

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> January 9, 2008 Time: 1:30 P.M	<b>Agenda Item No.:</b>
<b>Project Description:</b> Combined Development Permit consisting of a 1) Coastal Development Permit to allow the removal of 50 acres of coyote brush ( <i>Baccharis pilularis</i> ) and the prescribed burning of 363 acres of non-native grasses to restore the coastal prairie plant community in the eastern portion of Andrew Molera State Park; 2) a Coastal Development Permit to allow development within the critical viewshed; 3) a Coastal Development Permit to allow development on slopes greater than 30%; 4) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat and 5) a Coastal Development Permit to allow development on land with positive archaeological reports.	
<b>Project Location:</b> Andrew Molera State Park 20 miles south of Carmel in Big Sur.	<b>APNs:</b> 159-021-003-000, 159-021-006-000, 159-021-007-000, 159-031-002-000, 159-031-003-000 and 159-031-005-000
<b>Planning File Number:</b> PLN050481	<b>Name:</b> California Department of Parks and Recreation
<b>Plan Area:</b> Big Sur Land Use Plan	<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> : Open Space Recreation, Coastal Zone ["OR (CZ)"]	
<b>CEQA Action:</b> Mitigated Negative Declaration	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Planning Commission approve the Combined Development Permit based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**).

### PROJECT DESCRIPTION:

California State Parks is creating a restoration project for native grasses in Andrew Molera State Park. The Native California Coastal Prairie Grassland Restoration Project will restore native grasses to 363 acres of the 4,786 acres of the State Park. The restoration project will maintain the acreage of grassland established in 2008 for the next ten years.

Initially Coyote Bush on 50 acres will be removed by hand and stumps sprayed with Garlon herbicide. The burn will be done last and be visible from Highway 1 but be blackened for only one year until vegetation returns. The fire will be controlled by back fires to minimize charring of trees. An archeological site on the edge of the park should not be harmed by the burning. Strict guidelines for time of year, humidity, and wind speed along with fire workers will control the fire. Park visitors will be informed of the burn, signs will be posted on Highway 1, and news releases will be sent to the Monterey Herald and Big Sur Round Up newspapers. The El Sur Ranch north of the park has historic grape stake fencing along the southern boundary bordering Molera Park. The Park Service will include chemical protection of their fences and removal of vegetation along the property line prior to burning. Details of the project are contained in the "Prescribed Burn Project Plan" (Project File PLN050481).

### OTHER AGENCY INVOLVEMENT:

- ✓ Big Sur Fire Protection District
- ✓ Public Works Department
- ✓ Parks Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions recommended by Big Sur Fire Protection District have been incorporated into the condition compliance reporting plan (**Exhibit D**).

**LUAC:**

The Big Sur Land Use Advisory Committee met Tuesday July 24, 2007 and recommended approval of the Molera State Park Restoration Project with five yes and one abstention. The Committee's only comments were an appreciation of the presentation and the educational value of the topic. On September 14, 2007 State Parks presented the project at the Big Sur Multi-Agency Action Committee.

Note: The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

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January 2, 2008

cc: Front counter copy; Planning Commission Members (10); County Counsel; Big Sur Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Planning & Building Services Manager; David Greene, Planner; Carol Allen; Jeff Frey California State Parks, Applicant; File PLN050481.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Overview
	Exhibit C	Recommended Findings and Evidence
	Exhibit D	Recommended Conditions of Approval
	Exhibit E	Burn Plots
	Exhibit F	Response to Comments
	Exhibit G	Big Sur LUAC Minutes
	Exhibit H	IS/MND for Molera State Park Prescribed Burn

This report was reviewed by Carl Holm, AICP, Assistant Director of Planning

## **EXHIBIT B**

### **PROJECT OVERVIEW**

#### Background

The California Coastal Prairie is considered a distinct plant community of special interest and is the most diverse grassland type in North America. Sixteen different plant communities exist within Molera State Park and nine are considered communities of special interest by the California Natural Diversity Database. The Coastal Prairie is one of those communities and was once common but has been replaced by non-native annual grasses. Fire has been a part of prairie land but recent grazing and fire suppression have almost eliminated all prairie fires and significantly reduced the ability of prairie plants to propagate. The Coyote Brush has also crowded out wildflowers and cutting will eliminate another obstacle to restoring the California Coastal Prairie. Currently five native grasses and eight native plants have been recorded. The restoration project could help re-establish another 47 plant species that were native to the area. Coyote Brush (*Baccharis pilularis*) has encroached on the native Prairie Grasses due to the lack of brush fires and grazing as evidenced by conditions on the El Sur Ranch just north of the park where grazing continues. The goals of the Restoration Project are to reintroduce fire to promote Coastal Prairie, reduce the amount of plant fuel by reducing Coyote Bush by 85% and vegetative litter by 90%, reduce exotic grasses by 70% and increase native grasses by 15% over the next three years.

#### Project Overview

The project will occur on the rolling foothills near the Little Sur and Big Sur drainage basins. The first phase will be brush removal with herbicide application to create fire breaks and the second phase a prescribed burn. The burn plots vary in size with plots 3 thru 9 northeast of Highway 1 and plots 1, 2 and 10-12 southwest of Highway 1. The plots will be burned to minimize smoke interference with Highway 1, "Ignition patterns will vary according to wind direction and subplot being burned." The plots can be burned safely if the prescribed limits of burning are observed. Test fires will determine flammability of the shaded fuels (edge grasses not intended to burn). According to the Burn Plan "Each subplot will be burned individually, and burnout will be completed before a new subplot is considered for ignition."

#### Project Details

Coyote brush will be cut in approximately 50 of the 363 acres that comprise the project area. A natural looking pattern will be established in which some stands of coyote brush will be left and others cut. Highest priority for removal of coyote brush will areas where brush is invading existing intact stands of Coastal Prairie. Areas where coyote brush is well established and where low quality Coastal Prairie habitat exists will be low priority. The brush will be removed close to the ground with chainsaws, brush cutters and loppers and then sprayed with a 50% Garlon 4 herbicide/50% oil mixture to prevent resprouting. The bushes will be left to be burned during the second phase. A California Conservation Corps crew will be used to cut brush and herbicide spraying will be done by certified State Park Natural Resources staff.

The prescribed burn is the second phase and will be started during the wet season so that burning can be controlled by wet drainage areas. The designated burn plots have slopes that vary from 0 to 33%, but the project has excluded the steeper wooded drainage areas. Most plots scheduled for burning where litter removal is the prime objective will have a low intensity backing fire where flames two feet or less will be used. Near forest edges a high intensity fire of five to six feet high will be used to kill upper branches of shrubs. The burn boss will determine the personnel needed on a daily basis with two shifts (six day and two evening) minimum each day.

During days when fire is spread throughout the plot, at least three shifts (nine day workers and three night workers) will be required. The statewide burn team, park aides and a 14-man Gabilan crew are available. The burn will be evaluated at 5:00 PM each day to modify shifts if necessary. Each day the burn boss will designate a safety officer. All burners will be certified by the State of California State Parks.

If the fire spills over, actions for containment will begin using available fire fighting resources to stop the spread. Fire will be used next to wet fuels (at the edge of drainage areas already saturated with a rainfall). All fires will be created when surrounding fuel (grasses) are at or above their moisture of extinction (too wet to burn). A holding plan for fires to prevent the fire from expanding out of the burn plot will involve:

- Concentrating resources at the edge where active flame is present
- Securing burned perimeters
- Patrolling burned or burning perimeters and adjacent land
- Keeping fire escapes to less than ¼ acre
- Being prepared to suppress the entire fire within six hours if necessary.

Emergency resources available are: Bear Valley Helitack – 30 minute response time, Carmel Hill CDF – 30 minute response time, U.S. Forest Service –Big Sur Station -10 minute response time, Big Sur Volunteer Fire Brigade -30 minute response time.

Prevailing winds should carry smoke away to the southwest toward Big Sur. The Captain Cooper School and nearby dwellings about one mile from the eastern edge of the park should not see any smoke because it will disperse before reaching the Big Sur community. The following smoke mitigation measure will be used:

- 1 Adherence to fuel moisture requirements in prescription
- 2 Limit the size of the burn to 190 acres or 3,000 tons of fuel
- 3 Weather data will indicate smoke behavior
- 4 Patrol the burn to evaluate smoke dispersal
- 5 Minimal amounts of green material will be burned
- 6 The burn will be terminated if dispersal is not adequate
- 7 The project will be burned in phases to evaluate smoke dispersal
- 8 Anticipating No-Burn days with the 48 commitment system

The following environmental conditions must be observed during the burning:

Relative Humidity	30-80%
Air Temperature	45-75F
Wind Speed	0-15 MPH
10 Hour Time Lag Fuel Moisture	8-14%
Duff and Litter Moisture (Grassland)	<12%
Duff and Litter Moisture (Woodland)	>30%

The first pre-burn task is to secure permits and agency Notification: California Department of Forestry, Monterey Bay Unified Air Pollution Control Board District, Cal State Parks, CDF Carmel Hill Station, Big Sur Volunteer Fire Department, Big Sur Station State Parks, U.S. Forest Service, CHP Dispatch, Cal Trans, Monterey County Sheriff Dispatch, Monterey County Unified School District and PG&E.

#### Post Burn Monitoring

Burns will be timed so that the visual impacts only last for a short period until rainfall allows new grasses and vegetation begin to re-establish. Charring of tree bark will remain but back fires

should reduce this problem. The project will try to limit scorched vegetation to ten feet and charred bark to two feet by removing fuel from under sensitive trees. Impacts to wildlife will not be great except to California Voles due to a reduction in ground cover. No rare or endangered species should be harmed. The archeological area should not be harmed because of its location on the fringe of the burn and pre-burn preparations by the district archeologist. Erosion will be limited since the forest/grassland organic litter will not be lost leaving a protective ground cover. Molera State Park will be a site for resource surveys to assess the long-term success of the burn project and impacts to animals and plants for at least three years and once every five years thereafter.

**EXHIBIT C**  
**RECOMMENDED FINDINGS AND EVIDENCE**  
**PLN050481/State Parks-Andrew Molera**

1. **FINDING:** **CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Big Sur Coast Land Use Plan, Coastal Implementation Plan (Part 3), and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for development.

- EVIDENCE:** (a) Land Use. Andrew Molera State Park has 4,786 acres located 26 miles south of Monterey between Point Sur and Pfeiffer Big Sur State Park along State Highway 1. The Park is divided by Highway One to create “West Molera” near the ocean and “East Molera“ bordering Los Padres National Forest. Molera Park is part of the California State Park system.
- (b) Zoning Andrew Molera State Park is zoned Open Space Recreation, Coastal Zone [“OC (CZ)”].
- (c) Plan/Code Conformance The Planning Department staff reviewed the project contained in the application for conformity with the:
1. Big Sur Coastal Land Use Plan
  2. Monterey County Coastal Implementation Plan – Part 3 (Chapter 20.145)
  3. Monterey County Coastal Implementation Plan – Part 1 (Zoning Ordinance –Title 20) which establishes regulations for:
    - Open Space Recreation (Chapter 20.38)
    - Design Control (Chapter 20.44)
    - Development on Steep Slopes in excess of 30% (Chapter20.64.230)
    - Development in Environmentally Sensitive Habitat (Chapter 20.66.020)

With recommended conditions, there would be no conflict of inconsistencies with the regulations of these plans or policies. These conditions generally require mitigation above what is designed into the project in order to address specific policy thresholds related to visual resources, environmentally sensitive habitat, and hazards as detailed in the following findings and evidence.

- (d) Permits. Removal of major vegetation is considered development. Therefore, Coastal Development Permits are required for:
- Development within the critical viewshed;
  - Removal of vegetation or disturbance within 100 feet of environmentally sensitive habitat;
  - Development on slopes greater than 30%;
  - Disturbance of land with a positive archeological report.
- (e) Visual Resources. The Restoration Project has 12 “burn plots” covering 363 acres in Andrew Molera State Park along the west and east sides of Highway One. Development within the [critical] viewshed of Highway One requires a coastal development permit. The goal of this project is to restore native coastal grassland habitat that has been degraded by coyote brush as a result of suppressing fire and lack of grazing (Policy 3.2.2.1 BS LUP). This project is a public effort to restore the scenic beauty along this stretch of coastline (Policy 3.2.3.A.9 BS LUP). The proposal would

involve removal of brush and burning grassland but no structural development and there would be no alteration to of natural landforms (Policy 3.2.3.A.4 BS LUP). Lands located along Highway One in this area have the topography that supports the grassland habitat, so there is no alternative location for this project (Policy 3.2.3.A.3 BS LUP). Burning will be timed in order to promote growth of grasses within the growing season following the burn.

(f) Environmentally Sensitive Habitat. Sixteen different plant communities exist within Molera State Park and nine are considered communities of special interest by the California Natural Diversity Database. The Coastal Prairie grassland is one of those communities and was once common but has been replaced by non-native annual grasses. As such the project includes a Coastal Development Permit to allow development (major removal of vegetation) within 100 feet of environmentally sensitive habitat (ESHA). This project is an effort to restore and enhance one of Big Sur's environmentally sensitive habitats (Key Policy 3.3.1 BS LUP). A Biological Survey Report for the proposed Molera State Park Restoration & Prescribed Burn Project was prepared by Jeff Frey (Environmental Scientist, California State Parks, Monterey District). The project is designed to avoid disruption of habitat value for the Park's diverse flora and fauna (Policy 3.3.2.1 BS LUP):

1. Monarch over-wintering site occurs within a stand of eucalyptus trees in West Andrew Molera State Park. The project is designed to avoid smoke passing through this grove.
2. A survey was conducted for steelhead within the Big Sur River in Andrew Molera State Park. None have been sighted within drainages associated with the proposed project and no cutting or burning activities would occur in or around drainages.
3. Burning would not occur within drainage areas that may have California red-legged frogs, and their habitat will not be impacted.
4. Prairie falcon and Northern harrier are often sighted within Andrew Molera State Park. Surveys have found that neither are known to breed in the project area and prescribed burning would not occur during the breeding season for either of these species.

To limit impacts, brush will be removed close to the ground with chainsaws, brush cutters and loppers and then sprayed with a 50% Garlon 4 herbicide/50% oil mixture to prevent resprouting. The bushes will be left to be burned during the second phase. A California Conservation Corps crew will be used to cut brush and herbicide spraying will be done by certified State Park Natural Resources staff.

(g) Development on Slopes Over 30%. Flatter grasslands terrace areas transition to areas of steeper slopes. The designated burn plots have slopes that vary from 0 to 33%, but the project has excluded the steeper wooded drainage areas. Development or disruption of vegetation on slopes greater than 30% requires a Coastal Development Permit (Policy 20.64.230.C.1 CIP). There is no feasible alternative that will avoid disturbance of 30% slopes and still achieve the project objectives of restoring large sections of Coastal Prairie. The following technical report includes recommended conditions to reduce impacts from removing vegetation on steep slopes (Conditions 8-11):

- “Erosion Control Plan Molera Grasslands Andrew Molera State Park” prepared by Joan Carpenter Associate Civil Engineer, California State Park Service, Monterey District June 2006.
- (h) Archaeological Resources. Archaeological reviews completed by State Parks determined the existence of archaeological resources within the project area (Policy 3.111.2.4 BS LUP). Development or disruption of soil within 750 feet of an identified archaeological site requires a Coastal Development Permit An initial study was prepared to evaluate potential impacts to this resource (Policy 3.11.2.3 BS LUP). The archeological area should not be harmed because of its location on the fringe of the burn and pre-burn preparations that include hand cutting of vegetation (Policy 3.11.2.2 BS LUP). In order to avoid impact to the historical wood grape stake fence, pre-burning activity includes hand cutting of vegetation along the fence line.
- (i) Land Use Advisory Committee The project was referred to the Big Sur Land Use Advisory Committee (LUAC) for review. The Committee voted to approve the project 5 to 0 without comment.
- (j) Application. The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN050481.
- (k) Site Visits. Staff conducted a site inspection on June 24, 2007 to verify that the site is suitable for this use.

4. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Big Sur Fire Protection District, Parks Department, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
  - (b) Technical reports by the California State Parks environmental scientists and archaeological consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff reviewed these reports and concurs with their conclusions and recommendations. The following reports have been prepared:
    1. “Andrew Molera State Park East Molera Grasslands Baccharis pilularis (Coyote Brush) Control Project” (LIB070318) prepared by Jeff Frey, California State Parks, Monterey District, February, 2007.
    2. “Prescribed Burn Project Plan Molera Grasslands Andrew Molera State Park” (LIB0703) prepared by Jeff Frey, California State Parks, Monterey District, June 2007.
    3. “Biological Survey Report. Molera Grasslands Restoration Project/Prescribed Burn Andrew Molera State Park”(LIB070312) Jeff Frey, Environmental Scientist, California State Parks, Monterey District. June, 2007.
    4. “Memorandum: East Molera Grassland Prescribed Burn” Rae Schwaderer, Associate State Archaeologist March 28, 2007.



- (c) Staff conducted a site inspection on June 24, 2007 to verify that the site is suitable for this use.
- (d) Materials in Project File PLN050481.

**5. FINDING:**           **CEQA:** - The project is subject to review under Section 21080 (d). On the basis of the whole record before the Planning Commission there is no substantial evidence that the proposed project as designed, conditioned, and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration is the independent judgment and analysis of the County.

**EVIDENCE:** (a) Initial Study California Environmental Quality Act (CEQA) Guidelines Section 21080 requires review if there is substantial evidence that the project may have a significant effect on the environment. If a lead agency finds that "...no significant effect to the environment would occur..." the lead agency "...need not prepare an environmental impact report." (Section 15065 (b) CEQA). The application proposes to establish a prescribed burn within 100 feet of environmentally sensitive habitat including potential habitat in a California State park. Although no significant direct impacts are anticipated, indirect impacts may occur due to fire, maintenance to remove coyote brush, and human activity on the property during and after the prescribed burn. Staff therefore prepared an Initial Study and Mitigated Negative Declaration pursuant to CEQA. The Initial Study identified Impacts that could be mitigated to a "Less Than Significant Level". The applicant has agreed to the proposed mitigation measures.

(b) Mitigated Negative Declaration A Mitigated Negative Declaration has been prepared and circulated for public review filed with the County Clerk, noticed for public review, and circulated to the State Clearinghouse from October 25, 2007 through November 25, 2007. Responses to comments are attached to the staff report. The report identified less than significant impacts with mitigation for geology and soils, and hazardous materials. Less than significant impacts were found for biological resources, cultural resources, hydrology, public services, recreation, land use and planning, and transportation/traffic. The applicant has agreed to the proposed mitigation measures.

(c) References Among the studies, data, and reports analyzed as part of the environmental determination are the following:

1. Project File incl. Application and Plans.
2. Molera Grasslands *Baccharis pilularis* (Coyote Brush) Control Project Plan. Andrew Molera State Park. Jeff Frey, Environmental Scientist, California State Parks, Monterey District. February, 2007 (Revised).
3. Prescribed Burn Project Plan. Molera Grasslands, Andrew Molera State Park. Jeff Frey, Environmental Scientist, California State Parks, Monterey District. October, 2006.
4. Biological Survey Report. Molera Grasslands Restoration Project/Prescribed Burn. Andrew Molera State Park. Jeff Frey, Environmental Scientist, California State Parks, Monterey District. June, 2007.

5. East Molera Grassland Avian Monitoring Report. California Department of Parks and Recreation. May 2001 – January 2006. Nellie Thorngate, Joshua Scullen, Jessica Griffiths, and Jeff D. Frey. March, 2006.
6. Erosion Control Plan. Molera Grasslands, Andrew State Park. Joan Carpenter, Associate Civil Engineer, California State Parks, Monterey District. June, 2006.
7. Notice of Exemption. Molera Grasslands Restoration and Prescribed Burn. June 6, 2007.
8. 1982 Monterey County General Plan, adopted September 30, 1982.
9. Big Sur Coast Land Use Plan, November 5, 1985.
10. California Department of Transportation (CalTrans). California Scenic Highways Program.  
<http://www.dot.ca.gov/hq/landarch/scenic/schwy1.html>
11. Monterey Bay Unified Air Pollution Control District.
  - a. June 2004. *CEQA Air Quality Guidelines*.
  - b. September 2004. *2004 Air Quality Management Plan for the Monterey Bay Region*.
  - c. 2007. *Smoke Management Plan & Permit Application Form*.
12. California Department of Toxic Substance Control Hazardous Waste and Substances Site List – Site Cleanup (CorteseList).  
[http://www.dtsc.ca.gov/SiteCleanup/Cortese\\_List.cfm](http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm)
13. Kathleen E. Davis, State Historian II, California State Parks. “Cabin on the Sur.” [http://www.parks.ca.gov/default.asp?page\\_id=23082](http://www.parks.ca.gov/default.asp?page_id=23082)
14. California Department of Parks and Recreation Archaeological Review. May 17, 2007.
15. Rae Schwaderer, Associate State Archaeologist. Memorandum: East Molera Grassland Prescribed Burn. March 28, 2007.
16. Site visit by project planner and consultant on September 26, 2007.
17. Little Sur River Protected Waterway Management Plan. Adopted November 5, 1985

The Planning Commission determines that although the project could have significant impacts, mitigation can reduce these potential impacts to a level of insignificance. Therefore, a Mitigated Negative Declaration and Mitigation Monitoring Reporting Plan are hereby adopted by the Planning Commission.

- (d) Mitigation Monitoring Program. A Mitigation Monitoring and/or Reporting Plan have been prepared in accordance with Monterey County regulations and are designed to ensure compliance during project implementation. The California State Parks Department must enter into an “Agreement to Implement a Mitigation Monitoring and/or Reporting Plan” as a condition of project approval.

- (e) Comments. During the Initial Study and Mitigated Negative Declaration circulation period (October 25, 2007 through November 25, 2007), comment letters were received from the Monterey Bay Unified Air Pollution Control District. These comments were informational in nature and noted for the record.
- (f) Staff reviewed the development application during a site visit on June 24, 2007.
- (g) See preceding and following findings and supporting evidence.

**6. FINDING:** **FISH AND GAME FEE** – The project will not have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends.

**EVIDENCE:** SB 1535 has eliminated the provision for a determination of “de minimis” effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. Consistent with prior letters from Department of Fish and Game, the County determined that a de minimis determination is not appropriate and the applicant is required to pay the environmental impact fee under Fish and Game Code Section 711.4(d) on or before filing a Notice of Determination.

**7. FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

**EVIDENCE:** (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.

**8. FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:** (a) Preceding findings and supporting evidence.
- (b) California State Parks has conducted controlled burns for restoration purposes at least 20 times a year for the last 30 years without incident. The scientific and fire safety plans have been created specifically for this project based on experience (“Prescribed Burn Project Plan Molera Grasslands Andrew Molera State Park”) and will be executed during the best time of year to control fire and minimize damage to trees and wildlife.
  - (c) The Park is considered a high risk area for fire and erosion according to Resource Maps of Monterey County Big Sur Coast LUP. To reduce potential risk, the following environmental conditions must be observed during the burning:
 

- Relative Humidity	30-80%
- Air Temperature	45-75F
- Wind Speed	0-15 MPH

- 10 Hour Time Lag Fuel Moisture 8-14%
- Duff and Litter Moisture (Grassland) <12%
- Duff and Litter Moisture (Woodland) >30%

The Big Sur Fire District has reviewed this Restoration Plan and recommends only one condition. The project is consistent with policies of the Big Sur CIP for hazardous areas (Section 20.145.080).

- (d) The project site is located in the North Central Coast Air Basin, which is under the jurisdiction of the Monterey Bay Unified Air Pollution Control District (MBUAPCD). The project applicant would be required to develop a Smoke Management Plan (SMP) and obtain a Smoke Management Permit from the MBUAPCD (Condition 6). Pursuant to permit approval and compliance with the Smoke Management Plan, the proposed project would be consistent with the AQMP. The requirements for air quality meet the requirement under General Development Standards 20.145.140 A Big Sur CIP. The following smoke mitigation measure will be used:

- Adherence to fuel moisture requirements in prescription
- Limit the size of the burn to 190 acres or 3,000 tons of fuel
- Weather data will indicate smoke behavior
- Patrol the burn to evaluate smoke dispersal
- Minimal amounts of green material will be burned
- The burn will be terminated if dispersal is not adequate
- The project will be burned in phases to evaluate smoke dispersal
- Anticipating No-Burn days with the 48 commitment system

The Monterey Bay Unified Air Pollution Control District will require smoke mitigation measures and a Smoke Mitigation Permit as well as authorization for burning 24 hours prior to burning.

**9 FINDING: PUBLIC ACCESS-** The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.145.150.B.1.). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.150.B.4. of the Monterey County Coastal Implementation Plan Part 3, can be demonstrated.

- EVIDENCE:**
- (a) The subject property is described as an area where the Local Coastal Program requires Priority 1 access. The property is a state park along a public road where public access is allowed and the prescribed burn will not inhibit access.
  - (b) The subject property is indicated as part of shoreline access as shown in Figure 2, the Shoreline Access Plan, of the Big Sur Land Use Plan. The project will not deny access or reduce access already guaranteed as a state park area.
  - (c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
  - (d) Staff site visit on April 4, 2007.

**10 FINDING: APPEALABILITY -** The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

**EVIDENCE:** Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20) and the California Coastal Commission under 20.86.080 A.

<b>EXHIBIT D</b> <b>Monterey County Resource Management Agency</b> <b>Planning Department</b> <b>Condition Compliance and/or Mitigation Monitoring</b> <b>Reporting Plan</b>	<b>Project Name:</b> <u>Molera Grassland Restoration Project</u> <b>File No:</b> <u>PLN050481</u> <b>APNs:</b> <u>159-021-003-000, 159-021-006-000, 159-021-007-000, 159-031-002-000, 159-031-003-000 and 159-031-005-000</u> <b>Approved by:</b> <u>Planning Commission</u> <b>Date:</b> <u>January 9, 2008</u>
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*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<b>PD001 - SPECIFIC USES ONLY</b> This Combined Development Permit (PLN050481) consisting of a 1) Coastal Development Permit to allow the removal of 50 acres of coyote brush ( <i>Baccharis pilularis</i> ) and the prescribed burning of 363 acres of non-native grasses to restore the coastal prairie plant community in the eastern portion of Andrew Molera State Park; 2) a Coastal Development Permit to allow development within the critical viewshed; 3) a Coastal Development Permit to allow development on slopes greater than 30% 4) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat and 5) a Coastal Development Permit to allow development on land with positive archaeological reports. The properties are within	Adhere to conditions and uses specified in the permit.	Owner	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>Andrew Molera State Park (Assessor's Parcel Numbers 159-021-003-000, 159-021-006-000, 159-021-007-000, 159-031-002-000, 159-031-003-000 and 159-031-005-000), Big Sur Area Plan/Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. <b>(RMA - Planning Department)</b></p>				
2.		<p><b>PD002 - NOTICE-PERMIT APPROVAL</b>  The applicant shall record a notice which states: "A permit (Resolution 050481) was approved by the Planning Commission for Assessor's Parcel Numbers 159-021-003-000, 159-021-006-000, 159-021-007-000, 159-031-002-000, 159-031-003-000 and 159-031-005-000 on January 9, 2007. The permit was granted subject to <b>12</b> conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. <b>(RMA - Planning Department)</b></p>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner	Prior to the issuance of grading and building permits or commencement of use.	

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3.		<p><b>PD003(B) – CULTURAL RESOURCES – POSITIVE ARCHAEOLOGICAL REPORT</b></p> <p>If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:  There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:  The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and  If the coroner determines the remains to be Native American:</p> <ul style="list-style-type: none"> <li>- The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours.</li> <li>- The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent.</li> <li>- The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or</li> <li>- Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:</li> </ul>	<p>The applicant shall submit the contracts with a Registered Professional Archeologist and a Registered Professional Anthropologist to the Director of the RMA – Planning Department for approval.</p>	<p>Owner/ Archaeologist</p>	<p>During Coyote brush cutting or prescribed burning</p>	

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		<ol style="list-style-type: none"> <li>1. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.</li> <li>2. The descendent identified fails to make a recommendation; or</li> <li>3. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.</li> </ol> <p><b>(RMA - Planning Department)</b></p>		Owner	Upon demand of County Counsel or concurrent with, use of the property.	



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4.		<p><b>PD005 - FISH AND GAME FEE-NEG DEC/EIR</b>  Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. <b>(RMA - Planning Department)</b></p>	<p>The applicant shall submit a check, payable to the <i>County of Monterey</i>, to the Director of the RMA - Planning Department.</p>	<p>Owner</p>	<p>Within 5 working days of project approval, or prior to the start of prescribed burn activities</p>	

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5.		<p><b>PD006 - MITIGATION MONITORING PROGRAM</b></p> <p>The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. <b>(RMA - Planning Department)</b></p>	<p>1) Enter into agreement with the County to implement a Mitigation Monitoring Program.</p> <p>2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.</p>	Owner	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	

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6.		<p><b>PDSP 001 - AIR QUALITY (NON-STANDARD CONDITION )</b>  The California Parks Department shall obtain the required permit from the Monterey Bay Unified Air Pollution Control District (MBUAPCD) including:</p> <ul style="list-style-type: none"> <li>• Smoke mitigation measures and a Smoke Mitigation Permit</li> <li>• Authorization for burning 24 hours prior to burning.</li> </ul> <p><b>(RMA Planning)</b></p>	Submit copy of MBUAPCD permit to Director of the RMA - Planning Department.	Owner	24 hours prior to burning.	
7.		<p><b>FIRE030: BIG SUR FIRE PROTECTION DISTRICT</b>  The applicant must obtain all applicable burn permits from Cal Fire prior to burning  <b>(BIG SUR FPD)</b></p>	Submit copy of Cal Fire permit to Director of the RMA - Planning Department.	Owner	24 hours prior to burning.	

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8.	1.	<p><b>PDSP 002 - RESTORATION (NON-STANDARD CONDITION )</b></p> <p>Any natural drainage paths and/or land contours that are altered by burn activities shall be restored to their natural condition. Following prescribed burning, State Parks staff shall tour the burn plot and identify natural drainages and/or land contours that require restoration.</p> <p><b>(RMA Planning)</b></p>	Parks Department hand crews shall restore identified areas.	California State Parks Department	Following prescribed burning	
9.	2.	<p><b>PDSP 003 - MINERAL SOILS (NON-STANDARD CONDITION )</b></p> <p>Any areas where bare mineral soils are exposed and at risk for erosion either by burn or post-burn activities shall be identified and mulched with weed free straw. Prior to and following prescribed burning, State Parks staff shall tour the burn plot and identify exposed mineral soils that require mulching, particularly along fire lines.</p> <p><b>(RMA Planning)</b></p>	Parks Department hand crews shall mulch identified areas with weed free straw.	California State Parks Department	Prior to and following prescribed burning	
10.	3.	<p><b>PDSP 004 - VEGETATION BUFFERS (NON-STANDARD CONDITION )</b></p> <p>Any vegetated buffer areas around drainage courses that are unintentionally burned and at risk for erosion shall be restored. Following prescribed burning, State Parks staff shall inspect all vegetated buffer areas around drainage courses. Any areas which were unintentionally burned shall be restored by hand crews, earthen berms and weed free straw.</p> <p><b>(RMA Planning)</b></p>	Inspect burn drainage courses and restore as necessary.	California State Parks Department	Following prescribed burning	

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11.	4.	<p><b>PDSP 005 - EROSION CONTROL (NON-STANDARD CONDITION )</b>  Monitor and re-inspect burn areas after heavy rain events during the wet season following the burn. Mulch and protect any areas at risk of erosion as described in Mitigation Measures #1 through #3. Following heavy rain events during the wet season and following each prescribed burn, Parks Department shall tour burn plots and vegetated buffers around drainage courses to determine if restoration or erosion prevention is required.  <b>(RMA Planning)</b></p>	Review burn plots and vegetated buffers around drainage courses restore as necessary	California State Parks Department	Following heavy rain events during the wet season and following each prescribed burn.	

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12.	5.	<p><b>PDSP 005 - CHEMICAL SPILLS (NON-STANDARD CONDITION )</b></p> <p>The following measures are required:</p> <ul style="list-style-type: none"> <li>• All equipment shall be inspected for leaks immediately prior to the start of each project phase, and regularly inspected thereafter until equipment is removed from park premises.</li> <li>• An emergency spill response plan shall be prepared prior to the start of work and a spill kit shall be maintained on-site throughout the life of the project. This plan shall include a map that delineates staging areas, where refueling, lubrication and maintenance of equipment can occur.</li> <li>• In the event of any spill of release of any chemical in any physical form at the project site or within the boundaries of Andrew Molera State Park during the project, the appropriate DPR staff (e.g. project manager or supervisor) shall be contacted immediately. Use of the drip torch fuel necessary for the ignition of the fires is acceptable in normal qualities, but any unintended spill of drip torch fuel shall be treated as any other emergency spill in accordance with local, state and federal regulations.</li> <li>• Equipment shall be cleaned and repaired (other than emergency repairs) outside the park boundaries. All contaminated water, sludge, spill residue or other hazardous compounds shall be disposed of outside park boundaries, at a lawfully permitted or authorized destination. <b>(RMA Planning)</b></li> </ul> <p>Parks Department staff shall prepare an emergency spill response plan and inspect all equipment to be used during mechanical brush removal and prescribed burning</p>	Submit a spill response plan to the Planning Department	California State Parks Department	Prior to prescribed burning	