

COASTAL CONSERVANCY

Staff Recommendation

April 24, 2008

KLAMATH RIVER ESTUARY ACCESS PLANNING

File No. 08-021-01

Project Manager: Su Corbaley

RECOMMENDED ACTION: Consideration and possible authorization to disburse up to \$100,000 to the Yurok Tribe to prepare a plan for public access in the Klamath estuary to evaluate access opportunities, identify use conflicts, and recommends access improvements, including a possible segment of the California Coastal Trail and a river taxi.

LOCATION: Requa to Klamath, Del Norte County (Exhibit 1)

PROGRAM CATEGORY: Public Access

EXHIBITS

Exhibit 1: [Project Location and Site Map](#)

Exhibit 2: [Images of Klamath River Estuary](#)

Exhibit 3: [Letters of Support](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31000 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred thousand dollars (\$100,000) to the Yurok Tribe to conduct planning and feasibility studies and prepare a public access plan for the Klamath River estuary. Prior to disbursement of any Conservancy funds, the Executive Officer shall approve in writing a work plan, budget and schedule, and any contractors to be used for the activities under this authorization.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 9 of Division 21 of the Public Resources Code.

2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on September 20, 2007.
3. The proposed project will serve greater than local needs.”

PROJECT SUMMARY:

This authorization would enable the Yurok Tribe (“the Tribe”), a federally recognized tribe, to prepare a comprehensive public access plan for the Klamath River estuary in Klamath, Del Norte County.

“Completing the California Coastal Trail”, prepared by the Conservancy in 2003, identifies the need to improve the Highway 101 corridor and bridge across the Klamath for non-motorized travel, or identify an alternative crossing. Currently public access is limited in and around the mouth of the Klamath River due to a number of factors including: private land ownership that reduces the opportunity to establish trails, inadequate right-of-way for safe pedestrian and bicycle access along Highway 101 and the bridge crossing the river, a lack of available north-south water passage across the estuary, potentially extreme fluctuations in water levels and direction during periods of high flow, and the presence of potentially unstable soils, ecologically sensitive areas and cultural resources throughout the estuary area.

The Tribe seeks enhance the public recreation potential of the estuary by improving access to the coast and other locations in the estuary and on the river. The Tribe wishes to explore the development of a river transit system that incorporates existing and new recreational amenities, the Yurok Transit System, and a Yurok trail network that provides culturally appropriate interpretive signs highlighting the natural setting, Yurok traditions, and Yurok watershed conservation activities.

Development of a river taxi and coastal trail project in the Klamath River Estuary is a complex endeavor for several reasons:

- Proposed decommissioning of dams on the Klamath River may significantly alter spring and summer flow events;
- Climate change promises to alter both the Klamath River flows and estuary dynamics as a result of changing sea level, reduced snow pack, and a predicted increase in the frequency high-intensity storms;
- Tsunamis are rare but potentially catastrophic events that pose a danger to the life and property in the area surrounding the Klamath River estuary. In the 50 years between 1943 and 1993 fifteen tsunamis have been observed or recorded in Del Norte County, including the 1964 tsunami that destroyed Crescent City and inundated Klamath, resulting in loss of life and property. Any project that provides public access must also plan for public safety, including evacuation routes and emergency services in the event of a tsunami;
- The Klamath River estuary is a biologically significant and ecologically fragile resource;
- The Klamath River and its estuary are economically significant resources for the Yurok Tribe and the State of California;
- The Area of Potential Effect (APE) for the coastal trail and river taxi contains sensitive

cultural sites and resources;

- Public access and land acquisition plans for the Yurok Indian Reservations need to be reviewed by Yurok Tribal Council and a consensus for such plans developed within the community;
- Existing Tribal economic development plans in the Klamath area should be integrated into any coastal access plan.

In order to address these issues, the Tribe is proposing to conduct a three-phase comprehensive planning effort in the Klamath River estuary that will consist of several related components. Phase I will determine what is possible based on topography, risk and land ownership. It will result in a detailed, Geographic Information System (GIS)-based maps of the estuary to indicate potential locations for public access infrastructure (i.e. boat launch sites, parking areas, and trails), potential connections to the California Coastal Trail and other interior trail networks, tsunami evacuation routes and identification of property ownership in the area of interest. An initial project task of phase I would be to generate high resolution digital elevation models of ground, canopy, and water surfaces in the estuary. These models would be created using Yurok Tribe GIS resources, Light Detection and Ranging (LiDAR) data, past and current bathymetric data, topographic surveys, and hydrologic data from local stream gages. The elevation models and associated GIS resources developed during this project would provide the Yurok Tribe with the tools to develop comprehensive, long-range community development, public access, and resource management plans that provide for existing and future land and water management activities and environmental conditions. High resolution data are required to plan for environmental threats such as tsunamis, increased river flooding and rising sea levels resulting from global climate change. These resources will also allow evaluation of potential changes associated with basin restoration activities such as dam removal or large-scale water conservation and tributary restoration.

A second Phase I task would be to collect up-to-date land status information for all properties located in the vicinity of the estuary. Property information including boundary locations, ownership, estimates of current value, regulatory compliance status, past and current land use, zoning status, and willingness of landowners to sell or participate in conservation easement programs will be compiled into the GIS. The GIS property layer will then be draped over the Klamath River estuary elevation model to assess current and future flood potential for all lands located in the vicinity of the estuary. Properties will then be prioritized for acquisition based on the findings of the flood hazard assessment as well as existing resource use and conservation goals established by the Yurok Tribe. A preliminary acquisition plan will be developed as a component of this phase that identifies potential funding and conservation easement strategies. The GIS resources, ownership information, and flood hazard analysis developed in the initial phases of this project are essential to assessing the feasibility and operation of a river taxi system and selecting safe locations for future public access and recreational infrastructure.

Phase II will take the sites selected in Phase I and identify any additional constraints or opportunities and determine what might be culturally and ecologically workable. Phase III will use the results from Phases I and II to build consensus and to determine what is socially and economically feasible resulting in a master access plan for the Klamath River estuary, including plans for the development of public access trails and a Klamath River taxi system. The final plan will provide potential coastal access and evacuation routes, potential sites for a trail system, river

taxi and tourist amenities based on topography, flood risk and parcel ownership; ecological and cultural review of the APE and potential routes and sites; and a social and economic feasibility assessment, community scoping.

The products from this authorization are expected to include spatially accurate GIS maps depicting current land status information, flood and tsunami inundation zones, and potential public access, recreation, economic development and estuary restoration projects locations; a GIS database of land status information for all properties located in the vicinity of the Klamath River estuary and preliminary acquisition plan identified; a summary of the flood and tsunami hazard assessment of the Klamath River estuary; and a preliminary identification of coastal access and evacuation routes and sites for an estuary trail network, river taxi and tourist amenities.

The Yurok Tribe has extensive experience with carrying out coastal planning, restoration, enhancement, and access projects, as described in the Project History section, below.

Site Description: The Klamath River estuary is located within the coastal zone approximately four miles north of the border separating Humboldt and Del Norte Counties, and north of the Prairie Creek Redwoods State Park. The estuary encompasses approximately 1800 acres and, at its current widest location, is approximately one mile across (Exhibit 1).

Land uses in the Klamath River estuary include tribal and recreational fishing, timber harvest, agriculture, residential use, and commercial businesses.

The Klamath River estuary and its associated marine, tributary, wetland, and slough habitats serve as a vital nursery and staging area for spring and fall-run chinook salmon, coho salmon (listed as threatened under the Endangered Species Act (ESA)), steelhead trout, coastal cutthroat trout, sturgeon, eulachon, and lamprey. The estuary and its associated habitats are also of great cultural and economic value to the Yurok People; a ceremonial dance pit and several natural features held sacred by the Yurok People are contained within the estuary. The area also provides critical habitat for a number of terrestrial wildlife and bird species including marbled murrelet and Northern spotted owl, both listed as threatened under the ESA.

Project History: In 2006, the Yurok Tribal Council adopted the Yurok Tribe Transportation Plan (“the YTTP”), which discusses and outlines the Tribe’s goal to develop tourism on the Reservation. The YTTP identifies as a goal developing a route across the mouth of the Klamath River and creating a multi-route interconnected trail system network throughout the Reservation and nearby lands that serves both Tribal members and non-Tribal eco-tourists and travelers. As part of achieving these goals, the YTTP identifies the need for additional studies to focus on analyzing environmental constraints such as seasonal migration of the river channel and fluctuations of water flow and channel depth, as well as mapping subsurface topography and identification of hazard potentials. The project proposed for Conservancy authorization would provide funds for the collection of some of the data necessary to assess these information gaps with the remainder of the data being collected through other concurrent studies.

In 2007, the Tribe approached the Conservancy to discuss the development of access opportunities on and around the Yurok Reservation to facilitate non-motorized transportation. Following a few scoping discussions, the Tribe presented the Conservancy with a proposal to

explore access opportunities that would not only provide much needed infrastructure for tribal member movement, but also for the public at large. A particular draw for this project is the opportunity to develop a segment of the California Coastal Trail, and to create safe passage across the Klamath River estuary.

The Conservancy has funded several public access projects carried out by the Yurok Tribe, including construction and additional maintenance of the Axel Lindgren Memorial Trail in Trinidad, Humboldt County, and the preparation of a comprehensive management plan for public access and cultural and natural resource protection on the Tsurai Village Site, also in Trinidad.

In addition to working with the Tribe on public access projects, the Conservancy has an extensive history of involvement with assisting the Yurok Tribe in the protection and enhancement of its habitat and fishery resources in the Klamath River watershed, and has been involved for years with several participants including the Tribe, adjacent and upriver landowners, state and federal agencies in a multitude of efforts to achieve that goal. Efforts have included, in brief, working with Simpson Timber Company (now "Green Diamond"), the Yurok Tribe, and other entities to build the foundation for a common effort in fisheries and watershed restoration for Lower Klamath River tributaries. Projects stemming from those early efforts have included development of a working group called the Lower Klamath Restoration Partnership to coordinate watershed restoration efforts; the development and publication of the Background Report and Strategic Workplan for Watershed Restoration Planning: Lower Klamath River, California; conducting a Watershed Restoration Training and Implementation Program within the McGarvey and Ah Pah Creek drainage basins; preparation of the McGarvey/Ah Pah Watershed Restoration Training and Implementation Final Report and the Lower Klamath River Sub-Basin Watershed Restoration Plan; and ongoing efforts to assess erosion in the McGarvey Creek Watershed.

Current Conservancy efforts in the Klamath Basin include funding efforts to assess future opportunities to increase access for salmon to reaches of the Klamath River rendered inaccessible following construction in the early 1900s of dams on the Klamath River, and to assist in assessing the potential for, and possible impacts from, removal of some of those dams.

PROJECT FINANCING:

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|---------------------------|------------------|
| Coastal Conservancy | \$100,000 |
| Yurok Tribe | <u>52,696</u> |
| Total Project Cost | \$100,000 |

The Conservancy's contribution to this project is expected to come from the FY 2005/06 appropriation from the Safe Neighborhoods, Parks, Clean Water, Clean Air and Coastal Protection Bond Fund (Proposition 12) allocated for resource development projects north of the Gualala River. The proposed project is consistent with this funding source as it will result in new public access facilities on Humboldt County coast.

The Yurok Tribe funding contribution consists of in-kind staff time and materials.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The proposed project would be undertaken pursuant to Chapter 9 (Sections 31400 *et seq.*) of Division 21 of the Public Resources Code, regarding public access to the coast. Section 31400 states the Legislature’s intent that the Conservancy have a principal role in the implementation of a system of public accessways to and along the state’s coastline. The goal of the proposed project is to prepare a master plan for public access opportunities around the Klamath River estuary by developing preliminary recommendations for coastal access sites for an estuary trail network, river taxi and tourist amenities. The proposed funding authorization is thus consistent with §31400.

Section 31400.1 allows the Conservancy to award grants to public agencies to develop, operate, or manage lands for public access purposes to and along the coast, if the subject accessway will serve greater than local needs. In 2006, the Yurok Tribal Council adopted the Yurok Transportation Plan which includes establishing a route across the mouth of the Klamath River and a multi-route interconnected trail system network for both Tribal members and non-Tribal eco-tourists and travelers. Thus, this project is consistent with §31400.1.

Section 31400.2 allows the Conservancy to fund up to the total cost of the initial development of public accessways by public agencies. Due to limited direct funding, the Tribe relies heavily on grant funds to carry out much of its environmental and resource planning and implementation projects. Conservancy funding will leverage matching contributions in the form of existing data and complementary activities (data collection during restoration activities) and allow the Tribe to complete the project in a timely fashion.

Section 31400.3 allows the Conservancy to aid public agencies in establishing a system of public coastal accessways. The Yurok Tribe, a federally recognized tribe which will carry out the proposed project, has an established transportation plan that includes implementing a system of multi-use public access trails and river taxi. The proposed funding authorization meets the requirement of §31400.3 to aid public agencies in establishing a system of public coastal accessways, and is thus consistent with this section.

The proposed project is also consistent with §31408(a), directing the Conservancy to coordinate the development of the California Coastal Trail, and §31409, which authorizes the Conservancy to award grants and provide assistance to establish and expand inland trail systems that may be linked to the California Coastal Trail. The planning activities will include exploring the feasibility of establishing a segment of the California Coastal Trail as part of the proposed project.

CONSISTENCY WITH CONSERVANCY’S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 1 Objective C** of the Conservancy’s Strategic Plan, the proposed project will result in the design of additional mileage of new trail, including a segment of the California Coastal Trail. Furthermore, the siting of potential trails and public access point locations will incorporate the scientific understanding of the effects of sea-level rise.

Consistent with **Goal 1 Objective G** of the Conservancy’s Strategic Plan, the proposed project would identify and prioritize real property or easement acquisition opportunities for trail

construction to provide regional trail connections, including connections to the California Coastal Trail.

Consistent with **Goal 2 Objective C** of the Conservancy's Strategic Plan, the proposed project will result in a plan to open an area that is currently closed to the (non-Tribal) public while respecting the rights of nearby landowners and the need to minimize impacts on sensitive natural resources. The proposed plan will help minimize the impact to cultural resources.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted September 20, 2007, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The project is supported by Congressman Mike Thompson, Assemblymember Patty Berg, Del Norte County Board of Supervisors, and Coastwalk. Support letters are included as Exhibit 3 to the staff recommendation.
4. **Location:** The proposed project would be located within the coastal zone of Del Norte County and provide direct access to and along the coast.
5. **Need:** The Tribe has limited direct funds available for public access projects on the Tribal lands. Without Conservancy funding public access planning would likely not occur and the area would remain inaccessible to the public.
6. **Greater-than-local interest:** Northern Humboldt and Del Norte Counties draw hundreds of thousands of visitors annually, many specifically to visit its magnificent coastline. Planning for public access in the Klamath River estuary will lead to continuity of trail access north and south, safe river crossing, and appropriate trail siting and development that would provide a unique access opportunity to those visitors.

Additional Criteria

8. **Resolution of more than one issue:** The proposed project will plan for public access while considering the needs for conservation and protection of the cultural and ecological sensitive resources in the area.
9. **Leverage:** See the "Project Financing" section above.
12. **Readiness:** The Tribe is currently undertaking a variety of planning and restoration projects for which a large amount of data (e.g., topographic, stream flow, and biologic) that would complement the proposed access planning project has been collected. The Tribe is eager to take advantage of these other ongoing efforts to create public access opportunities. The Tribe

has staff, available data, and a determined timeline and commitment from the Yurok Tribal Council to undertake this project.

13. Realization of prior Conservancy goals: See "Project History" above.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

Del Norte County's local coastal plan ("LCP") was certified on October 12, 1983. Section II.I of the LCP states: "Each coastal zone recreational area, must be studied individually to determine its optimum recreational use level." Section VI B. establishes that the Del Norte County General Plan "... recognizes the importance of biologically sensitive habitats and seeks to conserve and manage these resources for ... the needs of present and future generations." Among the County's zoning ordinances that implement the LCP, Chapter 21.35.040, E.4 states: "The design and construction by any public entity of a shoreline access facility (e.g., parking, trails, stairways, etc.) shall consider safety from potential vandalism and the protection of fragile resources."

COMPLIANCE WITH CEQA: The proposed project involves data collection, planning and feasibility analysis for possible future actions. These activities are statutorily and categorically exempt from the California Environmental Quality Act (CEQA) under 14 Cal. Code of Regulations Section 15262 and 15306, respectively, in that they involve only planning studies and feasibility analysis for possible future actions which the agency has not approved, adopted, or funded. Upon approval, staff will file a Notice of Exemption for the project.