

COASTAL CONSERVANCY

Staff Recommendation

September 8, 2005

MENDOCINO ACCESS IMPROVEMENTS, PHASE 1

File No. 05-059

Project Manager: Joan Cardellino

RECOMMENDED ACTION: Authorization to disburse funds to the Mendocino Land Trust to undertake a variety of site design and planning tasks necessary to develop fifteen public coastal access ways in Mendocino County and to continue to manage and operate three existing access ways in Mendocino County.

LOCATION: Mendocino County (See Exhibits 1 and 2)

PROGRAM CATEGORY: Public Access

EXHIBITS

Exhibit 1: Project Location and Site Map

Exhibit 2: Description of Access Ways

Exhibit 3: Letters of Support

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 a grant of two hundred forty thousand dollars (\$240,000) to the Mendocino Land Trust (MLT), for the purpose of undertaking a variety of site design and planning tasks for coastal access ways in Mendocino County and for continued management of three existing access ways in Mendocino County, subject to the condition that, prior to the disbursement of any funds, MLT shall submit for the review and approval of the Executive Officer of the Conservancy evidence that MLT holds all of the access easements that are the subject of this grant; a detailed work program, and the names and qualifications of any contractors to be employed on the project.”

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 Public Resources Code Sections 31400-31409 regarding establishing a system of public coastal access ways.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Mendocino Land Trust is a nonprofit organization, existing under the provisions of Section 501(c)(3) of the Internal Revenue Code, whose purposes, which include the preservation and restoration of land for public access and recreation, are consistent with Division 21 of the California Public Resources Code.”

PROJECT SUMMARY:

Staff recommends a grant of up to \$240,000 to the Mendocino Land Trust (MLT) to obtain surveys, complete engineering feasibility analyses, and to undertake other site design tasks as needed for the public use of fifteen coastal access easements, and to fund on-going operation and management of three coastal access ways.

Historically, the issuance of a permit under the Coastal Act for development along the coast has been conditioned on the landowner making an offer to dedicate (OTD) public access across the property to the shoreline (“vertical” access) or along the shoreline (“lateral” access). Since the adoption of the Coastal Act, there have been more OTD’s made by landowners in Mendocino County than in any other county, except for Los Angeles County. In total approximately 130 public access OTDs were made with respect to property located in Mendocino County. Now, nearly all those OTDs have been accepted by the American Land Conservancy, MLT and other local land trusts, and it is time to take the next step toward opening the easements for public use.

MLT intends to accept the transfer of 83 easements, which are now held by the American Land Conservancy and which were created by the acceptance of Coastal Act OTDs. MLT staff has identified 15 of those easements as priority easements for which surveys and site plans are needed. These easements were determined to be priorities because they 1) form part of the California Coastal Trail alignment, or 2) provide vertical access to the shoreline, or 3) are in heavily visited areas. The survey work will in many cases involve botanical and archaeological surveys in addition to easement boundary surveys. Once the easements are surveyed, basic site improvements for all 15 properties will be designed. In addition, MLT proposes to undertake an engineering feasibility study required for a beach access stairway at Belinda Point, where MLT has already developed and opened a public access trail to and along the bluff. A key element in opening any coastal access way is establishing good communication with the underlying property owner and the neighbors. MLT staff will be contacting landowners and meeting with them to discuss the types of improvements being contemplated for the easements which cross their property, and will seek to address landowner concerns with site design and management plans for the easements.

Opening these access easements to public use is a multi-step process, which is why this staff recommendation should be considered the first phase. Phase 1 includes preparation of individual site plans, permit documentation and preliminary construction cost estimates and California Environmental Quality Act compliance. Phase 2 will likely include another request for funding from the Coastal Conservancy to construct the specific site improvements identified in Phase 1.

MLT is a 501(c)(3) nonprofit organization which holds and manages approximately 1,577 acres in easements and fee interests which protect and preserve open space, agricultural and natural resources and public access. MLT has an experienced staff, well versed in land acquisition issues and in negotiating acquisitions and constructing and managing property improvements. It currently manages 3 coastal access trails. The proposed project also includes funding for MLT's continued operation and management of these three trails.

Site Description: From north to south, the 15 access easements that are the subject of this design and planning aspects of this proposal are located in the communities of Westport (2 laterals), Noyo Harbor (1 vertical and 1 lateral), Fort Bragg (2 verticals), Little River (5 laterals and 1 vertical), Albion (1 vertical and 1 lateral) and Elk (1 lateral). The 3 easements that MLT will continue to operate with the proposed funding are located in the communities of Mendocino, Fort Bragg and Caspar. See Exhibits 1 and 2.

Project History: Because Mendocino County does not have a county park department or regional park district, in the mid-1990s Conservancy staff began cultivating relationships with the several land trusts based in the County, as an alternative to a local government partner. As a result of the Conservancy's efforts, several 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 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. The American Land Conservancy is now preparing to transfer to MLT 15 of the approximately 83 easements it holds, and that transaction should be completed within the next few weeks. MLT has become increasingly active in accepting OTDs and is now ready to proceed to design site improvements in preparation for opening them in the future and thereby providing greater access to the Mendocino coast.

PROJECT FINANCING:

Coastal Conservancy	\$240,000
Mendocino Land Trust in-kind	<u>\$7,500</u>
Total Project Cost	\$247,500

The anticipated source of Conservancy funding is the fiscal year 2005-6 appropriation from the Coastal Access Account. These funds are derived from Coastal Commission permit fees and may be used, as here, for "grants to . . . private nonprofit entities or

organizations for the development, maintenance and operation of new or existing facilities that provide public access to the coast.” (Public Resources Code 30620(c)(2)).

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project will be undertaken pursuant to Chapter 9 of Division 21 of the Public Resources Code (Sections 31400 et seq.) relating to the provision of coastal public access. This project is consistent with Public Resources Code Section 31400.1, which allows the Conservancy to provide grants to nonprofit organizations to operate or manage lands for public access purposes. MLT will use this grant to survey public access easements that it holds and undertake site planning and analysis, both of which are basic property management tasks. This project is also consistent with PRC Section 31402.3 in that the Conservancy would be using Coastal Access Account funds to help MLT open these easements for public use (subsection (a)); and MLT has met all the requirements laid out in subsection (c) for acceptance of OTDs by nonprofit organizations.

The proposed project is consistent with the County of Mendocino Local Coastal Program as described in the Consistency with Local Coastal Program Policies below.

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

Consistent with **Goal 2, Objective C**, this project is a necessary first step toward opening to the public 15 access easements derived from OTDs and will ensure the continued availability of 3 existing access ways.

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:** State and local elected officials, and several local residents and organizations support this project. Letters of support are included in Exhibit 3.
4. **Location:** All access ways that are the subject of the proposed project are located within the coastal zone of Mendocino County.
5. **Need:** MLT could not take on the responsibility of designing and planning the development of the 15 access ways nor for the management of the three existing access ways without financial assistance from the Conservancy. The initial development costs are high, and Conservancy assistance is especially necessary at

this stage. Once the easements are opened, the costs of maintaining the access ways should be more manageable for MLT to handle alone, or require a minimal subsidy.

6. **Greater-than-local interest:** Residents and visitors to Mendocino County would enjoy these shoreline easements, once they are opened for public use. Hikers and bicyclists using the Coastal Trail will benefit from the improved, Class I trails several of these easements are expected to provide.

Additional Criteria

7. **Urgency:** Some of the easements that are the subject of this grant are already being used by the public, and the site improvements need to be made as soon as possible, both to protect habitat and for public safety reasons.
9. **Leverage:** See the “Project Financing” section above.
7. 10. **Conflict resolution:** Developing site plans and management plans for these easements will hopefully help resolve conflicts with some property owners, and prevent new conflicts from occurring.
15. **Cooperation:** Developing and opening coastal access ways requires cooperation from the property owners, neighbors, visiting public and the land trust.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The Mendocino County Land Use Plan, Coastal Element, identifies issues and policies regarding public coastal access and trails in Chapter 3. Policy 3.6-14 states, “Access shall not be signed until the responsibility for maintenance and liability is accepted and management established. All access ways shall be designed and constructed to safety standards adequate for their intended use.” The site planning activities proposed to be undertaken with the assistance of this grant, will address these management issues.

COMPLIANCE WITH CEQA:

Providing funds for the purpose of obtaining property surveys, engineering feasibility analyses, initial site design concepts and other planning activities is statutorily exempt from the California Environmental Quality Act (CEQA), pursuant to 14 Cal. Code of Regulations Section 15262, because it involves only planning or feasibility studies for possible future actions (access way development) that the Conservancy has not yet approved, adopted, or funded. The access way design and planning activities will include consideration of environmental factors.

Funding for the ongoing operation and maintenance of three existing access ways is categorically exempt from CEQA review pursuant to 14 Cal. Code of Regulations Section 15262, since it consists of the operation, maintenance, or minor alteration of existing public or private structures, facilities, or topographical features, involving negligible or no expansion of use.

Upon Conservancy approval, staff will file a Notice of Exemption.