

COASTAL CONSERVANCY

Staff Recommendation

April 18, 2013

**EEL RIVER ESTUARY PRESERVE: PUBLIC ACCESS AND RESOURCE
ENHANCEMENT IMPLEMENTATION**

Project No. 12-025-01

Project Manager: Michael Bowen

RECOMMENDED ACTION: Authorization to disburse up to \$250,000 to The Wildlands Conservancy to implement public access improvements and resource enhancements at the Eel River Estuary Preserve, Humboldt County.

LOCATION: Eel River Estuary Preserve, near Ferndale, Humboldt County

PROGRAM CATEGORY: Public Access and Coastal Resource Enhancement

EXHIBITS

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

Exhibit 2: [Bridge Photos and Restroom Design](#)

Exhibit 3: [Eel River Preserve Public Access Plan](#)

Exhibit 4: [Project Letters](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400 - 31410 and Sections 31251 – 31270 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of up to two hundred fifty thousand dollars (\$250,000) to The Wildlands Conservancy to implement public access improvements and coastal resource enhancements at their Eel River Estuary Preserve in Humboldt County, subject to the following conditions:

1. Prior to the disbursement of funds, The Wildlands Conservancy shall submit for review and approval by the Executive Officer of the Conservancy:

a. A work program including a schedule and budget for the project. The work program shall include a requirement for a facilitated meeting, within 60 days of this project approval, regarding public access;

b. The names and qualifications of all contractors to be employed for the project;

- d. Evidence that TWC's access to the property is assured, and that all necessary permits and approvals have been obtained; and
 - e. A signing plan for the project acknowledging Conservancy funding.
2. The Wildlands Conservancy shall enter into an agreement consistent with Section 31116(c) of the Public Resources Code, to protect the public's interest in the constructed improvements at the project site and to provide for maintenance of 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 current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 6 of Division 21 of the Public Resources Code regarding Resource Enhancement, and Chapter 9 of Division 21 of the Public Resources Code, regarding a System of Public Accessways.
3. The Wildlands Conservancy is a nonprofit organization existing under section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code."

PROJECT SUMMARY:

Staff recommends the Conservancy authorize the disbursement of up to \$250,000 to The Wildlands Conservancy ("TWC") to implement public access improvements and resource enhancement measures at the Eel River Estuary Preserve (Preserve), formerly the Connick Ranch, an 1,100-acre property located at the mouth of the Eel River. TWC acquired the property in 2008 with the intention of maintaining historic agricultural operations and offering public access (Exhibit 1).

TWC has developed a public access plan (Exhibit 3) as a preliminary statement of their intention to facilitate ranger-led access at the Preserve. The Access Plan provides for an important hosted public access opportunity in the Eel River Delta. Among other features, the plan envisions pedestrian trails a kayak put-in, a visitor center, and agricultural and nature study opportunities. Special tours and nature walks will also be made available to the public periodically. In addition, TWC has conducted extensive outreach to local school districts to encourage school groups to visit the site. As a result of TWC's financial support for two full-time rangers at the site, the access will generally be available daily during daylight hours, and will occur under a high degree of oversight by TWC staff. TWC has also committed to working with surrounding landowners to address specific concerns related to co-managing agricultural operations and a public access site. However, in order to co-manage both uses safely, safe and suitable infrastructure must be repaired, replaced or installed. That failing and necessary infrastructure, (Exhibit 2), is the subject of TWC's application for funds. The access measures are specifically designed not only to enhance public access, but to provide agricultural and natural resource enhancement benefits, too.

The first component of the proposed project is a bridge replacement over a failing culvert near the Cutoff Slough tidegates. The existing culvert is rusted and collapsed, a condition that presents risks to future access, impedes drainage of the surrounding agricultural land and degrades habitat value by curtailing hydraulic exchange within the slough network. The condition of the road crossing also endangers the grantee and surrounding property owners by threatening infrastructure failure and the termination of access to the Cutoff Slough tide gate, a facility that is critical to maintaining control over tidal exchange and preventing severe flooding of the Preserve and surrounding properties. Replacing this small culvert will improve drainage of agricultural lands during winter storm events, provide reliable access to the Cutoff Slough tidegates for necessary operations and maintenance, and improve tidal exchange in the slough network for habitat benefit, while also ensuring a safe and reliable public access corridor through the property to the dunes and marsh at the northern end of the Preserve.

The second component of the proposed project is the replacement of the Russ Creek Bridge that provides access to the western edge of the property and the western drainage ditch. Replacement of this bridge will ensure safe access for the agricultural lessee, the lessee's cattle, and for TWC staff needing to maintain the agricultural utility of the southern portion of the property. In addition to presenting a dangerous situation to anyone using the existing structure for any purpose, the existing structure is a chronic source of erosion. When it is repaired water quality will be improved in the slough network on the property. The bridge will enable routine maintenance of the western drainage ditch that extends from properties to the south through the Preserve to Cutoff Slough. This maintenance is essential for flood maintenance and drainage efforts. Replacement of the structure may provide an alternate route for TWC to lead guided walks within the Preserve.

The third component of the proposed project is the installation of a new steel bridge across an unnamed, man-made drainage ditch in order to provide a shorter route for the proposed public access corridor, and for access to the northern portion of the property, including the Cutoff Slough Tidegate. Installation of the third bridge would permanently eliminate foot and vehicle traffic upon an ecologically significant area of wetland currently impacted by an historic, pre-Coastal Act road.

The fourth and final component of the proposed project is the installation of two vault toilets on the property. The toilets are intended to serve TWC staff, the members of the existing and historic duck club on the property, the lessees, and any visitors to the property. The first toilet will be located at the entrance of the property, a site known as the "Potato Barn," and the second toilet will be located at the terminus of the road at a site known as the "North Barn."

The public access plan depicts all four features, and includes maps that delineate the route of public access corridor/road from the historic potato barn at the southern boundary of the Property. The public access corridor/road across the Property is primarily on existing roads to the North Barn. A trail from the North Barn extends through the dunes to a rugged and isolated reach of Centerville Beach just south of the mouth of the Eel River.

The most notable aspect of TWC's access plan is TWC's commitment to long-term staffing, maintenance and upkeep of the property. TWC has assigned two full-time rangers to the property, and intends to maintain that presence in order to ensure that the existing agricultural and recreational features continue unhindered, and that the overall quality of the area is

preserved.

TWC has extensive experience co-managing agricultural operations with public access. At their Wind Wolves Preserve in Kern County TWC enjoys a partnership with livestock operators that preserves historic livestock grazing, protects sensitive habitat through thoughtful grazing practices, and affords the visiting public the opportunity to see working and highly productive agricultural land firsthand. Thousands of head of cattle, and sheep are rotated across the landscape there in order to maintain historic agricultural use and to manage invasive species in favor of native grasses and other wildlife. The partnership is viewed as mutually beneficial; it provides predictable rangeland for livestock operators, and it provides TWC with lease revenue that offsets their expenses incurred by providing a high quality public access experience.

TWC has also brought a new vision to the future management of the property: TWC demonstrates a keen interest in habitat enhancement opportunities on the Preserve that are compatible with both the existing agricultural operations and public access. In partnership with California Trout, Inc., a non-profit organization involved in fishery restoration, TWC has sought and obtained funds from the Department of Fish and Wildlife's Fishery Restoration Grant Program in order to plan for future enhancement opportunities on the Preserve. A proposal for matching funds from the Conservancy is also before the Conservancy board.

Site Description: Located on the southern spit of the Eel River estuary in Humboldt County, the 1,100-acre Preserve comprises the former Connick Ranch, approximately 1,000 acres of tidal wetlands and agricultural lands, and a strip of approximately 84 acres of coastal dunes about 3 miles long and 1-3 acres wide, formerly known as the "Palco Property." TWC assembled the highly fragmented parcels at significant effort and expense, and is now preparing to make this coastal gem available to the general public for public access and extensive resource enhancement benefit. The Preserve, a coastal property of remarkable beauty immediately east of Centerville Beach, extends south from the mouth of the Eel River approximately 3.5 miles. (Exhibit 1)

The Preserve features stunning views in every direction. To the North, and across the Salt River channel, one can see Riverside Ranch, an area subject to an extensive tidal marsh restoration and agricultural improvement, a project led in part by the Coastal Conservancy. Across the Eel to the North lays Ocean Ranch, historically reclaimed tidal marsh and now a wetland reserve managed by the Department of Fish and Game. Table Bluff lies beyond. To the West, one can see and stroll along Centerville Beach for the entire length of the property and continue several miles to the County's Centerville Beach County Park. To the South the Wildcat Hills rise steeply from the Eel Delta, and one can experience distant views of the Lost Coast. To the East, one has a broad vista up through the scenic Eel River Delta to the hills beyond Fortuna.

Reclamation of the Eel Delta for agricultural uses accelerated in the late 19th Century. The largest tidegate in Humboldt County is located on Cutoff Slough at the northeastern edge of the Property. This structure protects surrounding agricultural land from tidal flows and flooding from the Eel and Salt River drainages. It's presence in various forms over the last century and a half has also caused channel filling and aggradation within the Salt River, a phenomenon so controversial in its day that it was successfully challenged as a nuisance at the State Supreme Court level. Nonetheless, the blockage of tidal sloughs continued apace, and the result has been

decreased drainage of the Fendale area, and degraded aquatic habitat within the property and surrounding areas, largely eliminating their value to juvenile salmon and other species. The Preserve includes part of Cutoff Slough and various man-made drainage ditches that have rerouted water from what was formerly a navigable but now filled Centerville Slough. Russ Creek traverses the Property from south to north. Countless man-made drainage ditches have been excavated over time to compensate for the altered hydrology. The Preserve's once biologically rich waterways create public access challenges that are the subject of this grant. Safe and reliable access across the property that enhances drainage while improving the biological productivity of the area is fundamental to the access plan. This access is also necessary to provide maintenance access to the drainage systems that ensure reliable agricultural access to and use of the property, as well as surrounding properties to the south.

Project History: TWC purchased the Connick Ranch in 2008. Prior to this purchase, the property, like many in the Eel River Delta, had been settled and held by the same family for generations. As with many other Eel Delta properties, the Connick Ranch was historic tidal marsh reclaimed for agricultural use in the late 19th century. Despite the unparalleled beauty of the ranch, public access was never a feature of the area following European settlement of the region. The nearest public access site serving most of the Ferndale Valley is at road's end on Centerville Road. A strikingly attractive beach, this access site offers access to the coast, but few of the enhanced opportunities afforded by the Preserve. It is also an area frequented by Off Highway Vehicles, and it offers no amenities.

Ferndale is a very popular tourist destination, and it hosts an array of Victorian hotels and B&Bs. but many local merchants bemoan the lack of public access in the area. Visitors have few options available for hiking, birding, and other outdoor activities in the Delta. In approving the Coastal Development Permit for the nearby Salt River Ecosystem Restoration Project, which this board has provided significant funding for, some Commissioners decried the minimal access opportunities afforded by that publicly funded project, notably the lead agency's inability to commit to providing public access within the project footprint. Thus, many local businesses are excited about the access opportunities at the Preserve.

Following their purchase, TWC immediately engaged with members of the community, and established relationships with the local Chamber of Commerce, an enthusiastic supporter of this plan. The access plan reflects input by these businesses.

This proposed project, if funded, would complement the coastal estuarine restoration efforts in the Eel River Delta, such as the Coastal Conservancy's Salt River Ecosystem Restoration Project, and similar efforts on this property. It would do so by providing the public with an easily accessible area from which to witness firsthand the ecological enhancements underway in the Eel River Delta, as well as to see how these activities can coexist with, and be mutually beneficial for, agriculture in the coastal zone.

PROJECT FINANCING

Coastal Conservancy	250,000.00
The Wildlands Conservancy	162,302.00
Total Project Costs	412,302.00

The anticipated source of Conservancy funds for this authorization is the 2007/2008 appropriation to the Conservancy from Proposition 40, “The California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002.” These funds are allocated to the Conservancy for development, restoration and protection of land and water resources in accordance with the Conservancy’s enabling legislation (Division 21 of the Public Resources Code).

The proposed project will help develop land and water resources (namely by installing ecologically appropriate public access structures) and is consistent with the Conservancy’s enabling legislation, as discussed in the “Consistency with Conservancy’s enabling legislation” section of this report, below. The proposed authorization is thus consistent with Proposition 40.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The proposed project would be undertaken pursuant to Chapters 6 and 9 of the Conservancy’s enabling legislation, Public Resource Code Sections 31251-31270, and 31400 -31410, as follows:

Pursuant to Chapter 6, section 31251 of the Public Resource Code, the Conservancy may award grants to nonprofit organizations to enhance coastal resources. By placing new bridge footings on solid ground in a well engineered way, that avoids impacts to wetlands and other sensitive habitat, this project will reduce ongoing erosion at the bridge sites, and the resulting sedimentation of existing tidal sloughs. By replacing the culvert near the Cutoff Slough tidegate, the project will provide increased opportunities for future tidal exchange and resulting habitat benefits. Lastly, by relocating a portion of an existing access road out of a sensitive wetland and to a more appropriately sited upland area, the project will measurably improve habitat function in an existing wetland. Doing both will benefit a variety of aquatic and terrestrial resources within the coastal zone.

Consistent with Chapter 6, section 31252 resource enhancement activities are consistent with Humboldt County’s Local Coastal Program, as detailed in the “Consistency with Local Coastal Program Policies” section, below.

Consistent with Chapter 6, section 31253 of the Public Resource Code, the amount of funding recommended for the proposed project is based on the total amount of funding available for coastal resource enhancement projects, the fiscal resources of the applicant and its project partners, and the urgency of the project relative to other eligible coastal resource enhancement projects.

Consistent with Chapter 9, section 31400.1 of the Public Resource Code, the Conservancy may award grants to any public agency or nonprofit organization to develop lands for public access purposes to and along the coast, provided the accessway will serve more than local public needs. The City of Ferndale has been highly acclaimed by publications ranging from Sunset Magazine to Forbes and the Los Angeles Times. Visitors come from around the world to enjoy the ambience, architecture and beauty the area offers. TWC's access plan, inclusive of the proposed bridges and restrooms, will significantly enhance coastal access for visitors to the area, thereby meeting demands for coastal access that transcend local public needs.

Consistent with Chapter 9, section 31400.2 of the Public Resource Code, the amount of funding recommended for the proposed project is based on the total amount of funding available for public accessway projects, the fiscal resources of the applicant and its project partners, and the urgency of the project relative to other eligible coastal resource enhancement projects.

The proposed project is consistent with Humboldt County's Local Coastal Plan Eel River Area as described in the Consistency with Local Coastal Program Policies below.

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

Consistent with **Goal 5 Objective E** this project will assist the Conservancy to implement a fish barrier removal project to open and improve habitat in Cutoff Slough. Consistent with this goal, the bridge at Cutoff Slough that replaces a failing culvert will increase future opportunities for greater tidal exchange and increased fish passage opportunity, while immediately diminishing erosion and discharge to an existing waterway.

Consistent with **Goal 2 Objectives A-C** this project will help open, enhance and safely manage access within a coastal area that historically, with the exception of a private duck hunting club, has been inaccessible to the public.

**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.
3. **Support of the public:** The proposed project is supported by State Senator Noreen Evans, Assemblymember Wes Chesbro, the Ferndale Chamber of Commerce, the agricultural lessee at the site, Centennial Livestock and O'Neill Wetsuits, LLC. It is also noted that the project is opposed by the Russ Family (the neighboring landowner), the Humboldt County Farm

Bureau and the Humboldt-Del Norte Cattlemen's Association on the grounds that the proposed project would result in substantial and negative effects on the adjoining lands, increased traffic, garbage, liability and result in a "...change in the character of people" present in the area. All letters of support and opposition are attached as Exhibit 4.

4. **Location:** The proposed project would be located within the coastal zone of Humboldt County.
5. **Need:** Public access has always been minimal in and around the Ferndale area, despite its attractiveness as a popular tourist destination. The density of access sites serving the Ferndale-Fortuna populations, not to mention visitors to the area, is far lower than most other areas of the coast. Moreover, opportunities for passive outdoor recreation in the Ferndale area are even more restricted. The primary access point in the area, Centerville Beach County Park, one mile west of the Preserve entrance, provides a popular and authorized site for OHV use, but it offers no amenities. The recently acquired Riverside Ranch will hopefully offer some limited access to the site of the Salt River Ecosystem Restoration Project, but as the Coastal Development Permit for that project makes clear, such access will occur no sooner than 2016, will be highly limited and tightly controlled, and will likely lack amenities. Since most of the Riverside Ranch will be fully inundated, only a portion of the remaining 70-acres of upland will be open to the public as grazing permits, and that only on an appointment basis through docent-led tours led by the Humboldt Resource Conservation District as staffing levels allow.

Although wetland restoration of the Eel Delta has accelerated, public access to newly restored and historically closed areas has not kept pace. In light of the low level of public access, and the extensive public investment in habitat restoration in the Eel Delta, it seems fitting that adequate public access to these substantial public investments is made available in the area. This includes a system of lateral and horizontal accessways to and along the coast. Nonetheless, the owners of adjacent property have expressed concern about public access on the Preserve. Staff delayed bringing this item to the Conservancy board in an attempt to resolve these concerns. While the adjacent owner remains opposed to public access (which currently occurs on the project site), staff believes, after review, that the proposed project will benefit both the agricultural and public access uses of the Wildlands property, and that the adjacent landowners' concerns may be resolved through the thoughtful development of access guidelines on the Preserve. Staff further believes that the development of access options of mutual benefit, and the design of access features, will be guided by a desire to preserve the agricultural values of the property while improving public access and enhancing existing terrestrial and aquatic resources on the Preserve. TWC has a demonstrated ability to enact and enforce such standards to the satisfaction of agricultural operators. Letters of support and opposition are attached as Exhibit 4.

6. **Greater-than-local interest:** Ferndale enjoys tourism from around the world. Forbes magazine rated it one of "America's Prettiest Towns." The opportunity to witness firsthand the rugged and world-class beauty of the Eel Delta and Centerville Beach, as well as the natural resources and agricultural productivity it supports, is of broad public interest.
7. **Sea level rise vulnerability:** One sea level rise projection suggests a rise of 1.4 meters within 100 years. Most of the Eel River Delta would experience profound changes to the

landscape at even half that rate. Protected to the west by tall sand dunes, the proposed project area is nonetheless in a low lying area that is already prone to occasional dune breach events, flooding and the future effects of sea level rise. Fortunately, none of the proposed infrastructure is likely to be jeopardized within the standard 20-year life of infrastructural improvements. Moreover, it is also true that the Eel River carries the second largest sediment load of the World's rivers, and the streams crossing the property carry similarly large loads in proportion to their size. In light of the large amount of sediment transport and deposit within the Eel River Delta, natural marsh accretion dynamics are expected to maintain pace with sea level rise for at least twenty years, and for the term of this grant. In the longer term, this area remains increasingly susceptible to the impacts of sea level rise. Planning for the adaptation to this shift in order to protect existing infrastructure, agricultural productivity, and habitat values will be a significant component of ongoing efforts by the grantee. This effort is accelerating by virtue of the Department of Fish and Wildlife's grant for nearly one million dollars to help fund an enhancement and adaptation plan for this property. The Conservancy is already playing a key role in that planning effort, and will ensure that future planning is undertaken in ways that protect and promote this investment in coastal access and enhancement.

Additional Criteria

8. **Resolution of more than one issue:** The proposed project will help resolve access and enhancement issues outlined in the Eel River Area Local Coastal Program as outlined, below. Moreover, while facilitating public access to the property, the proposed projects will provide significant habitat improvements by decreasing erosion, improving water quality, and improving tidal exchange and fish passage opportunities.
9. **Leverage:** See the "Project Financing" section above.
10. **Readiness:** The Wildlands Conservancy has completed an access plan, construction plans, permit applications, and is prepared to order and install the bridges and restrooms following authorization by the Conservancy Board and permit issuance by all appropriate entities.
11. **Realization of prior Conservancy goals:** The proposed project will help the Conservancy and its partners achieve an ample and comfortable level of public access in the Ferndale area, consistent with its broad goals established in the context of the Salt River Ecosystem Restoration Project and other investments in the area.
12. **Return to Conservancy:** See the "Project Financing" section above.
13. **Minimization of greenhouse gas emissions:** The proposed project, when implemented, would result in relatively few greenhouse gas emissions. Small scale equipment will be used, and some of the existing infrastructure will be reused to avoid GHG emissions associated with newly poured concrete. Trucks will never be left idling unnecessarily. Although relatively few greenhouse gas emissions will be generated during construction, the project area offers a significant future opportunity to sequester carbon in existing and potentially restorable tidal marsh areas which will be the subject of the pending resource enhancement study.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The proposed project will result in the habitat restoration and enhanced coastal access within the Coastal Zone generally, and within the jurisdiction of Humboldt County's Local Coastal Plan Eel River Area, particularly.

The County of Humboldt Local Coastal Program (LCP) Eel River Area sees the coast in this planning area as a “physically limited resource to be protected for all Californians for a variety of uses.” Certain resources outlined in the plan are of statewide concern and require special attention. Centerville Beach County Park, the sole accessway to scenic Centerville Beach and located about two miles south of the project site, is one such area. “This approximate two acre County facility is located where Centerville Road reaches the coastal shore as it runs westerly from Ferndale. There is room for approximately 100 cars and beach access for vehicles as well as for pedestrians. The sand beach stretches for miles in both directions along the shoreline. Besides being a major commercial vehicular accessway for fishermen and splitmakers, this is the most popular ocean shoreline access in the Planning Area.” The “level of protection” or issue that the LCP identifies for the County Park is “Adequacy of Facilities.” The LCP goes on to identify a number of shortcomings at the site that would be ameliorated under the proposed grant. For example, the LCP recommended in May 1995 that

Coastal access signing should be provided including limitations to access (i.e. where vehicle use is permitted) other general improvements include: Provision of more picnic areas, extension of water line to the park, a limited parking area designed to control vehicle traffic, fencing to protect adjacent agricultural lands from trespass and vandalism, and provision of handicap parking and access. Opportunities to augment law enforcement, in addition to the sheriff's efforts, should be explored including an agreement with the Department of Fish and Game to use game wardens during hunting season to aid in this effort. (LCP C4 – P14)

None of these recommendations has been achieved, and there are no active plans to pursue them. In contrast, all of these recommendations and more will be achieved at the Preserve, meeting through private effort the self-defined goals set many years ago by the County and residents of the area –some of whom express opposition to this project.

Similarly, under “Access” Shoreline Access is identified, and the level of protection suggested states “Identification and Location of Improvements needed” (LCP §2-30, C2-P3). As discussed earlier, the facilities at Centerville Beach County Park are non-existent, the County has neither intent nor resources to provide staffing there, and the entry point is somewhat degraded due to high OHV use and driftwood harvesting. No other sites for increased or enhanced public access are identified, and no further improvements are envisioned, short of those now envisioned by TWC at the Preserve. Thus, the proposed project is wholly consistent with the Coastal Act's emphasis on public access to the coast, and therefore with the LCP.

As shown in the passage below, the free, readily accessible Preserve with its trails and prospective kayak put-in is readily consistent with the LCP's goals regarding coastal recreation:

Lower cost visitor serving and recreation facilities...shall be protected, encouraged and, where feasible, provided. Developments providing public recreational opportunities are

preferred (§30213); Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible (§30223); Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses (§30220); Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area (§30221); The location and amount of new development should maintain and enhance public access to the coast by assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development (§30252) (Eel River Area Plan Certified: 04-08-82 C 3– P 8 Rev: April, 2005).

The LCP also states that “It is the policy of this County to prefer the private sector as the provider of visitor serving facilities. To this end land has been reserved in each planning area for visitor serving uses and the County discourages public agencies from establishing visitor serving facilities, beyond the level of overnight campgrounds and picnic areas and other non-commercial day use facilities such as interpretive centers, boat launching facilities, etc.” (LCP C3 – P8). The Wildlands Conservancy, as a private, nonprofit organization, meets the County’s objective for providing privately operated visitor serving facilities in the LCP area.

The South Spit of the Eel River, now part of the Preserve, is specifically discussed in the LCP. During a workshop on public access conducted while developing the LCP, concern about trespass on agricultural lands east of public ownership along the shoreline was identified as a concern warranting resolution. It was recommended that “(a)ny action that would substantially increase utilization of this lateral access should be conditioned to provide reasonable protection of agricultural lands from trespass.” TWC, in concert with its neighbors, has invested in agricultural fencing and other measures to protect adjacent property owners from intrusion. The access plan, and the components of this project, will be designed to focus access in designated areas and in a fashion that does not conflict with on-site or adjacent agricultural areas (LCP C4 – P9). Most of the accessible land eastward of the South Spit is now owned by the TWC, and is part of the access plan. Thus, TWC is resolving an issue of significant concern identified in the LCP by opening up this property in a carefully planned and managed fashion that is respectful of neighbors to the south and protective of agricultural uses on and surrounding the property.

Finally, Section 3.54 (B) of the LCP notes that the “(t)he County shall seek assistance from the Coastal Conservancy and other public entities for the acquisition and maintenance of the accessways described in the inventory. (LCP C3 – P54). Although the Preserve is not identified in the inventory, nearby Centerville Beach is, and the Conservancy would be improving and enhancing public access to the coast at Centerville Beach with the award of these funds.

The proposed project will also result in the implementation of a project to enhance habitat and agricultural productivity within the Coastal Zone generally, and within the jurisdiction of Humboldt County's Local Coastal Plan Eel River Area particularly.

The County of Humboldt Local Coastal Program (LCP) Eel River Area outlines several policies that relate to the preservation and restoration of sensitive coastal habitat in the Eel River Delta, including: Policy 3.28: “Minimize the risk to life and property in areas of high geologic, flood and fire hazard”; Policy 3.34: “The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy and conflicts shall be minimized between agricultural and urban land uses”; Policy 3.41: “Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values”; Policy 3.41 1.a.(2): “The County shall continue to pursue opportunities to restore or enhance, if possible, in-stream flows”; Policy 3.41 F.6.a: “. . . long-term protection of riparian vegetation . . . should be provided. . . . To achieve these objectives, the County should work with property owners and affected State and Federal agencies”; Policy 3.41 G.7.: “Natural drainage courses . . . shall be retained and protected from development which would impede the natural drainage pattern or have a significant adverse effect on water quality or wildlife habitat.”

Overall, the proposed project adheres to the letter and spirit of the LCP guidelines. By developing a project capable of preserving and enhancing coastal access, while protecting and enhancing coastal resources, the project is consistent with the approved LCP guidelines.

COMPLIANCE WITH CEQA:

Staff has reviewed the proposed project in its totality, and determined that individually and cumulatively the proposed actions pose no significant harm to the environment, and are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, sections 15302, 15303, 15311 and 15333, as follows.

Replacement of the existing bridge over Russ Creek is categorically exempt as replacement or reconstruction of an existing structure pursuant Title 14 of the California Code Regulations, section 15302. Section 15302 creates an exemption for the replacement and reconstruction of existing structures and requires the new structure to be located on the same site and have substantively the same size, purpose and capacity as the structure replaced. The proposed replacement bridge will allow for no more vehicular or pedestrian access at any one time than the existing bridge and will be located in the same site, although it will be set so as to minimize future erosion of the bridge footings by Russ Creek.

Replacement of the existing bridge and fill over Cutoff Slough is categorically exempt as replacement or reconstruction of an existing structure pursuant Title 14 of the California Code Regulations, sections 15302 and 15333. Section 15302 creates an exemption for the replacement and reconstruction of existing structures, and requires that any new structure be located on the same site and has substantively the same size, purpose and capacity as the structure replaced.

The proposed replacement bridge will more closely approximate the hydraulic capacity of the original culvert prior to the deterioration and collapse of the culvert, and will allow for no more vehicular or pedestrian access at any one time than the existing crossing. The new structure will be located in the same site, although it will be set so as to minimize future deterioration or erosion of the structure and its surrounding area.

The Cutoff Slough Bridge replacement is additionally categorically exempt under section 15333 for small habitat restorations projects that do not exceed five acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife. The

Cutoff Slough Bridge rests atop a failed culvert that is precluding even minimal tidal exchange between the Cutoff Slough tidegate, and the ever-aggrading network of tidal channels west of the failed culvert. Replacement of the failed culvert with a bridge will moderately improve habitat and reduce sedimentation. The project meets the additional conditions of this categorical exemption, there would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to section 15065; there are no hazardous materials at or around the site; the project will not result in significant impacts when viewed in connection with the effects of past, present, or probable future projects.

Construction of a new bridge over an unnamed drainage ditch at the southwestern edge of the property near the “Potato Barn” is categorically exempt under Title 14 of the California Code of Regulations, section 15303, for the construction of new small facilities or structures that do not exceed the maximum allowable on any legal parcel.

Construction of this bridge is also categorically exempt under section 15333 for small habitat restorations projects that do not exceed five acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife. The purpose of this new bridge is to provide primary access from a staging area at the southwestern edge of the property to the Cutoff Slough Tidegate, and to the North Barn and beach, along an existing ranch road. The new bridge alignment will also terminate the use of an existing ranch road that bisects sensitive wetlands and pre-dates the Coastal Act. The project meets the additional conditions of the categorical exemption, there would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to section 15065; there are no hazardous materials at or around the site; the project will not result in significant impacts when viewed in connection with the effects of past, present, or probable future projects. The new bridge may also be exempt under section 15303 for the construction and location of limited numbers of new, small structures.

Finally, installation of two vault toilets on the property is categorically exempt under Title 14 of the California Code of Regulations, section 15303, for the construction of new small facilities or structures that do not exceed the maximum allowable on any legal parcel. Accessory structures such as restrooms are given as an example in subsection (e). The first toilet will be located at the entrance of the property near the “Potato Barn,” and a second toilet may be located at the terminus of the main road at a site known as the “North Barn.”

All project elements are categorically exempt under section 15311 for accessory structures. Class 11 consists of construction or placement of minor structures accessory to existing commercial, industrial, or institutional facilities including, but not limited to small parking lots and on-premise signs. The Preserve functions as a commercial agricultural operation, adherent to the guidelines of its Williamson Act contract.

Staff will file a Notice of Exemption upon approval.