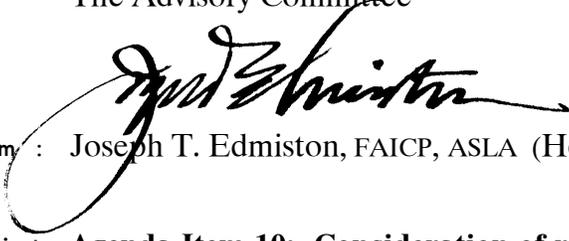


Memorandum

To : The Conservancy
The Advisory Committee

Date: October 23, 2006

From :  Joseph T. Edmiston, FAICP, ASLA (Hon.), Executive Director

Subject: **Agenda Item 10: Consideration of resolution instructing staff to amend the Malibu Parks Public Access Enhancement Plan-Public Works Plan, and to agendize for consideration of adoption at a future meeting to be announced.**

Staff Recommendation: That the Conservancy adopt the attached resolution authorizing staff to amend the Malibu Parks Public Access Enhancement Plan-Public Works Plan, and to agendize for consideration of adoption at a future meeting, to be announced.

Legislative Authority: Section 30605 of the Coastal Act provides that as an alternative to project by project review, plans for public works may be submitted to the Coastal Commission for review in the same manner prescribed for review of local coastal programs. Section 30114 of the Coastal Act defines "public works" as including "all publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district." Section 13353.5 of Title 14 of the California Code of Regulations further provides, in part, as follows:

Prior to the filing of a public works plan, the submitting agency or local government shall hold a public hearing at the local level on the proposed public works plan.

Background: The Malibu Public Parks Enhancement Plan-Public Works Plan (PWP) is being prepared jointly with the Mountains Recreation and Conservation Authority (MRCA).

The initial Draft PWP was submitted to the Coastal Commission for review on June 9, 2006. On June 30, 2006, the Coastal Commission staff indicated that it was not accepting the submittal, but offered comments intended to guide the submittal of an adopted, final PWP.

The PWP has been a subject of other public presentations and grant hearings before the Conservancy and MRCA since at least February of this year. On June 13, 2006, Conservancy and MRCA staff met with City of Malibu staff to solicit input regarding the PWP. At the June 26, 2006 Conservancy meeting an agendized presentation of the PWP was postponed to a future meeting at the request of the City of Malibu. On July 31, 2006, the Conservancy and MRCA met jointly at Webster Elementary School in Malibu, to hold a local public hearing and hear a

presentation of the Draft PWP. On September 18, 2006, the Conservancy met in Agoura Hills to hear a presentation from MRCA consultants on technical studies and other information; took additional testimony; then instructed staff to amend the Malibu Parks Public Access Plan - Public Works Plan; and to re-agendize for consideration of adoption at an October or November meeting. Staff has also solicited additional input from Los Angeles County Parks and Regional Planning staff; and likewise seeks comment from City of Malibu staff, National Park Service, trail organizations, and other interested parties.

Aerial mapping is the last component that has been delayed by weather and poor flight visibility. When the consultants provide the Plan document it will be available for additional public review, and then should be brought back for consideration of adoption at a future meeting.

Based on written and oral comments received from the City of Malibu, Winding Way-DeButts Terrace and Landowners Association, Inc., Ramirez Canyon Preservation Fund, and other public comment regarding the Draft PWP received to date, including this hearing, staff and consultants will finalize work to amend elements of the PWP, along with additional technical studies addressing wildlife and plant biology, archaeology, geology, aerial mapping, traffic, grading and drainage plans, fire safety, water quality, park maintenance, and park patrols. In particular, the PWP is being modified to address the following specific categories of concerns:

Fire Safety

The Conservancy drafted a detailed Fire Management and Evacuation Plan for Ramirez Canyon Park. This plan was signed off by the County of Los Angeles Fire Department and California Department of Forestry. Please see attached Fire Management and Evacuation Plan dated March 6, 2000. This plan remains operative. The PWP is being clarified to provide campsites at Escondido Canyon Park, Corral Canyon Park, and Ramirez Canyon Park, but no overnight camping will be implemented until for each park there is on-site trained personnel, such as a camp host or ranger. Prior to implementation of overnight camping at Escondido Canyon, or Corral Canyon, the Los Angeles County Fire Department, California Department of Forestry and Fire Protection, or other appropriate agency will review and make recommendations on a fire safety plan for that specific facility. Such plan shall be approved by the Chief Fire Safety Officer of the Mountains Recreation and Conservation Authority.

No camping will be allowed on “red flag” days or overnight where the next day prediction is for a “red flag” day.

Trail Alignments

Trail alignments, where feasible, will follow existing trail alignments adopted by the City of Malibu, existing public trails, and road easements.

Eminent domain (condemnation) will not be used to secure trail alignments, easements, or rights of way.

All trails will be acquired from willing sellers by purchase or donation, or through the regulatory process of the California Coastal Act and/or the California Environmental Quality Act (such as Offers To Dedicate (OTD's)).

The City of Malibu has taken the position that it does not have the authority to require trail dedications for single family dwelling projects. Because these projects constitute the majority of projects within Malibu, a series of alternative alignments must be planned, including some trail alignments not adopted by the City of Malibu, in order for a contiguous trail to actually be developed.

Maintenance

The Conservancy and/or MRCA will maintain those trails and parks under their jurisdiction. Maintenance of the Winding Way and DeButts Trail System will be performed to the standards set pursuant to the Interagency Joint Efficiencies Cooperative Agreement between the United States National Park Service, California State Parks, and the Santa Monica Mountains Conservancy. Funding for trail and park maintenance is available within the MRCA budget.

Location of Campsites

No camping will be allowed outside of established camping areas within existing public parkland. There will be no "trail camping," that is, no camping will be allowed on a trail outside the established camp areas.

All campsites will be located within the boundaries of Ramirez Canyon Park, Corral Canyon Park, and Escondido Canyon Park.

Water Quality

Ramirez Canyon Park has a recently designed and constructed state-of-the-art septic system that was installed in 2000/2001. The system is electronically monitored at all times and undergoes an additional annual physical inspection. The PWP will be clarified to indicate that no septic systems will be constructed within the Corral and Escondido Canyon campsite areas. All toilet facilities will be self contained and will not contribute in any way to *E.coli*

contamination of creeks or beaches.

Vehicular Access over Winding Way

The Winding Way-DeButts Terrace and Landowners Association, Inc. has expressed that they are “unanimously against any expansion of existing easement along Winding Way East”. The Office of the State Attorney General has provided advice to the Conservancy regarding access over Winding Way. Please see the attached Attorney General Advice Letter dated August 10, 1993. The same legal principles with respect to over burdening apply to Ramirez Canyon Road.

California Environmental Quality Act

The initial Draft PWP indicated that an environmental impact report (EIR) would be prepared on the mistaken assumption that the Commission requires an EIR for a PWP. However, Section 30605 of the Coastal Act provides that a PWP “may be submitted to the commission for review in the same manner prescribed for the review of local coastal programs as set forth in Chapter 6” of the Coastal Act. Compliance with CEQA is not required. However, Section 30605 requires, prior to public hearings on the plan, “detailed environmental information sufficient to enable the commission to determine the consistency of the plans with the policies of” the Act. In early July 2006, Staff was advised by the Attorney General that the Coastal Commission has not required separate CEQA compliance for PWP s. Rather, the Commission has treated PWPs in the same manner as local coastal programs, and thus they have been covered by the Commission’s certified regulatory program. An example is the Channel Islands Harbor PWP amendment, which the Commission recently approved. (Channel Islands Harbor PWP A No. Major 1-05.) In any event, as required by Section 30605 and the Commission’s regulations, additional technical studies providing detailed environmental information are being prepared and will accompany the final PWP submittal to the Commission.

Impacts on Resources

Technical studies of impacts, if any, on biology are being completed where required. Staff does not anticipate any significant impacts on resources including wildlife.