

## COASTAL CONSERVANCY

Staff Recommendation  
August 2, 2012

### **HARE CREEK BEACH COASTAL ACCESS TRAIL**

Project No. 08-001-02  
Project Manager: Lisa Ames

**RECOMMENDED ACTION:** Authorization to disburse up to \$60,000 to the Mendocino Land Trust to construct approximately .75 miles of coastal trail within four existing public access easements and on the Hare Creek Beach property in Mendocino County.

**LOCATION:** Eastern end of Bay View Avenue (County Road 439A) in the City of Fort Bragg, heading east, then southwest along the north side of Hare Creek to Hare Creek Beach oceanfront property west of Highway 1, just south of Highway 20, within an unincorporated area of Mendocino County (see Exhibit 1, "Project Location and Site Map.")

**PROGRAM CATEGORY:** Public Access

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#### **EXHIBITS**

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

Exhibit 2: [Coastal Development Permit-City of Fort Bragg](#)

Exhibit 3: [Project Letters](#)

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#### **RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400 *et seq* of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed sixty thousand dollars (\$60,000) to the Mendocino Land Trust (MLT) to construct approximately .75 miles of coastal trail subject to the following conditions:

1. Prior to the disbursement of funds for the project, MLT shall submit a work program, schedule and budget, and the names and qualifications of any contractors to be employed on the project for the review and written approval of the Executive Officer of the Conservancy.
2. MLT shall provide documentation that permits and approvals necessary to the completion of the project has been obtained."

Staff further recommends that the Conservancy adopt the following findings:

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

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding public access to the coast.
3. The Mendocino Land Trust is a private nonprofit organization, existing under the provisions of Section 501(c)(3) of the U.S. Internal Revenue Service Code and its purposes are consistent with Division 21 of the Public Resources Code.
4. The project serves greater than local needs.”

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### **PROJECT SUMMARY:**

Staff recommends the Conservancy authorize the disbursement of up to sixty thousand dollars (\$60,000) to the Mendocino Land Trust (MLT) to open four existing public access easements and to construct approximately .75 miles of coastal trail connecting the eastern end of Bay View Avenue (County Road 439A) in the City of Fort Bragg to Hare Creek Beach located in an unincorporated area of Mendocino County. The project will also include trail improvements on the beach property, acquired by MLT in 2008 in part with Conservancy funds.

The proposed authorization will enable MLT to open north-side access to the popular Hare Creek Beach, as well as connect county roads (Del Mar, Pacific, and Bay View) to the City of Fort Bragg’s Pomo Bluffs Park at the north end of Todd Point. This project will improve and officially open an informal, prescriptive trail that starts on the adjoining private property to the north (“the Todd’s Point Subdivision”) and drops steeply down to Hare Creek Beach. The trail is used extensively by local community members and surfers, but is not maintained or signed, and there are no nearby parking areas that are safely accessible from Highway 1. As a result, non-resident visitors and hikers on the California Coastal Trail (“the CCT) typically miss this stunning stretch of Mendocino County coastline. Hikers often walk this stretch of the CCT within the highway corridor on a narrow bridge that arches high above Hare Creek.

This project is part of MLT’s ongoing stewardship and management of Hare Creek Beach for open space, ecological restoration and preservation, and public access. Since 2008, when MLT acquired Hare Creek Beach, it has actively stewarded this land just south of the City of Fort Bragg on the Mendocino Coast. MLT has hosted monthly volunteer workdays to involve the community in opening the old road access, constructing a small fence, removing invasive plants species and re-vegetating the area with native plants.

The completed trail will be approximately .75 miles in length and include such improvements as signage, boardwalk, and fencing. Driftwood logs will define the trail on the beach. Three 8” x 12” directional signs will be placed along the trail, as well as several 2’ x 3’ management signs. MLT will work with an artist to design an interpretive panel for the beach, explaining the importance of leashing dogs to protect migratory birds and native wildlife. Public parking will be located at the Redwood Community College property, off Del Mar Road. An internal pedestrian

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trail has been mowed and will connect the campus parking area to the Hare Creek Trail.

The trail is in two permitting jurisdictions, the City of Fort Bragg and an unincorporated area of Mendocino County. MLT has obtained a coastal development permit (See Exhibit 2) from the City of Fort Bragg for this project and has submitted the County coastal development permit in December 2011. MLT expects to receive the County CDP by the end of August and will not commence work on the project until the permit is issued.

MLT has had a remarkable history of conservation achievements in Mendocino County – largely the result of its long and fruitful relationship with the Conservancy – and thus is well-suited to carry out this project. Some of the MLT’s many successful projects with the Conservancy include: acquiring the Caspar Beach and Headlands, Navarro Point, Glass Beach, and Big River properties; preparing the Mendocino County Coastal Conservation Plan and the Mendocino County Coastal Trail Strategic Plan; constructing new trails and overlooks in Mendocino, Caspar, Fort Bragg; and constructing trails and a parking lot at Navarro Point and Kibesillah. The MLT is a 501(c)(3) organization established to acquire, improve and manage lands for open space, environmental and recreational purposes.

### **Site Description:**

Hare Creek Beach contains a wide variety of habitats – sandy beach, coastal dunes, and estuarine, riparian, and palustrine wetlands – used as resting and feeding areas by resident and migratory bird species. Hare Creek and its associated and estuarine habitats also support federally-listed steelhead trout and coho salmon. Utilizing volunteer help, MLT has successfully removed invasive plant species, re-vegetated with native species, and constructed a small north-south fence between the Property and parcels located east of Highway 1.

This trail project will improve an informal, prescriptive trail that starts on the adjoining private property upland to the north (“the Todd’s Point Subdivision”), crosses a public access easement held by MLT and drops steeply down to Hare Creek Beach. The trail travels from near College of the Redwoods (about 80 feet above sea level) to sea level, through annual grasslands, coastal terrace, down a south facing side-slope, and finally along an old riparian road to the sandy beach. Three of the public access easements lie on the south side of Hare Creek. The vegetation is largely non-native exotic plants, with willow, myrtle, dune plants, CA blackberry, baccharis (the natives) and Himalayan blackberry, broom, iceplant, cotoneaster, and English ivy (the non-natives). The trail is used extensively by local community members and surfers, but is not maintained or signed, and there are no nearby parking areas that are safely accessible from Highway 1.

### **Project History:**

The Mendocino Land Trust has been actively working to provide the public improved access to the Mendocino County coast since the 1990s. Because Mendocino County does not have a county park department or regional park district, non-profit land trusts have become involved in the effort to accept and open OTDs for public use. The Redwood Coast Land Conservancy, based in Gualala, has accepted and opened several coastal access ways; the Moat Creek Management Agency, Coastal Land Trust, and the Mendocino Land Trust have all been involved in the effort, each to varying degrees. CoastWalk and the American Land Conservancy have

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provided valuable assistance in accepting numerous OTDs and holding them until a local land trust could take on the tasks involved in opening them for public use. In 2005, MLT accepted 15 of these easements and was awarded Conservancy funds to undertake feasibility planning, design and permitting for them. The four easements underlying this trail project are part of the 15 easements accepted by MLT. In 2006, MLT was further awarded funds to plan strategically for future California Coastal Trail segments along the Mendocino coast, resulting in the prioritization of areas slated for further work. In 2008, MLT was awarded Conservancy funds to acquire the Hare Creek Beach parcel and completed a management plan for the property in 2010. To implement a portion of the strategic plan in 2010, MLT was awarded a Conservancy grant to undertake construction of seven public coastal accessways, perform site design and planning tasks necessary to develop an additional four accessways, and to continue to manage existing access easements within Mendocino County. MLT has an established and successful program in coastal access and trail planning, permitting, and implementation.

**PROJECT FINANCING**

<b>Coastal Conservancy</b>	60,000.00
<b>Americorps</b>	6,000.00
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<b>Total Project Costs</b>	66,000.00

The expected source of Conservancy funds for this project is the FY 09/10 appropriation to the Conservancy from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (“Proposition 84”). Public Resources Code section 75001 et seq. Proposition 84 authorizes the use of funds for projects that promote access to and enjoyment of the coastal resources of the state and that are consistent with the Conservancy’s enabling legislation, Public Resources Code section 75060(b). The proposed project will enable MLT to open the Hare Creek Beach accessway to the public, thereby promoting public access to and enjoyment of coastal resources. In addition, funding the proposed project is consistent with the Conservancy’s enabling legislation, as discussed below.

MLT will provide staff time managing the project and coordinating volunteer labor as an in-kind match. In addition, MLT has applied for and anticipates receiving a \$6,000 Americorps grant in the form of Americorps labor for the trail construction project.

**CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:**

This project will be undertaken pursuant to Chapter 9 (Section 31400) of the Conservancy’s enabling legislation, Division 21 of the Public Resources Code, regarding the implementation of a system of public accessways to and along the state’s coastline.

Under Section 31400, the Legislature has charged the Conservancy with a principal role in the implementation of a system of accessways to and along the state’s coastline. The proposed project will result in .75 mile of new coastal trail consistent with this section.

Pursuant to Section 31400.1, the Conservancy may award grants to any nonprofit organization to develop lands for public access purposes to and along the coast. The proposed authorization will enable MLT to improve a trail along the coastal bluffs of Mendocino to Hare Creek Beach, consistent with this section.

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Section 31400.2 requires that the amount of funding provided by the Conservancy for initial development of public accessways be determined by assessing the total amount of funding available for coastal public accessway projects, the fiscal resources of the applicant, the urgency of the project relative to other eligible projects, and the application of other factors prescribed by the Conservancy. Consistent with this section, the amount of the Conservancy funding for this project was determined based on the availability of other funds, the urgency and importance of this project, and the project's eligibility and priority as determined by application of the Conservancy's "Project Selection Criteria & Guidelines," as discussed below.

Pursuant to Section 31400.3, the Conservancy may provide such assistance as is required to aid nonprofit organizations in establishing a system of public coastal accessways. The proposed authorization will enable MLT to construct public access improvements to ensure safe access to the coast, while protecting sensitive habitat areas.

Section 31408 charges the Conservancy, in consultation with the Department of Parks and Recreation, and the California Coastal Commission, with coordination of the development of the Coastal Trail. The proposed authorization will enable MLT to construct a section of the California Coastal Trail, consistent with this section.

### **CONSISTENCY WITH CONSERVANCY'S 2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 1, Objectives C and D** of the Conservancy's 2007 Strategic Plan, the proposed project will place California Coastal Trail signs and construct and improve new trails.

Consistent with **Goal 2, Objective C** of the Conservancy's 2007 Strategic Plan, the proposed project will open a coastal area that is currently inaccessible or closed to public use while respecting the rights of nearby landowners and the need to minimize impacts on sensitive natural resources.

### **CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on June 4, 2009, 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 proposed project has support of the public. Please see letters of support in Exhibit 2.
4. **Location:** The proposed project would be located within the coastal zone of Mendocino County.

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5. **Need:** The opportunity to create new access to the beach and to forge a new link of the California Coastal Trail could be lost without Conservancy support.
6. **Greater-than-local interest:** The Mendocino coast is a state-wide and national scenic and recreational destination. Visitors and hikers will be able to enjoy a previously hidden and inaccessible sandy cove, and safely proceed up or down coast on the California Coastal Trail, a statewide effort to complete a system of coastal accessways from Oregon to the border with Mexico.
7. **Sea level rise vulnerability:** The fencing construction portion of the project will occur on coastal terrace 80 feet above sea level and outside the 500-year flood plain associated with Hare Creek, therefore not subject to sea level rise. The trail portion of the project on the sandy beach demarcated with driftwood logs is designed to adapt to a rising sea level.

### Additional Criteria

8. **Readiness:** MLT is ready to start working on this project as soon as funding is approved. They have committed the staff time and volunteers necessary to complete the work.
9. **Minimization of greenhouse gas emissions:** Project will include measures to minimize greenhouse gas emissions during construction to the extent feasible. Trail work will be done by hand.

### **CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:**

The Mendocino County Local Coastal Program (certified November 20, 1985) Policy 4.4.12 states that: "Public access to Hare Creek beach shall be an important feature of the local coastal plan in this area which is subject to rapidly increasing urbanization. A proposed shoreline access trail to Hare Creek beach is indicated on the land use map. The purchase and management by a responsible public agency of a shoreline access trail extending from the north side of Hare Creek in the vicinity of Bay View Avenue (County Road 439A) to Hare Creek beach is recommended by this plan."

### **COMPLIANCE WITH CEQA:**

The proposed project includes improvements within existing public access easements to establish a public access trail from Bay View Drive to Hare Creek Beach. The improvements will require minor vegetation removal, placement of four signs and a short boardwalk over a drainage area on the existing access road, and fencing to delineate trail boundaries.

The proposed project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to 14 Cal. Code of Regulations §§15303, 15304 and 15311. Pursuant to §15303, the project is exempt in that it will involve construction of small accessory (appurtenant) structures such as a fence to delineate the trail boundary and a small boardwalk to avoid a drainage area across the access road at the southern end of the trail. Pursuant to §15304, the project is exempt because it will involve a minor alteration of land of non-native vegetation removal on land with a slope of less than 10%. And pursuant to §15311, the project is exempt because it entails the placement of four on-premise signs to protect adjacent landowner privacy and describe the public access trail rules and management.

Staff will file a Notice of Exemption upon authorization of the project.