoration Plan. MRA-11 provides the Biological Restoration Plan for the MRA. Finally, tree labels in the maps in *Appendix A* of the NTPP correspond with the tree ID field in *Appendix B* so that an evaluation of tree impact status can be made for each Project Alternative. See also Response to Comment CCC-3 which summarizes the quantification of trees that will be removed under the proposed Plan and the MRA. Based upon the above discussion, no revision of the DEIR would be required.
YY-35	*The commenter recommends that the biological resources section of the DEIR includes figures that depict the area of potential impacts overlain on maps showing biological resources.* RESPONSE: The biological resources section of the DEIR does include figures that depict the area of potential impacts overlain on maps showing

	biological resources. Specifically, Figures 5.4-5a-l provide the impacts by type, including impacts associated with the proposed facilities, fuel modification, and trail corridor, and the biological resources, including vegetation communities and special-status plants and wildlife species. Biological resource figures for the MRA are provided in *Appendix MRA-8*. Based upon the above discussion and the analysis contained within the DEIR; no further revision of the DEIR would be required.
YY-36	*The commenter states that fuel management areas around the accessible campsites at the Conservancy's Ramirez Canyon property extend across Ramirez Creek (DEIR Figure 2-8). The commenter also states that fuel management areas around the restroom at the meadow campsites are less than 50 feet from the creek centerline and the proposed water line is less than 100 feet from the creek centerline (DEIR Figure 2-9). The commenter questions whether the fuel management zones shown on DEIR Figures 2-8 and 2-9 would result in a loss of riparian habitat, impacts to ESHA, or habitat and ecological function degradation.* RESPONSE: The development footprint for the proposed Plan and the alternatives included fuel management. Under the proposed Plan, the fuel management areas around the campsites at Ramirez Canyon (DEIR Figure 2-8) and around the restrooms at the meadow campsites (DEIR Figure 2-9) and the installation of the proposed water line (DEIR Figure 2-9) would not result in loss of riparian habitat. The direct impacts to vegetation communities, including riparian communities, are shown in the DEIR on Figure 5.4-5c. There will be direct impacts to riparian and bottomland habitats south of meadow campsites, as shown in Figure 5.4-5c, but these impacts are not the specific impacts shown in DEIR Figures 2-8 and 2-9. There are native trees in the fuel management zones shown on DEIR Figures 2-8 and 2-9, which are considered ESHAs. Section 5.4.2 of the DEIR discusses impacts to native trees under the heading "Trees." Specifically, on page 5.4-80 direct impacts to native trees are discussed and the DEIR states that a total of 187 native trees are located would be directly affected as a result of the proposed improvements; the direct native tree impacts for the

	Proposed Plan should total 189, rather than the 187 identified in the DEIR (see DEIR, page 5.4-80). Section 15 of the FEIR corrects this. Depending on the ultimate disturbance levels (as yet to be determined by the Final Construction Design) up to 10 of the 189 native trees within the limits of disturbance may require removal. Impacts to native trees associated with the fuel modification are included in this native tree direct impact number. Section 15 of the FEIR provides a detailed comparison of biological resource impacts for the Proposed Plan and the alternatives, including the MRA. With respect to ecological function degradation, both long-term and short-term indirect impacts to sensitive natural communities, including riparian habitat, were evaluated in Section 5.4.2 of the DEIR as Impact BIO-2 and Impact BIO-3 (page 5.4-65 and 5.4-67). Indirect impacts to native trees were evaluated in Section 5.4.2 of the DEIR as Impact BIO-14 (pages 5.4-85 through 5.4-88). A similar evaluation was performed for the MRA. (Please see Sections 14 and 15 of the FEIR). Both the proposed Plan and the MRA would be subject to mitigation measure MM BIO-1.13 which specifies: MM BIO-1.13 In no case shall new support facilities (not associated with low-impact campsites) be located less than 100 feet from the top of bank of all streams or from the outer edge of riparian vegetation, whichever is the most protective (excepting support facilities within Ramirez Canyon Park, a limited [no more than 10 space] Latigo trailhead parking and picnic area for Escondido Canyon Park, and an Americans with Disabilities Act (ADA) compliant drop-off area at Corral Canyon Park, all of which may be located closer to the stream bank provided they are still no less than 25 feet from top of stream bank). Based upon the above discussion, no revision of the DEIR would be required.

YY-37	*The commenter would like the FEIR to clarify whether the statement on Page 5.4-29, "Communities are not common in this area." refers to broad leafed upland trees. The commenter asserts that this statement is not accurate and this category is mapped extensively in Ramirez and Escondido Canyons.* RESPONSE: The biological study area is approximately 390 acres of the entire Plan area (Section 5.4.1 of the DEIR on page 5.4-1). As stated in the DEIR on page 5.4-29, 26 acres (or 7%) of the vegetation communities in the study area are categorized in the physiognomic and physical location group, broad leafed upland tree dominated communities. Therefore, the broad leafed upland tree dominated communities are not common in the biological study area as compared to other vegetation communities such as scrub and chaparral, which account for 233 acres, or 60%, of the vegetation communities in the biological study area (DEIR page 5.4-27). Based upon the above discussion, no revision of the DEIR would be required.
YY-38	*The commenter states that giant reed is not identified as a sensitive vegetation community by the California Natural Diversity Database (CNDDB) and that this species is an invasive non-native species. The commenter states that because the giant reed is located in a riparian area, the FEIR should identify the precise extent of this species, its proximity to native species, and address the environmental impact of the potential spread of this species, and necessary mitigation measures.* RESPONSE: The commenter is correct that giant reed is not identified as a sensitive vegetation community by the CNDDB and that this species is an invasive non-native species. Giant reed grassland or the *Arundo donax* alliance is recognized by CDFG, but is not ranked by the CDFG because the community is considered semi-natural non-native (*Appendix H-1* of the DEIR, page 101). The DEIR uses the significance thresholds for biological resources provided in the CEQA guidelines environmental checklist, which state that a project could potentially have a significant effect if it has a

	substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by CDFG or USFWS (DEIR, page 5.4-55 and 5.4-56). While CDFG's Vegetation Classification and Mapping Program (CDFG 2009) does not consider the giant reed alliance to be a sensitive natural community, CDFG does regulate impacts to the giant reed alliance and considers the community riparian habitat when it is associated with the bed or bank of a stream or lake, pursuant to Section 1602 of the Fish and Game Code. Long-term and short-term indirect impacts to sensitive natural communities, including riparian habitat, were evaluated in Section 5.4.2 of the DEIR as Impact BIO-2 and Impact BIO-3 (page 5.4-65 and 5.4-67). After implementation of MM BIO-1.3 and MM BIO-1.5 and MM BIO-1.6, neither the Proposed Plan nor the project alternatives would result in residual impacts related to the spread of giant reed. Based upon the above discussion and the analysis contained within the DEIR, no further revision of the DEIR would be required.
YY-39	*The commenter would like the FEIR to clarify whether there is one Riparian and Bottomland Habitat alliance present or four alliances described under Riparian Forest and Woodland, as described on Page 5.4-30 of the DEIR.* RESPONSE: As described in the DEIR, there is one general habitat type, riparian forest and woodland, in the general physiognomic and physical location riparian forest and woodland group. There are four alliances in the general habitat type riparian forest and woodland (DEIR, page 5.4-30): **A. Riparian Forest and Woodland** – there are four alliances in this general habitat: • Arroyo Willow Riparian Forests and Woodland • Southern Willow scrub • Red Willow Riparian Forest • Southern Sycamore-Alder Riparian Woodland

	All the communities listed above are identified as sensitive under the CEQA guidelines (14 CCR 15000 et seq.), the County's LUP and the City's LCP because they are considered a riparian habitat. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.
YY-40	*The commenter states that on Page 5.4-37 of the DEIR "Special Status Species" should be "Plant Species" and that the DEIR states that five special-status plant species were observed, but that the list (or table) includes six special-status plant species. Additionally, the commenter states that special-status plant species are defined in the DEIR as CNPS List 1, 2, or 3 but only one of the six special-status species discussed in the DEIR fits this definition. The commenter states that the FEIR should either redefine the definition of special-status species to include List 4 or delete all List 4 species from the analysis.* RESPONSE: The commenter is correct that six special-status species were analyzed and is correct that List 4 species were included in the analysis of special-status species in the DEIR. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.
YY-41	*The commenter states that on page 5.4-38 of the DEIR the second paragraph discusses special-status plants but that Table 5.4-4, "Summary of Sensitive Vegetation Communities and Acreages", follows this paragraph and that Table 5.4-4 should be moved.* RESPONSE: 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.
YY-42	*The commenter states that Table 5.4-2, "Summary of Vegetation Communities and Acreages", should indicate both sensitive and non-sensitive communities in Table 5.4-2 and delete Table 5.4-4.*

	RESPONSE: This comment does not identify an inadequacy in the analysis, conclusions or mitigation measures in the EIR. The Conservancy/MRCA Boards declines to make this change. Table 5.4-2 describes all vegetation communities occurring onsite (including sensitive vegetation communities) and Table 5.4-4 describes only those sensitive vegetation communities. A similar table is included in Chapter 14 for the MRA. It includes both sensitive and non-sensitive communities. Based upon the above discussion, no revision of the DEIR would be required.
YY-43	*The commenter requests that Table 5.4-5, "Summary of Tree Species from the Plan Site", indicate which tree species are native and states that toyon is a large shrub and not a tree.* RESPONSE: As discussed in the DEIR on page 5.4-10, the City of Malibu's Certified LCP Native Tree Protection provides protection for toyon. Also, the Jepson Online Interchange describes toyon as a shrub or small tree (Jepson Flora Project 2010). Regarding the comment that Table 5.4-5 should be revised to indicate which trees are native, native trees are analyzed as impact BIO-13 in the DEIR on pages 5.4-80 and 5.4-81. Impacts to native tress under the MRA are similarly addressed in Section 14 of the FEIR and the Native Tree Protection Plan for the MRA contained in *Appendix MRA-10*. Based upon the above discussion, no revision of the DEIR would be required.
YY-44	*This comment requests clarification of the distribution and quantity of native trees described in association with Ramirez Canyon Park.* RESPONSE: As described on page 5.4-48 of the DEIR Ramirez Canyon Park

	includes several western sycamores scattered throughout the property, including along the creek. Per the commenter's request, the following information is provided for clarification. Specifically, there are 178 native trees in Ramirez Canyon Park per the LCP including the following: 89 western sycamores, 62 coast live oaks, 12 southern California black walnuts, and 15 white alders. Additionally, along Ramirez Canyon/Delaplane Road there are 69 native trees per the LCP including the following: 20 western sycamores, 40 coast live oaks, 5 southern California black walnuts, and 4 white alders. Additional specific information relative to native trees is provided in DEIR Section 5.4, DEIR *Appendix F* and FEIR Appendix *MRA-10*, with additional clarification provided in FEIR Section 15.0. The vegetation communities present in Ramirez Park have been disturbed from the residential land uses in the park. While there are native trees present in the park, the majority of the vegetation under these trees is ornamental landscaping and non-native grasses including slender wild oat, ripgut brome, and soft chess near the main entrance to the park. Based upon the above discussion, no revision of the DEIR would be required.
YY-45	*This comment states the DEIR identifies a project will have significant impacts if it conflicts with any local policies or ordinances protecting biological resources. The PWP conflicts with ESHA protection policies. Biological analysis should conclude all ESHA impacts are Class I.* RESPONSE: For purposes of clarity, the FEIR distinguishes between biological resources impacts and policy inconsistency impacts. Separate thresholds are used in determining each of these categories of impacts. A detailed policy consistency analysis is included in DEIR Section 4.0, Consistency with Plans and Policies of the DEIR does conclude Proposed Plan improvements would potentially conflict with land use plan policies addressing geologic hazards and protection of environmentally sensitive habitat areas adopted for the purpose of avoiding or mitigating an environmental effect, resulting in a significant and unavoidable impact (Class I). As detailed in the DEIR, whereas actual biological resource impacts for

	the Proposed Plan can be mitigated to a level considered less than significant, policy consistency impacts could not. Because several unavoidable significant impacts were identified for the Proposed Plan (in the issue areas of geology and policy consistency), a Modified Redesigned Alternative (MRA) is being proposed for consideration. It has been designed to eliminate the unavoidable impacts identified under the Proposed Plan and reduce these unavoidable geology and policy consistency impacts to a level which is considered less than significant with mitigation. The reader is directed to Chapter 14 of Volume IV of the FEIR which contains an analysis of the MRA. A consistency analysis for the MRA is included in *Appendix MRA-4*. Based upon the above discussion, no revision of the DEIR would be required.
YY-46	*The commenter recommends that the thresholds of significance, bullet item no. 1, in the DEIR (Pages 5.4-55 and 5.4-56) should be modified to include National Marine Fisheries Service (NMFS) because that agency has jurisdiction over steelhead. Additionally, the commenter recommends that the third bullet item under the thresholds of significance should include state wetlands, particularly for those areas within the Coastal Zone which require the application of federal and Coastal Commission criteria.* RESPONSE: The Conservancy/MRCA has opted to use the thresholds language contained in CEQA Guidelines *Appendix G*. State wetlands are addressed under the following significance threshold: "Has a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by CDFG or USFWS" (5.4-56, bullet item no. 2). Therefore, the third bullet item under the thresholds of significance will not be revised. Regardless, impacts to state wetlands, including those in the Coastal Zone, are addressed in the DEIR and considered less than significant (Class II) with implementation of mitigation.

	Regarding steelhead, Stan Glowacki, the Santa Monica Mountains coastal fish habitat specialist at NMFS, has confirmed that neither Corral nor Escondido Canyons are critical habitat for steelhead and that neither he nor NMFS has any historic, or current, record of any steelhead sightings in any portion of the Corral or Escondido Canyon watersheds (pers. com. to Paul Edelman, August 5, 2010). The complete absence of any historic, or current, sighting of steelhead trout in Corral Creek is further supported by the January 18, 2006 report, entitled, *Santa Monica Mountains Steelhead Habitat Assessment Final Project Report*, prepared by California Trout, Inc. for California Department of Fish and Game and California Coastal Conservancy – Santa Monica Bay Restoration Project. That report ranks both Corral and Escondido Canyons as lowest priority watersheds to potentially focus prime steelhead restoration activities. Steve Williams, one of the biologists with the Santa Monica Mountains Resource Conservation District who does fish surveys along the Santa Monica Mountains coast, also indicated he knew of no known historic, or current, sightings of any steelhead trout in Corral or Escondido Canyons (pers. com. to Paul Edelman, August 5, 2010). Based upon the above discussion, no revision of the DEIR would be required, and there is no need to add NMFS to the thresholds of significance.
YY-47	*This comment states that the DEIR Section 5.4, Biological Resources, does not address short-term direct impacts resulting from noise and human presence or long-term direct impacts resulting from fire hazards on biological resources. The commenter further states that an increased frequency of fires in chaparral could cause type conversion.* RESPONSE: Short-term construction noise and human presence impacts would be just that, short-term and would be less in scope and duration than the long-term noise and human effects for the proposed Plan which are analyzed in the DEIR. The DEIR includes mitigations

	designed to reduce the long-term biological resource impacts of the proposed Plan to a level which is considered less than significant. These same mitigation measures would be effective in ensuring that short-term effects are similarly reduced to a level which is less than significant. Specifically the habitat restoration plan included in MM BIO-1.5 would address both short-term and long-term effects of the Plan. In addition, the DEIR includes a number of mitigation measures which address short-term construction impacts. See for example: MM BIO-1.14, MM BIO-2.1, MM BIO-2.2, MM BIO-4.1, MM BIO-7, MM BIO-8, MM BIO-10.2, MM BIO-10.4, MM BIO-10.14, MM BIO-13.1, MM BIO-13.2, MM BIO-13.3, MM BIO-13.4 and MM BIO-13.8 are all designed to ensure that short-term construction impacts are less than significant. These same mitigation, with minor non-substantive modification made to either address difference in MRA and proposed Plan features, or made in response to comments, are included for the MRA. As detailed in Topical Response #2 – Fire Concerns, no significant increase in fires is anticipated to occur under either the proposed Plan or MRA. As stated in DEIR Section 5.4, *Biological Resources*, under the Wildlife Corridors and Habitat Linkages subheading, "Fires and floods are dynamic processes that play a vital role in maintaining the natural disturbance regime." This is further described in DEIR Section 5.6, *Fire Hazards*, which states: "Fire presence and absence at varying cycles or regimes affects plant community succession. Succession of plant communities, most notably the gradual conversion of shrublands to grasslands with short fire intervals and grasslands to shrublands with long fire intervals, is highly dependent on the fire regime. Biomass and associated fuel loading will increase over time, assuming that disturbance (such as wildfire) or fuel reduction efforts are not diligently implemented. It is possible to alter successional pathways for varying plant communities through manual alteration." As discussed in DEIR Section 5.6, *Fire Hazards*, the Plan area is potentially vulnerable to wildfire, given the climatic, vegetation, topographical, and fire history of the region. Despite current

	SMMC/MRCA fire prevention measures intended to minimize wildfire risk within Parks, the potential does exist for wildfires originating off-site and burning or spotting into the Plan area. This potential risk would exist with or without the proposed Plan. As implementation of the proposed Plan is not anticipated to result in an increased risk of fire or increased instances of fire within the project area, it is thereby anticipated that Proposed Plan would not result in disruption of the natural plant succession cycle. Based upon the above discussion, no revision of the DEIR would be required.
YY-48	*This comment states that the FEIR Section 5.4, Biological Resources, should address impacts to vegetation that is not considered a sensitive community and common wildlife that are not sensitive species, including impacts associated with increased human presence and maintenance activities.* RESPONSE: The DEIR provided an analysis of biological resource impacts consistent with the CEQA thresholds contained in *Appendix G* of the CEQA Guidelines. The CEQA Guidelines do not include a threshold for impacts to non-sensitive biological resources. Please also see Response to Comment YY-47 and YY-51.
YY-49	*This comment states that mitigation measures within Section 5.4,* Biological Resources, *should be revised to replace "should" and "may" with "shall," to ensure mitigation is implemented properly.* RESPONSE: For any mitigation measure identified as required to address a Class II impact, the use of terms "should" and "may" will be replaced with "shall" in the required Mitigation Monitoring and Reporting Plan (MMRP).
YY-50	*This comment states that the FEIR should specify the location of the proposed biological resource mitigation sites or a maximum distance from mitigation sites to the Plan area, within Section 5.4,* Biological Resources.

	RESPONSE: The Concept Habitat Mitigation Plan included in the DEIR appendices specified all locations of proposed biological resource mitigation sites and illustrated with figures the distance of identified mitigation sites from the Plan area. No revisions to the DEIR would be required. A similar concept Biological Restoration Plan for the MRA is provided in FEIR *Appendix MRA-11*. Based upon the above discussion, no revision of the DEIR would be required.
YY-51	*This comment states that MM BIO-1.5 should include riparian habitats as well as all native habitats, sensitive or not.* RESPONSE: As described on page 5.4-56 of the DEIR, the significance thresholds for biological resources provided in the CEQA guidelines environmental checklist, state that a project could potentially have a significant effect on the environment if it: • Has a substantial adverse effect, either directly or through habitat modifications, on any species identified as being a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFG or USFWS • Has a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by CDFG or USFWS • Has a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means Interferes substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impedes the use of native wildlife nursery sites • Conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance

	• Conflicts with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. As described on page 5.4-56 of the DEIR: "The evaluation of whether or not an impact to a particular biological resource is significant must consider both the resource itself and the role of that resource in a regional context. Substantial impacts are those that contribute to, or result in, permanent loss of an important resource, such as a population of a rare plant or animal. Impacts may be important locally because they result in an adverse alteration of existing site conditions but considered not significant because they do not contribute substantially to the permanent loss of that resource regionally. The severity of an impact is the primary determinant of whether or not that impact can be mitigated to a level below significant." Any proposed impact to a vegetation community considered a riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by CDFG or USFWS was considered a potentially significant environmental impact. As detailed in the DEIR Section 5.4, these impacts can be fully mitigated to a level below significance (i.e., Class II). The local or regional plans, policies, and regulations, and CDFG or USFWS regulations are described under "Regulatory Setting" of Section 5.4 of the DEIR and were used to determine whether a community was considered sensitive. The plans, policies and procedures do not consider all native habitats to be sensitive, and, therefore, mitigation for impacts is not necessary. Therefore, MM BIO-1.5 will not be revised to include mitigation for all native habitats. MM BIO-1.5, which states that a habitat restoration plan shall be prepared, does address riparian habitats because the term wetlands, in the DEIR, refers to riparian habitat also. In addition, *Appendix H-2*, *Biological Concept Mitigation/Restoration Plan* of the DEIR and *Appendix MRA-11* for the MRA in the FEIR, are habitat restoration plan, which include mitigation for the riparian habitats impacted, demonstrating further that this measure does address mitigation for impacts to riparian habitats.

	Based upon the above discussion, no revision of the DEIR would be required.
YY-52	*This comment states that MM B10-1.6 should be revised to add planting layouts to listed item "b"; to specify that plant sources must be local material in listed item "c"; and, listed item "h" should also limit herbicide use.* RESPONSE: Item "b" of the listed minimum contents of the habitat restoration plan references information contained in plant palettes that define the species composition, diversity of the planting, and plant material quality. The information relates to nursery-grown container plants and seed mixes that are proposed to be used to achieve project performance standards and not to planting layout. Item "d" provides a schematic layout of habitat types, but not actual species distribution. It is not appropriate to provide this level of detail in habitat restoration plan. The specific location of species within any habitat mitigation area is best determined in the field by a qualified habitat restoration specialist based on site microtopography, microhydrology, solar aspect, etc. CEQA permits the formulation of details of mitigation measures (such as a precise planting layout) at a future date as long as the mitigation measures includes specified performance standards and identifies measures that may be implemented to achieve the performance standard (CEQA Guidelines § 15126.4(a)(1)(B)). MM BIO-1.5, MM BIO-1.6, MM BIO-1.7, MM BIO-1.8, MM BIO-1.9, and MM BIO-1.10 provide specific performance standards (such are target threshold requirements for native and not-native species cover, see MM BIO-1.8) and identify measures to achieve these performance standards (such as describing the minimum requirements of the habitat restoration plan, specifics on planting schedule, and reporting requirements). In addition to these mitigation measures, biological concept mitigation/restoration plans were included as *Appendix H-2* of the DEIR for the proposed Plan and *Appendix MRA-11* for the MRA. These mitigation/restoration plans describe the existing conditions of potential habitat restoration sites, the restoration implementation strategies, the rationale for success, and the performance criteria to indicate when habitat functions and values

	have been created on each mitigation site to full mitigation impacts. *Appendices H-2* of the DEIR and *MRA-11* of the FEIR demonstrate that the habitat restoration proposed is feasible. Due to the presence of noxious weeds such as Geraldton carnation weed (*Euphorbia terracina*) and a variety of other exotic weeds that must be controlled to achieve the habitat restoration performance criteria, restrictions on the use of herbicides will have a deleterious effect on the ability of a contractor to control weeds and achieve the ultimate performance standards that are established in the DEIR and habitat restoration plan. Herbicide use is regulated by the laws of the State of California and herbicides will be applied in compliance with these state laws. Regarding the comment that MM BIO-1.6, item "c" should be revised to state that the plant materials will be local, meaning the source area will be in Los Angeles County from the coast to 10 miles inland, MM BIO-1.3, which is reiterated below, already requires the use of local, indigenous plant species from the Santa Monica Mountains. Additional restrictions on the origin of plant materials are not considered necessary. MM BIO-1.3 The mitigation sites shall be revegetated with indigenous plant species of local (Santa Monica Mountains) genetic stock. No plant species listed as problematic and/or invasive by the CNPS (http://www.cnps.org/), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (http://www.cal-ipc.org/), or as may be identified by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the federal government shall be utilized within the property. All plant palettes should be reviewed by a qualified biologist and/or habitat restoration specialist familiar with those plants native or endemic to this region of California.

	Based upon the above discussion, no revision of the DEIR would be required.
YY-53	*This comment states that the MM BIO-1.7 should either be revised to require planting to be completed before March 1st to take advantage of the rainy season or the FEIR should describe and analyze the impact of irrigation measures.* RESPONSE: The proposed restoration sites are located within the coastal zone. Early summer months in the coastal zone can often be cool and foggy. Restoration efforts in coastal areas have been demonstrated to be successful when installed as late as April 30th. Also, many of the revegetation areas will be supported with supplemental temporary irrigation. Where irrigation is proposed at mitigation sites, installation of planting materials can occur anytime throughout the year, with ideal planting installation occurring between October 1st and April 30th. As described in MM BIO-1.8, prior to the mitigation sites being determined successful, they shall be entirely without supplemental irrigation for a minimum of two consecutive years because the intention of the irrigation for initial establishment of plants. Potential impacts from irrigation will be avoided and minimized through system design and appropriate operations. All irrigation systems for mitigation sites are temporary and will be turned off no less than 2 years before the end of the 5-year maintenance and monitoring period to demonstrate the self-sustaining capacity of the established native vegetation community. The irrigation system design will include a master valve to protect against mainline breaks and consequent water loss and potential erosion. Low-head drainage and potential erosion will be avoided and minimized using in-line check valves. Irrigation heads will be selected for low precipitation rates of application to avoid and minimize runoff. Pressurized mainline pipe will be buried under proposed pedestrian pathways to protect the pipes from damage. Irrigation system operations will mimic normal rainfall seasonality. The system will be operated to supplement natural rain events, to guarantee appropriate moisture levels and temporal distribution throughout normal rainfall months. The system will not be operated during hot

	summer months unless absolutely necessary to reduce mortality of container plants during the first 1 to 2 years of establishment. The system will not be operated during hot summer months to allow developing vegetation to adopt a normal growth-dormancy cycle, except as needed in the first year as described above. This specific information regarding irrigation has been added to the *Biological Concept Mitigation/Restoration Plan* for the MRA contained in *Appendix MRA-11*. However, this clarification to the *Biological Concept Mitigation/Restoration Plan* 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.
YY-54	*This comment states that if CDFG standard conditions for riparian vegetation were used for MM BIO-1.8, they may not be appropriate for dry upland communities. This comment also states that MM BIO-1.8 should include site-specific success criteria.* RESPONSE: *Appendix H-2* of the DEIR, the "Biological Concept Mitigation/Restoration Plan" for the proposed Plan and MRA-11 for the MRA, include site-specific success criteria for each potential mitigation site and vegetation community. In response to this comment, MM BIO-1.8 has been revised to clarify that the success criteria is site-specific and is based upon the vegetation community. This same change is incorporated in the MMRP for the MRA: **MM BIO-1.8** ~~All plantings shall have 90% survival the first year and 80% survival thereafter. The mitigation sites shall attain 75% cover of the native targeted species by year three and 90% cover of native targeted species by year five. Prior to the mitigation sites being determined successful, they shall be entirely without supplemental irrigation for a minimum of two consecutive years. Non-native species shall comprise 10% cover or less by year five.~~ **Interim annual and final performance criteria for each potential mitigation site and vegetation community are provided below. Vegetation cover is expressed as percent absolute cover for native and non-native vegetation. For native cover, the percentages listed shall be the minimum attained to be considered successful, and for non-**

native cover, the percentages listed shall not be exceeded.

Vegetation Community	Year 1 (%)	Year 2 (%)	Year 3 (%)	Year 4 (%)	Year 5 (%)
Malibu Bluffs					
Coastal scrub	15	30	50	65	75
Perennial exotic cover	5	5	5	5	5
Corral Canyon					
Coastal scrub	15	25	40	50	65
Perennial exotic cover	30	20	10	10	10
Native Grasslands	10	20	35	45	55
Tuna/Las Flores					
Chapparral/Coastal scrub	15	25	40	50	65
Perennial exotic cover	5	5	5	5	5
King Gillette Ranch					
Southern willow scrub	20	35	50	65	80
Sycamore-Coast live oak woodland	15	25	35	55	75
Perennial exotic cover	5	5	5	5	5
Ramirez Canyon					
Southern willow scrub	20	35	50	65	80

The above clarified version will be included as MM BIO-1.8 in the MMRP. The clarification does not alter the function or efficacy of the mitigation, but makes it more specific in terms of dictated frequency. The required mitigation monitoring and reporting program would ensure compliance with the revised mitigation measure.

Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.

YY-55

This comment states that MM B10-1.11 should also include the phrase "after the bird nesting season," unless nesting bird surveys are to be conducted prior to the work (third bullet).

RESPONSE:

In accordance with MM BIO-7, to avoid direct impacts to nesting raptors and songbirds, construction of the project shall be phased to avoid the migratory bird nesting season (typically February 15 through August 31). If project construction must occur during the migratory bird nesting season, a focused avian nesting survey shall be performed in the development footprint and within 300 feet of

	the proposed development by a qualified biologist within 72 hours prior to construction. If an active bird nest is found, the nest will be flagged and mapped on the construction plans along with an appropriate buffer, which will be determined by the biologist in consultation with the USFWS and CDFG based on the biology of the species. The nest area will be avoided until the nest is vacated and the juveniles have fledged. The nest area will be demarcated in the field with flagging and stakes or construction fencing. Please note that construction will be permitted in areas outside of the nest and buffer area. If nesting birds are present on site, a biological monitor shall be present daily while the nest(s) is active to ensure that no impacts to nesting birds occur. If a natural stream is altered for the purpose of stream crossings, MM BIO-7 would be implemented because the impact would be considered part of the development footprint. There same mitigation measures would apply to the MRA. Based upon the above discussion, no revision of the DEIR would be required.
YY-56	*This comment states that DEIR Section 5.4,* Biological Resources*, does not evaluate the potential environmental impacts of a reduced riparian setback associated with proposed support facilities (MM BIO-1.12 - 1.13).* RESPONSE: The DEIR Section 5.4, *Biological Resources*, and Section 5.4, *Hydrology, Drainage and Water Quality*, do evaluate the potential environmental impacts of all proposed riparian setbacks included in the Plan. All proposed park improvement locations have been evaluated by a qualified biologist/s to ensure that park improvements have been appropriately located, to the extent feasible, in previously disturbed areas, and are appropriately setback from the top of bank of any adjacent stream, or outer edge of the riparian canopy, whichever is greater. The DEIR includes site specific resource mapping of all park improvements areas in relation to proposed improvements and potential project impacts, which were found to be less than significant with mitigation. The

	same is true for the MRA (see FEIR *Appendices MRA-8*, *MRA-10* and *MRA-11*). No revisions to the DEIR would be required.
YY-57	*This comment states that the EIR should include a study conducted by a qualified biologist of the Ramirez Creek setback requirements specified in MM BIO-1.15, as well as an alternatives analysis.* RESPONSE: Please see response to YY-56. CEQA permits the formulation of details of mitigation measures (such as a precise planting layout) at a future date as long as the mitigation measures includes specified performance standards and identifies measures that may be implemented to achieve the performance standard (CEQA Guidelines § 15126.4(a)(1)(B)). MM BIO-1.15 state the following (emphasis added): MM BIO-1.15 Campsites shall be located a minimum of 100 feet from the top of bank of all streams or from the outer edge of riparian vegetation, whichever is the most protective. **Reduced stream corridor setbacks may be permitted for low-impact campsites if a qualified biologist or environmental resource specialist determines, to the satisfaction of the reviewing body, that potential impacts to riparian corridors will be avoided or appropriately mitigated and that there is no alternative site design to meet these setback requirements given other environmental constraints such as sensitive habitat, archaeological resources or topography.** MM BIO-1.15 therefore provides specific performance standards and identifies measures to achieve these performance standards. This mitigation is also included in the MRA. Based upon the above discussion, no revision of the DEIR would be required.

YY-58	*This comment states that the project's SWPPP should require that all construction site runoff should be contained and filtered before discharge.* RESPONSE: As discussed in the DEIR, construction of project improvements could lead to sedimentation or hazardous materials releases, potentially impacting surface water or biological resources. MM HYD-1.1 and MM HYD-1.2 require MRCA to prepare a SWPPP with implementation of appropriate BMPs to prevent the migration of polluted waters from any construction activity under the Plan, and to prepare a Spill Prevention Control and Countermeasure Plan (SPCCP). The SWPPP and SPCCP are both required to prevent polluted waters from exiting construction areas. Mitigation monitoring will be conducted in order to ensure compliance during implementation. This would also be true for the MRA. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.
YY-59	*This comment states that MM BIO-1.19 does not explain how it would mitigate construction impacts identified in Impact BIO-1.* RESPONSE: The commenter is correct. MM BIO-1.19 is not required to address Impact BIO-1 and should not be viewed as required to address that impact. MM BIO-1.19 is therefore deleted from MMRP for the MRA as it would not mitigate potential biological resources construction impacts resulting from implementation of the proposed Plan and because the restriction of campfires and fires contained in MM BIO-1.19 is an essential component of the description of the MRA as detailed in *Appendix MRA-1*. Because this mitigation is not associated with biological resource construction impact, its deletion does not alter the residual impact level for Impact BIO-1. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.

YY-60	*This comment refers to Impact BIO-1 Residual Impacts and states that as recovery/mitigation of chaparral and sycamore/oak woodland would take longer than 5 years to develop a functional ecosystem, residual impacts should be characterized as Class I.* RESPONSE: For habitats such as oak woodland and chaparral that take longer to develop, a higher mitigation requirement (3:1 mitigation to impacts ratio) is applied. The additional habitat compensates for the temporal loss of the functions and services of the community. Furthermore, through the restoration program, habitat functions and services will be replaced after 5 years when final performance standards are achieved (as required per the *Appendix H-2* of the DEIR, the "Biological Concept Mitigation/Restoration Plan"). As discussed in the restoration plan (DEIR *Appendix H-2),* 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. Also, large expanses of mature native vegetation communities are already preserved through the Mountains Recreation and Conservation Authority and Santa Monica Mountains Conservancy in 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 at the end of 5 years, the temporal loss is not considered to be significant. Based upon the above discussion, no revision of the DEIR would be required.
YY-61	*This comment states that the DEIR discussion of short-term indirect construction impacts to biological resources within Section 5.4, Biological Resources, should indicate that a NPDES permit should be obtained and implemented. This comment also recommends deletion of the last sentence of BIO-2 impact statement, as it describes residual impacts.*

	RESPONSE: The DEIR does in fact reference the National Pollution Discharge Elimination System and discusses permits which are applicable to large construction sites (also discussed in DEIR Section 5.10, Hydrology). The following is provided as additional clarification, in response to this comment. "In compliance with the federal Clean Water Act, the Conservancy would also be required to obtain and implement a construction National Pollution Discharge Elimination System (NPDES) permit." This is true for both the proposed Plan and any of the alternatives. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required
YY-62	*This comment states that MM BIO-2.1 should either be revised to include monitoring of grading activities within ESHA or another mitigation measure should be added to include this requirement.* RESPONSE: The subject portion of MM BIO-2.1 is hereby revised as follows: MM BIO-2.1 Prior to the issuance of a grading permit(s) for areas <u>within and</u> adjacent to ESHA, a biologist shall be retained and approved by the Conservancy/MRCA and CDFG to monitor construction activities. The biologist will monitor all grading and other significant ground disturbing activities in or adjacent to open space areas to ensure that the project complies with the applicable standard conditions and mitigation measures. The above clarified version of MM BIO-2.1 will be captured in the MMRP and reflected in the MRA. The clarification does not alter the function or efficacy of the mitigation, but makes it more specific to the activities it governs.

	Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.
YY-63	*This comment states that MM BIO-2.2 should be revised to either apply to all potential soil disturbance or to include the definition of "significant soil disturbance" and the criteria under which it would be measured.* RESPONSE: "Significant soil disturbance," as identified in the DEIR refers to restoration activities that would potentially not be considered grading, but would result in movement of earth material. As such, and in effort to provide clarification, MM BIO-2.2 is hereby revised as follows: MM BIO-2.2 Prior to the commencement of grading operations or ~~other activities involving significant soil disturbance~~ restoration activities, the work area shall be demarcated with temporary fencing or other markers clearly visible to construction personnel. The above clarified version of MM BIO-2.2 will be included in the MMRP. The clarification does not alter the function or efficacy of the mitigation, but makes it more specific to the activities it governs. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.
YY-64	*This comment states that the analysis of Impact BIO-3 should include the effects of potentially increased fire frequency that could result from increased use of wildland and Wildland Urban Interface (WUI) areas in the Plan area.* RESPONSE: As detailed in Topical Response #2 – Fire Concerns, neither the Proposed Plan nor the MRA would result in a substantial increased risk of fire or wildfire. Any analysis of a Plan-induced increase risk of fire on biological resources is therefore unnecessary as no

	significant change in risk from existing conditions is anticipated to occur given the Fire Protection Plan (FPP) included in the proposed Plan and the MRA. Additional features have been added to the FPP for the MRA, as detailed in Topical Response #2, which would further serve to ensure that there would be no substantial increase in risk above existing conditions. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.
YY-65	*This comment states that mitigation measures should be provided for potential impacts to Southern California black walnut trees identified in Impact BIO-4.* RESPONSE: The DEIR identifies significant impacts to Southern California black walnut trees in Impact BIO-4, Impact BIO-13, and Impact BIO-14. Implementation of mitigation measures MM BIO-13.1 through MM BIO-13-8 and MM BIO-14 would reduce impacts to native trees, including Southern California black walnut trees, to less than significant. These same mitigation measures are included for the MRA. Based upon the above discussion, no revision of the DEIR would be required.
YY-66	*This comment recommends revisions to Impact BIO-5 to clarify that Impact BIO-5 addresses indirect impacts to special-status plants, rather than to general vegetation (which is addressed by Impact BIO-2).* RESPONSE: For purposes of clarification the BIO-5 impact statement in Section 5.4, *Biological Resources*, should state the following: Short-term dust, erosion, runoff, and disruption of vegetation by construction personnel during Plan construction activities could result in potentially significant impacts to special status plant species. Based upon the above clarification, no revision of the DEIR would be required.

YY-67	*This comment refers to the impact statement for Impact BIO-7 and recommends revisions regarding bird nesting areas and reference to mitigation. Specifically, this comment states that bird nesting occurs not only in woodlands, but also in shrub and chaparral habitats. The comment also states that the fourth sentence should be deleted to assess the impact prior to mitigation* RESPONSE: Although Impact BIO-7 highlights woodlands, it states that "Foraging and nesting opportunities for a variety of raptors and songbirds exist throughout the plan area." As describe in Impact BIO-7 of the DEIR, impacts to nesting birds would be a significant impact. This impact is significant regardless of the type of habitat they are nesting in. Likewise, mitigation measure MM BIO-7 applies to nesting birds regardless of the type of habitat they are nesting in. No change to the DEIR is required in response to this comment.
YY-68	*This comment requests clarity regarding the term "development" as used in MM BIO-7.* RESPONSE: This comment refers to the following statement within DEIR MM BIO-7: "If project construction must occur during the migratory bird nesting season, a focused avian nesting survey shall be performed in the development footprint and within 300 feet of the proposed development by a qualified biologist within 72 hours prior to construction." The term "development" as used in the abovementioned statement within DEIR Section 5.4, *Biological Resources*, refers to the construction of any of the following Plan improvements: roadway, parking lot, restroom, structure retrofit, fire shelter, employee quarters, bridges, trail development, habitat restoration and other construction involving gasoline or diesel powered equipment. Routine landscape maintenance carried out using non-powered

	tools and equipment is not included in the "development" definition. 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.
YY-69	*This comment states that FEIR Section 5.4, Biological Resources, should evaluate the effects of noise, lights and other disturbances caused by special events and increased use of the Ramirez Canyon property on wildlife, especially in the restored creek habitat, as discussed in Impact BIO-10.* RESPONSE: The analysis contained in the DEIR was based on worst-case maximum use levels, which includes special events. The same was true for the analysis conducted for the MRA. As noted in the comment, the DEIR discussed potential long-term indirect impacts to wildlife in Impact BIO-10. Potential long-term indirect effects include the following: lighting; increases in intermittent noise levels at recreation areas, campsites (i.e., noise associated with tent construction, cooking functions, and conversation); habitat degradation due to exotic plant and animal invasion; the introduction of domestic pets to natural areas; habitat fragmentation due to trail and campsite development; increases in general human presence near natural areas; lighting; trash and garbage; and increased predators in the study area attracted to trash and garbage (DEIR, page 5.4-75). With respect to lighting, 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. No reflective elements are included as part of the proposed Plan.

	Although the proposed 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 not significant enough to affect existing day or nighttime lighting in the area. Further, implementation of MM BIO-10.3 would reduce lighting impacts to less than significant With respect to noise, implementation of MM BIO-10.4 would reduce noise impacts to less than significant. Based upon the above discussion, no revision of the DEIR would be required.
YY-70	*This comment refers to potential native tree impacts described in Impact BIO-13 and Table 4.5-8 and requests clarification regarding the amount of potentially impacted trees that would be removed and would require mitigation on-site.* RESPONSE: Both Impact BIO-13 and Table 4.5-8 in the DEIR indicate that 187 trees would be directly impacted by the Proposed Plan (DEIR, pages 4.5-80 and 4.5-81). This number should be 189. Of the impacted native trees presented in Table 5.4-8, up to 10 would require removal under the Proposed Plan. These 10 trees include 8 native trees along Ramirez Canyon/Delaplane Road (including 6 coast live oaks and 2 southern California black walnuts), one coast live oak at the Latigo Trailhead, and 1 coast live oak at Escondido Canyon Park. The NTPP for the MRA included in *Appendix MRA-10* of the FEIR also includes quantities of native trees impacted along Ramirez Canyon/Delaplane Road. The MRA, includes removal of 5 coast live oaks and 2 southern California black walnuts. The NTPP for the MRA included in *Appendix MRA-10* of the FEIR also provides information on the quantities of native trees impacted by the MRA as a whole.

	The DEIR identifies significant impacts to native trees in Impact BIO-13, and Impact BIO-14. Implementation of mitigation measures MM BIO-13.1 through MM BIO-13-8 and MM BIO-14 would reduce impacts to native trees to less than significant. Based upon the above discussion, no revision of the DEIR would be required.
YY-71	*This comment requests clarification regarding location of mitigation trees planted at a 10:1 ratio, as described in MM-13.1.* RESPONSE: Mitigation trees planted at a 10:1 ratio, as described in MM-13.1, would be included in identified mitigations sites as illustrated in the Concept Restoration Plan. This would be true for the MRA as well. The Concept Restoration Plan for the MRA is included in *Appendix MRA-11*. Based upon the above discussion, no revision of the DEIR would be required.
YY-72	*This comment states that irrespective of whether a community is considered to be a sensitive natural community, impacts to vegetation communities should only be considered less than significant if a substantial amount of the community in the region and ecological functions of the community would not be adversely affected. The comment specifically relates to impacts in Ramirez Canyon, but states that this comment applies to the remaining portions of the project area as well.* RESPONSE: The DEIR provided an analysis of biological resource impacts consistent with the CEQA thresholds contained in *Appendix G* of the CEQA Guidelines. The CEQA Guidelines do not include a threshold for impacts to non-sensitive biological resources. As described on page 5.4-56 of the DEIR, the significance thresholds for biological resources provided in the CEQA guidelines environmental checklist and in this DEIR, state that a project could potentially have a significant effect on the

	environmental if it: ▪ Has a substantial adverse effect, either directly or through habitat modifications, on any species identified as being a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFG or USFWS ▪ Has a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by CDFG or USFWS ▪ Has a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means ▪ Interferes substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impedes the use of native wildlife nursery sites ▪ Conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance ▪ Conflicts with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. As described on page 5.4-56 of the DEIR: > The evaluation of whether or not an impact to a particular biological resource is significant must consider both the resource itself and the role of that resource in a regional context. Substantial impacts are those that contribute to, or result in, permanent loss of an important resource, such as a population of a rare plant or animal. Impacts may be important locally because they result in an adverse alteration of existing site conditions but considered not significant because they do not contribute substantially to the permanent loss of that resource regionally. The severity of an impact is the primary determinant of whether or not that impact can be mitigated to a level below significant. In the case of vegetation communities, the City of Malibu's LCP

	(i.e., a local plan) categorizes the majority of the on-site vegetation communities as sensitive natural communities or ESHAs. The ESHAs in the City of Malibu are riparian areas, streams, native woodlands, native grasslands/savannas, chaparral, coastal sage scrub, dunes, bluffs, and wetlands. It is important to note that the only vegetation communities not considered sensitive in the DEIR are Geraldton carnation weed, ruderal, eucalyptus, developed, disturbed land, ornamental, California annual grassland, and poison oak scrub. As described in detail in the biological resources technical report, *Appendix H-1* of the DEIR, and summarized in the DEIR (pages 5.4-13, -28, -29, and -30), Geraldton carnation weed, ruderal, and eucalyptus are not considered high priority for inventory or rare by CDFG, the County's LUP, the City's LCP, or any other local or regional plans, policies, or regulations or USFWS. These communities are dominated by non-native, invasive species and loss of these communities would not adversely affect the ecological functions of the community within the region. Similarly developed, disturbed land, ornamental, and California annual grasslands are not considered high priority for inventory by CDFG, the County's LUP, the City's LCP, or any other local or regional plans, policies, or regulations or USFWS. These communities do not occur naturally and/or do contain native vegetation and loss of these communities would not adversely affect the ecological functions of the community within the region. The poison oak scrub alliance, a native vegetation community, is classified by the CDFG (2009) as a G4S4 ranking. This ranking indicates that this alliance is secure both globally and within California. Therefore, impacts to 0.11 acre of poison oak scrub would not have a substantial adverse effect on a vegetation community within the region. This same would apply to impacts under the MRA. Based upon the above discussion, no revision of the DEIR would be required.
YY-73	*This comment refers to Section 5.4, Biological Resources, potential impacts to vegetation and trees at Ramirez Canyon Park and requests clarification regarding short-term indirect effects. This comment also states that NPDES is a permit.*

	RESPONSE: The commenter is correct. The sentence should read as follows: > Given that these standard measures will be implemented as part of the Proposed Project, the short-term indirect effects listed above during <u>implementation of the proposed improvements on the Ramirez Canyon property</u> will be less than significant. Based upon the above clarification, no revision of the DEIR would be required.
YY-74	*This comment refers to native trees located within areas of Ramirez Canyon currently classified as developed or disturbed, as shown in DEIR Figures 5.4-5c and 5.4-3a and Figure A-3 within Appendix F, and questions the amount of California walnut trees potentially impacted.* RESPONSE: While portions of Ramirez Canyon are currently classified as 'developed' according to the Biological Resources Section of the DEIR (Figures 5.4-5c and 5.4-3a), these areas also contain some native trees, as depicted in the map in *Appendix A-3* in DEIR *Appendix F*. Existing development occurred within areas containing native trees, some of which were retained and currently exist within areas that are otherwise largely developed or converted to managed landscapes, hence the inclusion of native trees in developed areas. The commenter is correct that Figure 5.4-5c of the DEIR did not include locations for other mapped Southern California black walnut trees in Ramirez Canyon Park. In an effort to respond to this comment and others, the Conservancy/MRCA is being presented with a Modified Redesign Alternative (MRA) for consideration and adoption. This error has been fixed and Figure Bio 5C in *Appendix MRA-8* includes the locations of all Southern California black walnut trees mapped in Ramirez Canyon Park. It should be noted that the 11 Southern California black walnut trees depicted in FEIR Figure 5.4-5c include all walnut trees mapped in Ramirez Canyon Park during the course of the project, while

	Figure A-2 in the Modified Redesign Alternative Native Tree Protection Plan (*Appendix MRA-10*) includes only those 8 walnut trees in Ramirez Canyon Park that may be directly or indirectly impacted by the MRA.
YY-75	*This comment states that a finding of "less than significant" is not defensible for impacts to California annual grassland, developed land, ruderal land, disturbed land, Geraldton carnation weed, poison oak scrub, and eucalyptus.* RESPONSE: As described on page 5.4-56 of the DEIR, with respect to vegetation communities, the significance thresholds for biological resources provided in the CEQA guidelines environmental checklist and in this DEIR, state that a project could potentially have a significant effect on the environment if it has a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by CDFG or USFWS. In the case of vegetation communities, the City of Malibu's LCP (i.e., a local plan) categorizes the majority of the on-site vegetation communities as sensitive natural communities or ESHAs. The ESHAs in the City of Malibu are riparian areas, streams, native woodlands, native grasslands/savannas, chaparral, coastal sage scrub, dunes, bluffs, and wetlands. Geraldton carnation weed, ruderal, eucalyptus, developed, disturbed land, ornamental, California annual grassland, and poison oak scrub are not considered sensitive in the DEIR. As described in detail in the biological resources technical report, *Appendix H-1* of the DEIR, and summarized in the DEIR (pages 5.4-13, -28, -29, and -30), Geraldton carnation weed, ruderal, and eucalyptus are not considered high priority for inventory or rare by CDFG, the County's LUP, the City's LCP, or any other local or regional plans, policies, or regulations or USFWS. These communities are dominated by non-native, invasive species and loss of these communities would not adversely affect the ecological functions of the community within the region. Similarly developed, disturbed land, ornamental, and California annual grasslands are not considered high priority for inventory by CDFG, the County's LUP,

	the City's LCP, or any other local or regional plans, policies, or regulations or USFWS. These communities do not occur naturally and/or do contain native vegetation and loss of these communities would not adversely affect the ecological functions of the community within the region. The poison oak scrub alliance, a native vegetation community, is classified by the CDFG (2009) as a G4S4 ranking. This ranking indicates that this alliance is secure both globally and within California. Therefore, impacts to 0.11 acre of poison oak scrub would not have a substantial adverse effect on a sensitive natural community within the region. The same would be true under the MRA. Based upon the above discussion, no revision of the DEIR would be required. See response to comment YY-72 for additional information.
YY-76	*Page 5.4-127, last line of first paragraph. The "indirect impact to the specific number of trees" is not shown in Table 5.4-22 as stated. The FEIR should include that information, by species, for trees removed and for trees impacted but not removed. Table 5.4-22 repeats the impacts to California sycamore-coast live oak that was given for ESHA in Table 5.4-10.* RESPONSE: DEIR The commenter is correct in that Table 5.4-22 of the DEIR (Section 5.4) does not include indirect impacts to the specific number of trees and that Table 5.4-22 repeats the impacts to California sycamore-coast live oak that was given for ESHA in Table 5.4-10. Information relative to indirect impacts to native trees by species type, park area and trail segment is presented in Table 5.4-9 of the DEIR (page 5.4-85). Information relative to direct impacts to native trees by species type, park area and trail segment, is presented in Table 5.4-8 of the DEIR (page 5.4-81). In addition, the Malibu Parks Public Access Enhancement Native Tree Protection Plan (NTPP) included in DEIR (*Appendix F*) includes tree data matrices which identify project impacts to individual trees both by species-type and tree numbers, which are illustrated on Tree Location Exhibits included

	in the NTPP. In an effort to respond to this comment and others, the Conservancy/MRCA is being presented with a Modified Redesign Alternative (MRA) for consideration and adoption. As with the proposed Plan, the Modified Redesign Alternative Native Tree Protection Plan (*Appendix MRA-10*) provides information relative to direct and indirect impacts to native trees by species type, park area and trail segment, and identifies project impacts to individual trees both by species-type and tree numbers, which are illustrated on Tree Location Exhibits included in the NTPP. In addition, Table 7 of the MRA NTPP lists direct impacts to native trees by species type, park area and trail segment, and notes the number of trees that could potentially be removed by the MRA. Based upon the analysis contained in the DEIR and the above discussion, no revision of the DEIR would be required.
YY-77	*This comment refers to proposed planting mitigation at Ramirez Canyon and along the Trail system and states that the ecological function of the California sycamore-coast live oak community cannot be restored by planting trees and understory plants within a few years; therefore, as the commenter expresses, impacts would be long term and significant.* RESPONSE: The 3:1 mitigation ratio proposed for California sycamore-coast live oak woodland community impacts is based on the rationale that the functions and services of these resources will be replaced within 5 years, and therefore only a minor temporal loss will occur (see response to comment YY-62). Long-term success of the revegetation effort is ensured through proper design and adaptive management. Thus, the 3:1 mitigation ratio adequately compensates for impacts to these resources. Also, large expanses of mature native vegetation communities, including California sycamore-coast live oak woodland, are already preserved through the Mountains Recreation and Conservation Authority and Santa Monica Mountains Conservancy in 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 site matures. Given the minimal effect

	on wildlife, as described above, and because the functions and services of the impacts will be replaced at the end of 5 years, the temporal loss is not considered to be significant. Based upon the above discussion, no revision of the DEIR would be required.
YY-78	*This comment states that the DEIR analysis does not discuss impacts to wetlands at Ramirez Canyon Park on page 5.4-132 of the DEIR.* RESPONSE: In the DEIR (page 5.4-132), under the heading "Ramirez Canyon Park (Wetlands)", the impacts to wetlands are quantified by acreages and by impact type. In the DEIR Table 5.4-1 (page 5.4-32), the communities that are considered potentially jurisdictional wetlands/waters are listed with the total acreages present in the biological study area. While the impacts are quantified and currently included in the DEIR, the following clarification is provided: (Page 5.4-132) Of the 269.71 acres of sensitive vegetation communities mapped within the study area, approximately 10.25 acres are considered wetlands and non-wetland waters under the joint jurisdiction of the CCC and CDFG. The ACOE and RWQCB may take jurisdiction over those portions of the wetlands/waters occurring below the ordinary high water mark of a stream channel (see Table 5.4-1). Corral Canyon Park is the only park in the Plan area that has a pocket of coastal salt marsh. This occurs where the creek meets the Pacific Ocean at the Pacific Coast Highway bridge crossing. The crossing is already developed and would not be improved as a part of the proposed project. **Ramirez Canyon Park (Wetlands)** Ramirez Canyon Creek, which is presently channelized would be restored and enhanced by removing existing 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 a result of these efforts, a small portion of the existing wetlands riparian habitat would be impacted, approximately 0.07 acres, specifically to California sycamore-coast live oak. Additionally, due to the proposed widening of Ramirez Canyon Road/Deplane Road to achieve a 20-foot wide roadway with minimum 50-ft radius curves at Ramirez Canyon Road to meet fire department requirements, 0.02 acres (California sycamore-coast live oak) would be impacted. Finally, removal of the existing tennis courts and replacement with campsite improvements, in addition to improvements at the accessible day use area would result in 0.08 acres (California sycamore-coast live oak) of direct impact. Impacts are considered *potentially significant, but mitigable.* 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.
YY-79	*This comment states that the FEIR should address the long-term biological resource impacts of increased human presence, pets, and fire on the Ramirez Canyon Property.* RESPONSE: As noted in the comment, the DEIR discussed potential long-term indirect impacts to wildlife in Impact BIO-10. Potential long-term indirect effects include the following: lighting; increases in intermittent noise levels at recreation areas, campsites (i.e., noise associated with tent construction, cooking functions, and conversation); habitat degradation due to exotic plant and animal invasion; the introduction of domestic pets to natural areas; habitat

	fragmentation due to trail and campsite development; increases in general human presence near natural areas; lighting; trash and garbage; and increased predators in the study area attracted to trash and garbage (DEIR, page 5.4-75). With respect to increased human presence, pets, and fire, implementation of mitigation measures MM BIO-10.1 through MM BIO-10.14 would reduce long-term biological resource impacts to less than significant. This would also be true under the MRA. Based upon the above discussion, no revision of the DEIR would be required.
YY-80	*The commenter recommends that the thresholds of significance, bullet item no. 1, in the DEIR (Pages 5.4-55 and 5.4-56) should be modified to include National Marine Fisheries Service and recommends that the third bullet item under the thresholds of significance should include state wetlands. Additionally, this comment requests clarification regarding supplemental mitigation if restoration of chaparral fails.* RESPONSE: With respect to the comments regarding the thresholds of significance and the National Marine Fisheries Service, see response to comment YY-46, above. As discussed in *Appendix H-2* of the DEIR and *Appendix MRA-11* of the FEIR, the *Biological Concept Mitigation/Restoration Plan* for both the proposed Plan and the MRA will required that, if the mitigation for chaparral does not meet the success criteria, the maintenance and monitoring period shall be extended and/or other adaptive management measures will be implemented to fulfill the mitigation requirements. This clarification to the Biological Concept Mitigation/Restoration Plan 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.
YY-81	*This comment requests clarification regarding the cumulative impacts. Specifically, the commenter requests the following information be clarified or provided in the FEIR: 1) the impacts of the cumulative*

	projects identified in the DEIR; 2) if the proposed project would contribute to the impacts identified by the cumulative projects; and 3) a separate analysis of cumulative impacts to vegetation communities, wildlife, special-status species, and state-protected wetlands. RESPONSE: A list of the cumulative projects in the area is contained in Section 3.6 of the DEIR. These cumulative projects were considered in the impact analysis. 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 (DEIR *Appendix H-1*) 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)." In response to this comment, the impacts of the cumulative projects identified in the DEIR and a separate analysis of cumulative impacts to vegetation communities, wildlife (addressed under special-status species and wildlife movement), special-status species, and state-protected wetlands is provided herein. However, the conclusion of whether the project would cumulatively contribute to the impacts identified by the cumulative projects is the same as that provided in the DEIR—the proposed 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.

	Each of the projects listed in Table 3-1 of DEIR, Section 3.6, *Projects Considered for Cumulative Analysis*, is evaluated below by local jurisdiction—City of Malibu and County of Los Angeles. **City of Malibu Cumulative Projects** The four new single family developments on Malibu Colony Drive are located on urban, disturbed and/or cleared beach-front land. All of the new single family developments along Malibu Road are located on urban, disturbed and/or cleared land, with the exception of a new subdivision with four single-family residences (APN 4458-018-004). This APN is approximately 5.4 acres, the majority of which is urban, disturbed or cleared land; however, a small portion, roughly 20% of the parcel, contains native scrub and chaparral community (CDFG et al., 2006). Five of the new single family developments within the Serra Retreat neighborhood are located in existing residential areas that are urban, disturbed or ornamental. Two of the parcels within the Serra Retreat neighborhood have a small amount native scrub and chaparral community (CDFG et al., 2006), totaling less than 1 acre. The five new single family developments on Pacific Coast Highway are located on a parcel (APN 4458-018-019) which is approximately 22 acres and consists primarily of native and non-native herbaceous or grassland communities with roughly 30% covered with native scrub and chaparral communities (CDFG et al., 2006). The commercial projects in the Civic Center Area are within urban or disturbed lands, with the exception of APN 4458-022-025 (City Hall/Office Building). This APN is approximately 3.6 acres and roughly 75% of the parcel, contains native scrub and chaparral communities (CDFG et al., 2006). The Lechuza Beach project is a beach access project that is located in an existing urban area along the beach front and would not result in impacts to biological resources present on the proposed project site. With respect to the projects discussed above, they are subject to the City of Malibu's LCP and are all less than 40 acres in size. Under both the Coastal Act and City of Malibu's LCP, non-resource dependent use (including residential/commercial and associated infrastructure improvements) is prohibited in ESHAs, which includes native scrub and chaparral communities. However,

	if avoiding impacts to ESHA or ESHA buffers (typically 100 feet from ESHA) is not feasible, the following standards are applied for parcels 40 acres or less for residential projects: allowable development area on parcels where all feasible building sites are ESHA or ESHA buffers shall be limited to 10,000 sq. ft. or 25 % of the parcel size, whichever is less. This provision, which allows residential development to occur in ESHA or ESHA buffers on a limited basis, does not apply to commercial development. Given the City of Malibu's requirements under the LCP, it is unlikely that the native scrub and chaparral communities would be impacted—however, if these communities were impacted, the loss would be less than 10 acres and more likely 2 acres or less. The Final EIR for Trancas Canyon Park states that 2.2 acres of coastal sage scrub would be directly removed but the loss would be mitigated through habitat restoration at 1:1 ratio. The Final EIR also states within this scrub habitat, the following species could occur: Malibu baccharis (*Baccharis malibuensis*), round-leaved filaree (*California (Erodium) macrophyllum*), Parry's spineflower (*Chorizanthe parryi* var. *parryi*), dune larkspur (*Delphinium parryi* ssp. *blochmaniae*), and Plummer's mariposa lily (*Calochortus plummerae*). The Final EIR for Trancas Canyon Park states that even if these species are present at the site, the project would not have a substantial adverse impact on their populations. Site development would disturb an area potentially used by the golden eagle as foraging habitat (area is within the identified 36 square-mile territory foraging range of a golden eagle). However, because the project would not directly affect nesting habitat and the size of the disturbed habitat is very small compared to the overall foraging habitat available (i.e., removal of 8 acres of prey habitat), the impact is considered a less-than-significant impact (City of Malibu, 2008). Malibu Legacy Park Project would result in impacts to non-native grasslands and developed lands (City of Malibu, 2009). The Final EIR states that the project could result in significant impacts to nesting birds, burrowing owl (*Athene cunicularia*), American badger (*Taxidea taxus*), and San Diego black-tailed jackrabbit (*Lepus californicus bennettii*). However, mitigation provided for each of these impacts including pre-construction surveys for species and if present, relocation and/or appropriate setbacks during

	construction. The Final EIR also states that there are potential long-term indirect impacts associated with increased human and domestic animal presence. However, the Final EIR provides mitigation, including a public awareness program, for these potential indirect impacts resulting in a less-than-significant impact. The existing hydrogeologic monitoring program at Malibu Bluffs is a Coastal Commission permit requirement associated with Pepperdine University. These ongoing activities are reported to the Coastal Commission, involve minimal disturbance areas and, therefore, would not result is substantial impacts to ESHA. **County of Los Angeles Cumulative Projects** The residential development along Coastline Drive is located in an existing developed area. The residential development at Murphy Way is located on a 3.5-acre parcel that includes cleared land (roughly 25%), native scrub and chaparral communities (roughly 50%), and oak woodlands (roughly 25%). The Corral Canyon single-family development (APN 446-004-030) is a 36-acre parcel within an existing residential development on site. Roughly 70% of the parcel consists of native scrub and chaparral (CDFG et al., 2006). With respect to the residential developments proposed at Murphy Way and Corral Canyon, these projects are subject to the Coastal Act, with the County's LUP providing guidance for Coastal Act review, and are less than 40 acres in size. Under both the Coastal Act and County's LUP, non-resource dependent use (including residential/commercial and associated infrastructure improvements) is prohibited in ESHAs, which includes native scrub and chaparral communities. However, if avoiding impacts to ESHA or ESHA buffers (typically 100 feet from ESHA) is not feasible, the following standards are applied for parcels 40 acres or less for residential projects: allowable development area on parcels where all feasible building sites are ESHA or ESHA buffers shall be limited to 10,000 sq. ft. or 25% of the parcel size, whichever is less. Given the Coastal Act and County's LUP requirements, it is unlikely that the native scrub and chaparral communities and oak woodlands would be impacted; however, if these communities were impacted,

	the loss would likely be less than 7 acres of native scrub and less than 1 acre of oak woodlands. The King Gillette Ranch is a 588-acre parcel located on the northeastern side of the Santa Monica Mountains, approximately 5 miles southwest of Calabasas in unincorporated Los Angeles County. The King Gillette Ranch Design Concept Plan project is a plan to formalize public access and recreational use of the property and to implement site-specific improvements for the joint agency administrative, environmental, and cultural education center including adaptive reuse of structures for education and public programs, including community meetings, agency programs, and special events; education institute offices, classrooms, and overnight education programs; and staff housing. King Gillette Ranch contains a variety of vegetation communities including scrub and chaparral, oak woodlands, riparian, and grasslands and rock outcrops. Also present is disturbed and developed lands and agriculture (CDFG et al., 2006). Two special-status plants are known to occur on the Ranch—Malibu baccharis and slender mariposa lily (*Calochortus clavatus* var. *gracilis*) (CDFG 2010). Improvements at King Gillette Ranch would be subject to the Coastal Act requirements. As mentioned, under the Coastal Act, non-resource dependent use is prohibited in ESHAs, which includes native scrub and chaparral communities, oak woodlands, riparian, and native grasslands. The project description for the Design Concept Plan indicates that all non-resource dependent uses would be contained within designated Moderate and High Intensity Use Areas, which would be limited to existing and historically disturbed portions of the property. The proposed Design Concept Plan designates all ESHA as Low Intensity Use Areas which are intended to preserve, protect, and where feasible restore natural and cultural resources from potential impacts associated with visitor use and facility development. Low Intensity Use Areas would be managed for quiet enjoyment of natural sights and sounds by allowing only passive recreational uses such as hiking (including guided walks), educational research and study, and habitat restoration activities. No new development other than trails and associated signs would be included in the existing and proposed Low Intensity Use Areas. For these resource dependent

	uses, impacts in ESHA are a permissible, but must be avoided and minimized to the extent possible. As such, it is expected that the Design Concept Plan would be negligible. **Summary of Impacts to Biological Resources** ***Sensitive Vegetation Communities***: Given the City of Malibu's LCP, Coastal Act and County's LUP requirements, it is unlikely that the native scrub and chaparral communities, oak woodlands, or other sensitive natural communities would be impacted as a result of non-resource dependent uses; however, if these communities were impacted, the total loss for non-resource dependent uses would likely be less than 20 acres of native scrub, chaparral, oak woodlands, or other sensitive natural communities. For resource dependent uses, such as environmental education, impacts in ESHA are permissible and the impacts to sensitive natural communities associated with the King Gillette Ranch Design Concept Plan are unknown at this time. However, because sensitive natural communities are addressed during the CEQA process, per *Appendix G* of the CEQA Guidelines (14 CCR 15000 et seq.), it is expected that all of the projects on the cumulative project's list (Table 3-1), including the King Gillette Ranch Design Concept Plan project, would address impacts to sensitive natural communities through the CEQA review process and incorporate similar project-specific mitigation measures, such as habitat restoration at a 3:1 ratio. Determinations of significant impacts under CEQA to sensitive natural communities would require mitigation. Absent mitigation, cumulative projects would result in cumulative impacts to sensitive natural communities. However, it is anticipated that compliance with the requirements imposed by federal, state and local jurisdictions during any development-related entitlement processes on individual projects and compliance with the project-specific mitigation measures would reduce the cumulative effects of development projects on sensitive natural communities in the area. The provision of compensatory mitigation required as part of the policies and implementation measures included in the PWP as well as mitigation identified in FEIR for the proposed Plan and the MRA

	would offset the adverse impacts resulting from the Plan or the MRA and help to ensure that the project's contribution to cumulative impacts would be less than cumulatively considerable. ***Wetlands:*** With the exception of the King Gillette Ranch Design Concept Plan project, there are no wetlands present on the cumulative projects sites (CDFG et al., 2006). There is a drainage mapped on the Corral Canyon single-family development parcel. However, the County's LUP prohibits impacts to wetlands for residential development unless the County's LUP is amended. With respect to the King Gillette Ranch Design Concept Plan project no impacts to ESHA, including wetlands, are anticipated as a result of non-resource dependent uses. For resource dependent uses, impacts in ESHA are a permissible, but would be limited to only passive recreational uses such as hiking (including guided walks), and must be sited to avoid and minimize impacts to ESHA, including wetlands, to the extent possible. As such, it is expected that impacts to wetlands from the Design Concept Plan would be negligible. Absent mitigation, the cumulative development in the area would result in a cumulative impact to wetlands. However, it is anticipated that compliance with the requirements imposed by federal, state and local jurisdictions during any development-related entitlement processes on individual projects (i.e., federal Section 404 and state Section 1600 permitting efforts) and compliance with the project-specific mitigation measures (i.e., habitat restoration, including creation, at a 3:1 ratio) would reduce the cumulative effects of proposed development. The provision of compensatory mitigation required as part of the policies and implementation measures included in the PWP as well as mitigation identified in FEIR for the proposed Plan and the MRA would offset the adverse impacts resulting from the Plan or the MRA and help to ensure that the project's contribution to cumulative impacts would be less than cumulatively considerable. ***Special-Status Species:*** With respect to the projects in the City of Malibu, except the Trancas Canyon Park and Malibu Legacy Park projects discussed below, it is unlikely that the native scrub and chaparral communities would be impacted by the projects in the

	City of Malibu. As mentioned, if these communities were impacted, the loss would likely be less than 10 acres, in total, given the City of Malibu's LCP requirements. The residential development on Pacific Coast Highway may affect approximately 15 acres of native and non-native herbaceous or grassland communities. Therefore, these City of Malibu projects may have an impact on special-status species that occur in or use scrub and chaparral communities, such as nesting birds or rare plants, or special-status species that use or occur in non-native herbaceous or grassland communities, such as foraging raptors. The Final EIR for Trancas Canyon Park Malibu states that the project would impact 2.2 acres of potentially suitable habitat for Malibu baccharis, round-leaved filaree, Parry's spineflower, dune larkspur, and Plummer's mariposa lily, but the project would not have a substantial adverse impact on their populations. Site development would disturb an area potentially used by the golden eagle as foraging habitat. However, because the project would not directly affect golden eagle nesting habitat and the size of the habitat is very small compared to the overall foraging habitat available for the species (i.e., removal of 8 acres of prey habitat), the impact is considered a less-than-significant impact (City of Malibu, 2008). Malibu Legacy Park Project would result in impacts to non-native grasslands and developed lands (City of Malibu, 2009). The Final EIR states that the project could result in significant impacts to nesting birds, burrowing owl, American badger, and San Diego black-tailed jackrabbit. However, mitigation provided for each of these impacts including pre-construction surveys for species and if present, relocation and/or appropriate setbacks during construction. The Final EIR also states that there are potential long-term indirect impacts associated with increased human and domestic animal presence. However, the Final EIR provides mitigation, including a public awareness program, for these potential indirect impacts resulting in a less-than-significant impact. With respect to the County of Los Angeles projects, except the King Gillette Ranch Design Concept Plan project which is discussed below, it is unlikely that native scrub and chaparral communities

	and oak woodlands would be impacted by the projects in the County of Los Angeles. As mentioned, if these communities were impacted, the loss would likely be less than 7 acres of native scrub and less than 1 acre of oak woodlands. Therefore, these projects may have an impact on special-status species that occur in or use scrub, chaparral, or oak woodlands, such as nesting birds, rare plants, or foraging raptors. With respect to the King Gillette Ranch Design Concept Plan project, no impacts to ESHA are anticipated as a result of non-resource dependent uses. For resource dependent uses, impacts in ESHA are a permissible, but would be limited to only passive recreational uses such as hiking (including guided walks), and must be sited to avoid and minimize impacts to ESHA, to the extent possible. As mentioned, King Gillette Ranch contains a variety of vegetation communities including scrub and chaparral, oak woodlands, riparian, and grasslands and rock outcrops. Therefore, special-status species that use or occur in these habitats could be impacted by this project. Absent mitigation, cumulative development in the area would result in a cumulative impact to special-status species. However, it is anticipated that compliance with the requirements imposed by federal, state and local jurisdictions during any development-related entitlement processes on individual projects and compliance with the project-specific mitigation measures would reduce the cumulative effects of proposed development on special-status species. The provision of compensatory mitigation required as part of the policies and implementation measures included in the PWP as well as mitigation identified in FEIR for the proposed Plan and the MRA would offset the adverse impacts resulting from the Plan or the MRA and help to ensure that the project's contribution to cumulative impacts would be less than cumulatively considerable. ***Native Trees***: The Final EIR for Trancas Canyon Park would not result in the loss of native trees (City of Malibu, 2008). The Malibu Legacy Park Project does not contain any trees protected under the City of Malibu's LCP (City of Malibu, 2009) and, therefore, no protected trees would be impacted. For the remainder of the projects located in the City of Malibu, it is unlikely that the native scrub and chaparral communities would be impacted by these

	projects. Scrub and chaparral communities may contain toyon (*Heteromeles arbutifolia*), which is a native tree protected by the City of Malibu's LCP in the Native Tree Protection Chapter. If scrub and chaparral communities were impacted, the loss would likely be less than 10 acres, in total, given the City of Malibu's LCP requirements. Therefore, these City of Malibu projects may have an impact on native trees. However, if toyon was impacted by these projects, individual trees would be replaced at a 10:1 ratio in accordance with the City of Malibu's LCP. With respect to the projects in the County of Los Angeles, except the King Gillette Ranch Design Concept Plan project discussed below, it is unlikely that native scrub and chaparral communities and oak woodlands would be impacted by these projects. As mentioned, if these communities were impacted, the loss, in total, would likely be less than 7 acres of native scrub and chaparral and less than 1 acre of oak woodlands. Therefore, these County of Los Angeles of projects may have an impact on native trees, such as toyon or coast live oak. With respect to the King Gillette Ranch Design Concept Plan project, no impacts to ESHA are anticipated as a result of non-resource dependent uses. For resource dependent uses, impacts in ESHA are a permissible, but would be limited to only passive recreational uses such as hiking (including guided walks), and must be sited to avoid and minimize impacts to ESHA, to the extent possible. As mentioned, King Gillette Ranch contains a variety of vegetation communities including such as scrub and chaparral, oak woodlands, and riparian, which may contain native trees. Therefore, the King Gillette Ranch Design Concept Plan project may have an impact on native trees. The County of Los Angeles Oak Tree Ordinance, which would apply to the King Gillette Ranch Design Concept Plan project, requires that impacted oaks (measuring 8 inches in diameter, or greater, or with a combined diameter of 12 inches for multi-stem oaks) be replaced at a ratio of 2:1. Typically, the County requires that oaks meeting the criteria for classification as a Heritage Tree (defined by ordinance as any oak tree measuring 36 inches or more in diameter) be replaced at a ratio of 10:1.

	Absent mitigation, cumulative development in the area would result in a cumulative impact to native trees protected by the City of Malibu's LCP and the County of Los Angeles Oak Tree Ordinance. However, it is anticipated that compliance with these ordinances and compliance with the project-specific mitigation measures (i.e., tree replacement at a 10:1 ratio) would reduce the cumulative effects of the development on native trees. The provision of compensatory mitigation required as part of the policies and implementation measures included in the PWP as well as mitigation identified in FEIR for the proposed Plan and the MRA would offset the adverse impacts resulting from the Plan or the MRA and help to ensure that the project's contribution to cumulative impacts would be less than cumulatively considerable. ***Wildlife Movement***: The Trancas Canyon Park (City of Malibu, 2008) and the Malibu Legacy Park projects (City of Malibu, 2009) would not have a substantial adverse effect on wildlife movement. The proposed developments within the Serra Retreat neighborhood are located adjacent to existing canyons, which may be used for local wildlife movement. However, it is unlikely that the maximum allowable impacts to ESHA, in accordance with the City of Malibu's LCP requirements, would have a substantial adverse effect on wildlife movement in these canyons. Additionally, the remainder of the cumulative projects in the City of Malibu are surrounded by existing urban development, currently limiting the use of these sites by wildlife for movement. It is unlikely that these projects would have an additional substantial adverse effect on wildlife movement. In the County of Los Angeles, the proposed Murphy Canyon and Corral Canyon residential projects are also located adjacent to existing canyons, which may be used for wildlife movement. However, it is unlikely that the maximum allowable impacts to ESHA, in accordance with the County's LUP requirements, would have an additional substantial adverse effect on wildlife movement in these canyons. With respect to the King Gillette Ranch Design Concept Plan project, no impacts to ESHA that function as habitat for wildlife movement are anticipated as a result of non-resource dependent

	uses. For resource dependent uses, impacts in ESHA are a permissible, but would be limited to only passive recreational uses such as hiking (including guided walks), and must be sited to avoid and minimize impacts to ESHA, to the extent possible. As mentioned, King Gillette Ranch contains a variety of vegetation communities including scrub and chaparral, oak woodlands, riparian, grasslands and rock outcrops, which could provide habitat for wildlife movement and refuge. Therefore, the King Gillette Ranch Design Concept Plan project may have an impact on wildlife movement. Because impacts to wildlife movement are addressed during the CEQA review process, per *Appendix G* of the CEQA Guidelines (14 CCR 15000 et seq.), it is expected that all of the projects on the cumulative project's list (Table 3-1), including the King Gillette Ranch Design Concept Plan project, would address impacts to wildlife movement through CEQA and incorporate appropriate mitigation measures should significant impacts be identified, such as restrictions on lighting and noise. Absent mitigation, cumulative development in the area would result in a cumulative impact to wildlife movement. However, it is anticipated that compliance with the requirements imposed by federal, state and local jurisdictions during any development-related entitlement processes on individual projects and compliance with the project-specific mitigation measures would reduce the cumulative effects of development on wildlife movement. The provision of compensatory mitigation required as part of the policies and implementation measures included in the PWP as well as mitigation identified in FEIR for the proposed Plan and the MRA would offset the adverse impacts resulting from the Plan or the MRA and help to ensure that the project's contribution to cumulative impacts would be less than cumulatively considerable. Based upon the above discussion, no revision of the DEIR would be required.
YY-82	*This comment refers to Impact BIO-16 impact statement and requests revisions associated with the use of a double negative.*

	RESPONSE: This comment does not identify an inadequacy in the analysis, conclusions or mitigation measures in the DEIR. Please note that the Conservancy/ MRCA Boards will take into consideration all comments and suggestions during the decision-making process.
YY-83	*This comment states that the FEIR should address the potential biological impacts of grading, including revegetation of cut surfaces, topsoil removal and replacement, and cut slopes resulting from trails in Ramirez Canyon. The commenter requests clarification on whether cut surfaces will be revegetated, including those related to trails in Ramirez Canyon, and if topsoil will be salvaged and replaced.* RESPONSE: The impacts to biological resources quantified and analyzed in the DEIR include direct and indirect impacts that could result from grading, including revegetation of cut surfaces, topsoil removal and replacement, and cut slopes. As described in the PWP for both the Proposed Plan and MRA, Water Quality Implementation Measure 4, cut surfaces will be revegetated. This PWP implementation measures states the following: "All graded and disturbed areas on development sites shall be planted and maintained for erosion control purposes within sixty (60) days of completing construction activities resulting in soil disturbance or vegetation removal. To minimize the need for irrigation all landscaping shall consist of native drought resistant plants. All native plant species shall be of local (Santa Monica Mountains) genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society (http://www.CNPS.org/), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (http://www.cal-ipc.org/), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property."

	Topsoil will be salvaged and replaced, if determined appropriate, in accordance with the *Biological Concept Mitigation/Restoration Plan* (Dudek 2010) (see DEIR *Appendix H-2 and* FEIR *Appendix MRA-11*). If topsoil is salvaged, exposed stockpiles of soil and other erosive materials shall be covered during the rainy season, as required in the MM HYD-1.1. This clarification to the *Biological Concept Mitigation/Restoration Plan* 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.
YY-84	*This comment states that the FEIR should address the potential long-term, direct and indirect biological impacts of trail and camp site maintenance.* RESPONSE: Direct impacts to biological resources associated with trail and camp site maintenance are quantified in the impacts analysis in the DEIR. Ground and vegetation disturbances associated with creating trails and vegetation clearing around other recreational facilities could potentially provide opportunities for colonization by invasive plants and animals, which is addressed in Impact BIO-10 of the DEIR (page 5.4-75). These potential impacts are addressed by the Coastal Campgrounds Maintenance Management Plan and Coastal Trails Maintenance Supplemental Plan, as described in DEIR Section 2.0, *Project Description*, of the DEIR and in the description of the MRA contained in *Appendix MRA-1*. The plans provide a comprehensive approach for maintenance of campgrounds and trails. Monthly park inspections would be conducted and would identify areas of maintenance deficiency, which may be used to modify maintenance schedules. Herbicides would be used where necessary and appropriate in campgrounds, and records for use of all herbicides and pesticides would be kept in database and queriable by individual park of campground locations. Specifically, chemical measures will be used for invasive perennial species and/or for those species that are difficult to control by hand pulling. Any herbicide treatment must be applied according to state law and by a licensed pest control applicator. Precautions will be taken to protect adjacent native vegetation such as the prohibition of

	herbicide applications during windy conditions (e.g. > 5 mph), use of low-pressure back-pack applicators to prevent spills, and use of wand applicators to target specific weed species and limit exposure to neighboring native plants. Herbicide application will be overseen by personnel that can differentiate between native species and exotic species. Herbicides would not be used along trails for vegetation management and no all-terrain-vehicle (i.e., mechanized mule) would be used for regular maintenance. Maintenance Inspection Forms would be used to evaluate the effectiveness of maintenance efforts for both campgrounds and trails, and to provide for feedback and modification. Based upon the above discussion, no revision of the DEIR would be required.
YY-85	*This comment states that the FEIR should address weed invasion along trails and at camp sites, as well as other regularly disturbed areas, particularly in ESHA.* RESPONSE: The Coastal Campgrounds Maintenance Management Plan and Coastal Trails Maintenance Supplemental Plan, as described in Section 2.0, *Project Description*, of the DEIR and in the description of the MRA contained in *Appendix MRA-1*, provides a comprehensive approach for maintenance of campgrounds and trails. Monthly park inspections would be conducted and would identify areas of maintenance deficiency, which may be used to modify maintenance schedules. Herbicides would be used where necessary and appropriate in campgrounds, and records for use of all herbicides and pesticides would be kept in database and queriable by individual park of campground locations. Herbicides would not be used along trails for vegetation management and no all-terrain-vehicle (i.e., mechanized mule) would be used for regular maintenance. Maintenance Inspection Forms would be used to evaluate the effectiveness of maintenance efforts for both campgrounds and trails, and to provide for feedback and modification. See response to comment YY-84 for additional detail regarding the weed management along trails and at camp sites in ESHAs.

	Based upon the above discussion, no revision of the DEIR would be required.
YY-86	*This comment states that the DEIR does not include any evaluation of alternative routes for trails into and out of the Conservancy's Ramirez Canyon property.* RESPONSE: Please see response to comment GG-25.
YY-87	*This comment states that the FEIR should address any impacts to native species of willows on the Conservancy's Ramirez Canyon property along Ramirez Creek and any required mitigation.* RESPONSE: Project impacts to willows are quantified in Section 5.4 of the DEIR, Table 5.4.5. However, the City of Malibu's Certified LCP Native Tree Protection Chapter guides the preservation of native trees in the City of Malibu. According to the tree preservation policy, individual native oaks, California walnut, western sycamore, alder, and toyon are provided protective measures on a tree-by-tree basis. Therefore, because the willows impacted on the Conservancy's Ramirez Canyon property along Ramirez Creek will not be mitigated on a tree-by-tree basis, per the City of Malibu's Certified LCP Native Tree Protection Chapter, the impacts to willows in Ramirez Canyon Park were not separately quantified in DEIR. However, impacts to riparian and wetlands, communities where willows typically occur, were quantified in Table 5.4-22 (page 5.4-127) and under the heading "Ramirez Canyon Park (Wetlands)" (page 5.4-132 and 5.4-133) and will be mitigated at a 3:1 ratio (page 5.4-127 and 5.4-133). Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.
YY-88	*This comment states that the FEIR should evaluate the impacts of the potential widening of Ramirez Canyon Road on Ramirez Creek.*

	Response: The DEIR quantifies all direct impacts to vegetation communities, including riparian communities, in Ramirez Canyon Creek; this includes impacts associated with widening the road and creek crossings. As discussed under response to comment YY-87, the City of Malibu's Certified LCP Native Tree Protection Chapter does not include all riparian trees (see response to comment YY-87 for additional details on native trees). However, direct impacts to trees addressed under this policy are quantified in the DEIR, including this includes impacts associated with widening the road and creek crossings. Similar information has been developed for the MRA. As discussed in the DEIR (Section 5.10 Hydrology, Drainage, Water Quality), construction of project improvements could lead to sedimentation or hazardous materials releases, potentially impacting surface water or biological resources. MM HYD-1.1 and MM HYD-1.2, which apply to both the proposed Plan and the MRA, require MRCA to prepare a SWPPP with implementation of appropriate BMPs to prevent the migration of polluted waters from any construction activity under the Plan, and to prepare a Spill Prevention Control and Countermeasure Plan (SPCCP). The details of the SWPPP and SPCCP will be developed to specifically address each construction component, dictating BMPs specific to the activity and its proximity to sensitive resources. Mitigation monitoring will be conducted in order to ensure compliance during implementation.
YY-89	*This comment makes reference to Appendix I and states that the FEIR should address the impact of fuel breaks around site work and other construction activities where flammable vegetation exists, on sensitive biological resources.* RESPONSE: Biological resources impact assessment (DEIR Section 5.4) evaluates the biological impacts associated with fuel modification zones.
YY-90	*This comment states that the project Native Tree Protection Plan (NTPP) is not complete without a discussion of the trees present on the Ramirez*

	Canyon Property. RESPONSE: The NTPP includes a detailed discussion of all trees within the tree survey area, which includes those present in Ramirez Canyon. Further, detailed tree location maps and a tree attribute matrix are presented in Appendix A and B, respectively, of the NTPP (see DEIR *Appendix F* and FEIR *Appendix MRA-10*).
YY-91	*This comment correctly identifies four misspelled words exist on pages 5 and 8 of the NTPP and two misspelled words exist in the Biological Resources section of the DEIR.* The NTPP for the MRA contained in *Appendix MRA-10* has been edited to correct these spelling errors. The spelling errors do not substantively affect the DEIR content, and therefore no revisions to the DEIR are required.
YY-92	*This comment states a discussion of indirect impacts appears on page 11 of the NTPP, but should be added to page 9 as well.* RESPONSE: The NTPP contained in *Appendix MRA-10* has been edited to include the discussion of indirect impacts on page 9 (Section 4.3) of the NTPP for the proposed Plan.
YY-93	*This comment states Appendix A of the NTPP should include information regarding the number of very large or heritage trees that may be removed or impacted.* RESPONSE: *Appendix A* in the DEIR includes individual tree measurements, including trunk diameter, height, and canopy spread, from which one can evaluate tree size, as well as individual tree impact status, by Project Alternative. Identification of "heritage trees" for areas within the City of Malibu is not feasible as the City of Malibu Local Coastal Program (LCP) does not provide a definition for this term. Additionally, the term "very large" is subjective and not defined by either the County of Los Angeles Oak Tree Ordinance or the City of Malibu LCP; therefore, this designation will not be added to

	Appendix A. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.
YY-94	*This comment states that the NTPP presents that 10 native trees will be removed for camp areas and the widening of Ramirez Canyon Road but that it is not clear that this total is included in Table 7. Additionally, the comment states that the NTPP should identify which tree species will be removed and should differentiate between removed and substantially impacted trees.* RESPONSE: Table 7 and the discussion of impact totals in the NTPP included in *Appendix MRA-10* have been updated to clarify the species and quantities of removed and impacted native trees. The above modifications to the NTPP would not alter impact classification or conclusions in the DEIR. Therefore, based upon the above discussion, no changes to the DEIR are required.
YY-95	*This comment states that the project alternatives do not appear to reduce the number of native tree impacts, and questions whether the project alternatives were designed to avoid impacts to native trees.* RESPONSE: Both of the project alternatives presented in the NTPP include fewer native tree impacts than the Proposed Plan. However, due to inadvertent discrepancies in the DEIR discussion, such reduced impacts were not clear. DEIR Tables 5.4-8, 5.4-9, 5.4-12, 8-6, 8-10, 8-13, 8-16, 8-20, 8-28, 8-34, 8-37, and 8-41 have been revised to correct the identified minor discrepancies in information provided relative to impacts to native trees and/or to provide comparative tree information between the Proposed Plan and the identified alternatives. Section 8.0 – Alternatives in the DEIR has been replaced with Section 15.0 – Alternatives in the FEIR. Section 15.0 contains the descriptions and analysis of the three alternatives considered in the DEIR, as well as a description and analysis of the MRA. The revised tables from Section 8 of the DEIR can be found in Section 15 and retain their original numbering. Please see for

	example, corresponding tables 15-6, 15-10, 15-13, 15-16, 15-20, 15-28, 15-34, 15-37, and 15-41. Related text on pages 5.4-80, 5.4-84, 5.4-85, 8.0-49, and 8.0-51 has been revised as well. The discrepancies were clerical in nature, did not require any new field work, and do not substantially affect the conclusion that implementation of the Proposed Plan would result in impact to approximately 189 native trees that would require mitigation consistent with that outlined in the NTPP and that implementation of either the 2002 LCP Alternative or the Redesign Alternative would result in an overall reduction in impacts to direct trees when compared to the Proposed Plan. Based on revisions to the NTPP and the reclassification of 5 native trees (3 oaks and 2 alders) from indirect to direct impact status, the proper direct native tree impact total for the Proposed Project is 189. The Proposed Plan, therefore, would have direct impacts on 108 coast live oaks and on 9 alder as opposed to direct impacts on 105 coast live oaks and on 7 alder as originally identified in the DEIR. It should be noted that none of the 5 trees are slated for removal, but are instead located within the canopy +5 foot range of the disturbance area which was used as the criteria for determining direct impact encroachment. No new tree surveys were required in order to re-classify this existing data. In an effort to respond to this comment and others, the Conservancy/MRCA is being presented with a Modified Redesign Alternative (MRA) for consideration and adoption. Direct and indirect impacts to trees associated with the implementation of the MRA is further evaluated within the Modified Redesign Alternative Native Tree Protection Plan (NTPP) contained within the FEIR, *Appendix MRA-10*. In addition, the following clarification is provided: The DEIR text on page 8.0-22 identified a reduction in direct impacts to 33 trees at Ramirez Canyon park when the Proposed Plan is compared to the 2002 LCP Alternative; this number has been corrected to a reduction of 31 trees; please see Section 15.0.

	CEQA Guidelines Section 15126.6(c) specifies an EIR include alternatives to the proposed project that "could feasibly accomplish more of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects." An alternative need not lessen every impact. As detailed in Section 14 of the FEIR, the Modified Redesign Alternative would eliminate the two unavoidable impacts of the proposed Plan, and reduce those impacts to a level that is less than significant with mitigation. It would also less other mitigatible impacts, as detailed in Chapter 14. Based on the above discussion and the analysis contained within the FEIR and DEIR, no further revisions to the DEIR would be required.
YY-96	*This comment states that the NTPP should include more stringent plans for tree protection and includes a discussion of monitoring, fencing, trail construction, reporting, and mulching techniques.* RESPONSE: The Site-Specific Mitigation Recommendations included in Section 5.2 of the NTPP are intended to protect retained trees on site and include requirements consistent with the Native Tree Protection Ordinance in the City of Malibu LCP. In order to clarify the LCP requirements, the following edits have been made to the NTPP contained in *Appendix MRA-10:* Routine monitoring shall be conducted to ensure that the tree protection measures are in place for the duration of project construction activities. Monitoring reports shall be submitted annually to the Coastal Commission. MM BIO-2.2 requires that prior to the commencement of grading operations or other activities involving significant soil disturbance restoration activities, the work area shall be demarcated with temporary fencing or other markers clearly visible to construction personnel. Monitoring responsibility is addressed in the Mitigation Monitoring and Reporting Program (MMRP). These requirements will be included in the MMRP for the adopted Plan. . The MMRP will ensure that fences are erected and monitored during the

	construction period. Please also see BIO MM-13.4 through 13.8 which address pruning and tree protection and would similarly be included in and enforced through the MMRP. The above clarification does not alter the residual 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.
YY-97	*This comment states that a tree protection measure should be added that addresses placement of impervious surfaces over protected tree roots.* RESPONSE: The Site-Specific Mitigation Recommendations included in Section 5.2 of the NTPP are intended to protect retained trees on site and include requirements consistent with the Native Tree Protection Ordinance in the City of Malibu LCP. No edits to the NTPP are proposed. Please see Response to Comment YY-96. Based upon the above discussion, no revision of the DEIR would be required.
YY-98	*This comment states that retaining walls should be discussed in the NTPP as a technique for protecting native trees.* RESPONSE: This comment is noted, and although not required under the City of Malibu LCP, a discussion of retaining walls as an option for tree protection has been added to the NTPP contained in *Appendix MRA-10*.
YY-99	*This comment states that the NTPP should discuss irrigation and landscaping around protected native trees.* RESPONSE: This comment is noted, and although not required under the City of Malibu LCP, information regarding landscaping and irrigation around native trees has been added to the NTPP contained in *Appendix MRA-10*.

YY-100	*This comment states that bridging and cantilevering techniques should be discussed in the NTPP as a method for lessening root compaction around protected native trees.* RESPONSE: See response to Comment YY-99.
YY-101	*This comment states that NTPP should include stipulations for mitigating substantially damaged trees.* RESPONSE: The Site-Specific Mitigation Recommendations included in Section 5.2 of the NTPP include requirements for mitigating trees that suffer reductions in health or vigor and are consistent with the Native Tree Protection Ordinance in the City of Malibu LCP. No edits to the NTPP are proposed.
YY-102	*This comment states that the figure in Appendix A-3 of the NTPP should show the limits of project disturbance and that the figure should be edited so that tree symbols and labels are discernible.* RESPONSE: The limits of project disturbance has been added to Appendix A-2 (formerly A-3 in *Appendix F* of the DEIR) of the NTPP contained in *Appendix MRA-10,* and this figure has been revised so that tree symbols and labels are discernible. The above clarification to the NTPP 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.
YY-103	*This comment suggests the mitigation plan for biology is too conceptual in nature to determine if it will successfully reduce biology impacts.* RESPONSE: The biology mitigation plan will be drafted in greater detail as part of implementation efforts, and prior to the commencement of any improvements under the Plan. It is customary for a CEQA

	document to rely upon mitigation plans that provide sufficient rather than exhaustive detail, and for the detail to be developed during finalization of such plans. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.
YY-104	*This comment suggests the mitigation plan for biology should include more information regarding native tree replacement.* RESPONSE: The biology mitigation plan will be drafted in greater detail as part of implementation efforts, and prior to the commencement of any improvements under the Plan. It is customary for a CEQA document to rely upon mitigation plans that provide sufficient rather than exhaustive detail, and for the detail to be developed during finalization of such plans. MM BIO-1.8 provides survival criteria. Please see Response to Comment YY-54. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.
YY-105	*The commenter correctly states that some tables within Section 5.4, Biological Resources, are not called out or explained within the text. The commenter specifically notes that Table 5.4-2 was discussed on page 5.4-14, but presented on page 5.4-33.* RESPONSE: Please refer to response YY-41, which addresses all of the issues described in this comment.
YY-106	*The commenter correctly notes that the abbreviation for the U.S. Army Corps of Engineers was identified as both "Corps" and "ACOE" within Section 5.4, Biological Resources.* Comment is noted; while reference name for Army Corps of Engineers is not standardized in the section, both referenced "short-hand" names are commonly used in the industry and are easily recognized to refer to the same entity. Therefore, a revision to the inconsistent reference scheme is not required within the DEIR.

YY-107	*The commenter correctly identifies that table callouts within the body text of Section 5.4, Biological Resources, do not match the Section's table titles.* RESPONSE: Please refer to response YY-41, which addresses all of the issues described in this comment.
YY-108	*The commenter states that there are errors related to scientific names of species in the biological resources section of the DEIR. Specifically, the commenter states that Platanus racemosa is referred to as California sycamore and western sycamore, but the latter is the accepted name.* RESPONSE: California sycamore and western sycamore are both accepted common names for *Platanus racemosa,* according to *The Jepson Manual.* However, in response to this comment and for the sake of consistency, references to California sycamore have been deleted and replaced with the common name western sycamore in the NTPP contained in *Appendix MRA-10*. This nomenclature change does not need to be made to the EIR, and does not raise important new issues about significant effects on the environment. Because the commenter does not provide specific information about other perceived errors related to other scientific names, no further response can be provided.
YY-109	*This comment suggests that the EIR does not describe the extent of the project's potential impact prior to mitigation. The commenter states that the significant impact is ignored and classified as "less than significant" based entirely on the Fire Protection Plan (FPP). The comment further states that the FPP, from a fire prevention standpoint, is not feasible. The comment states that the fire prevention element of the FPP is limited to visitor compliance with no smoking and no campfire rules. The comment suggests that campfires will be built and people will smoke, regardless of rules and enforcement activities. Lastly, the comment argues that the DEIR data demonstrates that the proposed project cannot be accommodated without raising a significant impact and the FEIR must address the significant impact so appropriate findings can be made if the project proceeds.*

	RESPONSE: Please see Topical Response #2 – Fire Concerns. The commenter's statement that the "primary fire prevention element of the FPP is reliance on visitor compliance with no smoking and no campfire rules" is contradicted by the detailed and comprehensive strategy included in the FPPs for both the proposed Plan and the MRA. The fire prevention measures required by the FPP are comprehensive and designed to significantly reduce the likelihood of fire ignition through a combination of restrictions, enforcement, and education. Additional components have been added to the FPP for the MRA as discussed in Topical Response #2. The DEIR provides an extensive discussion regarding the preparation and implementation of the FPPs and the site-specific risk assessments for each Park property included in the Plan, which provide 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 in the vicinity which could affect park users. Based upon the above discussion and the information contained in Topical Response #2, the analysis contained within the DEIR, no revision of the DEIR would be required.
YY-110	*The comment indicates that the DEIR incorrectly states that up slope fires move faster than down slope fires and does not consider the presence of a Santa Ana condition.* RESPONSE: The following discussion is provided to further elucidate fire behavior, as a means of explaining the referenced statements in the DEIR. In general, topography has a pronounced affect on wildfire spread. Slope steepness affects fire behavior in a similar way as wind by affecting the flame angle. As slopes increase, flames are closer to

	fuels upslope from the flaming front. This preheats fuel, increasing its combustibility and rate of spread (Rothermel 1985). When compared to flat terrain, heading fire spread rates may increase by 2 times on 10 degree slopes and 4 times on 20 degree slopes (McArthur 1968). Research further supports that when wind is present, up slope fires are much faster moving than backing fires (Murphy 1963). Downslope fires, or backing fires, typically burn slower than upslope fires, but may burn quickly through fuels when driven by a downslope wind, such as might be expected from a Santa Ana wind in the Malibu canyons. Regardless of the rate of spread, the project incorporates an emergency plan to address fast moving downslope fires driven by wind that are nearby or distant from the project area. 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.
YY-111	*This comment suggests that since the DEIR did not provide any information about the amount of water necessary to protect the existing and proposed structures, it is not possible to determine whether or not the water supply is sufficient.* RESPONSE: CEQA does not require a project to provide an estimate of the amount of water that may be needed to protect structures in case of fire, but rather requires an assessment of "fire flow", which is the adequacy of the water supply and delivery system to support fire suppression. The water supply and fire flow discussion included in Section 5.16, *Utilities and Services Systems* and Section 5.6, *Fire Hazards* is sufficient under CEQA in addressing potential water supply and fire flow impacts from implementation of the proposed Plan. As noted in these DEIR sections, the water supply is sufficient to meet project demand. Consequently, an accurate determination was made regarding the level of impact associated with fire-fighting water supplies in the DEIR. 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.
YY-112	*This comment requests clarification that while vegetation can affect fire behavior, when a wind-driven fire occurs, all vegetation will carry fire and burn.* RESPONSE: DEIR Section 5.6, *Fire Hazards* contains a detailed discussion of vegetation and its proneness to wildfire. This section includes the following discussion: *The dominant vegetation community in the Plan area is scrub and chaparral, with native and non-native grasslands, oak woodlands, and riparian habitat making up most of the remaining habitat type in the Plan area. Chaparral with Ceanothus is distributed primarily at upper elevations in the northern portion of the Plan area. This fuel type can produce high heat intensity and high flame lengths under strong, dry wind patterns, but does not typically ignite or spread as quickly as light, flashy grass fuels. Sumac scrub also represents a significant percentage of vegetative cover and is concentrated primarily at lower elevations than ceanothus in the central end eastern portions of the Plan area. Other significant vegetative cover includes chaparral, coastal sage scrub, coast live oak, and grassland, all seasonable prone to wildfire. Figure 5.6-1 shows the regional fuels distribution by habitat type in the Plan area and surrounding areas.* In this regard, information was presented in the DEIR for the reader to understand the relative combustibility and fire-spreading potential of the various vegetation types present in the Plan area. Both the proposed Plan and the MRA include provision of fuel buffers. As detailed in Response to Comment CC-10, the MRA includes increase buffers as requested the LACFD. As detailed in the project description for the Proposed Plan and description of the MRA included in *Appendix MRA-1*, the Plans address provisions for ingress and egress and protection of existing structures. See also the FPP for the MRA contained in *Appendix MRA-5*. 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.
YY-113	*This comment points out that DEIR Section 5.6 incorrectly states that all new camp areas would be located in the City of Malibu.* RESPONSE: Thank you for pointing out the minor inaccuracy pertaining to jurisdiction limits in Section 5.6 of the DEIR; to clarify: three proposed campsites at Ramirez Canyon Park under the Proposed Plan are located in the County of Los Angeles. 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.
YY-114	*The comment states that the DEIR does not disclose which fuel modification requirements apply to the new restroom facilities and that absent that information, it is not possible to determine if the project complies or what other biological impacts may result.* RESPONSE: As discussed in DEIR Section 5.6, *Fire Hazards*, the proposed fuel modification zones for each of the project components are illustrated in Figures 5.6-2 thru 5.6-5. The proposed restroom facilities are non-combustible structures that receive only occasional use and are not considered habitable structures. Fuel modification widths for such structures depends on distance from habitable structures, type of use, construction type, and fire hazard, amongst others. Based on these factors, the restrooms are provided 20 feet of fuel modification in all directions. See response to comment CCC-10 for a comparison of the fuel modification buffers assumed under the proposed Plan and MRA. The width of these zones was determined based on terrain, the positioning of the structures relative to fuels, and other site-specific characteristics and consultation with LACFD.

	The proposed fuel modification zones for each of the proposed Plan components are illustrated in Figures 5.6-2 thru 5.6-5; the biological impacts associated with the fuel modification zones are discussed within DEIR Section 5.4, *Biological Resources*. 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.
YY-115	*This comment states that availability of additional emergency services personnel and equipment through an automatic aid agreement cannot be considered as a substitute for compliance with Fire and Building Codes, particularly in VHFHSZ.* RESPONSE: According to the California Coastal Commission's Revised Findings for City of Malibu Local Coastal Program Amendment MAL-MAJ-1-08: "Where it is infeasible to meet all applicable current Building and Fire Code requirements for fire protection due to site or resource constraints, modifications may be granted pursuant to an approved Fire Protection Plan, 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. Such Fire Protection Plan will analyze the site fire risk at a fine scale and develop customized measure 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." As detailed in Topical Response #2 detailed Fire Protection Plans (FPPs) have been prepared for the Proposed Plan and the MRA and are included in the FEIR for review and consideration by the California Coastal Commission. These FFPs include a comprehensive fire safety strategy, not mere reliance on an automatic aid agreement, in order to ensure fire risk associated with the Proposed Plan or MRA would be within acceptable limits.

YY-116	*This comment expresses concern with the Ramirez Canyon Park structures not being compliant with building and fire codes, creating a potentially significant risk to visitors and neighboring residents, and suggests that the DEIR include mitigation to require immediate inspections to ensure compliance with all applicable fire and building codes.* RESPONSE: Please refer to Response to Comment YY-8 which addresses all of the concerns raised in this comment. See also Topical Response #2 and the project description for the MRA contained in *Appendix MRA-1* regarding MRA compliance with building codes.
YY-117	*This comment indicates that existing fire flow for Ramirez Canyon is inadequate for the current use, population, and conditions at Ramirez Canyon Park sub-standard structures.* RESPONSE: Please see response to comments NN-2 and NN-8. In addition, there are no new structures (other than restroom facilities) proposed for Ramirez Canyon Park improvements. Therefore, the needed fire flow typically calculated based on structure size, hydrant spacing, etc., is not applicable on this site. Rather, water capacity and delivery improvements are proposed for wildland fire fighting purposes and for recreational camp area uses as discussed in response to comment NN-2. Furthermore, water supply for the proposed Plan's Park facilities varies, with Ramirez Canyon Park having the highest level of water availability given the Park's developed condition. An existing 8-inch water mainline in Ramirez Canyon Road connects to the site's existing waterline that provides water service throughout the Park. The water system includes a centrally located wharf-type hydrant as well as a hydrant at the park entrance road. Ramirez Canyon Park also contains a 4,500-gallon water tank, a 10,000 gallon water tank, a 25,000-gallon swimming pool, and a 3,500-gallon portable dip tank within the Park. Existing and proposed fire hydrant locations in and near Ramirez Canyon Park are illustrated in Figure 5.6-2. A more detailed discussion of the water supply and

	infrastructure is contained in DEIR Section 5.16, *Utilities and Services Systems*. In addition, according to Greg Even with County Waterworks, the concern with available fire flow in Ramirez Canyon is more to do with to aging infrastructure. As discussed in Section 5.16 *Utilities and Service Systems*, the District's original water system facilities were acquired from various small mutual water companies. The 30-inch diameter transmission water main was built during the 1960s. According to the 2005 UWMP, the aging condition of many of the smaller water delivery lines (16-inch, 12-inch, 8-inch, and 6-inch diameter) coupled with the unique topography of the area has resulted in repetitive system failures requiring the District to continually divert funds for repairs rather than capital improvements. The District has been making progress in replacing many of the aging water lines. The District currently has a number of projects underway and recently completed the replacement of many of the existing water mains and pipelines within the City of Malibu and Topanga area. Projects include the recently completed replacement of an existing 8-inch water main along Ramirez Canyon Road with a new 8-inch water main, the installation of 1,500 lineal feet of a new 8-inch water main that connects Zumirez Drive and Ramirez Canyon Road to replace an existing line, the replacement of an existing 10-inch water main with a new 12-inch water main along Topanga Canyon Blvd., the installation of a new 12-inch main line along Busch Drive, and the recently completed installation of a new 12-inch water main, replacing the existing 6-inch water main, along Broad Beach Road (LA County DPW, 2005/ LA County DPW, 2007/ Bakhoum, 2009). 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.
YY-118	*This comment questions the feasibility of a five minute response time to the Conservancy's Ramirez Canyon property. The comment suggests that the FEIR should identify the typical response necessary to respond to fire in Ramirez Canyon and when a large special event is occurring. The*

	comment suggests the same analysis should be done for other park properties.
	
	RESPONSE:
	
	As described in the DEIR, rather than speculating about the amount of traffic on the roads when a wildfire emergency is in progress, the DEIR response time calculation is based on a nationally recognized standard (NFPA 1710) where 35 mph average speed across the distance travelled (nearest fire station) results in the expected response travel time. The DEIR further addresses traffic issues through measures designed to minimize traffic and improve emergency access in emergency situations, as described below and in Topical Response #2.
	
	Calculated response time for the first arriving engines remains at the less than 5 minute timeframe and the initial Fire Department response level (equipment and personnel) remains the same regardless of whether a large event is occurring or not. With the project, Ramirez Canyon Road would be widened to 20 feet if required by the fire agency, and existing obstructions and pinch points would be removed, allowing residents to evacuate and emergency apparatus to access the Park. Likewise, large events will require on-site shuttle busses to accommodate the number of people attending the event. This reduces traffic further by concentrating people into a relatively small number of vehicles. Also, if the fire is directly threatening the Park or its visitors, the temporary on-site sheltering option would be employed, providing open roadways for incoming fire fighters.
	
	With regard to the level of Fire Department response to a wildfire in Ramirez Canyon, or any of the Parks, the following is standard for brush fires in Los Angeles County:
	• 5 Engines, 1 Dozer, 3 Copters/ 2 Flycrews, 4 Camp Crews, 3 Superintendents, 2 Battalion Chiefs (BC), 1 Patrol
	  o The flycrews land on the incident with a Division Superintendent and attack the active flank, advancing to the head of the fire.
	  o Ground crews arrive on scene and are designated to anchor the fire at the point of origin and improve

	the fire line from the flycrews scratch line, to an impassible fire break. Hazards are mitigated, snags relieved, possible rolling material trenched, and dog legs widened. o Battalion Chiefs assume Incident Commander responsibilities, in accordance with the Helicopter Coordinator (HELCO) and previous on-scene commanders. It would be expected that the initial arriving BC would evaluate the need for additional resources. 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.
YY-119	*This comment disagrees with the DEIR stating that none of the historic wildfires in the Santa Monica Mountains have campfire origins.* RESPONSE: Please see response to comment O-2 and Topical Response #2.
YY-120	*This comment requests additional analysis to determine the amount of personnel required to conduct and maintain all of the vegetation management proposed as part of the Plan and evaluate whether MRCA has adequate staffing to perform the needed activities.* RESPONSE: As identified in each Fire Protection Plan, an annual vegetation management plan will be prepared for each park area with special focus on road interface areas, parking area adjacency, emergency fire shelters, and campsites. According to the MRCA Executive Director, existing MRCA staff would be able to conduct the periodic and annual maintenance per the vegetation management plan and fire protection plans. No additional staff would be necessary to implement the annual vegetation management plan.
YY-121	*This comment suggests that the FEIR should describe how vegetation management zones are compromised if full widths cannot be implemented due to property ownership boundaries.*

	RESPONSE: According to LACFD (Comment Letter DDD), as per Los Angeles County Fire Code Section 317.2.2, adjacent landowners are responsible for maintenance of any vegetation management zone that extends beyond a parcel owner's boundaries. If written permission is not granted for MRCA to conduct the necessary vegetation clearance (in consultation with the responsible fire agency), then the costs and responsibility for such clearance would fall on the affected property owner. Fire-agency approved vegetation management boundaries would, therefore, not be subject to compromise. Based upon the discussion above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
YY-122	*This comment expresses the commenter's opinion that the proposed quick attack firefighting system and equipment would not effectively reduce the fire risk in situations when wind conditions are present.* RESPONSE: In addition to the quick attack firefighting system, wildland fire hydrants and fire extinguishers would be located at all camp areas. It should be further noted on-site supervision of camp areas would be conducted by a wildfire-trained specialist, that camp fires and smoking would be expressly prohibited and that all cooking would be required to be conducted at a fire-proof cooking station. In addition, fuel modification zones would be required in and around all camp areas. Use of camp areas would be restricted on red-flag days, when heavy winds were present. These measures are just a few of the many components of the FPP designed for the Plan area. The MRA includes additional measures as described in Topical Response #2. See, also, response to comments 3-1 and K-3. In the unlikely event of a fire, the FPP would provide enhanced fire protection, fire fighting, and relocation/ evacuation capabilities above that which exists currently under the project baseline.

	Based upon the above discussion and the analysis contained within the Drat EIR (Section 5.6, *Fire Hazards*), no further revisions to the DEIR would be required.
YY-123	*This comment states that the EIR should require a second access to Ramirez Canyon Park for public safety or the proposed uses should not be allowed.* RESPONSE: As noted in DEIR Section 2.0 *Project Description*, pursuant to recommendations of the Los Angeles County Fire Department, the Plan and the MRA include improvements to Via Acero to provide secondary emergency vehicular ingress/egress for Ramirez Canyon, if required by the fire agency, as identified on the Penfield & Smith project plans (see DEIR *Appendix D-1* and FEIR *Appendix MRA-3*). The secondary emergency access improvements include extending the paved portion of Via Acero within an existing dirt road for approximately 1,400 ft to intersect with Kanan Dume, and widening of Via Acero to 20 ft over its entire length between Kanan Dume and Ramirez Canyon Road (approximately 2,938 ft). See also Topical Response #2.
YY-124	*This comment expresses the commenter's opinion that closure of park properties on Red Flag days would not reduce the fire risk caused by the Plan to a less than significant level as many of California's highest property and life loss fires have historically occurred outside of declared Red Flag periods.* RESPONSE: This comment does not identify an inadequacy in the analysis, conclusions or mitigation measures in the EIR. Please see Topical Response #2 which explains the basis for the judgment that proposed Plan and MRA impacts would be less than significant with implementation of their respective FPPs. Please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.
YY-125	*This comment requests clarification concerning preparation of the FPP's. The DEIR should clarify that the FPPs do not allow modifications to the Building or Fire Codes; this decision is at the discretion of the enforcing agency.*

	RESPONSE: See Response to Comment YY-115 which provides the requested clarification. The above clarification to the FPP 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.
YY-126	*This comment states that the FEIR should clarify which of the structures at Ramirez Canyon Park (Peach House, Art Deco House, caretakers residence) are proposed to be used as temporary shelters and should evaluate the capacity of the structures to be used as such. This comment further states that if improvements are required to ensure that certain structures are capable of serving as temporary fire shelters, the FEIR should explain and analyze the impact of the construction of those improvements.* RESPONSE: Under the proposed Plan, the Peach House and the caretaker residences are designated as the temporary on-site shelters for Ramirez Canyon Park. The Peach House includes 4,507 square feet while the caretaker residence includes 1,346 square feet of interior space. The structures have been calculated to accommodate up to 389 people (300 and 89 people, respectively), applying the California Building Code (2007) and a 15-square-foot per-person factor. In order to address fire safety concerns associated with wildfire scenarios that would not allow enough time to safely relocate visitors out of the Plan area, the FPP for the MRA specifies that the Ramirez Canyon Park shall have an emergency fire shelter(s) capable of accommodating the largest assembly of persons on-site allowed under the Modified Redesign Plan (Phase 1: 60 persons; Phase 2: 250 persons). The Ranger/Maintenance Supervisor Residence (Phase 1) and the Peach Building (Phase 2) would be remodeled and retrofitted to provide a safe and temporary "last resort" on-site sheltering should relocation from the Park be

	determined to be more dangerous than remaining on-site; a description of the necessary building upgrades is further described in the section immediately below (See comment YY-144). Project phasing for improvements within Ramirez Canyon Park is further described in Section 1.3.2.1 in FEIR *Appendix MRA-1*. The environmental impacts associated with any proposed and/or required retrofit of existing structures at Ramirez Canyon Park would occur simultaneously with other construction efforts proposed at Ramirez Canyon Park and would be limited in duration (approximately 12 weeks). Although occasional use of forklifts or other small pieces of mobile equipment might be required for the movement of materials and supplies, it is anticipated that any required retrofit(s) would largely be implemented by tradespersons and/or by manual labor. Given the temporary and limited nature of the activity, which could occur simultaneously with other on-site construction efforts and within an existing building development envelope which is already subject to existing vegetation clearance requirements up to 200 feet in radius, the discussion of impacts contained within the DEIR adequately addresses this issue. See, also, Comment Response YY-29.
YY-127	*This comment expresses the commenter's opinion that none of the mitigation proposed by the FPP would reduce the risk of exposing people and structures to wildland fires or the negative effects on ingress and egress to these areas to less than significant. The commenter adds that the only immediately effective prevention tool is to limit human use of the VHFHSZ.* RESPONSE: Please see Topical Response #2 which provides a detailed explanation of why fire risk associated with the proposed Plan and MRA are considered less than significant. As discussed in detail in DEIR Section 5.6, *Fire Hazards*, SMMC/MRCA currently implements a number of measures, which would be continued, and in some cases made more restrictive, with the project to reduce potential on-site risks associated with human-influenced wildfire ignitions. In addition, long-standing MRCA practices, notification and enforcement policies would also be improved and implemented.

	The standard park rules and regulations per existing policies of the SMMC/MRCA along with new policies defined within the DEIR/PWP would be enforced. The Plan also includes the following policies and implementation measures designed to minimize the risks associated with geologic, flood, and fire hazards from implementation of the Plan. In particular, the Plan includes Hazards Implementation Measure 4, which requires preparation and incorporation of a Master Fire Protection and Emergency Evacuation Plan (FPP) that includes specific individual Fire Protection and Emergency Evacuation Plan for each park area that includes a number of site specific provisions to address fuel modification, safety precautions, onsite fire protection and infrastructure, and evacuation plans and policies (see DEIR *Appendix I).* The preparation and implementation of the FPPs and the site-specific risk assessments for each Park property included in the Plan area, provide 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. The report-preparers therefore respectfully disagree that the prescribed fire protection plans and the Plan's proposed policies and implementation measures would be ineffective.
YY-128	*This comment states that the FEIR should specify whether or not the parks would be closed when the Fire Chief issues a localized Red Flag Warning independent of the National Weather Service.* RESPONSE: The FPP in DEIR *Appendix I* and FEIR *Appendix MRA-5* includes language indicating that Red Flag Warnings issued by the National Weather Service, which have been recently revised (2010) to be more specific to Los Angeles County, will result in closure of Ramirez Canyon Park and restrictions on camping. Likewise, if Los Angeles County Fire declares a Red Flag Warning based on active wildfires, weather conditions, or other factors in the absence of

	NWS declaration, the same closures and restrictions will apply. The above clarification to the FPP 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.
YY-129	*This comment requests clarification regarding Hazard Implementation Measure 4 and questions whether campers would be trained to use the apparatus so they can respond to a fire when trained monitors are not present?* RESPONSE Please see response to comments A-2, A-4, K-10, K-17, K-18, and M-5. Please also see Topical Response #2 which details the role and training of Camp Hosts. The proposed Plan and the MRA include the requirement that a Camp Host, staff maintenance person, or Park Ranger, who is wildland fire-trained, be on site at each park property during the times camping is permitted. This would be accomplished under the MRA by providing for residency of a Camp Host, staff maintenance person or Park Ranger at existing park properties. Furthermore, under the proposed Plan Hazard Implementation Measure 4 would not preclude 24/7 monitors. The MRA includes on-site Ranger housing at Corral Canyon Park and Malibu Bluffs to provide for 24-hour on-site Ranger presence at these two parks.
YY-130	*This comment states that the fire flow analysis within Section 5.6, Fire Hazards, does not take into account bringing the existing structures up to Code. This comment also states that the water supply analysis does not account for the need to protect the existing structures in the event of a wildfire.* RESPONSE: Please see response to comments YY-117 and NN-2.
YY-131	*This comment points out that the Emergency Access and Emergency On-Site Parking Plan was not included in the materials circulated with the DEIR; therefore it is not possible to determine whether the required emergency access, turnaround areas, and other fire safety improvements are feasible, nor is it possible to identify or evaluate potential*

	environmental impacts that may result from these improvements. The commentator requests that this information and analysis be included in the FEIR. RESPONSE: The Emergency Access and Emergency On-Site Parking Plan was included in the DEIR as Attachment 2 within DEIR *Appendix I*. Similar information is included in the FEIR *Appendix MRA-5* for the MRA.
YY-132	*Diesel fuel to power a back-up generator is proposed to be stored in a new tank either above or below ground at the Conservancy's Ramirez Canyon property. The FEIR should analyze the potential risks of storing diesel fuel in a Very High Fire Hazard Severity Zone and in ESHA and should also identify appropriate mitigation measures as necessary.* RESPONSE: DEIR Section 5.9, *Hazardous Materials* of the DEIR addressed the use, transport, and/or storage of hazardous materials, which include diesel fuel. As stated in the DEIR, any new generator installed at Ramirez Canyon Park would include above-ground, dual-walled, fuel storage tanks with secondary containment, per the Ramirez Canyon Park Fire Protection Plan. The storage tank operation and maintenance would be subject to the Uniform Fire Code and Los Angeles County ordinances designed to ensure safe fuel tank use and operation. Therefore, no significant impact is anticipated.
YY-133	*This comment questions SMMC/MRCA rights to use Ramirez Canyon Road for the uses proposed by the Plan. The comment also states that the DEIR should evaluate the hazard scenario in the event that secondary access at Ramirez Canyon Park cannot be provided. The commenter also expresses the commenter's opinion that Impact FIRE-1 is a Class I impact that should be mitigated by making proposed improvements and uses of the Ramirez Canyon property contingent upon either the construction of adequate fire access or the selection of an alternative location for the proposed uses.*

	RESPONSE: The commenter's opinions relative to access and improvement rights for the proposed Plan uses at Ramirez Canyon Road are unsubstantiated. The Conservancy/MRCA believes that its proposed use and improvement of Ramirez Canyon Road is in accordance with its rights as an easement holder and is in accordance with well-established case law. The Conservancy/MRCA can sue to enforce its easement rights, exercise its right of eminent domain in a worst case scenario, and also pursuant to Public Resources Code Section 30803(a), which states that "any person may maintain an action for declaratory and equitable relief to restrain any violation of " the Coastal Act" to address removal of unpermitted development. Public Resources Code section 30111 includes within the definition of "person" "any state, local government, or special district or an agency thereof," which includes the Coastal Commission, Conservancy, and MRCA. The portion of the comment regarding secondary access, please see response to comments K-9, L-4, PP-25, and YY-137. Pursuant to recommendations of the Los Angeles County Fire Department, the proposed Plan includes improvements to Via Acero to provide secondary emergency vehicular ingress/egress for Ramirez Canyon, as identified on the Penfield & Smith project plans. The secondary emergency access improvements include extending the paved portion of Via Acero within an existing dirt road for approximately 1,400-ft to intersect with Kanan Dume, and widening of Via Acero to 20-ft over its entire length between Kanan Dume and Ramirez Canyon Road (approximately 2,938 ft). As described in detail in Section 1.3.2.1 of *Appendix MRA-1*, the proposed Modified Redesign Alternative includes a preliminary design for emergency ingress/egress road improvements for the Ramirez Canyon community, proposed to be implemented during Phase 1 of the Plan. If required, actual improvements will be implemented consistent with the appropriate fire agency's final design and timing requirements (based on agency jurisdiction). Pursuant to the initial recommendations of the LACFD, the MRA (Phase 2) also includes a preliminary design for improvements to Via Acero to provide secondary emergency vehicular ingress/egress

	for Ramirez Canyon, as identified on the Penfield & Smith Modified Redesign Civil Plans (see *Appendix MRA-3*, Sheets 45–49). The secondary emergency access improvements include extending the paved portion of Via Acero generally along the path of an existing dirt road for approximatey1,400-ft to intersect with Kanan Dume, and widening of Via Acero to a width as great as 20-ft over its entire length between Kanan Dume and Ramirez Canyon Road (approximately 2,904 ft). Under the MRA, the widening of Ramirez Canyon Road and the extension of Via Acero as secondary access to Ramirez Canyon, or other similar alternative measures required by the appropriate fire agency consistent with Fire Code allowances, would improve emergency access and visitor relocation. Widening Ramirez Canyon Road would ensure that emergency vehicles can enter the canyon during periods when relocations are occurring, and would provide additional capacity for relocation traffic flows. Providing the secondary emergency access route into Ramirez Canyon would allow emergency vehicles to enter the canyon from two points and would provide a new route for visitor and staff relocation. This secondary emergency access route could be used for relocating residents or Ramirez Canyon and guests/employees of Ramirez Canyon Park in the event of an emergency. The portion of the comment expressing an opinion that Impact Fire-1 should be a Class I impact is unsubstantiated. As discussed in detail under Impact FIRE-1 in DEIR Section 5.6, *Fire Hazards*, the proposed improvements associated with the proposed Plan or MRA 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 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. Finally, the Plan includes Hazards Implementation Measure 4, which requires preparation and incorporation of a Master Fire Protection Plan (FPP) that includes specific individual Fire Protection Plan for each park area that includes a number of site

	specific provisions to address fuel modification, safety precautions, onsite fire protection and infrastructure, and relocation plans and policies (see *Appendix I*). Each park-specific FPP provides an emergency plan-of-action to minimize exposure of public park facilities, visitors, and adjacent communities to natural hazards, and to prepare and condition for potential emergency situations. Fire protection and relocation measures have been defined for each park property, and specialized fire protection measures have been defined for Ramirez Canyon Park due to the built-out nature of the property and the unique access programs the Park supports. Please also see Topical Response #2. The above clarification to the FPP 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
YY-134	*This comment states that per the photographs in Appendix A - Attachment 1, maintenance of the required fuel modification areas at Ramirez Canyon Park, as described in the FPP and DEIR, has not occurred, and that fuel modification records provided by MRCA present gaps in compliance with LACFD requirements.* RESPONSE: As noted in DEIR *Appendix I*, Ramirez Canyon Park currently receives the most complete and extensive fuel modification maintenance based on the existence of buildings and adjacent, managed landscapes throughout portions of the park. Fuel modification activities for the park are regularly conducted by the Los Angeles Conservation Corps, California Department of Corrections and Rehabilitation camp crews, or private contractors (such as GreenLeaf). The fuel modification areas are 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 to naturally vegetated areas. As outlined in LACFD Fuel Modification Plan Guidelines (see Appendix E of *Appendix I*), LACFD designates a variable width fuel modification area based on fuels, topography, fire history, and construction type. According to MRCA staff, Ramirez Canyon Park is currently in

	compliance with LACFD annual brush clearance requirements. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.
YY-135	*This comment references Impact FIRE-2 and expresses the commenter's opinion that construction on Ramirez Canyon Road would result in a significant short-term impact unless mitigated; suggesting that mitigation measures include a requirement that a secondary access over the Lauber property be constructed prior to improvements to Ramirez Canyon Road.* RESPONSE: As described in the project description for the MRA contained in Appendix MRA-1, if required by the fire agency, the new bridge across Ramirez Canyon Creek would be constructed in two phases. The first phase leaves the existing bridge in place and constructs part of the new bridge on the easterly side of the existing bridge. Once the new bridge is operational, the old timber bridge would be dismantled and phase 2 would initiate construction of the second half of the bridge. As a result, bridge construction would not restrict access to and from areas north of the bridge during construction activities. Furthermore, the proposed road widening is only along the shoulders of the road and the contractor would be required to keep one lane open at all times, similar to having a garbage truck on the road picking up trash. Access would be maintained along the roadway at all times. No secondary access is required during bridge construction and road widening. 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.
YY-136	*This comment requests that the proposed FPP specify what modifications are required to bring existing residential structures at the Conservancy's Ramirez Canyon property into compliance with the applicable building and fire code requirements for these uses.* RESPONSE: Please see response to comment YY-126 regarding existing

	structures and retrofit to current building code standards. Please also see the FPP for the MRA contained in *Appendix MRA-5*.
YY-137	*This comment indicates that the FPP fails to mention that Ramirez Canyon Road is not compliant with Fire Code, is a private residential road, and that the applicant does not have right to improve the Road.* RESPONSE: The FPP for the proposed Plan indicates that Ramirez Canyon Road, with the project's approval, will be improved to meet current fire code requirements of 20 feet wide improved surface capable of supporting 75,000 pounds. It also mentions fuel modification buffers that will be provided, exceeding code requirements. Under the MRA, the roadway would be similarly improved, as required by the fire agency. Please see response to comments YY-133 and PP-25. The project applicant has an easement over Ramirez Canyon Road that provides the legal right to improve the road to meet the code requirements and to serve the proposed uses. The above clarification to the FPP 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.
YY-138	*This comment questions the estimated annual emergency call volume based on the population estimates in Ramirez Canyon Park.* RESPONSE: The population estimates are based on a conservative calculation and include special events for Ramirez Canyon Park. As indicated in Appendix F of the FPP (see DEIR *Appendix I*), for the Proposed Plan, during the months of November to February and March through October, special events are accounted for; however, the special events are limited during these specific periods of time due to seasonal fire conditions. Under the MRA, average daily population estimates (see Appendix E in *Appendix MRA-5*) would be reduced when compared to the proposed Plan due to a reduction in park and recreation

	improvements associated with the Modified Redesign Alternative. As a result, a corresponding decrease in projected annual emergency call volume would occur with fewer visitors anticipated at each park area. 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.
YY-139	*This comment requests clarification for when fuel modification will be completed each year.* RESPONSE: The FPP for the MRA contained in *Appendix MRA-5* now indicates that annual fuel modification will occur by May 15. The above clarification to the FPP 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.
YY-140	*This comment questions the ability to provide fuel modification zones at Ramirez Canyon Park and requests evaluation of fire risks associated with inadequate fuel modification areas.* RESPONSE: Under the proposed Plan Ramirez Canyon Park currently includes 200 feet of fuel modification areas from its structures. All of the required fuel modification, according to LA County Fire, will be provided without affecting ESHA at Ramirez Canyon. The same would be true for the MRA. Under the proposed Plan, there are limited areas on Malibu Bluffs and Corral Canyon, not associated with habitable structures, that may include less than full fuel modification zones due to property line or ESHA restrictions. However, except for one temporary recreational vehicle site, these structures are non-combustible, non-habitable, and are in areas where fire intensity is lower due to flatter terrain and lighter fuels along Pacific Coast Highway that justify the reduction.

	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.
YY-141	*This comment questions ultimate disposition of Ramirez Canyon Road bridge replacement and FPP statement that it may not be necessary.* RESPONSE: The EIR evaluates the biological resource impacts of the replacement of the wooden bridge over Ramirez Canyon Creek on Ramirez Canyon Road. This replacement will occur, if the fire agency determines that the improvement is necessary, in accordance with the phasing plan included for the MRA in Appendix MRA-1. Therefore no public safety impacts are anticipated. The above clarification to the FPP 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.
YY-142	*This comment questions whether the administrative offices will be closed along with other activities at Ramirez Canyon on Red Flag and Flash Flood Warning days.* RESPONSE: The comment is incorrect that administrative offices will be closed on Red Flag Warning and Flash Flood Warning or Urban/Small stream Advisory days. RCP would be closed to visitors and special events, but ordinary administrative staff may be present during Red Flag Warning periods. 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.
YY-143	*This comment inquires about linework on Figure 1 of FPP Appendix A and the inability to provide fuel modification off-site.*

	RESPONSE: Please see response to comment YY-121 and YY-140 regarding fuel modification zones. Further, the linework referred to on Figure 1 of Appendix A are approximations of potential campground and parking areas with arbitrary buffers exhibited. Final location of parking and campgrounds under the proposed Plan or MRA will include fuel modification suitable for protection and it will be contained within the property boundary. 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.
YY-144	*This comment questions the retrofitting of existing Ramirez Canyon structures for use as temporary on-site shelters. It further suggests that the EIR must examine the retrofitting and the impacts from that construction.* Please see response to comment YY-126. A description of any modifications to existing Ramirez Canyon structures for use as temporary on-site shelters is described in detail in Section 1.3.2.1 in *Appendix MRA-1* under the subheading: Ramirez Canyon Structural Retrofits as well as in the FPP for the MRA contained in Appendix MRA-5. The FPP and MRA project description identify the following features, which would be utilized as a guide for retrofitting designated structures intended to be utilized as emergency fire shelters at Ramirez Canyon Park (Phase 1: Ranger/Maintenance Supervisor Residence and Phase 2: Peach Building): 1. Exterior walls shall be approved noncombustible (stucco, masonry, or approved cement fiber board) from grade to underside of roof system. Any unenclosed under-floor areas shall have the same protection as exterior walls. Wall coverings shall extend from top of foundation to the roof. The underside of any cantilevered or overhanging appendages and floor projections shall maintain the ignition-resistant integrity of exterior walls, or projection shall be

	enclosed to grade. The Fire Code allows 0.375-inch plywood or 0.75-inch drop siding if there is an underlayment of 0.5-inch fire rated gypsum sheathing tightly butted or taped and mudded (Section 704A.3 CBC). 2. Two-inch nominal solid blocking shall be provided between rafters at all roof overhangs under exterior wall covering (Section 7041.3.1.1 CBC). 3. Eaves and soffits shall meet requirements of the State Fire Marshal 12-7A-3 or shall be protected by ignition resistant materials or noncombustible construction on the underside (Section 704A.2.3 CBC). 4. All roofs shall be a Class "A" listed and fire-rated roof assembly, installed per manufacturer's instructions, to approval of the state Fire Marshal. Any openings on ends of roof tiles shall be enclosed to prevent intrusion of burning debris. When provided, roof valley flashings shall not be less than 0.019-inch (No. 26 galvanized sheet gage) corrosion-resistant metal installed over a minimum 36-inch-wide underlayment consisting of one layer of No. 72 American Society for Testing and Materials cap sheet running the full length of the valley (Section 704A.1 CBC). 5. No attic ventilation openings or ventilation louvers shall be permitted in soffits, rakes, eaves, cornices, eave overhangs, or between rafters at eaves, or in other overhanging areas in the Wildland Urban Interface (WUI) area. Attic or foundation ventilation openings or ventilation openings in vertical walls or other similar ventilated openings shall be louvered and covered with corrosion-resistant metal screening or other approved material that offers equivalent protection. Vents are required to have a 1/8-inch mesh and shall not exceed 144 square inches each. Attic and foundation ventilation shall also comply with the requirements of the CBC. It is recommended that Flame and Ember resistant vents with internal baffles are applied to all wildland-exposed sides of these residences. 6. Vents shall not be placed on roofs unless they are approved for Class "A" roof assemblies or are otherwise approved by the state Fire Marshal.

	7. Vents, such as roof vents, dormer vents, gable vents, foundation vent openings, vent openings in walls, or other similar vent openings, shall be covered with louvers and the required 1/8-inch mesh or are specific flame and ember resistant (i.e., Brandguard Vents). 8. Turbine vents shall not be utilized. 9. Glazing, including glass, or other transparent, translucent, or opaque glazing, or leaded glass, shall be one of the following: double pane with one tempered pane or glass block, or have a fire rating of 20 minutes (Section 704A.3.2.2). Plastic or vinyl window frames shall be of an approved type, which will not melt, ignite, or fail. Vinyl frames shall have welded corners and metal reinforcement in the interlock area to maintain integrity. 10. Skylights shall be certified to Architectural Manufacturers Association/Window and Door Manufacturers Association/Canadian Standards Association 101/I.S-2/A440 structural requirements. (Section 2405.5 CBC). 11. Exterior doors shall be approved noncombustible or 1.25-inch solid-core wood or have a 20-minute fire rating. Windows within doors and glazed doors shall comply with item 11 above (Section 7904A.3.2.3 CBC). 12. All chimneys and other vents on heating appliances using solid or liquid fuel, including outdoor fireplaces and permanent barbeques and grills, shall have spark arrestors of a type approved by the state Fire Marshal. Spark arrestor openings shall be a maximum 0.5 inch. For all other habitable structures, as the Ramirez Canyon Park is a State-owned property, any requirements for upgrades and/or retrofits to existing structures would be determined by CAL FIRE. The following language is included in Section 5.6.1 of the FPP to address this issue: *<u>If required by CAL FIRE, existing structures at Ramirez Canyon Park may be retrofitted to provide improved ignition resistance. Retrofits will be focused on preventing ember intrusion into attics and openings and may include retrofitting vents and openings (doors, windows).</u>*

	Additionally, each structure will be retrofitted with monitored interior sprinklers. The environmental impacts associated with any proposed and/or required retrofit of existing structures at Ramirez Canyon Park would occur simultaneously with other construction efforts proposed at Ramirez Canyon Park and would be limited in duration (approximately 12 weeks). Although occasional use of forklifts or other small pieces of mobile equipment might be required for the movement of materials and supplies, it is anticipated that any required retrofit(s) would largely be implemented by tradespersons and/or by manual labor. Given the temporary and limited nature of the activity, which could occur simultaneously with other on-site construction efforts and within an existing building development envelope which is already subject to existing vegetation clearance requirements up to 200 feet in radius, the discussion of impacts contained within the DEIR adequately addresses this issue. See, also, response to comment YY-29.
YY-145	*This comment relates to location of the Ramirez Canyon fire shelter on Murphy Way. The comment indicates location should be reevaluated based on ridgeline location and suggests that the Peach House would be better suited.* RESPONSE: The Peach House is preferred as the temporary on-site shelter under the Proposed Plan; the locations of all fire shelters identified in the DEIR are to Los Angeles County Fire Department preferences. See Response to Comment YY-126 regarding Ramirez Canyon fire shelters under the MRA. Under the MRA three campsites at Ramirez would be eliminated, altering fire shelter requirements at this location. The location of all fire shelters under the MRA are shown on the civil plan contained in *Appendix MRA-3*. The above clarification to the 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.

YY-146	*This comment provides an opinion on the use of term relocation vs evacuation vs seek refuge.* RESPONSE: The FPP outlines the multi-layered prioritization pre-plan for human safety that will be enacted during wildfire emergencies. This preplan and the training and education for Camp Hosts that will augment its implementation provides for an orderly relocation of human population out of the area as a first priority. The term evacuation is not used to describe this event, as this term often implies administration by an emergency services or public safety agency. If relocation off-site is not possible or would be too dangerous, then relocation (from open areas) to the temporary on-site shelters will occur. Regardless of the terminology used, the plan entails moving people from more dangerous areas to less dangerous areas. The above clarification to the 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.
YY-147	*This comment questions the inclusion of camping at Ramirez Canyon Park based on the potential for a wildfire any time of the year. Further, the comment incorrectly presumes that the FPP and DEIR conclude that closure of RCP on Red Flag Warning days solves the issues.* RESPONSE: The project's FPP discusses a multi-layered approach including a comprehensive list of measures that will be implemented to minimize the likelihood of a project-related wildfire. Red Flag Warning Day closures are but one of those measures, albeit a very important measure, as there are certain fuel and weather conditions (those associated with Red Flag Warnings) that are more likely to result in ignition and spread of wildfire. On non Red Flag Warning days, the layered fire prevention and suppression measures have been designed to remove ignition sources from visitors, educate them to be fire-wise, monitor visitor actions, and enforce the many fire-safe restrictions. The FPP indicates that fires

	may occur at any time and this is part of the baseline condition, as fires can occur in the project area now from natural or man-made sources, within or outside of the area, and from visitors or residents of the area. The potential increase in human activity with the project has been analyzed and pre-mitigated through incorporation of the FPP into the Plan, which directly offsets any additional fire hazard risk which could be associated with increased human presence. As detailed in Topical Response #1, under the MRA only two campsites would be provided at Ramirez Canyon Park. The above clarification to the 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.
YY-148	*This comment questions the statement that Ramirez Canyon Park staff and visitors can relocate from the property quickly compared to Ramirez Canyon Road residents.* RESPONSE: The emergency planning procedures and training/education outlined in the FPP are intended to facilitate calm and orderly relocation off-site or to designated temporary on-site shelters. Social science research literature indicates that reactions to warnings follow certain behavior patterns that are defined by people perceptions (Aguirre 1994, Drabek 1991, Fitzpatrick and Mileti 1994) and are predictable. In summary, warnings received from credible sources by people who are aware (or who have been made aware) of the potential risk, have the effect of an orderly decision process that typically results in successful relocation/evacuation. This success is heightened when evacuations are practiced (Quarentelli 1977; Lindell & Perry 2004) as will be performed routinely on the MRCA project sites. In addition, the MRA includes provisions relocating all event participants in a single trip. See Topical Response #2 and the FPP for the MRA contained in *Appendix MRA-5*.

	The above contrasts with the situation for Ramirez Road residents, who are "on their own" with respect to obtaining timely information regarding emergency situations, and therefore may or may not receive critical information in a timely manner relative to an existing or threatened wildfire. Such residents also would not be expected to routinely practice evacuation procedures from their homes. The above clarification to the 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.
YY-149	*This comment expresses concern that visitors to the Conservancy's property may not fully understand or appreciate the risks of visiting a Very High Fire Hazard area.* RESPONSE: See Topical Response #2. Under both the proposed Plan and the MRA, a robust visitor education program will be implemented so that all visitors are made aware of the risks of visiting a VHFH area. The education will focus on indicating the types of activities that are prohibited and why, the risks of wildfire and the risks to visitors, including their liability with regard to fines, fees, and potential legal action for non compliance. The above clarification to the 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.
YY-150	*This comment questions why the fuel modification zones for existing structures are not depicted on Figure 4.* RESPONSE: Figure 4 of FPP Appendix A indicates fuel modification associated with proposed improvements. Existing fuel modification is not indicated on the Figure in order to provide viewer clarity that all new fuel modification will occur on site. Fuel modification zone exhibits for each Park facility are included in the FPP for the MRA.

	The above clarification to the FPP 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.
YY-151	*This comment indicates that the applicant organization of park officials and rangers should place public safety first when planning safe camping areas. Further, the comment indicates that beach camping areas are sited in safer zones than those at Ramirez Canyon Park.* RESPONSE: Potential locations for camping sites vary with regard to their potential risk. As suggested, sites nearer the beach may be safer sites, but that would depend on the fuels, topography, and the measures that will be implemented to provide fire protection. Higher risk sites can result in reduced potential risk with the implementation of fire protection measures, as have been provided for Ramirez Canyon Park. Please see Topical Response #1 which explains the key characteristics of the MRA. Under the MRA campsites would primarily be clustered at the two parks closest to PCH: Corral Canyon Park and the Conservancy's Malibu Bluffs property. This cluster design is in response to comments received on the DEIR.
YY-152	*This comment notes that Appendix G of the FPP provides inaccurate information regarding alternative access via Lauber Property.* RESPONSE: A Fire Protection Plan for the MRA is provided in *Appendix MRA-5* and includes Appendix H (Alternative Project Analysis Memoranda), which provides clarification regarding alternative access via the Lauber Property under the Redesign Project Alternative. The above clarification to the FPP 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.

YY-153	*This comment asserts there are no assurances in the Plan for seismic retrofitting of existing Ramirez Canyon Park structures to meet current seismic safety standards, and also suggests that a complete description of seismic improvements to ensure compliance with seismic standards be included in the EIR for analysis of construction-related impacts for such improvements.* RESPONSE: Please see Mitigation G-1.2 which specifically requires seismic evaluation of the need for, and the implementation of, appropriate retrofitting of any Ramirez Canyon Park structures anticipated to experience an increased volume of use due to the Plan; mitigation monitoring which is required in association with the EIR would ensure adherence to this mitigation. Seismic retrofitting of single story, wood-frame, residential scale structures typically includes measures such as bolting the structure to the foundation, re-enforcing any crib walls with plywood or other sheeting,, anchoring book cases or display cases to interior walls. These types of improvements (limited physical modification, within the shell or footprint of existing structures) would not have the potential to generate significant environmental impacts. 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.
YY-154	*This comment questions why is Malibu Creek State Park not included on the list of campgrounds near the Los Angeles area in Section 5.8, Global Climate Change.* RESPONSE: Malibu Creek State Park has been added to an updated version of DEIR Table 5.8-7, *Campgrounds Near the Los Angeles Area*, presented below.

Table 5.8-7
Campgrounds Near the Los Angeles Area

Park	Distance from Los Angeles, CA* (miles)	Estimated Travel Time	Ocean Proximity/ Blue Water Views	Handicap Accessible
Campo Alto, Maricopa, CA	98	2 hr		
Chuchupate, Maricopa, CA	80	1 hr 28 min		
Chula Vista, Frazier Park, CA	90	1 hr 51min		
Half Moon, Maricopa, CA	97	2 hr 8 min		
McGill, Frazier Park, CA	87	1 hr 42 min		✓
Mt. Pinos, Maricopa, CA	88	1 hr 45 min		
Ozena, Ojai, CA	102	2 hr 6 min		
Pine Springs, Ojai, CA	90	1 hr 45 min		
Wheeler Gorge, Ojai, CA	90	1 hr 34 min		✓
Reyes Peak**, Ojai, CA	115	2 hr 40 min		
Leo Carillo State Park, CA	44	59 min	✓	✓
Point Mugu State Park, Malibu, CA	52	1 hr 19 min	✓	✓
Emma Wood State Beach, Ventura, CA	69	1 hr 9 min	✓	
Topanga State Park, Topanga, CA	28	36 min		
Castaic Lake State Recreation Area, CA	47	52 min		
Placerita Canyon State Park, Newhall, CA	33	35 min		
McGrath State Beach, Oxnard, CA	66	1 hr 9 min	✓	✓
Decker Canyon, Lake Elsinore, CA	75	1 hr 24 min		
Malibu Creek State Park, CA	**36**	**50 min**		✓
AVERAGE	**~~71~~73**	**1 hr ~~23~~28 min**		

*Distance measured from Los Angeles City Hall at 200 North Spring Street, Los Angeles 90012
**Reyes Peak campground located in Ojai, California provides partial ocean views from the ridgeline of Pine Mountain. As this location is located over 40 miles inland, it is not considered to provide the coastal experience similar to other parks listed.
Notes: hr = hour; min = minute

	Average distances and estimated travel time from Los Angeles to parks, as presented in Table 5.8-7, have been recalculated in order to include Malibu Creek State Park. Although Malibu Creek State Park provides some handicap accessible features, the proposed Malibu Park improvements would remain the closest campgrounds to the Los Angeles area that provide proximity to the ocean and/or handicap accessible campgrounds. 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.
YY-155	*This comment requests maps be included which show 100-year flood hazard zone relative to existing and proposed improvements at each park property; it also points out there are no maps contained in the DEIR addressing 50-year burned and bulked inundation limits for Ramirez Canyon.* RESPONSE: The County of Los Angeles typically uses the 50-year burned and bulked flow for analysis of development projects. FEMA has accepted these flows as approximately equivalent to the 100-year flow rates. Therefore, it is not necessary to provide 100-year inundation maps in addition to the 50-year burned and bulked mapping. The 50-year burned and bulk inundation map for Ramirez Canyon was inadvertently omitted from the Hydrology Study. Please refer to *Appendix MRA-13,* where the missing Figure BB-1addressing the 50-year burned and bulked inundation limits of Ramirez Canyon has been included. 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.
YY-156	*This comment is asking whether septic systems at Ramirez Canyon are within the 50-year burned and bulk inundation or 100-year flood hazard, and requests impact discussion be included in the EIR if such is the case.*

	RESPONSE: As discussed in the DEIR (Section 5.10.3), portions of the existing septic and sewer treatment systems at Ramirez Canyon Park are located within the 50-year burned-and-bulked/ 100-year flood zone. Septic holding tanks, however, are completely sealed chambers which are air- and water-tight. The lids of these tanks are bolted shut, which ensures that there would be absolutely no leakage whatsoever in the event of a flood event, such that adverse water quality impacts would be avoided (Bravin, 2009). Nonetheless, water quality would be monitored per Ramirez Water Quality Policy 8. The policy provides yet another safeguard against potential adverse water quality impacts. Beyond the air and water tight tanks and implementation of Measure 8, the project is required to maintain in Ramirez Canyon the existing state- of-the-art treatment system with a lift station and treatment facility. While these wastewater treatment facilities would be adjacent to the creek corridor, they would be outside of the 100-year flood zone. 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.
YY-157	*This comment requests information regarding the location of existing improvements within Ramirez Canyon, relative to the limits of the 50-year burned and bulked flood hazard area. It also questions why the 100-yeard flood zone is not used as the standard of analysis.* RESPONSE: The existing structures in Ramirez Canyon would not impact any flood flow projection, since they are included in the pre-project analysis. With respect to the 100-year flood zone as the basis of analysis, The County of Los Angeles typically uses the 50-year burned and bulked flow for analysis of development projects. FEMA has accepted these flows as approximately equivalent to the 100-year flow rates. Please also see response to comment YY-155.

	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.
YY-158	*This comment cites an omission in the DEIR pertaining to surface water quality conditions in the watersheds within the Plan Area and for Santa Monica Bay, and cites a bacteria problem as identified by beach report cards published by Heal the Bay. Lastly, the comment identifies a septic system phase-out recommendation by the Los Angeles RWQCB for the Malibu Civic Center area.* RESPONSE: The Los Angeles RWQCB is the recognized agency with authority to regulate surface water quality, principally via the Basin Plan and Ocean Plan. The Los Angeles RWQCB most recently prepared: 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 bodies; none of the watersheds or drainages within the Plan Area are listed as impaired. Santa Monica Bay (at Santa Monica Beach) and Malibu Creek have adopted Total Daily Maximum Load (TMDL) restrictions; creeks and watersheds within the Plan Area do not. Please refer to Response to Comment YY-16 for additional information addressing existing water quality in the Plan Area. With regard to bacteria, which is a demonstrated issue in parts of Santa Monica Bay, the Plan contains a specific mitigation measure addressing potential impacts from pet and horse wastes (MM HYD-8) which were identified in the DEIR as potentially significant. This same mitigation is included for the MRA. On November 5, 2009, the Los Angeles Region Regional Water Quality Control Board voted to prohibit new septic systems in the Malibu Civic Center area and required existing septic systems to be phased out by 2015 for commercial properties and 2019 for residential properties. These prohibitions would not affect implementation of the Plan as it is not located within the Malibu Civic Center area.

	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.
YY-159	*This comment requests that an appropriate interval be specified in mitigation measures for trail inspections to determine if horse droppings need to be relocated away from drainage courses.* RESPONSE: With regard to the request stated, mitigation MM HYD-8 is hereby revised 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 1 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. The above clarified version will be included as MM HYD-8 in the MMRP. The clarification does not alter the function or efficacy of the mitigation, but makes it more specific in terms of dictated frequency. The required mitigation monitoring and reporting

	program would ensure compliance with the revised mitigation measure. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.
YY-160	*This comment asserts the EIR must demonstrate how the existing wooden bridge on Ramirez Canyon Road would meet fire code standards and should evaluate whether the bridge exposes people to significant risk as a result of potential flooding.* RESPONSE: According to the County of Los Angeles Fire Department web site: For purposes of clarification Section 902.2.2.2, the term all-weather driving capabilities shall mean a surface that will support the imposed loads of a fire apparatus during inclement weather, including normal rainfall. Common sense and safety recommendation by the County of Los Angeles indicate that it is unwise to cross a bridge or road when there is water running over it. Therefore, to the extent that this advice is followed, there is no additional risk for bridge users associated with an over-topping event. Water depth overtopping the bridge during a 50-year flooding event (clear water scenario) would be in the one foot range (Penfield & Smith, October 2009). Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.
YY-161	*This comment asserts noise Impact "N-2" has been incorrectly placed in Table ES-3 (Class III); the impact should be classified as Potentially Significant (Class II)* RESPONSE: Thank you for pointing out an inconsistency between the narrative impact statement and placement of N-2 in Table ES-3 (Class III).

	The detailed analysis in the DEIR (pp 5.12-19 to 5.12-22) concluded this impact was less than significant (Class III); however, the impact statement in the DEIR for Impact N-2 (p 5.12-19) incorrectly summarized the impact as Class II. The following version of the summary impact statement for Impact N-2 is provided as a more accurate reflection of the discussion and conclusions contained in the DEIR: Impact N-2: Creation of new camp sites, as proposed under the Plan, ~~could~~ **would not** expose overnight campers to ambient noise levels which exceed the recommended maximum of 65 dBA CNEL (per CDEH guidelines for transient uses). Therefore, ~~absent mitigation,~~ **the potential for** exposure of campers to unacceptable noise levels is considered a ~~potentially~~ **less than** significant impact. The clarified version of the impact statement ensures consistency with the original DEIR impact discussion under Impact N-2. Consequently, Impact N-2 is correctly included in Table ES-3 (Class III). 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.
YY-162	*This comment asserts the analysis of noise Impact "N-2" fails to identify or evaluate the impacts of noise from special events upon proposed Ramirez Canyon camp sites.* RESPONSE: In the DEIR, Impact N-2 is summarized as "Noise Exposure for Campers" (pp. 5.12-19 to 5.12-22). The descriptor denotes the typical analysis whereby community noise sources in the project vicinity, which are outside of the control of the project sponsor, are evaluated to determine if the Proposed Plan uses would be compatible with the existing noise environment. As described in the DEIR under Impact N-2, traffic on roadways within the Plan

	Area is the primary contributor to the noise environment for each park property. Future projected traffic volumes on roadways within the Plan Area would not lead to exposure of campers to noise levels in excess of adopted standards. Impact N-4 in the DEIR (pp. 5.12-25 to 5.12-26) describes the noise characteristics associated with special events to be held in Ramirez Canyon. This impact discussion in the DEIR also did not discuss special event noise effects upon camp sites, because the camp sites are a component of the project and MRCA has the ability to manage both uses to avoid nuisance effects from special events upon camp site use. The following clarifying language is provided for the reader to better understand noise issues between special events and proposed camp sites. With respect to Ramirez Canyon special events and proposed camp sites, these are simply two components of one integrated "project". MRCA would have complete control over both of these components, and the potential effects one activity could have upon the other. For instance, amplified music would cease by 8 PM Sunday though Thursday, and by 10 PM Friday and Saturday (Land Use Implementation Measure 5). In addition, MRCA has the ability to prohibit reservations of the camp sites during special events or to inform prospective campers of any special events scheduled to occur coincident with a requested camp site reservation. As such, prospective campers could opt not to reserve a campsite at all if they believe the noise environment would not be conducive to relaxation or sleep. Consequently, noise impacts of special events on the proposed camp sites at Ramirez Canyon would be considered *less than significant.* 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.
YY-163	*This comment claims that an annual basis is inappropriate for the threshold to address ambient noise increases from the project; Ramirez Canyon noise should be calculated separately for March thru October and November thru February.*

	RESPONSE: The Community Noise Equivalent Level (CNEL) descriptor is a method of averaging single-event noise levels over a typical 24-hour day and applying penalties to noise events occurring during the evening (7 p.m. to 10 p.m.) and night (10 p.m. to 7 a.m.) hours. CNEL is usually defined in terms of average annual conditions, so that the CNEL measured on a given day may be either less than or greater than the annual average. The reference **(annual)** in the significance thresholds presented in the DEIR (Pg. 5.12-12) is intended to remind the reader the CNEL value addresses the average ambient noise environment across the year. A project noise impact is then defined as an increase in the CNEL by a certain value <u>above background.</u> The noise impact of the project is not averaged over an annual period; instead noise impacts associated with special events are determined on the basis of whether a substantial periodic increase in the ambient noise level would occur, as compared to the baseline CNEL noise level. In all cases, project-related noise from special events (Page 5.12-26) and from traffic increases (Page 5.12-27) would be less than 1 dBA CNEL (as calculated for any 24-hour period), which is well below the significance threshold of 3 dBA. 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.
YY-164	*This comment points out that passenger vans, mini-coaches, or small busses are proposed to transport visitors to/from Ramirez Canyon, and therefore the noise analysis must assess noise increases associated with these vehicle types, compared to existing vehicle patterns consisting of passenger cars and small trucks.* RESPONSE: DEIR Impact N-5 addresses the noise effects associated with project-added traffic on roadways in the Plan Area (pp. 5.12-26 and 5.12-27). The analysis was based upon average daily trips added by the project, as summarized in Table 5.12-5. Such traffic trips were assumed to be comprised of passenger vehicles, such as sedans,

	mini-vans, and light trucks. The analysis did not specifically address the use of larger vehicles for transport of visitors to/from Ramirez canyon. In this regard, small buses and mini-coaches would most likely generate noise levels somewhat greater than the average passenger car and truck. However, even assuming a somewhat greater noise level associated with individual small buses and mini-coaches as compared to a passenger vehicle, due to the minimal project-generated traffic (i.e., net 40 ADT increase including all passenger cars and transportation buses/vans/mini-coaches), the existing plus project noise level increase would continue to be less than one dBA CNEL along the Ramirez Canyon Road. Furthermore, these mini-coach trips would be highly limited over the course of an given day and individual bus noise events would be of very limited duration at any location along the route. Consequently, the original analysis conclusions are unchanged, and impacts remain designated as Class III (less than significant). 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.
YY-165	*This comment asserts the DEIR provides no data or analysis to support the conclusion that noise impacts from special events and programs at Ramirez Canyon would be less than significant. Implementation Measure 5 also lacks specificity in the manner of required noise monitoring.* RESPONSE: MM N-3.1 to N-3.5 address operational noise. As discussed under DEIR Impact N-4, at Ramirez Canyon Park amplified music will only be provided in front and behind the barn facility and played so that it is not audible at the property boundaries adjacent to residential development. Therefore, because the music would not be audible, there would be no impact. Also, please see Response to Comment YY-164 for the less than significant noise impact conclusion regarding project traffic. The monitors will check to determine whether the music is audible at the property lines, which is both

	specific and practical with respect to protecting the neighboring residential, noise-sensitive land uses. Thus, no special training is required for the monitors. This would hold true under the MRA as well. 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.
YY-166	This comment points out that natural canyons can increase the distance travel of noise, which is not discussed in the DEIR. RESPONSE: In DEIR Noise Existing Setting (5.12.1), under the Distance Attenuation discussion (page 5.12-3), the ability/effect of topography to block (attenuate) noise is described, primarily referring to ridges. The effect of a canyon in propagating noise is not discussed. Noise can in fact be reflected off of hard surfaces such as exposed rock canyon walls. These reflections can increase the noise level at nearby receptors. However, canyons covered with vegetation such as trees or shrubs would absorb the sound rather than acting as a reflective surface to redirect such noise. 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.
YY-167	*This comment requests a detailed analysis of the potential noise impacts from use of the proposed diesel powered generator at Ramirez Canyon.* RESPONSE: The diesel-powered generators in the Ramirez Canyon Park property currently exist, and are therefore considered to be a part of the baseline environmental condition. In addition, these generators are used only for emergency back-up electricity, and do not supply the electrical needs of the property during standard conditions/routine operations. Consequently a detailed noise

	evaluation to address the generators is unwarranted and unnecessary.
YY-168	*This comment indicates the DEIR should include noise analysis of ongoing trail and landscaping maintenance, as well as fuel management activities.* RESPONSE: Information regarding campground and trail maintenance is contained within the DEIR Project Description and the MRA project description in *Appendix MRA-1,* and fuel modification is discussed in Appendix I (Fire Protection Plan) for the proposed Plan and *Appendix MRA-5* for the MRA. DEIR Impact N-6 describes in general terms the noise effects associated with implementation of mitigation measures, including biological habitat restoration. Noise effects from landscape maintenance, trail upkeep, and fuel modification (vegetation trimming or removal) would be similar to the noise effects described already under Impact N-6. For clarification, these effects are described in more detail below The ongoing park maintenance and fuel modification operations would generate noise including from vehicles, hand tools such as hammers and power saws, equipment such as Sweco dozers and Bobcats, and smaller power equipment such as chain saws, weed whips and other landscaping equipment. Noise from park maintenance and fuel management operations would be confined to daylight hours. The noise level associated with these activities would be similar to most landscaping activities conducted at residential properties. These activities would be periodic and short-term in duration and would result in a less than significant noise impact. 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.
YY-169	This comment states that the description of the Plan's anticipated construction schedule within EIR Section 5.15, *Transportation and Parking*, should include proposed improvements to Via Acero.

	RESPONSE: This information is included in the project description for the MRA contained in *Appendix MRA-1*. As detailed in Section 1.5 of that document: At the time of EIR preparation, construction phasing had not yet been specified. To assess the reasonable worst-case <u>daily</u> construction scenario, therefore, this EIR evaluated simultaneous construction of proposed improvements for each individual park property and related trail segments, commencing in Spring/Summer 2011. The overall initial estimates for construction periods for construction activity associated with roadways, driveways, parking lots, and park improvements at each park are identified below. • Ramirez Canyon Park (Kanan Dume Road) – 10 weeks • Ramirez Canyon Park (Via Acero) – 12 weeks • Ramirez Canyon Park (Ramirez Canyon Road/ Delaplane Road) – 12 weeks • Ramirez Canyon Park – 12 weeks • Escondido Canyon Park – 12 weeks • Latigo Trailhead – 10 weeks • Corral Canyon Park – 12 weeks • Malibu Bluffs Park – 16 weeks As applicable, construction within each park would consist of 6 elements: • Grading of roadways, driveways, parking lot(s) and export of excess soil • Trenching, installation, and backfill of trenches for all necessary utility infrastructure • Paving of roadways, driveways, and parking lot(s) • Grading for park improvements, including campsites and pads for restrooms, and export of excess soil • Construction of restrooms and other buildings • Grading and construction of trail improvements
YY-170	*This comment states that the analysis of construction related impacts to Ramirez Canyon Road resulting from Ramirez Canyon property*

	improvements, Ramirez Canyon Creek Restoration, and Ramirez Canyon Road widening was underestimated, and that the combination of existing vehicle trips and construction-related trips would exceed 80 trips per day. RESPONSE: At this time, construction phasing specifics have not been finalized. Since the total construction related trips for Ramirez Canyon Park is 58 trips for three separate categories (construction related trips for the Conservancy's Ramirez Canyon property, Ramirez Canyon Creek Restoration, and Ramirez Canyon Road widening), the construction phasing of these three categories would be scheduled so as not to exceed the 80 total vehicle trips per day limit on Ramirez Canyon Road. Construction activities and park use would be sequenced so that the 80-trip limitation is not exceeded. 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.
YY-171	*This comment states that the EIR should indicate where staff and visitors would park and access the Ramirez Canyon property during bridge construction, and assess potential impacts to parking and fire hazards.* RESPONSE: Parking for the Ramirez Canyon site would be accommodated within the existing parking areas that are provided within the park. The 58 existing spaces provide adequate parking to accommodate the peak demands that would be generated by activities at the park. A construction management and access plan would be developed for the park to address access and parking when the bridge is under construction. With respect to the bridge construction, the replacement bridge would be constructed in two phases; first phase would be a new span adjacent to the existing bridge, keeping the existing bridge open to traffic. In the second phase, the existing bridge would be removed and replaced to constitute the other "half" of the new bridge, thereby achieving the final full proposed width. Therefore,

	vehicular access to the park would be maintained at all times during the bridge construction. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.
YY-172	*This comment refers to management of the 80 vehicle trips per day limit on Ramirez Canyon Road and states that the DEIR does not provide information regarding measures to reduce trips if thresholds were exceeded.* RESPONSE: MRCA has in the past developed a monitoring program that counted the number of vehicles entering and exiting the park to ensure that the 80 ADT limit is not exceeded. A similar program would be implemented to ensure that the ADT limit is monitored in the future. The ADT limit is maintained by scheduling the activities and groups at the park. Monitoring is accomplished via traffic counts. Should the ADT limit be exceeded, MRCA would modify the scheduling to ensure that the limit is maintained. 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.
YY-173	*This comment refers to the feasibility/impact of the proposed Command Center within Ramirez Canyon Park.* RESPONSE: The Barwood building, located at Ramirez Canyon Park, is approximately 3,500 sf and is used for small conferences and serves as the Western Area Emergency Operations Center for the MRCA, with full computer and radio dispatch capabilities in the event of any emergency. This portion of the Plan is a part of the existing baseline. Personnel operating the EOC are already assigned to Ramirez. By having real-time communications with area and incident fire commanders, the Western Area EOC keeps up-to-the minute contact with respect to fire operations and fire behavior that may affect Ramirez Canyon Park and thus segues into

	the Ramirez Fire Protection Plan policies and implementation provisions. No new impacts would occur as a result of the continued operation of this existing center. See, also. Topical Response #2.
YY-174	*This comment questions whether the existing septic system at the Art Deco House located on the Ramirez Canyon property complies with size requirements of the City of Malibu Environmental and Building Safety Division or the Los Angeles RWQCB for a facility serving up to 60 people.* RESPONSE: The Art Deco House would only be used to greet guests or as a component of site tours, but not as a primary site for group functions. The existing septic system at the Art Deco House is currently performing adequately; no increase in maintenance or service is anticipated as there would be no change in the intensity of use for this structure as a result of the Plan implementation. As noted under Impact US-2 in DEIR Section 5.16, *Utilities/Service Systems*, 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). 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.
YY-175	*This comment states that the DEIR analysis of the existing Ramirez Canyon property wastewater treatment system's ability to treat effluent does not consider additional persons who may be on the site during a 200-person event.* RESPONSE: As noted under Impact US-2 in DEIR Section 5.16, *Utilities/Service Systems*, 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). As there could be up to as many as 50 other persons present on the site as staff and event support personnel**,** the permanent restrooms would be supplemented by portable self-contained restrooms when necessary. The FPP for the MRA includes revised park visitation numbers. The maximum number of persons at Ramirez Canyon Park is clarified in the modified redesign alternative to be 250 persons, which accounts for additional persons (up to 50) that may be on the site during a 200-person event. 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.
YY-176	*This comment states generally that the DEIR Alternatives Analysis includes errors and discrepancies, that tables are not described in the text, and that no explanation is offered relative to changes in impacts for project components which are not proposed to change under the alternative(s).* RESPONSE: DEIR Section 8.1.4 now FEIR Section 15.1.4 provides a brief description of each alternative considered as well as references to Figures contained within that DEIR section and a complete set of concept engineering plan contained within DEIR, Appendices D-2 and D-3. The information contained within these engineered plans are comparable to the plans which were provided for the Proposed Plan. Also, the Figure 8.2-1 and 8.2-2 series of maps, which are a part of the DEIR Section 8.0, *Alternatives*, show a physical depiction of the footprint of the infrastructure and trails associated with each alternative in relation to impacts on biological resources. It should be noted that CEQA Guidelines Section15126.6(d) requires that an EIR need only contain "sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project."

	The FEIR Section 15.14 (DEIR Section 8.1.4) narrative alternative descriptions, coupled with the detailed sets of referenced plans and included figures, provide a sufficient basis to allow for a meaningful comparison of the alternatives to the Proposed Plan. Table references are provided throughout the text and the discussion of impacts by issue area, and where appropriate, individual park area, is provided within FEIR Section 15.2 (DEIR Section 8.2). No specific errors or discrepancies are noted within the referenced YY-176 section of the commenter's letter. Based on the above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
YY-177	*This comment states that the DEIR Alternatives Analysis does not provide information regarding the proposed Ramirez Canyon Road widening and questions the increase in direct impacts to vegetation communities.* RESPONSE: FEIR Table 15.4 (DEIR Table 8.4), *Ramirez Canyon Park Impacts to Vegetation Communities Under the 2002 LCP Alternative*, and FEIR Table 15-26 (DEIR Table 8-26), *Ramirez Canyon Park Impacts to Vegetation Communities Under the Redesign Alternative*, illustrate direct impacts to vegetation communities, in acres, resulting from implementation of each alternative respectively. The identification of a 0.01-acre increase in impacts to vegetation communities (coast live oak) between the Proposed Plan and the 2002 LCP Alternative and the Redesign Alternative identified within the impact analysis for the 2002 LCP Alternative and the Redesign Alternative accurately reflects the replacement of Via Acero with Lauber Road as a potential means of secondary emergency access and the associated slight variations in roadway design which occur as a result within Ramirez Canyon Park area. See response to comment YY-95 and YY-176 for a discussion of the description and depiction of the project alternatives considered by the Conservancy/ MRCA within the DEIR. The small difference of one one-hundredth of an acre, which is usually considered within a margin of error, is an accurate reflection of impacts related to the identified alternatives.

	Based on the above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
YY-178	*This comment states that DEIR Section 8.0, Alternatives, does not reference native tree impacts within text and questions the reduction in direct impacts to native trees as a result of Ramirez Canyon Road widening for Alternative 2.* RESPONSE: Thank you for your comment. DEIR Tables 5.4-8, 5.4-9, 5.4-12, 8-6, 8-10, 8-13, 8-16, 8-20, 8-28, 8-34, 8-37, and 8-41 have been revised to correct the identified minor discrepancies in information provided relative to impacts to native trees and/or to provide the requested comparative tree information between the Proposed Plan and the identified alternatives. Related text on pages 5.4-80, 5.4-84, 5.4-85, 8.0-49, and 8.0-51 has been revised as well. Section 15 of the FEIR, which updates Section 8 to include an analysis of the MRA, contains the revised versions of the Tables from Section 8. The discrepancies were clerical in nature, did not require any new field work, and do not substantially affect the conclusion that implementation of the Proposed Plan would result in impact to approximately 189 native trees that would require mitigation consistent with that outlined in the NTPP and that implementation of either the 2002 LCP Alternative or the Redesign Alternative would result in an overall reduction in impacts to direct trees when compared to the Proposed Plan. Note, direct and indirect impacts to trees associated with the implementation of the Proposed Plan and the 2002 LCP and Redesign Alternative is further evaluated within the Native Tree Protection Plan (NTPP) contained within the DEIR, *Appendix F*. This NTPP errantly identified 3 coast live oak trees and 2 alders as indirect impacts under the Proposed Plan and 2002 LCP Alternative, but correctly identified the impacts as direct under the Redesign Alternative. The DEIR originally included a total of 187 direct native tree impacts associated with the Proposed Project and the NTPP included a total of 184 direct native tree impacts. Based on revisions to the NTPP and the reclassification of 5 native

	trees (3 oaks and 2 alders) from indirect to direct impact status, the proper direct native tree impact total for the Proposed Project is 189. The Proposed Plan, therefore, would have direct impacts on 108 coast live oaks and on 9 alder as opposed to direct impacts on 105 coast live oaks and on 7 alder as originally identified in the DEIR. It should be noted that none of the 5 trees are slated for removal, but are instead located within the canopy +5 foot range of the disturbance area which was used as the criteria for determining direct impact encroachment. No new tree surveys were required in order to re-classify this existing data. In an effort to respond to this comment and others, the Conservancy/MRCA is being presented with a Modified Redesign Alternative (MRA) for consideration and adoption. Direct and indirect impacts to trees associated with the implementation of the MRA are further evaluated within the Modified Redesign Alternative Native Tree Protection Plan (NTPP) contained within the FEIR, *Appendix MRA-10* and described in FEIR Section 15. In addition, the following clarification is provided: The DEIR text on page 8.0-22 identified a reduction in direct impacts to 33 trees at Ramirez Canyon park when the Proposed Plan is compared to the 2002 LCP Alternative; this number has been corrected to a reduction of 31 trees; please see Section 15.0. Based on the above discussion, clarification provided within the analysis contained within the DEIR, and FEIR no further revisions to the DEIR would be required.
YY-179	*This comment refers to the number of native trees directly impacted by Ramirez Canyon Road widening under the proposed projects and under the Alternative 3 scenario and questions the discrepancy.* RESPONSE: Thank you for your comment. Please see response to comment YY-178. In addition, the following clarification is provided:

	The Proposed Plan would result in direct impacts to 34 native trees during Ramirez Canyon Road widening. Similarly, under Alternative 3, direct impacts to 34 trees would occur during Ramirez Canyon Road widening (21 Coast live oak, 2 California walnut, and 11 California sycamore). Thus, Alternative 3 (Redesign Alternative) would result in direct impacts to 34 native trees during road widening, which would be equal to the Proposed Plan. Based on the above discussion, and the analysis contained within the DEIR and FEIR, no further revisions to the DEIR would be required.
YY-180	*This comment refers to biological resources impacts associated with the proposed Ramirez Canyon Creek restoration under Alternative 3 and questions the native tree impacts presented in Table 8-28 within DEIR Section 8.0, Alternatives (FEIR Table 15-28).* RESPONSE: Thank you for your comment. Please see response to comment YY-178. In addition, the following clarification is provided: DEIR Table 8-28 (Table 15-28) identifies a total of 20 trees that would be directly impacted as a result of Ramirez Creek restoration for the Redesign Alternative, while the Proposed Plan (DEIR, Table 5.4-12) and the 2002 LCP Alternative (DEIR, Table 8-6; FEIR Table 15-6) would have direct impacts on 26 native trees. Implementation, therefore, of the Redesign Alternative would have similar direct impacts to native trees associated with the Ramirez Creek restoration as that as the Proposed Plan. As stated on page 8.0-49 (DEIR), the conclusion that there would be no change in impacts under the Redesign Alternative in comparison to the Proposed Plan's creek restoration remains accurate. Based on the above discussion and the analysis contained within the DEIR and FEIR, no further revisions to the DEIR would be required.

YY-181	*This comment questions why the number of native trees directly impacted under Alternative 3's recreational support facilities would increase if improvements would be reduced.* RESPONSE: Thank you for your comment. Please see response to comment YY-178. In addition, the following clarification is provided: As per the commenter's request, comparison columns have been added within DEIR Table 8-28 (FEIR Table 15-28) to show that the Proposed Plan, in its totality at Ramirez Canyon Park would have direct impacts on 110 trees while the Redesign Alternative would have direct impacts on 107 trees, which would represent a decrease in direct impacts by 3 trees as compared to the Proposed Plan. Variations in project design between the Proposed Plan and the alternatives (as depicted on the various plans (see DEIR and FEIR appendices) would result in 51 trees which would be directly impacted as a result of implementation of recreation support facilities under the Redesign versus the 50 trees under the Proposed Plan. In an effort to respond to this comment and others, the Conservancy/MRCA is being presented with a Modified Redesign Alternative (MRA) for consideration and adoption. Direct and indirect impacts to trees associated with the implementation of the MRA are further evaluated within the Modified Redesign Alternative Native Tree Protection Plan (NTPP) contained within the FEIR, *Appendix MRA-10* and described in FEIR Section 15. Based on the above discussion and the analysis contained within the DEIR and FEIR, no further revisions to the DEIR would be required.
YY-182	*This comment states that the description of impacts to native trees within the text does not correspond with information provided in Table 8-28.*

	RESPONSE: Thank you for your comment. See responses to comments YY-178 and YY-181. The following clarification is provided: The information contained within DEIR Table 8-28 (FEIR Table 15-28), *Ramirez Canyon Property Impacts to Native Trees Under the Redesign Alternative*, was correct, while there was a minor discrepancy identified within DEIR Table 5.4-12, Ramirez Canyon Park Summary of Impacts to Native Trees. Under the Proposed Plan, as identified Table 15-28, there would be 110 direct impacts to native trees when compared to the Redesign Alternative's impacts of 107 trees (a reduction in impacts to 3 trees); impacts associated with parks and recreation support facilities would go from 50 native trees impacted under the Proposed Plan to 51 trees under the Redesign Alternative (an increase in direct impacts to 1 tree). Based on the above discussion and the analysis contained within the DEIR and FEIR, no further revisions to the DEIR would be required.
YY-183	*This comment states that Table 8-29 in Section 8.0, Alternatives, should not be split between two pages.* RESPONSE: CEQA Guidelines Section 15088(a) specifies that the "lead agency shall evaluate comments on environmental issues received from persons who reviewed the DEIR 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.
YY-184	*This comment requests clarification of the indirect impacts to native trees and vegetation communities under Alternatives 2 and 3.*

	RESPONSE: Thank you for your comment. Please see response to comment YY-178. In addition, the following information is provided: Sufficient information relative to impacts to native trees is identified within DEIR Section 8.0, *Alternatives*, FEIR Section 15.0, in order to provide for a meaningful comparison of the primary impacts which would be associated with implementation of the alternatives versus those associated with the Proposed Plan. Nevertheless, DEIR *Appendix F* does include an analysis of indirect impacts. Based on the above and the analysis contained within the DEIR, no further revisions to the DEIR would be required.
YY-185	*This comment states that tables provided within the Alternatives analysis should also provide a comparison between impacts associated with the Alternative and the proposed project.* RESPONSE: Thank you for your comment. Please see response to comment YY-178. In addition, the following clarification is provided: DEIR Tables 8-21 and Table 8-42 (FEIR Tables 15-21 and 15-42), respectively, provide a comparison of Vegetation Community/ Land Cover versus the 2002 LCP Alternative and the Redesign Alternative and provide for a meaningful comparison of the primary impacts which would be associated with implementation of the alternatives versus those associated with the Proposed Plan. Other comparative analyses, provided narratively, is located throughout DEIR Section 8.0, *Alternatives*. CEQA Guidelines Section 15088(a) specifies that the "lead agency shall evaluate comments on environmental issues received from

	persons who reviewed the DEIR 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.
YY-186	*This comment summarizes the requirements under CEQA for Alternatives Analysis in an EIR.* RESPONSE: CEQA Guidelines Section 15088(a) specifies that the "lead agency shall evaluate comments on environmental issues received from persons who reviewed the DEIR 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.
YY-187	*This comment questions why King Gillette Ranch was dismissed as a viable alternative to the portions of the Plan proposed for Ramirez Canyon.* RESPONSE: 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. The commenter has not provided any substantial evidence to support the commenter's contention that the suggested "blended alternative" could achieve most of the project objectives while minimizing or avoiding impacts to ESHA, policy inconsistencies, or exposure to fire hazards. In addition, the commenter has failed to provide even the most basic description of this "blended alternative, beyond the fact that it would make use of King Gillette Ranch. Rather than create the "blended alternative" suggested by the commenter, the Conservancy/MRCA has responded to comments by modifying the Redesign Alternative to create the Modified

	Redesign Alternative (MRA). Please see Topical Response #1 which describes this modified alternative. Rather than make use of King Gillette Ranch, the MRA clusters camping primarily at two locations: Corral Canyon Park and the Conservancy's Malibu Bluffs property, thereby essentially meeting the project objectives and providing recreational opportunities in the Malibu front country, use of several state owned land assets, blue water views and trail connectivity along the Malibu coast and accessibility via public transportation. CEQA Guidelines Section 15088(a) specifies that the "lead agency shall evaluate comments on environmental issues received from persons who reviewed the DEIR 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.
YY-188	*This comment states that KGR is closer to Los Angeles than any of the campgrounds proposed in the PWP, and should therefore be considered as an alternative site for its ability to increase accessibility to coastal resources from urban population centers.* RESPONSE: Please see Response to Comment YY-187. 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.
YY-189	*This comment questions why KGR was evidently dismissed simply because it is adjacent to another park that offers camping.* RESPONSE: Please see Response to Comment YY-187. The EIR contains analysis of a reasonable range of alternatives which would feasibly attain most of the project objectives, but which would avoid or substantially lessen any of the significant effects of the project. 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.
YY-190	*This comment claims that the Ramirez Canyon Park is the most-ill suited park property along the Malibu Coast to accommodate camping, with respect to public safety (from fire hazards and limited access).* RESPONSE: Please see Topical Response #1 which describes how the Conservancy/MRCA have modified the Redesign Alternative to cluster the campsites primarily at Corral Canyon Park and Conservancy's Malibu Bluff's Property. This volume of the Final EIR contains an analysis of this modified alternative, which as detailed in Section 14.0 serves to reduce the significant an unavoidable impacts of the proposed Plan, to significant but mitigatible under the MRA. 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.
YY-191	*This comment asserts that State-owned beach property in the Malibu area should be evaluated as an alternative location for camp sites identified in the Plan.* RESPONSE: The commenter has not presented any substantial evidence to show that expansion of the listed camp areas is possible, that this strategy would achieve most of the objectives, or that this approach would reduce impacts. Please see response to comment YY-190 which details the modified alternative which the Conservancy/MRCA has developed in response to comments. 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.
YY-192	*This comment suggests moving the Lauber Road alternative access further from residential property lines, and suggests the Lauber Road*

	Alternative access is environmentally superior to the Via Acero secondary emergency access. RESPONSE: Comment noted. The commenter has not provided any substantial evidence to support the contention that the Lauber access is an environmentally superior or more feasible way to provide access to Ramirez Canyon Park. 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.
YY-193	*This Comment indicates the DEIR does not explain why Alternatives 2 and 3 characterize access over the Lauber property as "secondary". The commenter believes this access should be designated as "primary" in order to avoid construction impacts associated with Ramirez Canyon Road.* RESPONSE: See Response to Comment YY-192.
YY-194	*This comment notes that Malibu Bluffs was identified as an Alternative property at the June 10, 2009 CCC hearing, not an "additional property for development.* RESPONSE: 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 1-08, Revised Findings, included in *Appendix C* 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.

	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.
YY-195	*This comment provides a summary of the professional qualifications of the author.* RESPONSE: Comment noted. The qualifications of the team which prepared and/or peer reviewed the FPP for the proposed Plan and the FPP for the MRA are provided in Topical Response #1. 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.
YY-196	*This comment expresses the author's opinion that increased access/use of areas designated as Very High Fire Hazard Severity Zone would result in an increase in the frequency of wildfires.* RESPONSE: Please see Topical Response #2. While it is generally true that increase residential or other use within an area designated as Very High Fire Hazard Severity Zone (VHFHSF) will increase fire risk, this does not necessary mean that the increase risk rises to the level of a significant impact as explained in Topical Response #2, or that compliance with existing codes, regulation and other available strategies will fail to reduce or eliminate the increased risk. The report-preparers therefore respectfully disagree Plan-related increased access/use of areas designated as Very High Fire Hazard Severity Zone would result in significant environmental impact on the natural environment and on public safety. 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.

YY-197	*This comment expresses the author's opinion that the only way to reduce public safety risk to an acceptable level at Ramirez Canyon Park is to have a second means of ingress and egress available for evacuation use during an emergency. The commenter also states that the DEIR did not sufficiently examine the impact on public safety of having only one means of ingress and egress.* RESPONSE: Please see response to YY-123. The commenter states that in his opinion "the only way to reduce the public safty risk to an acceptable level is to have a second means of ingress and egress available for evacuation during an emergency." Both the proposed Plan and the MRA contain provisions for a secondary access if required by the applicable fire agency. It would appear that the commenter would therefore agree that the proposed Plan and the MRA can reduce risk to an acceptable level.
YY-198	*This comment expresses the author's opinion that increased access/use of areas designated as Very High Fire Hazard Severity Zone would result in an increase in the frequency of arson caused wildfires.* RESPONSE: Please see Topical Response #2 which addresses arson risk and supervision issues. 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.
YY-199	*This comment expresses the author's opinion that the provision for fire apparatus, personnel and supplies on site at Ramirez Canyon would not be adequate to apply foam or protect structures from the exterior in a safe and timely way. The commenter also expresses an opinion that the Plan is deficient because it does not assure an adequate number of trained personnel will be on site 24/7 to operate the equipment.* RESPONSE: The commenter's opinion is noted. See Topical Response #2

	which provides a different opinion as to whether the FPP for the project and for the MRA adequately address fire safety. It should be noted that pursuant to CEQA Guidelines Section 15151, disagreement among experts does not make an EIR inadequate. Ramirez Canyon currently has a resident wildland firefighter who lives at the facility and is trained on the foaming equipment. He is available 24/7 to operate the equipment. Under the MRA, the resident wildland firefighter will continue to be available 24/7 and one additional personnel will be fire trained to operate the equipment. This will provide a second trained staff person on-site during business hours to operate the equipment. 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.
YY-200	*This comment indicates that the DEIR incorrectly states that up slope fires move faster than down slope fires and does not consider the presence of a Santa Ana condition.* RESPONSE: Please see response to comment YY-110.
YY-201	*This comment requests clarification that while vegetation can affect fire behavior, when a wind-driven fire occurs, all vegetation will carry fire and burn.* RESPONSE: Please see response to comment YY-112.
YY-202	*This comment indicates that existing fire flow for Ramirez Canyon is inadequate for the current use, population, and conditions at Ramirez Canyon Park sub-standard structures.* RESPONSE: Please see response to comment YY-117.
YY-203	*This comment states that availability of additional emergency services personnel and equipment through an automatic aid agreement cannot*

	be considered as a substitute for compliance with Fire and Building Codes, particularly in VHFHSZ. RESPONSE: Please see response to comment YY-115.
YY-204	*This comment questions the feasibility of a five minute response time to the Conservancy's Ramirez Canyon property. The comment suggests that the FEIR should identify the typical response necessary to respond to fire in Ramirez Canyon and when a large special event is occurring. The comment suggests the same analysis should be done for other park properties.* RESPONSE: Please see response to comment YY-118.
YY-205	*This comment expresses the author's opinion that complete removal of undesirable plant species within Zone A – Irrigated Zone Applicable at Ramirez Canyon Park for Structures is extremely difficult to maintain over the long term for the large area within Zone A at Ramirez Canyon Park..* RESPONSE: Comment noted. However, MRCA is committed to necessary park maintenance, including annual removal of selected vegetation within the fuel modification zones, and will keep staffing at a level commensurate with Plan and program maintenance needs. Zone A, it should be noted, is the zone closest to existing or proposed structural improvements, and therefore is the easiest to access for routine maintenance activities. CEQA Guidelines Section 15088(a) specifies that the "lead agency shall evaluate comments on environmental issues received from persons who reviewed the DEIR 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.

YY-206	*This comment requests additional analysis to determine the amount of personnel required to conduct and maintain all of the vegetation management proposed as part of the Plan and evaluate whether MRCA has adequate staffing to perform the needed activities.* RESPONSE: Please see response to comment YY-120
YY-207	*This comment suggests that the FEIR should describe how vegetation management zones are compromised if full widths cannot be implemented due to property ownership boundaries.* RESPONSE: Please see response to comment YY-121
YY-208	*This comment expresses the commenter's opinion that the proposed quick attack firefighting system and equipment would not effectively reduce the fire risk in situations when wind conditions are present.* RESPONSE: Please see response to comment YY-122
YY-209	*This comment states that the EIR should require a second access to Ramirez Canyon Park for public safety or the proposed uses should not be allowed.* RESPONSE: Please see response to comment YY-123. Please see Topical Response #2.
YY-210	*This comment expresses the commenter's opinion that closure of park properties on Red Flag days would not reduce the fire risk caused by the Plan to a less than significant level as many of California's highest property and life loss fires have historically occurred outside of declared Red Flag periods.* RESPONSE: Please see response to comment YY-124. Please see Topical Response #2 which includes a summary of some of the key

	features on the FPP. Closure on Red Flag days is only one of a set of strategies to ensure the fire risk is within commonly acceptable levels.
YY-211	*This comment requests clarification concerning preparation of the FPP's. The DEIR should clarify that the FPPs do not allow modifications to the Building or Fire Codes; this decision is at the discretion of the enforcing agency.* RESPONSE: Please see response to comment YY-125. Comment noted.
YY-212	*This comment indicates that the FEIR should specify whether or not the parks would be closed when the Fire Chief issues a localized Red Flag Warning independent of the National Weather Service.* RESPONSE: Please see response to comment YY-128
YY-213	*This comment requests clarification regarding Hazard Implementation Measure 4 and questions whether campers would be trained to use the apparatus so they can respond to a fire when trained monitors are not present?* RESPONSE: Please see response to comment YY-129.
YY-214	*This comment expresses the commenter's opinion that none of the mitigation proposed by the FPP would reduce the risk of exposing people and structures to wildland fires or the negative effects on ingress and egress to these areas to less than significant. The commenter adds that the only immediately effective prevention tool is to limit human use of the VHFHSZ.* RESPONSE: Please see response to comments YY-127 and YY-197.
YY-215	*The comment provides Attachment B – Trail and Park Resource Map Comparison and Table B: Proposed Trail and Park Facilities Maps to demonstrate inconsistencies descriptions and naming conventions.*

	RESPONSE: The inconsistencies contained shown in the commenter's Attachment and Table, do not alter the data, analysis or conclusions contained within those documents.
YY-215	*This comment serves as an introduction to Attachment C, referenced in YY-28, and states that some impact statements within the DEIR include mitigation measures or imply mitigation has already been applied, and that an impact statement should describe the extent of the impact <u>prior</u> to mitigation.* RESPONSE: Impact Summary statements serve as a convenience in presenting the overall level of impact in synopsis form for the reader. Detailed narrative discussion should be relied upon for individual impact assessment, including classification before and after any mitigation. Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.

From: dennis marsden [mailto:marsmlbu@earthlink.net]
Sent: Monday, March 22, 2010 8:24 AM
To: EIRcomments@smmc.ca.gov
Subject: Overnight Camping in Malibu

To Whom It May Concern,

We have been Malibu residents since 1993, moving into our newly constructed home not two weeks before the November 1993 fire which destroyed our canyon. We were fortunate, our home sustained minimal damage. But after witnessing the devastation first hand of what a wild fire can do and how unbelievably fast the spread of a fire occurs during Santa Ana wind conditions, we know just how insane and irresponsible the idea of allowing more overnight camping in Malibu is. Wildfire is almost always started by human error, and its effects on the vegetation/hillside erosion, wildlife death/displacement are tremendous. Without a doubt, allowing more overnight camping in Malibu will result in such a fire. Please prevent more disasters such as these from occurring: more overnight camping should not be allowed in Malibu. ZZ-1

Sincerely,
Ruth and Dennis Marsden
640 Tabard Road
Malibu, CA 90265

Letter	**ZZ**
Commenter:	**Ruth and Dennis Marsden**
Date:	**March 22, 2010**
Introduction	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**
ZZ-1	*This comment expresses opposition to overnight camping in Malibu.* 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 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 Responses #1 and #2.

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RESOURCE CONSERVATION DISTRICT
OF THE
SANTA MONICA MOUNTAINS

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March 29, 2010

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

Subject: Malibu Parks Public Access Enhancement Plan - Public Works Plan - Draft EIR

Ms. Tamasi,

The Resource Conservation District of the Santa Monica Mountains (RCDSMM) appreciates the opportunity to comment on the Draft EIR for the Malibu Parks Public Access Enhancement Plan.

As a reviewing and resource agency in the Santa Monica Mountains, the RCDSMM is actively involved with the restoration and conservation of the sensitive and unique biological resources within our local watersheds. While we support the project objectives of establishing a network of parks, trails, and open space within the City of Malibu, we feel that the proposed project should be modified and that certain potentially impacted biological resources should continue to be monitored as part of the project. AAA-1

Preferred Alternative
We support an environmentally superior alternative to the proposed project that would reduce proposed camping sites, a reduction in parking spaces, and restroom facilities, resulting in less grading and altering of the natural environment. However, the adopted alternative should not remove the proposed 10,000 gallon water tank for water storage at the Corral Canyon site (which is part of the proposed project), even though total campsites would be reduced. AAA-2

Fire Risk Reduction
The proposed project will minimize fire risk at campgrounds by providing a Camp Host, staff maintenance person, or Ranger, who is wildland fire-trained, that will be on site at each park property during the times camping is permitted. In order to prevent fire risk from campers during unpermitted times (which coincides with high-fire season), we recommend that park patrols be conducted daily at each overnight campground, including those days when campers should not be present. AAA-3

Rare Plants
According to the Biological Technical Report (BTR), focused plant surveys were conducted in June of 2008 and in May, June, August, and September of 2009. Given that several sensitive and potentially occurring plant species may have not been detectable during the 2008 and 2009 surveys, we recommend AAA-4

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that ongoing surveys continue for rare plants within suitable habitat during all months within their blooming periods. Some of these sensitive species include the federally listed Agoura Hills Dudleya (*Dudleya cymosa* ssp.*agourensis*), Marcescent Dudleya (*Dudleya cymosa* ssp. *marcescens*), and Lyon's Pentachaeta (*Pentachaeta lyonii*). We also recommend that future focused surveys follow the guidelines in *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFG, 2009) AAA-4

Sensitive Wildlife

The BTR states that there is moderate potential for the Coastal California Gnatcatcher (CAGN) to occur within the coastal sage scrub associations in the project site. Given that the CAGN is a resident species, we recommend that USFWS protocol surveys for CAGN be conducted within suitable habitat prior to any work being conducted in these areas during the breeding or non-breeding season, unless otherwise advised by the USFWS. AAA-5

Oak Tree Impacts

The DEIR clearly states that individual oak trees impacted by the project that are subject to the Malibu LCP Native Tree Protection Ordinance will be mitigated with by a ratio of 10:1. We also recommend that the number of coast live oaks that would be removed as part of the proposed project and alternatives be included in the final EIR. AAA-6

If you have any questions regarding this letter please feel free to contact me at your convenience.

Sincerely,

Sandra Albers
Conservation Biologist
Resource Conservation District of the Santa Monica Mountains

Letter	**AAA**
Commenter:	**Sandra Albers** **Conservation Biologist, Resource Conservation District of the Santa Monica Mountains**
Date:	**March 29, 2010**
Introduction	*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.* 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-1 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. Briefly, compared to the proposed Plan, the MRA reduces the total number of campsites from 71 to 54, eliminates the Escondido Canyon Park and Latigo Trailhead campsites included in the Proposed Plan, and clusters the 54 campsites at primarily two parks: Corral Canyon Park (17 campsites) and Malibu Bluffs Conservancy Property (35 campsites). These two campsite locations have easy access to Pacific Coast

	Highway (PCH). In addition, under the MRA, two accessible campsites would be implemented at Ramirez Canyon Park in Phase 2. Phased roadway/ bridge improvements for enhanced access to Ramirez Canyon Road, Delaplane Road, and/or Via Acero are proposed, if required by the appropriate fire agency. Within each park containing campsites, the campsites would be clustered. For example, at Corral Canyon Park, the campsites would be eliminated along the creek and clustered along a bluff overlooking the Pacific Ocean. Clustering is intended to facilitate the oversight/management of the camp areas, result in lower operational costs, and maximizes the efficiency and effectiveness of fire protection and relocation efforts. Under the MRA, day use facilities would be provided at Corral Canyon Park, the Malibu Bluffs Conservancy Property, Ramirez Canyon Park and Latigo Canyon. At Escondido Canyon Park the MRA includes only trail improvements to connect the proposed Coastal Slope Trail from Murphy Way to Latigo Trailhead. Additionally, numerous project features have been added in the MRA to address the community's fire concerns. Under the MRA, for example, cooking would be limited to small electrical cook stations, and the use of flame-less cook-stoves and lanterns would be required. Further, a camp host, staff maintenance person, or Ranger, (all of whom would be wildland fire-trained), would be required to be onsite at park properties included in the MRA, during times when camping is permitted at the location. The Final EIR includes an analysis of the MRA as well as a MRA Fire Protection Plan. 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.
COMMENT NO.	**RESPONSE**
AAA-1	*This comment expresses support for the proposed Plan, but requests that certain potentially impacted biological resources be monitored as part of the project.* RESPONSE:

	Thank you for your comment. Please see response to comments AAA-4 and AAA-5 and the description and analysis of the MRA contained in the FEIR.
AAA-2	*This comment expresses support for an environmentally superior alternative to the proposed project that would reduce proposed camping sites, parking spaces, and restroom facilities, resulting in less grading and altering of the natural environment. The comment also requests that the 10,000 gallon water tank at Corral Canyon Park remain despite the reduction in total campsites at this park.* RESPONSE: Please see the description and analysis of the Modified Redesign Alternative (MRA) included in the FEIR. The MRA would result in a reduction in the total number of campsites within the plan area, as compared to the Proposed Plan and would cluster the campsites at two locations: Corral Canyon Park and the Malibu Bluffs Conservancy Property. As noted in the alternatives analysis included in the FEIR, the MRA would be the environmentally superior alternative as it would reduce all significant and unavoidable impacts to a less than significant level with mitigation. With regard to Corral Canyon Park, the MRA includes 17 campsites, a double restroom, and two fire shelters at Camp Area 1. The Proposed Plan analyzed in the DEIR included 11 campsites in Camp Area 1 plus five campsites in Camp Area 2 for a total of 16 campsites at Corral Canyon, as well as a single restroom at each of the camp areas, and a fire shelter at Camp Area 1. Waterlines, pumps, and hydrants were added to the MRA in response to comments from LACFD and LACDPW and to provide redundancy to the water supply system. Under the MRA, at Corral Canyon Park, a water tank at the top of a knoll would provide a pressurized water source for fire-fighting capabilities, which would be connected to a pump station a few feet above sea level to provide adequate pressure to fill the tank. 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.
AAA-3	*This comment recommends that to minimize fire risk at campgrounds, park*

	patrols should be conducted daily at each overnight campground, including those days when campers should not be present. RESPONSE: Patrols will be provided during periods when camping is allowed as well as during Red Flag Warning days/periods as declared for the Santa Monica Mountains area by the National Weather Service, a division of NOAA. A camp host, staff maintenance person, or Ranger, all of whom would be wildland fire-trained, shall be onsite at each park property during the times when camping is permitted. When camping is not permitted, rangers would make regular patrols (please see *Ranger Services, Patrols, and Enforcement* under 2.3.5 *Operations & Maintenance* for additional discussion). To ensure adequate management of and oversight within the Plan area, overnight accommodations for Camp Host or Ranger are provided at Parks where camping would be allowed. Additionally, in an effort to be responsive to this and other comments, a Modified Redesign Alternative is being proposed for consideration and adoption by the Conservancy/MRCA. Under the Fire Protection Plan for this alternative included in the FEIR, The Modified Redesign Plan includes providing seven hours of patrol per day. 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. This would involve transfer of one full-time employee to cover the additional estimated patrols. MRCA rangers currently provide patrol at the Conservancy's Malibu Bluffs Property, Corral Canyon Park, and Escondido Canyon Park. The cost of these hours of existing patrol time to some extent should be subtracted from this total amount of suggested manpower. Total annual man-hours for day patrol would be approximately 2,555 and Red Flag days would require an additional 170 man-hours. Night patrol would require a total of approximately 832 man-hours. Total man-hours for park patrol would be 3,557. MRCA currently utilizes a wide range of tools and strategies in order to ensure that park rules and regulations are obeyed:

	Volunteer Patrol. MRCA equestrian and mountain bike civilian volunteer patrols provide public education regarding park rules and regulations. These volunteers also inform rangers of any ongoing, habitual or serious violations. *Paid Park Staff.* MRCA paid park staff provide public education regarding park rules and regulations. Paid park staff also inform rangers of any ongoing, habitual or serious violations. Selected park staff members are also designated as Public Officers and may issue Administrative Citations for observed violations of MRCA park rules or regulations. *Campground Hosts.* MRCA campground hosts provide public education regarding park rules and regulations. Campground hosts also inform rangers of any ongoing, habitual or serious violations. *Park Rangers.* MRCA Park Rangers are California Peace Officers. They are empowered to issue citations and make arrests for violation of MRCA rules and regulations, local ordinance, and State law. In addition to existing tools and strategies, MRCA would participate in the following program(s): *We Tip Program.* MRCA proposes to partner with WE TIP, a nationwide program that provides an anonymous hotline system for reporting crime. Crime includes, but is not limited to, fraud, harassment, vandalism, arson, theft, threats, and safety violations. The We Tip Hotlines are available 24 hours a day, 365 days a year to report crimes. We Tip is not restricted by jurisdictional enforcement lines or perimeters, and relays all tip information to the appropriate law enforcement agencies. MRCA would posts signs at each park and campsite areas with both WE TIP and MRCA Park Ranger phone numbers to encourage the reporting of all illegal and/or suspicious activity. Please also refer to response to comments A-2, K-10, K-17, and K-18.
AAA-4	*This comment recommends that ongoing surveys continue for rare plants within suitable habitat during all months within their blooming period. The commenter also recommends that future surveys follow the guidelines in "Protocols for Surveying and Evaluating Impacts to Special Status Native*

	Plant Population and Natural Communities". RESPONSE: The commenter correctly states the months and years that special-status plant surveys were conducted for the Proposed Plan. Also, as stated in the Biological Technical Report (BTR), during the 2008 and 2009 season, no surveys were conducted prior to May 14. Since the DEIR was circulated, surveys were conducted April 26–28, 2010 at Malibu Bluffs and the southern portion of Corral Canyon in order to detect spring blooming species. The methods and results of the 2010 special-status plant survey are provided in *Appendix MRA-9*. Catalina mariposa lily, CNPS List 4.2, was the only special-status plant species observed during the April 26–28, 2010, focused rare plant surveys. The Catalina mariposa lily occurrences documented in 2010 will not be impacted by the Proposed Plan or the MRA. The FEIR includes an analysis of the MRA in Section 14. As detailed in Section 3.4, *Biological Resources*, of that analysis, the MRA is estimated to result in the same loss of between 70 and 150 Catalina mariposa lilies as for the Proposed Plan. The Catalina mariposa lilies that would be impacted were observed during focused special-status plant surveys conducted during the 2008 and 2009 season. Both the Proposed Plan and the MRA include mitigation measures MM BIO-4.3 and MM BIO-4.4 which are designed to ensure that the impacts of the adopted Plan on Catalina mariposa lily will be less than significant. The DEIR states that Agoura Hills dudleya (*Dudleya cymosa* ssp. *agourensis*) and marcescent dudleya (*Dudleya cymosa* ssp. *marcescens*) have a moderate potential to occur based upon the species' range distribution and suitable habitat on site, but were not observed on site during focused surveys (page 5.4-38). The BTR states that Agoura Hills dudleya and marcescent dudleya bloom from May to June and may not have been detectable during the 2008 and 2009 surveys. However, while Agoura Hills dudleya and marcescent dudleya were not in bloom during focused special-status plant surveys, these species would have been detected if present on site because the *D. cymosa* leaves, which are generally oblanceolate to spoon-shaped leaves (Jepson Herbarium 2010), would have been visible and identifiable during focused surveys. Therefore, the modified redesign alternative would not result in

	impacts to Agoura Hills dudelya or marcescent dudleya because if these species were on site, they would have been detected during the 2008 and 2009 surveys and, subsequent 2010 surveys (*Appendix MRA-9*) for special-status plants. MM BIO-4.1 (DEIR page 5.4-67) requires that pre-construction rare plant surveys be conducted for species with a moderate or high potential to occur on site, which includes Lyon's pentachaeta (*Pentachaeta lyonii*). In response to this comment, this mitigation measure has been clarified to indicate that the methods used to conduct the survey will follow the guidelines outlined in *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFG, 2009c). This mitigation measure has also been clarified to indicate that the table referred to in MM BIO-4.1 refers to Table 8 in the BTR. The reader is directed to the Mitigation Monitoring and Reporting Program contained in the FEIR and the analysis of the MRA in the FEIR which contain the following version of MM BIO-4.1: **MM BIO-4.1** Pre-construction rare plant surveys, **using the survey methodologies outlined in *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFG, 2009c),** shall be conducted in all areas supporting suitable habitat for those special status species that have a moderate to high potential to occur in the study area as described in Table 8 **of the Biological Technical Report**. If federally or state-listed plant species are detected during the rare plant survey, as a project design feature, the project impact area would be modified to avoid direct impacts to these species. The above clarified mitigation measure will be included as MM BIO-4.1 in the MMRP for the adopted Plan. The clarification does not alter the function or efficacy of the mitigation, but makes it more specific in terms of the required survey methodology. The required mitigation monitoring and reporting program would ensure compliance with the revised mitigation measure.

	Based upon the above discussion and the analysis contained within the DEIR, no revision of the DEIR would be required.
AAA-5	*This comment recommends that USFWS protocol surveys for coastal California gnatcatcher (CAGN) be conducted within suitable habitat prior to any work being conducted in these areas during the breeding or non-breeding season, unless otherwise advised by the USFWS.* RESPONSE: Since the DEIR was circulated, a single pass survey for coastal California gnatcatcher was conducted April 27, 2010. The methods and results of the 2010 single pass survey are provided in *Appendix MRA-9*. Although no California gnatcatchers were detected during the survey, there is still the potential for this species to occur on site, as indicated in the DEIR. USFWS protocol surveys for coastal California gnatcatcher are not required during the non-breeding season because dispersing and resident coastal California gnatcatcher would not be substantially adversely affected by the loss of 18.04 acres of habitat (DEIR page 5.4-58, Table 5.4-7) as this species has a broad geographic range. A similar table is included in the analysis of the MRA included in Section 14 of the FEIR. Additionally, permanent impacts to coastal scrub and chaparral communities will be distributed across a wide area, as indicated in Tables 5.4-10, 5.4-11, 5.4-13, 5.4-15, 5.4-17, 5.4-19, and 5.4-20 in the DEIR. The same would be true for the MRA. Because coastal California gnatcatcher is highly mobile, the loss of potential habitat is minimal in the context of its range, and substantial habitat would remain adjacent to the trail. It is highly unlikely that dispersing or resident individuals would be directly affected by the Proposed Plan or MRA because non-breeding individuals would be flushed immediately prior to brush-clearing or earth-moving activities by a biological monitor (MM BIO-10.2, page 5.4-76). Within respect to the commenter's recommendation regarding conducting surveys for coastal California gnatcatcher during the breeding season, MM BIO-8 in the DEIR requires pre-construction surveys for coastal California gnatcatcher during the breeding season (February 15–August 31), if construction must occur during the

	breeding season. Specifically, prior to any construction-related activity, the biologist shall survey up to 500 feet from the proposed construction areas consistent with current USFWS protocol survey methods for this species, including use of playback tapes, appropriate environmental conditions, and maximum acreages surveyed per day. If no California gnatcatchers are found within areas up to 500 feet from the proposed construction area, then project construction may proceed without restrictions. If California gnatcatchers are found on site or in adjacent areas, construction within 500 feet shall not commence until temporary noise barrier(s) are in place between the construction area and occupied gnatcatcher habitat. The location of the noise barrier(s) shall be determined by the biologist and acoustician. Construction noise levels shall be monitored at the edge of occupied habitat with the noise barrier(s) in place. Other measures shall be implemented, as necessary, to reduce noise levels to below 60 dB(A), or to the ambient noise level if it already exceeds 60 dB(A) at the edge of the occupied habitat. If California gnatcatchers are found on site or in adjacent areas, construction noise shall be monitored once weekly to verify that noise at the edge of occupied habitat is maintained below 60 dB(A), or to the ambient noise level if it already exceeds 60 dB(A). If this requirement cannot be met, other measures shall be implemented as necessary, to reduce noise levels to below 60 dB(A) or to the ambient noise level if it already exceeds 60 dB(A). Such measures may include, but are not limited to, placement of construction equipment and limitations on the simultaneous use of equipment (DEIR pages 5.4-73 and 5.4-74). The same mitigation measure is included for the MRA. Based upon the above discussion, no revision of the DEIR would be required.
AAA-6	*This comment recommends that the number of coast live oaks that would be removed as part of the proposed Plan and alternatives be included in the EIR.* RESPONSE: The number of coast live oak trees that would be impacted as part of the Proposed Plan is quantified in the DEIR in Table 5.4-8 which indicates 107 coast live oak (*Quercus agrifolia*) would be impacted by the Proposed Plan. This number has been corrected in the errata to

	108, a very slight change. Section 8.0, *Alternatives*, includes tables that quantify the impacts to coast live oaks. Table 8-6 summarizes the impacts to native trees for the 2002 LCP Alternative and states that 43 coast live oak trees would be impacted under the 2002 LCP Alternative (page 8.0-23). This number has been corrected to 46 in the errata. Tables 8-28, 8-34, 8-37, and 8-41 summarize the impacts to native trees for the Redesign Alternative; 92 coast live oak trees would be impacted under the Redesign Alternative (see Tables 8-28, 8-34, 8-37, and 8-41 in errata). As stated on page 8.0-15 of the DEIR, under no project alternative, no new impacts to trees, including coast live oaks, would occur. Section 3.4.2 of Section 14 of the FEIR summarizes impacts to native trees for the Modified Redesign Alternative. This section states that up to 134 native trees may be impacted by the MRA. Of these, 82 coast live oaks would be impacted under the MRA, as presented in the Native Tree Protection Plan (NTPP) for the MRA in *Appendix MRA-10* of the FEIR. Additionally, the Native Tree Protection Plan (NTPP) in *Appendix F*, includes quantities of native trees designated for removal, by project alternative analyzed in the DEIR. An NTPP for the MRA is included in *Appendix MRA-10* of the FEIR and also includes quantities of native trees designated for removal, which includes removal of 6 coast live oaks under the MRA. Based upon the above discussion, no revision of the DEIR would be required.

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The City Project

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April 5, 2010 REVISED

Joseph T. Edmiston
Paul Edelman
Judi Tamasi
Santa Monica Mountains Conservancy
Mountains Recreation & Conservation Authority
5750 Ramirez Canyon Road
Malibu, California 90265

Re: Public Comments Malibu Parks Public Access Enhancement Plan Draft Environmental Impact Report

Dear Mr. Edmiston, Mr. Edelman and Ms. Tamasi:

I. Overview

The City Project submits these public comments on the Draft Environmental Impact Report (DEIR) for the Malibu Parks Public Access Enhancement Plan – Public Works Plan (the Plan). We applaud the Santa Monica Mountains Conservancy (SMMC) and Mountains Recreation and Conservation Authority (MRCA) for this important work to improve public access for all to parks, beaches, trails, and camping in the coastal zone.

We applaud the valuable work by MRCA and SMMC staff on the DEIR, and more importantly, on the results you have achieved over the years to create and preserve more open space, and to diversify access to that space.

The purpose of the Plan is maximize public access and recreational opportunities for parkland and recreation areas in the coastal areas of the City of Malibu and the Santa Monica Mountains National Recreation Area in unincorporated Los Angeles County. The Plan entails multiple components including construction and operation of the proposed park facility, camping, and trail improvements. DEIR ES-2. BBB-1

We are encouraged that MRCA and SMMC are setting best practice examples for other park and natural resource agencies throughout California and the nation by including objectives such as the following in the DEIR:

> Enhance public access and recreation opportunities to park facilities in the Plan area to the maximum extent feasible for both local and non-local visitors, and for visitors with diverse backgrounds, interests, ages, and abilities.[1]
>
> [I]ncrease accessibility to parklands for all people.[2]

[1] DEIR at 2-7.

Equal Justice, Democracy, and Livability for All
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> Provide public access to, and promote use of, coastal parks and trails by visitors outside of the City of Malibu.[3]
>
> Provide public outreach at coastal parks and trails, including educational, interpretive and recreational programs, for visitors with diverse backgrounds, interests, ages, and abilities.[4]

The primary purpose of these comments is to recommend that SMMC and MRCA enhance even more the information you present about the great work SMMC and MRCA are doing to improve park access for all. For example, the final EIR should highlight the values at stake. These values include improving human health; reducing obesity and diabetes; promoting youth development through academic performance and leadership lessons; providing positive alternatives for at risk youth; violence prevention; economic vitality; and equal justice for all. BBB-1

The mission of The City Project is to achieve equal justice, democracy and livability for all. MRCA and SMMC make our work easier. We look forward to working with you to enhance public access for all in Malibu and the coastal zone. We are happy to meet with you at any time to discuss how to best meet these goals through the Plan, the final EIR and other means.

We fully incorporate by reference here our October 7, 2009, public comments and attachments regarding the NOP for the Plan (the October 7 Public Comments).[5]

II. Detailed Comments

A. "J-O-B-S," Economic Stimulus, and Green Space for All

The Plan should include an implementation strategy that creates local green jobs through Civilian Conservation Corps-type programs, including jobs for inner city youth, low income youth, and youth of color, while improving parks and recreation and promoting the diverse values at stake. Programs suggested in these public comments would help accomplish these goals. The Plan should articulate standards to measure progress and equity and to hold public officials accountable. Numerical standards are suggested by the New Deal data cited below.

The nation remains in the worst economic crisis since the Great Depression. The unemployment rate is the highest in 25 years, and probably the highest since the Great Depression, although records do not go back that far (see chart on page 3 below). BBB-2

One of the most successful New Deal programs, the Civilian Conservation Corps (CCC), provides valuable lessons for what can be done as part of the implementation of the Plan. The CCC employed three million young men (but very few women and very few people of color), developed 8,000 new parks including 800 state parks, built 40,000 new schools, planted two

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[2] *Id.*
[3] DEIR at 2-8.
[4] *Id.*
[5] *See generally* Public Comments submitted by The City Project re NOP Malibu Parks Public Access Enhancement Plan – Public Works Plan and attachments (October 7, 2009), included in Appendix B of the DEIR.

billion trees – more than half of all the trees planted in the United States up until that time – and slowed soil erosion on 40 million acres of land.

Visits to national parks increased 600 percent from less than 3.5 million people in 1933, to 21 million by 1941. The rise in visitors was due to the increased facilities for recreation afforded by the completion of trails, campgrounds, roads and other projects by the CCC.
Unemployed urban youths in the CCC got paid, and their minds and bodies grew stronger as they learned the benefits of hard work, conservation and recreation. Working-class families received CCC paychecks every month. Business owners sold goods and services to the CCC and families benefited economically. The Plan can promote equal access for all to similar benefits here.

In addition, Plan implementation should include funding for small business and community groups such as Anahuak Youth Sports Association, Concerned Citizens of South Central Los Angeles and The City Project. This is consistent with the guidance for federal funding circulated by the Office of Management and Budget. *See* Peter R. Orszag, Director, Office of Management and Budget, Memorandum re: *Updated Implementing Guidance for the American Recovery and Reinvestment Act of 2009*, April 3, 2009, at page 2 and Guidance at pages 5-6, available at http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-15.pdf. The cited pages are fully incorporated by reference here. BBB-2

The DEIR notes that the Plan's proposed improvements would generate temporary employment opportunities during construction and may generate limited employment opportunities associated with camp host personnel, which would draw workers from the existing regional work force. Construction of the proposed Plan improvements and employment of temporary construction and limited camp host personnel would have some economic stimulant effect.[6] However, the DEIR stops short of analyzing how these economic opportunities can be leveraged to maximize benefits for underserved communities. The City Project recommends that SMMC and MRCA conduct a thorough analysis as to how to maximize these economic benefits.

These concerns are addressed in the following reports, which are fully incorporated by reference here: The City Project Policy Report, *Economic Stimulus, Green Space and Equal Justice* (2009), available at http://www.cityprojectca.org/blog/archives/1450;[7] California Green Stimulus Coalition, *Green Space and Equal Justice* (2009), available at http://www.cityprojectca.org/blog/archives/1611.

See the unemployment chart from the New York Times on the following page, and available on the web at http://www.cityprojectca.org/blog/archives/2775/.

[6] DEIR, 6-5

[7] The Policy Report is attached to our October 7 Public Comments.

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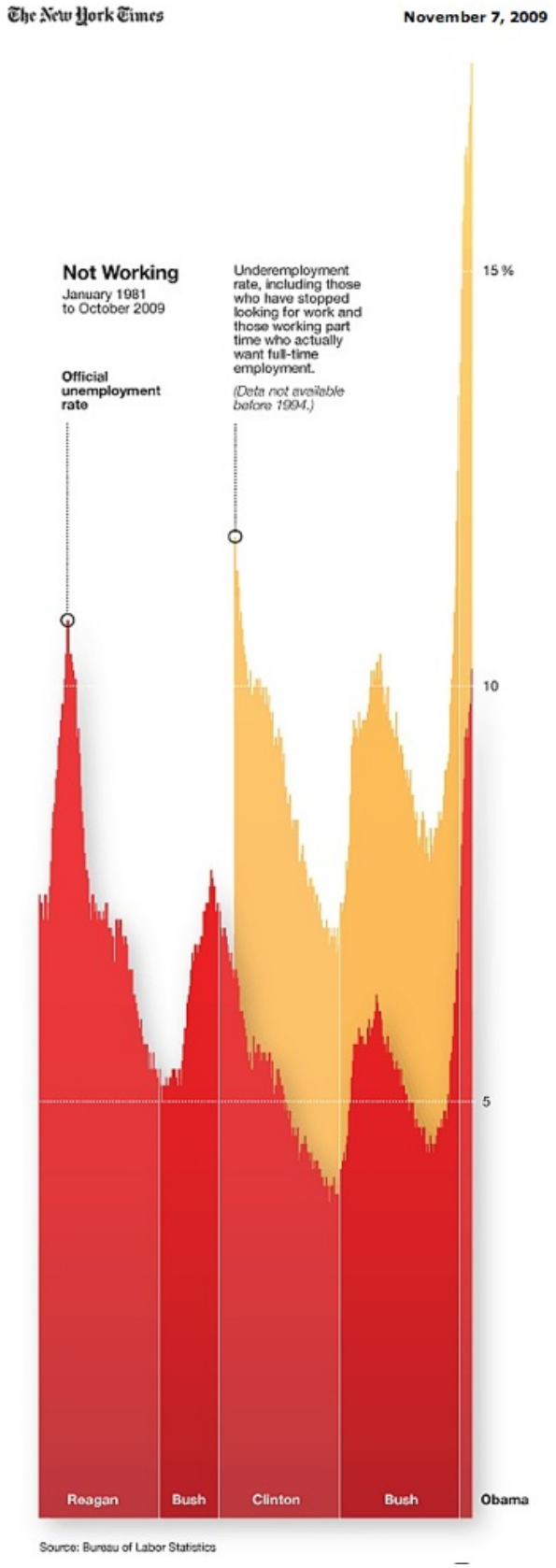
The New York Times
November 7, 2009
Not Working
January 1981
to October 2009
Official unemployment rate
Underemployment rate, including those who have stopped looking for work and those working part time who actually want full-time employment.
(Data not available before 1994.)
15 %
10
5
Reagan
Bush
Clinton
Bush
Obama
Source: Bureau of Labor Statistics

BBB-2

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B. Transit to Trails

The DEIR refers to the availability of transit on several occasions. (*See, e.g.,* DEIR ES-5.) The reality is that it is virtually impossible to get to Malibu on transit from inner city and other areas.

The Plan should institutionalize a Transit to Trails program to take inner city children on fun, educational and healthy trips. Transit to Trails should enrich their education about land, water, wildlife, and cultural history, and the importance of physical activity and healthy eating for life-long health.

The current Transit to Trails pilot project is the result of a creative collaboration that includes MRCA, The City Project, National Park Service, and community groups including Anahuak Youth Sports Association and others. Although inner city children on Transit to Trails trips live only an hour from the mountains and beaches, many have never been there. Parents often work two or more jobs, and do not have access to cars or to information to plan trips.

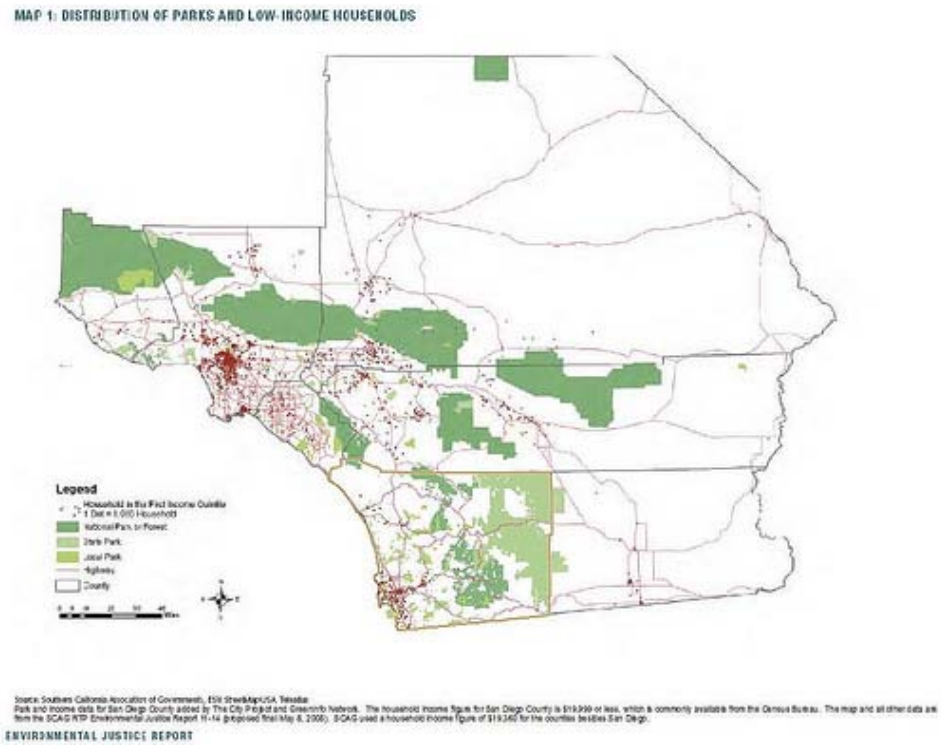
Transit to Trails would serve all people, but would be particularly useful to the working poor with limited or no access to cars. Transit to Trails provides choices to people who have none. Transit to Trails would help reduce traffic congestion and parking problems, improve air quality, and reduce run-off of polluted water into creeks, rivers, and the ocean. It would also help reduce dependency on the automobile and fossil fuels.

Transit to Trails will diversify access to and support for parks, trails and camping in the Santa Monica Mountains. The Angeles National Forest provides 78% of the public space in the Los Angeles region, and lies within an hour's drive of most of Los Angeles, but few people of color go there. Recreation is the predominant use of the forests in Southern California. Yet only 1% of the visitors to the forest are black, and only 11% are Hispanic. Zero percent of the visitors to the wilderness areas of the Angeles National Forest are black. BBB-3

The Southern California Association of Governments (SCAG) calls for public transportation to improve access for all to parks throughout Southern California in the 2008 Regional Transportation Plan (RTP) Environmental Justice Report. **"[A] multi-agency effort must be undertaken in order to further address and remedy the issue of inequity of park access**." *See* SCAG RTP Environmental Justice Report 11-14, 24 (emphasis added.) The Report is available at http://tinyurl.com/yacdal9. MRCA and SMMC can take the lead in implementing Transit to Trails as one remedy.

According to SCAG, "Public parks serve all residents. . . . However, not all neighborhoods and people have equal access to these public resources," including the local, state, and national parks in the Santa Monica Mountains. "Research has found a complete lack of public transportation services into National Parks, but this also appears true for State Parks. There is almost no access to national parks and very limited access to state parks by transit across all income groups . . . ." SCAG cites the policy report by USC students prepared for The City Project as part of Transit to Trails. The Policy Report *Public Transportation to Local National Forests* is available on the web at http://www.cityprojectca.org/pdf/uscgeogstudy.pdf.

The following map adapted from the SCAG report shows the unequal distribution of parks and low income neighborhoods in the Southern California counties of Los Angeles, Ventura, San Bernardino, Riverside, and San Diego. The map is available at http://tinyurl.com/y98p8af.



BBB-3

As part of the Plan, MRCA and SMMC should institutionalize Transit to Trails with standards to measure progress and equity and hold public officials accountable. The standards should include most importantly the number of children to be served by Transit to Trails trips and overnight camping stays, and the quality of the educational materials on the environment, cultural history, active recreation, and healthy eating distributed as part of the program.

The following report is fully incorporated by reference here: The City Project, *Transit to Trails* (2009), available at http://www.cityprojectca.org/blog/archives/2793.

C. The Plan Should Address Human Health and Youth Development through Physical Activity and Healthy Eating

BBB-4

The Plan should address improving human health, including physical activity and healthy eating to reduce obesity and diabetes. Even though the Plan includes a central focus on hiking, biking, swimming and camping, the DEIR is virtually silent on the impact of places for physical activity – and the absence of places for physical activity – on human health. In addition, human health includes more than reducing obesity and diabetes and includes the full development of the person and community through youth development, improved academic performance and lessons in leadership, positive alternatives for at risk youth, and violence prevention.

This is the first generation in the history of the country in which children could have a lower life

expectancy than their parents if obesity is not reversed. The Centers for Disease Control and the President's Council on Fitness and Sports have targeted increasing the proportion of adolescents who engage in moderate physical activity for at least 30 minutes on five or more of the previous seven days by 2010. The Robert Wood Johnson Foundation has committed $500 million to stop and reverse child obesity by 2015. The Plan should promote progress towards such goals to measure progress and equity and hold public officials accountable.

Publicly funded youth programs – including green job corps programs like those discussed above -- can keep students in school and out of the regular job market while developing permanent career opportunities. Active recreation and team sports can promote positive choices and help reduce youth violence, crime, drug abuse, and teen pregnancy. Sports and recreation can provide life-long lessons in teamwork, build character and improve academics. Additional benefits of engaging youth include nurturing future park stewards and visitors; appreciation of the outdoors, nature and wildlife; instilling civic participation; and internalizing the importance of individual responsibility for being a steward of the earth and its people. BBB-4

These human health concerns are addressed in the Policy Report *Economic Stimulus, Green Space and Equal Justice* at pages 12-13, which is fully incorporated by reference here.

D. Native American Consultations

Native American sites must be preserved and celebrated as part of the diverse heritage of the region and nation, in respectful government to government consultation with Native Americans. The Plan should articulate standards to measure progress and equity and hold public officials accountable. We incorporate our October 7 Public Comments at page 2 in this regard. BBB-5

E. Proactively Complying with Equal Justice Laws

The Plan should proactively address proactive compliance with equal justice laws. This includes promoting equal justice by MRCA and SMMC as recipients of federal and state funds.

Unfair inequities exist in the distribution of environmental benefits, including green space, and environmental burdens, including toxic sites, between less affluent and disadvantaged communities, and between communities of color and non-Hispanic whites.

In Los Angeles County, children of color living in poverty with no access to a car have the worst access to parks and to schools with five acres or more of playing fields, and they suffer disproportionately from childhood obesity and diabetes. BBB-6

Today, Malibu is 89% non-Hispanic white, 6% Hispanic, 3% Asian or Pacific Islander, 1% Black, 0.2% Native American and 0.2% other. Nearly 25% of Malibu households have an annual income over $200,000. The median household annual income is $102,031, according to 2000 census data. In contrast, Los Angeles County is only 31% non-Hispanic white. The median household income is $42,189. Only 4% of households have an annual income of $200,000 or more.[8] Malibu residents disproportionately enjoy access to the benefits of parks, trails, beaches, and mountains. Malibu and Malibu residents historically have fought against increasing public

[8] U.S. Census 2000 data available at www.factfinder.census.gov and compiled by Greeninfo Network.

access for all to the surrounding coastal zone. These facts are documented in the article *Free the Beach!,* which is attached to our October 7 Public Comments and fully incorporated by reference here. The present recommendations will help overcome discrminatory limits on public access.

The California legislature explicitly recognized the need to address disparities in green space when it enacted legislative criteria for investing park funds in park poor (less than three acres of parks per thousand residents) and income poor communities (below $48,000 median household income) under Prop 84.

There are disparities in access to safe places to play based on race, ethnicity, income, and poverty nationally. While 87% of non-Hispanic respondents reported that "there are safe places for children to play" in their neighborhood, only 68% of Hispanics, 71% of African Americans, and 81% of Asians agreed, according to the Census Bureau survey "A Child's Day." Almost half (48%) of Hispanic children under 18 in central cities were kept inside as much as possible because their neighborhoods were perceived as dangerous. The same was true for more than 39% of black children, 25% of non-Hispanic white children, and 24% of Asian children. Non-Hispanic White children and youth were most likely to participate in after school sports, with Hispanic children and children in poverty least likely. Children involved in sports and extracurricular activities tend to score higher on standardized tests and are less likely to engage in antisocial behavior. BBB-6

Parks and recreation programs should serve the diverse needs of diverse users. Numerous studies document how people attach different values to green space and use green space differently, both in urban and non-urban contexts.

Recipients of public funds are prohibited from engaging in practices that have the intent or the *effect* of discriminating based on race, color or national origin. Title VI of the Civil Rights of 1964 and its implementing regulations prohibit both (1) intentional discrimination based on race, color or national origin, and (2) unjustified discriminatory impacts for which there are less discriminatory alternatives, by recipients of federal financial assistance. Intent to discriminate is not required under the regulations. *Accord*, the President's Order on Environmental Justice, Executive Order 12898, available at http://www.ejnet.org/ej/execorder.html.

An important purpose of the statutory civil rights schemes is to ensure that recipients of public funds such as SMMC and MRCA do not maintain policies or practices that result in unjustified discriminatory impacts. To receive federal funds, a recipient must certify that its programs and activities comply with Title VI and its regulations.[9] In furtherance of this obligation, recipients must collect, maintain, and provide upon request timely, complete, and accurate compliance information.[10] SMMC and MRCA can proactively comply with civil rights laws by maximizing public access to the coast through the Malibu park access public works plan. BBB-7

The Office of Management and Budget has circulated guidance specifying that federal agencies are to enforce Title VI of the Civil Rights Act of 1964 and other equal opportunity laws and principles. *See* Peter R. Orszag, Director, Office of Management and Budget, Memorandum re:

[9] *Guardians Ass'n v. Civil Service Comm'n,* 463 U.S. 582, 629 (1983) (Justice Marshall, concurring in part and dissenting in part).
[10] *Cf.* Executive Order 12,898 on Environmental Justice (Feb. 11, 1994).

Updated Implementing Guidance for the American Recovery and Reinvestment Act of 2009, April 3, 2009, at page 2 and Guidance at page 6, available at http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-15.pdf. The United States Department of Justice has emphasized the need for federal agencies to enforce Title VI and its regulations. *See* memo from Loretta King, Acting Assistant Attorney General for Civil Rights, to Federal Agency Civil Rights Directors and General Counsels re: *Strengthening of Enforcement of Title VI of the Civil Rights Act of 1964* (July 10, 2009), available at http://www.usdoj.gov/crt/lep/titlevi_enforcement_memo.pdf; Memo from Assistant Attorney General Bill Lann Lee to Executive Agency Civil Rights Directors, *Enforcement of Title VI of the Civil Rights Act of 1964 in Block Grant-Type Programs* (Jan. 28, 1999), available at http://www.usdoj;gov/crticorlPubslblkgmt.php. *See also Rosemere Neighborhood Ass'n v. United States Environmental Protection Agency*, 581 F.3d 1169, 1175 (9th Cir. 2009) (condemning EPA's failure to conduct timely investigations of environmental justice complaints); U.S. Dep't Justice, Civil Rights Division, *Title VI Legal Manual* at 49-53 and authorities cited, http://www.justice.gov/crt/cor/coord/vimanual.php.

Stated in positive terms, MRCA and SMMC should prepare an equity analysis that includes (1) a clear description of what is planned or implemented; (2) an analysis of the impact on all populations, including minority and low income populations; (3) an analysis of available alternatives; (4) the inclusion of minority and low income populations in the study and decision-making process; and (5) an implementation plan to address any concerns identified in the equity analysis. This is consistent with the equity analysis that the Federal Transit Administration (FTA) has required the Metropolitan Transportation Commission (MTC) and the Bay Area Rapid Transit District (BART) to conduct as a condition of receiving federal funds under Title VI of the Civil Rights Act and its regulations. *See* attached letters from FTA to MTC and BART dated January 20, 2010, and February 12, 2010. BBB-7

The equity analysis under the civil rights laws is consistent with the necessary analysis of economic and social impacts caused by physical impacts under CEQA. See CEQA GUIDELINES § 15131 (physical changes causing social or economic effects may constitute significant effects on the environment); *Bakersfield Citzens for Local Control v. City ofBakersfield*, 124 Cal.App. 4th 1184 (2004); *Christward Ministry v. Superior Court*, 184 Cal.App.3d 180, 197 (1986) (EIR required to study whether physical impacts from waste facility next to religious center would disturb worship).

The equity analysis and final EIR should discuss that the Plan would help achieve equal access for all to the benefits of parklands, trails, beaches and camping in the Santa Monica Mountains.

E. Conclusion

BBB-8

We look forward to working with MRCA and SMMC to incorporate equal justice, democracy and livability for all through the Plan and final EIR.

Sincerely,

Robert García
Executive Director and Counsel

Louis Garcia
Staff Attorney

U.S. Department
of Transportation
**Federal Transit
Administration**

The Administrator

1200 New Jersey Avenue, SE
Washington, D.C. 20590

January 15, 2010

Mr. Steve Heminger
Executive Director
Metropolitan Transportation Commission
101 8th Street
Oakland, CA 94607

Ms. Dorothy Dugger
General Manager
San Francisco Bay Area Rapid Transit District
300 Lakeside Drive
P.O. Box 12688
Oakland, CA 94604-2688

Dear Mr. Heminger and Ms. Dugger:

I write to inform you of the Federal Transit Administration's (FTA) serious concerns regarding the Metropolitan Transportation Commission's (MTC) and the Bay Area Rapid Transit District's (BART) pursuit of federal assistance for the Oakland Airport Connector Project (the Project). Specifically, FTA is concerned with the preliminary results of a recent Title VI compliance review for BART, which revealed that BART failed to conduct an equity analysis for service and fare changes for the Project. In light of this development, MTC and BART are now in danger of losing federal funding for the project, including American Recovery and Reinvestment Act (ARRA) funds. MTC and BART must now face a choice between continuing to pursue federal funding for the Project (which will require immediate corrective action of the Title VI non-compliance) or committing the ARRA funds to alternative projects within the Bay Area.

In September 2009, FTA received a complaint alleging that BART failed to complete a service equity analysis for the Project. In response, FTA conducted a compliance review from December 15th through the 17th, 2009. During the review, BART's staff acknowledged it failed to integrate Title VI into BART's service planning and monitoring activities for the Project. BART also admitted that it did not conduct an equity evaluation of its service changes other than the one conducted on the 2009 reduction in service headways. While BART's non-compliance with Title VI will be addressed through the Office of Civil Rights' compliance review process, FTA brings this situation to your attention immediately because of the timing required to award grants to the Project.

We are in receipt of your "Title VI, Environmental Justice, and Limited English Proficiency Analysis of Proposed Service and Fare Changes," dated yesterday, which appears to be an attempt to meet the Title VI Circular requirements for a service equity analysis for the Project. Our initial review finds it insufficient to meet the Circular's requirements on many fronts. The equity analysis fails to analyze whether the Project's improvement and the service reductions would have a discriminatory impact. In addition, your analysis still does not address: (1) a policy for what constitutes a "major service change;" (2) the impacts of the major service change according to a specified procedure, including route changes and span of service; (3) an analysis of what alternative modes of transit are available for people affected by the service expansion and reductions, including the travel time and cost of the current route compared to the cost to the rider of the alternative; and (4) documented evidence of steps taken to seek out and consider the viewpoints of minority and low-income populations in the course of developing the policy on major service changes.

Should MTC and BART wish to continue pursuing federal funding for the Project, BART must perform an equity evaluation with respect to the Project that addresses each of the concerns laid out in the paragraph above. In addition, BART would be required to provide FTA with an implementation strategy for mitigating any adverse impacts identified in the equity evaluation and promptly provide satisfactory answers to any follow-up questions FTA might have. If BART provides an acceptable action plan, FTA will approve the award of grants for the Project but only with a condition that prohibits BART from drawing down any funds until it completes the action plan, implements any mitigation measures, and fully remediates non-compliance with all Title VI requirements.

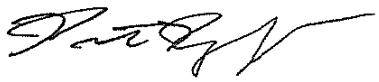
The above option involves considerable risk to the $70 million in ARRA funds currently programmed by FTA for the Project. ARRA requires FTA by **March 5, 2010**, to withdraw from each urbanized area or State any unobligated funds. By law, those funds must be redistributed to other urbanized areas or States that have not had funds withdrawn. Even should BART submit a timely action plan acceptable to FTA, BART's implementation actions will certainly extend beyond the March 5, 2010 deadline. *If BART were to fail in any respect to make progress or to meet its deadlines as established in the action plan, FTA would have to de-obligate the ARRA funds for the Project and would be prohibited by law from re-obligating those funds to alternative projects in the San Francisco Bay area.*

Should MTC and BART decide instead to pursue the other alternative of not seeking federal funding for the Project, then I advise you that FTA will still expect BART's complete and timely cooperation in remediating Title VI non-compliance issues.

Please let me know as soon as possible if you choose to pursue federal funding for the Project, which would trigger the requirement that BART timely submit a remedial action plan. We would also like to know if MTC and BART choose the alternative of reprogramming the ARRA funds to other Bay Area projects so we can execute those grants promptly.

Should you have any questions regarding the above, please feel free to contact me or FTA Chief Counsel Dorval R. Carter, Jr. at (202) 366-4011.

Sincerely,



Peter M. Rogoff

Letter	**BBB**
Commenter:	**Robert Garcia** **The City Project**
Date:	**April 5, 2010**
Introduction	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**
BBB-1	*This comment serves as an introduction and overview of the comment letter and applauds the work of MRCA and SMMC staff. This comment also provides a recommendation to highlight the values at stake, such as improving human health and youth development. The mission of The City Project, which is to achieve equal justice, democracy, and livability for all, is also stated.* RESPONSE: The City Project's support and valuable recommendations are acknowledged and appreciated. The Conservancy/MRCA appreciates the time dedicated by the commenter to provide constructive comments. 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.
BBB-2	*This comment suggests that an implementation strategy that creates local green jobs through Civilian Conservation Corps-type programs, including jobs for inner city youth and low income youth, should be incorporated into the Plan, and provides example standards to measure progress and equity. In addition, this comment also recommends that the Plan should include funding for small business and community groups. This comment also states that the EIR should analyze the economic opportunities associated with temporary or limited employment opportunities generated during*

	construction and operation of the proposed Plan. RESPONSE: CEQA Guidelines Section 15131 indicates that the economic or social effects of a project need not be treated as significant effects on the project and does no require consideration of these issues. Although the comment does not identify an inadequacy in the analysis, conclusions or mitigation measures in the EIR, the Conservancy acknowledges and appreciates the commenter's time and effort to review and provide comments on the environmental analysis. In addition, please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.
BBB-3	*This comment states that as it is virtually impossible to get to Malibu on transit from the inner city and other areas, that the Plan should institutionalize a Transit to Trails program to take such inner city youth on fun, educational, and healthy trips. This comment continues to explain the benefits of a Transit to Trails program, including providing opportunities to people with limited or no access to cars, reducing traffic congestion and parking problems, and increasing diversification of access to and support for parks, trails, and camping in the Santa Monica Mountains.* 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.
BBB-4	*This comment states that the Plan should address human health and youth development through physical activity and healthy eating and the EIR should address the impact on human health resulting from the absence of places for physical activity. This comment also expresses the benefits of publically funded youth programs that include active recreation and team sports, which also promote positive life choices and lessons.* RESPONSE:

	See response to comment BBB-3.
BBB-5	*This comment addresses Native American consultations and states that the Plan should articulate standards to measure progress and equity, and hold public officials accountable.* RESPONSE: Information related to Native American resources/consultation is identified within the DEIR, Section 5.5, *Cultural Resources*. See response to comment BBB-3.
BBB-6	*This comment states that the Plan should address proactive compliance with equal justice laws, including promoting equal justice by MRCA and SMMC as recipients of federal and state funds. Unfair inequities discussed in this comment include distribution of environmental benefits, such as green space and access to parks, between less affluent and disadvantaged communities, and between communities of color and non-Hispanic whites.* RESPONSE: See response to comment BBB-3.
BBB-7	*This comment supports the previous comment, BBB-6, but elaborates on the legal aspect, stating that Title VI of the Civil Rights (Act) of 1964, in summary, prohibits the intentional discrimination based on race, color, or national origin, and the unjustified discriminatory impacts by recipients of federal financial assistance. This comment also states that the MRCA and SMMC should prepare an equity analysis consistent with the CEQA analysis of economic and social impacts caused by physical impacts.* RESPONSE: See response to comment BBB-3.
BBB-8	*This comment serves as a conclusion to The City Project's comment letter on the DEIR.* RESPONSE: Please see response BBB-1, BBB-2, and BBB-3. The Conservancy/MRCA appreciates The City Project comments and

	participation in the CEQA process.

STATE OF CALIFORNIA – THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

CCC

April 13, 2010

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

EIRComments@smmc.ca.gov

Subject: Draft Environmental Impact Report for the Malibu Parks Public Access Enhancement Plan – Public Works Plan (State Clearinghouse No. 2009091018)

Dear Ms. Tamasi:

Commission staff has reviewed the subject environmental document for the Malibu Parks Public Access Enhancement Plan – Public Works Plan. The Plan has been developed to serve as the facilities plan for lands subject to the Malibu Parks Public Access Enhancement Plan Overlay, as defined by Section 3.4.2 of the Malibu Local Coastal Program (LCP). The Plan also addresses facilities planning for specific park and recreation areas located within lands adjacent to the Malibu Parks Public Access Enhancement Plan Overlay in unincorporated Los Angeles County. The Plan Area includes Zuma/Trancas Canyon Units of the SMMNRA, Ramirez Canyon Park, Escondido Canyon Park, Solstice Canyon Park, Corral Canyon Park, Latigo Trailhead and Camp Area Property, Conservancy-owned Malibu Bluffs, and Malibu Creek State Park. CCC-1

Based on our review of the Draft EIR (DEIR), we would like to offer the following comments at this time. With a few exceptions, our comments primarily concern the biological resource impacts associated with the plan. Commission staff ecologist, Dr. Jonna Engel, has reviewed the pertinent sections of the DEIR and relevant supporting documents in the appendix[1], and has previously conducted a site visit to four of the Plan's proposed project sites including Ramirez Canyon, Escondido Canyon, Latigo Trailhead, and Corral Canyon.

Trail System

Trails are resource dependent and are an allowable use in ESHA. The Plan involves a total of 18.21 acres of impacts to vegetation communities due to trail improvements and creation; this acreage includes ESHA and non-ESHA categories (ESHA: coastal sage scrub (CSS), chaparral, coast live oak/toyon-poison oak, California sycamore-coast live oak; non-ESHA: disturbed lands, California annual grassland, developed, and ornamental). Trail impacts are reduced by 0.60 acre in both the 2002 LCP and Redesign Alternatives. CCC-2

[1] "Biological Resources Evaluation for the Lauber Property/West Ramirez Canyon," "Native Tree Protection Plan," and the "Biological Technical Report (BTR) for Malibu Parks Public Access Enhancement Plan," prepared by Dudek & Associates, January 2010.

Based on the analysis of the DEIR, it appears the project alternatives (2002 LCP and Redesign) will reduce or minimize adverse impacts to biological resources. Therefore, the alternatives are more likely to be found consistent with the policies and provisions of the Malibu LCP and the Coastal Act. CCC-2

Delaplane and Ramirez Canyon Road Improvements

Vegetation along Delaplane and Ramirez Canyon Road includes both native and non-native plant species/communities. The DEIR states that the widening and removal of encroachments along Delaplane and Ramirez Canyon road will occur in existing developed/disturbed areas along the road shoulder and will not impact sensitive vegetation communities. However, the DEIR states that road widening and removal of encroachments along Delaplane and Ramirez Canyon Road will impact up to 36 native trees under the proposed project and each alternative. It is unclear how many, if any, would require removal or subjected to minor or major encroachments. Therefore, it is difficult to determine the significance of the potential impacts to native trees. CCC-3

Secondary Access to Ramirez Canyon Road (Via Acero Road and the Lauber Property)

The proposed project includes widening and expanding Via Acero Road as a secondary access to Ramirez Canyon Park. Table 16 of the Biological Technical Report (BTR) delineates 1.01 acres of impacts to vegetation communities by the Via Acero expansion and widening. The bulk of the impacts occur in the following non-ESHA categories; developed and California annual grassland. A total of 0.24 acres of impacts occur within CSS ESHA. While Table 16 of the BTR states that 0 acres of California sycamore-coast live oak habitat will be impacted, Table 5.4-10 of section 5.4 of the draft EIR states that 0.02 acres of California sycamore-coast live oak habitat will be impacted by the Plan. CCC-4

Under the 2002 LCP and Redesign Alternatives, secondary access to Ramirez Canyon Park would no longer be facilitated by an extension of Via Acero to Kanan Dume, but would instead utilize the Lauber property. The Lauber property project area includes an area graded in preparation for two homes as well as steep, rugged slopes vegetated dominated by a mosaic of CSS and chaparral with patches of California annual grassland, coast live oak, coast live oak/toyon-poison oak, bigpod ceanothus chaparral, and ruderal/developed lands. Construction of the proposed trail connector and parking facilities/infrastructure will directly impact 1.62 acres of CSS, 0.01 acre of chaparral, 0.02 acre of coast live oak, and 0.03 acre of coast live oak/toyon-poison oak. Parking previously proposed to be located along the roadside at Kanan Dume, which would require the construction of retaining walls, would be reduced under these alternatives, with most parking (18 spaces) relocated to parking areas on the Lauber property; an additional 9 parallel parking spaces would be located along Kanan Dume Road. With both alternatives, the impervious surface coverage at Lauber/Kanan Dume would also be slightly less than that associated with the proposed project at Via Acero/ Kanan Dume. CCC-5

The DEIR states that the secondary access to Ramirez Canyon Park via the Lauber Property would impact more ESHA than the Via Acero alternative. However, the DEIR does not quantify the impacts to biological resources associated with the residential development of the Lauber parcels and how such impacts compare with the proposed access road with parking area. Therefore, we would recommend that the EIR CCC-6

include a quantitative comparison between the biological impacts associated with development of the access road with parking area and residential development of the two properties. CCC-6

Ramirez Canyon Park and Ramirez Creek Restoration

Ramirez Canyon Park is traversed by Ramirez Canyon Creek within the west and southernmost portions of the property, and encompasses extensive stands of coastal sage scrub and chaparral habitat along the canyon walls and northern portion of the property which is adjacent to National Park Service land. The park and recreation support facilities of the proposed Plan would impact 0.36 acres of CSS (including 0.05 acres of disturbed CSS), 0.24 acres of chaparral, and 0.08 acres of California sycamore-coast live oak. Under the Redesign Alternative, the number of campsites and related support facilities are reduced. The DEIR finds that CSS impacts are thereby reduced by 0.11 acres, disturbed CSS impacts are reduced by 0.71 acres, and chaparral impacts are reduced by 0.15 acres. Similarly, with the 2002 LCP Alternative and its reduction in campsites and related support facilities, the DEIR finds that CSS impacts are reduced by 0.11 acres, and chaparral impacts are reduced by 0.17 acres. The proposed Plan also includes restoration of Ramirez Creek, although, no site-specific restoration plan is included in the DEIR. The restoration element developed for southern willow scrub and California Sycamore-Coast Live Oak in the Biological Concept Mitigation/Restoration Plan(s) (Appendix H-2) by Mike Sweesy, Dudek Biologist, can provide guidance for development of a Ramirez Creek Restoration Plan. CCC-7

The DEIR appears to base the analysis of impacts to vegetation communities and to ESHA at Ramirez Canyon Park on the existing, as-built condition. However, there is unpermitted development, including stream alteration, which should be considered in identifying the appropriate baseline condition. Additionally, no site-specific restoration plan for Ramirez Creek was included in the DEIR. Without an analysis of the appropriate baseline condition or the ultimate level of habitat restoration that will be achieved, we cannot assess the significance of the impacts of development at Ramirez Canyon Park. The EIR should address these issues.

Escondido Canyon Park

Escondido Canyon Park is naturally vegetated with native and non-native plants. The majority of the park is characterized by undisturbed CSS habitat. Escondido Creek winds its way through the park with riparian woodland habitat flanking the creek. In addition, there are areas containing a mix of native shrubland and non-native grassland. Table 12 (BTR) identifies a total of 2.21 acres of vegetation communities that will be impacted by the Plan. The 2002 LCP Alternative reduces the vegetation community impacts to a total of 1.50 acres with a 0.27 acre reduction in ESHA impacts. The Redesign Alternative reduces vegetation community impacts to 1.58 acres with a 0.27 acre reduction in ESHA impacts. CCC-8

The project includes plans for a parking lot off Winding Way within a grassy bowl filled with black mustard, fennel, European annual grasses, and coyote bush. Dudek biologists identified this vegetation community as disturbed coyote bush scrub/annual grassland (dCYS) that does not rise to the level of ESHA. Dudek biologists did not record any special-status plant or wildlife species in this area during multiple surveys from 2006 to 2009. Based on her review of the BTR and her 2009 site visit, Dr. Jonna Engel agrees with Dudek's vegetation community characterization and ESHA determination for this area of Escondido Canyon. Therefore, it appears the proposed parking lot has been sited in a location that would minimize

impacts to biological resources. In addition, the proposed camp sites in Escondido Canyon Park have been well-sited at the bottom of the canyon. On one side of the proposed camp sites is a fairly steep canyon wall supporting a mix of coastal bluff scrub and CSS with a base of wild rye grass and invasive fennel and on the other side is the creek. CCC-8

Latigo Trailhead

The Plan proposes an access road, ten-car parking lot, restroom, five campsites, water tank, and trail at the Latigo Trailhead site. The DEIR states that approximately 0.92 acres of ESHA would be impacted as a result of the proposed project at Latigo Trailhead. Under the Redesign Alternative, the project is reduced to three campsites, two parking spaces, and a restroom. The impacts to ESHA are reduced to 0.205 acres under the Redesign Alternative. Under the 2002 LCP Alternative, the campsites are omitted and the parking lot is reduced in size. As such, impacts to ESHA are reduced significantly further, to 0.006 acres.

The DEIR states that much of the proposed improvements at Latigo Trailhead are within or adjacent to a recent landslide. The landslide failure plane is estimated to be about 30 feet below the ground surface, and the scarp (vertical face) associated with the landslide is about 200 feet across at the widest point. The improvements within, or immediately adjacent to, the identified boundary of the landslide could be subject to damage or failure via further landslide activity. It is stated that the landslide mass could be stabilized with deep caissons, but the cost associated with this solution would make it infeasible. Therefore, the DEIR concluded that the development proposed at the Latigo Canyon Trailhead will have significant and unavoidable landslide hazard impacts. Under the 2002 LCP and Redesign Alternatives, the siting of the reduced improvements avoids the landslide, thereby reducing the potential impacts to less than significant. CCC-9

Based on the analysis of the DEIR, it appears the project alternatives (2002 LCP and Redesign) will reduce or minimize adverse impacts to biological resources and reduce impacts from geologic hazards. Therefore, the alternatives are more likely to be found consistent with the policies and provisions of the Malibu LCP and the Coastal Act.

Corral Canyon Park

Corral Canyon Park contains a wide variety of habitat including CSS, coastal bluff, native grassland, riparian, and salt marsh. Various pockets of disturbed habitat occur throughout the park including several areas dominated by Geraldton carnation weed. It appears that the proposed campsites have been well-sited in an area that is highly invaded by Geraldton carnation weed, as well as black mustard, fennel, and several species of thistle. Dr. Jonna Engel has found that this vegetation community does not constitute ESHA. The DEIR states that the proposed parking areas, campsites, restrooms, and appurtenances at Corral Canyon Park will impact approximately 2 acres of vegetation characterized as ESHA. Impacts to ESHA are reduced in both the 2002 LCP Alternative (0.66 acre reduction) and the Redesign Alternative (0.32 acre reduction) by a decrease in campsites, deletion of related appurtenances, and shifting trail alignments. CCC-10

Based on the analysis of the DEIR, it appears the project alternatives (2002 LCP and Redesign) will reduce or minimize adverse impacts to biological resources. Therefore, the alternatives are more likely to be found consistent with the policies and provisions of the Malibu LCP and the Coastal Act.

Figure 6 of the BTR identifies 12 populations of Plummer's mariposa lily (*Calochortus plummerae*) within the Corral Canyon Park project area. This species of plant is a CNPS 1B.2 listed plant and thus considered ESHA by the Commission. While the plant is noted and mapped in the BTR, the DEIR does not provide any mitigation measures for this species should it be impacted by resource dependent uses. This issue should be resolved in the EIR. CCC-11

Malibu Bluffs

The dominant plant communities on the Conservancy-owned Malibu Bluffs are annual grassland and CSS, with two on-site drainages vegetated with southern willow scrub habitat. The DEIR identifies a total of 0.5 acres of ESHA that will be impacted by the proposed Plan. Figure 7i of the BTR depicts impacts (proposed facilities, fuel modification, etc.) to biological resources due to the Plan and shows what appear to be roads and a portion of a parking lot within laurel sumac and laurel sumac-CSS ESHA. Both the 2002 LCP and Redesign Alternatives eliminate the roads and parking lot in ESHA and reduce the impacts to ESHA significantly, by 0.46 acre. Based on the analysis of the DEIR, it appears the project alternatives (2002 LCP and Redesign) will reduce or minimize adverse impacts to biological resources. Therefore, the alternatives are more likely to be found consistent with the policies and provisions of the Malibu LCP and the Coastal Act. CCC-12

Figure 6 and Figure 7i of the BTR depict a sighting of the coast horned lizard, *Phrynosoma coronatum*, a California Species of Special Concern. While the coast horned lizard is noted and mapped in the BTR, the DEIR does not provide any mitigation measures for this species should it be impacted by resource dependent uses. This issue should be resolved in the EIR. CCC-13

Thank you for the opportunity to review the subject Draft Environmental Impact Report. If you have any questions, please feel free to contact me. CCC-14

Sincerely,

Deanna Christensen
Coastal Program Analyst

Letter	**CCC**
Commenter:	**Deanna Christensen** **Coastal Program Analyst, California Coastal Commission**
Date:	**April 13, 2010**
Introduction	*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.* 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-1 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. Briefly, compared to the proposed Plan, the MRA reduces the total number of campsites from 71 to 54, eliminates the Escondido Canyon Park and Latigo Trailhead campsites included in the Proposed Plan, and clusters the 54 campsites at primarily two parks: Corral Canyon Park (17 campsites) and Malibu Bluffs

	Conservancy Property (35 campsites). These two campsite locations have easy access to Pacific Coast Highway (PCH). In addition, under the MRA, two accessible campsites would be implemented at Ramirez Canyon Park in Phase 2. Phased roadway/ bridge improvements for enhanced access to Ramirez Canyon Road, Delaplane Road, and/or Via Acero are proposed, if required by the appropriate fire agency. Within each park containing campsites, the campsites would be clustered. For example, at Corral Canyon Park, the campsites would be eliminated along the creek and clustered along a bluff overlooking the Pacific Ocean. Clustering is intended to facilitate the oversight/management of the camp areas, result in lower operational costs, and maximizes the efficiency and effectiveness of fire protection and relocation efforts. Under the MRA, day use facilities would be provided at Corral Canyon Park, the Malibu Bluffs Conservancy Property, Ramirez Canyon Park and Latigo Canyon. At Escondido Canyon Park the MRA includes only trail improvements to connect the proposed Coastal Slope Trail from Murphy Way to Latigo Trailhead. Additionally, numerous project features have been added in the MRA to address the community's fire concerns. Under the MRA, for example, cooking would be limited to small electrical cook stations, and the use of flame-less cook-stoves and lanterns would be required. Further, a camp host, staff maintenance person, or Ranger, (all of whom would be wildland fire-trained), would be required to be onsite at park properties included in the MRA, during times when camping is permitted at the location. The Final EIR includes an analysis of the MRA as well as a MRA Fire Protection Plan. 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.
COMMENT NO.	**RESPONSE**
CCC-1	*This comment serves as an introduction to the California Coastal Commission's (CCC) comment letter and indicates that their primary concern is regarding biological resource impacts. This comment also*

	introduces the Commission's staff ecologist, Dr. Jonna Engel, as a reviewer of the DEIR and who has conducted site visits. RESPONSE: Although this comment does not identify an inadequacy in the analysis, conclusions or mitigation measures in the EIR, the Conservancy acknowledges and appreciates the Commission's time and effort to review and provide comments on the environmental analysis. In addition, please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.
CCC-2	*This comment states that as the 2002 LCP and Redesign project alternatives reduce impacts to ESHA and non-ESHA vegetation communities, both alternatives would minimize adverse impacts to biological resources and would be more likely found consistent with the policies and provisions of the Malibu LCP and the Coastal Act.* RESPONSE: This comment reaffirms that the 2002 LCP Alternative and Redesign Project Alternative would reduce impacts to biological resources, as stated in Section 8.0, *Alternatives*. Under the Modified Redesign Alternative (defined in Section 14.1 of the FEIR), trail improvements and trail creation would result in impacts to 18.84 acres of vegetation communities and land covers, compared to 18.21 acres under the Proposed Plan, as is described in the DEIR. This represents an increase of 0.63 acre (or 3% of the total impact area). This minor increase under the MRA is due to the fact that the MRA includes an additional short trail segment connecting the existing lower Ramirez Canyon parking lot to the Coastal Slope Trail. Therefore, implementation of the Modified Redesign Alternative would result in similar impacts for trails compared to the Proposed Plan. This comment does not identify an inadequacy in the analysis, conclusions or mitigation measures in the EIR.
CCC-3	*This comment requests clarification regarding the impact to native trees (removal or major/minor encroachments) as a result of the proposed*

	Ramirez Canyon and Delaplane Road improvements. RESPONSE: Per the commenter's request, the following information is provided for clarification. Specifically, there are 178 native trees in Ramirez Canyon Park per the LCP including the following: 89 western sycamores, 62 coast live oaks, 12 southern California black walnuts, and 15 white alders. Additionally, along Ramirez Canyon/Delaplane Road there are 69 native trees per the LCP including the following: 20 western sycamores, 40 coast live oaks, 5 southern California black walnuts, and 4 white alders. Of the native trees along Ramirez Canyon/Delaplane Road, 8 trees (including 6 coast live oaks and 2 southern California black walnuts) are expected to require removal under the Proposed Plan. The NTPP for the MRA included in *Appendix MRA-10* of the FEIR also includes quantities of native trees impacted along Ramirez Canyon/Delaplane Road. The MRA, includes removal of 5 coast live oaks and 2 southern California black walnuts. The vegetation communities present in Ramirez Park have been disturbed from the residential land uses in the park. While there are native trees present in the park, the majority of the vegetation under these trees is ornamental landscaping and non-native grasses including slender wild oat, ripgut brome, and soft chess near the main entrance to the park.
CCC-4	*This comment states that there is a discrepancy in the BTR and Section 5.4, Biological Resources, in regards to acres of impacts to vegetation communities resulting from proposed improvements at Via Acero.* RESPONSE: The commenter is correct that Table 5.4-10 in the DEIR indicates that road improvements (not related to Via Acero) in Ramirez Canyon will impact 0.02 acre of California Sycamore-Coast Live Oak under the proposed Plan. This is consistent with Table 11 of the Biological Resources Technical Report. The commenter is correct that Table 16 in the Biological Resources Technical Report indicates that Via Acero would have no impacts to California Sycamore-Coast Live Oak under the proposed Plan. This is

	consistent with Table 5.4-11 of the DEIR. The Modified Redesign Alternative (defined in Section 14.1 of the FEIR) road improvements (not related to Via Acero) in Ramirez Canyon would result in impacts to 0.03 acre of California Sycamore-Coast Live Oak. The minor increase (0.01 acre) of impact is the result of the fact that the MRA provides for the potential to widen Ramirez Canyon Road an extra six feet by 50 feet around approximately eight fire hydrants. Via Acero would have no impacts to California Sycamore-Coast Live Oak under the Modified Redesign Alternative. Therefore, with respect to road improvements in Ramirez Canyon, the Modified Redesign Alternative would result in similar impacts compared to the proposed Plan. Therefore, implementation of the MRA would result in similar impacts for California Sycamore-Coast Live Oak in Ramirez Canyon.
CCC-5	*This comment summarizes the proposed utilization of the Lauber Property as secondary access to Ramirez Canyon Park under the 2002 LCP and Redesign Alternatives, as well as the associated impacts to biological resources.* RESPONSE: The Modified Redesign Alternative (defined in Section 14.1 of the FEIR) does not involve any development (including secondary access to Ramirez Canyon Park) within the Lauber Property. No revisions to the EIR are required as this comment does not identify an inadequacy in the analysis, conclusions or mitigation measures in the EIR.
CCC-6	*This comment recommends that the EIR include a quantitative comparison between the biological impacts associated with development of the access road with parking area and residential development of the Via Acero and Lauber properties.* RESPONSE: The Modified Redesign Alternative (defined in Section 14.1 of the FEIR) does not involve any development (including secondary access to Ramirez Canyon Park) within the Lauber Property.

	No revisions to the EIR are required as this comment does not identify an inadequacy in the analysis, conclusions or mitigation measures in the EIR.
CCC-7	*This comment summarizes the anticipated impacts to biological resources at Ramirez Canyon Park and Ramirez Creek as described in the DEIR, and suggests that the EIR analysis of impacts to vegetation communities and ESHA at Ramirez Canyon Park is based on the existing, as-built condition; yet, unpermitted development, including stream alteration, should be considered in identifying the appropriate baseline condition and the significance of impacts resulting from proposed development. In addition, this comment states that the EIR should include a site-specific restoration plan for Ramirez Creek.* RESPONSE: Within Ramirez Canyon, the Modified Redesign Alternative (defined in Section 14.1 of the FEIR) would result in impacts to 0.84 acre of coastal scrub (including 0 acre of disturbed coastal scrub), 0.10 acre of chaparral, and 0.03 acre of California sycamore-coast live oak. The following information clarifies the Ramirez Creek/ Restoration Enhancement discussion within the DEIR, Section 2.0, *Project Description*: "For purposes of this EIR analysis, the CEQA environmental baseline is the condition of Ramirez Creek at the time of the public release of the Notice of Preparation. This includes existing streambed modifications, some of which were done without the benefit of permits. Based upon a study conducted by LSA, historic impacts to riparian habitats (occurring after implementation of the Coastal Act) within Ramirez Canyon Park are estimated to be 0.184 acres; the MRA includes a revised habitat restoration plan (see *Appendix MRA-11*), to address these historic impacts through restoration occurring on a 3:1 basis, consistent with the requirements of the LCP Overlay. Although mitigation for those impacts identified in the LSA study is not required for the Proposed Plan or MRA under CEQA, the

	Conservancy and MRCA are proposing 0.54 acre of additional riparian habitat restoration/enhancement within Ramirez Canyon Park and King Gillette Ranch as part of the MRA. No mechanical equipment (except hand-operated tools) would be allowed to operate within the creek without the express approval of the California Department of Fish and Game and consistent with the standard Streambed Alteration Agreement requirements for conducting work within and/or on the banks of a stream."
CCC-8	*This comment summarizes the impacts to vegetation communities at Escondido Canyon Park as a result of implementation of the proposed project, the 2002 LCP Alternative, and Redesign Alternative, as described in the DEIR. This comment further states that Dr. Engel agrees with Dudek's vegetation community characterization and ESHA determination for Escondido Canyon; Dr. Engel also concurs that the proposed parking has been sited in a location that would minimize impacts to biological resources and that the proposed camp sites have been well-sited at the bottom of the canyon.* RESPONSE: Under the MRA, no improvements other than the trail improvements to connect the proposed Coastal Slope Trail from Murphy Way to Latigo Trailhead would be made to Escondido Canyon Park. Impacts to vegetation communities in Escondido Canyon would therefore be reduced more under the MRA than under the 2002 LCP Alternative or the Redesign Alternative, which both include 4 campsites and 17 parking spaces at this location, with restrooms also provided at this location under the Redesign Alternative. Comments noted. Please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.
CCC-9	*This comment summarizes the impacts to ESHA vegetation communities at Latigo Trailhead resulting from implementation of the proposed project (0.92 acre), the 2002 LCP Alternative, and Redesign Alternative, as identified in the DEIR. As the 2002 LCP Alternative (0.006 acre) and Redesign Alternative (0.205 acre) would reduce or minimize adverse impacts to ESHA biological resources and reduce*

	impacts from geologic hazards (landslide risk), this comment states that these project alternatives would be more likely found consistent with the policies and provisions of the Malibu LCP and the Coastal Act. RESPONSE: The MRA deletes camping, the camp host trailer site, fire shelter, water tank, and hydrant at the Latigo Trailhead included in the Proposed Plan. The following features are included at Latigo Trailhead under the MRA: four day-use picnic areas, a restroom on the knoll, a small parking area consisting of four spaces on a lower portion of the property, and an accessible trail connecting the small parking area to the restroom and upper day-use areas. As detailed in the analysis of the MRA contained in Section 14 of the FEIR, the Class I unavoidable landslide hazard impact would be reduced to a Class II significant but mitigable impact. The Modified Redesign Alternative (defined in Section 14.1 of the FEIR) would impact 0.02 acre of ESHA vegetation communities at Latigo Trailhead, which represents a reduction compared to the proposed Plan which would impact 0.92 acre. Comments noted. Please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.
CCC-10	*This comment states that the proposed campsites at Corral Canyon Park appear to be well-sited in an area invaded by non-ESHA plant species. This comment states that the proposed Plan would result in impacts to approximately 2 acres of ESHA biological resources. This comment further states that the 2002 LCP and Redesign Alternatives would reduce adverse impacts to ESHA biological resources by 0.66 acre and 0.32 acre, respectively. These project alternatives would therefore be more likely to be found consistent with the policies and provisions of the Malibu LCP and the Coastal Act.* RESPONSE: The MRA would provide 17 campsites, a double restroom, and two fire shelters at Camp Area 1 in Corral Canyon Park. The Proposed Plan, in comparison, includes 11 campsites in Camp Area 1 plus five campsites in Camp Area 2 for a total of 16

	campsites, a single restroom at each of the camp areas, and a fire shelter at Camp Area 1. The MRA deletes camping at Camp Area 2 by Corral Canyon Creek and converts it to a day-use picnic area. The MRA thus clusters the campsites onto the bluff overlooking the Pacific Ocean (Camp Area 1). One reason Camp Area 2 was deleted in the MRA was because of concerns with the ability of a restroom pump truck to access this area. Also, clustering the campsites in one camp area closer to PCH at Corral Canyon Park facilitates the oversight/management, results in lower operational costs, and maximizes the efficiency and effectiveness of fire protection and relocation efforts. In addition, waterlines, pumps, and hydrants were added to the MRA in response to comments from LACFD and LACDPW and to provide redundancy to the water supply system. At Corral Canyon Park, the MRA also provides for a permanent structure for the camp host and/or park administration/employee quarters building to provide for greater presence at these parks where camping is proposed. The Proposed Project includes a trailer site. A restroom stall for the camp host/employee is included in the MRA, compared with the Proposed Project. An additional parking space for the camp host/employee was added to the MRA (total existing [15] plus net new proposed [19] parking spaces is 34) compared with the Proposed Project (total existing [15] plus net new proposed [18] parking spaces is 33). Finally in the MRA, a masonry wall is proposed around the structure, in order to minimize the amount of fuel modification that may ultimately be required by the appropriate fire agency for this structure. The MRA would result in impacts to 5.63 acres of ESHA biological resources within Corral Canyon as compared to 2 acres for the proposed project. The increase in effected ESHA acreage within Corral Canyon is due to the changes in the facilities within Corral Canyon, as detailed above, and larger fuel modification buffers incorporated in the MRA. Although the fuel modification buffers included in the Proposed Plan were consistent with existing code, in response to comments by the LACFD, the MRA includes increased buffers for the fire shelters and permanent structures other than restrooms. The differences in the fuel modification

buffers incorporated in the Proposed Plan and MRA and included in the ESHA impacts calculations are shown in the following table:

Fuel Modification Buffers Assumed In The Analysis of ESHA Impacts

	Proposed Plan	***MRA***
Fire Shelter:	100'	200'
Fire Truck Shed:	20'	100'
Equipment Storage Shed:	20'	100'
Campsite:	20'	20'
Parking*:	20'	20'
Roads*:	20'	20'
Restrooms:	20'	20'
Employee RV/ Camphost RV:	20'	20'
Employee Residence:	n/a	200'

* Consistent with LACFD allowances, setbacks for MRA were reduced to 10' at Latigo Trailhead Parking Area, Malibu Bluffs Parking Area 1, and Malibu Bluffs Parking Area #3 in order to avoid ESHA, see *Appendix MRA-3*, sheets 16, 30, and 32 for a depiction of these areas.

It should be noted that although the above buffers were utilized (for purposes of a reasonable worst-case analysis) in the preparation of the FEIR impact analysis for the MRA alternative, based on preliminary communications with LACFD, it may be possible to reduce these fuel modification buffers based upon CAL FIRE and/or LACFD review of final construction drawings. LACFD has suggested, for instance, that the fuel modification buffer for the employee residence at Corral Canyon Park may be able to be reduced due to topographical and other factors associated with the proposed building's setting. In addition, consistent with LACFD direction (and the above table), fuel modification zones for all proposed parking and roads will be reduced from 20 ft to 10 ft, which is the code requirement, where necessary to avoid impacts to Environmentally Sensitive Habitat Areas (ESHA).

For the plan area as a whole, the Proposed Plan would result in permanent impacts to 39.49 acres of vegetative communities including 20.94 acres of sensitive vegetation communities, based

	on the fuel modification assumptions included in the Proposed Plan, as outlined above. Overall, the MRA would result in permanent impacts to 51.30 acres of vegetative communities including 23.17 acres of sensitive vegetation communities, based on the increased fuel modification buffers included in the MRA, as outlined above. The acreage of ESHA affected by the MRA would decrease substantially if the fire shelters are not required by LACFD. The Mitigation Monitoring and Reporting Program for the MRA includes the biological resource mitigation measures contained in the DEIR, with minor modifications made in response to comments and due to differences in facility characteristics. The mitigation measures included in the FEIR for the Proposed Plan and MRA would ensure that the biological resource impacts of both Proposed Plan and the MRA can be mitigated to a level which is considered less than significant. Therefore, the Modified Redesign Alternative would result in similar impacts to ESHA biological resources compared to the proposed Plan. Comments noted. Please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.
CCC-11	*This comment states that the EIR should provide mitigation measures for the 12 populations of Plummer's mariposa lily (Calochortus plummerae) within the Corral Canyon Park project area, as identified in the BTR, should this CNPS 1b.2 listed plant species be impacted by resource dependent uses.* RESPONSE: Plummer's mariposa lily is located with the biological study area of the project, but is not located within an area that will be impacted by either the proposed Plan or the Modified Redesign Alternative. Therefore, since there would be no impact to Plummer's mariposa lily, no mitigation for this species has been identified in the DEIR.
CCC-12	*This comment summarizes the impacts to ESHA vegetation communities at Malibu Bluffs as identified in the DEIR for the proposed Plan (0.50 acre) and states that as the 2002 LCP and Redesign Alternatives would reduce or minimize adverse impacts to ESHA*

	biological resources (0.46 acre) at Malibu Bluffs by eliminating roads and parking within ESHA, these project alternatives would therefore be more likely to be found consistent with the policies and provisions of the Malibu LCP and the Coastal Act. RESPONSE: Within Malibu Bluffs, the Modified Redesign Alternative (defined in Section 14.1 of the FEIR) would result in impacts to 0.17 acre of ESHA biological resources. Therefore, the Modified Redesign Alternative would result in similar impacts to ESHA biological resources compared to the proposed Plan. Comments noted. Please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.
CCC-13	*This comment states that EIR should provide mitigation measures for the coast horned lizard (Phrynosoma coronatum), or Blainville's horned lizard, within Malibu Bluffs project area, as identified in the BTR, should this California Species of Concern be impacts by resource dependent uses. The special-status species is listed in the CDFG (2009) Special Animals list is Phrynosoma coronatum (coast horned lizard. Crother (2008) renames this species Phrynosoma blainvillii (Blainville's horned lizard).* RESPONSE: The following information is provided in order to clarify the potential impacts to coast horned lizard within the Plan area, and to explain why existing mitigation measures adequately address this species. Section 5.4 of the DEIR describes permanent impacts to natural communities for the proposed Plan. Section 3.4 of Section 14 of the FEIR describes permanent impacts to natural communities for the Modified Redesign Alternative. Coast horned lizard would not be substantially adversely affected by this loss of habitat because this species is a relative habitat generalist and is expected to use substantial available habitat in the open space in the Project vicinity. The study area does not provide important habitat for this

	species. Direct impacts to habitat for coast horned lizard would not be significant. Injury or mortality of coast horned lizard could occur during vegetation clearing and ground-disturbing activities. While individual coast horned lizard could be effected by vegetation clearing and ground disturbing activities, the number of individuals of this species that could be directly impacted by vegetation clearing and ground disturbing activities likely is small due to the limited impacts to habitat. Direct impacts to this species would therefore be less than significant. MM BIO-10.2, as identified within the DEIR, adequately addresses impacts to species of low mobility such as coast horned lizard, which requires that a biologist be on site during any clearing of habitat to flush sensitive species from occupied habitat areas immediately prior to brush-clearing and earth-moving activities. Nevertheless, out of an abundance of caution, and in order to address CDFG's comments and specifically address the low mobility species, MM BIO-10.2 is clarified as follows: "**MM BIO-10.2** The monitoring biologist shall be on site during any clearing of habitat (annual ground cover, shrubs, or trees). The monitoring biologist will flush sensitive species (avian or other mobile species) from occupied habitat areas immediately prior to brush-clearing and earth-moving activities. **2) Low Mobility Species: Pre-construction surveys and avoidance measures shall be implemented for low mobility species, such as coast horned lizard and silvery legless lizards. During brush-clearing and earth-moving activities occurring in or directly adjacent to occupied or suitable habitat for low mobility species, pre-construction surveys shall be conducted by the project biologist to determine if low-mobility special-status species are present. If visual searches or raking are used for pre-construction surveys, the project biologist shall conduct surveys no earlier than 72 hours prior to disturbance, and if pitfall trapping is used, the Project Biologist shall conduct trapping no earlier than 5 days prior to**

	disturbance. If these species are located in the disturbance zone, then individuals shall be captured and relocated, or allowed to escape, to suitable habitat for the species outside of the disturbance footprint." Implementation of BIO-10.2 would ensure a less than significant direct impact to this species for the proposed Plan and the Modified Redesign Alternative.
CCC-14	*This comment expresses the commentor's gratitude for the opportunity to review the subject DEIR.* RESPONSE: The Conservancy/MRCA appreciates the time dedicated by the CCC staff to review and provide comments on the DEIR and will take into consideration all suggestions during the decision-making process.

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COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

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P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

April 21, 2010

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

Dear Ms. Tamasi:

DRAFT EIR MALIBU PARKS PUBLIC ACCESS ENHANCEMENT PLAN - PUBLIC WORKS PLAN, MALIBU (FFER #201000043)

The Draft Environmental Report has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department. The following are their comments:

PLANNING DIVISION:

5.13 PUBLIC SERVICES - 5.13.1 Setting - Fire Protection

1. Paragraph 1 – The City of Malibu does not contract with the Los Angeles County Fire Department. The City of Malibu is annexed as part of the Consolidated Fire Protection District of Los Angeles County, which is also commonly referred to as the Los Angeles County Fire Department. Therefore, sentence one should be revised to state, "The Los Angeles County Fire Department (LACFD) is responsible for fire prevention/suppression and emergency services within the City of Malibu and the surrounding unincorporated areas of the Los Angeles County." DDD-1

2. Paragraph 1 – The second sentence should be corrected to state that there are "22" battalions and "170" Fire Stations. DDD-2

3. Paragraph 1 – The third sentence should be corrected to state that there are "12" Fire Stations in Battalion 5, not 13. DDD-3

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS	BRADBURY	CUDAHY	HAWTHORNE	LA MIRADA	MALIBU	POMONA	SIGNAL HILL
ARTESIA	CALABASAS	DIAMOND BAR	HIDDEN HILLS	LA PUENTE	MAYWOOD	RANCHO PALOS VERDES	SOUTH EL MONTE
AZUSA	CARSON	DUARTE	HUNTINGTON PARK	LAKEWOOD	NORWALK	ROLLING HILLS	SOUTH GATE
BALDWIN PARK	CERRITOS	EL MONTE	INDUSTRY	LANCASTER	PALMDALE	ROLLING HILLS ESTATES	TEMPLE CITY
BELL	CLAREMONT	GARDENA	INGLEWOOD	LAWNDALE	PALOS VERDES ESTATES	ROSEMEAD	WALNUT
BELL GARDENS	COMMERCE	GLENDORA	IRWINDALE	LOMITA	PARAMOUNT	SAN DIMAS	WEST HOLLYWOOD
BELLFLOWER	COVINA	HAWAIIAN GARDENS	LA CANADA-FLINTRIDGE	LYNWOOD	PICO RIVERA	SANTA CLARITA	WESTLAKE VILLAGE
			LA HABRA				WHITTIER

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4. Paragraph 1 – The fourth sentence should be corrected to state that there are "4" stations located within the City of Malibu, not 5. DDD-4

Table 5.13.1 –LACFD Fire Station Staffing Levels

5. Fire Station 69's equipment should be corrected to state that the station is equipped with a "4-person assessment engine company". DDD-5

5.13.2 Impact Analysis - Impact PS-1

6. Paragraph 7 should be corrected as follows, "According to Kien Chin of the LACFD Planning Division, current staff levels and facilities at stations within Battalion 5 are sufficient to support the incremental increase in recreational demands associated with the proposed Plan (Chin, 2009). DDD-6

5.13.3 Cumulative Impacts - Fire Protection

7. Area of Influence – Sentence one should be corrected to state that there are "12" Fire Stations in Battalion 5, not 13. DDD-7

Impact PS-5:

8. The third sentence is incorrect. The wording *government funding* should be replaced with "special tax revenues". The LACFD does not receive any government funding to provide fire services in the project area. DDD-8

9. The fourth sentence should be deleted as it is inaccurate to imply that the City of Malibu and the County of Los Angeles "allocate" funds to the LACFD. As stated in the third sentence, cumulative demands for fire protection services in the Malibu area are funded through property and special tax revenue and development impact fees. Therefore, sentence four (4) is not necessary. DDD-9

LAND DEVELOPMENT UNIT:

1. The statutory responsibilities of the County of Los Angeles Fire Department, Land Development Unit, are the review of, and comment on, all projects within the unincorporated areas of the County of Los Angeles. Our emphasis is on the availability of sufficient water supplies for Fire Fighting operations and local/regional access issues. However, we review all projects for issues that may have a significant impact on the County of Los Angeles Fire Department. The County of Los Angeles Fire Department, Land Development Unit, may also comment on conditions, which may be imposed on a project by the Fire Prevention Division, and may create a potentially significant impact to the environment. DDD-10

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2. This property in reference is located within the area described by the Forester and Fire Warden as a Very High Fire Hazard Severity Zone (VHFHSZ). All applicable fire code and ordinance requirements for construction, access, water mains, fire hydrants, fire flows, brush clearance and fuel modification plans must be met. DDD-11

3. The proposed uses within the Malibu Parks Public Access Plan – Public Works Plan and in the Conservancy properties are located within the Very High Fire Hazard Severity Zone which may jeopardize public safety by unnecessarily increasing the risk of fire and requiring rapid evacuation of narrow box canyons served by limited access routes. The extended use of non-residential, large public events, and overnight camping, and extended trail development increase the potential to fire related incidents. DDD-12

4. The intensification in use can only be considered when it is demonstrated that the proposed properties are in strict compliance with applicable Building and Fire Codes. DDD-13

5. The Fire Department has reviewed the proposed fire protection plans for the specific park facilities and remains opposed to any new campgrounds, hike-in camps, and trail camps that allow overnight camping activities. We appreciate the proposed mitigation measures intended to reduce the potential risk of fire caused by camp visitors. However, human behavior in a very high fire risk area can not be fully mitigated. The use of drop box registration does not ensure that the proper camping equipment for "cold camping" is carried into the campsites or that the visitors are properly informed and trained on the hazards of the environment or the use of the fire proof cooking stations, wildland fire hydrants, emergency fire shelters or fire evacuation procedures. DDD-14

6. It is the recommendation of the Los Angeles County Fire Department to prohibit public use of all park facilities and recreational areas during times that the National Weather Service declares Red Flag Warnings. DDD-15

7. It is the recommendation of the Los Angeles County Fire Department to prohibit all open flame usage within the camp and trail areas in order to provide adequate life safety to the visiting public and surrounding communities. DDD-16

8. All appropriate permits shall be obtained for the extended stay of the camp host locations within the proposed project boundaries. DDD-17

9. Emergency fire shelters shall be located as approved by the Fire Department. DDD-18

10. Detailed drawings and design specifications for the proposed emergency fire shelters shall be provided for review and approval of the construction materials, roofing material, installation, ventilation, and fire rating classification. DDD-19

11. Water improvement plans for each camp location shall be submitted for review and approval by Los Angeles County Fire Department, Fire Prevention Engineering Section, prior to commencement of construction. DDD-20

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12. Submit three sets of private on-site water system improvement plans to the County of Los Angeles Fire Department, Fire Prevention Engineering Section for review and approval. The plans must show water tank size, tank construction, tank elevations, piping plans and appurtenances designed in accordance with the appropriate NFPA Standard. Plans for improvements to the public water system shall be submitted through the local water purveyor. DDD-21

13. In order to achieve an effective hose stream, the wildland fire hydrants should be designed to flow 100 gallons per minute at 65 pounds per square inch residual pressure. DDD-22

14. Proposed water system improvements for each park facility shall be completed as a part of each phase of development and shall receive approval prior to occupancy. DDD-23

15. Access to all existing fire roads shall be properly maintained and gated in accordance to Los Angeles County Fire Department standards. DDD-24

16. The existing structures at the Ramirez Canyon Park facility shall be in compliance with the current ignition resistant building standards in Chapter 7A of the Building Code and Los Angeles County Regulation #8 regarding water supply for the proposed change in use. DDD-25

17. Interior fire sprinkler systems may be required. DDD-26

18. The Los Angeles County Fire Department will require the widening of Ramirez Canyon Road to a minimum of 20 feet in width for its entire length to Delaplane Road and continue to Pacific Coast Highway. DDD-27

19. The second alternate code compliant access road Via Acero into Ramirez Canyon shall be a precondition to any expansion of the current Park uses as outlined in Section 2.3.2.1 of the Project Objectives. DDD-28

20. Fire Department vehicular access shall provide a minimum unobstructed width of 20 feet, clear-to-sky or provide a minimum vertical clearance of 13'6" under protected tree species and be within 150 feet of all portions of structures and public assembly areas. DDD-29

21. The maximum allowable grade shall not exceed 15% except where topography makes it impractical to keep within such grade; in such cases, an absolute maximum of 20% will be allowed for up to 150 feet in distance. The average maximum allowed grade, including topographical difficulties, shall be no more than 17%. Grade breaks shall not exceed 10% in 10 feet. It was noted in Appendix D-1 that portions of Via Acero exceeded 20% grade. DDD-30

22. Improvement plans for grading purposes shall be submitted to Los Angeles County Fire Department, Land Development Unit for review and approval of the proposed access improvement for acceptable grades, width and surface for vehicular access. DDD-31

23. Fire Department vehicle access roads shall provide minimum turning radii of 32 feet measured at the centerline to maintain adequate maneuverability of emergency equipment. DDD-32

DDD

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24. Vehicular access that is adjacent to fire hydrants shall provide a minimum width of 26 feet for a distance of not less than 50 feet, to maintain adequate room for operations during an emergency incident. DDD-33

25. Turnouts shall be necessary to provide adequate opportunity to let vehicles pass within rural areas. Turnouts shall be provided at one quarter mile intervals and shall provide 26 feet of minimum width and 50 feet in length to accommodate vehicular traffic. DDD-34

26. Turnarounds shall be provided dead-ending access roads in excess of 150 feet in length. Turnarounds shall provide 64 foot diameter bulb design or comply with intermediate turnaround or hammerhead design as approved by the Fire Department DDD-35

27. Cross slopes on vehicular access roads for the Fire Department use shall not exceed 2% at any point and shall be provided for drainage purposes only. DDD-36

28. All vehicular access that has a grade of 10% or more shall be paved to the specifications of Los Angeles County Fire Department. DDD-37

29. Access roads shall be maintained with a minimum of 10 feet of brush clearance on each side or as determined by the Forestry Division of the Fire Department. DDD-38

30. When a bridge is required to be used as part of the emergency response vehicular access road, it shall be constructed and maintained in accordance with AASHTO HB-17 (Fire Code Section 503.2.6) and designed for a live load sufficient to carry a minimum of 75,000 pounds. DDD-39

31. Appropriate permits shall be obtained from the Fire Prevention Division for all public assembly uses, temporary tent structures, etc. DDD-40

32. Disruptions to the public or private water service provided to the project shall be coordinated with the County of Los Angeles Fire Department and alternate water sources shall be identified for fire protection during such disruptions. DDD-41

33. The proposed permanent tent structures at Malibu Bluffs Park shall comply with the ignition resistant construction standards as outlined in Chapter 7A of the Los Angeles County Building Code. DDD-42

34. Equipment that is operated within the Very High Fire Hazard Severity Zone as noted in the E.I.R for trail preparation, included but not limited to, e.g. masticator, bobcat loader, mini excavator, Sweco dozer, 4 x 4 all terrain vehicle, shall be equipped with spark arresters and obtain all appropriate permits in accordance with the Los Angeles County Fire Code Section 318 prior to commencement of their use. DDD-43

35. The County of Los Angeles Fire Department, Land Development Unit's comments are general to fire and life safety requirements. Additional specific requirements may be applicable during grading plan review, fire hydrant and water tank plan review, building permit review and special permit request. DDD-44

36. Should any questions arise regarding this review, please contact the County of Los Angeles Fire Department, Land Development Unit's EIR specialist at (323) 890-4243. DDD-45

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37. The County of Los Angeles Fire Department, Land Development Unit appreciates the opportunity to comment on this project and we look forward to any questions you may have as pertains to our requirements for your proposed development plan. DDD-46

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

1. The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance. Potential impacts in these areas should be addressed. DDD-47

2. All structures subject to fuel modification requirements, per Los Angeles County Fire Code Section 317 shall be reviewed and approved by the County of Los Angeles Fire Department Fuel Modification Unit. DDD-48

3. All proposed emergency fire shelters shall have a minimum of 200' of fuel modification by establishing a "Setback" Zone A of 50' and an additional "Thinning" Zone C of 200' from the shelters. DDD-49

4. As per Los Angeles County Fire Code Section 317.2.2, all adjacent landowners shall be responsible for maintenance of any vegetation management zone that extends beyond the parcel boundaries of the Malibu Parks Public Access Enhancement Plan. DDD-50

HEALTH HAZARDOUS MATERIALS DIVISION:

1. Health Hazardous Materials Division has no objection with the proposed project. DDD-51

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,

Frank Vidales

for JOHN R. TODD, CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

JRT:lj

Letter	**DDD**
Commenter:	**John R. Todd** **Chief, Forestry Division Prevention Services Bureau** **Los Angeles County Fire Department**
Date:	**April 21, 2010**
Introduction	*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.* 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-1 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. Briefly, compared to the proposed Plan, the MRA reduces the total number of campsites from 71 to 54, eliminates the Escondido Canyon Park and Latigo Trailhead campsites included in the Proposed Plan, and clusters the 54 campsites at primarily two parks: Corral Canyon Park (17 campsites) and Malibu Bluffs Conservancy Property (35 campsites). These two campsite locations have easy access to Pacific Coast

	Highway (PCH). In addition, under the MRA, two accessible campsites would be implemented at Ramirez Canyon Park in Phase 2. Phased roadway/ bridge improvements for enhanced access to Ramirez Canyon Road, Delaplane Road, and/or Via Acero are proposed, if required by the responsible fire agency. Within each park containing campsites, the campsites would be clustered. For example, at Corral Canyon Park, the campsites would be eliminated along the creek and clustered along a bluff overlooking the Pacific Ocean. Clustering is intended to facilitate the oversight/management of the camp areas, result in lower operational costs, and maximizes the efficiency and effectiveness of fire protection and relocation efforts. Under the MRA, day use facilities would be provided at Corral Canyon Park, the Malibu Bluffs Conservancy Property, Ramirez Canyon Park and Latigo Canyon. At Escondido Canyon Park the MRA includes only trail improvements to connect the proposed Coastal Slope Trail from Murphy Way to Latigo Trailhead. Additionally, numerous project features have been added in the MRA to address the community's fire concerns. Under the MRA, for example, cooking would be limited to small electrical cook stations, and the use of flame-less cook-stoves and lanterns would be required. Further, a camp host, staff maintenance person, or Ranger, (all of whom would be wildland fire-trained), would be required to be onsite at park properties included in the MRA, during times when camping is permitted at the location. The FEIR 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.
COMMENT NO.	**RESPONSE**
DDD-1	*This comment clarifies that the City of Malibu has been annexed as part of the Consolidated Fire Protection District of Los Angeles County (LACFD); therefore, the City does not contract with the LACFD.* RESPONSE: The following clarification is provided:

	"The ~~County of~~ Los Angeles **County** Fire Department (LACFD) is responsible for fire prevention/suppression and emergency services within the ~~unincorporated County of Los Angeles and, by contract, within the~~ City of Malibu **and the surrounding unincorporated areas of the Los Angeles County**." The above clarification does not alter the analysis contained within the DEIR; no revision of the DEIR would be required.
DDD-2	*This comment states that Section 5.13.1, Setting- Fire Protection, should be revised to indicate that the LACFD currently operates 22 fire battalions and 170 fire stations, instead of 21 battalions and 171 stations as stated in the DEIR.* RESPONSE: Consistent with the direction of the LACFD, the following clarification is provided: "LACFD operates ~~21~~ **22** fire battalions, comprised of a total of ~~171~~ **170** fire stations and 10 fire suppression camps comprised of 4 paid and 6 correctional operated camps." The above clarification does not alter the analysis contained within the DEIR; no revision of the DEIR would be required.
DDD-3	*This comment states that Section 5.13.1, Setting- Fire Protection, of the DEIR should be revised to state that Battalion 5 has 12 fire stations, instead of 13.* RESPONSE: Consistent with the direction of the LACFD, the following clarification is provided: "The Plan area lies within the jurisdiction of LACFD Battalion 5, which consists of ~~13~~ **12** fire stations, providing primary fire, emergency medical, and rescue services to the Plan area and surrounding communities." The above clarification does not alter the analysis contained within the

	DEIR; no revision of the DEIR would be required.
DDD-4	*This comment states that DEIR Section 5.13.1, Setting- Fire Protection, should be corrected to state that there are four fire stations located within the City of Malibu, instead of five.* RESPONSE: Consistent with the direction of the LACFD, the following clarification is provided: "LACFD provides direct fire protection services to the City of Malibu through 7 stations (Stations 67, 69, 70, 71, 72, 88, and 99), of which ~~five~~**4** stations are located within the City of Malibu."
DDD-5	*This comment states that Table 5.13.1 should be corrected to state that Fire Station 69 is equipped with a 4-person assessment engine company.* RESPONSE: "Consistent with the direction of the LACFD, the following clarification is provided: on duty staffing of Fire Station 69 includes a "4-person **assessment** engine company," which was previously identified as a "4-person engine company" within the DEIR." The above clarification does not alter the analysis contained within the DEIR; no revision of the DEIR would be required.
DDD-6	*This comment states that the description of Impact PS-1 should be revised to correct the spelling of "Kien Chin" and delete the description of the fire protection responsibility.* RESPONSE: The following clarification is provided: "According to Kien Chin of the LACFD Planning Division, ~~which has primary responsibility for fire protection in the Plan site area,~~ current staff levels and facilities at stations within Battalion 5 are sufficient to support the incremental increase in recreational demands associated with the proposed Plan (Chin, 2009)." The above clarification does not alter the analysis contained within the

	DEIR; no revision of the DEIR would be required.
DDD-7	*This comment provides clarification relative to the number of fire stations in Battalion 5.* RESPONSE: The following clarification is provided: "***Area of Influence:*** As discussed above, the Plan site lies within the jurisdiction of Los Angeles County Fire Department Battalion 5, which consists of ~~13~~ **12** stations, providing primary fire, emergency medical, and rescue services to the Plan area and surrounding communities. Therefore, the Area of Influence for considering cumulative impacts on fire protection services is the service area of Battalion 5 within the City of Malibu and unincorporated Las Virgenes area of Los Angeles County." The above clarification does not alter the analysis contained within the DEIR; no revision of the DEIR would be required.
DDD-8	*This comment provides clarification relative to the funding mechanisms identified to support LACFD staffing and facilities and requests that the phrase "special tax revenues" replace "government funding".* RESPONSE: The following clarification is provided. "However, this cumulative demand would be addressed through existing funding mechanisms such as property taxes, ~~government funding~~ **special tax revenues**, and development impact fees to provide for new staffing and facilities to meet increased demand." The above clarification does not alter the analysis contained within the DEIR; no revision of the DEIR would be required.
DDD-9	*This comment clarifies that the City of Malibu and County of Los Angeles do not "allocate" funds to LACFD, but LACFD is funded strictly through property and special tax revenue and development impact fees.* RESPONSE:

	The following clarification is provided. "Cumulative development within the Area of Influence includes the development of 38 single-family dwellings, 2 condominiums, 216,793 square feet of commercial development, and 146 hotel rooms, along with development of parks, trails, and open space at Trancas Canyon Park, Legacy Park, Lechuza Beach, and King Gillette Ranch (see Section 3.0, *Environmental Setting* for additional cumulative project information). A cumulative increase in demand for fire protection may occur due to implementation of the proposed Plan's improvements and other development projects within Malibu and Los Angeles County that would be served by LACFD. However, this cumulative demand would be addressed through existing funding mechanisms such as property taxes, ~~government funding~~ **special tax revenues**, and development impact fees to provide for new staffing and facilities to meet increased demand. ~~As long as the City of Malibu and the County of Los Angeles continue to allocate appropriate funds to the County Fire Department, cumulative demands for fire protection services would be met.~~ As discussed above, the proposed Plan's impacts on fire protection services would be less than significant, particularly when the Plan's implementation measures and MRCA patrols and services are considered. For these reasons, when considered with cumulative growth and development, the proposed Plan's incremental contribution to the cumulative demand for fire protection services would be *less than significant."* The above clarification does not alter the analysis contained within the DEIR, no revision of the DEIR would be required.
DDD-10	*This comment provides information on the statutory responsibilities of the County of Los Angeles Fire Department Land Development Unit.* RESPONSE: Although this comment does not identify an inadequacy in the analysis, conclusions or mitigation measures in the EIR, the Conservancy acknowledges and appreciates the role of LACFD Land Development Unit. In addition, please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.
DDD-11	*This comment states that the proposed Plan is located within an area*

	described by the Forester and Fire Warden as a Very High Fire Hazard Severity Zone (VHFHSZ) and that all applicable fire code ordinance requirements must be met. RESPONSE: Comment noted. The proposed Plan and its implementation will comply with all requirements ultimately imposed by the responsible fire agency having jurisdiction. In regards to specific components of the Plan, as described in the DEIR, campfires are strictly prohibited under the proposed Plan; all campsites would be "cold camping." The reservation and onsite registration systems would require campers to acknowledge and agree to all park rules including the above mentioned prohibition on campfires and the "cold camping" regulation. (Please refer to Section 2.0, *Project Description*). Furthermore, the proposed Plan requires that a Camp Host, staff maintenance person, or Park Ranger be present on site at each park property during times when camping is permitted to conduct daily and nightly patrols to ensure compliance with the "No Campfire" policy. In addition, the draft Public Works Plan (DEIR *Appendix C*) includes Hazards Implementation Measure 4, which requires preparation and implementation of a Master Fire Protection Plan (DEIR *Appendix I*) that includes site specific provisions to address fuel modification, safety precautions, onsite fire protection and infrastructure, and relocation plans and policies. Furthermore, each park area would include a fuel modification plan that is 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 would vary at each park property depending on site-specific characteristics and the type of improvement/uses proposed, site-specific planting and spacing requirements would apply to all Parks, as described in the FPP's in *Appendix I*. An annual vegetation management plan for each Park would be also prepared and implemented to ensure annual thinning of vegetation near project components. The Fire Protection Plans (FPPs) and the Public Works Plan's Overnight Camp Implementation Measure 11 require that 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. For the proposed Plan, the only cooking apparatus permitted shall consist of self-contained propane stoves when permitted consistent with the terms of the approved Fire Protection Plan. No kerosene or white gas lanterns shall be permitted. Campers shall be required to utilize designated cook stations (hospitality stations) provided at each approved campsite, which shall be designed of nonflammable materials and capable of being fully enclosed. Cold-camping apparatus such as flameless cook-stoves and lanterns are preferred. Prospective campers shall be informed of the No Campfire/Cold Camp Policy upon reserving and/or registering for use of camp facilities and shall be put on notice that unauthorized use of fire-related camping and cooking apparatus specifically prohibited by the No Campfire/Cold Camp Policy would be cause for confiscation of such devices and/or expulsion of visitors from camp facilities. Signs shall be posted and camp areas would be routinely patrolled to enforce the No Campfire/Cold Camp Policy and notification provided that violation of the No Campfire/Cold Camp Policy may be punishable by fines up to $1,000.00. (Section 2.0, *Project Description*). All of the park properties would receive new fire hydrants for fire protection. For the proposed Plan, the fire hydrants would consist of standard fire hydrants and wildland fire hydrants, as indicated in the proposed Concept Plans. Finally, in response to oral and written comments, a Modified Redesign Alternative has been proposed for consideration and adoption by the Conservancy/MRCA. 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 a park provided all-weather electrical outlet. Further, 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 will be designated and trained as public officers under the provisions of the State Penal Code and would be able to strictly enforce this cold camp

	policy. Further, the MRA would install hydrants for fire protection at all park properties where camping is permitted. Additionally, within Ramirez Canyon Park, driveways/roads would be widened to necessary widths and additional hydrants would be added, if require by the responsible fire agency. Lastly, both the project detailed in the DEIR and the MRA would comply with Chapter 64 of the LA County Fire Code with regards to Restrictions in Fire Zones (Chapter 26.150, Sections 6402 through 6404). All new structures and designated on-site shelters will include ignition resistance, Class A roofs, one-hour fire resistive walls, dual pane windows, solid core doors, ember resistant vents and openings, under-floor areas, and appendages, as applicable. In consideration of the discussion above, no further revisions to the DEIR would be required.
DDD-12	*This comment states that the uses proposed as part of the Malibu Parks Plan are located in a VHFHSZ zone and may jeopardize public safety by unnecessarily increasing the risk of fire and requiring rapid evacuation of narrow box canyons served by limited access routes. The comment also states that the extended use of non-residential, large public events, and overnight camping, and extended trail development increase the potential to fire related incidents.* RESPONSE: The MRCA has pre-planned for wildfire emergencies (see FPP), which includes a relocation/ evacuation component. The following clarification language from the DEIR, Section 2.0, *Project Description,* is provided to address concerns raised by this comment: ***Ramirez Canyon Road and Delaplane Road Widening*** "The proposed Plan includes **a preliminary design** for emergency ingress/egress road improvements for the Ramirez Canyon community, **with the actual improvements being implemented consistent with Los Angeles County Fire Department's**

	(LACFD) final design and timing requirements. These **preliminary design** improvements include widening of the existing access road and removal of encroachments in the road easements, as necessary, to provide 20-ft clearance for emergency ingress/egress in the canyon along Delaplane Road and Ramirez Canyon Road, per **the initial** recommendations of the Los Angeles County Fire Department, as illustrated on project plans prepared by Penfield & Smith (see *Figure 2-11*). These improvements **(or other similar alternative measures required by the LACFD consistent with Fire Code allowances)** ~~will~~ **would** enhance overall vehicular access along Ramirez Canyon Road and ~~will~~ **would** provide for improved emergency access to and from the Ramirez Canyon corridor." ***Via Acero Secondary Emergency Access Improvements*** "Pursuant to **the initial** recommendations of the Los Angeles County Fire Department, the Plan also includes **a preliminary design for** improvements to Via Acero to provide secondary emergency vehicular ingress/egress for Ramirez Canyon, as identified on the Penfield & Smith Modified project plans. The secondary emergency access improvements include extending the paved portion of Via Acero ~~within~~ **generally along the path of** an existing dirt road for approximately 1,400-ft to intersect with Kanan Dume, and widening of Via Acero to 20-ft over its entire length between Kanan Dume and Ramirez Canyon Road (approximately 2,938 ft). **Improvements to Via Acero (or other similar alternative measures required by the LACFD consistent with Fire Code allowances) shall be implemented consistent with Los Angeles County Fire Department's (LACFD) final design and timing requirements.**" As detailed in the DEIR, the proposed Plan has reduced all impacts to fire to a less than significant level with incorporation of a Fire Protection Plan, as well as various design features that will ensure any fire risk is reduced to the extent feasible. Specifically, the proposed Plan requires the use of vans and shuttles for Public Outreach Programs, Events, Gatherings, Tours, and Workshops at Ramirez Canyon Park to minimize traffic trips on Ramirez Canyon

	Road, and requires that such vehicles travel with maximum passenger capability and in convoys, whenever feasible. Transportation to/from Ramirez Canyon Park for these pre-arranged group activities generally requires use of 15-passenger vans, except for Public Outreach Programs that may utilize 22-passenger vans, mini-coaches or small buses limited to a maximum of 30 feet in length. These measures further serve to limit vehicle trips and maintain ample capacity on Ramirez Canyon Road at all times for responding firefighter access and adjacent property owner relocation in the event of emergency. Vehicle access to Corral Canyon Park and Malibu Bluffs would be from Pacific Coast Highway, which is a four-lane highway. Vehicular access to Escondido Canyon Park would be from Winding Way, a two-lane undivided roadway, with an average width of 20-feet, while vehicle access to Latigo Canyon Trailhead would be from Latigo Canyon Road, a two-lane undivided roadway, with an average width of 22-feet. Both of these roadways operate at Level of Service (LOS) A, which is generally low traffic volumes, with free-flow traffic operations. Additionally, in consultation with LACFD, additional widening at existing fire hydrants along Ramirez Canyon Road and Delaplane Road could be required, although there is some question if a nexus for requiring such improvements could be established. Furthermore, Section 5.6 *Fire Hazards* provides a detailed discussion of the proposed Plan's Fire Protection Plans (FPP) prepared for each park area. Each FPP (see *Appendix I)* 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. Furthermore, many of the proposed trail alignments are consistent with the approximate alignments identified in other planning documents, including City of Malibu-Malibu Trails System (2004), City

	of Malibu Local Coastal Program, and the Draft Santa Monica Mountains National Recreation Area (SMMNRA) Interagency Regional Trail Management Plan. Finally, as discussed in detail under Impact FIRE-1 in Section 5.6 *Fire Hazards*, the proposed improvements associated with the Plan would continue to provide adequate access for emergency vehicles, and appropriate relocation routes. Further, the Plan would comply with applicable Uniform Fire Code regulations for issues such as fire protection systems and equipment, general safety precautions, water supplies and distances from fire hydrants. As illustrated in Figures 5.6-2, 5.6-3, 5.6-4, and 5.6-5 within DEIR Section 5.6, *Fire Hazards*, each park site is in close proximity to existing fire hydrants. Additionally, during construction of the proposed improvements, temporary road or lane closures, which could potentially block emergency access and/or relocation routes, are not anticipated to occur. Lastly, 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 is provided in order to ensure adequate fire access. The text of the Modified Redesign Alternative provides as follows: "If required by the LACFD in order to maintain adequate room for operations during an emergency incident along Ramirez Canyon Road and/or Delaplane Road, additional widening to a total road width of approximately 26 feet would occur for a length of approximately 50 feet adjacent to all existing fire hydrant locations. Because the exact requirements and location of the 50-foot-long road widening in relation to the existing hydrants has not yet been determined by LACFD (at the time of preparation of this Final EIR), in some cases a longer length/section of road-widening was analyzed (as identified on the Modified Redesign Civil Plans prepared by Penfield & Smith); this

	allows for a conservative, reasonable worst-case analysis of impacts, while providing flexibility to shift the road widening slightly in certain locations (e.g., to avoid impacts to an oak tree, etc.) (see *Appendix D-1*, Sheets 39-44)." Additionally, a revised 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 designated and trained as public officers under the provisions of the State Penal Code and would be able to issue citations to strictly enforce this cold camp policy. Based upon the above discussion and the analysis contained within the DEIR, no further revision to the DEIR would be required.
DDD-13	*This comment states that the intensification of use can only be considered when it is demonstrated that the proposed properties are in strict compliance with applicable Building and Fire Codes.* RESPONSE: As stated under Section 5.6.2 *Impact Analysis* of DEIR Section 5.6 *Fire Hazards*, structural components proposed for the Park enhancement project are limited to restroom facilities, water tanks, camp host accommodations, 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 the Local Coastal Program Amendment MAL-MAJ-1-08 and consistent

	with 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. The California Coastal Commission's Revised Findings for City of Malibu Local Coastal Program Amendment MAL-MAJ-1-08 provides the following: "*Where it is infeasible to meet all applicable current Building and Fire Code requirements for fire protection due to site or resource constraints, modifications may be granted pursuant to an approved Fire Protection Plan, 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. Such Fire Protection Plan will analyze the site fire risk at a fine scale and develop customized measure 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.*" Therefore, 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. Based upon the above discussion and the analysis contained within the DEIR, no further revision to the DEIR would be required.
DDD-14	*This comment states that LACFD has reviewed the proposed fire protection plans for each park area and remains opposed to any new campgrounds, hike-in camps, and trail camps that allow overnight camping activities. The comment also states that human behavior cannot be fully mitigated and questions the use of drop box registration in ensuring campers are informed of park rules and regulations, fire hazards, and use of fire proof cooking stations and emergency fire shelters/evacuation procedures.*

	RESPONSE: Please see response to DDD-11. As noted in DEIR Section 5.6 *Fire Hazards*, 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. Based upon the above discussion and the analysis contained within the DEIR, no further revision to the DEIR would be required. However, based on this concern relative to the use of a drop-box registration system, a Modified Redesign Alternative has been proposed for consideration and adoption by the Conservancy/MRCA. Under this alternative, 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 designated and trained as public officers under the provisions of the State Penal Code and would be able to issue citations to strictly enforce this cold camp policy.
DDD-15	*This comment states that it is the recommendation of LACFD to prohibit public use of all park facilities and recreational areas during times that the National Weather Service declares Red Flag Warnings.*

	RESPONSE: Please see response to comments A-2 and A-4, as well as FPP. 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 public 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. Based upon the above discussion and the analysis contained within the DEIR, no further revision to the DEIR would be required.
DDD-16	*This comment states that it is the recommendation of LACFD to prohibit all open flame usage within the camp and trail areas in order to provide adequate fire safety to the visiting public and surrounding communities.* RESPONSE: Please see response to comments DDD-11. The 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. More likely causes for wildfires in the Plan area and the greater Santa Monica Mountains region are associated with other anthropogenic sources including roadways (tossed cigarette, vehicle accidents, catalytic converter, or car fire), unattended children, arson, electrical transmission lines, or gas powered mowers, trimmers or other equipment. Public access to parklands may increase ignition potential based on some of the aforementioned cause types, however, carefully planned and controlled access and increased patrols along with the restrictions regarding open flames of any type, and better education of

	park visitors will result in the lowering of such ignition risks, as has been demonstrated at other camp areas throughout the state. Lastly, per the proposed Plan's Hazards Implementation Measure 4, 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 as part of the proposed Plan shall consist of self-contained propane stoves, when permitted and consistent with the terms of the approved FPP. No kerosene or white gas lanterns shall be permitted. Based upon the above discussion and the analysis contained within the DEIR, no further revision to the DEIR would be required. However, based on this concern, a Modified Redesign Alternative is being proposed for consideration where each cook station would be equipped with an all-weather electrical outlet. Upon check-in by a wild-fire trained camphost or ranger, campers would be informed of the No Campfire/Cold Camp Policy and would be offered the opportunity to check-out a dual burner electrical hot plate for cooking purposes during their stay; a nominal deposit would be required. Use of electric hot plates, grills, griddles, waffle irons, and/or similar small electrical cooking appliances brought from home would be permissible at the designated cook stations only. Further, no propane, gas, wood or liquid fuel stoves of any sort would be allowed under this alternative as specified in the Fire Protection Plan for the Modified Redesign Alternative included in the FEIR (see *Appendix MRA-5*). Additionally, as part of this alternative,permanent overnight accommodations for a MRCA ranger, camp host, or staff maintenance person would be provided at campsites during the time that camping is permitted in order to monitor and enforce this cold camp policy and further reduce any fire risk associated with the Plan. Further, all MRCA rangers and camp hosts will be designated and trained as public officers under the provisions of the State Penal Code and would be able to issue citations to strictly enforce this cold camp policy.
DDD-17	*This comment states that all appropriate permits shall be obtained for the extended stay of the camp host locations within the proposed project boundaries.* RESPONSE:

	DEIR Section 2.6 acknowledges discretionary/ministerial actions known at the present time to be required and the agencies responsible for their approval to implement the proposed Plan.
DDD-18	*This comment states that emergency fire shelters shall be located as approved by the Fire Department.* RESPONSE: Additional consultation with LACFD occurred (after receipt of this comment) relative to the Fire Department-preferred locations for the emergency fire shelters. Based on this consultation, a Modified Redesign Alternative is being proposed for consideration by the Conservancy/MRCA and would include new locations for the optional fire shelters as recommended by LACFD. It should be noted that this Modified Redesign Alternative clusters and limits camping to primarily two sites in an effort to reduce fire risk. Camping would be primarily limited to both Corral Canyon Park and Malibu Bluffs Conservancy Property, both of which are in close proximity to PCH to facilitate access to highways in a fire event. Under this alternative, camping has been eliminated from Escondido Canyon Park, Latigo Trailhead, and from Camp Area 2 by the creek within Corral Canyon Park.
DDD-19	*This comment requests detailed drawings and design specifications for the proposed emergency fire shelters be provided for review and approval of the construction materials, roofing material, installation, ventilation, and fire rating classification.* RESPONSE: As described in Section 2.0 *Project Description*, the 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. In total, nine (9) fire shelters are proposed for strategic placement and with enough capacity to serve each of the Park sites. The structures would have a carbon filter for noxious gases, and contain a fire-rated, one-hour insulation in the interior. Each structure has a window and door, both of which are rated for at least 1- hour fire resistant construction. The fire rating on the shelters refers to continuous flame placed

	directly on the structure. In the case of a wildfire, the actual amount of time that a fire may be in the vicinity of a shelter is very brief. As a fire front moves through, there is a period of about 30 minutes where embers may be showering down and the flame front passes. Once that occurs, it is safe to come out of the shelters. The proposed Plans' fuel modification zones around the shelters would keep any significant fuel source, hence, heat sources, away from the shelters. The primary ignition source that the shelters would face is burning embers and possibly gasses. These shelters are virtually sealed boxes that would have positive air pressure and are virtually non-combustible on the exterior. In no case would the shelters be exposed to long-term fire sources. A fire that is miles away would not require on-site sheltering. The shelters are a "last resort" for cases where relocation offsite is not possible. However, additional consultation with LACFD occurred (after receipt of this comment) relative to the Fire Department-preferred locations for the optional fire shelters. Based on this consultation, a Modified Redesign Alternative is being proposed for consideration by the Conservancy/MRCA and would include new locations for seven (7) optional fire shelters as recommended by LACFD. Please see *Appendix MRA-5* for more detail and a map illustrating the location of each optional fire shelter. The optional emergency fire shelters proposed for the Modified Redesign Alternative would be built completely on-site, be delivered completely built/pre-fabricated, or pieces would be built off-site and assembled on site. They would be constructed with Timbercrete, or an equivalent cement-based building product, and would have a Fire Resistant Level (FRL) of 240/240/240 during tests conducted on a single skin wall (190 millimeters [mm] to 200 mm thick), which is the highest fire rating. Each structure would have a triple-pane, triple-glazed fire resistant glass window (or equivalent), an insulated fire resistant door with a RFL -/240/30 (or equivalent), and a fire resistant spy hole with glass similar to the window (or equivalent). In addition, under the Modified Redesign Alternative, a mandate for temporary "last resort" on-site sheltering at Ramirez Canyon Park is included. The Ranger/Maintenance Supervisor Residence (Phase 1) and the Peach Building (Phase 2) would be remodeled and retrofitted to

	provide a safe and temporary "last resort" on-site sheltering at Ramirez Canyon Park (see *Appendix MRA-5* for more detail).
DDD-20	*This comment states that water improvement plans for each camp area shall be submitted for review and approval by LACFD prior to commencement of construction.* RESPONSE: DEIR Section 2.6 acknowledges those discretionary actions known at the present time to be required and the agencies responsible for their approval to implement the proposed Plan. This comment does not identify an inadequacy in the analysis, conclusions or mitigation measures in the EIR. Please note that the Santa Monica Mountains Conservancy Board will take into consideration all comments and suggestions during the decision-making process.
DDD-21	*This comment requests that three set of private on-site water system improvement plans be submitted to LACFD for review and approval.* RESPONSE: DEIR Section 2.6 acknowledges those discretionary actions known at the present time to be required and the agencies responsible for their approval to implement the proposed Plan. This comment does not identify an inadequacy in the analysis, conclusions or mitigation measures in the EIR. Please note that the Santa Monica Mountains Conservancy Board will take into consideration all comments and suggestions during the decision-making process.
DDD-22	*This comment recommends a goal of achieving an effective hose stream where the wildland fire hydrants should be designed to flow at 100 gallons per minute at 65 psi residual pressure.* RESPONSE: In discussions with Jim Bailey, LACFD on May 12, 2010, it was confirmed that the 100 gpm at 65 psi is more of a goal and not a requirement. The proposed Plan's private water system as discussed in detail in Section 2.0 *Project Description* would strive to achieve the recommended 100 gpm at 65 psi, but it will depend on what the existing LA County Waterworks District infrastructure is capable of providing.

	In consideration of the discussion above, no further revision to the DEIR would be required. However, additional consultation with LACFD occurred (after receipt of this comment) relative to the Fire Department where it was discussed that a 6-inch water pipeline replace the proposed 4-inch line currently shown on the project plans to facilitate LACFD use of the water tank and wildland hydrants at Camp Area 1 in Corral Canyon Park. Based on this concern, a Modified Redesign Alternative has been proposed for consideration and adoption by the Conservancy/MRCA. Under this alternative, Corral Canyon potable water would be provided via a 6-inch 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 1. 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 area. As a backup to firewater pressures and flows at Corral Canyon, a gas powered booster pump is being provided at a central location in Camp Area 1. 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.
DDD-23	*This comment requests that each park facility proposed water system improvements be completed as part of each phase of development and receive approval prior to occupancy.* RESPONSE: Section 2.0 *Project Description* provides detailed information on the Plan's proposed private water system. Section 2.6 acknowledges those discretionary actions known at the present time to be required and

	the agencies responsible for their approval to implement the proposed Plan. This comment does not identify an inadequacy in the analysis, conclusions or mitigation measures in the EIR. Please note that the Santa Monica Mountains Conservancy Board will take into consideration all comments and suggestions during the decision-making process. In consideration of the discussion above, no further revision to the DEIR would be required.
DDD-24	*This comment requests that access to all existing fire roads be properly maintained and gated in accordance with LACFD standards.* RESPONSE: The proposed Plan would not affect or change access to existing fire roads. The Conservancy would ensure that any change is in accordance with LACFD standards.
DDD-25	*This comment states that the existing buildings at Ramirez Canyon Park must be in compliance with the current ignition resistant building standards in Chapter 7A of the Building Code and Los Angeles County Regulation #8 regarding water supply for the proposed change in use.* RESPONSE: Based on this requirement for a change in use, a Modified Redesign Alternative was formulated to reduce all impacts to the extent feasible. Under this alternative, if required by CAL FIRE, existing structures at Ramirez Canyon Park will be retrofitted for ignition resistance and ember protection, which may include vent, window, door and appendage retrofits. Additionally, each structure will be retrofitted with monitored interior sprinklers. Please refer to *Appendix MRA-1* for more detail information on the specific retrofit activity to be performed at Ramirez Canyon Park.
DDD-26	*This comment states that interior fire sprinklers may be required.* RESPONSE: Please see response to Comment DDD-25.
DDD-27	*This comment states that LACFD will require the widening of Ramirez Canyon Road to a minimum of 20 feet in width for its entire length to*

	Delaphane Road and continue to Pacific Coast Highway. RESPONSE: Section 2.0 *Project Description* provides detailed information relative to the proposed widening of Ramirez Canyon Road to a minimum 20 feet in width. The improvements include widening of the existing access road and removal of encroachments in the road easements, as necessary, to provide 20-ft clearance for emergency ingress/egress in the canyon along Delaplane Road and Ramirez Canyon Road, per recommendations of the Los Angeles County Fire Department, as illustrated on project plans prepared by Penfield & Smith (see Figure 2-11). These improvements would enhance overall vehicular access along Ramirez Canyon Road and would provide for improved emergency access to and from the Ramirez Canyon corridor. Further, a Modified Redesign Alternative is being proposed for consideration and adoption by the Conservancy/MRCA. Under the Modified Redesign Alternative Project Description (*Appendix MRA-1*), the following language has been included to be responsive to this comment: "The proposed Modified Redesign Plan includes a preliminary design for emergency ingress/egress road improvements for the Ramirez Canyon community proposed to be implemented during Phase 1 of the Plan, if required; actual improvements will be implemented consistent with Los Angeles County Fire Department's (LACFD) final design and timing requirements (based on agency jurisdiction). These preliminary design improvements include widening of the existing access road and removal of encroachments in the road easements, as necessary, to provide as great as 20-ft clearance for emergency ingress/egress in the canyon along Delaplane Road and Ramirez Canyon Road, per the initial recommendations of the LACFD, as illustrated on project plans prepared by Penfield & Smith (see *Appendix MRA-2,* Figure MRA-12 and/or *Appendix MRA-3,* Sheets 39-44). These improvements (or other similar alternative measures required by the LACFD consistent with Fire Code allowances) would enhance overall vehicular access along Ramirez Canyon Road and would provide for improved emergency access to and from the Ramirez Canyon corridor. In addition, based on communications with LACFD, the Modified

	Redesign Alternative includes widening along driveways/roads within Ramirez Canyon Park, if required by the responsible fire agency(ies). In consideration of the discussion above, no further revisions to the DEIR would be required.
DDD-28	*This comment requests that the second alternate code compliant access road of Via Acero into Ramirez Canyon Park be a precondition to any expansion of the current Park uses as outlined in Section 2.3.2.1.* RESPONSE: Based on this concern, a Modified Redesigned Alternative is being proposed for consideration and adoption by the Conservancy/MRCA. This alternative would include a two-phased implementation of the proposed alternative plan. Phase I would include continued uses (e.g., specialized programs, training, existing offices) at Ramirez Canyon Park with only minor improvements, limited to the retrofit of the Ranger/Maintenance Supervisor Residence as a fire shelter, miscellaneous improvements, if required to the Barwood, Peach House, Art Deco, and Barn structures (as specified in *Appendix MRA-5*, but generally consisting of ignition resistance structural retrofits focused on preventing ember intrusion into attics and openings, and installation of monitored interior sprinklers for fire suppression), installation of new fire hydrants, road improvements to Ramirez Canyon Road, Delaplane Road, including bridge/ crossing improvements, which would provide as great as 20-ft clearance for emergency ingress/egress in the canyon along Delaplane Road and Ramirez Canyon Road, per initial recommendations of the LACFD, as illustrated on project plans prepared by Penfield & Smith (see *Appendix MRA-2*, Figure MRA-12 and/or *Appendix MRA-3*, Sheets 39-44), and passive recreation-related improvements. Phase II would include a full compliment to Phase I specialized programs and uses, including, if required by the responsible fire agency, structural retrofits to the Peach House to be used as a fire shelter and improvements to Via Acero as an emergency secondary access road.
DDD-29	*This comment states that LACFD vehicular access shall provide a minimum unobstructed width of 20 feet, clear to sky or provide a minimum vertical clearance of 13'6" under protected tree species and be within 150 feet of all portions of structures and public assembly areas.*

	RESPONSE: Please see response to comment DDD-27. In addition, Section 5.6.2 *Impact Analysis* 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. In consideration of the discussion above, no further revisions to the DEIR would be required.
DDD-30	*This comment states that the maximum allowable grade shall not exceed 15% except where topography makes it impractical to keep such grade; however, the average maximum allowed grade, including topographical difficulties shall not exceed 17%.* RESPONSE: Improvements to Via Acero (or other similar alternative measures required by the LACFD consistent with Fire Code allowances) shall be implemented consistent with Los Angeles County Fire Department's (LACFD) final design and timing requirements. In an effort to be responsive to this comment and meet these specific grading requirements, the Conservancy/MRCA has been presented with a Modified Redesign Alternative that would ensure that the design for improvements to Via Acero Road would meet LACFD's minimum grade requirements. Please see the Modified Redesign Alternative Civil Plans included within the FEIR.
DDD-31	*This comment requests that improvement plans for grading purposes be submitted to the LACFD, Land Development Unit for review and approval.* RESPONSE: As part of project implementation, the Conservancy will ensure compliance with all responsible agencies which require their review and approval.
DDD-32	*This comment states that fire department vehicle access roads provide a minimum radius of 32 feet measured at the centerline to maintain adequate maneuverability of emergency equipment.* RESPONSE:

	All roads designed as part of the proposed Plan to provide access to habitable structures or public assembly areas would have a minimum centerline turning radius of at least 32 feet.
DDD-33	*This comment states that vehicular access that is adjacent to fire hydrants shall provide a minimum width of 26 feet for a distance of not less than 50 feet to maintain adequate room for operations during an emergency incident.* RESPONSE: On May 12, 2010, staff from the Conservancy, LACFD, Penfield & Smith, Dudek, and Waterworks District 29 held a telephone conference call to discuss LACFD comments on the DEIR. It was clarified that this comment applies only to NEW private roads not public roads, since public roads would be subject to LA County Public Works or City of Malibu standards. However, based on this requirement, a Modified Redesign Alternative is being proposed for consideration and adoption by the Conservancy/MRCA. Under the Modified Redesign Alternative Project Description, the following language has been included to be responsive to this comment: "If required by the LA County Fire Department in order to maintain adequate room for operations during an emergency incident along Ramirez Canyon Road and/or Delaplane Road, additional widening to a total road width of approximately 26 feet would occur for a length of approximately 50 feet adjacent to all existing fire hydrant locations."
DDD-34	*This comment states that turnouts shall be necessary to provide adequate opportunity to allow vehicles to pass within rural areas. Turnouts shall be provided at one-quarter mile intervals and shall provide 26 feet of minimum width and 50 feet in length to accommodate vehicular traffic.* RESPONSE: On May 12, 2010, staff from the Conservancy, LACFD, Penfield & Smith, Dudek, and Waterworks District 29 held a telephone conference call to discuss LACFD comments on the DEIR. It was clarified that this comment applies only to NEW private roads not public roads, since public roads would be subject to LA County Public Works or City of Malibu standards. Therefore, this requirement would apply only to the new private Via Acero secondary emergency access

	road to Ramirez Canyon Park proposed as part of the Plan. However, based on this requirement, a Modified Redesign Alternative is being proposed for consideration and adoption by the Conservancy/MRCA. Under the Modified Redesign Alternative Project Description (see *Appendix MRA-2*), the following language has been included to be responsive to this comment: "Pursuant to the initial recommendations of the LACFD, the Modified Redesign Plan (Phase 2) also includes a preliminary design for improvements to Via Acero to provide secondary emergency vehicular ingress/egress for Ramirez Canyon, as identified on the Penfield & Smith Modified Redesign Civil Plans (see *Appendix MRA-3*, Phase II Sheets 45-49", which would include turnouts as required.
DDD-35	*This comment states that turnarounds shall be provided at dead-ending access roads in excess of 150 feet in length. Turnarounds shall provide 64-foot diameter bulb design or comply with intermediate turnaround or hammerhead design as approved by LACFD.* RESPONSE: On May 12, 2010, staff from the Conservancy, LACFD, Penfield & Smith, Dudek, and Waterworks District 29 held a telephone conference call to discuss LACFD comments on the DEIR. It was clarified that this comment applies only to NEW private roads not public roads, since public roads would be subject to LA County Public Works or City of Malibu standards. The proposed emergency access road along Via Acero between Kanan Dume Road and Ramirez Canyon Road is a private road; however, the proposed road extension would not include a dead-end. An emergency access gate would be installed near the Kanan Dume Road entrance, but access would be provided between the two roadways. Therefore, this requirement would not apply to the proposed Via Acero secondary emergency access road.
DDD-36	*This comment states that cross slopes on vehicular access roads for LACFD use shall not exceed 2% at any point and shall be provided for drainage purposes only.* RESPONSE: All vehicular access roads designed as part of the proposed Plan would be in compliance with this LACFD requirement. However, in an effort

	to be responsive to this comment and meet these specific cross slope requirements, the Conservancy/MRCA has been presented with a Modified Redesign Alternative that would ensure that the design for all vehicular access roads would meet LACFD's minimum cross slope requirements. Please see the Modified Redesign Alternative Civil Plans (see, *Appendix MRA-3*, Phase I, Sheet 50, and Phase II, Sheets 45-49).
DDD-37	*This comment states that all vehicular access that has a grade of 10% or more must be paved to the specifications of LACFD.* RESPONSE: All vehicular access designed as part of the Proposed Plan would be implemented consistent with Los Angeles County Fire Department's (LACFD) vehicular access requirements. However, in response to this comment and to meet these specific paving requirements, the Conservancy/MRCA has been presented with a Modified Redesign Alternative that would ensure that, if required by the responsible fire agency, the design for improvements to Via Acero Road would meet LACFD's minimum grade and paving requirements. The preliminary plans for Via Acero currently specify asphalt concrete as the paving material, which is consistent with CalTrans standard specifications; any further paving specifications required by the responsible fire agency would be adhered to (see the Modified Redesign Alternative Civil Plans (see *Appendix MRA-3*, Phase II, Sheets 45-49).
DDD-38	*This comment states that access roads shall be maintained with a minimum of 10 feet of brush clearance on each side or as determined by the Forestry Division of LACFD.* RESPONSE: All access roads designed as part of the proposed Plan would be in compliance with this LACFD requirement. However, in an effort to be responsive to this comment and meet the minimum 10-ft brush clearance requirements, the Conservancy/MRCA has been presented with a Modified Redesign Alternative that would ensure that the design for all access roads would meet LACFD's minimum brush clearance requirements. A minimum of 20-feet on each side of Fire Access Roads or to property or easement line is proposed, with some areas

	limited to 10-feet to avoid/minimize native vegetation impacts. Please see the Modified Redesign Alternative Fire Protection Plan (*Appendix MRA-5*) for more detail.
DDD-39	*This comment states that when a bridge is required to be used as part of the emergency response vehicular access road, it shall be in accordance with Fire Code Section 503.2.6.* RESPONSE: If required by LACFD, the bridge located on Ramirez Canyon Road will be improved in accordance with Fire Code Section 503.2.6 Additionally, the Modified Redesign Alternative that would ensure that the design for the proposed vehicular bridge that would replace and upgrade the existing bridge would meet LACFD's minimum weight capacity requirements. Please see the Modified Redesign Alternative Civil Plans (see *Appendix MRA-3*, Sheet 39) and Modified Redesign Alternative Fire Protection Plan (see *Appendix MRA-5*).
DDD-40	*This comment states that appropriate permits shall be obtained from LACFD for all public assembly uses, temporary tent structures, etc.* RESPONSE: DEIR Section 2.6 acknowledges discretionary/ministerial actions known at the present time to be required and the agencies responsible for their approval to implement the proposed Plan.
DDD-41	*This comment states that disruptions to the public or private water service provided to the project shall be coordinated with LACFD and alternate water sources shall be indentified for fire protection during such disruptions.* RESPONSE: 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. In any case, the Modified Redesign Alternative presented for consideration and adoption by the Conservancy/MRCA will include water tanks at areas where camping is permitted, with standpipes or ports for fire department connections.
DDD-42	*This comment states that the proposed permanent tent structures at Malibu*

	Bluffs must comply with the ignition resistant construction standards as outlined in Chapter 7A of the LA County Building Code. RESPONSE: Comment noted. Additional consultation with LACFD occurred (after receipt of this comment) relative to the Fire Department comments, including tent cabins. Based on this consultation, a Modified Redesign Alternative is being proposed for consideration and adoption by the Conservancy/MRCA. This alternative would eliminate the proposed tent cabins at Malibu Bluffs (the only location with tent cabins in the Proposed Project) in lieu of campsites.
DDD-43	*This comment states that equipment used for trail construction must be equipped with spark arrestors and obtain all appropriate permits in accordance with LA County Fire Code Section 318 prior to commencement of their use.* RESPONSE: The Conservancy acknowledges LA County Fire Code Section 318 requirements and will ensure compliance during project implementation.
DDD-44	*This comment states that LACFD Land Development Unit comments are general to fire and life safety requirements, with specific requirements possibly applicable during design review.* RESPONSE: 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.
DDD-45	*This comment provides contact information should there be questions concerning the comments.* RESPONSE: Comment noted.
DDD-46	*This comment expresses that LACFD Land Development Unit appreciation for the opportunity to comment on the DEIR.*

	RESPONSE: LACFD comments are appreciated. Please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.
DDD-47	*This comment states that the statutory responsibilities of LACFD Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for VHFHSZs, archaeological and cultural resources, and the County Oak Tree Ordinance. Potential impacts in these areas should be addressed.* RESPONSE: Please see Sections 5.4 (*Biological Resources*), 5.5 (*Cultural Resources*), 5.6 *(Fire Hazards*), 5.7 (*Geology*), and 5.10 (*Hydrology/Water Quality*) of the DEIR, which provide detailed impact analysis relative to erosion control, watershed management, rare and endangered species, vegetation, fuel modification for VHFHSZs, archaeological and cultural resources, and the County Oak Tree Ordinance. 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.
DDD-48	*This comment states that all structures subject to fuel modification requirements, per LA County Fire Code Section 317, shall be reviewed and approved by LACFD Fuel Modification Unit.* RESPONSE: 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. In any case, MRCA staff and consultants communicated with LACFD regarding adequate fuel modification zones. Fuel modification zones are proposed as part of the Modified Redesign Alternative to be consistent with LACFD recommendations.
DDD-49	*This comment states that all proposed fire shelters shall have a minimum*

	200 feet of fuel modification by establishing a "setback" Zone A of 50 feet and an additional "thinning" Zone C of 200 feet (note: LACFD clarified—150 ft) from the shelters. RESPONSE: Additional consultation with LACFD occurred (after receipt of this comment) relative to the Fire Department-preferred locations for the optional fire shelters, including recommended fuel modification zones. Based on this requirement, a Modified Redesign Alternative is being proposed for consideration and adoption by the Conservancy/MRCA and would reflect a total 200-foot fuel modification zone from the optional fire shelters, which may consist of 20 feet of Zone A, 80 feet of Zone B, and 100 feet of thinning Zones C and D. These fuel modification zones are consistent with LACFD fuel modification guidelines. For more information on the specific fuel modification zones, please refer to *Appendix MRA-5*. . In addition, optional fire shelters would only be installed if required and approved by the California Coastal Commission, CAL FIRE (or its representative), and/or LACFD. At that time, the specific fuel modification methods to be implemented within the 200-foot zone would be finalized.
DDD-50	*This comment states that all adjacent landowners shall be responsible for maintenance of any vegetation management zone that extends beyond parcel boundaries of the proposed Plan per LA County Fire Code Section 317.2.2.* RESPONSE: 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.
DDD-51	*This comment states that LACFD Health Hazardous Materials Division has no objection with the proposed project.* RESPONSE: Comment noted. Please note that the Conservancy/MRCA Boards will take into consideration all comments and suggestions during the decision-making process.