Los Angeles County
Caring for Your Coast
Beaches & Harbors

To enrich lives through effective and caring service

Stan Wisniewski
Director

Kerry Gottlieb
Chief Deputy

October 5, 2004

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

APPROVE THE ATTACHED NEGATIVE DECLARATION FOR THE NICHOLAS CANYON CREEK RESTORATION PROJECT AND CHUMASH DISCOVERY CENTER (4TH DISTRICT)(3 VOTES)

IT IS RECOMMENDED THAT YOUR BOARD:

1. Consider the Negative Declaration (Attachment A) for Nicholas Canyon Creek Restoration Project and Chumash Discovery Center, together with comments received during the public review process; find that the project will not have a significant effect on the environment; find that the Negative Declaration reflects the independent judgment of the County; and approve the Negative Declaration.

2. Authorize the Director to issue a Right-of-Entry Permit (Permit) to the Wishtoyo Foundation to allow the Foundation access for ceremonial and site visitations, habitat restoration, construction and operation of a demonstration village, Indian studies, and an archaeological program.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The Wishtoyo Foundation (Wishtoyo), in cooperation with the Department of Beaches and Harbors, proposes to create a Chumash Discovery Center (Center) on County-owned land on the bluff above Nicholas Canyon Beach in Malibu and restore native vegetation along a portion of Nicholas Canyon Creek. Wishtoyo is a nonprofit organization that utilizes traditional Chumash cultural practices to foster environmental education and awareness. The Center will consist of a demonstration village, using traditional methods and materials, and will be an educational tool to teach visitors about the local Native American culture in the area around Nicholas Canyon Creek, where

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archaeologists have recorded over 5,000 years of habitation by the Chumash Native Americans. The goal of the Center is to demonstrate the Native American people's reliance on and respect for the environment through re-enactments of daily life and special ceremonies in a typical Chumash village. Restoration of the native vegetation along Nicholas Canyon Creek will tie into the Center's tours and provide hands-on site restoration and education associated with the general watershed and creek areas.

In order to develop the Center, approval by your Board of the attached Negative Declaration for the Nicholas Canyon Creek Restoration Project and Chumash Discovery Center (Negative Declaration) is required so as to comply with the California Environmental Quality Act ("CEQA").

Implementation of Strategic Plan Goals

The approval of the Negative Declaration provides the required environmental review under CEQA for the project and allows Wishtoyo to move forward with receipt of various private and state grant funds to pursue this environmental and educational project, thereby furthering the Strategic Plan goal of Fiscal Responsibility, and providing the public with access to a quality recreational resource, furthering the goal of Service Excellence.

FISCAL IMPACT/FINANCING

Approval of the Negative Declaration will have no fiscal impact on the County's operations. The project is being funded entirely by public and private grants issued to Wishtoyo. Specifically, Wishtoyo received a Proposition 12 grant in the amount of $188,250 from the Santa Monica Bay Restoration Commission to fund the Nicholas Canyon Creek habitat restoration. The contract for this grant will be finalized upon receipt of a certified CEQA document and required permits. Two grants from the Annenberg Foundation and the Homeland Foundation will provide $75,000 for the first year of the village site restoration and operational activities. Wishtoyo anticipates that the additional $200,000 needed for five years of village operation will be raised from future contributions and grants from a variety of foundations and agencies including, the Annenberg Foundation, the Homeland Foundation, the Native American Heritage Foundation, the California Coastal Conservancy, the Santa Monica Mountains Conservancy, Environment Now, Creative Artists Agency Foundation, and cultural funds from Proposition 40.

The project is anticipated to generate additional parking revenue at the Nicholas Canyon County Beach parking lot, which will be used by an increased number of visitors to the Center. The Department anticipates approximately 3,000 additional

visitors to this facility per year, arriving both by school bus and private vehicle, generating approximately $5,200 in additional parking revenue.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Nicolas Canyon Creek and Chumash Discovery Center project will include the removal of non-native plant species and the planting of native plant species, along both Nicholas Canyon Creek and the Center site. All areas where activity will occur will be covered with clean fill soil to protect potential archaeological resources on the site. A 10 foot by 13 foot portable trailer, serving as a temporary visitor's center and staff office, and chemical toilets will be placed near the entrance to the Center. The demonstration village itself will consist of replicas of a Chumash housing unit/grass hut, a ceremonial/dance ground, and canoes. All structures will be made entirely of natural materials and rest on top of the land. Clothing, food and handicrafts displayed at the village, as well as the dances and ceremonies performed, will be replicas of originals used and performed by the Chumash in an early 1800's village. As shown in the attached Initial Study, this project will have no significant impact on the environment.

The Department of Beaches and Harbors has previously issued a Right-of-Entry Permit to Wishtoyo for access and ceremonial and site visitation purposes. The Department will issue a new Right-of-Entry Permit to expand the purpose of the original permit to include the Restoration Project and the operation of the Discovery Center. The new permit is for a term of 5 years and will expire on September 30, 2009. A copy of the permit is attached as Attachment B. Wishtoyo will be charged a permit fee of $100 per year. There will be no special parking privileges granted to Wishtoyo, however staff and guests will be able to park in the Nicholas Canyon County Beach public parking lot upon payment of regular rates.

This Board letter was considered by the Beach Commission at its September 15 meeting, at which time the Commission approved the Director's recommendations.

ENVIRONMENTAL DOCUMENTATION

As required by CEQA, a draft Negative Declaration was prepared for this project and circulated for agency and public review May 11, 2004. The review period ended on June 10, 2004. No substantive comments warranting a response were received during the review for the Negative Declaration.

One letter in response to the draft Negative Declaration was received on June 15, 2004 from Mr. Jeff Greene, the closest neighbor to the site. Mr. Greene was primarily concerned with the security of his property and the level of noise generated by visitors and Center activities. The Department responded on June 28, 2004 with a letter that

explained how parking and control of visitors to the site would occur, that no power tools would be used in the creation of the demonstration village, and the security measures in place at the site. A copy of the letters are attached as Attachment C.

Following approval of the Negative Declaration by your Board, a Notice of Determination will be filed with the County Clerk in accordance with State law.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The Nicholas Canyon Creek Restoration Project and the Chumash Discovery Center will provide a unique environmental and education resource on an underutilized portion of County land.

CONCLUSION

Please return one approved copy of this letter to the Department of Beaches and Harbors.

Respectfully submitted,

Stan Wisniewski

Stan Wisniewski
Director

Attachments (3)

c: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors

ATTACHMENT A

PUBLIC REVIEW DRAFT

WISHTOYO FOUNDATION'S SAN NICHOLAS CANYON COUNTY BEACH AND CHUMASH DISCOVERY CENTER INITIAL STUDY/NEGATIVE DECLARATION

March 2004

Contact: Mr. Damon Wing (Wishtoyo Foundation)
3600 South Harbor Blvd.
Oxnard, California 93035
(805) 382-4540

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1.0 INTRODUCTION

1.1 PROJECT OVERVIEW

This environmental document describes Wishtoyo Foundation's proposed restoration activities for San Nicholas Canyon Creek and associated habitat areas, and characterizes the construction and operation details of the proposed Chumash Discovery Center (Center). Adjacent to the Center site, Wishtoyo Foundation would mobilize community volunteers to participate in the removal of invasive, non-native species, and enhancement of the area by planting native species over several years. Thus, there are three major components to the proposed project:

1) Construction of a Center;
2) Phase I (Years 1-5) restoration of the Center site and lower reaches of San Nicholas Creek;
3) Phase II (Years >5) restoration and large-scale watershed planning for the San Nicholas Creek watershed.

Each of the three phases of the proposed project is described in the following sections. Appendix A contains a site plan depicting the details of the Center.

Project Goals and Objectives

Wishtoyo Foundation's goal is to raise awareness of Native American people's relationship with the environment through reenactments of life in a typical Chumash village and enhancement of the creek area. The project would create an outdoor living history museum that uses replicas of Chumash homes ('Aps), canoes (tomols), tools and handicrafts, as well as ceremonies and celebrations, offering schoolchildren and the general public a unique, multi-sensory experience of a Chumash village. Construction of the Center would serve Chumash culture for future generations by sharing indigenous cultural and ecological values with the public, scientific community, and policymakers. Another major goal of the project is restoring the land and adjacent creek near the Center by removing invasive, non-native species and enhancing the area by planting native species in order to preserve and improve wildlife habitat.

1.2 PROPERTY OWNER/PROJECT SPONSOR

Wishtoyo Foundation, the project sponsor, has been granted a Right of Entry permit from the Los Angeles County Department of Beaches and Harbors (LACDBH), which is the owner of the site, located in the City of Malibu. LACDBH is a partner of the proposed Center project.

1.3 PURPOSE OF THIS INITIAL STUDY

This Initial Study has been prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) to evaluate the potential for the Center and associated habitat restoration plan to result in significant environmental impacts. As described

by section 15063 of the *CEQA Guidelines*, an Initial Study can be used to document the factual basis for the finding in a Negative Declaration or a Mitigated Negative Declaration that a project will not have a significant impact on the environment.

1.4 PROJECT INFORMATION

Project Title	Chumash Discovery Center for the Wishtoyo Foundation
Gross Area	Approximately 3.7 acres
Zoning/General Plan Designation	Open Space/Parks and Beaches (City of Malibu)
Community/Area Wide Plan	City of Malibu
Lead Agency Name and Address	Los Angeles County Harbors and Beaches 13483 Fiji Way, Tr. #3 Marina Del Rey, CA 90292
Contact person and phone number	Mr. Damon Wing (Wishtoyo Foundation) 3600 South Harbor Blvd. Oxnard, California 93035 (805) 382-4540
Project location	The proposed San Nicholas Canyon Creek Restoration and Center project is located at Nicholas Canyon County Beach in the City of Malibu. It is approximately 1.8 miles east of the Ventura County line along the Pacific Coast Highway (PCH) in Los Angeles County, California. The Assessor's Parcel Number associated with the property is 4473-022-908, Thomas Guide page/grid 626 B-6.
Project sponsor's name and address	Wishtoyo Foundation 3600 South Harbor Blvd. Oxnard, California 93035
Date Checklist Completed	December 2003

2.0 SETTING

2.1 ENVIRONMENTAL (EXISTING) SETTING

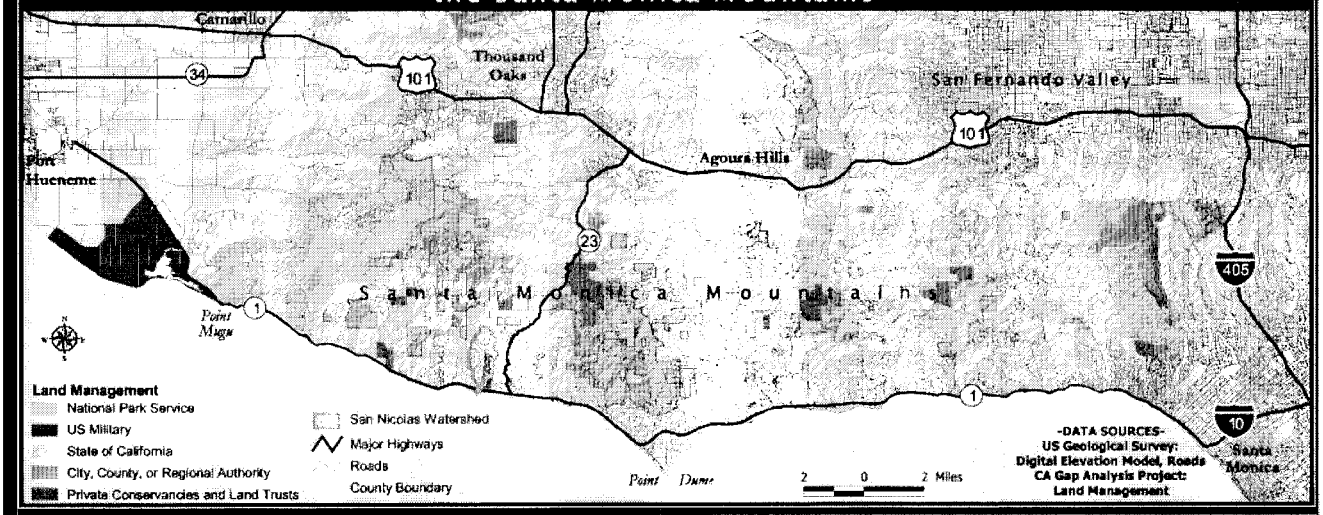
The 3.7 acre undeveloped project site area is framed by PCH on the north, a private home to the east, the Pacific Ocean to the south, and a LACDBH coastal-access parking lot to the west. The property is owned and managed by LACDBH, adjacent to San Nicholas Canyon Creek.

Map 1 depicts the greater region of the San Nicholas Canyon Creek watershed and the project location. The San Nicholas Canyon Creek watershed rises approximately 1,700 vertical feet from the ocean to the coastal ridgeline, 0.90 miles from the coastline. The watershed has an average slope of 36%. Shaped like an ice-cream cone with a funnel at the bottom, its several small tributaries merge to form Nicholas Creek. Nicholas Creek is perennial and flows directly through the project site. The watershed is very rocky and contains massive rock formations in its higher elevations making much of the middle portion of the watershed relatively inaccessible to humans. The riparian area of the creek is habitat for a wide range of native species.

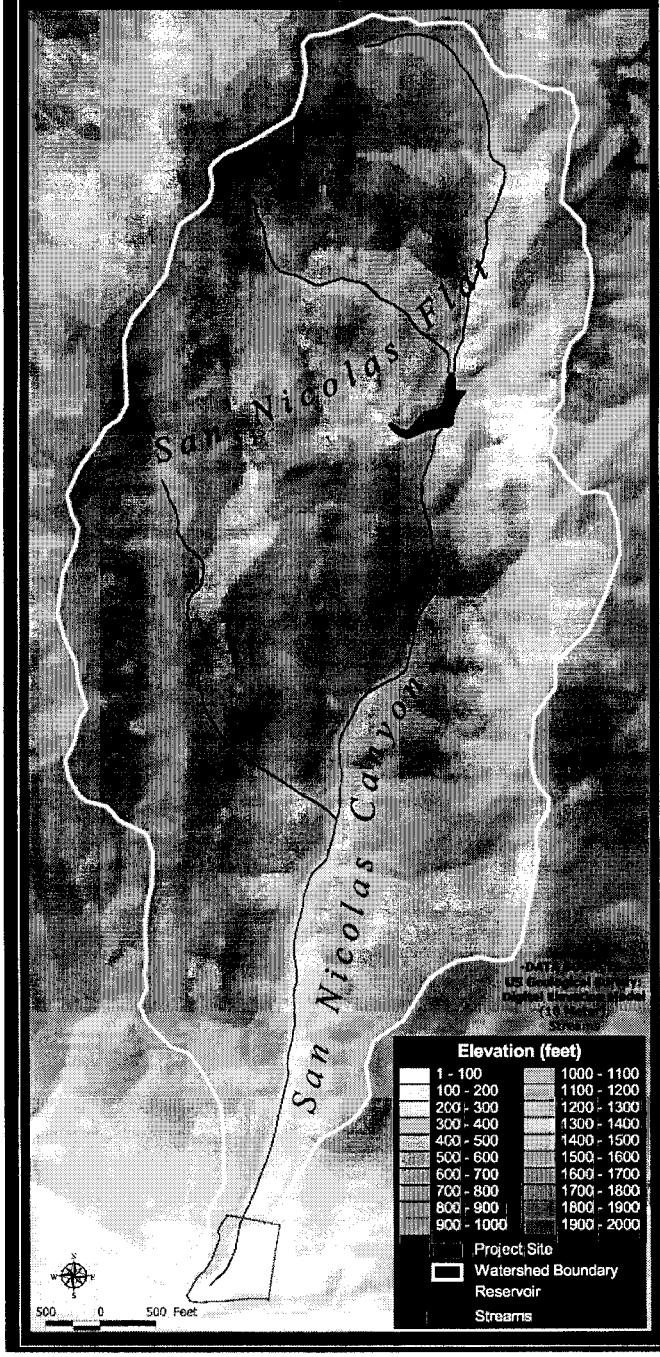
The project site is located in the Santa Monica Mountains National Recreation Area, which is a cooperative management effort by the National Park Service, California State Parks, and the Santa Monica Mountains Conservancy, as well as private land owners, city and county governments (National Park Service 2002).

The predominant habitats on the terrestrial portion of the site area include non-native grassland, an impacted native grassland fragment, coastal sage scrub, riparian forest, willow-riparian scrub, oak woodland, creek, and coastal strand. Freshwater marsh is also present on site comprising an extensive lateral seep located along the cliff base immediately above the rocky shoreline. Map 3 (See Section 6.6, Biological Resources) depicts and describes these habitats.

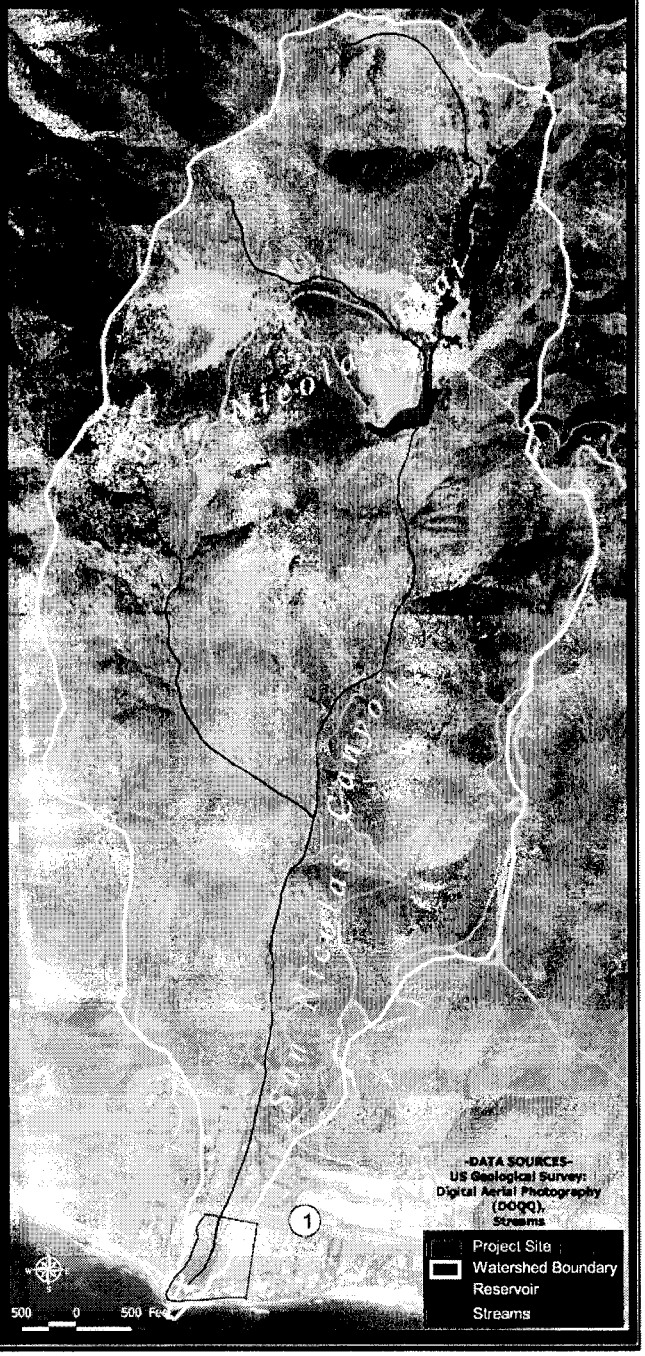
Map 1: The San Nicholas Canyon Creek Watershed in the Greater Context of the Santa Monica Mountains



Topography of the Watershed



Aerial Photography of the Watershed



2.2 PROJECT BACKGROUND

The Wishtoyo Foundation is a Native American organization founded in 1997 that utilizes traditional Chumash cultural values and practices to foster environmental awareness. The Foundation's founder (Mati Waiya) envisioned building a Chumash village from natural materials to enhance the understanding and appreciation of the Chumash culture across all ages and cultures. Funding was obtained through grants and private donations to create a long-term Master Plan and prepare an environmental document for the project.

The Wishtoyo Foundation's partner in the project, LACDBH, prepared a draft initial study (never released) for the project site that determined that the project would have a less than significant effect on the environment with project mitigation incorporated as part of the project description. This negative declaration incorporates recommended mitigation from the original initial study into the project description for the Center.

A Master Plan was completed for the project site area in October 2003. A Phase I archaeological report was prepared in 2001 (King) that discusses recommendations at the project site.

3.0 PROJECT DESCRIPTION

3.1 PROJECT LOCATION

The proposed San Nicholas Canyon Creek Center is located at Nicholas Canyon County Beach in the City of Malibu. It is approximately 1.8 miles east of the Ventura County line along the Pacific Coast Highway (PCH) in Los Angeles County, California (See Map 1). The proposed restoration and construction area is located on the south side of PCH and includes the lower portion of the San Nicholas Canyon Creek watershed. The reach of the creek under consideration exists between the PCH and the Pacific Ocean, about 1,000 feet total length. Map 1 also depicts the greater region of the San Nicholas Canyon Creek watershed. The San Nicholas Canyon Creek watershed rises approximately 1,700 vertical feet from the ocean to the coastal ridgeline, 0.90 miles from the coastline. Nicholas Canyon Creek is a perennial stream (flowing year round) that is heavily vegetated and entrenched. It flows directly adjacent to the project site.

Permanent parking spaces (149) are currently provided in the existing Nicholas Canyon County Beach parking lot.

3.2 DESCRIPTION OF PROPOSED ACTION

3.2.1 Program Elements

Center

The proposed project and programs would be developed on approximately 3.7 acres at Nicholas Canyon County Beach in Malibu, creating the only living Chumash cultural center of its kind in Southern California. The Center would be constructed on property owned and managed by Los Angeles County Department of Beaches and Harbors, the Lead Agency for the project.

The Wishtoyo Foundation would design, build and operate the working Center using traditional methods and materials. All structures would be made entirely of natural materials and rest on top of the land. No concrete foundations or other modern, invasive, permanent construction methods would be employed to locate the structures.

The project area contains prehistoric deposits that are part of site CA-LAN-455. Shell midden is concentrated in the northern part of the site where it is cut through by PCH (See Section 6.7 for additional information and project analysis). However, the project has been designed to minimize disturbance of the old village site it would cover. All areas where public activities would occur including trails, traditional houses and the ceremonial gathering area would be covered with between six inches to three feet on clean fill soil and/or sand. Covering these areas would decrease gopher disturbance and other causes of bioturbation, and would preserve the present arrangement of objects than would be preserved under present conditions (King 2001). In addition, the areas to be covered with fill soil and/or sand would be studied before placing fill over them.

Specifically, a record of the types of areas that are covered and a map of the organization of the site would be completed. Soil samples would be collected from the intersections of a grid. The grid with 2 meter intervals would be used to map the locations of large features and different site areas. Soil samples would be large enough so shell, carbon, and small artifacts extracted from them would be statistically significant and could be mapped. A preliminary study would be conducted to determine the size of samples that should be collected. This would occur prior to placement of any sand or fill material at the site.

No charcoal, stone tools, manufacturing debris or other products related to activity of the Center would be used or left at the site after ceremonies are performed. This would keep separate the older remains from those used as part of the educational materials for the Center. In addition, visitors to the site would always be supervised and would not be told of the history and archaeological remains located therein (in order to reduce the possibility of looting).

Map 2 depicts the site's regional location and Center layout. There are several components to the Chumash Village:

- Traditional and portable 'Aps (houses);
- Traditional Siliyik (ceremonial circle and fire pit), 'Apa'yik (sweat lodge) and Ramada (shade porch);
- Traditional Tomol (canoe) workshop and learning area;
- Traditional Fish Drying Racks;
- Traditional Mortar Stones;
- Traditional Demonstration Cemetery;
- One portable trailer (10'x30'), and
- One port-a-potty.

The 'Aps would be constructed out of native plant materials, primarily willow bark, and placed in various locations in the Village area. These 'Aps would range in size from 15-25' across to 8-10' in height. Half (6) of the 'Aps would be secured into the earth using a willow pole, and the other half would be portable, unsecured 'Aps that would be smaller in size than the secured 'Aps.

The ceremonial circle, sweat lodge, and shade porch would be located together within one 15' wide circle, which currently exists on site. When the ceremonial circle is used as a "sweat lodge", it would be covered in willow branches shaped like an upside down basket across the circumference of the circle. The willows would rise approximately 3' above the earth when the sweat lodge is in use. When not in use, the willow covering would be removed from the circle and replaced with rustic planks to conceal the circle. Two shade porches (approximately 8' in height) would be built on the northern and southern portions of the ceremonial circle. These porches would function as a "patio" to the ceremonial circle, and would be constructed from willow branches.

Map2:
Native and Non-native Plants Associated with the Site

Native Plants

- Baccharis Pilularis
- Black Sage
- Bladder Pod
- Blue-Eyed Grass
- Cactus
- Century Plant
- Coreopsis
- Malacothrix sp.
- Bunch Grass
- Wild Cucumber

Non-native Plants

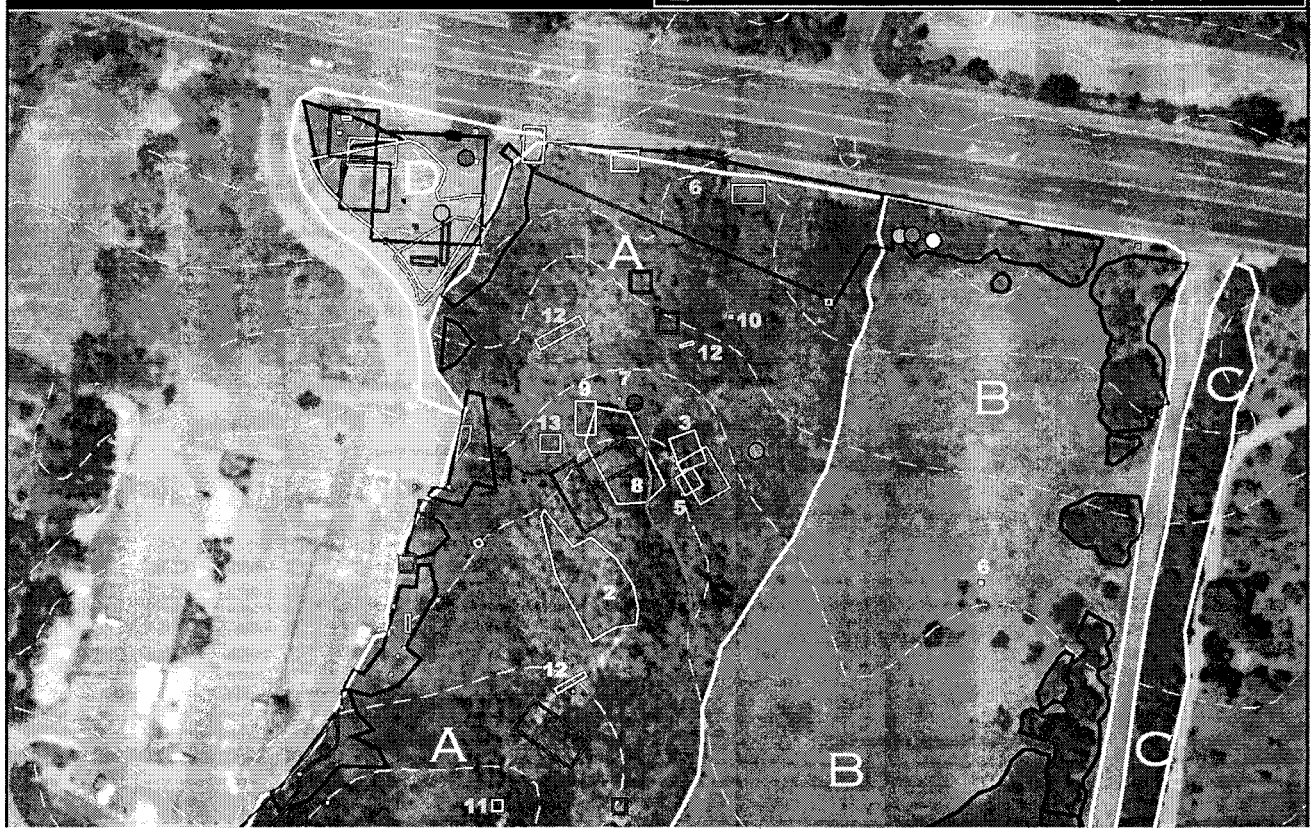
- Myoporum
- Ice Plant
- Tree Tobacco
- Eucalyptus
- Fennel
- Fountain Grass
- Jade

Others

1) Algerian Ivy
2) Arundo Donax
3) Bird of Paradise
4) Bouganvilla
5) Cactus
6) California Pepper
7) Dragon Tree
8) Monterey Pine
9) Oleander
10) Palm
11) Pampas Grass
12) Watercress
13) Unidentified

Other Features

- Restoration Project Area Boundaries
- A) Riparian / Creek and Associated Aquatic Habitats
- B) Chumash Demonstration Village Site Area
- C) Eastern Fringe
- D) Entry Way
- E) Coastal Bluff
- Contours (10 ft.)
- Existing Trail
- Proposed Trail



N W E S

100 0 100 200 300 Feet

Map Scale: 1:1,100

A canoe workshop and learning area would occasionally be utilized in the western portion of the site near the ceremonial circle. Fish Drying Racks, also constructed from willow branches, would be placed to the south of the ceremonial circle. Mortar stones would be placed in the southwestern portion of the property, consisting of a large, flat stone that would be used to demonstrate the grinding of natural materials. A "demonstration cemetery" would also be constructed. This area would be used to mimic the appearance of an ancient burial site. No actual burials would take place, and the site would be marked with small painted poles and a hanging basket. In addition, native plant species would be planted at the site and used as construction materials for Village structures. All structures constructed from native plant materials would be treated with a fire-retardant to reduce the risk of fire.

Ancillary and supporting structures would include one portable trailer (10X30 feet in size) and one port-a-potty. Entry to the Center would be provided by unlocking an existing gate that opens onto the site. When not in use, the gate would be locked, and an existing vegetative buffer would prevent use or entry by car.

The trailer would be located directly to the south of the existing gate and entryway, and the port-a-potty would be located directly south of the trailer (see Map 2). The toilet would be accessible to all visitors, including disabled adults and children. The trailer would provide shelter for the Center's caretaker and would be used to store tools used for restoration and cultural artifacts. The trailer would not be used as a residence for an employee or staff members, since the caretaker would only be present when the Center is open to the public.

Regional access to the Center would be provided by Highway 1, Pacific Coast Highway. The main access road to the Center begins at the Nicholas Canyon County Beach turnoff, and the existing public parking lot for Nicholas Canyon would be utilized. Since most events would be planned, car pools would be encouraged and buses would be utilized to transport groups where possible. This existing lot and road would also provide access for disabled visitors. The road would not be widened or improved; however, it would be maintained as needed if degraded in the future (e.g., pothole repair, etc). One small sign would be added to the existing Nicholas Canyon County Beach parking lot sign. Another sign would be placed on the gate near the actual entrance to the Center. The Center would be open on the weekends to the public and would otherwise be accessed by appointment only (for special events or tours).

No permanent "development" would be constructed on site, and no impervious surfaces would be used for placement of any of the components of the project. No night lighting would be used or installed on the project site, and no grading would occur.

One 4-5' wide existing loop trail would be used to view the property (See Map 2 for details).

Chumash Discovery Village Operations

Once constructed, the Center would be used to develop programs focused on Chumash culture. Program development would focus on the following components:

- Cultural and ecological literacy programs;
- Dance and special event programs;
- Ritual, dance, crafts, arts and storytelling; and
- Place-based Ceremonies.

The Center would be open to the general public for guided tours (scheduled in advance) and would include opportunities for participation in handicrafts and ceremonies. On-site cultural appreciation and environmental awareness programs would be offered to elementary school students in the Los Angeles County and Ventura County School Districts. The Village site is accessible by car from Ventura and Los Angeles Counties.

Visitor Use: The Center would be used for various purposes, including Chumash ceremonies, school field trips, and special events such as Earth Day and Ocean Day. It would also be open on the weekends for to accommodate general visitors interested in using the site. The Center would accommodate up to 3,000 persons on an annual basis.

Utilities

Utilities necessary to serve the proposed Center would include an underground telephone and water connection, which would be routed on the western portion of the site area along the existing access road. The trench width for these connections would be one foot in width by 18 inches deep. Electrical lines would be routed from PCH to an existing pole located on the western portion of the site, also near the existing access road.

Phase I Restoration: (Years 1-5) Restoration of the Center site and lower reaches of San Nicholas Creek

The Center area would also incorporate hands-on site restoration and education associated with the general watershed and creek areas. The creek restoration work would be incorporated into Center tours as further explanation of the importance of protecting the natural world. Visitors to the Center, as well as members of the region and school children, would be encouraged to participate in ecological restoration activities.

The restoration activities would include the following:

- To restore the riparian area of San Nicholas Creek by using the existing trail for non-native plant removal;
- To control or diminish the prevalence of invasive species in the Center area (removal of non-native plants, such as iceplant, arundo, pampas grass and myoporum);

- To replant appropriate native species (especially in moderately sloped areas and creek bank areas as an erosion control strategy, such as willows, rhus, leymus, etc.);
- To use hand tools to remove non-natives, use a crane to remove a large non-native tree within the riparian area (if necessary);
- Implement BMPs that include hand pulling of weeds, solarization to kill invasive species, such as ice plant, and the use of vinegar and weed whacking to control the spread of invasive species;
- To plant culturally important non-invasive species at the site such as *Datura wrightii* (historically used by members of the Chumash);
- To create a botanical garden for culturally-specific purposes and education;
- To develop an irrigation plan for native plant restoration. There is currently a water source near the gate at PCH. Irrigation would be above ground, using PVC pipes, with individual ammeters routed to specific replanted areas. Irrigation structures would be moved to different areas of the site given restoration priorities and operations.
- Hand removal of concrete side structures on the top of bank (not within the creek itself) of Nicholas Canyon Creek-*see discussion below*.

An abandoned culvert is located approximately 750 feet downstream from PCH. This culvert is currently acting as "grade control" for the creek, resulting in a stair-step pattern in the channel slope. Complete removal of the culvert is not proposed; rather, two vertical sides located at the top of bank would be removed with hand tools, since removal of the concrete bed in the creek has the potential to create additional erosion problems upstream from the area where it is located. The existing concrete bed within the creek would not be removed. Rock riffle-pool structures that would be placed downstream of the abandoned culvert would reduce the magnitude of the drop at the abandoned culvert, as well as mimicking a natural condition and facilitating fish passage by reducing the magnitude of the drops.

The restoration program described above would incorporate hands-on work, nature tours of the creek, and education program development. Several local schools, including Turning Point Elementary School in Santa Monica and UCLA Elementary School, would involve their students in an educational project at the creek restoration site.

Phase II Restoration: (Years >5) restoration and large-scale watershed planning for the San Nicholas Creek watershed.

Phase II of the restoration portion of the project would include the development of a comprehensive watershed management plan that addresses long-term ecological, economic and flood management needs to improve water quality, and to restore and maintain the biological integrity of watershed ecosystems for sustained native species diversity. Since specific activities related to the watershed plan are not yet available, this phase of the Master Plan is not covered or evaluated within this environmental document.

3.3 LEAD, RESPONSIBLE AND TRUSTEE AGENCIES

The LACDBH is the Lead Agency for the Chumash Discovery Village. The City of Malibu is acting as a responsible agency for the project.

Trustee Agencies may include the California Department of Fish and Game and Army Corps of Engineers (as applicable).

4.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

Descriptions of project-related impacts that have the potential to be significant, or that have been determined to be less than significant, are provided in the narrative in section 6.0 of this Initial Study.

The evaluation of potential environmental impacts determined that the proposed Chumash Discovery Village project would not result in environmental impacts or less than significant impacts regarding the issue areas that are listed below and that are denoted with a "*". The project has the potential to result in significant environmental impacts regarding issue areas that are denoted with a "✓".

*	Aesthetics	*	Agriculture Resources	*	Air Quality
*	Biological Resources	*	Cultural Resources	*	Geology/Soils/Geotechnical
*	Hazards & Hazardous Materials	*	Hydrology/Water Quality	*	Land Use/Planning
*	Mineral Resources	*	Noise	*	Population/Housing
*	Public Services	*	Recreation	*	Transportation/Traffic
*	Utilities/Service Systems	*	Mandatory Findings of Significance		

* No impact or less than significant impact
✓ Significant or potentially significant impact

5.0 ENVIRONMENTAL DETERMINATION

On the basis of the initial evaluation that follows:

✓ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

_____ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

_____ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

_____ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. A TIERED ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

_____ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental document is required. FINDINGS consistent with this determination will be prepared.

Signature _____ Date May 9, 2004

Printed Name JOSEPH CHESLER
Chief, Planning Division

Los Angeles County
Department of Beaches
For & Harbors

6.0 EVALUATION OF ENVIRONMENTAL IMPACTS

6.1 General Instructions

A. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

B. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by information sources cited by the lead agency. (See "No impact" portion of Response Column Heading Definition section below.)

C. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

D. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

E. The explanation of each issue should identify:

1. The basis/rational for the stated significance determination; and
2. The mitigation measure identified, if any, to reduce the impact to less than significant.

F. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

6.2 Response Column Heading Definitions

A. Potentially Significant Impact is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an Environmental Impact Report (EIR) is required.

B. Less than Significant with Mitigation Incorporated applies where the implementation of mitigation measures would reduce an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measure(s), and briefly explain how they reduce the

effect to a less than significant level (mitigation measures from earlier analyses may be cross-referenced).

C. Less Than Significant Impact applies where the project creates no significant impacts, only Less than Significant impacts.

D. No Impact applies where a project does not create an impact in that category. "No Impact" answers do not require an explanation if they are adequately supported by the information sources cited by the lead agency which show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project specific screening analysis).

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6.3 AESTHETICS				
a) Have a substantial adverse effect on a scenic vista?		—	✓	—
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?		—	✓	—
c) Substantially degrade the existing visual character or quality of the site and its surroundings?		—	✓	—
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				✓

a. Potential to result in a substantial adverse effect on a scenic vista. The proposed project is located on the southern side Pacific Coast Highway 1 (PCH), adjacent to the ocean. Although the project would add several 'Aps to an area that is currently open space, impacts to the scenic vista of Highway 1 are expected to be minimal, because the site is located on a downward slope off the highway and is heavily vegetated on the northern portion that abuts PCH. This vegetation, along with the downward slope from PCH, would shield the Center from scenic public vistas. In addition, the 'Aps for the Center (with the exception of the proposed trailer) would be constructed from native plant materials (primarily willow bark bent to prepare a frame), and would be no more than 15 feet tall. Only native grasses used for "roofs" would be visible to the public once the willow frames are prepared. Therefore, the Center would be visually unobtrusive. One small sign would be added to the existing Nicholas Canyon County Beach parking lot sign to denote the Center's existence, and no visual impacts would be expected from the addition of an extra plaque on the existing sign. Another small sign (not visible from PCH) would be placed on the gate near the actual entrance to the Center. The proposed placement of the trailer (10 feet x 30 feet) would utilize visual buffers along PCH and would not have an effect on the scenic vista. The proposed port-a-potty would be located directly south of the trailer

and out of public view. Therefore, impacts to the scenic vista of PCH would be considered less than significant.

b. Potential to substantially damage scenic trees or other visual resources. New development within the proposed Center area would not damage scenic trees or other visual resources, and no historic buildings are located on the property. No permanent "development" would be constructed on site, and no impervious surfaces would be used for placement of any of the components of the project. No night lighting would be used or installed on the project site, and no grading would occur.

Utilities necessary to serve the proposed Center would include an underground telephone and water connection, which would be routed on the western portion of the site area along the existing access road. The trench width for these connections would be one foot in width by 18 inches deep. Electrical lines would be routed from PCH to an existing pole located on the western portion of the site, also near the existing access road. Once the underground utility connections are placed along the road, no above-ground visual impacts would occur. The overhead electrical line would create additional wiring to the existing pole located on the site, but visual impacts would not be expected to be significant.

c. Potential to substantially degrade the existing visual character of the project site. As described in a and b above, the Center would be visually unobtrusive due to its small scale and use of native plant materials for construction of 'Aps and other Center components. Although the site is currently open space, it would not be permanently altered with the addition of the temporary structures proposed for this project. No significant impacts would be expected.

d. Create new sources of light or glare. The proposed structures would not include any night lighting. Since the structures would be built out of native plant materials and would not be visible from PCH, no glare would be expected from construction of the Center.

6.4 AGRICULTURE RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	—	—		✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	—	—	—	✓
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	—	—	—	✓

a-c. Potential impacts to agricultural resources. No agricultural uses occur on or near the site, the soils are not considered Prime Farmland, the site is not zoned for agriculture and is not in a Williamson Act contract. Therefore, the proposed Center and associated restoration activities would not have the potential to adversely affect agricultural resources. No impacts would occur.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6.5 AIR QUALITY Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	—	—	—	✓
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		—	—	✓
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		—	—	✓
d) Expose sensitive receptors to substantial pollutant concentrations?	—	—		✓
e) Create objectionable odors affecting a substantial number of people?	—	—	—	✓

a-c. Air Quality Plan Consistency. The minimal use of the project site would not be expected to conflict with an applicable air quality plan, violate any air quality standard, or result in a cumulatively considerable net increase of any criteria pollutant. No grading would occur, and project traffic trips would be minimal.

Short-Term Construction Impacts. No earth moving activities would occur and no use of heavy equipment would be expected (other than the possible one-time use of a crane for removal of a non-native tree near the creek). Therefore, no emissions of

fugitive dust and criteria pollutants would occur. Project-related trenching for utility lines would be required for the placement of the trailer, however, the minimal amount of trenching required for placement of the water and phone lines would not create significant air quality impacts.

Long-Term Operation Emissions. The proposed project is not intended to result in a substantial increase in the use of the property by the public, but over time, the project could result in a small increase in the number of vehicles traveling to the area. However, the emissions created by the small amount of use of the site would not be expected to create a significant impact.

d. Potential to expose sensitive receptors to substantial pollutant concentrations. There are no sensitive receptors (i.e., schools, elder care facilities, etc.) located in the vicinity of the Center. In addition, the Center would not be a source of emissions.

e. Create objectionable odors affecting a substantial number of people. The project would not result in processes or operations that would have the potential to result in the creation of objectionable odors that could affect a substantial number of people. However, the fire pit would occasionally be lit during ceremonies and would smell of smoke. This would not be considered an "objectionable" odor and would dissipate into the air since the fire pit is open-air in nature. In addition, permits to operate the fire pit have already been obtained by Wishtoyo Foundation from the Malibu Fire Department.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6.6 BIOLOGICAL RESOURCES				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		___	___	✓
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		___	___	✓
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		___	___	✓
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		___	___	✓
e) Conflict with any local applicable policies protecting biological resources?	___	___	___	✓

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other applicable habitat conservation plan?		—	—	✓

Project Site Information

Information on the biological resources found onsite is presented as an introduction to the analysis for these resources. Explanations of the CEQA checklist questions above are included after the description of existing conditions.

The predominant habitats on the site area include non-native grassland, an impacted native grassland fragment, coastal sage scrub, riparian forest, willow-riparian scrub, oak woodland, and the creek. Freshwater marsh is also present on site comprising an extensive lateral seep located along the cliff base immediately above the rocky shoreline. The vegetation types present at the project site are depicted in Map 3.

All plant species observed or recorded in previous documentation within the site area are indicated in the Comprehensive Floral and Faunal Compendium of the Los Angeles County SEA Update Study 2000 Background Report. All wildlife species described were either observed, direct sign observed, or derived from local biologists and published resources cataloguing presence and likelihood of occurrence in the regional and immediate project vicinities. These sources include the National Park Service Santa Monica Mountains National Recreation Area species lists (2003), the City of Malibu's Biologist, members of the Los Angeles Chapter of the CNPS, the California Department of Parks & Recreation Leo Carrillo State Beach and Park Reclassification Report, and the Los Angeles County Department of Regional Planning Significant Ecological Areas reports (1976 and 2000 update).

Map 4 depicts the management areas of the site, and includes a sample of native and non-native species associated with these areas. The management areas are:

- Area A: The San Nicholas Canyon Creek and Riparian Buffer
- Area B: The Center and Site Area
- Area C: The East Side of the Property
- Area D: The Main Entrance Area on the South side of PCH
- Area E: The Bluff Top on the South Side of the County Road

The project site has an average slope of 1.5-percent. The lengths, widths and areas were estimated for each of these project areas and are included in Table 1 below:

Map 3: Habitat Types and Wildlife Elements

Wildlife Elements

- Bird Nests (Crow?)
- Kangaroo Rat, Cottontail Scat
- Mammal Den
- Raptor Roost
- Violet Snapdragon
- Wood Rat
- Woodrat Nest

Vegetation Types

Code	Vegetation Type
CS	Coastal Strand
CSS	Coastal Sage Scrub
DIST	Disturbed
FM	Freshwater Marsh
INN	Invasive Non-native
NPG	Native Perennial Grassland
NN	Non-native
NNAG	Non-native Annual Grassland
RW	Riparian Woodland
SOW	Southern Oak Woodland
VG	Valley Grassland

N W E S

100 0 100 200 300 Feet

Map Scale: 1:1,100

Wishtoyo Foundation

Table 1. Project Areas Summary (Approximate)

Location	~Length	~Width	~Area
Project Site	735 ft	460 ft	7.8Ac
Area A: The San Nicholas Canyon Creek and Riparian* Buffer	700 ft	150 ft	2.4 Ac
Area B: The Center and Site Area	560 ft	280 ft	3.6 Ac
Area C: The East Side of the Property	425 ft	25 ft	0.12 Ac
Area D: The Main Entrance Area on the South side of PCH	½ (100)ft	100 ft	0.11 Ac
Area E: The Bluff Top on the South Side of the County Road	420 ft	140 ft	1.3 Ac

Table 2 lists the native plants that are associated with the site area.

Table 2. Native Plant Species

Violet snapdragon	*Antirrhinum nuttalianum*
Coastal sagebrush	*Artemisia californica*
Mugwort	*Artemisia douglasiana*
Rattleweed	*Astragalus* sp.
Matscale	*Atriplex californica*
Coyote brush	*Baccharis pilularis*
Mule fat	*Baccharis salicifolia*
Giant coreopsis	*Coreopsis gigantean*
Jimsonweed	*Datura wrightii*
Salt grass	*Distichilis spicata*
Coastal wood fern	*Dryopteris arguta*
Chalk live-forever	*Dudleya pulverulenta*
Coastal Encelia	*Encelia californica*
California buckwheat	*Eriogonum fasciculatum*
Wand buckwheat	*Eriogonum elongatum*
Alkali heath	*Frankenia grandiflora*
Carolina geranium	*Geranium carolinianum*
Sawtooth goldenbush	*Hazardia squarrosa* var. *grindelioides*
Toyon	*Heteromeles arbutifolia*
Leatherroot	*Hoita macrostachya*
Bladderpod	*Isomeris arborea*
Spiny rush	*Juncus acutus*
Giant ryegrass	*Leymus condensatus*
Alkali ryegrass	*Leymus triticoides*
Deerweed	*Lotus scoparius*
Lupine	*Lupinus* sp.
Cliff aster	*Malacothrix saxatilis*
Laurel sumac	*Malosma laurina*
Wild cucumber	*Marah macrocarpus*
Scarlet monkeyflower	*Mimulus cardinalis*
Sticky monkeyflower	*Mimulus longiflora*
Wishbone bush	*Mirabilis californica*
Purple needlegrass	*Nasella pulchra*
Prickly pear	*Opuntia* sp.
California sycamore	*Platanus racemosa*
Coast live oak	*Querqus agrifolia*

Coffeeberry	*Rhamnus californica*
Lemonade berry	*Rhus integrifolia*
California blackberry	*Rubus ursinus*
Black willow	*Salix laevigata*
Arroyo willow	*Salix lasiolepis*
Black sage	*Salvia mellifera*
Mexican elderberry	*Sambucus mexicana*
Low clubrush	*Scirpus cernuus*
Figwort, bee plant	*Scrophularia californica*
Blue-eyed grass	*Sisyrinchium bellum*
White nightshade	*Solanum douglasii*
Purple nightshade	*Solanum xanti*
Poison oak	*Toxicodendron diversilobum*
Canyon sunflower	*Venegazia carpesoides*

A tremendous diversity and abundance of weeds are also present throughout the project site. Brief descriptive summaries of the habitats present on site along with the dominant and less common species are presented below. The format of this section first presents community types, and then associated vegetation. Wildlife descriptions associated with community types follow the botanical descriptions. Due to the relatively small size and close proximity of the each of these habitats, many of the wildlife species discussed below are expected to be found foraging in or otherwise utilizing more than just one habitat.

Site-specific Habitat Summaries

Grassland

Grassland is a large, contiguous portion of the project site that would host the future Center (Area B on Map 4). The grassland appears to have been extensively disturbed through disking or grading, probably repeatedly. It is dominated by non-native invasive annual grasses and annual and perennial forbs including ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), slender wild oat (*Avena barbata*), wild radish (*Raphanus sativa*), yellow star thistle (*centaurea melitensis*), cheeseweed (*Malva parviflora*), curly dock (*Rumex* sp.), Bermuda grass (*Cynodon dactylon*) and sow thistle (*Sonchus oleaster*). Several native coyotebrush, mulefat (*Baccharus salicifolia*) and cliff aster (*Malacothrix saxatilis*) individuals are located just to the east of the center of the grassland. The entire grassland is fringed by myoporum (*Myoporum laetum*) and oleander to the north and east and monotypic stand of smothering iceplant (*Carpobrotus edulis*) to the south. Few native plants are surviving within the iceplant. This grassland and weed area is bounded by a roadway to the south and a line of myoporum trees below the iceplant.

Map 4: Layout of the Chumash Discovery Center

Elements of the Demonstration Village

- Siliyik (Ceremonial Ground)
- Ramada (Shade Porch)
- 'Apa'yik (Sweat Lodge)
- Ap (House)
- Mortar Stones
- Fish Drying Racks
- Tomol (Canoe) Workshop
- Rock Art Wall
- Demonstration Cemetary
- Tomol Ramp
- Wishtoyo Loop Trail
- Pedestrian Entrance Area
- Learning Center / Caretaker's Quarters

Other Features

- General Parking
- Handicap Parking
- Electricity Hookup

N W E S

100 0 100 200 300 Feet

Map Scale: 1:1,000

Wishtoyo

Mammals associated with the grassland community include big brown bat (*Eptesicus fuscus*) which probably forages throughout the project site, pallid bat (*Antrozous pallidus*), Western mastiff bat (*Eumops perotis*) which forages above the project site but may be encountered hunting on the ground in the grassland, California ground squirrel (*Spermophilus beecheyi*), Botta's pocket gopher (*Thomomys bottae*), Western harvest mouse (*Reithrodontomys megalotis*), deer mouse (*Peromyscus maniculatus*) and California vole (*Microtus californicus*). Uncommon mammals that might be encountered include the San Diego pocket mouse (*Chaetodipus fallax*), Pacific kangaroo rat (*Dipodomys agilis*), house mouse (*Mus musculus*) and very rarely black-tailed jackrabbit (*Lepus californicus*). All habitats within the project site are expected to be frequented by California myotis (*Myotis californicus*) and Brazilian free-tailed bat (*Tadarida brasiliensis*) year-round.

Reptiles expected to occur within the site's grassland include yellow-bellied racer (*Coluber constrictor*) and gopher snake (*Pituophis catenifer*). Although not expected to frequent the project site due to development in the vicinity and PCH as a movement deterrent, Southern Pacific rattlesnake (*Crotalus viridis*) may occur onsite.

Birds associated with the grassland community that might be expected to forage at project site include Say's phoebe (*Sayornis saya*), red-tailed hawk (*Buteo jamaicensis*), great blue heron (*Ardea herodias*), great egret (*Ardea alba*) and killdeer (*Charadrius vociferus*). Less opportunistic and habitat generalist birds that would be expected include white-tailed kite (*Elanus leucurus*) and California horned lark (*Eremophila alpestris actia*). Other grassland birds include California towhee (*Pipilo crissalis*), chipping sparrow (*Spizella passerina*), lark sparrow (*Chondestes grammacus*) and occasionally Lincoln's sparrow (*Melospiza lincolnii*).

Raptors and owls that might occasionally fly down from the upper watershed or along the coastal blufftop and forage at the project site include Red-tailed Hawk (*Buteo jamaicensis*), northern harrier (*Circus cyaneus*), ferruginous hawk (*Buteo regalis*), golden eagle (*Aquila chrysaetos*), American kestrel (*Falco sparverius*), merlin (*F. columbarius*), peregrine falcon (*F. peregrinus*), barn owl (*Tyto alba*) and great horned owl (*Bubo virginianus*). Burrowing owls (*Athene cunicularia*) may occupy vacated ground rodent burrows on site or the surrounding blufftops. No sign of this species was observed at the site area. Short-eared owl (*Asio flammeus*) might be an uncommon and transient visitor to the site.

Coastal Sage Scrub

The coastal sage scrub habitat is in two bands that loosely bound either side of the riparian corridor, and is depicted on Map 3. Where the inner interface with the riparian corridor is meandering and relatively amorphous, the outer edges of the coastal sage scrub habitat is decisively delineated by parking lot and road surface to the west and grassland to the east. It is dominated by black sage (*Salvia mellifera*), purple sage (*Salvia leucophylla*), laurel sumac and coastal sagebrush (*Artemisia californica*) and giant wild ryegrass (*Leymus condensatus*). Other plants commonly found within the coastal sagebrush on site include deerweed (*Lotus scoparius*), sawtooth goldenbush (*Hazardia squarrosa* var. *grindelioides*), California sunflower (*Encelia californica*), lemonadeberry (*Rhus integrifolia*), coyotebrush (*Baccharis pilularis*), and

bladderpod (*isomeris arborea*). Several uncommon plants found within this habitat include coffeeberry (*Rhamnus californica*), which is more associated with the chaparral plant community, violet snapdragon (*Antirrhinum nuttalianum*), purple nightshade (*Solanum xantii*) and wand buckwheat (*Eriogonum elongatum*).

Mammals known or expected to occur or forage within the coastal sage scrub include long-eared myotis (*Myotis evotis*) from the upper watershed, Western pipistrelle (*Pipistrellus hesperus*), brush rabbit (*Sylvilagus bachmani*), California pocket mouse (*Chaetodipus californicus*), dusky-footed woodrat (*Neotoma fuscipes*) of which several stick nests and one were observed, and possibly long-tailed weasel (*Mustela frenata*).

Reptiles expected to occur within the coastal sage scrub habitat onsite include Southern alligator lizard (*Elgaria multicarinata*), Western fence lizard (*Sceloporus occidentalis*), side-blotched lizard (*Uta stansburiana*), California legless lizard (*Anniella pulchra*) and ringneck snake.

Numerous birds associated with and expected to forage and take shelter within the coastal sage scrub on the project site and include Anna's hummingbird (*Calypte anna*), California towhee, spotted towhee (*Pipilo maculatus*), song sparrow (*Melospiza melodia*), golden-crowned sparrow (*Zonotrichia atricapilla*), American goldfinch (*Carduelis tristis*), lesser goldfinch (*Carduelis pinus*), wrentit (*Chamaea fasciata*), Bewick's wren (*Thryomanes bewickii*), bushtit (*Psaltriparus minimus*), California thrasher (*Toxostoma redivivum*), Western scrub jay (*Aphelocoma californica*) and Northern mockingbird (*Mimus polyglottos*). Uncommon visitors from the upper watershed areas include California quail (*Callipepla californica*).

During winter, merlin is expected to also utilize coastal sage scrub. Spring and summer birds expected include Costa's hummingbird (*Calypte costae*), lazuli bunting (*Passerina amoena*) and Western kingbird (*Tyrannus verticalis*). Red-tailed hawk also hunt over coastal sage scrub.

Sycamore-Riparian Forest

An extensive and slightly meandering sycamore canopy follows the creek path along the center of the riparian corridor. In several locations, its expansive canopy almost reaches out of the riparian corridor into the upland interface. Its understory commonly includes blackberry (*Rubus ursinus*), mugwort (*Artemisia douglasiana*), canyon sunflower (*Venegazia carpesoides*) and leather root (*Hoita macrostachya*). Some uncommon riparian species observed onsite include scarlet monkey flower (*Mimulus cardinalis*) and Carolina geranium (*Geranium carolinianum*).

Due to the more complex vertical size structure and complexity of overstory and understory vegetation, the site's sycamore-overstory riparian forest provides extensive habitat for both resident and transient wildlife. The cover provides for safe nesting locations and a protective pathway to travel up and down the watershed for forage and movement. During certain times of the year, the perennial creek is an insect food source for birds.

Mammals observed or expected to forage within or pass through the riparian corridor include Yuma myotis (*Myotis yumanensis*), hoary bat (*Lasiurus cinereus*), silver-haired bat

(*Lasionycteris noctivagans*), ornate shrew (*Sorex ornatus*), raccoon (*Procyon lotor*), coyote (*Canis latrans*), domestic dog (*Canis familiaris*) and striped skunk (*Mephitis mephitis*) utilizing the creekbed as a movement pathway to hunt throughout the project site, bobcat (*Felis rufus*) whose prints were observed in the creekbed, and possibly mountain lion (*Felis concolor*) as a very rare visitor to hunt on the project site.

Amphibians and reptiles expected to occur within the project site's riparian forest includes Western toad (*Bufo boreas* ssp. *halophilus*), Western skink (*Eumeces skiltonianus*), ringneck snake (*Diadophis punctatus*), California-protected two-striped garter snake (*Thamnophis hammondii*), Western aquatic garter snake (*Thamnophis couchi*) and common garter snake (*T. sirtalis*).

A diverse assemblage of birds is expected to utilize the site's riparian forest. Two 18-inch diameter stick bird nests were observed in the sycamore overstory, possibly for American crow (*Corvus brachyrhynchos*) or Cooper's hawk (*Accipiter cooperii*). America crow was observed within the riparian corridor and a Cooper's hawk tail feather was found below a frequented roost site above the creek, about 150-feet downstream. Other bird species commonly associated with the riparian forest include turkey vulture (*Cathartes aura*), red-shouldered hawk, sharp-shinned hawk (*Accipiter striatus*), Nuttall's woodpecker (*Picoides nuttallii*), northern flicker (*Colaptes auratus*), black phoebe (*Sayornis nigricans*) and mallard (*Anas platyrhynchos*).

Less common visitors include green heron (*Butorides virescens*), black-crowned night-heron (*Nycticorax nycticorax*), blue-gray gnatcatcher (*Polioptila caerulea*) and ash-throated flycatcher (*Myiarchus cinearascens*). Uncommon visitors include dark-eyed junco (*Junco hyemalis*) during winter and non-breeding Western wood-pewee (*Contopus sordidulus*) during summer.

Willow-Riparian Scrub

The fringes of the riparian corridor are characterized by a willow-scrub habitat that is dominated by arroyo willow (*salix lasiolepis*) shrubs and black willow (*salix laevigata*) trees. Numerous Mexican elderberry (*Sambucus mexicana*) sub-shrubs and small trees intersperse with the outer edges of the willows and create a transition into coastal sage scrub habitat. Numerous laurel sumacs (*Malosma laurina*) are also found within this transition zone, although more commonly observed on the creek banks slightly higher than the willows.

There are many birds that utilize willow-riparian scrub for forage, shelter and breeding. These include Brewer's blackbird (*Euphagus cyanocephalus*), Western scrubjay, American goldfinch (*Carduelis tristis*), housefinch (*Carpodacus mexicanus*), purple finch (*C. purpureus*), bushtit, Bewick's wren, black phoebe, hooded oriole (*Icterus cucullatus*), common yellowthroat (*Geothylpuis trichas*) and cliff swallow (*Petrochelidon pyrrhonota*).

White-crowned sparrow (*Zonotrichia leucophrys*) is a common bird during winter. During the summer, warbling vireo (*Vireo gilvus*), yellow warbler (*Dendroica petechia*). Least Bell's vireo (*Vireo bellii pusillus*) is a very rare transient that might be observed during all seasons. Brewster's willow flycatcher (*Empidonax traillii* ssp. *brewsteri*), the mountain variety subspecies

of the willow flycatcher, is a common non-breeding spring and fall migrant. Wilson's warbler (*Wilsonia pusilla*) and yellow-breasted chat (*Icteria virens*) are also migrants.

Oak Woodland

Elements of oak woodland habitat are essentially contained within the northern portion of the riparian corridor, as depicted in Map 3. Although only a single coast live oak (*Quercus agrifolia*) tree was noted, a robust and verdant stand of coastal wood fern (*Dryopteris arguta*) is present under the sycamore canopy. Poison oak (*Toxicodendron diversilobum*) is prolific in the understory and hummingbird sage (*Salvia spathecea*) and wild cucumber (*Marah macrocarpus*) were also common. Numerous very large oak trees are present immediately upstream from the project site, just above PCH.

Since the oak woodland habitat on the project site is a fragmented edge of the larger, more contiguous oak woodland upstream of PCH, the wildlife and bird species commonly associated with it are typically the same as those described in the riparian forest. However, some species that commonly occur within more intact oak woodland and reasonably likely to occur within this habitat include fringed myotis (*Myotis thysanodes*), Virginia opossum (*Didelphis virginiana*), broad-footed mole (*Scapanus latimanus*), Western gray squirrel (*Sciurus griseus*) and gray fox (*Urocyon cinereoargenteus*).

Creek

Within the site area, the few plant species that occur within the creek are non-native water cress (*Rorippa nasturtium-aquaticum*) and moss (*Bryophyta* family). Several of the riparian understory plants such as poison oak and blackberry also intermingle with the creekbed. Otherwise, the creek bottom consists of small boulder, rock, sand and silt with proportionately lesser amounts of cobble, pebble and clay. Leaves from deciduous trees including sycamore and willow also are common within the creekbed. These decomposing leaves provide the critical source of nutrients for the aquatic insect detrivores: the key building block of the aquatic faunal community.

Common wildlife species dependent upon or that directly utilize this perennial aquatic habitat include two-striped garter snake, Western aquatic garter snake, common garter snake, Pacific treefrog (*Hyla regilla*) and California treefrog (*H. cadaverina*). Although probably not common due to lack of basking sites and still water, southwestern pond turtle (*Clemmys marmorata pallida*) may be observed onsite. An 8-inch pond turtle shell was found within the project extent, however it is not known if was translocated from reaches above PCH. Several species not likely to occur within the project extent but with potential include California red-legged frog (*Rana aurora draytonii*) and California newt (*Taricha torosa*). Suitable red-legged frog habitat exists onsite and the newt's habitat exists in the mid to upper reaches of the watershed above the project site.

Although Nicholas Canyon Creek is perennial and largely undisturbed, southern ESU steelhead (*Oncorhynchus mykiss* ssp. *mykiss*) are not likely to utilize the project site. They were recently found at Arroyo Sequit, the next perennial stream located in Leo Carrillo State Park (east of the

site area). However, this species is not expected to pass through or reside within the project site because there is no coastal estuary between the two water systems (fresh and marine), the size of the creek (steady but low year-round flow) and very steep nature of the canyon in the upper watershed, which likely creates numerous natural impassible barriers. The cursory results of the project stretch survey downstream of PCH (by Jeff Brinkman of *For the Sake of Salmon* in Spring 2003) support this view. In addition, the general character of the in-stream vertical drops in the channel reduce the potential for the presence of southern steelhead in this creek.

An abandoned culvert is located approximately 750 feet downstream from PCH. This culvert is currently acting as "grade control" for the creek, resulting in a stair-step pattern in the channel slope. Complete removal of the culvert is not proposed; rather, two vertical sides located at the top of bank would be removed with hand tools, since removal of the concrete bed in the creek has the potential to create additional erosion problems upstream from the area where it is located. The existing concrete bed within the creek would not be removed.

Other Areas

The "Other Areas" are predominately defined as the small triangle at the northwest corner of the property, immediately adjacent to the parking lot entrance, and the entire coastal bluff and cliff face to the ocean side (south) from the handicap and emergency access road. These two areas contain some significant native plant species as well as invasive and noxious weeds.

Area C: The area that forms the entire eastern periphery of the project site is planted in mature myoporum trees. These myoporums form a dense, monotypic stand with no native or understory vegetation. It appears that they were planted decades ago to form a visual screen between the project site, the fence and the neighbor's property beyond.

Area D: The northwest corner area of the site is a relatively open grassland habitat with numerous coastal sage scrub species sparsely located throughout this area. Approximately 5% of this area contains the regionally declining and significant native bunchgrass, purple needlegrass (*Nassella pulchra*). These bunchgrass plants are surrounded by and interspersed with native and non-native plants. The non-native annual grasses and forbs include soft chess, yellow star thistle, fountain grass (*Pennisetum setaceum*), iceplant and fennel (*Foeniculum vulgare*). The native shrubs and forbs commonly located here include coastal sagebrush, coyotebrush, deerweed, coastal sunflower, sawtooth goldenbush and California buckwheat (*Eriogonum fasciculatum*). Laurel sumac and mulefat are individually present. Numerous blue-eyed grass plants are also interspersed throughout this area.

Area E: The area to the south of the emergency access road and handicapped parking is characterized as rocky blufftop and coastal strand. The undefined and barely distinguishable creek mouth below the access road is considered part of this habitat. It contains a significant stand of giant coreopsis (*Coreopsis gigantea*) on the west-facing slope adjacent to the creek and the south-facing slope above the shoreline, and chalk live-forever dudleya (*Dudleya pulverulenta*) within the rockier north-facing slopes facing the access road. The flatter portions above the blufftop that contain deeper soils support coastal sage scrub and few chaparral species

that include coastal sagebrush, wishbone bush (*Mirabilis californica*), sawtooth goldenbush and few toyon (*Heteromeles arbutifolia*).

A prominent lateral seep to the east of the creek mouth extends for much of the bluff base immediately above the rocky shoreline. This seep, freely dripping freshwater from rock fractures onto the shoreline below, supports wetland plants that include robust clumps of spiny rush (*Juncus acutis*), prolific numbers of alkali ryegrass (*leymus triticoides*) and dense stands of the mat-forming low clubrush (*Scirpus cernuus*).

Although this rocky and cliff-side coastal strand community supports interesting and unique native plants, it also supports numerous significantly invasive weeds. The prime weeds that are threatening the native coastal blufftop habitat include iceplant, giant reed (*Arundo donax*), myoporum and Algerian ivy (*Hedera canariensis*). The myoporum and iceplant have almost completely smothered the entire creek mouth area below the access road.

Mammals with some likelihood of occurring within the rocky cliff area include Western small-footed myotis (*Myotis ciliolabrum*) and possibly California mouse (*Peromyscus californicus*) and desert woodrat (*Neotoma lepida*).

Reptiles expected to occur within this habitat include Western fence lizard, side-blotched lizard and possibly ringneck snake. Since there are open sandy areas within this area, the Federal and California Species of Concern coast horned lizard (*Phyrnosoma coronatum*) may occur, particularly where there are ant colonies. The bird species commonly associated with the rock outcrop/cliff habitat are typically comprised of some species found in coastal sage scrub and others found along the coastal strand, as described below.

Special Status Species

Numerous plant and animals species that have high likelihood of occurring within the project site are considered sensitive in status, distribution or both. These species are considered special status and have Federal, State or local protection status, or some combination thereof. These species may be considered Rare, Threatened, Endangered (RT&E) or a Species of Concern.

A list of special status species is depicted in Table 3. This list draws on previous inventories and analyses from surveys conducted on behalf of the Santa Monica Mountains National Recreation Area or the Leo Carrillo State Beach and Park (the next watershed up the coast of the project site) was compiled by several sources. The special status plant list was compiled from the National Park Service's *Sensitive Plant Species from in Santa Monica Mountains National Recreation Area and Simi Hills Area*; the special status animal species list was compiled from the National Park Service's *Rare, Threatened, and Endangered Animals Potentially Occurring in the Santa Monica Mountains*. These lists were augmented by information from the Leo Carrillo State Park *Resource Inventory* and a *Special Animals* summary from Charlie Wishner.

Table 3. Special Status Species Summary

Code	Status	Plants	Wildlife
FE	Federally Endangered	3	11
FT	Federally Threatened	4	4
FSC	Federal Species of Concern	10	43
SE	State Endangered	2	9
ST	State Threatened		1
CSC	Ca. DFG Species of Concern		49
$CSC^{P\text{-}FP}$	Protected - Fully Protected		14
SR	Ca State Rare	3	
CNPS 1^{A}–1^{B}	Ca Native Plant Society	16	
CNPS 2 - 4	Ca Native Plant Society	19	
PSC	SMMNRA Parks Species of Concern		48

Note, this table synthesizes and compiles data from inventories that were conducted adjacent to or independent from the project site. This list should be considered as general in nature and not specific to the site area. In addition, the compiled lists from the sources referenced above include habitats that either do not occur on the project site or are much more extensive due to the site's fragmented and peripherally disturbed nature. Therefore, only a portion of these listed plants and animals are expected to occur within the project site. A detailed inventory of special status species occurring on the project site would require a special survey.

Table 4 is a list of non-native or invasive plants that are associated with the site area.

Table 4. Non-Native Plants

Myoporum
Giant reed
Banana
Black mustard
Fennel
Fountain grass
Ivy
Kikuyu grass
Monterey pine
Oleander
Palm trees
Russian thistle
Bindweed
Tree tobacco
Sow thistle
Dock
Cheeseweed
Yellow star thistle
Bermuda grass
Long-beaked filaree
Yellow sweet clover
Ripgut brome
Soft chess
Iceplant
Bottlebrush

Project Analysis (Biological Resources)

a. b. and c. Result in a substantial adverse effect on plants or animals species of concern. Numerous plant and animal species are known to be located on the property, as described in the introduction of this section. However, since a large portion of the project proposes restoring native plant species to the site and removing invasive, non-native plants, beneficial effects for plants and animals that inhabit the site would be expected. Development within the Center would not disturb any native plant species, and no native trees would be removed. The proposed 'Aps and other Native American replicas would all be constructed from native plant materials and would not be permanent on the site. The proposed trailer is located away from the sensitive creek area or native plant area, near the access road and gate, and would be easily removable. Therefore, no adverse effects for plants or animals would be expected; rather, beneficial long-term effects for plants and wildlife would occur from the restoration component of the project.

Result in substantial adverse effects to wetlands, riparian or other sensitive habitat. While construction for the proposed Center would be located in the

floodplain of Nicholas Canyon Creek, all structures would be easily removable and/or replaceable. No development would occur in the riparian corridor, and the restoration portion of the project proposes to remove invasive plants from this area. Planting riparian vegetation along stream banks would have several benefits. First, the root structure would provide additional strength to the bank, helping to stabilize it. Riparian trees would help to shade the stream channel and reduce water temperatures. Vegetation provides habitat for birds and other wildlife, and makes the stream more suitable for use as a movement corridor. Therefore, long-term beneficial effects to the riparian corridor would be expected. The vertical concrete pillars located at the top of bank in the abandoned culvert (750 feet south of PCH) would be removed using hand tools, and would not cause any adverse effects on channel bed elevations (Aspen Environmental 2003). Since the existing bed would remain in place below the vertical structures, the grade-control effect it has would not be disturbed. Therefore, the project would not result in direct impacts to wetland, riparian or other sensitive habitat areas associated with the creek.

d. Result in substantial adverse effects to migration corridors. Since no permanent development or new fencing in or around the area would be constructed, the existing migration corridor for wildlife (Nicholas Canyon Creek to the ocean) would remain undisturbed. In addition, since more native plants would be added to the site and non-native plants removed, habitat values would increase within the existing migration corridor.

e. Conflict with applicable policies protecting biological resources. The Center site is adjacent to the Nicholas Canyon Creek Environmentally Sensitive Habitat Area (ESHA). However, as explained above, restoration planned as part of the project would be expected to enhance the ESHA area and adjacent mesa where the Center would be located. LACDHB would adhere to all state and federal regulations pertaining to biological resources. Therefore, no conflicts with policies protecting biological resources would be expected.

f. Conflict with an adopted conservation plan. No adopted conservation plan exists for the project site. Therefore, no impacts or conflicts would occur.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6.7 CULTURAL RESOURCES Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	___	✓	___	___
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	___	✓	___	___
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	___	✓	___	___
d) Disturb any human remains, including those interred outside of formal cemeteries?	___	✓	___	___

Site Background

A complete archaeological inventory of the Chumash inhabitation of the site area was prepared for the project (King 2001). The project area contains prehistoric archaeological deposits that are part of CA-LAN-455. Shell midden is concentrated in the northern portion of the site where it is bisected by PCH. Prehistoric artifacts and burials indicate that occupation of the site area occurred as early as 4000-6000 BC (King 2001). A sacred shrine existed in the mouth of Nicholas Canyon. Eight Chumash prehistoric archeological sites were recorded within a half-mile of the site area. Artifacts have been discovered throughout the area as well. A ceremonial circle currently exists at the site.

Chumash History

The Chumash territory extends from northern San Luis Obispo County, inland east of New Cuyama, south to the Malibu area, and out to the Channel Islands archipelago. Anthropologists are studying evidence that suggests that Chumash settlements out on the Channel Islands were among the first habitations in North America.

The Chumash and Gabrielino-Tongva peoples were the first human inhabitants of the Channel Islands and Santa Monica Mountains areas. They are known to have lived here for thousands of years; numerous archaeological sites have been uncovered in the past decade.

The Chumash people spoke different but related languages in different parts of the bioregion. The marine component of the Chumash diet consisted of over 150 types of marine fishes, as well as a variety of shellfish including crabs, lobsters, mussels, abalone, clams, oysters, chitons, and other gastropods. Shellfish were also important to the Chumash economy and material culture. The Chumash produced the majority of shell bead money used by peoples throughout southern California.

There were about 20,000 Chumash living in an area that covered California's coast from Malibu in the South, to San Luis Obispo in the North. The successful livelihood of the Chumash people was based upon their subsistence upon the available natural resources - plants, animals and fish, and their sustainable ways of utilizing these resources. They found use for almost every type of plant and animal available - for food, clothing, medicine and tools. Their environment inspired their art (Chumash rock and cave art still exists today), their beliefs, stories, ceremonies and songs. The rich history and lifeways of the Chumash people is preserved in those art forms, which were passed down to the children of each generation.

The Chumash were a maritime culture, known as hunters and gatherers. Their boats - canoes, called tomols, enabled them to fish and trade, traveling up and down the coast to other villages. Tomols were usually constructed from redwood logs. The Chumash were not dependent upon farming, as were other Native American tribes. Acorns, seeds, bulbs, roots and nuts were abundant, as were wild game, including bears, seals, otters, shellfish, deer and rabbits.
Chumash homes were called 'Aps, and were constructed of local plant materials. Baskets and mats were woven, and bones and plants were used for tools and clothing. The Chumash were extremely innovative and resourceful, and found uses for everything that was available, including each part of almost every plant.

The Chumash also developed a variety of games, which were designed to teach the young about sportsmanship and skills useful for hunting and making crafts. Stories were told to teach the children about their relationship with nature, and their cultural and religious beliefs.
Evidence for the nautical colonization of the Americas comes from Santa Rosa Island, known to the Chumash as Wimat. It was here that Chumash legend says that the world began. And in mid-1999, after re-evaluation of a buried female skeleton found on the island, it appears that Wimat indeed may be the original site of North America's first inhabitants. Based on radiocarbon dating techniques, the Arlington Woman, as she is known, appears to have lived at least 13,000 years ago. That makes her the oldest skeleton ever found in North America. It also means that she lived there during the end of the last ice age, which lasted from 125,000 to 10,000 years ago.

The natural world was the source for Chumash craft materials, structures, and tools. Their homes, beds and baskets were made from locally gathered plants. Their grinding tools, knives, arrow heads and cooking pots were made of stone. They used animal hides and bones for clothing, tools and musical instruments. Shells were important for dishes, ornaments, and money.

The Chumash were also skilled artisans and made excellent baskets and stone cookware. Some of their sacred caves and cave art exist today. The dolphin, in particular, was sacred to them and can be seen in many of their cave drawings. Their other artworks were prized by other tribes who

traveled long distances to trade. The project site is located on a bluff overlooking Nicholas Canyon County Beach, a site that was once an actual Chumash settlement.

a. Potential to impact historical resources. No historical resources are located on the project site; all resources are archaeological in nature. Therefore, no historical resources would be impacted.

b. Potential to impact archaeological resources. The project site has been designed to minimize disturbance to the area it would cover. No grading would be needed for placement of the Center structures or trails, other than minor trenching for utility connections along an existing road. All areas where public activities would occur including trails, traditional houses and the ceremonial gathering area would be covered with between six inches to three feet on clean fill soil and/or sand. Covering areas would decrease gopher disturbance and other causes of bioturbation, and would preserve the present arrangement of object than would be preserved under present conditions (King 2001). In addition, the areas to be covered with fill soil and/or sand would be studied before placing fill over them. Specifically, a record of the types of areas that are covered and a map of the organization of the site would be completed. Soil samples would be collected from the intersections of a grid. The grid with 2 meter intervals would be used to map the locations of large features and different site areas. Soil samples would be large enough so shell, carbon, and small artifacts extracted from them would be statistically significant and could be mapped. A preliminary study would be conducted to determine the size of samples that should be collected. This would occur prior to placement of any sand or fill material at the site. No charcoal, stone tools, manufacturing debris or other products related to activity of the Center would be used or left at the site after ceremonies are performed. This would keep separate the older remains from those used as part of the educational materials for the Center. In addition, visitors to the site would always be supervised and would not be told of the history and archaeological remains located therein (in order to reduce the possibility of looting).

   The proposed project has the potential to result in significant impacts to archaeological resources. However, the measures contained within the project description for the Center would reduce potential impacts to a less than significant level. Therefore, no adverse impacts to archaeological resources would be expected.

c. Potential to impact paleontological resources or other geological features. There are no known significant paleontological resources located on the project site or unique geological features that would be disturbed by the proposed Center project.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6.8 GEOLOGY AND SOILS: Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	___	___	___	✓
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	___	___	___	✓
ii) Strong seismic ground shaking?	___	___	___	✓
iii) Seismic-related ground failure, including liquefaction?	___	___	___	✓
iv) Landslides?	___	___	___	✓
b) Result in substantial soil erosion or the loss of topsoil?	___	___	___	✓
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	___	___	___	✓

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	___	___	___	✓
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	___		___	✓

Project Site Background

The proposed restoration and construction activities for the San Nicholas Canyon Creek and Center are located in the 7.5-Minute Triunfo Pass Quadrangle, of Los Angeles and Ventura Counties. Geological processes resulted in rapid uplift of the Santa Monica Mountains as evidenced by the deeply incised stream canyons and thrust faulting near the coast (CDC, 2002). Bedrock units exposed in the Triunfo Pass Quadrangle range in age from Paleocene to late Meocene. This quadrangle consists of marine sedimentary rocks, extrusive volcanic rocks and intrusive dikes and sills (CDC, 2002). Surficial deposits are limited to areas along active stream channels and on coastal terraces. Modern beach sand is present along the coast in addition to two primary soil types in the immediate vicinity of the proposed Center. These soils are referred to as the Gazos and Danville soil series.

Soils

The Gazos soil series is located in a narrow band stretching approximately one half mile along the lower San Nicholas Canyon Creek. This series consists of moderately deep, well-drained colluvial soils derived from weathered parent material of shale and sandstone (USDA, 1980; RCD, in Prep.). The soil characteristically has high runoff rates, attains depths of 20-40 inches before reaching bedrock, it has a low available water capacity (3.3 inches) and an organic matter of 0.5-1% (RCD, in Prep.). A typical profile of this soil series consists of three horizons: from 0-9 inches gravelly loam; 9-24 inches gravelly clay loam and between 24-37 inches bedrock is reached. The area immediately surrounding the San Nicholas Canyon Creek is considered a potential liquefaction zone, although no areas of documented historical liquefaction are known in the Triunfo Pass Quadrangle, (CDC 2002).

The Danville soil series underlies the proposed Center and surrounding areas. Danville soils are found on low fans and fluvial terraces and the soils major uses include wildlife habitat, recreational areas and building site development (RCD, in Prep.). This series is composed of

deep, well-drained soils that formed in moderately fine textured alluvium derived mostly from sedimentary rock (USDA, 1980). The soils are categorized as having a high available water capacity (9.5 inches), medium runoff rates, an organic matter content of less than 0.5% and well-drained hydrologic properties. A typical Danville soil profile is composed of clay loam from 0-4 inches and underlying clay from 4-60 inches.

a. Expose people or structures to substantial geologic hazards involving:

i. *Fault-related ground rupture.* No faults are located in the immediate vicinity of Nicholas Canyon Creek.

ii. *Strong seismic ground shaking.* Since all of the proposed structures for the Center would be temporary and would be uninhabited, there would be no risk to people or permanent structures from strong seismic ground shaking, even if it were to occur. It is likely that structures of the proposed project could experience strong earthquake-related ground shaking sometime during the life of the project. Potentially significant ground shaking may result from movement along a local fault or a major earthquake along a more distant fault. However, since no permanent residents would occupy the site and all structures would be temporary in nature, no impacts would be expected. For example, if an 'Ap was damaged during an earthquake, it could be easily repaired using native plant materials. The trailer that would be located onsite would be removable/replaceable if an event occurred. The temporary and replaceable nature of the proposed structures and the fact that no humans would inhabit the trailer as residences would reduce impacts from a potential earthquake to less than significant levels. No mitigation measures are required to minimize potential ground shaking-related impacts.

iii. *Seismic-related ground failure or liquefaction.* As described above, the area immediately surrounding the San Nicholas Canyon Creek is considered a potential liquefaction zone, although no areas of documented historical liquefaction are known in the Triunfo Pass Quadrangle, (CDC 2002). As documented in (*ii*) above, all structures would be temporary and without human inhabitants. Therefore, no mitigation measures would be required or necessary to minimize potential ground failure impacts.

iv. *Landslides.* The proposed project site is relatively level, with an average slope of 1.5%. Therefore, there is no potential for landslides to occur on the project site.

b. Result in substantial soil erosion impacts. No grading would occur during the construction or operation phases of the project, therefore, no soil erosion impacts would be expected. In addition, the restoration phase of the project would be implemented while ensuring that once non-native plants are removed, the removal areas would immediately be replanted with native vegetation to avoid the possibility of short-term erosion resulting from temporary uprooting of vegetation. The removal of the vertical concrete structures at the top of bank of Nicholas Canyon Creek would

occur with hand tools and natural boulders would be placed where the structures previously stood. Therefore, no erosion impacts would be expected.

c. Result in substantial soil-related hazards. Due to the temporary nature of the project development (explained above), no soil-related hazards would be expected.

d. Potential to be affected by expansive soils. There are two primary soil types in the immediate vicinity of the proposed Center, the Gazos and Danville soil series. Neither of these soils is considered to be expansive, therefore, no impacts would be expected.

e. Potential to result in septic tank failure impacts. No septic tanks are proposed for the project. Once port-a-potty would be placed behind the proposed trailer to accommodate visitors to the Center. This would be in addition to the other port-a-potties currently located in the parking lot and access road areas in the Nicholas Canyon County Beach parking lot. Therefore, no impacts would occur.

6.9 HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	___	___	___	✓
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	___	___	___	✓
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	___	___	___	✓
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	___	___	___	✓
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	___	___	___	✓
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	___	___	___	✓

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	___	___	___	✓
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	___	___	✓	___

a-b. Potential to result in impacts from the use or accidental release of hazardous materials. No hazardous materials would be used or stored at the Center site. Therefore, no impacts would occur.

c. Emit hazardous emissions within one-quarter mile of a school. There are no schools within one-quarter mile of the project site.

d. Located on a site with known contamination. The Nicholas Canyon Creek area is not identified on the list of properties affected by hazardous waste contamination that has been compiled by the California Department of Toxic Substances Control (*Hazardous Waste and Substances Sites List, 1997*).

e, f Potential airport-related conflicts. The project site is not located within a runway approach or clear zone that has been established for any airport.

g. Potential to interfere with emergency response or evacuation plans. The main access road into the Center is existing and would not require improvements. It provides an all-weather surface and road widths suitable for emergency vehicles. The project would not generate a substantial amount of traffic and would not interfere with the general traffic circulation patterns in the project area. Therefore, the project would not have the potential to interfere with emergency access into or out of the project area.

h. Potential wildland fire risk. The project is located in a high wildland fire risk area. The proposed water system (irrigation) improvements would provide additional fire suppression water, and the proposed project would incorporate a variety of fire risk reduction measures in the design of Center structures, such as the treatment of native plant materials with a fire retardant. Therefore no impacts would be expected.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6.10 HYDROLOGY AND WATER QUALITY Would the project:				
a) Violate any water quality standards or waste discharge requirements?	—	—	—	✓
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	—	—	—	✓
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	—	—	✓	—
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	—	—	✓	—
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	—	—	✓	—
f) Otherwise substantially degrade water quality?	—	—	—	✓

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	—	—	—	✓
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	—	—	✓	—
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	—	—	—	✓
j) Inundation by seiche, tsunami, or mudflow?	—	—	—	✓

Project Site Information

The reach of the San Nicholas Canyon Creek exists between the PCH and the Pacific Ocean, or about 1,000 feet total length. The reach is heavily vegetated and entrenched. There are two ten-foot by ten-foot concrete box culverts, one at the PCH and the other at a beach access road approximately 750 feet down stream of the PCH. The culverts were built in 1925 and 1935.

The project reach contains two vertical drops in the channel. The first, located downstream of the PCH culvert, is approximately one foot. The other, downstream of an abandoned concrete culvert, is approximately four feet. The presence of these drops indicates that the stream has been degrading (a lowering of the bed elevation and flattening of the slope). The two existing culverts and the one abandoned culvert are acting as grade-control structures.

Hydraulics

The Army Corps of Engineers software program HEC-RAS was used to estimate the type of flow condition that exists within the reach and through culverts at the PCH and the beach access road. The topography used in the hydraulic modeling was provided by LACDBH. The contour interval is ten feet. Channel slope and cross section dimensions were estimated from the provided topography adjusted based on field observations. Field observations were used to estimate a roughness coefficient. The culverts at the Pacific Coast Highway and the beach access road were measured for opening area.

Table 5 summarizes the hydraulic modeling results for existing conditions. Although the roughness in the Nicholas Canyon channel is relatively high, the steep slope causes flow velocities to be relatively high.

Bank erosion does not appear to be a problem, but the channel appears to be degrading as indicated by the four-foot drop downstream of the abandoned culvert, and the smaller drop at the PCH culvert upstream of the abandoned culvert. Possible causes of this degradation are upstream urbanization causing an overall reduction in watershed sediment supply, and control of channel hydraulics and channel sediment supply by the three culverts. The three culverts are also acting as grade controls, resulting in a stair-step pattern in the channel slope.

Average Hydraulic Conditions for Existing Conditions

Flow Return Period, in Years	Average Flow Depth, in Feet	Average Flow Velocity, in Feet Per Second	Average Flow Top Width, in Feet
2	0.5	4.0	11
5	1.2	5.9	12
10	1.8	7.1	14
25	3.0	7.4	80
50	3.6	8.2	86
100	4.0	9.1	91

Source: Aspen Environmental 2003

a. Potential to violate water quality standards. The proposed project would not result in any change to water quality standards in the creek. No impervious surfaces are proposed and no septic systems would be installed, therefore, no water quality impacts would occur.

b. Potential to deplete groundwater supplies. The proposed project would not utilize any groundwater for its water source, and would connect to an existing water source located on Pacific Coast Highway, therefore, groundwater would not be affected and no impacts would occur.

c. d., e., and f. Potential to result in erosion, drainage or runoff water quality impacts. An abandoned culvert within the creek that consists of a concrete bed with two concrete vertical sides has the potential to create additional erosion problems if the concrete bed within the creek is removed. The concrete sides, (located at the top of bank) would be removed with hand tools, and large natural rocks would be placed once the sides are removed. The removal of the concrete sides and replacement with boulders would not have an adverse effect on channel hydraulics or adverse effect on channel bed elevations (Aspen Environmental 2003). The project would leave the concrete *within the creek bed intact* in order to retain its grade-control effect and reduce the potential for erosion. The construction of one or more similar rock riffle-pool structures downstream of the abandoned culvert would, over the long term, reduce the magnitude of the drop at the abandoned culvert, as well as mimicking a natural condition and facilitating fish passage by reducing the magnitude of the drops. Additional riffle-pool structures would be unlikely to have an adverse effect on channel hydraulics.

Non-native vegetation would also be removed as part of the restoration component of the project above the water depths in the creek bed. Removal of this vegetation

would have little to no effect on channel hydraulics. Selective vegetation removal in the channel would have a minor short term effect on the hydraulics of the reach, and is not considered to be significant. In addition, the removed non-native vegetation would be immediately replanted with native vegetation once it is removed, thereby reducing the potential for erosion impacts in or near the creek. Impacts would not be considered significant. The project would not result in the development of new roadways and/or parking areas, which have the potential to be a source of polluted storm water runoff. No activities would be conducted at the Center that would have the potential to impact water quality (e.g., the use of hazardous materials). Therefore, the proposed project would not be a source of runoff water contamination.

g-j. Potential flooding impacts. The proposed structures that would be placed on the project site would be located within the 100-year flood plain for Figueroa Creek. However, the structures would be uninhabited and easily replaceable due to the temporary nature. Flooding impacts would not be considered significant. The project site does not have the potential to be affected by a dam or levee failure, seiche or catastrophic mudflow.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6.11 LAND USE AND PLANNING				
a) Physically divide an established community?	___	___	___	✓
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	___	___	✓	___
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	___	___	___	✓

a. Potential to divide an established community. The proposed Center would not divide or isolate any uses that have been established on or near the project site.

b. Conflict with applicable land use plans or policies. The Malibu General Plan designates the site as "parks and beaches". Since no permanent development is proposed on the site, the project would not be conflicting with this land use designation.

c. Conflict with an adopted conservation plan. Nicholas Canyon Creek does not have a specific, adopted conservation plan, therefore no conflicts would occur and no impacts would be expected.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6.12 MINERAL RESOURCES Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	___	___	___	✓
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	___	___	___	✓

a-b. Potential to result in impacts to mineral resources. The proposed project would not have the potential to limit the availability of mineral resources to the area or region, or interfere with mineral resource recovery operations.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6.13 NOISE Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in any applicable plan or noise ordinance, or applicable standards of other agencies?	___	___	✓	___
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	___	___	___	✓
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	___	___	✓	___
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	___	___	✓	___
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	___	___	___	✓
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	___	___	___	✓

a. Exposure of persons to excessive noise levels. The proposed Center would be located in a rural area with relatively low ambient noise levels. While groups visiting the Center would likely be guided for lectures, songs, and storytelling during the Center's operation, noise levels for the resident located to the east of the project site or other persons using the Nicholas Canyon County Beach parking lot would not be

substantial. The tomol (canoe) building area would be located a significant distance away from the exiting residence, on the far western portion of the property (see Map 2), therefore, persons would not be exposed to significant exterior or interior noise levels. In addition, this type of activity would occur intermittently and during daytime hours. Therefore, no excessive noise impacts would be expected.

b. Exposure of persons to excessive vibration. Construction activities at the project site would not require the use of driven piles or other building methods that would not have the potential to result in vibration impacts.

c. Potential to result in a long-term increase in project area ambient noise levels. Activities conducted at the Center, such as those described in (a.) above, would be considered periodic special events, and would not generate significant sources of noise. The proposed project would not substantially increase the number of people utilizing the Nicholas Canyon County Beach parking lot and would not include activities that would result in a substantial increase in existing noise levels.

d. Potential to result in a short-term increase in noise. Construction activities at the project site would result in a minor, temporary increase in noise levels, although no heavy equipment would be used to construct the Center, with the possible exception of the use of a crane to remove one large non-native tree near the creek. The trailer would be placed on the site and left there, and no foundation would be laid since it would be on wheels. Short-term minor noise increases would be expected during placement of the various components of the Center (e.g., 'Aps), however, this would be considered temporary and insignificant. Construction for placement of the Center's structures would occur between 8:00 AM and 5:00 PM, which would reduce the effects of this short-term impact to a less than significant level.

e, f. Potential to result in airport-related noise impacts. The project site is not affected by significant aircraft noise impacts.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6.14 POPULATION AND HOUSING				
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	___	___	___	✓
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	___	___	___	✓
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	___	___	___	✓

a. Potential to result in substantial growth inducing impacts. The proposed project would not result in employment opportunities that would require a demand for housing in the region. Therefore, the proposed Center would not result in a substantial growth inducing impact.

b, c Potential to displace housing or people. No housing units exist on the project site and no persons would be displaced with implementation of the proposed project. Therefore, no impacts would occur.

6.15 PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	___	___	✓	___
Police protection?	___	___	✓	___
Schools?	___	___		✓
Parks?	___	___	___	✓
Other public facilities?	___	___	___	✓

a. Potential to affect public services.

Fire Protection. The Center would contain a fire ring within the ceremonial circle. However, the fire department has already issued permits to Wishtoyo for authorized use of the fire ring. The project would implement a variety of wildfire risk reduction measures, such as placement of fire retardant on proposed Center structures, and an irrigation system that could be used in case of an emergency. No permanent structures would be constructed. Therefore, impacts would not be considered significant.

Police Protection. The proposed project would not result in a substantial increase in the number of people that would be located on the project site or result in a substantial increase in the number of service calls that would be received by the Malibu Police Department. The site is currently policed and is regularly checked by law enforcement officials, therefore, no addition policing would need to occur with implementation of the project.

Schools. The proposed project would not result in any population growth in the project area. Therefore, the project would not result in any increase in the number of school-age children, or result in an impact to school services.

Parks. The proposed project would not result in region-wide population growth that would have the potential to result in impacts to existing park facilities.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6.16 RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	—	—	—	✓
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	—	—	—	✓

a, b. Potential impacts to recreational facilities and from the development of new facilities. The proposed project would not result in substantial population growth or adversely affect recreational opportunities that are provided in the project region. Therefore, the proposed project would not have the potential to result in significant impact to recreation facilities.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6.17TRANSPORTATION/TRAFFIC Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?		___	✓	___
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	___	___	✓	___
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	___	___	___	✓
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	___	___	___	✓
e) Result in inadequate emergency access?	___	___	✓	___
f) Result in inadequate parking capacity?	___	___	✓	___
g) Conflict with applicable policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	___	___	✓	___

a-b. Potential to result in impacts to roadway and intersection operation. Traffic generated from use of the existing Nicholas Canyon County Beach lot is minimal, and the addition of intermittent visits by persons to the Center site would not be expected to result in impacts to roadway or intersection operations on PCH. The existing access road for Nicholas Canyon would be utilized to reach the proposed Center. The Center operations would result in minor additional trips during scheduled events. Wishtoyo staff and volunteers would work periodically at the site. Visitors such as school groups, similar organizations on field trips, and people attending special ceremonies would likely carpool or be bussed in to the site. The existing parking lot and facilities would efficiently accommodate the proposed programs conducted at the Center. It is reasonable to expect, however, that the proposed facilities would result in a limited increase in use of the Nicholas Canyon County Beach parking lot, which is currently under-utilized. It is unlikely that this traffic would significantly affect the operation of the regional roadway network, therefore, impacts would not be considered significant.

c. Potential to affect air traffic patterns. The proposed project would not have the potential to affect air traffic patterns.

d. Potential to result in roadway safety impacts. The existing road into the parking lot from PCH would be utilized to gain access to the project site. The addition of minor project-generated traffic increases on PCH would not be expected to result in a significant traffic safety impact. Site distance in and out of the existing parking lot is adequate coming from either direction on PCH. Therefore, no impacts would occur.

e. Potential to result in inadequate emergency access. As described above, the existing access road would be utilized to enter the project site area. Adequate emergency access is available on this road. Therefore, no impacts would occur.

f. Potential to result in inadequate parking capacity. The proposed project would utilize the existing parking lot, which provides permanent parking facilities and several handicapped spaces. In addition, the site is currently under-utilized. Therefore, adequate parking exists to serve the project and no impacts would be expected.

g. Potential to result in conflicts with alternative transportation programs. The project site is located in a relatively rural area and there are no transit or alternative transportation programs that would be affected.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6.18 UTILITIES AND SERVICE SYSTEMS				
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	___	___	✓	___
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	___	___	___	✓
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	___	___	✓	___
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	___	___	✓	___
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	___	___	✓	___
g) Comply with applicable federal, state, and local statutes and regulations related to solid waste?	___	___	✓	___

a. Exceed wastewater treatment requirements. The proposed project would create any wastewater. Since a port-a-potty would be installed, no grey water would be generated. Impacts would not be significant.

b. Potential to require expanded water or wastewater facilities. See (a.) above.

c. Potential to exceed storm water drainage facility capabilities. The proposed Center would not result in the development of new buildings and structures that would incrementally increase storm water runoff. No new impervious surfaces would be created, therefore impacts would not be considered significant. No drainage impacts would occur, and impacts would be insignificant.

d. Potential to impact available water sources. The proposed project would result in minor increases in water use on the site (for irrigation lines and water to the temporary trailer). However, the available water connection (located on PCH) would provide adequate supplies for the Center and would not be impacted by the slight increase in water demand. Impacts would not be considered significant.

f, g. Potential impacts to solid waste management facilities. The proposed Center would result in a minor increase in the number of people that visit Nicholas Canyon County Beach. However, the small increase in the number of people visiting the Center would not generate a substantial amount of solid waste, and existing trash cans located at the parking lot would be utilized. The existing trash cans would continue to be maintained by LACDBH. No impacts would be expected.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6.19 MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	___	___	___	✓
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	___	___	___	✓
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	___	___	___	✓

a. The proposed Center would not have the potential to result in significant impacts to cultural and biological resources. Rather, the Center would be expected to have beneficial effects on these resources by educating visitors about the importance of cultural heritage and through restoration programs designed to enhance habitats for plants and wildlife utilizing the area.

b. The Center would not have the potential to result in significant cumulative impacts resulting from implementation of the project. The Center's design has incorporated elements into the project that reduce all potential impacts to less than significant levels.

c. Construction of the Center does not have the potential to result in significant adverse effects on human beings, either directly or indirectly.

6.18. Fish and Game Determination

Based on the information above, there is no evidence that the project has a potential for a change that would adversely affect wildlife resources or the habitat upon which the wildlife depends. The presumption of adverse effect set forth in 14 CCR 753.5 (d) has been rebutted by substantial evidence.

___ yes (Certificate of Fee Exemption)

✓ No (Pay fee)

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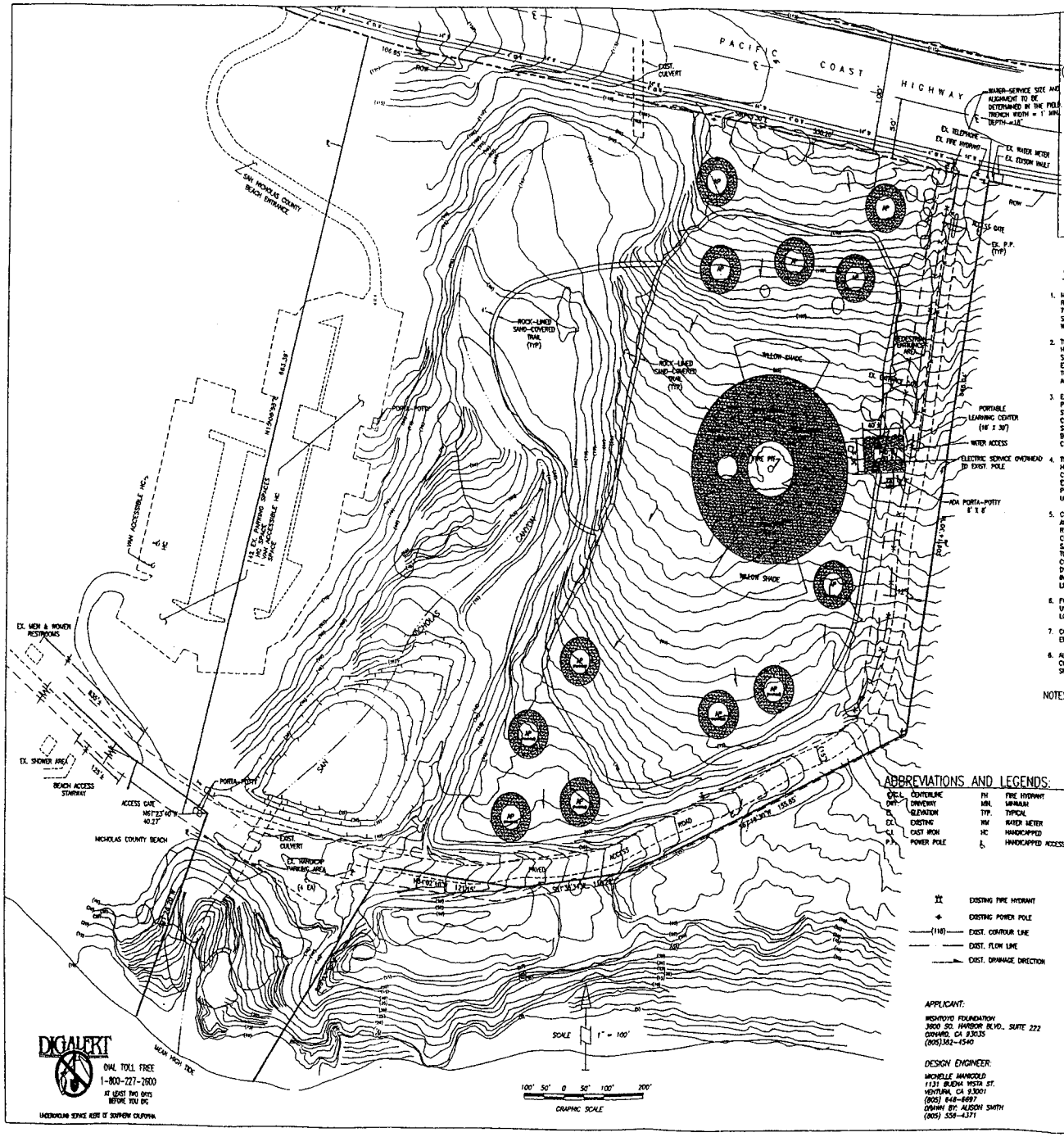
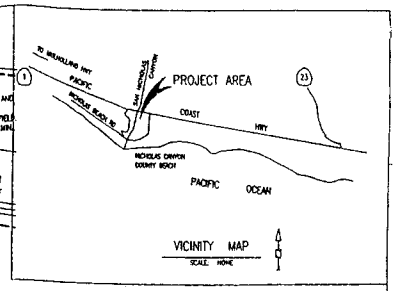
APPENDIX A

CHUMASH DISCOVERY CENTER SITE PLAN





GENERAL NOTES

1. MICHELLE MANGOLD HAS NOT BEEN RETAINED OR COMPENSATED AND ASSUMES NO RESPONSIBILITY TO PROVIDE DESIGN CONSTRUCTION REVIEW SERVICES RELATING TO THE CONTRACTOR'S SAFETY PRECAUTIONS, OR TO MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES REQUIRED FOR THE CONTRACTOR TO PERFORM HIS WORK.
2. THE LOCATIONS OF AND EXISTENCE OR NON-EXISTENCE OF UNDERGROUND UTILITIES HAVE BEEN DETERMINED TO THE BEST OF THE ENGINEER'S ABILITY. IT SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE LOCATION OF ANY EXISTING UTILITIES, AND TO TAKE ALL NECESSARY PRECAUTIONS TO AVOID DAMAGE TO THESE UTILITIES. THE CONTRACTOR SHALL ASSUME SOLE RESPONSIBILITY FOR ANY DAMAGE DONE TO EXISTING UTILITIES DURING CONSTRUCTION.
3. EARTHWORK QUANTITIES SHOWN HEREON ARE APPROXIMATE FOR DETERMINING PERMIT FEES ONLY AND SHOULD BE VERIFIED BY THE CONTRACTOR PRIOR TO SUBMITTING BIDS. QUANTITIES MAY VARY DEPENDING UPON ACTUAL FIELD CONDITIONS AT TIME OF CONSTRUCTION, VARIABLES SUCH AS SUBSIDENCE, SHRINKAGE, SWELLING, TOPOGRAPHY, SOURCE OF MATERIAL, THICKNESS OF BUILDING SLABS AND PAVED AREAS, AND EXCESS SOIL GENERATED BY UTILITY CONSTRUCTION SHOULD BE CONSIDERED BY THE CONTRACTOR.
4. THIS DRAWING (OR THESE SPECIFICATIONS), INCLUDING THE DESIGNS INCORPORATED HEREIN, IS (ARE) AN INSTRUMENT OF PROFESSIONAL SERVICE PREPARED FOR USE IN CONSTRUCTION WITH THE PROJECT IDENTIFIED HEREON UNDER THE CONDITIONS EXISTING ON JANUARY, 2004. ANY USE, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT WRITTEN AUTHORIZATION OF MICHELLE MANGOLD SHALL BE AT USER'S SOLE RISK.
5. CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF DESIGN PROFESSIONAL.
6. FORTY-EIGHT HOURS PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL TELEPHONE UNDERGROUND SERVICE ALERT (USA) TOLL FREE AT (1-800-422-4133) TO MARK THE LOCATION OF EXISTING UTILITIES.
7. CONTRACTOR TO PROVIDE ADEQUATE DUST CONTROL ACCORDING TO THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
8. ALL WORK SHALL CONFORM TO THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (SSPWC-THE "GREEN BOOK") LATEST EDITION, UNLESS OTHERWISE SHOWN HEREON OR SPECIFIED IN THE SOILS REPORT(S).

NOTES:
1. TOPOGRAPHIC DATA PROVIDED BY CLIENT.
2. PROPERTY BOUNDARY AS SHOWN IS APPROXIMATE ONLY AND IS NOT BASED ON A FIELD SURVEY.
3. FOR ADDITIONAL SITE IMPROVEMENTS (TRAILS, APS, CEREMONIAL AREA, ETC.) SEE LANDSCAPE PLANS.
4. ALL GRADES TO MATCH EXISTING. 2% MINIMUM SLOPE TO BE MAINTAINED AWAY FROM IMPROVEMENTS.

ABBREVIATIONS AND LEGENDS:

C/L	CENTERLINE	FH	FIRE HYDRANT
DWY.	DRIVEWAY	MIN.	MINIMUM
EL.	ELEVATION	TYP.	TYPICAL
EX.	EXISTING	WM	WATER METER
C.I.	CAST IRON	HC	HANDICAPPED
P.P.	POWER POLE	♿	HANDICAPPED ACCESSIBLE

EXISTING FIRE HYDRANT
EXISTING POWER POLE
(118) EXIST. CONTOUR LINE
EXIST. FLOW LINE
EXIST. DRAINAGE DIRECTION

UTILITIES:

ELECTRIC:	SO. CAL. EDISON	(805) 494-7052
WATER:	L.A. COUNTY WATER DEPT.	(310) 456-8021
SEWER:	PORTA-POTTIES TO BE SERVICED BY SANITARY WASTE COMPANY	

APPLICANT:
WISHTOYO FOUNDATION
3800 SO. HARBOR BLVD., SUITE 222
OXNARD, CA 93035
(805)382-4540

DESIGN ENGINEER:
MICHELLE MANGOLD
1131 BUENA VISTA ST.
VENTURA, CA 93001
(805) 648-6897
DRAWN BY: ALISON SMITH
(805) 558-4371

SITE DRAINAGE PLAN

WISHTOYO CHUMASH DISCOVERY VILLAGE

NICHOLAS CANYON COUNTY BEACH
33904 PACIFIC COAST HIGHWAY
MALIBU, CALIFORNIA

JANUARY, 2004

C:\SITE PLAN.DWG DATE: 01-30-04

ATTACHMENT B

LOS ANGELES COUNTY DEPARTMENT OF BEACHES AND HARBORS
13837 Fiji Way, Marina del Rey, California 90292

PERMIT NO. 04-020

Effective date: **10/01/04** Expiration date: **9/30/09**

BEACH/FACILITY (Premises): Nicholas Canyon

PERMITTEE:
Wishtoyo Foundation
3600 South Harbor Blvd.
Suite 222
Oxnard, CA 93035

CONTACT:
Lin Myerson, Projects Administrator
Phone #: (805) 382-4540
Fax #: (805) 382-4541
E-mail: lin@wishtoyo.org

PURPOSE OF PERMIT: Ceremonial and site visitations, habitat restoration, construction and operation of a demonstration village, Indian studies, and an archaeological program

EQUIPMENT TO BE USED: N/A

STAGING AREA: N/A

APPLICATION DATE: _____
PROCESSING FEE: 0
DEPOSIT: 0
YEARLY RENT: $100
TOTAL DUE: **Paid**

RECEIPT NO. _____

ISSUE DATE: _____
STAN WISNIEWSKI, DIRECTOR

By: _____
Paul Wong, Acting Division Chief
Asset Management Division

THIS PERMIT IS SUBJECT TO THE TERMS AND CONDITIONS LISTED BELOW AND TO THE PROVISIONS LISTED UNDER THE "GENERAL PROVISIONS" SECTION HEREIN

1. Permittee shall pay rent in the amount of $100 per year on or before each anniversary of the effective date, for the duration of this Permit in consideration for the privileges granted herein.

2. Permittee, in an effort to help prevent beach erosion, shall not allow any groups organized by the Permittee onto the beach.

3. Permittee, at the expiration or termination of the Permit, shall restore the Premises to the same condition it was at the time Permittee first entered the Premises.

4. Permittee is responsible for any and all damage done to the Premises by Permittee, agents, contractors, subcontractors, invitees, visitors and anyone holding under the Permittee. Permittee shall promptly repair any such damage as soon as Permittee is aware of the damage but not later than 10 days upon receipt of notification from the County.

Permittee's Initials:_____

5. This Permit does not grant any special parking privileges unto Permittee. Permittee shall pay the posted parking lot entry fee for each vehicle upon entry into the lot, and shall obey all posted parking lot rules and regulations.

6. Permittee shall be responsible for the maintenance of, the cleaning of, and the graffiti removal from the portable trailer, the portable restrooms, and any other improvements placed on the Premises. All portable restrooms shall be secured to the ground to prevent the restrooms from being knocked down or turned over.

7. Permittee is advised that subject work may require a permit from the United States Army Corps of Engineers, the California Coastal Commission, the California Department of Fish and Game, the State Water Resource Quality Control Board, the United States Department of Fish and Wildlife Service, and/or the City of Malibu. Permittee shall obtain all required permits from any governmental body prior to commencing work.

8. Permittee agrees to keep and perform all provisions contained in any permit issued or to be issued to Permittee by any governmental agency or commission.

9. Permittee agrees to keep all advertising signs and marketing material off the Premises. Permittee will be allowed to place informational signs on the Premises for the purposes of the permitted activities. Permittee shall obtain prior written approval of the Director of the Department of Beaches and Harbors for those informational signs.

10. Permittee agrees to conduct the permitted activities in a courteous and non-profane manner, to operate without interfering with the use of the Premises by the County or the public, except as herein permitted, and to remove any agent, servant or employee who fails to conduct permitted activities in the manner heretofore described.

11. Permittee acknowledges that this Permit is issued by County of Los Angeles to Permittee for the intended activities and is not intended and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association, as between County and Permittee. It is expressly understood by Permittee that in permitting the right to use the Premises, no estate or interest in real property is being conveyed to Permittee, and that the right to use is only a nonexclusive, revocable and unassignable permission to occupy the Premises in accordance with the terms and conditions of the Permit for the purpose of conducting the permitted activities.

12. Permittee shall not commence any construction, improvements, or alterations to the Premises before submitting a site plan and/or construction plan to the Department of Beaches and Harbors for approval, and before receiving approval from the Department of Beaches and Harbors.

13. GENERAL PROVISIONS

A. Permittee has examined the Premises and knows the conditions thereof. Permittee accepts the Premises in the present state and condition and waives any and all demand upon County for alteration, repair, or improvement thereof. Permittee shall make no alteration or improvements to the Premises without prior written approval from the County. Permittee shall arrange for and bear the cost of any other permits required by Federal, State or local law, site preparation, installation of utilities, treatment of surface, enclosure of Premises, insurance premiums, utility bills, and other costs of any nature whatsoever, which are necessary in connection with or appurtenant to the operation and maintenance of Premises as used by the Permittee. County will allow no credit for the cost of any such expenditure or work performed or ordered by Permittee.

B. Permittee may terminate this Permit at anytime by giving County no less than thirty (30) days' advance written notice of intention to terminate. However, the termination shall not be effective unless Permittee has complied with all of the following:

- Vacated the Premises.
- Removed all improvements Permittee has constructed or placed upon the Premises, if applicable.

- Restored the Premises to as good a condition as existed on the day possession of Premises was taken by Permittee, allowing for the ordinary wear and tear associated with the normal usage during occupancy, and reimbursed the County for any damage done to the Premises.

C. County may terminate this Permit at any time by giving Permittee no less than ninety (90) days' advance written notice of intention to terminate. Upon receipt of such notice, Permittee shall vacate the Premises as required herein. Permittee agrees that should it fail to vacate as herein provided, the County or its authorized agents may enter upon said Premises and remove Permittee's personal property therefrom, and in this event, Permittee waives any and all claims for damages against the County, its officers, agents, or employees. Permittee shall reimburse County for all expenses incurred by County plus maximum interest allowed by law accruing from the day County incurred the expenses until such time as the principal and interest are fully paid by Permittee. Nothing herein shall be deemed a waiver of any rights of the County to demand and obtain permission of the Premises in accordance with law in the event Permittee violates any part of any of the terms or conditions herein.

D. It is understood and agreed to be part of the herein consideration that County may temporarily suspend or terminate the Permit without notice to Permittee in order to allow the performance by County, its officers, agents, and employees, of work necessary to protect persons or property, including the Premises, from impending danger, hazard or harm.

E. Permittee shall keep Premises and any improvements it constructed or placed on Premises in good working order and maintain such in a neat, clean, and orderly condition at all times during occupancy and not permit graffiti, rubbish, tin cans, garbage, etc., to accumulate, nor to use or allow use of Premises for any illegal or unauthorized purposes, and to comply with all State laws and local ordinances concerning Premises and the use thereof.

F. It is understood and agreed that County shall not be responsible for any damage to Premises or injuries to persons which may arise from or be incidental to the use and occupancy of Premises, or for damages to the property of Permittee, or for injuries to the person of Permittee, Permittee's agents, servants, successors, subtenants, invitees or others who may be on Premises at anyone's invitation, arising from or incidental to the use of Premises by the Permittee or anyone under the Permittee or County, and/or its agents, contractors, employees or assigns. Permittee agrees to indemnify, defend, and hold the County, its elected officials, officers, employees and agents, harmless from any and all such claims, including defense costs and legal fees.

G. This Permit shall cancel and terminate any prior oral or written agreement, if any, between County and Permittee for use of the Premises, as of the commencement date of this Permit.

H. This Permit may create a possessory interest upon which a property tax may be levied. In such event, Permittee shall pay before delinquency all such taxes or assessments.

I. Without limiting Permittee's indemnification of the County, Permittee shall at its own expense take out and maintain in force, at all times during the term of this Permit, a policy or policies of insurance covering Premises. Such insurance shall be provided by insurer(s) satisfactory to the County Risk Manager. At a minimum, the policy shall meet the following minimum criteria:

- Coverage for comprehensive general liability and property damage in the amount not less than One Million Dollars ($1,000,000) per occurrence, Two Million Dollars ($2,000,000) aggregate.

- Coverage for automobile liability in the amount not less than One Million Dollars ($1,000,000) per occurrence.

- The COUNTY OF LOS ANGELES, its governing board, officers, and employees shall be named as Additional Insured on all policies of liability insurance to be evidenced by an endorsement or similar

instrument. (If County is not named as an Additional Insured in the original policy, an endorsement will be necessary to satisfy this provision.)

- This Permit No. 04-020 is included as part of the insured premises to be evidenced by an endorsement or a similar instrument. (If the Premises or this Permit are not named as an Additional Insured in the original policy, an endorsement will be necessary to satisfy this provision.)

- Coverage for Workers' Compensation insurance in an amount and form to meet all applicable requirements of the Labor Code of the State of California and which specifically covers the persons and risks involved in this Permit. Permittee understands and agrees that all persons furnishing services to the County pursuant to this Permit are, for purposes of Workers' Compensation liability, employees solely of Permittee and not of County. Permittee shall bear the sole responsibility and liability for furnishing Workers' Compensation benefits to any person for injuries arising from or connected with services performed on behalf of Permittee pursuant to this Permit.

All policies of insurance shall be with a company or companies authorized by law to transact insurance business in the State of California. Prior to the commencement date of this Permit, Permittee shall furnish to County a copy of the policy of insurance evidencing Permittee's insurance coverage. Failure on the part of Permittee to procure or maintain required insurance shall constitute a material breach of contract upon which the County may immediately terminate this Permit.

Upon renewal of any of the policies of insurance, Permittee shall furnish to County a Certificate of Insurance evidencing Permittee's continued insurance coverage. The County shall be given notice in writing at least (30) days in advance of cancellation or modification of such policy.

In the event any of the policies are changed or if the insurance carrier is changed, Permittee shall provide County a copy of the replacement policy meeting the minimum requirements as above noted.

J. Permittee expressly acknowledges that Permittee is a post acquisition tenant and shall not be entitled to any claim of status as a "displaced person" as such is defined in Section 7260 of the Government Code of the State of California. Permittee hereby acknowledges Permittee's ineligibility for relocation assistance as provided in Government Code Sections 7260 through 7277, inclusive, as it exists or as it may be amended.

K. Permittee shall not commence nor permit any construction or the placement of any improvements or other structures on or within the Premises without first submitting plans and specifications for advance written approvals by the County's Department of Public Works, Building and Safety Division.

L. County may, at its sole discretion, enter Premises to conduct Environmental Site Assessments. Upon review of such Assessments, County may, at its sole discretion, terminate this Permit consistent with General Provision C. Permittee shall bear any and all responsibility, expense, and liability incurred in the cleanup and treatment of any hazardous materials or condition found on the Premises caused by Permittee's use, storage, or treatment of any hazardous materials on/or within the Premises.

M. Each County Lobbyist as defined in Los Angeles County Code Section 2.160.010, retained by Permittee, shall fully comply with the County Lobbyist Ordinance, Los Angeles County Code Chapter 2.160. Failure on the part of any Lobbyist retained by Permittee to fully comply with the County Lobbyist Ordinance, shall constitute a material breach of this Permit upon which the County may terminate or suspend this Agreement.

PERMIT NO. 04-020

ACCEPTANCE

We, the undersigned Permittee, have read, understood and agreed to all the terms, conditions, and restrictions contained in this Permit.

PERMITTEE:

WISHTOYO FOUNDATION

Signature: _____

Name in Print: _____

Title: _____

Date: _____

ATTACHMENT C

REC'D JUN 15 2004

Millennium Holdings, Inc.
1800 North Argyle Street, Suite 500
Los Angeles, CA 90028

June 15, 2004

VIA FASCIMILE
310.821.7856

To: Lauri Ames
Los Angeles County Department of Beaches and Harbors

From: Jeff Greene

Re: Wishtoyo Foundation at Nicholas Canyon County Beach

Dear Ms. Ames,

As you know, I live at and own the property directly east of the site presently proposed for the Wishtoyo Foundation's development of the Chumash Discovery Center. I have reviewed the public review draft which you sent me last week. Although I have several concerns regarding the significantly increased usage that this property will receive as a result of the proposed plan, my primary concerns revolve around parking and traffic control, security, and noise.

With a pedestrian entrance directly adjacent to my home and quite far from the existing parking lot, visitors must be prohibited from parking on the highway. Cars parked along the ocean-side of the highway can significantly impair my visibility of oncoming traffic when entering and exiting my driveway. In addition, cars pulling in and out of the parking lane pose a great deal of danger to cars traveling southbound on Pacific Coast Highway near my property.

Regarding security, by having the pedestrian entrance off of the road that directly abuts my property, a portion of which, in fact, I own and over which the county has an easement for beach access, my property will be exposed to a large number of visitors, some of whom could be inclined towards entering my property illegally and committing crimes. In addition, pedestrian traffic up and down that road will result in noise from people talking. Therefore, the pedestrian entrance should absolutely be moved to the west side of this development so the development can be directly accessed from the existing parking lot. Moving the entrance will prevent people from walking out to the highway and around to a pedestrian entrance.

Regarding the noise, again there has been no consideration given at all to me, the one residential neighbor affected by this development. The ceremonial ground should be located at the northern-most part of the property so that any noise from visitors will be as far from my home as possible. The same is true of the learning center and portable

toilets. In addition, since the proposed development is of a commercial nature in a residential neighborhood, a six to eight-foot high wall, which will block sound transmission, should be built along the entire roadway.

Please understand that this is my home, for which I paid a great deal of money. As you know, people like me who live in Malibu come here for peace and tranquility. If my above suggestions are implemented, the negative impact of this discovery center will be substantially diminished.

If you have any questions, please feel free to contact me at 323.462.3900.

Very truly yours,

Jeff Greene

Los Angeles County
Caring for Your Coast
Beaches & Harbors

To enrich lives through effective and caring service

County of Los Angeles
California

Stan Wisniewski
Director

Kerry Gottlieb
Chief Deputy

June 28, 2004

Mr. Jeff Greene
Millenium Holdings, Inc.
1800 North Argyle Street, Suite 500
Los Angeles, CA 90028

Dear Mr. Greene:

Thank you for your letter dated June 15, 2004 in response to the Initial Study/Negative Declaration for the Wishtoyo Foundation's San Nicholas Canyon County Beach and Chumash Discovery Center. This letter will serve as a response to your concerns and an invitation to meet with the Wishtoyo Foundation personally at your earliest convenience to discuss you concerns further. We have attempted to address your main concerns, below, related to parking, traffic control, security, and noise.

Parking/Traffic Control

The existing public parking lot for Nicholas Canyon County Beach would be used by all visitors to the site. This parking lot is currently underutilized and provides much parking eliminating the need for visitors to the Discovery Center to park along Pacific Coast Highway in order to gain access to the area. In addition, visitors to the site would be by appointment only, therefore, all visitors will be directed to park in the existing lot by Wishtoyo Foundation leaders. As groups arrive, they will be met in the existing parking lot and escorted (on foot) up the existing access road to the site and advised to remain quiet until the Village area is reached. This access point east of the site cannot be changed due to the sensitivity of and inability to cross over the Creek on the western portion of the site. In addition, the eastern entrance already exists as a part of the recently constructed fence and no new construction would be required for entry to the Village area.

Noise

The ceremonial circle has been in place for some time now and is already in use. In your recent conversation with one of my staff, Lauri Ames, she conveyed to you that ceremonies have already been taking place for several months on the site though you were not aware of them. These types of activities would continue and would not be expected to generate noise beyond that which has already been occurring on the site in recent months. The Initial Study (p. 54-55) addresses the noise levels of the tomol (canoe) building area by requiring that it be moved to the western portion of the Village (away from your home). The native Chumash population utilized only hand tools and the construction of the tomols would follow suit, therefore there will be no power tools of any kind used to construct the canoes. Also, this activity would occur rarely on the site.

13837 Fiji Way • Marina del Rey • CA 90292 • 310.305.9503 • fax 310.821.6345 • internet: http://beaches.co.la.ca.us

The office trailer would be used to support staff conducting site visits and to provide a place to store cultural artifacts. Wishtoyo staff would closely supervise the trailer and it will be open only during designated visitation periods. The portable public toilet would be located behind the trailer and would only be utilized by approved visitors to the site. The existing gate to the property is locked when the property is not in use. The proposed project is not commercial in nature; rather, it will be operated by a non-profit foundation and would not generate enough noise to require a wall to be built. The property is already screened by vegetation.

Police/Security

The site is monitored and patrolled by the Los Angeles County Sheriff's Department, the Department of Beaches and Harbors Facilities and Property Maintenance Division, and the L.A. County Fire Department, Lifeguard Division on a regular basis. We believe this continued monitoring will be sufficient for the Discovery Village and restoration efforts.

We look forward to discussing your concerns further. As a neighbor, we hope to assure you that your concerns will be addressed. Mati Waiya, the Executive Director of the Wishtoyo Foundation, has recently contacted you and would enjoy taking you on a site visit to further discuss the project. He can be reached at (805) 382-4540. For more information from the Department of Beaches and Harbors, please contact Lauri Ames, Planner, at (310) 305-9538.

Very truly yours,
STAN WISNIEWSKI, DIRECTOR

Joseph Chesler, AICP
Chief, Planning Division

JJC:LA:la

c: Mati Waiya, Wishtoyo Foundation