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Date: November 5, 2024

To: Doug Barker, State Parks

From: Cindy Chambers, SLO County Planning & Building

SUBJECT: MND Review Comments - Piedras Blancas Coastal Trail MND (SCH-2024090173)

Dear Mr. Barker,

The County of San Luis Obispo, Department of Planning & Building, offers the following comments on the above-noted Piedras Blancas Coastal Trail MND, and appreciates your willingness to consider public comments submitted after the close of the comment period.

**1. Project Overview – Construction of:**

- 4.2 miles of accessible trail, 4-5 feet wide, with boardwalks, bridges over creeks, and gravel surfaces; parking lots at intervals, deck for viewing elephant seals
- 9.5 total acres of disturbance (staging, stockpiles, etc), 2.5 acres of constructed trail.
- Department of Parks and Recreation is Lead Agency and Trustee Agency, as well as the landowner and project proponent.

Description of County Purview (From Page 1 of MND):

"The Project will require a Coastal Development Permit from the County of San Luis Obispo and the project is herein analyzed under the requirements of the Coastal Act. The proposed Project was developed in conformance with the San Luis Obispo County North Coast Area Plan, San Luis Obispo County's Local Coastal Program's planning document that covers the area that the Project is located in."

However, this is not the full story. See summary from CCC Comment Letter, below.

Project Permitting and Background (from CCC comment letter dated 10/28/2024):

The CCC issued CDP 3-13-012, which authorized trail construction to CalTrans in 2014, for the northern 3 miles of the 4 miles of this Project's trail: From Arroyo de la Cruz parking lot to the Lighthouse Beach parking lot. This CDP has an EIR (SCH#2008031059). Special Conditions of Approval (copy in Project Folder) includes Condition #5 - Construction of a CA Coastal Trail. This MND is for that trail construction.

The previous 2012 CDP scope does not cover the southernmost mile in this MND, from Lighthouse Beach parking to the Vista Point Elephant Seal parking lot. State Parks could

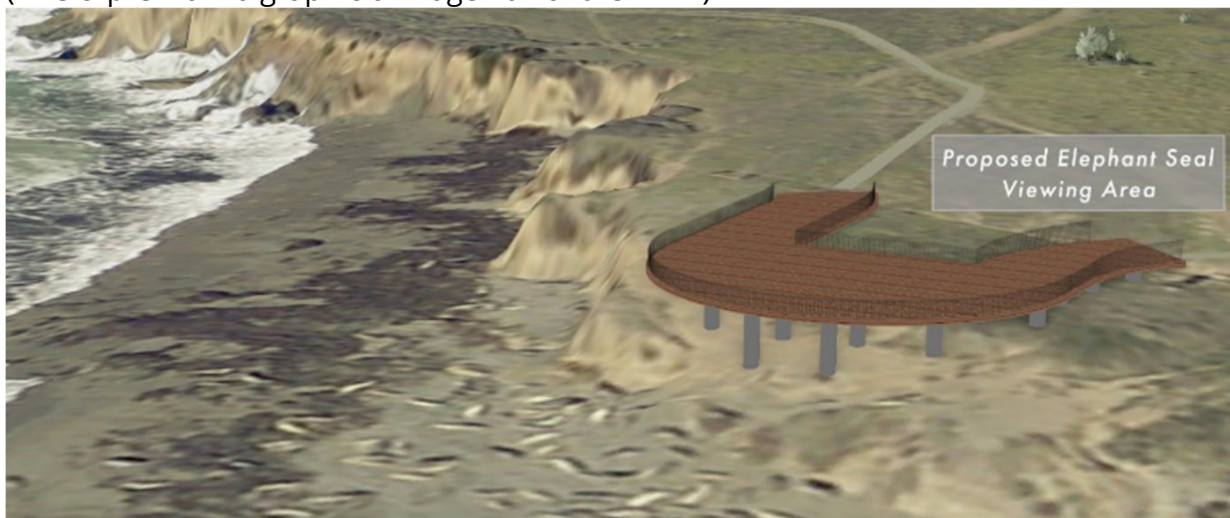
apply to the County for a CDP on that segment (Parks has indicated that as their current intention). Alternatively, Parks could coordinate an amendment to the 2012 CalTrans CDP to include the last mile of trail, with Caltrans initiating the amendment with CCC support. Thus, there are existing Conditions of Approval for  $\frac{3}{4}$  of the project, that do not (currently) apply to the southernmost mile of trail construction which may be permitted through the County. One of the requirements was to prepare this MND for the southern segment; however, the MND appears to describe the entire trail. How the various jurisdictional conditions will work in permitting is not quite clear.

The Coastal Commission has provided a copy of the existing applicable conditions (see file: CDP 3-13-012 Special Conditions) as amended in 2017, by Agreement between State Parks and Caltrans, and a comment concerning assurance of shared understanding of a portion of Condition 5, which requires:

- Conformance with conceptual plans
- Trail to have natural surface, curvilinear features, and not to exceed 6' width
- Describe how State Parks will manage the trail and parking
  - ID Public uses for the Piedras Blancas motel site
  - Trail open for pedestrian/bicycle, for free, 365 days/year
  - Provide elephant seal protection
  - Sign plan for locations and information of all educational, interpretive, safety and facility management signage

The CCC also provided comment expressing concern regarding the proposed Elephant Seal Viewing platform, a proposed wooden structure that extends over the bluff with pilings extending into the bluff below (image). This feature exceeds the development authorized by CDP 3-13-012, and future maintenance of the pilings with armoring is a concern.

(This clip is from a graphic on Page 204 of the MND)



## 2. County of SLO Comments:

A. The County concurs with CCC's recommendation to scale back the proposed elephant seal viewing platform by eliminating the overhang and pilings and utilizing a boardwalk-and-fence feature similar to the existing elephant seal facility to the south.

A-4-1



B. The County has reviewed CDFW's comments dated October 7, 2024 (see PDF file: 2024090173\_CDFW Comment) on the MND and mitigations, and concurs with CDFW recommendations and suggestions to include the following summarized points:

A-4-2



- Conduct burrowing owl surveys and consultation prior to and during construction
- Rely on field surveys, not just CNDDDB occurrences for impact potential
- Include sufficient information on all wetlands, ephemeral drainages and creeks, for Lake and Streambed Alteration analysis for permitting
- Require pre-construction nesting bird surveys by qualified biologist
- Qualified biologist monitoring throughout the project

C. CDFW filing fees would be collected by the County and transferred to CDFW on approval of the Coastal Development/Land Use Permit as part of the permit process (if the Permit is processed through the County).

A-4-3



D. County MND Review Comments:

### 1. Air Quality Impacts (pg. 30):

The analysis rules out impacts for dust based on Standard Project Requirements, which are not mitigation measures. No Mitigation is proposed. However, there is nothing in the analysis addressing the Naturally Occurring Asbestos (NOA) potential. The discussion of NOA on MND page 36 simply states that asbestos should be evaluated, and if present then an Asbestos Dust Mitigation Plan (ADMP) shall be developed. Was asbestos ruled out for the site?

A-4-4



If not, is the future geologic review and potential requirement for Asbestos Dust Management Plan a deferral of mitigation?

Resources Board (CARB). Under the CARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities a geologic evaluation should be conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.

A-4-5

## 2. Biological Resources Impacts (pg. 42):

Table BIO-1 Potential Impacts to Listed Plants: The entry for

**No impact.** While the plant occurs in the nearby area (north of Arroyo

*Carex obispoensis* (San Luis sedge), second row from the bottom, in the last column under "Rationale", the text explaining why there is no impact, is cut off.

There are Standard Project Requirements listed (i.e., MND Page 66) for BIOR that are missing the "who-what-when" language necessary for implementation and tracking through a County-issued construction permit. If the intent is to pursue a County Coastal and Land Use permit, followed by County grading and construction permits, the County would, in the staff report conditions of approval, modify the Standard Conditions and Mitigations described in this MND to clarify: who is responsible for the action, to whom it is submitted, when it is required, how it is implemented (ie, through a compliance or monitoring plan) and how compliance is verified. This may be in the form of requiring submittal of a Management Plan (i.e., Air Quality/ Dust Management Plan; WEAP (worker environmental awareness program) for bio, cultural, and other training) that incorporates all related mitigation measures and condition requirements.

A-4-6

## 3. Cultural Resources (pg. 75)

This section provides extensive detail on the rich cultural history and sensitivity of the coastal bluffs in this area, and the efforts made to design the Project to avoid all known sensitive areas. The four Standard Project Requirements (CULT-1 to CULT-4) address the specific tasks for resource protection but lack any framework for oversight, management and accountability assurance. The Project would greatly benefit from a mitigation (or Condition requirement) to develop a Cultural Resources Monitoring and Discovery Plan. This Plan would include the CULT-2 Inadvertent Discovery Plan but goes beyond that to provide the framework of all responsibilities: identify the Tribal and Archaeological personnel contacts, schedule(s), duties, authority, procedures, and notification and reporting protocols for carrying out the four Standard Requirements. This Project should require a full Cultural Resources Management Plan and archaeological monitoring throughout.

A-4-7

A-4-8

## 4. Tribal Cultural Resources (pg. 168)

The discussion relies on the avoidance of known and identified Tribal cultural resources, and the shallow excavations needed for the Project to state that "...the project will not impact any intact Tribal cultural resources". Yet, monitoring under CULT-4 is only required where there are known existing archaeological resources. It is the portions of the site that are not already studied that have the highest potential for encountering unknown resources, and it would be prudent to have monitoring during all of the earthwork/ground-disturbing efforts. The CULT-4



Monitoring requirement does not indicate who will decide when monitoring is necessary and contact the Tribes. Again, this Project should have a full Cultural Resources Management Plan and monitoring throughout.

5. Utilities and Service Systems (pg. 178)

Under Discussion, Item b) states "Have sufficient water supplies available to serve the Project ...": There is no discussion or indication of how the restoration planting will be irrigated; revegetation restoration could take several years. What is the plan for that?

A-4-9



6. DISCUSSION – Mandatory Findings of Significance (pg. 186)

Under item b), the statement is made: "During grading and excavation activities, the project would be monitored by Native American Tribes which have been consulted during the planning process." As written, it is unclear that monitoring will be done only when grading affects known resources as stated under the Standard Project Requirements. Is monitoring by the District Archaeologist or a qualified cultural specialist required for all ground disturbance? If so, that should be made clear. See also comments under #3 and #4, above.

A-4-10



The paragraph under subsection c) (below) is unclear to someone unfamiliar with the original project. Please clarify: the "limited delineation of highway impacted resources", and also, "the two projects have not been constructed at the same time". Is this referencing the highway improvements, vs. the trail? Or is part of the trail already completed?

A-4-11



- c) The PBCT project is a result of the Caltrans Piedras Blancas Highway Realignment Project which is partially funding the subject trail project. An EIR/EIS was prepared by Caltrans for the highway project. Given the proximity between the two projects and the shared nature of environmental resources, the PBCT could have tiered off the EIR/EIS. However, the limited delineation of highway impacted resources which did not include all potential trail impacts required DPR to separately analyze trail impacts under a separate MND. The impact analysis that follows in the subject MND is similar to that of Caltrans EIR/EIS with a much more limited impacts and scope. The two projects have not been constructed at the same time. Taken together, the cumulative impacts of the two projects, each with appropriate mitigation would result in less than significant impact, with mitigation.

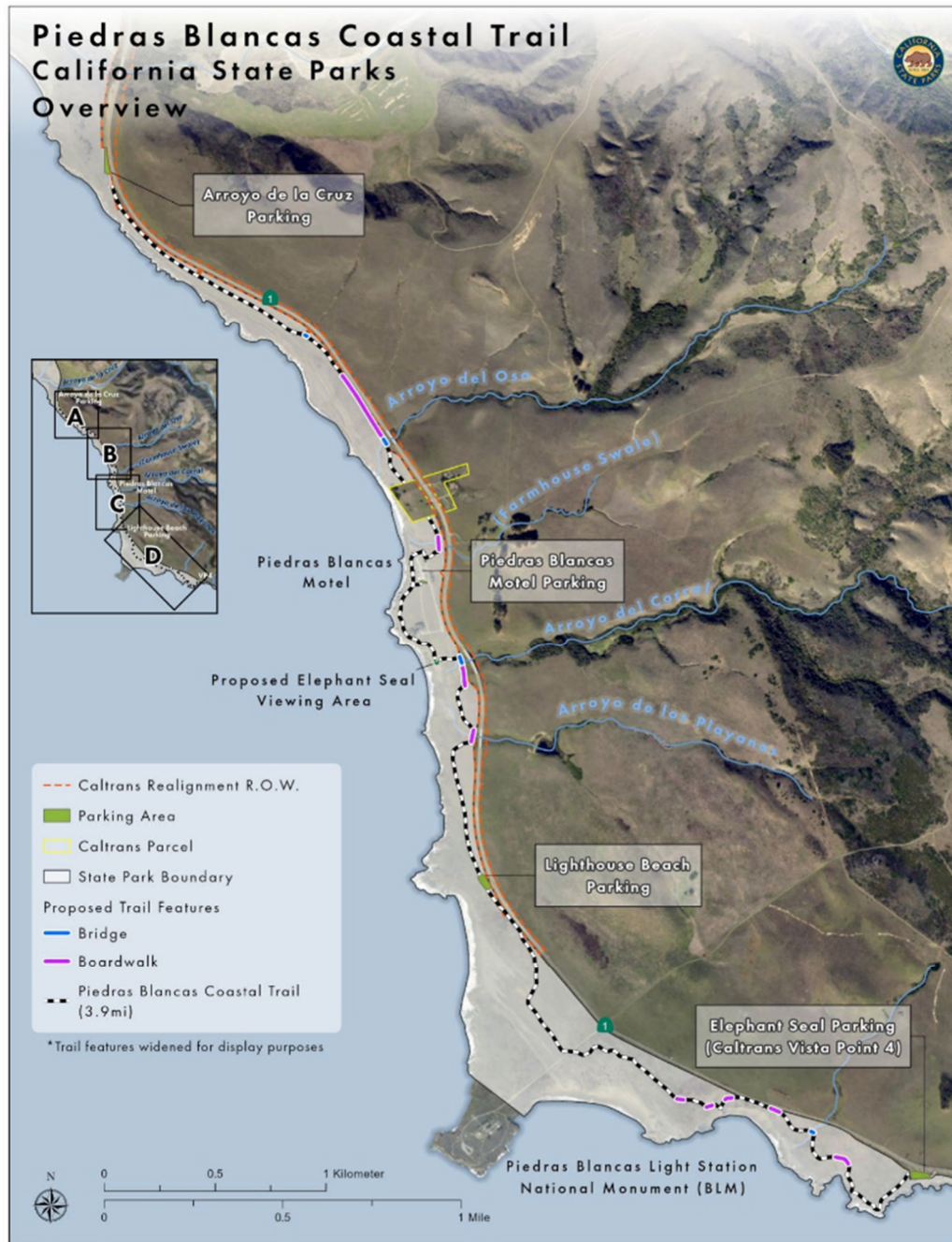


Figure PROJ-2. Map showing project area and proposed trail structures.

This Overview depicts the total length of the Project scope. From Lighthouse Beach Parking north, the trail construction is permitted by CCC under CDP 3-13-012 issued to Caltrans as part of the SR-1 relocation project. The portion that is not yet permitted yet should be indicated more clearly.

A-4-12



Figure PROJ-6. Piedras Blancas Coastal Trail - Map D

This Map D contains the ~1-mile segment that the County would be permitting if State Parks applies to the County for a CDP.

In the second image from a 2021 GIS aerial, an existing trail is visible extending from the Elephant Seal Parking lot at the lower right, that generally follows the alignment of the proposed path. Is this trail partially constructed and existing, such that it will be enhanced rather than breaking new ground? That was not clear in the MND.

A-4-13



Thank you, again, for the opportunity to comment.  
Cindy Chambers, Senior Planner