

COASTAL CONSERVANCY

Staff Recommendation
January 27, 2005

ELEPHANT SEAL OVERLOOK TRAIL REHABILITATION

File No. 04-104
Project Manager: Su Corbaley

RECOMMENDED ACTION: Authorization to disburse up to \$88,000 to the Marin Conservation Corps for rehabilitation of the Elephant Seal Overlook Trail at Point Reyes National Seashore.

LOCATION: The trail is on the western tip of Point Reyes in western Marin County, overlooking Drakes Bay on the Pacific Ocean (Exhibit 1).

PROGRAM CATEGORY: Public Access

EXHIBITS

Exhibit 1: Project Location

Exhibit 2: Site Map

Exhibit 3: Trail and Overlook

Exhibit 4: Letters of Support

Exhibit 5: NEPA Compliance Review Documentation

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 eighty-eight thousand dollars (\$88,000) to the Marin Conservation Corps to rehabilitate the Elephant Seal Overlook Trail located on Point Reyes, as depicted in Exhibit 1 to the accompanying staff recommendation. This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds, the MCC shall submit for review and written approval of the Executive Officer of the Conservancy (“Executive Officer”):
 - a. A work plan, budget and schedule.
 - b. A signing plan for the project acknowledging Conservancy participation.
 - c. The names and qualifications of any contractors to be employed to carry out the work plan.
 - d. An agreement between the Marin Conservation Corps, the National Park Service and the Conservancy sufficient to protect the public interest in the improvements consistent with Section 31116(c) of the Conservancy’s enabling legislation.
2. Conservancy funding shall be acknowledged by erecting and maintaining, on or along the trail, a sign or signs, the design and placement of which have been 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 project is consistent with the purposes and objectives Chapter 9 of Division 21 of the Public Resources Code (Sections 31400 *et seq.*) regarding access to the coast.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Marin Conservation Corps is a nonprofit organization existing under the Section 501(c)(3) of the Internal Revenue Code whose purposes are consistent with Division 21 of the Public Resources Code.”

PROJECT SUMMARY:

The proposed authorization would enable the Marin Conservation Corps (“the MCC”) to rehabilitate the Elephant Seal Overlook Trail located on property owned by the National Park Service at Point Reyes National Seashore in western Marin County (see Exhibits 1 and 2). The trail is a narrow dirt footpath that leads visitors from the parking area to a bluff top viewpoint. Approximately 500 people per day visit the site during the winter months to observe the expanding elephant seal population. The current conditions and configuration of the trail and viewpoint are not adequate to accommodate the increasing numbers of users; the proposed project will include expanding the trail functionality and the capacity of the viewing area, as well as making the trail more accessible for visitors with disabilities.

The project is a collaborative effort of the MCC and Point Reyes National Seashore. MCC will upgrade the 0.2-mile Elephant Seal Overlook trail on property owned by the Point Reyes National Seashore. The improvements would include a minor re-route of the trailhead to lessen the grade and widening the trail to a 4-foot tread to accommodate

disabled visitors, re-grading the trail and installing compacted rock to stabilize the trail slope and improve drainage to reduce erosion, expansion of the visitor overlook to accommodate increased use, and installation of exclusionary fencing to control cattle from accessing the trail area causing degradation of the slope, and to protect a rare species of plant, the endemic Point Reyes Rain Orchid (*Piperia elgans* spp. *Decurtata*).

It is expected the work can be completed within 12 weeks from commencement of construction activities.

The MCC, a 501(c)(3) organization whose purposes include protecting natural resources, is the nation's first local conservation corps, founded in 1982. The work will occur on National Park Service land. NPS is a federal agency whose mission is to conserve scenic areas and the natural and historic objects and wildlife in those areas, and to provide for the current and future use and enjoyment of those preserved lands.

Site Description: The Elephant Seal Overlook Trail is located on the western end of Point Reyes National Seashore, in western Marin County (see Exhibit 1). The trail was originally a cow path that happened to provide a view of the developing elephant seal colony (Exhibit 3). The colony was established in 1995, when the first pup was born at the site, and has continued to grow each year. In 2002, 80-90 elephant seals were on the beach during the December to March pupping and breeding season, with 35 pups born at the site. Though seals use other beaches within the Point Reyes Seashore, the overlook provides a unique viewing opportunity of the Drake's Beach colony, allowing visitors to observe the colony at a distance that does not disturb the colony.

The trailhead leaves from the parking lot at Fish Dock Road, near another popular attraction, "Chimney Rock". The path meanders along the hillside for a distance of 0.2-mile to a natural terrace approximately 280 square feet, bordered on the bluff side by a split-rail fence. The trail is very narrow along most of its course, wide enough to allow only single-line hiking. The trail surface is dirt, which during rainy months is subject to saturation, which causes the terrain to become slippery and to erode down slope. The width of the trail limits who can access the viewpoint, being too narrow and slippery (in winter) to accommodate persons with disabilities.

Cattle grazing on the surrounding hills have caused considerable degradation to the trail area, in some cases resulting in slumping of the hillside above the trail.

The proposed trail upgrading will widen the tread width to 4 feet, modify the surface with compacted gravel and stabilize the slumping caused by cattle activity, and control cattle with exclusionary fencing upslope from the trail and viewpoint.

The endemic rare plant, Point Reyes Rain Orchid (*Piperia elgans* spp. *Decurtata*), is known to exist within several feet of the trail; none have been observed at the viewing area.

PROJECT FINANCING:

Coastal Conservancy	\$88,000
Marin Conservation Corps	2,000
Point Reyes National Park	15,000

Point Reyes National Seashore Association	<u>15,528</u>
Total Project Cost	\$120,528

The proposed funding source for the Conservancy’s contribution is Proposition 40, the “California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002”. The project is consistent with this funding source in that it would be carried out consistent with the Conservancy’s enabling legislation, specifically with regard to public access and the development of land and water resources along the coast.

In addition, the proposed project is appropriate for Proposition 40 grant funding priority, since it includes a commitment of matching funds (see Public Resources Code §5096.651).

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

This project is consistent with Chapter 9 of the Conservancy’s enabling legislation, Public Resources Code Sections 31400-31409.

Pursuant to Public Resources Code §31400, the Legislature has mandated that the Conservancy have a principal role in the implementation of a system of public accessways to and along the state’s coastline. In order to fulfill that objective, the Conservancy is authorized to award grants to a nonprofit organization to develop public access to and along the coast (§31400.1). The Conservancy may also provide assistance to nonprofit organizations that is necessary to establishing a system of public coastal accessways (§31400.2). The proposed project is well within this authority as it involves a grant to MCC improve and maintain the Elephant Seal Overlook trail (§31400.3).

Public Resources Code 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. In the proposed project, the Conservancy funding would provide for maintenance of a coastal trail and increase of accessibility to coastal resources. The proposed funding authorization is thus consistent with Public Resources Code Section 31400.

Public Resources Code Section 31400.1 states the Conservancy may provide grants to nonprofit organizations to develop lands for public access purposes if the subject accessway will serve greater than local needs. Over 700,000 people from around the world visit Point Reyes National Seashore annually and over 500 of those visitors use the Elephant Seal Overlook trail each day during the winter and spring to observe the seals. Thus, the proposed project is consistent with section 31400.1.

The proposed funding authorization is also consistent with Public Resources Code Section 31400.2, which provides that the Conservancy may provide up to the total cost of the development of public accessways by any nonprofit organization, as provided in Section 31400.1. The Conservancy funding would provide 73 percent of the project cost; MCC has secured the remaining 27 percent.

The proposed funding is also consistent with Public Resources Code Section 31400.2 in that staff recommends approval of this project after evaluating the amount of funding provided by the Conservancy in light of the total amount of available for coastal public accessway and urban waterfront projects, the fiscal resources of the grantee, the urgency of the project relative to other eligible projects (see discussion below), and the application of factors prescribed by the Conservancy for the purpose of determining project eligibility and priority. The proposed authorization would provide matching funds for the proposed project.

The proposed funding authorization is consistent with Public Resources Code Section 31400.3, which states that the Conservancy may provide such assistance as is required to aid nonprofit organizations in establishing a system of public coastal access ways. The Conservancy funding would enable MCC to rehabilitate the trail, thereby establishing a trail newly available to those with disabilities.

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

Consistent with **Goal 2, Objective D**, the proposed project will increase coastal recreation and environmental education opportunities by improving existing trail conditions to reduce erosion and improve public safety.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, 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 the National Park Service and the Point Reyes National Seashore Association, as evidenced by the matching funds from each of those agencies. Other supporters include local education centers that visit the site to observe the seals. Letters of support are included as Exhibit 4.
4. **Location:** The proposed project is located within the coastal zone of western Marin County, at Point Reyes (Exhibits 1 and 2).
5. **Need:** The trail is in poor condition, and wintertime passage presents some risk to public safety, and contributes to hillside erosion when the trail is saturated. The MCC is a small organization that has successfully secured 27% of the necessary funding from the NPS organizations, but requires additional funding to complete the project. The

Conservancy's funding will allow the MCC to complete the trail after the late spring rains and before the summer tourist season when construction would not be possible. Without Conservancy funding the trail repairs would be delayed another season, or more, while MCC and its partner NPS search for other, appropriate, matching funds.

6. **Greater-than-local interest:** Point Reyes National Seashore is a national treasure with global significance. An estimated 700,000 national and international visitors visit the park annually to experience the beauty of its beaches, bays, and bluffs and to enjoy a diversity of wildlife watching. Year-round, the Elephant Seal Overlook affords sweeping views of Drake's Bay and beyond, and an excellent winter and spring advantage to witness the activities of the migratory seals. Maintaining this trail in a safe condition will allow continued public enjoyment of the resources for years to come.

Additional Criteria

7. **Resolution of more than one issue:** As stated, every winter/spring the trail erodes from human and cattle traffic; the proposed project will re-grade the lateral slope of the trail to reduce erosion. Additionally, the trail at present is too narrow to accommodate disabled visitors; the proposed project will result in widening the trail tread to accommodate disabled users.
8. **Leverage:** See the "Project Financing" section above.
9. **Readiness:** The NPS has complete and approved the required National Environmental Policy Act project review and has recently authorized funds to MCC for project on its property, and the MCC is ready to mobilize as soon as weather permits work to commence. The MCC anticipates the project can be completed in 12 weeks from startup.
10. **Cooperation:** As mentioned, the NPS and the MCC each has committed funds and staff time toward the project. Further, NPS is providing equipment and materials, and its staff will oversee the work is completed according to plan.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

Sections 2.d of the Public Access and Recreation chapter of the Marin County Local Coastal Program, Unit Two discuss developing public parkland and increasing access through developing trail systems. This project would be consistent with that section in that the project entails improvement to an existing trail that would improve accessibility and increase usability to maximize the access opportunity present.

The project would be consistent with the recommendations in a report entitled *The Point Reyes National Seashore Trail Inventory and Condition Assessment with Recommendations (November 2003)*, which identifies the Elephant Seal Overlook trail as one that contains hazardous conditions and that needs rehabilitation. That report recommends the trail for immediate replacement.

COMPLIANCE WITH CEQA:

As the trail is situated on federal land and therefore under the purview of the National Park Service. The Point Reyes National Seashore has reviewed the project for compliance with the National Environmental Policy Act (NEPA). The NPS completed an Environmental Screening Form and indicated the project would have no potential for negative environmental impacts. The NPS found that the project is categorically exempt under NEPA in that the project entailed minor trail relocation or development of compatible trail networks on logging road or other established routes. (sic) The NPS project review package is attached as Exhibit 5 to this staff recommendation.

Point Reyes National Seashore staff conducted surveys of the project area to determine the presence or absence of the threatened or endangered species in the project area. Three species were identified Perennial Goldfields (*Lasthenia macrantha*) (six individuals within one foot of the trail); the Point Reyes Rein Orchid (*Piperia elgans* spp. *Decurtata*) (one small population alongside the trail); and the Coast morning glory (*Calystegia purpurata* ssp *saxicola*) (97 individuals within 3 –5 meters either side of the trail). The NPS recommended actions to protect these resources including a pre-work site visit by a qualified rare plant botanist to ensure no rare plants are present in the affected areas. Plants will be flagged to identify individual locations, and monitoring will occur during the work.

Point Reyes National Seashore staff also conducted a review of potential impacts to archeological resources in the project area. NPS staff found that no cultural resources were found in the project area. The survey report recommended that if concealed archaeological resources are encountered during project activities, all work is to stop, protect the resources and notify PORE Cultural Resources department.

Conservancy staff have reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and have found the project to be categorically exempt under CEQA section 15301, which exempts from CEQA review the repair, maintenance, or minor alteration of existing facilities which involve negligible or no expansion of use beyond existing conditions. The Elephant Seal Overlook Trail has existed as a public pedestrian trail and viewing facility since the mid-1990s. The proposed project involves minor re-route of the trail head, re-grading along the existing trail path to reduce trail erosion and increase accessibility to those with disabilities, and to designate a larger viewing area to accommodate the increased number of visitors (see 14 CCR Section 1501(c)).

Conservancy staff have reviewed the administrative record and the NPS environmental documentation and have found that the project does not pose the potential for significant adverse effects on the environment.

The project would not result in cumulative impacts to the environment. The project also represents a replacement or reconstruction of existing facilities of substantially the same size and purpose (see 14 CCR Section 1502).

Conservancy staff will file a “Notice of Determination” following project authorization.

EXHIBIT 4
Letters of Support

Exhibit 5

NEPA Documentation