

COASTAL CONSERVANCY

Staff Recommendation
December 4, 2014

CALIFORNIA COASTAL TRAIL IN STATE PARKS - PHASE II

Project No. 04-090-02
Project Manager: Timothy Duff

RECOMMENDED ACTION: Authorization to disburse up to \$75,000 received from Sean and Alexandra Parker and Neraida LLC to the State Department of Parks and Recreation for Coastal Trail improvements in Garrapata State Park using the services of the Conservation Corps.

LOCATION: Soberanes Creek, Garrapata State Park, Northern Big Sur, Monterey County

PROGRAM CATEGORY: Public Access

EXHIBITS

- Exhibit 1: [Project Location Maps](#)
- Exhibit 2: [Project Site Map and Proposed Improvements](#)
- Exhibit 3: [Garrapata State Park Coastal Habitat Restoration and Trail Improvements Project Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan \(August 2012\)](#)
- Exhibit 4: [Completed Trail Projects](#)
- Exhibit 5: [Project Letters](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Section 31400 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of up to \$75,000 (seventy five thousand dollars) to the California Department of Parks and Recreation (“State Parks”) to develop improvements to the Coastal Trail within Garrapata State Park in Monterey County using the services of the California Conservation Corps, subject to the following conditions:

1. Prior to the disbursement of funds State Parks shall submit for the review and approval of the Executive Officer of the Conservancy:
 - a. A work program, budget, schedule, and names and qualifications of any contractors to be employed for these tasks.

- b. Evidence that State Parks has obtained all necessary permits and approvals, and all other funds necessary to complete the project.
 - c. A signing plan for the project acknowledging Conservancy participation and designation of the project as a segment of the California Coastal Trail.
2. State Parks shall ensure that all project improvements are consistent with the Conservancy's 'Standards and Recommendations for Accessway Location and Development' and with all applicable federal and state statutes, regulations and guidelines governing barrier-free access for persons with disabilities.

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. The Conservancy has independently reviewed and considered the Mitigated Negative Declaration certified by the California Department of Parks and Recreation on August 24, 2012 under the California Environmental Quality Act ("CEQA") and attached to the accompanying staff recommendation as Exhibit 3.

PROJECT SUMMARY:

Conservancy staff recommends disbursing up to \$75,000 to the State Department of Parks and Recreation ("State Parks") for Coastal Trail improvements at Garrapata State Park in northern Big Sur using the services of the Conservation Corps. The source of these funds is Sean and Alexandra Parker and Neraida LLC (Parker LLC) pursuant to a grant program that was approved by the Coastal Commission stemming from its enforcement actions taken in association with the Parker wedding in northern Big Sur in 2013. Conservancy staff submitted a grant application to the Parker LLC and was recently awarded funds specifically for this project.

Most of the trailheads and trails of Garrapata State Park in Big Sur were constructed over 30 years ago and are today in various states of disrepair. Because most of these accessways are served by poorly marked vehicle turnouts and trailheads located on the western edge of the Highway One right of way, they are often overlooked by visitors driving through the area. Improving the Coastal Trail at Garrapata State Park is identified as a priority in the Conservancy's 2003 *Completing the California Coastal Trail Report*. In addition, the recently completed *Garrapata State Park Coastal Habitat Restoration and Coastal Trail Improvement Management Plan* identifies priorities for trail improvements in the park. The proposed project would improve access at one accessway ("Gate 7") which is one of the projects identified in the Plan (Exhibit 2).

Planned improvements include renovating the existing trail from the Gate 7 accessway to and along the bluffs to two planned overlooks and to a recently completed bridge across Soberanes

Creek (Exhibit 2). Approximately 1,100 feet of trail will be improved by adding drain rock to reduce erosion and then capping the trail with decomposed granite to provide a firm trail surface. The two new blufftop viewing platforms will include benches and safety railings. In addition, roughly 2,000 feet of nearby informal or “social” trails that currently extend into identified archaeological sites or sensitive habitat for the federally endangered Smith’s blue butterfly will be closed to protect these natural and cultural resources. Once completed the project will connect to an adjacent new bridge and trail project completed by State Parks last summer and create a half-mile loop trail between trailhead Gates 7 and 8 (Exhibit 2). Pending future funding State Parks intends to extend the proposed trail improvements south around Soberanes Point to another trailhead / accessway.

As detailed in the Project History section below, pursuant to a previous grant awarded by the Conservancy to State Parks in 2005, Conservancy staff has been coordinating with State Parks and the California Conservation Corps to plan, design, permit and construct Coastal Trail improvements within State Park units along the coast. To date three projects have been completed, and this proposed project will serve to complete the fourth project in 2015 (see Exhibit 4).

Site Description: The project area is located within Garrapata State Park in northern Big Sur where approximately seven miles of rugged coastline extend along 277 acres of coastal terrace seaward of State Highway One (Exhibit 2). The park’s other 2,600-plus acres are east of Highway One and extend up steep hillsides toward the ridgelines of the coast range. The panoramic ocean and open space views along this stretch of the California coast are well known for their drama and scope.

There are 21 existing yet poorly marked vehicle turnouts and trailheads that are distributed along the four miles of Highway One that run through the park. The turnouts are located within the western side of the highway right of way that serve a patchwork of trails spread along the coastal bluffs, and in some locations down to pocket coves and sandy beaches (Exhibit 1). Some of the existing formal and informal or “social” trails are located within identified archaeological sites, with accelerated erosion, soil loss, and disturbance by pedestrian use impacting these sites. Other segments extend into patches of seacliff buckwheat that provides food and habitat for the federally endangered Smith’s blue butterfly. The buckwheat blooming period generally occurs from June to September which also coincides with periods of higher summer visitor use at the park.

Project History: In 2005 the Conservancy awarded a \$1,000,000 grant to State Parks to develop the Coastal Trail within its coastal park units. At that time the Conservancy entered into a three-way agreement with State Parks and the California Conservation Corps to coordinate the training of Conservation Corps trail crews with trail building projects supervised by State Parks staff. Since then two projects have been completed on the central coast and one project on the north coast (Exhibit 4). To date, State Parks has not identified a priority project in the south coast region.

Since 2008 Conservancy staff has been working with State Parks staff to prepare the plans and obtain the permits necessary to complete trail improvements at Garrapata State Park. In 2012, with support of Coastal Commission staff and local stakeholders, the County of Monterey issued a Coastal Development Permit for the proposed project and all of the other Coastal Trail

improvement and habitat restoration projects identified in the *Garrapata State Park Coastal Habitat Restoration and Coastal Trail Improvement Management Plan*. In the summer of 2014 the first project in the park was initiated immediately adjacent to the proposed project. It is anticipated that both projects will be completed in 2015 once the United States Fish and Wildlife Service approves a Safe Harbors Agreement prepared to address potential impacts to the federally endangered Smith's blue butterfly from this and future trail projects in the park.

PROJECT FINANCING

Sean and Alexandra Parker and Neraida LLC (this authorization)	\$75,000
Coastal Conservancy (previous authorization)	\$60,000
State Department of Parks and Recreation	<u>\$75,000</u>
Project Total	\$210,000

Funding for this authorization is from a grant to the Conservancy from Sean and Alexandra Parker and Neraida LLC specifically for implementation of this project.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project is undertaken pursuant to Chapter 9 of Division 21 of the Public Resources Code (Section 31400 *et seq.*). Section 31400 states that it is the intent of the Legislature 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 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.

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 and requires that the amount of funding provided by the Conservancy be determined by 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 the application of factors prescribed by the Conservancy. Consistent with this section, the proposed amount of the Conservancy contribution was determined based on the total amount of funding available to the Conservancy for public access projects, the matching funds provided by the other sources (see Project Financing), and consideration of the factors specified in the Conservancy's Project Selection Criteria (See Consistency with Conservancy's Project Selection Criteria & Guidelines). The proposed project would leverage matching funds totaling 72 percent of the costs for this project.

The proposed project is also consistent with Section 31400.3 which authorizes the Conservancy to "provide such assistance as is required to aid public agencies ... in establishing a system of public coastal accessways". Conservancy funds will be used to improve coastal access facilities.

Section 31408(a) directs the Conservancy to coordinate development of the California Coastal Trail in consultation with State Parks. Section 31408(b) directs State Parks to cooperate with the

Conservancy in this effort and to make lands under its control available for construction of the trail. The proposed project entails Conservancy coordination with State Parks to develop the California Coastal Trail within the State Park system.

Section 31104 authorizes the Conservancy to apply for and receive financial support from public and private sources.

CONSISTENCY WITH CONSERVANCY'S ACCESS PROGRAM STANDARDS:

The project is consistent with the Conservancy's Standards and Recommendations for Accessway Location and Development as follows:

Standard No. 1, Protect the Public and Coastal Resources: The project is designed and located to minimize alteration of the natural landforms and protect environmentally sensitive habitats, including constructing bridges or boardwalks to cross over such habitat areas. The project will serve to prevent unwarranted hazards to public safety by closing unsafe areas and/or removing damaged improvements.

Standard No. 2, Correct Hazards: The project will serve to correct existing and potential hazards, including closing unsafe areas and/or removing damaged improvements.

Standard No. 5, Environmentally Sensitive Areas: The project has been designed and routed to protect environmentally sensitive habitats as described above.

Standard No. 8, Trails: The project will link existing accessways and include appropriate surface materials, adequate trash receptacles, fencing, and signs.

Standard No. 9, Scenic Overlooks: The project will enhance scenic vistas of the ocean, beaches and surrounding open space, and includes new blufftop overlooks.

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

Consistent with **Goal 1, Objective B**, the proposed project will result in the placement of California Coastal Trail signs on existing trails.

Consistent with **Goal 1, Objective D**, the proposed project will result in the construction of a new trail segment.

Consistent with **Goal 1, Objective F**, the project will serve to improve support facilities at an existing coastal accessway.

Consistent with **Goal 2, Objective D**, the project entails the reconstruction of a dilapidated and unsafe facility to increase and enhance coastal recreational opportunities.

Consistent with **Goal 5, Objective B**, the project will serve to enhance coastal habitats, including coastal terraces and habitat for the federally endangered Smith's blue butterfly.

**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. **Promotion and implementation of state plans and policies:** By developing public access and Coastal Trail facilities the project serves to promote and implement several state plans including:
 - *Coastal Act (1976)*, Public Resources Code Section 30210 on public access and recreation calls for "maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse," and Section 30214 calls for public access and recreation "takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to topographic and geologic site characteristics, the capacity of the site to sustain use and at what level of intensity, [and] the appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses."
 - *Coastal Act (1976)*, Public Resources Code Section 30240 on environmentally sensitive habitat areas states that "environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas," and "development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas."
 - *Completing the California Coastal Trail Report (2003)*, Monterey County Section Recommendation #6 to "Assist State Parks to reestablish the Coastal Trail through Garrapata State Park."
4. **Support of the public:** The project has broad support of the public and elected officials as demonstrated by the letters attached as Exhibit 5. In addition, the Monterey County Land Use Advisory Council ("LUAC") supported the County's permit approval of the proposed project and all of the other trail and restoration projects described in the *Garrapata State Park Coastal Habitat Restoration and Coastal Trail Improvement Management Plan*.

5. **Location:** The proposed project is located within the coastal zone of Monterey County.
6. **Need:** Conservancy approval is needed to disburse the funds awarded to this project. The additional funds are needed to complete the project
7. **Greater-than-local interest:** The Big Sur coast attracts thousands of visitors from throughout the state, the country and the world on a daily basis.
8. **Sea level rise vulnerability:** The project location is located on a coastal terrace that ranges in elevation from 30 feet to 75 feet above sea level.

Additional Criteria

9. **Resolution of more than one issue:** The project will enhance public access while protecting sensitive natural and cultural resources.
10. **Leverage:** See the “Project Financing” section above.
11. **Realization of prior Conservancy goals:** See “Project History” above.
12. **Return to Conservancy:** See the “Project Financing” section above.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The project is consistent with the County of Monterey Big Sur Land Use Plan/Local Coastal Plan Policies (adopted by the Monterey County Board of Supervisors 11/5/85 and certified by the Coastal Commission 4/10/86). Section 3.3.2 on Environmentally Sensitive Habitats, Policy 4 states, “For developments approved within environmentally sensitive habitats, the removal of indigenous vegetation and land disturbance (grading, excavation, paving, etc.) associated with the development shall be limited to that needed for the structural improvements themselves. The guiding philosophy shall be to limit the area of disturbance, to maximize the maintenance of the natural topography of the site, and to favor structural designs which achieve these goals.” Policy 5 states, “Public access in areas of environmentally sensitive habitats shall be limited to low-intensity recreational, scientific, or educational uses. Access shall generally be controlled and confined to the designated trails and paths. No access shall be approved which results in significant disruption of the habitat.” The design and location of the proposed project limits the removal of vegetation and land disturbance while maintaining natural topography, entails low-intensity recreational uses, and encourages users to remain on designated trails.

Section 3.11.2 on Archeological Resources, Policy 2 states, “When developments are proposed for parcels where paleontological resources or archaeological or other cultural sites are located, project design shall be required which avoids or substantially minimizes impacts to such cultural sites. To this end, emphasis should be placed on preserving the entire site rather than on excavation of the resource, particularly where the site has potential religious significance.” The design and location of the proposed project will serve to not only avoid or substantially minimizes impacts to such cultural sites, but will increase protection of cultural resources by closing off or not maintaining existing trails that are adversely impacting these resources.

Section 5.4.3(C) on Land Use and Development, New or Expanded Recreation Facilities, Policy 2 states, "Maintenance of the rustic, outdoor recreational character of Big Sur is emphasized. The expansion and development of recreation and visitor-serving facilities in Big Sur shall be of a scale and nature that is compatible with the natural and cultural character of the area while offering opportunities for visitors to experience and enjoy the beauty and inspiration that the Big Sur environment presents. Intensive recreational uses or facilities are not appropriate and shall not be permitted." Policy 3 states, "The Soberanes Point, Garrapata Beach, and the Little Sur River areas should be planned for low-intensity, day-use recreational development with minimal provision of facilities. The scenic and natural resources of these areas should be preserved in a natural state." Policy 7 states, "Recreational and visitor-serving facility expansion and development proposals shall be evaluated on an individual basis. All proposals must demonstrate consistency with the land use plan and environmental, visual, design and traffic constraints."

The design and location of the proposed project is of a scale and nature that is compatible with the natural and cultural character of the area (Garrapata State Park), retains existing low-intensity, day-use recreational development with minimal provision of facilities, and is consistent with land use plan, environmental, visual, design and traffic constraints.

COMPLIANCE WITH CEQA:

The State Department of Parks and Recreation (State Parks) is the lead agency for the Coastal Trail in State Parks - Phase II project (also known as the *Garrapata State Park Coastal Habitat Restoration and Coastal Trail Improvement Management Plan*) for purposes of the California Environmental Quality Act (CEQA) and prepared an Initial Study (IS), a Mitigated Negative Declaration (MND) and Mitigation and Monitoring Reporting Plan (MMRP) for the proposed project (Exhibit 3). The public comment period for the draft MND lasted from July 13, 2012 to August 13, 2012. One written comment was received from the State Department of Transportation (Caltrans, District 5) stating that any work done in their Highway One right-of-way would require an encroachment permit. No other written comments were received.

The Initial Study determined that the proposed project could have a significant effect on the environment in the areas of Biological Resources and Cultural Resources. State Parks proposed several mitigation measures to reduce these impacts to less than significant, and prepared a final MND and MMRP. State Parks certified the MND and adopted the MMRP on August 24, 2012, and filed a Notice of Determination on September 5, 2012. The County, as a responsible agency, considered the MND and approved the MMRP on September 11, 2013.

The potential significant environmental impacts of the proposed project and the corresponding mitigations are identified and discussed in greater detail in the MND and MMRP attached as Exhibit 3. The scope of the MND and MMRP included all 21 of the projects contained in the *Garrapata State Park Coastal Habitat Restoration and Coastal Trail Improvement Management Plan*. This staff recommendation addresses one of the projects contained in this Plan. If and when one or more of the other projects in this Plan is to be funded with Conservancy funds staff will at that time evaluate their potential significant environmental impacts.

The impacts of the proposed project and the associated mitigation measures are summarized below.

Biological Resources

Impact

Impacts to Smith's blue butterflies could occur as a result of maintaining trails and overlooks and by enhancing and restoring habitat, including removal of invasive, non-native vegetation. Actions could damage or cause a direct loss of seacliff buckwheat, the species host plant. Trail maintenance may result in temporary habitat loss, disturbance and displacement during such activities. Incidental take of Smith's blue butterflies could occur as a result of recreation and associated activities such as hiking on trails.

Mitigation

To avoid, minimize, and compensate for impacts to Smith's blue butterfly State Parks will implement the following measures:

- 1) Prior to implementation of project improvements within areas supporting seacliff buckwheat, State Parks will secure a Safe Harbor Agreement (SHA) with USFWS that outlines measures State Parks will implement to achieve measurable benefit to the species. The SHA will provide State Parks incidental take coverage for Smith's blue butterflies occupying, and associated with, its host plant (seacliff buckwheat) that could be taken as a result of the proposed project. Upon approval by USFWS, the SHA will authorize State Parks to incidentally take all Smith's blue butterflies, in any life stage, occupying and associated with a pre-established number of its host plant (seacliff buckwheat), that could be killed or injured as a result of damage to and/or loss of one of those host plants.
- 2) State Parks will also implement measures to avoid take of the butterfly by minimizing removal of seacliff buckwheat during trail maintenance and improvement activities, and will encourage the establishment of seacliff buckwheat by closing social trails and restoring coastal scrub habitat through the removal and control of invasive, non-native plant species.
- 3) DPR will collect seed from seacliff buckwheat for the purpose of planting and/or seeding of buckwheat plants to expand habitat for Smith's blue butterfly within the project area, non-native plant species in coastal scrub supporting seacliff buckwheat will be removed/controlled, and herbicides will not be used.

Impact

Construction activities may cause short-term impacts to nesting birds if they are present during construction.

Mitigation

To mitigate for potential impacts to nesting birds, the project will require preconstruction surveys to identify any nesting bird locations and then implement buffer zones to protect active nests within the work area.

Cultural Resources

Impact

Improving, closing or removing trail segments could result in greater disturbance to archaeological resources.

Mitigation

The State Park Archaeologist or other qualified archaeologist/designee will inspect the location of the planned trail work to confirm the locations where an archaeological monitor will be required. In the event that a potentially significant cultural deposit is uncovered during construction, all work will cease to determine and implement appropriate avoidance, preservation or recovery measures.

Impact

Excavation for overlook improvements could result in impacts to archaeological resources.

Mitigation

To avoid impacts to archaeological resources during excavation for overlook improvements, excavation will be limited to the rock wall (6 to 8 inches in depth), wood railing, and bench posts (36 inches in depth maximum), and overlook areas will be capped with aggregate base material.

Based on review of the MND and MMRP, Conservancy staff concludes that the proposed project, as mitigated, will not have a significant effect on the environment. Staff recommends that the Conservancy, as a responsible agency under CEQA, make the finding that the Conservancy has independently reviewed and considered the MND. Staff will file a Notice of Determination upon the Conservancy's approval of the project.