

# COASTAL CONSERVANCY

Staff Recommendation

December 1, 2016

## **Moat Creek Operations and Maintenance V**

Project No. 08-048-05

Project Manager: Peter Jarausch

**RECOMMENDED ACTION:** Consideration and possible Conservancy authorization to disburse up to \$33,000 to Moat Creek Managing Agency to operate and maintain public access improvements at Moat Creek Beach and along the Moat Creek segment of the California Coastal Trail in Mendocino County.

**LOCATION:** Moat Creek, Mendocino

**PROGRAM CATEGORY:** Public Access

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### **EXHIBITS**

Exhibit 1: [Location Map](#)

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### **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 thirty three thousand dollars (\$33,000) to Moat Creek Managing Agency to operate and maintain public access improvements at Moat Creek Beach and along the Moat Creek segment of the California Coastal Trail in Mendocino County, subject to the condition that prior to the disbursement of funds, Moat Creek Managing Agency shall submit for the written approval of the Conservancy’s Executive Officer a work program, budget, names of any contractors it intends to employ for the project, and plans for signs acknowledging Conservancy funding.”

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 the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding public access to the coast.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines, last updated by the Conservancy on October 2, 2014.

3. Moat Creek Managing Agency is a private nonprofit organization, existing under the provisions of Section 501(c)(3) of the U.S. Internal Revenue Service Code, and its purposes are consistent with Division 21 of the Public Resources Code.”
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**PROJECT SUMMARY:**

Staff recommends the Conservancy authorize the disbursement of funds to Moat Creek Managing Agency (“MCMA”), a nonprofit organization, to operate and maintain public access improvements at Moat Creek Beach and along the Moat Creek segment of the California Coastal Trail in Mendocino County.

The proposed project consists of MCMA’s operation and maintenance, over the next three years, of public access improvements consisting of a restroom, parking lot, access trail to Moat Creek Beach, and the Moat Creek to Ross Creek loop trail. The Coastal Conservancy owns the Moat Creek property, and has entered into a license agreement with MCMA to operate and maintain the accessway. MCMA’s operation and maintenance activities will include garbage removal, seasonal vegetation clearance, septic tank pump-out, restroom cleaning and stocking, and all repairs of the improvements that may become necessary. MCMA will rely primarily on volunteer labor. However, certain activities will be performed by contractors, such as the garbage removal, septic tank maintenance and any grading of the parking area.

Moat Creek Beach is a popular visitor destination. It is close to Point Arena and it is only a 3- hour drive from San Francisco. It is popular with abalone divers as well as surfers, and it receives a large influx of visitors during surfing and abalone season.

MCMA is a volunteer-run 501 (c)(3) nonprofit organization whose primary purposes include restoring and preserving the Moat Creek watershed, and promoting and managing public accessways to coastal areas. MCMA has managed the Moat Creek Beach public access improvements for approximately twenty years, and has successfully implemented projects with previous grants from the Conservancy to construct the trails and related improvements at Moat Creek Beach. With support from the Conservancy, MCMA recently completed the *Moat Creek to Point Arena Trail Feasibility Study* to explore the potential for creating a segment of the California Coastal Trail from Moat Creek to Arena Cove.

**Site Description:** The existing Moat Creek Beach public access area consists of approximately 3 acres of coastal property located two and half miles south of the town of Point Arena in Mendocino County (Exhibit 1). The property includes a beach, bluffs, and two creeks that flow directly to the ocean: Moat Creek and Ross Creek. The property is owned in fee by the Conservancy and offers visitors an access trail to Moat Creek Beach, an accessible single-unit restroom, a 15-space gravel parking lot, and a scenic half-mile loop trail along the coastal bluff between Moat and Ross Creeks. The trail between Moat and Ross Creeks is a segment of the California Coastal Trail. The Conservancy has entered into a license and management agreement with MCMA, giving MCMA the authority to establish and manage public access on the Conservancy’s Moat Creek Beach property.

## MOAT CREEK PUBLIC ACCESS OPERATIONS AND MAINTENANCE PHASE V

The Point Arena area has a number of visitor-drawing features in addition to the historic town, such as the Point Arena Lighthouse, the Stornetta Brothers Public Lands National Coastal Monument, purchased in part with Conservancy funds, and Manchester State Beach. The Moat Creek segment of the California Coastal Trail will eventually be linked to other segments in the Point Arena area as trail corridors are acquired and developed.

### **Project History:**

The Conservancy acquired the Moat Creek Beach property in the late 1970s as part of a lot consolidation project involving the purchase of 65 substandard lots in the area known as Whiskey Shoals. The Conservancy bought and subsequently resold lots for private development of no more than 13 homes at the Whiskey Shoals site. Through this process, the Conservancy retained several conservation and trail easements in addition to the fee ownership of the Moat Creek Beach property and several lots with significant visual and archeological resources.

In 1989, the Conservancy provided a grant of \$48,500 to Surfrider Foundation for MCMA to develop and manage an access trail to Moat Creek Beach and an adjacent 15-space gravel parking lot. MCMA incorporated as a 501(c)(3) nonprofit organization in 1993, with a purpose of restoring and preserving the Moat Creek watershed as a model for scientific and educational studies of similar watersheds and to promote and manage public accessways to this coastal area and other sites.

In 1993, MCMA conducted field studies in Moat Creek with a \$5,000 grant from the Mendocino County Resource Conservation District to assess the property's native flora and fauna. In 1998, with a grant from the Conservancy, MCMA designed and began construction of a half-mile loop trail along the coastal bluff between Ross Creek and Moat Creek. The project was augmented in 2001 to include construction of a single-unit bathroom adjacent to the parking lot and Moat Creek Beach access trail. The project was successfully completed in 2002, and the Moat Creek to Ross Creek bluff top trail is now a part of the California Coastal Trail.

In February 2006, June 2008, February 2010, May 2012, and again in 2014 the Conservancy awarded MCMA grants to maintain the trails, parking lot and restroom. MCMA successfully completed the maintenance activities necessary during those projects including vegetation management, new sign design, garbage removal and restroom repair. The proposed project will support three more years of operations and maintenance.

MCMA recently completed the *Moat Creek to Arena Cove Feasibility Study*, funded by the Conservancy, to identify a potential route connecting the existing offers to dedicate access easements north of the Moat Creek with a trail into Arena Cove as a new segment of the California Coastal Trail. This planning effort led to the Mendocino Land Trust's acquisition of the CEIS property, with Conservancy funding, for public access purposes, and in 2016 the Conservancy awarded money to construct a section of the California Coastal Trail on that property.

**PROJECT FINANCING**

<b>Coastal Conservancy</b>	<b>\$33,000</b>
<b>Project Total</b>	<b>\$33,000</b>

Conservancy funds for this project are expected to derive from the Conservancy’s FY2016 appropriation from the Coastal Access Account in the State Coastal Conservancy Fund. Pursuant to Public Resources Code section 30620.2, these funds are appropriated to the Conservancy for “grants to public agencies and nonprofit organizations for the development, maintenance, and operation of new or existing facilities that provide public access to the shoreline of the sea...” The proposed project consists of the operation and maintenance of existing facilities (restroom, parking area, trails) that provide public access to the beach, ocean and coastal trails at Moat Creek Beach. The proposed project will be carried out by a nonprofit organization. Thus, the proposed project is an appropriate use of these funds.

**CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:**

The proposed funding authorization is consistent with Chapter 9 (Section 31400 et seq.) of the Conservancy’s enabling legislation, Division 21 of the Public Resources Code, regarding the implementation of a system of public access ways to and along the state’s coastline.

Under Section 31400, the Legislature has charged the Conservancy with a principal role in the implementation of a system of accessways to and along the state’s coastline. Consistent with this section, the proposed authorization will support operations and maintenance of a bluff top trail and beach access trail, which were constructed with funds from the Conservancy.

Pursuant to Section 31400.1, the Conservancy may award grants to any nonprofit organization to operate and manage lands for public access purposes to and along the coast. The proposed authorization will enable MCMA, a nonprofit organization, to operate and maintain a restroom, a parking area, and trails to the beach and bluffs at Moat Creek Beach. Thus, the proposed authorization will enable MCMA to operate and manage lands for public access purposes to and along the coast.

Pursuant to Section 31400.3, the Conservancy may provide such assistance as is required to aid nonprofit organizations in establishing a system of public coastal accessways and related functions. The proposed authorization will enable MCMA to maintain and improve trails, parking and a restroom at Moat Creek Beach to ensure safe access to the beach and bluff top. Thus, the proposed authorization will assist MCMA in providing a function related to

establishment of a public coastal accessway, consisting of the operation and maintenance of a coastal accessway.

Section 31408 charges the Conservancy, in consultation with the Department of Parks and Recreation, and the California Coastal Commission, with coordination of the development of the Coastal Trail. The proposed authorization will enable MCMA to operate and maintain a section of the California Coastal Trail, consistent with this section.

**CONSISTENCY WITH CONSERVANCY'S 2013 STRATEGIC PLAN  
GOAL(S) & OBJECTIVE(S), AS REVISED JUNE 25, 2015:**

Consistent with **Goal 2, Objective B** of the Conservancy's 2013-2018 Strategic Plan, the proposed project will allow MCMA to continue operating the Moat Creek Beach accessway which would otherwise be closed to public access.

Consistent with **Goal 2, Objective D** of the Conservancy's 2013-2018 Strategic Plan, the proposed project improves the existing bathroom, parking area and trails that support access to Moat Creek Beach through regular maintenance of those support facilities.

**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:**  
This project helps implement the *California @ 50 Million* (2015) Goal 5 for Natural Resource Stewardship and Management by continuing to support the long-term stewardship of the Moat Creek Accessway (page 23).
4. **Support of the public:** See "Project Letters".
5. **Location:** The proposed project is located within the coastal zone, 2.5 miles south of Point Arena on the Mendocino Coast.
6. **Need:** MCMA is a small, volunteer run nonprofit organization with limited revenue. The proposed project will further the Conservancy's completion of the California Coastal Trail by supporting MCMA's efforts to operate and maintain public access improvements at Moat Creek.

7. **Greater-than-local interest:** The proposed project will maintain trail and beach access at Moat Creek Beach, which is visited by local residents as well as by the many travelers, both international and regional, who are drawn to the north coast of California, and particularly to coastal towns that are within a few hours of San Francisco, such as Point Arena.
8. **Sea level rise vulnerability** The proposed funding authorization is for operations and maintenance of an existing coastal access point and segment of the California Coastal Trail. During the three years of the proposed operation and maintenance, the parking area, restroom, and segment of the coastal trail are not expected to be impacted by sea level rise as these facilities are above the predicted sea level rise of 55 inches by 2100.

**Additional Criteria**

9. **Urgency:** The high use at Moat Creek during abalone season is making additional operations and maintenance support a pressing need for this volunteer-run nonprofit.
10. **Readiness:** MCMA is ready to carry out the operations and maintenance at Moat Creek immediately.
11. **Realization of prior Conservancy goals:** “See “Project History”
12. **Cooperation:** MCMA is working with the Conservancy to operate and maintain public access facilities on property owned by the Conservancy.

**CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:**

The Moat Creek project area is located within the coastal zone and is subject to the jurisdiction of the County of Mendocino’s Local Coastal Program. The proposed project is consistent with the public access and resource protection policies of the Local Coastal Program as described below.

Consistent with LCP policy 3.6-26, MCMA has prepared a Moat Creek Management Plan for management of public access at Moat Creek.

Consistent with LCP policy 3.6-6, MCMA is providing shoreline access on the coast to minimize impacts on marine resources at other destinations in Mendocino and to provide options to the public to prevent overcrowding on any single area.

Consistent with LCP policy 3.6-22, the proposed funding authorization furthers an innovative access management technique involving an agreement with a nonprofit organization and reliance on a volunteer management program.

Consistent with LCP policy 4.11-15, the proposed project allows for public access to Moat Creek Beach.

**COMPLIANCE WITH CEQA:**

The proposed project consists of operation, maintenance, and repair of existing public facilities that will not expand the existing use. Accordingly, the proposed project is categorically exempt from the California Environmental Quality Act pursuant to 14 California Code of Regulations Section 15301, which exempts operation, repair and maintenance of existing public and private facilities involving negligible or no expansion of use. Upon approval, staff will file a Notice of Exemption for the project.