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Response to Comments on the Department of Parks and Recreation (DPR) San Luis Obispo Coast District's (District) Piedras Blancas California Coastal Trail Project (Project) Mitigated Negative Declaration SCH# 2024090173

1. INTRODUCTION

Pursuant to the California Environmental Quality Act (CEQA), the potential environmental effects of the Department of Parks and Recreation's (DPR) proposed Piedras Blancas California Coastal Trail Project (Project) have been analyzed in an Initial Study/Mitigated Negative Declaration (MND), dated July 2024.

Section 15704(b) of the CEQA Guidelines states that, prior to approving the project, the lead agency must consider the proposed IS/MND together with any comments received during the public review process. The lead agency must adopt the proposed IS/MND, only if it finds on the basis of the whole record that there is no substantial evidence that the project would have a significant effect on the environment and that the IS/MND reflects the lead agency's independent judgement and analysis. Section 2.0, Response to Comments, includes all letters received during the public comment review period, September 6 through October 28, 2024, a total of 52 days, as well as written responses to all comments received. DPR responded individually to each commenting agency and all responses will be posted to CEQAnet. Section 3.0 includes revisions to the text of the IS/MND either in response to a comment or in order to clarify information.

2. RESPONSES TO COMMENTS

During the comment period, DPR received comment letters from three (3) State agencies. The County of San Luis Obispo Planning and Building Department submitted their comment after the comment period, but we're including their comments and our responses in this document. Table 1 provides an index of those comment letters, the date they were received, and corresponding numbered responses. Comment letters are organized chronologically by the date they were received. Comment letters, bracketed by comment, are reproduced in their entirety and are followed by response to each comment. Changes to the IS/MND, where deemed appropriate, are summarized in the response and refer to the applicable section in the IS/MND. Text changes are incorporated via the Errata prepared for the Final MND.

Table 1: Comment Letter Designation by Agency, Date of Correspondence, and numbered responses

Document Letter Designation	Agency and Date of Correspondence	Response Designations
A-1	California Department of Fish and Wildlife, October 7, 2024	A-1-1 to A-1-6
A-2	Central Coast Regional Water Quality Control Board, October 25, 2024	A-2-1 to A-2-6
A-3	California Coastal Commission, October 28, 2024	A-3-1- to A-3-3

A-4	County of San Luis Obispo Planning and Building Department, November 5, 2024	A-4-1 to A-4-13
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Responses to California Department of Fish and Wildlife (CDFW)

Response to A-1-1, Burrowing Owls:

DPR will require a qualified biologist(s) to conduct surveys for burrowing owls in accordance with the referenced “Burrowing Owl Survey Protocol and Mitigation Guidelines,” the survey season immediately prior to construction. DPR will incorporate avoidance and minimization measures if burrowing owls are found within the Project site during surveys. This requirement has been added to the IS/MND (SPR BIO-5 d).

Response to A-1-2, Editorial Comments and/or Suggestions:

Comment noted. It is DPR’s standard operation and intent to continue to submit special-status species and natural communities detected during surveys to the CNDDDB. It is routine practice for our Natural Resources Program to submit our data to the CNDDDB for every new occurrence found in our District, and we submit data annually for each species we’re permitted to monitor/survey for via a CDFW Scientific Collecting Permit #10633 and a U.S. Fish & Wildlife Service 10a1A permit #TE-082237, verifying their continued presence and updating the record (e.g., western snowy plover, Morro shoulderband snail).

Response to A-1-3, Lake and Streambed Alteration:

Comment noted. As noted in the Biological Resources Section of the Initial Study, portions of the Project may be subject to CDFW’s regulatory authority pursuant Fish and Game Code section 1600 et seq. It is DPR’s intent to conduct technical studies, including wetland delineations to identify jurisdictional areas and impacts to those areas, once the Project has secured funding. At that point, DPR will pursue consultations with regulatory permitting agencies, including CDFW. DPR also understands CDFW’s requirement to verify the analysis within the CEQA document prepared for the Project as a part of your LSAA permit process.

Response to A-1-4, Nesting Birds:

The IS/MND has been updated to include a condition requiring nesting bird surveys be conducted by a qualified biologist no more than 10 days prior to the start of ground or vegetation disturbance if work occurs during the nesting season, February 1 – September 15 (SPR BIO-5 e).

Response to A-1-5, Environmental Data:

It is DPR’s standard operation procedures to submit special-status species and natural communities detected during Project surveys to the CNDDDB.

Response to A-1-6, Filing Fees:

Comment noted.

Responses to Central Coast Regional Water Quality Control Board

Response to A-2-1:

Comment noted. Initial Study has been updated to include an analysis of shading impacts based upon trail/boardwalk projects undertaken at nearby coastal park units. The updated Initial Study identifies the potential for permanent shading impacts to 0.13 acre of jurisdictional areas. Please refer to the revised Section IV, Biological Resources, as corrected by way of the Errata Sheet.

Response to A-2-2:

Comment noted. The Conceptual Mitigation Monitoring and Reporting Plan has been revised to include State jurisdictional wetlands and riparian definitions. Central Coast Water Board regulation of riparian impacts has been added to the IS/MND and Conceptual Mitigation Monitoring and Reporting Plan.

Response to A-2-3:

Comment noted. As noted in the Response to Comment A-2-1, the mitigation locations and ratios have been incorporated into Section IV, Biological Resources section of the Initial Study.

Response to A-2-4:

Comment noted. The Conceptual Mitigation Monitoring and Reporting Plan has been revised to reference a 5-year monitoring period in place of the previous 3-year monitoring period.

Response to A-2-5:

Comment noted. The Conceptual Mitigation Monitoring and Reporting Plan has been revised to specify that revegetation efforts to offset impacts to riparian habitat will include species within the impacted area and will mirror the habitat function of the jurisdictional areas impacted.

Response to A-2-6:

Comment noted. The final design of the viewing platform will avoid impacting the beach which will obviate the need for coastal armoring and will be above and outside the mean higher high tide. Please refer to the California Coastal Commission letter dated October 28, 2024, and response to comment A-3-3.

Responses to California Coastal Commission

Response to A-3-1:

Comment noted. DPR acknowledges CCC's offer to permit the southern portion of the project via the CDP tied to Caltrans' highway realignment project, but we intend to apply to San Luis Obispo County for a separate CDP to ensure that the public is noticed and provided with opportunities for comment that might not occur if we relied on the CDP for the northern portion of the Project. We want to ensure that the permitting process is transparent to the public. Since the southern portion is outside of Caltrans' highway realignment project area and not included in the project's EIR, our intent is to pursue a separate permit for that portion of the Project. DPR confirms that we will pursue authorization under the Coastal Act for the southern-most mile of the trail through the County of San Luis Obispo.

Response to A-3-2:

DPR acknowledges that Special Condition 5 and the Cooperative Agreement state that final CCT plans must be submitted to Commission staff for review and to the Executive Director approval prior to commencing construction. DPR also confirms a shared understanding of the Special Condition 5 requirements including:

- The proposed trail provides the impression of a natural surface path with curvilinear features, a compacted but unpaved surface, and widths generally not exceeding 6 feet. Additionally, the proposed trail alignment remains consistent with the scenic easement by including low profile trail features.
- Public use of the Motel site for the Project will consist of parking and trailhead access. This location provides access to both the north and south and provides parking for visitors.
- The trail will be accessible by pedestrians and cyclists, free of charge, year-round, with the exception of emergency or hazardous situations in which case it would be temporarily closed to the public.
- The Project includes several design elements for the protection of elephant seals including interpretive signage; posted orders to keep visitors on trail; the Project has been designed to fence, protect, and avoid haulouts and pupping sites and keep trail users separated from elephant seals; and a viewing platform to allow human observation of this species from a safe distance. Staffing the platform with docents who can interpret that natural history, protective regulations, and importance of elephant seals has been proven effective at keeping

this resource protected while allowing the public to enjoy the seals from a safe distance at the elephant seal vista upcoast of this site, and DPR intends to implement that same program at the new viewing platform.

- Final CCT plans will include the location and contents of all signs and other project elements that will be used to facilitate, manage, and provide public access to the CCT, including educational displays, and interpretive signage.

Response to A-3-3:

Comment noted. While State Parks recognizes your concerns regarding the elephant seal viewing platform, the current design is consistent with Coastal Commission policies regarding managed retreat; the platform is designed to be moved inland as needed. The platform is retractable, allowing for adjustments over time, including enough space for potential relocation.

DPR follows established trail management protocols to ensure visitor safety and accessibility. If the trail or its features, including boardwalks, bridges, and/or viewing platforms, are impacted by erosion or sea-level rise, DPR will rehabilitate or realign them, as has been done at Moonstone Beach Boardwalk.

The Project has been carefully designed to avoid impacts while balancing environmental protection, public safety, and visitor experience. To address potential human-animal interactions, which could result in disturbance or behavioral changes to the elephant seals, the platform's design features will include handrails to maintain a safe distance between visitors and wildlife. This mitigation aligns with NOAA regulations regarding appropriate setbacks from marine mammals and ensures compliance with best management practices for wildlife protection.

The Project's design features and standard project requirements—including handrails, interpretive signage, and adaptive management strategies—are appropriate under CEQA. The platform provides a controlled, interpretive opportunity for visitors while reducing the risk of unregulated access and disturbance to the elephant seals. This approach strikes a necessary balance between public recreation, education, and environmental resource protection. However, if the final design plans are found to be inconsistent with approved CDP, it will be dropped from the Project.

Responses to County of San Luis Obispo, Planning and Building Department

Response to A-4-1:

Comment noted. Please refer to the response to the California Coastal Commission's comments, comment A-3-3.

Response to A-4-2:

Comment noted. Please refer to the responses to the California Fish and Wildlife Service's comments, comments A-1-1 through A-1-4.

Response to A-4-3:

Comment noted.

Response to A-4-4:

The response to this comment is prefaced with a clarification that significance determinations are made without consideration of avoidance, minimization, and/or mitigation measures. Standard Project Requirements are simply measures that are added to further reduce or avoid impacts which are determined not to be significant. With that said, State Parks acknowledges that NOA was inadequately evaluated in the Draft Initial Study, and the following additional analysis will be incorporated into the final document.

The northern portion of the Project is covered by the CDP that authorized Caltrans' Highway 1 Realignment Project. The environmental review and permitting process for that portion of the Project included an Initial Site Assessment prepared in 2008 which determined that the area is void of ultra basic and serpentine rocks and therefore encountering naturally occurring asbestos (NOA) is unlikely (California Department of Transportation, 2010). Approximately two (2) miles of the Project is not yet permitted and was not included in the analyses for the northern portion of the Project; however, both the northern and southern portion of the trail occur within the same marine terrace deposit soil type, and NOA is not

expected to occur within this soil type. Additionally, the southern portion consists of a trail that already exists; the Project would modify the trail so that it conforms with DPR standards, but new construction or earth disturbance to create a trail is not required. The Air Quality section has been updated to reflect this additional information for clarification.

Response to A-4-5:

Comment noted. The Rational column of Table Bio-1 on page 42 has been corrected to include the rest of the sentence.

Response to A-4-6:

As a State agency, the implementation of the proposed CCT by California State Parks is a sovereign activity that is immune from local building and zoning regulations including grading and construction permits. The Project is subject to local review only under authority delegated to it by the California Coastal Act as a certified local coastal plan. Furthermore, the Coastal Act does not authorize local governments to exercise any power it does not already have under the Constitution and laws of the State of California. Nevertheless, clarification has been added to the Standard Project Requirements to clarify who will implement which requirements and when those requirements will be implemented.

Response to A-4-7:

Comment noted. California State Parks employs professional archeologists that fully understand the procedures for what must be done in the event of an unanticipated cultural resource discovery. State Parks is both the project proponent and the entity that will implement the project so any such inadvertent discovery will be treated as per the protocol that has already been established, and which has proved to be an effective means to prevent unanticipated impacts.

Furthermore, an abundance of archaeological data was available to guide the planning of the Project and used to avoid impacts to cultural resources. Therefore, the nature of the ground disturbance for this project does not necessitate full-time archaeological monitoring or the development of a Cultural Resources Management Plan. No impacts to intact archaeological resources are anticipated, as the Project alignment avoids known cultural resources and only bisects portions of archaeological sites that were substantially disturbed by past Highway 1 construction. Furthermore, the sites bisected by the current Project alignment have been determined ineligible for inclusion in the National Register of Historic Places and California Register of Historic Resources, therefore according to the National Historic Preservation Act, are considered not significant.

Sites in the vicinity of the current Project located north of Point Piedras Blancas have been subjected to substantial impacts from past construction and exhaustive archaeological testing and excavation. Those south of Point Piedras Blancas are more intact, but the Project will avoid them. As a precautionary measure, an Archaeological Monitoring Plan has been prepared, outlining procedures for monitoring, with archaeological and tribal monitoring occurring within 50 meters of intact archaeological sites and/or tribal cultural resources and for all ground disturbance south of the Northern Lighthouse Parking Lot.

Caltrans conducted full archaeological survey for the entire alignment of the current Project prior to Highway 1 realignments (Joslin 2007). DPR conducted archaeological surveys for the Project from 2016-2023, during times of good visibility, first by Wheeler then by Jackson (Jackson 2024). In addition, substantial archaeological testing has been conducted in this area, due to multiple iterations of Highway 1 construction, abandonment and realignment. As a result of the past survey work, archaeological testing, and Highway 1 construction, archaeological site boundaries including those portions containing intact resources are well defined. Areas where the Project bisects known archaeological sites occur only within areas previously disturbed by various iterations of Highway 1 construction and therefore intact archaeological resources are no longer present within the Project. Thus, the Project was designed to avoid all intact archaeological sites and other cultural resources, and no impacts are expected. Due to the shallow nature of ground disturbance for the Project, any previously unidentified archaeological resources that may be within the Project alignment is likely to consist solely of isolated lithic material and will not require a robust management or treatment plan. Consequently, no cultural resources discovery (Management) plan is warranted for the project.

Response to A-4-8:

DPR will review ensure that monitoring occurs near sensitive areas, e.g., where ground disturbance will occur within 50 meters of an intact archaeological and/or tribal cultural resource. Full-time archaeological monitoring is not anticipated to be required since the majority of the Project occurs within the area assessed and/or impacted by Caltrans' Highway 1 Realignment Project.

No significant tribal cultural resources were identified directly within the Project area. Consultation with the tribes has occurred and is ongoing. The Project was designed to avoid intact cultural resources, and tribes have supported the Project and have not expressed concerns over impacts to tribal cultural resources. As a precautionary measure, an Archaeological Monitoring Plan has been prepared, outlining procedures for monitoring, with archaeological and tribal monitoring occurring within 50 meters of intact archaeological sites and/or tribal cultural resources and for all ground disturbance south of the Northern Lighthouse Parking Lot. Full-time archaeological and tribal monitoring is not required since the majority of the Project occurs within the areas assessed and/or impacted by Caltrans' Highway 1 Realignment Project, and ground disturbance will be limited to shallow excavations and clearing of vegetation.

Response to A-4-9:

Page 14 of the Conceptual Mitigation Monitoring and Reporting Plan notes that DPR will hand water all restored areas by hand if supplemental watering is required to ensure the success of restoration efforts. This methodology has proven successful in coastal environments which are prone to more fog and less heat than inland areas. This same methodology was used for the restoration required when the Moonstone Boardwalk was replaced, which required large restoration areas.

Response to A-4-10:

An Archaeological Monitoring Plan has been prepared which outlines procedures for monitoring, with archaeological and tribal monitoring occurring within 50 meters of intact archaeological sites and/or tribal cultural resources, and for all ground disturbance south of the Northern Lighthouse Parking Lot. Archaeological monitoring is not required for all ground disturbance since the Project was designed to avoid intact cultural resources and a large portion of the Project occurs within areas disturbed by Caltrans' Highway 1 Realignment project.

Response to A-4-11:

The two projects referenced in subsection (c) are Caltrans' Highway 1 Realignment Project and the Piedras Blancas California Coastal Trail Project. The "limited delineation of highway impacted resources" refers to the limited footprint of Caltrans' project area and resource impacts, which did not extend toward the bluffs and cover the same area that the CCT will impact. In other words, while Coastal Commission was content to let us use the Caltrans EIS/EIR (and so was DPR legal counsel), it would have left us open to a challenge in that the CCT resource impacts were not analyzed in the Caltrans EIR/EIS and their project footprint was different and did not even include the CCT alignment.

Response to A-4-12:

The Project Overview Map, Figure PROJ-2 on page 4, has been revised to clearly show which portion of the project has been permitted by a Coastal Development Permit versus the section that has yet to be permitted.

Response to A-4-13:

The southern portion of the trail which is not covered by Caltrans' CDP is partially constructed and will not require breaking new ground; rather, it will require modifications and enhancements so that the trail meets DPR standards and ADA requirements.