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STAFF REPORT: REGULAR CALENDAR

Consistency Determination No.: CD-0005-20

Federal Agency: Bureau of Land Management

Location: Cotoni-Coast Dairies Properties, adjacent to Davenport, northern Santa Cruz County
([Exhibits 1 and 2](#))

Project Description: Resource Management Plan for Cotoni-Coast Dairies Property

Staff Recommendation: Conditional Concurrence

SUMMARY OF STAFF RECOMMENDATION

The Bureau of Land Management (BLM) has submitted a consistency determination for a Resource Management Plan (RMP) Amendment (to the California Coastal National Monument RMP) for the 5,843-acre Cotoni-Coast Dairies (C-CD) property near Davenport in Santa Cruz County. This management plan, which will be referred to in this report as the “C-CD Plan,” provides management objectives, establishes resource protection zones and land uses, provides for two phases of recreational improvements, provides for protection of agriculture, sensitive habitat, water quality and cultural resources, and addresses potential conflicts between competing uses.

Major features of the C-CD-Plan include:

- Establishment of four Recreation Management Zones (RMZs), two of which (RMZs 2 and 4, which constitute 3,187 acres, or 55% of the C-CD property) would be protected from development and reserved as “core wildlife protection areas,” with an emphasis on habitat and cultural resource preservation.
- Recreational improvements, including construction of three-day use facilities/parking areas, and approximately 26 miles of improvements to hiking and biking (non-motorized) trails in RMZs 1 and 3. These improvements would be developed in two phases; Phase 1 consisting of developing two-day use facilities/parking areas and 17 miles of recreational trails. If monitoring demonstrates that the Phase 1 recreational improvements are being effectively managed, the remainder of the improvements would be implemented in Phase 2.
- Management of livestock grazing and vegetation, with the focus on restoring sensitive habitats, reducing fuel loads, removing invasive species, and maintaining livestock grazing as a tool to protect and maintain native habitats and water quality.
- Appropriately restricting authorized uses to protect fish and wildlife, special status species, sensitive habitat types (particularly riparian areas), and cultural resources.

The primary Coastal Act concern raised by the C-CD Plan is the need to maximize public access and recreation on the property while still maintaining and protecting the other important coastal resources present on site and in adjacent areas, which include environmentally sensitive habitats, water quality, outstanding scenic resources, historic agriculture and cultural resources. Subcomponents of this concern that have been raised by interested parties include the appropriate locations of proposed trails and parking lots, whether archery hunting should be allowed, whether “e-bikes” should be allowed, and potential use and effects of herbicides that could be used for restoration purposes.

The BLM proposes a phased approach to implementing the C-CD Plan. Thus, the Commission’s review focuses on the overall Plan as well as implementation of specific actions under Phase 1. The BLM would submit a second consistency determination for Phase 2 activities and would also submit other consistency determinations or negative determinations for projects or activities that are proposed at later dates, but which are not covered under this consistency determination. Staff is recommending a conditional concurrence to clarify and incorporate this phased review and is recommending that the Commission find the overall C-CD Plan, as well as the Phase 1 activities described in the Plan, as conditioned, consistent with the public access and recreation, environmentally sensitive habitat, water quality, agriculture, scenic and visual resource,

and cultural and archeological policies of the Coastal Act. The Plan appropriately balances resource protection while providing lower-cost public access and recreation to publicly owned property.

In that respect, the Plan builds on past actions by the Commission intended to reach that goal. This includes the Commission-approved coastal development permit that allowed this land to be subdivided to facilitate the transfer of the former Coast Dairies property to BLM and California State Parks (i.e., for the portion on the seaward side of Highway 1) in the first place nearly a decade ago. That permit established the baseline of allowed and prohibited uses on the site, and the Plan continues those policies and efforts moving forward. In addition, in 2015, the Commission concurred with the BLM's Negative Determination to construct the Laguna Ridge trailhead (now called the Cotoni Trail), implement trail improvements and improve public access. In that Negative Determination, the Commission provided strong direction to BLM to provide increased public recreational access as soon as possible. This purpose of the proposed Plan is to achieve that goal. And with the demand for free and lower cost public recreational access opportunities ever-growing, especially for sites with developed parking, restrooms, other facilities, and management such as proposed here, the Plan is a rare opportunity to meaningfully enhance public recreational access on Santa Cruz County's rugged north coast in a way that also respects the significant habitats and other resources present in this area.

The staff therefore recommends that the Commission **conditionally concur** with the BLM's consistency determination and find the proposal, as conditioned, consistent with the relevant, enforceable policies of the Coastal Act.

If BLM does not agree to the condition, the Commission's action will be treated as an objection.

The standard of review for this project is in the Chapter 3 policies of the Coastal Act. The motion to conditionally concur is on page 4.

TABLE OF CONTENTS

I. FEDERAL AGENCY’S CONSISTENCY DETERMINATION	5
II. MOTION AND RESOLUTION	5
III. APPLICABLE LEGAL AUTHORITIES	6
IV. FINDINGS AND DECLARATIONS	8
A. PROJECT DESCRIPTION/BACKGROUND	8
B. RELATED COMMISSION ACTIONS	11
C. OTHER AGENCY APPROVALS AND TRIBAL CONSULTATIONS.....	11
D. PUBLIC ACCESS AND RECREATION	12
E. ENVIRONMENTALLY SENSITIVE HABITAT AND WATER QUALITY	22
F. AGRICULTURE.....	31
G. SCENIC AND VISUAL RESOURCES	33
H. CULTURAL RESOURCES	35
APPENDIX A SUBSTANTIVE FILE DOCUMENTS	39

EXHIBITS

- Exhibit 1 – Project Area
- Exhibit 2 – Resource Management Zones (RMZs)
- Exhibit 3 – Day Use Facilities/Parking Areas
- Exhibit 4 – Trails
- Exhibit 5 – Vegetation Maps and Trails
- Exhibit 6 – Agricultural Ranches/Grazing Areas
- Exhibit 7 – Specific management and implementation measures
- Exhibit 8 - CCC CDP Conditions (3-11-035)
- Exhibit 9 – Alternative parking concepts considered
- Exhibit 10 – Project Design Features
- Exhibit 11 – CZU Lightning Complex Fire Area

I. FEDERAL AGENCY'S CONSISTENCY DETERMINATION

The Bureau of Land Management has determined that the project is consistent to the maximum extent practicable with the California Coastal Management Program (CCMP).

II. MOTION AND RESOLUTION

Motion:

I move that the Commission **conditionally concur** with consistency determination CD-0005-20 on the grounds that, if modified as described in the Commission's conditional concurrence, the project would be fully consistent, and thus consistent to the maximum extent practicable, with the enforceable policies of the CCMP.

Staff recommends a **YES** vote on the motion. Passage of this motion will result in a concurrence with the determination of consistency, provided the project is modified in accordance with the recommended condition, and adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is required to pass the motion.

Resolution:

The Commission hereby **conditionally concurs** with consistency determination CD-0005-20 by the Bureau of Land Management (BLM) on the grounds that the project would be fully consistent, and thus consistent to the maximum extent practicable, with the enforceable policies of the CCMP, provided BLM agrees to modify the project consistent with the condition specified below, as provided for in 15 CFR §930.4.

Condition:

1. **Phased Review.** BLM will submit a separate consistency determination to the Commission for Phase 2 activities associated with implementation of the C-CD Plan, including an analysis of consistency with Coastal Act Chapter 3 policies. Phase 2 activities include development and implementation of the Phase 2 Parking Area: Upper Warrenella parking area, and the three Phase 2 trails: Agua Puerca Loops, Warrenella Loops, and Cotoni Trail Extension. This Phase 2 consistency determination will include a detailed analysis of any feasible, potentially less environmentally damaging alternatives. In addition, BLM will continue to coordinate with the Executive Director regarding the other management and monitoring plans described in its RMP, including coordination regarding whether supplemental negative or consistency

determinations are warranted for the following: terrestrial and aquatic vegetation management plans, fish and wildlife habitat restoration plans, transportation and travel management plans, livestock grazing plans, plans for protection of cultural and archaeological resources, and plans for imposition of day-use or parking fees.

III. APPLICABLE LEGAL AUTHORITIES

Standard of Review

The federal Coastal Zone Management Act (“CZMA”), 16 U.S.C. § 1451-1464, requires that federal agency activities affecting coastal resources be “carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved State management programs.” *Id.* at § 1456(c)(1)(A). In this case the activities proposed under the plan would also generate potential spillover effects off of federal land (which is considered “excluded from the coastal zone”) and within the coastal zone (e.g., effects on public access to connected trails that are offsite, effects on downstream water quality and/or surrounding wildlife, effects on Highway 1 traffic and use) that also must be evaluated by this consistency determination under the CZMA.

The implementing regulations for the CZMA (“federal consistency regulations”), at 15 C.F.R. § 930.32(a)(1), define the phrase “consistent to the maximum extent practicable” to mean:

... fully consistent with the enforceable policies of management programs unless full consistency is prohibited by existing law applicable to the Federal agency.

This standard allows a federal activity that is not fully consistent with California’s Coastal Management Program (“CCMP”) to proceed, if full compliance with the CCMP would be “prohibited by existing law.” In its consistency determination, the BLM did not argue that full consistency is prohibited by existing law or provide any documentation to support a maximum extent practicable argument. Therefore, there is no basis to conclude that existing law applicable to the Federal agency prohibits full consistency. Since the BLM has raised no issue of practicability, as so defined, the standard before the Commission is full consistency with the enforceable policies of the CCMP, which are the policies of Chapter 3 of the Coastal Act (Cal. Pub. Res. Code §§ 30200-30265.5).

Conditional Concurrences

The federal consistency regulations (15 CFR § 930.4) provide for conditional concurrences, as follows:

- (a) Federal agencies, ... should cooperate with State agencies to develop conditions that, if agreed to during the State agency’s consistency review period and included in a Federal agency’s final decision under Subpart C ... would

allow the State agency to concur with the federal action. If instead a State agency issues a conditional concurrence:

(1) The State agency shall include in its concurrence letter the conditions which must be satisfied, an explanation of why the conditions are necessary to ensure consistency with specific enforceable policies of the management program, and an identification of the specific enforceable policies. The State agency's concurrence letter shall also inform the parties that if the requirements of paragraphs (a)(1) through (3) of the section are not met, then all parties shall treat the State agency's conditional concurrence letter as an objection pursuant to the applicable Subpart . . . ; and

(2) The Federal agency (for Subpart C) ... shall modify the applicable plan [or] project proposal, ... pursuant to the State agency's conditions. The Federal agency ... shall immediately notify the State agency if the State agency's conditions are not acceptable ...

(b) If the requirements of paragraphs (a)(1) through (3) of this section are not met, then all parties shall treat the State agency's conditional concurrence as an objection pursuant to the applicable Subpart.

Phased Review

When reviewing consistency determinations for federal agency management plans, the Commission typically relies on the "phased review" procedures under the Coastal Zone Management Act (CZMA). This procedure allows (and encourages) "phased federal consistency reviews" in cases where federal decisions to implement an activity are also made in phases. Section 930.36 (d) of the CZMA implementing regulations provides:

Phased consistency determinations. ... In cases where federal decisions related to a proposed development project or other activity will be made in phases based upon developing information that was not available at the time of the original consistency determination, with each subsequent phase subject to Federal agency discretion to implement alternative decisions based upon such information (e.g., planning, siting, and design decisions), a consistency determination will be required for each major decision.

Among other benefits of "phased" consistency review are that: (1) it provides the federal agency, in advance of specific project or plan implementation, notice of what issues are likely to arise under the CCMP; and (2) it provides the Commission with an overall planning context within which to review specific plans or projects subsequently proposed.

As submitted, BLM has proposed two phases of activities, with finalization of Phase 2 activities dependent on completion and monitoring of Phase 1 activities. In discussions with Commission staff, BLM has agreed that submittal of a supplemental consistency

determination for Phase 2 activities is warranted and appropriate under the above CZMA regulation. For clarity, and because the Commission staff does not currently have sufficient information to recommend concurrence with Phase 2 activities, staff is recommending a condition setting forth the procedure for supplemental federal consistency review.

Thus, the Commission is only concurring with BLM's Phase 1 activities through this concurrence with BLM's consistency determination. Assuming BLM continues to agree with this approach, the Commission expects that BLM will continue to coordinate the implementation of its management plan with the Commission's federal consistency staff, to submit proposals to Commission staff for any future plans and activities that have not yet been finalized, and to submit a subsequent consistency determination for Phase 2 activities outlined in the RMP, with a corresponding analysis of their effects on the coastal zone and consistency (to the maximum extent practicable) with the applicable Coastal Act Chapter 3 policies.

IV. FINDINGS AND DECLARATIONS

A. Project Description/Background

The Bureau of Land Management (BLM) has submitted a consistency determination for its Resource Management Plan (C-CD Plan) for the Cotoni-Coast Dairies unit of the California Coastal National Monument. This plan is being proposed as an amendment to BLM's 2005 Coastal National Monument Resource Management Plan (RMP), a management plan which was limited at the time to management of offshore islands and rocks. BLM's RMP Amendment is needed to cover onshore lands acquired since 2005. The purpose of this Plan is to provide management direction and establish land use decisions for the Cotoni-Coast Dairies property (C-CD property), a 5,843-acre area located adjacent to and surrounding Davenport, in northern Santa Cruz County (**Exhibit 1**).

The Trust for Public Land purchased the then-named Coast Dairies property in 1998 with contributions provided by the California Coastal Conservancy, the David and Lucille Packard Foundation, the Save-the-Redwoods League, and other non-government entities. In August 1998 BLM signed a memorandum of understanding with the Trust for Public Land (TPL) to be a permanent steward of the upland, non-agricultural portions of the property. In April 2014, TPL transferred those portions of Coast Dairies identified as "upland parcels," totaling 5,843 acres, into public ownership under the BLM's administration, retained approximately 537 acres of agricultural land inland of Highway 1, and transferred approximately 407 acres of land seaward of Highway 1 to State Parks. The mineral estate underlying the property was retained by the Coast Dairies and Land Company (a wholly owned subsidiary of TPL).

In terms of the larger geographical context, the BLM property spans some 7 linear miles located along the rugged North Coast of Santa Cruz County. The property surrounds the town of Davenport, abuts the community of Bonny Doon, and includes both varied coastal and upland terrain. The property is directly inland of and accessed by Highway 1 and lies approximately 8 miles north of the City of Santa Cruz and 35 miles south of Half Moon Bay. From the coast, parts of the Cotoni-Coast Dairies property reach almost 2½ miles inland, and it includes grazing lands, scrub and timberlands, and remnant industrial areas. Cotoni-Coast Dairies contains six distinct watersheds (including parts of the Scott Creek watershed) and some 700 acres of redwood forest. The property is also in the midst of a regional network of conservation open space, providing opportunities for regional trail development and other recreational linkages as well as vital biological corridors that help avoid habitat fragmentation. Other conservation areas in the area include Wilder Ranch State Park to the south, the Bonny Doon Ecological Preserve, the San Vicente Redwoods to the northeast and Big Basin Redwoods State Park to the north. Of the six watersheds wholly or partly within the boundaries of the Coast Dairies property, San Vicente Creek supports both a self-sustaining population of federally threatened steelhead and one the of the last remaining spawning runs of the threatened coho salmon south of San Francisco Bay.

Within this regional context, there are a number of projects and initiatives that are in various phases of planning and development including the recently approved San Vicente Redwoods project, which will provide approximately 38 miles of new and enhanced public recreational trails; the Santa Cruz County Regional Transportation Commission's Rail Trail project, which will provide approximately 7.5 miles of new bike and pedestrian trails from Wilder Ranch to Davenport and improved parking areas at Yellowbank Creek¹ and Davenport; and the future reuse of the CEMEX plant in Davenport, which is presently undergoing environmental assessment and site restoration and is aimed for future land use designation/zoning amendments and redevelopment and public recreational access connectivity to the C-CD National Monument. BLM prepared an Environmental Assessment (EA) for this C-CD Plan/RMPA, and, after extensive public outreach, selected "Alternative D" identified in the RMPA as the preferred alternative. This alternative includes specific implementation measures, using a phased approach, to achieve BLM's goals for resource protection, public access, and other uses, and this consistency determination analyzes consistency of this alternative with the Coastal Act.

¹ BLM has indicated that it will pursue a Highway 1 crossing at Yellowbank Creek to connect the Rail Trail to the BLM property in the future (a project that will require a future consistency determination and/or a CDP).

BLM's consistency determination states that the C-CD Plan's primary purpose is to "provide opportunities for public access and recreation at Cotoni-Coast Dairies, while ensuring care for the objects and values identified in Presidential Proclamation 9563," which former President Obama issued on January 17, 2017 and which added this property (plus five additional areas) to the National Monument.

BLM's C-CD Plan establishes four Recreation Management Zones (RMZs) and identifies improvements to public access and recreation, including development of parking areas, recreational trails, and other management measures to improve associated visitor use facilities. BLM states that its resource management programs with the greatest potential to impact coastal resources are: Vegetation Management (e.g. Upland Terrestrial Vegetation, Fire, and Herbicide Use and Riparian Areas and Wetlands), Fish and Wildlife Habitat (restoration), Special Status Species (recovery), Recreation, Travel and Transportation, Lands and Realty, and Livestock Grazing programs. The goals, objectives, and management measures to address impacts from these programs and protect the Monument's resources are spelled out in detail in **Exhibit 7**.

BLM also states that, due to the general nature of the land use decisions in the C-CD Plan, it cannot anticipate the effects of all subsequent program-level or site-level actions that may occur under its general guidance. When appropriate, future actions carried out under the auspices of the C-CD Plan will be subject to an additional federal consistency review process. The proposed C-CD Plan includes a two-phased approach to implementing BLM's planned public recreation facilities, with implementation of Phase 2 dependent on effective recreation management under Phase 1.

Part of BLM's stated rationale for the phasing is to assure it will have adequate funding and capacity to manage public access, protect sensitive resources, and limit offsite impacts to neighboring areas and residents, before implementing Phase 2. In Phase 1, BLM proposes to develop and improve approximately 17 miles of trails and two parking areas, while monitoring impacts of visitor use, including parking capacity. The two Phase 1 parking areas are at Lower Warrenella and Marina Ranch Gate (**Exhibit 3**). A Phase 2 parking area, the Upper Warrenella parking area, is included in the plan but subject to further review and planning and is not part of the project under review in this consistency determination. BLM also currently anticipates that the Upper Warrenella area would be available for seasonal weekend use only, to minimize conflicts with adjacent landowners and rights holders. Phase 2 trails would include improvements to an additional 9 miles of trails, for a total of 26 miles of trails (**Exhibit 4**).

BLM would establish pedestrian/bicycle connections to regional transportation systems via the North Coast Rail Trail and the adjacent San Vicente Redwoods property.

Camping would only be allowed for limited uses (traditional cultural practices (tribal groups and organizations), work groups (e.g. California Conservation Corps), research, or educational purposes.

BLM would manage RMZs 2 and 4, which constitute 55% of the property (3,187 acres), as core habitat areas for fish and wildlife, with recreational access limited to guided tours and permitted access only. Very limited amounts of archery hunting (of non-native pigs and turkeys, plus deer) would be allowed in RMZ2 through a permitted special hunt program managed in partnership with the California Department of Fish and Wildlife (CDFW).

B. Related Commission Actions

On July 13, 2005, the Commission concurred with BLM's consistency determination for its 2005 Coastal National Monument Resource Management Plan (RMP) for California's statewide offshore rocks and islands (CD-077-05).

On April 12, 2012, the Commission approved with conditions Coastal Development Permit (CDP) No. 3-11-035, which authorized a land division enabling the property that is the subject of this consistency determination to be transferred by the Trust for Public Land to BLM for use for "open space and public recreation in a manner consistent with the protection and preservation of natural habitats, adjacent sustainable agricultural uses, and the rights and interests of the property's current lessees or their successors in interest." BLM accepted the property in 2014 with deed restrictions that mirror the language of CDP 3-11-035 (**Exhibit 8**).

On November 15, 2015, the Commission staff concurred with a BLM negative determination for the Laguna Ridge Trail Construction and Public Access Program on Coast Dairies land, which BLM intended to implement as its initial public access/trail improvements (ND-0035-15). BLM has not implemented these improvements. BLM partially implemented this trail (i.e., hosted guided tours on the trail) and states it remains a part of the trail system in the C-CD Plan that would be accessed from the Marina Ranch Gate parking area, although the trail name has changed to the Cotoni Trail. In Phase 2, BLM proposes to extend it further to make a loop.

C. Other Agency and Stakeholder Approvals and Consultations

Endangered Species Act

BLM is in consultation with the National Marine Fisheries Service and the US Fish and Wildlife Service regarding Endangered Species Act coverage.

National Historic Preservation Act

BLM is working with the State Historic Preservation Officer (SHPO) for National Historic Preservation Act compliance under BLM's Programmatic Agreement with SHPO.

Cooperating Agencies

BLM is coordinating with Santa Cruz County and California State Parks under an MOU in which these are both formal cooperating agencies, and pursuant to BLM NEPA Guidance: A Desk Guide to Cooperating Agency Relationships and Intergovernmental Partners (BLM, 2012).

Informal Coordination

BLM has been working closely with CalTrans, CalFire, and CDFW throughout the planning process. BLM has also been coordinating closely with the Santa Cruz Regional Transportation Commission and the Land Trust of Santa Cruz County regarding coordinated regional trails.

Tribal Consultation

BLM coordinated extensively with the Amah Mutsun Land Trust and Amah Mutsun Tribal Band in developing its RMPA, under an MOU between BLM and the Amah Mutsun Land Trust. In addition, during the process of reviewing this project and developing this recommendation, Commission staff also reached out to representatives of this tribal group. Tribal consultation and cultural resource-related issues are discussed more in section H below.

Public Access Workshops/Community Meetings

BLM held two public workshops in December of 2018 and held a number of community meetings prior to developing the three public access alternatives identified in their Draft RMPA. Upon receipt of comments on the Draft RMPA, BLM developed a fourth hybrid public access plan alternative, taking into consideration comments received from agencies, various stakeholders and interest groups, and the public.

D. Public Access and Recreation

Section 30210 of the Coastal Act states:

In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30214 of the Coastal Act states:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.
- (2) The capacity of the site to sustain use and at what level of intensity.
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques,

including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Section 30223 of the Coastal Act states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The Coastal Act Section 30210 direction to maximize access represents a different threshold than to simply provide or protect such access and is fundamentally different from other like provisions in this respect: it is not enough to simply provide access to and along the coast, and not enough to simply protect access; rather such access must also be maximized. This terminology provides fundamental direction with respect to projects along the California coast that raise public access issues, like this one. At the same time, while it is a fundamental Coastal Act tenet to protect and provide for maximum public access and recreational opportunities along the coast (e.g., Sections 30210, 30211, 30221, and 30223), particularly free and lower cost access (Section 30213), the Act also recognizes that this access must be provided in manner that protects other coastal resources. For example, Section 30210 requires maximization of public access consistent with public safety needs and the need to protect natural resource areas from overuse. Section 30212(a) requires that public access be provided except where it is inconsistent with public safety and the protection of fragile coastal resources, and 30212.5 looks to appropriately distribute access facilities. And finally, Section 30214 explicitly requires that the Coastal Act's public access provisions "be implemented in a manner that takes into account the need to regulate the time, place and manner of public access" depending on, among other things, "the capacity of the site to sustain use and at what level of intensity," and the need to potentially limit access "depending on such factors as the fragility of the natural resources in the area." Thus, while enhanced public access is generally encouraged by the Coastal Act, it is important to note that the Coastal Act requires a nuanced and site-specific analysis when making public access decisions.

The Commission has long recognized the spectacular public access and recreation opportunities, as well as land use conflicts and challenges inherent in planning for increased public access, on the C-CD property. In its review of CDP 3-11-035, which authorized the land division for the property, the Commission imposed deed restrictions and other conditions on all the lands that were the subject of that CDP, including restrictions to protect agricultural uses in perpetuity, prohibit motorized off-road vehicle use, and maximize public access and recreation opportunities in a manner consistent with other coastal resource protection (**Exhibit 8**). As noted above, BLM acquired the property with these restrictions and continues to be required to abide by them.

The Commission found the C-CD property to be an extremely valuable recreational and educational resource for visitors from around the region, state, nation, and world. It

is a significant component of the rural central California coastal area in Santa Cruz County. The Commission's approval of the CDP stressed the need for continued management of this property in a manner that would maximize opportunities for public access for recreation and enjoyment consistent with the protection of coastal resources, include provision of linkages with nearby lands in a manner compatible with protection of existing uses and natural resource values, and provide opportunities for enjoyable and educational experiences within its natural and cultural landscapes.

The goals the Commission articulated included providing educational opportunities, promoting sustainable coastal agriculture, protecting native biodiversity, cultural resource and natural landscape values, and providing a diversity of recreational opportunities. The Commission found:

People with diverse interests and expectations should be able to find a broad spectrum of opportunities, from solitude and quiet to group activities or active recreation. Appropriate access to the property should be provided, and recreational facilities should be designed and sited to ensure protection of the natural, cultural, and social resource values. Motorized off-road vehicular activities can disrupt and degrade the natural environment in a number of ways, including by increasing noise pollution, changing wildlife migration patterns, and contributing to adverse water quality impacts by increasing erosion and other landform alteration. These and other impacts to coastal resources from such off-road vehicles can conflict with more benign public recreational land uses, such as hiking, birdwatching and beachgoing, as well as the overall intention and restrictions associated with the Coast Dairies property. For these reasons, motorized off-road vehicles must be prohibited unless: associated with normal property management activities (including reclamation and restoration activities), health and safety protection, and emergency response purposes; or such vehicular use is confined to established and identified roadways.

Consistent with these findings described above, the BLM's C-CD Plan seeks to facilitate public access and recreation on the C-CD property while also protecting existing agricultural uses and sensitive coastal habitats. To accomplish this, BLM proposes to concentrate the C-CD Plan's recreational improvements within two of the four Recreation Management Zones (RMZs) that the plan would create (i.e., RMZs 1 and 3) (**Exhibit 2**). RMZs 2 and 4 would be reserved as "core wildlife areas" which would be managed for habitat and open space conservation. The recreational improvements would be pursued in a two-phased approach, with implementation of Phase 2 "dependent on effective recreation management under Phase 1." Before implementing Phase 2, BLM states: "Emphasis will be placed on the adequacy of infrastructure to accommodate visitor use, the effectiveness with which the BLM and partners are able to maintain the trail system, and the BLM and partners' ability to

address unauthorized trails and trail use, and unauthorized entry into core wildlife areas (RMZs 2 and 4).” BLM will specifically monitor impacts of visitor use, including parking capacity. Management goals and intervals for the monitoring include:

Goal - Safe and adequate public access to accommodate the recreation needs of the region.

Definition - Sufficient parking is provided onsite to reduce conflicts, facilities are maintained regularly, including removal of trash and/or graffiti.

Monitoring/Reporting Interval - Monthly monitoring, summarized in quarterly report.

In Phase I, BLM proposes to develop and improve approximately 17 miles of trail and two parking areas. The two Phase 1 parking areas would be at Lower Warrenella (69 car spaces) and Marina Ranch Gate (49 car spaces and 4 equestrian spaces) (**Exhibit 3**). A third parking area, reserved for Phase 2, would be at the Warrenella Road Top parking area (**Exhibit 3**). Day-use/parking areas would include vault toilets, picnicking sites and interpretive kiosks.

Phase 1 and 2 trail improvements in RMZ 1 (**Exhibit 4**) would involve constructing and designating the following trails as open to hiking and biking, including for certain e-bikes:

PHASE ONE (RMZ 1)

- Molino Bank Loop: 3.04 miles
- Agua Puerca Trail: 4.69 miles

PHASE ONE (RMZ 3)

- Cotoni Trail: 1.83 miles
- Yellow Bank North Loop: 3.33 miles
- Yellow Bank South Loop: 4.61 miles

PHASE TWO (RMZ 1)

- Agua Puerca Loops: 3.24 miles
- Warrenella Loops: 3.05 miles

PHASE TWO (RMZ 3)

- Cotoni Trail Extension: 2.79 miles

Public access and recreation on the C-CD property would be available to a diverse group of users. BLM states:

Recreation opportunities proposed under Alternative D include 26.6 miles of trail for hiking, 18.6 miles of trail for mechanized use (e.g. mountain bikes and e-bikes), and 12.5 miles of trail for equestrian use. The BLM would incorporate construction standards, trail maintenance guidelines, adequate signage, and rules and regulations to reduce impacts to the environment as a result of construction and operation of the proposed parking area and trails.

BLM also proposes to establish pedestrian/bicycle connections to regional transportation systems via the North Coast Rail Trail and the adjacent San Vicente Redwoods property.

Mechanized use (e.g., mountain bikes) would be concentrated in RMZ1 on the northern portion of the property, and equestrian use would be concentrated in RMZ3 on the southern portion of the property. Hikers would be allowed on all trails on the property. Dogs on leashes would be allowed on specifically designated trails to protect sensitive habitat areas. RMZs 2 and 4 would be managed as core habitat areas for fish and wildlife, with recreation access limited to guided tours and permitted access only.

While BLM eventually plans to establish a pedestrian overpass to connect the North Coast Rail Trail to proposed trails on the C-CD property, that proposal will require further site-specific planning and is not a component of the Phase 1 activities being reviewed here.

Archery hunting would be allowed in RMZ 2 through a permitted special hunt program managed in partnership with the California Department of Fish and Wildlife. Based on a similar program in place at the Cañada de los Osos property in Santa Clara County, BLM and CDFW anticipate offering permitted archery hunts for up to 5 weekends per year with 2-4 hunters per weekend. On the Cañada de los Osos property, four of the hunts are focused on non-native species (pig and turkey) and one is focused on deer. Annual surveys would be completed for deer populations to ensure the sustainability of the hunting program.

BLM would only authorize camping on the property for traditional cultural practices (tribal groups and organizations), work groups (e.g., California Conservation Corps), research, or educational purposes, or with specific authorization through a Special Recreation Permit (SRP). SRPs would be allowed “as long as they promote understanding and appreciation of CCNM values and do not conflict with public access for the general public.” BLM states SRP-authorized activities would minimize effects on other recreation through establishing initial maximum duration of permitted events that involve trail use; and developing recreation user education and awareness programs to inform the participants of the C-CD objectives and values, encourage safe and environmentally responsible behavior, and increase patrol in areas with existing or

new facilities, or in areas where heavy recreation use could impede restoration efforts or other existing land use activities. Prohibited recreational uses include paragliding, camping and campfires, motorized off-highway vehicle use, target shooting, and fishing.

BLM states that it may, pursuant to the Federal Land Recreation Enhancement Act (REA), collect fees for use of parking facilities on the property to help pay for upkeep of facilities. The ability to collect these fees, which is a part of the project subject to this consistency determination, will provide the certainty needed to make long-term investments in an integrated system, sustain partnerships, and improve the recreation experience for visitor to the C-CD property. Parking fees collected under REA are reinvested at the collecting site to benefit the visitor through enhanced facilities and services. BLM would only charge market-rate fees at sites and for activities that meet certain specified criteria. The REA also requires that the federal agencies covered by it establish Resource Advisory Councils (RACs) so the local community, the recreation community, and the general public can provide input into fees established by BLM at the C-CD property. BLM also states that, although its C-CD Plan/RMPA would allow it to collect fees, it does not currently plan to impose day-use or parking fees. Although this C-CD Plan includes the future option of fee collection, BLM has agreed to notify and coordinate with the Commission staff work if and when it plans to propose a specific fee structure. If warranted, such fee structure may warrant submittal of a future negative or consistency determination. In addition, the Commission wishes to put BLM on notice that if fees were to be considered, they would need to be imposed within the context that limits fees, provides opportunities for reduced fees for persons of low- and moderate-income, and reinvests fees for maintenance of the C-CD property.

BLM has conducted extensive coordination with adjacent landowners and public/community interest groups to date and is committing to ongoing coordination going forward. Specifically, BLM has actively engaged with the Land Trust of Santa Cruz County, the Santa Cruz County Regional Transportation Commission, and California State Parks, along with the Mountain Bikers of Santa Cruz County, Friends of the North Coast (FONC), and the Davenport North Coast Association (DNCA), to ensure collaborative planning and management of the adjoining public and private properties. The proposed action would be implemented in a phased approach to better ensure that environmental resources can be protected during Phase I before opening up more trails on different areas of the property.

BLM's public access and recreation analysis in its consistency determination reflects the Coastal Act public access and recreation mandates, as well as the Commission's previously adopted findings in CDP 3-11-035. BLM states the C-CD Plan "would greatly expand public access on the property, which has been limited to guided tours

since it was transferred into public ownership.” The BLM’s proposed action would also allow visitors to connect to a regional trail network that would extend from Empire Grade in Bonny Doon to the City of Santa Cruz upon completion. BLM anticipates the C-CD Plan will serve up to 150,000 annual visitors during Phase 1, and 250,000 annual visitors at full buildout.

BLM states:

The region is renowned for its natural scenic qualities and the California coastal lifestyle that pioneered several outdoor recreation and leisure activities. The same values and traditions contributed to the donation of the C-CD property into public ownership. The conservation legacy and location of the C-CD property offer an outstanding opportunity for recreationists to enjoy and access a world class regional trail network that will ultimately include C-CD property, the North Coast Rail Trail and San Vicente Redwoods.

Recreation opportunities on the property will provide opportunities for exercise, challenging trail features, world-class vistas, nature viewing, bird watching, and photography. Connectivity to proposed trail systems on San Vicente Redwoods and the North Coast Rail Trail will provide long-distance hiking and riding opportunities that will span from Empire Grade to the Pacific Ocean.

BLM concludes:

Ultimately, expanding the opportunities and places for recreation on the North Coast of Santa Cruz would likely reduce the number of recreationists in any given area, allow for a wider variety of recreation experiences, and improve the experience for those users. As a result, the RMPA is expected to increase recreation opportunities; protect open space and cultural resources; and conserve natural resources.

The Friends of the North Coast, the Davenport North Coast Association, and the Rural Bonny Doon Association have written a letter, dated November 9, 2016, requesting that the Commission object to BLM’s consistency determination. This letter opposes BLM’s proposed parking areas, proposes alternative parking areas, opposes archery hunting (which would be limited to invasive pigs and turkeys, and deer (if populations warrant it)), opposes “e-bikes” where they would be allowed on trails, opposes stream water withdrawals for construction and dust abatement, opposes broadcast spraying of pesticides, and claims the consistency determination lacks specificity with respect to trash and litter control, toilet maintenance, traffic, and enforcement of restrictions on trails and in day use parking areas. This letter can be found in full in the correspondence packet for this consistency determination.

In addition, Santa Cruz County Supervisor has written a letter to the Governor, dated November 5, 2020, opposing hunting activities on the C-CD property.

Concerning potential alternative day-use/parking sites suggested by the above commenters, the Commission agrees with the BLM that the proposed parking sites have been appropriately located in a manner that complies with Coastal Act requirements. As BLM states:

The three proposed public access points (Warrenella Road Top, Warrenella Road Gate and Marina Ranch Gate) were selected as the result of an exhaustive process of evaluation and consideration of a range of different options. This began with a feasibility study, where the BLM and partners (including the Land Trust of Santa Cruz County, Davenport North Coast Association, Caltrans, Trust for Public Land, Santa Cruz County, the Coastal Commission, Santa Cruz Regional Transportation Commission) evaluated 11 different options for public access. We worked with an engineering firm (RRM) to develop drawings of each option and then hosted two public workshops and got feedback from the public. Some of the options were eliminated from further considerations due to feasibility issues and public concerns. We continued to refine these proposals following public scoping and the comment period on our Draft RMPA.

Upon releasing the draft RMPA, the DNCA, RBDA and FONC proposed two alternative access points. One of them (mile marker 30.22) would have required major modifications to Highway One and impacts to a riparian area. In working with Caltrans, we explained to the groups the significant challenges posed by this proposal. A second access point proposed by FONC (Yellowbank) would have been located entirely in a riparian area.

Upon releasing our Proposed RMPA, the same groups are now proposing two new access points (cheese barn and another site above Yellowbank). Both options are not feasible or would not provide adequate parking without significant impacts to sensitive resources. The cheese barn site would impact a cultural site and could lead to impacts to ESHA (Agua Puerca Creek). The new Yellowbank Site is proposed for a small hillside that is highly visible from Highway One and could not be feasibly developed without significant regrading and alterations to the drainage of the site.

We specifically chose all three access points to be obscured from key observation points, particularly Highway One and County scenic byways (Bonny

Doon Road and Swanton Road). They were also chosen to minimize impacts to resources, including ESHA and sensitive species.

Regarding concerns over the allowance of e-bikes on biking trails, and whether such use would conflict with existing deed restrictions prohibiting non-motorized vehicles, the Commission notes that both state law and federal DOI policy treat e-bikes allowed under the C-CD Plan (i.e., low-speed electric bicycles (Class I and Class II), operated in the pedal assist mode), as non-motorized vehicles. Dept. Of Interior Secretarial Order 3376, Increasing Recreational Opportunities through the use of Electric Bikes, directs that “E-bikes shall be allowed where other types of bicycles are allowed.” The Commission-imposed deed restrictions, which were imposed through special conditions on CDP No. 3-11-035, include the following: “The use of motorized off-road vehicles shall not be permitted on the Subject Property outside of established or designated roadways, except to the extent necessary for management of the Subject Property, or to protect public health and safety, or in response to other emergency situation.” However, California Vehicle Code section 24016(b) states that “an electric bicycle is not a motor vehicle.” Standard Condition 3 of CDP No. 3-11-035 also states that “[a]ny questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.” The Commission therefore has the authority to interpret its condition forbidding off-road vehicles to not apply to Class I and II e-bikes. BLM states that Class 1 and 2 e-bikes have electric motors of less than 750 watts (1 h.p.), maintains that there is “basically no difference in the level of noise that can be heard by other trail users,” and that its literature review referenced in the EA (Chapter 4, page 63) supports the BLM's rationale for managing e-bikes the same as traditional bikes.

Concerning issues surrounding parking on Highway 1, BLM notes that currently, natural or physical barriers prevent people accessing the C-CD property from informal parking areas (e.g. pull-outs) along CA Highway 1. BLM also notes that the Santa Cruz Regional Transportation Commission is pursuing development of formal parking areas along CA Hwy 1 associated with the North Coast Rail Trail to address public safety concerns. The BLM is a partner in this regional effort to ensure safe parking and regional trail connectivity through the Federal Land Access Program.

Concerning issues related to fire minimization in parking areas, BLM states:

The BLM is not proposing to install fire grills at day-use areas and campfires will be banned on the property year-round. The BLM also implements seasonal fire restrictions to reduce fire risk on its properties. The BLM typically bans all open flames, smoking, and other activities on a seasonal basis to reduce the risk of wildfires.

Commission Conclusion

In analyzing BLM's C-CD Plan under Section 30214 of the Coastal Act, which requires that access is provided in a manner that takes into account protection of other coastal resources (such as sensitive habitat and cultural resources), the Commission agrees with BLM's approach to concentrate recreational improvements in RMZs 1 and 3, and significantly minimize access opportunities in RMZs 2 and 4, in order to protect the high densities of cultural resources, sensitive riparian areas in Laguna, Liddell, and San Vicente Creeks, and critical habitat for steelhead and coho salmon within those RMZs. Similarly, the Commission agrees with BLM's statement that "By precluding trail development and restricting public access in these zones, the BLM is minimizing potential adverse impacts to wildlife from habitat fragmentation and human presence."

The Commission also agrees with, and is adopting a condition to memorialize, BLM's proposed phased approach, which will ultimately serve to help maximize public access and recreation opportunities in RMZs 1 and 3 in a manner compatible with protection of the other important coastal resources on the property, including the protection of environmentally sensitive habitats and agriculture. By agreeing to a phased approach, BLM will enable monitoring results and "lessons learned" during Phase 1 recreational improvements to inform future planning and activities. Thus, provided BLM agrees to the condition setting out a phased federal consistency review, including, but not limited to, submittal of a supplemental consistency determination for Phase 2 activities at an appropriate later date, the Commission finds the proposed C-CD Plan, as conditioned, is consistent with Sections 30210-30214 and 30223 of the Coastal Act.

E. Environmentally Sensitive Habitat and Water Quality

Section 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks 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.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other

means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

BLM's EA identifies six streams and extensive environmentally sensitive habitats on or adjacent to the C-CD property. These habitats support plant and animal species federally listed as Threatened, Endangered, Proposed, or Candidate, as well as BLM, California Native Plant Society List 1B, and Federal and State of California sensitive plant and animal species. In addition to habitats located within the C-CD property, proposed activities could affect several sensitive habitats located in the lagoons downstream of the property which support, among other species, several salmonid species (including steelhead and coho salmon) red-legged frogs, and Tidewater gobies, (*Eucyclobobius newberryi*). The C-CD property also supports sensitive migratory bird species including the ferruginous hawk (*Buteo regalis*), short-eared owl (*Asio flammeus*), burrowing owl (*Athene cunicularia*), California thrasher (*Toxostoma redivivum*), loggerhead shrike (*Lanius ludovicianus*), mountain plover (*Charadrius montanus*), and tri-colored blackbird (*Agelaius tricolor*). Sensitive plant species found on the C-CD property include San Francisco popcorn flower (*Plagiobothrys diffusus*; CRPR 1B.1), Santa Cruz clover (*Trifolium buckwestiorum*; CRPR 1B.1), Marsh scorzonella (*Microseris paludosa*; CRPR 1B.2), Choris's popcorn flower (*Plagiobothrys chorisianus* var. *chorisianus*; CRPR 1B.2), Santa Cruz microseris (*Stebbinsoseris decipiens*; CRPR 1B.2) and bent flowered fiddleneck (*Amsinckia lunaris*; CRPR 1B.2).

BLM has been conducting research and coordinating with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS), the California Department of Fish and Wildlife (CDFW), as well as other State and local land management and planning agencies on measures to protect and restore the sensitive habitats and species found within and adjacent to the C-CD property. The monitoring, avoidance, minimization, and mitigation measures proposed under the C-CD Plan include:

- Avoidance of sensitive habitat areas in siting and construction of Phase I parking areas and trails
- Conducting periodic biological surveys (in coordination with USFWS, NMFS and CDFW)
- Designing and constructing stream crossings in a manner that minimizes impacts to riparian habitats and species,
- Implementation of Best Management Practices, Standard Operating Procedures, and other conservation measures to avoid and minimize erosion

and sedimentation, reduce spread of invasive species, and protect sensitive species

- Incorporate boardwalks and/or railings where needed to minimize impacts in sensitive habitat areas,
- Restore disturbed sites to their natural condition and restore sensitive habitats to the extent feasible.
- Rely on local, native plant species in revegetation efforts
- Limit pesticide use

A critical component of restoration and habitat protection efforts would be control of invasive species and weed management. Tools and methods for treating and managing invasive weeds would include: 1) manual (i.e., hand-pulling), 2) mechanical (i.e., mowing), 3) targeted livestock grazing, 4) prescribed fire, and 5) herbicide treatment. Integrated Pest Management (IPM) would also be incorporated.

Aerial herbicide application would be prohibited, but other limited use of herbicides would be permitted. Priorities for weed management actions would emphasize: 1) mitigation of wildfire risk by reducing fine fuel fire loads near potential ignition sources (e.g., tall weeds around Day Use Areas), 2) control of highly undesirable weeds that adversely impact rangelands (e.g., thistles in grasslands), and 3) control of weeds that adversely impact native vegetation and habitat of native species, particularly special status species (e.g., cape ivy in riparian zones). Under BLM's Weed Management Plan (EA Appendix F): "Non-native plant species control emphasizes the use of cattle grazing first (where appropriate), then manual control methods, and finally, herbicide control methods last."

BLM's Plan would further avoid and minimize habitat effects through severely limiting uses allowed in RMZs 2 and 4 (the most environmentally sensitive areas) and siting and limiting Phase 1 trails and parking areas to previously disturbed areas located outside environmentally sensitive habitat areas.

The C-CD Plan would allow livestock grazing for up to 149 head of cattle on 2,229 acres of former ranches ([Exhibit 6](#)). In addition to supporting historic coastal agricultural uses, the C-CD Plan seeks to use grazing as a tool to treat non-native, invasive plant species, restore and maintain native perennial coastal grasslands, reduce fine fuel fire loads, and improve habitat for special status species. To ensure that sensitive habitats are protected, BLM would seek opportunities to better distribute livestock across the property through installation and replacement of fencing, water troughs, tanks, and waterlines. In addition, BLM would fence springs and riparian areas to prevent trampling of these sensitive areas by livestock.

In addition to the habitat protection measures described above, the C-CD Plan would also restrict authorized uses (primarily recreation and livestock grazing) on the property to protect fish and wildlife, special status species, sensitive habitat types (particularly riparian areas), and cultural resources. RMZs 2 and 4, which constitute 3,187 acres (55%) of the C-CD-property, would be managed as core wildlife protection zones. These two zones encompass the three largest waterways on the C-CD property (Laguna, Liddell and San Vicente Creeks), all of which are known to support Federally listed (under the Endangered Species Act) coho and steelhead. In addition, these two zones encompass areas of concentration of prehistoric cultural resources of critical importance to the Amah Mutsun Tribal Band (AMTB). RMZ 2 is also contiguous with protected lands on the adjacent San Vicente Redwoods property, which provides a contiguous wildlife protection zone across the public-private property boundary. Authorized uses in RMZs 2 and 4 would consist of guided tours and permitted access, including infrequent (up to 5 weekends per year) archery hunting opportunities under the CDFW special hunt program.

To further minimize impacts to wildlife, BLM proposes to limit public access to day-use only. Dogs would be required to be on-leash at all times and limited to front-country trails. The BLM would require visitors to stay on designated trails to avoid impacts to sensitive habitat areas. Within riparian areas, BLM would avoid surface disturbing activities to the maximum extent feasible while still providing trail-based recreation opportunities. BLM would work with operators to prevent livestock from entering these (and other) sensitive areas through the construction of new fences and the development of alternative water supplies.

BLM intends to implement the habitat protection measures described above through the following specific management measures (MA – Management Actions):

- MA-VEG-1: Develop a non-native, invasive plant species management and control program, consistent with the long-term protection of native plant communities. This program will be designed to reduce competition from non-native plants and encourage the long-term survival of native plant communities.
- MA-VEG-2: Develop educational and interpretive materials that identify the nature and value of vegetation resources of the monument.
- MA-VEG-3: Use livestock grazing to reduce fine fuel loads and wildfire risk and to control non-native, invasive plant species in grasslands.
- MA-VEG-4: Use restoration and revegetation to reduce soil erosion and to promote desired native vegetation composition and structure. Restoration tools may

include targeted livestock grazing, prescribed fire, and mechanical treatments. Focus on grasslands, oak woodlands, and conifer forests, including redwoods.

- MA-VEG-5: Use prescribed fire as natural land management tool to reduce fuel loads and to promote desired composition and structure. Focus on grasslands, coastal scrub, and chaparral.
- MA-VEG-7 Use BLM approved pesticides to control invasive plant species (all areas of C-CD) and to reduce wildfire risk around infrastructure with use of small-scale ground-based pesticide application methods - backpack sprayer (spot spraying); spray boom on motorized vehicle (UTV; Full-sized Vehicle [truck]; broadcast spraying).
- MA-VEG-8 Adopt the C-CD Weed Management Plan and Pesticide Use Proposal (PUP) detailed in Appendix F.
- MA-RIP-1: Restore naturally functioning riparian systems on the property where feasible. Restoration activities may include restoration of natural floodplains, as well as removal of aquatic organism migration barriers and unused infrastructure (e.g. dams, roads).
- MA-WLD-3: BLM, in cooperation with its core-managing partners, will develop and implement measures to restore or improve habitat.
- MA-SSS-3: Implement restoration actions with a goal of protecting and improving habitat for special status species. Actions would include habitat enhancement for red-legged frogs and salmonids.

The Commission agrees with BLM that the C-CD Plan's overall goals, as well as the specific management and implementation measures listed above, would protect, and restore, where feasible, environmentally sensitive habitats and water quality within and downstream of the C-CD-property. BLM's establishment of RMZs 2 and 4 as conservation areas and the accompanying protection measures in particular would be consistent with the Coastal Act's ESHA and water quality polices. Similarly, the limitation of Phase 1 trails and parking areas to previously disturbed areas located outside environmentally sensitive habitat areas, combined with the incorporation of the above management and implementation measures, and use of Best Management Practices, to protect and restore sensitive habitats, streams, and water quality, would also be consistent with these policies. Proscribed burns would help return the land to pre-European settlement, Native American practices, and reduce the risks of the types of catastrophic wildfires as occurred this Fall (beginning August 16, 2020), when the CZU Lightning Complex fire burned 86,509 acres (by far the largest wildfire in recent history in the Santa Cruz/San Mateo County region). Approximately 1,052 acres of C-

CD property burned in this fire in the Molino, Agua Puerca, and San Vicente watersheds ([Exhibit 11](#)).

BLM's EA, Appendix D ([Exhibit 10](#)) lists the measures BLM will employ to protect, monitor, and restore water quality from potential adverse effects from trail and parking lot construction and use. Potential effects include increases in impervious surfaces, runoff and sedimentation, proliferation of non-native and invasive species, introduction of trash and litter, and potential use of herbicides. With the measures, which are listed in Exhibit 10 as "Project Design Features," (or PDFs) BLM demonstrates that:

Potential siltation from the project would be addressed through implementation of PDF's [i.e. erosion control requirements]. No water quality standards or waste discharge requirements would be violated during construction or operation of the proposed trail systems.

The total impervious area created in the establishment of parking areas, trail creation and CXT type [i.e., concrete vault] restroom structures located at the parking areas would not place any substantial demands on groundwater. The proposed parking areas would include storm water drainage systems. The proposed trails would not substantially alter the existing drainage patterns in the selected area.

Trails that are not stable and secure may be closed for public use until maintenance that brings the trail into compliance can be completed. Implementation of the PDF's identified in Appendix D would minimize and/or avoid water quality impacts to the ephemeral drainages and intermittent to perennial streams.

All storm water drainage as a result of the project would be managed on site and would not exceed the capacity of any storm water drainage system.

In addition, BLM will monitor the effectiveness of the PDFs, as follows (and further details can be found in [RMPA Appendix C](#)).

Monitoring and Adjustment

The BLM will monitor the application of PDFs through implementation and effectiveness monitoring. Post-project implementation monitoring will evaluate whether the BLM applied the PDFs selected during the project planning process. Effectiveness monitoring will evaluate whether resource objectives were met using the PDFs.

The BLM will modify PDFs if monitoring demonstrates that resource objectives are not being met. The BLM will make changes to individual PDFs, or additions or deletions to the PDF lists below, through plan maintenance, consistent with CFR 1610.5–4.

The previously referenced Friends of the North Coast et al. letter dated November 9, 2020 (see Correspondence packet), raises concerns over the use of pesticides, opposes stream water withdrawals for construction and dust abatement, and opposes broadcast spraying of pesticides. BLM’s EA contains two detailed Weed Management Appendices, which can be accessed at the following links:

https://eplanning.blm.gov/public_projects/120855/200302280/20026720/250032922/RMPA_Appendix%20F_proposed.pdf

https://eplanning.blm.gov/public_projects/120855/200302280/20026718/250032920/RMPA_Appendix%20F_%20PUP_proposed.pdf

Under these plans, herbicides would only be used as a method of last resort. The first link above includes the statement: “Non-native plant species control emphasizes the use of cattle grazing first (where appropriate), then manual control methods, and finally, herbicide control methods last.” BLM also states it will comply with all federal and state standards, stating: “All herbicides and adjuvants used must be approved for use on BLM land and must be registered for use in California. Herbicide application will comply with the label, BLM policy and applicable federal and state laws.” Finally, the above Weed Management Plan contain acreage limitations for herbicide applications on grasslands (50-acre limit), riparian areas (5 acres), and steeply sloped shrub/large grass areas (20 acres).

Concerning water rights and possible water withdrawals for dust abatement and construction, BLM states its normal practice would be to avoid pumping surface water for these and other water needs, and it would instead truck in water. BLM also states:

Although Appendix D of the Cotoni-Coast Dairies Proposed RMPA/EA *does* suggest BLM could withdraw water from streams for use in construction and dust abatement (Appendix D, p. 4), the BLM’s water policy is to acquire and perfect Federal reserved water rights necessary to carry out public land management purposes. If a Federal reserved water right is not available, then the BLM will acquire and perfect water rights through state law (BLM Manual Section 7250.1.2.A).

BLM notes further that existing water rights are summarized in its EA, Chapter 3, page 2, and described in full in the [Coast Dairies Long-Term Resource Protection and Access Plan](#) (on pp. III-30 through III-33) (ESA 2004). BLM expects to continue to

purchase water from sources off-site for construction activities and concludes that impacts from this use would be de minimis. The Commission finds that BLM that will respect existing water rights, and that effects from any in-stream withdrawals, if they were to occur, would be de minimis.”

Concerning potential alternative day-use/parking sites suggested by the above commenters, the Commission agrees they would not be feasible or less environmentally damaging for the reasons discussed on page 21 of this report above. Concerning questions raised about trash, litter, and monitoring, BLM notes that the C-CD Plan includes a monitoring plan (EA Appendix C), and that it is “committed to working with our partners to address issues related to ... trash, traffic, trauma and toilets. If monitoring indicates that the BLM is not meeting its goals for Phase 1 implementation, the BLM may propose adjustments to its management approach and/or delay implementation of Phase 2.”

Concerning issues raised over potential sedimentation, BLM notes it is currently in consultation with US Fish and Wildlife Service and the NOAA-National Marine Fisheries Service, which reviews will assure that the C-CD Plan “... will "Not Likely Adversely Affect" salmon, steelhead and their critical habitat. BLM concludes the Impacts of sedimentation would be minimal, as a result of project design features identified in Appendix D of the RMPA [[Exhibit 10](#)].”

Concerning potential effect on mountain lions, BLM states:

The BLM is a partner with UC Santa Cruz on a long-term research project regarding mountain lions in the Santa Cruz Mountains. The BLM incorporated knowledge obtained through this project to minimize impacts to mountain lions in the RMPA. Protective measures included establishing large blocks of contiguous habitat with little to no human presence (RMZs 2 and 4), avoiding (to the extent feasible) placement of trails in riparian corridors, locating day use areas in proximity to existing disturbances, and closing the property at night. The BLM will continue to partner with UC Santa Cruz on the "Puma Project" as we implement the RMPA.

Finally, with respect to concerns raised over the very limited amounts of archery hunting (of non-native pigs and turkeys, plus deer) that would be allowed in RMZ2 through a permitted special hunt program managed in partnership with the California Department of Fish and Wildlife, BLM states:

The number of hunting permits to be issued - based on a lottery system – would be similar to Canada de Los Osos in Santa Clara County. On that property, the CDFW hosts five permitted-hunts each year with two turkey hunts, two pig hunts

and one deer hunt. Each hunt is a two-day period. For C-CD, the BLM and CDFW anticipate the number of hunters for each hunt would be 2-4 people. For native species (deer), CDFW and BLM would partner on baseline and annual surveys in the area to determine how many individuals could be sustainably taken on an annual basis. Therefore, the annual authorized take of deer would only have minor adverse impacts on the C-CD deer population. Hunting of non-native species (pigs and turkeys) would be considered a beneficial effect on fish and wildlife.

The Commission agrees with BLM that this very small level of hunting would not rise to the level where it would adversely affect environmentally sensitive habitat, and could, through removing small amounts of invasive non-natives, result in slight habitat improvements. Given the small number of hunts allowed and limited timeframes, it also would not negatively impact other forms of recreation on the property or neighboring properties. Furthermore, the California Department of Fish and Wildlife and the Fish and Game Commission are the principal state agencies responsible for the establishment and control of wildlife management programs, including hunting. The Coastal Commission has a limited role in overseeing issues related to hunting and cannot establish controls that duplicate or exceed the controls established by those agencies. See Pub. Res. Code § 30411.

With the reservation of most recreational uses on the C-CD limited to RMZs 1 and 3, the fact that the day use/parking areas would be sited on vegetation dominated by non-native annual grasses and outside ESHAs, and BLM's agreement to phased review, and coordination of future more specific implementation plans with the Commission staff (with such coordination potential leading to future federal consistency submittals), and with the agreed-upon limits on herbicide use (including compliance with state standards, limiting use to the method of last resort, and acreage limitations), the Commission finds that the C-CD Plan would be carried out in a manner protecting ESHA as required by Section 30240.

As noted above, BLM would avoid surface disturbing activities to the maximum extent feasible while still providing trail-based recreation opportunities. Where riparian/creek crossings are necessary for trail connections, the proposed trail system would rely heavily on existing infrastructure (e.g., existing crossings on Yellowbank Creek and Molino Creek) to avoid impacts where possible. Only one proposed new trail crossing in Phase 1 would require the installation of a channel-spanning pedestrian/bicyclist bridge on Agua Puerca Creek. On all trails, the BLM has identified project design features (see Appendix D) to minimize impacts to sensitive resources. Moreover, any remnant adverse effects would be more than offset by BLM restoration efforts throughout the C-CD property. BLM states:

In addition, the BLM is engaged in formal consultation with the US Fish and Wildlife Service under the Endangered Species Act. Under this consultation, the BLM has identified 16 restoration and research projects on the property that would benefit the California red-legged frog. These include the creation of four wetland areas (totaling 12 acres), the restoration of 11 ponds, and the establishment of a 5-acre experimental plot to evaluate the effect of overwintering newt larvae on red-legged frog eggs. The BLM will work with the USFWS and other partners (including the Coastal Commission) to implement restoration projects on the property over the life of the RMPA.

The Commission further finds activities proposed adjacent to ESHA would be undertaken in a manner that would protect, and where feasible, restore, and be compatible with the continuance of those habitats, thereby protecting the C-CD property's ESHAs and downstream waters' biological productivity and quality. The Commission therefore concludes that, with BLM's agreement for phased review and coordination of future plans, the C-CD Plan would be consistent with Sections 30240 and 30231 of the Coastal Act.

F. Agriculture

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Sections 30241 of the Coastal Act states in part:

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses ...

Sections 30242 of the Coastal Act states:

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

In reviewing CDP 3-11-035, the Commission imposed conditions requiring deed restrictions (**Exhibit 8**) to assure retention of historically used agricultural lands on the property in agricultural use. The Commission also noted that the lands subject to the proposed land division were already encumbered by agricultural restrictions (easements and a Williamson Act Contract). The Commission's restrictions include requiring that the agricultural lands be maintained in agricultural use in perpetuity, and it also includes additional provisions such as a preference for organic farming, limited pesticide use, and provisions governing farmworker housing. The historic agricultural ranches on the property are depicted in **Exhibit 6**.

In its prior findings the Commission determined that "One goal of the existing and proposed restrictions is to manage the land that was in agricultural production when the Trust for Public Lands purchased the land in 1998 in a sustainable manner." The Commission noted that "sustainability" meant that agricultural uses be managed in a manner "... consistent with the protection of natural resource values, including protection of threatened and endangered species."

As noted earlier in this report, BLM accepted the property in 2014 with deed restrictions that mirror the language of CDP 3-11-035. BLM has incorporated these restrictions into the C-CD Plan, including but not limited to the following Grant Deed language:

Public recreational access, open space, and grazing priority. The Upland Deed Restricted Parcels shall be protected, used, and managed only for open space, grazing, and public recreational access uses and development in a manner consistent with the protection and preservation of coastal resources. Reclamation and restoration activities that support and facilitate such open space, grazing, and public recreational uses and development (including by allowing areas to be so used and developed in these ways) are allowed. Grazing activities shall be sited, designed, maintained, managed, and operated so as to be coordinated with, and so as to not significantly adversely affect, open space and public recreational access uses and development on the Upland Deed Restricted Parcels.

Under the proposed action, BLM would maintain cooperative grazing operations on 2,229 acres for 149 head of cattle. BLM states the C-CD Plan is designed to address the concerns expressed in the above restrictions by ensuring grazing would be used as a management tool to improve ecosystem health. BLM states it is committed to working with grazing operators and other partners to improve the grazing regime, manage fuels, protect wetland and riparian habitats, and improve habitat for salmonids and other wildlife. BLM would also allow for project-specific proposals for targeted grazing, particularly to reduce fuel loads and control non-native plant species. BLM

also proposes fencing of spring developments and riparian areas to prevent livestock trampling, as well as measures to better distribute livestock and forage use. BLM anticipates its livestock grazing program would “have a beneficial impact on coastal resources, while maintaining the property as a working landscape.”

With respect to a concern raised by commenters concerning potential offsite effects from herbicides on surrounding organic farming operations, BLM states it “does not anticipate any impacts to adjacent organic farms from use of herbicides. We follow all applicable guidance (Federal, state and local) in the application of herbicide, including the maintenance of buffers. The Commission agrees that, with the agreement to comply with all applicable regulations and guidance, effects on organic farming would be minimal.

The Commission finds that BLM’s C-CD overall Plan, and Phase 1 activities, would adequately carry out the previously identified and agreed-upon restrictions to allow, but sustainably manage, agricultural uses on the C-CD property, and thus, as the Commission previously found in CDP 3-11-035, would be consistent with the agricultural protection policies (Sections 30241 and 30242) of the Coastal Act.

G. Scenic and Visual Resources

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The C-CD property is predominantly open space, highly scenic, and offers spectacular opportunities for unique ocean views. BLM notes that the proposed trails and parking areas would offer spectacular views of the Pacific Ocean and several of the most iconic Monument rocks and islands on the North Coast of Santa Cruz County. BLM states that the site’s scenery “... elicits a sense of connection to the land expressed by six distinct coastal watersheds, distinguished by rugged, steep river canyons and sharp ridgelines that transition dramatically into wide open marine terraces.”

The Commission’s prior findings (CDP 3-11-035) also spoke eloquently to the area’s highly significant visual resources and are hereby incorporated by reference into this

report. A few highlights from those findings included reference to the Santa Cruz County Local Coastal Program (LCP), which can be used as guidance or background in federal consistency review when interpreting the Chapter 3 Coastal Act policies. The Commission found:

Coast Dairies is located roughly between 8 and 15 miles upcoast of the City of Santa Cruz along the mostly undeveloped stretch of Central Coast extending between the Cities of Santa Cruz and Half Moon Bay to the south. The north Santa Cruz coast area represents the grandeur of a bygone (in many places) agrarian wilderness California and is a critical public viewshed for which the LCP dictates maximum protection.

The LCP likewise is protective of the Town of Davenport, calling out this enclave as a “Coastal Special Community” (LCP Policy 8.8.2). ... Davenport is a widely renowned whale watching and visitor destination that has been recognized within the LCP for its special community character – a windswept character within which the subject site plays an important role.

...[M]uch of the approximately 6,800-acre site is prominent in the view from Highway 1. As the Highway bisects the property into the upland and seaward sides of the property, travelers driving north or south are afforded views up the gently climbing rolling hillsides and/or out across the coastal bluffs and to the Pacific Ocean.

In sum, the property is located in precisely the type of visual resource area requiring maximum protection under the Coastal Act. The north coast area is understood within this viewshed context more generally, and the property in question is within one of those rural and important segments of the north coast that demand thoughtful consideration in this regard.

Given the importance of the viewshed, it is imperative that development be thoughtfully considered in relation to the way in which it might affect such viewshed, including in terms of the way that it could allow increased structural development in such a highly scenic and rural area.

To maintain and protect the property’s scenic values, BLM has focused on concentrating development (e.g., the proposed day-use parking areas) within areas of existing disturbance where they will minimize visual impacts. BLM states:

All three day use/parking areas would be sited on vegetation dominated by non-native annual grasses. These areas have also been chosen to minimize impacts to scenic views from key observation points, specifically State Highway One and

county-designated scenic byways at Swanton and Bonny Doon Roads. The proposed Warrenella Road Gate day-use site would be located adjacent to a county road (Cement Plant Road), a paved access road (Warrenella Road), existing powerlines, and a wastewater treatment facility. The proposed Warrenella Road Top day-use site [not a part of Phase 1 activities] would be located adjacent to an existing power substation. The proposed Marina Ranch Gate day-use site would be accessed along an existing road and was specifically chosen to avoid impairing views from State Highway One.

BLM's C-CD Plan includes management objectives and processes for evaluation and implementation of measures to protect the scenic resources. BLM states:

Management of areas as Visual Resource Management [VRM] Class II includes the following objectives: Retain the character of the landscape: The level of change to the characteristic landscape should be low. Management activities should be seen but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape.

Implementation measures include:

Besides the three proposed day-use/parking areas, the other new developments proposed under Alternative D, primarily trails and livestock grazing infrastructure, will be constructed to adhere to requirements for VRM Class II. This will minimize alterations to the character of the landscape of C-CD.

The Commission finds that BLM's C-CD Plan would concentrate activities in Phase 1 within and adjacent to existing developed areas and would minimize landform alteration and adverse effects on public views. The Commission further finds that the overall C-CD Plan, and the specific improvements described in Phase 1, would protect public views of the ocean and the scenic and visual qualities of the area and would be consistent with the character of the surrounding area. Moreover, the agreement to provide a supplemental consistency determination for Phase 2 activities will enable the Commission to assure future Phase 2-proposed trails, and the Upper Warrenella Parking area, would be designed in a manner consistent the Coastal Act view protection policy. The Commission therefore concludes that, as conditioned, the proposed C-CD Plan and Phase 1 activities would be consistent with Coastal Act Section 30251.

H. Cultural Resources

Section 30244 of the Coastal Act states, in part:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

BLM's EA notes that the project area was inhabited as early as 10,000 years ago by indigenous Native American tribes. The nearby ocean and rivers produced marine resources that provided a rich source of food including mussels, salmon, and sea lions. Along the coast of California shell mounds dot the coastline, with remnants of mussel shell from such activities. The fairly recent "Cotoni-" addition to the Coast Dairies property is a reflection of the fact that the area that the property was inhabited by the Cotoni tribelet, part of the Ohlone peoples which occupied the land from the mouth of the San Lorenzo River, north to Año Nuevo Creek, and east as far as Bonny Doon Ridge, until sometime during the mission period. Pre-contact cultural resources on the property include sites where food gathering and preparation occurred, as well as lithics.

In 2016, the BLM signed a Memorandum of Understanding (MOU) with the Amah Mutsun Land Trust (AMLT), a non-profit organization created by the Amah Mutsun Tribe, with a mission to conserve and restore indigenous cultural and natural resources, land stewardship, and research. Through this MOU and partnership, the BLM has been providing representatives of the AMLT with regular planning updates.

To protect the cultural and archaeological resources on the property, BLM has included the following measures in the C-CD Plan:

1. Prior to the implementation of all proposed actions, cultural resource compliance with the National Historic Preservation Act, Section 106 and 110, will be coordinated pursuant to the current and any subsequent versions, supplemental procedures and amendments of the National Programmatic Agreement Among the Bureau of Land Management, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers Regarding the Manner in Which the BLM Will Meet its Responsibilities Under the National Historic Preservation Act and the State Protocol Agreement Among the California State Director of the Bureau of Land Management and the California State Historic Preservation Officer and the Nevada Historic Preservation Officer Regarding the Manner in Which the Bureau of Land Management Will Meet its Responsibilities Under the National Historic Preservation Act and the National Programmatic Agreement Among the Bureau of Land Management, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation. Should the either of these agreements be terminated, the BLM would comply with requirements under Sections 106 and 110 of the National Historic Preservation Act (NHPA) through the implementation of procedures put forth in 36 CFR 800.

2. Archaeologists, law enforcement rangers, resource staff specialists, Native Americans, or designated volunteer stewards will patrol and monitor selected significant cultural resources on public lands in the Central Coast Field Office (FO) to reduce threats from human and natural disturbances.

3. The BLM will coordinate with Native Americans, cultural resource specialists, interdisciplinary specialists, conservationists, and interested public, as appropriate, to apply the best available science to determine the amount and type of maintenance desired at cultural sites that are threatened by human or natural causes and how best to mitigate identified problems.

4. The Central Coast FO will continue to support access by the Native Americans to traditional material collecting and gathering locations and ceremonial places. It is a federal policy to protect and preserve for the American Indian, the inherent right of freedom to believe, express, and exercise their traditional religions, including access to religious sites, use and possession of sacred objects, and freedom to worship through ceremonies and traditional rites (American Indian Religious Freedom Act of 1978). Executive Order 13007, Indian Sacred Sites (1996), directs federal agencies to manage federal lands in a manner that accommodates Indian religious practitioners' access to and ceremonial use of Indian sacred sites and that avoids adversely affecting the physical integrity of such sacred sites, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions.

5. Continue open dialogue and share information with Native Americans and ethnic groups that have cultural ties to lands managed by the Central Coast FO.

6. Conduct cultural resource inventory and evaluations for all projects that require soil disturbance or cause a visual intrusion on a historic property. The presence or absence of cultural properties would be determined prior to the approval of any surface-disturbing activity. When cultural properties are present, the project would be redesigned or modified to safely avoid impacting cultural sites or steps would be taken to adequately mitigate impacts through project redesign or data recovery.

7. Soil erosion can severely impact surface and subsurface cultural resource integrity. Potential secondary impacts on cultural resources caused by erosion would be analyzed during project planning. Residual impacts on cultural resources outside the project area would be carefully considered in surface-disturbing projects.

8. Identification, safe avoidance, or mitigation of potential adverse effect on cultural properties shall be required as a condition of a lease, permit, license, and other federal undertakings for both external and internal projects.

9. Any late discovery of a cultural or paleontological resource during a project would be reported to the authorized officer. All activity in the immediate discovery area associated with the project would be suspended until an evaluation of the discovery is made by the archaeologist to determine appropriate actions to prevent the loss of significant cultural, paleontological, or scientific values. A written authorization to resume the project, or to take appropriate mitigation action, would be issued by the authorized officer.

BLM's cultural survey for Phase 1 parking areas is complete, and the Amah Mutsun Land Trust (AMLT) is assisting with data collection on the property (the information is shared under the terms of a memorandum of understanding with the BLM). BLM states:

A BLM cultural resources Class III investigation has been conducted in the Area of Potential Effect for the proposed construction associated with RMPA Phase I implementation decisions to minimize or avoid negative impacts to Historic Properties. Prior to implementing the proposed Phase II decisions, a cultural resources Class III investigation will be completed to minimize or avoid negative impacts to Historic Properties. (EA Chapter 4, p. 44)

With the incorporation of the above measures, and commitment for phased review the Commission finds that the overall C-CD Plan and the Phase 1 activities described in the C-CD Plan would incorporate reasonable mitigation measures to address potential effects on archeological or paleontological resources, and would, therefore, be consistent with Section 30244 of the Coastal Act.

APPENDIX A

SUBSTANTIVE FILE DOCUMENTS

BLM Consistency Determination CD-0005-20, Cotoni-Coast Dairies Resource Management Plan Amendment, submitted September 25, 2020.

Draft Resource Management Plan Amendment and Environmental Assessment for the Cotoni-Coast Dairies Unit of the California Coastal National Monument, Bureau of Land Management, September 2020.

CDP 3-11-035 Coast Dairies and Land Company, Land Division, approved by the Commission, April 12, 2012.

BLM Consistency Determination CD-077-05, 2005 California Coastal National Monument Resource Management Plan.

BLM Negative Determination ND-0035-15, Laguna Trail Improvements, Coast Dairies.

Coast Dairies Long-Term Resource Protection and Access Plan, Trust for Public Land, Environmental Science Associates, February 2004.