

COASTAL CONSERVANCY

Staff Recommendation

June 18, 2020

**Moat Creek Accessibility Improvements**

Project No. 20-017-01

Project Manager: Peter Jarausch

**RECOMMENDED ACTION:** Authorization to disburse up to \$94,371 to the Moat Creek Managing Agency to design, permit, and construct accessibility improvements at the Moat Creek Beach public accessway and to maintain the accessway for three years, at Moat Creek in Mendocino County.

**LOCATION:** Moat Creek, Mendocino County

**PROGRAM CATEGORY:** Public Access

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EXHIBITS

Exhibit 1: [Project Location Map](#)

Exhibit 2: [Project Letters](#)

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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 ninety-four thousand three hundred and seventy-one dollars (\$94,371) to the Moat Creek Managing Agency (“the grantee”) to design, permit, and construct accessibility improvements at Moat Creek Beach accessway and to maintain and operate the accessway for three years, at Moat Creek in Mendocino County.

Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
2. Names and qualifications of any contractors to be retained in carrying out the project.
3. A plan for acknowledgement of Conservancy funding.”

4. Evidence that all permits and approvals required to implement the project have been obtained.”

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 a System of Public Accessways.
  2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
  3. Moat Creek Management Agency is a nonprofit organization organized under section 501(c)(3) of the U.S. Internal Revenue Code.”
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**PROJECT SUMMARY:**

Staff recommends the Conservancy authorize disbursement of up to \$94,371 to the Moat Creek Managing Agency (MCMA) to design, permit, and construct accessibility improvements at the Moat Creek Beach accessway, and to operate and maintain the accessway for three years (collectively “the project”). The Moat Creek Beach accessway is a Conservancy-owned coastal accessway with public access facilities just south of Point Arena in unincorporated Mendocino County (see Exhibit 1). Improvements will be made to the trails, parking lot, and bathroom to reduce barriers to access and make it easier for all Californians to enjoy this section of coast.

In August 2018, the Conservancy completed its ADA Self Evaluation and Transition Plan. Through that planning process, the Moat Creek accessway was evaluated, and several recommendations were made to improve the site’s accessibility. While the existing parking area is relatively flat, and the trail from the parking area to the overlook over the beach is gently sloping, improvements can be made to make these more accessible. Unfortunately, it will not be possible to extend the accessible portion of the trail onto the beach itself. Every winter this pocket beach collects large piles of driftwood. Beachgoers must climb over and through the logs to gain access to the water. The driftwood would destroy any improvements made on the beach. And, even during summer high tides, the logs move around and would block any seasonal pathways to the water. Likewise, it is not feasible to make the existing blufftop trail accessible, due to the natural steep topography.

The project includes paving a parking spot, adding signage, and providing a route of travel from the parking spot to the trailhead. The trail to the beach will be widened slightly and its surface will be improved to a firm and stable surface. This will most likely be done with base rock that is compacted into place. A new section of trail will be constructed to provide access from the beach trail to the existing vault toilet, replacing the current spur trail that does not meet accessibility grade requirements for trails. The restroom itself is about 20 years old and will receive new siding, a new easier-to-open door, and a more level surface within the restroom.

This should extend the life of the restroom as well as improve its accessibility. A small platform with a picnic table will be constructed about 20 feet west of the restroom so that visitors can enjoy a view out to the ocean.

The project includes preparation of designs for the accessibility improvements and preparing a coastal development permit (CDP) application. Preparing the permit application will entail conducting a variety of surveys, including but not limited to, a botanical survey, wetland survey, cultural resources survey, and survey for the presence of rare species. Once the CDP has been approved, MCMA will work with a contractor to construct the improvements.

Once the project is completed, Moat Creek will be one of two nearby coastal access points which have been improved to accommodate a wider range of abilities. Pelican Bluffs, between Moat Creek and Point Arena, has a section of accessible trail to experience a coastal meadow and forest. On windy days the trail is protected by the forest. At Moat Creek the trail follows Moat Creek to the beach where visitors can smell the salt air and watch the surf breaking on the beach. These experiences encompass the character of the Mendocino coast.

The proposed project also includes MCMA's operation and maintenance, over the next three years, of the public access improvements. 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.

**Site Description:** The 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.

The Point Arena area has several 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.

**Grantee Qualifications:**

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 also 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.

**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 13 lots for private development 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 constructed a half-mile loop trail along the coastal bluff between Ross Creek and Moat Creek. The project was augmented in 2001 to include 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, 2014, and again in 2016 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 also completed the Moat Creek to Arena Cove Feasibility Study, funded by the Conservancy, to identify a potential route connecting the existing public 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 Pelican Bluffs 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.

The Conservancy identified the proposed project in its accessibility plan developed in 2018. As part of that plan, MIG, a consultant hired by the Conservancy, traveled to the few accessways that the Conservancy owns in fee, including Moat Creek, assessed the sites, and provided recommendations for potential improvements. As MCMA has had many years of experience managing the Moat Creek property, it is in the best position to implement the

recommendations and ensure that the changes are made in a manner which protects the character of the place.

**PROJECT FINANCING**

**Coastal Conservancy** **\$94,371**

**Project Total** **\$94,371**

The expected source of funds for the accessway maintenance component of this project is an appropriation to the Conservancy 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.” This portion of 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.

Improvement of the trail, parking area and restroom facility are expected to be funded from an appropriation to the Conservancy from Proposition 12, the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 (Public Resources Code Section 5096.300 et seq.). These funds are available for Conservancy projects that restore, enhance and develop public use facilities in coastal areas, including waterfronts and public accessways. Consistent with Public Resources Code Section 5096.352(c), the project will enhance an existing public access facility along the coast by making improvements that will enable use of the facility by persons with disabilities. It 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 12.

**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 accessways 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 the beach access trail, and construct accessibility improvements for all Californians.

Pursuant to Section 31400.1, the Conservancy may award grants to a nonprofit organization to develop, operate and manage lands for public access purposes to and along the coast. The proposed authorization will enable MCMA, a nonprofit organization, to construct improvements, 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 develop, operate and manage lands for public access 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, and construct accessibility improvements. Thus, the proposed authorization will assist MCMA in providing a function related to establishment of a public coastal accessway, consisting of the improvement, operation and maintenance of a public 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.

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

**CONSISTENCY WITH CONSERVANCY’S ACCESS PROGRAM STANDARDS:**

**Standard No. 1, Protect Public and Coastal Resources:** The improvements will be designed to minimize the alteration of natural landforms and therefore protect the surrounding resources.

**Standard No. 8, Trails:** The improvements will meet the minimum width requirements.

**Standard No. 13, Barrier-Free Access:** The project will improve conditions for all Californians and comply with the accessible trail standards issued by the Access Board. And, the bathroom will be improved to be more accessible.

**CONSISTENCY WITH CONSERVANCY’S [2018-2022 STRATEGIC PLAN](#) GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 2, Objective A** of the Conservancy’s 2018-2022 Strategic Plan, the proposed project will enhance opportunities for people with disabilities to the coast.

**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 “Exhibit 2: Project Letters.”
5. **Location:** The proposed project would be located within the coastal zone of Mendocino County.
6. **Need:** MCMA is a small, volunteer-run nonprofit organization with limited revenue. The proposed project will further the Conservancy’s efforts to encourage public access 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 improvements to and operation of an existing coastal access point and segment of the California Coastal Trail. 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. **Readiness:** MCMA has the capacity and is ready to undertake the project.
10. **Realization of prior Conservancy goals:** See “Project History” above.
11. **Cooperation:** MCMA is working with the Conservancy to operate and maintain public access facilities on property owned by the Conservancy.
12. **Vulnerability from climate change impacts other than sea level rise:** The project should not be damaged by climate change impacts other than sea level rise. There is a chance that more frequent and intense storms could create flooding at Moat Creek. The trail and parking lot are easy to repair if flooding occurs. The bathroom was sited well away from the creek and at an elevation where flooding should not occur. There is a chance that some coastal erosion will take place and that the end of the trail by the beach will retreat. The trail is made up of a natural surface and can naturally adapt to shoreline retreat.

#### **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.

**CEQA COMPLIANCE:**

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 existing or former use. In addition, this project is categorically exempt pursuant to 14 California Code of Regulations Section 15303 which exempts minor construction projects such as the picnic table and viewing platform that are part of this project. Upon approval, staff will file a Notice of Exemption for the project.