

Response to Comments

State Clearinghouse No. 2022030589

Bluebird Canyon and Park Avenue Fuel Modification Projects



Prepared for:

City of Laguna Beach

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May 2022



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1. Introduction

1.1 Introduction

This document includes a compilation of the public comments received on the Bluebird Canyon and Park Avenue Fuel Modification Projects Mitigated Negative Declaration and Initial Study (collectively, “MND”; State Clearinghouse No. 2022030589) and City of Laguna Beach (City) responses to the comments.

Under the California Environmental Quality Act (CEQA), a lead agency has no affirmative duty to prepare formal responses to comments on a MND. The lead agency, however, should have adequate information in the record explaining why comments received do not affect the conclusion of the MND and that there are no potentially significant environmental effects. In the spirit of public disclosure and engagement, the City has responded to all written comments submitted during the 31-day MND public review period, which began March 21, 2022, and ended April 20, 2022 (extended one day due to a delay in the CEQA State Clearinghouse CEQANet upload).

1.2 Document Format

This document is organized as follows:

Section 1, Introduction. This section describes CEQA requirements and content of this document.

Section 2, Response to Comments. This section provides a list of agencies and individuals that commented on the MND (no comments from organizations were received), copies of comment letters received during the public review period, and individual responses to written comments. To facilitate review of the responses, each comment letter has been reproduced and assigned a number. Individual comments have been numbered for each letter, and the letter is followed by responses with references to the corresponding comment number.

Appendix 1, Mitigation Monitoring and Reporting Program. The Mitigation Monitoring and Reporting Program (MMRP) lists all the mitigation measures required for implementation of the project, the phase in which the measures would be implemented, and the enforcement agency responsible for compliance. The monitoring program provides (1) a mechanism for giving the lead agency staff and decision makers feedback on the effectiveness of their actions; (2) a learning opportunity for improved mitigation measures on future projects; and (3) a means of identifying corrective actions, if necessary, before irreversible environmental damage occurs.

1.3 CEQA Requirements Regarding Comments and Responses

CEQA Guidelines Section 15204(b) outlines parameters for submitting comments on negative declarations and reminds persons and public agencies that the focus of review and comment should be “on the proposed finding that the project will not have a significant effect on the environment. If persons and public agencies believe that the project may have a significant effect, it should: (1) Identify the specific effect, (2) Explain why they believe the effect would occur, and (3) Explain why they believe the effect would be significant.”

CEQA Guidelines Section 15204(c) further advises, “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.”

Section 15204(d) also states, “Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.” Section 15204(e) states, “This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”

Finally, CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to potentially significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the environmental document.

2. Response to Comments

This section provides all written comments received on the circulated MND and the City’s response to each comment.

Number Reference	Commenting Person/Agency	Date of Comment	Page Number
A1	U.S. Fish and Wildlife Service	April 18, 2022	2-2
A2	California Department of Fish and Wildlife	April 20, 2022	2-7
A3	Orange County Transportation Authority	April 20, 2022	2-14
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B1	Scott M. Tenney	April 19, 2022	2-21
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B4	Scott M. Tenney (LATE)	May 2, 2022	2-35

Comment Set A1 – U.S. Fish and Wildlife Service

From: Miller, William B. <william_b_miller@fws.gov>

Sent: Monday, April 18, 2022 5:04 PM

To: Rohde, Michael FD (Contractor) <mrohde@lagunabeachcity.net>

Subject: Bluebird Canyon and Park Avenue Fuel Modification Projects, City of Laguna Beach, California

[**NOTICE:** This message originated outside of City of Laguna Beach -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

In reply refer to: FWS-OR-2022-0032432

To: Mike Rohde, Program Manager, City of Laguna Beach Fire Department

We, the U.S. Fish and Wildlife Service, have reviewed the Draft Initial Study and Mitigated Negative Declaration (MND) for the Bluebird Canyon and Park Avenue Fuel Modification Projects in the City of Laguna Beach, California (City). The Bluebird Canyon Fuel Modification Project proposes to reduce available vegetation for potential wildfire ignition within 17.8 acres that falls within 100 feet of homes within City Fuel Management Zones (FMZ) 17 and 18. The Park Avenue Fuel Modification Project proposes to reduce available vegetation for potential wildfire ignition within a 7.2-acre area that falls within 50 feet on either side of Park Avenue within FMZ 22.

Our primary concern and mandate is the protection of public fish and wildlife resources and their habitats for the benefit of the American people. We have a legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. Specifically, we administer the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.), the Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 et seq.), and provide support to other Federal agencies in accordance with the provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

A1-1

Implementation of the proposed project will alter the structure and composition of coastal sage scrub and chaparral vegetation communities with potential to support the federally threatened coastal California gnatcatcher (*Polioptila californica californica*; gnatcatcher) and threatened *Verbesina dissita* (big-leaved crownbeard). We offer the following specific comments and recommendations regarding project-associated biological impacts based on our review of the MND and our knowledge of declining habitat types and species within the City. These comments are provided in keeping with our agency's mission to work "with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people."

1. Proposed Mitigation Measure BIO-10 states that impacts to the Very High Value Habitat will be mitigated by 0.55 acres of "active restoration", 1.1 acres of "partial restoration" (20-50%) or 1.65 acres of "passive restoration", the details of which are to be included in a yet to be developed plan. Due to the lack of specificity regarding the

A1-2

Comment Set A1 – U.S. Fish and Wildlife Service (cont.)

- proposed location for this mitigation, the amount of area that will be restored and the methodology that will be employed, we cannot adequately evaluate whether the proposed compensation will be adequate to offset the habitat values that will be lost. Therefore, we recommend that Mitigation Measure BIO-10 be revised to specify where the habitat restoration will be implemented, the amount of area and method of habitat restoration that will be performed, and the restoration performance standards that will be achieved to demonstrate successful implementation of this mitigation measure.
2. Mitigation Measure BIO-10 indicates that the City proposes to mitigate for impacts to areas mapped as “Very High Value Habitat” within the fuel treatment zones. The “Very High Value Habitat” designation was defined as part of a 1983 City Biological Resources Inventory that took into consideration areas dominated by indigenous plant communities with high biological species diversity. This designation pre-dates the federal listing of the gnatcatcher and big-leaved crown beard and does not explicitly take into consideration the potential presence of these species. In addition to impacting “Very High Value Habitat” the project will impact another 4.4 acres of area designated as “High Value Habitat”. Both the Very High Value and High Value Habitat areas support coastal sage scrub and chaparral vegetation communities with potential to support the gnatcatcher and big-leaved crown beard. Based on the extensive cumulative losses of coastal sage scrub and chaparral vegetation communities in coastal southern California, we consider both of these vegetation communities to be sensitive, with additional losses of each having potential to further imperil associated sensitive and listed plant and animal taxa. Therefore, to the extent feasible, we recommend the City amend Mitigation Measure BIO-10 to include compensation for the entire area of impacts to coastal sage scrub and chaparral vegetation communities in the FMZ’s in a manner that results in no net loss to these vegetation communities.
 3. Proposed Mitigation Measure BIO-8 is proposed to prevent the spread of invasive plants, noxious weeds and invasive wildlife into the areas where vegetation management is proposed. This measure identifies measures that are primarily targeted towards minimizing the potential for introduction of invasive plants on worker’s clothes, vehicles and equipment. However, the project also includes the potential to use goats to reduce and maintain vegetation fuel loads within the FMZs. Therefore, we recommend this Mitigation Measure be revised to specifically require those charged with managing the goat herd to inspect and remove all seeds and plant propagules from the coats of the goats prior to releasing the goats within the FMZs. We also recommend that the goat herders be required to isolate the goats in a weed free area and feed the goats sterile feed for at least 48 hours prior to introduction to the fuel treatment areas to minimize the potential for the introduction of non-native plant seeds into the FMZs in the feces of livestock.

A1-2 (cont.)

A1-3

A1-4

Thank you for the opportunity to review the Draft Initial Study and MND. Should you have questions or wish to discuss any of our comments, please do not hesitate to contact me. Sincerely,

William B. Miller, Biomonitor
U.S. Fish and Wildlife Service

Comment Set A1 – U.S. Fish and Wildlife Service (cont.)

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Pronouns: *He, Him, His*

Responses to Comment Set A1 – U.S. Fish and Wildlife Service

A1-1 Thank you for your comment expressing concern over the proposed project activities which will alter the structure and composition of coastal sage scrub and chaparral vegetation communities with potential to support coastal California gnatcatcher and big-leaved crownbeard. Responses to your concerns regarding the changes to the habitat and the federally listed species that may be present are provided below.

A1-2 Thank you for your comment regarding the level of detail provided in Mitigation Measure (MM) BIO-10 which addresses habitat restoration to offset loss of Very High Value Habitat. MM BIO-10 was written to allow flexibility in the final restoration design; however, habitat will be restored in-kind and will create or restore habitat for the listed species that may use the habitat. The proposed project will comply with a recent program-wide agreement between the City and the California Coastal Commission (CCC) regarding the amount of restoration required for acres treated by the City's *Treatment Protocols for Fuel Modification Zones Subject to Coastal Development Permitting* (referred to as the City's Vegetation Management Treatment Protocol). As indicated in the CCC Staff Report for an appeal of a Local Coastal Plan decision regarding the Laguna Canyon Fuel Modification Project in February 2020, fuel modification conducted in accordance with the City's Vegetation Management Treatment Protocol are consistent with the Local Coastal Program (CCC, 2020). The protocol involves a highly selective hand treatment of High and Very High Value Habitat that preserves valuable species and has been proven to improve and expand High/Very High Value Habitat over time. As required in MM BIO-10, the City shall submit a Habitat Restoration Plan to the CCC for approval within 12 months after the start of project activities, and the actual acres required will correspond to the February 2022 program-wide agreement with the CCC. MM BIO-10 requires a 0.5:1 ratio of active restoration, 1:1 ratio of partial restoration (20-50%), or 1.5:1 ratio of passive restoration for each acre of Very High Value Habitat Removed. The final acreage of Very High Value Habitat may be reduced as the project design is refined, and these ratios ensure that mitigation is proportionate to the impact. At this time, fuel management is expected to be completely conducted by hand. In addition, MM BIO-10 has been revised to clarify and provide more details and includes a review of the Habitat Restoration Plan by the regulatory agencies.

A1-3 Thank you for your comment recommending that the City not only compensate for loss of Very High Value Habitat but also compensate for the loss of High Value Habitat. The agreement between the City and the CCC recognizes the environmental benefit of implementing the City's Vegetation Management Treatment Protocol and its reliance on specialized hand-treatments. As such, the CCC only requires compensation of Very High Value Habitat and does not require compensation for the loss of High Value Habitat.

It should also be noted that eight years of biological studies on previous fuel treatment projects in both Very High and High Value Habitat have demonstrated improvement of habitat value over time, despite annual treatments. This improvement in habitat value is likely attributed to removal of low and moderate value species and promotion of higher value species through prioritized or targeted removal of the former habitat type. The proposed project intends to expend the highest cost of treatment per acre known in the State of California to accomplish treatment by these highly selective means.

A1-4 Thank you for your comment regarding the spread of invasive species as a result of using goat grazing as a management tool. The City's Vegetation Management Treatment Protocol provided in Appendix A to the IS/MND specifically addresses removal of seeds and debris from goats' fur and hooves prior to entering the FMZs. Mitigation Measure BIO-8 has been modified in the Final IS/MND to reflect the recommendation to isolate goats in a weed free area and feed them only sterile feed for 48 hours prior to release into the FMZs. At this time, 100 percent of the project areas (FMZs 17, 18, and 22) are intended to be treated by hand.

Comment Set A2 – California Department of Fish and Wildlife

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State of California – Natural Resources Agency
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



April 20, 2022

Mike Rohde
City of Laguna Beach Fire Department
505 Forest Avenue
Laguna Beach, CA 92651
MRohde@lagunabeachcity.net

Subject: Bluebird Canyon and Park Avenue Fuel Modification Projects (Project), Mitigated Negative Declaration (MND), SCH #2022030589

Dear Mr. Rohde:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the City of Laguna Beach (City) Fire Department for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Laguna Beach Fire Department

Objective: The objective of the Project is to conduct fuel management in the Bluebird Canyon area and along Park Avenue in Laguna Beach, California. Bluebird Canyon consists of Fuel Modification Zone (FMZ) 17 and FMZ 18, totaling 17.8 acres of fuel reduction. Approximately 7.2 acres of fuel reduction will take place in FMZ 22 on either side of Park Avenue. Fuel management methods include the use of hand tools and crews, with the option of goat-grazing.

Hand crews will cut down all non-native vegetation and dead/dying native vegetation and remove dead branches from trees and large shrubs. Tree-form shrubs that are over six feet tall will be

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Comment Set A2 – California Department of Fish and Wildlife (cont.)

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pruned of lower branches to increase the Crown Base Height to 50 percent of the plant height. Large non-native trees will be considered for removal on a case-by-case basis and native trees will be pruned of dead components and lower branches, up to eight feet or one half their height, whichever is less. Where there is still over 50 percent vegetative cover after the above material has been removed, the contractor will remove healthy live vegetation in accordance with a hierarchical list, until 50 percent vegetative cover is achieved. Most roots of perennial plants will remain, and native vegetation waste will be mulched and left on site. Non-native vegetation waste will be recycled at a green waste facility or taken to a landfill if not recyclable. Exclusion areas within all three FMZs would be established to avoid disturbance to High and Very High Value Habitat and sensitive biological resources.

Goat grazing may be utilized in select areas. Protocol for goat grazing includes cleaning the fur and hooves of seeds and debris before arrival at the treatment area and when being moved between enclosures, establishing a 15-foot buffer fence around any sensitive plants to prohibit grazing, wildlife friendly fencing around the enclosures, and periodic moving of the goats. Grazing shall be preferred for removal of non-natives or native herbaceous species. Up to 80 percent of native and 100 percent of non-native species in this cover type may be removed in such areas. Goat grazing in woody or woody-herbaceous chaparral species shall be limited to 50 percent removal of vegetative cover. Goat-grazed fuel breaks shall be limited to a 100-foot width. A targeted invasive control plan will be implemented in all goat-grazed areas to prevent invasive species from propagating.

Location: Bluebird Canyon and Park Avenue are primarily within the City of Laguna Beach, California, with a small portion of FMZ 17 within the unincorporated County of Orange. FMZ 18 is on the south side of Temple Hills Drive and west of Zell Drive and Bernard Court, behind residential properties. A small portion of the southern end is within the Aliso and Wood Canyons Wilderness Park. FMZ 18 consists of three separate areas on the south side of Bluebird Canyon Drive and north of Summit Drive. The Park Avenue Fuel Modification Project includes FMZ 22, located on either side of Park Avenue. The Project sites are within the coastal zone, which is under the permitting authority of the City of Laguna Beach through the City's Local Coastal Program. The Project sites are also entirely within the Orange County Central Coastal Natural Community Conservation Plan (NCCP)/Habitat Conservation Plan (HCP) area; however, the City is not a signatory to the Orange County Central Coastal NCCP/HCP.

Biological Setting: An interim memo from Glenn Lukos Associates informs that general biological surveys and habitat assessments were completed for FMZs 17, 18, and 22, as well as focused protocol-level breeding surveys for coastal California gnatcatcher (*Poliioptila californica californica*; gnatcatcher) within FMZ 17 and FMZ 18. Protocol non-breeding surveys for FMZ 22 were anticipated to be completed in February 2022, but the results were not provided for review. Gnatcatchers were not detected in the FMZ 17 or FMZ 18 surveys. Detailed vegetation mapping and focused plant surveys are still being conducted, as the Project was not contracted early enough in 2021 to conduct focused plant surveys during the blooming period for most species (Appendix C, Glenn Lukos Associates 2021).

Sensitive plants with the potential to occur on the Project sites include big-leaved crownbeard (*Verbesina dissita*; California Endangered Species Act (CESA)- and Federal Endangered Species Act (ESA)-listed Threatened; California Rare Plant Rank (CRPR) 1B.1), cliff spurge (*Euphorbia misera*; CRPR 1B.2), intermediate mariposa lily (*Calochortus weedii* var. *intermedius*; CRPR 1B.2), many-stemmed dudleya (*Dudleya multicaulis*; CRPR 1B.2), Nuttall's scrub oak (*Quercus dumosa*; CRPR 1B.1), and summer-holly (*Comarostaphylis diversifolia* ssp. *diversifolia*; CRPR 1B.2). The

Comment Set A2 – California Department of Fish and Wildlife (cont.)

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MND indicates that sensitive plants will be flagged for avoidance by hand crews, and a 15-foot exclusion barrier will be installed around sensitive plants in areas where goat grazing will occur.

Special-status wildlife with the potential to occur on the Project sites include gnatcatcher (ESA-listed Threatened), California glossy snake (*Arizona elegans occidentalis*; CDFW Species of Special Concern (SSC)), coast patch-nosed snake (*Salvadora hexalepis virgulata*; SSC), coastal whiptail (*Aspidoscelis tigris stejnegeri*; SSC), orange-throated whiptail (*Aspidoscelis hyperythrus*; SSC), red diamond rattlesnake (*Crotalus ruber*; SSC), coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*; SSC), Cooper's hawk (*Accipiter cooperii*; a CDFW designated Watch List (WL) species), and Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*; WL).

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources.

I. Mitigation Measure or Alternative and Related Impact Shortcoming

COMMENT #1: Habitat Restoration Plan and Mitigation Ratios

Issue: Mitigation Measure BIO-10 (MM BIO-10) requires further rationale and detail to adequately mitigate for impacts to sensitive natural communities.

Specific impact: The Open Space/Conservation Element of the City's General Plan provides guidance for fuel modification projects based on established habitat values. FMZs 17 and 18 occur partially within areas designated as Very High Value Habitat, and FMZs 17, 18, and 22 occur partially within areas designated as High Value Habitat. Policy 8N of the General Plan prohibits intrusion of fuel modification programs into environmentally sensitive areas, including chaparral and coastal sage scrub.

The Project site contains 1.1 acres of Very High Value Habitat consisting of coastal sage scrub and chaparral that will be impacted. Project impacts to High Value Habitat consisting of coastal sage scrub or chaparral habitats include 2.3 acres at the Park Avenue Project site and 3.1 acres at the Bluebird Canyon site. The Projects propose to reduce the cover within these areas by up to 50 percent with selective thinning. The MND indicates that this is a significant impact to Very High Value Habitat, but less than significant impact to High Value Habitat. To mitigate for the loss of Very High Value Habitat, MM BIO-10 states that, "...the City shall complete 0.55 acres of active restoration, 1.1 acres of partial restoration (20-50%), or 1.65 acres of passive restoration." Mitigation is not proposed for impacts to High Value Habitat. Additionally, MM BIO-10 requires that a Habitat Restoration Plan (HRP) or similar document be completed prior to the start of the Project, which will be implemented no more than 12 months after the start of Project activities. Details such as location of mitigation and methodology are not discussed in the MND, and specific details of the HRP are not available for review.

Why impact would occur: Pursuant to the MND, the HRP is a required Project component to mitigate for sensitive natural communities that will be removed during fuel modification. However, the MND does not include a detailed discussion of the ecological value of impacted habitat, or a draft HRP for public review and comment. Absent its inclusion, the MND's requirement to prepare and implement the HRP does not benefit from public review and analysis.

A2-1

Comment Set A2 – California Department of Fish and Wildlife (cont.)

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Recommended Potentially Feasible Mitigation Measure(s) (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming)

A2-1 (cont.)

Mitigation Measure #1:

To reduce impacts to less than significant:

The MND should provide rationale for use of a 1:1 ratio for impacts to 50% of the 1.1 acre of Very High Value Habitat, consisting of coastal sage scrub and chaparral. Coastal sage scrub and chaparral communities are present in both the Very High Value and High Value Habitat areas. Coastal sage scrub has a global ranking of G3 (Vulnerable) and a state ranking of S3.1 (Vulnerable). Both vegetation communities have the potential to support gnatcatcher, as well as big-leaved crown beard. CDFW recommends that the MND additionally consider impacts to High Value Habitat significant and provide compensatory mitigation for the 6.5 acres of cumulative area being impacted. CDFW recommends a ratio of at least 2:1 for impacts to coastal sage scrub. The results of the protocol non-breeding gnatcatcher surveys for FMZ 22 were not available for review; however, if habitat being removed in FMZ 22 supports gnatcatcher, a mitigation ratio of at least 3:1 may be appropriate. Specific details of mitigation location, methodology, and acreage should be provided in the MND.

CDFW recommends that the MND specify how the HRP will be implemented, who the responsible party for overseeing the HRP's implementation is, when the HRP will be approved, as well as define the specific measures that the HRP will utilize to minimize potential impacts to sensitive natural communities and associated biological resources. The HRP should be made available for review by CDFW and the United States Fish and Wildlife Service (collectively the Wildlife Agencies) prior to final approval and implementation. We recommend that the MM BIO-10 be amended with the following language (changes in ~~strikethrough~~ and **bold**):

*"Mitigation Measure BIO-10: This mitigation measure applies to both the Bluebird Canyon Fuel Modification Project and Park Avenue Fuel Modification Project. To mitigate for the loss of Very High Value Habitat **and High Value Habitat**, the City shall complete **mitigation at a ratio of at least 2:1; if sensitive species such as California gnatcatcher are identified in the impacted vegetation, a ratio of at least 3:1 will be used.** The City shall provide the updated vegetation mapping and floristic surveys, as well as analysis of the ecological value of the impacted habitat used to determine mitigation ratios. ~~0.55 acres of active restoration, 1.1 acres of partial restoration (20-50%), or 1.65 acres of passive restoration.~~ Prior to the start of the Project, the City shall develop and implement a Habitat Restoration Plan or similar document, subject to site and methods approval of the California Coastal Commission, that provides all the details of the restoration sites, species to be planted, schedule, maintenance plans, and other pertinent information. **The plan shall include adaptive management practices to achieve the specified ratio for restoration/ enhancement. At a minimum, the plan shall include a description of the existing conditions of the receiver site(s), goals and timeline, installation methods, monitoring procedures, plant spacing, adaptive management strategies, and maintenance requirements which will be reviewed and approved by the monitoring biologist to ensure the sensitive communities referred to above are reestablished successfully at the ratios set forth above. The plan will also include information on the responsible party for implementation of the mitigation. The habitat restoration plan will be made available to the Wildlife Agencies for review and approval prior to implementation. The Habitat Restoration Plan shall be implemented no more than 12 months after the start of Project activities.**"*

Comment Set A2 – California Department of Fish and Wildlife (cont.)

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COMMENT #2: Nesting Bird Impacts

Issue: Mitigation Measure BIO-3 (MM BIO-3) indicates that nesting bird surveys will be conducted by a qualified biologist prior to Project activities and that avoidance buffers shall be established; however, no timeline is indicated, and buffer distances are not discussed.

Why impact would occur: Direct impacts to nesting birds may occur from vegetation removal; indirect impacts may occur from increased human activity, vibration and noise from equipment, or presence of goats.

Evidence impact would be significant: In addition to the federal Migratory Bird Treaty Act, the California Fish and Game Code Sections 3503, 3503.5, and 3513 require the avoidance of the incidental loss of eggs or nestlings, or activities that lead to nest abandonment (Fish & G. Code, § 3503, 3503.5, and 3513 *et seq.*).

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming)

Mitigation Measure #2:

To minimize significant impacts: To adequately identify nesting bird presence in the Project area, surveys should be conducted no more than three days prior to vegetation removal. If vegetation removal must occur during avian breeding season, avoidance buffers of 100-300 feet should be established by the Project biologist, and 300 feet for gnatcatcher. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors. The nests should be monitored by the Project biologist until the young have fledged or the nest is no longer active.

We recommend that the MM BIO-3 be amended with the following language (changes in ~~strikethrough~~ and **bold**):

*"This mitigation measure applies to the Bluebird Canyon Fuel Modification Project. Vegetation removal and initial ground disturbance shall be completed outside the bird breeding season (i.e., no removal of potential nesting habitat from January 1 through September 1), or after a pre-construction nesting bird survey has been completed. **The survey shall be completed no more than three days prior to Project activities to ensure that birds are not engaged in active nesting within the Project site and a 100-foot buffer.** The Project Biologist shall confirm that no birds are nesting in or adjacent to areas to be disturbed. If native any birds are nesting on the site, then Project activities will be postponed until nesting is completed, or the Project Biologist shall designate appropriate avoidance buffers around nests to protect nesting birds. **The width of the buffer will be determined by the Project Biologist. Typically, this is a minimum of 100-300 feet from the nest site in all directions, species dependent, and up to 500 feet for raptors or gnatcatcher.** No Project related disturbance shall be allowed within these buffers **until the Project biologist has confirmed that the juveniles have fledged and there has been no evidence of a second attempt at nesting.** If a buffer is within a goat-grazing treatment area, a secure enclosure shall be installed to ensure goats do not enter the nesting bird buffer."*

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or

A2-2

Comment Set A2 – California Department of Fish and Wildlife (cont.)

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supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Jessie Lane, Environmental Scientist, at Jessie.Lane@wildlife.ca.gov.

Sincerely,

DocuSigned by:



D700B4520375406...

David Mayer
Environmental Program Manager
South Coast Region

ec: Cindy Hailey, CDFW – Cindy.Hailey@wildlife.ca.gov
State Clearinghouse, Office of Planning and Research – State.Clearinghouse@opr.ca.gov
Jonathan Snyder, USFWS – Jonathan_D_Snyder@fws.gov

REFERENCES

California Coastal Commission. 2021. Laws and Regulations, The Coastal Act. [online]: <https://www.coastal.ca.gov/laws/>. Accessed October 27, 2021.

City of Laguna Beach. 2012. City of Laguna Beach General Plan, Land Use Element. [online]: <http://www.lagunabeachcity.net/civicax/filebank/blobdload.aspx?t=42449.44&BlobID=23701>.

City of Laguna Beach. 2021. City of Laguna Beach Local Coastal Program. [online]: <http://www.lagunabeachcity.net/cityhall/cd/planning/lp.htm>. Accessed October 27, 2021.

Glenn Lukos Associates. November 4, 2021. Interim Memo Regarding the Results of Ongoing Biological Surveys for Fuel Modification Zones 17, 18, and 22 in the City of Laguna Beach, Orange County, California.

Responses to Comment Set A2 – California Department of Fish and Wildlife

A2-1 Thank you for your comment expressing concerns regarding the City not compensating for loss of High Value Habitat. The agreement between the City and the CCC recognizes the environmental benefit of implementing the City's Vegetation Management Treatment Protocol and its reliance on specialized hand-treatments. As such, the CCC only requires compensation of Very High Value Habitat and does not require compensation for the loss of High Value Habitat. The CCC conducted a review of the implications of Policy 8N of the City's General Plan and fuel modification projects in its staff report for an appeal of a Local Coastal Plan decision regarding the Laguna Canyon Fuel Modification Project in February 2020 (CCC, 2020). The CCC found that it was not the City's intent to obstruct public safety related fuel modification projects with this policy, that the policy was a "guidance statement," and the policy was not a requirement of the City's Local Coastal Plan. Therefore, Policy 8N does not prohibit fuel modification in chaparral and coastal sage scrub habitat.

In addition, eight years of biological studies on previous fuel treatment projects in both Very High and High Value Habitat have demonstrated improvement of habitat value over time, despite annual treatments. This improvement in habitat value is likely attributed to removal of low and moderate value species and promotion of higher value species through prioritized or targeted removal of the former habitat type. The proposed project intends to expend the highest cost of treatment per acre known in the State of California to accomplish treatment by these highly selective means. For these reasons, the City feels that the proposes mitigation for loss of Very High Value Habitat and the lack of mitigation for the High Value Habitat is adequate.

With respect to the details of the Habitat Restoration Plan, some of the recommended changes to MM BIO-10 have not been added because the proposed project and the habitat restoration ratios comply with a recent program-wide agreement between the City and the CCC regarding the amount of restoration required for acres treated by the City's Vegetation Management Treatment Protocol. It should be noted that the protocol involves a highly selective hand treatment of High and Very High Value Habitat that preserves valuable species and has been proven to improve and expand High/Very High Value Habitat over time.

Based on the comment, MM BIO-10 has been revised to provide more detail and includes review and approval of the Habitat Restoration Plan by the regulatory agencies. It should also be noted that updated vegetation mapping has been incorporated into the IS/MND and the total acreage of Very High Value Habitat has increased. As such, Mitigation Measure BIO-10 has been revised to ensure the impacts are mitigated per the agreed upon ratios based on final vegetation acreage numbers.

A2-2 Thank you for your comment expressing concern regarding the specificity of MM BIO-3. Based on the comment we have updated the language of MM BIO-3 as requested by the commenter. Please see MM BIO-3 in the Final IS/MND for these changes.

Comment Set A3 – Orange County Transportation Authority



AFFILIATED AGENCIES

Orange County
Transit District

Local Transportation
Authority

Service Authority for
Freeway Emergencies

Consolidated Transportation
Service Agency

Congestion Management
Agency

April 20, 2022

Martina Caron
Principal Planner
City of Laguna Beach
505 Forest Avenue,
Laguna Beach, CA 92651

**Subject: Design Review 22-0539 and Coastal Development Permit
22-0540**

Dear Ms. Caron

Thank you for providing the Orange County Transportation Authority (OCTA) with the Public Hearing Notice for Design Review 22-0539 and Coastal Development Permit 22-0540. The following comments are provided for your consideration:

- OCTA Security and Emergency Preparedness is supportive of this effort. Maintaining a defensible space is a critical wildfire mitigation tactic that when done in an environmentally responsible way, balances the needs of the community with that of the environment. **A3-1**
- As the City of Laguna Beach (City) may be aware, OCTA acquired the Pacific Horizon Preserve to off-set biological resources impacts of the Measure M2 freeway program. Although we understand fuel modifications may be needed adjacent to the OCTA Preserve, we respectfully request that the City work closely with OCTA on any potential impacts to the Preserve. **A3-2**

Throughout the development of this project, we encourage communication with OCTA on any matters discussed herein. If you have any questions or comments, please contact me at (714)-560-5907 or at dphu@octa.net.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Phu", written over a light blue horizontal line.

Dan Phu
Manager, Environmental Programs

Responses to Comment Set A3 – Orange County Transportation Authority

- A3-1 Thank you for your comment expressing support for the proposed project, which would reduce available vegetation for potential wildfire ignition around approximately 400 homes and along Park Avenue, a crucial evacuation route.
- A3-2 A review of the Pacific Horizon Preserve boundary indicates that the proposed fuel modification activities would not occur within or adjacent to Pacific Horizon Preserve (City of Laguna Beach, 2019).

Comment Set A4 – Orange County Parks

From: Levin, Shannon <Shannon.Levin@ocparks.com>
Sent: Tuesday, April 19, 2022 11:03 AM
To: Antrim, Patrick FD (Contractor) <pantrim@lagunabeachcity.net>
Cc: Norton, Barbara <Barbara.Norton@ocparks.com>
Subject: Bluebird Canyon and Park Avenue Fuel Mod Projects

[**NOTICE:** This message originated outside of City of Laguna Beach -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Good morning, Pat

Thank you for the opportunity to review the fuel management project for FMZ's 17, 18, and 22. OC Parks would like to submit the following comments.

- A very small portion of this is within Aliso & Woods Canyon belonging to OC Parks. This area is estimated to be roughly 0.25 acre and is mapped as being part of the NCCP (photo below).
- The slopes are steep and beautifully vegetated with scrub. We request the project avoids clearing that area, which would open niche for the fountain grass across the street to spread.
- What contractor will be doing the work? LCF and NI do a great work within fuel mod zones.
- Please contact OC Parks to advise when/if any work will be done along OC Parks interface.
Matt Stegner, Supervising Park Ranger II
Laguna Canyon Operations Group
Office: 949-923-2234
Mobile: 714-852-1199

A4-1

j

Comment Set A4 – Orange County Parks (cont.)



A4-1 (cont.)

Thank you,

Shannon Levin
Development Manager
Entitlement & Permitting
OC Parks
13042 Old Myford Road
Irvine, CA 92602
949-923-3796

Responses to Comment Set A4 – Orange County Parks

- A4-1 As discussed in IS/MND Section 8, *Description of the Project*, and as shown in IS/MND Figure 1, a small portion of the southern end of FMZ 17 would occur within Aliso and Wood Canyons Wilderness Park. Any trespass required on OC Parks land shall be confined to within 100 feet of a developed property and shall be subject to permitting by OC Parks.

Comment Set A5 – Orange County Public Works



April 21, 2022

NCL-22-0002

City of Laguna Beach, Laguna Beach Fire Department
505 Forest Avenue
Laguna Beach, CA 92651
Attn: Lisa Blewitt, CEQA Project Manager
Aspen Environmental Group

Subject: Notice of Intent (NOI) to adopt a Mitigated Negative Declaration for Bluebird Canyon and Park Avenue Fuel Modification Projects

Dear Lisa:

The County of Orange has reviewed the Notice of Intent (NOI) to adopt a Mitigated Negative Declaration for Bluebird Canyon and Park Avenue Fuel Modification Projects and has no comments at this time. We would like to be advised of further developments on the project. Please continue to keep us on the distribution list for future notifications related to the project.

A5-1

If you have any questions, please contact Yuritzzy Randle at (714) 667-8816 in OC Development Services.

Sincerely,

A handwritten signature in black ink, appearing to read 'Justin Kirk'.

Justin Kirk, Planning Division Manager
OC Public Works Service Area/OC Development Services
601 North Ross Street
Santa Ana, California 92701
Justin.Kirk@ocpw.ocgov.com

cc: Cindy Salazar, OC Development Services



County Administration South
601 North Ross Street
Santa Ana, California 92701

P.O. Box 4048
Santa Ana, CA 92702-4048

info@ocpw.ocgov.com

(714) 667-8800

OCPublicWorks.com

Responses to Comment Set A5 – Orange County Public Works

A5-1 Thank you for your comment. No response is required.

Comment Set B1 – Scott M. Tenney



April 19, 2022

Chief Michael Garcia
Laguna Beach Fire Department
505 Forest Ave.
Laguna Beach, CA 92651

Attention: Mr. Michael Rohde, Program Manager

Via Electronic Mail

Bluebird Canyon and Park Avenue Fuel
Modification Project - CEQA Study Comments

Dear Mr. Rohde:

Comments to the Draft CEQA Initial Study (“CEQA Study”) for the Bluebird Canyon and Park Avenue Fuel Modification Project (“Project”) follow below. The Project is proposed to reduce wildfire risk within three (3) designated fuel management zones known as FMZ-17 (Upper Bluebird Canyon), FMZ-18 (Lower Bluebird Canyon), and FMZ-22 (Park Avenue). Recommendations which follow our comments below focus on activities considered for FMZ-18.

FMZ-18 fuel management activities are proposed for six (6) mapped areas (Reference: CEQA Study [Table 2: FMZ-18 South Bluebird Canyon Access Points](#), pp 4). Of nearly 9-acres considered for treatment in this zone we estimate most of the work, approximately 60% or more, will take place along Rancho Laguna Road and on parcels associated with 1085 Bluebird Canyon Drive. I am the managing member of the limited liability company that owns the property at 1085 Bluebird Canyon Drive, have a vested interest in the success of the Project and seek to ensure proposed activities are expertly planned, executed, and managed and do not cause unintended consequences that create safety risks or devalue the property.

B1-1

In addition to supporting high to extremely high value and unique old growth chaparral habitat, the parcels associated with 1085 Bluebird Canyon Drive, those along Rancho Laguna Road and Bluebird Canyon in general are characterized by steep slopes, geologically sensitive areas and soils with high erosion hazard potential. Bluebird Canyon has a history of damaging and costly landslides and debris flows. For example, in 2005 more than 15 homes were destroyed when the south facing wall of the canyon above Flamingo Street collapsed and slid into the Bluebird Canyon Arroyo causing 10’s of millions of dollars of damage. The 2005 as well as the 1978 Bluebird Canyon Slide were examples of “deep seated landslides” resulting from unusually heavy rainfall which penetrated shallow surficial soil and lubricated underlying geologic units causing deep translational or rotational earth movement. Such slides, although uncommon, cause a great deal of damage to property and are costly to repair. Much more common are debris flows (e.g., mudflows) which are fast moving, shallow landslides of water-saturated soil and rock that travel downslope rapidly as muddy slurries and are particularly dangerous to life and property as they move quickly, destroy objects in their paths, and often strike without warning. Debris flows can occur after heavy rainfall on steep denuded slopes underlain by geologically sensitive soil and rock units. Although many slopes often appear stable during dry weather conditions they can and do produce damaging debris flows when saturated by intense rainfall (Reference: [USGS Fact Sheet 2005-3107](#)).

B1-2

Debris flows commonly occur in Bluebird Canyon and are exacerbated where stabilizing vegetation has been removed from steep slopes. Chaparral plants, such as *Rhus integrifolia* (e.g., Lemonade Berry) and its cohorts are widespread throughout Bluebird Canyon and well adapted to its climatic, geologic, and topographic conditions. Research has shown that established chaparral plant communities may put down root systems as deep as 10-12 feet below ground surface (Reference: [Root distribution and seasonal water status in weathered granitic bedrock under chaparral](#), Sternberg, et al., *Geoderma* 72 (1996) 89-98). Deeply rooted native plants secure and hold shallow soils in-place especially when coupled to healthy, above-ground vegetative cover which absorbs rainfall impact and, dampens the inertial energy imposed on surficial soils.

1085 Bluebird Canyon Drive LLC • 1085 Bluebird Canyon Drive • Laguna Beach • California • 92651

Comment Set B1 – Scott M. Tenney (cont.)

Bluebird Canyon and Park Avenue Fuel Modification Project - CEQA Study Comments
Page | 2

The proposed treatment protocol strategy includes removal of 50% of the vegetation within the mapped areas, leaving the root systems of the culled vegetation in place, and implementing appropriate erosion control measures where needed. Removing vegetation from geologically sensitive areas increases the risk of erosion and debris flows. In the short term these risks may be reduced by leaving root systems in place but over a longer period root systems degrade, break-down and ultimately may offer limited protection. Removing vegetative cover as well, exposes surficial soils to damaging rainfall impact initially producing splash erosion when rain drops bombard the surface and affect soil texture which reduces infiltration and increases rainfall runoff. Left unchecked, increased rainfall runoff rates begins forming rills and eventually forms deeper gullies where water flows concentrate forming deeper channels across the soil surface.

B1-2 (cont.)

The Project Sponsor (e.g., Laguna Beach Fire Department) believes the fuel modification strategy has been developed using “...best available science and studies.” (Reference: CEQA Study pp4) and although a great deal of thought has gone into its development, we believe more emphasis is needed to further define tactical details and mitigation measures that are informed by site specific characteristics, consider treatment alternatives and focus on reducing risks from other threats. We believe a detailed erosion hazard analysis should be developed by a licensed geologist or geotechnical engineer and used to inform development of the Project tactical plan, guide mitigation measures and suggest areas where alternatives to fuel modification activities should be considered where removal of vegetation may introduce unacceptable erosion or debris flow risks.

In 2010 when we assumed ownership and took custody of the 1085 Bluebird Canyon Drive property, we witnessed a landscape severely damaged by poor land management practices. In areas where vegetative cover was sparse or had been removed, evidence of severe erosion was observed including cavity development and deep gullies evident at the front of the property where it borders Bluebird Canyon Drive. A great deal of time and resources have been spent during the past decade to restore the site and improve safety and stability on the property. Although we clearly understand the need to reduce wildland fire risk in California and generally support the Project, we want assurances the proposed treatment protocol does not produce circumstances that devalue the property and undo efforts we have undertaken to restore and secure the site.

The Project is exceptionally ambitious and if managed and executed properly can deliver great value by reducing wildland fire threats. In doing so it must not introduce other unintended consequences or usurp the rights of stakeholders by devaluing their property, altering viewscapes or upsetting ecological balance by eliminating unique habitat. By proposing to remove as much as 50% of the vegetative cover in the mapped areas the Project will radically alter the landscape and significantly impact the aesthetics of a unique old growth chaparral ecosystem; reduce critical habitat for many terrestrial and avian species found throughout Bluebird Canyon including ground nesting and migratory birds; and will expose geologically sensitive areas to greater erosion and debris flow risks. The Project Sponsor should prepare a detailed tactical plan that is informed by site specific inspections, analyses and modelling. As well as describing fuel modification methodology, the tactical plan should consider alternatives to culling vegetation in areas where erosion and debris flow risks are unacceptably high. The tactical plan should also consider best available mitigation methods and technologies that can be employed to constrain other risks and protect the ecological health, well-being and aesthetics of the old growth chaparral ecosystem. Additionally, administrative measures, such as a guarantee to correct errors, omissions, and defects must be part of the Project and must be in effect for an appropriate timeframe consistent with what is common for projects requiring a workmanship guarantee.

Recommendations

1. **Complete Onsite Inspections of all Mapped Areas in FMZ-18 Zone:** Collect site specific data including biological, geological/geotechnical, and other information in sufficient detail to support additional analyses, studies and modeling that informs and guides the development of the tactical plan.
2. **Perform Detailed Geological and Geotechnical Evaluations to Assess and Quantify Erosion and Debris Flow Risk:** Perform a detailed evaluation of erosion hazard potential in the mapped areas. Consideration should be given to prepare a coupled hydrologic and soil erosion model such as the Morgan-Morgan-Finney model that can be used to perform spatial analyses to evaluate erosion and debris flow potential under various conditions including: (a) baseline/existing, and (b) with project. Such a model can be used to identify locations within the mapped areas that present higher erosion and debris flow risk and can guide development and selection of project alternatives and mitigation measures.
3. **Prepare Detailed Tactical Plan:** The tactical plan should be Specific, Measurable, Achievable, Realistic, and Timely, (e.g., SMART), it should build on the strategy presented in the CEQA Study and describe methods employed to deliver the Project objectives within an appropriate timeframe. The tactical plan should be informed by site specific data, analyses and modeling and describe proposed fuel modification methods and alternatives.

B1-3

Comment Set B1 – Scott M. Tenney (cont.)

Bluebird Canyon and Park Avenue Fuel Modification Project - CEQA Study Comments
Page | 3

Recommendations (Continued)

4. ***Review Draft Tactical Plan with Qualified Stakeholders and Subject Matter Experts:*** – A best practices would include review of the draft tactical plan with qualified stakeholders and subject matter experts, consideration of comments and adoption of recommendations that may improve the Project. This Project is exceptionally important and must be planned, executed and managed expertly. It is vitally important that stakeholders, including various regulatory agency personnel are aligned with the methods, goals and objectives of the Project. A thorough review of a well-informed tactical plan may improve alignment and increase the likelihood of delivering the Project with fewer complications.
5. ***Alternative Habitat Creation:*** Consider restoring areas where existing old growth chaparral has been removed and replanting these areas with alternative native vegetation to reduce erosion risk and maintenance costs while maintaining wildfire risk within acceptable levels. Beaver Tail cactus (*Opuntia basilaris*) plant communities, for example, have been used successfully in other similar programs and could be considered for some parcels in Bluebird Canyon.
6. ***Project Alternatives:*** Where removal of vegetation may significantly impact the ecology and aesthetics of the canyon or where such actions present unacceptable risks, the Project Sponsor should consider alternative methods that may be adopted to reduce wildfire threats. Such alternatives may include but are not limited to engineering or mechanical measures such as wildfire sprinkler systems installed where analyses indicate unacceptably high erosion risk.
7. ***Warranties:*** A labor and material guarantee must be part of the Project and must be in effect for an appropriate timeframe consistent with what is common for projects requiring a workmanship guarantee. Typically, projects of this type have a two (2) year guarantee to correct errors, omissions, and defects.

B1-3 (cont.)

The Bluebird Canyon and Park Avenue Fuel Modification Project is vitally important for our community. Clearly a great deal of thought has gone into the strategy summarized in the CEQA Study. Despite this, additional effort is needed to collect detailed site-specific information, perform comprehensive analyses and develop models to guide development of a SMART tactical plan. More work is needed before the Project can be executed. We generally support the Project and are deeply interested in its success. However, aside from reducing wildfire risk our priorities remain to ensure the Project does not devalue our property, does not introduce unacceptable erosion or debris flow risks, does not dramatically alter the landscape, and does not negatively impact the ecology of the canyon. With respect to this last point Bluebird Canyon is unique and supports high to extremely high value habitat that needs to be protected and conserved.

B1-4

Thank you for consideration of our comments and recommendations

Very truly yours,
Scott M Tenney
Scott M. Tenney

Responses to Comment Set B1 – Scott M. Tenney

B1-1 Thank you for your comment expressing concern over the proper planning and execution of proposed project activities in FMZ 18. Responses to your concerns regarding geological safety and stability are provided below.

B1-2 The City is aware of the geologic sensitivity of the project area and will implement protective measures to reduce the risk of soil instability as directed by project contract geologists. Fuel loads would be reduced by up to 50 percent, prioritizing the removal of non-native species and dead or dying plants first. As discussed in the Environmental Checklist Section 7 (b), *Geology and Soils*, 50 percent or more of native perennial root systems would remain intact minimizing the potential for erosion and protecting topsoil. It is also important to mention that lemonade berry and several of the other dominant chaparral species within the FMZs will resprout following above-ground removal of vegetation. This will ensure that the root systems remain intact and are alive and healthy to stabilize the slope. As described in IS/MND Section 8, *Description of the Project*, the proposed project also includes erosion control and prevention measures that would be implemented concurrently with vegetation removal activities in steep areas prone to instability. These erosion control measures include strategic placement of cut native vegetative material and installation of straw waddles and bales as prescribed by the geotechnical studies completed for the proposed project (provided in IS/MND Appendix E) and as required by MM GEO-1. These erosion control measures would stabilize soils in areas where up to 50 percent of vegetative cover has been reduced and would reduce erosion rates and runoff.

As discussed in Environmental Checklist Section 7 (a)(iv), *Geology and Soils*, geotechnical studies were completed by a certified engineering geologist for FMZs 17, 18, and 22 (provided in IS/MND Appendix E). These project-specific studies indicate that the overall likelihood of increased slope instability due to fuel modification in FMZ 17 is very low below Top of the World (easternmost end of FMZ 17), low within FMZ 18, and very low in FMZ 22. The studies disclose areas with sensitive surficial instability, located in the western portions of FMZs 17 and 18 (see orange areas in Figure 1 in the geotechnical reports for FMZs 17 and 18 and red and yellow areas in Figure 2 in the geotechnical report for FMZ 22). The geotechnical reports recommend measures that formulate the basis for MM GEO-1, which requires vegetation to be removed in the spring and completed in the early summer in landslide-prone areas within the FMZs; limiting fuel modification to the canopy and seasonal grasses; minimizing damage to existing root systems; use of spray adhesives, fiber rolls, or jute matting to maintain soil stability in landslide-prone areas; leaving the majority of perennial plant roots in place; installation of erosion control measures; and minimizing and rehabilitating haul paths, and mulch areas of relatively low slope in FMZs 17 and 18.

The proposed project was found to have no significant impacts on aesthetics, biological resources, or geology and soils as detailed in IS/MND Environmental Checklist Sections 1, 4, and 7, respectively.

B1-3 Project-specific surveys for biological resources and geotechnical studies were completed and are provided in IS/MND Appendices C1, C2, C3, and E. An interim memo regarding biological surveys for FMZs 17, 18, and 22 was prepared on November 4, 2021, which identified special-status plants and animals within the project site (Appendix C1). A protocol coastal California gnatcatcher survey in FMZs 17 and 18 was conducted from May 19, 2021, through June 23, 2021 (Appendix C2). A focused protocol non-breeding coastal California gnatcatcher survey

in FMZ 22 was conducted from October 21, 2021, through March 7, 2022 (Appendix C3). Both coastal California gnatcatcher surveys were conducted in potentially suitable habitat in accordance with U.S. Fish and Wildlife Service Guidelines, and neither survey detected the presence of coastal California gnatcatcher. If coastal California gnatcatcher occupy the habitat within the FMZs prior to the start of the project, measures have been included to avoid any potential impacts or take of this species. As discussed in Response to Comment B1-2, geotechnical studies have been completed by a certified engineering geologist for FMZs 17, 18, and 22 (provided in IS/MND Appendix E).

The proposed fuel modification activities would be implemented according to the City's Vegetation Management Treatment Protocol (provided in IS/MND Appendix A), which have been designed to achieve compliance with regulations of the California Coastal Commission, California Environmental Quality Act, California Department of Fish and Wildlife, and U.S. Fish and Wildlife Service. IS/MND Section 8, *Description of the Project*, indicates that fuel modification activities would occur simultaneously in FMZs 17, 18, and 22 over approximately two years. Note that timing is dependent on limiting factors such as rainy/winter season for geotechnical stability reasons, and the California gnatcatcher breeding season (February 15 through August 31).

Regarding alternative habitat creation, MM BIO-10 would mitigate for the loss of Very High Value Habitat by completing 0.5:1 ratio of active restoration, 1:1 ratio of partial restoration (20-50%), or 1.5:1 ratio of passive restoration for each acre of Very High Value Habitat Removed. The final acreage of Very High Value Habitat may be reduced as the project design is refined, and these ratios ensure that mitigation is proportionate to the impact. As discussed in Response to Comment A1-2, MM BIO-10 has been revised to clarify and provide more details and has been updated to include a review of the Habitat Restoration Plan by the regulatory agencies.

Under CEQA, project alternatives are not required to be analyzed in an IS/MND.

The City has agreed to include a warranty against damage for a period of two years from initial fuel modification activities. The project warranty will include erosion or slope destabilization. This warranty is at City expense and will apply to all properties for which a trespass agreement has been authorized by the property owner.

B1-4 Thank you for expressing support and the need to properly consider project impacts to safety, erosion, and biological resources. Responses are provided in Response to Comments B1-2 through B1-3.

Comment Set B2 – Nancy Englund

NOTICE OF INTENT TO ADOPT A
MITIGATED NEGATIVE DECLARATION
California Environmental Quality Act

TO EXPEDITE SUBMITTAL OF YOUR COMMENTS, YOU MAY RESPOND BY FACSIMILE TO (949) 497-0771

This Agency/City Department has comments, see attached.

This Agency/City Department has no comments.

NAME OF AGENCY/CITY
DEPARTMENT _____

SIGNATURE OF
REPRESENTATIVE _____

DATE _____

1616 SANTA
CRUZ

NANCY ENGLUND

Nancy Englund

I AM DELIGHTED THE LBFD
WILL BE REMOVING FIRE FUEL.
I HOPE THE PART OF
BLUEBIRD CREEK WEST OF
BLUEBIRD PARK WILL ALSO
BE CLEARED. THERE ARE
SEVERAL PALM TREES AND
A DEAD PINE THAT POSE SERIOUS RISKS.

B2-1

Responses to Comment Set B2 – Nancy Englund

- B2-1 Thank you for expressing your support for the proposed project. Please refer to IS/MND Figure 3, *Fuel Modification Zone 18 (South Bluebird Canyon) Treatment Areas*. Fuel modification activities would only occur within the boundary indicated in Figure 3, which does not include any areas west of Bluebird Park.

Comment Set B3 – Penny Elia

From: PENNY ELIA <greenp1@cox.net>

Sent: Wednesday, April 20, 2022 8:54 AM

To: Gannon, Jessica <jgannon@lagunabeachcity.net>; Neev, Deborah <DNeev@lagunabeachcity.net>; Sheridan, Don <dsheridan@lagunabeachcity.net>; Thalman, Kristine <kthalman@lagunabeachcity.net>; Weil, Louis <lweil@lagunabeachcity.net>; Planning Commission <PC@lagunabeachcity.net>; City Council <CityCouncil@lagunabeachcity.net>

Cc: Viera, Anthony <AViera@lagunabeachcity.net>; karl.schwing@coastal.ca.gov; amber.dobson@coastal.ca.gov; Alvarado, Marlene@Coastal <Marlene.Alvarado@coastal.ca.gov>; John.Ainsworth@coastal.ca.gov; jonna.engel@coastal.ca.gov; eritchie@scng.com; mwisckol@scng.com; rosanna.xia@latimes.com

Subject: Fuel Mod Zones 17, 18, 20, 21, 22 - hearings to be held April 20 and May 4, 2022

[**NOTICE:** This message originated outside of City of Laguna Beach -- **DO NOT CLICK on links or open attachments** unless you are sure the content is safe.]

Good morning, City Council, Design Review Board and Planning Commission Members -

My husband and I have lived in Laguna Beach for nearly 40 years and have sadly witnessed the escalation of fuel modification over the last four decades. It's absolutely heartbreaking to see more planned fuel mod coming our way.

Attached is a recent article by Erika Ritchie who has been covering Laguna Beach issues for just about as long as we have lived here. Every now and then she gets it right, but she often misses the mark. Ms. Ritchie's article barely touches on one of the biggest problems facing this city with respect to fire danger, and that's the fact that residents are not required to take any responsibility whatsoever. I testified at the last CCC hearing that addressed Hobo Aliso Ridge and the surrounding area, and will remind the City Council, Planning Commission and DRB (as well as CCC staff copied) that without the residents being involved in this effort, all the Lbfd is accomplishing is destruction of ESHA and endangered species in our precious open spaces and wilderness. When will this City hold the residents responsible for fuel mod "on" their properties? Why is this destruction aka fuel mod, focused only on our dwindling natural resources?

Furthermore, there are no mitigation programs in place that can possibly replace what will be destroyed. Is this really what the City of Laguna Beach and the CCC have in mind for this area that used to pride itself on environmental protection and preservation?

While overdevelopment continues to destroy Laguna Beach's once unique character, and no one cares to take any strong action to stop this, the City and CCC can now add their full approval of fuel modification to the list of destructive activities that are ruining our once beautiful hillsides and open spaces. What an incredible disappointment. There will be little to nothing left for our next generations... Please give this just a moment's thought before

B3-1

Comment Set B3 – Penny Elia (cont.)

voting to approve more fuel modification. Think about this as you continue to allow residents to create indefensible stands of highly flammable vegetation around their homes and mansions that are built far too close to our open spaces. Please, give it all some thought - - just once - - give it some thought.

B3-1 (cont.)

Dan and Penny Elia

Comment Set B3 – Penny Elia (cont.) Attachment

NEWS > ENVIRONMENT • News

Laguna Beach’s natural habitats are also a huge fire risk, the city has plans to make them safer



Hobo Canyon in Laguna Beach, CA is one area that has been targeted for fuel modification. The Coastal Commission approved a permanent fuel modification plan in which the city will clear dead plants, non-native plants and thin the overall plants by 50% in an area that is within 100 feet of properties overlooking the canyon. (Photo by Paul Bersebach, Orange County Register/SCNG)

By **ERIKA I. RITCHIE** | eritchie@scng.com | Orange County Register
PUBLISHED: March 31, 2022 at 1:49 p.m. | UPDATED: March 31, 2022 at 1:49 p.m.

Southern maritime chaparral, large swaths of coastal sage and tall grasses create a beautiful mosaic, that in many areas creeps dangerously close to homes overlooking Hobo and Aliso canyons along an interior ridgeline in Laguna Beach.

Though the rugged, undisturbed cliffs and canyons are what many residents in the seaside town adore, the terrain and vegetation are also what put Laguna Beach at extreme fire risk – Cal Fire has designated the community and its surrounding 16,000 acres of open space as a “very high fire hazard severity zone.”

Comment Set B3 – Penny Elia (cont.)

So getting the California Coastal Commission's recent approval of a less invasive, but still effective plan for pruning the two canyons of some of that natural fire fuel is key, local officials said.

The Laguna Beach Fire Department, its wildfire defense consultant and the Laguna Canyon Foundation, which dedicates itself to preserving the community's natural areas, collaborated to develop the plan to remove 50% of brush, bushes and grasses in an environmentally friendly way and create a 100-foot perimeter between the canyons and the homes.

"This is the most sensibly designed fuel modification plan I've ever seen in the state," said Jack Ainsworth, executive director of the Coastal Commission.

"We've been working on this for years," he said about the back-and-forth over how to protect nature and prevent fires. "I think we've landed on a mitigation ratio that is completely fair. It should be used as a model across the state."

The two canyons include native vegetation that support birds such as the coastal California gnatcatcher and Bell's vireo and plants such as the big-leaved crownbeard, all three of which are state and federally-listed threatened species.

While protecting those habitats, the plan will still create much-needed defensible space so firefighters can do their jobs and residents have a better chance to escape in a firestorm, officials said.

City officials have spent about a decade getting this permanent permit from the Coastal Commission for brush clearing in the canyons. Starting in 2015, fire officials secured emergency permits to remove some of the brush, and getting those permits had been difficult, officials said.

In 2019, the Laguna Beach City Council launched an analysis of the community's fire risks and [earmarked \\$21 million to start tackling an action plan](#) to ensure the city, its 23,000 residents and nearly 7 million annual visitors are as safe as possible. The fire department was tasked with identifying more areas where fuel modification could be done.

"The goal is to get a fire break all around our city," Fire Chief Mike Garcia said during a recent tour of the canyons area with Mayor Sue Kempf. "And, we're close to getting that."

In Aliso and Hobo canyons, there are about 12 acres over two zones that will be thinned out: east of Barracuda Way and Loretta Drive and north of Marilyn Drive and Driftwood Drive. Hand crews and goats will clear the vegetation.

First, all non-native vegetation and dead or dying plants will be removed. Trimming of woody native species will occur only if the 50% thinning threshold hasn't already been achieved. Shrubs taller than six feet will be pruned to decrease "fuel ladders," where flames can leap from plant to plant.

Comment Set B3 – Penny Elia (cont.)

Hand crews using chainsaws will do most of the work, and only about an acre will be grazed by goats.

A Laguna Canyon Foundation biologist will visit each work area 48 hours ahead of vegetation clearing to make sure there are no raptor or other birds' nests. They will also look for sensitive plant species such as the big-leaved crowned beard, a woody shrub with bright yellow flowers, to be avoided. The biologist will be present during the plant removal and also keep an eye on possible erosion issues, officials said.

The areas being treated will be staked and will include animal migration-friendly fencing.

Getting this vegetation cleared could reduce flame heights by 75% and limit a fire's speed, Garcia said.

"If we came here on a high wind (red flag) day with unmodified fuel, we'd have to give up on certain homes because we couldn't defend them," Garcia said. "Doing this allows helicopters, planes and firefighters to have a more significant effect. We need to do what we can to provide the greatest level of protection."

Still, the additional focus on the environment comes with a greater price tag. While the typical fuel modification project in the state costs between \$3,500 and \$5,000 an acre, efforts to reduce fuel in Laguna Beach are costing about \$32,000 an acre. At present, about 350 acres in the city are under fuel modification management.

During the Coastal Commission meeting, Councilman George Weiss, speaking as a resident, not as a city representative, cautioned the commissioners to keep the additional costs in mind when looking at fuel modification plans elsewhere.

"This needs to be done very softly with a gentle touch," he said. "Laguna Beach is spending a lot of money on this."

February's Emerald fire, fueled by high winds, quickly burned through 145 acres, getting very near homes in North Laguna. The extensive fuel modification that's done each year behind Emerald Bay and Irvine Cove made a significant difference, Garcia said.

And the fire has certainly been a reminder to the community about the threat of fire in its natural areas, Kempf said. With Councilman Bob Whalen, she was part of a sub-committee that helped put together the 2019 fire mitigation report.

Comment Set B3 – Penny Elia (cont.)

“Since I’ve been on council, the most feedback I’ve gotten is about the fire in Emerald Bay,” she said. “There’s very much a heightened awareness, it really woke people up in terms of vulnerability.”

Garcia, 57, who came to Laguna Beach after a 28-year career in Long Beach recently announced he will retire as the fire chief on July 1. He said he still recalls flying over the city when he took the position in April 2018 to get an understanding of what was needed to make a fire-prone community safer.

Education on the importance of creating a defensible space is one of the things he’s focused on.

He said while he understands the community’s desire to protect the town’s unique appearance, he explained why some vegetation presented greater hazards and how not removing it could cause the community to lose exactly the look that makes Laguna Beach so special.

Two years after Garcia took his position, he asked [residents to take personal responsibility](#) to protect their community by clearing vegetation away from their homes and creating more defensible space. While there is no city law requiring all property owners clear space, there is now a state one if their home is going up for sale.

“It is also something insurance companies desire and in some cases demand to see in a community with fire risk such as Laguna Beach,” he said.

Looking back Garcia credited the city manager and council for their support in gearing up Laguna Beach’s efforts to prevent the wildfire destruction that’s been seen in the past.

“It’s nice being a fire chief in a town where you don’t have to guess,” he said. “It’s crystal clear on what needs to be done here.”

Responses to Comment Set B3 – Penny Elia

- B3-1 Thank you for expressing concern over the proposed project’s impacts on aesthetics and biological resources. Please refer to IS/MND Section 8, *Description of the Project*, for background on the need for the proposed project. The project area is in a Very High Fire Hazard Severity Zone, and the identified fuel modification zones are intended to protect residents and a crucial local evacuation route from wildfire threats. As discussed in Environmental Checklist Section 1, *Aesthetics*, and Section 4, *Biological Resources*, the proposed project would not have a significant impact on aesthetics or biological resources, and MMs BIO-1 through BIO-10 are recommended to further protect sensitive biological resources, reduce the spread of invasive plant species, and restore habitat. Additionally, as discussed in Response to Comments A1-3, eight years of biological studies on previous fuel treatment projects in both Very High and High Value Habitat have demonstrated improvement of habitat value over time, despite annual treatments. This improvement in habitat value is likely attributed to removal of low and moderate value species and promotion of higher value species through prioritized or targeted removal of the former habitat type.

Comment Set B4 – Scott M. Tenney



May 02, 2022

Chief Michael Garcia
Laguna Beach Fire Department
505 Forest Ave.
Laguna Beach, CA 92651

Attention: Mr. Michael Rohde, Program Manager

Via Electronic Mail

Bluebird Canyon and Park Avenue Fuel Modification Project – Additional Follow-Up Comments

Dear Mr. Rohde:

My response to your April 19, 2022, email follows below. Please include this correspondence in the file for the Project.

In our recent letter sent to your attention on April 19, 2022, we stated the Bluebird Canyon and Park Avenue Fuel Modification Project efforts proposed for Zone 18 (“FMZ-18”) are “exceptionally ambitious”, but **what we did not say** is our belief the project will result in direct or reasonably foreseeable indirect significant physical changes to the environment. Removing 50% of old growth chaparral in the FMZ-18 mapped areas will cause a substantial adverse impact to the aesthetic character of Bluebird Canyon and will significantly impact biological resources supporting high value to extremely high value habitat throughout the Canyon. The importance of the habitat in FMZ-18 has been established by various subject matter experts including Karlin & Marsh [\[Laguna Beach Biological Resources Inventory, Karlin & Marsh, 1983\]](#), and has been documented as rich, biologically diverse, and unique to this area of the Western United States. Coastal or maritime chaparral is California’s most iconic yet most imperiled native shrubland ecosystem.

B4-1

Much of the mapped area proposed for fuel modification in FMZ-18 lies within the City’s residential hillside protection (“RHP”) zone, a special designation codified in the Laguna Beach Municipal Code that incorporates “some of the most undisturbed physical environments in the City”, “supports many environmentally sensitive habitats” [LBMC Chapter 25.15.004] and prescribes conditions for projects to ensure areas within this zone are protected including requiring “use of native vegetation to mitigate potential visual impacts and erosion concerns” [LBMC Chapter 25.15.004 (A)(6)], as well as considering fuel modification alternatives “to thinning and/or removal of native vegetation for fire hazard management” [LBMC Chapter 25.15.004 (A)(7)]. In establishing the RHP zoning designation City leadership, with public support have acknowledged the unique characteristics and importance of protecting properties in this zone. City Leadership has a duty and a legal obligation to ensure proposed fuel modification activities do not contravene their responsibilities consistent with what is codified in the Laguna Beach Municipal Code [LBMC Chapter 25.15].

B4-2

Aside from aesthetic and biological impacts described above, we are gravely concerned the project will create geologically unstable conditions and result in accelerated erosion and debris flows which would damage the Site, impose hardship by devaluing our property and present safety risks to residences occupying lower levels of the Site and along the frontage with Bluebird Canyon Drive. Debris flows commonly occur in Bluebird Canyon and are exacerbated where stabilizing vegetation is removed from moderate to steep slopes. Chaparral plants, such as *Rhus integrifolia* (e.g., Lemonade Berry) and its cohorts are widespread throughout the FMZ-18 mapped areas, are deeply rooted, adapted to local environmental conditions and able to hold shallow soils in-place especially when coupled to healthy, vegetative cover which absorbs rainfall and dampens the inertial energy imposed on surficial soils. Removing vegetative cover exposes surficial soils to damaging rainfall impact allowing formation of rills and eventually deeper gullies where surface water concentrates and channelizes across the soil surface.

B4-3

1085 Bluebird Canyon Drive LLC • 1085 Bluebird Canyon Drive • Laguna Beach • California • 92651

B4-3 (cont.)

The level of effort proposed for our property is significant. By our estimation, the Site represents a sizable percentage of the proposed fuel modification efforts for FMZ-18. The work will be challenging as the Site is complex. Vegetation is dense, thick, and much heavier than most hillsides in Laguna Beach. Mature stands of chaparral occur throughout the mapped areas with some specimens observed with calipers greater than 8-10 inches. This will challenge removal efforts as this material will not be easily “cut-up” and left on the ground as proposed. In addition, the Site is steep, with slopes in the mapped areas inclined at a 2:1 ratio, covered by a mantle of moderately thick, cohesionless soils, and prone to creep and instability especially when saturated. Examples of historic erosional features such as deep gullies, which have been restored but were present when we took possession of the Site, can still be observed at many locations on the property. Such features offer a glimpse into the Site’s geological sensitivity and **warn of the consequences of imposing poorly planned and executed land management practices.**

In 2010 when we purchased the property and began restoration efforts, our engineering geologist **Dr. Peter Borella** (California CEG #1394), warned that “*the main geologic hazard present on the site is the potential of a debris or mudflow that may originate uphill and flow toward the lower levels of the site*”. Dr. Borella recommended we stabilize the Site by installing mechanical erosion control systems in a variety of areas and carefully manage native vegetation onsite by balancing fuel modification efforts to create defensible space with revegetation activities that stabilizes soil to reduce debris flow potential.

Other professionals, including Geofirm, the Project Sponsor’s engineering geologist (Geofirm), have offered similar views regarding geologic hazards present onsite. In preparing their Geotechnical Evaluation for FMZ-18 [Update Geotechnical Evaluation of Potential Slope Stability Impacts, Proposed Fuel Modification Program Zone 18, Southern Bluebird Canyon Area, Geofirm, January 18, 2022], Geofirm relied on review of published reports and maps and although they **did not enter the property** to collect site specific information, their observations are consistent with other engineering geologists and affirm:

- **Soils and weathered materials mantling bedrock are subject to shallow instability** in moderately steep terrain (Geofirm Geotechnical Evaluation for FMZ-18 - January 18, 2022, Page 4).
- **Reductions in vegetation will likely somewhat increase the volume of runoff and surface sediment losses** from the steeper hillsides, particularly in these areas at the top of the slope (Geofirm Geotechnical Evaluation for FMZ-18- January 18, 2022, Page 4).
- The **potential for debris and/or mudflows is high** on slopes between a 2:1 to 1:1 ratio (Geofirm Geotechnical Evaluation for FMZ-18 - January 18, 2022, Page 5).
- Fuel modification impacts can be mitigated if conducted in a manner that considers the potential impacts to gross and surficial slope instability (Geofirm Geotechnical Evaluation for FMZ-18 - January 18, 2022, Page 5).
- The impact on infiltration and the potential for additional movement of the mapped landslides resulting from fuel modification is unknown (Geofirm Geotechnical Evaluation for FMZ-18 - January 18, 2022, Page 5).

Considerable time and resources have been invested to convert a once derelict Site into a valuable and safe asset. These investments include infrastructure improvements such as constructing/installing underground electrical utilities; a pressurized site-wide firewater utility system, an all-weather access road; and various erosion control elements. Additionally, a thoughtful vegetation management program, sensitive to the Site’s unique characteristics, is in place and focused on removing non-native plants, reducing fuel levels to improve defensible space; and restoring erosion damaged areas. Since 2010 an estimated 3-5 million pounds of debris and vegetation have been removed from the site including 20-30 eucalyptus trees, deemed unsafe.

The Project Sponsor states the fuel modification strategy proposed for FMZ-18 was developed using “*...best available science and studies*”, [Bluebird Canyon and Park Avenue Fuel Modification Project, Initial Study, Aspen Environmental, March 2002 Page 4]. While a great deal of thought has gone into its preparation, more work is needed to better define tactical details and mitigation measures informed by site specific characteristics. To date, **none of the project subject matter experts have been on our property to assess site specific conditions**. We believe it is ill-advised to design this project without performing on-site inspections and collecting site specific data to inform decision making. Additionally, the **significance of the project impacts were understated in the Initial Study** and we fear this would lead to tactics that do not respect the inherent debris flow risks associated with the Site or the adverse impacts to the biological resources of Bluebird Canyon. The “one size fits all approach” to fuel modification, which may have been effective in other areas of the City, will not work on our property.

We support efforts to reduce wildland fire risk and will prove to be a good partner for this project. Our challenges are borne from a desire to improve the project, so it achieves its objectives and does not introduce other problems. **We will not support efforts that reduces one risk/threat (e.g., wildfire) while introducing another equal/greater risk/threat (e.g., erosion and debris-flow)**. It is illogical to think that substitution of risk is an acceptable supposition and unreasonable to assume we would allow activities on our property that present a foreseeable risk that threatens safety or devalues our property. We believe the strategy and tactics for this project must be modified with consideration given to “layering-in” other alternatives to achieve the project objectives while eliminating/reducing debris-flow risks and the adverse impact to biological resources.

The Project Sponsor should review and integrate, into their project planning process, the following "Recommendations" which were previously shared in our April 19, 2022, correspondence and recast below. These include:

1. Complete Onsite Inspections of all Mapped Areas in the FMZ-18 Zone - Accurately mark and delineate the mapped areas proposed for treatment and collect site specific data including biological, geological/geotechnical, and other information to support additional analyses, studies and modeling that informs development of the tactical plan.
2. Perform Detailed Geological and Geotechnical Evaluations to Assess and Quantify Erosion and Debris Flow Risk – Develop a coupled hydrologic & soil erosion model to perform spatial analyses to quantify risk by evaluating erosion and debris-flow under various conditions. Use model to guide project alternatives and mitigation measures development.
3. Prepare Detailed Tactical Plan - The tactical plan should be Specific, Measurable, Achievable, Realistic, and Timely, (e.g., SMART), it should be informed by site specific data, analyses and modeling and describe methods, alternatives, goals, measures, and milestones and include a schedule outlining the timeframe required to achieve objectives.
4. Review and Authorize Tactical Plan – The tactical plan should not be implemented without a stakeholder and subject-matter-expert peer review and should not proceed without authorization from private property owners. A thorough review of a well-informed tactical plan increases the likelihood of delivering the Project with fewer complications.
5. Alternative Habitat Creation - Where vegetation has been removed consider restoration by planting alternative native vegetation to reduce erosion risk, and maintenance costs while keeping wildfire risk within acceptable levels.
6. Project Alternatives - Consider alternative engineering, mechanical, or other measures such as a wildfire sprinkler system which may be a better alternative to reducing wildfire risk in areas with unacceptably high debris-flow risk.
7. Warranties - A labor and material guarantee must be part of the Project and must be in effect for an appropriate timeframe consistent with what is common for projects requiring a workmanship guarantee

B4-3 (cont.)

The Bluebird Canyon and Park Avenue Fuel Modification Project is vitally important for our community and clearly a great deal of energy has gone into planning the strategy summarized in the CEQA Initial Study. Despite this, additional effort is needed to collect detailed site-specific information, perform comprehensive analyses, and develop models to guide development of a SMART tactical plan which must be done before the Project can be executed. We support the project with conditions that reflect views presented in this correspondence and previous correspondence including, but not limited to our April 19, 2022, letter addressed to Laguna Beach Fire Chief Garcia and sent to your attention. We are deeply interested in the project's success, however, aside from reducing wildfire risk our priorities remain to ensure the project does not devalue our property, does not introduce unacceptable erosion or debris flow risks, does not dramatically alter the landscape, and does not adversely impact the ecology of the canyon. With respect to this last point Bluebird Canyon is unique and supports high to extremely high value habitat that needs to be protected and conserved.

Thank you for consideration of our comments and recommendations

Very sincerely yours,

Scott M Tenney

Scott M. Tenney

CC:

1. S. Dupuis – City Manager, City of Laguna Beach.
2. M. Wiener – Community Development Director, City of Laguna Beach.
3. A. Viera – Senior Planner, City of Laguna Beach.
4. A. McKay – City Clerk, City of Laguna Beach.
5. S. Kempf – Mayor, City of Laguna Beach.
6. Laguna Beach City Council
7. G. Sanders – Nossaman LLP
8. B. Selna – LSA

Responses to Comment Set B4 – Scott M. Tenney

B4-1 Thank you for expressing your concerns about the aesthetic and biological impacts of the proposed project. The proposed project was found to have no significant impacts on aesthetics or biological resources as detailed in IS/MND Environmental Checklist Sections 1 and 4. Please refer to Response to Comment B4-2 regarding the removal of coastal or maritime chaparral.

B4-2 The design criteria for the City’s residential hillside protection (RHP) zone states that development should “minimize [the] impact on existing native vegetation and areas of visual prominence” (City of Laguna Beach, 2022). As described in IS/MND Section 8, *Description of the Project*, fuel modification activities would prioritize the removal of non-native species and dead or dying plants first. If 50 percent reduction in wildfire fuel is achieved by removing invasive vegetation, vegetation clearing would stop. If further thinning or removal needs to occur, crews would follow the hierarchical list in the City’s Vegetation Management Treatment Protocol (IS/MND Appendix A) to remove the least sensitive plants first. Additionally, as discussed in the City’s fuel modification treatment protocols, all healthy specimens of Southern Maritime Chaparral species including bush rue (*Cneoridium dumosum*), spiny redberry (*Rhamnus crocea*) and bigpod lilac (*Ceanothus megacarpus*) will be retained. Therefore, the proposed project would not conflict with the City’s RHP zoning code.

B4-3 As discussed in IS/MND Environmental Checklist Section 7, the proposed project would not have significant impacts regarding landslides, erosion, or unstable soils. The proposed project would implement MM GEO-1, which would reduce impacts to soil instability and erosion. Per MM GEO-1, fuel modification activities would be conducted in the spring and summer such that the rainy season would be avoided, and the potential for erosion, and loss of topsoil would be minimized. It is also important to mention that lemonade berry and several of the other dominant chaparral species within the FMZs will resprout following above-ground removal of vegetation. This will ensure that the root systems remain intact and are alive and healthy to stabilize the slope.

A geotechnical evaluation for each of the FMZs was prepared by Kevin A. Trigg, a certified engineering geologist in the State of California and are provided in IS/MND Appendix E. The scope of investigation for these project-specific geotechnical studies included review of published geologic reports and maps pertaining to the vicinity of FMZs 17, 18, and 22, and nearby site-specific geotechnical investigations. The geotechnical analysis was also based on geologic surface reconnaissance and photo-documentation of the fuel modification areas. The project geotechnical studies contain findings and recommendations that are consistent with those of Dr. Peter Borella. Geologically sensitive areas are disclosed and discussed, and erosion control systems are recommended, including placement of mulch, cut native vegetation material, and other erosion control measures, as well as the use of spray adhesives, fiber rolls, and jute matting to maintain soil stability in landslide-prone areas. The recommendations of the geotechnical reports are incorporated in the IS/MND as part of Mitigation Measure GEO-1.

Spray adhesives are effective at reducing soil loss by binding soil together to resist raindrop, sheet, and rill erosion (Minnesota Stormwater Manual, 2022). Fiber rolls assist with intercepting runoff, reducing flow velocity, and reducing erosion, and are effective at providing slope protection for three to five years (Geosyntec, 2022). Jute matting is a type of ground cover that is effective at protecting topsoil from erosion, particularly on steep hills

(NYP Corp, 2022). These erosion control methods are proven to protect slopes from erosion and loss of topsoil. The City is confident that the recommendations provided in the project geotechnical studies are effective such that the City agreed to the recommendation to include a warranty against damage for a period of two years from initial fuel modification activities. The project warranty will include erosion or slope destabilization. This warranty is at City expense and will apply to all properties for which a trespass agreement has been authorized by the property owner.

All mitigation measures are included in IS/MND Table 6, *Mitigation Monitoring Program – Mitigation Measures for the Bluebird Canyon and Park Avenue Fuel Modification Projects*. The City will implement the Mitigation Monitoring Program to ensure that mitigation measures are implemented, are effective, and are actively monitored. For example, during monitoring if a particular erosion control method is identified as not being effective, such as straw waddles failing in a particular area, the City would implement a different erosion control method such as jute netting to ensure that the intent of Mitigation Measure GEO-1 is met and effective.

Please refer to Response to Comment B1-3 regarding site-specific inspections and evaluations for biological resources and geotechnical studies, the City's Vegetation Management Treatment Protocol (provided in IS/MND Appendix A), alternative habitat creation, project alternatives, and warranty.

3. References

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Appendix 1: Mitigation Monitoring and Reporting Program

Table 1. Mitigation Monitoring Program – Mitigation Measures for the Bluebird Canyon and Park Avenue Fuel Modification Projects

Environmental Factor	Reference Number	Mitigation Measures	Responsible Party	Timing
4. BIOLOGICAL RESOURCES	4(a)	BIO-1 This mitigation measure applies to the Bluebird Canyon Fuel Modification Project. The City of Laguna Beach (City) shall assign a qualified biologist to the projects (i.e., Project Biologist). The Project Biologist shall be responsible for conducting pre-construction surveys (MM BIO-2), implementing nesting bird avoidance measures (MM BIO-3), monitoring project activities (MM BIO-4), conducting worker training (MM BIO-5), and flagging drainages (MM BIO-6). A "qualified biologist" is defined as a person with appropriate education, training, and experience to conduct the required surveys, monitor project activities, provide worker education programs, and supervise or perform other monitoring-related actions. The Project Biologist shall be authorized by the City to temporarily halt project activities, if needed, to prevent take of listed species or harm to any other special-status species.	City of Laguna Beach Fire Chief	Prior to and during fuel modification activities
	4(a)	BIO-2 This mitigation measure applies to the Bluebird Canyon Fuel Modification Project. Prior to start of project activities, the Project Biologist shall survey the work area to determine if any special-status species are present. During the survey, the Project Biologist should search for nesting birds, special-status plants, and other special-status species. Any special-status species or sensitive resources shall be flagged and avoided, as feasible. Listed plant species and special-status species with a CRPR of 1B, including Intermediate mariposa-lily, shall be flagged, and a 15-foot buffer installed. No work shall be permitted within these buffers. If a buffer is within a goat-grazing treatment area, a secure enclosure shall be installed to ensure goats do not enter the special-status species buffer. The Project Biologist shall also flag coast live oak seedlings and western sycamore seedlings for avoidance, as feasible. Within goat-grazing treatment areas, a secure enclosure shall be installed around these seedlings to ensure goats do not remove these seedlings. The Project Biologist shall also search for shot hole borers on all oak and sycamore trees that are proposed for pruning. If shot hole borers are found, the Project Biologist will notify the City who will then coordinate with Orange County Parks, California Department of Fish and Wildlife (CDFW), and the U.S. Fish and Wildlife Service (USFWS). All pruning tools shall be cleaned and disinfected prior to use within the project area and at least weekly during the project to further reduce the spread of pathogens.	City of Laguna Beach Fire Chief	Prior to and during fuel modification activities
	4(a, d)	BIO-3 This mitigation measure applies to the Bluebird Canyon Fuel Modification Project. Vegetation removal and initial ground disturbance shall be completed outside the bird breeding season (i.e., no removal of potential nesting habitat from January 1 through September 1), or after a pre-construction nesting bird survey has been completed. The survey shall be completed no more than three days prior to Project activities to ensure that birds are not engaged in active nesting within the Project site and 100-foot buffer. If any	City of Laguna Beach Fire Chief	Prior to fuel modification activities outside of bird breeding season

Table 1. Mitigation Monitoring Program – Mitigation Measures for the Bluebird Canyon and Park Avenue Fuel Modification Projects

Environmental Factor	Reference Number	Mitigation Measures	Responsible Party	Timing
		birds are nesting on the site, then project activities will be postponed until nesting is completed or the Project Biologist shall designate appropriate avoidance buffers around nests to protect nesting birds. The width of the buffer will be determined by the Project Biologist. Typically, this is a minimum of 100-300 feet from the nest site in all directions, species dependent, and up to 500 feet for raptors or coastal California gnatcatcher. No project related disturbance shall be allowed within these buffers until the Project Biologist has confirmed that the juveniles have fledged and there has been no evidence of a second attempt at nesting. If a buffer is within a goat-grazing treatment area, a secure enclosure shall be installed to ensure goats do not enter the nesting bird buffer.		
	4(a)	BIO-4 This mitigation measure applies to the Bluebird Canyon Fuel Modification Project. The Project Biologist shall be present on the project sites during vegetation clearing done by hand crews to document compliance with the avoidance and minimization measures and to provide guidance in avoiding or minimizing impacts to biological resources. The Project Biologist shall monitor the goat-grazing treatment areas at least once per week to document compliance with the avoidance and minimization measures. The Project Biologist shall also conduct quarterly monitoring of the project site for 12-months after the completion of the fuel treatment. During this post-treatment monitoring the Project Biologist will inspect the mulched plant material for Argentine ants and will also note wildlife use of the treatment areas. If Argentine ants are found within the mulched plant material, the City shall implement an ant control program to remove them from these areas. If any new non-native plants are found within the project area, the City shall implement a control program for these species to ensure they are eradicated and not allowed to spread into adjacent natural lands.	City of Laguna Beach Fire Chief	During fuel modification activities and continuing for at least 12 months following completion of activities
	4(a)	BIO-5 This mitigation measure applies to the Bluebird Canyon Fuel Modification Project. The Project Biologist shall conduct training to ensure that all workers (including goat herders) on the project sites are aware of all applicable mitigation measures for biological resources. Specifically, workers will be required to (1) limit all activities to approved work areas; (2) report any special-status species; (3) report any bird nests; (4) avoid contact with any wildlife that may approach a work area, and be aware of potential venomous reptile bites from carelessness or unnecessary harassment; (5) pick up and properly dispose of any food, trash, or construction refuse; and (6) report any spilled materials (e.g., oil, fuel, solvent, engine coolant, raw concrete, or other material potentially hazardous to wildlife) to the supervisor. During the training the Project Biologist shall briefly discuss special-status species that may occur in the work areas, their habitats, and requirements to avoid or minimize impacts. In addition, all workers shall be informed of civil and criminal penalties for	City of Laguna Beach Fire Chief	Prior to fuel modification activities

Table 1. Mitigation Monitoring Program – Mitigation Measures for the Bluebird Canyon and Park Avenue Fuel Modification Projects

Environmental Factor	Reference Number	Mitigation Measures	Responsible Party	Timing
		violations of the federal Endangered Species Act, California Endangered Species Act, and the Migratory Bird Treaty Act.		
	4(a)	BIO-6 This mitigation measure applies to both the Bluebird Canyon Fuel Modification Project and Park Avenue Fuel Modification Project. To avoid or reduce potential impacts to listed or non-listed special-status plants, the Project Biologist shall complete a protocol-level survey for special-status plants within the project sites. The survey shall follow the methods in the current version of CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW, 2018). The survey shall be (a) conducted during flowering seasons for the special-status plants known from the area, (b) floristic in nature, (c) consistent with conservation ethics, (d) systematically covered all habitat types on the sites, and (e) well documented. The results of this survey will help the Project Biologist locate all special-status plants and install appropriate buffers as specified in MM BIO-2.	City of Laguna Beach Fire Chief	Prior to fuel modification activities
	4(b)	BIO-7 This mitigation measure applies to both the Bluebird Canyon Fuel Modification Project and Park Avenue Fuel Modification Project. To prevent the spread of plant pathogens in sensitive natural communities, riparian habitats, and oak woodlands, the following shall be implemented: <ul style="list-style-type: none"> • Clean and sanitize vehicles, equipment, tools, footwear, and clothes before arriving at a treatment site and when leaving a contaminated site, or a site in a county where contamination is a risk; • Include training on Phytophthora diseases and other plant pathogens in the worker awareness training (MM BIO-5 and AMM 10/CM 3); • Minimize soil disturbance as much as possible by limiting the number of vehicles, avoiding off-road travel as much as possible, and limiting use of mechanized equipment; • Minimize movement of soil and plant material within the site, especially between areas with high and low risk of contamination; • Clean soil and debris from equipment and sanitize hand tools, buckets, gloves, and footwear when moving from high risk to low-risk areas or between widely separated portions of a treatment area; and • Follow the procedures listed in Guidance for plant pathogen prevention when working at contaminated restoration sites or with rare plants and sensitive habitat (Working Group for Phytoptheras in Native Habitats, 2016). 	City of Laguna Beach Fire Chief	During or after fuel modification activities

Table 1. Mitigation Monitoring Program – Mitigation Measures for the Bluebird Canyon and Park Avenue Fuel Modification Projects

Environmental Factor	Reference Number	Mitigation Measures	Responsible Party	Timing
	4(b)	<p>BIO-8 This mitigation measure applies to both the Bluebird Canyon Fuel Modification Project and Park Avenue Fuel Modification Project. To prevent the spread of invasive plants, noxious weeds, and invasive wildlife, the following shall be implemented:</p> <ul style="list-style-type: none"> • Clean clothing, footwear, and equipment used during treatments of soil, seeds, vegetative matter, other debris or seed-bearing material, or water (e.g., rivers, streams, creeks, lakes) before entering the treatment area or when leaving an area with infestations of invasive plants, noxious weeds, or invasive wildlife; • For all heavy equipment and vehicles traveling off road, pressure wash, if feasible, or otherwise appropriately decontaminate equipment at a designated weed-cleaning station prior to entering the treatment area from an area with infestations of invasive plants, noxious weeds, or invasive wildlife. Anti-fungal wash agents shall be specified if the equipment has been exposed to any pathogen that could affect native species; • Inspect all heavy equipment, vehicles, tools, or other treatment-related materials for sand, mud, or other signs that weed seeds or propagules could be present prior to use in the treatment area. If the equipment is not clean, the Project Biologist shall deny entry to the work areas; • Stage equipment in areas free of invasive plant infestations unless there are no un-infested areas present within a reasonable proximity to the treatment area; • Identify significant infestations of invasive plant species (i.e., those rated as invasive by Cal-IPC or designated as noxious weeds by California Department of Food and Agriculture) during reconnaissance-level surveys and target them for removal during treatment activities. Treatment methods will be selected based on the invasive species present and may include herbicide application, manual or mechanical treatments, prescribed burning, and/or herbivory, and will be designed to maximize success in killing or removing the invasive plants and preventing reestablishment based on the life history characteristics of the invasive plant species present. Treatments will be focused on removing invasive plant species that cause ecological harm to native vegetation types, especially those that can alter fire cycles; • Treat invasive plant biomass onsite to eliminate seeds and propagules and prevent reestablishment or dispose of invasive plant biomass offsite at an appropriate waste collection facility (if not kept on site); transport invasive plant materials in a closed container or bag to prevent the spread of propagules during transport; 	City of Laguna Beach Fire Chief	Prior to, during, or after fuel modification activities

Table 1. Mitigation Monitoring Program – Mitigation Measures for the Bluebird Canyon and Park Avenue Fuel Modification Projects

Environmental Factor	Reference Number	Mitigation Measures	Responsible Party	Timing
		<ul style="list-style-type: none"> • Implement Fire and Fuel Management BMPs outlined in the “Preventing the Spread of Invasive Plants: Best Management Practices for Land Mangers” (Cal-IPC 2012, or current version); and • In addition to the Treatment Protocols for Fuel Modification Zones Subject to Coastal Development Permitting (IS/MND Appendix A), all goats shall be kept in a weed free area and feed sterile feed for at least 48 hours prior to release in to the FMZs. 		
	4(c)	BIO-9 This mitigation measure applies to both the Bluebird Canyon Fuel Modification Project and Park Avenue Fuel Modification Project. The Project Biologist shall flag the limits of all drainages crossing through or entering the project sites for avoidance. The flagging will be installed 25 feet from the edges of the drainage or to the edge of riparian vegetation, whichever is a greater distance. No project related disturbance shall be allowed within these buffers. If a buffer is within a goat-grazing treatment area, a secure enclosure shall be installed to ensure goats do not enter the buffer.	City of Laguna Beach Fire Chief	Prior to fuel modification activities
	4(e)	BIO-10 This mitigation measure applies to both the Bluebird Canyon Fuel Modification Project and Park Avenue Fuel Modification Project. To mitigate for the loss of Very High Value Habitat, the City shall complete 0.5:1 ratio of active restoration, 1:1 ratio of partial restoration (20-50%), or 1.5:1 ratio of passive restoration for each acre of Very High Value Habitat impacted. Prior to the start of the project, the City shall develop and implement a Habitat Restoration Plan, subject to site and methods approval of the California Coastal Commission. The plan shall include adaptive management practices to achieve the specified ratio for restoration/ enhancement. At a minimum, the plan shall include a description of the existing conditions of the receiver site(s), goals and timeline, installation methods, monitoring procedures, plant spacing, adaptive management strategies, and maintenance requirements which will be reviewed and approved by the monitoring biologist to ensure the sensitive communities referred to above are reestablished successfully at the ratios set forth above. The plan will also include information on the responsible party for implementation of the mitigation. The Habitat Restoration Plan will be made available to the Wildlife Agencies for review and approval prior to implementation. The Habitat Restoration Plan shall be implemented no more than 12 months after the start of project activities.	City of Laguna Beach Fire Chief, California Coastal Commission, Wildlife Agencies (USFWS, CDFW)	Prior to fuel modification activities and within one year after the start of project activities
5. CULTURAL RESOURCES	5(a, b)	CUL-1 This mitigation measure applies to both the Bluebird Canyon Fuel Modification Project and Park Avenue Fuel Modification Project. A qualified professional archaeologist shall be retained to provide on-call monitoring services in the event that cultural resources are encountered during project activities. If any such resources are discovered, contractors	City of Laguna Beach Fire Chief	During fuel modification activities

Table 1. Mitigation Monitoring Program – Mitigation Measures for the Bluebird Canyon and Park Avenue Fuel Modification Projects

Environmental Factor	Reference Number	Mitigation Measures	Responsible Party	Timing
		should stop work in the immediate area of the find and contact the archaeologist to assess the nature of the find and determine if future monitoring is appropriate. If deemed appropriate, monitoring should continue until grading and excavation is complete, or until the monitoring archaeologist, based on field observations, is satisfied there is no likelihood of encountering intact archaeological deposits. Upon completion of any monitoring activities, the archaeologist should prepare a report to document the methods and results of monitoring activities. This report should be submitted to the South Central Coastal Information Center.		
	5(a, b)	CUL-2 This mitigation measure applies to both the Bluebird Canyon Fuel Modification Project and Park Avenue Fuel Modification Project. Prior to the initiation of construction, all construction personnel shall be trained by a qualified archaeologist regarding the recognition of possible buried cultural resources (i.e., prehistoric and/or historical artifacts, objects, or features), protection of all archaeological resources during construction, and any avoidance areas. Training shall inform all construction personnel of the procedures to be followed upon the discovery of cultural materials. All personnel shall be instructed that unauthorized removal or collection of artifacts is a violation of State law. Any excavation contract (or contracts for other activities that may have subsurface soil impacts) shall include clauses that require construction personnel to attend the Workers' Environmental Training Program, so they are aware of the potential for inadvertently exposing buried archaeological deposits.	City of Laguna Beach Fire Chief	Prior to fuel modification activities
	5(a)	CUL-3 This mitigation measure applies to the Park Avenue Fuel Modification Project. Prior to the initiation of construction, P-30-000295 will be conspicuously flagged by a qualified archaeologist and avoided during vegetation removal activities. Additionally, the vicinity of P-30-000295 will be monitored by a qualified archaeologist, under the direction of a professional archaeologist meeting the Secretary of the Interior qualifications.	City of Laguna Beach Fire Chief	Prior to fuel modification activities
	5(c)	CUL-4 This mitigation measure applies to both the Bluebird Canyon Fuel Modification Project and Park Avenue Fuel Modification Project. All human remains discovered are to be treated with respect and dignity. Upon discovery of human remains, all work within 50 feet of the discovery area must cease immediately, nothing is to be disturbed, and the area must be secured. The County Coroner's Office must be called. The coroner has two working days to examine the remains after notification. The appropriate land manager/owner of the site (i.e., Orange County Parks) is to be called and informed of the discovery. It is very important that the suspected remains, and the area around them, are undisturbed and the proper authorities called to the scene as soon as possible, as it could be a crime scene. The coroner	City of Laguna Beach Fire Chief	During fuel modification activities

Table 1. Mitigation Monitoring Program – Mitigation Measures for the Bluebird Canyon and Park Avenue Fuel Modification Projects

Environmental Factor	Reference Number	Mitigation Measures	Responsible Party	Timing
		<p>will determine if the remains are archaeological/historic or of modern origin and if there are any criminal or jurisdictional questions.</p> <p>After the Coroner has determined the remains are archaeological/historic-era, the Coroner will make recommendations concerning the treatment and disposition of the remains to the person responsible for the excavation, or to his or her authorized representative. If the Coroner believes the remains to be those of a Native American, he/she shall contact the Native American Heritage Commission (NAHC) by telephone within 24 hours.</p> <p>The NAHC will immediately notify the person it believes to be the most likely descendant (MLD) of the remains. The MLD has 48 hours to make recommendations to the landowner for treatment or disposition of the human remains. If the descendant does not make recommendations within 48 hours, the landowner shall reinter the remains in an area of the property secure from further disturbance. If the landowner does not accept the descendant's recommendations, the owner or the descendant may request mediation by NAHC.</p> <p>According to the California Health and Safety Code, six (6) or more human burials at one (1) location constitute a cemetery (Section 8100), and willful disturbance of human remains is a felony (Section 7052).</p>		
<p>7. GEOLOGY AND SOILS</p> <p>20. WILDFIRE</p>	<p>7(a, c)</p> <p>20(d)</p>	<p>GEO-1 This mitigation measure applies to both the Bluebird Canyon Fuel Modification Project and Park Avenue Fuel Modification Project. The City of Laguna Beach shall adhere to the following fuel modification protocols in landslide-prone areas in FMZs 17, 18, and 22:</p> <ul style="list-style-type: none"> • Fuel modification activities shall be conducted in the spring and summer • Spray adhesives, fiber rolls, or jute matting shall be used in areas with a thick accumulation of soil on terrain sloping between a 2:1 to 1:1 (horizontal:vertical) ratio prior to winter • Fuel modification efforts shall be limited to the canopy and seasonal grasses, and should minimize damage to the existing root systems • The majority of roots of perennial plants shall be left in place to minimize erosion • Mulch, cut native vegetation material, and other erosion control measures (e.g., scattered cut brush clippings, straw wattles, straw bales, and/or jute netting) would be installed for additional protection, as recommended by the project geotechnical reports (see IS/MND Appendix E - <i>Geotechnical Evaluation of Potential Slope Stability Impacts, Proposed Fuel Modification Program, Zone 17, Laguna Canyon and Canyon Acres Area Laguna Beach, California; Geotechnical Evaluation of Potential Slope Stability Impacts, Proposed Fuel Modification</i> 	<p>City of Laguna Beach Fire Chief</p>	<p>During fuel modification activities</p>

Table 1. Mitigation Monitoring Program – Mitigation Measures for the Bluebird Canyon and Park Avenue Fuel Modification Projects

Environmental Factor	Reference Number	Mitigation Measures	Responsible Party	Timing
		<p><i>Program, Zone 18, Laguna Canyon and Canyon Acres Area Laguna Beach, California; and Geotechnical Evaluation of Potential Slope Stability Impacts, Proposed Fuel Modification Program, Zone 22, Lower Park Avenue Area, Laguna Beach, California)</i></p> <ul style="list-style-type: none"> • Minimize and rehabilitate haul paths with mulch or other methods as deemed appropriate by the project biologist • Areas of relatively low slope (e.g., below 33 percent or 1:3 grade) shall be mulched to an adequate depth to minimize weed propagation and ongoing maintenance needs • The City of Laguna Beach will provide a warranty against damage for a period of two years from initial fuel modification activities. The project warranty will include erosion or slope destabilization. The warranty is at City expense and applies for all properties for which a trespass agreement has been authorized by the property owner 		
	7(f)	<p>GEO-2 This mitigation measure applies to both the Bluebird Canyon Fuel Modification Project and Park Avenue Fuel Modification Project. If paleontological resources are encountered during the course of ground disturbance, work in the immediate area of the find shall be redirected and a paleontologist contacted to assess the find for scientific significance. If determined to be significant, the fossil shall be collected from the field. The paleontologist may also make recommendations regarding additional mitigation measures, such as paleontological monitoring. Scientifically significant resources shall be prepared to the point of identification, identified to the lowest taxonomic level possible, cataloged, and curated into the permanent collections of a museum repository. If scientifically significant resources are collected, a report of findings shall be prepared to document the collection.</p>	City of Laguna Beach Fire Chief	During fuel modification activities

Table 1. Mitigation Monitoring Program – Mitigation Measures for the Bluebird Canyon and Park Avenue Fuel Modification Projects

Environmental Factor	Reference Number	Mitigation Measures	Responsible Party	Timing
9. HAZARDS AND HAZARDOUS MATERIALS	9(a)	<p>HAZ-1 This mitigation measure applies to both the Bluebird Canyon Fuel Modification Project and Park Avenue Fuel Modification Project. The City of Laguna Beach shall include the following provisions or similar in the contractor bid contract for hand clearing:</p> <ul style="list-style-type: none"> • All power tools shall be fueled in an area clear of fire hazards. • Fueling of power tools in the fuel modification zones shall occur over a containment system (e.g., plastic tray or tub) to catch and prevent spills. • Any fuel spills shall be cleaned up immediately and properly disposed. • All trucks and larger equipment shall be fueled off site. • Engine fuel shall not be used as a cleaning solvent. 	City of Laguna Beach Fire Chief	Prior to fuel modification contract signing
18. TRIBAL CULTURAL RESOURCES	18(a)	<p>TCR-1 This mitigation measure applies to both the Bluebird Canyon Fuel Modification Project and Park Avenue Fuel Modification Project. A qualified tribal member of the Gabrielino Tongva Indians of California Tribal Council shall spot-check all vegetation removal activities, up to three times per week, for the duration of the projects. If any such cultural resources are discovered, contractors shall stop work in the immediate area of the find and contact the archaeologist to assist in assessing the nature of the find and to determine if additional full-time monitoring is appropriate. Work in the area of the find can resume once an agreement on the treatment of the find is made between the City of Laguna Beach Fire Department and the Gabrielino Tongva Indians of California Tribal Council, in consultation with the qualified archaeologist.</p>	City of Laguna Beach Fire Chief	During fuel modification activities.