

#104 Because it is undetermined at this time whether or not a larger facility would be needed, the footprint has not been identified. However, since the footprint would stay within the developed parking lot, it is possible that existing parking spaces would be lost should a larger facility be constructed. The size of the facility would be determined based on the success and need for additional facilities to support the programs under the *PPUP*. Should a larger facility be proposed, additional environmental review may be necessary.

#105 A discussion of the visual effects has been added to Section 4.2.10 of the FEIR. Please also see the discussion in the EIR Section 2.1.1, Stairway to Pacific Coast Highway.

#106 Please see response # 71.

#107 The adaptive use of the historic structures places limits on the type of interior renovations that can occur for hostel facilities. Only one cottage is a non-contributing structure to the Historic District and that cottage is proposed for the primary dorm facility. A minimum of 65 beds is addressed in the *PPUP* in order to comply with the MOU. The project implementing the first phase priorities, including the hostel overnight accommodations is scheduled to go to construction in late 2003.

103 [method of construction and alternatives) should be provided in the FEIR. Pursuant to Section 30235 of the Coastal Act, protective devices that alter natural shoreline processes can only be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

104 [Los Trancos
The PPUP and DEIR discuss the use of the Los Trancos parking lot as a staging area and park office site. The DEIR states that the existing temporary office will be made permanent and possibly expanded. If enlarged in the future, the DEIR states that the visitor center will be built within the "footprint of the existing parking lot." However, it is not clear whether a future expansion would exceed the footprint of the existing temporary office, thereby affecting the existing parking supply. Please clarify.

105 [Stairway
A proposed stairway from the cottages to the Shake Shack near PCH is depicted on Map 6 (Adaptive Uses) of the PPUP and Figure 2.2 Sheet S-7 of the DEIR. However, there is only minimal evaluation of the effects of the new stairway in the DEIR. How would such a stairway be constructed? How will visual impacts be mitigated? Please describe potential slope stability and aesthetic impacts in the FEIR.

106 [Historic Landscape Management Plan
The PPUP and the DEIR refer to the preparation of a *Historic Landscape Management Plan*. However, the plan is still in the process of being prepared. The document should be included as a technical appendix to the FEIR.

107 [MOU
The Memorandum of Understanding (MOU) between State Parks and the Coastal Commission establishes specific requirements for the number of sleeping accommodations to be provided. As stated in the MOU,

"If the proposed plan is for less than 132 sleeping accommodations, the Department shall explain in detail the reasons that the total number of accommodations cannot be provided. ...The number of accommodations shall not be reduced below 90 except upon a showing that the costs cannot feasibly be limited to the amount available in the fund, and that the costs would prevent reasonable operation of the accommodations as low-cost visitor serving units. In no event shall the number of units established with the funds provided pursuant to this MOU be less than 65."

107 [The PPUP and the DEIR discuss the Overnight Accommodations Program in a conceptual manner. The PPUP outlines the terms and conditions of the MOU, but does not discuss how those terms and conditions will be carried out. The number of sleeping accommodations is not specifically addressed. The PPUP states that a maximum of 31 cottages will be designated for individual accommodations and a maximum of 4 cottages will be designated for dormitory accommodations. The table on page 85 of the PPUP indicates that 125 visitors could occupy the individual cottages and 55 visitors could occupy the dormitory style units. However, the footnote states "*rehabilitation design will determine actual bed count.*" More definitive information regarding the required hostel or low-cost overnight accommodations is necessary for Commission evaluation of consistency with the MOU. The MOU also requires that the funds to construct the hostel or low cost overnight accommodations be utilized within the timeframe of five years. This requirement should be reflected in the PPUP and the FEIR.

108 [Coastal Commission Review and Approval Process
The DEIR states a "*Coastal Permit will be required from the California Coastal Commission for all improvements.*" In actuality, the Commission process will involve the review of a Public Works Plan (PWP) amendment and subsequent Special Project proposals for individual projects. Once a

#108 Thank you for the clarification.

108 PWP is certified, a Coastal Development Permits (CDP) is not typically required if the individual project was previously contemplated in the PWP.

Thank you for the opportunity to provide comments regarding the future use of Crystal Cove State Park Historic District. We look forward to reviewing the final environmental document. If you have any questions, feel free to call me at (562) 590-5071.

Sincerely,



Anne L. Blemker
Coastal Program Analyst

cc: File

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This letter was received after the close of comments on December 2, 2002. However, in the interest of full public disclosure, this letter is printed in its entirety and responses have been prepared.

#109 State Parks respectfully disagrees. Each of the EIRs prepared in the last two years in Crystal Cove State Park have independent utility and are generally consistent with the Crystal Cove State Park General Plan, an approved Public Works Plan. Because several elements of this project, the Crystal Cove Historic District *Preservation and Public Use Plan*, are not consistent with the existing General Plan, a General Plan Amendment is being prepared for that project only. The other projects have each been identified in the cumulative impacts section of each EIR. The cumulative activities of State Parks in Crystal Cove State Park, when weighed against the Newport Coast project, are nominal and certainly not worthy of preparing another full general plan for Crystal Cove State Park. Please also see response # 71. The timing of these projects is reflective of the bond money identified for them from Propositions 12 and 40. The Sierra Club also wrote letters in support of both the El Morro Conversion project and PPUP. Neither of these other letters expressed concerns regarding the adequacy of the cumulative impact analysis of these projects.

SANDRA GENIS
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December 2, 2002

Tina Robinson
Southern Service Center
California Department of Parks and Recreation
8885 Rio San Diego Drive, Suite 270
San Diego, Ca. 92108
FAX 619/220-5400

Subject: DEIR for Crystal Cove Historic District PPUP

Dear Ms. Robinson:

Thank you for the opportunity to comment on the document titled Crystal Cove Historic District Preservation and Public Use Plan Draft Environmental Impact Report including Crystal Cove State Park General Plan amendment (SCH # 2002021112) in Orange County, Ca. These comments are submitted on behalf of myself and the Sierra Club Angeles Chapter Task Force on Crystal Cove.

The DEIR is intended to address the amendment of the Crystal Cove State Park General Plan, adoption of the proposed Crystal Cove Historic District Preservation and Public Use Plan (PPUP) and implementation of the PPUP. The PPUP will provide for renovation of the existing cottages to provide overnight accommodations, housing for park staff, park operations facilities, and park concessions. The PPUP also provides for revision of on-site circulation, removal of existing parking, establishment of alternate parking, and infrastructure improvements.

We are disappointed that the Department of Parks and Recreation continues to pursue a piecemeal approach to park planning. Although the proposed project includes amendment of the general plan for the park as a whole, the document has been prepared as if the general plan existed only for the Historic District in a vacuum. Environmental documentation for a general plan amendment must address the proposed amendment in the context of all development which would proceed under that general plan.

We are dismayed that a single, hermetically sealed document has been prepared for activities at the Historic District even as planning for the El Morro Conversion proceeds. The California Environmental Quality Act (CEQA) requires that all impacts of a proposed project be addressed in a comprehensive fashion. In accordance with Section 15165 of the CEQA Guidelines:

“Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the Lead Agency shall prepare a single program EIR for the ultimate project ...”

Please see Response # 109 on Previous Page

Impacts of project development, including necessary infrastructure, must not be addressed in a piecemeal fashion. Bozung v. Local Agency Formation Com., (1975) 13 Cal.3d 263, 278, 118 Cal.Rptr. 249, 529 P.2d 1017. Consideration of the project on a piece by piece fashion will minimize decision makers' perception of the impacts of developing the whole project, including infrastructure, without which development cannot proceed.

A project description in an EIR must include all relevant parts of a project, including reasonably foreseeable future expansion or other activities which are part of the project. Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal. (1988) 47 Cal.3d 376, 253 Cal. Rptr. 426. The term "project" is defined "broadly" and encompasses "the whole of an action which has a potential for resulting in physical change in the environment, directly or ultimately, and includes the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies." Burbank-Glendale-Pasadena Airport Authority v. Hensler, (1991) 233 Cal.App.3d 577, 592, 284 Cal.Rptr. 498; see also Bozung v. Local Agency Formation Com. (1975) 13 Cal.3d 263, 278, 118 Cal.Rptr. 249, 529 P.2d 1017; Sierra Club v. County of Sonoma, (1992) 6 Cal.App.4th 1307, 1315, 8 Cal.Rptr.2d 473; Manaster & Selmi, Cal. Envl. Law & Land Use Practice (1992) § 21.05, pp. 21-16-21-18.

Despite this clear direction by the CEQA Guidelines and the courts, we are provided separate environmental documents for the Historic District PPUP, Interim Plan, and El Morro Conversion. Still to come are the Historic Landscape Management Plan and the Stormwater Pollution Prevention Plan, "if needed". The latter points up the severe degree of fragmentation of project planning, that the Commission is asked to certify an EIR without even knowing what plans might be needed, let alone affording the public and the Commission the opportunity to see the actual plans.

If this Project actually consists of several "individual" projects or a "phased" single project, the significant environmental impacts compel the Department to prepare a single EIR for the ultimate project. Guidelines, § 15165; Bozung v. Local Agency Formation Com., supra, 13 Cal.3d at 283-284; Laurel Heights Improvement Assn. v. Regents of University of California, (1988) 47 Cal. 3d 376, 253 Cal. Rptr. 426.

To date, no single environmental document has examined the environmental effect of development all of the proposed uses at Crystal Cove State Park, including but not limited to the El Morro Conversion and Historic District PPUP in conjunction with the environmental effect of infrastructure needed to serve the proposed development. This error is compounded by the Lead Agency's decision to process an environmental document for just the Historic District when anyone remotely familiar about the history and current status of development efforts for the Park is aware that the Department plans on more. Indeed the discussion of cumulative impacts acknowledges that activities are proceeding at El Morro, but only in the most cursory manner.

Beyond all of these flaws resulting in a fragmented, unreal project description and/or environmental analysis, in a number of cases, the DEIR also unlawfully defers *further* required investigation of impacts and/or mitigation measures to other agencies or to future studies or permits; studies or permits as yet unknown, with unknown results, with no dates certain, even though the though the Department seeks approval of the proposed development now.

#110 Please see Sections 4.2.1, 7.2.1 and 7.2.2 of the DEIR which obligate State Parks to follow appropriate historic property treatment. Because the Historic District is a National Register property and will be incorporating adaptive uses, work on the historic fabric will be ongoing. The EIR addresses the context in which that work can progress and whether or not the environmental impacts of such work are potentially significant and how those impacts would be mitigated. This is fully disclosed in the DEIR. The EIR establishes the processes by which State Parks will review long term management and phased implementation of the site. Public Resource Code 5024 and the mitigation monitoring measures ensure compliance. There will be ongoing adjustment as adaptation and mitigation occur within the Historic District.

#111 State Parks agrees that an accurate project description is required under CEQA and further contends that such a project description is disclosed in the *PPUP* and in Section 2 of the DEIR. Modifications to clarify the *PPUP* are proposed and Figure numbers have been corrected in the DEIR.

These deferrals to review after the review can have no impact and include historic review of individual structures and water quality planning. Because most of this is identified for review at an administrative level, the public and, to a large extent, the Commission is essentially shut out of the review process for these aspects of the project.

This deferral of investigations to the future is particularly puzzling with regard to historic resources, where cottage by cottage reviews were prepared in 1979 at the time of the nomination of the District to the National Register of Historic Places, in 1994 at the time of the Crystal Cove Legislative Report, and more recently by Crystal Cove Preservation Partners in their efforts to gain approval and plan for a resort at Crystal Cove. In addition, the press has given wide coverage to assessment efforts by the Department over the past year and a half.

110 Yet, the DEIR states that cultural resource specialists still need to "access [sic] potential impacts, suggest avoidance of impacts...and direct any mitigation measures necessary to reduce impacts to a level below significance." One is prompted to enquire what, then, is the EIR supposed to do? The language in the DEIR regarding future, administrative studies is startling similar to the very reason an EIR is prepared in the first place, as stated in Section 21002.1 of the Public Resources Code (CEQA) which states:

The purpose of an environmental impact report is to identify the significant effects of a project on the environment, to identify alternatives of the project, and to indicate the manner in which those significant effects can be mitigated or avoided.

Still, the Department proposes to defer identification of impacts and mitigation measures to future study.

This flies in the face of the full disclosure requirement which is the heart of CEQA. As stated in the CEQA Guidelines (Section 15003):

The EIR serves not only to protect the environment but also demonstrate to the public that it is being protected...The EIR is to inform other governmental agencies and the public generally...The EIR is to demonstrate to an apprehensive citizenry that the agency has...considered and analyzed the ecological implications..."

If the Department intends the document to serve as a program EIR, as provided under Section 15168 of the Guidelines for Implementation of the California Environmental Quality Act (the Guidelines), the document should so state. In that case, additional environmental documentation could be tiered at various stages to provide the detailed analyses warranted in this sensitive area. Such an approach could be appropriate when dealing with broad planning programs with additional environmental documentation to be prepared at later stages in the process. However, the whole of the actions contemplated must still be addressed at the program level.

111 Even if the PPUP were the only development contemplated for the Park, the project description, on its own putative terms, is flawed. A stable, accurate project description is the most basic and important factor in preparing a lawful EIR. It is the denominator of the document and, thus, of the public's and decision-maker's review. A vague or ambiguous project description will render

#112 Please see responses # 2, # 4, and # 20.

#113 State Parks respectfully disagrees. Please see responses # 25, # 71, and #110. Nearly all of the cottages have been identified as contributing elements to the Historic District with intact historic integrity and all cottages can either be preserved or considered for an adaptive use.

114. Please refer to response #67. As stated in the DEIR, Section 4.2.3, removal of CSS will occur during the non-breeding season to avoid direct impacts to nesting pairs of gnatcatchers. Manipulation of vegetation refers to actions associated with construction activities. As stated in the DEIR, Section 4.2.2, Mitigation Veg-1: "Take" of CSS habitat will be mitigated by deducting acreage from Crystal Cove State Park's mitigation credit.

As stated in the DEIR, Section 4.2.3, Mitigation Wild-2: a short barrier wall built with materials compatible to the Historic District will be constructed to prevent vehicle impacts to sycamore trees that may be used by monarch butterflies. Appropriate mitigation for natural resources is generally determined by coordination with jurisdictional resource agencies. OHP and state park historians determine whether or not work on historic structures and features is in accordance with accepted National Park Service procedures. Public review of mitigation is generally not required under CEQA unless it creates new potentially significant adverse environmental effects.

all further analyses and determination ineffectual. It is critical that the project description be as clear and complete as possible so that the issuing agency and other responsible agencies may make informed decisions regarding a proposed project.

111 Unfortunately the Matrix of Proposed Adaptive Uses for the individual cottages on Page 9 is not consistent with the proposed uses shown on Map 6 of the PPUP itself. This must be clarified. Various sections of the DEIR reference project plans as if they showed elements that are not shown on the plans, an example being measures to maintain water quality referenced in that section of the DEIR. These omissions and conflicts must be resolved in order that decision makers and the general public may be fully informed as to characteristics of the proposed project.

112 Further, the Department must identify those specific mitigating actions that will actually be required and carried out. Mitigation measures for impacts on such factors as water quality and biological resources consist in a large part of lists of suggested measures, or measures to be implemented "if feasible", with no indication as to which measures will occur, or how the feasibility thereof will be determined.

In addition to these general concerns, we have the following specific concerns and questions regarding the environmental analysis of the proposed project.

Historic Resources

113 As noted above, meaningful discussion of impacts on historic resources has been inappropriately deferred to a future date. The Historic Landscape Management Plan should be included as a part of this DEIR. The public must be informed as to the extent of renovation planned for the various cottages. This information must be provided in order to adequately assess impacts on historic resources, and absent the plan, it is impossible to make any conclusions as to the extent and significance of impacts on historic resources.

Further, without the plan, it is impossible to assess whether renovation of all cottages is feasible, or even desirable. Earlier planning efforts indicated that, in fact, not all cottages could be saved on a practical basis, and further, not all cottages contributed to the historic district. If renovation of certain cottages is found impractical, what alternate strategies will be pursued? If renovation is found prohibitively expensive, will a resort concession be reconsidered? These issues must be resolved prior to further investment in infrastructure and rehabilitation of the site.

Biological Resources

114 Biological resources must be discussed in the light of the Area of Special Biological Significance in the water off Crystal Cove State Park. Although the discussion of existing resources acknowledges the dolphin activity observed in the area, the document utterly fails to consider potential impacts on the dolphin. This must be included, along with appropriate mitigation measures. The document must also consider secondary impacts on biological resources due to light, glare, noise, and water quality impacts.

The document makes repeated references to "manipulation" of vegetation. What does this entail? Is this a euphemism for destruction? For removal and replanting? If vegetation is to be removed

#115 Please see responses #2, # 4, and # 20.

#116 Please see response # 3. The HMLP will allow for management of invasive species and there will be a buffer around the Historic District to control exotic species within the Historic District. Use of pesticides and fertilizers would be conducted in accordance with State Parks operational policies.

#117 Please see responses # 2, # 4 and # 20.

and replanted, the extent of such removal/replanting must be identified. The DEIR must include a discussion of species to be removed and acceptable replacement species, including adequate species diversity. Any replanting program must be provided at a ratio of at least three to one due to the uneven success of such programs, and a monitoring program must be outlined as part of this environmental documentation.

114

The DEIR does not reference any recent biological walkovers in the proposed construction areas, but defers such investigation to some future spring. Why was this not done as a part of this environmental documentation? How will the results of future walkovers be made public?

The document indicates that project re-design could be necessitated, depending on results of the survey. How will the public be afforded the opportunity to review and comment upon such future designs?

Where mitigation measures are suggested where "practicable", who will decide what is practicable? Will the public have an opportunity to review and comment? Will the opportunity exist for appeal of decisions regarding what is "practicable"? Mitigation measures must include an outright prohibition of construction within 100 meters of nesting gnatcatchers regardless of how "practicable" a future, unknown individual might think it is on some future, unknown date.

How will a "retaining wall" protect monarch butterflies from human intrusion? Is this retaining wall needed for slope stability? How high will the wall be? A wall of only a few feet would do little to discourage intruders. If the wall is needed to retain earth materials, wouldn't the ground slope alone discourage intrusion? If the wall is not needed to retain earth materials, why is it designated a "retaining wall"?

115

Although the discussion of stream resources indicates that Section 2.1.1 and Section 2.2 describe "a variety of ways" that runoff "collected from the developed portion of the park will be collected and treated", these sections do not include the information indicated. While Section 2.2 does include some discussion of construction BMPs without addressing final site operations, Section 2.1.1 limits discussion to a single pervious swale of unknown capacity and effect.

Project plans must provide for retention of runoff from paved surfaces, including roadways and parking for staff facilities, and treatment of such runoff with best available technology, such as filter packs. Simple retention may eliminate some particulates, but is not adequate to remove all urban pollutants potentially entering the sensitive biological resource area. Even holding ponds with biological treatment fail to remove many heavy metals. It is essential that measures to control urban runoff be spelled out and adopted as a part of this environmental review process.

116

The document is silent as to landscape species to be utilized. All new vegetation to be installed should be native species specific to the geographic area. Further, use of fertilizers and pesticides which may enter the watershed must be prohibited.

Hydrology

117

Although The document indicates that Figure 3.3 shows the flood levels for 50- and 100-year storms, the figure actually labels the flood contours shown as the 25- and 50-year flood levels.

#118 Please see Map 3 of the PPUP and the geotechnical studies that were available for public review. It is not anticipated that there will be a significant need for import or export of fill with the slope stabilization. No alteration of the stream channel is proposed for slope stabilization.

#119 Please see Section 4.2.10 of the DEIR.

#120 State Parks respectfully disagrees. Please see Section 4.2.9 of the DEIR and Figure 4.1.

The document must show and address the 100-year flood level at a *minimum* along with appropriate mitigation measures, if any.

117 Similarly, the text references "Figure 2.2 sheet S-3 & 9", and indicates that runoff will be treated in bio and mechanical filters, yet no such filters are shown on these sheets. The DEIR must be revised to include a drainage plan including future sheet flow, collecting drains, and any detention basins or treatment facilities. Identification of specific measures to remove urban pollutants must be included. This must be made available to the public for review and comment well before any decisions are made regarding development in the Historic District.

It may be noted that Sheets 3 and 9 are well above most of the proposed staff cottages and park uses, and plans do not indicate that roadways to these staff cottages will be removed. How will vehicle pollutants deposited in these areas be removed? Will all parking, including resident staff parking, be restricted to upper portions of the site?

Geology

Although the constraints map in the PPUP shows numerous areas of unstable slopes, the DEIR limits discussion to just one area. The DEIR must be revised to address all areas of slope instability. This must include mitigation measures to be implemented for all unstable slopes affecting the proposed project. It is essential that these be fully mitigated in order to reduce potential liability of future State taxpayers.

118 The DEIR indicates that it may be necessary to remove unstable soils and replace them with more suitable soils. How much soil will this include, in cubic yards? Where will the soil be placed? From where will suitable soils be obtained?

This must be specified in the DEIR, along with full grading plans showing all areas to be graded/regraded as well as all retaining walls and their height. Soils to be removed must not be deposited elsewhere in the Park, and sites within Crystal Cove State Park must not be used as borrow sites. In addition, slope stabilization must not include alteration of any stream channel.

Aesthetics

119 How will realignment of the entrance road affect views from Pacific Coast Highway? Will the road be more visible from the highway?

Traffic

120 This section must be revised and expanded to include anticipated traffic generation from the Historic District at full occupancy as well as other facilities within the Park, including shuttle traffic. This must include assignment of traffic to local roadways and calculation of intersection capacity utilization (ICU) for intersections within the Park and the surrounding area. The analysis must include traffic to be generated by other cumulative growth in the area, including major developments in Newport Beach and Laguna Beach. The information presented in the DEIR is not adequate to determine whether or not any impacts on local circulation systems will occur.

#121 State Parks respectfully disagrees. The inclusion of the uses at the Historic District is a nominal effect when the population of the area is considered.

#122 Please see Sections 2.1.1 and 2.3 of the DEIR.

#123 Please see responses #29 and #30.

#124 Please see response # 25.

Public Services and Utilities

- 121 The discussion of public services and utilities must be expanded to include calculations of future utility consumption, including water and energy resources, and generation of waste and wastewater. These must be discussed in the light of the capacity of existing on-site and off-site infrastructure to handle the increased demand. Any need for infrastructure improvements to serve the proposed project and other cumulative growth must be identified, whether on- or off-site.

Public Recreation and Access

- 122 Project plans indicate that the lower parking lot will be eliminated. Will vehicular access to this area be retained? How will handicapped individuals get from the handicapped parking lot down to the beach? How will individuals not technically handicapped, but unable to make the steep climb up to the Los Trancos parking lot be accommodated? This would particularly affect the elderly and the very young. Will there be a drop off point near the beach? Provision must be made for these differently abled individuals.
- Reference is made to a shuttle from the Los Trancos parking lot. Where will riders be left off? Will there be a charge for the shuttle? Will the shuttle provide ample space for play equipment, ice chests, umbrellas and other beach accoutrements? Will this shuttle operate every day, throughout the year or only in peak periods? What accommodation will be made for the less able during times the shuttle is not operating or if the shuttle proves economically infeasible?
- Will overnight guests also be required to park at Los Trancos? How will luggage be accommodated? Will preferred parking be provided on the southwest side of the highway for overnight guests?

- 123 The on-site staff housing is indicated as "Park staff security housing". If it is to be provided for security purposes, why is the housing not more dispersed, rather than grouped in the lower areas of the District? How does the relatively large proportion of staff housing and staff uses to be provided in the "front row" cottages along the beach affect public access to the beachfront on both a day use and overnight basis?

- 124 What assurances do we have that overnight accommodations will remain relatively affordable? If changes are proposed, will the public have the opportunity to comment?

Conclusion

- 125 Absent the information requested above and resolution of the issues noted, the DEIR is not adequate to meet the purposes of CEQA. The superficial level of analysis is all the more alarming considering the highly sensitive resources in the area, including biological resources, historical resources and archaeological resources. We are concerned that the environmental review process may be viewed as merely a pro forma exercise leading to a foregone conclusion.

This is exacerbated by the inclusion of a "Statement of Overriding Considerations" within the text of the DEIR, making a value judgment as to the significance of the anticipated impacts when weighed against the supposed increased public use and historic preservation to be gained. Not

#125 State Parks respectfully disagrees. Please refer to the list of references and preparers as well as the technical studies that were prepared for this project. The proposed Statement of Overriding Considerations was prepared because of the extreme temporary measures that must be incorporated to preserve a number of the cottages. Since this work will occur during the peak season, it was considered likely to be an unmitigable significant visual and intrusive impact to the "Spirit of Place" of the Historic District.

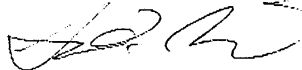
only does the DEIR fail to document these supposed benefits, the inclusion of the statement of overriding considerations prior to receipt of public comment or any public hearing on the proposed project is completely inappropriate.

125

First, the Commission and must take public testimony both as the adequacy of the document and make a determination as to adequacy of the EIR, which as currently constituted is wholly inadequate. After the EIR is certified, the Commission may then act to approve or disapprove the project, taking into consideration the information presented in the certified EIR as well as all other public testimony on the project. Only then is any judgment appropriate as to whether the benefits of the project outweigh the impacts. Other responsible agencies must perform a similar balancing of impacts and benefits.

Thank you for the opportunity to comment. We look forward to receiving additional information as it becomes available.

Yours truly,



Sandra L. Genis

This letter was received after the close of comments on December 2, 2002 and was not faxed on December 2, 2002. However, in the interest of full public disclosure, this letter is printed in its entirety and responses have been prepared.

#126 This project (SCH # 2002021112) is not the El Morro Conversion Project (SCH # 2001111088) and takes place approximately 1 mile upcoast. Please see response # 109 for your concerns regarding the CCHD *PPUP* project.

THE WISE USE FRONT

“Countering the human fallacy
of loving trust resources to death”

5302 Neptune, Newport Beach, California 92663 (949) 650-9426

December 2, 2002

BY FIRST CLASS U.S. MAIL

Tina Robinson
California Department of Parks and Recreation
Southern Service Center
8885 Rio San Diego, Suite 270
San Diego, CA 92108

**Re: Draft Environmental Impact Report for the El Morro Conversion to
Campground and Day Use (SCH # 2001111088)**

I am a member of the *Wise Use Front*, an environmental group dedicated to promoting and enforcing the wise and sustainable use of California's trust property and resources. Although a relatively new resident of Orange County (I've lived here for the past fifteen years) I have experienced the dramatic and extensive impact to the environment caused by the unsustainable use of the County's resources. The culprit is not just urban sprawl, but the land use decisions made by our representative governing bodies that accommodate such sprawl.

On June 20, 2002, I commented on the DEIR for the El Morro Conversion to Campground and Day Use (SCH # 2001111088). Many of my unanswered concerns resonate here as the Department of Parks & Recreation ("State Parks") is amazingly preparing yet another environmental document for its ongoing, fractured reuse effort for Crystal Cove State Park.

126 Most troubling is State Park's ongoing series of chopped up projects affecting the Crystal Cove State Park that appear to be little more than a haphazard planning effort. The several Notices of Preparation ("NOPs") issued over the past year for Crystal Cove State Park signify a segmented planning project, or "piecemealing" under CEQA. The *Wise Use Front's* review of the Resources Agency's CEQA database and other records indicates that the Department has issued three NOPs in little more than a year for projects in the Crystal Cove State Park. In doing so, the Department

#127 Please see response # 70

#128 Please see response # 24. State park cultural resource staff are qualified to evaluate the potential effects of adaptive use and will continue to monitor the Historic District throughout the implementation of the PPUP.

126 is relying on a twenty year old General Plan that is just now being amended in conjunction with this final reuse Project.

During the “interim” EIR for reuse of the Crystal Cove Historic District the Department obtained a Coastal Development Permit (CDP No. 5-01-269) that serves the opposite role of protecting historical resources and instead presumably allows the Department to destroy the historic cottages and waives the shoreline protection provision of the Coastal Act (Public Resources Code Section 30235) that would otherwise be available to Crystal Cove State Park. (See, Coastal Commission Staff Report for CDP No. 5-01-269.) Please address how it is that a State Park “policy” that may result in a significant impact on historical resources doesn’t need to be addressed in the DEIR? As a feasible mitigation measure, the overall transient cottage use should be reduced and shoreline protection devices kept as a viable option.

127 The ridiculous alternative set forth in Section 2.3.5 (p. 23) doesn’t get around the fact that State Parks will likely avail itself of an exemption that violates State Law as an excuse to not protect historic resources. Section 2.3.5 states that: “This alternative would inhibit natural processes and therefore is not preferred as it is contrary to Department policy for coastal protection.” The irony of this statement is that everything about the reuse project is far more contrary to coastal protection than a shoreline protection devise.

The nature of the project is to dramatically increase transient occupancy and use of Crystal Cove State Park notwithstanding the offshore ASBS, tidepools, coastal sage scrub and other significant habitat of the Park. Shoreline armoring is a drop in the bucket that appears to be a very feasible alternative to the extent that State Parks is holding Section 2.3.5 out as an alternative. Having any interpretive, or transient use in a cottage along Crystal Cove State Beach inhibits the natural process of a beach so stop using shoreline protection devices as a cop out to protecting the existing physical setting of Crystal Cove.

Now that State Parks is living comfortably in the beach cottages with record low visitation to Crystal Cove State Park, it is time for State Parks to assume the obligation of protecting the Historic District resources absolutely – not just to the extent that it is convenient.

128 Sections 2.3.3 through 2.3.16 appear to be minor variations of the reuse project that don’t amount to a substantive alternative as the variations don’t really serve as a contrast to the main goals and objectives of the reuse project. How about a real alternative like a reuse option that uses less than 15 cottages for any purpose and further ensures that the public will not destroy the coastal resource of Crystal Cove State Park by overuse (taking into consideration that State Parks is simultaneously proposing multiple new and improved access points in a segmented manner – including a new light signal and crosswalk at El Morro)?

#129 Restoration of the cottages would be a beneficial effect over the existing condition yet the same restoration involves risk or potential adverse effects due to the sensitivity of the historic resources. Please see Sections 4.2.1, 7.1.1 and 7.1.2 of the DEIR.

#130 State Parks respectfully disagrees. Please see Section 5.4 of the EIR.

128

How is it that State Parks is committed to using close to 30 cottages for various transient purposes? Is this a financial conclusion or is State Parks bound by an existing contract, agreement, or memorandum of understanding, to use a specific number of the cottages for transient uses? As a feasible alternative (and mitigation measure to cumulative impacts to affordable housing stock) non-transient use of the cottages should be considered. A more permanent use of the cottages by qualified individuals (as opposed to government bureaucrats in a time of significant fiscal deficit) that will minimize the overall intensity of the reuse of Crystal Cove must be assessed by the DEIR.

129

Meanwhile, the impact to historical resources is described in the DEIR as both a potential significant impact and as a beneficial impact. How can an impact be potentially significant and beneficial?

Section 4.5.2 of the DEIR (p. 73) concludes that State Parks access to the historic structures and features in a beneficial effect of the Project. My understanding is that at the time of the NOP for the DEIR, State Parks had full access to the historic structures. Moreover, only a loss of historic features (i.e., cultural landscape) has occurred since State Parks has gained "access" to the Historic District. In accordance with CEQA Guidelines 15125, the Project baseline is a physical setting where State Parks fully controlled the Historic District (at the extensive exclusion to the general public). Therefore the beneficial effect of Section 4.5.2 is both unsubstantiated and an incorrect application of the baseline set forth in the DEIR.

How exactly will the PPUP allow State Parks to rehabilitate, restore and maintain all the cottages in the Historic District in perpetuity? It does not appear that any substantial evidence indicates that the Project will preserve the Historic District. How exactly is the restoration of all 46 cottages (comprising the historically significant resource at issue) going to take place under the DEIR or PPUP? Cumulative economic impacts associated with direct, physical environmental impacts to Crystal Cove need to be assessed in the EIR.

130

The DEIR and PPUP do not adequately address how the proposed project will affect the "carrying capacity" of Crystal Cove State Park. The cumulative impacts of State Park's recent piecemeal planning efforts and the direct impacts of the conversion of the El Morro Mobile Home Park, on the carrying capacity of the Crystal Cove State Park, are not addressed. Accordingly, consistency with the General Plan (and its established carrying capacity), as amended, cannot be determined. (See Pub. Resources Code Section 5019.5.). How can the growth impact associated with the reuse project be assessed without a clear and understandable establishment of the existing use of the Historic District at the time the NOP was issued? This lack of analysis is based on a project description that remains vague and unclear (See page 1 and 2 of the NOP commentary from the Environmental Quality Affairs Citizens Advisory Committee, City of Newport Beach). Trip traffic and parking will increase with enhanced use (limited/nonuse of the Historic District to extensive interpretive and transient uses requiring daily trips and multiple daily commuter trips). Like the El Morro reuse project, this DEIR fails to account for the total cumulative acreage of State

#131 State Parks respectfully disagrees. The public can now access the Historic District. There will be no increase in the capacity of the Los Trancos parking lot. Additionally, these issues were addressed and approved in the Crystal Cove General Plan. The Historic District is a developed site that will be reused to benefit the people of California. Although more visitors will be come to the site than presently occurs, much of this use will occur during non-peak hours. Cumulative impacts to the area from State Park's projects are discussed in Section 5.4 of the EIR.

#132 Please see response # 101.

#133 The Park Headquarters entrance road may have a minor redesign at some point in the future. However, there is no funding or design proposed at this time.

#134 State Parks agrees that overuse of the tidal and marine resources could have potential adverse impacts. That is why it was addressed in Sections 4.2.5, 7.1.3 and 7.1.4 of the DEIR.

#135 Please see response # 68.

Park, the use (abuse) of which is being accommodated by this Project.

131 The cumulative impacts analysis of Section 5.4 (pp. 77-78) is entirely deficient. The only cumulative impact addressed, as between the segmented reuse projects of Crystal Cove State Park, is the biological impacts to coastal sage scrub and California gnatcatchers. What about traffic, parking, land use, housing, growth, water quality, air quality, public safety, and coastal resource impacts associated with the cumulative nature of the two contemporary reuse projects slated for El Morro and the Historic District? The basic premise for the reuse projects are the same – increased access and use of Crystal Cove State Park. In fact, for the Historic District, the reuse project goes from no use or limited State Park use (one of the perks of State employment that explains the significant delays over the past several years) to a full blown interpretive and transient use. This intensified use must be assessed for its ongoing impacts to the many resources of Crystal Cove. These ongoing impacts are far more significant than the cumulative impacts to coastal sage scrub associated with the bifurcated reuse projects of Crystal Cove.

132 Is State Parks claiming that past restoration of CSS is sufficient mitigation for current impacts to CSS (p. 78)? If so, the reader must be informed of the basis for this mitigation banking concept. What document authorizes and enforces this form of mitigation? Otherwise, the description of the 50 acres of CSS that have been restored in the past appears to have no relevancy to the cumulative impacts analysis – i.e., the analysis of impacts associated with past, present, and future projects.

133 The “future Department project” that may include reconstruction of the park headquarters entrance road is a foreseeable extension of the reuse project of the Historic District (p. 78.) The impacts of that road extension must be assessed presently. Otherwise, there is not purpose in mentioning the road extension. The absence of a road design does not justify the omission of the road extension from the “whole of the project” that must be currently assessed.

134 The illogical conclusion of the cumulative impacts analysis states that: “The project, when considered with other projects in the area, will not have significant adverse cumulative effects but will have significant beneficial effects to public recreational and educational access.” The public recreational and educational access facet of this Project is what will cause the most significant impacts to Crystal Cove State Park. The added human interaction, when unmitigated, will have a devastating impact on the historic, marine, and biological resources of Crystal Cove State Park.

135 CEQA mandates that the government – not the public – conduct an environmental assessment of project impacts. It is time for State Parks to do its job and to share with the public how it formulated the conclusions set forth in the DEIR. CEQA is intended to inform not only the public, but the decision-making government as well. Historical resource impacts are a major concern with this project. The cottages are the historical equivalent of an endangered species population. The loss of one cottage is significant (unless of course the DEIR is saying otherwise?). And yet it

#136 The comment period for the DEIR closed on December 2, 2002. Your letter was received on December 3, 2002, after the close of comments. The comment period was not extended but public comment will be accepted at the Park and Recreation Commission hearing before final approval of the PPUP General Plan Amendment.

Tina Robinson, CDPR
December 2, 2002
Page 5

135 | appears that the National Trust for Historic Preservation and the California Preservation Foundation
were left out of the notice loop on this DEIR.

136 | The *Wise Use Front* will need to confer with the historic preservation stewards before
formulating additional commentary on the impacts of the reuse project that are not addressed in the
DEIR. The *Wise Use Front* intends to do this over the next week and, in any event, will be sure to
submit additional comments before the Parks and Recreation Commission certifies the DEIR as final
and approves the reuse project and general plan amendment.¹

Stewardly yours,

THE WISE USE FRONT



For: Wayne Delisser,
Member, Orange County Chapter

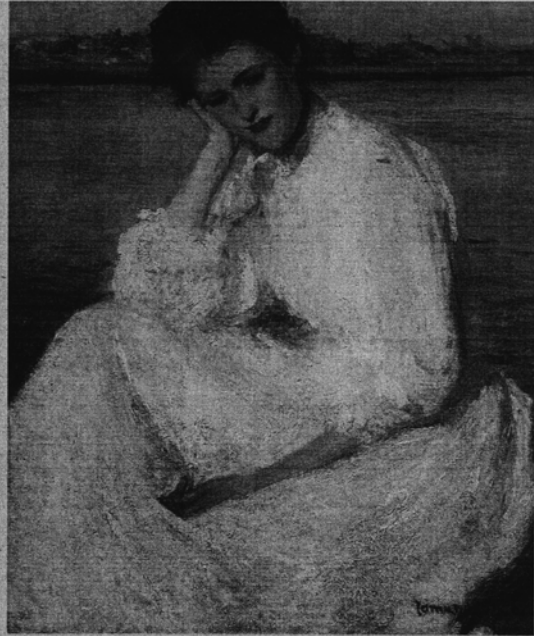
¹As a procedural clarification, The Wise Use Front is aware that State Parks has managed to certify EIRs at the staff level in the past (rather than certify them at the legislative level of the Parks and Recreation Commission.) Is the Acting Director or a staff level designee planning on certifying this DEIR?

This letter was received after the close of comments on December 2, 2002. However, in the interest of full public disclosure, this letter is printed in its entirety and responses have been prepared.

#137 State Parks hopes to serve you and other members of the public with improved access and enjoyment of the Historic District. Some cottages and all programs will be available for those with physical disabilities.

Edmund Charles Tarbell
Portrait of a Lady
Private Collection

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Dear Tina,

My name is Alice
Bruno. We spoke some
time ago regarding my
husband and myself renting
one of the beach properties
in the coming months. In
our conversation I had mentioned
my disabilities and how I
would like to get around with
walker/cane. You had mentioned
property with a ramp or something
to that extent. Nevertheless
my property would be fine

for a few days so that my
husband and I could enjoy
a few days in a cottage on the
beach.

Please accept my apologies
for waiting so long to get
this out to you.

Thank you so much for
your attention.

Sincerely, ☺

Alice Bruno

The following pages are attachments to Dennis L. Kelley's letter.