

Appendix A:

Preliminary Staff Analysis of Some Periodic Review Issues and Recommendations

This appendix is bound separately. It was prepared in 2002 and has already been shared with the County, although the Coastal Commission has not yet adopted it. This version includes revisions as of September 2004. The format was derived in order to provide the County staff with interim comments from Commission staff that could be used in a timely manner during the writing of the General Plan Update.

The format of the Appendix shows existing County LCP policies and suggested revisions based on this periodic review. A summary analysis and summary recommendation is provided in bold. For consistency sake, the issues are presented in the same format; hopefully capturing the intent of comments received and the reasons behind them, but taking some liberty in translating them into Coastal Act issues. Next on the chart is a column of what the current LCP says about the issue as well as what the first draft General Plan Update (published draft version of December 18, 2001) says. Obviously, there are many provisions that address some topics. While the Appendix is meant to be somewhat inclusive, covering both plan policies and Code sections, these citations do not necessarily reflect every provision that addresses the topic in question. Hence when the County addresses these issues, there may be additional provisions that need to be examined and possibly revised.

For each issue, a summary of the analysis as to how well the cited General Plan Update and LCP provisions address the issues is presented in bold typeface

Finally, the right hand column of the chart contains preliminary recommendations. Again, at the head of the column for each issue is a brief summary in bold of the substance of the recommendations. The recommendations are fairly specific, although precise language has not been drafted in all cases. The preliminary recommendations have been derived from a review of the County LCP text, knowledge about the implementation of the LCP and provisions of the Coastal Act. The Commission staff's preliminary recommendations are largely keyed to the existing LCP provisions. This is because it is the mandate of Periodic Review to evaluate whether the current LCP is being effectively implemented in conformity with Coastal Act policies. The published General Plan Update does not reflect the level of detail found in the currently adopted LCP. Where the General Plan Update already contains policies on the topic, the Commission staff has preliminary recommendations directed to that document as well. Recommendations on General Plan Update policies are similar to ones that have previously been conveyed to the County staff orally and/or in writing. Where there is not yet a General Plan Update policy or where it does not fully address the issue at hand, the preliminary recommendations are directed to the existing County LCP provisions. In the chart the recommendations are generally lined up with excerpts from the documents that they address. However, some of the cited provisions are included primarily for reference and context, so not recommendations may not be entered for every citation.

Preliminary recommendations do not address whether and to what extent current policies will be consolidated and do not attempt consolidation. Thus, how the preliminary recommendations can be used will depend on the final format of the General Plan/Local Coastal Program. For example, if there are now four separate policies on a topic for each segment and they become consolidated into one policy to apply throughout the coastal zone, the intent of the preliminary recommendations can be used, but the actual policy or ordinance text suggested in any recommendation may be revised. The recommendations are directed to the coastal zone. If the policies covering the topic in question are placed in the General Plan element chapters, it will be for the County to decide whether to use the recommendations to apply beyond the coastal zone. Some of the preliminary recommendations are to retain current policies. Again, it is important to retain the concept and intent of the noted policy, but if it needs to be rewritten to fit into you're the new format, that is acceptable. In some cases, where preliminary recommendations state that the policy may be retained, it means that there are other policies addressing the topic at hand and retention of the noted policy may not be necessary. Again, the final decision on these depends on to what extent individual segment policies are retained in the new General Plan versus being consolidated into coastal zone wide or countywide policies.

ERRATA:

The following footnotes were inadvertently omitted from the printed document:

- ⁷ Identified as rare, endangered and/or threatened by the Cal Dept of Fish & Game; US Dept of Interior, US Fish & Wildlife Service, California Native Plant Society, IUCN list, and/or pursuant to the 1973 Convention on International Trade in Endangered Species of Wild Fauna & Flora
- ⁸ Locally rare or unique plants defined as endemic, relict or disjunct
- ⁹ Del Monte Forest section of IP only
- ¹⁰ Del Monte Forest section of IP only
- ¹¹ Only some determined on case-by-case basis
- ¹² Del Monte Forest section of IP only
- ¹³ Del Monte Forest section of IP only
- ¹⁴ Almost all of these will appear on the CNDDDB list. The current list follows. The last four, noted with *s, do not, but have already been identified in the LCP as ESHA, given their local significance. Monterey Cypress (*Cupressus macrocarpa*); Gowen Cypress (*Cupressus goveniana ssp. goveniana*); Monterey Pine (*Pinus radiata*); Hickman's Onion (*Allium hickmanii*); Hickman's Cinquefoil (*Potentilla hickmanii*); Sandmat manzanita, (*Arctostaphylos pumila*); Monterey Ceanothus (*Ceanothus cuneatus var. rigidus*); Hutchinson's larkspur (*Delphinium hutchinsoniae*); Coastal Dunes milk vetch (*Astragalus tener var. titi*); Gairdener's yampah (*Perideridia gairdneri ssp. gairdneri*); California Brown Pelican (*Pelecanus occidentalis californicus*) inshore feeding & resting areas esp. Bird Rock; California Least Tern (*Sterna albifrons brown*) nesting, shoreline feeding & resting areas; American Peregrine Falcon (*Falco peregrinus*) nesting and roosting areas ; Smith's Blue Butterfly (*Euphilotes eoptes smith*) ; Menzies wallflower (*Erysimum menziesii*); Tidestrom's lupine (*Lupinus tidestromii*) ; Eastwood's goldenbush (*Ericameria fasciculata*); Monterey clover (*Trifolium trichocalax*); Pacific Grove clover (*Trifolium polyodon*); Monterey Indian paintbrush (*Castilleja latifolia*); Hutchinson's larkspur (*Delphinium hutchinsonia*); Southern Bald Eagle (*Haliaeetus leucocephalus leucocephalus*) nesting, feeding, and resting areas; California legless lizard (*Anniella pulchra*); Endemic Jack's Peak manzanita – significant occurrences only (*Arctostaphylos tomentosa ss.p bracteosa*)*; Bear-grass (*Xerophyllum tenax*)*; Coast rhododendron (*Rhododendron macrophyllum*)*; California dichondra (*Dichondra donelliana*)*.
- ¹⁵ See above footnote.
- ¹⁶ 14 Cal Code Regs §965 et seq
- ¹⁷ See Big Creek Lumber Co. V. County of San Mateo (1995) 31 Cal.App. 4th 418. Also, see Big Creek Lumber v. County of Santa Cruz, Sixth District Court of Appeal Case No. HO23778 that is not yet finalized. Although the current language in the LCP regarding

whether and where timber harvest may occur appears ambiguous, it may be advisable to await the resolution of the Big Creek court case before undertaking any revisions to these provisions and hence this report contains no recommendations on this issue at this time.

¹⁸ See Coastal Commission Guidance on Hydromodification.

¹⁹ See Buffer Model Ordinance, http://www.stormwatercenter.net/Model%20Ordinances/buffer_model_ordinance.htm

²⁰ See California Coastal Commission, "Procedural Guidance for the Review of Wetland Projects in California's Coastal Zone," June 1994.

²¹ Source: US Fish & Wildlife Service Predator Management Plan for the Salinas River National Wildlife Refuge 1993, and USFWS Salinas River National Wildlife Refuge DRAFT Comprehensive Plan & Environmental Assessment (Sept., 2001)

²² Dugan, Jenifer Assistant Research Biologist, Marine Science Institute, University of California Santa Barbara: Ecological Effects of Grooming on Exposed Sandy Beaches in Southern California presentation at California and the World Ocean '02 conference, Santa Barbara October 2002.

²³ From City of Santa Cruz

²⁴ Source for all of these recommendations is FishNet 4C, "Effects of County Land Use Policies and Management Practices on Anadromous Salmonids and Their Habitats," January 2001.

²⁵ Source: Moro Cojo Slough Management and Enhancement Plan, 1996. See page 5-1 and Figure 5-5. They have also mapped wetland areas beyond the current boundaries shown in the LUP. The mapping for the Moro Cojo Slough MEP was conducted by refining NWI maps by means of literature search and field site visits in which areas of hydrophytic vegetation were analyzed, periodic soil tests were performed and the extent of wetland hydrology was evaluated

²⁶ Source: Elkhorn Slough at the Crossroads: Natural Resources and Conservation Strategies for the Elkhorn Slough Watershed; prepared by the Elkhorn Slough Foundation & Tom Scharffenberger, March 6, 2002. Elkhorn Slough Foundation vegetation mapping prepared in 2002 shows areas of tidal wetland, Freshwater marsh and riparian vegetation, ponds and open slough waters, mapped from aerial photographic images and field site inspection.

²⁷ Source: Malibu LCP

²⁸ See, California Coastal Commission, "Confined Animal Facilities BMP Fact Sheet."

²⁹ Source: City of Malibu LCP Local Implementation Plan

³⁰ Source, California Coastal Commission, "Confined Animal Facilities BMP Fact Sheet"

³¹ See Report to Monterey County Board of Supervisors, February 2, 1999.

³² See "Pollution Prevention: Good Housekeeping Minimum Control Measures," EPA Fact Sheet 2.8, January 2000.