



# POINT SUR STATE HISTORIC PARK

## *Final Environmental Impact Report Response to Comments*

August 2004

*Prepared for  
State of California - The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION*



# POINT SUR STATE HISTORIC PARK

## *Final Environmental Impact Report Response to Comments*

**August 2004  
State Clearinghouse #2003011056**

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## *Table of Contents*

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### **Chapter 1 - INTRODUCTION**

Purpose of the Final Environmental Impact Report.....	1
Environmental Review Process.....	1

### **Chapter 2 - RESPONSE TO COMMENTS**

Introduction.....	4
List of Written Comments Received on the Preliminary General Plan/Draft EIR.....	4
General Response to Commenters.....	9
Letters and Written Comments Received Before the Close of the Public Comment Period followed by DPR Responses.....	10
Eric Lee, Monterey County Planning and Building Department, Monterey, CA.....	10
Aengus L. Jeffers, Law Offices of Horan, Lloyd, Karachale, Dyer, Schwartz, Law & Cook, Monterey, CA, representing Jim Hill, El Sur Ranch.....	20
John Laird, State Assemblymember, Twenty-seventh District.....	28
Kris Neuman, PRBO Conservation Science.....	30
Douglas G. Williams, Central Coast Lighthouse Keepers.....	33
Denise Tsuji, Department of Toxic Substances Control.....	36
Lorraine 'Rain Cloud' Escobar, Ohlone/Costanoan Esselen Nation.....	39
Noel Oard Mapstead, Carmel, CA.....	44
Candace Cate, Esselen Children Trust of 1990.....	60
Kelly Sorenson, Ventana Wilderness Society.....	71
Alan Purlmutter, Big Sur River Inn.....	73
Ralph Norman Channell, Captain, U.S. Navy, Retired.....	76
Mary Trotter, Big Sur, CA.....	79
Lorri Lockwood, Big Sur, CA.....	85
Rick Hyman, California Coastal Commission.....	87
Letters and Written Comments Received After the Close of the Public Comment Period followed by DPR Responses.....	92
General Response to Commenters.....	93
Mark A. Blum, Law Offices of Horan, Lloyd, Karachale, Dyer, Schwartz, Law & Cook, Monterey, CA, representing Jim Hill, El Sur Ranch (May 13, 2004).....	94
Mark A. Blum, Law Offices of Horan, Lloyd, Karachale, Dyer, Schwartz, Law & Cook, Monterey, CA, representing Jim Hill, El Sur Ranch (May 26, 2004).....	98

### **Chapter 3 - RECOMMENDED CHANGES TO THE GENERAL PLAN**

Changes from Responses to Public Comments.....	109
Department Staff-Directed Changes.....	110

# *Chapter 1*

## **Introduction**

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### **PURPOSE OF THE FINAL ENVIRONMENTAL IMPACT REPORT**

This report has been prepared to respond to comments submitted on the February 2004 Preliminary General Plan/Draft Environmental Impact Report for Point Sur State Historic Park. The Draft EIR identifies the potential environmental consequences associated with implementation of the Preliminary General Plan. This document responds to comments on the Preliminary General Plan/Draft EIR and makes revisions, as necessary, in response to these comments or to clarify any previous errors, omissions, or misinterpretations of material in the plan.

This document, together with the Preliminary General Plan/Draft EIR, constitutes the Final EIR upon certification by the Department of Parks and Recreation that the Final EIR is complete and adequate under the California Environmental Quality Act (CEQA).

### **ENVIRONMENTAL REVIEW PROCESS**

The California Department of Parks and Recreation is the lead agency for preparation of the General Plan. Lead agencies are required to consult with other public agencies having jurisdiction over a proposed project, and to provide the general public with an opportunity to comment on the Draft EIR.

In accordance with CEQA, Section 21091 and State CEQA Guidelines, Section 15073, the Preliminary General Plan/Draft EIR for Point Sur State Historic Park was circulated for a 45-day public review and comment period. During this review period, public agencies, private groups and associations, and individuals were provided the opportunity to review and comment on the contents of the document, including the evaluation of potential project-related environmental impacts and proposed mitigation.

The public was advised of the availability of the Preliminary General Plan/Draft EIR through public notices, articles in the *Big Sur Roundup* newspaper, notice at a Big Sur Multi-Agency Council meeting, a Department of Parks and Recreation (DPR) newsletter, and notification on the DPR web site. The public notice (Notice of Availability) was posted in the local newspaper, the Monterey Herald. Copies of the Preliminary General Plan/Draft EIR were also available for review at the following locations: California State Parks – Monterey District Office, Big Sur Station, Monterey Library, Carmel Library, Big Sur Library, and on the above listed web site.

On February 11, 2004, the California Department of Parks and Recreation (Department) released to the general public and public agencies the Preliminary General Plan and Draft Environmental Impact Report for Point Sur State Historic Park (Park). The proposed General Plan will guide future management direction at the Park. It contains a comprehensive and integrated set of park-wide goals and guidelines for the long-term management of the Park that focus on protection of natural and cultural resources, enhancements to visitor use and opportunities, and improvements to administration and operations of the Park. In addition, the General Plan provides recommendations for improving the entrance to the park and parking off of Highway 1, improving a tour staging area for the Light Station, interpretive programs of plant and animal habitats, and limited beach access. The plan also proposes a Natural Preserve north of the base of Moro Rock.

The Preliminary General Plan/ Draft Environmental Impact Report (DEIR) contains the environmental analysis of potentially significant effects of the proposed project. Together, the DEIR and this response to comments document constitute the final environmental impact report (FEIR) for the project.

In accordance with Public Resources Code §21091 and CEQA Guidelines §15087, a 45-day public review period for the DEIR was provided. The public review period ended March 26, 2004. On February 17, 2004, a public meeting was held in the Big Sur Lodge Conference Room at Pfeiffer Big Sur State Park to discuss the Preliminary General Plan and associated analysis in the DEIR. Oral comments and suggestions to the Preliminary General Plan/Draft EIR were heard and were considered; however, the commenters were encouraged to provide written comments on the Preliminary General Plan/ DEIR before the end of the comment period. During the public review period, a number of comments to the General Plan's Goals and Guidelines were received from public agencies, private groups, and individuals. This document provides responses to written comments received during the 45-day public review period.

All comments on the Preliminary General Plan and Draft Environmental Impact Report, and the responses thereto, are presented in this document, which is organized as follows:

- Chapter 1 (Introduction) provides a brief overview of the proposed project, describes the requirements under CEQA for responding to public comments received on the DEIR, and describes the organization of the FEIR.
- Chapter 2 (Response to Comments) provides a list, in table format, of all written comments received on the Preliminary General Plan and Draft Environmental Impact Report during the public review period and after the close of the public comment period. The commenters letters are presented first and then a written response made to each comment follows directly after each letter received.
- Chapter 3 provides a reproduction of portions of the Preliminary General Plan and Draft Environmental Impact Report with revisions to text and graphics made either in response to comments or based on Department staff-directed changes that were made to update and/ or revise the document.

The focus of the response to comments is on the disposition of significant environmental issues that have been raised in the comments, as specified by CEQA Guidelines §15088(b), but also includes responses to pertinent planning considerations for the implementation of the proposed General Plan.

## Chapter 2

## Response to Comments

### INTRODUCTION

This chapter provides a list of all public comments received on the Preliminary General Plan/ Draft Environmental Impact Report (DEIR) during the public review period, which ended on March 26, 2004. Section 2.1 focuses on written comments (i.e., letters, comment forms, and e-mail correspondence), and provides a table indicating the commenter/ agency that prepared written comments, the date the comment(s) were made, individual comment numbers, and the topic(s) raised in the comment (see Table 2-1). Responses to each individual comment are numbered correspondingly.

### LIST OF WRITTEN COMMENTS RECEIVED ON THE PRELIMINARY GENERAL PLAN AND DRAFT EIR BEFORE THE CLOSE OF THE PUBLIC COMMENT PERIOD March 26, 2004.

Table 2-1 indicates the letter number, commenter, date of correspondence, comment number assigned, and the comment topic assigned for each written comment received on the DEIR. The letters are numbered sequentially by date received. The letter numbers are then used as a prefix for individual comments, which are also numbered sequentially after the prefix. For example, comment 1.1 is the first comment of letter 1, comment 1.2 is the second comment of the same letter, etc.

<b>Letter</b>	<b>Commenter/Agency</b>	<b>Letter Date</b>	<b>Comment Number</b>	<b>Topics</b>
1	Eric Lee, Monterey County Planning and Building Department, Coastal Office	February 18, 2004	1.1	Provide a range of use
			1.2	Expand on LUP
			1.3	Hydrology
			1.4	Aesthetics
			1.5	Plant Life
			1.6	Potable/Non-Potable water
			1.7	Main Gate Entrance
			1.8	Visitor Parking
			1.9	Public Access Goal
			1.10	Goal for LCP/BSLUP/CIP
			1.11	Aesthetics/ Screen Parking
			1.12	Growth Impacts
			1.13	Hydrology
			1.14	Land Use Planning
			1.15	Future Plans

			1.16	Implementation Plan
			1.17	Future Permitting Plans
2	Aengus L. Jeffers, Law Offices of Horan, Lloyd, Karachale, Dyer, Schwartz, Law & Cook, Monterey, CA	March 26, 2004	2.1	Potable Water
			2.2	Fiscal Analysis
			2.3	Threats to Existing Dune Habitat
			2.4	Grant of and Easement
			2.5	NavFac Critical Viewshed
			2.6	Replacement Fencing at NAVFAC
			2.7	Prevent Erosion from Run-off
			2.8	Omit Goals that Seek Expansion
3	John Laird, Assembly Member, Twenty-Seventh District	March, 26 2004	3.1	Affordable Housing
4	Kriss Neuman, Biologist, PRBO Conservation Science	March 18, 2004	4.1	Protecting Snowy Plover Habitat
5	Douglas G. Williams, Chairman, Central Coast Lighthouse Keepers (CCLK)	March 24, 2004	5.1	DPR Recognizes CCLK
			5.2	Public Safety at NAVFAC
			5.3	Reuse of Buildings at NAVFAC
6	Denise Tsuji, Unit Chief, Department of Toxic Substances Control	March 15, 2004	6.1	Lead Base Paint Abatement
7	Lorraine " Rain Cloud" Escobar, OCEN Interim Vice-Chair, Office of Ohlone/Costanoan Esselen Nation	March 24, 2004	7.1	Lack of OCEN Recognition
8	Noel Oard Mapstead, Carmel	March 25, 2004	8.1	Supplemental DEIR
			8.2	Pt Sur SHP Not Listed with OHP
			8.3	Lighthouse Not Classified
			8.4	Cultural Preserve
			8.5	Cultural Preserve Alternative
			8.6	Correct Native American History
			8.7	Grants for Historical Preservation
			8.8-1	Exec Summary European, Why?
			8.8-2	Declaration Of Purpose European
			8.8-3	Issues of Known Concern Euro.
			8.8-4	No Amer. Indian concerns listed
			8.8-5	Preferred Alternative not cultural
			8.8-6	No Cultural Preserve

			8.8-7	No ethno-history at Pt Sur listed
			8.8-8	No Lighthouse Indian history
			8.8-9	Pt Sur not classified SHP
			8.8-10	American Indian awareness?
			8.8-11	American Indian Cultural Park?
			8.8-12	American Indians help with GP?
			8.8-13	American Indians ownership
			8.8-14	No American Indian History
			8.8-15	American Indians ownership
			8.8-16	Commenter Left Blank
			8.8-17	Pico Blanco
			8.8-18	American Indian Tours at Pt Sur
			8.8-19	Beaches American Indian History
			8.8-20	American Indian Biotic Uses
			8.8-21	Value of ethno- history at Pt Sur
			8.8-22	Why only euro-maritime history
			8.8-23	Esselen publications used
			8.8-24	Esselen People interview for GP.
			8.8-25	Esselen People cultural listed?
			8.8-26	Esselen People material cultural
			8.8-27	Esselen People decendants
			8.8-28	List Esselen People decendants?
			8.8-29	Esselen decendants thriving?
			8.8-30	Esselen decendants homeland
			8.8-31	Rumsen and Salinian contacted?
			8.8-32	Esselen homeland theirs?
			8.8-33	No continuum of history
			8.8-34	Known American Indian Culture?
			8.8-35	Archaeological v.s. Prehistoric
			8.8-36	Archaeological the only history?
			8.8-37	American Indian history separate
			8.8-38	American Indians not included
			8.8-39	American Indians not people
			8.8-40	American name for Moro Rock?
			8.8-41	Spanish first at Moro Rock?
			8.8-42	Did American Indians disappear
			8.8-43	Did American Indians disappear
			8.8-44	Name of period from 1793 -1834
			8.8-45	American Indians excluded
			8.8-46	American Indians and El Sur
			8.8-47	American Indians own homeland
			8.8-48	American Indians own any land
			8.8-49	History of American Indian Land
			8.8-50	American Indians 1866-1886?
			8.8-51	American Indians 1885-1939
			8.8-52	American Indians 1939-present
			8.8-53	Define 5 <sup>th</sup> period

9	Candace Cate, Trust Administrator/Interim TTEE, Esselen Children Trust of 1990	March 23, 2004	8.8-54	Current religious Esselen Practice
			8.8-55	American Indian and SHPO
			8.8-56	Pt. Sur SHP not classified
			8.8-57	DEIR excludes American Indian
			8.8-58	Amer. Indian history continuity
			8.8-59	Amer. Indian history interpretive
			8.8-60	Amer. Indian history recorded?
			8.8-61	Amer. Indian history exhibits
			8.8-62	DEIR excludes American Indian
			8.8-63	Amer. Indian history theme
			8.8-64	DEIR excludes American Indian
			8.8-65	DEIR excludes cultural preserve
			8.8-66	Amer. Indian history district
			8.8-67	Amer. Indian history potential
			8.8-68	SHPO – American Indian Lands
			8.8-69	Cultural Significance explored?
			8.8-70	DEIR excludes cultural preserve
			8.8-71	Esselen descendants still steward
			8.8-72	DPR the only stewards?
			8.8-73	DEIR excludes American Indian
			8.8-74	DEIR excludes cultural preserve
			8.8-75	Has DPR contacted native Amer?
			8.8-76	American Indian not recognized
			8.8-77	Explain first people as stewards
			8.8-78	Descendants secondary theme?
			8.8-79	DPR partnerships
			8.8-80	DEIR excludes cultural preserve
			8.8-81	DEIR excludes American Indian
			8.8-82	DEIR excludes American Indian
			8.8-83	DEIR excludes Indian culture
			8.8-84	Extend comment period
			8.8-85	SDEIR – not planned
			8.8-86	SDEIR - circulation
8.8-87	Notification of FEIR			
			9.1	Change paragraph on 2-29
			9.2	Native American cultural issues
			9.3	First sighting of Moro Rock
			9.4	Harrington's info interpretive
			9.5	Native Amer. at Moro Rock
			9.6	Native Amer. land claims
			9.7	Has no right to gift property
			9.8	Supplemental DEIR considered?
			9.9	Has no right to gift property
			9.10	No new housing proposed
			9.11	Maritime history at the Park Unit

10	Kelly Sorenson, Executive Director, Ventana Wilderness Society	March 25, 2004	9.12	PtSSHHP not a cultural preserve
			9.13	Environmental laws of 1950's?
			9.14	Archaeological sites at Pt Sur?
			9.15	PtSSHHP not a cultural preserve
			9.16	Only 1 Preferred Alternative
			9.17	DPR's Mission
11	Alan Perlmutter, Big Sur River Inn, Big Sur, CA	March 26, 2004	10.1	Thank you for your support
			10.2	Western snowy plover habitat
12	Ralph Norman Channell, Captain, U.S. Navy Retired, Carmel, CA	March 25, 2004	11.1	Local community impact
			11.2	Shortage of affordable housing
13	Mary Trotter, Big Sur, CA	March 26, 2004	12.1	Team appreciates your support
			13.1	DEIR is too general
			13.2	Protection of the viewshed
			13.3	"level of visual intrusion"
			13.4	Berming would look unnatural
			13.5	Proposed road link in viewshed
			13.6	Visibility of admin bldgs in view
			13.7	Restore the Navy buildings
			13.8	Sunset housing after upgrades
14	Lorri Lockwood, Big Sur, CA	March, 6, 2004	13.9	More local citizen input
			14.1	Thank you for your support
15	Rick Hyman, California Coastal Commission	March, 26, 2004	15.1	Follow LCP policies

## **General Response to Commenters**

The General Plan serves as a first tier Environmental Impact Report as defined in Section 15166 of the California Environmental Quality Act (CEQA) Guidelines. The analysis of broad potential environmental impacts will provide the basis for future second level environmental review, which will provide more detailed information and analysis for site-specific developments and projects. This General Plan is a broad policy document that sets the direction and provides a vision for the park's management and development. General plans provide general direction for the park while avoiding specific details that could change before a project could be funded and implemented. The purpose of the plan is to provide a framework for the park's development, on-going management, and public use. The goals and guidelines presented in the General Plan are designed to guide resource stewardship, facility development and interpretation, and future land use management for the park. For further discussion, please refer to page 1-5, Purpose of General Plans, in the Preliminary General Plan/ Draft EIR.

# MONTEREY COUNTY



## PLANNING AND BUILDING INSPECTION DEPARTMENT

240 CHURCH STREET, SALINAS, CALIFORNIA 93901 PLANNING: (831) 755-5025 BUILDING: (831) 755-5027 FAX: (831) 755-5487  
MAILING ADDRESS: P.O. BOX 1208, SALINAS, CALIFORNIA 93902  
 COASTAL OFFICE, 2620 1st Avenue, MARINA, CALIFORNIA 93933 PLANNING: (831) 883-7500 BUILDING: (831) 883-7501 FAX: (831) 384-3261

Received

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February 18, 2004

Phil Jenkins, Monterey District Superintendent  
Department of Parks and Recreation  
21 Lower Ragsdale Drive  
Monterey, CA 93940

Central Service Center

### Subject: Comments on Pt. Sur State Historic Park Preliminary General Plan/Draft EIR

The Monterey County Planning and Building Inspection Department received the Preliminary General Plan and Draft EIR for the Pt. Sur State Historic Park. Staff submits the following comments:

#### General Comments

In general, we suggest that the plan include more detail and information to support the conclusions. For example, provide a range on the number of visitors expected, whether there will be limitations on usage and times, as well as supporting information for proposed water usage. Although there will be tiered environmental review and additional analysis, this general plan sets the overall direction and it is important to ensure that its proposals are feasible.

Please expand on the discussion of other applicable plans and policies on page 2-49. References to the plans (such as Big Sur Coast LUP) and a consistency requirement should be either incorporated in the individual goals and guidelines or stated more clearly as a summary early on.

#### Specific Comments

##### The Plan Section

1. Page 4-10 (Hydrology) – It is not clear where the water supply will be coming from. Please be advised that interbasin transfer of water is not allowed under the Big Sur Coast Land Use Plan. } 1.1
2. Page 4-18 (Aesthetics) – Goal and guidelines should prioritize actions. To be consistent with local regulations, the guidelines should state that future development will not interfere with views of the ocean or increase development visible from Highway 1. The guideline should strive for *minimum visibility* instead of just “assess impacts of future projects on their level of visual intrusion” which does not provide sufficient guidance. In addition, aesthetic guidelines for all development must also be created consistent with local policies and in consultation with local authorities. The guidelines should address major facilities as well as } 1.2

<b>Letter 1</b>
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PD040077 (Pt. Sur Lighthouse SHP)  
February 18, 2004

- how other issues such as signage, lighting, fencing will be designed consistent with the LUP policies. } **1.2**
- 3. Page 4-11 (Plant Life) – How will non-native trees be treated? In some cases, it may be appropriate for existing ones to remain. In other cases, it may be necessary to remove them to restore the scenic and biological qualities. Please clarify whether they fall under the same guidelines for exotic plants or if they would be treated differently. } **1.3**
- 4. Page 4-23 (Potable and Non-Potable Water) – Is there any information on what the water requirements of the proposed development or built-out scenario will be? There are several different scenarios or potential water sources discussed in the plan, but it is not clear how water issues will be resolved. } **1.4**
- 5. Page 4-32 (Main Gate Entrance) – Signage or improvements to the main gate on Highway 1 will need to be consistent with LUP policies that limit signage and highway entryways and require the design to be consistent with the character of the area. If one of the access entrances to the highway proves unnecessary, its elimination and abandonment should be considered. } **1.5**
- 6. Page 4-32 (Visitor Parking) – Removing parking that occurs along the highway shoulder is a desired improvement in the Big Sur LUP. However, new parking areas should not be visible from highway 1 unless no alternatives exist in which case screening and other techniques are necessary. The various goals related to facility improvements should address aesthetics unless the Aesthetics Goals/Guidelines more clearly lays out aesthetic guidelines for development. What are the parking numbers (30-50 cars) based on? Parking must be consistent with Local Coastal Program policies. } **1.6**
- 7. Please include a section addressing public access and outlining the basic goals and guidelines. A Public Access Plan should be prepared according to local coastal program requirements. Access can include visual access if biological, cultural, safety or other considerations limit physical access. } **1.7**
- 8. Please include a general goal or requirement for consistency with local plans and policies and reference the Local Coastal Program including the Big Sur Coast Land Use Plan and Coastal Implementation Plan and the forthcoming General Update. Local policies should also be used or referenced when discussing thresholds of significance for resources including aesthetic, biological, water. } **1.8**

Environmental Analysis Section

- 9. Page 5-8 (Aesthetics) – The threshold of significance for visual resources pursuant to the Big Sur LUP is whether the development is visible from Highway 1 and public viewing areas. Primary views are from the highway, but this would also include views of development from within the park itself that would have to be considered when determining the significance of an impact. Any development or vegetation that would interfere with views of the ocean is potentially significant as well. On page 5-9, the list should also include among the } **1.9**

PD040077 (Pt. Sur Lighthouse SHP)  
February 18, 2004

**Letter  
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- potentially adverse visual impacts, trees and vegetation that block ocean views and additional light sources. } **1.9**
- Under mitigation, the Big Sur LUP allows berming and native vegetation to be used to screen parking areas provided that suitable areas outside of the critical viewshed are not available (LUP 3.2.5.E). Relocating existing parking along the highway to areas outside of the viewshed or screened would provide some mitigation. Likewise, the removal of existing structures within the critical viewshed mitigates visual impacts. } **1.10**
- 10. Page 5-24 (Growth Inducing Impacts) – Please provide additional justification and details on why growth inducing impacts are not significant. How many visitors are currently accommodated? What is the projected number of visitors that are planned for in a worst case scenario? What is the range for the number of visitors anticipated? What are the implications of allowing/accommodating buses? Are there currently group tours down to Big Sur? } **1.11**
- 11. Page 5-31 (Hydrology) – Consistent with Comment 1 above, please clarify the feasibility of future water sources. Why would the development not significantly impact water sources? What is the evidence? } **1.12**
- 12. Page 5-31 (Land Use Planning) – There are a number of related land use planning questions. Will employee housing be capped at 24 units? Are units only for single employees or do they also accommodate families? How many people total would be living on-site? Are they all currently working the area? Will there be any increase in the number of employees? Will additional employee housing being considered? If so, please include discussion and specifics. Additional units could potentially be accommodated provided sufficient infrastructure exists and aesthetic, visual and biological impacts are addressed. Development must also be consistent with the Big Sur Coast Land Use Plan or any subsequently adopted plan. } **1.13**

**Other Comments**

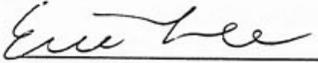
- 13. There are references to future plans and additional guidelines. Establishment of aesthetic guidelines and best management practices regarding management of biological and water resources are critical. Please address when these will be done and what opportunity there will be for local agencies and jurisdictions to review and provide input. } **1.14**
- 14. We suggest that an Implementation Section should be added detailing how the plan will be implemented } **1.15**
- 15. Please consider a process for developing future plans and addressing permitting requirements and local jurisdictional authority. Future development including construction and demolition of structures and other improvements must be consistent with the Local Coastal Program and local requirements. Local regulations also require a General Development Plan identifying all future development on the property and should be obtained before the General Plan is implemented. } **1.16**

PD040077 (Pt. Sur Lighthouse SHP)  
February 18, 2004

Letter  
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Thank you for the opportunity to provide input on this document. Please contact me with any questions you may have at: (831) 883-7521; or email at: [lee@co.monterey.ca.us](mailto:lee@co.monterey.ca.us).

Sincerely,



Eric Lee, Associate Planner  
Monterey County Planning and Building Inspection

cc: Jeff Main, Planning and Building Inspection Manager

## **Response to Letter 1: Eric Lee, Monterey County Planning and Building Inspection Department, Coastal Office**

Thank you for your comments on the Point Sur State Historic Park Preliminary General Plan/Draft Environmental Impact Report (DEIR). Please refer to **General Response to Commenters** at the beginning of this chapter for additional information on the DEIR.

### **General Comments**

Department of Parks and Recreation (DPR) understands the role that the Monterey County's Local Coastal Plan (LCP) assumes in regards to the planning and the permitting of future developments in the coastal zone. DPR has been working with the County as the Land Use Plan (LUP) update evolves for the Big Sur Coast in an effort to assure consistency between the (LUP) and the Pt. Sur General Plan. We will continue to submit comments and recommendations where we believe inconsistencies might occur with language of the LUP. The LUP provides the basis for the preparation of the implementing ordinances, which together comprise the LCP. Once these have been certified by the Coastal Commission, coastal development permit authority is transferred to the County for most development permits. The commission retains permit authority for areas not yet completely certified, areas of original permit jurisdiction (tide lands, submerged lands, public trust lands, etc.), and areas where a Public Works Plan has been approved by the commission or where a Public Works Plan is approved by the commission at a future date.

Reading the existing Draft LUP, it is not entirely clear how the County might interpret various policies that may appear to conflict. Policies that encourage employee housing, improve aesthetics, prohibit parking, etc. would need to be prioritized or possibly dealt with as in other specific geographical areas on the Big Sur Coast. In some areas and neighborhoods, the County gets more specific as to how these policies would be interpreted for that specific area. At Pt. Sur SHP it could be helpful to DPR and the County to be more specific as to how you would recommend we remove houses and vegetation that have blocked potential views, yet keep existing housing for employees; remove vegetation, but screen the houses that are kept; provide parking, but not build berms or plant vegetation to screen the parking; etc. Without further clarification of these policies, they could be interpreted differently over time by county staff and DPR, Planning Commission members, members of the Board of Supervisors, and certainly, the public.

We would like to continue working with the County to clarify both our General Plan and the County's LUP, as it relates to State Parks, so that future Coastal Permit Applications or the approval of a Public Works Plan can be handled

efficiently. If we can make our plans clear and consistent it would aid DPR, the County, and the Coastal Commission in the case of any Coastal Development Permits that may be appealed to the commission.

## Specific Comments

- 1.1 To clarify the possible water supply sources intended for Point Sur SHP, please refer to the Potable and Non-Potable Water section in the General Plan, Chapter 4, page 4-23. The introductory paragraph states that during the general plan process, a study was made to evaluate possible fresh water sources for the park. It was determined that possible water supply sources for Point Sur SHP are intended to be from ground water supplies either at Andrew Molera SP and/or at Point Sur SHP. Test wells are currently being made to determine the best location.
- 1.2 The commenter refers to the *Aesthetic* Goals and Guidelines of the DEIR as the guidance for aesthetic visual impacts for future development. The DEIR does provide for additional guidance from Goals and Guidelines for minimum visual impact on page 4-35 (*The NAVFAC*) and on page 4-40 (*Existing Employee Housing Units at NAVFAC*). No new structures are proposed in the DEIR, so lighting would remain the same as it is at the employee housing area (interior or down lighting). Parking areas will not be lit as the park is open dawn to dusk only, and the cyclone fencing around NAVFAC will be replaced with a suitable park-like fencing to exclude the neighboring land owner's cattle. Please refer to **General Response to Commenters** at the beginning of this chapter for additional project level information.
- 1.3 The first Goal in the *Plant Life* Goals and Guidelines on page 4-11 states that State Parks will protect and perpetuate the native vegetation of the Park and, where possible, rehabilitate the native vegetation of the Park. These issues are also addressed in the Guidelines on page 4-39. However, DPR also recognizes the possibility that non-native plants (trees included) that are also non-invasive, may remain at the NAVFAC site to provide elements such as screening of existing buildings and screening existing parking areas. The DEIR proposes additional Monterey cypress tree plantings to extend the existing stands of Monterey cypress that will establish a vegetative screening of the remaining buildings and parking areas. Monterey cypress trees (non-native) will be used as they are a widely used tree that performs well on the Big Sur Coast and adds a distinct beauty to the pristine views. The trees will be planted well below Highway 1 elevation next to the buildings. As they mature, the overall height will not impact the views of the Pacific Ocean from Highway 1. In the *Existing Employee Housing Units at NAVFAC* on page 4-40, a guideline

- specifically recommends that the existing cypress trees that screen the employee housing from Highway 1 be maintained.
- 1.4 The General Plan refers to the current water usage as being limited to park staff and the residents in 11 of the 24 housing units. Currently the potable water source is from trucked-in bottled water, about 100 gallons per week. The buildings have been occupied since the 1950s and although changes in occupancy levels have occurred, we do not anticipate an increase in the overall use from the historic use levels. This was addressed in the environmental analysis in the General Plan (page 5-31, Hydrology) and was determined not to be a significant impact.
  - 1.5 The commenter questions, if one of the two access entrances to the site is found unnecessary, whether one would be eliminated. As stated in the DEIR, page 4-32, the plan proposes to establish a main gate entrance off Highway 1 which would reduce the need for the current (the only other entrance) entrance just north of the NAVFAC. However, a second entrance will always be necessary for staff and emergency use. The DEIR does not propose any other entrance uses or abandonment. Please refer to **General Response to Commenters** at the beginning of this chapter for additional project level information.
  - 1.6 The DEIR does not propose any new parking facilities. The plan does, however, propose use of existing parking facilities. See pages 4-32 (Goals and Guidelines *Visitor Parking*), 4-27 (Figure #10, *Visitor Parking & Tour Staging Area*) and 4-32(Guideline 2). Aesthetic visual impact will be minimized because new facilities are not proposed in the Plan and with the proposed removal of several buildings the viewsheds will be enhanced. As previously discussed in response **1.3**, Monterey cypress plantings will be used to provide additional vegetative screening to the existing stands of trees. An aerial photograph showing the existing stand cypress trees is on page 1-4, Figure #2, Site Map, and appear as darker clusters that surround the buildings at the NAVFAC. Additionally, the reference to 30 – 50 cars is based on the current parking lot capacity.
  - 1.7 The commenter would like the DEIR to include a section addressing public access and outlining the basic goals and guidelines. Additionally, the commenter wants a Public Access Plan prepared to the local coastal program requirements. The Plan addresses Public Access in a series of Goals and Guidelines on pages 4- 31,-33 in *Visitor Use Development*. The provision for additional visitor use and access is a cornerstone of the plan.

A specific Public Access Plan is not part of the DEIR as it is the first tier Environmental Impact Report. Future second level environmental review

will provide more detailed information and analysis for site-specific developments and projects. The Department believes that this General Plan, along with any subsequent project development plans for the NAVFAC site, which are subject to future coastal development permits, will satisfy the Coastal Act and the County's intent for access management at this location.

- 1.8 Please refer to our **General Comments** on consistency of State Park developments with local coastal plans and policies. It is in the best interest of DPR to continue working with the County to clarify the intent and opportunities of both our General Plan and the County's LUP so that future Coastal Permit Applications or the approval of a Public Works Plan can be handled efficiently.

### Environmental Analysis Section

- 1.9 The commenter wishes to clarify page 5-8 *Aesthetics* also includes any development or vegetation within the park that would interfere with the views of the ocean is potentially significant as well. The comment has been noted. In response to the commenter's concern that page 5-9 does not include other issues, please note that in Chapter 5, page 9, the list does include development of new facilities with a discussion of inappropriate lighting that could create significant adverse visual impacts within the park.
- 1.10 The commenter would like DPR to consider berming and native vegetation to be used to screen parking areas provided that suitable areas outside of the critical viewshed are not available. In the *Mitigation* section beginning on page 5-9, DPR identifies that appropriate native plant species and/or site grading should be used to screen or soften the visual effect of Parking areas, appropriate visitor facilities, roads and trails, buffer any intrusive or distracting views and activities outside Park boundaries, and enhance scenic views. As stated in the Plan, the Department was not able to identify any suitable parking areas outside the critical viewshed that could serve visitors to the park. Therefore, DPR will consider the use of vegetation and site grading, where appropriate and necessary, to reduce visual impacts of site structures and parking areas and in a manner consistent with the Big Sur LUP.
- 1.11 The commenter would like DPR to provide additional information on why growth impacts are not significant. DPR recognizes the concern of the potential impact to the local community and better accommodation for visitor use. As noted on pages 2-49, 4-43, 4-44, and 5-24 of the Plan, this concern is recognized by DPR as well, and planning efforts will be

consistent with the Big Sur Coast Land Use Plan and the Monterey County General Plan. In addition, the General Plan has provisions for assessing visitor use and how it impacts the Park's resources. (See page 4-43,-44 **Allowable Use Intensity**.) This section of the Plan describes the Park's goal to minimize the impact of visitor use and allow for the protection of its natural and cultural resources. Currently the Park serves 5-6,000 visitors per year and provides 3-6 regularly scheduled and specially scheduled tours and events at the Lighthouse weekly with weekends year round. A significant increase in the number of visitors to Big Sur, solely because of implementation of the Plan, is not anticipated. Therefore, the future impact to the local community and local businesses would remain relatively the same as it is today.

**1.12** The commenter would like DPR to clarify the feasibility of future water sources and why the development would not significantly impact water sources. As stated on 4-7, paragraph 3: *Infrastructure*, during the General Plan process, many water concepts were studied. It goes on to state that plans are being made to upgrade the water supply to Pt. Sur off-site at Andrew Molera State Park. We have also determined, just recently, that the water supply will have to come from offsite as the ground water supply will need additional treatment prior to use. This, then, would not have a significant impact to the water quality at Pt. Sur. Additionally, the DEIR proposes adaptive reuse and demolition of existing buildings at the NAVFAC facility (pages 4-35 through 4-40). This would actually have a net increase in the water quality as it would lessen storm water run-off from the existing facilities that have been or will be removed and would have no significant impact to the water quality at Pt. Sur. Although water quality might not change, our water usage would certainly increase with development from present levels. The water usage, however, would still be below the level of usage during NAVFAC's peak operation. Therefore, increased water usage isn't seen as a significant impact on water resources, as previously stated in Response **1.4**.

**1.13** The General Plan is very clear on the intended use of the 24 existing housing units (see Figure #10 and Table 4, page 4-37). No additional employee housing is addressed in the General Plan as the plan states that the 24 housing units will remain until other facilities become available. As low cost housing becomes available in the Big Sur area, DPR will consider relocating the employees to housing locations outside the park, and begin the process of removal of the existing residences from Point Sur SHP.

The use of permanent and seasonal housing at Point Sur will not result in an increase in the number of DPR employees. It does provide the opportunity for relocating current employees from other areas within the

Sector (see pages 3-11 through 3-15 for further discussion). The existing employee housing units at Point Sur are single family residences suitable for family use. The standard maximum occupancy for each residence is two times the number of bedrooms plus one. Most residents have significantly fewer than this number residing in their house. Based on the maximum number allowed per residence and excluding the residence used as a CHP office, the highest potential number of occupants in the single family residence area, if all 23 units were occupied to the maximum, would be 161. In addition, the Bachelor's Officer Quarters has been identified for potential use as temporary employee housing. This type of housing is suitable for single employees only, not family. If the BOQ is not used, it may be necessary to house some single seasonal employees in the single family residences.

## Other Comments

- 1.14 Please refer to the **General Comments** on major development and local policies. It is in the best interest of DPR to continue to work with the County to clarify both our General Plan and the County's LUP so that future Coastal Permit Applications or the approval of a Public Works Plan can be handled efficiently. The unit management plans discussed on pages 4-42 through 4-45 will be developed as funding and time permits. There is not a timeline identified for their development.
- 1.15 Our General Plan is a long range plan that is not tied to specific funding or priorities for implementation. An implementation plan could only be developed as future funding for capitol improvements and staffing for operations becomes available. The General Plan allows for some flexibility of future management actions and planning considerations as conditions may change and more detailed analysis is completed.
- 1.16 Please refer to the **General Comments** on major development and local policies. It is in the best interest of DPR to continue to work with the County to clarify both our General Plan and the County's LUP so that future Coastal Permit Applications or the approval of a Public Works Plan can be handled efficiently.

Letter  
2

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OUR FILE NO. 17.02

**VIA FACSIMILE & REGULAR MAIL**

ATTN: Point Sur SHP General Plan Team  
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California State Parks  
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**Re: Draft General Plan Update**

Dear Point Sur SHP General Plan Team:

This letter submits comments on the Point Sur State Historic Park General Plan ("General Plan") on behalf of our client, James J. Hill, III, the owner of the El Sur Ranch ("Ranch").

**The General Plan Needs to Make Creation of a Potable Water Supply A Priority Action:**

The General Plan acknowledges that the Point Sur State Historic Park ("Park") currently has no permanent source of water and that the future of the Park's health, safety and welfare depends on a reliable source of water (both for fire protection and drinking water). See page 4-7. The General Plan includes the stated goal of establishing reliable potable and non-potable water sources for the Park. See page 4-23.

Given the necessity of water to implement all the other goals of the General Plan, it would be prudent to develop a solution to the Park's insufficient water supply system **before** committing resources toward developing any vision of the Park. Otherwise, future planning and capital improvements to the Park would be wasted if an adequate water supply system can not be created. Worse, unusable structural improvements would degrade the Critical Viewshed without providing a social benefit.

2.1

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Point Sur SHP General Plan Team  
March 26, 2004  
Page 2

**The General Plan should include a Fiscal Analysis:**

The General Plan proposes numerous capital improvements to the Park such as the development of a new water system, staging area and trail system and renovation of all twenty-four existing residences within the NAVFAC plus NAVFAC buildings for maintenance and administrative purposes. Prudent fiscal planning along with the present fiscal plight of our public treasury mandates an understanding of the capital cost and ongoing maintenance and operational costs of implementing the General Plan. This is information the public should have in advance.

For example, prior planning for this project included assertions that it would be prohibitively expensive to renovate the NAVFAC residences to bring them up to current regulatory standards. The removal of asbestos and lead based paint were cited as a significant cost burden. Prudent planning requires public disclosure of such costs as they relate to any vision of the Park.

2.2

At a minimum, a fiscal plan for the Park must include the costs of upgrading and maintaining the NAVFAC for (1) the existing families who currently reside there and (2) the vision of the NAVFAC described in the General Plan, including residences for twenty-four families. On going maintenance costs should also be included in the fiscal analysis with annualized estimates for each of the next five years and all costs broken out as separate line items.

**The General Plan Should Avoid Threats to Existing Dune and Beach Habitat:**

The General Plan proposes that visitors have access to the beaches north and south of Moro Rock. See page 4-33. The General Plan recognizes that allowing visitors access to the beach areas poses a risk to both Snowy Plover and to the Ranch in terms of trespass and interference with livestock. See page 3-7. While it is acknowledged that such impacts will be difficult to avoid or mitigate, and no feasible measures are proposed, the plan does not foreclose the possibility of public access.

The Ranch agrees with the General Plan's acknowledgment that visitor access to dune and beach areas will risk the biological health of these areas and interfere with Ranch operations. The public has never had access to these undisturbed coastal areas. Extending public access to these dunes and beaches will forever mark the land and threaten the only beach between San Luis Obispo and Monterey Bay where the Snowy Plover is known to nest. See page 2-16. Given the fact that human disturbance is a major factor threatening Snowy Plover habitat (see page 2-16), why does State Parks wish to go out of its way to impact this nesting ground?

2.3

The Ranch's philosophy is that the dune and beach areas are best enjoyed by sight and not by foot. Fortunately, vistas from Highway One and Point Sur provide extraordinary views of these areas. From these vantage points, visitors can sustainably enjoy these areas in the same way they

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Point Sur SHP General Plan Team  
March 26, 2004  
Page 3

have been photographed by Weston, Adams and Baer. However, the development of trails or any other form of access through this area would forever destroy the continuity of this unique expanse of raw coastline.

The General Plan's vision of public access to the Park's dunes and beaches is particularly disturbing since State Parks has asked the Ranch which aspects of the future Park would be of greatest concern and State Parks was explicitly told that the Ranch categorically objects to public access to the dunes and beaches.

2.3

Therefore, the Ranch objects to the General Plan's vision of physical public access to the dune and beach areas. In all other respects, the Ranch supports the Park's intention to maintain the biological significance of these dune and beach areas.

**Grant of an Easement From the NAVFAC to the Lighthouse:**

The General Plan proposes to stage lighthouse tours from the NAVFAC. In conjunction with staging tours at the NAVFAC, the General Plan mentions a willingness on the part of State Parks to negotiate an easement from the Ranch for direct access from the NAVFAC to Moro Rock. See page 4-40. The General Plan provides, "DPR should initiate efforts to provide a road easement through a negotiated agreement with adjacent property owners that connects the NAVFAC parking lot to the schoolhouse site". A proposed alignment for this road is described on the Map found on page 4-27.

2.4

The Ranch initiated discussions for granting an easement between the NAVFAC and Moro Rock over six years ago and remains willing to discuss such a grant. However, the basis for this discussion should be a direct road from the western end of the NAVFAC, perpendicular to the NAVFAC and northwest to the existing driveway by the shortest possible alignment. No other route is acceptable to the Ranch, and thus being infeasible, should be excluded from the General Plan. The Ranch strongly encourages State Parks to open this discussion prior to the next draft of the General Plan.

**The History of the NAVFAC Does Not Justify Its Impact on the Critical Viewshed:**

The General Plan goes to great lengths to characterize the NAVFAC as historically significant. However, the alleged historical significance of the NAVFAC is self-serving given the fact the NAVFAC has twice been denied recognition of historical significance. See page 2-40 and the fact that many of the more unique NAVFAC buildings (gym, bowling alley and firehouse) have already been demolished.

2.5

It appears that State Park's purpose in declaring the NAVFAC as historically significant is to justify retaining and utilizing the existing buildings for day to day maintenance and administrative

Point Sur SHP General Plan Team  
March 26, 2004  
Page 4

operations. See page 2-43. These uses are in stark contrast to the identified purpose of acquiring the NAVFAC in order to improve the Critical Viewshed by removing unneeded structures. See page 1-5. If the primary purpose of retaining these structures is to provide equipment staging and administrative offices the costs and benefits of this vision needs to be discussed on their merits rather than the alleged historical significance of the NAVFAC. The Ranch objects to establishing a long desired maintenance facility under the guise of an historic park.

2.5

**The General Plan Should Include Replacement of the Fence Around the NAVFAC:**

The General Plan acknowledges the conflict between visitor and residential use of the NAVFAC and the pastoral use of the Ranch. To minimize these conflicts the General Plan should include replacement and maintenance of the fence around the NAVFAC to securely prevent interactions between people and cattle. The cost of achieving this goal should be included in the fiscal analysis.

2.6

**The General Plan Should All Actions to Prevent Erosion from Storm Water Run-Off:**

The General Plan acknowledges that uncontrolled storm water runoff will contribute to erosion, degrade water quality and compromise riparian habitats. See page 3-2. The General Plan must also point out that these adverse impacts directly affect the Ranch.

In this regard, the Ranch appreciates the General Plan’s goals which seek to protect the soils of the Park. See page 4-10. However, the Ranch feels it would be appropriate to expand this goal to adjacent lands, namely the Ranch. The goal stated on page 4-10 could be restated as follows, “Protect the soils of Point Sur State Historic Park and adjacent lands”.

2.7

There are impacts, including erosion impacts, which exist today that must be immediately remediated by State Parks. Upon acquiring the Park, State Parks inherited problems created by the Navy’s deferment of necessary maintenance. The Ranch is in the process of drafting an inventory of such problems which require immediate attention. This inventory will be immediately forwarded to State Parks. If these problems are not addressed in the current calendar year State Parks will face significantly greater remediation costs as these impacts become substantially worse.

**The General Plan Should Omit Goals Which Seek to Expand the Park:**

In a subsection titled “Adjacent Land Use” the General Plan includes a goal which states, “[a]llow for growth and potential development at Point Sur State Historic Park in coordination with the other Big Sur Sector State Parks”. See page 4-41. Given the limited features and size of the NAVFAC and Lighthouse lands, there appears to be no legitimate reason to plan for future expansion of the Park. In fact, maintaining the Park in its present size and configuration is the only acceptable option.

2.8

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Point Sur SHP General Plan Team  
March 26, 2004  
Page 5

Since the state lands are an inholding entirely surrounded by the Ranch, should such expansion occur it will apparently be at the expense of the Ranch. The mere inclusion of such language in the General Plan depresses the fair market value of the Ranch by creating a perceived risk of condemnation. If there exists any design to condemn the Ranch it should be openly disclosed rather than framed within a vague "Adjacent Land Use" policy which mentions expansion. The very adoption of such a policy may constitute an actionable pre-condemnation blight on the Ranch. If there is no intent to condemn the Ranch, this policy goal should be omitted or re-drafted to explicitly exclude any expansions based on acquiring private property.

2.8

**Conclusion:**

The Ranch appreciates the extensive revision of the General Plan since the last draft was published in 2002. Further work on this document will yield a critical guide for understanding the significance of the proposed Park, its costs and managing its operation. The inclusion of specific comments from our previous comment letter is appreciated.

Should you have any comments, questions or wish to schedule a meeting with Mr. Hill please do not hesitate to contact me.

Respectfully Submitted,

AENGUS L. JEFFERS, esq.

ALJ:mb

cc:

Client  
Laurence P. Horan

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## **Response to Letter 2: Aengus L. Jeffers, Law Offices of Horan, Lloyd, Karachale, Dyer, Schwartz, Law & Cook, Incorporated**

Thank you for your comments on the Point Sur State Historic Park Preliminary General Plan/Draft Environmental Impact Report (DEIR). Please refer to **General Response to Commenters** at the beginning of this chapter for additional information.

- 2.1** The commenter has indicated that the General Plan needs to make creation of a potable water supply a priority action. The Department of Parks and Recreation (DPR) recognizes the importance of establishing a reliable potable water supply prior to implementing portions of the General Plan. As the commenter has indicated, the General Plan includes Goals and Guidelines (page 4-23 *Infrastructure* and 4-23 *Potable and Non-Potable Water*) that relate to the future development of the park. Additionally the Plan also states the need to provide such water whether or not facility and housing use is expanded beyond current levels (page 3-14, paragraph 1). Currently, DPR is in the process of investigating an off-site reliable potable water supply east of Highway 1 at Andrew Molera State Park. Future plans will include infrastructure to transport the water to the Park unit.
- 2.2** The commenter would like the General Plan to include a *Fiscal Analysis* that would evaluate prudent fiscal planning as it relates to the state's budget shortfall for the feasibility of the General Plan implementation. DPR recognizes the importance of establishing sound budgetary analysis prior to any project level plan implementation. However, the General Plan serves as a first tier Environmental Impact Report that does not have the specific level of detail required to create this type of budgetary analysis (page 1-5 *Purpose of a General Plan*). When DPR begins the process of project level development, this kind of budgetary analysis and information will be evaluated and presented in the state and local public planning process.
- 2.3** The commenter believes the General Plan's proposal to allow public access to existing dune and beach habitat does not avoid threats to that habitat. The commenter goes on to state that the El Sur Ranch's philosophy is that the dune and beach areas are best enjoyed by sight, not by foot. DPR recognizes the significant resource value that the dune and beach areas, both public and private, provide the state park visitor and the need to protect this habitat. The General Plan proposes to designate the area north of the Moro Rock as a *Natural Preserve* (page 4-29 through 4-31). As designated, this allows for the highest level of resource protection within a state park. The Goal and Guideline in the General Plan that

relates to the beach access at the North and South beaches at the base of Moro Rock, (page 4-33, paragraph 1) refers to the guided beach access, not to a specific level of controlled access by park staff. The Natural Preserve designation and Western Snowy Plover Management Plan will determine the level of control that the park staff will need to take to ensure protection and preservation of the beach habitat. As noted on page 4-28, any amount of proposed beach access will require a long-term, multi-faceted management approach.

- 2.4** The commenter has expressed the willingness to continue discussions for granting an easement for direct access from the NAVFAC area to the Moro Rock in conjunction with staging tours to the Light Station Complex. The General Plan proposes a potential road connection (page 4-27, Figure #10) that demonstrates a graphic representation of the proposed road connection (an "S" shaped line). The commenter would like Figure #10 to clearly define this "S" shaped line as a "Representation of a Potential Road Connection" and that a specific road connection will be discussed and defined with the Ranch. As discussed with the commenter during an April 28<sup>th</sup> meeting, the above mentioned "S" shaped line is not the Plan's proposed road easement, but a representation of connectivity to the existing road easement from NAVFAC. DPR will continue discussions with the adjacent property owner to define a more specific road connection.
- 2.5** The commenter believes that the history of the NAVFAC does not justify the impact on the critical viewshed that retention and reuse of any NAVFAC buildings would have. In assessing the buildings at the former Point Sur NAVFAC, the challenge was to try to understand their exact level of historic significance. Through the findings of the State Office of Historic Preservation, as well as several qualified historians and consultants, their historic significance was determined. The findings indicate, while NAVFAC bases similar to Point Sur played an important role all across the world in the Cold War era, this specific SOSUS site at Point Sur did not retain sufficient integrity, nor was it at a level of sufficient association with an important Cold War-era event to warrant complete preservation. That said, the NAVFAC is a part of the continuing maritime and military presence at Point Sur SHP, and its part of the history at Point Sur is important enough to retain some buildings for interpretive and educational reasons. DPR deemed the site culturally, if not precisely historically, significant. The future goals for the retained NAVFAC buildings do not include restoration, but rehabilitation which gives wider latitude in their adaptation and reuse. These new uses may include future interpretation, administration, housing and maintenance. Page 4-35 and the tables that follow are intended to discuss DPR's decision-making in regard to the future disposition of the buildings at NAVFAC.

- 2.6** The commenter would like the General Plan to include replacement of the fence around the NAVFAC. DPR recognizes the importance of controlling the trespassing of the park visitor on private land and also the importance of working with the Ranch to develop a safe exclusion for the grazing operations of the Ranch from the NAVFAC area. The General Plan proposes a guideline to replace existing chain link fencing with a more suitable ranch fence (page 4-39, paragraph 10). In addition, fencing is also addressed on page 4-13 and 4-14.
- 2.7** The commenter would like the General Plan to take all actions to prevent erosion from storm water run-off. DPR recognizes the importance of controlling erosion from storm water run-off to the ocean and adjacent lands. As the commenter points out, the General Plan addresses this issue with a Goal and Guideline (page 4-10). However, the commenter would like the goal to be more specific. This degree of specificity would be addressed more appropriately when actual project work is considered. The General Plan further identifies in Chapter 5, page 5-19 through 5-22, the significance of the controlling erosion from storm water run-off to the ocean and adjacent lands. Page 5-21, paragraph 5, *Mitigation*, states that the Department will comply with all applicable water quality control standards as contained in the Water Quality Control Plan for the Central Coast Basin (Basin Plan). Additionally, the Goal and Guideline (page 4-23 *Water Quality*, paragraph 5) proposes the need for upgrading existing storm water facilities to comply with current non-point source pollution guidelines.
- 2.8** The commenter requests that the General Plan omit Goals and Guidelines which seek to expand the park. The commenter would like the Goals and Guidelines in *Adjacent Land Use* page 4-41 to be reworded to explicitly exclude any expansions based on acquiring private property. The commenter goes on to say, "If there exists any design to condemn the Ranch it should be openly disclosed rather than framed within a vague *Adjacent Land Use* policy." The Point Sur State Historic Park Preliminary General Plan/Draft Environmental Impact Report (DEIR), like all State Park DEIRs, needs to be a flexible document that allows for future park expansion not realized today. Any opportunity that may become available in the future for park expansion through collaboration with adjacent owners will be through mutual willingness of all parties.

**COMMITTEES**  
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 JUDICIARY  
 LABOR & EMPLOYMENT  
 NATURAL RESOURCES  
 PUBLIC EMPLOYEES, RETIREMENT & SOCIAL SECURITY  
 REVENUE & TAXATION  
**SELECT COMMITTEES:**  
 CHAIR, CALIFORNIA WATER NEEDS & CLIMATE CHANGE  
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March 26, 2004

California State Parks  
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 ATTN: Terry Lee  
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 Monterey, CA 93940

Received

MAR 29 2004

**Letter**  
**3**

Central Service Center

RE: POINT SUR STATE HISTORIC PARK PRELIMINARY GENERAL PLAN/DRAFT EIR

Dear Terry Lee:

I would like to commend you, your staff and the community for the public planning process, which has lead to the Preliminary General Plan/Draft EIR for Point Sur State Historic Park. It is gratifying to see the care that has gone into crafting plans to enhance the visitor experience, preserve the historic Light Station, and plan new opportunities to interpret the Cold War-era Naval submarine listening station.

I wish to comment on one aspect of the plan related to affordable housing for State Park employees. As the plan quotes the Big Sur Coast Land Use Plan, "A serious housing shortage exists for employees in Big Sur, particularly in the visitor industry. Employee housing provided by an employer must be a primary source of affordable housing in the area." It is my belief that State Parks should continue its commitment to housing all permanent employees, and expand the commitment to house seasonal employees in order to alleviate any impact on the already short supply of affordable housing in the area. In addition, the NAVFAC site affords a remarkable opportunity to assist other state and federal agencies in the area to house their employees.

3.1

Page 4-40 states, "There are 24 existing employee housing units at NAVFAC (Naval Facility) that are currently screened by the existing cypress trees from Highway 1. These employee-housing units are available for use by Park and other agency staff. Eleven units are currently in use and the other 13 could be rehabilitated for future use *until alternative employee housing can be provided off-site. At that time, the buildings could be removed and open space values further enhanced...*"(emphasis added). In order for State Parks to house permanent and seasonal employees and assist other government agencies in the area, I would see rehabilitation and use of all housing facilities at the NAVFAC to be a valuable and permanent use rather than a temporary one.

Thank you for the opportunity to comment. If you have questions, please don't hesitate to contact me at 831-649-2832. I look forward to working together to implement the vision contained in the General Plan.

Sincerely,

JOHN LAIRD, Assemblymember  
 27<sup>th</sup> District

<http://www.assembly.ca.gov/demweb/members/a27/>

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### **Response to Letter 3: John Laird, Assemblymember, California Legislature**

- 3.1** Thank you for your comments on the Point Sur State Historic Park Draft General Plan. The Department of Parks and Recreation (DPR) shares your concern on the serious shortage of employee housing in the Big Sur area. We are currently in discussions with the County of Monterey and the California Coastal Commission to determine a clear direction for the Big Sur Coast Land Use Plan (LUP) and the Monterey County Local Coastal Plan (LCP) in terms of the rehabilitation and long term use of the employee housing at the NAVFAC area.

As the Big Sur Coast LUP and the Monterey County LCP become finalized and clearer as to the employee housing at Pt. Sur, DPR will pursue opportunities to rehabilitate and use the existing employee housing.

PRBO Conservation Science  
4990 Shoreline Highway  
Stinson Beach, CA 94970  
415-868-1221  
www.prbo.org



Received  
MAR 22 2004  
Central Service Center



Letter  
4

March 18, 2004

Dear Sirs/Madams,

We have reviewed the biotic resources sections of the Pt. Sur State Historic Park General Plan that relate to the status of the federally listed Western snowy plover within the park and have the following comments:

- The review of potential threats and impacts to the snowy plover was thorough. We agree that a paramount issue with regard to plover protection is the potential to create a situation of unrestricted access to adjacent private parcels if access to the parks-owned section of beach is allowed. Plovers on private property would have no means of protection yet be subject to visitor impacts caused by park access.
- We strongly support the concept of allowing beach access to the north of Moro Rock only during the plover non-breeding season (i.e. October through February) to eliminate the possibility of impacts described above.
- We also strongly concur that if any access other than seasonally-restricted access is proposed, California State Parks should consult with US Fish and Wildlife Service when proposing action and prior to taking any action.
- We also offer a caution to the idea of creating trails through dunes that are adjacent to plover nesting areas. Substantial disturbance to incubating plovers can occur from distant visual and audio sources and from the trail construction and maintenance process itself. We recommend that construction *and* use of any proposed interpretive trails be similarly restricted to the plover non-breeding season or sited well away from plover nesting areas.
- Though trails providing public access to the beach were not proposed for the north of Moro Rock beach/dune area we nonetheless recommend that they be prohibited in order to prevent fragmentation and degradation of plover nesting habitat.

4.1

Pt. Sur beach is a unique and valuable nesting area for the snowy plover and one of only a few beaches in the entire state that is closed to public access during the nesting season. We strongly support California State Park's efforts to protect the snowy plover at Pt. Sur through the creation of a Resource Management Plan, utilization of existing strategies in the

**Letter  
4**

Western Snowy Plover Statewide Management Guidelines, and  
designation of the Natural Preserve area.

Sincerely,

*Kriss Neuman* (also for Gary Page)

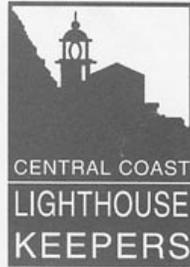
Kriss Neuman  
Project Biologist

Gary W. Page  
Director, Wetlands Ecology Division

## **Response to Letter 4: Kriss Neuman, PRBO Conservation Science**

- 4.1** Thank you for your comments on the Point Sur State Historic Park Preliminary General Plan/Draft Environmental Impact Report (DEIR). Please refer to **General Response to Commenters** at the beginning of this chapter for additional information.

The Department of Parks and Recreation (DPR) recognizes the sensitivity of the western snowy plover and its habitat. DPR understands the comments and recommendations presented in your letter. As noted on page 4-28 of the General Plan, any amount of beach access will require a long-term, multi-faceted management approach and likely consultation with the U. S. Fish and Wildlife Service. Your comments will be considered in developing a western snowy plover management plan for the Park (see page 4-15). DPR understands that successful management of the beaches at Point Sur State Historic Park will require future planning efforts and well-informed management decisions.



Letter  
5

Received  
MAR 29 2004  
Central Service Center

March 24, 2004

Terry Lee, Project Manager  
Pt. Sur State Historic Park General Plan  
21 Lower Ragsdale  
Monterey CA 93940

Dear Mr. Lee,

As Chairman of the Board, Central Coast Lighthouse Keepers (CCLK), I am writing to express our Board's support of the proposed General Plan for Pt. Sur State Historic Park.

CCLK was founded in 1993 as a membership-based, non-profit corporation to preserve the maritime history of the Central Coast of California by restoring and preserving the lighthouses and educating the public on the role they played as aids to navigation. CCLK is the Cooperating Association for Pt. Sur State Historic Park on which most of our time and effort is focused. We provide the administrative, educational and financial support to the 85 volunteer docents who perform a multitude of functions to keep the Park open to the public. Their activities include conducting the interpretive walking tours, staffing the Visitors' Center/ Museum (on the top of Moro rock) and doing preservation/restoration work on the buildings and grounds.

The CCLK/State Parks partnership has been most productive and successful. We have jointly raised \$2 million that has been used, over the last 6 years, to completely restore four of the historic buildings, namely, the lighthouse complex, barn, carpenter/blacksmith shop and garage; also to re-build the water tower and re-roof both of the keepers' dwellings. Although most of the work had to be contracted out, many projects have been paid for and accomplished by the volunteers at great benefit to the State.

The public tours of Pt. Sur, which began in 1987, are conducted entirely by the volunteers. Public access to Pt. Sur is restricted to these three-hour, accompanied walking tours on a trail that has a 360 ft. elevation gain in 1/2 mile and includes 97 steps. In other words, present access is limited to the unhurried, the fit and the patient visitor. Also, the opportunities for public access are limited to 3 to 6 scheduled tours per week throughout the year! To reach the lighthouse visitors have to be escorted across the right-of-way through the private El Sur Ranch.

5.1

CENTRAL COAST LIGHTHOUSE KEEPERS ♦ P.O. BOX 223014, CARMEL, CA 93922 ♦ 831-649-7139 FAX 831-649-2847  
YOUR CONTRIBUTION IS TAX-DEDUCTIBLE ACCORDING TO IRS REGULATIONS. TAX ID # 77-0342442

**Letter  
5**

The present entry to the park is unsafe for visitors and docents. Visitors have to park their cars on the shoulder of busy Highway 1, on one of the few straight stretches of the road that is used as a passing zone by impatient motorists.

In summary, public use of the lighthouse segment of the park is limited by accessibility, lack of opportunities and physical obstacles. At present, there is no public access to the NAVFAC segment of the park.

Having a visitors' facility on the NAVFAC would solve most of the problems. It would provide:

- a safe, marshalling site for the guided tours of the lighthouse
- an interpretive center/museum covering both segments of the park—the lighthouse and the NAVFAC
- video tours of the park when walking tours have to be cancelled
- Park access for casual or handicapped visitors.

All of these objectives can be accomplished by the adaptive re-use of Buildings #105 and 107 and existing parking areas. In addition to their tour and interpretive functions, volunteers perform a significant and increasing amount of the preservation and restoration work at Pt. Sur. They need a well-equipped workshop, located close by, to work on construction and restoration projects and develop interpretive displays. Building #110 is ready-made for this function.

} **5.2**

CCLK and all the volunteers we support, urge the approval of the General Plan. We feel that it offers a reasonable compromise among competing interests. It will improve the scenic view-shed (by removing many of the buildings) and provide safe and improved access for the public to both segments of the Park.

} **5.3**

Sincerely,  
*Doug Williams*  
Douglas G. Williams, Chairman  
Central Coast Lighthouse Keepers

## Response to Letter 5: Doug Williams, CCLK Chairman

Thank you for your comments on the Point Sur State Historic Park Preliminary General Plan/Draft Environmental Impact Report (DEIR). Please refer to **General Response to Commenters** at the beginning of this chapter for additional information.

- 5.1 The Department of Parks and Recreation (DPR) also recognizes the immense contributions that the Central Coast Lighthouse Keepers (CCLK) make to Point Sur State Historic Park. Without the support of an actively involved non-profit group such as CCLK, park operations and public services would be significantly diminished. The General Plan team was very aware of the difficulties of conducting tours in the present conditions. Access to the park is and will continue to be limited in some respects, although the proposed use of the NAVFAC parcel to act as a tour staging area will alleviate some of the more dangerous aspects of providing tours at Point Sur. We believe this use will enhance the overall interpretation of both the Light Station and the former naval facility.
- 5.2 Your input as to the safety, public access to NAVFAC and the disposition and future use of buildings #105, #107, and #110 with adjacent parking areas will be valuable when future decisions affecting those structures are made. See pages 4-31 and 4-32 *Visitor Development Goals and Guidelines*.
- 5.3 In response to your suggested reuse of existing buildings, please refer to pages 4-32 *Visitor Center* and 4-36 *Adaptive Use Table*. We cannot overemphasize the importance of gathering and integrating your "on the ground" and day-to-day experience into future plans concerning park operations.

Thank you again for your support, and we look forward to working closely together in implementing the goals and guidelines of the Point Sur SHP General Plan.



Terry Tamminen  
Agency Secretary  
Cal/EPA



Department of Toxic Substances Control

Edwin F. Lowry, Director  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710-2721

Letter  
6



Arnold Schwarzenegger  
Governor

March 15, 2004

RECEIVED

MAR 18 2004

Ellen Wagner  
Department of Parks and Recreation  
One Capitol Mall, Suite 500  
Sacramento, California 95814

NORTHERN SERVICE CENTER

**Point Sur State Historic Park General Plan – Draft Environmental Impact Report (EIR)**

Dear Ms. Wagner:

Thank you for the opportunity to comment on the *Point Sur State Historic Park General Plan – Draft EIR* [SCH No. 2003011056]. As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a potential Responsible Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project to address the California Environmental Quality Act (CEQA) adequately addresses any required remediation activities which may be required to address any hazardous substances release.

The draft EIR indicates that existing structures at the Point Sur State Historic Park may contain lead-based paints and asbestos. DTSC recommends that lead and asbestos abatement be performed as necessary and that sampling also be conducted to determine whether a release of these hazardous materials has occurred. Additionally, use of pesticide on park grounds, as well as use, handling and storage of hazardous materials at the former Naval Facility may be possible sources for release. Additional sampling and analysis may be required to determine whether a release has occurred and to determine whether exposure to site soils during construction activities creates a possible human health risk. If it is determined that hazardous substances have been released, they will need to be addressed as part of this project.

6.1

For example, if the construction activities include the need for soil excavation, trenching, or removal, the CEQA document should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts

♻️ Printed on Recycled Paper

Ms. Wagner  
March 15, 2003  
Page 2

**Letter**  
**6**

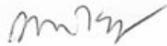
from the removal or remedial activities; and (4) risk of upset should be there an accident at the Site.

DTSC can assist your agency in overseeing characterization and cleanup activities through our Voluntary Cleanup Program. A fact sheet describing this program is enclosed. We are aware that projects such as this one are typically on a compressed schedule, and in an effort to use the available review time efficiently, we request that DTSC be included in any meetings where issues relevant to our statutory authority are discussed.

6.1  
(cont.)

If you have any questions, please call Ed Gillera of my staff at (510) 540-3826 or email him at [egillera@dtsc.ca.gov](mailto:egillera@dtsc.ca.gov).

Sincerely,



Denise Tsuji, Unit Chief  
Northern California - Coastal Cleanup  
Operations Branch

Enclosures

cc: (without enclosure)

Governor's Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95814-3044

Guenther Moskat  
CEQA Tracking Center  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, California 95812-0806

## Response to Letter 6: Denise Tsuji, Department of Toxic Substances Control

- 6.1** Thank you for your comments on the Point Sur State Historic Park Preliminary General Plan/Draft Environmental Impact Report (DEIR). Please refer to **General Response to Commenters** at the beginning of this chapter for additional information.

Thank you for providing the Department of Parks and Recreation (DPR) with information on your Voluntary Cleanup Program. DPR recognizes the Department of Toxic Substances Control's role in the cleanup of sites where hazardous substances have been released.

DPR currently follows and plans to follow in the future all existing laws and regulations regarding toxic substances including lead, asbestos, and pesticides. In regards to existing structures at Point Sur State Historic Park, lead and asbestos sampling and abatement will be performed as necessary. The General Plan is intended to provide general mitigation measures for a first tier of environmental review. A more detailed level of environmental analysis will be applied for actual projects in subsequent environmental documents.



*From the Office of Ohlone/Costanoan  
Esselen Nation Tribal Genealogist & Researcher  
Lorraine "Rain Cloud" Escobar, CLS/NAL<sup>SM</sup>  
Inam Mec Tanot*

Letter  
7

March 24, 2004

Ms. Ellen Wagner  
California Department of Parks and Recreation  
Northern Service Center  
One Capitol Mall, Suite 500  
Sacramento, CA 95814

RE: Preliminary General Plan/Draft Environmental Impact Report (EIR) for Point Sur  
State Historic Park

Dear Ms. Wagner,

I am writing to you in response to commentary request for the Pt. Sur Environmental Impact Report. I have read the section "Cultural Resources, Native American Ethnographic Overview" and would like to make the following comments, on behalf of the tribe of Ohlone/Costanoan Esselen Nation [hereinafter referred to as OCEN]:

It would be appropriate to provide some clarification of the mention of our tribe and its interest in Pt. Sur. For example, the EIR states,

"Point Sur SHP is in either Esselen territory (Breschini and Haversat 1994) or the Costanoan area known as Sargenteruc (Milliken 1990). Very little ethnographic data was recorded for this area, and what was recorded presents conflicting views. Mission records show that people from both the Rumsen and the Esselen were absorbed into the mission sphere. Although some thought at one time that the Esselen were extinct (Kroeber 1925:544), the descendants of these early people thrive and continue to have an active interest in their ancestral homelands. The self-identified Ohlone/Costanoan-Esselen Nation is an organized tribal council seeking to gain federal recognition."

7.1

The way that the OCEN tribe is couched within that paragraph appears disconnected from the original dialogue of "the descendants of these early people." It is as if the "early descendants" and the OCEN tribe have nothing to do with each other. To the contrary, we have hundreds tribal members directly descended from "Sargenteruc" alone, let alone the other village areas known as Jojopan, Pixchi and Elchoos. Their lineages have been successfully traced through various forms of legally acceptable documentation. And, it is the tribe, as a whole, that continues to have this active interest.

34 E. 5th Street, Morgan Hill, California 95037  
Wk: 408/779-9103 Hm: 408/779-1390 Cell: 408/314-1506

**Letter**  
7

Page 2  
03/24/2004

It also appears that the identity of these early people was not well researched. In Milliken's later work, he agrees with John Peabody Harrington, a historic linguist, that the Indians in Sur spoke Esselen as fluently as they did the other Costanoan language for that area. Language is not always a clear determination for ethnicity. There was a time when Indians spoke fluent Spanish but, clearly, they were not Spaniards.

Personally, I have documented a lineage that includes Maria Jacinta Alvarez-Gonzales' statement wherein she said "Yo soy Esselen [I am Esselen]." None of her ancestral village origins were in the typical "Esselen" placement one might find in a review of the extant earlier anthropological studies conducted by Milliken, Kroeber, or Breschini. However, she did have ancestral villages in the area known as Sargentaruc, namely Jojopan and Elchocs. Yet, her identity was clearly known to her as "Esselen," as other related tribal members know it.

The OCEN tribe is an amalgamation of the Indian descendants that were absorbed into Mission San Carlos and some of those from Mission Soledad. With the intermarriage that existed during the mission and post-mission period, and the cultural hardships imposed upon our people, it is no wonder that the tribal name varies from person to person. Yet, we are all of the same peoples who were so impacted by the missions. This is partially why our name reflects such a complex composition – Ohlone (the name dubbed to our people by mistake by equating us with the Costanoan), Costanoan (the name dubbed to our people by the Spaniards upon their arrival), Esselen (the name of the first indigenous people declared to be extinct), and Nation (to represent the amalgamation of who we are).

7.1  
(cont.)

Therefore, we are the tribe of descendants to the Sur area. Let there be no doubt about that.

We are not just a "self-identified" tribe. We can demonstrate at least three period of receiving federal recognition from the United States Government as a tribe. In 1883, Bureau of Indians Affairs Agent Helen Hunt Jackson found the Indians living around the mission in dire fear of losing even more of their homeland and recommended the government to follow through in their responsibilities of the treaties as promised in 1851. The BIA sent Agent Kelsey to find the Indians in the early part of the 20<sup>th</sup> century only to pull him from his assignment after barely counting and naming the Miranda family living at the Sur Rancheria in 1906. Even as late as 1923, the tribe was previously federally recognized as the Monterey Band in 1923 by BIA Superintendent LaFayette Dorrington. It is true that we are seeking reaffirmation as a federally recognized tribe, but let it be known that it is not simply a matter of self-identification.

On this topic, the last point to be made is one of structural clarification. The OCEN is not a tribal council; it is a tribe. OCEN conducts its business through the tribal council body, which is currently made up of:

- Rudy Rosales, Chair
- Lorraine Escobar, Interim Vice-Chair (and tribal genealogist)

Letter  
7

Theresa Machado Pifion, Interim Treasurer  
Gloria Ritter, Council Member  
Cari Herthel, Interim Council Member  
Pam Tanous, Interim Council Member  
Joseph Kavanagh, Interim Council Member  
Anthony Gomez, Interim Council Member

We acknowledge that your agency is planning to take utmost care in preserving whatever archaeological and historical sites may be impacted in order to prepare the park for public use. It is our request that your agency will consult with our tribe in the event that any further archaeological finds are made during any excavation or park maintenance efforts. We have an archaeologist on staff, Ms. Susan Morley, who will be willing to assist your agency, and our tribe, in the event of such a find. Her contact information is as follows:

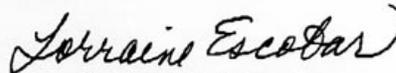
Susan Morley, M.A.  
510 Carmel Avenue  
Pacific Grove, CA 93950  
Home (813) 645-9162

7.1  
(cont.)

Lastly, if there is any intent to prepare educational signage for the area or other educational types of materials for the public at large, we also request that you continue to consult with the OCEN tribe to achieve the most accurate and comprehensive understanding of the earliest people of the Pt. Sur area.

If your agency requests any specific papers or documentation in support of the matters I am addressing in this letter, I will be happy to provide whatever materials you request. Please feel free to contact me.

Sincerely,



Lorraine "Rain Cloud" Escobar,  
OCEN Interim Vice-Chair  
OCEN Tribal Genealogist  
Certified Lineage Specialist/Native American  
Lineages

C: OCEN Tribal Council

## Response to Letter 7: Lorraine Escobar, Ohlone/Costanoan Esselen Tribe

- 7.1 Thank you for your comments on the Point Sur State Historic Park Preliminary General Plan/Draft Environmental Impact Report (DEIR). Please refer to **General Response to Commenters** at the beginning of this chapter for additional information.

We received comments about this Preliminary General Plan from several Native American individuals and groups who have connections with this area. Upon reconsideration, it appears inappropriate to mention only the Ohlone/Costanoan Esselen Nation (OCEN) in this context, and the paragraph on Page 2-29 will be altered as follows:

Point Sur SHP is in either Esselen territory (Breschini and Haversat 1994) or the Costanoan area known as Sargenteruc (Millikin 1990). Very little ethnographic data was recorded for this area, and what was recorded presents conflicting views. Mission records show that people from both the Rumsen and the Esselen were absorbed into the mission sphere. Although some thought at one time that the Esselen were extinct (Kroeber 1925:544),  succeeding generations of the descendents of these early people thrive and continue to pass on their heritage and maintain  ~~have~~ an active interest in their ancestral homelands.  ~~The self-identified Ohlone/Costanoan-Esselen Nation is an organized tribal council seeking to gain federal recognition. More than half of its enrolled members reside in Monterey and San Benito counties. There are several groups seeking Federal recognition as tribes.~~

The main purpose of Point Sur Historic State Park is to preserve the maritime and military history of these facilities. There currently is no physical evidence of Native American occupation or use of Moro Rock or the NAVFAC area that could provide the basis for demonstrating Native American culture. As noted on page 3-3 of the Plan, however, "...DPR recognizes that an area's cultural significance to Native Americans is not solely dependent upon the presence/absence of archaeological artifacts. There is a need to understand and document the cultural significance of the Park and surrounding area to indigenous people." This can be accomplished only through collaboration with interested Native American individuals and groups.

It is appropriate to interpret the lifeways of the people who lived in this region before written history commenced, as cited in the Goals and

Guidelines on page 4-20 of the Plan. Native American cultural issues are interpreted to various extents at many State Parks. When it becomes possible to do so at Point Sur SHP, DPR will consult with interested Native Americans (including OCEN) to develop interpretive materials related to the Esselen and Costanoan people.

Several sources were consulted in the short ethnographic overview (see pages 6-4 and 6-5). It is clear that the prehistory of the Big Sur area has not been rigorously studied. The information that you forwarded is extremely interesting, and we look forward to working with you in the future.

Received

MAR 26 2004

COMMENTS: NOEL OARD MAPSTEAD

Central Service Center

PRELIMINARY GENERAL PLAN /DRAFT ENVIRONMENTAL IMPACT REPORT

POINT SUR STATE HISTORIC PARK SCH #2003011056

Letter  
8

ATTN: TERRY LEE

I object to the limited one and only preferred alternative. I request a Subsequent or supplemental Draft Environmental Impact Report SDEIR be prepared that analyzes American Indian alternatives and historic cultural preserve alternatives for American Indians, as classified in the California Code of Regulations CCR, Title 14 sec.4760 and Public Resources Code PRC 5019.74. **8.1**

American Indian alternatives should analyze, including but not limited to, use of the land by American Indians as, land claims; religious practices; stewardship; leasing; shared or autonomous historical interpretation programs; paid volunteers; and funding from the state budget allowed and envisioned for such interpretation of cultural preserves, historical districts, landmarks, points of interests, historical integrity, objects, marine resources etc. and listing of such through SHRC, which should be added as a lead and or responsible agency for this. Do you disagree? **8.2**

A SDEIR should consider the potential for a program EIR, master EIR or master EA. Do you disagree? **8.3**

The fact is, point sur state historic park, the lighthouse portion, does not currently exist, as it has not been classified in CCR Natural Resources title 14 sec. 4754. Do you disagree? **8.3**

The lack of such alternatives in the DEIR constitutes a significant social environmental impact not mitigated and not disclosed or analyzed, and would create great harm to the general public if such alternatives for American Indian cultural preserve were ignored. Do you disagree? **8.4**

The DEIR's lack of any other alternatives defies CEQA requirements of a range of alternatives with reasoned and feasible choices. American Indian alternatives are not infeasible, can be reasonably ascertained, are not remote, and are not speculative. Do you disagree? **8.5**

The acquisition of the light house and navy base represents an extraordinary opportunity to correct a critical deficiency in addressing American Indian cultural history in California and the big sur area, as declared by the legislature. Do you disagree? **8.6**

More monies are now available ( \$1 billion) in the numerous state budgets for historical preservation (PRC 5096.310) to promote American Indian cultural values than at any other time since the all out genocide of California Indians by Spanish/Mexican/European cultures. Do you disagree? **8.7**

The following comments are mostly created as questions in which the responses will disclose the racism and discrimination the DEIR encompasses in excluding American Indian alternative analysis, and avoid responses such as comment noted, etc.

It is mandatory that I be given written responses to my comments with detailed reasons why each and every comment is not accepted or what mitigation measures are being made to resolve my comment concerns, with a good faith reasoned analysis.

**Letter  
8**

Conclusory responses unsupported by factual information will not suffice. Further my comment review cannot be restricted to general adequacy or comments not focused as recommended by CEQA. Do you disagree?

Comment:

- 1. The executive summary only includes reference to point sur as a landmark for European culture. Why? Please include reference to American Indian history of the geographical area in the SDEIR. **8.8-1**
- 2. The "declaration of purpose" focuses only on European maritime and military history. Why doesn't it include American Indian history of the geographical area? Including maritime and military? **8.8-2**
- 3. "Issues of known concern" does not include known American Indian concerns of the Esselen people, that have been made available to the Navy and State Parks. Why? **8.8-3**
- 4. The concerns of American Indians to establishing uses of point sur are known to state parks. How have these concerns been resolved in the Plan? **8.8-4**
- 5. Why does this DEIR only focus on the environmental effects of the preferred alternative? **8.8-5**
- 6. What environmental effects exists without an American Indian alternative and or culture preserve being created or shared with the preferred alternative, in keeping with CCR Title 14 sec 4754? **8.8-6**
- 7. On page 1-2 DEIR, why does the introduction exclude any reference to American Indian geographical ethno-history of point sur? Does the ethno-history of American Indians of the point sur area have no historical value compared to European maritime and military history? Were American Indians never a part of this history? **8.8-7**
- 8. Why was point sur light house included in NRHP but not American Indians, Esselen/Rumsen/Salinian history, of the geographical area of point sur? **8.8-8**
- 9. The DEIR p2-1 states that point sur is already a SHP, yet it is not classified as one in CCR title 14 sec 4754. Why? **8.8-9**
- 10. Since acquisition of the navy base in 2000, why is American Indian geographical history not viewed as increased awareness of cultural significance for this general plan? See P. 1-5 **8.8-10**
- 11. If the acquisition of the navy base raised questions about how to manage and use point sur property, why has American Indian cultural park alternatives been excluded as a viable alternative to the preferred alternative? See p1-6 **8.8-11**
- 12. What participation has American Indians had in the development of this general plan? Please list in detail and be specific of their participation, from closure of the navy base, quick deed to state parks and current **8.8-12**
- 13. Why do American Indians not have shared ownership, whole or in part of point sur navy base and the lighthouse? Why do state parks, the navy and coast guard have ownership? See p2-2 **8.8-13**
- 14. If the Big Sur area for the purposes of this DEIR is delineated by the carmel river and san carpojo, why has American Indian history not been included in this DEIR? **8.8-14**
- 15. Why do American Indians not have easements rights of the subject property as given to other entities? **8.8-15**

Pt. Sur  
MAPSTEAD DEIR  
COMMENTS.

**Letter  
8**

- 16. . } **8.8-16**
- 17. Pico Blanco is described in the DEIR as an aesthetic resource. Why is Pico Blanco and Point Sur not discussed as part of the cosmology of the American Indian esselen people.? Pico Blanco is an element of the origin of the world and represents a great mystery, and is attributed to the poem "The Women at Point Sur" by Robinson Jeffers. } **8.8-17**
- 18. Why are tours of point sur currently, not done by American Indians to share their ancestral homeland history with the public? } **8.8-18**
- 19. Do the beaches listed in table 1 p. 2-7 DEIR have any American Indian history of the big sur area as defined by the DEIR (see comment 13) } **8.8-19**
- 20. In the SDEIR, please describe the uses of the biotic/animal/mineral/marine/land habitat resources of the big sur/point sur area by American Indians, both physically and culturally, as listed in the DEIR. } **8.8-20**
- 21. Given even the limited disclosure of the American Indian ethnographic overview in the DEIR p. 3-29/30, why has this ethno-history not been considered of historical value for an American Indian culture preserve alternative to be included within the proposed SHP accommodated by PRC 5019.74? } **8.8-21**
- 22. What makes European maritime and military history the only focused history for this general plan? } **8.8-22**
- 23. Page 2-29 states "the material culture of the esselen is not well known". Please explain why literature exists that does describe material culture of the esselen, including An Overview of the Esselen Inidians of Central Monterey County 1993, Breschini and Haversat? } **8.8-23**
- 24. Were the esselen people asked about their material culture for this DEIR? } **8.8-24**
- 25. Does this DEIR refer to esselen material culture as past and or present? } **8.8-25**
- 26. Does this DEIR consider the esselen people today as having a material culture? } **8.8-26**
- 27. It appears the DEIR considers the esselen an early people of the past. Does this DEIR consider the living descendants of the esselen to be esselen? If not, then what are they? Just descendants? } **8.8-27**
- 28. Is their a list of known living descendants of the early esselen? Please include this in the requested SDEIR. } **8.8-28**
- 29. How are the descendants of the esselen quote, "thriving". See p2-29. Please describe } **8.8-29**
- 30. What is the continued active interest of the descendants of the esselen in their ancestral homelands? Please describe } **8.8-30**
- 31. The DEIR describes the ancestral homelands of the esselen to be the big sur coast which is defined in the DEIR as carmel river to san carpojo. The rumsen and salinian are in these areas. Have the descendants of the rumsen and salinian been contacted about this general plan for point sur? Are they thriving and have an active interest in their ancestral homelands? Se p2-29 } **8.8-31**
- 32. The DEIR describes the esselen ancestral homelands of the descendants, to be quote "theirs" p. 2-29. How is the homeland theirs? Do they have ownership? Are they part of the partnership to create this SHP as listed on p. 1-6? } **8.8-32**
- 33. Why doesn't American Indian history of the Big Sur coast present a continuum of history, to be included as an alternative in the general plan, equal to maritime and military history? } **8.8-33**

Pt. Sur  
MAPSTEAD DEIR  
comments

**Letter  
8**

- 34. "What are the known cultural resources of American Indians of the built environment? P. 2-30 DEIR" } **8.8-34**
- 35. What is the difference between prehistoric archaeological resources and archaeological resources? } **8.8-35**
- 36. Are archaeological resources the only means to identify American Indian history? } **8.8-36**
- 37. Why does the DEIR separate American Indian archaeological cultural resources from the Historic Overview on p. 2-30? } **8.8-37**
- 38. Why are American Indians of the big sur area not included in the Historic Overview on p 2-30 as part of the "first historic period"? } **8.8-38**
- 39. The DEIR appears to define American Indians as an archaeological site and not as a people with a history. Please comment. } **8.8-39**
- 40. What is the American Indian name for "Moro Rock"? } **8.8-40**
- 41. If the Spanish are the first to sight moro rock, does this mean American Indians never saw the rock? Or if they did, it does not count as history? See p2-30 } **8.8-41**
- 42. Did American Indians disappear or leave their homelands in the Spanish period (1542-1793)? If not, please describe American Indian history in the big sur area during this period } **8.8-42**
- 43. Again, did American Indians disappear or leave their homelands of Big Sur in the Mexican-Early American Period (1834-1866)? If not please describe American Indian history in the big sur area during this period } **8.8-43**
- 44. What is the named history period between 1793 and 1834? Were American Indians present then? } **8.8-44**
- 45. Why are American Indians excluded from having a history in the Mexican -Early American Period? Is this the second historic period? } **8.8-45**
- 46. The DEIR Historic Overview describes land transfers of rancho el sur. What role did American Indians/esselen/rumsen/salinian play in these historic changes of ownership? } **8.8-46**
- 47. Did American Indians of the big sur coast ever own their homeland? If so, did they sell it? } **8.8-47**
- 48. Why do American Indians of the big sur area have no land today? } **8.8-48**
- 49. What is the historical account of American Indian land changes from the arrival of the Spanish to the present? Including recent esselen land claims of the navy and DPR. } **8.8-49**
- 50. What is the history of American Indians in the big sur area between 1866 and 1886? } **8.8-50**
- 51. Again, did American Indians disappear or leave their homelands of Big Sur area in the Late 19<sup>th</sup> to Mid 20<sup>th</sup> Century Development Period (1885-1939)? If not please describe American Indian history in the big sur area during this period. By the way, is this the Third Period? } **8.8-51**
- 52. What is the American Indian History in the big sur area from 1939 to the present? That is, World War II to Initial State Park Ownership. Is this the Fourth Period? } **8.8-52**
- 53. Is Initial State Park Ownership to Present the Fifth Period? } **8.8-53**
- 54. What are the current religious practices of the esselen people today in the big sur area? } **8.8-54**

Pt. Sur  
MAPSTEAD DEIR  
COMMENTS

**Letter  
8**

- 55. If SHPO still doesn't deem NAVFAC eligible for NRHP, why has DPR pushed for such nomination and excluded American Indian cultural values from such nomination? Se p2-40 } **8.8-55**
- 56. Again on p-2-43 the DEIR asserts that a point sur SH was created, yet it is not classified in title 14 sec 4754. Why? } **8.8-56**
- 57. On p-2-43 the DEIR boast that point sur has a continuity of over 100 years of maritime and military history. Why does the DEIR exclude American Indian continuity of history in the big sur area and point sur? } **8.8-57**
- 58. Do American Indians have a continuity of history in the big sur area and point sur? Or is it a broken continuity? If so why? } **8.8-58**
- 59. Could American Indian cultural history make a unique contribution to the interpretive story of point sur SP? See p2-43 } **8.8-59**
- 60. Why has American Indian cultural history not been recorded on standard (523 series) state recordation forms? See p2-43 } **8.8-60**
- 61. Why does the current visitor center on the rock, not include American Indian items, books for sale and exhibits? See p2-45 } **8.8-61**
- 62. Again the DEIR p2-47 list only the navy base and the light house as the only two cultural aesthetic resources. Why does the DEIR exclude American Indian homelands of the big sur area as an aesthetic experience? } **8.8-62**
- 63. Why is American Indian history not a primary historical theme of this plan with an Indian name? See p2-49 } **8.8-63**
- 64. The DEIR list historical units pursuant to PRC 5019.59. The unit includes "sites" which is define in CCR title 14 sec. 4754 appendix A as prehistoric or historic occupation, including vanished. A site need not be marked by physical remains including trails and native American ceremonial areas. Why has the DEIR excluded American Indian history as part of the historical unit classification for this plan? See p2-48 } **8.8-64**
- 65. Why has the DEIR excluded cultural preserve units as part of the plan, which is also listed in PRC 5019.59? } **8.8-65**
- 66. Why has American Indian history not been considered an historical district in the plan along with the lighthouse? Given that historical districts can have sites, objects, geographic cultural history contributing and non contributing pursuant to PRC 4852 title 14 (a)(5)? } **8.8-66**
- 67. Why has the DEIR not considered American Indian historical integrity as part of the plan given title 14 sec 4852(c) and (b)(1-4) criteria of authenticity of physical identity even if a resource has lost history and its character may still be historical if it maintains potential? Does American Indian history have potential? } **8.8-67**
- 68. Why has SHPO not aquired lands at point sur for American Indian history pursuant to PRC 5079.20? } **8.8-68**
- 69. DEIR p 3-3, if there is need to understand and document the cultural significance foe the park and surrounding area to indigenous people, why has this not been explored in the DEIR and as part of a range of alternatives? } **8.8-69**
- 70. DEIR p 3-5, discloses a need to expand interpretation of the indigenous people, yet excludes all discussion of a range of alternatives to do so, including a cultural preserve within the SHP unit proposed. Why? } **8.8-70**

Pf. Sur  
MAPSTEAD DEIR  
COMMENTS

**Letter  
8**

- 71. The DEIR states that the indigenous people were the first stewards of the resources. Are they no longer? If so why? Are the esselen descendants still stewards of the resources? See p 3-5 } 8.8-71
- 72. Does this DEIR assert that only DPR is superior to be steward of the resources now? } 8.8-72
- 73. DEIR p3-16 boast about shared benefit providing a collaborative opportunity for public education and interpretation. Why are American Indians not included in this shared benefit as other entities are, including adjacent land use? } 8.8-73
- 74. Again the DEIR p4-16 calls for a need to identify and understand the cultural significance the park may have to indigenous people, but has done nothing to explore this in a range of alternatives and a cultural preserve. Why? } 8.8-74
- 75. What has DPR done to collaborate with local native American groups to document the cultural significance of the park and surrounding area to indigenous people, given state legislature mandates to do so now, and laws and funding to implement this now? See p4-16 } 8.8-75
- 76. DEIR p4-19, why does American Indian not hold national and statewide significance for the rich history of American Indians of the big sur area? } 8.8-76
- 77. DEIR p 4-20, please explain just how the descendants of the first people, indigenous people of point sur, continue the connection of being the first stewards? } 8.8-77
- 78. Why are the descendants a secondary theme? } 8.8-78
- 79. What is DPR doing to look for opportunities to develop interpretive and educational partnerships with American Indians, yet includes MBNMS and NPGS? P. 4-22 } 8.8-79
- 80. The DEIR proposes yet another unit, the natural preserve unit within the historical unit. Why not propose a cultural preserve? P.4-29 } 8.8-80
- 81. The DEIR p5-4 excludes any mention in the preferred alternative park wide to understand the needs and views of American Indians, compared to earlier assertions in the DEIR that it will. Why? } 8.8-81
- 82. p 5-15, because the DEIR excludes American Indian range of alternatives, the DEIR is legally and fatally flawed in addressing environmental impacts to cultural resources. Preparing a SDEIR will address this. Do you disagree? The DEIR chooses to "should" cooperate with American Indians after the fact that they have been excluded in the plan as a viable concern. Why? } 8.8-82
- 83. The DEIR does not discuss any aspects of American Indian cultural heritage, historical districts, historic context, historic fabric, historic integrity, cultural landscape, as defined in appendix A title 14 sec 4858. Why? } 8.8-83
- 84. Please extend the comment period for this DEIR. SCH time is only a minimum of 45 days, with no restriction on extensions. I also request to submit late comments within a reasonable time. } 8.8-84
- 85. If my request for an SDEIR is rejected, please send me a hard copy, not a CD, of the FEIR to P.O. Box 1962 Carmel, CA 93921. } 8.8-85
- 86. If an SDEIR is not recirculated I request a FEIR review period be made available to the public before any approval is made by the lead agency, in order to make comments on the written responses to this. } 8.8-86

6

Pt. Sur  
MAPSTEAD DEIR  
COMMENTS

**Letter  
8**

- 87. Please apprise me of the date a notice of determination NOD with OPR will be filed , so I may avail myself the right to challenge an FEIR/project/plan decision by the parks commission within the statutory time frame in a court of law of competent jurisdiction. } 8.8-87
- 88. Submitted by Noel Oard Mapstead, P.O. Box 1962 Carmel, CA 93921
- 89. dated march 25, 2004, carmel, ca noel oard mapstead

7

Point Sur  
Mapstead DEIR comments

## Response to Letter 8: Noel Oard Mapstead, Carmel

Thank you for your comments on the Point Sur State Historic Park Preliminary General Plan/Draft Environmental Impact Report (DEIR). Please refer to **General Response to Commenters** at the beginning of this chapter for additional information.

The Department of Parks and Recreation (DPR) Mission Statement includes the protection of cultural resources. On page 4-16, the Plan states, "California State Parks will collaborate with local Native American groups and individuals to document the cultural significance of the Park and surrounding area to indigenous people." On the other hand, there are no known prehistoric cultural resources in Point Sur SHP, and it is not an appropriate location for a cultural preserve.

- 8.1** The Environmental Analysis Section, Chapter 5, evaluates three alternatives for the CEQA process. A supplemental draft EIR is not planned.
- 8.2** Point Sur SHP has not been listed at the Office of Historic Preservation as a prehistoric site or through the Native American Heritage Commission as a traditional cultural site. It does not contain known significant Native American resources. If you have substantial evidence to the contrary, DPR, OHP and the NAHC would be interested in reviewing that evidence.
- 8.3** Point Sur SHP has been classified as such by the Parks Commission, in the manner delegated to them by law (PRC §5019.50 and §5019.59). The classification statement declares that the main purpose of Point Sur Historic State Park is to preserve the maritime and military history of these facilities (See **8.8-1**).
- 8.4** There is no substantial evidence that would support establishing a cultural preserve at Point Sur SHP (See also **8.1 – 8.3** and **8.8-21**).
- 8.5** The Plan presents reasonable alternatives. Please refer to the Environmental Analysis in Chapter 5. There is no basis for including a cultural preserve as an alternative for this unit (See **8.8-21**).
- 8.6** Native American cultural issues are interpreted to various extents at many State Parks, and it is appropriate to interpret the life ways of the people who lived in the Big Sur region before written history commenced at Point Sur SHP. DPR will consult with interested Native Americans to develop interpretive materials related to the Esselen and Rumsen Ohlone people. However, there currently is no physical evidence of Native American occupation or use of Moro Rock or the NAVFAC area that could provide material for demonstrating Native American culture. (See **8.8-21** and **8.8-59**)
- 8.7** PRC §5096.310 provides a little over \$502 million for a variety of projects over a five-year period. The largest portion of that money

(\$388 million) is earmarked for grants to local governments and agencies to improve their parks. Only \$18 million is designated for cultural and natural resource stewardship projects administered by DPR, and of necessity the funds available for cultural stewardship are spread thinly across many deserving projects in the state.

- 8.8-1** Point Sur State Historic Park has been classified as such by the Parks Commission, in the manner delegated to them by law (PRC 5019.50 and 5019.59). The classification statement declares that the main purpose of Point Sur Historic State Park is to preserve the maritime and military history of these facilities.
- 8.8-2** See above. The focus of the General Plan is the unit itself, not the general area.
- 8.8-3** The issues (discussed in the Executive Summary) are the administrative and interpretive concerns of this State Historic Park, and do include, "Preserve and interpret significant historic, cultural, and natural features."
- 8.8-4** Native American concerns previously raised with the Navy and Federal Government are not valid at the State Parks level (See also **8.8-11**).
- 8.8-5** Unlike projects under the National Environmental Policy Act (NEPA) which analyzes the environmental impact of the project and alternatives at the same level of detail, the California Environmental Quality Act (CEQA) analyzes the project (the preferred alternative) and treats the other alternatives in a less detailed fashion.
- 8.8-6** California Civil Code Title 14, Chapter 10, Section 4754 is simply a listing of historic units, and Point Sur SHP will be listed once the General Plan is accepted and as the statute is updated.
- 8.8-7** The Parks Commission has designated this Park unit as a State Historic Park, and as such the focus of the unit is upon the historical events described in the classification statement. At this time, DPR has no substantial evidence of a Native American presence at this unit more significant than any other site in the general area.
- 8.8-8** The nomination to the National Register of Historic Places focused upon the maritime history that is inherent in a lighthouse property. There are no known tangible Native American cultural resources at Point Sur SHP.
- 8.8-9** Point Sur State Historic Park has been classified as such by the Parks Commission, in the manner delegated to them by law (PRC 5019.50 and 5019.59). The classification statement declares that the main purpose of Point Sur Historic State Park is to preserve the maritime and military history of these facilities. The unit will be listed in California Civil Code Title 14, Chapter 10, Section 4754 after acceptance of the General Plan and as the statute is updated.

- 8.8-10** The NAVFAC area contains no known tangible Native American cultural resources.
- 8.8-11** A Native American cultural park would be more appropriate where there are known prehistoric cultural resources. There are several such parks in California.
- 8.8-12** The State of California had no part in Federal decisions prior to transfer of the property to the State. There are several Native American groups and many more individuals interested in this area, and some of these chose to comment on the Plan. The exact wording of the ethno-historic section was approved by Polomo John Brennan in an e-mail dated 9/6/2003.
- 8.8-13** The Federal Government acquired Moro Rock and the right of way to access it from John Cooper in 1866. The NAVFAC parcel was acquired in 1956. The United States of America exercised complete dominion adverse to any aboriginal right of occupancy of the property. The Federal government transferred the property to the State in 2000.
- 8.8-14** For the purposes of wider discussion, the Plan did define the Big Sur area as delineated by the Carmel River in Monterey County to the north and San Carpoforo Creek in San Luis Obispo County to the south. However, the Plan's existing conditions refer to the park unit itself. A discussion of the Native American ethnographic history is on pages 2-29 and 2-30.
- 8.8-15** No easements have been granted, save for the Department of Defense and U.S. Coast Guard, to pursue their normal activities at their remaining facilities. Utilities also have access to maintain their equipment. To preserve the natural and cultural resources of Point Sur SHP and in consideration of hazardous materials and general safety concerns, the public is currently allowed use and entry only when entering as a participant in an approved public tour of the facilities accompanied by an agent or representative of the State, or when participating in restoration, housekeeping, maintenance or educational activities associated with operation of Point Sur State Historic Park or the federal facilities.
- 8.8-16** (No comment received)
- 8.8-17** Pico Blanco is mentioned on page 2-46 as a landmark, and is not a part of Point Sur SHP, the topic of the Plan.
- 8.8-18** The tour subjects are related to the historic themes defined in the Park's classification statement. DPR does not require disclosure of its docents' ethnicity, so it is unknown whether or not any docents are Native American. All people who are willing to meet the requirements of the Park's volunteer program are welcome to participate regardless of ethnicity.

- 8.8-19** Table 1, on page 2-7, lists beaches in the area that are open to the public. None of these are within the Point Sur SHP, the topic of the Plan.
- 8.8-20** The suggested topic is outside of the scope of the Plan.
- 8.8-21** Cultural preserves are designated as such to protect outstanding resources, if the Park unit or portion thereof contains, according to PRC §5019.74, "such features as sites, buildings, or zones which represent significant places or events in the flow of human experience in California." This is not the case at Point Sur SHP.
- 8.8-22** Point Sur State Historic Park has been classified as such by the Parks Commission, in the manner delegated to them by law (PRC 5019.50 and 5019.59). The classification statement declares that the main purpose of Point Sur State Historic Park is to preserve the maritime and military history of these facilities. Designation of the uses represented by the built environment does not negate other comments. For instance, although the area has long been used for cattle ranching, the unit does not represent historic or present-day ranching.
- 8.8-23** The work you cite and several other publications were consulted in the preparation of the Plan (see Plan pages 6-4 and 6-5). Breschini and Haversat (1994: 1) state, "Because of the early demise of the Esselen culture (which some place as early as the 1840s), little is known about many aspects of their lives."
- 8.8-24** See **8.8-12**.
- 8.8-25** No tense is adopted in the discussion on pages 2-29 and 2-30.
- 8.8-26** All humans have material culture.
- 8.8-27** The Plan notes on page 2-29 that self-identified Esselen people are living today.
- 8.8-28** The Plan is not an appropriate vehicle for such a list. This is outside the scope of the General Plan and Environmental Impact Report.
- 8.8-29** As noted in **8.8-30**, the wording of the cited paragraph has been changed.
- 8.8-30** The cited paragraph on page 2-29 will be revised as follows:
- Point Sur SHP is in either Esselen territory (Breschini and Haversat 1994) or the Costanoan area known as Sargenteruc (Millikin 1990). Very little ethnographic data was recorded for this area, and what was recorded presents conflicting views. Mission records show that people from both the Rumsen and the Esselen were absorbed into the mission sphere. Although some thought at one time that the Esselen

were extinct (Kroeber 1925:544), succeeding generations of the descendents of these early people ~~thrive and~~ continue to pass on their heritage and maintain ~~have~~ an active interest in their ancestral homelands. ~~The self-identified Ohlone/Costanoan-Esselen Nation is an organized tribal council seeking to gain federal recognition. More than half of its enrolled members reside in Monterey and San Benito counties.~~ There are several groups seeking Federal recognition as tribes.

- 8.8-31** The Plan states on page 2-29 that, "The Esselen, or their ancestors, may have been the first people to live along this section of the coast, as well as far to the north. The Esselen likely were concentrated in this area when the Rumsen Ohlone (or Costanoan) expanded southward, culminating 2500 years ago." The intention of the phrase, 'this section of the coast,' was describing the area around Point Sur. Note that in the paragraph in **8.8-30** the Rumsen Ohlone and Esselen are treated equally. The Salinan people did not live around Point Sur. See also response to comment **8.8-12**.
- 8.8-32** The quote on page 2-29 refers to the general area where the forebears of the current Native American population carried on their existence. Partnership is not mentioned on page 1-6. As noted in **8.8-30**, the wording of the cited paragraph has been changed.
- 8.8-33** See responses **8.8-21** and **8.8-22**.
- 8.8-34** The built environment referred to on page 2-30 refers to standing structures. The unit contains no known Native American-related resources.
- 8.8-35** Prehistoric refers to events that occurred in an area before written or pictorial documents were made. Historic activities can also create archaeological resources, for instance, the collections from privy pits.
- 8.8-36** Ethnography through direct interviews is an example of another way to acquire knowledge of Native American life ways, as in several of the cited texts, such as Kroeber (1925) and Millikin (1990).
- 8.8-37** The historic overview discusses the written recorded history of Point Sur. Pages 2-29 and 2-30 precede the history section, as Native American history preceded the European incursion.
- 8.8-38** See **8.8-37**.
- 8.8-39** The Plan, page 2-29, discusses living Native Americans and their historic connection with the past.
- 8.8-40** "Ex 'sien" is attributed to the area by M. H. Harrington's field notes.

- 8.8-41** As the Plan states on page 2-30: "The first historic period sightings of Moro Rock along the Alta California coast were recorded by Spanish explorers during the 16th century." This statement does not deny prehistoric observation of the promontory.
- 8.8-42** The Plan is necessarily limited to discussions related to the Point Sur SHP. The larger history of the treatment and fortunes of Native Americans in the Big Sur area is beyond the scope of this General Plan.
- 8.8-43** See **8.8-42**.
- 8.8-44** The historic periods discussed on pages 2-30 through 2-38 of the Plan highlight the periods of significant developments at Point Sur in relation to the chosen historical themes. The focus of this discussion is the events of note at Point Sur.
- 8.8-45** The history discussion is based on available documents. The Native American presence in the area is generally transparent in historical documents. The history periods are named, rather than numbered. See also **8.8-42**.
- 8.8-46** None that are documented.
- 8.8-47** See **8.8-42**, **8.8-44**, and **8.8-45**.
- 8.8-48** See **8.8-42**, **8.8-44**, and **8.8-45**.
- 8.8-49** See **8.8-12**, **-13**, **-42**, **-44**, and **-45**.
- 8.8-50** See **8.8-42**, **8.8-44**, and **8.8-45**.
- 8.8-51** See **8.8-42**, **8.8-44**, and **8.8-45**. The periods are not numbered.
- 8.8-52** See **8.8-42**, **8.8-44**, and **8.8-45**. The periods are not numbered.
- 8.8-53** The periods are not numbered.
- 8.8-54** If Native American people wish to share that information, they may do so in connection with the Guidelines listed on page 4-16.
- 8.8-55** See pages 2-40 and 3-4. In assessing the buildings at the former Point Sur NAVFAC, the challenge is to understand their exact level of historic significance. The findings of the State Office of Historic Preservation, as well as several qualified historians and consultants held that while NAVFAC bases similar to Point Sur played an important role in the Cold War era, this specific SOSUS site at Point Sur did not retain sufficient integrity, nor was it at a level of sufficient association with an important Cold War-era event to warrant complete preservation. That said, the NAVFAC is a part of the continuing maritime and military presence at Point Sur SHP, and its part of the history at Point Sur is important enough to retain a core number of structures for interpretive and educational reasons. DPR deems the site culturally, if not historically, significant. Native Americans have not figured prominently in the referenced historical events.

- 8.8-56** See **8.8-22**.
- 8.8-57** The purpose of the 'continuity' statement on page 2-43 was to underscore the historic themes that are the declared purpose of the Park unit. Native American presence in the Big Sur area is described by the Plan, pages 2-29 and 2-30. The physical evidence of a Native American presence does not exist within the boundaries of Point Sur SHP.
- 8.8-58** See **8.8.42** and **8.8-57**.
- 8.8-59** Native American cultural issues are interpreted to various extents at many State Parks, and it is appropriate to interpret the life ways of the people who lived in the Big Sur region before written history commenced at Point Sur SHP. As delineated on page 4-16, DPR will consult with interested Native Americans to develop interpretive materials related to the Esselen and Rumsen Ohlone people. However, there currently is no physical evidence of Native American occupation or use of Moro Rock or the NAVFAC area that could provide the basis for demonstrating Native American culture.
- 8.8-60** The 523-series of forms is designed for the recordation of the physical evidence of human activities.
- 8.8-61** Materials available at Point Sur SHP are selected for their relevance to the themes being interpreted at the Park. As interpretive themes change, so may the publications.
- 8.8-62** See **8.8.42** and **8.8-57**.
- 8.8-63** References to "this plan with an Indian name" and page 2-49 are not clear. The name of the unit and Plan are anglicized Spanish.
- 8.8-64** There are no Native American sacred sites listed with the Native American Heritage Commission for this Park unit.
- 8.8-65** See **8.8-21**.
- 8.8-66** See **8.8.42** and **8.8-57**.
- 8.8-67** See **8.8.42** and **8.8-57**.
- 8.8-68** Despite the provision in PRC §5079.20, the State Historic Preservation Officer (SHPO) has received no funds from the Legislature to take such actions. The Office of Historic Preservation is included in the Department of Parks and Recreation organization, but functions completely independently of Park Operations.
- 8.8-69** On page 4-16, the Plan states, "California State Parks will collaborate with local Native American groups and individuals to document the cultural significance of the Park and surrounding area to indigenous people."
- 8.8-70** See **8.8-69** and **8.8-21**.

- 8.8-71** The quote on page 3-5 reads, "There is also a need to expand interpretation of the Unit's natural resources and the indigenous people who were the first stewards of these resources." While the DPR has been charged by the Legislature to be the steward of the natural and cultural resources within the State Parks system, lessons can be learned from traditional practices.
- 8.8-72** DPR has been charged by the Legislature to be the steward of the natural and cultural resources within the State Parks system.
- 8.8-73** The cited paragraph on page 3-16 is related to the continued operation of the Terminal Equipment Building by the Naval Postgraduate School for research purposes. In the last paragraph on page 3-16, we do acknowledge the importance of coordinating future planning and actions to address regional issues, which includes working with Native Americans for interpretation of Native American history and the protection of known cultural resources on the Big Sur Coast.
- 8.8-74** See **8.8-21** and **8.8-69**.
- 8.8-75** As explained in the Goals and Guidelines, page 4-16, it is intended that DPR will work to gather and coordinate this information in the future.
- 8.8-76** The Light Station structures at Point Sur SHP have been granted the level of significance by placement on the National Register of Historic Places.
- 8.8-77** The secondary theme on page 4-20 reads, "The indigenous people of Point Sur were the land's first stewards, and today their descendants continue this connection." Native Americans continue their connection with the land through their beliefs, values and actions that keep their cultural heritage alive.
- 8.8-78** The primary themes are built around the purpose of the Park, as set by the Parks Commission. The lack of known tangible Native American cultural resources precludes elevating Native American themes to primary status.
- 8.8-79** As the Plan states, DPR will look for opportunities with "other interested partners."
- 8.8-80** It has been demonstrated that Western snowy plovers nest on the Point Sur beach, and there is a compelling need for protected Western snowy plover habitat, as proposed for the Natural Preserve. The State Historic Park classification affords adequate protection of cultural resources at Point Sur SHP. Goals and guidelines are presented on page 4-16 that direct our Department to conduct archeological surveys and collaborate with local Native American groups and individuals to document the cultural significance of the park and surrounding area to indigenous people.
- 8.8-81** Page 5-4 describes the central environmental themes and relates to

the physical resources of the Park unit. It does promise to “Develop a Cultural Resource Management Plan to identify and prioritize key actions to achieve cultural resource preservation.”

- 8.8-82** The conclusion is that DPR will be “implementing the General Plan guidelines” including those listed on page 4-16 (See **8.8-69**). DPR has prepared an adequate DEIR, and does not anticipate completing a supplement or subsequent document, although adoption of future plans and/or projects may trigger future CEQA documents.
- 8.8-83** See **8.8.42** and **8.8-57**.
- 8.8-84** The comment period will not be extended at this time. All comments that are received within a reasonable time prior to publication of the Final Environmental Impact Report (FEIR) will be answered.
- 8.8-85** Typically, DPR makes these documents available on a CD in order to reduce costs. However, we will send you a hard copy of the FEIR as requested. Copies of the FEIR will also be available for review at the DPR Central Service Center, Monterey District Office, Big Sur Station, Monterey Library, Carmel Library, Big Sur Library, and on the DPR web site.
- 8.8-86** CEQA does not require a formal public review period for the FEIR. However, as stated in **8.8-85**, the FEIR will be available for informal review prior to the Park and Recreation Commission hearing.
- 8.8-87** The Notice of Determination (NOD) is filed with the State Clearinghouse within five days of the Commissioners’ approval of the Preliminary General Plan/ Final EIR. Please contact the State Clearinghouse to confirm the date this notice is officially posted.

Mar 26 04 08:19a

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P. 1

Letter  
9

Received

MAR 26 2004

23 March 2004

Central Service Center

State of California-The Resources Agency  
Department of Parks and Recreation  
Big Sur Sector/Monterey District  
Big Sur Station #1  
Big Sur, CA 93920

ATTN: Ms. Lois Harter, Big Sur Sector Superintendent

via facsimile transmission: (831)667-2886 and hand-carried into  
CDPR District Headquarters at Garden Road, Monterey, CA

RE: comments on Point Sur State Historic Park Preliminary General Plan-  
February 2004-Draft Environmental Impact Report and follow-up on 1997  
Aboriginal Right of Occupancy Claim by the Esselen Children Trust of 1990,  
an Indians of California Trust Entity

Dear Ms. Harter,

This communication shall serve formally to both respond to your Public Meeting held on 20 February 2004 at your Big Sur State Park Headquarters, and convey our "The Esselen Children Trust of 1990, and Indians of California Trust Entity", comments and concerns on the Draft E.I.R. for Point Sur State Historic Park Preliminary General Plan-February 2004 State Clearing House #2003011056. As well to re-assert our still unresolved 1997 Aboriginal Right of Occupancy Claim and comment further on the 1993 Aboriginal Right of Occupancy Claim submitted by our Greater Tribe the Official Ohlone/Costanoan-Esselen Nation fka The Monterey Band of the Indians of California.

Firstly, Runsen/Ohlone-Esselen Coastal Indian of California family patriarch, Steven Soaring Hawk Fernandez attended your Public Meeting held on 20 February 2004, in his Aboriginal Homelands of Sargenta-Ruc, (Big Sur) to gain first hand insight to the proposed plans you, the State of California DPR, have in mind to what the April 1994 REVIEW ENVIRONMENTAL ASSESSMENT prepared by Uribe & Associates Environmental Consulting Services of Oakland, California, for the Department of The Navy, referred to as "once the territory of the Sarhenta-Ruc People who spoke Costanoan but frequently intermarried with Esselen (Indians)."

9.1

The above referenced quotation comes from page 7-2 of Chapter 7-AFFECTED ENVIRONMENT-POINT SUR under "Prehistoric and Historic Archaeological Properties". For your convenience, we have color highlighted such for your cursory review. (see attachment)

We also enclose, a color highlighted copy of the 1994 Copyright by Gary S. Ereshini and Trudy Haversat dated 25 April 1994, referenced as Page 7 entitled, "Figure 3. Esselen Territory and Boundaries." Both Mr. Ereshini and Ms. Haversat are astute and accredited local Anthropologists and Archaeologists. (see attachment)

Letter 9

page 27  
23 march 2004  
harter

The State of California DPR, in its own Draft E.I.R. 2/04, cites "The Esselen (Indians), or their Ancestors, may have been the first People to live along this section of the Coast, as well as far to the North. The Esselen likely were concentrated in this area when the Rumsen/Ohlone (or Costanoan) expanded southward, culminating 2500 years ago."

It goes on to say, "Point Sur State Historic Park is in either Esselen Territory (Ereshini and Haversat 1994) or the Costanoan Area known as Sargenta-Ruc (Millikin 1990).

Later in the same paragraph it states, "(Carmelo)Mission Records show that People from both Rumsen and the Esselen were absorbed into the Mission sphere, although some thought at one time that the Esselen were extinct (Kroeber 1925:54) the descendants of these early people thrive and continue to have an active interest in their Ancestral Homelands. The self-identified Ohlone/Costanoan-Esselen Nation is an organized Tribal Council seeking to gain Federal Recognition, (re-Affirmation).

There appears to be no argument that the primary and secondary beneficiaries of the Esselen Children Trust of 1990, the elder and enrolled Tribal Member, Mr. Fernandez nor most any enrolled Member of O.C.E.N., all genetically-proven Rumsen/Ohlone and or Esselen Indian Descendants are in fact the same rightful "heirs and descendants" of the Sacred Coastal Monterey County land of Sargenta-Ruc, which most definitely includes the Point Sur State Historic Park.

With that said...what provisions has the State of California DPR made for these handful of "heirs and descendants" of the Original People of Sargenta-Ruc (Eig Sur)? What provisions did the lead Federal Agency(s) make for the Treaty-protected Rumsen/Ohlone-Esselen People prior to the Quitclaim flurry in the calendar year of: 2000? Mr. Fernandez stated both himself and O.C.E.N. Tribal Chair, the Honorable Rudy Rosales, both whom were present at the 20 February 2004 meeting in your Eig Sur State Park, voiced their opinions on such.

Hereto, in reading the Draft E.I.R. for Point Sur State Historic Park, it appears to be flawed in as much as it contradicts itself by listing, as does the 1994 Uribe & Associates REVIEW ENVIRONMENTAL ASSESSMENT that the San Carlos de Borromeo (Carmelo) Indians are a historic Coastal Central California Indian Tribe, but commences its Historic Overview with the "Spanish Period (1542-1791) and the first historic period sightings of Moro Rock along the Alta California Coast"... by Spanish Explorers during the 16th Century.

Apparently, indeed obviously, someone within CDPH whom prepared the Draft E.I.R., for Point Sur State Historic Park, did not weigh nor choose to incorporate any historical values clearly listed within the San Carlos Mission Records, or that of the renowned Smithsonian Anthropologist/Archaeologist, one John Peabody Harrington, known to the Losano-Maggetti Mestizo family as "El Alto", whom spent

9.1

9.2

9.3

Mar 26 04 08:19a

8

p. 3

Letter 9

page 3  
23 march 2004  
harter

the bulk of his life interviewing the few remaining local Rumsen/Ohlone (Costanoan) Esselen Indians approximately 100 years ago, herein Coastal Monterey County. These local Coastal Indian women informants, included but were not limited to, the incredible Isabel Meadows, and the Senior Mr. Fernandez's own Great-grandmother, Placida Losano-Maggetti.

9.4

As previously conveyed to the State of California DPR, Mr. Harrington's field notes lucidly explain Our People's name "Esselen" derives its meaning from "Excelen" of "Ex 'sien" meaning "The Rock". The term is related to the statement made both to Mr. Harrington by the female Rumsen/Ohlone-Esselen Coastal Indian informants in the early 1900's, as well as to the Padres at the San Carlos Mission 130 years prior, which is ... "xue elo x onia eliene", or in translation, ... "I come from the (Moro) Fock".

Today, one needs only travel down the Coast only as far as a point just north of Sobranes Point Creek, to make out a large promontory rising from the sea, like an independent monolithic island. Sighting Point Sur (Moro Rock) which was and still is an important landmark for Our People which signified the nearness to the well-documented Ancient Villages of Elchocs, Jojopan and Pixchi which existed both just north and south of Point Sur in our Indigenous Homelands, an area of profound spiritual and historical significance.

9.5

During the Mission Period, on occasion the Spanish Catholic Padres would allow the "neophyte" Rumsen/Ohlone-Esselen Indians to "return to whence they came" typically once a year at the Vernal Equinox Period (Springtime) via "permission". They were expected to return or the Spanish soldiers would go out and hunt them down and forcibly return these "affable" Coastal Indians to the Carmelo Mission. They returned to the Sacred Ancestral Homelands they knew of which included the village sites previously named all within the Sargenta-Ruc District. Point Sur State Historic Park self-admittedly lies within the Sargenta-Ruc District and halfway between the ancient villages of Elchocs and Jojopan, surrounded now by the El Sur Ranch.

Recorded history provides that after Mexico achieved independence in 1821, the Missions were disbanded and ultimately secularized in 1834. With secularization came the exploitative use of Coastal Indian land or became an integral part of economic development, in and about Monterey as it had previously for the Mission Presidio Colonial System. Though most land was to be returned by law to Coastal Indian ex-neophytes, yet the majority of said land grants were made to Hispanic California men whom had served in the military campaigns. Despite the obvious interests non-Indians had against Esselen Nation Ancestors attempts to recuperate a communal land base, Mexican Officials made one extensive communal grant in the heart of the Carmelo River Valley, which was called La Rancheria in Spanish by its inhabitants. In addition, many rancherias, or villages of Coastal Indian workers, were established on the large California-owned ranchos including the Sur Rancheria, located on Rancho El Sur.

9.6

Mar 26 04 08:19a

8

p. 4

Letter  
9

page 4  
23 march 2004  
harter

Though non-Indians owned the titles to the larger ranch grants, Mexican Administrators included special legal stipulation, guaranteed in ownership of the Sacred coastal lands occupied by the Indigenous Indian Rancherias to the Native People there and their descendants forever.

Shortly thereafter, in 1846, the United States force claimed formal possession of all of Alta California, from Mexico. Admiral Sloat, himself in a speech held in Monterey at the first raising of the American Flag, dealt with the legal entitlements to be honored by the United States, including that of the rights of we, the local Native Americans.

Moreso, the Treaty of Guadalupe Hidalgo 1848 which ended the Mexican-American War, also guaranteed the protection of Indian of California Rights. Under the Treaty of Guadalupe Hidalgo 1848, the United States was/is obligated to identify lands deeded to Indians of California under both Spanish and Mexican Rule and to prevent the loss of these lands to non-Indians...including the State of California Government.

9.6  
cont.

Should this obligation of International concern been carried out, it would have established Our Ancestors, as the Federally Recognized Coastal Indian Tribe we once were, with an inalienable land base in the most Sacred, beautiful and tranquil Coastal environment on the North American Continent.

The also dishonored Treaty of Camp Barbour 1851 which included Our Ancestors, was suppressed with an official injunction of secrecy by the U.S. Congress, but was rediscovered by a Senatorial Clerk in 1905.

Again if is unclear within the Draft E.I.R. for Point Sur State Historical Park, on what if any provisions have been made to we the few remaining Runsen/ Ohlone-Esselen Descendants.

We can find no discussion on Coastal Indian Lands. Please respond to our inquiry to this quite important matter as we the Esselen Children Trust of 1990 feel as if both the 1993 and 1997, then amended in April of 2003, Aboriginal Land Claim(s) at the current Point Sur State Historic Park should be honored, resulting in an almost 20-acre Esselen Cultural Preserve.

9.7

Certainly you can understand our concern as our Indigenous Coastal Indian of California Culture has been excluded from your Draft E.I.R.

We feel this discriminatory in nature and stand ready to challenge such with a legal action should it become necessary. Hopefully that will not be the case.

Based on our limited interpretation as lay people of your Draft E.I.R. for the Point Sur State Historic Park, we do however recognize you are creating a new park unit. Therefore we are definitely requesting a copy of your final E.I.R. at Point Sur State Historic Park. In the meantime, please be so kind as to

9.8

Letter  
9

page 5  
23 march 2004  
harter

provide us with a supplemental Draft E.I.R. for the Point Sur State Historic Park, addressing the deficiencies involving Native American alternatives in the subject Draft E.I.R..

9.8  
cont.

As repeatedly denoted in the 1994 REVIEW ENVIRONMENTAL ASSESSMENT by Uribe & Associates, multiple even countless entries by former Esselen Nation Tribal Council and or its enrolled Tribal Members, speak of the "Sacredness" of the prehistoric and historic site...the "Spirit of Place" with its awe inspiring dramatic sight of the Point Sur Promontory and the mature Cypress-lined shoreline and open sandy beach.

It is here in both the southwest and northwest quadrants, that the ECT'90 made its respective 1997 Aboriginal Land Claim and the 2003 Amended Land Claim for purpose of some sort of development with a local Native American Theme. Again the Uribe & Associates 1994 REVIEW ENVIRONMENTAL ASSESSMENT speaks of Native American "caretaker" status of the near oceanfront property and the many options that exist based on proposed development of a Tribal Museum, Retreat, Local Coastal Indian Cultural Center, etc., and the additional short term construction and and rehabilitation jobs that would be created for the local residents, up and down the Carmelo/Eig Sur Coastline.

Furthermore, it states in Chapter 8, "ENVIRONMENTAL CONSEQUENCES-POINT SUR; PUBLIC USE Subsection- Impact :Schools..."if the land is transferred to Native Americans, the schools that support their dependence would receive Federal funding" (see color highlighted enclosure).

As well, Public services and utilities could and should receive additional Federal funding if we the Indigenous People occupied even a portion of the approximately 50-acre parcel of Coastal Terrace land.

9.9

Fire, police, and emergency services required at the facility are currently provided by Regional Agencies. Fires at the facility are handled by the Big Sur Volunteer Fire Department, law enforcement is under the jurisdiction of the Monterey County Sheriffs Department, and the Carmelo Regional Paramedic Unit in Eig Sur provides medical services.

Is there any of these agencies that could not benefit by an increase in Federal funding, should we, the O.C.E.N. Tribal members be granted our longstanding Aboriginal Land Claims for occupancy? Would not the non-Indian community of Eig Sur also highly benefit from these additional Federal monies into these mandatory Public service agencies?

Federal funding to upgrade and overhaul the utilities, being water supply, electrical supply, the sewage treatment facility and heating system, could be generated via grants through the appropriate Government agencies, such as the Bureau of Indian Affairs (B.I.A.), and the Department of Housing and Urban Development (H.U.D.) Southwest Office of Native American Indian Programs. The Federal impact aid is available if we the Indigenous Ones return to whence Our

Letter 9

page 6  
23 march 2004  
harter

Ancestors came.

X The 21 February 2003 Carmel Pine Cone Newspaper Article on "Affordable Housing" provides we of the ECT'90, as well as the Greater O.C.E.N. Tribe, and the general populous of Monterey County with CDPR's concept of "eventually replacing the old military (Naval) buildings with new housing for its employces". (see enclosure) } 9.10

What a grand idea! We all could be neighbors. This vision appeals to us greatly.

In closing, we, the Esselen Children Trust of 1990, would like to further assert that the Draft E.I.R. for Point Sur State Historic Park negates on giving both The Ancestors and living Descendants of the Rumsen/Ohlone and Esselen Coastal Indians of California little to no historical value, compared to that European Maritime and Naval History. Why is this? } 9.11

In keeping with visions contained within the California Code of Regulations-(CCR)Title 14 for Cultural Historic Districts such as Point Sur State Historic Park, provisions for Preservation of Historical Resources..."whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archaeological value, regardless of the value of any existing building, structure or object. A site need not be marked by physical remains if it is the location of a prehistoric event, and if no buildings, structures or objects marked it at that time. Examples of such are trails, designed landscapes, battlefields, habitation sites, Native American Ceremonial Arcas, petroglyphs, and pictographs. } 9.12

Any might or do exist underneath the natural ground surface of the former U.S. Navy Base.

No mention of any E.I.R. having been conducted in the early mid-1950's at the now quasi-former U.S. Navy Base, has ever been discussed. } 9.13

It is reasonable to conclude with so many well-documented archaeologically sensitive sites flanking Point Sur State Historic Park, being predominantly if not exclusively "Esselen", that the 50-acre(plus or minus), near oceanfront parcel could have, if not did play a significant role in the Cultural and Historical past of these first primitives in paradise. } 9.14

Therefore, we the ECT'90, by way of this writing, announce to the Public and re-assert of previous Aboriginal Land Claims for occupancy at Point Sur State Historic Park, for purposes of development of a Cultural Preserve consisting of distinct area of outstanding cultural interest to be established within the boundaries of your State Historic Park Unit, as to protect the Sacred Site and Spiritual Zone which represents a significant place of events in the flow of human experience in Alta California. } 9.15

Mar 26 04 09:05a

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p. 1

**Letter  
9**

page 7  
23 march 2004  
harter

Said areas of claim in the southwest and northwest quadrants to be set aside as Cultural Preserves equalling approximately 10-acres collectively, which is large enough to provide for the effective protection of our prime cultural resources from potentially damaging influences, and to permit the effective management and interpretation of these Indigenus Resources. It is understood that within Cultural Preserves, complete integrity of the cultural resources shall be sought, and no structures or improvements which conflict with such intergrity shall be permitted.

9.15  
cont.

We have attached a "streamlined" set of enclosures which support our claim(s) and position on these overtly important matters involving the present and future of the Point Sur State Historic Park Preliminary General Plan, pertaining to local Native American land use at the park facility unit being created.

We do readily voice our objection to the limit of one and only one "preferred" alternative, which as of this writing, is nearly completely devoid of any patronage to Our Ancestors and we their "heirs and descendants".

9.16

Please take special interest in the review of Mr. Philip Laverty's report entitled "The Ohlone/Costanoan-Esselen Nation of Monterey, California; Dispossession, Federal neglect, and the bitter irony of the Federal Acknowledgement Process, which the elder Mr. Fernandez cited specific's from such at the 20 February 2004 Public Meeting held at your CDPR Facility, in Big Sur Park.

Know further for the record, that the Point Sur Promontory is just as Sacred to the Indigenous Coastal Indians as that of Mount Pico Blanco.

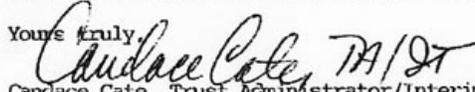
9.17

Please do no desecrate these heart-felt Sacred Esselen Sites by ignoring them or being in denial of their Almighty Powerful vortex energy, of which heals all that surrender to The Source.

PURSUANT TO PROVISIONS SET FORTH UNDER STATE, FEDERAL AND OR TRIBAL STATUTES, THIS DOCUMENT SHALL NOT CONSTITUTE A WAIVER OF ANY OF OUR RIGHTS OR REMEDIES UNDER WHICH WE SPECIFICALLY RESERVE.

May the mending of the Sacred hoop commence.

Yours truly,



Candace Cate, Trust Administrator/Interim TTEE, Esselen Children Trust of 1990  
An Indians Of California Trust Entity  
CA ADDRESS: Post Office Box 223078, Carmel, CA 93922-3078  
HI ADDRESS: 75-313 Aloha Kona Drive, Kailua-Kona, HI 96740-2029

w/enclosures

C: George W. Bush, President, United States of America  
Arnold Schwarzenegger, Governor, State of California

Mar 26 04 08:21a

8

p. 8

Letter  
9

page 8  
23 march 2004  
harter

C: Official Ohlone/Costanoan-Esselen Nation Tribal Council

I, Steven Soaring Hawk Fernandez, Esselen, am an enrolled member being #541, of the Ohlone/Costanoan-Esselen Nation, and have read the foregoing with enclosures and approve of its content and meaning, for return of My People's Sacred Homelands and or adequate monetary compensation for such.

signed this 26 day in Carmelo, California

MARCH 2004

Steven Soaring Hawk Fernandez #541  
Steven Soaring Hawk Fernandez, Esselen, an "Individual Indian" ESSELEN

## **Response to Letter 9: Candace Cate, Trust Administrator/Interim TTEE, Esselen Children Trust of 1990**

Thank you for your comments on the Point Sur State Historic Park, Preliminary General Plan/Draft Environmental Impact Report (DEIR). Please refer to **General Response to Commenters** at the beginning of this chapter for additional information.

### **9.1** Comments by several members of the public have stimulated the following change in the cited paragraph on page 2-29:

Point Sur SHP is in either Esselen territory (Breschini and Haversat 1994) or the Costanoan area known as Sargenteruc (Millikin 1990). Very little ethnographic data was recorded for this area, and what was recorded presents conflicting views. Mission records show that people from both the Rumsen and the Esselen were absorbed into the mission sphere. Although some thought at one time that the Esselen were extinct (Kroeber 1925:544), succeeding generations of the descendents of these early people thrive and continue to pass on their heritage and maintain ~~have~~ an active interest in their ancestral homelands. ~~The self-identified Ohlone/Costanoan-Esselen Nation is an organized tribal council seeking to gain federal recognition. More than half of its enrolled members reside in Monterey and San Benito counties. There are several groups seeking Federal recognition as tribes.~~

### **9.2** Native American cultural issues are interpreted to various extents at many State Parks, and it is appropriate to interpret the lifeways of the people who lived in the Big Sur region before written history commenced at Point Sur SHP. Department of Parks and Recreation (DPR) will consult with interested Native Americans to develop interpretive materials related to the Esselen and Rumsen Ohlone people. On page 4-16, the Plan states, "California State Parks will collaborate with local Native American groups and individuals to document the cultural significance of the Park and surrounding area to indigenous people."

### **9.3** The Plan states on page 2-30: "The first historic period sightings of Moro Rock along the Alta California coast were recorded by Spanish explorers during the 16th century." This statement does not deny prehistoric observation of the promontory.

### **9.4** Harrington's information could contribute to the development of interpretive materials for Point Sur Historic State Park, as well as for several other State Parks along the Big Sur coast.

- 9.5** On page 1-5 the Plan describes the spirit of place of Moro Rock.
- 9.6** As you note, neither of the major village sites nor the Sur Rancheria are located on Point Sur SHP. It is not within the scope of this General Plan to review the wider topic of Native American land claims (See also **9.4** and **9.7**).
- 9.7** Native American concerns previously raised with the Navy and Federal Government are not valid at the State Parks level. The Federal government acquired Moro Rock and the right of way to access it from John Cooper in 1866. The NAVFAC parcel was acquired in 1956. The United States of America exercised complete dominion adverse to any aboriginal right of occupancy of the property. The Federal government transferred the NAVFAC property to the State in 2000.
- 9.8** Point Sur SHP has been a unit of State Parks since 1984 (see Plan page 2-43). A supplemental draft EIR is not being contemplated.
- 9.9** This is a legal issue and as such, beyond the scope of the General Plan (See also **9.7**).
- 9.10** The Plan specifically does not suggest the construction of any new housing, merely rehabilitating the existing units.
- 9.11** Point Sur State Historic Park has been classified as such by the Parks Commission, in the manner delegated to them by law (PRC 5019.50 and 5019.59). The classification statement declares that the main purpose of Point Sur Historic State Park is to preserve the maritime and military history of these facilities. The focus of the General Plan is the unit itself, and not the general area.
- 9.12** Point Sur SHP has not been classified as a cultural preserve. While there may be undiscovered subsurface cultural resources at the former Navy facility, they have not as yet been discovered. As described on page 2-30, Gary Breschini and Trudy Haversat conducted the only known archaeological survey at the NAVFAC. They found no cultural resources. On page 4-16, the Plan proposes a goal of "Identify, document, and evaluate any additional archaeological cultural resources within the Park."
- 9.13** The environmental laws that now protect our environment and resources had not been enacted in the 1950s.
- 9.14** There is currently no evidence of any archaeological sites at Point Sur SHP. The nearest known sites are on private land, and not under the aegis of the DPR (see also **9.12**).
- 9.15** Cultural preserves are designated as such to protect outstanding resources, if the Park unit or a portion thereof contains, according to PRC §5019.74, "such features as sites, buildings, or zones which represent significant places or events in the flow of human experience in California." There are no known archaeological sites at Point Sur SHP, and there is no basis for establishing a cultural preserve at Point Sur. As Staff Counsel

Tara E. Lynch has explained to Mr. Fernandez previously (letters dated June 19 and December 8, 2003):

Any aboriginal right of occupancy that Ohlone/Costanoan Esselen Nation may have had to the property has been extinguished by the United States of America's exercise of complete dominion adverse to any aboriginal right of occupancy of the property. This includes, but is not limited to, the United States of America's use of the property as a Naval Facility and transfer of the property to DPR. As such, neither the Ohlone/Costanoan Esselen Nation nor any of its members has an aboriginal right of occupancy to the property.

- 9.16** Unlike projects under the National Environmental Policy Act (NEPA) which analyzes the environmental impact of the project and alternatives at the same level of detail, the California Environmental Quality Act (CEQA) analyzes the project and treats the alternatives in a less detailed fashion.
- 9.17** Your comments are noted.



South Coast Wilderness Sanctuary, Inc.

# VENTANA WILDERNESS SOCIETY

19045 Portola Dr., Suite F1  
Salinas, CA 93908

(831) 455-9514

www.VentanaWS.org

**Letter  
10**

March 25, 2004

Received

Pt. Sur State Historic Park, General Plan Team  
21 Lower Ragsdale  
Monterey, CA 93940

MAR 29 2004

Central Service Center

Dear General Plan Team,

I am writing to congratulate you on a job well done on the general plan for Pt. Sur Historic Park and to provide my comments for support of the plan. I have thoroughly reviewed the plan and believe it adequately addresses a wide array of issues. Although I am in support of the general plan overall, I wish to make a few specific points as well. In particular, the issues of employee housing and biological resources are most relevant to my organization, Ventana Wilderness Society (VWS).

As a long-time collaborator with California Department of Parks and Recreation, VWS is proud to continue to operate its concessionaire contract with your agency. Ventana Wilderness Society has provided years of service to DPR in terms of interpretation, biological monitoring, and wildlife reintroduction in nearby areas. In the not too distant past housing for VWS interns, at Pt Sur, was also made available. The function and service of VWS interns is critical to our on-going mission and in terms of our ability to fulfill our contract with your agency. Housing is, in turn, critically important for our internship program. In short, I am in support of the general plan, as written, since it could lead to housing solutions for your agency, and potentially mine perhaps as long as we maintain our collaboration.

10.1

In terms of biological resources, your team did an exceptional job at identifying key issues and mitigating potential impacts. I am in support of the preferred alternatives, as it adequately addresses sensitive species, in particular the Western Snowy Plover. I was happy to see consideration for seasonal changes in beach land use and all-year protection for this species in certain areas.

10.2

Again, I am in support of the Pt. Sur State Historic Park General Plan and applaud your efforts.

Sincerely,

Kelly Sorenson  
Executive Director

## **Response to Letter 10: Kelly Sorenson, Ventana Wilderness Society**

Thank you for your comments on the Point Sur State Historic Park Preliminary General Plan/Draft Environmental Impact Report (DEIR). Please refer to **General Response to Commenters** at the beginning of this chapter for additional information.

- 10.1** Thank you for your support of the Point Sur State Historic Park Draft General Plan. The Department of Parks and Recreation (DPR) recognizes the importance of the housing shortage for employees in Big Sur. The General Plan addresses employee housing needs and the County's requirements for employee housing in the Big Sur area, and it includes the goal to use available housing on-site until alternate employee housing can be provided off-site (see page 4-40 for more information).

DPR acknowledges the importance of concessionaire contracts to State Parks and appreciates the unique interpretive and research collaboration we have with the Ventana Wilderness Society (VWS). DPR knows the challenges VWS faces in providing housing for its internship program and will continue to work collaboratively with VWS, through the concession contract process, to find solutions where possible.

- 10.2** Your comments regarding the Plan's biological resources are appreciated. DPR recognizes the sensitivity of certain natural resources, including listed species like the western snowy plover and critical habitat, and the management challenges imposed by them (see pages 4-4, -13,-14). DPR will continue to work with regulatory agencies and experts, such as VWS, in developing management plans.

Alan Perlmutter  
Big Sur River Inn  
Highway One at Pheneger Creek  
Big Sur, California 93920

**Letter  
11**

March 26, 2004

Point Sur Historic Park  
General Plan Team  
Central Service Center, California State Parks  
21 Lower Ragsdale Drive  
Monterey, CA 93940

RE: Comments on Preliminary Plan/Draft EIR for Point Sur Historic Park,

I appreciate the efforts made by the General Plan Team, but I am disappointed that no regard was given to my earliest comments and recommendations made at the suggestion of the then Monterey Director, Lyn Rhodes in late 2002. Those comments and recommendations are attached as part of these comments.

The focus of the current draft seems to be on the current state of the resources and the intent to maintain, preserve, protect, enhance, and interpret.

Of particular interest to me is the section wherein emphasis is placed on Natural Resource protection including the perpetuation of native wildlife population as well as protection of the cultural and historic resources. Attention is given to the intended expansion, maintenance and support of the State Park Volunteers and cooperative associations. Also noted are plans for expansion of the number of State Park employees as well as housing for new employees.

In spite of all of the above, and in clear recognition that the PSHSP will attract many thousands of new visitors, nothing in the plan considers the impact on the local cultural or historic resources outside the boundary lines of the Park. It is as if the Park will exist in a vacuum. Of course this is not the case and I expect that as the Plan evolves, consideration will be given to the impact the Park will have on the Big Sur community.

11.1

The PSHSP will be a huge new business, dramatically impacting the already pressed resources of our small community.

While every Big Sur State Park employee is already housed locally, the current draft includes plans for additional housing of current and new employees. Every other employer in Big Sur continues to face the difficult problem of finding suitable affordable/employee housing.

11.2

I am suggesting that as this Plan evolves consideration be given to establishing some innovative mechanism to provide for a joint effort (State/County/Local businesses) to build affordable housing at least one of the three largest properties in Big Sur: Pt. Sur and/or Molera and/or Big Sur Pfeiffer State Park.

**Letter  
11**

A more neighborly, collaborative and intelligent approach would be to seriously consider what might seem to some as this outlandish proposal. Intelligent minds exist within the three categories of potential partners mentioned above: State Parks, elected representatives, local business people and community members.

Rather than forge ahead under the assumption that such a plan to jointly develop an affordable housing project for the Big Sur community could not happen, (as I have been told repeatedly by Park's representatives) why can we not jointly, collaboratively, innovatively investigate these possibilities and develop a serious plan for alleviating the very serious housing shortage. This would be the ideal time for State Parks to act as a good neighbor – as a contributing member of this community.

11.2  
cont.

Please refer below to the letters mentioned above – which had been submitted to the Planning Team in 2002.

Respectfully,

Alan Perlmutter  
General Partner  
(And long term resident of Big Sur)

\*\*\*\*\*  
\*\*\*\*\*

Alan Perlmutter  
Big Sur River Inn  
Highway One at Pheneger Creek  
Big Sur, California 93920

July 16, 2002

Mr. Sam Farr  
U. S. Congress  
17th District  
Washington, DC

Dear Sam,

Thanks for your efforts to assure that additional affordable housing will be made available in Monterey County. We all know how important that is and the pressure you brought to bear will surely have positive outcomes.

## Response to Letter 11: Alan Perlmutter, Big Sur River Inn

Thank you for your comments on the Point Sur State Historic Park Preliminary General Plan/Draft Environmental Impact Report (DEIR). Please refer to **General Response to Commenters** at the beginning of this chapter for additional information.

- 11.1** The Department of Parks and Recreation (DPR) recognizes your concern of the impact to the local community from increased park use and visitation. As noted on page 2-49 of the Plan, this concern is recognized by DPR as well and planning efforts will be consistent with the Big Sur Coast Land Use Plan and the Monterey County General Plan. In addition, the General Plan has provisions for determining visitor use and how it impacts the Park's resources. (See pages 4-43,-44, **Allowable Use Intensity**). This section of the Plan describes the Park's goal to minimize the impact of visitor use and allow for the protection of its natural and cultural resources. Currently the Park serves 5-6,000 visitors per year. The DEIR proposes to improve the existing parking facilities not expand or increase existing parking. While there may be an increase in the numbers of visitors to the park, a significant increase in the numbers of visitors to Big Sur solely because of implementation of the Plan is not anticipated. With implementation of the Plan, visitors who are already in the Big Sur region will have greater access to the park. Therefore, the future impact to the local community and local businesses would remain relatively the same as it is today.
- 11.2** Your comment regarding the shortage of affordable employee housing and the need to establish innovative mechanisms to provide such housing has been noted by DPR. We are currently in discussions with the County of Monterey and the California Coastal Commission to determine a clear direction for Big Sur Coast Land Use Plan (LUP) and the Monterey County Local Coast Plan (LCP) in terms of the rehabilitation and long term use of the employee housing at the NAVFAC area. As these regulatory documents are updated and finalized, there will be greater clarification in regards to the employee housing at Pt. Sur. To the degree possible, DPR will pursue opportunities to rehabilitate and use the existing employee housing (see page 4-40, paragraph 1-6). It is DPR's desire to reduce the impact on the severely limited local housing market by continuing to provide housing for its permanent and seasonal employees. DPR also recognizes the positive efforts you have made to promote your ideas to the community and the state government regarding the shortage of affordable employee housing over the recent years.

**Ralph Norman Channell**  
P.O. Box 223347  
Carmel, California  
93922

**Letter  
12**

Received  
MAR 29 2004  
Central Service Center

25 March 2004

Terry Lee  
Point Sur State Historic Park General Plan Team  
21 Lower Ragsdale  
Monterey, CA 93940

In accordance with the Point Sur State Historic Park (SHP) General Plan Newsletter of February 2004, and as discussed at the meeting in Big Sur on February 17, 2004, I have reviewed the General Plan/Draft EIR, and would like to submit the following comments:

I fully support the preservation of significant structures at the former Naval Facility (NAVFAC). The NAVFAC at Point Sur was an important element in the group of information collection stations that provided vital intelligence to the U.S. Navy during the height of the Cold War. This information was crucial to the tracking of the Soviet ballistic missile submarines with their nuclear missiles that were on patrol off the coasts of the U.S. at that time.

At least one of the buildings at the former NAVFAC should be retained and used as an educational and interpretive center for the history of the NAVFAC's and the ballistic missile submarine operations in the Pacific during the Cold War. I would anticipate that it would be possible to gather some exhibits from the former NAVFAC's and other elements of the SOSUS system that could be displayed and interpreted at the Point Sur SHP.

12.1

In your plan, however, I recommend more emphasis be placed on the interpretation and tours for the NAVFAC. I believe that, with the appropriate displays and presentations about the NAVFAC organization history and structure along with the Cold War nuclear history, the NAVFAC will become the lead tourist and educational attraction at the Point Sur SHP.

The partnership with the Naval Postgraduate School regarding the Naval Research Center at Point Sur would seem to hold great promise. Ideally, the interpretive and educational functions could be included in the Research Center where the historical aspects of the NAVFAC could be collocated with current unclassified research regarding underwater sound by the Navy. However, I would anticipate some security problems, so I

**Letter  
12**

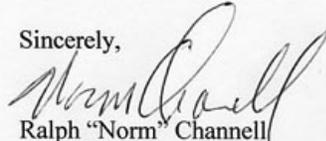
would recommend that your planning include a separate building for NAVFAC interpretation and displays.

I am ready to assist in any historical and interpretive aspects of the NAVFAC functions and the Cold War history at the Point Sur SHP. I have had extensive experience as a Naval Officer during the Cold War including assignments as the Pacific Fleet Intelligence Officer using NAVFAC information, and as a Naval Attaché in Moscow. I was a professor of National Security Affairs at the Naval Postgraduate School for 13 years. I live near the Point Sur area, and am willing to assist in organizing and leading interpretive lectures and tours. I am attaching an outline of the material I am prepared to present as my contribution to historical interpretation at the Point Sur SHP.

12.1  
(cont.)

The California State Parks System has a great opportunity to preserve an important aspect of the Cold War. I certainly encourage you in your planning.

Sincerely,



Ralph "Norm" Channell  
Captain, U.S. Navy, Retired

## Response to Letter 12: Ralph Norman Channell, Carmel

- 12.1** Thank you for your comments on the Point Sur State Historic Park Preliminary General Plan/Draft Environmental Impact Report (DEIR). Please refer to **General Response to Commenters** at the beginning of this chapter for additional information.

The General Planning team is pleased that you support retaining the core buildings that make up the former Point Sur Naval facility (NAVFAC). It is our intention to retain some of these structures and develop interpretive programs that fully explore the history of NAVFAC and the Cold War era, and also show how the SOSUS site integrates into the overall history of the park. The tables on pages 4-36 and 4-37 propose the future uses for the NAVFAC buildings, some of which may be chosen to support visitor services and or interpret the history of the NAVFAC site.

The General Plan also proposes to pursue future collaborative efforts with the Naval Postgraduate School and other affiliated agencies on educational programs that will highlight the Cold War era, among other topics. The Goals and Guidelines on page 4-22 are very specific on that point.

Thank you for your generous offer to assist the Department of Parks and Recreation (DPR) in furthering the interpretation of NAVFAC. We understand that you will be the subject of an oral history in the near future on the subject of NAVFAC, and we hope it will be the beginning of a long lasting partnership with DPR. Your information concerning NAVFAC will provide the park with valuable information that is, as you know, very difficult to obtain.

Point Sur SHP General Plan Team  
Department of Parks and Recreation  
Monterey, California 93940

March 26, 2004

**Letter  
13**

Dear Team Members,

You have done a very thorough job of preparing the inventory of the natural and cultural features of both the Light Station and the NAVFAC site. It seems however that the plan you have laid out is so general as to allow the department to do most anything it wants. In fact you state "This plan's recommendations are not meant to preclude other uses based on future information and or needs."

13.1

Protection of the viewshed from public viewing areas is the cornerstone of both the current Big Sur Land Use Plan and the General Plan Update. Although you list the scenic value as important none of your proposed actions reflect that.

13.2

You speak of the "level of visual intrusion." The standard that Monterey County and the Coastal Commission use to judge viewshed couldn't be more straightforward. If you can see it from the highway or other specified viewing spots you can't do it. And in cases where buildings or infrastructure were in place before the 1988 plan, any changes cannot increase invisibility. Screening cannot be used to make a viewshed intrusion acceptable, although it may be required as part of the overall project.

13.3

You speak someplace of berming. Since the whole facility is on a broad, mostly level marine terrace, berming would look most unnatural, and would destroy the integrity of the physical landscape.

13.4

The road link you propose between the lighthouse and the navy is entirely within the viewshed. If you went across close to the western edge the new roadway would be farther from the viewing point at the highway and possibly out of the viewshed since it would have no height. Even roads or waterlines are not allowed in the viewshed.

13.5

**Letter  
13**

I know that one of your goals is to manage all the Big Sur parks together. But by certifying the general plans one by one over a long period of time you box yourselves into some contradictory policies. In view of the LUC and LCP priorities it makes no sense to concentrate maintenance, housing and administration in the park that has the most viewshed issues. In terms of visibility the administration building should be one of the first to be removed. Instead you designate it for park administration, which will entail lots of traffic and parking. You would probably want lights at night which would be a terrible visual intrusion.

13.6

You have decided to keep and restore the navy buildings even though they failed to make the grade for historic preservation. Apparently part of the rationale for that decision is the fact that it will be easier to get the funding to do what will be very expensive restoration than to get funding for new construction elsewhere. I hope it is not true that whoever makes these decisions cannot decide based on best solutions rather than "Let's slip this in under maintenance." There are many historic buildings in state park hands that are slipping away for lack of care. They include Livermore Ledge, the Tin House and the McWay barn. Those buildings are a lot more important to the history of Big Sur than old Navy buildings, which are not yet 50 years old and were deemed not eligible for historic designation.

13.7

In the past we have talked about a sunset clause for some of these buildings, especially the housing. My fear is that once you have spent lots of money to fix up the homes and the infrastructure to serve them that you now have too much money invested to abandon them. I know that many in the community were hoping that these houses could help the local housing crunch, and although I was personally opposed to keeping them I was sympathetic to the cause. You say that you try to hire locals who already have housing. That is very good for the local community. If you have 13 new homes that you can put staff in you may stop hiring locals. That would be unfortunate even for the park system which benefits from the knowledge that people who live here have about their area.

13.8

I believe that the development of this plan would have benefited greatly by having more local citizen input. It is very difficult and time consuming to make meaningful comment on a plan of this length and complexity. I know that you had large public meetings but I don't see much of the comment that I heard reflected in the plan. There was a citizen committee for the

13.9

**Letter  
13**

development of the Pfeiffer Big Sur General Plan and I believe they made a significant contribution.

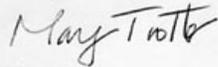
Many people have told me they have not had the time to contribute comments on this plan because there is so much work on the GPU and the CHMP as well as the CCC Periodic Review happening simultaneously. They all say to me "You do it for us." I know that certainly doesn't mean as much as having many people comment. I just say this to let you know I have not formed my thoughts on this process in a vacuum. I have talked to many people in the process of shaping my comments.

13.10

I wish we could talk about some of these issues in a give and take situation. I think it could be productive in forming some solutions to the issues I have raised.

Thank you for the opportunity to comment.

Sincerely,



Mary Trotter  
Box 132  
Big Sur, CA 93920

## Response to Letter 13: Mary Trotter, Big Sur

Thank you for taking the time to comment on the Point Sur State Historic Park Preliminary General Plan/Draft Environmental Impact Report (DEIR). Please refer to **General Response to Commenters** at the beginning of this chapter for additional information.

- 13.1** The General Plan's purpose is to establish overarching goals and guidelines that will help guide the development of future, and more specialized, management plans at Point Sur SHP. The Department of Parks and Recreation (DPR) has had problems in the past when a General Plan recommendation was overly detailed and precise, without systematic analysis to support it, as many of these general plan directives were ultimately found to be unfeasible. The section "Future Planning Efforts" on page 4-42 examines the roles of the General Plan and management plans.
- 13.2** Protection of Big Sur scenic areas and compliance with both the Big Sur Land Use Plan and the Monterey County General Plan is very important to DPR. In 2002 the Monterey District removed three buildings from the NAVFAC parcel. This was the beginning of an effort to enhance the viewshed from scenic Highway One, as well as from viewpoints within Point Sur SHP. There are discussions and specific goals and guidelines throughout the Plan that underscore the key value of scenic enhancement and preservation. In Chapter 4 of the Plan, see pages 3, 5, 18, 19, 35-40.
- 13.3** DPR recognizes the importance of planning efforts being consistent with existing regulatory requirements (see page 2-49). These requirements will continue to be addressed in actual project implementation.
- 13.4** A word search of the Plan revealed no instance of the use of 'berm' or 'berming,' although the Big Sur LUP does allow berming and native vegetation to be used to screen parking areas, provided that suitable areas outside of the critical viewshed are not available (LUP 3.2.5.E). The Department was not able to identify any suitable parking areas outside the critical viewshed that could serve visitors to the park. The use of vegetation and site grading would be considered, where appropriate and necessary, to reduce visual impacts of site structures and parking areas, as indicated on page 5-9 of the General Plan and in a manner consistent with the Big Sur LUP.
- 13.5** The road connection between the NAVFAC area and the Schoolhouse site, as proposed in the General Plan, has not yet been designed. The dashed line in Figure 10 is intended merely to represent the potential connection. DPR proposes to add a description in the Legend of Figure #10 on page 4-27 that defines the "S" shaped line as a "Representation of a Potential Road Connection" and also add the statement in the text

frame of Figure #10 under *Potential Road Connection* "Continue discussions with the adjacent property owner to define a more specific road connection." When evaluating specific road connection locations, all considerations will be taken to minimize visibility from Highway 1 as well as other regulatory concerns. Any new construction will be subject to public review through the CEQA process.

- 13.6** DPR recognizes the importance of planning concerns extending beyond the scope of the immediate park unit, see page 2-29. The General Plan includes Goals and Guidelines (page 4-41) that specifically address planning strategies in coordination with other Big Sur Sector State Parks and the need to work collaboratively with all stakeholders. Efforts in the early 1990s to develop a General Plan for all of the Big Sur State Parks were unsuccessful. This Plan acknowledges and addresses the administration and housing needs of the entire Big Sur Sector. Adaptive reuse of existing facilities rather than construction of new facilities and infrastructure is more cost effective and feasible at this time. In addition, adaptive reuse of some NAVFAC structures facilitates the protection and interpretation of the historical base. Point Sur SHP is currently closed to the public at night, except for special tours and events, and the Plan does not propose to add any additional after-hours operations.
- 13.7** In assessing the buildings at the former Point Sur NAVFAC, the challenge was to try to understand their exact level of historic significance. The findings of the State Office of Historic Preservation, as well as several qualified historians and consultants, held that while NAVFAC bases similar to Point Sur played an important role all across the world in the Cold War era, this specific SOSUS site at Point Sur did not retain sufficient integrity, nor was it at a level of sufficient association with an important Cold War-era event, to warrant complete preservation. That said, the NAVFAC is a part of the continuing maritime and military presence at Point Sur SHP, and its part of the history at Point Sur is important enough to retain for interpretive and educational reasons. DPR deemed the site culturally, if not precisely, historically significant. The future goals for the NAVFAC buildings do not include restoration, but rehabilitation, which gives wider latitude in their adaptation and reuse. These new uses may include future interpretation, administration, housing and maintenance. Page 4-35 and the tables that follow are intended to discuss DPR's decision-making in regard to the future disposition of the buildings at NAVFAC. The Plan's recommendations include both retention and demolition of buildings.
- 13.8** DPR is currently in discussions with the County of Monterey and the California Coastal Commission to determine a clear direction for Big Sur Coast Land Use Plan (LUP) and the Monterey County Local Coastal Plan

(LCP) in terms of the rehabilitation and long term use of the employee housing at the NAVFAC area. As these regulatory documents are updated and finalized, there will be greater clarification in regards to the employee housing at Pt. Sur. To the degree possible, DPR will pursue opportunities to rehabilitate and use the existing employee housing. (See Page 4-40, paragraph 1-6). It is DPR's desire to reduce the impact on the severely limited local housing market by continuing to provide housing for its permanent and seasonal employees in the most appropriate locations. As noted on page 3-14 in the Plan, infrastructure investment (sewer, water, electrical and gas systems, waste disposal, and drainage) is needed whether or not facility and housing use is expanded beyond current levels. DPR is an equal opportunity employer and residency is not a factor in hiring. Hiring employees who do not require state housing is an operational benefit, not a hiring criterion.

- 13.9** In preparing the Plan, DPR participated in multi-agency public meetings and open house, conducted two public meetings and provided additional opportunities through printed and web-based mediums by which the public could become informed, involved and provide input. All input has been considered, evaluated, and, where appropriate, incorporated. As a result, the Plan is a much stronger document. DPR appreciates the interest and help of all the public, including the local community. This Plan is an attempt to meld all public interests with the Park Commission's directives for the unit. Copies of all correspondence received during the CEQA review period will be included in the Final EIR.
- 13.10** DPR will continue our ongoing dialogue with the Coastal Commission, Monterey County and the public as specific management plans are prepared and projects are proposed and designed. The park contains significant natural and cultural resources that require special stewardship.

Received

MAR 9 2004

6 March 2004 Central Service Center

Pt. Sur SHP General Plan Team  
21 Lower Ragsdale  
Monterey, Ca. 93940

**Letter  
14**

RE: Draft EIR

Dear Team:

Just read the draft at the Big Sur County Library. I feel very fortunate to live so near to the SHP. Thank you for all the good work and thought you are putting into the plan.

The natural resources were far more extensive than I had ever imagined and the bird, fish, plant populations were outstanding. Perhaps that section of the plan can become a visitor serving booklet for sale to the public.

14.1

Looks like a park that will be very user friendly.

Appreciatively,

*Lorri Lockwood*

Lorri Lockwood  
P.O. Box 264  
Big Sur, Ca. 93920  
Hwy. 1 at Clear Ridge Rd.

## **Response to Letter 14: Lorri Lockwood, Big Sur**

Thank you for your comments on the Point Sur State Historic Park Preliminary General Plan/Draft Environmental Impact Report (DEIR). Please refer to **General Response to Commenters** at the beginning of this chapter for additional information.

- 14.1** The Department of Parks and Recreation (DPR) would also like to thank you for your support of the General Plan's natural resource inventory and documentation. We have noted your suggestion to use this information as a visitor information booklet and education guide.

**From:** Rick Hyman <rhyman@coastal.ca.gov>  
**To:** "Ken Gray (E-mail)" <kgray@parks.ca.gov>  
**Date:** 3/26/2004 10:50:03 AM  
**Subject:** please forward to Terry Lee

**Letter  
15**

California State Parks, Central Service Section  
21 Lower Ragsdale Drive  
Monterey, CA 93940

Dear Ken and Terry :

Unfortunately, due to staffing reductions, our office will not be able to provide more detailed comments on the proposed Point Sur Preliminary General Plan by today's deadline. This matter is of great importance and concern to us. We realize that this is not the best way to conduct the public's business, but under the circumstances we have no choice.

We have commented in the past both verbally and in writing (e.g, August 2, 2001, September 23, 2002, February 10, 2004). Also relevant are the following draft periodic review recommendations:

In preparing the General Plan for Point Sur State Historical Park, State Parks and Recreation should follow LCP policies that prohibit new development in the viewshed, allow structural enlargements or replacements that do not increase visibility, and allow screened parking to serve the Point Sur Lighthouse...Similarly, State Parks should design specific projects using the same criteria. State Parks shall follow-through on a commitment to restore the public viewshed at this location. Rehabilitation of any structure in the viewshed should only be proposed if State Parks finds that it is not economically feasible to restore the public viewshed in the structure's location. State Parks should review its other land holdings to determine whether there are alternative sites out of the viewshed to house staff.

15.1

We hope that you give all those comments fair consideration.

Our overall concern is that the former Naval Facility is a prime scenic Big Sur property. Since it is in public ownership, it can be restored to promote the scenic qualities of Big Sur and set an example that viewshed degradation is reversible. Conceptually, we have no problem with continued use of some buildings for a short period of time. But we are very concerned that once substantial public expenditures are made for building rehabilitation and utility upgrades and extensions, not only will incentive to restore the critical viewshed be diminished, but there will be incentive to expand uses and development.

Please continue to coordinate with us and Monterey County as you refine your plans for the property.

Rick Hyman  
Deputy Chief Planner  
Central Coast District of California Coastal Commission  
rhyman@coastal.ca.gov

## **Response to Letter 15: Rick Hyman, Deputy Chief Planner, Central Coast District, California Coastal Commission**

Thank you for your comments on the Point Sur State Historic Park Preliminary General Plan/Draft Environmental Impact Report (DEIR). Please refer to **General Response to Commenters** at the beginning of this chapter for additional information on the DEIR.

### **General Comments**

The Department of Parks and Recreation (DPR) recognizes the effort that the Coastal Commission has made to communicate their concerns during the general plan process for Point Sur State Historic Park. Your input along the way has helped shape the Plan into a document that will meet the public's need for a state historic park that interprets the natural and cultural history of the Lighthouse Complex and the Naval Facility in the Big Sur Coastal area.

State Parks will continue to work with the Coastal Commission during the development of Point Sur State Historic Park and Monterey's Local Coastal Program (LCP).

### **Specific Comments**

**15.1** The Coastal Commission staff has expressed their concerns that our Department should follow LCP polices regarding new development in the viewshed, providing screening of parking facilities that serve the Point Sur Lighthouse and minimizing the impacts to the viewshed by removing buildings that are not useful and evaluate alternate sites for relocating employee housing.

Most recently, the local Coastal Commission staff focused on similar issues concerning the lack of the General Plan recognizing the value of the beauty along the Big Sur coastline, the long term goal for viewshed restoration, the need to provide for public access, the immediate need for employee housing rehabilitation and infrastructure upgrades at the NAVFAC without deteriorating the critical viewshed.

More importantly, the Coastal Commission staff has been very clear with DPR in presenting both verbally and in writing their issues and concerns with the Point Sur General Plan during the planning process. The Plan's content has evolved and changed during that process to insure that their issues and concerns were met.

Below is a summary of how the DEIR addresses these concerns throughout the Plan. In addition there are staff-directed changes to the Plan following the summary.

**Summary** – Please refer to the Chapters and pages listed under each numbered concern.

1. Recognition of the value of the Big Sur coast line and long term viewshed restoration:

*Executive Summary, Issues of Known Concern, bullet #2 and #4  
Introduction, Purpose Acquired, bullet #3, page 1-5  
Existing Conditions, Existing Facilities, paragraph 4, page 2-5  
Park Summary, Aesthetic Resources, paragraph 1, 2 and 3, page 2-46  
Issues and Concerns, Aesthetic Resource Issues, pages 3-4 and 3-5  
The Plan, Preferred Alternative, page 4-3  
Goals and Guidelines, Aesthetic Resources, pages 4-17 and 4-18 and  
Visitor Parking, page 4-32, Guideline 2.*

2. Employee Housing infrastructure upgrades for immediate staff use, protecting the viewshed with additional landscape screening and long term relocation off site:

*Introduction, Purpose Acquired, bullet #2, page 1-5  
Existing Conditions, Existing Facilities, paragraph 3 and 5, page 2-5  
Issues and Concerns, Facilities and Employee Housing, pages 3-11, 12  
Goals and Guidelines, Visitor Use and Development, pages 4-22, 23  
and Existing Employee Housing Units at NAVFAC, page 4-40*

3. Provide for Public Access:

*Issues and Concerns, Visitor Use and Development, pages 3-7 and 3-8  
The Plan, Preferred Alternative, page 4-3  
Goals and Guidelines, The Beach and Dune Area, page 4-28*

In addition to the referenced pages, the General Plan consolidates all of these issues addressed in Figures #9 and #10 on pages 4-26 and 4-27.

### **Staff-Directed Changes (Underlined)**

EXECUTIVE SUMMARY, page 2, paragraph 2

The General Plan establishes an overall long-range purpose and vision for the future of Point Sur SHP. The Department also recognizes the value of the

pristine vistas along the Big Sur coast line and the need to provide for long term viewshed restoration at Pt. Sur SHP. Specific goals and supporting guidelines further clarify the vision for the future of the Park. The goals and guidelines are designed to rectify the currently identified critical issues described below, while providing a solid foundation for continued resource protection, preservation, and rehabilitation, as well as facility development and resource interpretation at the Park. They also serve as design and implementation guides for subsequent management and development plans within the three planning areas of the Park Unit: Light Station, NAVFAC, and the Beaches.

#### PLAN SUMMARY – The Preferred Alternative page 4-3

This alternative will preserve and interpret the historic Light Station complex and Naval Facility site and provide public access to both properties. Equally as important, the preferred alternative recognizes the importance of enhancing and restoring the open vistas at the Park. The main visitor access and parking for this unit will be provided at the Naval Facility site, where some remaining buildings will be adapted for interpretation, staff housing and administrative purposes.

#### Objectives:

- Preserve and interpret significant historic, cultural, and natural features,
- Establish a main park entrance at the former Naval Facility, to accommodate visitors and enhance interpretive opportunities at Point Sur State Historic Park,
- Enhance the Highway 1 viewshed and open space corridor, while keeping existing landscape screen features of the former Naval Facility.
- Provide safe parking and a tour staging area at the former Naval Facility to accommodate Lightstation tours as well as self-guided tours of the former Naval Facility, and the beaches,
- Provide limited beach access, and preserve and interpret significant plant material and animal habitats.

Please refer to Chapter 3 (page 109) of this document for **Recommended Changes to the General Plan.**

**LIST OF WRITTEN COMMENTS RECEIVED ON THE PRELIMINARY GENERAL PLAN AND DRAFT EIR AFTER THE CLOSE OF THE PUBLIC COMMENT PERIOD  
March 22, 2004.**

Table 2-2 indicates the letter number, commenter, date of correspondence, comment number assigned, and the comment topic assigned for each written comment received on the Preliminary General Plan and Draft Environmental Impact Report (DEIR). The letters are numbered sequentially by date received. The letter numbers are then used as a prefix for individual comments, which are also number sequentially after the prefix. For example, comment 2a.1 is the first comment of letter 2a, comment 2a.2 is the second comment of the same letter, etc. These two letters (2a, 2b) are further comments and clarifications to supplement Letter #2 which was received during the comment period.

<b>Letter</b>	<b>Commenter/Agency</b>	<b>Letter Date</b>	<b>Comment Number</b>	<b>Topics</b>
2a	Mark A. Blum, Law Offices of Horan, Lloyd, Karachale, Dyer, Schwartz, Law & Cook	May 13, 2004	2a.1	"Adjacent Land Use"
			2a.2	Calf/cow operation
			2a.3	Copies of public responses
2b	Mark A. Blum, Law Offices of Horan, Lloyd, Karachale, Dyer, Schwartz, Law & Cook	May 26, 2004	2b.1	Source of water for the NAVFAC
			2b.2	Biological Resources Threshold
			2b.3	Land Use Planning
			2b.4	Easement to transmit water
			2b.5	DEIR Cumulative Effects
			2b.6	Effects found not to be significant

## **General Response to Commenters**

The General Plan serves as a first tier Environmental Impact Report as defined in Section 15166 of the California Environmental Quality Act (CEQA) Guidelines. The analysis of broad potential environmental impacts will provide the basis for future second level environmental review, which will provide more detailed information and analysis for site-specific developments and projects. This General Plan is a broad policy document that sets the direction and provides a vision for the park's management and development. General plans provide general direction for the park while avoiding specific details that could change before a project could be funded and implemented. The purpose of the plan is to provide a framework for the park's development, on-going management, and public use. The goals and guidelines presented in the General Plan are designed to guide resource stewardship, facility development and interpretation, and future land use management for the park. For further discussion, please refer to page 1-5, Purpose of General Plans, in the Preliminary General Plan/ Draft EIR.

LAW OFFICES OF  
HORAN, LLOYD, KARACHALE, DYER, SCHWARTZ,  
LAW & COOK  
INCORPORATED

P.O. BOX 3350, MONTEREY, CALIFORNIA 93942-3350

LAURENCE P. HORAN  
FRANCIS P. LLOYD  
ANTHONY T. KARACHALE  
STEPHEN W. DYER  
GARY D. SCHWARTZ  
MARK A. BLUM  
MARK A. O'CONNOR  
ROBERT E. ARNOLD III  
ELIZABETH C. GIANOLA  
AENGUS L. JEFFERS  
MOLLY STEELE  
ERICA L. SEEMAN  
DEBORAH S. HOWARD

Received

MAY 14 2004

Central Service Center

May 13, 2004

JAMES J. COOK  
DENNIS M. LAW

TELEPHONE: (831) 373-4131  
FROM SALINAS: (831) 757-4131  
FACSIMILE: (831) 373-8302  
aengusj@horanlegal.com

Letter  
2a

FILE NO. 17.02

VIA FACSIMILE AND FIRST CLASS MAIL

Terry Lee, Point Sur SHP General Plan Team  
Central Service Center  
California State Parks  
21 Lower Ragsdale Drive  
Monterey, CA 93940

**Re: Clarification of March 26, 2004 Draft General Plan/EIR Comment Letter**

Dear Mr. Lee:

I want to thank you and Phil Jenkins for taking the time to meet with James J. Hill, III, Laurence Horan, Aengus Jeffers and I on the afternoon of April 28, 2004. The purpose of this letter is to provide you with two specific additional comments you requested in our April 28<sup>th</sup> meeting. I will follow this communication with another comment letter further clarifying some of the comments made in our letter dated March 26, 2004, as a result of our meeting.

Mr. Hill's concern about the subsection of the General Plan titled, "Adjacent Land Use" was fully described in our March 26 comment letter. We appreciated Mr. Jenkins clarification that the first Goal set forth in that subsection is wrongly stated and should be redrafted to focus on connectivity between park units through coordination of uses with other Big Sur Section State Parks, not on physical connectivity. In other words, the goal should be rewritten to stress increasing visitor awareness of other park opportunities and to clarify that physically connecting park lands is not appropriate. The Guidelines should also be redrafted accordingly.

2a.1

In addition, the Plan should recognize the high priority accorded to coastal dependent agricultural uses, such as the El Sur Ranch calf/cow operation, under the Coastal Act and the Certified Monterey County Local Coastal Program. Given the status of this Park as an El Sur Ranch inholding, we recommend establishing a specific General Plan goal and supporting guidelines for respecting this historic use of the El Sur Ranch and assuring that park planning and operations are consistent with the long term preservation of such use.

2a.2

We appreciate and accept Mr. Jenkins offer to review the revised General Plan at such time

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Terry Lee  
May 13, 2004  
Page 2

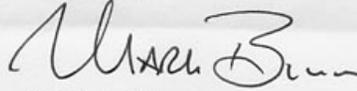
**Letter  
2a**

as the District receives a revised draft.

Lastly, we are again requesting copies of the public comments received on the General Plan. If it will facilitate their production, please consider this a request pursuant to the California Public Records Act. These public comments can be forwarded to this firm's address. We also request notices of all activity relative to the Lighthouse State Historic Park General Plan and EIR.

2a.3

Sincerely,



Mark A. Blum  
HORAN, LLOYD, KARACHALE, DYER,  
SCHWARTZ, LAW & COOK, INCORPORATED

ALJ:mb

cc: Client  
Laurence P. Horan  
Aengus L. Jeffers  
Phil Jenkins

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**Response to Letter 2a: Mark A. Blum, Law Offices of Horan, Lloyd, Karachale, Dyer, Schwartz, Law & Cook, Incorporated, dated May 13, 2004 - Clarification received after the postmarked deadline.**

Thank you for providing clarification to your letter of **March 26, 2004** on the Point Sur State Historic Park Preliminary General Plan/Draft Environmental Impact Report (DEIR).

- 2a.1** The commenter re-addresses his concern with a subsection in the General Plan titled *Adjacent Land Use*. DPR will delete the Goal on page 4-41 (Goal: Allow for growth and potential development at Point Sur SHP in coordination with other Big Sur Sector State Parks), and replace it with the following Goal: DPR should evaluate the benefits of coordinating uses with other Big Sur Sector State Park units to encourage visitor use and maintain consistent management of the natural and cultural resources in the Big Sur region.

The guideline that follows will remain, as it further exemplifies the direction for adjacent land use by stating, "Guideline: Employ regional planning strategies to identify and address the current and future development goals and potential use increases at all Big Sur Sector State Parks." This guideline more specifically guides DPR to coordinate uses with other Big Sur Sector State Park units to encourage visitor use and maintain consistent management of the natural and cultural resources in the Big Sur Sector Park units. Certainly DPR welcomes any opportunity to openly discuss the purchase of property that may become available from willing land owners.

- 2a.2** The commenter has added an additional comment to his original letter of March 26, 2004. He believes the General Plan should recognize the high priority accorded to the coastal dependent agriculture uses of the El Sur Ranch, calf/cow operation, under the Coastal Act. DPR is aware that the Coastal Act does not recognize his cow/calf operation as coastal dependent. The Coastal Act provides for the protection of prime agricultural land and other lands suitable for agricultural use. However, agricultural use is not given a higher priority than protecting Environmentally Sensitive Habitat Areas (ESHA) such as wetlands, coastal dunes, tide pools, etc. To the contrary, uses in and adjacent to ESHAs and park and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

As intended in the Goals and Guidelines in *Adjacent Land Use*, page 4-41, DPR will continue to work with adjacent land owners to minimize conflicts

between ongoing agricultural uses of their property and public use of the park lands. Additionally, future successors in interest may someday want to propose something other than agricultural use of their property. They will have to comply with the County's Local Coastal Program process and DPR will comment on any proposal at that time.

- 2a.3** The commenter would like DPR to provide copies of all the comment letters received. DPR will provide the commenter with these copies.

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Letter  
2b

JAMES J. COOK  
DENNIS M. LAW

May 25, 2004

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Received

OUR FILE NO. 17.02

VIA FACSIMILE & REGULAR MAIL

MAY 26 2004

Point Sur State Historic Park  
General Plan Team  
Central Service Center  
California State Parks  
21 Lower Ragsdale Drive  
Monterey, California 93940

Central Service Center

Attention: Terry Lee, Sr. Landscape Architect  
Project Manager Pt. Sur SHP

**Re: Preliminary General Plan Update for Point Sur State Historic Park  
SCH#: 2003011056**

Dear Terry:

As discussed in our April 28 meeting, and promised in my May 13, 2004 letter, this correspondence provides further clarification of this firm's March 26, 2004 comment letter on the Preliminary General Plan/EIR for Point Sur State Historic Park. There are no new substantive issues presented in this correspondence which were not raised in our March 26 comment letter. This correspondence simply recharacterizes some of our comments of March 26 in the context of CEQA requirements. You will recognize that it is impossible to separate substantive comments on the substance of the Preliminary General Plan from CEQA comments, inasmuch as the entire Preliminary Draft General Plan purports to comprise an environmental impact report. Accordingly, references in this letter and in our March 26 correspondence to the Preliminary Draft General Plan necessarily apply equally to the EIR.

**General Plan Section 2, Park Summary**

The Existing Facilities discussion commencing at page 2-5 needs to describe, as stated previously in this firm's letter to you dated March 26, 2004, that (1) the source of water for the NAVFAC is a well drawing on a supply for which the Department of Parks and Recreation lacks an appropriate right; and (2) the Department of Parks and Recreation lacks an easement connecting any lawful source of water to the Light Station.

} 2b.1

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Point Sur SHP General Plan Team  
Attention Terry Lee  
May 25, 2004  
Page 2

Letter  
2b

The statement under the Hydrology heading at page 2-11, that a freshwater spring was historically located at the spring site, is inaccurate. While there may have been a historic spring, it is not located within the spring site or within any other Department of Parks and Recreation easement. Mr. Hill has authorized me to arrange for Mr. Jenkins to visit the spring site easement with a surveyor, a hydrogeologist or such other expert as he deems necessary to confirm the lack of any spring.

2b.1  
cont'd

**General Plan Section 5, Biological Resources**

Threshold of Significance: This threshold is considerably narrower than the thresholds contained in CEQA Guidelines Appendix G, and should be broadened accordingly. In particular, the proposed threshold only recognizes the potential for an impact upon that narrow category of species defined as "sensitive", thus excluding species identified as "candidate" or "special status species" in local or regional plans, policies, or regulations, or by the California Department of Fish & Game or the U.S. Fish & Wildlife Service.

Rather than listing limited effects such as direct take, removal or threatened elimination of an animal community, consistent with the CEQA Guidelines this biological resources threshold should recognize any "substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in any local or regional plans, policies, or regulations, or by the California Department of Fish & Game or the U.S. Fish & Wildlife Service."

The biological resources threshold should also be expanded to include substantial adverse effects on any riparian habitat, on federally protected wetlands, and to recognize as an impact any substantial interference with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or any impediment to the use of native wildlife nursery sites.

2b.2

In addition, the biological resources threshold should be expanded to recognize an impact where there is conflict with any local policies or ordinances protecting biological resources or any approved local, regional or state Habitat Conservation Plan. Similarly, a goal should be added for consistency with applicable Coastal Act policies and Monterey County plans, policies and regulations.

The conclusion that impacts to biological resources can be mitigated to a less than significant level by implementing the General Plan guidelines and project specific mitigation measures is not fully supported by the analysis in the Preliminary General Plan, and is partially based upon an improper deferral of future analysis of impacts. While the discussion of those impacts that cannot be determined at a first tier planning stage may be deferred to a time when the severity of the impacts

Point Sur SHP General Plan Team  
Attention Terry Lee  
May 25, 2004  
Page 3

Letter  
2b

and the likelihood of their occurrence will be known more specifically, that does not appear to be the case with respect to impacts on sensitive species and habitat arising from beach access, including impacts on critical habitat for the federally threatened Western snowy plover. The Preliminary General Plan concludes at page 3-8, that expanding public access to the coast for recreation may adversely affect Western snowy plovers and their breeding or wintering habitat. The Preliminary General Plan further states that expanded beach access may exceed the threshold of beach visitors that can be effectively managed to protect natural resources (citing U.S. Fish & Wildlife Service Draft Recovery Plan for Western snowy plover). The Preliminary General Plan concludes that activities and disturbances occurring on State Park property will affect Western snowy plovers using adjacent habitat as well.

While the proposed goal and guidelines for protection of sensitive animals and habitats at pages 4-14 through 4-15 may be capable of avoiding the above-mentioned impacts or reducing them to a level of insignificance, the Preliminary General Plan contains insufficient information to allow an evaluation by the lead agency whether such implementation either is feasible or likely to be successful. Development of actual mitigation measures for impacts arising from beach access is deferred to future projects, but in fact could be designed and incorporated as part of this General Plan. The development of additional information and the design of beach access programs, improvements and mitigations is meaningfully possible at this time. For example, information concerning the as yet unquantified threshold of beach visitors that can effectively be managed to protect resources should be presented and the biological resource threshold of significance should incorporate such limits.

2b.2  
cont'd

The deferral of analysis to a later date is legally inappropriate. Under these circumstances, use of the EIR tiering procedure does not authorize the lead agency to defer an analysis of reasonably foreseeable significant environmental impacts, such as those to the western snowy plover and its critical habitat, to a later stage of review in order to avoid addressing them in this first-tier EIR. (14 Cal.Code of Regs. §15152(b).) Consistency with the Monterey County Local Coastal Program also requires the submission to Monterey County of a Public Access Plan.

**General Plan Section 5, Land Use and Planning**

The Preliminary General Plan lacks a meaningful analysis of potential inconsistencies between the proposed project and applicable general plans and regional plans. (14 Cal.Code of Regs. §15125(d).) The conclusion on page 5-31 that the General Plan is consistent with local and regional general plans is merely conclusory, and not based on any meaningful analysis. In particular, it is stated that, "Implementation of plan proposals will enhance the existing viewshed through selective screening of facilities . . . ." The proposed screening of any facilities at the NAVFAC other than parking is in direct conflict with Monterey County Land Use Plan Policy 3.2.3.A.5 and Monterey County Coastal Implementation Plan Section 20.145.030.A.2.d.

2b.3

Point Sur SHP General Plan Team  
Attention Terry Lee  
May 25, 2004  
Page 4

Letter  
2b

The EIR author must consider that the final determination of consistency will be made by the lead agency when it acts on the project approval. When the determination of consistency is uncertain or complex, as in the case the Monterey County Local Coastal Plan visual resource polices, the proper role of the EIR is to set forth the issue and to relate it to the discussion of environmental impacts. The ultimate determination of consistency should be made by the decision-making body.

2b.3  
cont'd

The EIR should also discuss whether Point Sur State Historic Park General Plan consistency with applicable land use plans and regulations is legally required.

**General Plan Section 5, Utilities and Services Systems**

As an informational disclosure document, it is critical for this section of the General Plan to describe the lack of any Department of Parks and Recreation easement for the purpose of transmitting water, providing that a legal source of such water exists or can be established, to the Light Station.

2b.4

**General Plan Section 5, Cumulative Impacts Discussion**

This section of the Preliminary General Plan lacks the required level of detail under CEQA, as interpreted by case law and the CEQA Guidelines, and results in an unsupported conclusory statement. The analysis does not include objective measurements of cumulative impacts, although such data are reasonably available or can reasonably be produced by further study at this first tier stage of the project. In the case of potential impacts to the western snowy plover and its critical habitat, such information is particularly necessary to insure disclosure of the reasonably foreseeable impacts discussed in the Preliminary General Plan.

Similarly, the Preliminary General Plan lacks any analysis of cumulative impacts on water resources, fails to quantify existing water use and proposed water demand onsite, and fails to discuss water demand from overall growth in the area. Water demand projections from currently pending applications to the State Water Resources Control Board for the appropriation of water from wells near the Big Sur River, including the Department of Parks and Recreation's own application to appropriate, is certainly available and capable of present disclosure and evaluation. Without this data, it is impossible to evaluate the impacts of proposed water use for the Point Sur State Historic Park or the possibility of mitigating those impacts.

2b.5

In those instances where quantitative data on which to assess cumulative impacts is not available, at a minimum the EIR should describe why the impact cannot be quantified at this time.

The conclusion that the General Plan will reduce cumulative impacts to a less than significant level is based, in part, on speculative future property acquisitions and/or conservation easements for

Point Sur SHP General Plan Team  
Attention Terry Lee  
May 25, 2004  
Page 5

Letter  
2b

the purpose of protecting existing park resources, preserving viewsheds, and enhancing plant and wildlife habitat by providing linkages and buffers. Inasmuch as the Point Sur State Historic Park is an inholding granted by and completely surrounded by the El Sur Ranch, and the El Sur Ranch unequivocally will not consider conveying additional fee title or conservation easements to the Point Sur State Historic Park for these purposes, this Preliminary General Plan assumption, and the conclusion of no significant cumulative impact which is partially premised upon it, is invalid. The cumulative impact analysis should be revised so the lead agency may determine if cumulative impacts will occur in the absence of acquiring any additional lands of, or easements over, the El Sur Ranch.

2b.5  
cont'd

**General Plan Section 5, Effects Not Found to be Significant**

The Preliminary General Plan conclusion that its proposals would not substantially impact farmland, partially convert farmland, conflict with agricultural use, nor involve changes that would result in farmland conversion to non-agricultural use, are unsupported and internally contradicted by other statements in the Plan. The assumption at page 5-28, that possible future acquisitions may act to protect existing park resources, preserve viewsheds and enhance habitat would, if implemented in order to mitigate cumulative impacts, clearly convert farmland and conflict with agricultural use of the El Sur Ranch.

Similarly, the Preliminary General Plan proposal that visitors have access to the beaches north and south of Moro Rock (page 4-33) will conflict with agricultural uses of the El Sur Ranch. The Preliminary General Plan recognizes that allowing visitors access to the beach areas poses a risk to the El Sur Ranch in the terms of trespass and interference with livestock. (See page 3-7.) The Preliminary General Plan further acknowledges that such impacts will be difficult to avoid or mitigate. This information is in direct conflict with the determination that no significant impacts to agricultural use or lands will occur.

2b.6

In addition, the El Sur Ranch has documented with the Department of Parks and Recreation a long history of interference with the coastal-dependent agricultural activities of the El Sur Ranch as a result of direct trespass from Andrew Molera State Park, located to the immediate south of the El Sur Ranch. The fence between the Andrew Molera State Park and the El Sur Ranch boundaries is repeatedly and regularly cut (and very large sections of fence have even been completely removed) by park users who trespass onto the El Sur Ranch and substantially interfere with cattle and grazing operations. Inasmuch as the Preliminary General Plan recognizes that fencing of the boundary between the Department of Parks and Recreation lands at Moro Rock and the El Sur Ranch is infeasible, the incidence of trespassing in connection with proposed access to these beaches should be anticipated to be significant.

HORAN, LLOYD, KARACHALE, DYER, SCHWARTZ, LAW & COOK, INCORPORATED

Point Sur SHP General Plan Team  
Attention Terry Lee  
May 25, 2004  
Page 6

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Letter  
2b

Thank you for your attention to these clarifications of our earlier comments. We trust that a meaningful consideration and response to this firm's comments will result in an improved General Plan/EIR. Please do not hesitate to call me or Aengus Jeffers should you have any questions or require any additional information. Please also continue to maintain this firm on your list to receive all notices and publicly disseminated documents concerning the Point Sur State Historic Park.

Yours very truly,



Mark A. Blum

MAB:mh

cc: James J. Hill, III  
Ellen Wagner  
Phil Jenkins

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MONTEREY, CALIFORNIA 93940

**Response to Letter 2b: Mark A. Blum, Law Offices of Horan, Lloyd, Karachale, Dyer, Schwartz, Law & Cook, Incorporated, dated May 26, 2004 – Additional comments, clarifications and recharacterizations to the previous comments of March 26, received after the postmarked deadline.**

We are in receipt your additional comments, clarifications and recharacterizations to your letter of **March 26, 2004** on the Point Sur State Historic Park Preliminary General Plan/Draft Environmental Impact Report (DEIR). Please refer to **General Response to Commenters** at the beginning of this chapter for additional information.

**2b.1** The Department of Parks and Recreation (DPR) has previously responded to the first part of the commenter's concern with an appropriate water source in our response **Letter 2, paragraph 2.1**. where it is stated: "Currently, DPR is in the process of investigating an off-site reliable potable water supply east of Highway 1 at Andrew Molera State Park. Future plans will include infrastructure to transport the water to the Park unit." DPR is actively pursuing and will continue to locate a reliable water source for the park.

Also, the commenter has added an additional comment stating a concern with the historical accuracy of the fresh water spring, as mentioned in the DEIR. DPR has on file a copy of USC&GS Topographical survey conducted by Major C.H. McKlusky, Corps of Engineers, dated December 1907, that refers to Stations 4, 5, 6 and 7 as the "Spring." This document is on file with the California State Parks Central Service Center, 21 Lower Ragsdale Drive, Monterey. Our Department is pleased to have the opportunity to access the site, through Mr. Hill's property, in order to survey and investigate the state-owned property known as the "Spring" site. The state may choose to exercise its right to investigate and re-open the spring water site as a future water source.

**2b.2** The commenter addresses his concern that the Plan's biological resources threshold is narrower than those contained in the CEQA Guidelines, particularly in regards to the category of "sensitive species." The biological resources threshold on page 5-10 of the Preliminary General Plan/ Draft EIR refers specifically to "sensitive species," which are defined in the Plan on page 2-16 (sensitive plants) and page 2-24 (sensitive animals). Sensitive species include both special status species and candidate species. The following definition is intended to clarify how this General Plan defines sensitive species. Sensitive species include:

- Special-status species, which are those species listed as rare, threatened, or endangered or are proposed for listing under the Federal Endangered Species Act or the California Endangered Species Act; identified as Species of Concern by the U.S. Fish and Wildlife Service or the California Department of Fish and Game; or designated as fully protected by the California Department of Fish and Game.
- Other species that are considered rare, threatened, endangered, or sensitive by local agencies or scientific organizations.

Additionally, the biological resources threshold does recognize the "Direct take or removal of a sensitive species; substantial reduction, disturbance, or alteration of sensitive habitat or native plant community; actions that reduce, disturb or alter critical habitat...". Although "sensitive habitat" is not specifically defined in the General Plan, sensitive habitat includes habitat for sensitive species.

The DEIR addresses the commenter's concerns with the biological resources threshold on pages, 5-11, 5-12, 5-13 and 5-14. However, the commenter feels that the threshold should be expanded to include riparian habitat, federally protected wetlands and recognize native resident or migratory fish or wildlife. The DEIR does explain on page 5-11 that a complete biological survey has not been completed and that there is a potential for additional sensitive species at the park and potential significant impacts may occur to these resources. The DEIR mitigates this unknown on page 5-13, paragraph 4, by stating "Site specific surveys for sensitive species and habitats will be completed as part of the planning process...". Also, the commenter feels the biological resources threshold should be expanded to recognize an impact where there is a conflict with any local policies or ordinances. The DEIR does recognize the importance with being consistent with local, state and federal laws, ordinances and policies as stated on page 5-14, paragraph 5. Also please refer to **General Response to Commenters** at the beginning of this chapter for additional information.

The commenter has readdressed his concern in more detail with the issue of public access to the beach area near the Western snowy plover habitat. Specifically, the commenter states that the DEIR contains insufficient information to allow for a determination of a level of "Insignificant" as it relates to the impacts from public access to the Western snowy plover habitat. DPR's resource staff, from both the District and the Central Service Center, researched and documented the current locations for the

Western snowy plover habitat at the North Beach Area. The DEIR proposes to dedicate 15.5 acres of the North Beach Area within the park as a Natural Preserve (page 4-29). By definition, the Preserve would serve to protect the natural vegetation and wildlife habitat in that area. The DEIR also proposes Goals and Guidelines (page 4-31, 4-33) to consider limited guided beach access for education and interpretation while protecting the natural vegetation and wildlife habitat. Additionally, in a Natural Preserve such as this, visitor access is limited to a designated path or boardwalk through the dune onto the beach during the non-breeding season. The numbers of visitors would be limited by the parking and tour capacities, the access would be limited/restricted by signs, and managed by park staff to make adjustments of visitor use accordingly to behavior and potential problems. Possible mitigation measures would include fencing, signing, boardwalks, seasonal closures, and adherence to the snowy plover management plan. Based upon this analysis, the general planning team concluded there would be no significant impact to the biological resources.

**2b.3** The commenter is concerned that the DEIR lacks meaningful analysis of potential inconsistencies between the DEIR and applicable general plans and regional plans. DPR understands the commenter's concern and the role that the Monterey County's Local Coastal Plan (LCP) assumes in regards to the planning and the permitting of future developments in the coastal zone. Both the County's General Plan and Land Use Plan (LUP) updates continue to be developed and are currently in process. DPR has been working with the county as the LUP evolves for the Big Sur Coast in an effort to assure consistency between the LUP and the Pt. Sur SHP General Plan. We will continue to submit comments and recommendations where we believe inconsistencies might occur with language of the LUP. The LUP provides the basis for the preparation of the implementing ordinances, which together comprise the LCP. Once these have been certified by the Coastal Commission, coastal development permit authority is transferred to the county for most development permits. The Commission retains permit authority for areas not yet completely certified, areas of original permit jurisdiction (tide lands, submerged lands, public trust lands, etc.), and areas where a Public Works Plan has been approved by the Commission or where a Public Works Plan is approved by the Commission at a future date.

**2b.4** This is a legal issue the commenter raises regarding the lack of any DPR easement for the purpose of transmitting water to the Light Station on page 5-33 of the DEIR. DPR recognizes the lack of permanent and reliable utilities and service systems within the parks unit and this issue is discussed in several places in the General Plan (page 3-14, paragraph 1;

page 4-7, *Infrastructure*; page 4-23 *Potable and Non-Potable Water*). Although there is no direct reference to the specificity of source or a current easement for transmitting water from a legal source, the Goals and Guidelines on page 4-23 direct the Park's future development to provide a new reliable water source for the park. The Goal states: "Establish a reliable potable water source." The operative word, "reliable," refers to both a permitted and an adequate source of potable water distributed throughout the park unit as further described in the Guidelines that follow these Goals.

- 2b.5** The commenter addresses the Cumulative Impact Section on page 5-28 as being inadequate and lacks the required level of detail under CEQA. CEQA Guidelines Section 15355, defines cumulative impacts as being two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. This definition is also stated in the DEIR on page 5-28. The commenter did not provide any specific objection to the wording in the *Cumulative Impacts* section of the DEIR on page 5-28, but instead, discusses that the analysis does not include objective measurements of cumulative impacts as such data is reasonably available. However, the commenter does not offer any sources for this data. CEQA does not require the lead agency to conduct every test or perform all research and studies recommended or demanded by commenters as stated in the CEQA Guidelines 15204, *Focus For Review*. The DEIR does address a cumulative impact analysis for the resources at Pt. Sur SHP for the first tier of the EIR on page 5-28, paragraph 5, and concludes the impact to be at a less than significant level.

The commenter refers to data that may be useful from the State Water Resources Control Board in evaluating cumulative impacts to water resources. DPR was able to use its own historical data and the Navy's historical data from Pt. Sur SHP to conclude that cumulative impacts would not occur to the water resources. Rehabilitation and adaptive use of existing buildings will result in an increased water usage from current levels, but will not reach the historical levels of use that occurred when these buildings were established. Proposed improvements in the water distribution and storage facilities will improve water quality and also reduce the amount of water currently lost to leakage in the current systems. For additional information, please also refer to responses **1.4** and **1.12**.

The commenter also refers to preserving critical viewsheds in terms of cumulative impact as well. The DEIR proposes a reduction of the buildings at NAVFAC (Page 4-36 to 4-38; Table 4 and Figure #11), which

would also minimize the cumulative negative impact to the viewshed along Highway 1 and thus is the basis for providing mitigation as stated in the Cumulative Impact Section of the CEQA analysis.

- 2b.6** The commenter is concerned with the DEIR's conclusion at the end of the CEQA analysis, *Effects Not Found to be Significant, Agricultural Resources Section* on page 5-29, that proposes no significant impact to adjacent private farmland with the proposed easement across El Sur Ranch. As the commenter points out, the DEIR (Page 3-7 to 3-8) does address several issues that would pose a significant impact to adjacent private farmland and wildlife habitat if the public were allowed to access the beaches and the Light Station across private property. The section the commenter is referring to is Chapter 3, *Issues and Analysis*. In this chapter, the DEIR explores the existing conditions and what effects visitor use and park development will have on the park's resources and adjacent private land's resources. It is here that the DEIR identifies the issues of trespass, beach access and the need for protecting wildlife habitat and private farmland operations. Chapter 4, *Goals and Guidelines*, proposes the mitigation for the issues that are raised in Chapter 3. As such, the DEIR proposes Goals and Guidelines that address the commenter's concerns with beach access and trespass onto private farmland (interference with El Sur Ranch operations). Please refer to *Biotic Resources* pages 4-11 to 4-13; *Animal Life* pages 4-13 to 4-15; *Landscape Linkages*, 4-15; and *The Beach and Dune Area* pages 4-28 to 4-31. These Guidelines direct our Department to protect and preserve the natural resources within the park unit and around nearby private lands.

## Chapter 3 Recommended Changes to The General Plan

This chapter contains recommended changes and modifications to the Preliminary General Plan and Draft Environmental Impact Report (DEIR) for Point Sur State Historic Park made subsequent to its public release and the public review process. Changes that are a result of responses to comments are detailed here and include the proposed Department staff-related changes that cover editorial clarifications and minor revisions to the Plan language to emphasize or clarify points or issues of interest.

The text revisions are organized by the chapter page number as they appear in the DEIR. Text with "strikethrough" indicates text that is recommended for deletion from the EIR. Text recommended for addition to the EIR is presented as underlined.

### **CHANGES FROM RESPONSES TO PUBLIC COMMENTS**

EXECUTIVE SUMMARY, page 2, paragraph 2

The General Plan establishes an overall long-range purpose and vision for the future of Point Sur SHP. The Department also recognizes the value of the pristine vistas along the Big Sur coast line and the need to provide for long term viewshed restoration at Pt. Sur SHP. Specific goals and supporting guidelines further clarify the vision for the future of the Park. The goals and guidelines are designed to rectify the currently identified critical issues described below, while providing a solid foundation for continued resource protection, preservation, and rehabilitation, as well as facility development and resource interpretation at the Park. They also serve as design and implementation guides for subsequent management and development plans within the three planning areas of the Park Unit: Light Station, NAVFAC, and the Beaches.

PARK SUMMARY - Cultural Resources, page 2-29, paragraph 3

Point Sur SHP is in either Esselen territory (Breschini and Haversat 1994) or the Costanoan area known as Sargenteruc (Millikin 1990). Very little ethnographic data was recorded for this area, and what was recorded presents conflicting views. Mission records show that people from both the Rumsen and the Esselen were absorbed into the mission sphere. Although some thought at one time that the Esselen were extinct (Kroeber 1925:544), succeeding generations of the descendents of these early people thrive and continue to pass on their heritage and maintain ~~have~~ an active interest in their ancestral homelands. ~~The self-~~

~~identified Ohlone/Costanoan-Esselen Nation is an organized tribal council seeking to gain federal recognition. More than half of its enrolled members reside in Monterey and San Benito counties. There are several groups seeking Federal recognition as tribes.~~

THE PLAN - PLAN SUMMARY – The Preferred Alternative, page 4-3

This alternative will preserve and interpret the historic Light Station complex and Naval Facility site and provide public access to both properties. Equally as important, the preferred alternative recognizes the importance of enhancing and restoring the open vistas at the Park. The main visitor access and parking for this unit will be provided at the Naval Facility site, where some remaining buildings will be adapted for interpretation, staff housing and administrative purposes.

THE PLAN - Adjacent Land Use Goal, page 4-41

~~**Goal:** Allow for growth and potential development at point Sur SHP in coordination with other Big Sur Sector State Parks", and replace with~~

**Goal:** DPR should evaluate the benefits of coordinating uses with other Big Sur Sector State Park units to encourage visitor use and maintain consistent management of the natural and cultural resources in the Big Sur region.

## DEPARTMENT STAFF-DIRECTED CHANGES

As a staff directed text change on page 2 of the Executive Summary, the first paragraph has been revised as follows:

Today, Point Sur SHP includes a majority of the Light Station buildings (aside from the Lighthouse itself which is owned by the U.S. Coast Guard). The Lighthouse itself and the remaining Light Station buildings are in the process of being transferred from U.S. Coast Guard ownership to State Parks.

As a staff directed text change on pages 1-4, 2-3, 2-13, 2-20, 4-6, 4-26 the Legends for Figures #2,3,5,6,8,9 have been revised to include the following:

USCG In process of being transferred to Point Sur SHP

As a staff directed text change on page 1-5, a new paragraph is added as the first paragraph:

In April, 2004, the process was implemented for transferring the remaining U.S. Coast Guard owned buildings and land atop Moro Rock to Point Sur SHP. This includes two parcels totaling 11.98 acres and associated improvements. The larger parcel (10.81 acres) is on the northern end of Moro Rock and contains the 1889 Lighthouse complex and the small Oil House. The smaller parcel (1.17 acres) is on the southeast corner and contains the former 1940s Mess Hall now used as a Visitor Center. The U.S. Coast Guard retains access to and responsibility for all navigational aids.

As a staff directed text change on page 2-2, the second paragraph has been revised as follows:

Ownership of Moro Rock is currently shared by DPR and the U.S. Coast Guard. The Coast Guard ~~retains~~ had retained ownership of the Lighthouse itself, along with the Oil House, Mess Hall, and an antennae tower. The remainder of the historic Light Station complex is owned by DPR. The Coast Guard owned property ~~has been~~ was identified as surplus property, and DPR submitted an application in June, 2003 for its acquisition through the National Historic Lighthouse Preservation Act of 2000. The application was accepted and in April, 2004 the process began for transferring the property to DPR.

As a staff directed text change on page 2-6, the second paragraph has been revised and a third paragraph added to the section **Adjacent Land Uses**:

The land surrounding Point Sur SHP is privately owned by El Sur Ranch and is used for cattle grazing. An easement across the El Sur Ranch allows limited guided public access from Highway 1 through the Schoolhouse Site to Moro Rock. The waters off Point Sur are part of Monterey Bay National Marine Sanctuary and are included in the California Department of Fish and Game managed California Sea Otter Game Refuge. Agencies and organizations that are adjacent or have local jurisdiction in the Big Sur area include the California Department of Transportation (Caltrans), U.S. Coast Guard, Naval Postgraduate School, U.S. Forest Service, Monterey Bay National Marine Sanctuary, California Coastal Commission, California Department of Fish and Game, and the County of Monterey.

Operationally, Point Sur SHP is part of the Big Sur Sector of Monterey District. Other State Parks in the Big Sur Sector include Andrew Molera SP, Pfeiffer Big Sur SP, Julia Pfeiffer Burns SP, and John Little SR. Planning, staffing, and budgeting is done on a sector-wide basis.

As a staff directed text change on page 2-8, the first sentence of the first paragraph has been revised as follows:

Point Sur is located at the base of the northern end of the Santa Lucia Range, which is a prominent feature within the Coast Ranges natural region or geomorphic province ~~Geomorphic Range~~.

As a staff directed text change on page 2-30, the paragraph under **Mexican-Early American Period (1834-1866)** has been revised as follows:

The first Euro-american settlement of the coastal area south of Monterey did not occur until the Mexican period. It was not until the 1830s ~~during the Mexican period~~ that the ~~8,949~~ roughly 8,880 acre parcel, Rancho El Sur was deeded to Juan Bautista Alvarado, the future governor of California. The grant included Moro Rock. In 1840 Alvarado transferred title to his uncle by marriage, the Yankee emigrant John Rogers Cooper. He and his family were a part of a growing number of pioneer homesteaders who began to settle in the Big Sur region beginning in this period, using the ranch land primarily for cattle grazing. Cooper owned the rancho until his death in 1872, managing it through a series of lessees who grazed cattle and mule on the land.

In October 1866, Moro Rock was reserved by the federal government for lighthouse purposes. This was the same year that the patent was issued confirming Cooper's land grant. It reflected an 1859 survey plat that showed Moro Rock as no longer being within the rancho's boundaries. In conjunction with the Lighthouse construction in 1889, when Cooper was officially deeded the acreage, he the Cooper family granted a right-of-way to the federal government across the Sur Ranch between Moro Rock and the county road . for the construction of a lighthouse.

Over the years, The the Cooper family subdivided the property and continued their ranching activities, as have subsequent owners up to the present day. (Davis, 1989; Henson & Usner, 1993).

As a staff directed text change on page 2-34, the Assistant Keeper's Dwelling's title and description have been revised as follows:

Assistant ~~Keepers Quarters~~ Keeper's Dwelling (Triplex), 1889-contributing building.

This massive two-and-a-half-story residential building is the most dramatic and visible building on Moro Rock and, with a few exceptions, matches the construction and architectural design of both the Lighthouse and the adjacent Head Keeper's Quarters Dwelling. Suggesting the influence of gothic design, the residences cross-gabled, steep vertical rooflines and multiple ~~chimneys, is~~ chimneys are the visual focal point of the entire historic Light Station complex. With the exception of several wooden room additions and gable windows added

~~in the late 1930s, the~~ The exterior masonry façade with its decorative stone keystones and lintels remains much as it was originally constructed, ~~constructed, with the exception of several wooden room additions and gable windows added in the late 1930s.~~ (Natl. Reg, 1990)

As a staff directed text change on pages 2-45, the third and paragraphs have been revised as follows:

Once near the rock's top, the visitor branches off the main road onto a spur that goes to the Lighthouse complex. At the Lighthouse, the visitor can climb a 37-step circular staircase to get a view from the top of the ~~lantern room~~ Lantern Room and step outside onto its gallery walkway. The public may also view exhibits in the adjoining Fog Signal ~~room~~ Room.

~~Visitors proceed back up the hilltop steps and pathway and back onto level ground, briefly entering the Carpenter Blacksmith Shop and the Barn. The public then walks beyond the Assistant Keepers Quarters, past the whale bone display and into the ground floor of the head Keepers Quarters which has a small exhibit area. Leaving the Lighthouse, visitors climb up a set of hillside stairs and follow a pathway back onto level ground. They enter the Carpenter/Blacksmith Shop and the Barn. Passing the Assistant Keeper's Dwelling bone display, visitors next enter the ground floor of the Head Keeper's Dwelling to view its small exhibit area.~~ The last stop on the tour is the Visitor Center building which provides small gift items, books and additional interpretive exhibits and lighthouse-related information.

As a staff directed text change on pages 2-46, the first sentence of the first paragraph has been revised as follows:

~~Aesthetics is traditionally defined as the philosophy of appreciation of art and beauty. The term *aesthetic resources* refers to an awareness and appreciation of an area's beauty - the look and feel of a place.~~

As a staff directed text change on pages 2-49, the last sentence of the second paragraph has been revised as follows:

It is critical that planning efforts are consistent with the existing Big Sur Coast Land Use Plan and the Monterey County General Plan. ~~when it is adopted~~

As a staff directed text change on page 3-6 the fourth sentence of the second paragraph has been revised and two additional sentences added as follows:

Unless prior arrangements have been made with Park staff, those who do go on the ~~3-hour~~ three-hour tour must be physically able to walk to the top of Moro

Rock and back. The current public access point for the tours is located off of Highway 1 through a "locked" gate, accessible only by reservation. There currently is no public access to NAVFAC.

As a staff directed text change on page 3-16, Adjacent Land Use, in the Preliminary General Plan/ Draft EIR, staff recommend that the section be rewritten as follows:

### **Adjacent Land Use**

~~Currently the Navy owns the Terminal Equipment Building at the southern corner of the NAVFAC, which is still being used as a research facility in conjunction with several universities. This building is being considered for cooperative use with State Parks. The U.S. Coast Guard has two parcels on Moro Rock which are currently being transferred to State Parks. The addition of the two parcels from the U.S. Coast Guard and the potential shared use of the U.S. Navy Research Facility will require additional management and the development of public programming.~~

Because Point Sur SHP consists of non-contiguous parcels and easements traversing private property, it is essential that good working relationships and communications are maintained with adjacent public and private neighbors. Currently these include the El Sur Ranch, U.S. Navy, U.S. Coast Guard, Caltrans, and the National Marine Sanctuary.

The land practices and uses by one party inevitably affect the others. Consideration must be given to natural, cultural, and aesthetic resources, as well as operational and safety impacts. For example, there is a need to protect the natural resources in the Park Unit from adjacent land uses, such as overgrazing of the native landscape or other uses which lead may contribute to the spread of exotic plants. Similarly, State Parks has a responsibility to ensure that Park actions, such as storm water drainage, do not adversely affect adjacent property or the ocean.

Another example is the existing access road to the Light Station from Highway 1. The existing access road to the Light Station is across a right-of-way easement and that is surrounded on both sides by privately owned land that is used for cattle grazing. Currently, visitors are not allowed off the easement road and its use is controlled by State Parks. State Parks ensures that visitors are aware that they are not allowed onto the private property and keeps the access gate closed and secured so cattle cannot stray onto the highway.

State Parks shares fences at the Unit with both the adjacent private land owner and the U.S. Navy. It would be desirable to have a written agreement with those parties regarding the upkeep and repair of these fences.

There are also opportunities for shared benefit. ~~The continued operation of the Terminal Equipment Building by the Naval Postgraduate School for research purposes provides a collaborative opportunity for public education and interpretation.~~ Currently the Navy owns the Terminal Equipment Building at the southern corner of the NAVFAC, which is still being used by the Naval Postgraduate School as a research facility in conjunction with several universities. The facility provides an opportunity for State Parks and the Naval Postgraduate School to collaborate on public education and interpretation.

As previously noted, two parcels atop Moro Rock are in the process of being transferred from the U.S. Coast Guard to State Parks. The addition of these two parcels and the potential shared use of the U.S. Navy Research Facility will require additional management and the development of public programming.

At a broader level, it is incumbent upon DPR to manage not only Point Sur SHP in an integrated manner but also all of the State Park Units that comprise the Big Sur Sector of the Monterey District. Likewise, the planning efforts by all public agencies in Big Sur must involve all stakeholders including other agencies and community businesses, organizations, and residents. Through coordinated planning and action, regional issues can be addressed most effectively and comprehensively.

As a staff directed text change on pages 4-21, 22 a new **Goal** and **Guideline** is added after the “**Goal:** Establish appropriate house museum, period displays, and formal exhibits in selected Light Station and NAVFAC buildings.” as follows:

**Goal:** Establish a curatorial and research center for collections storage and study space.

**Guideline:** Identify and rehabilitate an existing park structure for a secure, environmentally controlled space for collection storage and study.

As a staff directed text change on page 4-34 the third **Guideline** has been modified as follows:

**Guideline:** Follow the assumptions set out in the Department's 1989 Historic Structures Report: *Assistant Keeper's Dwelling and Head Keeper's Dwelling, Point Sur State Historic Park and the Restoration Design Plan* prepared in conjunction with it. This report concluded that reconstruction of historic buildings and ~~transportation~~ systems that pre-date or post-date the Light Station's greatest period of surviving and intact buildings, which

falls between 1908 and circa 1925, is not consistent with the Secretary of Interior's Standards.

As a staff directed text change on page 4-38 the Legend note for the red boxes has been modified as follows:

Retain pending further evaluation

As a staff directed text change on page 4-39, revise last guideline at the end of the page as follows:

**Guideline:** Replace the existing chain link perimeter fence with ranch fencing and develop written agreements with adjacent land owners regarding the maintenance and repair of shared fence lines.