

COASTAL CONSERVANCY

Staff Recommendation
December 6, 2018

EAST SWEET SPRINGS ACCESS IMPROVEMENTS

Project No. 18-029-01
Project Manager: Timothy Duff

RECOMMENDED ACTION: Authorization to disburse up to \$50,000 to the Morro Coast Audubon Society for public access improvements and habitat restoration on their East Sweet Springs property on the south Morro Bay shoreline, San Luis Obispo County and adopt findings under the California Environmental Quality Act.

LOCATION: Coastal Zone, South Morro Bay shoreline in the communities of Los Osos and Cuesta-by-the-Sea, unincorporated San Luis Obispo County (Exhibit 1).

PROGRAM CATEGORY: Public Access

EXHIBITS

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

Exhibit 2: [Site Photos](#)

Exhibit 3: [Site Plans](#)

Exhibit 4: [Initial Study-Mitigated Negative Declaration](#)

Exhibit 5: [Project Letters](#)

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 fifty thousand dollars (\$50,000) to the Morro Coast Audubon Society (MCAS) for construction of public access improvements and habitat restoration on their East Sweet Springs property in San Luis Obispo County, subject to the following conditions:

1. Prior to the disbursement of funds for construction of each project, MCAS shall submit for the review and approval of the Executive Officer of the Conservancy:
 - a. Evidence that MCAS has obtained all necessary permits and approvals, and all other funds necessary to complete the project.

EAST SWEET SPRINGS ACCESS IMPROVEMENTS

- b. A final work program, including final construction drawings, a final budget, schedule, and names of any contractors and subcontractors to be employed for these tasks.
- c. Signing plans for the project acknowledging Conservancy participation in the project.
3. To the extent appropriate, the grantee shall incorporate the guidelines of the Conservancy's 'Standards and Recommendations for Accessway Location and Development' and the requirements of all applicable federal and state laws governing barrier-free access for persons with disabilities.
4. In implementing the project, MCAS shall ensure compliance with all applicable mitigation measures and monitoring and reporting requirements for the project that are identified in the Initial Study and Mitigated Negative Declaration (IS-MND), attached to the accompanying staff recommendation as Exhibit 4, which was approved by San Luis Obispo County on June 4, 2013."

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.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. Morro Coast Audubon Society is a nonprofit organization existing under section 501(c)(3) of the Internal Revenue Service, and whose purposes are consistent with Division 21 of the Public Resources Code.
4. The Conservancy has independently reviewed and considered the IS-MND for the Morro Coast Audubon Society Minor Use Permit DRC2011-00013 adopted by the Count of San Luis Obispo on June 4, 2013 pursuant to the California Environmental Quality Act ("CEQA") and attached to the accompanying staff recommendation as Exhibit 4. The Conservancy finds that the proposed project as designed and mitigated avoids, reduces, or mitigates the potentially significant environmental effects to a less-than-significant level, and that there is no substantial evidence based on the record as a whole that the Project may have a significant effect on the environment, as defined in 14 Cal. Code Regulations Section 15382."

PROJECT SUMMARY:

Staff recommends disbursement of up to \$50,000 to the Morro Coast Audubon Society for public access improvements and habitat restoration on the East Sweet Springs property, which is the eastern section of the Sweet Springs Nature Preserve on the Morro Bay shoreline in San Luis Obispo County. (Exhibit 1). The project includes construction of approximately 300 feet of trail surfaced with decomposed granite material ("DG"), which will provide a much-needed connection for visitors seeking access between the site and the adjacent portion of the Sweet Springs Preserve.

EAST SWEET SPRINGS ACCESS IMPROVEMENTS

The 32-acre Sweet Springs Nature Preserve is located in Los Osos and is owned and managed by the Morro Coast Audubon Society. The preserve offers hiking trails, beautiful views of Morro Bay and Morro Rock, and excellent birding opportunities. Currently, the sidewalk serves as the only improved pedestrian link between the east and central areas of the Preserve. The proposed new trail will enable visitors to instead walk through the interior of Preserve in a natural, undeveloped setting. The trail will also connect to an existing handicap parking space and paved ramp that leads to a boardwalk and viewing deck. These existing improvements are compliant with American with Disabilities Act (ADA) standards (Exhibits 2 and 3).

Beyond improving access through the Preserve, the proposed trail will also serve to direct visitors out of the site's sensitive dune and wetland habitat areas. The project includes habitat restoration consisting of removal of approximately a one-half acre area of non-native plants and replanting of native dune and upland plants along the existing path and boardwalk that leads to the viewing platform above the shoreline.

Site Description: The eight-acre East Sweet Springs property is a portion of the larger 32-acre Sweet Springs Nature Preserve located in the Baywood-Los Osos community, in unincorporated San Luis Obispo County (Exhibit 1). The property is located along the southern shoreline of the Morro Bay National Estuary, which is one of just three estuaries in the state that serve as part of the National Estuary Program. The estuary supports the most significant wetland system on California's central coast south of Monterey, serves as a link for migratory birds, and is home to a diverse collection of wildlife species. The rest of the Preserve is located to the west of the site while rural residential development is located to the northeast. Undeveloped land faces the site to the south. (See Exhibit 1).

The property contains five acres of wetlands associated with the estuary, and three acres of upland dune habitat with remnant patches of coastal scrub. The federally-listed Morro shoulderband snail is known to occur on portions of the dune habitat. An upland area includes a small stand of Monterey cypress and eucalyptus trees that are not native to the Morro Bay region but support a migrating population of Monarch butterflies. Elevations on the site range from zero along the shoreline to approximately 30 to 40 feet along the upland areas. In 2017 Morro Coast Audubon installed a handicap parking space and paved ramp that connects to an ADA-compliant trail, boardwalk and viewing deck (Exhibit 2).

Grantee Qualifications: Morro Coast Audubon Society has done an outstanding job operating and improving the Sweet Springs Nature Preserve that they have owned for the past 30 years. In 2008 they acquired the East Sweet Springs property with Conservancy funding and successfully raised over \$320,000 in private donations to construct the parking and trail improvements completed there in 2017.

Project History: In 2008 the Conservancy provided funds for the acquisition of the East Sweet Springs property as well as for initial public access and habitat restoration planning. Between 2008 and 2014 Morro Coast Audubon prepared plans and obtained permits to construct the first phase of access improvements that were completed in 2017 (Exhibit 2). These improvements were funded entirely by local private donations. In late 2017 Morro Coast Audubon contacted Conservancy staff to request funds for a second phase of access improvements and in the spring 2018 staff agreed to bring a request to the Conservancy board.

EAST SWEET SPRINGS ACCESS IMPROVEMENTS

PROJECT FINANCING

Coastal Conservancy	<u>\$50,000</u>
Project Total	\$50,000

The anticipated source for the Conservancy funds for this project is an appropriation from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, (Proposition 84), codified at Public Resources Code (“PRC”) section 75001, et seq. Proposition 84 authorizes the use of bond funds for projects that protect beaches, bays and coastal waters, including projects that restore natural habitat of coastal lands, and promote access to coastal resources, consistent with the Conservancy’s enabling legislation. (Public Resources Code § 75060(b)). The proposed project will improve the public’s access to nature preserve and natural resources along the Morro Bay shoreline by developing a public trail on the property and restoring natural habitat . The proposed project is consistent with the Conservancy’s enabling legislation, as discussed in the “Consistency with Conservancy’s enabling legislation” section below. The proposed project is thus consistent with the requirements of Proposition 84.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The proposed project is consistent with Chapter 9 of Division 21 of the Public Resources Code (Sections 31400-31410), regarding public access and enjoyment of coastal resources. Section 31400 states that the Conservancy shall have a principal role in the implementation of a system of public accessways to and along the state’s coastline. In order to carry out that mandate, the Conservancy is authorized by Section 31400.1 to provide grants to public entities or non-profit organizations to develop, operate and manage lands for access to and along the coast. Through the proposed action the Conservancy will play a primary role by funding the construction of a trail within a coastal preserve along the shoreline at Morro Bay.

Section 31400.2 authorizes the Conservancy to provide up to the total cost of the initial development of a public accessway by any public agency or non-profit organization. Consistent with Section 31400.2, the amount of funding recommended is based on 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 consideration of the Conservancy’s Project Selection Criteria. (See Consistency with Conservancy’s Project Selection Criteria & Guidelines, below). Morro Coast Audubon raised \$320,000 in private funds for the construction of parking and trail improvements completed in 2017. The Conservancy will provide \$50,000 for this phase of the project. Overall, the Conservancy will provide 14% of the funding for the access improvements.

Section 31400.3 authorizes the Conservancy to assist public agencies and non-profit organizations in establishing a system of public coastal accessways. The proposed project will further these goals by improving public access to a coastal preserve.

CONSISTENCY WITH CONSERVANCY’S ACCESS PROGRAM STANDARDS:

Standard No. 1, Protect Public and Coastal Resources: Consistent with Standard No. 1, the proposed access improvements will be located to safely accommodate public use and will be

EAST SWEET SPRINGS ACCESS IMPROVEMENTS

designed to minimize alteration of natural landforms and be subordinate to the setting's character.

Standard No. 8, Trails: The trail improvements will provide public access with appropriate surface materials, and adequate drainage.

Standard No. 9, Scenic Overlooks: The project will connect to an overlook that will be accessible to those with physical disabilities.

Standard No. 12, Support Facilities: The project will provide support facilities, including adequate parking, signs, trash receptacles, and benches.

Standard No. 13, Barrier-Free: The project will be accessible to those with physical disabilities.

CONSISTENCY WITH CONSERVANCY'S 2018 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 2, Objective A** of the Conservancy's 2018-2022 Strategic Plan, the project will enhance opportunities for access to and along the coast for people with disabilities.

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 October 2, 2014, 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 has broad public support as demonstrated by the letters attached in Exhibit 5.
4. **Location:** The proposed project is located within the coastal zone of San Luis Obispo County.
5. **Need:** The grantee has raised over \$300,000 in private donations to construct the latest access improvements and is not able to raise additional funds for the proposed new trail. Thus, the project will not occur without Conservancy participation.
6. **Greater-than-local interest:** Visitors, especially bird watchers, from throughout the central coast and beyond are attracted to the Preserve for its excellent bay and shoreline views. The current and planned new access improvements will enhance the visitor experience.
7. **Sea level rise vulnerability:** This trail project is located at an approximate elevation that ranges from 30 feet to 40 feet. Thus, it is above the anticipated sea level rise of 55-inches by 2100, and will not be directly impacted by sea level rise.

EAST SWEET SPRINGS ACCESS IMPROVEMENTS

Additional Criteria

8. **Urgency:** The grantee intends to begin construction of the project in early 2019 so Conservancy funds are urgently needed to meet this schedule.
9. **Readiness:** The grantee is ready to start the project pending award of Conservancy funding.
10. **Realization of prior Conservancy goals:** In 1981, the Coastal Conservancy was asked by the County of San Luis Obispo to help negotiate an agreement with the private landowner for public acquisition of the preserve area. Ultimately, that resulted in the donation to the Conservancy in 1985 of the original 24.8 acre preserve property. The property was then transferred to the grantee. In 2008, the Conservancy funded the acquisition of the East Sweet Springs Property by the Morro Coast Audubon Society. See also “Project History” above.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

Consistent with the San Luis Obispo County Local Coastal Plan for the project area (Estero Area Plan, certified by the Coastal Commission in 1988 and updated in 2009), Chapter 8, Coastal Access, Policy A, calls for “Provid[ing] maximum public access...to the coast, the shoreline, the bay, and public recreation areas, consistent with the need to protect natural resources and private property rights.” The proposed project will improve access to a public recreation area, and the Morro Bay shoreline while protecting natural resources and private property rights.

COMPLIANCE WITH CEQA:

Staff has independently evaluated the IS-MND for the Morro Coast Audubon Society Minor Use Permit DRC2011-00013 adopted by the County of San Luis Obispo on June 4, 2013, and concurs that there is no substantial evidence that the proposed project will have a significant effect on the environment. Staff therefore recommends that the Conservancy find that the project as mitigated avoids, reduces or mitigates the possible significant environmental effects to a level of less-than-significant and that there is no substantial evidence that the project will have a significant effect on the environment as that term is defined by 14 Cal. Code Regs. §15382.

The IS/MND identified potentially significant impacts of the project in the areas of biological resources and cultural resources, and identified mitigation measures that would avoid impacts, or reduce them below the level of significance, such that the project would not result in significant adverse impacts on the environment as described below.

To reduce potential biological impacts to less than significant levels, the following mitigation measures will be implemented: Ground disturbing activities will be restricted to the dry season (June 1 to October 31); pre-construction surveys for the Morro shoulderband snail (“MSS”) will be conducted prior to any ground disturbance; exclusion (e.g. silt) fencing shall be installed under the direction of a qualified biologist prior to any ground disturbing activities to ensure that areas occupied by the MSS are not affected; a biologist in possession of a valid recovery permit for the MSS will be retained to monitor construction activities; and, environmental awareness training shall be provided for all construction workers at the site.

EAST SWEET SPRINGS ACCESS IMPROVEMENTS

To reduce potential cultural impacts to less than significant levels, the following mitigation measures will be implemented: The applicant shall submit a monitoring plan prepared by a sub-surface qualified archeologist for review and approval of the Environmental Coordinator; the applicant shall retain a qualified archeologist and Native American to monitor all earth disturbing activities, per the approved monitoring plan; the consulting archeologist shall submit a report to the Environmental Coordinator summarizing all monitoring and mitigation activities and confirming that all recommended mitigation measures have been met; all labor crews shall be trained on the identification of archeological remains and instructed in the proper steps to take in the event archeological remains are exposed.

Because the MND only assessed the environmental effects of the trail construction portion of the project, staff also assessed the habitat restoration activities. Staff have determined that these activities are exempt from the California Environmental Quality Act (CEQA) under Title 14 of the California Code of Regulations, pursuant to section 15304 (Minor Alterations to Land). This section exempts minor public or private alterations in the condition of land, water, and/or vegetation, which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples provided by this exemption include minor alterations in vegetation on existing officially designated wildlife management areas or fish production facilities, which result in improvement of habitat for fish and wildlife resources or greater fish production. The proposed removal of non-native plants and planting of native plants are minor alterations in the condition of land, and vegetation and do not involve removal of healthy, mature, scenic trees. Staff have determined that use of the exemption in conjunction with the MND is appropriate, even when considering 14 CCR § 15300.2(b), which excludes use of exemptions where there may be a significant cumulative impact.

Upon approval of the project, staff will file a notice of determination and exemption.