

COASTAL CONSERVANCY

Staff Recommendation
December 5, 2013

**MA-LE'L DUNES COOPERATIVE MANAGEMENT AREA
ACCESS IMPROVEMENTS PHASE II**

Project No. 06-048-02

Project Manager: Su Corbaley

RECOMMENDED ACTION: Authorization to disburse up to \$189,425 to the United States Bureau of Land Management to carry out Phase II access improvements at the Ma-le'l Dunes Cooperative Management Area in Humboldt County.

LOCATION: Town of Manila, north spit of Humboldt Bay, Humboldt County (Exhibit 1).

PROGRAM CATEGORY: Public Access

EXHIBITS

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

Exhibit 2: [Ma-le'l Dunes CMA Access Management Plan](#)

Exhibit 3: [Phase II Project Task Locations](#)

Exhibit 4: [Project Letters](#)

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 eighty-nine thousand four hundred twenty-five dollars (\$189,425) to the United States Bureau of Land Management to implement Phase II of the Ma-le'l Dunes Cooperative Management Area Access Plan, subject to the following conditions:

1. Prior to disbursement of any funds, the Executive Officer shall approve in writing a work plan, budget and schedule, detailed project designs, and any contractors to be used for the activities under this authorization.
2. With respect to work funded by the Conservancy and constituting an improvement or development, the grantee shall provide evidence that all permits and approvals necessary to this project have been issued.

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3. Conservancy funding shall be acknowledged by erecting and maintaining on the property a sign or signs that have been reviewed and approved by the Executive Officer.”

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 authorization is consistent with Chapter 9 of Division 21 of the Public Resources Code, regarding public access to and along the coast.
 2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
 3. The proposed project will serve greater than local needs.”
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PROJECT SUMMARY:

Staff is recommending the Conservancy authorize the disbursement of up to \$189,425 to the Bureau of Land Management (“BLM”) to construct the second phase of public access improvements at the Ma-le'l Dunes Cooperative Management Area (“CMA”) (Exhibit 1). The project area is located on the north spit of Humboldt Bay in an area that is highly regarded for its natural beauty and easy access to the ocean and dunes.

In 2010, after nearly a decade of collaborative acquisition and planning efforts between federal agencies (U.S. Fish and Wildlife Service (“FWS”) and BLM), the public and conservation groups, and the Conservancy, the Ma-le'l Dunes CMA Access Management Plan (“Plan”) and environmental review were completed. The Plan outlined a two-phase approach for developing access amenities and infrastructure on the CMA. The Conservancy adopted the plan and authorized funding for Phase One improvements in 2010, and in October 2011, the CMA was opened for public use (see “Project History” section for additional details).

This proposed authorization would enable BLM to complete the second phase of access improvements identified in the Plan, concluding the Conservancy’s objectives of providing a broad array of public access and recreational opportunities on the CMA.

The Phase Two activities expected to be completed under this authorization include:

- Install privacy fencing between Ma-le'l Road and private properties
- Install bicycle rack, dog-waste sanitation-supply station, install four bear-proof trash/recycling receptacles, install informational kiosks, and replace 5 dilapidated benches along existing hiking trails
- Upgrade 1,000 feet of the Tsoutgish Trail at Ma-le'l North to accommodate ADA use
- Resurface parking lots with gravel at Ma-le'l North and South and expand parking capacity at Ma-le'l South.
- Adding and upgrading trails at Ma-le'l South
- Establishing potable water at Ma-le'l South
- Developing and installing signage and interpretive information.

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See Exhibit 3 for a map depicting the locations of the proposed project elements.

BLM is a federal public agency with a large presence in Humboldt County, successfully managing land for a wide variety of recreational opportunities and protection of open space. As it is one of the land managers of Ma-le'l Dunes CMA, BLM is the appropriate grantee for this project.

Site Description: The Ma-le'l Dunes Cooperative Management Area is approximately 444 acres on the north spit of Humboldt Bay in Humboldt County. It comprises two portions: "Ma-le'l North," approximately 290 acres owned and managed by FWS, and "Ma-le'l South," approximately 154 acres owned and managed by BLM. The site is bounded on the west by the Pacific Ocean, the east by the Mad River Slough, the north by the Humboldt Bay National Wildlife Refuge, and the south by additional coastal dunes undergoing restoration (see Exhibit 1). The property comprises wetland and associated uplands including dunes and maritime forest within a barrier island ecosystem and includes habitat for the federally-listed endangered Menzies Wallflower, and beach layia, as well as the rare dune mat plant community. While no suitable habitat has been documented, it is possible, through future restoration actions, that the property could provide habitat for the Western Snowy Plover.

Project History: The Conservancy has a long history of projects on the North Spit and specifically the CMA and the adjacent preserve areas. In 1986 and 1987, the Conservancy provided funding to The Nature Conservancy to acquire what is now the FWS Lanphere-Christensen Dunes Unit (transferred to FWS with Conservancy approval in 1998) located north of the subject project area.

In 1990, the Conservancy granted \$80,000 to the County of Humboldt to conduct an alternative uses study and prepare the Humboldt Beach & Dunes Management Plan with recommended planning activities. The Coastal Commission approved the preferred plan and in 1993 the County amended the Humboldt Bay Area Local Coastal Plan of the Humboldt County General Plan to incorporate by adoption the Humboldt Beach & Dunes Management Plan preferred alternatives. The Conservancy approved the Humboldt Beach & Dunes Management Plan on March 20, 1995. The plan recommended public acquisition of (what is now) the Ma-le'l Dunes Cooperative Area for resource protection and public access.

For several years until 1994 Ma-le'l North was used for public access under an agreement between the landowners (Louisiana-Pacific) and operators. The agreement was a requirement of a Conservancy acquisition grant to The Nature Conservancy for an addition to its adjacent Lanphere Christensen Dunes Preserve, where access was restricted due to sensitive habitat. From 1994 (following a sale of the Louisiana-Pacific property to private entity) until 2003 a large portion of Ma-le'l North and South were used for off-highway vehicle (OHV) use activities. The OHV use ended in 2003 when the properties were acquired by the Center for Natural Lands Management with \$442,000 in Conservancy authorized funds and \$399,000 in FWS National Coastal Wetland Conservation Grant Program grant funds awarded to the Conservancy.

In 2004 and 2005, respectively, BLM acquired the southern property and FWS acquired the northern property from CNLM and added them to those agencies' existing adjacent ownership resulting in 444 total acres comprising the CMA.

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In 2003-2004 the Conservancy undertook a collaborative public process to prepare a plan to address long-term management that would provide for public access while protecting the myriad resources present. Through a series of public and stakeholder meetings and with considerable assistance from FWS, BLM and private conservation groups and the public, the Plan was completed in March 2010. Concurrently, the Conservancy undertook preparation of a mitigated negative declaration (MND) under the California Environmental Quality Act (CEQA) for the Plan. The Plan and the MND were approved and adopted by the Conservancy at its August 5, 2010 meeting. At that same meeting, the Conservancy authorized a grant of \$175,000 to FWS to undertake Phase I access improvement outlined in the Plan. FWS completed those activities, and the CMA was opened to the public, in October 2011. Phase I improvements focused on Ma-le'l North and included improving the main access road and security gate(s); installing new fencing to separate road use from nearby private residences; closing casual parking area(s); upgrading the formal parking area; installing trash receptacles, picnic tables, bike racks and restrooms; upgrading historic existing trails; revegetating casual trails; re-routing the forest ingress/egress trail; installing trail markers; developing and installing highway coastal access signs, a sign at the main entrance to the Ma-le-l North property, regulatory signs and kiosks, and property boundary signs between adjacent private owners and FWS and BLM lands.

PROJECT FINANCING

Coastal Conservancy	\$189,425
USFWS, BLM, California Conservation Corps	\$31,410
Project Total	\$220,835

The expected source for the Conservancy funds for this project is the fiscal year 2008-2009 appropriation from Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) for Coastal Conservancy state-wide resource protection projects, which can be used for the development of public access to coastal resources, consistent with Division 21 of the Public Resources Code, the Conservancy's enabling legislation.

In addition to the \$31,410 towards construction of the project, FWS and BLM will provide funding and labor for annual management including access road maintenance, a caretaker's salary and utilities (FWS), and enforcement backup (BLM).

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 improve existing, and construct new, access amenities to provide public access to and along the coast. 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. BLM is a public agency that

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will carry out this project with the purpose of developing public access to and along the coast. 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. The Conservancy will contribute funds for the project, and FWS and BLM will contribute staff time and materials to assist with project coordination, oversight, and monitoring.

Section 31400.3 allows the Conservancy to aid public agencies in establishing a system of public coastal accessways. BLM is a public agency that will carry out the proposed project for the purposes of establishing and enhancing public coastal access on the north spit of Humboldt Bay. The proposed funding authorization thus meets the requirement of §31400.3.

The proposed project is also consistent with §31408(a), which directs 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 trails planned for construction would serve as spur trails to the California Coastal Trail on and around Humboldt Bay.

Section 31410, effective in January 2008 (AB 1568, Berg), designates the portion of the Ma-le'l Dunes in Humboldt County that is part of the California Coastal Trail and is under the jurisdiction of the Conservancy as the Senator Wesley Chesbro Coastal Trail. The Conservancy is directed to erect appropriate signage, upon receipt of specific funding, after the date on which Wesley Chesbro ceases his service in the Legislature or on January 1, 2009, whichever occurs later. (Mr. Chesbro is currently a member of the Assembly.)

**CONSISTENCY WITH CONSERVANCY'S 2013
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 2 Objective A** of the Conservancy's 2013-2018 Strategic Plan, the proposed project the proposed project will expand opportunities for barrier-free access to and along the coast and coastal trails (along Mad River Slough).

Consistent with **Goal 2 Objective D** of the Conservancy's 2013-2018 Strategic Plan, the proposed project will fund construction of new trails and reconstruction of parking areas and trailheads to increase and enhance coastal recreation opportunities.

**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 November 10, 2011, 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.

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3. **Support of the public:** This project has broad public support and is endorsed by Humboldt County Supervisor Mark Lovelace, State Senator Noreen Evans, and State Assemblyman Wes Chesbro. See letters of support in Exhibit 3.
4. **Location:** The project would be located within the coastal zone on the north spit of Humboldt Bay, County of Humboldt. The proposed project will facilitate increased public access to the complex of public dunes and trails along the north spit.
5. **Need:** The CMA opened to the public in 2011. Since then, public use has steadily increased, resulting in the need for the improved access facilities. While both Ma-le'l South and North can be reached by vehicles, the Ma-le'l North parking area is opened to vehicles only Fridays through Monday, increasing demand for adequate parking at Ma-le'l South. This project would enable BLM to resurface and re-align its parking area to increase its capacity to meet the demand. Equestrian access to the coast from Ma-le'l South has increased. However, there isn't a water supply available to service horses. A waterline would be connected and a spigot installed to serve the equestrian users, and a fountain installed to provide hikers with drinking water. Due to the many sensitive habitats present at the CMA it is imperative that public use does not degrade the resources. Kiosks and interpretive signs and materials would be developed to educate the public of the diverse and unique resources present and how to reduce impacts from recreational use.
6. **Greater-than-local interest:** The Humboldt Bay area is a destination for visitors from all over the world who are drawn to northern California for the mountains, redwoods, and ocean, and to Humboldt County for its atmosphere and aesthetics. Increasing the available facilities will provide a more enjoyable recreational experience and expand the appeal of this unique area for tourism.
7. **Sea level rise vulnerability:** The project area ranges in elevations from approximately 5' to 100' above current sea level and thus is not vulnerable to impacts from anticipated sea level rise for the years 2050 through 2100. At Ma-le'l North, the Tsoutsgish Trail (berm trail) and the parking area could become marginally influenced in the event of a 100-year flood combined with sea level rise (*FWS Comprehensive Conservation Plan (Humboldt Bay NWR Complex, September 2009)*) if a sea level rise of 55 inches is realized. Other areas throughout the project area that could potentially be impacted by this scenario would be low lying wetland area amongst the dunes. Access infrastructure is not planned for those areas and would not be affected by sea level rise. FWS and BLM will adaptively manage these areas in the event of changes in erosion rate to protect infrastructure and provide safe access for the the public.

Additional Criteria

10. **Leverage:** See the "Project Financing" section above.
13. **Readiness:** The grantee is prepared to engage in this work as soon as a grant agreement can be executed. Potential subcontractors are identified and can be quickly engaged.
14. **Realization of prior Conservancy goals:** The Conservancy has a long history of assisting with access development and improvements on the dunes system along the north spit of Humboldt Bay. This action would further existing goals for the north spit specifically, and

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for public access in the region generally, as outlined in the Humboldt Beach and Dunes Management Plan.

16. **Cooperation:** Phase I was a successful collaboration between two federal agencies and local nonprofit organizations and the public. Phase II will continue these efforts: BLM will oversee the work and schedules, completing work on its own lands and on FWS lands, working in concert with FWS, and through contracting with local nonprofit conservation organizations and the California Conservation Corps.
17. **Vulnerability from climate change impacts other than sea level rise:** It is unclear whether other climate change impacts such as higher air temperatures, altered precipitation patterns, more severe El Niño climate events, increased storm frequency and intensity, higher coastal erosion rates, greater fire intensity and frequency, etc. will adversely impact the Ma-le'l Dunes Cooperative Management Area. However, changes in rainfall, storm patterns, sedimentation, littoral transport, and wind speed could affect dune stability/migration. BLM and FWS will pursue an adaptive management approach to maintaining the new trails up to and including moving sections of the trails if needed in response to the impacts of climate change.
18. **Minimization of greenhouse gas emissions:** The proposed project is located in an area that is easily reached by bicycle and public transportation providing opportunities for visitors to access the site without the need for vehicles. Ma-le'l North parking area is open to vehicular traffic only four days per week. This will promote the use of alternative means of transportation by visitors to the site, thus reducing greenhouse gas emissions as a result of implementing the project.

During construction, there will be short-term greenhouse gas emissions from the use of heavy equipment and mechanized tools associated with rehabilitation Ma-le'l South parking lot, and resurfacing with gravel of the parking area at Ma-le'l North. The greenhouse gas emissions from those construction activities will be minimized to the extent possible, as follows. Idling time of heavy or other fueled equipment will be minimized either by shutting equipment off when not in use or reducing the time of idling to a minimum amount (e.g., 3 – 5 minutes). All construction equipment will be maintained in proper working condition. Utilizing hand equipment for trail clearing and building and other improvements will cause no increase in greenhouse gases. No major excavation of materials will occur, so there is no need for dump trucks to haul away materials. FWS and BLM each have tools and equipment available locally, and will seek to secure a local source of materials for the access road and parking area improvements. All of these practices incorporated into the project reduce the generation of greenhouse gases associated with equipment and material hauling.

CONSISTENCY WITH CONSERVANCY STANDARDS AND RECOMMENDATIONS FOR ACCESSWAY LOCATION AND DEVELOPMENT

The Conservancy-adopted “*Standards and Recommendations for Accessway Location and Development*” is relevant to the proposed project. The proposed project is consistent with all applicable standards. Consistent with Standard No. 1, 2 and 5, the proposed project will protect the public and coastal resources by routing and signing trails to promote safe recreation onsite

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while protecting sensitive habitats, and protecting of the privacy of adjacent and nearby private landowner/dwellers; removing casual trails to reduce or eliminate dune erosion through forest or plant habitat.

Consistent with Standard No. 3, trails will be maintained at a minimum width. Also, an Americans with Disabilities Act (ADA) compliant parking space and trail segment will be constructed to provide view to the slough located on the eastern portion of Ma-le'l North.

Consistent with Standard 4, the proposed trails will be located safely away from private property, and the entrances to parking will be re-routed to prevent traffic contact with private property.

Consistent with Standards 6 and 7, lateral and vertical accessways will comply with LCP and coastal development permit requirements.

Consistent with Standard 8, the proposed project provides trails connecting the shore to publicly owned lands and will provide safe trail access from parking lots to the slough overlook, and through the dunes to the beach, avoiding unstable or erosive soils. Trails will be signed to promote safe access and inform the public about the local environment, and restrooms, picnic tables, benches, and trash receptacles are provided.

Consistent with Standards 9 and 13, 1,000 feet of the scenic overlook trail along the slough will be wheelchair accessible. Accessible parking space(s) and appropriate signage will be provided.

Consistent with Standard No. 12, the proposed project includes many support facilities to accommodate public use of the site, including signs, benches, trash cans, parking, restrooms potable water.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The proposed project would facilitate increased access facilities as outlined in local coastal plans. The Humboldt Bay Area Plan and its supporting zoning regulations form the Local Coastal Program (LCP) for the project area. Humboldt County's LCP consists of an integrated system of Land Use Plan and Implementation Plan documents. The Humboldt County LCP policies, which address resource protection and public access issues, are extensive. The preferred planning alternatives from the Humboldt Beach and Dunes Management Plan (HBDMP) were approved by the Coastal Commission and amended to the Humboldt Bay Plan (LCP) and the county General Plan on June 7, 1994; the Conservancy adopted the HBDMP in April 1995. Specifically, the LCP recommends additional accessway improvements and enhancement activities on the north spit of Humboldt Bay. Therefore, the proposed project is consistent with the LCP. Section 6.138p of the HBDMP states, with regard to the Ma-le'l CMA planning area (formerly referred to as "the CMA" in the HBDMP) that "pedestrian access in this area would be expanded to include the open sand areas encompassed by the boundaries of the CMA." The Ma-le-l planning area is within the boundaries of the former CMA. Therefore, the Phase II access improvements proposed in the project are consistent with the recommendations of the Humboldt Bay Area Plan.

COMPLIANCE WITH CEQA: The Conservancy served as the lead agency for this project under the California Environmental Quality Act (CEQA), and prepared a Mitigated Negative Declaration ("MND") for the Plan, as discussed in the "Project History" section, above. At its August 5, 2010 meeting, the Conservancy approved the Plan and adopted the MND and the

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corresponding Mitigation, Monitoring and Reporting Plan, and staff filed a Notice of Determination on August 10, 2010. There have been no changes to the Plan, which includes the proposed Phase II activities, and none of the environmental conditions or circumstances have changed. Thus, the project is consistent with the MND adopted on August 5, 2010.