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# W17b

**Date:** May 19, 2023  
**To:** Coastal Commissioners and Interested Persons  
**From:** Dan Carl, Deputy Director, Central Coast District  
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**Subject:** **Notice of Impending Development No. SLT-NOID-0003-23 (Hearst Ranch Forest Health Project)**

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## SUMMARY OF STAFF RECOMMENDATION

The Upper Salinas-Las Tablas Resource Conservation District (RCD), in collaboration with CAL FIRE San Luis Obispo Unit (and the San Luis Obispo County Fire Safe Council), is proposing the Hearst Ranch Forest Health Project pursuant to RCD's certified Public Works Plan (PWP). The project consists of vegetation treatments on up to 762 acres of land, made up of 132 acres at San Simeon Point and up to 630 acres at Pico Creek. Both project areas are located near the unincorporated community of San Simeon in northern San Luis Obispo County. Staff believes that the proposed project is consistent with the certified PWP.

Monterey pine forests in the region have been identified as rare, important forestland in need of restorative management focused on forest health and wildfire prevention. The goals for the proposed vegetation treatments are to increase the health and vigor of the Monterey pine forest, increase biological diversity, promote ecosystem resiliency, and reduce the severity of wildfire. At both project sites, proposed treatment activities would consist of manual and mechanical treatments, prescribed burning, and selective herbicide application. Treated vegetation may be lopped and scattered on-site, processed into chips or residual masticated material, or burned on-site by way of broadcast or pile burning. Treatments would begin in 2023 or as soon as possible following approval where feasible, where initial implementation would occur over a span of approximately 3 years, after which maintenance treatments of the same sort would be implemented in subsequent years to maintain the initial treatments. All such treatments would also help preserve conservation values promoted by a conservation easement placed on the property in 2005 and held in perpetuity by the California Rangeland Trust.

The proposed project includes extensive best management practices, mitigation measures, and implementation protocols designed to protect coastal resources consistent with the certified PWP. In addition, staff is recommending six additional

special conditions to authorize work for the life of the PWP, to ensure monitoring and reporting for each phase of activities, to obtain final paperwork for burn plans, to address on-site practices for handling accelerants near coastal waters, to allow for project changes, and to demonstrate landowner authorization, all necessary to meet PWP requirements. With these additional conditions, staff recommends that the Commission determine that the proposed development is consistent with the certified PWP. The motion and resolution to implement the staff recommendation can be found below on **Page 5**.

**Procedural Note – Action Deadline**

The PWP provides the Commission with 30 working days to take action on the subject notice of impending development (NOID) after the date it was filed unless the RCD waives such requirement. The NOID was filed as complete on May 8, 2023, and thus the Commission has until June 20, 2023, to act or else the project may proceed without Commission action. Thus, unless the RCD waives the action deadline, the Commission is required to take action on this NOID at its June 2023 meeting.

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## 1. PROCEDURAL BACKGROUND

### A. Public Works Plan Background and History

Section 30605 of the Coastal Act authorizes public works plans (PWP) as an alternative to case-by-case Coastal Development Permit (CDP) review for “public works,” which are defined, in relevant part, as publicly financed recreation facilities, projects of the State Coastal Conservancy, and any development by a special district.<sup>1</sup> PWPs typically involve large or phased public works projects, and review authority for projects under PWPs remain with the Commission irrespective of CDP jurisdictional boundaries. PWPs must be sufficiently detailed regarding the size, kind, intensity, and location of development to allow the Commission to determine their consistency with the Chapter 3 policies of the Coastal Act (in areas that are pre-Local Coastal Program (LCP) certification) or the certified LCP (in post-LCP certification areas). Once the Commission approves a PWP, in general, CDPs are not required for specific projects described within it, as long as the Commission determines that such projects are consistent with the PWP, with or without conditions to make them so. As part of the PWP process, before commencing any specific project, the project proponent must submit notice in the form of a notice of impending development (or NOID), and the Commission must determine whether the submitted project is consistent with the PWP, or if conditions are necessary to make it consistent.

In this case, the Commission certified the Upper Salinas-Las Tablas Resource Conservation District Forest Health and Fire Resilience PWP on October 15, 2021.<sup>2</sup> The PWP allows the RCD to facilitate the planning, review, and authorization of vegetation treatment projects within the San Luis Obispo County coastal zone to improve forest health, restore ecosystems, and increase wildfire resilience. Thus, the RCD prepares proposed NOID components, including drafting Project-Specific Analyses, public noticing of NOIDs, submitting NOIDs to the Commission, and preparing and submitting any other project materials to the Commission. The RCD is responsible for monitoring of project conditions, reporting, and maintaining oversight to confirm that all work is consistent with the PWP and NOID. The proposed Hearst Ranch Forest Health project is being implemented by CAL FIRE San Luis Obispo Unit in partnership with the San Luis Obispo County Fire Safe Council. This is the third project being proposed under the PWP. The Covell Ranch project was approved as part of the PWP in October of 2021, and a second project, the Cambria Reserves project, is also on the Commission’s June 2023 meeting agenda.

### B. Standard of Review

Coastal Act Sections 30605 and 30606 and Title 14, Sections 13357(a)(5), 13359, and 13353-54 of the California Code of Regulations (CCR) govern the Coastal Commission’s review of subsequent development where there is a certified PWP, where

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<sup>1</sup> Coastal Act Section 30114.

<sup>2</sup> See: <https://documents.coastal.ca.gov/reports/2021/10/F21a/F21a-10-2021-exhibits.pdf> for the full PWP, <https://documents.coastal.ca.gov/reports/2021/10/F21a/F21a-10-2021-report.pdf> for the report, and <https://documents.coastal.ca.gov/reports/2021/10/F21a/F21a-10-2021-addendum-1.pdf> and <https://documents.coastal.ca.gov/reports/2021/10/F21a/F21a-10-2021-addendum-2.pdf> for addendums.

the standard of review is consistency with the PWP. These provisions are also incorporated into the PWP. As identified in the PWP, development submitted to the Commission for review under the NOID process shall not be authorized unless it is of a type, location, and size as identified in PWP Section III, and it is demonstrated that project implementation is in compliance with all Standard Project Requirements (SPRs) and Mitigation Measures of the California Vegetation Treatment Program (CalVTP) Programmatic Environmental Impact Report (PEIR) (Project Standard 2), as well as the coastal-specific Coastal Vegetation Treatment Standards (Coastal VTS) applicable to the project and project area (Project Standard 3). Projects may also be conditioned by the Commission to ensure consistency with the PWP; however, the Commission cannot reject a proposed project if it is included within the listed projects approved as a part of the Commission's original PWP review and can be conditioned to be PWP-consistent.

### **C. NOID Procedures**

CCR Section 13354 requires the Executive Director to review the NOID within five working days of receipt to determine whether it provides sufficient information to determine if the proposed development is consistent with the certified PWP. The notice is to be filed when all necessary supporting information has been received. The subject NOID was submitted as a draft by RCD on March 3, 2023, and filed as complete on May 8, 2023. Pursuant to CCR Section 13359 the Commission is required to take action on the NOID within thirty working days of its filing (i.e., here, no later than June 20, 2023), unless the RCD waives such requirement. RCD has not waived the 30-working-day action deadline, and so the Commission must take an action on the subject NOID at the June 2023 Commission meeting, or else RCD may proceed with the project without Commission approval.

## **2. MOTION AND RESOLUTION**

Staff recommends that the Commission determine that the development described in the Notice of Impending Development, as conditioned, is consistent with the certified Upper Salinas-Las Tablas Resource Conservation District Forest Health and Fire Resilience Public Works Plan. To implement this recommendation, staff recommends a **yes** vote on the following motion which, if passed, will result in the adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:*** *I move that the Commission determine that the development described in Notice of Impending Development SLT-NOID-0003-23, as conditioned pursuant to the staff recommendation, is consistent with the certified Upper Salinas-Las Tablas Resource Conservation District Forest Health and Fire Resilience Public Works Plan, and I recommend a yes vote.*

***Resolution:*** *The Commission hereby determines that the development described in the Notice of Impending Development SLT-NOID-0003-23, as conditioned, is consistent with the certified Upper Salinas-Las Tablas Resource Conservation District Forest Health and Fire Resilience Public Works Plan for the reasons discussed in the findings herein.*

### 3. SPECIAL CONDITIONS

- 1. Authorization Period.** Initial implementation as described in the NOID is authorized to occur within the first five (5) years from the date of Commission action (i.e., until June 7, 2028), and subsequent maintenance as described in the NOID is authorized to occur up until October 15, 2031. Any other non-exempt development shall require separate NOID or CDP authorization.
- 2. Monitoring Report.** RCD shall submit monitoring reports for the review of the Executive Director. The monitoring reports shall be substantially consistent with the requirements of SPR AD-7 (and any other reporting required under the CalVTP) and shall be submitted after each completed phase of development (as such phases are described in the NOID). The monitoring reports shall describe compliance with PWP protection measures, progress of treatment activities (including initial and maintenance treatments), lessons learned, post-treatment evaluations for adaptive management purposes (including through photos documenting treatment areas before and after treatment), and an assessment of any changes in conditions that may affect project consistency with the PWP.
- 3. Burn Plans.** PRIOR TO COMMENCEMENT OF ANY INDIVIDUAL BURN PROJECT, RCD shall provide to the Executive Director a copy of the final, signed Burn Plan for the subject development. Prior to submitting each copy, RCD shall inform the Executive Director of any significant changes to the project (as reflected in the Burn Plan) required by CAL FIRE that could have additional adverse environmental impacts within the Coastal Zone. Such changes shall not be incorporated into the project until RCD obtains Commission authorization, unless the Executive Director determines that no new authorization is legally required.
- 4. Accelerants.** Activities related to the mixing, filling, and pouring of fuels and other materials to create accelerants shall take place in designated areas located at least 100 feet from coastal waters, streams, wetlands, and other watercourses and shall be designed to fully contain spills of fuels and other contaminants.
- 5. Project Changes.** Only that work described in this NOID is authorized. Any additional work that does not substantially conform with the project authorized by this NOID requires separate authorization from the Commission, unless the Executive Director determines that no new authorization is legally required.
- 6. Landowner Authorization.** PRIOR TO COMMENCEMENT OF DEVELOPMENT, RCD shall provide to the Executive Director a copy of all applicable landowner authorizations for the subject development. RCD shall inform the Executive Director of any changes to the project required by any landowner. Changes shall not be incorporated into the project until RCD obtains Commission authorization, unless the Executive Director determines that no new authorization is legally required.

## 4. FINDINGS AND DECLARATIONS

### A. Project Description and Background

The Upper Salinas-Las Tablas Resource Conservation District (RCD) Forest Health and Fire Resilience Public Works Plan (PWP) allows for the planning, review, and authorization of vegetation treatment projects within the Upper Salinas-Las Tablas RCD jurisdiction of the San Luis Obispo County coastal zone (which covers an area within the County's LCP jurisdiction that stretches from the boundary with Monterey County in the north to the northern border of the City of Morro Bay in the south) to improve forest health, restore ecosystems, and increase wildfire resilience. The PWP provides for efficient programmatic streamlining of both California Environmental Quality Act (CEQA) compliance and Coastal Act authorizations through a framework within which identified vegetation treatment projects can be analyzed and implemented under a coordinated plan that relies on the standards (called Standard Project Requirements, or SPRs) and mitigation measures adopted as part of the California Vegetation Treatment Program (CalVTP) Programmatic Environmental Impact Report (PEIR), as well as local coastal-specific standards (Coastal Vegetation Treatment Standards, or Coastal VTS for the Upper Salinas-Las Tablas RCD jurisdiction of the San Luis Obispo County) developed collaboratively by Commission and RCD staff, as well with San Luis Obispo County, CAL FIRE, and the San Luis Obispo County Fire Safe Council. In addition to compliance with the State's fire planning efforts, the PWP applies additional efficiencies over and above implementation of the CalVTP by addressing specific local coastal issues and ensuring full consistency with the San Luis Obispo County Local Coastal Program (LCP) and California Coastal Act. The PWP thus enables the RCD and project partners to design and implement critical forest health and fire resilience projects throughout the approximately 93,000-acre PWP program area over a 10-year period. Vegetation treatment activities under the PWP are categorized as either "forest health" projects designed to restore and enhance ecosystems, including to mitigate fire behavior to which the ecosystem is not adapted, or "fire prevention" projects that will protect existing structures and infrastructure, such as through strategic fuel breaks and defensible space clearances. Both types of projects are required to prioritize enhancement of habitat values as much as possible where implemented throughout the program area (e.g., through the removal of invasive species).

RCD, in collaboration with CAL FIRE San Luis Obispo Unit and San Luis Obispo County Fire Safe Council, is requesting review of the NOID for vegetation treatments on up to 762 acres of land, made up of 132 acres of at San Simeon Point and up to 630 acres at Pico Creek (see [Exhibit 1](#)). All proposed project activities would be forest health activities. Both project areas are located near the unincorporated community of San Simeon in northern San Luis Obispo County. This project will occur on private property within the boundaries of land owned and managed by Hearst Holdings, Inc. (Hearst), and is permanently protected from nearly all forms of development by conservation easements recorded in 2005 and held by the California Rangeland Trust.

San Simeon Point is a high-use visitor area that provides public access to scenic vistas from coastal bluffs and a network of short, wooded walking trails. Nearby is Old San Simeon Village, a historic development west of Highway 1 and across from the entrance to Hearst Castle Visitor Center. Predominantly bounded by coastline, most of San

Simeon Point hosts a dense, non-native stand of Monterey cypress (*Hesperocyparis macrocarpa*), Monterey pine (*Pinus radiata*) and blue gum eucalyptus (*Eucalyptus globulus*). Vegetation types at San Simeon Point broadly correspond to annual grassland, closed-cone pine-cypress, coastal scrub, and eucalyptus ([Exhibit 2](#)). The project area is on private land adjacent to and accessible from Hearst San Simeon State Park.

The vast majority of the 132 acres of forested stands at San Simeon Point were planted approximately 75-90 years ago; the age that represents the general maximum life span of the pine and cypress species that occupy this area. Senescent cypress and pine stands are readily observable across San Simeon Point and are actively adding excessive downed, wildfire-prone fuel loads to the forest system as a whole. In addition, wind throw and the falling dead branches of aging trees present a potential threat to public safety while adding to hazardous wildfire fuel conditions. Primary goals at this site are to improve forest health, maintain visitor access, reduce fire hazard to protect irreplaceable historic buildings, and provide entry points to emergency resources and fire personnel.

Hearst, San Luis Obispo County Fire Safe Council, CAL FIRE, and the RCD have identified the up to 630 acres at the Pico Creek Monterey pine (*Pinus radiata*) stand as a rare, important forestland in need of restorative management focused on habitat resilience, forest health, native species diversity, carbon storage, and reducing the risk of catastrophic wildfire that could impact the San Simeon Acres community. The Monterey pine stand at Pico Creek exists just north of San Simeon Acres adjacent to Highway 1 on a foothill coastal terrace situated between the Little Pico Creek and Pico Creek Watersheds. Vegetation types at the Pico Creek site broadly correspond to annual grassland, closed-cone pine-cypress, coastal scrub, hardwood – conifer, hardwood/oak woodland, and hardwood/riparian ([Exhibit 2](#)).

The mature pine forest at Pico Creek is in its decadent stages, possessing significant components of dead, dying, and diseased trees, deformed growth characteristics, varying levels of pathogenic agents, hazardous fuel accumulations in the understory and within the vertical crown structure, and excessive densities and competition among regrowth and existing flora. CAL FIRE has designated the area in which the stand exists as a Very High Fire Hazard Severity Zone. Primary goals at this site are to restore the health and vigor of the rare Monterey pine community at Pico Creek and protect the nearby New San Simeon community from wildfire in the Pico Creek Monterey pine stand.

Decades of fire suppression have led to the accumulation of dead, dry vegetation throughout the Monterey pine forest and a departure from the natural fire regimes. Research has shown the Monterey pine forest type has a fire return interval of approximately 11-20 years in similar stands at Año Nuevo at the San Mateo-Santa Cruz County border. Lack of low-intensity fire as well as the presence of tree diseases (including dwarf mistletoe, western gall rust, and pitch canker), coupled with changing climates, has left the majority of this forest overstocked in the understory and at mid-range tree diameter classes. In addition, prolonged drought conditions have led to



widespread mortality and stressed forest conditions for the Monterey pines in the San Simeon area.

Treatments proposed at San Simeon Point and Pico Creek are focused on ecologically restorative fuels reduction activities designed to enhance existing sensitive habitat and restore natural recruitment of native vegetation by reducing excessive downed material that currently prevents regeneration, consistent with PWP Project Standard 1 (Qualifying PWP Projects). Treatment activities will reintroduce ecologically-appropriate disturbance regimes, initially by partially reducing fuel loads via mechanical mastication and hand thinning tailored to each site-specific vegetation community, and potentially through the subsequent use of prescribed fire. Vegetation removal during treatment activities other than prescribed burning would follow the hierarchy described in the Coastal VTS (consistent with PWP Project Standard 3) and the order of priority for removal to meet project goals will be as follows: first thinning and removal of dead, dying, and diseased vegetation; then removal of nonnative, invasive plant species; and lastly thinning of healthy native species (less than 8 inches dbh) to increase tree spacing and reduce fire fuel loads. Invasive vegetation within the treatment area would be controlled, including via limited strategic application of herbicides. The treatments proposed across both project sites are designed to create a more vigorous and diverse forest and understory once sunlight is allowed to penetrate the forest floor again. In addition, the forest growth that had been attributed to approximately 500 trees per acre will now be attributed to approximately 200 trees per acre of mid-range and larger diameter trees. Remaining trees will extend their heights and expand their crowns, becoming more resilient in the face of climate change while reducing the continuity of hazardous ladder fuels to the canopy.

Prescribed fire would also be implemented for ecological restoration through pile burning of biomass resulting from manual and mechanical work, or broadcast burning to reintroduce appropriate fire regimes following a predetermined burn plan under the guidance of a certified Burn Boss. Prescribed burn plots, or burn units, will be subdivided along preexisting abiotic features such as roads, trails, drainages, or other locations that can function as a barrier to fire spread, or through control lines established through a combination of manual and mechanical vegetation removal. Drip torches, fuzees, helitorches, and other ignition devices would be used for these prescribed fire purposes, while fire engines, bulldozers and other heavy equipment would be staged along control line roads in the event emergency suppression measures are required. Burn units will also be assigned treatment prescriptions that consider goals for prescribed fire, expected fire behavior, available resources, weather parameters, and ignition tactics; and in all instances, prescribed burning would occur only as conditions and prescriptions allow.

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

The sequence and extent to which each of the treatment activities will be implemented within the project area may vary based on site-specific conditions, feasibility, access,

cost, and operational timeframes. Maps of treatment units and treatment activity overlays provided in the PSA display where mechanical, manual, and/or prescribed burn activities are proposed to occur and areas in pink designated for equipment access and prescribed burning; grayed out polygons correspond to areas where no initial treatments are currently proposed, but treatment activities may occur over the duration of the project ([Exhibit 3](#)). Generally, project sites will undergo initial treatment by way of manual or mechanical means in areas conducive to those treatment methods to prepare the site for follow-up treatments such as prescribed burning and selective herbicide application. Broadcast burn units and the level of preparatory treatments necessary within those areas will be determined by CAL FIRE. Treatment crews on-site would range in size depending on the treatment activity, from one- to five-person crews for herbicide treatments to up to 45 workers for prescribed burns. Although there is the potential for the prescribed burning treatment activity to occur during nighttime and weekend hours, manual, mechanical, and herbicide treatment activities would be limited to daytime hours.

The proposed project is designed to be conducted through initial and maintenance treatment activities covering up to 762 acres of land. Given the scale of the project, initial treatment will consist of the aforementioned activities (e.g., manual, mechanical, prescribed fire, and targeted use of herbicides on invasives) organized by geographic area, while maintenance treatments will be performed by returning to a previously treated area, using the same treatment activities implemented during initial treatment. Maintenance frequency will be determined by the rate of understory species reestablishing dense, continuous understory and ladder fuels, as well as funding and appropriate field conditions. To facilitate this process of conducting initial and maintenance treatments and allow for flexibility to accommodate funding and field conditions opportunistically, the proposed development is authorized until the expiration date of the existing PWP, pursuant to **Special Condition 1**. Any extension of the PWP's expiration date would not automatically extend the authorization period for the work under this NOID. **Special Conditions 3 and 5** are also necessary in order to provide limited flexibility by acknowledging that, although a project might need to be modified prior to implementation, it may proceed only if the changes substantially conform with the work described in this NOID and will not cause substantial new or increased environmental effects. All initial and maintenance treatment activities would be supervised and overseen by the RCD to ensure treatment is implemented consistent with the PWP.

RCD has indicated that the Hearst landowners are in agreement with the proposed project, but legal authorization must be formalized; accordingly, **Special Condition 6** requires submittal of landowner authorization prior to commencement of development activities.

As indicated above, the standard of review for the subject NOID is consistency with the PWP. RCD has submitted a Project-Specific Analysis (PSA), including a Mitigation Monitoring and Reporting Program, which together serve as the primary evaluation mechanism for the proposed project in determining whether the environmental effects of the proposed activities are addressed within the scope of the CalVTP PEIR. The PSA also provides that all applicable SPRs and mitigation measures identified in the CalVTP

PEIR will be implemented. As part of the PSA, Attachment D, *Coastal Vegetation Treatment Standards*, details how the proposed project meets the local coastal-specific protection measures incorporated within the PWP. The PSA details how the NOID is consistent with PWP Section IV (CalVTP Protective Measures and Coastal Vegetation Treatment Standards), including Project Standard 1 (Qualifying PWP Projects), Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards), and Project Standard 4 (Project and Program Monitoring). Accordingly, the Commission finds that the subject NOID has incorporated all applicable protection measures of the Forest Health and Fire Resilience PWP, and as conditioned, is consistent with the Forest Health and Fire Resilience PWP, as is also discussed below.

### **B. Environmentally Sensitive Habitat Areas**

Pursuant to PWP Project Standard 3 (Coastal VTS), projects proposed within the PWP program area must be either forest health projects and/or fire prevention projects. Under forest health projects, the goal of vegetation treatment is “to restore and enhance ecosystems, including to prevent fire behavior to which the ecosystem is not adapted.” Forest health projects must therefore restore and maintain vegetation communities that reflect appropriate compositions and structural distributions for native fire frequencies while avoiding unintended habitat conversion. Under fire prevention, the goal of vegetation treatment is “to protect existing structures and infrastructures, including access roads,” while meeting the goals of forest health projects to the maximum extent feasible. The proposed project includes only forest health components through initial and maintenance treatments, meaning they are explicitly designed to provide direct ecological benefits to the local landscape. Ecological restoration of the subject site will promote regeneration of native species as well as resilience among surviving vegetation through the removal of dead and dying material as well as invasives, and thinning select live trees in overly stocked stands to reduce resource competition and improve individual tree health. Pile burning and broadcast burning will also be used to remove biomass and reintroduce appropriate fire regimes for target plant communities. The treatment activities will also help protect against loss of life, property, and ecosystems from catastrophic wildfire.

In the coastal zone, environmentally sensitive habitat area (ESHA) is defined as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and that could be easily disturbed or degraded by human activities and developments (see Coastal Act Section 30107.5). Consistent with the PWP, the RCD conducted a data review of project-specific biological resources, including habitat and vegetation types, special-status plants, special-status wildlife, and sensitive habitats with the potential to occur in the subject treatment area. A reconnaissance survey was also conducted to identify and document presence of such ecological resources and to assess the suitability of habitat for special-status plant and wildlife species. In total, twenty-one (21) special-status wildlife species and ten (10) special-status plant species were determined to have the potential to occur in the treatment areas (see PSA Attachment C). Sensitive natural communities were observed during the reconnaissance-level survey, including Monterey pine forest, Monterey cypress woodlands, and coast live oak woodland and

coastal scrub. Thus, the subject sites contain environmentally sensitive habitat which is protected under ESHA policies in both the LCP and Coastal Act.

Restoration is considered an allowable use in ESHA, and all the project area is proposed for the Ecological Restoration Treatment Type<sup>3</sup> to restore ecosystem processes, native stand conditions, and forestland resiliency. As required by the PWP, the proposed project has been designed to protect ESHA and other ecological resources during project implementation. For example, all treatment crews will be required to undergo resource-protection training to ensure work activities are implemented in accordance with the PWP protection measures. No roads or other permanent structures or barriers to wildlife movement are proposed. Pre-treatment surveys and inspections will be required for a number of sensitive plant and wildlife species with the potential to occur in the subject site. Where such species are present, no-disturbance buffers will be created and/or treatment activities will be adjusted, including to occur outside active reproduction seasons. If avoidance and/or adjustment is infeasible, measures to minimize impacts will be implemented, including consultation with relevant regulatory agencies (e.g., California Department of Fish and Wildlife) and specimen relocation, as applicable. In many instances, the project has already been designed to avoid impacts to certain protected species, such as California red-legged frog, Monarch butterfly, and other wildlife and plant species, as certain treatment activities are proposed to occur when such species are least likely to be present within the treatment area. Further, the proposed project requires that habitat features necessary for the survival of sensitive species be retained, including for example, downed wood, native herbaceous vegetation, and native shrubs for cover, which would provide refuge for Monarch butterfly, California red-legged frogs, and other species. These design mechanisms will ensure that the site retains its capacity to facilitate habitat regeneration. Finally, all treatment activities will also be monitored by a qualified biological monitor and RCD will be required to submit a monitoring report after each completed phase of development, as required under **Special Condition 2**, consistent with the PWP and in accordance with Project Standard 4 (Project and Program Monitoring).<sup>4</sup>

The subject development also ensures that ESHA and other biological resources are protected through the controlled and limited strategic use of herbicides and continued maintenance of heavy machinery. For example, herbicide use must be implemented under a Spill Prevention and Response Plan that includes procedures for proper

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<sup>3</sup> Even where restoration is not the primary objective (i.e., fire prevention), the work can still be implemented so as to benefit ESHA, including through the removal of invasive species, promotion of healthy native vegetation communities, and mitigation of catastrophic fire risk.

<sup>4</sup> The monitoring report required under Special Condition 2 is to be substantially consistent with the requirements of SPR AD-7, but also provide detail on consistency with the PWP. SPR AD-7 requires project proponents to provide information on proposed, approved, and completed treatment projects to the Board of Forestry or CAL FIRE. Such information shall be made available to the public via an online database and shall include information on completed projects including GIS data of the treated area and a post-project implementation report that includes size of treated area; treatment types and activities; dates of work; a list of SPRs and mitigation measures that were implemented; and any explanation regarding implementation where required by an SPR or mitigation measure of the CalVTP.

storage, use, transport, and disposal of herbicides, consistent with state and federal law. Herbicides will also only be applied by hand, may not be used near wetlands or in areas with open water bodies, and will be applied pursuant to state and federal label instructions. Machinery used for treatment activities will also be maintained per manufacturer's specifications and in compliance with all state and federal emissions requirements. Such equipment will also be inspected daily and removed from operation if found to be leaking.

The proposed project will also contribute to ecological restoration of the subject site by removing invasive species and vegetation infected with pests and disease. When working in sensitive natural communities, riparian habitats, or oak woodlands that are at risk from plant pathogens, best management practices will be followed to prevent the spread of forest pathogens and disease, particularly western dwarf mistletoe, western gall rust, and pitch canker which are present within the Monterey pine forest at Pico Creek. Invasive species control will target French broom for herbicide application, hand pulling, cutting, and mowing at both sites. Because a French broom seed bank lasts at least 5-7 years, targeted treatments on seedlings would continue after initial treatment. Herbicide application would not be utilized within equipment limitation zones. To avoid the spread of pathogens and invasives, specific measures include worker awareness trainings prior to treatment, minimizing the movement of soil and non-target plant materials during treatments, and cleaning and sanitizing all hand equipment and boots worn by treatment crews, as well as mechanized equipment.

For the reasons described above, the Commission finds that the project, as proposed and conditioned, has incorporated all necessary measures to protect ecological resources and environmentally sensitive habitat areas consistent with PWP Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards), and Project Standard 4 (Project and Program Monitoring) included in Section IV (CalVTP Protective Measures and Coastal Vegetation Treatment Standards). Thus, the Commission determines that the NOID, as conditioned, is consistent with the PWP as it relates to ESHA.

### **C. Water Quality**

Vegetation treatment activities under the PWP must be designed and implemented in a manner that ensures the protection of water quality, consistent with PWP Project Standards 2 through 3. Projects must therefore identify any sensitive water resources and implement various protection measures. These include: establishment of buffer zones around sensitive water resources and restrictions and/or limitations within such buffer zones; designing treatment activities to prevent the spillage of pesticides; compliance with the appropriate Waste Discharge Requirements and/or Basin Plan Prohibitions of the Regional Water Quality Control Board; maintaining equipment to prevent fuel leakages; following proper herbicide disposal procedures; minimizing erosion through soil stabilization, restrictions on heavy machinery use, and monitoring; and requiring drainage features and conditions to remain unchanged following treatment activities. The PWP also prohibits the construction or reconstruction of any new roads, including temporary roads.

The proposed project includes various treatment activities to remove and reduce targeted vegetation within San Simeon Point and Pico Creek sites, including manual and mechanical treatment activities, as well as prescribed fire and the strategic application of herbicides to control the growth of invasive vegetation. Heavy machinery, including tracked vehicles like masticators, will be operated along existing roads and trails, while fire engines, bulldozers and other machinery will be present for emergency fire suppression purposes during prescribed burning activities. Treated biomass, including invasive vegetation, would remain on-site either as chipped materials spread across the forest floor or burned through prescribed fire activities.

The proposed project has been designed to identify and protect watercourses by establishing buffer zones where equipment usage is restricted (or limited to existing roads or watercourse crossings where vehicle tires or tracks remain dry). For example, buffers from 30 to 50 feet on either side of a Class III stream<sup>5</sup> would be established depending on slope. A 30-foot Equipment Exclusion Zone (EEZ) from each side of a Class III stream channel prohibits the use and maintenance of mechanized equipment within proximity to the watercourse channel. In addition, buffers of sufficient size to avoid degradation of downstream beneficial uses of water would be established adjacent to all Class III and Class IV streams that occur within treatment areas. Within these buffers, no mechanical treatment activities would occur, though some manual treatment activities and prescribed broadcast burning may occur within or adjacent to buffer zones to meet project goals. Mechanized treatment activity is also restricted during the wet season, including through restrictions on mechanized operations within 24 to 72 hours of a precipitation event of 0.20 inches and up to 2 inches within a 24-hour period. Inspections for erosion will occur following the first large storm of the season. Finally, no ignition points for prescribed burning activities will be located within any watercourse.

To guard against impacts to water quality from erosion and sedimentation, mechanized operations will occur on slopes less than 40 percent, though equipment access may occur on slopes less than 50 percent. Where mechanical treatment is required on slopes greater than 40 percent, heavy equipment will be used from existing roads or trails to the maximum extent feasible. Broadcast burning will also be conducted when fuel moisture is high enough to allow for effective understory and ladder fuel control, while also reducing the risk of high severity burns that create burned landscapes leading to increased erosion. Any soils disturbed by heavy equipment usage will be stabilized using vegetative debris, such as masticated vegetation or chips. Similarly, water breaks, which are diagonal channels created in roads or paths to divert surface water off the road and into a stable drain, will be used to drain stormwater on compacted soils and bare treatment areas.

To ensure against fuel leakage and herbicide spills, all diesel- and gasoline-powered equipment will be maintained per manufacturer's specifications and in compliance with all state and federal emissions requirements. Such equipment will also be inspected daily and removed from operation if found to be leaking. In addition, herbicide use will

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<sup>5</sup> While no Class I or Class II streams are within the treatment areas, the Pico Creek site includes several ephemeral Class III watercourses, which are streams without aquatic life.

comply with all appropriate laws and regulations pertaining to the safe use of pesticides, including preparation of and adherence to a Spill Prevention and Response Plan that includes procedures for proper storage, use, and disposal of herbicides; implementation consistent with annual recommendations prepared by a licensed Pest Control Advisor; and application by a State-licensed applicator. Further, non-aquatic herbicides will not be applied within 50 feet of any waterbody or riparian area and herbicide use will be prohibited during or within 24 hours of a precipitation event. Following completion of herbicide use, all herbicide containers will be cleaned and disposed of at an approved disposal facility. No equipment or personnel will be cleaned or washed in a manner that would allow contaminated water to directly enter any body of water within the treatment area of adjacent watersheds.

Lastly, accelerants are proposed for usage to facilitate ignition of fuels during broadcast burning and pile burning operations. Accelerants primarily include a mixture of gasoline and diesel fuel to promote initial ignition of fuels and will be mixed, poured, and filled at least 100 feet away from all watercourses, as required by Special Condition 4. Accelerants will also burn off during the ignition process, with very little to no residual material remaining.

For the above reasons, the Commission finds that the project, as proposed and conditioned, has incorporated all necessary measures to protect water quality and is consistent with PWP Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards), and Project Standard 4 (Project and Program Monitoring) included in Section IV (CalVTP Protective Measures and Coastal Vegetation Treatment Standards). Thus, the Commission determines that the NOID, as conditioned, is consistent with the PWP as it relates to water quality.

#### **D. Public Views**

The PWP requires treatment activities to avoid and minimize impacts to public views, consistent with PWP Project Standards 2 through 3. Any proposed treatment activity must therefore be designed to ensure that project sites be screened with sufficient vegetation within, at the edge of, or adjacent to treatment areas to screen views from outside the project area. Similarly, for mechanical and manual treatment, vegetation must be thinned and feathered to break up or screen linear edges to mimic forms of natural clearings to the extent feasible. Lastly, all treatment types must also avoid staging equipment, including vehicles and vegetation debris, within viewsheds to the extent feasible.

Both project sites are visible from Highway 1 – an officially designated California State Scenic Highway. Treatment areas at Pico Creek are situated at least 1,200 feet from Highway 1, and with the incorporated measures should not significantly impact that public view. Treatment areas at San Simeon Point are much closer to public viewing locations, including from San Simeon Road in Old San Simeon Village, but treatments within this viewshed are designed to reduce dead fuel loads and the overaccumulation of downed woody material within non-native eucalyptus stands, ultimately enhancing the overall aesthetic of these groves. The long-term visual character and quality of public views after implementation of the proposed ecological restoration would remain consistent with the current natural, vegetated landscape.

While use of heavy equipment, thinning and removal of vegetation, and use of fire on the landscape could all degrade public views, the proposed project has been designed to avoid and minimize significant impacts. For example, treatment is proposed through the phasing of activities, so heavy equipment would be present for limited durations in certain areas, with heavy equipment also staged outside of the viewshed of public trails, parks, recreation areas, and roadways to the maximum extent feasible. Vegetation will also be thinned and feathered to screen views from visible locations to maintain park-like appearances, with the goal of retaining natural vegetation densities. Smoke from prescribed burning could be temporarily visible from public viewpoints and Highway 1 for a short period of time, but prescribed burn activities would predominantly occur outside of the public viewshed and within the interior of project treatment areas. For all of the above reasons, the proposed project is not expected to substantially impact public views.

Therefore, the Commission finds that the subject NOID is consistent with Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards), and Project Standard 4 (Project and Program Monitoring) included in Section IV (CalVTP Protective Measures and Coastal Vegetation Treatment Standards) of the PWP. Thus, the Commission determines that the NOID, as conditioned, is consistent with the PWP as it relates to public views.

#### **E. Coastal Hazards**

Vegetation treatment activities proposed under the PWP must be designed and implemented to ensure that existing coastal hazards are not exacerbated, consistent with PWP Project Standards 2 and 3. A number of PWP protection measures address coastal hazards, including for example: creating a burn plan to ensure public safety, including the design and implementation of an approved Incident Action Plan for overall tactical action; best practices protecting against fuel leakage and herbicide spills; standards that ensure treatment activities do not contribute to erosion, such as restrictions on mechanical treatment under specified environmental conditions, such as precipitation; and requiring the identification and avoidance of known hazardous waste sites prior to treatment activities and restrictions on soil disturbing activities where such hazardous sites are discovered.

The proposed project includes initial and maintenance treatment of dead and dying vegetation using manual and mechanical treatment methods, as well as prescribed fire and the limited strategic application of herbicides. Biomass is proposed to be masticated, chipped, or in some locations, lopped and scattered across the forest floor, while in some cases stacked and piled to be burned. Accordingly, proposed treatment activities could exacerbate existing coastal hazards or create new hazards if development activities are not appropriately implemented. As designed, the subject development ensures that risks from natural hazards will not be created or exacerbated through proposed treatment activities. Restoring the treatment areas to more natural conditions that ultimately support native vegetative species regeneration will facilitate site conditions that are less likely to contribute to catastrophic burns (and subsequent flooding) observed following past wildfires.



For potential hazards associated with prescribed burning, including exposure to toxic air contaminants and odors, as well as the potential for fire to escape control boundaries, CAL FIRE will be developing and implementing a burn plan/smoke management plan (“Burn Plans”) prior to prescribed burn treatment operations. Burn Plans are critical to planning and ensuring safe and successful burning operations and generally provide a description of the targeted burn area, appropriate weather conditions to implement prescribed burning safely and with lower environmental effects (e.g., when winds are blowing in a particular direction to both ensure safety but also minimize smoke impacts), and the appropriate emergency response measures for a fire that becomes difficult to control. Prescribed burns will only be undertaken as conditions and prescriptions allow, pursuant to certified Burn Plans created with input from a certified State burn boss. These Burn Plans, which will be finalized and submitted to the Commission pursuant to **Special Condition 3**, will include Incident Action Plans to aid in operational risk assessment to prioritize hazards, safety, and health issues, and to develop appropriate controls.

To ensure against fuel leakage and herbicide spills, all diesel- and gasoline-powered equipment will be maintained per manufacturer’s specifications and in compliance with all state and federal emissions requirements. Such equipment will also be inspected daily and removed from operation if found to be leaking. In addition, herbicide use will comply with all appropriate laws and regulations pertaining to the safe use of pesticides, including preparation of and adherence to a Spill Prevention and Response Plan that includes procedures for proper storage, use, and disposal of herbicides; implementation consistent with annual recommendations prepared by a licensed Pest Control Advisor; and application by a State-licensed applicator.

The project has also been designed to avoid and minimize erosion impacts through design measures to reduce erosion impacts, ongoing monitoring for erosion during treatment activities and measures to immediately stabilize disturbed soils using vegetative debris for mulching. For example, prescribed fire will only be implemented under prescriptive conditions and through low intensity fire as a measure to minimize soil burn severity. A registered professional forester or licensed geologist will also be required to evaluate treatment areas with slopes greater than 50 percent for unstable areas prior to treatment implementation, though most mechanized operations will occur on slopes less than 40 percent. Where mechanical treatment is required on slopes greater than 50 percent, heavy equipment will be used from existing roads or trails to the maximum extent feasible. Similarly, water breaks, which are diagonal channels created in roads or paths to divert surface water off the road and into a stable drain, will be used to drain stormwater on compacted soils and bare treatment areas. Finally, no new roads are proposed for development and the subject development does not include treatment activities that could result in additional erosion (and subsequent flooding) impacts.

The initial and maintenance treatments of this proposed project include mechanical treatments that will disturb soils, which could expose workers, the public, or the environment to hazardous material if a contaminated site is present within the project area. Review of the Department of Toxic Substances Control Hazardous Waste and

Substances Site List (Cortese List) for hazardous materials sites revealed that no such sites were found in the proposed treatment area.

Therefore, the Commission finds that the subject NOID as proposed and conditioned, has incorporated all necessary measures to minimize coastal hazards and is consistent with PWP Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards), and Project Standard 4 (Project and Program Monitoring) included in Section IV (CalVTP Protective Measures and Coastal Vegetation Treatment Standards). Thus, the Commission determines that the NOID, as conditioned, is consistent with the PWP as it relates to coastal hazards.

#### **F. Cultural Resources**

Vegetation treatment activities proposed under the PWP must be designed and implemented to ensure that cultural resources are protected, consistent with PWP Project Standards 2 through 3. For example, during the project design stage, an archaeological and historical resources record search must be conducted pursuant to local or state agency procedures. All California Native American Tribes in San Luis Obispo County must also be contacted and provided with a written description of the project objectives and location, as well as the proposed treatment activities and depth of excavation if ground disturbance is proposed. Pre-field research is also required to inform survey design within the context of local history and prehistory. Finally, a site-specific survey of the treatment area must also be conducted and reported by a qualified archaeologist.

The proposed project includes initial and maintenance treatment of dead and dying vegetation using manual and mechanical treatment methods, as well as prescribed fire and the limited strategic application of herbicides. Biomass is proposed to be masticated, chipped, or in some locations, lopped and scattered across the forest floor, while in some cases stacked and piled to be burned at a later date. Accordingly, proposed treatment activities could impact cultural resources if not appropriately implemented.

Where cultural resources are known to exist or are discovered through project implementation, the PWP provides for additional protection measures. First, all project crew members and contractors must be trained in the protection of cultural resources, including halting work where archaeological resources are encountered and treatment activities involve soil disturbance. Relatedly, consultation with the culturally affiliated tribe(s) is required for the purpose of developing protection measures for known and discovered cultural resources in the treatment area. Such protection measures may include adjustments to the treatment location so that impacts to cultural resources are avoided, and/or changing the treatment design so that adverse impacts to cultural resources do not occur. Lastly, project proponents must avoid treatment activities near historical resources (as defined by Section 15064.5 of the State CEQA Guidelines), including by prohibiting prescribed burning and mechanical treatment within 100 feet of such resources. Reduced buffers in such instances may be allowed only after consultant with and approval from a qualified archaeologist.

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

To minimize the potential for impacting tribal cultural resources, CAL FIRE implemented a cultural resources records search at the Central Coast Information Center (CCIC) in August 2022 and sent an information request letter and NAHC notification to geographically affiliated tribes on September 12th, 2022. A full Archaeological Survey Report (ASR) will be completed and submitted to the CCIC prior to project implementation and will address any comments and concerns received from geographically affiliated tribes in the ASR. Pre-field research and archaeological surveys have been completed as a part of preparing the full ASR, and in-field archaeological surveys will be conducted throughout the duration of treatment operations. Neither the records search nor ground surveys identified any built historical resources within the project area. However, if a built historical resource is discovered during ongoing archaeological surveys throughout operations, operations will cease within proximity to the resource site and appropriate protection measures will be implemented. Built historic resources are present outside of but adjacent to the treatment areas at San Simeon Point in Old San Simeon Village infrastructure. Proper measures and diligence will be implemented to ensure project activities do not adversely affect such built historic resources in proximity to the project site. All treatment maintenance will be monitored to ensure continued protection of cultural resources after the initial phases of treatment.

Therefore, the Commission finds that the subject NOID, as proposed and conditioned, has incorporated all necessary measures to protect cultural resources and is consistent with PWP Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards), and Project Standard 4 (Project and Program Monitoring) included in Section IV (CalVTP Protective Measures and Coastal Vegetation Treatment Standards). Thus, the Commission determines that the NOID, as conditioned, is consistent with the PWP as it relates to cultural resources.

### **G. Air Quality and Greenhouse Gas Emissions**

Consistent with the PWP, vegetation treatment activities must be designed and implemented to avoid and/or minimize impacts to air quality, including through greenhouse gas (GHG) emissions reductions. For example, the PWP requires implementation of measures to reduce adverse impacts from prescribed burning, including through limitations on the duration of prescribed burning activities; restrictions on the types and amounts of materials authorized for burning, as well as location; and adherence to appropriate climatic and meteorological conditions to lower smoke impacts.

The proposed project includes treatment of dead and dying vegetation using heavy machinery as well as prescribed fire activities. Operation of heavy machinery and application of fire to vegetation, including through pile burning, broadcast burning, and

the use of curtain burners or carbonators, can lead to the release of air pollutants, smoke and odors if not appropriately implemented.

As designed by the applicant, the proposed project will ensure that air quality impacts are minimized to the extent feasible. For example, CAL FIRE will prepare a Smoke Management Plan (as part of its Burn Plan) for review and approval by the San Luis Obispo County Air Pollution Control District (SLOAPCD) prior to implementing any prescribed fire activities. The Smoke Management Plan must describe how prescribed burning activities will ensure compliance with the applicable air quality requirements of the SLOAPCD. Measures to ensure compliance include: identifying the location of smoke sensitive areas and the appropriate meteorological conditions necessary for burning, as well as contingency actions (such as fire suppression or containment) that will be taken if conditions deviate from those specified in the plan; requiring vegetation to be in a condition that will minimize the smoke emitted during combustion when feasible, considering fire safety and other factors; and requiring piled materials to be prepared so that they will burn with a minimum of smoke. Relatedly, the proposed project has been designed to minimize dust during vegetation treatment, including by: limiting the speed of vehicles and equipment traveling on dirt roads to 15 miles per hour; wetting appurtenant, unpaved, and dirt roads with non-toxic chemical dust suppressants if road use creates excessive dust; removing visible dust, silt, or mud tracked-out on to public paved roadways where access to available water supplies is sufficient; and suspending ground-disturbing treatment activities, such as land clearing and bulldozer lines, if dust transport is visible outside the treatment boundary and it may cause public health impacts. Further, no naturally-occurring asbestos has been identified in the subject area, so ground-disturbance activities are not expected to create asbestos-related hazards.

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

Therefore, the Commission finds that the subject NOID, as proposed and conditioned, has incorporated all necessary measures to protect air quality and is consistent with PWP Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards), and Project Standard 4 (Project and Program Monitoring) included in Section IV (CalVTP Protective Measures and Coastal Vegetation Treatment Standards). Thus, the Commission determines that the NOID, as conditioned, is consistent with the PWP as it relates to air quality and greenhouse gas emissions.

#### **H. Public Access and Recreation**

Consistent with PWP, impacts to public access and recreation must be avoided and/or minimized during and following treatment activities. Therefore, project proponents are required to coordinate with the owner or manager of any public recreation area or facility that might impact public recreational access, including to post notifications of any potential impacts at least two weeks prior to the commencement of the treatment

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

San Simeon Point is a high-use visitor area, including with public access to San Simeon Point from Old San Simeon Village via entry into William Randolph Hearst Memorial Beach, allowing access to scenic vistas from coastal bluffs and a network of short, wooded walking trails. Public access to Pico Creek is more limited.

Treatment activities include manual and mechanical removal of vegetation, as well as prescribed fire and the strategic application of herbicides. Heavy machinery, including tracked vehicles like masticators and skid steers, will be operated along existing roads and trails, while fire engines, bulldozers and other machinery will be present for emergency fire suppression purposes when prescribed fire is being implemented. Public access to areas being treated will be suspended during treatment operations so as to protect the public, but will return to pre-project status when treatments are complete.

Although the proposed project has the potential to impact public access and recreation through restricted access and noise and smoke impacts during actual treatment times, the project has been designed to avoid and minimize these adverse impacts during project operations to the maximum extent feasible. For example, treatment will occur in phases such that only certain geographic areas will be impacted temporarily, which will help minimize access restrictions or noise and smoke impacts. No roads are proposed for closure, while a Traffic Management Plan will be implemented to reduce potential traffic obstructions, hazards, and service level degradation along affected roadway facilities. Signage will also be posted along roads and trails impacted by treatment activities in as much advanced notice as feasible. Where coastal public access and recreational amenities are impacted, such amenities will also be restored to prior conditions following completion of treatment, which is expected to only enhance coastal public access and public safety in the long run.

While noise impacts and changes to scenic views could also potentially disrupt nearby public recreational activities, the proposed project has been designed to follow applicable protection measures that will minimize such impacts, including measures to reduce noise impacts by limiting heavy equipment use to daytime hours; maintaining

equipment according to manufacturer specifications; requiring engine shroud closures; locating staging areas away from noise-sensitive land uses; and restricting equipment idling time. Further, initial treatment implementation is proposed through phased development activities by area, so any potential noise impacts would be temporary and localized. Relatedly, the project has been designed to prevent any long-term degradation of scenic views that may be seen from publicly-used recreational trails in the area, including by maintaining vegetative screening and staging equipment outside of the viewshed of public trails, parks, and recreation areas to the extent feasible (see also Public Views findings).

Therefore, the Commission finds that the subject NOID, as proposed and conditioned, has incorporated all necessary measures to protect public recreational access and is consistent with PWP Project Standard 2 (consistency with the CalVTP PEIR), Project Standard 3 (Coastal Vegetation Treatment Standards), and Project Standard 4 (Project and Program Monitoring) included in Section IV (CalVTP Protective Measures and Coastal Vegetation Treatment Standards). Thus, the Commission determines that the NOID, as conditioned, is consistent with the PWP as it relates to public recreational access.

#### **I. California Environmental Quality Act**

Pursuant to Public Resources Code Section 21067 and Sections 15050 and 15051 of Title 14 of the California Code of Regulations, the Board of Forestry and Fire Protection (Board) was the lead agency under CEQA that had principal responsibility for approving and carrying out the CalVTP, while the RCD is a responsible agency tasked with overseeing the project, and CAL FIRE and San Luis Obispo County Fire Safe Council will be implementing vegetation treatment under the PWP. As the lead agency under CEQA, the Board certified its Programmatic EIR in December 2019 in accordance with State CEQA Guidelines Section 15168(c) for streamlining later vegetation treatment activities. As a responsible agency, the RCD has found that the activities subject to this NOID are within the scope of the PEIR and therefore do not need additional CEQA review.

Section 13096 of the Commission's administrative regulations requires Commission approval of project applications to be supported by a finding showing that the application, as modified by any conditions of approval, is consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA also prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effect which the activity may have on the environment. The Commission has a regulatory program that has been certified by the Secretary of the Resources Agency under Section 21080.5 of CEQA, thereby allowing the Commission to use this program in lieu of drafting an environmental impact report, negative declaration or other CEQA document.

The Commission has reviewed and considered the information in the PEIR for the CalVTP addressing potential environmental effects, proposed mitigation measures, and alternatives, as applicable to the project. The findings above have also analyzed the relevant coastal resource issues with the proposal and have identified appropriate and necessary conditions to address adverse impacts to such coastal resources, consistent

with the PWP. Further, the Commission's October 15, 2021 certification of the PWP considered the effects that would be caused by projects implemented under that plan, including projects such as this one that are within the scope of the PWP and PEIR. Thus, the proposed project, as conditioned to be consistent with the PWP, imposes feasible mitigation and will not result in any significant environmental effects, consistent with CEQA Section 21080.5(d)(2)(A). Accordingly, the project is consistent with CEQA.

**Appendix A – Substantive File Documents<sup>6</sup>**

- Upper Salinas-Las Tablas RCD Forest Health and Fire Resilience Public Works Plan, certified October 15, 2021
- California Board of Forestry California Vegetation Treatment Program (CalVTP) Certified Programmatic Environmental Impact Report (December 2019)
- San Luis Obispo County Local Coastal Program

**Appendix B – Staff Contacts with Agencies and Groups**

- Upper Salinas-Las Tablas Resource Conservation District
- CAL FIRE
- San Luis Obispo Fire Safe Council
- Auten Resource Consulting (Consultant to RCD)

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<sup>6</sup> These documents are available for review from the Commission's Central Coast District office.