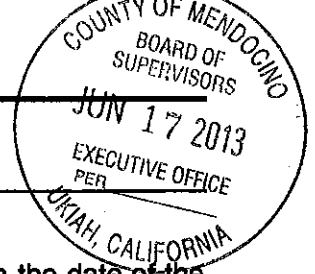




**MENDOCINO COUNTY BOARD OF SUPERVISORS
PLANNING APPEAL FORM**



Appeals must be received in the Executive Office within the appeal period, 10 days from the date of the hearing* (post-marks will NOT be accepted). The Clerk of the Board or Planning and Building Services will verify appeal fee amounts*. The appeal fee must accompany the appeal letter/form in order to be considered valid.

**Verify with Planning and Building Services or with the Clerk of the Board of Supervisors*

Date Appeal Submitted*: <u>June 14, 2013</u>	Appeal Fee*: <u>\$ Fee waiver requested</u> <input type="checkbox"/> Verified <input type="checkbox"/> Receipt Generated
Case No.: <u>CDP#12-2012</u>	Applicant: <u>Calif. Dept. of Parks & Rec</u>
Heard by: <u>CPA</u> Source: Planning Commission • MHRB • Zoning Administrator • Administrative (Planning) • Coastal Permit Administrator	Hearing Date: <u>June 11, 2013</u>

Printed Name, Address, and Phone No. of Appealing Party:

Westport Municipal Advisory Council
P.O. Box 307, Westport CA 95488
Attn: Charles Eyerly, Secretary
(707) 964-2346

Basis for Appeal (Please provide sufficient detail to describe the nature of the appeal. Letters describing appeal may also be attached):

The basis for this appeal is attached for reference. The WMAC is an unfunded Council appointed by the BOS. Thus, a waiver of the filing fee is requested.

The WMAC represents a large number of local citizens concerned about approval of this permit for the reasons explained in the attachment.

Charles L. Eyerly

Signature

Submit completed form to:
Mendocino County Clerk of the Board
501 Low Gap Road, Room 1010
Ukiah, CA 95482
(707) 463-4221

Fee made out to :
County of Mendocino

<p>Staff Use:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Obtain Agenda for meeting/appeal verification (distribute with appeal form to all parties listed below) <input type="checkbox"/> Appeal period verified and confirmed <input type="checkbox"/> Appeal fee verified and confirmed <input type="checkbox"/> Form distribution completed/Date Stamp form <input type="checkbox"/> Copy of receipt and check attached to original appeal form and provided to DCOB <input type="checkbox"/> Other _____
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Basis for Appeal

Mendocino County CDP#12-2012 (MacKerricher Dune Rehabilitation Project)

This appeal is filed pursuant to Mendocino County Code 20.544.015. The foundational issues for the appeal reference the Project Findings and Conditions listed in the Staff Report for this permit, as well as revisions to those conditions stipulated in the approval of the permit at the CPA hearing June 11, 2013.

1. Staff Finding #1 states "the proposed development is in conformity with the certified Local Coastal Program (LCP)." That finding is not supported. The development violates Policies 3.1-8, 3.1-15, and 3.6-27, the intent of Policy 4.2-21, and the policies and directives in the MacKerricher Park General Plan prepared by the California Department of Parks and Recreation (CDPR) in 1995 in response to LCP Policy 4.2-19. These matters are taken up in more detail below.
2. Staff Finding #4 suggests the project "will not have any significant adverse impacts on the environment" if mitigation measures in the Mitigated Negative Declaration (MND) prepared by CDPR and the conditions of the permit are followed. That finding is not supported and we contend the analysis in the MND provides inadequate disclosure. Impacts to archaeological sites, Environmentally Sensitive Habitat Areas (ESHAs), wetlands, neighboring property owners, recreation, and public health have not been reduced below the level of significant adverse impacts. These matters were raised by the public during circulation of the draft MND, but not addressed.
3. We disagree with Staff Finding #5 that the project will have no adverse impacts on archaeological resources. The project will facilitate massive deflation of the foredunes and realignment of two watersheds with the direct result that several archaeological sites in that vicinity will be adversely impacted, if not destroyed outright. No mitigation is proposed to reduce those adverse impacts. Impacted sites must be presumed to qualify as historical resources for purposes of CEQA because no formal evaluation took place or was concurred in by the California State Historic Preservation Officer as required pursuant to California Public Resources Code 5024.
4. Staff Finding #7 incorrectly finds the project "is in conformity with public access and public recreation policies in Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan." This finding is particularly egregious with respect to Coastal Act Sections 30210 and 30211; and Coastal Element Policies 3.1-8, 3.1-15, and 3.6-27, and the intent of Policy 4.2-21. Special Conditions 3 through 6 provide inadequate and unenforceable actions to compensate for the intentional destruction of this designated coastal trail as discussed in Issues 6-9 and 12.
5. Staff Finding #8 draws unsupported conclusions about resource protection from CDPR's MND. Finding 8(a) states resources will "not be significantly degraded," contrary to WMAC's conclusion summarized in Issue 3 and explored further in Issues 4 and 10. Finding 8(b) is flawed because CDPR studied no alternatives when it was reasonable and necessary (under CEQA) to do so. WMAC also disagrees with Finding 8(c) that "all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted." WMAC will offer suggestions for a reduced project and additional conditions of approval that will more adequately mitigate or avoid adverse impacts.
6. The approved permit inappropriately allows destruction of 2.7 miles of existing coastal trail shown on County Land Use Maps 10 and 12 along the haul road. That alignment was certified by the Coastal Commission in 1983. The haul road is the designated coastal trail through MacKerricher Park, not a wet beach route listed in the MND. The beach route is not a viable alternative because it discriminates against many users who still enjoy the haul road and is dangerous in winter due to sleeper waves. In contrast, the coastal trail on the haul road provides access for bicycling, disabled users, strollers, pedestrians, and even horse riding. No comparable alternative trail is required as compensatory mitigation for extinguishing this existing access as required by Mendocino's Coastal Element Policy 3.6-27. Destruction of this historical access is also inconsistent with Coastal Act Section 30211 that requires non-interference with historical prescriptive access rights.

7. The permitted destruction of this existing coastal access is also inconsistent with Coastal Act Section 30210 which assigns high priority to maximizing public access. Instead, it reduces access in a discriminatory manner that will ensure bicyclists and disabled persons can no longer enjoy the northern portion of the park. Special Conditions discussed in Issue 12 do not result in the construction of continuous alternative trail. They only encourage discussion and evaluation that may never produce a comparable replacement trail.
8. Removal of the haul road is contrary to County Coastal Element Policy 3.1-15 which requires that public access to the dunes shall be on well-defined paths that direct use to minimize impacts to the natural environment. By destroying the existing designated multi-use coastal trail along the haul road, access will spread potential impacts across a broad area through the propagation of many social trails. Those social trails can be expected to increase impacts to habitats of the endangered Western Snowy Plover and endangered plant species, rather than protecting them.
9. County Coastal Element Policy 4.2-21 directs CDPR to acquire the haul road for use as coastal access and incorporate policies regarding it in a management plan for MacKerricher State Park required in Policy 4.2-19. CDPR acquired the road in 1992 and prepared a general plan for the park in 1995. This project violates the intent of Policy 4.2-21 which was designed to acquire the road for public recreational access, not so it could destroy this coastal trail to restore ecosystem processes. The project also violates the park's General Plan policies and directives which direct that it be maintained and reconnected to once again create a continuous multi-use path through the park.
10. The project will intentionally destabilize the fore dunes in the northern park, with massive wind and water erosion acknowledged as a predictable outcome. Yet neither the MND and County staff report for the project analyze the volume of sand that will be mobilized or its impacts on the environment and neighboring land owners. Engineer David Paoli estimates nearly a million cubic yards of sand will migrate east, burying wetlands, ESHAs, and neighboring lands. Inadequate impact analysis, protective measures, and compensatory mitigation are identified to address habitat destruction and impacts to endangered and threatened species in violation of County Coastal Element Policy 3.1-8 and Coastal Act Sections 30240 and 30607.1. Monitoring requirements are inadequate and no dedicated compensation fund or bond is established as a condition of permit approval. Thus, the impacts of this induced sand migration on the properties of neighbors are inadequate.
11. The haul road was built in 1949 over a railroad grade built in use since 1916. Railroad grades are well known repositories of hazardous petrochemical waste, creosoted rail road ties, arsenic from herbicides, and asbestos from brake linings that likely persist in the soil, ballast, and woody material under the paved road. The project will remove the asphalt road surface which currently acts to sequester contaminants, as well as the hazardous underlying ballast and timbers. Yet no sampling or Phase I hazardous waste study was included in the MND supporting the project to determine the presence of toxic materials or plan for the special handling and disposal that they will require. Treated wood waste is known to contain hazardous chemicals at elevated levels that are subject to California's Hazardous Waste Control Law. Hazardous waste can be reasonably anticipated based on comparable studies of the GP mill site where the former railroad originated (e.g., Cal/EPA docket HWCA P1-00/01-005; DTSC remediation; etc.). There is no evidence Form 6a was filed with Cal EPA in connection with removal of this old railroad grade. This poses an undisclosed health threat relative Standard Condition 6(c) that must be addressed with testing and remediation requirements.
12. Special Conditions 5 and 6 will not reduce impacts to public access and recreation because they define unenforceable processes rather than concrete actions. There is no assurance either condition will ever result in the construction of a continuous multi-use trail comparable to the one CDPR proposes to destroy. Special Condition 5 urges only planning for two discontinuous trail segments located far from the sea, with no provisions to actually build it. Special Condition 6 asks for evaluation of alternate pedestrian stream crossing methods with no requirement to implement a solution. It ignores the needs of other users like bicyclists and disabled individuals.

The WMAC recognizes the BOS may take a variety of actions when considering this appeal. When deliberating on this matter, we urge the BOS to consider our allegations that the project approved by the CPA as CDP#12-2012 on June 11, 2013 fails to reduce many adverse impacts and poses serious health threats that have not been investigated or properly considered when planning for the disposal of large volumes of asphalt, ballast, and contaminated soil. We believe by permitting this activity the County is exposing itself to damage claims from workers, offset landowners, and government agencies if the presence of these hazardous materials is not identified prior to aerial exposure. The project also extinguishes an existing prescriptive coastal access without requiring construction of a comparable and non-discriminatory replacement route consistent with many provisions of the Coastal Act and LCP.

The WMAC recognizes the value of ecosystem rehabilitation, but favors an approach that balances that objective with other needs and requirements such as public access and minimizing impacts to ESHAs, wetlands, and neighbors. For this reason we urge deliberation of a reduced project alternative, as well as Special Conditions that will more effectively reduce or eliminate adverse impacts associated with the current project. That approach is entirely consistent with the guiding principles governing the use of State Natural Preserves like the one in the northern portion of MacKerricher State Park as embodied in California Public Resources Code Sections 5019.65 and 5019.71.

It is worth revisiting those principles because they are cited as the rationale for this project. Yet the project is at odds with that guidance. PRC Section 5019.65(a) explicitly states "resource manipulation shall be restricted to the minimum required to negate the deleterious influence of man. Improvements undertaken shall be for the purpose of making the areas available, on a day use basis, for public enjoyment and education in a manner consistent with the preservation of their natural features." Removal of the haul road will result in massive, not minor, restructuring of the dune environment and is inconsistent with the mandate to provide for public access.

Summary of Key Issues Raised by WMAC in this Appeal

The Coastal Development Permit (#12-2012) for the MacKerricher Dune Rehabilitation Project was approved by the Mendocino County Coastal Permit Administrator(CPA) at a hearing June 11, 2013 over the objections of many concerned citizens whose comments were voiced and supplied in writing to the County PBS Department over the preceding year. Those concerns provided substantial evidence of potential adverse impacts on the environment that were ignored by the California Department of Parks and Recreation (CDPR) during the preparation of a Mitigated Negative Declaration and were then inadequately resolved with 9 Special Conditions imposed by the CPA when the permit was approved. The key issues that remain unresolved are briefly summarized as follows in priority order:

- 1. Public Access Will Be Extinguished with No Compensatory Trail Construction:** 2.7 miles of existing coastal trail will be destroyed with no compensatory recreational access provided as mitigation. This is contrary to Coastal Act (1976), Local Coastal Program (certified 1985), and MacKerricher Park General Plan (1995) policies. It will unfairly discriminate against bicyclists, less able individuals, families with children in strollers, etc. The LCP calls for use of designated trails to keep visitors out of sensitive areas. Trails offer no impediment to Western Snowy Plover movement and foster growth of Howell's spineflower.
- 2. Erosion Impacts on the Environment and Neighbors are Inadequately Mitigated:** The project will radically restructure the fore dunes, facilitating the eastward migration of an estimated one million cubic yards of sand and causing severe shoreline retreat. That erosion will bury sensitive vegetation, fill wetlands including the only coastal fen in the state, and cover neighboring properties resulting in devaluation and loss of use. Those effects can be readily predicted by over 12 years of European beachgrass removal without a permit that have covered over a third of the road and devalued neighboring lands by 25-69% based on comparative appraisals. Aerial photos show the shore has retreated as much as 130 feet in the south since the road washed out in 1983, and the project will cause similar a effect that significantly reduces habitat. This major ecosystem alteration is audaciously called beneficial without analysis or adequate mitigation.
- 3. Impacts to Wetlands, Endangered Species and Historical Resources are Inadequately Mitigated:** Wetlands and vegetated areas will be the first areas filled with migrating sand, yet the net loss of habitat and plants is not analyzed. The modest 0.68 acres of new wetland created by the project will be dwarfed by burial of wetlands and vegetation. Wetland fill is typically mitigated at a 1:1 ratio, yet no creation of new wetlands is proposed or required. Archaeological sites will not be directly impacted by construction, but removal of nearby invasive plants and haul road segments will induce shoreline retreat that will destroy some fragile and non-renewable sites with no effort to mitigate that irrevocable loss.
- 4. Health Hazards are not Analyzed or Adequately Mitigated:** The project will remove soil and ballast that almost certainly contains toxic materials now encapsulated under the Haul Road. The road was built over the former Ten Mile branch railroad built in 1916 and covered by the road in 1949. Creosote treated ties and fence posts laden with toxic preservatives are visible on the surface. Historical records and radar imply they are also buried under the road. Those soils very likely contain toxins such as arsenic, asbestos, petroleum products, copper compounds, and quite possibly dioxin. Yet no sampling has taken place to assess the risk and plan for proper handling and disposal that will protect workers, the public, and the environment.

Before discussing each issue in detail, we first briefly examine the stated purpose of the project and its relationship to proposed project actions. We show that some project actions are beneficial, while others fail to contribute to the stated purpose and actually result in significant environmental harm. Each issue is then carefully analyzed using substantial evidence in the record and additional information supplied by experts. Specific language for additional Special Conditions are proposed to resolve the unmitigated impacts of the Project. Those conditions are numbered sequentially with the ones approved by the CPA for ease of reference. Given the magnitude of the Project's adverse impacts, we anticipate that the applicant may determine only a reduced project is feasible if those additional Special Conditions are imposed. To prepare the ground for a compromise, the WMAC concludes with a suggestion for a reduced project.

THE APPROVED PERMIT

The stated purpose of this proposed project is to "restore ecosystem processes crucial to the viability of endangered species and their habitats." It must be noted, however, that California Public Resources Code 5019.71 allows habitat manipulation in Natural Preserves **ONLY** "where required to preserve species." Rather than following that mandate to preserve species, the approved Project will radically alter the Inglewood Fen-Ten Mile Dunes Natural Preserve in ways that will extinguish a long-established coastal access, adversely impact two endangered plants, bury other sensitive vegetation and wetlands, induce shoreline retreat, and expose hazardous wastes presently sequestered under the Haul Road.

To understand which project actions support species restoration and which will cause harm, it is first essential to know which species are being preserved and what they require to survive. Several endangered and threatened species occur in the Preserve. The highest level of consideration is given to two endangered animals (Western Snowy Plover and Tidewater Goby) and two endangered plants (Howell's spineflower and Menzies wallflower), but other special status species are also present. The following summary briefly considers the preservation needs of those four endangered species, as well as wetland areas including a unique coastal fen.

Western Snowy Plover

The Pacific Coast Western Snowy Plover (WSP) is defined as the population nesting adjacent to tidal waters within 50 miles of the Pacific Ocean (Federal Register 2011:16047). The US Fish and Wildlife Service identifies the critical habitat at "MacKerricher Beach" as 1,176 acres extending from the Ten Mile River south to Virgin Creek, with 1,102 acres managed by CDPR and another 74 acres on adjacent private lands. According to USFWS:

Essential features of the unit include large areas of sandy dunes, areas of sandy beach above and below the high-tide line, and generally barren to sparsely vegetated terrain. Threats to nests, chicks and both wintering and breeding adults that may require special management include nonnative vegetation, predators, and disturbance from equestrians and humans with pets. Control of nonnative vegetation and enforcement of existing human-use regulations are needed to ensure the physical or biological features are maintained within the unit. (Federal Register 2011:16069).

The WSP breeding season is from March to September and nests are usually within 100 meters of shore (Federal Register 2011:16069). The 3.7-mile combined ocean and river frontage in the Preserve thus optimally offers about 140 acres of nesting habitat within that near shore zone. Inland areas of the Preserve are included as critical habitat because WSP forage farther inland (USFWS 2007). No WSP nested in the Preserve in the 2001-2003 period (Colwell et al. 2003) and monthly surveys in 1999 show they were absent during the breeding season (CDPR 2000:4-10). Subsequent surveys found up to 3 breeding pairs in 2005 (USFWS 2007:B-9).

Pacific Coast WSP nest in the highest densities near fresh water or brackish wetlands such as river mouths, estuaries, and tidal marshes. Surveys note more chicks fledged from river (57) versus beach (20) nests in northern California between 2001 and 2003 (Colwell et al. 2003). Beach nesting is problematic because those exposed locations suffer heavy impacts from predation and other causes. Beaches are used for wintering, but nesting does not occur at all beaches visited by WSPs. The dietary staples of plovers are invertebrates such as flies, sandhoppers, and crabs. USFWS (2007) favors removal of European beachgrass to improve habitat.

CDPR's (2012:6) claim that the project will create 250 acres of new WSP nesting habitat is patently false. Less than 140 acres in the preserve fall within the 100-meter near shore zone favored by WSP for nesting, and most of that habitat is already available (preexisting). At most, the project may open about 15 acres in the nesting zone now covered with European beachgrass and possibly an acre now covered in pavement. About 900 acres in the Preserve comprise critical foraging habitat for the WSP and the project will arguably open 56 acres now covered in road (3 acres) and European Beachgrass (53 acres). However, it must be noted that over 30 acres of beach habitat will likely be lost through shoreline retreat as a result of project actions.

Tidewater Goby

The tidewater goby (*Eucyclogobius newberryi*) is a small fish that inhabits coastal brackish water habitats entirely within California from Del Norte to San Diego counties. As the USFWS (2005:iii) summarizes, "Tidewater gobies are uniquely adapted to coastal lagoons and the uppermost brackish zone of larger estuaries, rarely invading marine or freshwater habitats. The species is typically found in water less than 1 meter (3.3 feet) deep and salinities of less than 12 parts per thousand." Principal threats include loss and modification of habitat, water diversion, competitive introduced fish, habitat channelization, and degraded water quality.

This species formerly occurred in 134 localities along the California coast, but has been completely extirpated in 23 locations with survival in up to 70 other locations uncertain due to the small acreage of those critical habitats. Tidewater gobies are abundant in the Ten Mile River and Virgin Creek, with none identified in surveys of Inglenook and Fen creeks. The Recovery Plan for this species identifies as one objective the evaluation and implement of translocation where appropriate (USFWS 2005). The project makes no plans to assess the potential for introduction of this species into Inglenook and Fen Creeks to support their recovery.

Endangered Plants

Two endangered plants occur in the impact area of the project and both favor settings in semi-stabilized dunes and bordering areas. They do not tolerate competition from introduced species such as European beachgrass. CDPR (2012:Appendix A.4) indicates 11% of the Howell's spineflower (*Chorizanthe howellii*) plants in the Preserve will be impacted by the project (1.0 acre out of a total of 8.9 total acres) and some of the short-lived perennial Menzies wallflower (*Erysimum menziesii* spp. *menziesii*) herbs also will be impacted (0.23 acres out of 147.4 total acres). The Howell's spineflower is found exclusively in the area from Fort Bragg north to the Ten Mile River (USFWS 2011), while the Menzies wallflower occurs in Mendocino and Monterey counties (USFWS 1998).

The Howell's spineflower does well in areas scoured by wind or disturbed by recreational traffic. The USFWS (2011:5) notes "much of the occupied habitat occurs on the edges of pedestrian or horse trails." Maslach (2002) found that moderate foot traffic actually helps maintain and likely creates new spineflower habitat along the edges of the trails. The Recovery Plan for Howell's spineflower states that it "may be considered for delisting when restoration of habitat at MacKerricher State Park and vicinity (Ten Mile Dunes), including eradication of European beachgrass and expansion of populations into restored habitat, has been accomplished. Monitoring and history studies should, by then, demonstrate that the area occupied by the plant is increasing" (USFWS 1998:91). That plan does not call for removal of the haul road.

The USFWS (1998:31) notes the Menzies wallflowers occur "in northern foredune or dune mat community, on the flanks or crests of dunes, open sand areas, sparsely vegetated dunes, and the borders of lupine scrub." They further state "the seed bank is contained in the old standing plants and that seeds in the soil (sand) do not persist" (USFWS 1998:33). Some seed-bearing branches may break off, tumble, and propagate in new locations. This implies the reproductive success of the species may be compromised by rapid burial under sand. The Recovery Plan for this species emphasizes removal of invasive plants, propagation into suitable habitat, and control of vehicular and recreation traffic (USFWS 1998:91). It does not call for removal of the haul road or the creation of new habitat since this species is already widely distributed in the Preserve.

CDPR (2012:6) says the project will open 60 acres now covered by European beachgrass and other exotics for colonization by the two endangered plant species, yet only 4.5 acres will be replanted. While removal of competing invasive plants is desirable, destruction of the haul road will impact a large portion (11%) of the modest Howell's spineflower population in the Preserve and some Menzies wallflowers. This will create only 3.1 acres of new habitat, a gain that will be offset by a much larger loss of habitat due to induced shoreline retreat. Vast areas in the Preserve are already available for restoration without impacting any plants.

A strong case can also be made that recreational use of the haul road is contributing to the vigor of the Howell's spineflower population in the Preserve. Keeping recreational traffic on the designated haul road trail will also limit impacts from social trails that might adversely affect Menzies wallflowers.

Wetlands

CDPR (2012:53) notes that "most types of wetlands and riparian communities are considered special status natural communities due to their limited distribution in California." Although not listed as an endangered species, the Ten Mile Shoulderband Snail is found exclusively in wetlands within the Preserve and may be threatened by impacts to those sensitive habitats along with many special status plants. Wetlands are defined more broadly by the Coastal Commission than by the US Army Corps of Engineers who must issue a Section 404 permit for the project under the federal Clean Water Act. Maslach (2012) mapped 28.2 acres of ACOE wetlands and 72.8 acres of Coastal Act wetlands.

Maslach (2012:5) concludes "Approximately 0.68 acres of wetland vegetation may be temporarily disturbed due to construction activities. These temporary impacts will be offset through the removal of culverts and road berm, which will open up more wetland habitat." This statement is misleading for two reasons. First, the area opened up is the same acreage that will be impacted, not more. Of greater import, low-lying areas like the wetlands will be filled by eroding sand unleashed through intentional destabilization of the fore dunes.

CDPR's own experts expect sand will migrate, first filling wetlands and vegetated areas and then progressing SE (Bedrossian 2011; PBS 2013:8). They directly acknowledge that destabilized sand from the fore dunes will fill wetlands and bury vegetated areas to the east. Yet that loss of wetland habitat is not analyzed or mitigated. We also note Ingleenook Fen is the only surviving coastal fen in the state (CDPR 1995). Wetland destruction is typically compensated with mandatory creation of at least an equal amount of new wetland.

THE RELATIONSHIP OF PROJECT ACTIONS TO SPECIES PRESERVATION

With species preservation requirements and restoration objectives now clearly in mind, it is now possible to evaluate proposed project actions in relation to the PRC 5019.71 mandate to limit habitat manipulation to measures necessary to preserve those animals and plants. Those actions include:

- Removing three segments of asphalt roadway and underlying rock base totaling 2.7 miles. Segment 1 is 720 feet long; Segment 2 is 262 feet long; and Segment 3 extends continuously for 2.5 miles from the northern boundary of the park near the Ten Mile Bridge south past Ingleenook and Fen Creeks.
- Removing two 5-foot diameter culverts and associated fill materials within 0.68 acres to restore the stream bed, bank, and channel to a natural condition and reestablish native plant vegetation.
- Manually removing 38 acres of previously treated European beachgrass and 15 acres of previously untreated European beachgrass.
- Removing other non-native plants, including trees, shrubs and iceplant through a long-term program that includes reestablishing native dune forest in an approximate 7 acres of back dunes.
- Reestablishing federally and state-listed threatened and endangered species and other native plants into suitable habitat by direct seeding, transplanting, or installation of cuttings.

Our independent analysis of these proposed actions reveals some measures do not preserve endangered species or special status plants and will actually cause appreciable harm. The project thus violates not just the mandate to limit habitat manipulation to preservation actions; it also fails to mitigate many other significant impacts that must be considered under the Coastal Act, Mendocino County Local Coastal Program (LCP), and other state and federal environmental laws such as the federal Clean Water Act. These harmful actions are justified not to preserve endangered animals and plants, but simply to "remove unnatural features" (CDPR 2012:12).

Actions that have harmful environmental impacts and serve no preservation objective either should be abandoned, or their significant impacts must be adequately mitigated. To date the public has been informed by CDPR that "the project is a done deal" and public concerns don't need to be addressed. The WMAC and others have repeatedly questioned that premise, raising concerns about potentially significant unmitigated impacts to public recreation; impacts of induced erosion on endangered species, wetlands, and neighbors; and impacts on public health. Instead of analyzing these potentially significant adverse effects in an EIR, CDPR ignored 42 comment letters by experts and the public to produce an inadequate Mitigated Negative Declaration (MND). Saying there are no unmitigated impacts does not make it true, as we will demonstrate.

The most obvious example of an action that causes significantly more harm than benefit to species of concern (as well as causing other significant impacts) is the proposed removal of the northern segment of the haul road (2.5 miles). That action will: 1) directly impact 11% of the Howell's spineflower and also some Menzies wallflowers; 2) contribute to a net loss of habitat by inducing massive erosion and substantial shoreline retreat; 3) expose toxins likely sequestered under the road; and 4) harm Western Snowy Plovers by encouraging visitors to wander through their nesting area instead of using the designated trail on the haul road. The haul road trail offers no barrier to WSP movement, since they already cross it to forage in the interior dunes according to Jim Watkins of the USFWS (2013:personal communication to Thad Van Bueren).

Other actions are beneficial, but will cause significant impacts if they are pursued in the manner allowed by the approved permit. Removal of European beachgrass and other invasive plants will contribute to the preservation of endangered species by reducing competition for native plants and vegetative cover that conceals WSP predators. Yet denuding 60 acres of exotic plants in this extremely high erosion hazard zone will cause more harm than benefit if it is not done carefully. If eradication proceeds in the same way CDPR has pursued it over the past 12+ years (without a permit), it will add to the massive erosion that has already taken place. Resulting erosion will also cause major shoreline retreat, habitat loss, burial of inland vegetation and wetlands, and impacts on neighboring property owners and archaeological sites.

Some project actions will preserve endangered species and special status habitats in a less ambiguous manner. Those actions include removal of the two short haul road segments that are creating steep banks south of Fen Creek, removal of culverts and about 700 linear feet of fill artificially restricting stream flow in Inglenook and Fen Creeks, and replanting native vegetation. The two southern road segments are eroding into the ocean and likely dispersing toxins. Removing culverts and fill at the stream crossings will create new wetland habitat.

Ecosystem restoration is a valuable goal if it focuses on preserving species based on published recovery plans. However, the project has lost sight of that objective. The approval of the coastal development permit for this project does not mitigate many significant environmental impacts that are examined in detail below. In priority order, those issues are: public access; erosion; impacts to species, wetlands, and archaeological sites; and hazardous waste. Special Conditions are proposed to address each of those unmitigated impacts.

PUBLIC ACCESS

CDPR (2012:91) states "No official CSP maintained trails exist within the Preserve," but suggests visitors can walk along the beach from Ward Avenue to the Ten Mile River. They allege the haul road is rarely used for public access using questionable methods that are intended to imply modest use is equivalent to no use. The haul road is regularly visited despite years of demolition by neglect by CDPR that violates their own policy to maintain this valued multi-use trail (CDPR 1995:111-112, 153). That long history of recreational use of the haul road trail prior to DPR acquisition implies prescriptive access rights persist. The reason one third of the road is now buried is because invasive plants have been removed for over 12 years without proper erosion control.

The approved permit inappropriately allows destruction of 2.7 miles of existing coastal trail clearly depicted along the haul road on County Land Use Maps 10 and 12 certified by the Coastal Commission in 1985. The maps were certified at the same time as the County's Local Coastal Program. At that time, the road was owned by a private timber company that allowed public recreational use. LCP Policy 4.2-21 directed CDPR to acquire the haul road for the obvious purpose of coastal access, and also mandated that policies regarding that use be incorporated in a management plan for MacKerricher State Park required in LCP Policy 4.2-19.

CDPR acquired the haul road in 1992. The road effectively served as prescriptive access based on years of public recreational use predating that public acquisition. In accord with LCP Policy 4.2-19, a general plan for the park was prepared in 1995. That General Plan states:

The trestle across Pudding Creek, the haul road, and the associated equestrian trail comprise a critical part of the coastal trail on the Mendocino coast. The coastal trail within the park should soon connect with Fort Bragg, furnishing coastal access to large numbers of people, including disabled persons. This unique recreational resource will run the entire length of the park and will allow pedestrians and bicyclists to approach beach and dune areas that they otherwise could not easily. Maintaining the haul road in a condition suitable for bicycle use will provide an alternative for bicyclists to busy Highway I, with an associated avoidance of hazards and accidents. (CDPR 1995:112).

CDPR (1995:112) clearly understood at the time their General Plan was adopted and the Natural Preserve was designated by the State Parks and Recreation Commission on June 21, 1995 that "The county Local Coastal Plan mandates the department to provide maximum coastal access via an off-highway hiking and biking trail, specifically for non-vehicular use, for the eight miles from Pudding Creek to Ten Mile River." The facilities Element of the plan directed CDPR to carry out these actions, among others:

- Repair areas along the haul road that have erosion problems. In some places, this will require shoring the road up. In others, bypasses will be required due to ongoing erosion by the ocean.
- Provide a dune boardwalk to bypass the area north of Ward Avenue where the haul road has been washed out to serve hikers, bikers, and persons with disabilities. Equestrians will use the beach for the northern leg of their coastal trail. (CDPR 1995:153)

Contrary to these policies, CDPR has demolished this valued public coastal access by neglect. They have purposefully buried it by removing plants in an extreme erosion hazard zone for more than a decade with no erosion control or permit. Adding insult to injury, they now propose purposeful destruction of surviving portions of this designated coastal access at great public expense and in direct violation of LCP policies and the underlying intent and provisions of the Coastal Act. Allowing destruction of existing coastal access runs counter to Coastal Act Section 30210 that requires maximizing public access consistent with resource protection. Having a designated trail keeps visitors out of sensitive areas instead of allowing them to walk anywhere. Extinguishing this existing coastal access sets a dangerous precedent, particularly when the agency proposing that action is a public entity that owns vast tracts of coastal land throughout California.

Destruction of this historical access is also inconsistent with Coastal Act Section 30211 that requires non-interference with historical prescriptive access. The haul road has a long history of recreational use prior to CDPR acquisition in 1992 and is still visited despite intentional neglect. Destroying it will discriminate against many users such as the disabled who are unable to traverse the nebulous beach route CDPR espouses. This is inconsistent with the American with Disabilities Act. Special Condition 3 does not result in comparable ADA access for people in wheelchairs.

The beach route CDPR now suggests is "the" coastal access is not the one designated on county land use maps, nor is it a viable alternative. An undefined beach trail is unsuitable for many visitors and dangerous in winter due to sleeper waves and the difficulty of crossing two streams during higher winter flows. It does not meet requirements for bicycles, nor does it provide a comparable alternative to the haul road that meets ADA needs. The undesignated beach route also will create direct impacts to WSP nesting from March through September, which runs counter to the imperative to preserve that species.

Elimination of the haul road is also contrary to LCP Policy 3.1-15 which requires that public access to the dunes shall be on well-defined paths to minimize impacts to the natural environment. Destroying the existing coastal trail along the haul road will spread impacts across a broad area through the propagation of many social trails. Those social trails can be expected to increase impacts to Western Snowy Plover nesting areas and some endangered plants, rather than protecting them. The haul road also offers a buffer against shoreline retreat. Thus, removal of this road will induce significant erosion and loss of critical habitat as discussed below.

Special Conditions 4-6 approved by the County Coastal Permit Administrator fail to require the construction of a comparable alternative trail to compensate for extinguishing the haul road multi-use coastal trail as required by LCP Policy 3.6-27. Instead, unenforceable language such as "shall explore the feasibility" (Special Condition 4), "shall work with Caltrans to promote" (Special Condition 5), and "shall evaluate" (Special Condition 6) will not produce a single square foot of usable trail. The WMAC therefore proposes replacing those approved conditions with the more enforceable ones offered below. To determine appropriate mitigation for destruction of all or part of the haul road, its average width is defined as 18 feet based on ground penetrating radar sample sections supplied in the CDPR project bid package. The 2.5 miles of intact trail thus covers 237,600 square feet.

Proposed Public Access Special Conditions:

Special Condition 4. [replacement text] CDPR shall work with the State Coastal Conservancy to acquire a vertical access easement from the Caltrans vista point at the south end of the Ten Mile Bridge to the haul road at the north end of MacKerricher Park or acquire fee simple title to Mendocino County Assessor's Parcel 015-130-46 if the private owner is willing. CDPR shall provide written evidence within one year of permit issuance if the owner is unwilling. Acquisition of the vertical easement or fee simple title to that property shall proceed if the seller is willing with the express purpose of connecting a Class I multi-use coastal trail along the haul road to the south end of the Ten Mile River highway bridge. CDPR shall seek funding to construct that trail segment within 2 years of acquiring an easement or fee title.

Special Condition 5. [replacement text] CDPR shall construct a comparable replacement trail at a 1:1 ratio for every square foot of the haul road that will be destroyed or rendered unusable through removal of its asphalt surface. All replacement trail sections shall be connected to retained sections of the haul road, if any, to create a continuous trail with a minimum width of ten feet and a gradient and hard surface suitable for pedestrians, bicyclists, motorized and manual wheelchairs, and equestrian traffic on a year-round basis. If all 2.7 miles of the haul road coastal trail will be rendered unusable, the required length of replacement trail shall be 4.5 miles of 10-foot wide trail. Constructing a continuous trail from the north end of the park at the haul road to the west end of Ward Avenue must occur before additional trail construction outside of the Preserve. All replacement trail sections shall traverse the near shore environment along a route that limits impacts to environmental resources, ensures the longevity of the structure, minimizes future maintenance costs, and maximizes educational opportunities and resource preservation through the use of appropriate interpretive signage. All replacement trail sections shall be completed within one year of the date haul road demolition begins.

Special Condition 6. [replacement text] For any portion of the haul road removed at stream crossings, trail bridges shall be constructed to span those watercourses with a width of 10 feet designed to accommodate pedestrians, bicyclists, motorized and manual wheelchairs, and equestrian traffic on a year-round basis. These bridges shall be completed within six months of the road removal at stream crossings.

Special Condition 10. [New] Upon completion of a continuous 10 feet wide multi-use Class I trail between the south end of the Ten Mile bridge on Highway 1 and the west end of Ward Avenue, CDPR shall allow Caltrans to designate that route as the Pacific Coast Bicycle Route.

EROSION

CDPR (2012:86) acknowledges the project will cause erosion, but audaciously suggests that impact is beneficial and classifies it as a "less than significant impact." They do so with no analysis of: 1) the volume of soil that will be displaced; or 2) where that soil will be deposited. They go on to state the project is not located on a "geologic unit or soil that is unstable, or that would become unstable, as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse."

That statement is patently false since their MND shows the fore dunes lie in an high erosion hazard zone that is extremely prone to lateral spreading as their own experts readily acknowledge. CDPR (2012:87) itself summarizes the issue by stating "It is expected that the native sands would be dispersed by the prevailing NW winds and blow inland (nearshore) over the short-term . . . erosion may also occur within the project area during the removal of culverts and the remnant road sections at the creek crossings."

Certified Engineering Geologist Bedrossian (2011:15) notes this erosion "will change the configuration of the dunes as they migrate to the east (i.e., additional transverse dunes could develop and/or grow in height farther inland), the nature of the vegetation, and the drainage patterns throughout the dunes." This suggests the project will dramatically restructure the dune ecosystem, yet those impacts are not analyzed or mitigated. No other developer would get away with intentionally causing such massive erosion. Absent any analysis of this issue by CDPR, the consequences of the project can nevertheless be predicted using reports by Maslach (2004), Geologist Harold Wollenberg (2004), Engineer David Paoli (2013), Engineering Geologist Eric Freeman (2013b), and Geomorphologist Bill Weaver (2000).

Paoli (2013) estimates about one million cubic yards of sand will erode from the foredune area by wind and tidal incursion as the slope flattens through deflation. Most of that material will initially bury the first vegetated inland swale and fill wetlands before progressively moving southeast to bury neighboring private properties. The burial of dune vegetation in the first inland swale may smother plants like the Menzies wallflower if it occurs too rapidly because the seeds of that plant do not remain viable when buried. Sands blown into wetlands may reduce the area of that habitat, with associated impacts to special interest native plants and animals. Yet neither of those potentially significant impacts have been quantified, nor have necessary mitigation measures been imposed.

The project will produce effects that closely mimic the erosion and historical shoreline retreat evident south of Fen Creek. In that area a mile-long segment of the haul road washed out in 1983. Comparisons of aerial photos from different years reveal erosion (shoreline retreat) and accretion (expansion in beach width) within the Preserve since it was acquired by CDPR in 1952. Weaver (2000) notes the shoreline has retreated as much as 130 feet in some areas south of Fen Creek, while it has actually widened at the north where Western Snowy Plover are more prone to nest. The net result is a loss of habitat in the south where the road and invasive plants are now gone and a net increase in habitat north of Fen Creek where the road is still present.

The project can be reasonably expected to reverse that process, causing massive wind erosion in 60 acres that will be denuded of invasive plants, as well as shoreline retreat north of Fen Creek (Freeman 2012; Paoli 2013). The magnitude of this habitat loss is not analyzed by CDPR. If it is comparable to the retreat south of Fen Creek where the haul road and invasive plants are already gone, the habitat loss in the north will easily exceed 30 acres. This induced erosion runs counter to the County Code of Ordinances Section 20.492.015 which states "The erosion rate shall not exceed the natural or existing level before development." CDPR has already caused massive erosion since it began removing European beachgrass over a dozen years ago without a permit. That exotic plant eradication has covered a third of the haul road through the absence of any erosion control measures, impairing its use as a coastal trail.

Independent analysis by Engineering Geologist Eric Freeman (2013) shows the magnitude of the sand movement and shoreline retreat that has taken place between the 1950s and the present. Certified Appraiser Maryellen Sheppard (2013) has also analyzed the devaluation of several adjacent properties over the same period, showing real estate values have decreased by 25 to 69% due to sand migration induced by European beachgrass removal over more than a dozen years. Those impacts on neighboring properties will increase if the project proceeds, further reducing neighboring real estate values and even depriving some owners of use when their parcels become unbuildable due to sand encroachment.

Project-induced erosion thus should be minimized through a phased program of invasive plant removal integrated with replanting native species to control fore dune deflation. Retention of the northern haul road should be considered to help buffer sand migration. The following new Special Conditions are proposed to control erosion and address impacts on neighbors. Additional special conditions are proposed to address impacts to special status plant communities, wetlands, and archaeological considered later in this analysis.

Proposed Erosion Control Special Conditions:

Special Condition 9(g). [New] To stabilize soils disturbed and denuded by invasive plant eradication activities and road demolition, native species will be planted as seedlings (perennials) or viable seed (annuals) within one month of removal of that exotic vegetation or the cessation of other direct ground disturbance by other construction activities. Eradication of exotic plants shall be phased over a 5-year period to limit soil erosion, with no more than 15 acres eradicated or retreated per calendar year. The removal of invasive species shall be scheduled to ensure the best prospects for the success of the replanting program. All areas that are denuded shall be replanted with native species to achieve a nominal 25% ground cover. This special condition is extended to cover those areas already suffering erosion from previous unpermitted and unmitigated invasive plant eradication operations in order to slow the already induced erosion from those actions.

Special Condition 9(h). [New] Sand migration into wetlands, landward vegetated swales, and neighboring properties will be monitored at one year intervals for a 10 year period to facilitate adjustment of the invasive plant removal process and measurement of the success of efforts to reestablish native plants and trees. If the replanting program fails to colonize plots denuded of exotic plants with at least 25% native vegetative cover in a given year, replanting shall occur each successive year to ensure that nominal coverage is achieved.

Special Condition 9(i). [New] A bond or other surety in the amount of \$2 million dollars shall be established to compensate neighboring property owners for sand encroachment that results in a demonstrable loss of use or devaluation of their property for the 10 years following commencement of the project. A compensation process shall be established in writing and provided to the County and all adjacent private property owners prior to initiating any ground disturbing activities including, but not limited to invasive plant eradication.

HAZARDOUS WASTE

CDPR (2012:95) states "There is no known hazardous contamination of the area where the haul road is located, and there is no indication that the project area contains any hazardous waste, debris, or soils." Yet they go on to note "it is possible that wooden structural elements or ties from the original rail line remain within the historic road alignment and make up parts of the road base and creek crossings. These materials may consist of pressure-treated wood, which contains several potentially hazardous materials (e.g., arsenic), or weatherproofed in some manner possibly with creosote, a human carcinogen." Since treated ties and fence posts can be readily observed in the project area, CDPR's analysis appears grossly negligent.

In addition to hazardous materials visible on the surface, the road served as a railroad from 1916 to 1949. Unregulated railroads are well known brownfield sites that typically contain soils and ballast contaminated with asbestos from brakes; petrochemicals, and creosote from treated ties and trestle timbers. The Skunk Railroad

and Fort Bragg mill site are both heavily contaminated and likely provided the fill material used to build the haul road over the former railroad grade. These facts imply the fill should be tested before any is removed.

Historic photos of the Ten Mile railroad reveal treated wooden trestles spanned the two stream crossings and many treated ties and timbers were observed during tidal erosion of the southern outlying road segments in the winter of 1998. Remains of another trestle just north of Ward Avenue were revealed when that section of haul road washed away according to many reliable observers. Lewis (1998) also noted “tires on the trucks of vehicles were penetrated by iron spikes remaining in railroad ties” after the road was chip sealed. While rails were removed in 1949, historical information strongly implies a considerable amount of treated ties and timber were simply filled over to convert the railroad grade into a road.

Railroad ties of that age almost certainly contain creosote, and thus arsenic. Ground penetrating radar sample cross sections produced reflections that are likely treated timbers or ties (Norcal Geophysical 2011). The material used to fill over the former railroad grade and trestles to create the haul road in 1949 also may contain toxins imported from the Fort Bragg mill where dioxin and other contaminants are very well documented as a result of extensive site remediation under the oversight of the State Department of Toxic Substances Control.

In summary, available evidence indicates hazardous materials are present on the ground surface and they are also known or reasonably expected to exist under the haul road based on observation of washed out sections and substantial historical evidence. Toxins are not visible to the naked eye—chemical testing is necessary to confirm their presence. Many laws and regulations govern how they must be handled and disposed of to avoid adverse impacts on public health, water quality, and the environment as summarized by Engineering Geologist Freeman (2013a). Yet CDPR has conducted no sampling to assess those predictable risks.

CDPR plans to take contaminated fill material now sequestered under the haul road to a location next to Big River. Treated wood will be taken to Russian Gulch State Park. Those materials may thus create contaminated runoff that will impact both watercourses. No alternate plan exists to properly dispose of the material if does prove to be hazardous waste as we anticipate. This is an unacceptable approach based on negligent pre-construction investigation that must be remedied to ensure risks to public health, workers, and the environment are adequately addressed. The following new Special Conditions are therefore proposed.

Proposed Hazardous Waste Special Conditions:

Special Condition 11(a). **[New]** Before the initiation of any project activities, a licensed industrial hygienist shall sample the waters in Fen and Inglenook creeks downstream from the culverts, as well as buried soils under the haul road to test for the presence of hazardous waste and toxic substances. Soil sampling shall include at least two locations at each stream crossing and additional samples at no less than one quarter mile intervals along any sections of the road that will be removed or uncapped. The resulting report shall include an action plan that addresses material handling procedures, worker safety training, and disposal requirements for hazardous wastes subject to project disturbance. If buried hazardous wastes are present at levels that pose threats to workers, the public, and the environment, the action plan shall address how excavation and disposal must proceed. The report and action plan shall be approved by the California Department of Toxic Substance Control and the County Department of Planning and Building Services prior to implementation.

Special Condition 11(b). **[New]** CDPR shall remove all hazardous materials presently exposed on the ground surface in the Preserve, including a large stockpile of ties present in the interior dunes south of Inglenook Creek. Removal of those contaminated surface materials shall be done in conformance with Special Condition 11(a).

Special Condition 11(c). **[New]** One year after remediation is completed pursuant to the approved action plan in Condition 11(a), the two streams shall be sampled for residual toxins, with the results reported to CDTSC and the Mendocino County PBS.

OTHER UNMITIGATED IMPACTS

The foregoing mitigation measures proposed by the WMAC address some of the most obvious significant impacts of the project that are priorities for concerned local constituents. Radically altering the environment may result in other significant impacts from erosion and shoreline retreat briefly mentioned above. Those indirect impacts include burial of special status plants, filling wetlands, and destroying archaeological sites by causing significant shoreline retreat. Because those impacts remain unanalyzed, their magnitude is uncertain. Developing Special Conditions to address such unknown impacts is thus speculative.

It is important to point out that this project must comply with federal environmental laws and that process has not begun. According to Laurie Monarres, a Regulatory Project Manager at the San Francisco District of the ACOE, CDPH had not applied for the required Section 404 permit (Personal communication to Thad Van Bueren, June 20, 2013). The ACOE is the lead federal agency and their review of the project may alter conditions of approval in ways that the WMAC and Board of Supervisors cannot reliably predict. There is thus no guarantee that WMAC mitigation proposals outlined in this analysis will be considered adequate by the ACOE. Issuance of this coastal development permit may thus be premature and potentially vulnerable because it is predicated on future contingencies that have not been resolved at the time this permit was issued (*Sundstrom v. County of Mendocino* (1988, 202 Cal.App.3d 296).

Federal compliance must analyze environmental impacts under the National Environmental Policy Act, impacts to wetlands under the Clean Water Act, impacts to endangered species under the Endangered Species Act, and impacts to historical properties under the National Historic Preservation Act. The fact that CDPH finalized its CEQA document without taking into consideration substantial concerns does not eliminate the need to comply with those federal laws. The ACOE must separately notice a NEPA document for this project, take public input, consult USFWS about endangered species, and consult the California State Historic Preservation Officer and local tribes about potential adverse effects on historic properties.

With that caveat in mind, the WMAC believes there are at least two additional potentially significant impacts not discussed above that warrant additional mitigation. The first is that wetlands are likely to be filled, causing impacts to those sensitive areas as a result of poorly controlled erosion. To comply with Executive Order 11990, CDPH will need to demonstrate that all practical alternatives to avoid filling the wetlands and all practical measures to minimize harm to wetlands have been considered. Since no alternatives have been considered, CDPH's environmental analysis is seriously flawed.

Second, while existing mitigation measures appear adequate to avoid direct impacts to archaeological sites, Van Bueren (2012) has raised concerns that shoreline retreat caused by the project as it is presently permitted is likely to destroy several resources. It is unclear if local tribes have been consulted about those potential adverse effects, nor is there any evidence that compliance with Section 106 of the National Historic Preservation Act has been undertaken. Given both unresolved issues, the following additional permit conditions are proposed.

Other Proposed Special Conditions:

Special Condition 12. [New] An Engineering Geologist shall evaluate the potential for the approved project to fill wetlands prior to initiation of any project work. Any anticipated loss of wetland habitat shall be mitigated at a 1:1 ratio based on consultation with the US Army Corps and Engineers and County PBS. The evaluation report shall require a 10-year monitoring program to measure any loss or gain in wetland habitat on an annual basis. If losses occur, they shall be mitigated with the creation of new wetland at a 1:1 ratio within one year. Annual evaluation reports and a summary of follow up actions shall be supplied to County PBS and the US Army Corps and Engineers each year.

Special Condition 13. [New] The State Historic Preservation Officer and local tribes shall be consulted by the US Army Corps of Engineers under Section 106 of the National Historic Preservation Act for this undertaking to evaluate and address potential adverse effects on historic properties including archaeological sites and the historic haul road. If adverse effects will occur, a Memorandum of Agreement shall be executed between the ACOE and SHPO to address how those impacts will be resolved prior to initiation of any project ground disturbance activities including invasive plant eradication. The County Archaeological Commission shall be including as a consulting party in any consultation between the federal lead agency, California SHPO, and CDPR.

PROPOSED REDUCED PROJECT ALTERNATIVE

The WMAC recognizes that the imposition of the foregoing additional Special Conditions we propose may impact the feasibility of the project by requiring expenditures on new mitigation. We are also aware that the Supervisors have several options for resolving the unmitigated significant impacts we have substantiated. The WMAC does not oppose habitat restoration if it can be accomplished without compromising public access and causing other significant adverse impacts on the environment. In the interest of resolving these issues, the WMAC favors a compromise that will allow an appropriately conditioned Project to proceed. If the project funding is restricted to the \$750,000 grant, we suggest a substantially reduced project.

Several coastal trail alternatives were evaluated by EDAW in 2000 and their Setback Alternative closely resembles Alternative 2 proposed by concerned citizens in January 2013 (see attached BOS package). That route would retain the northern 2.5 mile haul road segment and construct 6400 feet of new trail to span the gap that extends from a location south of Fen Creek to Ward Avenue. Mapping for that Setback Alternative shows the new trail is outside of Western Snowy Plover nesting zone. The modest 10 feet wide footprint would cover just 1.5 acres, suggesting impacts to endangered plants and wetlands would be far less than those of the current CDPR project (which will impact 1.23 acres of endangered plants and 0.68 acres of wetlands).

CDPR's consultant found "dune instability does not threaten feasibility" of that Setback Alternative (EDAW 2000:5-11) and "the costs of construction, repair, and maintenance also do not threaten the feasibility" (EDAW 2012:5-12). EDAW (2000:5-7) also concluded the northern 2.5 mile segment of haul road is stable:

Measurements and analysis of historic aerial photographs suggest there is no immediate threat of beach erosion removing the haul road north of Fen Creek. High rates of sediment transport from the Ten Mile River may actually be adding to beach stability (through local accretion) along this section of the coastline. In fact, the northern section of the coastline has shown both short term and long term beach accretion (widening) during the period of record.

The WMAC therefore suggests the following reduced project may be feasible if the Board of Supervisors adopt all of the Special Conditions we have proposed above. This reduced project would likely greatly reduce erosion risks, perhaps eliminating the Need for Special Conditions 9(i), 12, and 13. It would consist of these actions:

- Phased removal of invasive plants and prompt replanting with natives on all 60 acres that are denuded pursuant to the terms of Special Condition 9(g) and 9(h).
- Remove only two eroding segments of haul road in the south and sand cover on northern 2.5 mile long haul road segment
- Retain and permanently maintain rest of haul road as a multi-use all season Class I coastal trail
- Replace culverts with 10 feet wide Class I trail bridges
- Build a multi-use all season Class I coastal trail to reconnect the 6400 gap at south end using the Setback Trail alignment (EDAW 2000) **OR** enter into a Memorandum of Understanding with the County that commits CDPR to build a continuous trail from the south end of the Ten Mile bridge on State Route 1 to the west end of Ward Avenue within three years.
- Remove toxic surface materials

These actions will demonstrably serve a preservation function and at the same time balance that objective with reasonable public access required by the Coastal Act and Mendocino County's LCP policies. The WMAC believes this reduced project is feasible because cost savings associated with retention of the northern haul road can be used to fund trail bridges, additional plantings, and other Special Conditions we propose. We note that strong, light weight fiberglass truss bridges offer a cost effective way to span streams and cellular plastic structural mesh trail offers a low cost alternative to boardwalks. The gap at the south end could be spanned for roughly \$250,000 according to Professional Engineer David Paoli (2013).

The WMAC does have one strong concern regarding implementation of this reduced project if it is carried out under the terms of an MOU. Our research indicates the study performed by EDAW (2000) was compromised by a CDPR position adopted in 1998 that it intended to "prohibit boardwalk construction north of Ward Avenue" (USFWS 2007:C-13) in direct violation of LCP policies, the Coastal Act, and the General Plan for MacKerricher State Park adopted just three years earlier (CDPR 1995) before the Natural Preserve was designated. The result of the feasibility study was, in other words, tainted by a foregone conclusion.

To ensure no environmental double standard is applied to any future effort to reconnect this coastal trail, the WMAC strongly urges Supervisors to ensure the terms of the MOA include a provision that the same mitigation measures used in the current project will also apply to the construction of the Setback trail segment. The footprint of that new trail is only 1.5 acres and it is highly unlikely every square foot of the trail will impact special status plants or wetlands. The trail is outside of ACOE wetlands and is likely to have only modest impacts to Coastal Commission-defined wetlands. It is also outside of the WSP nesting zone.

CONCLUSIONS

The WMAC and others have repeatedly expressed concern about many potentially significant impacts, calling for more thorough analysis in an EIR that considers alternatives. CDPR received 42 written comments from agencies and individuals, and many of those were copied to County Planning staff. The existence of serious public controversy in itself indicates that preparation of an EIR is desirable—a principle expressed in Section 15064(h) of the California Administrative Code which states:

"In marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the lead agency shall be guided by the following factors: (1) If there is serious public controversy over the environmental effect of a project, the lead agency shall consider the effect or effects subject to the controversy to be significant and shall prepare an EIR."

Agencies must prepare an EIR for any project that "may have a significant effect on the environment" (PRC 21151). The word "may" means a reasonable possibility (No Oil Inc. v. City of Los Angeles, 13 Cal.3d 68, 83). The phrase "significant effect on the environment" means "a substantial, or potentially substantial, adverse change in the environment" (PRC 21068). If a fair argument can be raised on the basis of substantial evidence that the project may have a significant adverse environmental impact, then an EIR is required (Laurel Heights Improvement Assoc. v. U.C. Regents [1993] 47 Cal.4th 376). Substantial evidence includes "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts" (PRC 21080).

We believe prior evidence supplied during the circulation of the draft MND in August 2012 amply met that threshold. This analysis most certainly supplies substantial evidence of the potential for significant adverse impacts. We support approval of the permit if the Supervisors adopt the Special Conditions we have proposed or approval of the reduced project we have suggested with the removal of Special Conditions 9(i), 12, and 13. We urge Supervisors to go on record as supporting a continuous coastal trail in conformity with the LCP and a resolution sent to Caltrans and CDPR by the Board of Supervisors on August 28, 2012 (see WMAC package supplied to BOS).

REFERENCES CITED

See Attachment that supplies excerpts of laws, key references, input and studies by experts, public comments, and other information that has a direct bearing on the conclusions reached in this analysis.

Many of these materials are provided at: http://www.westportmac.org/breaking_news.jsp

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Coastal Act

Section 30001.5 Legislative findings and declarations; goals

(c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.

Section 30210 Access; recreational opportunities; posting—In carrying out the requirement of Section 4 of Article X of the California Constitution, 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.

Section 30211 Development not to interfere with access—Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Mendocino County--Local Coastal Program (certified 1985)

Policy 3.1-8 The implementation phase of the LCP shall include performance standards and mitigating measures necessary to reduce adverse impacts on wetlands and wetland buffer areas from permitted developments. Such standards and mitigating measures shall be consistent with those recommended in the California Coastal Commission's Statewide Interpretive Guidelines for Wetland and Other Wet Environmentally Sensitive Habitat Areas, adopted February 4, 1981.

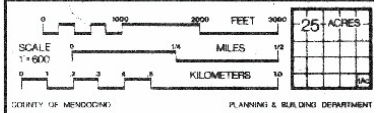
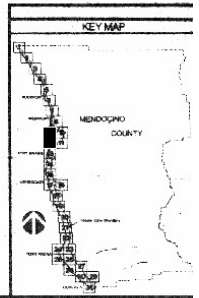
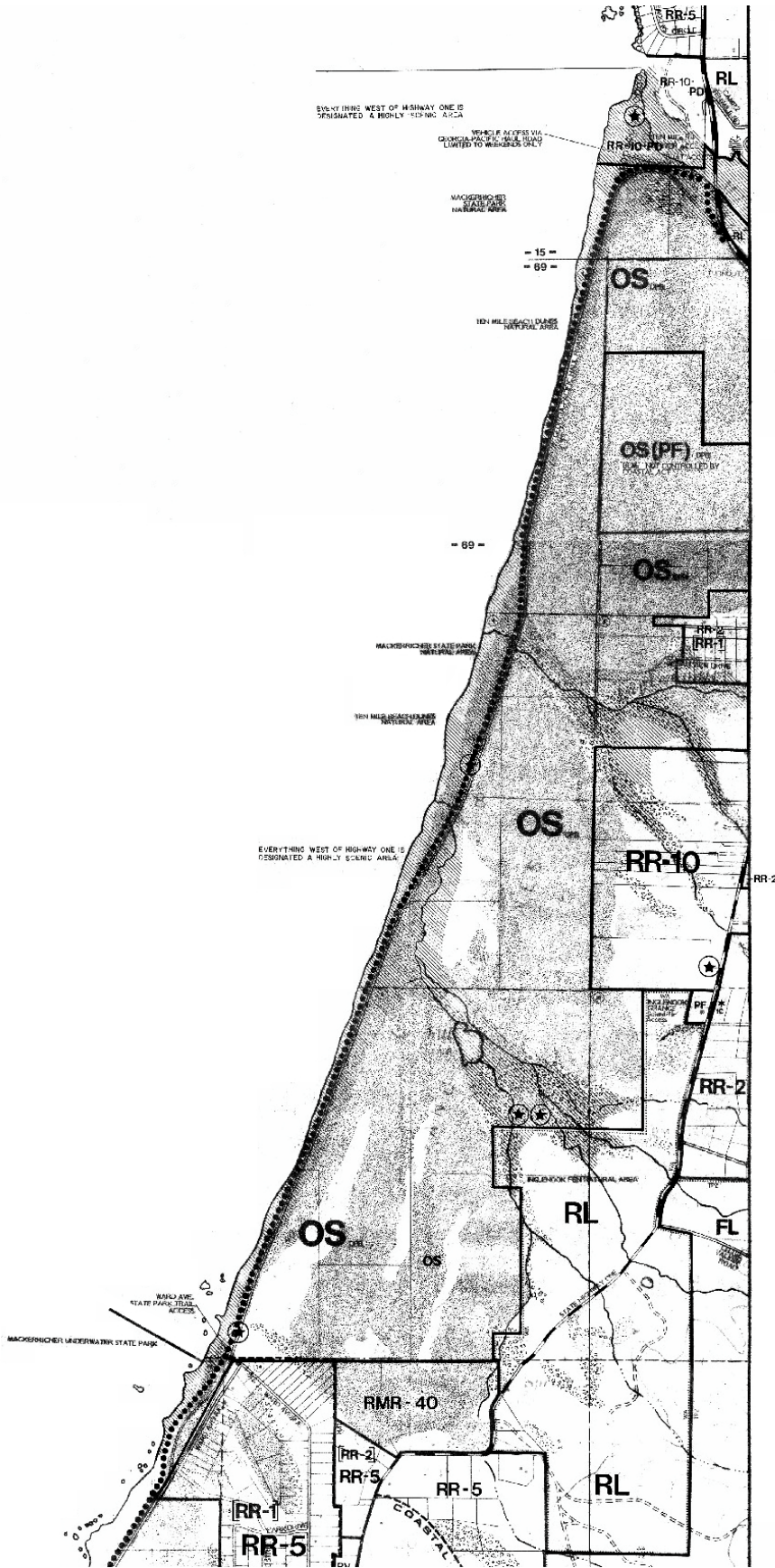
Policy 3.1-15 Dunes shall be preserved and protected as Environmentally sensitive habitats for scientific, educational and passive recreational uses. Vehicle traffic shall be prohibited. Where public access through dunes is permitted, well-defined footpaths or other means of directing use and minimizing adverse impacts shall be developed and used.

Policy 3.6-27 No development shall be approved on a site which will conflict with easements acquired by the public at large by court decree. Where evidence of historic public use indicates the potential for the existence of prescriptive rights, but such rights have not been judicially determined, the County shall apply research methods described in the Attorney General's "Manual on Implied Dedication and Prescriptive Rights". Where such research indicates the potential existence of prescriptive rights, an access easement shall be required as a condition of permit approval. Development may be sited on the area of historic public use only if: (1) no development of the parcel would otherwise be possible, or (2) proposed development could not otherwise be sited in a manner which minimizes risks to life and property, or (3) such siting is necessary for consistency with the policies of this plan concerning visual resources, special communities, and archaeological resources. When development must be sited on the area of historic public use an equivalent easement providing access to the same area shall be provided on the site.

Policy 4.2-19 The Department of Parks and Recreation shall be requested to prepare a General Plan for MacKerricher State Park that provides access to Ten Mile River and Inglenook Fen at designated locations and subject to conditions necessary for preservation of the natural environment of the park. Off-road vehicles shall be excluded.

Policy 4.2.21 The Georgia-Pacific Corporation haul road, under a special management agreement with the California Department of Parks and Recreation, presently provides weekend and holiday vehicular access to the long stretch of public beaches which extend from Fort Bragg north to Ten Mile River. This private roadway, which travels through the entire length of the MacKerricher State Park, should be acquired by DPR and incorporated into its management plan for the park, if at any time during the life of the Local Coastal Plan the property owner desires to sell, trade or surrender this property.

Land Use Maps 10 and 12—Depict the existing coastal trail following the Haul Road in northern MacKerricher State Park (see next page).



COUNTY OF MENDOCINO PLANNING & BUILDING DEPARTMENT

MAP 10
OF 31 MAPS

Newport

COUNTY OF MENDOCINO COASTAL ZONE

ADOPTED BY BOARD OF SUPERVISORS
AUGUST 17, 1983

Don Williams
CHAIRMAN

REVISED
JULY 3, 1985

AMENDMENTS
NOVEMBER 15, 1980
NOVEMBER 6, 1983
AUGUST 26, 1996

CERTIFIED BY THE COASTAL COMMISSION
NOVEMBER 20, 1985

MAP 12
OF 31 MAPS

Cleone

the plan's Resource Element. The Mendocino County Local Coastal Plan (LCP) is also particularly important with respect to this general plan. It concentrates mostly on protecting views, rare or sensitive species and habitats, and on improvements at the park's points of access. It also mandates maintaining a coastal trail from Pudding Creek to Ten Mile River. Specific recommendations will be taken up in the discussions for each of the park areas.

PUBLIC OPINION

Public opinion is an integral parameter in the process that the department uses to prepare general plans. Public dialogue represents an intensive effort on the part of the department to ensure that future park management and use considers the desires of the statewide and local visitors who use state parks and of those potentially impacted by this use (e.g., adjacent property owners). Public opinion concerning critical issues helps shape planning alternative proposals and the subsequent choice of a single park plan.

LAND USE ANALYSIS: APPLYING THE PLANNING PARAMETERS

Land use at MacKerricher State Park is uneven. The park contains some sensitive landscapes that do not invite or endure human intrusion well. The park also experiences high visitation. To date, human activity has been almost entirely confined to the most easily accessible areas in the park. This has led to heavy levels of concentrated use.

Another factor to consider when discussing land use is the wide array of landscape types within the park, including beach, grassy terrace, forest, and lonesome dunes, to name a few. It would be impossible to discuss land use for all of these at one time. Instead, the following discussion will treat the discrete areas that make up the park one by one.

Because the classification and declaration of purpose apply to all areas within the park, they will not be recapitulated for each of them. The suitability of the park's resources for public uses in the various parts of the park appears on Map No. 10, Allowable Use Intensities. Therefore, park area discussions will focus on existing conditions, relevant guidelines from the Resource Element and directives from other planning agencies, and public opinion, as well as problems in each area that should be resolved through the general planning process. There will also be a brief site analysis for each area. Map No. 11, Park Areas and Existing Conditions, appears in the following section. It illustrates how the park's areas relate to each other and to the park as a whole.

PARK TRAILS

Park trails comprise a discrete land use. The heavy public use areas in the park have many trails. The coastal trail on the haul road is the main park trail. Other major trails are the equestrian trail paralleling the haul road, the trail alongside Mill Creek Drive that provides access for equestrians, and the boardwalks on Laguna Point and around Lake Cleone.

The park also has innumerable volunteer trails. These crisscross Laguna Point, as well as the rest of the coastal terrace. There are also many around Lake Cleone and that cut through the dunes, especially between Pinewood Campground and the beach.

THE HAUL ROAD

The haul road is the most unifying element throughout the park, as it traverses most of MacKerricher's varied landscapes. Many of the park's finest and most distant views are from the haul road. It is popular with local residents and park visitors alike.

The trestle across Pudding Creek, the haul road, and the associated equestrian trail comprise a critical part of the coastal trail on the Mendocino coast. The coastal trail within the park should soon connect with Fort Bragg, furnishing coastal access to large numbers of people, including disabled persons. This unique recreational resource will run the entire length of the park and will allow pedestrians and bicyclists to approach beach and dune areas that they otherwise could not easily. Maintaining the haul road in a condition suitable for bicycle use will provide an alternative for bicyclists to busy Highway 1, with an associated avoidance of hazards and accidents.

EXISTING CONDITIONS

Even while active, the haul road functioned for many years as part of the park, as the Georgia-Pacific Company allowed people to drive on it on weekends. Washouts north of Ward Avenue and west of Lake Cleone in the early 1980s brought about the road's closure to logging trucks. Use of the road by joggers, hikers, and bikers increased. Automobiles continued to be allowed south of Surfwood Campground during daylight hours under terms of an agreement between Georgia-Pacific and the department, which then took on the operation and management of the road. The possible sale of the haul road to a private party in early 1992 led Georgia-Pacific to close it to motorized traffic. It has remained closed to this use.

The department has now acquired all of the haul road within the park boundaries and has recently received federal grant funding for needed improvements. The City of Fort Bragg has completed construction of a trailhead and staging area for coastal trail users at the south end of the trestle.

RESOURCE ELEMENT GUIDELINES AND/OR OTHER AGENCY DIRECTIVES

The Resource Element cites previous motorized recreation traffic on the haul road as contributing to the decline of wildlife in its vicinity and favors continued closure of the haul road to such traffic.

The county Local Coastal Plan mandates the department to provide maximum coastal access via an off-highway hiking and biking trail, specifically for non-vehicular use, for the eight miles from Pudding Creek to Ten Mile River.

The Fort Bragg LCP calls for an alternate river crossing in addition to Highway 1 at Pudding Creek. The grant-funded new surface and railings to make the trestle ready for public use and the city's trailhead at its south end will fulfill this recommendation.

PUBLIC OPINION

Public opinion regarding the haul road was diverse. Only a few visitor surveys mentioned the haul road, probably indicating that it is less of an attraction to out-of-town visitors than many of the park's other features. The people who live nearby the park, however, were much concerned with repairing the washed out sections. Some members of the public also had strong feelings as to whether or not motorized traffic should be allowed to continue using the haul road.

SITE ANALYSIS

The haul road now has several deficiencies as a coastal trail. In addition to the washed out parts, it has been poorly maintained and needs resurfacing. The trestle also needs surfacing and a railing to make it safe for public use. Furthermore, access to the haul road is poor in some locations, notably Ten Mile River. Nevertheless, large numbers of people access it at many points even though this requires trespassing on private property in some locations.

For recommendations for improving the haul road and the coastal trail experience, see the Facilities Element, page 153.

- Provide rest areas where pedestrians must walk long distances.
- Avoid subsurface disturbances in areas containing archeological sites.

TRAIL ACCESS FOR VISITORS WITH DISABILITIES

It is the department's intention to make as many of the park's pedestrian trails as possible usable by visitors with disabilities.

- If feasible, the department will provide a shuttle on the haul road. In the meantime, motorized use of a portion of the haul road should be available to visitors with disabilities on a case by case basis with access from Laguna Point after inquiry at the contact station.
- Furnish non-motorized coastal trail access to the haul road for visitors with disabilities from the Laguna Point parking lot, as well as the north and south coastal trail access points.

THE HAUL ROAD/COASTAL TRAIL

See the Land Use Element, pages 111-112, for the existing condition of the haul road.

- Improve the trestle for visitor safety before opening it to public use. Inspect the pilings for structural integrity; install railings and a safe surface for foot and bicycle traffic.
- Provide required maintenance to the trestle and the haul road. This will entail ongoing planning and funding.
- Keep the haul road closed to motorized traffic except for patrol, maintenance, and emergency vehicles, as well as a shuttle if it is possible to provide this service.
- Improve the surface of the haul road so that it is safe and comfortable for pedestrians and bicyclists.
- Repair areas along the haul road that have erosion problems. In some places, this will require shoring the road up. In others, bypasses will be required due to ongoing erosion by the ocean.
- Remove volunteer trails on the coastal terrace and in the dunes to which the haul road provides access.
- In the area of Lake Cleone, clear the eroded haul road berm of large chunks of asphalt and other debris that could potentially become a hazard. Shape the berm so that access over it to the beach will be possible.
- Direct coastal and equestrian trail traffic down the east side of the haul road berm and bring it past the lake on paths separate from the park road. This will require bridging the Mill Creek outlet to avoid conflicts between automobiles and other kinds of traffic.
- Provide a dune boardwalk to bypass the area north of Ward Avenue where the haul road has been washed out to serve hikers, bikers, and persons with disabilities. Equestrians will use the beach for the northern leg of their coastal trail.
- Provide rest stops along the haul road where there are intersections with major trails serving park use areas. These should be frequent enough to serve elderly and disabled visitors and should include benches, interpretation, and orientation for coastal trail users.

EQUESTRIAN TRAIL

See the Land Use Element, page 113, for the existing condition of the equestrian trail.

- Monitor, maintain, and specially surface where necessary, a designated year-round equestrian trail from Pudding Creek to Ten Mile River.



Westport Municipal Advisory Council

P. O. Box 307, Westport, CA 95488
www.westportmac.org

July 9, 2012

Abbey Stockwell, Project Coordinator
Department of Planning and Building Services
120 West Fir Street
Fort Bragg, CA 95437

Re: CDP #12-2012 (California Department of Parks & Recreation)

Dear Abbey:

The Westport Municipal Advisory Council held a public hearing on the cited permit application at its regular monthly meeting July 3, 2012. Comments were provided by eight people. Although there was some support for natural ecosystem restoration, significant concerns were expressed about the proposed project. Some of the comments were informed by examination of a draft combined Initial Study and Mitigated Negative Declaration and the approved General Plan for MacKerricher State Park. The WMAC unanimously approved a motion to convey the following summary of concerns:

1. Destruction of Coastal Trail: The proposed project will deliberately deconstruct 2.7 miles of the old haul road. This will preclude access for bicyclists and disabled individuals to an existing coastal trail that is mandated by the Mendocino County Local Coastal Program to provide maximum non-vehicular coastal access from Pudding Creek to the Ten Mile River. The General Plan for MacKerricher Park approved in 1995 specifically mandates on page 153: a) haul road maintenance; b) improving the surface for use of pedestrians and bicyclists; c) repair of areas with erosion problems; and d) providing a dune boardwalk north of Ward Avenue where the haul road has been washed away. The proposed project completely ignores and is inconsistent with those mandates and management directives and provides no mitigation for significantly impairing/destroying that required coastal access for bicyclists and disabled persons.

2. Herbicide Use: Concern exists about the use of herbicides to destroy introduced plants. The type of herbicides is not specified in the permit application, but the public is concerned that such chemicals may impact human and ecosystem health. Other methods of removal should be considered. The environmental consequences of different approaches to controlling invasive species should be thoroughly evaluated, giving priority to the method that causes the least harm.

3. Sand Migration: Adjacent property owners are concerned that the removal of European Beach Grass and portions of the haul road will further destabilize the dunes and cause significant sand migration that will adversely affect neighboring private landowners. Prior efforts to manually remove the beach grass have resulted in significant encroachment of dunes onto properties to the south and east, as well as degradation of the haul road through increased erosion or burial that impairs coastal access. Inadequate consideration is given to reliable methods for controlling sand movement and mitigating impacts to neighbors.

4. Adjacent Landowner Notification: One adjacent landowner who attended the WMAC said she was not notified of this pending permit. All adjacent landowners should be notified, consistent with CEQA policies and case law. Their concerns should be heard and factored into the resolution of the significant impacts this project can be expected to cause.

5. Unintended Consequences: Destabilizing the dunes is a risky proposal with many long term and cumulative consequences for surrounding lands, ecosystems, and cultural resources. Those consequences have not been adequately considered. Historic maps including the 1874 Coast Survey, 1916 Army Corps of Engineers Cape Vizcaino 15 minute quadrangle, and 1966 USGS Inglenook 7.5 minute quadrangle should be compared to the modern distribution of dunes and reliable methods should be proposed to ensure sand migration is controlled and significant impacts are addressed. Native species should be reestablished well prior to any action that will destabilize the dunes to ensure sand migration is controlled. Use of native shore pines appears ill-advised due to the spread of pine canker. Sand migration will predictably result in significant impacts such as the deflation of archaeological resources, further erosion/burial of the haul road that impairs use of that coastal access, congestion of hydrologic systems, and movement of the dunes east and south onto neighboring private lands.

The foregoing concerns imply the proposed draft IS/MND is inadequate as means to evaluate and mitigate the significant environmental consequences of this project under CEQA and its implementing regulations and guidance. An EIR should be required with a more robust effort to consider public input and address inconsistencies with the park's General Plan and LCP policies. The park is managed for many purposes according to an approved General Plan, and public coastal access should not be deliberately destroyed without mitigating that loss with a replacement structure such as a boardwalk that from Ward Avenue to the Ten Mile bridge that is accessible to pedestrians, bicyclists, and disabled persons.

We ask that you keep us informed of any revised submittal and notify us in advance of any public hearings on this project so that the citizens within our jurisdiction may continue to provide input as the decision process unfolds. Please contact Chairman Thad Van Bueren at 964-7272 if you have questions about the comments raised by the WMAC.

Sincerely,



Chuck Eyerly, Secretary
Westport MAC

Cc: Renee Pasquinelli, California Department of Parks & Recreation
Kendall Smith, Fourth District Supervisor
Dan Gjerde, Fourth District Supervisor Elect



Westport Municipal Advisory Council

P. O. Box 307, Westport, CA 95488
www.westportmac.org

August 10, 2012

Renee Pasquinelli, Senior Environmental Scientist
Mendocino District, California Department of Parks & Recreation
12301 North Highway 1 – Box 1
Mendocino, CA 95460

Re: Comments on revised draft IS/MND for Mackerricher State Park Dune Rehabilitation Project (Mendocino County CDP #12-2012)

Dear Renee:

The WMAC held two public hearings on the cited permit application July 3 and August 7, 2012. Our initial letter to the County is available at [http://www.westportmac.org/documents/CDP#12-2012-WMAC_Comments_\(7-9-2012\).pdf](http://www.westportmac.org/documents/CDP#12-2012-WMAC_Comments_(7-9-2012).pdf). The second hearing focused on the revised draft Initial Study and Mitigated Negative Declaration released by California Department of Parks & Recreation (DPR) on August 1, 2012. While there is public support for natural ecosystem restoration and preservation of sensitive species, widespread concerns were expressed that the project as presently designed will cause significant impacts that are not analyzed or mitigated. As a result, the preparation of an EIR appears mandatory unless the project is substantively revised. The WMAC approved a motion to convey the following concerns:

1. Destruction of Coastal Trail: Rather than letting natural forces remove the haul road as directed in the adopted General Plan (GP) for the park on page 79, the proposed project will purposefully destroy a long-neglected coastal trail specifically designated for improvement and repair for use by pedestrians and bicyclists (GP page 153). Removal of the haul road will significantly impact existing recreational and non-motorized transportation access by pedestrians, bicycles, wheelchairs. No mitigation is proposed to compensate for that loss of access, nor is it reconciled with other existing policies and directives of the General Plan which specify as a fundamental goal for the dunes to “develop recreational access consistent with natural processes” (page 77). Contrary to an unpublicized internal feasibility study, the public does not accept that a trail for pedestrians, bicycles, and wheelchairs through the Coastal Dunes Resource Management Zone is impractical. Low-cost permeable trail tread materials are readily available and could provide a sensitive solution that addresses directives of the General Plan on pages 78-79 by following a route that minimizes resource conflicts and mitigates impacts.

2. Sand Migration: Adjacent property owners are concerned that the removal of European beach grass and portions of the haul road will mobilize sand migration that will adversely affect neighboring private landowners. The IS/MND recognizes sand will migrate, but no mitigation is proposed. Degradation of the haul road north of Ward Avenue and prior efforts of beach grass removal have resulted in documented encroachment of dunes onto adjacent properties east of the park, as well as degradation of the haul road through increased erosion and/or burial that has impaired coastal access. These impacts are not assessed, and no mitigation is proposed to

compensate neighboring landowners for the loss of use and diminishment in land value that will predictably result from destabilizing the foredunes.

While European beach grass has heightened the foredunes, historic photographs verify the haul road was built on the original surface of the unmodified dunes. The haul road also provides critical habitat for the endangered Howell's spineflower and protects cultural resources that will suffer significant impacts from deflation if nearby sections of the road are removed and erosion is purposefully accelerated. Although destruction of 11% of the entire spineflower population in the preserve by this project is considered acceptable and will be mitigated, damage to non-renewable cultural resources is a significant impact that has not been addressed.

The foregoing concerns imply the proposed revised draft IS/MND is inadequate as means to evaluate and mitigate several significant short term and cumulative long term environmental consequences of this project. An EIR should be prepared to consider public input and address inconsistencies with the park's General Plan and Mendocino County's approved Local Coastal Plan. Adjacent property owners should be specifically notified of the pending environmental review and permit approval processes to ensure their views are taken into consideration.

Input received by the WMAC suggests a more modest approach to habitat manipulation is preferred to the radical plan currently proposed. That would be more consistent with Public Resources Code 5019.71, which states that such activities should occur "only (emphasis added) in those areas found by scientific analysis to require manipulation to preserve species or associations that constitute the basis for the establishment of the natural preserve." Those goals can be met with dune grass and culvert removals, as well as replanting. Leaving the haul road will retain critical habitat and preserve both public access and cultural resources.

The public feels attention should be given to balancing all of the Park's General Plan goals and directives, not selectively implementing some goals to the detriment of public access, neighboring land owners, and cultural resources. We suggest focusing solely on critical habitat preservation, leaving the removal of neglected remnants of the haul road until a plan is developed to construct a context-sensitive recreational and non-motorized replacement trail. Contact WMAC Chairman Thad Van Bueren at 964-7272 with questions about these comments.

Sincerely,



Chuck Eyerly, Secretary

Cc: Abbey Stockwell, Mendocino County Planning & Building Services Department
Kendall Smith, Fourth District Supervisor
Dan Gjerde, Fourth District Supervisor Elect
Liz Burko, DPR District Superintendent
Janelle Beland, DPR Acting Interim Director
Bob Merrill, California Coastal Commission
State Senator Noreen Evans
State Legislator Wesley Chesbro



Westport Municipal Advisory Council

P. O. Box 307, Westport, CA 95488
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October 5, 2012

Jesse Robertson
Caltrans District 1
P.O. Box 3700
Eureka, CA 95502-3770

and

Janet Orth
Mendocino Council of Governments
367 N. State Street, Suite 206
Ukiah, CA 95482

Re: Pacific Coast Bike Route Engineering Feasibility Study for Route 1 in Mendocino County

Dear Jesse and Janet:

The WMAC reviewed letters written by MCOG on August 20th and The Mendocino County Board of Supervisors on August 28th encouraging Caltrans and the California Department of Parks and Recreation to consider a possible Class I trail through MacKerricher State Park between the Ten Mile River and Fort Bragg. We support their suggestion that Class I trail route options should be evaluated as an alternative to a bike and hike route along the highway shoulder. We also agree that segment is a high priority along the PCBR in Mendocino County.

We recognize that developing a trail through the Dune Preserve at the north end of MacKerricher State Park will pose challenges. However, the possibility should not be dismissed without a detailed alternatives analysis that considers innovative trail tread options and careful selection of an alignment that minimizes environmental impacts. A balanced comparison of Class I and Class II (road shoulder) trail options may reveal that the costs, safety, and environmental consequences of a separated bike and hike route through MacKerricher State Park is in fact preferable for a PCBR alignment along that section of the Mendocino coast.

In a prior community-based transportation planning study last year, the public supported the concept of Class I trails wherever publicly owned coastal parcels or access easements exist west of State Route 1 between the Ten Mile River and Rockport. The reason mentioned in the plan entitled *Westport Area Integrated Multi-Use Coastal Trail Plan* (2011) is that Class I trails are safer, more scenic, and have many other advantages that promote livable communities. We note that no Class I design alternatives were included in the options presented to the public during several workshops held for the current PCBR study in July.

The Westport Municipal Advisory Council therefore urges careful consideration of Class I PCBR alternatives wherever they are feasible along the Mendocino coast in the draft plan you are preparing for release sometime later this fall. North of the Ten Mile River, locations for such alignments include Westport Union Landing State Beach, the Caltrans property south of Chadbourne Gulch, and the Kibesillah Trail easement opened by the Mendocino Land Trust in 2012.

Thank you for considering the views of our community. Please contact Chairman Thad Van Bueren at (707) 964-7272 or thadvanbueren@directv.net with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Charles L. Eyerly".

Chuck Eyerly, Secretary

cc: Abbey Stockwell, Mendocino County Planning & Building Services Department
Kendall Smith, Fourth District Supervisor
Dan Gjerde, Fourth District Supervisor Elect
Liz Burko, DPR District Superintendent
Loren Rex, DPR Sector Superintendent
Bob Merrill, California Coastal Commission
State Senator Noreen Evans
State Legislator Wesley Chesbro
Congressman Mike Thompson



Westport Municipal Advisory Council

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February 1, 2013

Abbey Stockwell, Project Coordinator
Department of Planning and Building Services
120 West Fir Street
Fort Bragg, CA 95437

Re: CDP #12-2012, MacKerricher Dune Rehabilitation Project

Dear Abbey:

The Westport Municipal Advisory Council previously commented on this pending permit last year on July 9 and August 10. At that time we summarized a wide variety of concerns presented at our meetings by local citizens. Since then, the final Mitigated Negative Declaration for the project was filed December 20, 2012 by the California Department of Parks and Recreation.

We believe the final MND has ignored many of the significant impacts of the project mentioned by the public at our hearings. A January 10, 2013 letter submitted to you about this project by 175 concerned local citizens was copied to the WMAC. We agree with some of the key points made in that commentary and urge your department to consider these issues:

1. The final MND for the project does not reduce the environmental impacts of the project below a significant level. We thus urge the County to require the preparation of an EIR that analyzes all significant issues raised in the citizen's letter of January 10, 2013.
2. The WMAC supports the consideration of the two project alternatives proposed by the citizens group as a way to reduce or otherwise mitigate for the significant environmental effects of the project. Other alternatives may also be worth consideration.

Please keep us informed of any revised submittal and notify us in advance of any public hearing on the permit for this pending project. Please contact Chairman Thad Van Bueren at 964-7272 if you have questions about the comments raised by the WMAC.

Sincerely,

A handwritten signature in cursive script that reads "Charles L. Eyerly".

Chuck Eyerly, Secretary

cc: Dan Gjerde, Fourth District Supervisor
Steve Dunncliff, Mendocino County PBS Director

CPD#12-2012 Comments (for June 11, 2013 CPA Meeting in Fort Bragg)

Thad Van Bueren, Westport Municipal Advisory Council

I'm Thad Van Bueren, here to offer the views of the Westport Municipal Advisory Council and its constituents. The WMAC conveyed concerns in 3 letters to the County. Analysis of the County staff report indicates many impacts are inadequately mitigated or conditioned in the pending permit. I'll focus on recreation and coastal access due to time limits, but other issues also exist. For example, State Parks has begun implementing the project prior to permit approval.

1. Removal of 2.7 miles of haul road and culverts will significantly impact recreation and coastal access. Coastal Act Section 30211 requires that "development shall not interfere with the public's right of access to the sea where acquired through use." This trail has a lengthy pattern of historical and ongoing use. Even if visitation is lower today because the trail has not been maintained, it is still a significant and valued prescriptive easement. We also note that Coastal Act policies such as Section 30210 require maximum access and recreational opportunities, not **extinguishing** that access.

2. Haul road destruction also conflicts with policies of the County's Coastal Element. Policy 4.2.21 directed State Parks to acquire the haul road as coastal access, not to destroy it. County land use maps 10 and 12 clearly show the road as the designated existing coastal access. The wet sand alternative now passed off as THE coastal trail is not the route shown on County maps, nor is it passable for bicycles and disabled visitors.

3. The haul road was acquired by DPR in 1992. The 1995 park general plan states the "coastal trail on the haul road is the main park trail," 12 years after a section washed away north of Ward Avenue. That Plan directed that it be maintained and reconnected. Removing it will not only foreclose existing use of this trail; it will discriminate against bicyclists and disabled visitors.

4. Special Condition 5 does not adequately mitigate loss of the haul road with a realistic or desirable alternative trail. It makes no provision for the construction of a continuous path and is far from the ocean. If the intent of that is to create a viable replacement route, a continuous easement connecting the south end of Ten Mile Bridge with the west end of Ward Avenue must be dedicated along a route that has been studied enough in advance to ensure no resource issues will prevent construction of that multi-use path.

Absent a viable alternative to the existing coastal trail that will be destroyed, the MND and permit conditions are legally inadequate. We therefore object to the approval of this permit as currently proposed. Loss of the haul road is a significant unmitigated impact on recreation and coastal access. Public access is not conveniently ignored or sublimated to natural resource protection. Both require consideration. An EIR should be required to consider a viable all weather alternative trail route if the haul road removal is eventually permitted.

CARMEL J. ANGELO
Chief Executive Officer
Clerk of the Board



**COUNTY OF MENDOCINO
BOARD OF SUPERVISORS**

CONTACT INFORMATION
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Email: bos@co.mendocino.ca.us
Web: www.co.mendocino.ca.us/bos

August 28, 2012

Charles Fielder
Director of District 1
California Department of Transportation
P. O. Box 3700
Eureka, CA 95502-3700

Loren Rex
Superintendent of Mendocino District
California Department of Parks & Recreation
12301 N. Highway One – Box 1
Mendocino, CA 95460

Re: Designation of the State Parks Haul Road from Ward Avenue at Cleone south to Elm Street in Fort Bragg as a segment of the Pacific Coast Bike Route in Mendocino County

Dear Director Fielder & Superintendent Rex:

The Mendocino County Board of Supervisors is requesting the Department of Transportation (Caltrans) and the Department of Parks and Recreation (DPR) work together to align the Pacific Coast Bike Route with the part of MacKerricher State Park Haul Road that does not reside in a preserve, that is, the segment from approximately Ward Avenue south to Elm Street in Fort Bragg.

If DPR agrees to work with other agencies to plan for the trail's repair and preservation, the potential designation of this trail section as the Pacific Coast Bike Route would ensure pedestrians and cyclists long-term enjoyment of 3.7 miles of high-quality Class I trail.

In 1976, California law established a Pacific Coast Bike Route along the length of California, part of a larger route that runs from British Columbia to Mexico. Each year, thousands of cyclists ride this route, passing through Mendocino County, for over 100 miles. Additionally, a growing number of local cyclists of all ages use this route, both as commuters, avid cyclists, and as occasional recreationalists.

Recognizing the Pacific Coast Bike Route's popularity with cyclists, the Mendocino Council of Governments (MCOG) and Caltrans are currently evaluating options to improve safety along the 105 miles that reside on State Route 1 in Mendocino County. One option to improve safety, suggested in these and other venues, is to relocate the Pacific Coast Bike Route onto Class I trails where possible. We agree.

If the Haul Road is designated as the Pacific Coast Bike Route, we see multiple opportunities to fund repairs and enhancements to this valued public asset; in all phases from planning grants to construction dollars. We believe the County of Mendocino, the City of Fort Bragg, MCOG, and Caltrans would all be willing partners with DPR in planning and identifying funding opportunities to repair and enhance the Haul Road so the public can use and enjoy this route for many decades to come.

THE BOARD OF SUPERVISORS

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DAN HAMBURG
Fifth District

We feel this request is timely since DPR has received a \$395,000 grant to address hydrological changes at Lake Cleone, including traffic flow impacts, trail impacts, and issues of environmental concern. As this grant is scoped, we would like to see this project integrated with plans for the Pacific Coast Bike Route, and the need to provide ADA-compliant access to the north and south segments of the Haul Road at Lake Cleone.

Additionally, regarding the section north of Ward Avenue, in the DPR preserve area, further review is needed regarding the designation of the Pacific Coast Bike Route. We encourage DPR to work with Caltrans to consider alternate trail alignments other than State Route 1., the goal being a Class I trail wherever feasible.

We thank you in advance for your consideration.

Sincerely,



John McCowen, Chair
Mendocino County Board of Supervisors

cc: Jesse Robertson, Regional & Community Planning, Caltrans District 1
Fort Bragg City Council
Mendocino Council of Governments
State Assembly Member Wes Chesbro
State Senator Noreen Evans
Congress Member Mike Thompson

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
710 E STREET • SUITE 200
EUREKA, CA 95501-1865
VOICE (707) 445-7833
FACSIMILE (707) 445-7877



August 31, 2012

Renee Pasquinelli
CA State Parks, Mendocino District
12301 North Highway 1- Box 1
Mendocino, CA 95460

SUBJECT: Review of the MacKerricher State Park Dune Rehabilitation Project proposal to restore ecosystem processes in the Inglenook Fen-Ten Mile Dunes Natural Preserve (Preserve) by: (1) removing up to 2.7 miles (4.3 km) of asphalt road and portions of the underlying rock base in foredune habitat; (2) removing two culverts and restoring the stream channels at Inglenook and Fen Creeks; (3) treating approximately 60 acres (24.3 hectares) of European beachgrass and other nonnative weeds; and (4) implementation of mitigation measures for impacts to wetland and rare plant ESHAs resulting from restoration activities.

Dear Renee:

Thank you for the opportunity to review the recirculated Initial Study and Mitigated Negative Declaration (IS/ MND) proposal you submitted for the above-described project, and for your flexibility in accepting our comments today. We additionally appreciate the opportunity you provided us last year on March 14, 2011 to walk the project area with you from Ten Mile River overlook south to Ward Avenue, at which time we also discussed with you our feedback and project concerns.

Prior to submitting comments, our staff reviewed related background documents prepared by your agency, including the 1977 document “Inglenook Fen: A Study and Plan” and the MacKerricher State Park General Plan that was approved by the State Parks and Recreation Commission in June 1995. While the MND also references a June 2005 General Plan document (page 35), we are unaware of a more recent General Plan document and believe this may be a typographical error. Additionally, we have not reviewed the 2007 document prepared by CA State Parks (CSP) entitled “Natural Resource Management Plan Inglenook Fen- Ten Mile Dunes Natural Preserve MacKerricher State Park Mendocino District,” because following conversation with you and receipt of the document, we understand it remains in draft form and has not been formally reviewed or adopted at this time.

As we have discussed with you previously, our primary concerns with the project as proposed relate to direct, unmitigated impacts to public access. We additionally offer comments regarding the mitigation measures proposed for direct impacts to rare plant and wetland ESHA. The following comments are presented for your consideration:

ACCESS ISSUES

The Haul Road is a public access feature situated amongst open dune lands located east of the ocean and west of Highway One in MacKerricher State Park, and draws many visitors throughout the year. Because the project site is located between the first public road and the sea, new development at the site is subject to the Mendocino County LCP (certified in 1992) and the coastal access and recreation policies of the Coastal Act.

The Mendocino County certified LCP identifies several policies specific to the Haul Road within MacKerricher State Park. Land Use Plan (LUP) Policy 4.2-19 directs the Department of Parks and Recreation in part to “prepare a General Plan for MacKerricher State Park that provides access to Ten Mile River and Inglenook Fen at designated locations and subject to conditions necessary for preservation of the natural environment of the park.” While CSP has prepared a General Plan document for MacKerricher State Beach (June 1995), the document has never been submitted to Mendocino County for adoption as an amendment to the Recreation Element of the Coastal Plan (LCP), and thus has not been subject to review or certification by the Coastal Commission. Therefore, the General Plan document may provide guidance however the Mendocino County certified LCP and the public access policies of the Coastal Act serve as the standard of review for any development subject to coastal development permit requirements.

Mendocino County LUP Policy 4.2.21 states the following:

The Georgia-Pacific Corporation haul road, under a special management agreement with the California Department of Parks and Recreation, presently provides weekend and holiday vehicular access to the long stretch of public beaches which extend from Fort Bragg north to Ten Mile River. This private roadway, which travels through the entire length of the MacKerricher State Park, should be acquired by DPR and incorporated into its management plan for the park, if at any time during the life of the local Coastal Plan the property owner decides to sell, trade or surrender this property. (Emphasis added)

The Coastal Act places high priority on the protection and maximization of recreation, and access to and along the coast is a key mandate of the Coastal Act. California Coastal Act, Section 30001.5 states in part as follows:

The legislature further finds and declares that the basic goals of the state for the coastal zone are to: . . .

(c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. Section 30210 states that maximum access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Section 30211 states that development shall not interfere with the

public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Section 30212 states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, adequate access exists nearby, or agriculture would be adversely affected.

The CSP declaration of purpose for MacKerricher State Park is stated as follows:

The purpose of MacKerricher State Park is to make available to the people for their inspiration, enlightenment, and enjoyment, in an essentially natural condition, the outstanding scenic features and natural values, including the coastline embracing offshore environs; the stretches of sandy and rocky beach; the headland bluffs; the Ten Mile Dunes; the marine terraces; the wetland habitats including Lake Cleone and the unique Inglenook Fen; the geology and plant and animal life; the significant archaeological and historical resources; and the scientific values therein. (Emphasis added)

The purpose of the MacKerricher State Park in this way shares a common vision with the Mendocino County certified LCP and the public access policies of Coastal Act. The June 1995 General Plan, which is referred to for general guidance, further endorses this shared vision on page 213 where it states “The environmentally-preferred alternative would have been the natural and cultural resource protection priority alternative (2). However, that alternative did not fully meet the goal of providing for the public use identified in project’s statement of purpose. Therefore, the project proposed in the general plan is a combination of the natural and cultural resource protection priority and public use priority alternatives.”

However, the current proposal to remove the northern portion of the Haul Road is inconsistent with these policies. Anecdotal information suggests the Haul Road is widely used by the public, and stream crossings at Inglenook and Fen Creeks presently afford the public a safe alternate access to and along the coast during the winter time when high storm events make shoreline access more dangerous for recreationists. The paved portions provide access to bicyclists and people with strollers. The current proposal to remove the road base and surface of the Haul Road in those areas described in the MND, and the removal of culverts at Inglenook and Fen Creeks interferes with the current intensity of use of the project area by recreationists, and will effectively reduce public access to this area once completed. While the MND indicates on pages 116 and 117 that the proposed project would not increase or expand recreational facilities, the MND does not document how the project will affect public access as it relates to the removal of the haul road and stream crossings that currently afford the public winter access. The MND does not provide mitigation measures to replace this public access feature with alternate public access that is commensurate with the paved access and stream crossing features proposed for removal.

While we recognize the delicate balance of protecting sensitive coastal resources, the proposed project must also balance the requirements to protect and maintain existing (or

provide equivalent) public access, consistent with both the Mendocino County certified LCP policies that include but are not limited to LUP Section 3.6 and LUP Policies 4.2-19 through 4.2-21, and the public access policies of the Coastal Act, including Sections 30210, 30211, and 30212.

BIOLOGICAL RESOURCES

The MND indicates that the east side of a culvert at Fen Creek is overgrown with willow, and includes a proposal to remove a rusted culvert from Fen Creek and restore natural stream flow at Fen Creek and Inglenook Creek through the removal of culverts. The June 1977 Inglenook Fen Study indicates that “Inglenook Fen...was formed by the blockage of Fen Creek by coastal sand dunes. The fen is undergoing primary or geologic succession towards a fen-carr.” In addition to addressing the impacts to public access resulting from removal of the stream crossing as described above, please clarify how exposing Fen Creek to stream flow as proposed will maintain the integrity of the established fen/fen-carr system.

We appreciate the efforts to improve habitat for sensitive biological resources and the efforts to address mitigation for impacts to sensitive resources that may occur during proposed restoration activities. The mitigation proposal includes in part a proposal to remove weeds for a 5-year period. The time-certain maintenance period does not address site-specific variables that could affect the success of weed management at the site. While the mitigation plan does discuss adaptive management as a component of the project objectives, the mitigation plan does not clearly document whether supplemental years of weed removal (or rare plant/ wetland ESHA establishment, for that matter) will occur if success is not achieved within the specified time. Mitigation and monitoring should therefore specify how mitigation will continue until the success criteria have been satisfied, rather than the termination of mitigation measures upon a particular date.

Thank you for the opportunity to provide comments on this document. Should you have any questions, please call me at (707) 445-7833.

Sincerely,

SIGNATURE ON FILE

TAMARA L. GEDIK
Coastal Program Analyst

cc: Linda Locklin, Statewide Coastal Access Program Manager
Abbey Stockwell, Mendocino County Planning and Building Services, Fort Bragg

Comments by City of Fort Bragg

August 10, 2012

Ms. Renee Pasquinelli
Senior Environmental Scientist
California State Parks
Mendocino District
12301 North Highway 1 – Box 1
Mendocino, CA 95460

Subject: Draft Mitigated Negative Declaration for MacKerricher State Park Dune Rehabilitation Project

Dear Ms. Pasquinelli:

As you know, the City of Fort Bragg has spent many years pursuing the Fort Bragg Coastal Trail project on a 130-acre parkland property adjacent to MacKerricher State Park. Once complete, our community will have a seamless corridor of accessible parkland from Noyo River to Ten Mile River. City staff has worked closely with State Parks in planning our project and together we prepared an Environmental Impact Report which addressed both the Fort Bragg Coastal Trail and proposed improvements to State Park's Glass Beach headlands property. The City values its ongoing partnership with State Parks and we are keenly interested in projects affecting coastal access in MacKerricher State Park. We appreciate this opportunity to comment on the Draft Initial Study – Mitigated Negative Declaration for the Inglenook Fen-Ten Mile Dunes Natural Preserve MacKerricher State Park Dune Rehabilitation Project.

The City offers the following general and specific comments on the draft Initial Study/Mitigated Negative Declaration (IS/MND):

1. The IS/MND is challenging to read and interpret as information about specific impacts, associated mitigations and monitoring measures is scattered throughout the voluminous document. It would be helpful to incorporate summary information from the attached Appendices and specific mitigation measures into the text of the IS/MND.
2. In Section 2.8 "Visitation to MacKerricher State Park", it would be useful to data regarding visitation to the Ten Mile Dunes area and the segment of the Haul Road which will be removed. An electronic counter could be placed at the northern terminus of the Haul Road near the Ten Mile Bridge to determine the level of visitor use of this feature. Absent such information, it is not possible to determine the level of impact that removal of the Haul Road might have on public access to the reserve and coastal access and, consequently, it is difficult to evaluate the sufficiency of mitigation measures. This section also contains a conclusive statement that "The Coastal Trail...runs along the shoreline at the beach and would not be permanently affected by the project." While the project may not physically

affect the Coastal Trail/beach, removal of the Haul Road surface along Ten Mile River may adversely affect visitor access to the shoreline and the Coastal Trail.

3. Section 2.11 “Related Projects” should mention the Fort Bragg Coastal Trail and Restoration Project.

4. **Biological Resources**

- IS/MND Page 63. The discussion of Howell’s Spineflower (*Chorizanthe howellii*) does not clearly identify the impact of the removal of the Haul Road on this species, though it is clear from the map in Appendix A.3 and the narrative in Appendix A.4, that there are significant populations of the endangered spineflower adjacent to the Haul Road. The discussion of impacts on page 8 of Appendix E-2 references the potential loss of plants during construction activities but does not address the loss of suitable habitat associated with the removal of the Haul Road. While an 8:1 mitigation ratio is proposed on page 21, proposed mitigation measures do not address the loss of stabilized soil which is necessary for the plant’s propagation and growth. Similarly, while an objective of successful establishment of the spineflower in “novel habitat” at a 4:1 ratio is referenced on p. 27, it is not clear that there is sufficient “novel habitat” to accomplish that objective.
- IS/MND, Page 64. The discussion of Menzies’ Wallflower (*Erysimum menziesii* ssp. *Menziesii*) has similar issues to those noted above regarding Howell’s Spineflower. The IS/MND notes that this population is also located in stabilized soils along the Haul Road, but offers no mitigation measures to address the loss of habitat due to removal of the Haul Road.
- The Special Status Plants map indicates that most of the special status plants are found only in stabilized soils along the Haul Road. The IS/MND should include a discussion of the ability of these plants to survive in a destabilized dune environment and identify other areas of stabilized soils. One possible consideration would be to remove the asphalt surface of the trail but retain the rock and gravel base as a way of retaining the stabilized soils along the Haul Road.

5. **Cultural Resources**

- S/MND Page 80-83. As noted on page 81, the project area has a very high degree of archaeological sensitivity. The narrative does not justify the finding of “Less than Significant Impact.” Numerous mitigation measures are proposed that may lessen potential construction-related impacts, however there are no proposed mitigations to address impacts to archaeological sites associated with dune migration and shoreline recession once the Haul Road is removed. State Parks should consider leaving the base rock of the Haul Road in place as a protective cap for cultural resource deposits lying underneath and inland of the road. The MND includes a mitigation measure that requires the completion of a site specific avoidance plan (CULT-2 a). It would make sense to prepare the cultural resource study and avoidance plan prior to completion of the MND in order to ensure that cultural resource impacts are adequately addressed and to ensure that mitigation measures for other impacts do not themselves have impacts on cultural resource areas.

6. **Geology and Soils**

- The report prepared by the Department of Conservation (Appendix E-4) concludes that the project would result in additional sand migration to the east resulting in additional transverse dune formation/height and impacts on drainage and vegetation patterns

throughout the dunes. This warrants a more detailed analysis in the MND with regard to impacts on rare plants, wetlands and adjacent residences.

7. Recreation

- IS/MND, Page 115. The discussion of impacts to Recreation should provide more detail about how the removal of the Haul Road would impact coastal recreational activities. The Haul Road is used by coastal residents and visitors to access this beautiful stretch of coastline. If the Haul Road is removed, visitors will likely traverse the sand dunes and stabilize dune faces with resulting impacts. One possible mitigation is for State Parks to dedicate an easement along the eastern edge of MacKerricher State Park to a land trust or Caltrans for the installation of a bicycle/pedestrian path.

Thank you for your consideration of these comments. If you have any questions, please don't hesitate to contact me at 707-961-1807.

Sincerely,

Marie Jones
Community Development Director

cc. City Council
City Manager
Abby Stockwell, Mendocino County Planning and Building Services
Rick Macedo, California Department of Fish and Game



Mendocino Coast Cyclists, Inc.

PO Box 742
Fort Bragg, CA 95437
www.MendoCC.org
... a pending 501c3 non-profit
www.MendoCC.org

June 3, 2013

Abbey Stockwell, Planner
Mendocino County Planning & Building Services
120 West Fir Street, Fort Bragg, CA 95437

RE: MacKerricher State Park Dune Rehab/Haul Road Removal (CDP #12-2012)

Dear Ms. Stockwell,

The Mendocino Coast Cyclists club strongly supports securing maintaining and restoring the MacKerricher Haul Road between Ward Avenue and Ten Mile River. We respectfully request that the portion of the dune restoration project description ("1: removal of asphalt and gravel base in three segments of the former Georgia Pacific Haul Road, totaling 2.7 miles") not be approved without a public process analyzing alternatives to its removal.

As we said in our letter to Major General Anthony Jackson in January, the MacKerricher Haul Road south of Ward Avenue is a huge recreational asset for Fort Bragg and surrounding areas. The opportunity to maintain and reconnect the neglected portions of Haul Road north of Ward should not be neglected. Visitors and locals alike could once again experience bicycling and walking along a beautiful portion of the Pacific Ocean, with nothing between them but dunes, vast expanses and the freshest air arriving from the west.

Currently, because of the million dollar restoration of the Pudding Creek Trestle, we are able to hike and bike 3.6 miles from the south Trestle parking lot to where the blacktop ends just north of Ward Avenue. If the remnants of the original Haul Road north of Ward Avenue were re-connected via a biking/hiking trail, riders and walkers would be able to enjoy an awesome wilderness experience of no cars, no buildings and no civilization all the way to the Ten Mile River, a distance of seven miles one way. This would be a beautiful and easy ride or walk for contemplation, exercise or to just get away from it all. No other city can offer such a complete get-away so close to downtown.

The extended trail would automatically become a part of the Pacific Coast Trail and the Pacific Coast Bicycle Route allowing hikers and bikers to avoid several miles of shoulder-less Highway 101. As time goes by such a natural, accessible experience becomes more and more difficult to find. We could have it here. Please help make Fort Bragg a destination for those who want to get away from it all, improve their health and peace of mind.

Mendocino Coast Cyclists encourages State Parks to analyze alternatives – via a public process – to the removal of the Haul Road north of Ward Avenue, including reconnecting the lost segments to the fullest extent possible so it may be enjoyed by walkers, runners, cyclists and equestrians and for many more years.

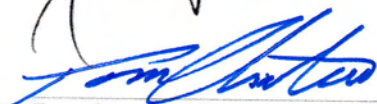
Please feel free to contact us if we can help in any way.

Sincerely,

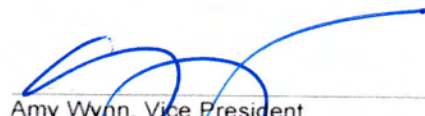
Mendocino Coast Cyclists Board of Directors



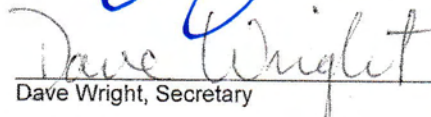
John Loudon, President



Tom Charters, Treasurer



Amy Wynn, Vice President



Dave Wright, Secretary

Encl: n/a

CC: Loren Rex, Superintendent, Mendocino County Sector; Noreen Evans, CA State Senator, District 2; Wesley Chesbro, CA State Assemblyman; Mendocino County Board of Supervisors; Visit Mendocino County, Chamber of Commerce; Tamara Gedik, CA Coastal Commission.



MENDOCINO
COUNCIL OF GOVERNMENTS

367 North State Street~Suite 206~Ukiah~California~95482

PHILLIP J. DOW, EXECUTIVE DIRECTOR

Telephone 707-463-1859

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August 20, 2012

Charles Fielder
Director of District 1
California Department of Transportation
P. O. Box 3700
Eureka, CA 95502-3700

Loren Rex
Superintendent of Mendocino District
California Department of Parks & Recreation
12301 N. Highway One – Box 1
Mendocino, CA 95460

Re: Designation of the State Parks Haul Road from
Ward Avenue at Cleone south to Elm Street in Fort Bragg
as a segment of the Pacific Coast Bike Route
in Mendocino County

Dear Director Fielder & Superintendent Rex:

We are asking the Department of Transportation (Caltrans) and the Department of Parks and Recreation (DPR) to work together to align the Pacific Coast Bike Route onto the part of MacKerricher State Park Haul Road that does not reside in a preserve, that is, the segment from Ward Avenue south to Elm Street in Fort Bragg.

Designating this trail section as the Pacific Coast Bike Route would ensure pedestrians and cyclists will have long-term enjoyment of 3.7 miles of high-quality Class I trail, if DPR agrees to work with other agencies to plan for the trail's repair and preservation. A high-quality Class I trail could be created there.

In 1976, California law established a Pacific Coast Bike Route along the length of California, part of a larger route that runs from British Columbia to Mexico. Each year, thousands of cyclists ride this route, passing through the Mendocino Coast.

Recognizing the Pacific Coast Bike Route's popularity with cyclists, MCOG and Caltrans are currently evaluating options to improve safety along the 105 miles that reside on State Route 1 in Mendocino County. One option to improve safety, suggested in these and other venues, is to relocate the Pacific Coast Bike Route onto Class I trails where possible. We agree.

Mr. Charles Fielder
Mr. Loren Rex
Page 2
August 20, 2012

If the Haul Road is designated as the Pacific Coast Bike Route, we see multiple opportunities to fund repairs and enhancements to this valued public asset, all phases from planning grants to construction dollars. We believe the County of Mendocino, the City of Fort Bragg, MCOG, and Caltrans all would be willing partners with DPR in planning and identifying funding opportunities to repair and enhance the Haul Road, so that the public can use and enjoy this route for many decades to come.

We feel this request is timely since DPR has received a \$395,000 grant to address hydrological changes at Lake Cleone, including traffic flow impacts, trail impacts, and issues of environmental concern. As this grant is scoped, we would like to see this project integrated with plans for the Pacific Coast Bike Route, and the need to provide ADA-compliant access to the north and south segments of the Haul Road at Lake Cleone.

As to the section of the Haul Road north of Ward Avenue, in the preserve, we encourage DPR to work with Caltrans to consider alternate trail alignments other than State Route 1.

Finally, we will appreciate your timely consideration of this important designation. Please do not hesitate to contact Executive Director Phil Dow for additional information regarding MCOG's interest and role in safety improvements for the cycling public, at (707) 463-1859.

Thank you for your consideration. We look forward to working with you and other agency partners to save and enhance this valued public asset.

Sincerely,



Dan Gjerde, Chair

jmo

cc: Jesse Robertson, Regional & Community Planning, Caltrans District 1
Fort Bragg City Council
Supervisor Kendall Smith and Mendocino County Board of Supervisors
State Assembly Member Wes Chesbro
State Senator Noreen Evans
Congress Member Mike Thompson

under the road surface has occurred (assuming such information would be presented) or adjacent to the road surface, speculation to the environmental possibilities cannot be mitigated, and the potential exists to expose not only workers but also nearby residents and California State Parks employees to possible exposure to airborne contaminants. The plan as presented further proposes the hauling and subsequent dumping of this excavated material to holding areas, potentially endangering residents along the routes and at the final destinations to exposure as well as the environments at these final locations. As the plan suggests that this material could be repurposed at numerous locations it seems that a full review of this potential issue must be investigated prior to the commencement of work. This is a serious concern which had not been addressed by this MND or the application; research shows that examples of this form of contamination have occurred around the globe.

- 3) As demonstrated in the report and shown on the included maps, there are two environmentally protected plant species that reside in large part only in close proximity to the haul road. It is possible that these plant species exist in this environment as a direct result of the protection and groundwater support provided by the ballast of this road surface, or the protection afforded by the ballast from natural forces (wind, burial, and erosion). On bluff outcrops and trails to the south near the southern boundary of the project area there appears to be a strong correlation between bedrock fracturing, rubble (shell mounds), or foot-trail collection of moisture and the presence of these endangered plants. Further to the north, where Haul road erosion has occurred, ballast remains now buried beneath sand and is also providing habitat for these endangered species.



Review of the material available in this MND fails to address any potential relationship between the occurrence of these plants or the possible damage which would occur to the largest known concentration of these endangered plants due to the destruction of the environment provided

by the haul road ballast and as such the removal of the haul roads effect on that habitat. Reference is made to the presence of non-natural road surface (asphalt, chip-seal), but removal of the associated road ballast, as suggested in 2) two above would be consistent with the destruction of habitat. As cited in CAL. PRC. CODE § 5019.71 "Habitat manipulation shall be permitted only in those areas found by scientific analysis to require manipulation to preserve the species or associations that constitute the basis for the establishment of the natural preserve". Since no scientific study of the actual subsurface environment necessary to support these endangered species is cited, and as results from the attempted growing of these endangered species is not reported, nor has it occurred in non-monitored environments, a significant threat to the existence of the species could occur as a result of the actions proposed in this MND plan. It would seem that a serious scientific study of this observation should be conducted prior to the removal of what could be the best habitat for these species, thus explaining the areal limit of these species in the area to be effected by this MND, and should be reported as part of any future document.

- 4) Review of the original survey documents(from the railroad survey circ. 1917) and currently available digital elevation modeling (NASA based products) shows that there has been an accretion approaching +/- 300 feet toward the shore line over much of the length of the rail line since it was originally surveyed in the project area. Due to the fact that logging at this time was in its infancy and minimal upstream erosion had occurred, it would seem to be an excellent starting point for reviewing the effects of both sand accumulation and invasive plant encroachment on the project area's topography, since the invasive plants would not yet have arrived in the area. Over most of the area the Haul road actually lies landward of the current lateral dunes created by the encroachment of non-native plants and over 350' from the mean



sea level line. Using elevation data for the Haul road and mean sea level as a reference it becomes easy to calculate what beach front slopes would be in the absence of the lateral dunes. Most of the slopes would be less than 5 degrees over 350' perpendicular to the shore, relatively flat by comparison to the areas to the south where endangered plants and birds have been mapped and or observed. It is therefore questioned why this road, which would act as a barrier to erosion of State Parks land and potential damage to landward properties should be removed, if removal of the invasive grass species alone has the desired effect on topography. It would appear to be a direct conflict with CAL. PRC. CODE § 5019.71 if removal of the haul road led to not only the destruction of the previously mentioned endangered species habitat but also the erosion of potential beach front habitat for endangered animal species.

- 5) The plan as submitted is broken into different parts, yet no timeline has been provided to show the expected completion date for each phase, the start date of the subsequent phase or the time period separating various phases for observation of results, leaving the casual observer to believe that this operation will be conducted with no review of the success or damage which may be occurring to the environment as a result of each individual part of the proposed operations.

While I am extremely supportive of the efforts of the California State Parks Department to preserve our natural heritage, it is also imperative that California State Parks Department should be held to the same or a higher standard that we would require of any private entity.

Eric Freeman
P.O. Box 2390
Mendocino, CA 95460

Report on Hazardous Waste in support of proposed Special Conditions 11a, 11b, and 11c of the proposed modifications of Coastal Development Permit #12-2012

This report is supplied by Eric Freeman as a rebuttal to the California State Parks MacKerricher Dune Rehabilitation Project Coastal Permit #12-2012, and as supporting documentation as part of the WMAC permit appeal.

I am a retired, formerly state-licensed Geophysical Engineer, with a degree in Geophysical Engineering (Tau Beta Pi) from the Colorado School of Mines, and over 32 years of experience in field. I have closely examined the documents and supporting documents contained in the INGLENOOK FEN – TEN MILE DUNES NATURAL PRESERVE Mitigated Negative Declaration (MND), and referenced documents available. I offer the following comments in rebuttal to information presented to the Mendocino County Coastal Permit Administrator by California Department of Parks and Recreation (CDPR) in support of permit #12-2012.

1) There is no known hazardous contamination of the area where the haul road is located, and there is no indication that the project area contains any hazardous waste, debris, or soils. However, it is possible that wooden structural elements or ties from the original rail line remain within the historic road alignment and make up parts of the road base and creek crossings. These materials may consist of pressure-treated wood, which contains several potentially hazardous materials (e.g., arsenic), or (Sic.) weatherproofed in some manner possibly with creosote, a human carcinogen. (MND pg. 95)

☐ **Rebuttal:** This statement is patently incorrect as it relates to known contamination of the area, and as to indications that the project area contains hazardous waste, debris, or soils. Creosoted wooden structural elements are plainly visible from the Haul Road on the ground and are stacked in the area, as are the remains of treated fence posts cut and left in contact with the surface in close proximity to both Inglenook Creek and Sand Hill Lake. While no in-place structural elements are now visible in locations where the Haul Road has eroded, pictures after the 1983 storm clearly show that such structural elements are present.



Hazardous Waste Report

Maps from the original installation of the rail line show location and information on the two trestles: One at Sandhills Lake – 165 feet long with 11 Bents, and the second at Inglenook Creek - 463 feet long with 30 Bents, which still remain beneath the asphalt surface. Because it was built as a logging branch, this rail line was not subject to regulation under the Interstate Commerce Act or by the California Public Utilities Commission. The railroad was just an extension of the lumber milling process. Ground-penetrating radar summaries acquired from bid documents also indicate the potential for additional buried objects, and what is assumed to be sand, but may actually be flyash.

6.0 SUMMARY

Based on our interpretations of the GPR data obtained at Locations 1 through 12 and along Lines L1 and L2, the road varies in width from about 16- to 20-ft and the road base ranges in thickness from 0.5- to 1.4-ft. Beneath the road base, the ballast material is approximately 0.4- to 4.1-ft thick. The GPR data also suggests that the composition of the ballast is probably highly variable throughout the length of the road. The fill beneath L1 and L2 ranges in thickness from 2- to 5-ft along Line L1, and 3- to 7-ft beneath Line L2. Based on the history of this road and evidence in the field, the fill beneath L1 and L2 may contain gravel, ballast, and larger cobbles and rock. However, the GPR data also suggests that the base may consist of dune sand. In addition to these findings, the GPR defined evidence that there may be additional buried objects beneath the sides of the road. These include objects associated with past uses of the right-of-way, such as discarded railroad ties and/or former utilities, or with natural objects such as trees and wood debris. Table A below summarizes the interpreted width of roadway materials and average material thickness for each GPR profile location.

Railroad ties which are currently exposed (off the Haul Road to the east on CDPR managed property, and in close proximity to Inglenook Creek) can be traced on aerial imagery back to 2002, when it appears they may have been uncovered by sand movement. Earlier satellite images and California Coastal photography fail to identify them, showing only sand mounds at their location. Photos from July, 2013 and reproduced low-angle aerial photos on the next page show the location of this pile relative to Inglenook Creek. Vegetation growing from the pile provides an idea as to the length of time it has been exposed. This material was plainly visible during the time the area was examined for the various different reports cited in the MND; however no action was undertaken to remove the waste, in direct violation of Federal and State Hazardous Material Codes.

In addition to the visible railroad ties below, there are large amounts of scattered fence posts which have been sawed off and left in direct contact along the length of the post with the surface. It is believed these posts were sawed and left as part of a predatory bird control operation by CDPR or an organization working with CDPR, in an effort to remove perching points for ravens and other known predators of the Western Snowy Plover. These fence posts and creosoted ties are from an era when the primary treatment included arsenic, copper, chromium, or creosote: These substances can show high fish-toxicity, in addition to being categorized as listed below:

(40 CFR Parts 261): Pentachlorophenol is F032. Creosote is F034. Treated wood with arsenic or chromium is F035.

Hazardous Waste Report



Treated Wood visible on the ground surface in Project area.

Hazardous Waste Report

The handling of these materials is controlled by:

§ 67386.4 Handling Requirements

Treated wood waste shall be handled in accordance with all of the following requirements:

- (a) The treated wood waste shall be managed so as to prevent scavenging.
- (b) The treated wood waste shall not be disposed of, except as allowed pursuant to section 67386.3.
- (c) The treated wood waste shall not be burned, recycled, reclaimed, or reused, except in accordance with the applicable requirements of chapter 6.5 of Division 20 of the California Health and Safety Code.
- (d) The treated wood waste shall not be stored for more than 90 days and, when stored, is protected from run-on and run-off, and placed on a surface sufficiently impervious to prevent contact with and any leaching to soil or water.
- (e) The treated wood waste shall not be mixed with other wood waste prior to disposal.
- (f) The treated wood waste shall be handled in a manner consistent with all applicable requirements of the California Occupational Safety and Health Act of 1973 (Chapter 1 (commencing with Section 6300) of Part 1 of Division 5 of the Labor Code), including all rules, regulations, and orders relating to hazardous waste.

The Department of Toxic Substances Control (DTSC) sampled and analyzed three types of treated wood pursuant to California Code of Regulations (Cal. Code Regs.), Title 22, Section 66262.24. Wood is typically treated with chemical preservatives to improve its durability. Arsenic, chromium, copper, pentachlorophenol, and creosote are all used as preservatives in wood. Unfortunately, these chemicals are also known to be toxic or carcinogenic, and certain levels of exposure to these chemicals can pose serious risks to human health and the environment. The Department of Toxic Substances Control (DTSC) has completed a study of chemicals found in treated wood in order to properly manage wood waste. The results of this study show the toxic characteristics of selected copper-based treated wood products and out-of-service creosote-treated railroad ties.

Wood products treated by ACQ-C and CA-B contain high level of copper, which exceeds California Total Threshold Level of Concentration and Soluble Threshold Level of Concentration regulatory criteria. Therefore, wood products treated by ACQ-C and CA-B have the potential to be a California hazardous waste when disposed.

Creosote-treated railroad ties contain materials toxic to fish. Sampled out-of-service creosote-treated railroad ties have the potential to fail the California regulated acute aquatic 96-hr LC50 bioassay. Therefore, out-of-service creosote-treated railroad ties have the potential to be a non-RCRA hazardous waste when disposed.

Hazardous Waste Report

The determination of whether treated wood waste is hazardous waste should be conducted in accordance with the California Code of Regulations (Cal. Code Regs.), Title 22, Division 4.5, Chapter 11. It is the generator's responsibility to determine if a waste is a hazardous waste. The generator must determine if the waste exhibits hazardous waste characteristics by testing the waste according to the approved methods, or applying knowledge of the hazards characteristic of the waste in light of the processes that the materials have undergone. This study did not try to classify any individual waste stream. Although waste classified as hazardous is generally subject to uniform regulatory management requirements (Cal. Code Regs., Title 22, Chapter 12 through Chapter 20), DTSC developed alternative management standards for treated wood waste (Cal. Code Regs., Title 22, Division 4.5, Chapter 34) that adjusted for the unique circumstances associated with treated wood waste. Treated wood waste that is removed from utility services, or classified as Resource Conservation and Recovery Act (RCRA) hazardous waste, is not eligible for the alternative management standards.

Additional concern exists because CDPR intends to remove the Haul Road and Railroad ballast without any prior testing, subsequent to either spreading it on road surfaces in the Ten-Mile River Watershed (CDP# 12-2012), or placing it in the Big River Quarry, in close proximity to the Big River Watershed (CDP# 12-2012, MND). In addition to airborne dust (from excavation operations and potential sifting operations to recover ballast or asphalt suitable for surface road use), this material, if transported to Big River Quarry, will travel on Highway 1 through the towns of Inglenook, Cleone, Fort Bragg, Caspar, and Mendocino.

This concern stems from three actions undertaken in the region by Cal/EPA all related to previous operations associated with the Fort Bragg Mill. :

- 1) Flyash from the mill dating from 1986 onward was land farmed and showed high concentrations of dioxin.
- 2) The DTSC investigated the CNW railroad (Skunk train) for the burning of creosoted rail ties and improper storage of ties. The result showed apparent elevated levels for metals, polycyclic aromatic hydrocarbons and dioxin.
- 3) The GP Mill site itself has been the site of ongoing cleanup activities associated with dioxin, polycyclic aromatic hydrocarbons, and PCB.

These related local discoveries are reason enough for concern, even before consideration of the potential pollution caused by the operation of an unregulated rail line, and all the hazardous materials routinely generated in the operation of these types of properties.

Prior to 1986, documentation as to the handling of flyash at the GP Mill is unavailable, although the plant was responsible for generation of power for its own use, as well as the city of Fort Bragg, from the early 1930's onward.

The Haul Road was constructed over a mere twenty-one days in 1949, including the removal of the existing rail lines. Ballast, trestles, and some ties are known to have been left behind. Thus the

Hazardous Waste Report

potential that stored flyash and other disposables/refuse, as well as ties themselves, may have been buried as fill at trestle locations, or used as fill needed to expand the railroad grade to the new road grade, exists. Disposal practices during this time are known to have been less than environmentally sound.

Currently the most common solution is sequestration; either in place, or at a certified landfills, unless toxic levels are too high.

No plan exists to properly dispose of the wood waste material, which is toxic, or the ballast, if it does prove to be hazardous. This is an unacceptable approach based on negligent pre-construction investigation that must be remedied to ensure risks to public health, workers, and the environment are addressed. In addition, no consideration or planning exists for the potential introduction of invasive plants at disposal sites or the back-transport of invasive species to the project area.

As shown above and via presentations from other concerned citizens, these issues, and other environmental issues raised by the public to date, and as raised by the general public during the comment period for the MND, were either not addressed or not adequately addressed by CDPR, thus: CDPR has violated Public Resources Code section 21080, effective September 16, 1983, and California Administrative Code, title 14, section 15070, promulgated effective August 1, 1983:

"The existence of serious public controversy concerning the environmental effect of a project in itself indicates that preparation of an EIR is desirable. One major purpose of an EIR is ... to demonstrate to an apprehensive citizenry that the agency has in fact analyzed and considered the ecological implications of its action." (No Oil, Inc. v. City of Los Angeles, supra, 13 Cal.3d 68, 85-86, 118 Cal. Rptr. 34, 529 P.2d 66, fn.deleted.)

This principle is now codified in California Administrative Code, title 14, section 15064, subdivision (h) which provides: "In marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the lead agency shall be guided by the following factors: (1) If there is serious public controversy over the environmental effect of a project, the lead agency shall consider the effect or effects subject to the controversy to be significant and shall prepare an EIR."

It is requested that the County Board of Supervisors adopt:

Special Condition 11(a). [New]: Before the initiation of any project activities, a licensed industrial hygienist shall sample the waters in Fen and Inglenook creeks, and downstream from the culverts, as well as buried soils under the haul road to test for the presence of hazardous waste and toxic substances. Soil sampling shall include at least two locations at each stream crossing and additional samples at no less than one-quarter mile intervals along any sections of the road that will be removed or uncapped. The resulting report shall include an action plan that addresses material handling procedures, worker safety training, and disposal requirements for hazardous wastes subject to project disturbance. If buried hazardous wastes are present at levels that pose threats to workers, the public, or the environment, the action plan shall address how excavation and disposal must proceed. The report and action plan shall be approved by the California Department of Toxic Substance Control (DTSC) and the Mendocino County Department of Planning and Building Services (PBS) prior to implementation.

Hazardous Waste Report

Special Condition 11(b). [New]: CDPR shall remove all hazardous materials presently exposed on the ground surface in the Preserve, including a large stockpile of ties present in the interior dunes south of Inglenook Creek. Removal of those contaminated surface materials shall be done in conformance with the action plan in Special Condition 11(a).

Special Condition 11(c). [New]: One year after remediation is completed pursuant to the approved action plan in Condition 11(a), the two streams shall be sampled for residual toxins, with the results reported to CDTSC and the Mendocino County PBS.

REFERENCES CITED

Michael Petruska: Chief, Waste Treatment Branch April 15, 1996

BEST DEMONSTRATED AVAILABLE TECHNOLOGY (BDAT) BACKGROUND DOCUMENT FOR WOOD PRESERVING WASTES F032, F034, AND F035 U.S. Environmental Protection Agency

http://www.epa.gov/osw/hazard/tsd/ldr/wood/bdat_bd.pdf

U.S. Environmental Protection Agency, Office of Solid Waste. SW-846 Test Methods for Evaluating Solid Waste. 3rd Ed., Volume 1B, Washington, D.C., U.S. Environmental Protection Agency. November 1986. (PB 88-239223)

<http://www.epa.gov/epawaste/hazard/testmethods/sw846/online/index.htm>

40 CFR Parts 261, 266, 268, and 271

<http://www.wbdg.org/ccb/EPA/40cfr261.pdf>

California Public Resources Code Sections 21080-21098

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=prc&group=21001-22000&file=21080-21098>

Report on Sand Movement (Erosion) in support of proposed Special Conditions 9g, 9h, and 9i of the proposed modifications of Coastal Development Permit #12-2012

This report is supplied by Eric Freeman as a rebuttal to the California State Parks MacKerricher Dune Rehabilitation Project Coastal Permit #12-2012, and as supporting documentation as part of the WMAC permit appeal.

I am a retired, formerly state licensed Geophysical Engineer, with a degree in Geophysical Engineering (Tau Beta Pi) from the Colorado School of Mines, and over 32 years of experience in field. I have closely examined the documents and supporting documents contained in the INGLENOK FEN – TEN MILE DUNES NATURAL PRESERVE Mitigated Negative Declaration (MND), and referenced documents available. I offer the following comments in rebuttal to information presented to the Mendocino County Coastal Permit Administrator in support of permit #12-2012 by California Department of Parks and Recreation (CDPR).

The Ten- Mile River dune system is located in MacKerricher State Park (Mendocino County). Beginning in the mid-19th century and by the end of the 20th century most of the Ten- Mile River watershed had been logged and re-logged. Heavy erosion followed this deforestation, and through the process of littoral drift, sediments from the watershed caused a dramatic increase in sand supply to the rivers, ocean, and thus the dune system (relative to pre-development levels). In the 1920s, Highway 1 was inundated with sand in this area and had to be realigned. The shoreline accreted sand seaward, and by the 1950's the dunes were relatively stable. Off-road vehicles became popular, and by the 1970's extensive off-road vehicle use led to renewed landward dune movement. Numerous existing riparian swales were inundated; but in some cases vegetation was able to grow faster than it was being buried, eventually ending up on dune crests,; thus slowing the inward movement of sand. Almost every sand particle present today in the dune system made its way down the river, into the ocean, onto the beach, and across the beach to end up in its current location. Therefore an original "natural" condition in respect to these dunes cannot exist without transporting every single grain that experienced human induced erosion back to its original location in the watershed.

The size of a dune is mainly a function of sand supply: the larger the supply from the beach, the higher the dunes. Prevailing wind directions (NW, SW), beach width, longshore current, and time available to build a dune are part of the sand supply picture. Most important however is the sand availability. Sand dunes are eroded by the wind remobilizing sand and blowing it off of the dune, a process known as deflation, and by wave action in the nearshore environment.

The most common deflation feature is the blowout, a depression with a topographically flat floor, which lies below the elevation of the adjacent dunes. Blowouts are flat-floored because sand is blown away until the surface reaches the water table. The wet sand resists being blown away and the surface can become vegetated creating wetland areas. The faster the wind, the bigger the sand sizes that can be picked up and moved. The winnowing of light sand grains leaves behind a dark layer of heavier minerals.

Dune grass stabilizes the sand in which it is growing and the way the grass spreads will affect the shape of the dune. As a result of the clustering nature of some grasses, dunes that are dominated by this grass type may have gaps or overwash passes; other grass types may allow fewer gaps, forming long lateral foredunes. Lateral foredune beach ridges prevent or reduce storm overwash, except in the largest storms.

Once grasses stabilize the dune line, additional plants take hold, particularly on the more protected landward side of the dune. Plants on and near beaches may need varying degrees of protection from wind and salt spray. Under natural conditions, the types and density of vegetation are indicators of the age and length of stability of dunes. Grasses may be established within a season, but shrubs may take 10 to 20 years to become established. Thus by reviewing current vegetation we can achieve some idea of beach dune stability.

There are many points to make relative to sand movement and the Ten Mile Inglebrook Fen MND, which this permit appeal process addresses. The following are selected rebuttals to comments within the MND, or supporting documents, with the corresponding requested permit actions sought by this appeal. These requested permit actions have historical county or statewide legal basis, and are cited from legal opinions such as:

SUNDSTROM v. COUNTY OF MENDOCINO

Robert T. SUNDSTROM, Plaintiff and Appellant, v. COUNTY OF MENDOCINO et al.,

Defendants and Respondents. Harold K. MILLER, Real Party in Interest.

202 Cal.App.3d 296, No. A038922. Court of Appeal, First District, Division 1, California.

June 22, 1988.

>1) Removal of the road and culverts, in conjunction with the removal of non-native vegetation on the windward side of the road, will eliminate the barriers to natural sand movement within the Ten Mile Dunes. (MND pg. 15 Sand Grain Analyses MacKerricher State Park Trinda L. Bedrossian, PG 3363, CEG 1064, CPESC 393 Senior Engineering Geologist, Specialist California Geological Survey)

☐ **Rebuttal:** Removal of beachgrass will indeed eliminate a barrier to sand movement and thus increase sand movement (erosion). However, there is little evidence that the road and culverts are a barrier to sand movement.

Rather, there is a great deal of risk that undesirable consequences will far outweigh any benefit from beachgrass, road and culvert removal: Inland sand movement, environmental hazards associated with removal of untested ballast, the burial and destruction of endangered plants and endangered plant habitat, the increased exposure to inundation with seawater (and its effects on both plants and topography), and the introduction of both non-native material and non-native plants at proposed disposal sites - including Big River Quarry - via the transport and spreading of recovered Haul road-surface and ballast. Another highly-probable unintended consequence is the accidental introduction of new potentially invasive flora (Pampas Grass is a prime example) and fauna transported back from proposed disposal sites to the Ten Mile-Inglebrook Fen Preserve.

These consequences are not addressed by the MND, thus there is no proposed mitigation. This appears to be not only a violation of the Big River Watershed Restoration MND procedures, but also risks transport and introduction of non-native material and non-native plants to areas outside of the current scope of the Ten Mile-Inglebrook Fen Preserve.

Until native vegetation can be established after beachgrass removal, much of the available sand will move landward, filling wetlands and resulting in both increased dune movement and dune height in the backdune environment. These effects can already be seen using available satellite images acquired before and after non-permitted beachgrass removal projects. These effects will be shown in a PowerPoint presentation.



Haul Road black line Base image 2013 Terra Metrics
Beach and sand dune extents in brown from 1956 aerial image

>2) **The presence of the road (including the Ten Mile Railroad) and culverts within the project area has prevented the natural formation of foredunes along Ten Mile Dunes for more than 100 years. As documented in detail by Maslach (2004) and Wollenberg (2004), sand has continued to build up along the majority of the west side of the road. This, in effect, has created one long transverse dune on the windward side of the road, and an equally long deflated area east of the road, except where disrupted by the drainages of Inglenook Creek and Fen Creek. (MND pg. 14 Sand Grain Analyses MacKerricher State Park Trinda L. Bedrossian, PG 3363, CEG 1064, CPESC 393 Senior Engineering Geologist, Specialist California Geological Survey)**

- ☐ **Rebuttal: from the MND:** A review of aerial photographs taken between 1981 and 2010 (CDF, 1981; WAC, 1996 and 2000; USDA, 2010) indicates relatively minor changes have occurred in vegetation cover and drainage patterns along the road during the past thirty years. Vegetation appears to be more well-established farther inland within the northernmost dune lobe than it was in 1981. However, there appears to be less vegetation immediately adjacent to the road than in 1996, both in the northern and southern lobes of the dunes. This may be related to: (1) the accretion of sand and/or the recent removal of non-native vegetation on the west side of the road in the northern lobe of the dunes, and (2) the partial removal of the road itself due to wave action in the two southernmost lobes, particularly during the 1998 El Nino storm events (Lewis, 1998). (From MND pg. 14 Sand Grain Analyses, MacKerricher State Park Trinda L. Bedrossian, PG 3363, CEG 1064, CPESC 393 Senior Engineering Geologist, Specialist California Geological Survey)
- ☐ **Rebuttal:** Review of photographs from the California Coastal Records Project from the years 1972 and 1979 show that in areas not affected by continuous beachgrass accumulation at that time, minor foredunes were present primarily in the shadow of driftwood along the shoreline west of the haul road, and in the wind shadow of isolated patches of native vegetation, or beachgrass that had not yet coalesced into a beach ridge. Sand coloration allows tracking of deflation paths (denser dark minerals are less capable of wind borne transport) between these initial foredunes: These initial foredunes appear unaffected by the presence of the then-intact Haul Road. Observation shows that early beachgrass density is coincident with proximity to sand sourcing and thus availability (i.e. near the river, northern area), and appears to have initially been present nearest the Haul Road. The primary source of sand accretion is not the Haul Road, but rather beachgrass introduction and subsequent spread, primarily west of the Haul Road initially.



1979 photo Inglenook creek



2002 Inglenook creek

>3) A comparison of photographs of the Ten Mile foredunes from pre-1980 through 2011 demonstrates the effect of European beachgrass on dune structure. Figure 3 BIO-01, a photograph taken in 2001, shows the steep seaward dune faces formed from *Ammophila* growth. Figure 3 BIO-02 is a photograph from several decades earlier, showing a low- to non-dune profile in the absence of *Ammophila* (MND pg. 55).

- ☐ **Rebuttal:** As demonstrated in the second rebuttal (above), these photos indicate that the original rail line and the subsequent haul road - both of which were constructed at or slightly above the original ground surface - have had little to no effect on dune creation west of the haul road, despite being present during periods of maximum

upriver deforestation and subsequent sand availability. The major agents in lateral foredune formation (beach ridges) have been the introduction and spread of beachgrass and the downstream migration of sediment loads from deforestation during flooding events (sand availability).



Figure 3. BIO-02 (left): Ten Mile Haul Road, pre-1980, prior to European beachgrass invasion, and **Figure 3. BIO-03** (right) demonstrating recovery of dune mat vegetation in 2011 following removal of beachgrass
Historic photo printed with permission from the collection of the Fort Bragg – Mendocino Coast Historical Society.

Photos from MND

> 4) **Areas formerly dominated by European beachgrass, now comprised of elements of native dune vegetation types (e.g., dune mat plant associations), maybe considered as sites for the implementation of compensation measures for project impacts on native vegetation or special-status plant species. Beachgrass removal, as part of the project, will represent partial compensation for impacts rendered to native vegetation within the project area, and rehabilitation of habitat from *Ammophila*-dominated stands to native vegetation cover will be implemented, monitored, and evaluated as one component of the project Mitigation, Monitoring, and Restoration Plan (Appendix E.2) and its objectives. (MND pg55)**

☐ **Rebuttal:** While the current project seeks permitting for beachgrass (*Ammophila*) removal as a portion of the current project, beachgrass removal – including the use of herbicides, has occurred sporadically over the last 20 years without permits, or environmental reporting, or monitoring, or mitigation. Without any mitigation for this previously non-permitted removal (such as the replanting of native species currently envisioned as mitigation), and without any monitoring or evaluation, or an environmental study of the results from that non-permitted removal, it is impossible to predict with any assurance the results of the current proposal. Rather, the current project permit request starts from a time point that is a direct result of previous non-permitted actions, without consideration for the loss of habitat and the effect on animals, plants, and local communities incurred to date by the previous non-permitted activities. Previous actions by CSP, such as the non-permitted removal of beachgrass, and the effects of Haul Road removal due to neglect and acts of nature, have not been studied - despite CSP's own General Mitigation Plan Goals below (fig1.from MND):

Figure 1. A diagram illustrating the components of the adaptive management process.



General Mitigation Plan Goals

The goals of this mitigation, monitoring, and restoration plan are as follows:

>5) Natural coastal dune formation processes are likely to be re-established, including the formation of foredunes perpendicular to the shoreline along the west side of the three main dune lobes. (MND pg. 15 Sand Grain Analyses MacKerricher State Park Trinda L. Bedrossian, PG 3363, CEG 1064, CPESC 393 Senior Engineering Geologist, Specialist California Geological Survey)

☐ **Rebuttal:** Analysis of post-1983 El Nino aerial photographs shows no generation of significant lateral foredunes in areas west of Haul Road remnants, where the haul road has been absent for over 30 years, and beachgrass has been minimal to nonexistent.

Embryonic transverse dunes perpendicular to the Haul Road are present in some areas to the north where beachgrass had been previously removed, however these initial transverse dunes now suffer less sand availability for dune building, due to better foresting practices in the Ten Mile river watershed since the 1950's, and the partial flushing of accumulated sand stored in the river during the El Nino events of 1964, 1983, and 1998, and the lack of reintroduction of native plants.

Additionally, the successful non-permitted removal of beachgrass in some areas has changed the local topography and thus the wind patterns, leading to the landward transport of previously beachgrass-sequestered sand; this is in essence, erosion. This erosion and sand movement has resulted in the burial of endangered plant

species and wetlands inland, and an influx of sand to the back dunes resulting in increased sand dune movement and sand dune height.

>6) As a result of these natural processes, more sand is likely to blow inland (nearshore) over the short-term, especially in the northern lobe.(MND pg. 15 Sand Grain Analyses MacKerricher State Park Trinda L. Bedrossian, PG 3363, CEG 1064, CPESC 393 Senior Engineering Geologist, Specialist California Geological Survey)

☐ **Rebuttal:** Analysis indicates this statement is true not only for nearshore, but also for inland dunes, as wind patterns change in response to the removal of beachgrass and storm surges alter the foredunes. For the previously beachgrass-stabilized foredunes west of the Haul Road where beachgrass has been removed through non-permitted activities to date, and as perpendicular foredunes form behind beachgrass remnants and natural vegetation/debris, swales must also form where beachgrass has been removed; this will result in the landward movement of previously beachgrass-encapsulated sand present in these deflation tunnels, which will then be inundated by storms and turn into overwash passes.

Once grasses stabilize the dune line, additional plants take hold, particularly on the more protected landward side of the dune. These plants need varying degrees of protection from the wind, salt spray, and sand movement to survive. Under natural conditions, the types and density of vegetation are indicators of the age and length of stability of dunes. Grasses may be established over short periods of time while shrubs can take 10 to 20 years to become established.

>7) The addition of sand will change the configuration of the dunes as they migrate to the east (i.e., additional transverse dunes could develop and/or grow in height farther inland), the nature of the vegetation, and the drainage patterns throughout the dunes. (MND pg. 17 Sand Grain Analyses MacKerricher State Park Trinda L. Bedrossian, PG 3363, CEG 1064, CPESC 393 Senior Engineering Geologist, Specialist California Geological Survey)

☐ **Rebuttal:** Analysis indicates this statement is also true both nearshore (erosion) and inland (dune building) as wind patterns change in response to the removal of beachgrass-stabilized dunes, foredunes west of the haul road will also change in configuration and size. Areas with established vegetation will see less dramatic effects than those exposed to unbroken wind patterns.

>8) Drifting sand has provided substrate for establishment of dune mat along approximately 30% of the remaining length of road in the Preserve. Along with nascent dune mat forming on sand drifts across the road, a considerable area of this alliance could be directly affected – crushing or removal of individual plants, burial, and so on – by project activities along either side of the road. Up to about 30 acres of dune mat has been estimated for potential project-related impacts, although the actual area affected is likely to be much less. (MND pg. 59)

☐ **Rebuttal:** This statement supports rebuttal contentions and observations that the Haul Road prior to beachgrass invasion and natural removal (via storm damage), and that the Haul Road, is not an obstacle to sand migration, as sand is currently accumulating across it.

>9) Manual removal of European beachgrass comprises a significant portion of the project proposal. As demonstrated in areas cleared of beachgrass to date, the beachgrass alliance displaces native plant communities, especially those nested in the broad *Abronia latifolia*—*Ambrosia chamissonis* Alliance. These native-plant

dominated alliances recover rapidly upon removal of *Ammophila*. Losses of small portions of native plant alliances during haul road de-construction will be compensated through the restoration of natural dune-forming processes and the eventual recovery of native plant communities. (MND pg. 55)

- ☐ **Rebuttal:** It has not been shown in the MND that this “eventual recovery” has actually occurred in areas where beachgrass has been previously removed by non-permitted activities. No reports have been included that offer any support for this recovery, or that detail the extent or geographic placement of native plant communities at any time prior to beachgrass invasion, Haul Road destruction from natural forces, or prior to non-permitted beachgrass removal efforts.

>10) Along the haul road edges, typical dune mat species composition has been modified by several non-native herbaceous species, including silver European hairgrass (*Aira praecox*), riggut brome (*Bromus diandrus*), brome fescue (*Festuca bromoides*), stork’s bill filaree (*Erodium cicutarium*), rough cat’s-ear (*Hypochaeris radicata*), California burclover (*Medicago polymorpha*), English plantain (*Plantago lanceolata*), and four-leaved allseed (*Polycarpon tetraphyllum*); Howell’s spineflower (*Chorizanthe howellii*) also grows in abundance along the haul road edge in gaps between active sand drifts. This local weedy vegetation zone in the haul road edges tracks the local pattern of contamination of dune sand by fine sediment and soil imported with the road base. These weeds are normally excluded by dune sand substrate properties (MND pg.58)

- ☐ **Rebuttal:** This statement supports contentions that Introduction of non-native material and non-native plants at fill disposal sites (Big River Quarry) and any other sites via the transport and spreading of recovered Haul road surface and ballast, will result in the spreading or introduction of non-native species. Such undesirable outcomes are not addressed by either the MND or listed mitigations, and appear to be not only a violation of the Big River Watershed Restoration documents, but also CSP policies as to non-native plant introduction. (Due to risks inherent in the transportation and introduction of non-native material and non-native plants to any area outside of the current Ten Mile Dunes –Inglenook Fen Preserve project.)

It is hard to envision a ninety-six-year seed bank in the rail ballast or a sixty-four-year seed bank in road gravel surviving under asphalt! While these plants may be nurtured by physical conditions present near the Haul Road, or by fine accumulation or seed accumulation in road bed ballast, there is little to no evidence that they were imported by inclusion in the original gravel fines. This local weedy vegetation zone also includes a federally endangered species: **Howell’s spineflower (*Chorizanthe howellii*)**. This comment, if intended as written, suggests that somewhere there is an unidentified population of Howells spineflower in an active or inactive quarry.

This item also suggests a serious need for further review or permit consideration as it opens a point of not addressed in the MND or permit planning review: No consideration was given to the movement of material from the area acting as a transport mechanism for the introduction of non-native vegetation into areas outside the covered MND area, thus no mitigation was envisioned for these actions. And conversely no provisions are made for introduction of invasive plants back into the project area on equipment returning from outside the project area which could back-transport invasive species, such as pampas grass, from the Big River disposal site.

>11) A NOTE ON THE CONCEPTUAL APPROACH FOR THIS PLAN

Beyond the development of a plan that specifically prescribes measures through which to compensate for potential damage or losses of individual rare plants or their habitats (i.e., this mitigation plan), this document represents both a prologue to a broader scaled, long-term effort to sustain the ecological conditions in which these plants grow, as well as the start, perhaps, of another chapter in the Preserve's ecological history. In the recent history of the Preserve, planning and management actions have aimed to rehabilitate and maintain both form and function of its ecosystems. These actions include establishment of the Preserve in 2001 in order to protect its unique environmental and biotic assets, prior campaigns to reduce and eliminate encroachments of human construct and non-native plants, the development of an overall Preserve management plan, and the current road- and European beachgrass-removal proposal and attendant mitigation measures. We intend that the provisions of this plan are consistent with prior planning and management actions, and conducive to improving and maintaining optimal ecological structure and functions throughout the Preserve.

While this specific plan addresses the need for "mitigation" measures applied to sensitive biotic elements that may sustain Project-related impacts, we also aim to establish a comprehensive and holistic, process-oriented approach to Preserve ecosystem management. We are not so interested in mitigation measures formulated to satisfy regulatory quotas or to achieve strictly numerically based objectives as we are in providing for the rehabilitation and maintenance of the entirety of the Preserve's ecology. We aim to work with existing environmental conditions rather than force rigid or contrived solutions into places and habitats where they won't work.

With a more broadly scaled approach to "mitigation" in mind, this plan is developed within a conceptual context of adaptive management: the application of repeated cycles of objective (quantifiable results) formulation, task implementation, monitoring, evaluation, and response to changing ecosystem conditions. The cyclical design of the adaptive management process can be considered an approach to understanding the dynamic state of the Earth, from a human perspective of both uncertainty and curiosity. We will move forward with this uncertainty and curiosity, perhaps to learn some small part of what the Earth has to teach us. (MND)

- ▣ **Rebuttal:** No one could agree that the provisions of this plan are consistent with prior planning and management actions, because those actions have taken place in an unregulated, unmonitored, and unmitigated manner, lacking permits or technical review of the results obtained. Without demonstrated results, it is impossible to know if these actions have been conducive to improving anything; however it is demonstrable that they have resulted in many negative impacts both to the environment and adjoining landowners.

While CEQA requires public agencies to monitor the implementation of mitigation measures, it does not require the agencies to evaluate the effectiveness of these measures.

Summary

Review of remote sensing images and historical photos with an unbiased geological viewpoint, shows that the Haul Road has not been an impediment to normal sand movement in the area. Areas where the Haul Road has been removed by storms may have acted as a levee to saltwater encroachment while in place, but no longer serve that

purpose. The Haul Road was the major artery for transport of timber and supplies out of the Ten Mile river watershed sand covering the Haul road does not appear to have been a major issue prior to European beachgrass introduction.

Since introduction and spread of European beachgrass, continual sand accumulation has resulted in the creation of lateral beach ridges. Removing European beachgrass now without compensating for this removal by the introduction of native vegetation capable of slowing deflation of these sand ridges will result in the release of most of the impounded sand. This sand will move in the downwind direction (SE) initially infilling areas in the deflation plane (wetlands), and subsequently moving eastward into the backdune area, and eventually onto neighboring properties. Most of the immediate damage has been caused by the unpermitted, unmitigated removal of European beachgrass resulting in an ongoing major erosion event. This sand would have moved in the same manner naturally although at a slower rate, which would have allowed the recovery of plants now being buried as the initial waves of sand move across the remaining Haul Road. In areas further to the south where the Haul Road was removed in the 1983 storm and no subsequent plantings occurred, there is little evidence that lateral transverse dunes have formed and the area is now one massive overwash pass with the predictable shoreline erosion that accompanies due to sand supply diminishing at the same time .

Removal of the Haul Road is thus a thinly veiled attempt to remove a human construct and thereby diminish access at the expense of our local human communities, endangered plant communities, and offset property owners.

The main question one should ask is, “Why has CSP waited so long to act on this issue with such apparent immediacy when the effects would have been greatly diminished by not allowing more than twenty-five years of additional sand and European beachgrass accumulation to have occurred (thus increasing treatment areas and costs) since being granted stewardship of this area?” The Haul Road, the last piece of affected property relative to European beachgrass removal efforts, was acquired in 1992. The Pacific coast population of the Western Snowy Plover (*Charadrius alexandrinus nivosus*) was first listed as threatened under provisions of the Endangered Species Act in 1973, and is the primary reason offered by CSP for their immediate need to enact this massive erosion project now.

Therefore in large part the problems being addressed today are a construct of CSP’s own earlier failure to address environmental issues as the custodian of the public’s lands.

Proposed Erosion Control Special Conditions:

Special Condition 9(g). [New] To stabilize soils disturbed and denuded by invasive plant eradication activities and road demolition, native species will be planted as seedlings (perennials) or viable seed (annuals) within one month of removal of that exotic vegetation or the cessation of other direct ground disturbance by other construction activities. Eradication of exotic plants shall be phased over a 5-year period to limit soil erosion, with no more than 15 acres eradicated or retreated per calendar year. The removal of invasive species shall be scheduled to ensure the best prospects for the success of the replanting program. All areas that are or have been denuded shall be replanted with native species to achieve a nominal 25% ground cover. This special condition is extended to cover those areas already suffering erosion from the previous unpermitted and unmitigated operations already conducted in order to slow the already induced erosion from those actions.

Special Condition 9(h). [New] Sand migration into wetlands, landward vegetated swales, and neighboring properties will be monitored at one year intervals for a ten year period to facilitate adjustment of the invasive plant removal process and measurement of the success of efforts to reestablish native plants and trees. If the replanting program fails to colonize plots denuded of exotic plants with at least 25% native vegetative cover in a given year, replanting shall occur each successive year to ensure that nominal coverage is achieved.

Special Condition 9(i). [New] A bond or other surety in the amount of two million dollars(\$2,000,000) shall be established to compensate neighboring property owners for sand encroachment that results in a demonstrable loss of use or devaluation of their property for the 10 years following commencement of the project. A compensation process shall be established in writing, and provided to Mendocino County and all adjacent private property owners, prior to initiating any ground disturbing activities, including, but not limited to invasive plant eradication.

Consideration of the WMAC Alternate path option greatly diminishes or removes the need for a Special condition to cover the removal of non-native material, and non-native plants from the project area with the potential to introduce these invasive plants into other areas, and the back transport of invasive from disposal areas back into the project area. This an unrecognized and unmitigated problem.

EVALUATION OF "INITIAL STUDY, MITIGATED NEGATIVE DECLARATION, INGLENOOK FEN-TEN MILE
DUNES NATURAL PRESERVE, MACKERRICHER STATE PARK, DUNE REHABILITATION PROJECT, JULY
30,2012"

BY: DAVID E. PAOLI, P.E.

27000 N HIGHWAY 1

FORT BRAGG, CA 95437

August 26, 2012

BACKGROUND OF DAVID E. PAOLI, P.E.

Born in 1941 in Fort Bragg. Educated in Fort Bragg Schools. Received grade of "D" in typing in 8th grade. Vowed to marry a good typist. Graduated from Humboldt State College, major in Civil Engineering, 1965. Married an Award-Winning typist in 1967 who had grown up in Inglenook. I became a California Registered Civil Engineer in 1968. Have actively practiced Civil Engineering and related fields ever since in California, Oregon and Washington State. First surveyed ¾ mile of boundary between State Parks and private land at Inglenook in 1978. Established Paoli Engineering and Surveying in Fort Bragg in 1980. Since establishment, have worked on 2180 projects, many of which involved issues of geology, wetlands, rare plants, soils, erosion, Best Management Practices, boundary and legal issues. Have been resident of Inglenook off-and-on since 1980 and continuously since 2003. Walk approximately 2 miles every day on the Inglenook Fen-Ten Mile River Dunes area. My Award-Winning typist died in 2008 so this EVALUATION is written by me and typed by me, still an amateur after all these years.

Letter by Engineering Geologist Eric Freeman

Date: August 30, 2012

To: Renee Pasquinelli, Senior Environmental Scientist
California State Parks
Mendocino District
12301 North Highway 1 – Box 1
Mendocino, CA 95460
Fax: (707) 937-2953; Email: rpasquinelli@parks.ca.gov

RE: INITIAL STUDY /MITIGATED NEGATIVE DECLARATION, INGLENOK FEN – TEN MILE DUNES
NATURAL PRESERVE, MACKERRICHER STATE PARK DUNE REHABILITATION PROJECT, July 30, 2012
State of California California State Parks

Ms Pasquinelli,

As a concerned citizen of the Northern California coast I would like to submit the following concerns in relation to the above documents:

- 1) Having had substantial exposure to the process of, and preparation for approval of Environmental Impact Statements in my thirty-two year career as a geophysicist and geologist, I find it extremely concerning and inappropriate that the applicant and the Lead agency in charge of review and approval of the above documented MND for the INGLENOK FEN – TEN MILE DUNES NATURAL PRESERVE is the same governmental agency. This is both inappropriate and possibly illegal as it shows a complete potential for bias and circumvention of the intent of process necessary to protect the public interest. This is akin to a non-governmental company being given approval over its own submission of either an MND or an EIS. Omissions of data and/or submission of questionable or favorable data would thus be allowed to be approved by mere will of the company submitting the document for review, without public concerns being given appropriate treatment or review. I therefore propose that this submission must be reviewed by another private environmental consultancy or governmental agency, which could in an unbiased way address the environmental and public concerns, such as the California Coastal Commission or some similar agency with California State approval for such review. Due to this conflict of interest, I do not see how the above referenced MND can be approved by the very same agency that is submitting the application without cause for serious concern or exposure to potential litigation.
- 2) As to the omission or potential bias reference in 1) above it is concerning that the findings of the ground penetrating radar are not provided as there are most certainly railroad ties and trestles under the existing roadbed as has been demonstrated in those areas where the haul road has been excavated by previous storm events and by anecdotal evidence http://www.mendorailhistory.org/1_towns/fort_bragg/ten_mile.htm that, “tires on the trucks of vehicles were penetrated by iron spikes remaining in railroad ties” prior to the chip sealing of the road surface. Railroad ties of the vintage of the rail line in question almost certainly contained creosote and thus arsenic. Also the chip seal and ballast placed over the rail line may be sequestering environmentally harmful materials such as asbestos from brake-linings, oil diesel, lubricants, or other environmentally harmful materials used (such as banned herbicides for weed control) or hauled/spilled by the unregulated railroad during its thirty-three year use as the main supply line to the Ten Miles watershed logging camps, and the following period of time by haul trucks prior to the chip-sealing of the road surface. Since no drilling or sampling

AVOWED PURPOSE OF PROPOSED PROJECT

To improve and increase habitat for endangered species, primarily the Snowy Plover, Howell's Spineflower and Menzies' Wallflower. These habitat improvements will be accomplished by the removal of 2.7 miles of Haul Road and the removal of the final 60 acres of European Beach Grass on State Parks property. Any negative impacts will be mitigated by specific actions identified in the REPORT.

MY POSITION

The Snowy Plover (Plover), Howell's Spineflower (Spineflower) and Menzies' Wallflower (Wallflower) are all found in the same general area. However, we are taught in the Parks report (THE REPORT) that the Plover, in order to nest, needs an area free from plant intrusion. The Parks plan is to remove habitat presently occupied by the two plants and reshape that area for use by the Plover. Parks will make up the plant's loss of area by seeding and transplanting on existing bare dunes and areas presently choked with European Beach Grass (Beachgrass).

My analysis which follows assumes that the removal of the Beachgrass and Haul Road will indeed increase the area available for the Plover to nest, if it chooses to do so. However, the removal of these two items will remove an important buffer that has existed for decades and the result will be a sharp decrease in the habitat available to these plants, damage to large areas of existing wetlands and a sharp increase in the rate of sand movement across the Park and on to private land. The Parks Report does not adequately analyze the effects of their proposal. I believe that based on my evidence plus numerous other deficiencies that are being addressed by other persons commenting on THE REPORT, an Environmental Impact Report should be prepared.

MY METHODOLOGY

Earlier in August, using my survey grade Total Station equipment, I surveyed cross sections at right angles to the Haul Road at five locations, shown on Exhibit A. This is an average of one section every half mile, which is not adequate but the best I could do with limited time and resources. I believe that Parks overflowed the entire project using the very latest technology and could have developed cross sections at a reasonable spacing, but that information was apparently never developed for use. My purpose in developing the sections was to estimate the areas and quantities of sand that might be affected by the removal of the Dunegrass and the Haul Road. These quantities are key elements in analyzing the Environmental Impact of the project. The quantities do not show up in THE REPORT, which may mean that they have never been calculated, which I believe demonstrates a serious shortcoming of the work presently done.

Section A, the most southerly section, is in the gap between the washed out section to the south and the still continuous Haul Road to the north. The ocean storms have removed the Haul Road from this

area so I considered it representative of what the Haul Road area to the north would be like after removal of dune grass, pavement and base rock, and ocean storms have done their work over several winters. In short, it would be representative of what Parks is trying to achieve.

Section B is at the 5-foot diameter culvert where Fen Creek crosses under the Haul Road. Section C is about 700 feet south of Inglenook Creek, while Section D is about 1000 feet north of the Inglenook Creek culvert and Section E is about 1000 feet south of the turn on the north end of the Haul Road. This spacing gave me two sections for the north dune, two sections for the middle dune and one section as a base line. Exhibit B shows these five sections. Please note that the horizontal scale and the vertical scale are not the same; the full size drawing has a horizontal scale of 1 inch equals 50 feet and a vertical scale of 1 inch equals 10 feet. This is sometimes done to increase the accuracy of measurements that are plotted by hand, such as these measurements. It is seldom done using electronic plotting and calculating, but it still yields accurate results.

From Section A I deduced the average slope of beach east of the High Tide Line was 1.5 feet per hundred feet, or 1.5%. Per the legend, the solid lines on each section represent the existing ground lines, while the dashed lines represent the approximate future ground line after the removal of the Haul Road and the passage of time necessary to obliterate the Haul Road. These sections and the calculations based upon them are the basis for the subsequent sections of this report.

SNOWY PLOVER HABITAT

I am not a biologist and do not claim to be an expert on any of these rare plants or animals. But I can read and I can measure, and so I conclude that the Plover needs a habitat in proximity to their food source, which here is found in the wet sand adjacent to the ocean. They also need a relatively flat beach and very few plants present for predators to hide behind. Based on these criteria and measuring from the High Tide Line to the existing toe of slope, I calculate that the Plover presently has up to 26 acres of suitable nesting habitat adjacent to the north dune, no usable habitat adjacent to the middle dune, and up to 27 acres of usable habitat adjacent to the south dune. After implementation of the Parks plan there might be an additional 56 acres of habitat on the north dune, 36 acres on the middle dune and no additional habitat on the south dune. These numbers presume that the new area formed by the reshaping will be kept free from plants by a continuing maintenance program. I don't think this was covered in THE REPORT, but it should have been.

So I have made a calculation of how much habitat might be available for the Plover, presently and in the future. But it does not quantify how many birds might nest on the additional land, because I do not find any mention in the report of how many nest now or even if there is a minimum acreage necessary to induce nesting or what the average is in some similar habitat. In looking over available data I did find a 1990 report done for State Parks that included the statement that no Plovers had been seen nesting on this beach for 10 years. So if none had been nesting since 1980, this makes 32 years without a viable production. I have observed that the areas roped off for the plover's nesting use has decreased from 3

areas over the last few years down to 1 this year. This seems to indicate the policy makers believe the possibility of a viable nesting area is in decline and indeed there might not be a viable area here.

Based on elementary mathematics, if (26 +27) acres = 0 chicks, adding (56+36)acres might still yield 0 chicks. Maybe the issue is not the acreage available. Does anyone have any information about how many Plovers used to nest on this beach, or if they ever did nest here? It seems to me that information of that sort should be vital in any management plan. But the information is not in THE REPORT. Have we studied the possibility that Ravens have multiplied and their sharp eyes and beaks wiped out whatever eggs nesting Plovers were trying to hatch, or the skunks and raccoons I see on the beach are responsible, or any other idea of what happened? Maybe the answer is to hire a group of Rangers to keep these animals off the beach. They are much more numerous up here than dogs or people, and much hungrier. To concentrate on one hypothesis such as more area equals more Plover without any factual basis is NOT GOOD SCIENCE and to spend large amounts of time and money ON A HUNCH is not a prudent use of public resources. An EIR is needed.

HOWELL'S SPINEFLOWER AND MENZIES' WALLFLOWER

The fact is most of the 56 acres and 36 acres of dunes that would be significantly reshaped by the Removal Concept is presently habitat to these plants. Based on my observations, the Wallflower has a widespread distribution, but the Spineflower does particularly well in proximity to the Haul Road and the east side of the Haul Road, especially in the Middle Dune area. A widespread erosion of their habitat from the base of dunes to the east side of the Haul Road might remove a significant percentage of their present growing area, perhaps as high as 1/3 of the Spineflower area. I speculate on the number because I did not find an estimate in THE REPORT, so what else can I do? That number should be in THE REPORT.

So let us assume that the Haul Road is gone and the plants just move inland without any net loss in their numbers. Not a problem? My calculations indicate that if the dunes are reshaped as shown on Exhibit B, approximately 698,000 cubic yards of sand will move from its present position on the north dune and 288,000 cubic yards of sand on the middle dune. Most of this sand will move to the east and fill in the low-lying wetland areas immediately east of the Haul Road. If this wetland area is 500 feet wide and 10,000 feet long it will be buried to a depth of 5 feet. Of course this burial will not all happen at once, because the sand will continue to move to the east. Now these numbers are incredibly high and can't be true, but Parks has not included any estimate of the quantity of sand their proposal will move, so until they do, we are stuck with my figures.

What do we know about the reaction of these endangered plants to being covered by several feet of sand? We really don't know anything. An EIR is in order.

So let's assume the sand just disappears and does not fill in the wetlands. The foredune and Haul Road just go away, then everything is swell. Right? Well no. Exhibit C, Titled "Impacts of Sea Level Rise on the California Coast", done in 2009 for the State of California, shows current area at risk from a flooding

event that could occur on the average every 27 years. This takes in a very large area, up to 1500 feet inland based on scale, which could mean a wave of possibly 25 feet high. An event this large would cover the Haul Road and flood the wetland areas with salt water. There is no indication in THE REPORT that these endangered plants tolerate salt water, so I assume they do not. The Haul Road and perhaps much of the foredune will be topped, but what will happen when a smaller flooding occurs, which will happen more frequently? My Exhibit B indicates that with the removal of the Haul Road and foredunes a flooding event of just 6 feet above Mean High Tide will flood the existing wetland area inland from the Haul Road. So this removal will endanger habitat more frequently than presently occurs. An EIR is in order.

WETLANDS

My calculations reported above indicate that many feet of sand will drift into the wetlands close to the Haul Road. This will include the traditional wetland areas along Fen Creek and Inglenook Creek. THE REPORT simply does not deal with these issues.

EROSION

My May, 2012 report titled "Report on the Destabilization of the Ten Mile Sand Dunes" describes, in words and pictures, the damage that is presently occurring from the removal of Beachgrass that Parks started 10 years ago. They started this process without CEQA review and have continued it ever since. This May report is included as an attachment to this present document. I contend that they have been in violation of CEQA for the time that they did their first removal and that any EIR or CEQA document go back and consider the impact from that beginning. Sections of the present THE REPORT clearly state that removal of Beachgrass and Haul Road will cause sand movement. The 2000 report that Parks commissioned, titled "Draft Feasibility Study for the Northern Segment of the MacKerricher Coastal Trail Project" states that "The lack of vegetation in the hind dunes permits unrestricted sand movement over large areas" and "Any management plan developed for European beachgrass shall consider adjacent property owners and their concerns with dune mobilization and encroachment." The sand on the dunes grows plants and is by several definitions a soil. The willful and premeditated erosion of soil that had been stable is a crime in California and subject to huge fines. The erosion of soil on to neighboring properties is something that a civil engineer tries to avoid through Best Management Practices and all levels of government have strict policies against. An EIR is in order.

Report on the Destabilization of the Ten Mile Sand Dunes



40 foot sand dune moving through wetlands toward house

By David E. Paoli
Professional Engineer

July 29, 2013

SUMMARY

The focus of this report is on the destabilization of the sand dunes that has already occurred between 2000 and the present day by the removal of European Beach Grass, and the potential future effects of the State Parks program to finish the eradication project and to remove approximately 2.7 miles of Haul Road pavement and base material.

The sand in MacKerricher State Park is classified by the U.S. Soil Conservation Service as a soil and rightly so because numerous plants, both native and non-native, grow on it. The uncontrolled movement of soil is termed erosion. Erosion deliberately induced by man without permits is subject to legal action by Mendocino County, state agencies including the California Coastal Commission and federal agencies including the U.S. Army Corps of Engineers. State Parks has made no secret of their intention to promote massive and widespread movement of sand on hundreds of acres of their land and neighboring properties. State Parks has induced this erosion for 13 years without permits from the County, State or Federal Government. I am requesting a complete stop of any further actions to induce erosion, an evaluation of damage that has already occurred and a plan to redress the damage.

It has been said that pictures are worth a thousand words. The balance of this report will detail my concerns by pictures and words. Just the pictures alone will show erosion smothering small wetlands, sand moving into larger wetlands such as Inglenook Creek and into the one-of-a-kind Fen. I will show pictures of the rare plants growing in profusion of the section of Haul Road that Parks wants to remove. I will supply facts and figures that should have been supplied by State Parks; information that was available to them from their own internal studies but not released. I will detail the methodology that led me to the conclusion that nearly 1 million cubic yards of sand will be available to move through habitat presently occupied by federally listed plants and into wetlands both in and outside the Park.

Finally, the issue of closing the 1-mile gap in the Haul Road between Ward Avenue and Fen Creek will be addressed. If carefully done, the environmental impact and cost of building a path for pedestrians and bicycles can be much less than the impact of removing 2.7 miles of the existing roadway.

It is recognized that the Haul Road has acted as a barrier to sand movement in the direction of the prevailing wind, to the southeast. Since its construction in 1916 and widening in 1949 a large amount of sand has been trapped west of the Haul Road, and the introduction of European Beach Grass allowed the sand to pile even higher. A study commissioned by State Parks in 2003 which was done by Harold Wallenberg and William Maslach quantified some of the issues. This report found that comparing 1952 with 1998 data, in the southern portion of the dunes, the area where the Haul Road washed out in the 1980's, the beach width had decreased by 100 to 130 feet. In the northerly area where the Haul Road was still intact, the beach width increased by an average of 20 feet. This data does not necessarily support the concept of removing the Haul Road to increase habitat for the Snowy Plover.

Another part of this study looked at the frequency of storm-generated waves flooding areas inland from the Haul Road. The conclusion was that in the washed out area, waves were extending inland an average of 1000 feet, while in the intact Haul Road area, the extent was about half of that. My interpretation is that the presence of the Haul Road decreased inundation into existing wetlands and protected endangered plant habitat.

BACKGROUND

California State Parks, through its efforts to remove non-native plants from MacKerricher State Park, has developed a systematic program of removing European Beach Grass from the park and particularly the extensive area of sand dunes north of Cleone Lake. A staff report by Bill Maslach indicates the removal began in 2000 by hand removal with shovels, which was effective but slow, and very manpower intensive. Around 2005 they burned the grass, which was not so effective, and caused damage to other plants that they did not intend to damage, such as native Pines at Inglenook Creek. During three of the last four years they have sprayed with a selective herbicide, which has reduced the living plants each year to the point that well over 80% of the plants are now dead and the rest are dying. Realizing the political sensitivity of spraying, they discontinued this practice in 2013.

The result is that now the dunes are virtually free of this beach grass. Mission Accomplished, or nearly so. But actions often have more than one consequence, and this is a classic example. The native vegetation left does not have the ability to control the movement of the immense quantity of sand that has been left without stabilizing vegetation and the dunes are moving, generally southeast in direction, into forests, fields, wetlands and residential areas. The sand doesn't respect the difference between public and private properties, environmental protection laws or other rules of man. The sand just respects natural laws such as direction of the prevailing wind and tidal currents. And man has found that all over the world once sand gets moving, it is very hard to stop.

Most of the sand was on the property in question before State Parks took ownership, so it became part of what they bought or were gifted. But modern laws and thinking do not allow an owner to cause extensive erosion to their own land or damage to their neighbor's land without facing consequences. Since this erosion and damage is occurring, I believe the State of California and its numerous agencies have a responsibility to evaluate the situation and find a way to control the damage. My purpose in preparing this report is to document the damage as well as I can do it, and make local, state and federal governments and the public aware of the situation so some positive action will actually occur. I am well aware of California's budget shortfalls, but that is not an excuse for not correcting serious problems that state agencies have created by their own policies.

I have defined the Study Area (Exhibit A) to encompass the following: The Ten Mile River on the north, Ward Avenue on the south, the Pacific Ocean on the west and State Highway 1 on the east. The total area is close to 2000 acres, about 1300 acres of which are active sand dunes. About 1250 acres of the Study Area are in the State Park.

Before the mid 1800's and the advent of settlers, several Indian Tribes had summer and fall encampments close to the coast where they fished and hunted. There are a half dozen middens still visible along this stretch where they camped and deposits of mussel and clamshells where they cooked. Some of these archeological sites are now threatened by Parks' actions.

The advent of much of the recent dunes goes back to the late 1890's, when logging of the Ten Mile River drainage began. In 1916 a logging railroad was built from Fort Bragg into the main branch of the Ten Mile and its tributaries and intensive logging of the Ten Mile Drainage began. The railroad tracks were removed in the late 1940's and the alignment was converted to a truck road featuring huge off-highway trucks, then later after the remaining old growth timber had been removed conventional logging trucks

were used. This railroad alignment still exists all the way to Fort Bragg except for about 1 mile that was eroded away within this study area in the 1980's.

During the early logging era, clear cutting of the redwood forests, usually followed by burning, caused massive erosion. Billions of tons of soil entered the river or was poised to enter. As the soil washed down the river to the ocean segregation occurred by soil grain size. Rocks and gravels tended to settle out before the river mouth, sand settled near the river mouth, silt and clays settled in the ocean. Every winter this upstream erosion and transportation of sediment occurred. In the winters of 1955 and 1964 huge rainfalls were recorded with accompanying flooding-these were "100-year storms" or larger. The sand deposits already present were greatly enriched during those winters of great rainfall.

Meanwhile, MacKerricher State Park, established in 1952, was increasing its land holdings to the north of Cleone Lake. What had been predominately private lands, much of it used for grazing, came on the market as the road system in and out of the Mendocino Coast improved and other areas in California could raise livestock and farm products less expensively and ship it into this area. The farmers and ranchers in this study area also found that large areas of their land were becoming less productive as blowing sand reduced the amount of usable area. These farmers, ranchers and the railroad company introduced European Beach grass during this era to control the migration of sand. The federal Bureau of Land Management also owned land on the north end of the study area that had been predominately sand dunes and had never been in private ownership. The net result was transfer of private land to State Parks or management of the federal holdings.

When the Coastal Commission came into existence in the mid-1970's certain aspects of this area became of great interest. The Inglenook Fen and Sand Hill Lake were unique features on the California Coast and the need to protect them from nearby residential development was considered a priority. Investigation of the dune areas revealed two plant types, the Howell's Spineflower and the Menzies' Wallflower, were rare and endangered plants. Study of the coastline showed that the Snowy Plover was present in several areas along the California Coast, and was listed as threatened in MacKerricher State Park.

TRAIL REPLACEMENT

A study done in 2000 and commissioned by State Parks explored several alternative trail routes between Ward Avenue and Ten Mile River. One of the alternatives was to construct a new alignment starting about 1000 feet north of Ward Avenue, swing northeast away from the existing washed out area, then parallel the washed out section, swinging back to the existing alignment before the Fen Creek culvert crossing. This basic route is shown on Map 1. The consultant found that this alternative was physically possible but was expensive and had potentially negative impacts on rare plants and archeological sites.

The consultant considered a path section similar to a residential driveway, which would be a graded and compacted subgrade of sand, then up to 6 inches of crushed base rock, then 2 inches of asphalt. This was a standard bike section in 2000.

Since that time, the development of new products has occurred. A hiking/bike path section across sand can be done by smoothing the sand, snapping together sections of plastic similar to heavy egg crates with no bottom, and filling the cells with crushed rock. Exhibit C shows the product from one manufacturer. I have seen installations for driveways at Sea Ranch, have a 5-year old sidewalk

installation using this material at my house and tested several sections on an exposed sand dune on private property. It worked fine in those applications. I installed the 2 Inglenook sites by simply smoothing the sand or sandy loam, snapping the sections together and laying them on the sand and filling them with sand, loam or pea gravel. The only tool used was a shovel. I run my riding mower right over the sidewalk to cut the grass that has grown in the cells.

This particular brand has 20"x20" sections, so a path might be 6"x 20" or 10 feet wide. One cubic yard of crushed rock would fill the cells every 16 feet of path length. So the cost of materials might be \$3 per square foot for the grid, \$.25 per square foot for the rock, or \$32.50 per lineal foot for a path. A mile of path would then cost \$172,000 for materials. The cost of labor could vary from nearly nothing for volunteers to a higher figure for a licensed contractor. It is interesting to remember that the removal of the Haul Road has a \$750,000 budget.

STABILIZING THE DUNES

Starting in the 1950's the Union Lumber Company, who owned the Haul Road, and local property owners started a program to stabilize the dunes. European Beach Grass was planted along the railroad alignment and at other locations in the Study Area. Over the decades since then this plant spread and flourished. It greatly increased the stability of the dunes by decreasing wind velocity close to the ground surface and by its very extensive root system. This was considered positive by many, but studies by federal Fish and Wildlife Service and State Parks biologists pointed out that this stability might have an adverse impact on the nesting area available for the Snowy Plover and also might decrease area available for the two endangered plant species mentioned above. So they developed a strategy to eliminate the Beach Grass. Studies were done, Environmental documents were prepared, hearings were held, and reports outlining their conclusions and strategy were prepared and implemented.

Meanwhile, the California Coastal Commission had studied and adopted the concept of a Coastal Trail the length of the California Coast. The original trail plan by Mendocino County included the Haul Road alignment between Fort Bragg and Ten Mile River, which seemed to make a lot of sense because most of the expensive trail structure already existed, and the trail would put people in scenery they would enjoy rather than along a state highway with dangerous width, sight distance and noxious fumes. This plan was certified by the Coastal Commission, and this alignment is still part of the legally adopted plan of those two agencies. The Parks biologists, however, were concerned about the environmental impact of bringing more foot traffic and bicyclists into the area even though some studies showed that the Howell's Spineflower seemed to thrive in proximity to human and animal trails. So studies were commissioned by Parks that concluded that letting the Haul Road fall apart and eventually be removed was a good thing for the environment, and the Coastal Trail alignment should be moved to State Highway One where construction and maintenance would become the responsibility of Caltrans rather than State Parks. So all the necessary planning to destabilize the dunes was in place and implementation could begin.

DESTABILIZING THE DUNES

Shown on Exhibit A are the location of fourteen photos I took on May 12, 2012. Photos 1 through 3 show the extent of the naked or nearly naked sand dunes at the north end of the Study Area, near the Ten Mile River. These areas were covered with Beach Grass 5 years ago. Photo 2 shows what dead Beach Grass looks like. The Haul Road at this point is now covered with up to 5 feet of drifting sand.

Photo 4 shows a small island of Willows in the middle of the most northerly dune being smothered by moving sand. Photo 5 shows a home on Beall Lane being threatened as the forty-foot high dune makes its way through the dying wetland area. Photo 7 shows new sand movement into the Inglenook Creek wetlands. Photo 8 shows that erosion of the dune between the ocean and the Haul Road is resulting in sand movement southeast. Photos 10 and 11 show the older dunes that had been stabilized for decades are now being covered by new sand movement that is encroaching into the Fen wetland. Photo 12 shows my trail to the beach, still on private property, being covered every day by new sand intrusion with native plants unable to stop it, and non-native plants (Scotch broom) also being covered. Photos 13 and 14 are taken at Charlene Lane, at the south end of the Study Area, showing the sand dunes on private property moving south and now within 70 feet of Highway 1. Not shown for security purposes is an archeological site that is in an area of rapid sand movement and four feet of the sand cover over the artifact has eroded away within the last two years, threatening to expose the artifact.

Four photos taken in July 2013 are also included. Photo 15 shows a Howell's Spineflower plant happily co-existing with Dune Grass at the edge of the Haul Road. Photo 16 shows Menzies Wallflower growing immediately adjacent to the Haul Road, and even in it. These plants will have to be removed if State Parks implements their Haul Road Removal plan. Photo 17 shows another growth of Howell's in the foreground, the Haul Road in the middle, and Menzies in the background. Photo 18 shows that a 60 inch-long fence post I set about 10 years ago now has 26 inches exposed. This post is on the boundary between State Parks and private property and used to be in a wetland area which has now been filled in by sand. Note the dune on the right, moving several feet closer every year, and the willows in the background being swallowed by the dune.

FINAL THOUGHTS

State Parks personnel have not shown a lot of enthusiasm for any local ideas or initiative, and rebuilding a trail through the park is not on their priority list. However, they and we should remember that they do not own the Park. Title to the Park is held by the State of California and State Parks is simply the Manager that carries out the orders of the owners. The people of California are the owners. Parks rules, regulations and policies are also subject to laws and policies of other agencies. A great local example of this is the design of the new Noyo Bridge. The Coastal Commission decided, with the help of much local input, that the standard bridge railing would negatively affect the public view of Noyo Harbor. The result was the design and construction of a special bridge railing plus CalTrans money to purchase right-of-way for the Pomo Bluffs Trail. So the issue of decreasing public access and viewing opportunities can be a very important factor in this state. There are both public and private agencies and groups that have money and manpower available for trails and these sources should be considered before declaring, "it can't be done."

MY NUMBERS

In August, 2012, using my survey grade Total Station equipment, I surveyed cross sections at right angles to the Haul road at 5 locations, shown on Exhibit A. This is an average of 1 section every half mile, which is not adequate but the best I could do with limited time and resources. I believe that Parks overflowed the entire project using the very latest technology and William Maslach of State Parks developed 17 cross sections but that information was apparently never used. These quantities should be key elements in analyzing the Environmental Impact of the project, which I believe demonstrates a serious shortcoming of the work presently done by Parks.

Section A, the most southerly section, is in the gap between the washed out section to the south and the still continuous Haul Road to the north. The ocean storms have removed the Haul Road in this area so I considered it representative of what the Haul Road area to the north would be like after removal of dune grass, pavement and base rock, and the ocean storms have done their work over several winters. In short, it would be representative of what Parks is trying to achieve.

Section B is at the 5-foot diameter culvert where Fen Creek crosses under the Haul Road. Section C is about 700 feet south of Inglenook Creek, while Section D is about 1000 feet north of the Inglenook Creek culvert and Section E is about 1000 feet south of the turn on the north end of the Haul Road. This spacing gave me 2 sections for the north dune, 2 sections for the middle dune and 1 section as a base line. Exhibit B shows these 5 sections. Please note that the horizontal scale and the vertical scale are not the same; the full size drawing has a horizontal scale of 1-inch equals 50 feet and a vertical scale of 1 inch equals 10 feet. This is sometimes done to increase the accuracy of measurements that are plotted by hand, such as these measurements. William Maslach used this same method for his sections.

From Section A I deduced the average slope of beach east of the High Tide Line was 1.5 feet per hundred feet, or 1.5%. Per the legend, the solid lines on each section represent the existing ground lines, while the dashed lines represent the approximate future ground line after the removal of the Haul Road asphalt and base rock cap and the passage of time necessary to obliterate the Haul Road.

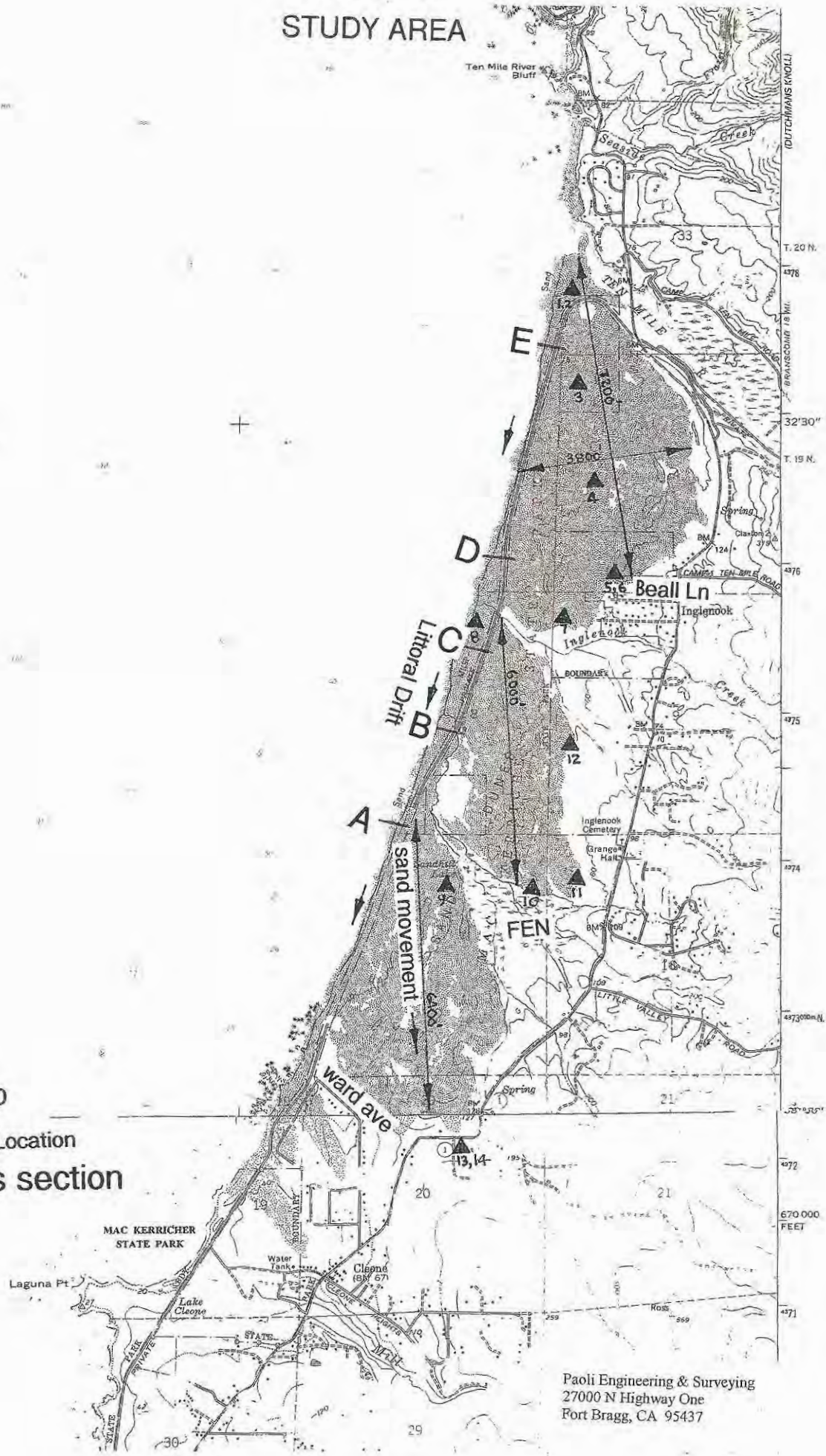
My calculations indicate that if the dunes are reshaped as shown on Exhibit B, approximately 698,000 cubic yards of sand will move from its present position on the north dune lobe and 288,000 cubic yards of sand on the middle dune lobe. Most of this sand will move to the east and fill in the low-lying wetland areas immediately east of the Haul Road. If this wetland area were 500 feet wide and 10,000 feet long, the moving sand would bury the wetland with 5 feet of material. Of course this burial will not happen all at once, because the sand will continue to move to the east. But the point is that the sand will have a filling effect in the wetlands. I have already noticed that areas that used to be ponds with winter groundwater have not have surface water showing for the last 5 winters. It would be interesting to compare the 2003 cross sections developed by Mr Maslach with my sections from 2012 to see how much sand west of the Haul Road has already migrated into the wetlands east of the Haul Road.

IN CONCLUSION

The Parks Plan does not know how much sand is going to move and what effect it will have on wetlands, rare and endangered species, archeological sites and private properties. Consequently their plan cannot claim a Mitigated Negative Declaration because they cannot measure what they are mitigating. I fully intend to submit this report and other documentation to the Army Corps of Engineers because I believe that Parks has been illegally causing damage to wetlands and endangered species for more than 10 years. Their present plan is aimed at increasing the rate and extent of this damage. The flaws in their plan are numerous and obvious. If Mendocino County gives the Plan their approval after receiving extensive information about the flaws of the plan from me and many other concerned citizens, then I believe they will be aiding and abetting the environmental damage that will occur. Potential fines from government agencies and legal actions by agencies and private individuals could certainly be the consequence of ill-advised environmental damage.

EXHIBIT A STUDY AREA

A
C
I
F
I
C



- ▲ = Photo Location
- A = cross section

Paoli Engineering & Surveying
27000 N Highway One
Fort Bragg, CA 95437

EXHIBIT B
TEN MILE SAND DUNES
CROSS SECTIONS



LEGEND

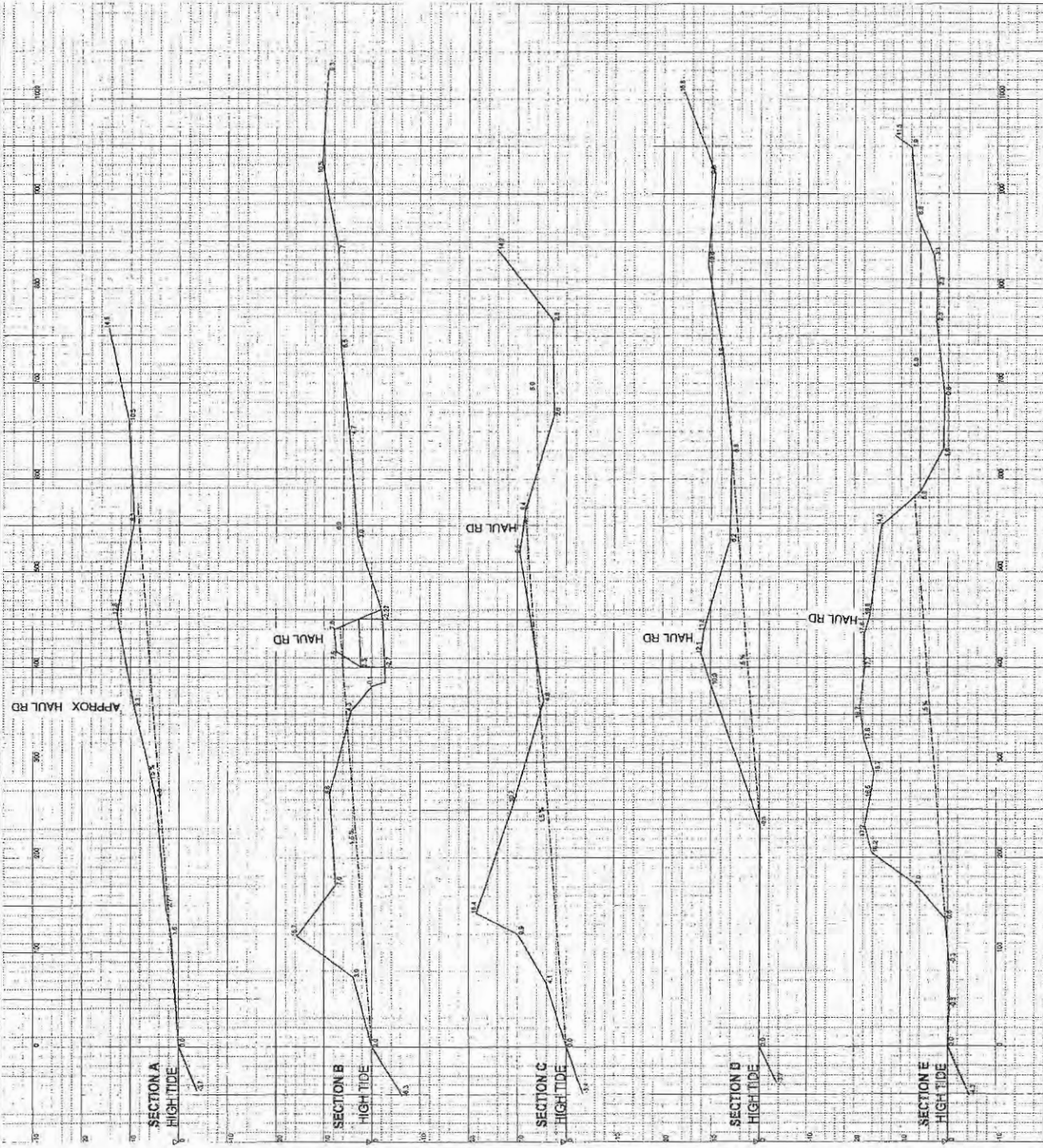
- EXISTING GROUND
- GRADE AFTER REMOVAL

PAOLI ENGINEERING & SURVEYING
 225 E. REDWOOD AVE.
 FORT BRAGG, CA 95437
 707-964-5225

JOB 1002

2013 JULY 12

SCALE: 1" = 100'



Letter by Licensed Real Estate Appraiser Maryellen Sheppard

August 20, 2012

Renee Pasquinelli
California State Parks
c/o Russian Gulch State Park
12301 North Highway 1, Box 1
Mendocino, CA 95460

Dear Ms. Pasquinelli:

I believe the Ten Mile Dune Restoration project should be halted because the Mitigated Negative Declaration prepared by State Parks is inadequate. This massive project proposes removal of a long existing dune barrier (the nearly 100 year old haul road), removal of two culverts on Class I streams, destruction of endangered plants and unknown impacts on the sensitive habitat. I have reviewed two geologic reports (Bedrossian and Wollenburg) on the dunes and both of them indicate that sand movement will accelerate because of the removal of the haul road. The project lacks adequate mitigation for sand movement.

The Sand Grain Analysis Report in the MND states that "Removal of the road and culverts, in conjunction with the removal of non-native vegetation on the windward side of the road, will eliminate the barriers to natural sand movement within the Ten Mile Dunes. Natural coastal dune formation processes are likely to be re-established, [...] As a result of these natural processes, more sand is likely to blow inland (nearshore) over the short-term (defined as 50 years) especially in the northern lobe. The addition of sand will change the configuration of the dunes as they migrate to the east (i.e., additional transverse dunes could develop and/or grow in height farther inland), the nature of the vegetation, and the drainage patterns throughout the dunes."

In the "Geology and Soils" section, p. 86 "Less than significant impact" is check next to the question, "Would the project b) Result in substantial soil erosion or the loss of topsoil?" The discussion on the following page states "Removal of the asphalt and road base would expose the soil beneath, which consists of unconsolidated sand particles. It is expected that the native sands would be dispersed by the prevailing NW winds and blow inland (nearshore) over the short-term (50 years), forming a series of longitudinal-shaped foredunes perpendicular to the coastline. The small nearshore dunes would collect more sand and continue to grow, most likely around small clumps of vegetation, until some threshold size is reached. The movement of sand from the nearshore foredunes to farther inland areas is inhibited by the large expanses of dune and wetland vegetation that occur between the foredunes and the separated transverse dunes to the east. These processes are consistent with the goal of the project, i.e., to return the dune system to a more natural state and restore the dynamic processes within the Preserve."

The discussion states that "the movement of sand from the nearshore foredunes to farther inland areas is inhibited by the large expanses of dune and wetland vegetation" yet the geology report in the appendix states that "The addition of sand will change the configuration of the dunes as they migrate to the east, the nature of the vegetation, and the drainage patterns throughout the dunes." The geology report states that the removal of the road is likely to cause more sand to blow inland and that this addition of sand will change the nature of the vegetation while the discussion in the

MND states that sand movement is inhibited by the large expanses of dune and wetland vegetation.

These statements are absolutely contradictory. How can State Parks claim that there is no impact when their own document can't agree if there is an impact? Geologists say an impact is likely but State Parks changes this statement in their discussion by dismissing their own appendix document. Furthermore, the discussion states that "the small nearshore dunes would collect more sand and continue to grow, [...] until some threshold size is reached." But what happens after this threshold is reached? What is the threshold? What will the sand do after the threshold is reached? These are questions that illustrate a potentially significant effect throughout the dune system. They are effects that are not stated, nor are they mitigated.

State Parks has also failed to recognize the information put forth in their own publication, "Inglenook Fen, A Study and Plan." Page 86-87 shows the outline of the Ten Mile Dune as it evolved from 1920 to 1972. The 1920 line practically cuts the present day sand dune system in half. There are numerous references in the document about the destabilization of the dunes from off road vehicles and how the dunes have moved over pasturelands. Yet State Parks does not recognize the unnatural state these dunes have been in and how more manmade intrusion could cause further destabilization. The effects of this project could be extremely significant and once the road is gone, there will be no putting it back.

In addition to the increased sand movement caused by this project, access to the area, particularly during periods of high water will be negatively and permanently altered. When the culverts are removed, the streams will not be passable. Maintaining access to this portion of the coast is mandated in the State Parks Plan. State Parks' own general plan maps the trail through the Ten Mile Dunes. The trail is also designated as the "California Coastal Trail" (see http://californiacoastaltrail.info/hikers/hikers_main.php?DisplayAction=DisplaySection&CountyId=4&SectionId=345). This map of the Coastal Trail has the haul road as the California Coastal Trail from near the Ten Mile River southward to north of Inglenook Creek. The MND proposes to abolish the trail access where it exists through the dunes yet there is no mitigation for this.

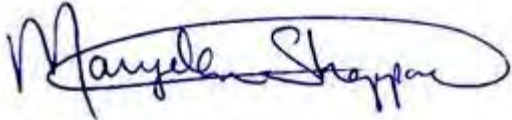
State Parks has no regard for the public input. Ms. Renne Pasquinelli stated at an informational meeting held 08/06/2012, that Parks didn't have to have the meeting but they did it anyway. There has been no public input regarding this project. SP has been very protective of this undertaking and has been unwilling to share information until forced to do so by the public. For years SP used herbicides to control European Beach grass with no notice to the public or adjoining land owners.

Implementation has begun prior to approval: SP hired a contractor to remove the road before the MND was complete. Now they are moving ahead with collecting seeds of federally endangered plants! This sends a message to the public that Parks is going to move ahead with the project no matter what. What if those seeds didn't need to be collected? What will be the environmental impact of collecting the seeds if the project doesn't happen, or, if the project gets put on hold? What's the point of even commenting on the MND if the work is progressing without proper review?

As Assemblymember Jared Huffman, (D-San Rafael), pointed out in a letter written July 20, 2012, "...I've repeatedly expressed my concern about the lack of transparency and the fortress mentality at State Parks." The Ten Mile Dune Restoration Project is an excellent example of those flaws.

The Mitigated Negative Declaration prepared by State Parks does not sufficiently address all the potential negative impacts of this project. The impacts of this operation will be permanent and impossible to reverse. Please stop the Ten Mile Dune Restoration Project.

Sincerely,



Maryellen Sheppard

cc: Loren Rex, Superintendent, California State Parks lrex@parks.ca.gov
Senior Environmental Scientist, California State Parks rpasquinelli@parks.ca.gov
Bob Merrill, District Manager, California Coastal Commission bmerrill@coastal.ca.gov
Martha McClure, North Coast Representative, California Coastal Commission,
mmcclureccc@co.del-norte.ca.us

Wesley Chesbro, Assemblymember, State Capitol, PO Box 942849, Sacramento CA 94249-001
fax (916) 319-2101

Abbie Stockwell
Mendocino County Planning Dept
120 West Street
Fort Bragg, CA 95437

Jared Huffman
3501 Civic Center Drive
Suite 412
San Rafael, CA 94903

Noreen Evans
Ukiah Office
200 N. School
Ukiah, CA 95482

Mendocino County Board of Supervisors, 501 Low Gap Road, Room 1010, Ukiah, CA 95482

- Carre Brown, 1st District Supervisor (email)
- John McCowen, 2nd District Supervisor (email)
- John Pinches, 3rd District Supervisor (email)
- Kendall Smith, 4th District Supervisor (District covering Inglenook) (email)
- Dan Hamburg, 5th District Supervisor (email)
- Dan Gjerde, 4th District – January 2013. (email)

June 30, 2013

Mendocino County Board of Supervisors
501 Low Gap Road
Ukiah, CA 95482

Re: Ten Mile Dune Rehabilitation Project/CDP#12-2012

Dear Sirs/Madam:

I am the owner of a vacant tract of land that is located adjacent to the Ten Mile/MacKerricher Dunes. I am concerned about the impact this project may have on adjacent land owners like me in terms of increased sand movement due to removal of the road, alteration of the plant habitat and removal of two culverts. One major concern of property owners is the potential decrease in land values that increased sand movement may have on land adjoining the proposed project.

As a real estate appraiser with over thirty years' experience appraising on the coast, I have observed sales of properties that have been negatively impacted by adverse soil conditions. If the project is allowed to continue, properties located adjacent to the dunes could be inundated with sand due to the removal of the old haul road which forms a barrier to sand movement.

I believe the potential loss in value would range from 25% to 69% of market value if an adjacent ownership is rendered unbuildable by increased sand movement. This opinion is based upon the analysis of six land sales, with three sales of buildable tracts contrasted to three sales of tracts that are similar in most property characteristics, but are unbuildable because of adverse soil conditions.

Land Sale 1-A took place June 16, 2009 for \$150,000 or \$12,427 per acre. This property was located mostly in the sand dunes with little or no potential for development as a residential site because the soil condition limited/precluded installation of an on-site septic system.

Land Sale 1-B took place July 8, 2008 for \$550,000 or \$45,454 per acre. Land Sale 1-B took place at the peak of the local real estate market. This sale must be adjusted downward for the passage of time from July 2008 to June 2009. The downward adjustment is equal to approximately 1% per month resulting in a price per acre of \$40,454. LS 1-B was not negatively impacted by sandy soil conditions and was developable as a residential house site.

These paired sales indicate a loss in value of 69% due to the unbuildable state of Land Sale 1-A

Mendocino County Board of Supervisors
June 30, 2013
page 2

Land sale 2-A took place December 17, 2010 for \$70,000 or \$57,377 per acre. This property was also negatively impacted by a soil condition that precluded development of a septic system.

Land sale 2-B took place June 8, 2011 for \$150,000 or \$150,000 per acre; adjusting this sale downward for the passage of time results in a price per acre of \$141,000. Land Sale 2-B was a buildable lot.

Direct comparison of these two parcels indicates a loss in value of 59% due to the un-useable state of Land Sale 2-A.

Land Sale 3-A took place November 10, 2010 for \$50,000 or \$62,500 per acre. This property was located in an area of hardpan soil and was not developable as a residential site.


Land Sale 3-B took place August 16, 2011 for \$130,000 less \$15,000 for site improvements and \$10,400 for the passage of time results in a price per acre of \$83,680 per acre. This property was similar to the subject in most site characteristics but was a buildable parcel.

Direct comparison of these two parcels indicates a loss in value of 25% due to the unbuildable state of Land Sale 3-A.

It is clear from the available market data, that there would be a negative impact on property values if sand intrusion were to occur on properties adjacent to the Ten Mile Dune Project which could render the parcels unbuildable. The loss in value could range from 25% to 69% of total land value.

Please consider the consequences of this project on local land values and encourage a less radical approach to the removal of the former haul road by California State Parks at the appeal hearing for Coastal Development Permit #12-2012.

Sincerely,



Maryellen Sheppard
Real Estate Appraiser, AG002980

cc: Westport Municipal Advisory Council (WMAC 95488@wildblue.net)
Bob Merrill, California Coastal Commission
Laurie Monarres, Army Corps of Engineers
State Senator Noreen Evans
Assemblyman Wes Chesbro

Letter by Professional Archaeologist & Historian Thad Van Bueren

August 14, 2012

Renee Pasquinelli, Senior Environmental Scientist
Mendocino District, California State Parks
12301 North Highway 1 – Box 1
Mendocino, CA 95460

Re: Comments on Mackerricher State Park Dune Rehabilitation Project (Mendocino County CDP #12-2012)

Dear Renee:

As a professional archaeologist and historian with two decades of experience conducting research along the Mendocino coast, I strongly support the concept of natural preserves because they are designated to conserve natural and cultural resources. However, I am opposed to elective natural habitat restoration when it will have significant unmitigated impacts and when it conflicts with other adopted land use policies and laws.

I feel the proposed project's revised draft IS/MND dated July 30, 2012 does not support the conclusion that the proposed MacKerricher Dune Rehabilitation Project will result in "less than significant impacts." Instead, several significant unmitigated impacts of this discretionary project can be reliably predicted. An Environmental Impact Report thus should be mandatory pursuant to the California Environmental Quality Act and its implementing regulations unless the design of the project is substantially altered.

The proposed project consists of removal of about 2.7 miles of a historic road, two culverts and their associated fill prisms spanning Inglenook and Fen creeks, manual removal of invasive plants, and various mitigation measures. The IS/MND acknowledges that these activities will destroy 11% of the endangered Howell's spineflower population, mobilize significant sand migration, facilitate saltwater intrusion, and cause erosion and deflation of the western portion of the coastal dune resource management zone (RMZ). This radical manipulation of the environment has significant cumulative impacts that have not been adequately considered.

The project overview map creates a false impression that impacts of this project will be restricted to geographically discrete areas. In reality, the impact area is much more expansive because the project will induce ocean inundation, scouring, and deflation of the fore dunes. Appendix A.8 foreshadows this larger impact zone. The document fails to analyze how this elective, project-induced restructuring of the park's coastal dune RMZ will reduce critical habitat for endangered and listed plants and permanently damage fragile and nonrenewable cultural resources.

The document mentions over a dozen archaeological sites are present in the vicinity. Yet the IS/MND focuses solely on avoidance of direct impacts to the exclusion of other predictable long term consequences that will result from project implementation. Foreseeable impacts of erosion, deflation, and inundation that will be purposefully induced and accelerated by this proposed project are completely ignored. While natural forces constantly alter the dunes, many of the sites have survived centuries, if not millennia. This elective project will intentionally and aggressively restructure the habitats, landforms, and hydrology of the western dunes to the detriment of archaeological site preservation mandated by law and the park's General Plan.

Section 15065.4(b) of the CEQA Guidelines states “a project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” An adverse change is one that will “materially impair” the qualities of a historical resource that convey its historical significance. To address the significant effects of this project on historical and unique archaeological resources, it is necessary to first evaluate whether or not the 14 properties in the project vicinity qualify as unique archaeological sites or historical resources, and then analyze all of the adverse changes that will be caused by the project. That includes landscape alterations induced or accelerated as a direct result of implementing this project.

Although the locations of archaeological sites must be protected from public disclosure, the environmental document for this proposed project must summarize the results of evaluations, provide a complete analysis of all potentially significant foreseeable impacts (not just direct short term ones), and propose mitigation in a manner consistent with CEQA and Public Resource Code 5024. The environmental document must specify how all unavoidable impacts will be mitigated. This document does not address those issues. Project-induced erosion and deflation of dune deposits has the potential to significantly impact archaeological sites through direct destruction or deflation of the vertical stratigraphy that is often essential for conveying their significance under Criterion 4 of the California Register of Historical Resources.

In a similar manner, reductions in the critical habitat of endangered and listed plants and animals should be analyzed in relation to project-induced intrusion of salt water. The heightened fore dunes and haul road presently buffer that intrusion. If endangered and listed plants and animals will be adversely affected by increased salt water intrusion caused by the project, that loss of critical habitat also should be analyzed.

In summary, there is a potential for significant environmental consequences that remain unanalyzed and unmitigated. Preparation of an EIR is thus required unless the scale of the project is radically reduced. I feel strongly that it is inappropriate to prioritize preservation of renewable natural resources to the detriment of nonrenewable cultural resources. As an professional archaeologist, I would like to request the confidential cultural resource analysis that will be used to support approval of the undertaking. You may contact me at thadvanbueren@directv.net or (707) 964-7272 if you have questions. Thanks for giving my comments careful consideration.

Sincerely,



Thad M. Van Bueren
P.O. Box 326, Westport, CA 95488

cc: Milford Wayne Donaldson, State Historic Preservation Officer
Liz Burko, California Department of Parks & Recreation
Jan Wooley, California Department of Parks & Recreation
Dionne Gruver, California Department of Parks & Recreation
Abbey Stockwell, Mendocino County Department of Planning and Building Services

Amy Wynn Coastal Development Permits

Land Use Planning
703 North Main Street
Fort Bragg CA 95437
ph: 707-964-2537
fx: 707-964-2622
www.AmyWynnCDP.com

August 31, 2012

TO: Renée Pasquinelli, Senior Environmental Scientist
Mendocino District, California State Parks
c/o Russian Gulch State Park
12301 North Highway 1, Box 1
Mendocino CA 95460

RE: Comments on Revised Draft IS/MND for MacKerricher State Park Dune Rehabilitation Project
Mendocino County CDP #12-2012

Dear Renée,

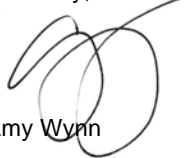
Thank you for revising the original Draft MND for the MacKerricher State Park Dune Rehabilitation project. I appreciate that you have eliminated the proposal to use herbicides for removing the invasive European Beach Grass.

As you know, The Revised Draft MND is a massive document. I have focused my review specifically on the statement in the Draft MND that State Parks has begun implementation of the project prior the adoption of the MND. In particular State Parks has begun the collection of the seeds of federally and state endangered and threatened species, the Howell's spineflower and Meznies's wallflower (Mitigation, Monitoring, and Restoration Plan for Vegetation and Rare Plants, Page 37, Proposed Schedule). Does State Parks have an agreement with the CA Department of Fish & Game and the US Fish & Wildlife Service to take the seeds of these federally and state listed species prior to approval of the project? Please provide evidence of approval for the take of these seeds so that I may better understand this process.

This section of the MND raises some questions for me, which I request be addressed prior to any permitting of this project. Please see further expansion of my comments and questions below.

Thank you for your response to these questions and concerns.

Sincerely,



Amy Wynn

Encl: n/a

CC: Loren Rex, Superintendent CA State Parks; Rick Macedo, Senior Environmental Scientist, DFG; John Hunter, Biologist, USFWS; Abbey Stockwell, Planner, County of Mendocino; Bob Merrill, North Coast Program Manager, CA Coastal Commission; Marie Jones, Community Development Director, City of Fort Bragg; Ruth Valenzuela, Senior Field Representative, Welsey Chesbro's office; Kendall Smith, County of Mendocino 4th District Supervisor; Dan Gjerde, County of Mendocino 4th District Supervisor elect. All cc copies distributed by email.

COMMENTS REGARDING APPENDIX E.2:
MITIGATION, MONITORING, AND RESTORATION PLAN FOR VEGETATION AND RARE PLANTS

1. PROJECT IMPLEMENTATION PRIOR TO APPROVAL OF MND & PRIOR TO ISSUANCE OF PERMITS

The element of this MMP that has me most in a quandary is that implementation of the spineflower and wallflower mitigation has already begun, before the project has been approved. Spineflower and wallflower seed collection began in July 2012. Collection of seeds of species that are both federally and state listed has the potential to significantly negatively impact this year's seed bank. Analysis of this potential impact has not been provided, nor do I see that this action has been approved. This action should not begin without approval of the MND, the Coastal Development Permit and any related permits from USFWS and DFG. Specifically, please address in the responses if and when federal and state permits were acquired, or by what means State Parks has the authority to collect seeds of federally and state endangered and threatened species. Please address the procedure that has been implemented for this project regarding taking viable seed as that action relates to both the Federal Endangered Species Act and the California Endangered Species Act as well as the County's Local Coastal Program.

Approval of a complex project such as this can take years, especially for controversial projects that are appealable not only to the County Board of Supervisors but also to the California Coastal Commission. If this project is never approved, federally and state endangered plants will have been impacted for no reason. What happens if the seeds that were taken never needed to be collected? What is the environmental impact of collecting viable seeds if the project doesn't happen, or if the project review becomes prolonged or even put on hold? Development of guidelines for propagule (seed) treatments is slated for November 2012, which is four months *after* propagules have been collected. How can you develop a protective protocol for a potentially impactful action after-the-fact?

As clearly stated in the Proposed Schedule, the mitigation methods will be developed *after* the MND comment period ends. It is difficult to meaningfully address a project that does not present specific mitigation methods during the CEQA public comment period. What is the beneficial effect of commenting on a proposed project if the work has already commenced? Are there other project measures that have begun?

“Specific methods and techniques for promoting seed germination, preparing seedbeds, and dispersing and incorporating seeds into substrates, and for other methods pertinent to propagule collections and introductions into planting sites, have not been fully developed. We will compile information on this topic over the next several months, and specific methods for each species, or for suites of species, will be appended to this plan.”

MMP, Pg 36, Para 3

“Proposed Schedule

“A complete schedule for the implementation of this plan has not been completed. Preparatory activities, including propagule collections and pre-Project monitoring, have started as of July 1, 2012. Upon completion of this plan, we will assemble a provisional schedule in coordination with CSP.

“Provisionally identified milestones and due dates are as follows:

- *Baseline inventory and monitoring in Project area completed: Aug. 31, 2012*
- *In-project monitoring for project requirements: as of Project start*
- *Completion of Years 1 and 2 mitigation plan implementation budget: Oct. 1, 2012*
- *Mitigation site selections: October 1, 2012*
- *Development of customized protocols for the monitoring of mitigation measure objectives: initial versions by November 1, 2012*
- *Completion of standardized photographic monitoring protocols: Nov. 1, 2012*
- *Establishment of monitoring areas, sites, and plots for compensation and enhancement mitigation measures: November 1, 2012*
- *Initiation of mitigation site preparatory treatments: no later than November 1, 2012*
- **Development of guidelines for propagule treatments, seedbed preparations, and dispersal methods and techniques: November 15, 2012**
- **Introduction of Chorizanthe and Erysimum seeds into compensation sites: Dec. 1 or upon a minimum of 5 inches of precipitation recorded in Fort Bragg after October 1, 2012, whichever is later.”**

MMP, Pg 37, Para 3

*"The following constitutes an **incomplete, and provisionally prioritized**, list of geographical areas, habitat types, and other vegetation types to consider in the selection of **sites for compensation and enhancement measures** specified for *Chorizanthe* and *Erysimum* (* asterisks denote sites of high to moderate priority for site selection purposes)....*

"The selection of compensation and enhancement mitigation sites will be completed by October 1, 2012. ...A map will be prepared to display the array of mitigation sites selected and provisional locations of nested plots."

MMP Pg 34-35

1.a Recommended Action:

To address these concerns, I recommend that the County of Mendocino take action to address this activity, such as requiring that:

1. Seed collection shall halt until permits have been obtained from all Stakeholder Agencies, including but not limited to County of Mendocino, DFG and USFWS.
2. Seeds that have already been collected shall be stored in such a manner to minimize seed mortality.
3. Prior to planting of the stored seeds, empirical evidence shall be presented for the approval by the relevant agencies that clearly demonstrates that planting seeds will have at minimum a 50% rate of survival within the first year.

2. PRESUMED OBSTRUCTION OF ECOLOGICAL PROCESS AND FUNCTION

State Parks is proposing a major set of mitigations for development (removal of the Haul Road) that is clearly stated as being a "presumed obstruction of ecological process and function." State Parks has begun mitigations for a project that has yet to be approved for impacts based on the removal of a "presumed obstruction."

*"While we may not be able quantify the sum of ecological processes and functions, we can use components of ecosystems to communicate how well those ecosystems are functioning. At least, **we can convince ourselves, with some arrogance as well as with humility, that designing studies and implementing actions intended to relieve ecosystems of presumed obstructions of ecological process and function will abet our understanding as well as facilitating ecological recovery, insofar as we might presume to know what either means or requires.**"*

MMP, Pg 4, Para 4

2.a Recommended Action

To address this concern, I recommend that the County of Mendocino take the following action:

1. Prior to approval of this project, the applicant shall provide empirical data that proves a nexus exists between the presence of the existing infrastructure that is being proposed for removal and its presumed obstruction of ecological process and function of the spineflower and wallflower species and their habitats.
2. Prior to approval of this project, empirical data shall determine if the presence of the existing infrastructure proposed for removal is aiding the survival of the spineflower and wallflower species.
3. If the data proves a nexus exists between the existing infrastructure that is proposed for removal and impacts to federally and state listed species, including snowy plover, empirical analysis shall determine if all of the existing infrastructure must be removed to further the protection of these species or if only portions of the existing infrastructure must be removed.

3. HOLISTIC APPROACH DOES NOT PRECLUDE QUANTITATIVE ANALYSIS

I thoroughly appreciate the declared holistic approach to maintaining the unique environmental and biotic assets of the Dunes Preserve. Progressive and innovative approaches by biologists used on private projects are often stifled during agency review when their proposed mitigations break the regulatory mold in an attempt to attain a truly sustainable and successful resolution. Adaptive Management is nothing new, it is the norm; all of the County-approved projects that have potential impacts to resources utilize Adaptive Management. Citing a holistic approach, however, does not preclude the value of quantitative, scientific analysis. A holistic approach incorporates quantitative analysis.

Within the spineflower and wallflower's lifecycles, please state what percentage of seed typically germinates into mature plants: 100%, 50%, 25%? Will State Parks distribute some of the seed that has been collected to like sites immediately? How will State Parks ensure that the collected seed will propagate when seeded on the dunes? What is the mitigation method if the collected seeds begin to die? Will State Parks have left enough un-impacted, viable seed on site to at the very least maintain the existing levels of spineflower and wallflower and their habitats? Please state whether State Parks will continue to collect seed before the approval of this project.

"We are not so interested in mitigation measures formulated to satisfy regulatory quotas or to achieve strictly numerically based objectives as we are in providing for the rehabilitation and maintenance of the entirety of the Preserve's ecology. We aim to work with existing environmental conditions rather than force rigid or contrived solutions into places and habitats where they won't work."

MMP Pg 3, Para 2

3.a Recommended Conditions of Approval:

To address these concerns, I recommend that the County of Mendocino require Conditions of Approval such as:

1. Prior to Issuance of the Coastal Development Permit, the applicant shall provide a quantitative set of guidelines for propagule treatments, seedbed preparations, and dispersal methods and techniques. These guidelines shall specify and provide:
 - a. The percentage of seed that typically germinates into mature plants, when left undisturbed in its existing habitat.
 - b. The percentage of seed that typically germinates into mature plants when the seed is collected, stored and artificially dispersed.
 - c. The percentage of seed that will remain in its existing habitat.
 - d. Data to illustrate how many annual generations of plant lifecycle it will take for the post-project population levels to reach their pre-project population level.

4. EXPRESSED UNCERTAINTY FOR SUCCESS OF MITIGATION METHODS

The amount of uncertainty specifically expressed in the Project's MMP leaves one to believe that the proposed mitigation for the impacts to the spineflower and wallflower and their habitats may be unsuccessful. It is essential for State Parks provide more certainty prior to moving forward with this project. This is particularly significant, given that State Parks is tasked with the legal authority by CEQA to approve the effectiveness of the MND. Please specify what is meant by the statement that "most seeds will likely survive project activities?" Does that mean the spineflower and wallflower seeds that will remain on site are sturdy enough to withstand the impact of the heavy equipment that will perform the removal of the Haul Road?

*"The **specific nature of impacts to Chorizanthe howellii as a result of Project implantation is uncertain**, since annual plants survive from one growing season to the next as seeds – **these propagules will likely survive the short-term disturbance effects of the Project. Promoting the environmental conditions conducive for seed germination is decidedly more important than mitigating negative impacts on individual plants.** This topic is elaborated below.*

...
*"**Project implementation will occur primarily during the dormant season for this annual plant -- August through onset of the rainy season. Plants extant within the Project area will essentially be dead from the outset of more intensive and destructive work activities -- only seeds survive year to year, and most seeds are "ripe" and parent plants dead by mid-summer. In light of its annual life cycle, consideration of losses of individual plants is immaterial, as most spineflower seeds will likely survive Project activities;** seed production and survival for future germination are the essence of the annual plant life cycle. Thus, impacts on potential seed germination opportunities (sites and environmental conditions) within the Project area are more important in considering appropriate compensation. As stated above for*

*Abronia, sustaining and enhancing, where possible, the environmental conditions necessary for long-term species' survival is more critical than are efforts merely to replace individual plants. As provided under "Mitigation and Restoration Objectives" below, **mitigation efforts will include attempts to maintain and enhance the northern Preserve spineflower population in or near to the proposed Project area. Long-term conservation measures for this species will be addressed in the forthcoming ecological monitoring and management program for the Preserve.***

MMP, Pg 7-9

With so much clearly stated uncertainty regarding the ultimate success of these proposed mitigations, it would be prudent to perform and document mitigations on a test plot prior to any major project implementation. Given the stated holistic approach to maintaining the unique environmental and biotic assets of the Dunes preserve, direct impacts to the existing extent of the spineflower and wallflower habitats should not occur until this (these) test plot(s) are empirically proven to be successful.

4.a Recommended Action

To address these concerns, I recommend that the County of Mendocino require the following Conditions of Approval:

1. Prior to Issuance of the CDP, test plots shall be approved by the County of Mendocino, with assistance from DFG & USFWS.
2. Prior to Issuance of the CDP, the Mitigation and Monitoring Plan, addressing the long-term conservation measures for the spineflower and wallflower, shall be approved by the County of Mendocino, with assistance from DFG and USFWS.
3. Prior to Commencement of Development Activities (use of mechanized equipment on dunes, removal of Haul Road and culverts), measures shall be implemented to ensure that viable seed remaining on site will not be impacted by development activities.
4. Monitoring shall occur for a minimum of 5 years, with quarterly reporting to the County of Mendocino for the first year and annual reporting to the County, DFG & USFWS for the remaining years.
5. If Adaptive Management determines that the mitigation methods need to be revised, the monitoring timeline shall begin anew.

Public Comments on Coastal Development Permit #12-2012 (Mendocino County)

State Parks prepared a "Summary of Responses to Comments" at the time it filed a *Final Initial Study and Mitigated Negative Declaration for the MacKerricher State Park Dune Rehabilitation Project* with the State Clearinghouse on December 20, 2012. Most comments are summarily dismissed or ignored, even when presented by experts.

State Parks acknowledges: "The Mendocino District received **41 comment letters** during the public comment period for the Ten Mile Dune Rehabilitation Project at MacKerricher State Park. Eight letters were from agencies, four were from organizations, and twenty-nine were from individuals."

Many of those comments were copied to the County Department of Planning and Building Services. Neither State Parks or the County have made the comment letters available to the public. The vast majority of those comments raised substantial concerns about the proposed project. For that reason, the WMAC has included selected agency, expert, and other public comments in this package so the Board of Supervisors can review key concerns that have been raised from the time the draft IS/MND was circulated through the hearing for CDP#12-2012 held by the Coastal Permit Administrator. At least 16 members of the public expressed concerns about the permit approval at the CPA's June 11, 2013 hearing. It was approved despite that testimony and the many letters of concern filed with the County PBS Department.

August 25, 2012

Renee Pasquinelli, Senior Environmental Scientist
California State Parks
Mendocino District
12301 North Highway 1 – Box 1
Mendocino, CA 95460

To Whom it May Concern:

My concerns regarding the current MacKerricher Dune Rehabilitation Project are numerous. The probable outcome stated in the plan suits the particular vision SP desires to achieve, thus requiring no mitigation. However, the huge scope of the project contains outcomes that are unknown due to the experimental nature of the project requiring a higher level of mitigation than indicated in the plan. In particular:

Chorizanthe:

This rare and endangered plant occurs in great numbers here, one of the few locations in the world. Why is that? When looking at the Biological Resource Map the greatest populations are clustered around the existing haul road (Special Status Plant Map 01). Page 64 states that the road base provides suitable habitat because sand is stabilized by the rocks that comprise the road base. This however, was disputed during the public meeting (Aug.6, 2012) when Peter Baye was quoted as saying it was due to the haul road collecting water. Either way, there is something about the road that Chorizanthe likes. It appears that approximately 70% of its total population is clustered there. In reading about the cultural requirements for Chorizanthe it is apparently not known whether it forms a seedbank.. The removal of the haul road will destroy a major portion of this population and possible seedbank. How will this population be restored, how can you replicate this environment that it seems to prefer? Yet, the plan claims that the Chorizanthe population will be increased by 400% by 2017 (Enhance App. E-2, pg. 28) and occupy twice the habitat (Improve App. E-2, Pg.30). Additionally, it is stated that preparatory activities have already begun as of July 1. I was told in telephone conversation that seed collecting had taken place during a walkabout with various officials in early July (pers. conv. Jeff Tyrrell, district rep. for Sen. Noreen Evans 7/3/12). Seed collection protocols are generally described in App. E-2, pg.41. This plan has not been finalized or approved and work has already begun. The budget for the plant restoration (mitigation) portion for this plan seems inordinately low for the scope of the project, with \$25,00 for consultant and \$30,000 for labor most of which is to be spent in the third quarter of 2012 (App. E-2, pg. 38). The third quarter ends Sept. 30; is work already happening and money being spent without a finalized and approved plan?

Geology & Soils:

The explanation of dune process with no sampling done in the back dunes (r. pasq.pers.conv. Peter Baye 6/22/12) pg. 86, appears to be in contradiction to the State Geologist's Conclusions (App. E -4, pg.15). The removal of the road and non-native vegetation will eliminate barriers to sand movement; this has already occurred with dune

grass removal windward to promote habitat for the snowy plover. “The addition of sand will change the configuration of the dunes as they migrate to the east (ie., additional transverse dunes could develop and/or grow in height farther inland), the nature of the vegetation, and the drainage patterns throughout the dunes.” The dunes are unstable as a result of manmade activities: logging and off-road vehicle use. It took nearly two decades to put private lands and BLM land into the hands of SP for stewardship. This was done specifically to stop the destruction of the dunes by off-road vehicles (dune buggies) entering through private and BLM lands. Sand and silt continue to be deposited from decades of logging activity. SP has a vision of restoring the dunes to their ‘natural state’; they will never return to their ‘natural state’; man has intervened. Now we have a plan to add another manmade event, with the proposed removal of the haul road. Much discussion of sand movement occurred at the public meeting Aug. 6, 2012; concerns for private lands and state highway systems need to be addressed, along with altered watercourses and loss of vegetation & wetlands. The northern dunes are unstable and are healing from decades of abuse; stabilization should be a high priority. With a plant restoration plan that includes stabilization within its list of priorities, this could be achieved.

It is my belief that the above issues would both have a potentially significant impact on the environment and should be reviewed for a higher level of mitigation and should be subject to an EIR.

OTHER CONCERNS:

Haul Road:

At the public meeting Aug. 6, 2012 we were told that there is low priority for recreation in a preserve. The Haul Road is a pre-existing coastal trail that people use and is designated as such in the MacKerricher General Plan and the Local Coastal Plan (pg. 111,112). In terms of restoration and dune protection, this is useful as it confines activity to a specific location and defines where people should walk. We now hear that “conditions have changed, this no longer applies” (r. pasq. public meeting Aug. 6, 2012). If that is the case, and the MGP is a CEQA document, doesn’t that call for a new General Plan and an amendment to the LCP?

Herbicides:

I am pleased to see the herbicide section deleted from this plan. However, it is still disturbing to come across the word ‘treatment’ in the document. SP designates hand-pulling and weed-wrenching as removal methods. Language that states that no herbicides will be used would be helpful to prevent any deviation due to “conditions have changed...”.

Trees:

The discussion of tree planting on the eastern boundary names *pinus contorta* and *pinus muricata* as the preferred species for planting. There is no discussion of pine beetle; there seems to be more and more beetle damage around the main entrance to MacKerricher

State Park spreading slowly northward. Nothing should be removed until something replaces it and has the chance to establish with protection; that could take as long as 20 years.

Leymus mollis:

I notice that there is ½ acre of Leymus mollis (G4S2, pg. 54) in the park. I don't see any mention of the native American dune grass in the restoration plan. Since I have a high concern for healing the stability of the dunes my question would be: can't this plant be utilized in select locations for sand stabilization?

SUGGESTIONS:

- 1.) The \$750,000 in funding for the Haul Road removal should be reallocated to implement native plant restoration in small increments; in the case of endangered species start immediately so that the monitoring protocol for the 10-yr. period begins in the northern dunes (USFWS). Prove success.
- 2.) In terms of Haul Road removal, I suggest no project. Reallocate funds for the preservation of the haul road and coastal trail vision as presented in the MGP and LCP, perhaps removing the damaged portions of the road and culverts. Prove success.
- 3.) I encourage you to hold public meetings so that we, the public, can stay informed. We live here, we use the park, these are our tax dollars at work and we care about the environment. I encourage public scoping and transparency. State Parks needs our support.

Sincerely,

Tenaya Middleton
P.O. Box 1823
Mendocino, CA 95460



Save the Haul Road in Ten Mile Dunes or Require Comparable Alternate Trail

Petitioning Mendocino County Board of Supervisors
Petition by: Westport Municipal Advisory Council

The California Department of Parks and Recreation wants to destroy 2.7 miles of existing coastal trail along the historic Haul Road in northern MacKerricher State Park to promote ecosystem restoration. While habitat preservation is an important priority, public policies also explicitly recognize the public's right to access and enjoy that unique environment.

We oppose destruction of the haul road because it will extinguish access for many users, cause radical environmental changes that remain poorly analyzed, and has questionable environmental benefits. We urge the Mendocino County Supervisors, California Coastal Commission, and other involved agencies to require that resource protection be balanced with public coastal access by pursuing more modestly scoped habitat restoration, saving viable portions of the haul road, and reconnecting the trail as a continuous multi-use access between Ward Avenue and the Ten Mile Bridge.

This safe and scenic segment of the California Coastal Trail should be accessible to pedestrians, bicycles, disabled individuals, and other non-motorized access in a non-discriminatory manner. Restoring viable portions of the road will require the lowest expenditure of public funds to reconnect this valued coastal trail segment. By keeping people on a designated path, protection of sensitive habitats and species can be more effectively facilitated.

To: Mendocino County Board of Supervisors
Assemblyman Wes Chesbro, California Assembly
Senator Noreen Evans, California Senate

Signatures

Name	Location	Date
Thad Van Bueren		2013-06-25
George Reinhardt	Fort Bragg, CA, United States	2013-06-25
Junice Gleason	Fort Bragg, CA, United States	2013-06-25
Paula Christensen	Fort Bragg, CA, United States	2013-06-25
Maryellen Sheppard	Fort Bragg, CA, United States	2013-06-25
Thomas McCullough	Fort Bragg, CA, United States	2013-06-25
Jonathan Hvozda	Fort Bragg, CA, United States	2013-06-25
Emily Lang	Fort Bragg, CA, United States	2013-06-25
Eric Freeman	Mendocino, CA, United States	2013-06-25
heather brown	fort bragg, CA, United States	2013-06-25
Tracy Mulvihill	Fort Bragg, CA, United States	2013-06-25
Barbara Burrows	Fort Bragg, CA, United States	2013-06-25
Eileen Broderick	Fort Bragg, CA, United States	2013-06-25
Lindsay Wansbury	Fort Bragg, CA, United States	2013-06-25
Katherine Waid	Mendocino, CA, United States	2013-06-25
richard ogle	Fort Bragg, CA, United States	2013-06-25
Ginny Mills	Little River, CA, United States	2013-06-25
Joselyn Bartlett	Caspar, CA, United States	2013-06-25
Gary Quinton	Fort Bragg, CA, United States	2013-06-25
Patricia Araiza	Clearlake Park, CA, United States	2013-06-25
Craig Walter	Fort Bragg, CA, United States	2013-06-25
Lari Shea	Fort Bragg, CA, United States	2013-06-25
Wendy Wall	Fort Bragg, CA, United States	2013-06-25
Ray Duff	Caspar, CA, United States	2013-06-25
Kay Corcoran	Mill Valley, CA, United States	2013-06-25
Susan Piercy	San Diego, CA, United States	2013-06-25
Barbara Williams	Fort Bragg, CA, United States	2013-06-26
Mary Marshall	Corte Madera, CA, United States	2013-06-26
Jean Hawkins	Fort Bragg, CA, United States	2013-06-26
Pamela Tidd	Fort Bragg, CA, United States	2013-06-26

Name	Location	Date
Karen Timmer	Fort Bragg, CA, United States	2013-06-26
Susan McNeil	Fort Bragg, CA, United States	2013-06-26
Laura Saxon	morrison, FL, United States	2013-06-26
rosalind beatty	Fort Bragg, CA, United States	2013-06-26
Judith Frank	Albion, CA, United States	2013-06-26
MICHAEL BELISLE	FORT BRAGG, CA, United States	2013-06-26
Curtis Tubbs	Fort Bragg, CA, United States	2013-06-26
Grahame Reffell	Ft Bragg, CA, United States	2013-06-26
nicole garcia	gualala, CA, United States	2013-06-26
brian astell	gualala, CA, United States	2013-06-26
cb schmidt	fort bragg, CA, United States	2013-06-26
Larry Bunner	Pahrump, NV, United States	2013-06-26
Harvey Hoechstetter	Westport, CA, United States	2013-06-26
Thomas Jelen	Inglenook, CA, United States	2013-06-26
John Lodin	Mendicino, CA, United States	2013-06-26
Tenaya Middleton	Fort Bragg, CA, United States	2013-06-26
Kelly Cook	Fort Bragg, CA, United States	2013-06-26
Nancy Cross	Fort Bragg, CA, United States	2013-06-26
Todd Snyder	San Francisco, CA, United States	2013-06-26
sue dowdy	fort bragg, CA, United States	2013-06-26
Frank Maurice	Fort Bragg, CA, United States	2013-06-26
Olivia Barrager	Fort Bragg, CA, United States	2013-06-26
John Scott	Fort Bragg, CA, United States	2013-06-26
Norman de Vall	Elk, CA, United States	2013-06-26
Elaine Tucker	Santa Rosa, CA, United States	2013-06-26
Janis Wattenburger	Ukiah, CA, United States	2013-06-26
Jim McDannold	Fort Bragg, CA, United States	2013-06-26
Donnell Nunn	Carson City, NV, United States	2013-06-26
Diana Leon	Fort Bragg, CA, United States	2013-06-26
Estes Bazor	Wheatland, CA, United States	2013-06-26
lori platt	Redwood Valley, CA, United States	2013-06-26
chuck chernow	Fort Bragg, CA, United States	2013-06-27

Name	Location	Date
Marsha Green-Smith	Fort Bragg, CA, United States	2013-06-27
Dawn Ferreira	Fort Bragg, CA, United States	2013-06-27
Debra Jandal	Fort Bragg, CA, United States	2013-06-27
Marilyn Bartalini	Brentwood, CA, United States	2013-06-27
Jarrod Brown	Fort Bragg, CA, United States	2013-06-27
SANDRA LILJEBERG	FORT BRAGG, CA, United States	2013-06-27
Pam Boland	Grovetown, GA, United States	2013-06-27
Gail Cole	Jacksonville, FL, United States	2013-06-27
Moussa Jandal	Fort Bragg, CA, United States	2013-06-27
Susan Seebald	Wynantskill, NY, United States	2013-06-27
Shannon Smith	Fort Bragg, CA, United States	2013-06-27
Laura Mays	Fort Bragg, CA, United States	2013-06-27
charles sisco	albion, CA, United States	2013-06-27
Ben Booth	Fort Bragg, CA, United States	2013-06-27
Katie Husband	Fareham, DC, United States	2013-06-27
sherri potter	fort bragg, CA, United States	2013-06-27
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Gerri Sorkin	Mendocino, CA, United States	2013-06-27
Jeannette Sallinen	Fort Bragg, CA, United States	2013-06-27
Bruce Timmer	Manhattan Beach, CA, United States	2013-06-28
nicholas timmer	El Segundo, CA, United States	2013-06-28
Srey-Leth Vuth	Carson, CA, United States	2013-06-28
John Timmer	San Diego, CA, United States	2013-06-28
Ed Oberweiser	Fort Bragg, CA, United States	2013-06-28
Alice Chouteau	Ft bragg, CA, United States	2013-06-28
Sharon Brennfleck	Fort Bragg, CA, United States	2013-06-28
Garth Chouteau	Richmond, CA, United States	2013-06-28
James Maxwell	CA, CA, United States	2013-06-28
gregory noonkester	fort bragg, CA, United States	2013-06-28
Rebecca Bailey	Fort Bragg, CA, United States	2013-06-28
Dylan Morris	Fort Bragg, CA, United States	2013-06-28
Leonard Michael	Lawrenceville, GA, United States	2013-06-28

Name	Location	Date
Carol Reffell	Fort Bragg, CA, United States	2013-06-29
Sleepy Joe Lee	Dayton, OH, United States	2013-06-29
Ronelle McMahon	Fort Bragg, CA, United States	2013-06-29
Pat Clark	Sparta, WI, United States	2013-06-29
polly erion	fort bragg, CA, United States	2013-06-29
AnnBeth Priceman	Mendocino, CA, United States	2013-06-29
norma cleary	Fort Bragg, CA, United States	2013-06-30
Gerald Reicher	Eugene, OR, United States	2013-06-30
Marianne Gerssing	Potter Valley, CA, United States	2013-07-01
James Bogue	Fort Bragg, CA, United States	2013-07-01
lois senger	westport, CA, United States	2013-07-02
Ginny Feth-Michel	Fort Bragg, CA, United States	2013-07-02
bernadette rafanan	frot bragg, CA, United States	2013-07-03
Anne Thomas	Fort Bragg, CA, United States	2013-07-04
Cynthia Ariosta	Elk, CA, United States	2013-07-05
linda cowles	santa rosa, CA, United States	2013-07-05
Mark Johnson	Fort Bragg, CA, United States	2013-07-05
Deborah Kravitz	Healdsburg, CA, United States	2013-07-05
Barbara Chasteen	Sebastopol, CA, United States	2013-07-05
Elizabeth Paul	Fort Bragg, CA, United States	2013-07-05
Christy Berrettini	Fort Bragg, CA, United States	2013-07-05
Cindy Ellis	Fort Bragg, CA, United States	2013-07-05
Lynn Sevall	Newport, VT, United States	2013-07-05
Pam Respini	Redwood Valley, CA, United States	2013-07-05
Alyssa Stevens	Fort Bragg, CA, United States	2013-07-06
chris clutton	fort bragg, CA, United States	2013-07-06
Nancy Reed	Escondido, CA, United States	2013-07-06
Roberta Mayberry	Fort Bragg, CA, United States	2013-07-08
Scott Conner	Los Angeles, CA, United States	2013-07-08
Robert Shannon	Fort Bragg, CA, United States	2013-07-08
Tammy Bagley	Fort Bragg, CA, United States	2013-07-08
Kathryn Latimer	Forsyth, MO, United States	2013-07-08

Name	Location	Date
Sara Darrah	Santa Rosa, CA, United States	2013-07-09
Tenaya Mazur Russell	Fort Bragg, CA, United States	2013-07-10
Nancy Thornburn	Fort Bragg, CA, United States	2013-07-11
anthony phillips	fort bragg, CA, United States	2013-07-11
sarah fogg	fort bragg, CA, United States	2013-07-13
Lindsay Jacobson	Fort Bragg, CA, United States	2013-07-17
Abbey Holmes-Doyle	Leggett, CA, United States	2013-07-17
jeff martin	Butler, TN, United States	2013-07-17
Nicole Eleck	Fort Bragg, CA, United States	2013-07-17
Michael Stoyka	San Francisco, CA, United States	2013-07-17
Isaak youngblood	little river, CA, United States	2013-07-17
kyle kinney	fort bragg, CA, United States	2013-07-17
Melinda McLaughlin	Ft. Bragg, CA, United States	2013-07-17
Lorena Behounek	Mendocino, CA, United States	2013-07-17
Racheal Davis	Westport, CA, United States	2013-07-17
Adrienne Long	Fort Bragg, CA, United States	2013-07-17
Elizabeth Palomar	Walnut Creek, CA, United States	2013-07-17
M. Thais Davis	Mendocino, CA, United States	2013-07-17
Lynn Compas Macdougall	Seattle, WA, United States	2013-07-17
Anna Marie Stenberg	Fort Bragg, CA, United States	2013-07-17
Kathryn Rossum	Fort Bragg, CA, United States	2013-07-17
Amberly Caccamo	Fort Bragg, CA, United States	2013-07-17
James Wood	Comptche, CA, United States	2013-07-17
Christina Como	Nellysford, VA, United States	2013-07-17
Ben Schill	Phillipsville, CA, United States	2013-07-18
kerry lawrence	mendocino, CA, United States	2013-07-18
Gisela Linder	Mendocino, CA, United States	2013-07-18
Douglas Isaacs	Mendocino, CA, United States	2013-07-18
Roslyn Satten	Fort Bragg, CA, United States	2013-07-18
Petra Cruser	Little River, CA, United States	2013-07-18
Adelina Alvarez	Fort Bragg, CA, United States	2013-07-18
Lynn Kiesewetter	Fort bragg, CA, United States	2013-07-18

Name	Location	Date
Victoria Joy	Cleone, CA, United States	2013-07-18
Catherine Wood	Comptche, CA, United States	2013-07-18
Shelley DeAngelis	Fort Bragg, CA, United States	2013-07-18
Margaret Drake	Albion, CA, United States	2013-07-18
Kathleen Chaffin	Fort Bragg, CA, United States	2013-07-18
Gail Coulson	Comptche, CA, United States	2013-07-18
Susan Fernbach	Olympia, WA, United States	2013-07-18
Donna Traycik	Westport, CA, United States	2013-07-18
Irene Mason	Hayfork, CA, United States	2013-07-18
Marzel Klugherz-Zetwick	Ft. Bragg,, CA, United States	2013-07-18
Elayne Sikelianos	Detroit, MI, United States	2013-07-18
Linda D'Antilio	Kennebunk, ME, United States	2013-07-18
Jeanie Dobbins	mendocino, CA, United States	2013-07-18
Scott Roat	Mendocino, CA, United States	2013-07-18
Rio Elkhart	Albion, CA, United States	2013-07-18
robert herrick	healdsburg, CA, United States	2013-07-19
Bing York	Mendocino, CA, United States	2013-07-19
Kristy Tanguay Cole	Fort Bragg, CA, United States	2013-07-19
William Staples	Fontana, CA, United States	2013-07-19
Helen Van Gelder	Annapolis, MD, United States	2013-07-19
Cheri Maas	Fort Bragg, CA, United States	2013-07-19
James Newland	Graham, WA, United States	2013-07-21
Phyllis Mervine	Fort Bragg, CA, United States	2013-07-21
Robin Shelley	Brookings, OR, United States	2013-07-21
Shelli McCarthy	Fort Bragg, CA, United States	2013-07-21
Katrina Aschenbrenner	Fort Bragg, CA, United States	2013-07-22
Katheryn Brundage	Willits, CA, United States	2013-07-22
vanna freeberg	fort bragg, CA, United States	2013-07-24
Nanci Stellino	Sherman OAKS, CA, United States	2013-07-24
Karen Lytle	Alameda, CA, United States	2013-07-24
Suzi Long	Mendocino, CA, United States	2013-07-25
Nathan Potter	Rancho Mirage, CA, United States	2013-07-26

Name	Location	Date
James Hill	Fort Bragg, CA, United States	2013-07-30
Karen Long	Cool, CA, United States	2013-07-30
bette goldfarb	mendocino, CA, United States	2013-07-31
Toby Hickman	Westport, CA, United States	2013-08-04

Table C-1. Summary of existing and additional needed management activities at U.S. Pacific Coast snowy plover breeding and wintering locations. Information based on 1998 survey of land managers as supplemented by subsequent information (from western snowy plover recovery team, U.S. Fish and Wildlife Service field office staff, and other commenters).

no.	Location	Mgt. Goal Breeding Nos. (adult Birds)	Current (=C) and Additional (=A) Management																			Owner and/or Manager		
			Access	Boats	Contaminant	Cooperation	Development	Driftwood	Enforce	Enhance	Exclosures	Fence	Horses	Info. & Ed.	Kites	Livestock	Military	Monitor	OHV's	Pets	Predators		Signs	Vegetation
CA-13	McNutt Gulch	10				A											A							Private
	Additional for CA-13: Seek cooperative agreement to monitor and use exclosures if nests found.																							
CA-14	MacKerricher Beach, 1-2	20					CA		A		A						C	C	CA		A	C	CDPR 1	
			A				CA		A		A	C	A	A			C		CA		A	C	CDPR 2	
	Comment for CA-14: Unit 1 is from Ten Mile Beach to Ward Avenue: Unit 2 is Virgin Creek Beach.																							
	Additional for CA-14: Install informational signs at access points to the two beaches; prohibit development or additional access/parking at Ten Mile beyond what currently exists; prohibit boardwalk construction north of Ward Avenue; improve trash control; and remove fence with confusing information at Virgin Creek. Use exclosures when nesting occurs.																							
CA-15	Manchester Beach	0	A				C		A		A						A	C	C		A	A	CDPR	
						A																	Private	
	Additional for CA-15: Use exclosures if nesting occurs. Comment: Monitoring by PRBO.																							
CA-16	Salmon Creek	10		C					A		A	A					A		A				CDPR	
						A																	Private	
CA-17	Bodega Harbor	0																					State	
CA-18	Doran Spit	0				A											A						Sonoma County	
	Additional for CA-18: Use exclosures if nesting occurs. Comment: Monitoring by PRBO.																							
CA-19	Dillon Beach	0				A											A						Private	
	Additional for CA-19: Use exclosures if nesting occurs. Comment: Monitoring by PRBO.																							

MACKERRICHER COASTAL TRAIL PROJECT

Exhibit 5.1
Trail Alternatives

LEGEND

Trail and Parking Area Alternatives

- Haul Road Alternative
- □ □ Setback Alternative
- ● Shortcut Alternative
- Northern Trail Alternative
- ▨ Potential Parking Area

Boundary Information

- - - BLM Leased Land
- California State Parks Land
- ■ ■ Potential Acquisition Site

Haul Road

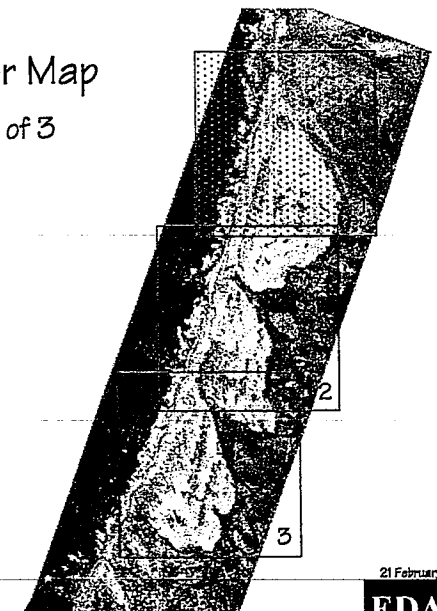
- Existing
- Completely Washed Out¹
- ■ ■ Severely Damaged¹

¹ Based on GPS data collected during July 1999

Sources: Digital Orthophotography - Department of Parks and Recreation, 1999; Biological Information - EDAW, Inc.; Mackerricher State Park General Plan, June 1995.

Locator Map

Map 1 of 3



MACKERRICHER COASTAL TRAIL PROJECT

Exhibit 5.1
Trail Alternatives

LEGEND

Trail and Parking Area Alternatives

- Haul Road Alternative
- □ □ Setback Alternative
- ● Shortcut Alternative
- Northern Trail Alternative
- ▨ Potential Parking Area

Boundary Information

- - - BLM Leased Land
- California State Parks Land
- - - Potential Acquisition Site

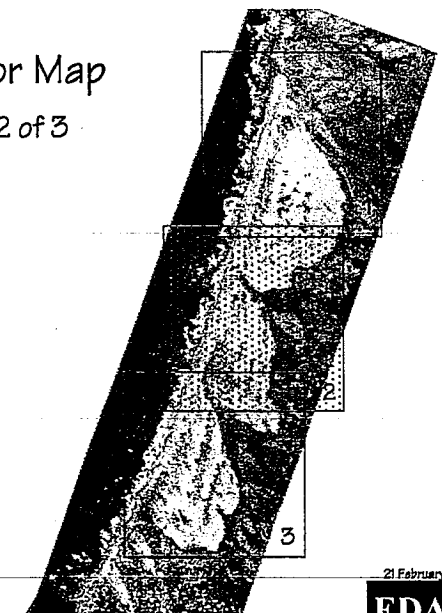
Haul Road

- Existing
- Completely Washed Out¹
- - - Severely Damaged¹

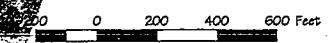
¹ Based on GPS data collected during July 1999

Sources: Digital Orthophotography - Department of Parks and Recreation, 1999; Biological Information - EDAW, Inc.; MacKerricher State Park General Plan, June 1995.

Locator Map
Map 2 of 3



1:5,400



21 February 2000

EDAW

17-058371-055.01/phototrails

MACKERRICHER COASTAL TRAIL PROJECT

Exhibit 5.1
Trail Alternatives

LEGEND

Trail and Parking Area Alternatives

- □ □ Haul Road Alternative
- □ □ Setback Alternative
- ● ● Shortcut Alternative
- ==== Northern Trail Alternative
- ▨ Potential Parking Area

Boundary Information

- - - BLM Leased Land
- California State Parks Land
- - - Potential Acquisition Site

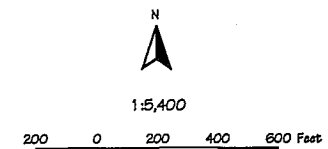
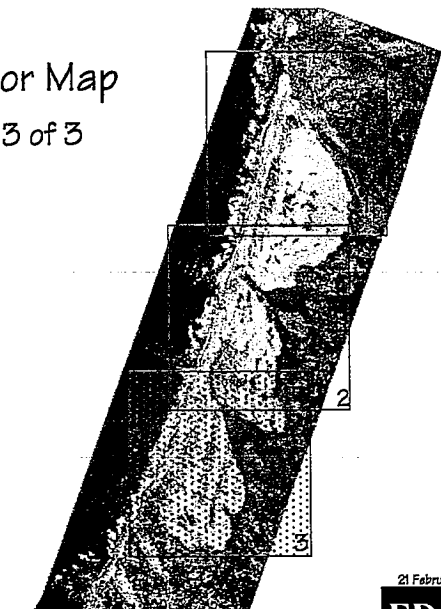
Haul Road

- Existing
- Completely Washed Out¹
- - - Severely Damaged¹

¹Footnotes: Based on GPS data collected during July 1999

Sources: Digital Orthophotography - Department of Parks and Recreation, 1999; Biological Information - EDAW, Inc.; Mackerricher State Park General Plan, June 1995.

Locator Map
Map 3 of 3



**A Review of
Ten Mile Coastal Trail EIR Options Draft
In MacKerricher State Park**

By
Stanley E. Anderson, President
Ten Mile Coastal Trail Foundation
March 20, 2000

GENERAL:

The purpose of the Ten Mile Coastal Trail EIR Options Draft is to explore alternatives available to best preserve the fragile environment of the Ten Mile Dunes and any threatened, endangered or listed species therein. There is no question that the Ten Mile Dunes is an environmentally sensitive area that deserves protection and preservation. The challenge is finding ways that achieve that protection and preservation in a reasonable, cost effective manner. The Draft proposes five alternative scenarios for the northern section of trail running though the Ten Mile Dunes:

1. Stop the trail at its present terminus approximately ¼ mile north of Ward Avenue (Feasible).
2. Reconstruct the washed out portion of the trail as closely as possible to the original logging road alignment (Feasibility Threatened).
3. Construct a trail bypassing the washout some distance inland connecting the northern and southern sections of the trail (Feasibility Threatened).
4. A "Shortcut Trail" extending due east of the present terminus ¼ mile north of Ward Avenue along the park boundary to Highway 1 then north to the Grange (Feasibility Threatened).
5. Construct a formal "North Access" near the Ten Mile River bridge opening up public access to the northern 2 ½ miles of the trail north of the washout (Feasible).

This analysis explores the proposed options from the perspective of potential usage by hikers, bicyclists and equestrians and others. In the process, it questions some of the assertions by the U.S. Fish and Wildlife Service (USFWS), the California Department of Fish and Game (DFG), environmental organizations and others that the project would destroy nearby threatened, endangered or listed species in the Ten Mile Dunes.

From 1972-77 the central/southern portion of the Ten Mile Dunes was the subject of a comprehensive investigation conducted by the University of California under contract to the Department of Parks and Recreation. The resulting Inglenook Fen study of 1977 (page 107) states, "*Entrance to the fen and dune system would be best controlled by organized entry with the presence of an interpretive ranger. ... However, designated trails may need to be established. The fragility of the dune vegetation is such that all foot traffic must be directed away from vegetated areas.*" Many conclusions of the Inglenook Fen study were addressed in the MacKerricher State Park General Plan of 1995 which proposed establishing the Ten Mile Dunes as a Preserve while, at the same time, proposing that the old logging ("haul") road – partially washed out in 1983 – be restored as a

means of diverting north-south foot, bicycle and equestrian traffic away from environmentally sensitive areas.

Option 1: Stop the trail at its present terminus approximately ¼ mile north of Ward Avenue (Feasible).

Stopping the trail at its present terminus at the south end of the washout approximately ¼ mile north of Ward Avenue does little if anything to change the current situation of the public and equestrians wandering into the Ten Mile Dunes to the north. Visitor traffic studies conducted by MacKerricher State Park staff in June and October 1999 indicate that annual visitors to MacKerricher are conservatively estimated at 2 million. The magnitude of the failure of this option is best illustrated in that if just 2 ½ percent of this number, 50,000, visit north of Ward Avenue there is a major potential intrusion problem into the Ten Mile Dunes.

Of the 50,000 estimated visitors above, approximately 10,000 access the dunes at the north end, near the Ten Mile River Bridge and 40,000 from the south end north of Ward Avenue. If 75-80 percent of the 40,000 south end visitors follow posted signs directing visitors to the Ten Mile Beach, the remaining 8-10,000 will continue to wander unchecked into the dunes. Experience has shown, demonstrated by volunteer trails, that most of the visitors to the south end of the dunes tend to follow these trails paralleling the edge of the dunes above the beach until they can find beach access farther north. There is no practical way to keep these people out of the dunes. Physical barriers, such as fencing, will be vandalized, removed or ignored. State Parks does not have the staff to provide regular patrols, much less station a staff member in the area to keep people from the dunes.

The 32,000 or so visitors who follow the posted signs to the Ten Mile beach generate an additional problem. If they continue walking far enough north on the beach they will intrude into areas identified by recent Snowy Plover studies as potential nesting area. Fortunately, there is a solution to alleviate this problem. At some point south of the potential nesting areas, the old logging road resumes north of the washed out sections and could provide an effective bypass of the potential nesting area.

In summary, Option 1 does not change the existing situation. It does not effectively keep visitors from wandering into the Ten Mile Dunes and simultaneously dumps many thousands more on to the Ten Mile Beach where many could wander into potential Snowy Plover nesting habitat.

Option 2: Reconstruct the washed out portion of the trail as closely as possible to the original logging road alignment (Feasibility Threatened).

This option is not practical as pointed out in the EIR Options Draft. Retreating dunes due to wind and wave action would make any type of a permanent trail paralleling the bed of the old logging road prohibitively expensive due to the need for continuous and extensive maintenance.

One alternative would be to attempt to provide for a rudimentary trail with minimum grading, widening and packing following volunteer trails along the top of the western dune edge overlooking the Ten Mile Beach. While this would encourage visitors to stay on this improved path, the path itself would not be ADA accessible or allow access for maintenance, patrol or emergency vehicles. Due to the temporary nature of such a trail, in many places it would have to be realigned and rebuilt each year at considerable maintenance time and expense not to mention annual environmental and permit approval to make the needed repairs.

Option 3: Construct a trail bypassing the washout some distance inland connecting the northern and southern sections of the trail (Feasibility Threatened).

This option appears to offer the greatest potential from a reduced maintenance standpoint. Its main drawback is assertions by USFWS, DFG and environmental groups that this option would most threaten nearby endangered plants. Given the intensity of these claims bears some scrutiny at this point.

Significant environmental damage. That this claim is grossly overstated can be refuted by looking at "the numbers" involved. The EIR Options draft states that the total acreage of the Ten Mile Dunes is 1285 acres. Option 3 proposes a 6400 foot bypass trail. Given a ten-foot wide trail, that translates to a total trail area of 64,000 square feet or 1.38 acres – 1/10 of 1 percent of the total acreage – the equivalent of 10 cents in 100 dollars! Even allowing for a 30 foot wide corridor during construction (which even the EIR Options Draft states would result in no permanent damage to the dunes) this translates to less than 5 acres – less than ½ of 1 percent of the total acreage – subject to temporary damage.

Threat to endangered plants specifically the Menzies' Wallflower (*Erysimum menziesii* ssp. *menziesii*) and the Howell's spineflower (*Chorizanthe howellii*). Environmental groups and State Parks Resource Ecologist Renee Pasquinelli claim that the Menzies' Wallflower and Howell's spineflower are native to the Ten Mile Dunes. As noted in the EIR Options Draft, Ms. Pasquinelli is further quoted as saying that the Menzies' Wallflower does not do well in a competitive environment. Yet while the maps accompanying the Draft show a medium density of the two species distributed in various locations in the study area there is evidence that both flourish outside of the dunes. The southern most map shows unusually heavy density of the Howell's spineflower existing to the west of the logging road – the largest concentration not completely defined because it extends outside the southern boundary of the study area and well away from the dunes. Also outside the southern boundary of the study area, north of Lake Cleone and east of the Coastal Trail, are several acres of Menzies' wallflower thriving in an area with competing low ground cover plants of various species. Not only are the highest concentrations of both the Howell's spineflower and Menzies' wallflower south of, or barely within, the study area but these areas, both several hundred yards south of Ward Avenue, are traversed by a high density of foot, bicycle and

equestrian traffic on a well-developed trail system. It would appear that the areas of moderate density growth in the Ten Mile Dunes occur *in spite* of the hostile dunes environment rather than *because* of it.

This writer questions whether the density maps of Menzies' wallflower and Howell's spineflower dispersal were drawn as a result of studies by EDAW consultants or based on maps supplied by Ms. Pasquinelli. If they are based on maps by Ms. Pasquinelli it should be noted that while conducting a group tour of the dunes environment in 1998, Ms. Pasquinelli stated that her maps of the plant distribution were incomplete, in which case, the distribution may be much broader than indicated in the EIR Options Draft.

There exists the very real possibility that 1) much higher density beds of Menzies wallflower and Howell's spineflower are to be found outside of the Ten Mile Dunes, and 2) the distribution of these species in the dunes is much broader than illustrated on the EIR Options Draft maps. These observations, when combined with the minimum permanent impact of trail construction through the dunes, as stated above, would seem to indicate that minimum, if any, mitigation of these two species is needed.

Human intrusion into the Ten Mile Dunes. This assertion is closely coupled with the **Threat to endangered plants** above. It presupposes that a through trail will encourage a large-scale intrusion into the dunes. Experience gathered from a large body of evidence on trail usage across the country indicates that exactly the opposite is true.

1. Bicyclists using the trail would, in most cases, be using the trail as an alternate to Highway 1 and have no real interest leaving a hard surface trail to go into the dunes, with or without their bicycles.
2. The heavier the traffic on a trail, the more self-policing occurs. With low fences along the trail and periodic signs to remind users to stay on the trail, experience has shown that more than 95 percent of the users will stay on the trail and challenge those users who leave the trail. This self-policing also carries over to discourage users from leaving trash along the trail and instead pick it up.

Using the 40,000 visitors who access the southern boundary of the Ten Mile Dunes from Ward Avenue (Option 1 above) simple calculations show that if 60 percent, 24,000, of the visitors use the trail and 95 percent of those stay on the trail the actual incidence of dunes intrusion drops from 8-10,000 today to 1,200 or less. Conversely, to achieve the same level of the present dunes intrusion (8-10,000), assuming 95% of the visitors stay on the trail, it would require 160,000-200,000 visitors per year – four to five times the current usage!

Restriction on dune movement. The EIR Options Draft, under at least two options, states that a hard-surface trail would stabilize dunes thereby restricting further movement. Yet, maps accompanying the Inglenook Fen Study of 1977

clearly show that the size of the Ten Mile Dunes more than doubled between 1920 and 1972. This took place in spite of the fact that the Ten Mile Railroad had been in place since 1917 and was paved over in 1949 to become the logging road. The logging road and railroad before it appear to have had little if any real impact on either the growth or movement of the dunes.

Encourages incursion of European Beach Grass. Claims that a hard-surface trail would encourage the growth and incursion of European Beach Grass (*Ammophila Arenaria*). These claims appear to be refuted by the fact that European Beach Grass was first noted along the Ten Mile Dunes west of the railroad as early as the 1930's. Yet as prevalent as it became along the upper Ten Mile foredune it remained west of the railroad and logging road until only the past 15 years when the road fell into disuse and became poorly maintained. The fact that amrophila spreads primarily by rhizomes would seem to indicate that they were discouraged from spreading underneath the roadbed because of either the compactness of the soil or the sterile, waterless impermeability of the soil underneath the roadbed or both. The infestation of the past 15 years appears to be largely due to windblown Ammophila. By comparison, amrophila infestations in the Humbolt County to the north and at Point Reyes National Seashore to the south have virtually taken over and destroyed dunes systems there although the infestations date from the same period or later as those do in the Ten Mile.

Western Snowy Plover will be endangered. Assertions that the Western Snowy Plover will be endangered ignore the history of the past 83 years. For some 42 years, 1917-1949, several logging trains and other rolling stock daily shuttled north and south along the original Ten Mile railroad – and the Western Snowy Plover survived. When the railroad was paved over in June 1949, for the next 33 years until January 1983, dozens of logging trucks would traverse the logging road each day – and the Western Snowy Plover survived. In the 1970's the lumber company open the road to the public on weekends and the road was lined with cars and the Ten Mile Beach a popular attraction – and the Western Snowy Plover survived. While not denying the “threatened” status of the Western Snowy Plover, the history of the past 80+ years would seem to indicate that the species is far more resilient than naturalists give it credit for.

Option 4: A “Shortcut Trail” (Feasibility Threatened).

This option is not only unfeasible for reasons outline in the EIR Options Draft it is also unrealistic. While this option might see some use by bicyclists using the Coastal Trail as an alternate to Highway 1 it would be totally ignored by foot traffic and equestrians who would prefer instead to travel from the Grange directly to the seashore without making a southbound detour of thousands of feet out of their way. For all intents and purposes the “shortcut trail” is a trail to nowhere.

Option 5: A Formal North Access (Feasible).

This option should be pursued regardless of other options selected. The north end of the Ten Mile Coastal Trail already receives a relatively high usage particularly when compared to the lack of parking facilities available. The present parking is extremely limited and pulling into or out of the present informal parking lot into fast moving traffic on Highway 1 represents a real hazard. Providing an improved access route from a parking area to the trail would also discourage many users from the present practice of climbing a nearby dune and then walking across the dunes to access the trail.

This option has a potential drawback, however. While offering the visitors the opportunity to walk along 2 ½ miles of existing paved logging road upon reaching the southern end (at the northern extremity of the washout) they are left with nowhere to go but back. Given that there are some archeological sites, specifically, shell middens in the area there will be a natural tendency to leave the trail at this point to either explore the dunes or go down to the beach in an area just south of potential Snowy Plover habitat. Signage might discourage some visitors from leaving the trail and returning the way they came but it is probable that a large number reaching the end of the trail would not comply. On the positive side, however, is the experience that most present users are drawn to the area at the mouth of the Ten Mile River and comparatively few inclined to walk the trail southward.

RECOMMENDATIONS:

In order to validate the presence and density of the endangered Menzies' Wallflower (*Erysimum menziesii* ssp. *menziesii*) and Howell's spineflower (*Chorizanthe howellii*) the study area for the location of these species should be extended at least south to Lake Cleone, if not all the way south to a point below Laguna Point.

CONCLUSION:

Of the options presented in the EIR Options Draft, **Option 3: The Bypass Trail** offers the best solution for handling both the present and future volume of visitors to the Ten Mile Dunes. Given the 1285 acres of the dunes complex, the long term impact on less than 1.5 acres represents a reasonable trade-off while accommodating the vast majority of the visiting public. A hard-surface, through trail would provide bicyclists with a safe alternative to Highway 1. The trail would be ADA compliant and provide good access for the mobility impaired or families pushing baby strollers. It would provide an excellent opportunity to educate park visitors with periodic displays explaining the dunes environment. It trail would also provide ready access to maintenance and emergency vehicles and greatly facilitate patrolling the dunes by park rangers—something that is impossible today.

Closely following is **Option 5: A Formal North Access**. This option opens up the north end of the logging road for greater and safer use by park visitors. It would also be required to make Option 3 (above) most effective.

Option 1: Stop the trail at its present terminus represents the “do-nothing” approach favored by the USFWS, DFG and environmental groups and ignores the reality that approximately 50,000 visitors, an average of 170 per day, visit the Ten Mile Dunes and Beach. Doing nothing guarantees that damage will continue to accrue to the delicate environment of the dunes complex. Allowing this cumulative degradation to continue unabated would be an abrogation of the State Parks responsibility to protect the environment.

SUMMARY:

The fragile environment of the Ten Mile Dunes and its fauna and fowl are imperiled by the uncontrolled access of more than 50,000 visitors per year. All indications are that this number will increase in the years ahead. While it may not be possible to limit the number of visitors, it is possible through a combination of channelization, education and physical barriers to discourage intrusion into the dunes system to minimize the damage they do to the environment.

TEN MILE COASTAL TRAIL FOUNDATION

March 20, 2000

EDAW

When reviewing the five options for re-establishment of the Ten Mile Coast^{al} Trail between Ward Avenue and the Ten Mile River, consideration must be based on historic (and documented) fact that the Trail follows a long-established transportation corridor along the Pacific Ocean.

This corridor along the beach and foredune headlands has long been an attractive, useful and compelling feature of the area; denial of passage along the shore and access to the ocean through natural events, or official fiat, is not only a negative action, but would prove to be unenforceable.

Public passage and ocean access has had little effect on the general environmental quality given that a oil-fired steam engined railroad operated here for 33 years, a high-speed diesel trucking road ran an additional 24 years, and private gasoline powered automobiles had access on weekends beginning in May of 1974.

Protection of endangered plants and birds would be actually be facilitated by reestablishment of the coastal corridor. Providing a through passage corridor paralleling the ocean channelizes and educates general public traffic by means of fencing and signage. Sensitive species along the corridor would be little affected by separated passage foot, hoof, cycle or wheelchair, on a hardened surface within a defined corridor. After all, scientific study has demonstrated that the sensitive species have already survived 84 years of railroad and trucking activity and casual public access along the foredunes, not to mention over 100 years of cattle ranching within the dune area itself.

This great natural attraction should not be closed to the people of California and the Nation; it is too much a part of the coastal life experience.

Cato the Orator ended all his speeches to the Roman Senate with the phrase, "*delendam esse Carthaginem*" (Carthage must be destroyed). In the present day, the Latin phrase might be "*Decem Milia iter junctenda est*" (The Ten Mile trail must be connected).



Eugene M. Lewis
Historian

Mackerricher State Park Dune Rehabilitation Project

Prepared By Local Residents

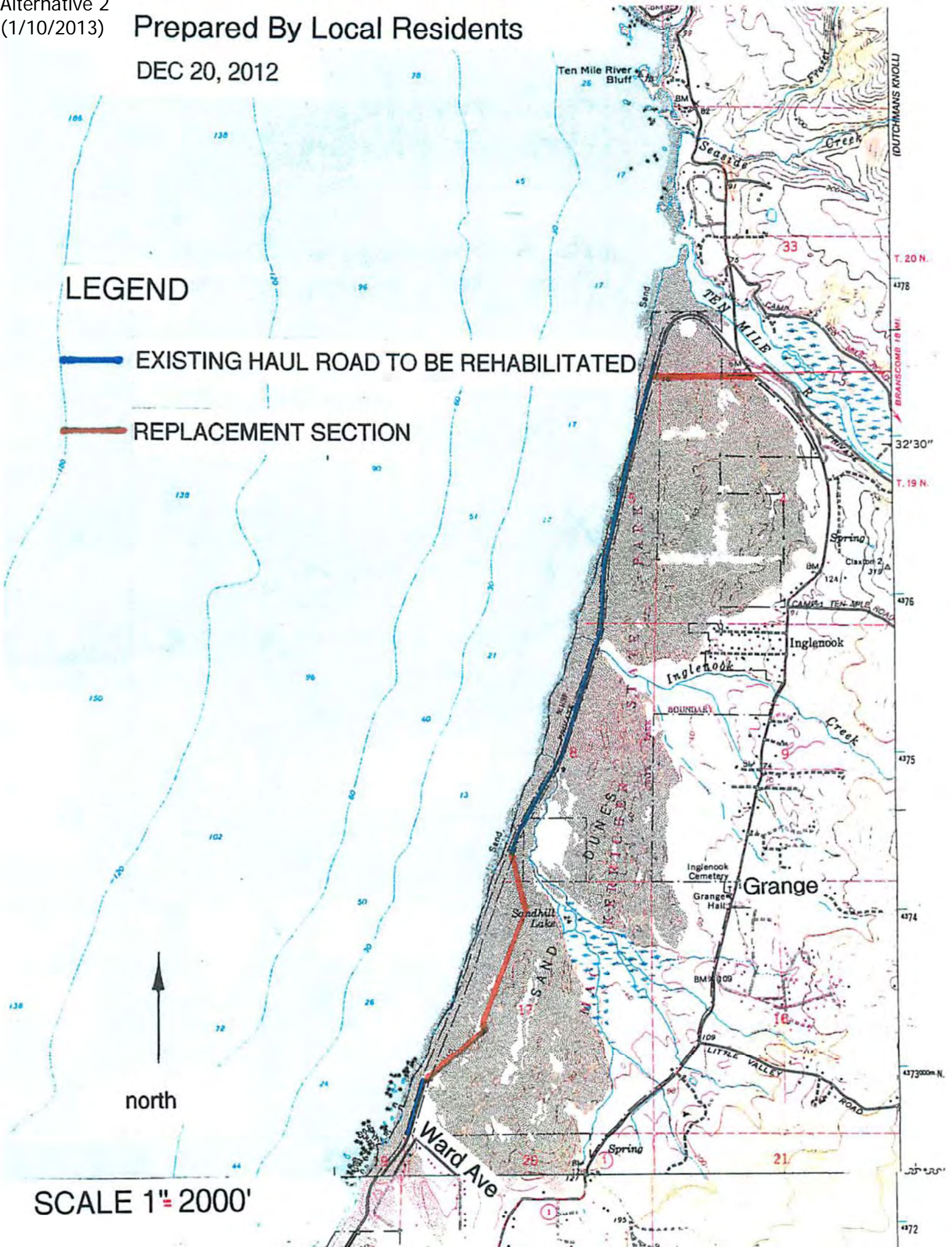
DEC 20, 2012

LEGEND

-  EXISTING HAUL ROAD TO BE REHABILITATED
-  REPLACEMENT SECTION

north

SCALE 1" = 2000'





— Haul Road
— Alternative Bike/Hike Route

This letter proposes a replacement trail Citizens identified as Alternative 3 in a subsequent letter/petition dated 1-10-2013 and endorsed by 175 local citizens

September 17, 2012

Jesse Robertson
Caltrans District 1P.O. Box 3700
Eureka, CA 95502-3770

and

Janet Orth
Mendocino Council of Governments
367 N. State Street, Suite 206
Ukiah, CA 95482

Re: Pacific Coast Bike Route Engineering Feasibility Study for Mendocino County

Dear Jesse and Janet:

As I commented in the public meeting for this planning effort held in Westport July 18th, the Pacific Coast Bike Route options presented to the public lacked any Class I alternatives. I was not the only one to express a desire to include separated Class I alternatives wherever they are feasible along Route 1. Doing so is entirely consistent with FHWA and Caltrans guidance, which assign numerical primacy to that kind of alternative. Class I paths are not only safer, they are more scenic. They are also more likely to encourage recreational uses that contribute to livable communities. A prior study I authored last year for Caltrans and MCOG with a community based transportation grant included suggestions for separated paths in the 21-mile segment between Ten Mile and Usal Road.

The fact the MacKerricher State Park stretches along the entire coast from Ten Mile River to Fort Bragg presents an unprecedented opportunity for a legacy Class I trail suitable for federal and state transportation funding as a non-motorized transportation route. MCOG and the Mendocino County Board of Supervisors have both sent letters to Caltrans and State Parks encouraging consideration of a Class I bike route along that segment. A meeting was then held in late August among State Assemblyman Wes Chesbro, MCOG, Caltrans, State Parks, Supervisor Kendall Smith, MCOG Chair Dan Gjerde, and others to consider that topic.

I am aware that some reservations exist regarding a bike route through the portion of the park north of Ward Avenue. However, a Class I bike route along that segment should not be casually dismissed. State Parks analyzed the possibility of closing a gap in the haul road north of Ward Avenue with an expensive boardwalk using ISTEPA funds. However, that proposed solution hardly exhausted the reasonable alternatives that can and should be considered. I therefore urge conscientious analysis of other Class I trail concepts between the Ten Mile Bridge and the west end of Ward Avenue for inclusion in the PCBR study that is currently in progress.

The inclusion of a thorough alternatives analysis is not really a discretionary matter. As a retired Caltrans Senior Environmental Planner with 18 years experience, it is my opinion that it will in fact be virtually impossible to plan and construct a bike route from Ten Mile River to Fort Bragg that does not include a robust alternatives analysis. Even a highway shoulder bike lane will

inevitably include some take from the Dune Preserve (triggering 4f consideration), extensive wetland issues (triggering an Army Corps 404 Permit), possible endangered species habitat issues, significant ROW acquisition costs, and safety concerns resulting from so many driveway and road intersections. Thus, reasonable alternatives merit attention from the very outset. The most obvious possibilities along that segment include: 1) reconnecting the haul road; 2) following the highway shoulder with possible modest meanders into the park where it adjoins Route 1; or 3) building a new alignment through the park. I would like to briefly review those options as an interested member of the local community.

The haul road is presently designated in the park's 1995 General Plan for biking and hiking, with maintenance specified in various directives and implementation measures. There is widespread recognition of the funding constraints that have prevented State Parks from keeping it connected. You are aware State Parks has proposed removing 2.7 miles of that northern haul road. However, it is very unlikely the County or Coastal Commission will allow that to occur unless a better alternative for a bike/hike trail through the park is proposed as mitigation. The Coastal Commission went so far as to comment on the proposed Dune Restoration Project while its fate is still under the jurisdiction of Mendocino County as a permit application (CDP 12-2012). A copy of those comments are attached.

The community also expressed strong concern about the destruction of coastal access at a meeting held by State Parks in early August. Many letters from the public and interested agencies were submitted to oppose that loss of coastal access and I can supply a compiled pdf with those concerns if desired. With that said, reconnecting the haul road between Ten Mile and Ward Avenue may not be the best option for a PCBR alignment from the perspective of a public investment. The simple reason is that it will have dubious longevity due to sea level rise and there are many environmental issues associated with stabilizing that extant structure.

The challenges with a highway shoulder option have already been introduced. It suffices to reiterate here that this route will be fairly costly (ROW acquisition; environmental mitigation; etc.), less safe, less scenic, and the associated environmental issues and possible objections from many private landowners along the route create the prospect for a very protracted development scenario. In its favor, this option offers a relatively direct route that will satisfy transportation connectivity requirements and will also be the easiest for Caltrans to maintain.

The third option is a route through the park that follows an alignment inland from the haul road. I've attached for your consideration and that of other interested parties copied on this letter a preliminary concept for a route that I believe minimizes environmental impacts, provides a reasonably direct bike transportation route, and may be less costly, safer, and more scenic than the other coastal bike/hike trail options. This concept involves routing the Class I path along the east edge of the vegetation in the first inland swale in the Dune Preserve. The rationale for that alignment is to avoid most plants, cross the two streams at narrow spots to minimize wetlands impacts, and avoid most (or perhaps all) archaeological sites, which is my specific area of expertise. This route specifically avoids endangered plants plotted in the IS/MND for the proposed Dune Restoration Project, as well as archaeological sites recorded as of June 2012. It is also routed farther away from the strand than the haul road in order to separate people from the critical habitat available for the endangered snowy plover.

I feel this inland alternative through the dunes is not only feasible, but possibly the best and least costly alternative. The reasons are: 1) it will be the most stable location for a trail within the dunes from an engineering standpoint (less sand movement in the swale because it is protected from wind scouring and sand is sequestered by the neighboring vegetation); 2) it will address longevity issues due to sea level rise because it is set back from the shore; 3) it will minimize environmental impacts through avoidance (careful choice of alignment); 4) it can be designed and built at lower cost than other alternatives if consideration is given to inexpensive permeable open-cell tread materials; and 5) it will be more scenic and safe than a highway shoulder route.

Rather than a hard paved surface or boardwalk, the engineering challenge for this trail option could be met using some thinking that goes outside of the box. There are many proven products such as fine mesh open-grid interlocking hexagonal cell plastic mats that could essentially float on the dune surface and sequester sand within the tread while they remain permeable to rainfall. That type of design is already in widespread use along many trails, and may cost as little as \$125k per mile according to local Engineer David Paoli who suggested this concept. Other designs can and should be considered. Two stream crossings on modest structures would be required. Signage could be used to good advantage to encourage people to stay on the trail and to interpret the sensitive environment. Like any bike route, maintenance would be required. The spring would be the best time to perform it, following winter storms.

I believe the local community would strongly support of this kind of solution. It would also meet the objectives of the park's 1995 General Plan to balance coastal access with the preservation of the natural environment, as well as Coastal Act mandates to maximize coastal access. It could be accomplished in a manner that is sensitive to the environment and encourages public appreciation, respect, and stewardship of the land. An engaged community could keep an eye on problems and may be willing to assist with maintenance and guided walks or biking tours. It could meet FHWA and Caltrans objectives for bikeways, while contributing to livable community goals and context-sensitive solutions that are an increasing emphasis for projects funded with transportation dollars. A trail of this caliber would also foster ecotourism, bolstering the local economy that is still heavily impacted by the latest recession.

This could be a win-win scenario for all involved, and I strongly urge you to give it serious consideration. Through interagency cooperation and community engagement, the concept could be fine tuned to ensure it meets the needs of all stakeholders. It is no secret that projects with widespread support often move more rapidly from planning to construction. Thank you for considering my views and please contact me if I can clarify any matters discussed here.

Sincerely,



Thad M. Van Bueren
P.O. Box 326, Westport CA 95488
(707) 964-7272
thadvanbueren@directv.net

Attachments: 1) Coastal Commission comments on Dune Rehabilitation Project, 8-31-2012
2) Map of Possible Class I Bike/Hike Route through northern MacKerricher State Park

cc: Rex Jackman, Caltrans District 1
Cheryl Willis, Caltrans District 1
Loren Rex, Superintendent, Department of Parks & Recreation
Renee Pasquinelli, Department of Parks & Recreation
Bob Merrill, North Coast Director, California Coastal Commission
Tamara Gedik, California Coastal Commission
Linda Locklin, California Coastal Commission
Kendall Smith, Mendocino County 4th District Supervisor
Dan Gjerde, MCOG Chairman
Phil Dow, Executive Director, MCOG
Steve Dunicliff, Director, Mendocino County Planning & Building Services
Abbey Stockwell, Mendocino County Planning & Building Services
Westport Municipal Advisory Council
Marie Jones, Community Development Director, City of Fort Bragg

January 10, 2013

Abbey Stockwell, Project Coordinator
Department of Planning and Building Services
County of Mendocino
120 West Fir Street
Fort Bragg, CA 95437

Re: CDP #12-2012 application by California Department of Parks & Recreation (DPR) for the proposed MacKerricher Dune Rehabilitation Project

Dear Ms. Stockwell:

The public and interested agency stakeholders such as the California Coastal Commission, City of Fort Bragg, and Westport Municipal Advisory have sent you letters raising many substantive concerns about the cited permit application. Additional concerns were raised by the public at a well attended meeting hosted by DPR last fall at the Inglenook Grange Hall. Since then, a group of concerned citizens have met to discuss possible alternatives to the DPR project.

While widespread support exists for preservation of the natural ecosystem in the northern portion of MacKerricher State Park, DPR's project goes beyond preservation to propose radical restructuring of that environment. Only one alternative other than the "no project" scenario was proposed in the MND finalized December 19, 2012. Many of us believe that alternative will cause significant impacts that are not adequately analyzed or mitigated. We ask that you give serious consideration to two additional alternatives proposed here. Those alternatives make an effort to avoid some of the significant impacts that are associated with the DPR proposal. All three alternatives are compared below.

The DPR Project (Alternative 1)

The stated purpose of the project is "to restore ecosystem processes that are crucial to the viability of endangered species and their habitats in the Inglenook Fen-Ten Mile Dunes Natural Preserve." DPR proposes to accomplish that by removing up to 2.7 miles of asphalt road and portions of the underlying rock base, removing two culverts, restoring the stream channels, and manually removing 60 acres of European beachgrass and other nonnative weeds. Those measures are designed to intentionally restructure the dune system by deflating the fore dunes and altering hydrological processes at the mouths of Fen and Inglenook creeks. Deflating the fore dunes will expand the coastal strand habitat for the federally listed endangered snowy plover at the expense of other types of habitats.

The final MND concludes there will be no significant unmitigated environmental impacts. We contest that inadequately analyzed finding, which is contradicted by data in the document, other studies it references, and our own observations. This alternative will have significant unmitigated impacts to recreation and transportation through destruction of the haul road, and it will also induce severe erosion and tidal inundation that will cause significant unanalyzed impacts on wetlands, cultural resources, endangered species, and neighboring landowners. Those impacts are not modeled or mitigated below a significant level, implying an EIR should be required. Each issue is summarized for comparison with the two alternatives we offer.

1. Destruction of Coastal Access: Although the analysis of public access in Appendix E6 is badly flawed and thus inconclusive, it documents ongoing pedestrian and bicycle use of the road even after years of demolition by neglect that has reduced the functionality and visibility of this coastal trail due to burial under sand. DPR is directly responsible for that impairment, which runs counter to the policies established in the park's General Plan, the LCP, and Coastal Act. The MND mentions an ineffectual study conducted in 2000 that concluded "that rebuilding a hardened trail through the dunes was incompatible with the Natural Preserve classification." That study was performed with no meaningful public input or consideration of alternatives.

When the LCP was certified the haul road was heavily used by bikes and pedestrians. Yet that fact is ignored in the skewed analysis in Appendix E6 which looks only at recent use. Of course use has diminished because the haul road is now discontinuous and buried by sand due to lengthy neglect. However, it is a fallacy to imply the current level of use means there are no significant impacts to recreation and transportation. This alternative will demolish most of the surviving road in the northern park with no compensating replacement trail. DPR in fact states that no replacement trail will ever be built, contrary to the park's General Plan policies. If true, this implies the project will result in permanent and irrevocable loss of public access. This is simply unacceptable.

The analysis of public access in Appendix E6 has several other serious flaws. The data were collected incidental to other activities, rather than through continuous focused monitoring. The presented evidence is thus anecdotal, not rigorous. The data also misleadingly discriminate who was on the road versus simply near it (what they call the "back dune" on either side of the road), a finding that implies continuous observation, proximity to visitors, and knowing precisely where buried road edges lie. A summary incorrectly concludes no bikes use it (Responses, page 4), yet the data expressly contradict that finding. The findings in Appendix E6 are just one example of the many misleading conclusions drawn throughout the MND.

The MND selectively cites laws and policies that govern public access, while ignoring many others that can and should take precedence. The proposed development is subject to the Mendocino County Local Coastal Plan (certified in 1992) and the coastal access and recreation policies of the California Coastal Act of 1970, both of which override DPR's internal policies such as the General Plan for MacKerricher State Park adopted by the California Parks and Recreation Commission in 1995. The LCP and Coastal Act both place high priority on the protection and maximization of recreation.

LCP Policy 3.1-15 states in part that in dunes "well-defined footpaths or other means of directing use and minimizing adverse impacts shall be developed and used." If the road is removed and there is no designated path, why is there no analysis of the resulting impacts of uncontrolled access on endangered and threatened species? The LCP further directs DPR to acquire the haul road for public access and that acquisition took place. Policies in the park General Plan, although that document was never submitted to Mendocino County for adoption or certification by the Coastal Commission, offer valuable guidance that has been completely ignored in this proposed DPR project alternative.

The haul road is a surviving non-motorized multi-use trail designated for improvement and repair in the park General Plan (page 153). The purpose of the park is “to make available to the people for their inspiration, enlightenment, and enjoyment, in an essentially natural condition, the outstanding scenic features and natural values, including the coastline embracing offshore environs; the stretches of sandy and rocky beach; the headland bluffs; the Ten Mile Dunes; the marine terraces; the wetland habitats including Lake Cleone and the unique Inglenook Fen; the geology and plant and animal life; the significant archaeological and historical resources; and the scientific values therein.”

The plan clarifies on page 213 “the environmentally-preferred alternative would have been the natural and cultural resource protection priority alternative. However, that alternative did not fully meet the goal of providing for the public use identified in project’s statement of purpose. Therefore, the project proposed in the general plan is a combination of the natural and cultural resource protection priority and public use priority alternatives.” This DPR project fails to balance those priorities.

Removal of the haul road will terminate the modest ADA and bicycle access that still survives and will sever pedestrian access across the mouths of Fen and Inglenook creeks in the winter. It also will violate LCP policy 3.1-15 by encouraging the proliferation of many environmentally damaging volunteer pedestrian trails instead of maintaining a designated path. No mitigation is proposed to compensate for this destruction of coastal access and other impacts to the environment. Removal of the haul road will also directly impact the federally-listed endangered Howell’s spineflower, which favors the road margins as habitat. Although mitigation is proposed, the DPR alternative will take over 10% of this species in the Natural Preserve. In contrast, retaining the haul road will not hamper the realization of many project goals. It can in fact be used to keep recreational trail users on a designated path if it is restored and maintained.

2. Sand Migration: A primary objective of the proposed DPR alternative is to deflate the fore dunes as a way to expand the open coastal strand habitat for the federally-listed endangered snowy plover. European beach grass has heightened the fore dunes since it was introduced in the mid-twentieth century. The haul road, in contrast, was built on the original (natural) dune surface except where it crosses Fen and Inglenook creeks over modest fill prisms. Removal of the haul road thus will do little to materially aid the deflation of the fore dune. We emphasize this because removing the haul road simply because it is not “natural” is a poor reason to destroy this existing public access.

Deflation of the fore dunes will mobilize sand migration. Yet, no effort is made to calculate how much sand will move or where it will go. This deliberate project-induced erosion will not only restructure the fore dunes; it will bury adjacent lowland areas that presently serve as important plant and wetland habitats, sending excess material farther southeast. This predictable effect is summarily dismissed as insignificant based on an assumption that the ecosystem will simply “adjust.” There is no analysis of the net loss to landward ecosystems or their endangered and threatened plants. Engineer David Paoli has prepared calculations based on representative sections that imply the fore dune deflation would cover an area 500 feet wide by 5 feet deep if it occurs uniformly. This substantial impact is simply dismissed without any analysis of its environmental impacts.

The MND suggests migrating sand will move no farther than the first landward swale. This is contradicted by the cited dune expert's report and our observations. Prior European beach grass removal has focused in the southern part of the Natural Preserve where the haul road has been demolished by neglect. Yet the MND does not examine the impacts of those activities in the southern dune lobe, nor their success in accomplishing project objectives. Instead, it misleadingly examines dune encroachment at the east edge of the northern dune lobe where upwind beach grass removal has been limited. The east edge of the southern dune lobe more accurately reveals the results of activities like those DPR proposes. Sand migration there has significantly heightened the back dune, buried buildings, and smothered the Bishop Pine and wetland area west of Route 1.

Removing European beach grass at the western edges of the two northerly dune lobes also will adversely impact neighboring private landowners to the southeast. No mitigation is proposed to address the devaluation and loss of use this implies for those neighbors.

3. Other under-analyzed impacts: The erosion of fore dune sands and removal of fill prisms and culverts at the mouths of Fen and Inglenook creeks will cause a number of other potentially significant environmental impacts that have been inappropriately dismissed without analysis. Although non-renewable historical resources in inland areas may be protected by burial under migrating sands, those located in the fore dunes may be lost as dune deflation is promoted and tidal influences and meandering streams predictably destroy relict islands of higher ground where such resources lie. The mitigation measures for these resources consider only short term direct impacts, without modeling the long term impacts induced by this alternative.

Low lying wetlands also will be radically transformed by the introduction of brackish water, with unanalyzed impacts to the many endangered, threatened and otherwise noteworthy plants that presently thrive in that habitat. The swale behind the fore dune will be rapidly buried to a significant depth, presumably impacting protected species that reside there. The magnitude of these predictable indirect impacts of the DPR alternative are not analyzed. Because they remain so poorly understood, it is almost certain that mitigation measured proposed in the MND are inadequate.

The reasons for pursuing the DPR alternative are based on the designation of the northern portion of the park as a Natural Preserve under Public Resources Code 5019.71, which states that such activities should occur "only in those areas found by scientific analysis to require manipulation to preserve species or associations that constitute the basis for the establishment of the natural preserve." We interpret this statute to mean that environmental manipulations should be conservative in scope, and that they should take into consideration the needs of all species and associations, rather than giving overriding priority to any single species.

The DPR alternative intends to expand the coastal strand to the detriment of landward habitats occupied by numerous threatened and endangered species. This is intended to benefit the endangered snowy plover, although we found no evidence in the MND or sources it cites that this bird has ever successfully propagated within the Natural Preserve. We also find no credible scientific evidence to support the wishful thinking that snowy plover will successfully propagate after strand habitat is expanded at the expense of other types of habitats in the preserve.

To the contrary, European beachgrass removal and the demolition of the haul road by neglect in the southern dune lobe has failed to facilitate snowy plover propagation there. Is it therefore appropriate to carry out additional radical structural modifications of the dune environment and cause many as yet unanalyzed impacts to other species through burial and marine inundation on the off chance snowy plover propagation will occur? It does not appear other impediments to their propagation have been analyzed or used to develop a more modest and effective approach. The radical DPR alternative is inconsistent with intent of PRC 5019.71.

Alternative 2 (Haul Road Retention)

Retaining the haul road and stream crossing structures is consistent with the park's General Plan, LCP, and Coastal Act because it eliminates impacts associated with the loss of this valuable public coastal access, greatly reduces impacts to the endangered Howell's spineflower that favors the road margin habitat, and will prevent some of the predictable impacts of the DPR alternative such as brackish water intrusion into wetland areas east of the fore dune region. Leaving the road and culverts in place will not interfere with the goal of deflating the fore dune if the benefits of that objective are judged to outweigh its other significant environmental impacts.

Road retention also will free project funding for use in mitigating the predictable impacts of sand migration discussed at length above. One impact of that sand migration is burial of the road, which can be expected to further impair public access for pedestrian, bicycling, and ADA purposes. To address that impact, the permit for the project should be conditioned as follows:

1. To mitigate burial of the haul road by migrating sand, DPR will prepare an engineered mitigation solution that will be implemented for a 10 year period to maintain the surviving structure and regularly remove the buildup of sand on its surface.
2. DPR shall submit an updated General Plan for MacKerricher State Park to the Mendocino County Planning Department and the California Coastal Commission within one year of permit approval for adoption and certification by those entities as part of the LCP. That update shall balance the need for recreational access with appropriate measures to protect the natural and cultural resource values. The plan shall be revised prior to certification to address public and interested agency input, as well as requirements of the County and Coastal Commission.
3. DPR shall submit within two years a project supported with an appropriately scoped environmental document to the Mendocino County Planning Department and the California Coastal Commission to reconnect discontinuous segments of the haul road between the Ten Mile Bridge and the west end of Ward Avenue to create a continuous multi-use non-motorized coastal trail. This project shall incorporate surviving sections of the haul road as feasible, and shall make a concerted effort to consider public input and minimize environmental impacts and mitigation costs. Robust consideration shall be given to alternate tread materials, cost, longevity, maintenance, and a dedicated funding source. A plan for maintaining the facility using a partnership model shall be included.

A suggested alignment for this project is attached as Map 1. That route is intended to minimize environmental impacts. However, adjustments may be required as detailed surveys are pursued to develop the most feasible alignment. This suggested route follows

the east edge of the first vegetated landward swale to avoid most threatened and endangered plants and places the trail in a stable and protected geographic setting to minimize maintenance. Permeable plastic mesh may be one low cost tread material.

4. To mitigate sand migration that will occur if European beach grass is retained as part of this alternative, the following compensatory measures shall be imposed: a) any net loss of wetland habitat resulting from sand burial attributable to the project shall be compensated at a 1:1 ratio as determined by scientific analysis of the geographic distribution of wetlands measured prior to and five years following project implementation; b) any net loss of endangered and threatened plant species east of the fore dune from sand burial attributable to the project shall be compensated at a 1:8 ratio determined by scientific analysis of the geographic reduction of coverage five years following project implementation; c) funding (the amount to be determined by the County) shall be placed in an escrow account at the time the permit is issued for use in compensating neighboring property owners according to a procedure the County Planning and Building Services Department will establish. Excess funds, if any, shall be returned to DPR after 10 years.

Alternative 3 (Compensatory Trail)

This alternative presupposes the DPR project will be pursued. The following additional mitigation measures/permit conditions should be imposed to ensure all significant impacts of that alternative are in fact reduced to a level that is truly less than significant:

1. DPR shall submit an updated General Plan for MacKerricher State Park to the Mendocino County Planning Department and the California Coastal Commission within one year of permit approval for adoption and certification by those entities as part of the LCP. That update shall balance the need for recreational access with appropriate measures to protect the natural and cultural resource values. The plan shall be revised prior to certification to address public and interested agency input, as well as requirements of the County and Coastal Commission.
2. Prior to implementing any endangered and threatened plant mitigation measures, DPR shall within two years submit to the Mendocino County Planning Department and the California Coastal Commission a proposed project supported by an appropriately scoped environmental document for a continuous multi-use non-motorized coastal trail between the Ten Mile Bridge and the west end of Ward Avenue that minimizes environmental impacts and mitigation costs. The proposed project shall be developed with robust public input and shall carefully consider alternate tread materials, construction cost, longevity, maintenance, and a dedicated funding source. A plan for maintaining the facility using a partnership model shall be included.

A possible alignment for this project is attached as Map 2. This map depicts a route that may minimize many environmental impacts, but will likely require adjustment as detailed surveys are pursued to develop the most suitable alignment that minimizes significant environmental impacts. Map 2 depicts a route that follows the eastern edge of the first vegetated landward swale where it will avoid most threatened and endangered plants, while also satisfying the need to place the trail in a stable and protected geographic setting that minimizes maintenance. A permeable plastic grid material, perhaps filled

with modest soil ballast, may be one low cost way to build this trail. Two stream crossings are shown at locations where the width of the crossing is narrowest to limit any wetland impacts and reduce the cost of elevated structures.

3. To mitigate sand migration that will occur from European beachgrass removal, the following compensatory measures shall be imposed in addition to those already specified in the MND and its mitigation monitoring and reporting plan: a) any net loss of wetland habitat resulting from sand burial attributable to the project shall be compensated at a 1:1 ratio as determined by scientific analysis of the geographic distribution of wetlands measured prior to and five years following project implementation; b) any net loss of endangered and threatened plant species east of the fore dune from sand burial attributable to the project shall be compensated at a 1:8 ratio determined by scientific analysis of the geographic reduction of coverage five years following project implementation; c) funding (the amount to be determined by the County) shall be placed in an escrow account at the time the permit is issued for use in compensating neighboring property owners according to a procedure the County Planning and Building Services Department will establish. Excess funds, if any, shall be returned to DPR after 10 years.

We believe these two additional project alternatives deserve careful consideration because they reduce to a less than significant level the undisclosed and inadequately analyzed impacts of the proposed DPR project. We urge the County to include these alternatives in the analysis of the permit and impose conditions similar in intent to the ones we have suggested as a way to address significant impacts to recreation, transportation, wetlands, landward plant habitats, and neighboring property owners not addressed in the final MND for the project. We also urge the County to recognize the MND is inadequate, and an EIR should instead be required.

We include a list of the members of the Ad Hoc Committee that contributed their professional engineering, geology, archaeology, biology, and planning expertise to the preparation of the views expressed in this letter. Contact me at thad@mcn.org or 964-7272 with any questions. We thank you for considering our concerns and suggestions.

Sincerely,

Thad M. Van Bueren
for/Haul Road Ad Hoc Committee

Attachments: Map 1 (Alternative 2); Map 2 (Alternative 3); Figure showing plastic mesh paving material and standard multi-use trail design; List of Ad Hoc Committee members

cc: Liz Burko, DPR District Superintendent
Janelle Beland, DPR Director
Bob Merrill, California Coastal Commission
State Senator Noreen Evans
State Legislator Wesley Chesbro
Dan Gjerde, Fourth District Supervisor

Fort Bragg Advocate News (CA)

Date: June 21, 2012

Section: Local Stories

Article ID: 20907552

MacKerricher Dune rehabilitation to cost state \$750,000

Author: TERESA SHUMAKER

Fort Bragg Advocate-News/Staff California State Parks is preparing to begin a \$750,000 dune rehabilitation project in the Inglenook Fen and Ten Mile Dunes Preserve.

The old haul road, north of Ward Avenue and south of Ten Mile River, will be removed.

"Wave action, in connection with rising sea levels, has taken much of the underlying rock and asphalt in the southern part of the Preserve, and blowing sand from the beach has covered much of the road at the northern end," explained Senior Environmental Scientist Renee Pasquinelli in a recent State Parks press release. "Where road sections are currently exposed to the waves, a vertical wall of perched ballast rock and overhanging asphalt create an unsafe and impassable barrier between the beach and the dunes for both people and shorebirds."

Along with the removal of the road, the on-going control of invasive European beach grass will continue, which has caused "abrupt barriers above the beach, further altering dune formation, and crowding out native plant and animal species within the Preserve.

A number of people have expressed concern for the effect this project will have on their homes, the use of herbicides, and recreation abilities. Due comments and questions the public has raised, State Parks has announced it will hold a public forum at the Fort Bragg Grange in July, the date is yet to be determined. The environmental document has been pulled from public review to make some changes, it will return after the changes are made.

Anyone interested in reviewing the document can go to the State Parks CEQA (California Environmental Quality Act) notices page at http://www.parks.ca.gov/?page_id=981 and look under Mendocino County to review the document. The environmental plan should be back up on the website, once the changes are made, in early July.

This reporter spoke with Pasquinelli to learn more about the project.

"The project is to remove the European beach grass where it remains in the foredunes, which are the dunes closest to the beach and the most active moving environment," said Pasquinelli.

"Where European beach grass remains is mainly on the northern end, it is pretty much removed from the southern end. We had years and years of hand removal and spraying herbicides to remove from the south end.

"Peter Bay, a Ph.D. dune ecologist, is one of the consultants we are bringing on for the dune rehabilitation. I am going out to the dunes with him and Teresa Sholars and Peter Warner on

June 18. I have asked them to help me answer some of these concerns. We will have a public forum meeting on June 25 to address a lot of these issues and hope to have some aerial images to show as well."

Answers to concerns

- Residential impacts

Pasquinelli attended a workshop in Humboldt for dune restoration near residential areas where she learned how dune systems work.

The air picks up the sand off the beach and deposits it, little by little, onto the dunes. Where the dunes are largest is at the point of a topography change, usually where the forest canopy begins. When the wind meets the forest canopy, or any other change in topography, air slows down. The reduction in speed causes whatever sand was in the air to drop.

"But up there [in Humboldt], especially like in Manilla Dunes, when they removed the forest canopy and planted their houses in that area, they removed the barrier that slowed the wind and deposited the sand. The dune system tends to progress eastward when there is not a wind barrier."

The plan to prevent the dunes from moving eastward, within residential areas, is to plant native trees where there isn't already a forest barrier, which is only a small portion of the area, Pasquinelli explained.

She said in cases such as the dunes behind the Baxman Gravel plant, where the toe of the dunes is removed, the dunes progress more rapidly than if they are left to themselves.

"You can imagine, here is a dune face and you removed the toe, it is going to move forward; then you removed the toe it is going to move forward," she said. "But, if you don't have that removal of the face and you have a tree barrier and vegetated dunes, you are not going to get that continual progression.

"But given all of that, dunes move; it's what they do."

When asked how long it will take the newly planted tree canopy to stop progression of the dunes, Pasquinelli said it would depend on the growth, but a majority of the borderline already has a developed tree canopy.

European beach grass removal

"This project is to remove the European beach grass where it remains in the foredunes [the dunes closest to the beach]," said Pasquinelli. "There is also European beach grass that was planted on purpose eastward, as I understand, closer to the [residential] area and I think people have really raised a lot of concerns: 'If we get rid of the beach grass there, then the dunes are going to continue to move.'

"I think that is one thing we need to continue to look at over time, once the trees have been established, we can begin looking at other ways to get native vegetation in there, instead of doing it in a short period of time. We are looking at long-term management."

How does beach grass stop dune movement?

"What European beach grass does... is the grass growth is stimulated when it gets buried. So you have a clump of European grass growing, then sand blows over it that stimulates shoot elongation it grows taller. Then more sand blows over it, it grows taller, and continues. What it has a tendency to do is build the height of the dunes with a very steep face."

This progressive growth of the dunes keeps the sand in place, instead of landing on the dune then being blown off and moving on.

"There is an old movie called, 'The Russians are Coming' that was filmed on Ten Mile Beach. I think that is what the dunes are supposed to look like if the grass wasn't there. [In the movie] the dunes are relatively small, with a hummocky topography."

There was concern about the use of herbicide to remove the beach grass. Pasquinelli said that the beach grass has been removed by hand before. After hearing public comment during the past few weeks, State Parks has decided it will remove the beach grass by hand again. The environmental report has been pulled from review to make those changes and will be posted after the changes are made.

Grant funding

"One thing I have been asked is, 'How can State Parks spend this money when there is so little money?'" said Pasquinelli. "These funds were approved in the Proposition 84 bond act over five years ago. To get funding of this magnitude is a very long process. A budget proposal was put in over five years ago and it has taken us this long to get to this point. The funds are restricted and if we do not do this project we could not spend this money on anything else."

Haul road

There is a concern about the loss of recreation, by removing the haul road.

"The section we are talking about is the section that is currently buried under sand and is not usable for people riding bicycles," Sector Superintendent Loren Rex said. "So the intact area that goes from Fort Bragg to Ward Avenue will still remain and hopefully be maintained better than it has been."

"The part of the haul road from Ward Avenue north there are pieces buried in sand, or you can see cliff faces of road is what is going to be removed. We are not removing any current active recreation area."

Most of the material removed from the road will be recycled for other State Parks projects, and possibly CAL FIRE and the City of Fort Bragg for its coastal trail.

"There is very little asphalt, most of it is rock ballast a rock base," Pasquinelli said. "The intent is the rock material gets recycled and used locally. The contractor we got, Hanford ARC, has a lot of experience doing dune restoration and has worked for Point Reyes National Seashore. They are very reputable. When we put it out to bid there were a lot of local contractors who were interested, but I guess the word we got back was they felt it was more than they wanted to take on here. So the lowest bidder was actually a good restoration contractor out of Sonoma County."

Rex added, "We are going to use a lot of that rock to improve the road down to the Mendocino Woodlands." "It will be a bonus because we only have so much in our budget each year to buy rock. It's going to be a win-win, I think."

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Fort Bragg Advocate News (CA)

Date: August 9, 2012

Section: Local Stories

Article ID: 21272758

Inglenook crowd disapproves of Dunes rehab plan

Author: FRANK HARTZELL / Fort Bragg Advocate-News

When the Hollywood hit movie, "The Russians are Coming" was filmed along the intact Haul Road in the 1960s, there were no tall dunes, said California State Parks Senior Environmental Scientist Renee Pasquinelli. Pasquinelli tried to convince a skeptical Fort Bragg Grange packed house Monday night that removal of the Haul Road and invasive European beach grass would protect endangered species while shrinking dune sizes and slowing sand movement.

A key point of Pasquinelli's presentation was that European beach grass has created much taller dunes and injured the environment over the past 30 years. The grass thrives when it is buried and then grows more and is buried again and the sand stacks up and up. She showed how this accounts for the vertical walls along the beach commonly seen in all of MacKerricher. These taller dunes get hit by wind and move more. And she said these unnatural walls serve as a barrier to western snowy plover, a protected bird that nests in the sand.

Locals provided memories of how the dunes moved and blew even more in the mid-20th century.

Pasquinelli provided a second key point to explain; claiming that sand at the ocean now has no connection to the sand sea on the other side of the logging road.

"Delusional!" a man shouted.

"Where does the sand in the big dunes come from then?" a woman said.

"Some of us would like to hear Renee," another woman said.

"I concur," said a third woman.

Despite doubts and shouts from the crowd, she cited scientific studies that found the sand no longer makes it off the beach into the dunes area.

Back in the early days, the area was more open. Now it is segmented into three separate areas. Sand does not now freely exchange between those areas, she explained.

Pasquinelli also claimed that spraying pesticides on European beach grass had slowed dune movement where the dune complex meets Highway 1.

Several members of the crowd strongly demurred.

"How many endangered species and native species did you kill while spraying to kill the beach grass?" said a woman.

The special meeting was called by State Parks to deal with a local uprising against removing 2.7 miles of remnants of the Haul Road between Ten Mile Bridge and Ward Avenue, plus two culverts. Portions of the Haul Road south of Ward Avenue are not part of the plans.

Although the project represents a significant change in direction for management of the dunes area, State Parks found no need for an environmental process with its required public meetings.

That made Monday's meeting voluntary. That means comments from the Grange meeting won't be part of the public record. For that, there is a comment process open through Aug. 31.

The \$725,000 project includes removing invasive European beach grass, planting of native species and taking special steps to preserve three endangered/threatened species.

She said it was the most natural dune complex left in California. Southern California dunes have become contaminated and transformed by development and invasive species. There are no comparable dune complexes of any kind north of San Francisco, until Oregon.

"What's so incredible is it is still relatively pristine," she said.

State Parks claims that removing the road and beach grass would open up 250 acres of nesting habitat for the federally-listed western snowy plover and 60 acres of native dune vegetation, including portions that can support habitat for the federally listed Howell's spineflower and Menzies' wallflower.

Pasquinelli said that spineflower is found nowhere else but the Inglenook dunes. She quoted scientific studies, aerial photos and even the use ground penetrating radar to back up her points.

Local residents came armed with longer memories, anecdotal observation and the State Parks General Plan document for the dunes area.

"The [European] beach grass dates back to 1916, a man said during the public comment portion.

"Incorrect," said Pasquinelli. "Aerial photos do not show that."

She said the European beach grass dates from the 1970s, when the park was acquired from the timber company.

The Haul Road at that time extended from Ten Mile Bridge to the trestle at Pudding Creek. Although Pasquinelli said State Parks stopped driving on the Haul Road when it took over, State Parks in fact allowed driving on the road into the early 1990s.

Pasquinelli offered scientific studies and aerial photos to show that sand had not advanced in recent years. But a neighbor got up and pointed to a road he said has been buried by sand

movement in the past two years, with Pasquinelli seeming unfamiliar with that particular area on the ground.

State Parks' self-proclaimed negative declaration means the project has been found not to have significant impact on the environment. That may be enhanced by Parks backing off the use of pesticides due to local opposition, although she said the non-use of pesticides applied only to this location.

State Parks also determined its project would have no significant impact on public services or recreation, a finding which many audience members strongly disagreed with.

When Dave Paoli quoted from the general plan created by State Parks to manage the area that shows the Haul Road as vital to the operation and use of the park, Pasquinelli said the plan was outdated and thus did not apply to the current circumstances.

Although there was ample evidence that State Parks originally stated and planned the area and the road for recreation, as well as preservation, Pasquinelli was clear that the sole purpose of the area now is preservation.

"The area is classified as a natural preserve, management of that property is intended for endangered species [ahead of other uses]," she said.

Pasquinelli said there are studies that show the European Beach Grass can be defeated, not just beaten back with need for more spending in the future.

The Haul Road was originally a railroad to deliver logs from 10 Mile River to the mill at Fort Bragg. Later, it became a road for logging trucks direct into the Mill, avoiding town.

State Parks Negative Declaration states that the asphalt removal goes from Ward Avenue to Ten Mile Bridge. Pasquinelli said it actually starts a mile past Ward and does not extend to the bridge where the road is on private property.

Pasquinelli never lost her broad smile, even while shaking her head after catcalls and demanding that good manners be followed. Local superintendent Liz Burko and four other State Parks employees were on hand during the evening, along with about 100 people in the crowd. There seemed to be little or no support for State Parks plan in the crowd.

Public comments for the Dune Rehabilitation Project IS/MND, Inglenook Fen - Ten Mile Dunes Natural Preserve, MacKerricher State Park are due by Aug. 31.

Address to: Renee Pasquinelli, Senior Environmental Scientist , California State Parks Mendocino District, 12301 N. Highway 1 (Box 1) Mendocino, CA 95460; fax 937-2953 or email rpasquinelli@parks.ca.gov.

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Fort Bragg Advocate News (CA)

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Section: Local Stories

Article ID: 22184252

State Parks looks to renovate the haul road to Ward Ave.

Author: TONY REED / Staff Writer

Part one of two State Parks and City of Fort Bragg officials received more questions than input during a Dec. 4 meeting to discuss plans to renovate the G-P haul road From Pudding Creek to Ward Avenue, in Cleone. About 50 people came into Town Hall from the rain to take part in the informal meeting, which lasted almost two hours.

Those in attendance were told of State Parks' plan to renovate the haul road, the City's plan to construct a coastal trail along the bluff formerly owned by Georgia Pacific and how those trails will connect at Glass Beach.

Assemblymember Wes Chesbro's Field Representative Ruth Valenzuela said plans to rehabilitate the recreational portions of the road are still in the early stages.

She said Chesbro "loves the Pudding Creek Trestle" and was very involved in the fundraising that led to its rehabilitation. Valenzuela said that during a recent visit, Chesbro and his wife were only able to go north on the haul road as far as Lake Cleone, due to her limited mobility. In later tracking the number of people who use the road, Chesbro decided to push for its repair.

State Parks Mendocino Sector Superintendent Loren Rex said he grew up in the area and said the Coast is lucky to have such a multi-purpose recreational trail.

"Currently, we do not have funding for the project," he said. "We are in the scoping phase. We're trying to get some input from the public on the needs of the community." He said a number of options exist as far as durability and maintenance. He said that while Coast residents are divided on many issues, all can agree that fixing up the haul road will be of great health and economic benefit to the coastal community. He said if the road is allowed to deteriorate much more, it may impossible to renovate and keep open to the public.

The 3.5-mile section stretches from the Ward Avenue parking lot to the north end of the Pudding Creek Trestle. An Americorps team did a recent survey to determine how wide the road is in particular areas.

"I think the widest we would be able to make it would be 16 feet," he said, "which is huge for a recreation trail." He said State Parks wants to maximize the existing road but hoped to get input on preferred road materials, scope and design issues.

Regarding an environmental survey of the area, State Parks Senior Environmental Scientist Renee Pasquinelli said the road is mostly intact, but sand has encroached the road in several

places creating habitat for sensitive plant species.

"We are going to need to pull that back and because they are protected species, we can't do it under a categorical exemption of California Environmental Quality Act," she said, "so we will be doing mitigation ... removing some of the iceplant and restoring some of the areas for native vegetation, but these are really small areas along the whole lane." She said the document will also address some archeological sites. She said that in walking the road, renovating it appears to be an achievable goal.

Rex said that while State Parks would like it to meet everyone's needs and be compliant with Americans with Disabilities Act requirements, some of the grades may be too steep to achieve ADA goals.

"Our goal is to make it as compliant as possible per Caltrans' standards," he said, "and have that section redesignated as a coastal bike trail."

Areas where sand blows over the road may be problematic, but crews are discussing ways to maintain the road once reconstructed, he said.

The fact that the road is in the state Coastal Zone and the road is washed out at Lake Cleone will be problematic. He said part of the project will involve rerouting the road at Lake Cleone to connect Mill Creek Drive to the haul road to connect to Ward Avenue, he said.

Funding may come via a number of grants, including a CALRecycle grant that promotes the use of rubberized asphalt, made from ground tires. Some federal funds for recreational trails may also be available, with an application deadline of Jan. 9.

It requires a 12 percent match, Rex said, but may be the first opportunity to find funding.

Rex said a project is pending to create an ADA accessible parking lot at the west end of Ward Avenue that will also allow access to the haul road for disable persons. A restroom is slated for the Silvergate parking lot and the cost of both projects totals the 12 percent match, Rex said.

For the rest of the story, pick up a copy of this week's Advocate-News or call Sue at 707-964-5642 to subscribe or start your e-edition today.

Coming next week

"We are not going to be rebuilding that section of [the haul] road that's washed out [at Lake Cleone]." State Parks Mendocino Sector Superintendent Loren Rex.

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Fort Bragg Advocate News (CA)

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Section: Local Stories

Article ID: 22231178

State Parks presents haul road plans

Author: TONY REED / Staff Writer

Part 2 of 2 State Parks and City of Fort Bragg officials received more questions than input during a Dec. 4 meeting to discuss plans to renovate the haul road from Pudding Creek to Ward Avenue, in Cleone. About 50 people came into Town Hall from the rain to take part in the informal meeting, which lasted almost two hours. The 3.5-mile section stretches from the Ward Avenue parking lot to the north end of the Pudding Creek Trestle.

Those in attendance were told of State Parks' plans to renovate the haul road and the City's plans to construct a coastal trail along the bluff formerly owned by Georgia Pacific and how those trails will connect at Glass Beach.

Not in the cards

"We are not going to be rebuilding that section of [the haul] road that's washed out [at Lake Cleone]," said State Parks Mendocino Sector Superintendent Loren Rex.

Superintendent Rex explained that instead, the south end of the haul road will detour just south of the current bridge over Mill Creek Drive.

"The road will go onto the access road, which is now a dirt road, will be graded and paved to meet ADA standards," he said. "The metal gate will be changed to a bollard so bicycles can go back and forth freely."

Traffic will detour onto Mill Creek [Drive] past the lake and reconnect with the haul road. Rex said the current pedestrian and equestrian trail connecting to the north haul road will be repaved to meet ADA standards so all can use it.

Asked if the trail would feature divided surfaces to accommodate bicycles, pedestrians and horses, Rex said, "It's up for discussion."

He later explained that in partnership with local groups, such as Ricochet Ranch, State Parks hopes to maintain the haul road in the future.

Fort Bragg resident Stan Anderson asked if there are any plans to rebuild the sand berm between the ocean and Lake Cleone.

"It's definitely a complicated process with the geology, the wave action and sea level rising; there are a lot of things to look at," he said, noting that one plan will address the sewer system in the

low lying areas of Mackerricher State Park. He said that when ocean and lake water rise and inundate the restrooms, the result is bad for the environment and the facility.

"Right now, during major storms, we have to close the road because waves are coming over it, so we are dealing with a changing environment, for sure," he said.

Anderson said Lake Cleone was once a saltwater lagoon, and suggested that rather than maintaining the berm, State Parks could allow the ocean to wash out the connection and then construct a lightweight trestle across the water. He said that until 1953, an 853-foot trestle existed there on 25-foot tall piles.

"We will be having meetings regarding the options for Lake Cleone," Rex said, "Because I know there are a lot of opinions and emotions on both sides."

When and how

Asked for a timeline, Rex said grant funds, if awarded, would not be available until 2014, so State Parks is currently working to complete necessary environmental documents.

Anderson suggested later that State Parks avoid applying for federal funds, because the Department of Fish and Wildlife may have requirements that would hold up the project.

"We're doing more environmental review than some people would choose to do," Rex said. "The thought is that, as an agency, what we try to do is bring those people on early in the project... Our goal is that once we complete the environmental document, we'll have taken in the public comment, as well as the agency's comments and hopefully, it will be a successful project."

State Parks Senior Environmental Scientist Renee Pasquinelli said the hope is to have a project that will not deal with federally-protected species and cultural sites, but having dealt with such issues before, realizes the importance of bringing those agencies into the process. She said that rather than disturb sensitive plants encroaching onto parts of the road, State Parks may simply narrow the road in order to avoid them.

"Renee [Pasquinelli] and I were having a conversation about this earlier, to whether we narrow the road or actually do the environmental work. I'm of the opinion that I would rather clear it back to the original state and take the approach that we are going to maintain the width so we don't lose the width. If we narrow the road and continue to let the sand blow and go over it, we'll just continue to lose that section," Rex said.

Fourth District Supervisor Kendall Smith noted that the Board of Supervisors and the Mendocino Council of Governments recently supported a letter to Caltrans and State Parks supporting the placement of the Pacific Coast Bike Trail onto the haul road.

"The thinking was because you have the grant money to do the very necessary infrastructure improvements in Cleone, that it would get Sacramento thinking about the importance of that alignment, as well as with Caltrans," she said.

Rex said State Parks is excited about current projects and the governor's appointment of a new State Parks director, Major General Anthony Jackson. He said it's hoped that several local projects can be grouped together in such a way as to share resources and increase efficiency.

Asked about possible future fees for use of the haul road, Rex said that while it will be free for bikes and pedestrians to use the road, fees for parking at 13 county locations are being considered. He said the potential fee areas are those of highest use, but parking will always be free along public roads. Jones added that the City Planning Commission denied State Parks' request to make Silvergate (directly west of the former White Property) a paid parking area.

After some discussion about the cost and time needed to perform necessary environmental processes in order to widen the haul road, Pasquinelli suggested that widening could occur more easily in places with little environmental impact. Jones added that in order to get Caltrans funding to make the road a Class 1 bike path, it would need to be made eight feet wide and environmental documents would need to be completed. She added that as a Class 1 path, pedestrians and equestrians would not be able to use it.

In response to a question about current "user conflicts" on the road, most seemed to agree there are few, and most can be resolved with common courtesy.

"We're trying to meet everyone's needs, which is tough," Rex said, noting that wider areas, gravel shoulders and striping are being considered in order to reduce conflicts between horses, bicyclists, runners and walkers.

"I've talked to people who have shared an interest that if this goes through, possibly doing a bike rental at one of the parks, and allowing more commuters on there," Rex said. "In Monterey, they have the four-seat bicycle carts that go up and down the rec trail. I can see, in the future, that, if improved, there will be a greater draw for people to use it. Just planning for that future use is important."

Jones advised that alternatives should be examined that will allow some flexibility in planning,

After some discussions of funding and other issues, Pasquinelli said the final decision will come down to the public.

For the public

"It gets back to, "What does the public want to see?" Pasquinelli said, "and if the public wants to see more of a comprehensive project, it's going to take more cost and time in doing the environmental document. If the public wants something more quickly, then we're going to have to scale back and try to avoid the impact areas."

Rex said that although sensitive plant species have grown closer to the existing paved road, the project involves maintaining it, so there should not be a lot of resistance to simply moving blown sand aside.

"What we're doing is checking the boxes that [indicate] we're not brushing off the regulations, but at the same time, the reality of what we're doing is that we're clearing sand off an existing road where plants have established. I don't think the public is going to want to see million-dollar studies on this, but at the same time, we do have laws and regulations that we are going follow and with Renee's experience ... we have a good handle on what that mitigation should be."

By phone Dec. 18, Rex said he is working with a team to design the project and work on a Mitigated Negative Declaration. Once that is done, it will be submitted to the state and copies will be made available to the public and comment will be taken for the next 30 days.

For questions or more information call the Mendocino Coast office of State Parks at 937-5804.

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Public says no, County says yes, to haul road plan

By FRANK HARTZELL / Staff Writer Ft. Bragg Advocate-News

Updated:

Advocate-News.com

Despite a nearly unanimous "no" from the public, the Mendocino County Coastal Zone Administrator said "yes" to State Parks' \$750,000 plan to rip out the northern remnants of the old Haul Road along Ten Mile Beach. The Westport Municipal Advisory Council has appealed the approval to the Board of Supervisors.

Like a meeting last summer at the Fort Bragg Grange, park advocates, environmentalists and conservatives united to speak against the project. There were two people who simply asked questions, but did not oppose or support the project. State Parks did receive positive written comments among the 41 letters from agencies and individuals.

Last week's meeting was polite, unlike the meeting last summer when some dune area homeowners got upset with State Parks' dogged determination to spend the grant money it has gotten for the project.

RenŽe Pasquinelli, senior environmental scientist for California State Parks, told the audience last week the project was a "done deal" because nobody had filed a lawsuit to challenge State Parks' finding that its own project would not have any negative environmental impacts.

The project

The old Haul Road was built as a logging railroad a century ago, but soon became a road used by big trucks to deliver logs from Ten Mile River to the Union Lumber Mill. State Parks began buying land to add to MacKerricher in the 1970s and completed the process by the mid-1990s. Until the late 1980s, the road provided a hard surface for bicycles or walkers all the way from the western end of Ward Avenue to Ten Mile Bridge. The ocean ripped out most of the road north of Ward Avenue.

State Parks proposes to dig up and truck away 2.7 miles of the remnant road, totaling 25,000 cubic yards. That would total about 2,500 dump truck loads (or about 675 million pounds) being carried across the sensitive habitat, under the bridge and out on a road east of the highway.

Thousands of tons of sand will have to be removed from the existing road first, to allow access by heavy equipment. Where the roadway ends, a temporary ramp made of natural rock material would be trucked in to move tractors and dump trucks across wet sand on the beach below in order to reach stranded remnants of the old haul road at the southern end of the preserve.

The material will be disposed of on other state park sites or private property located about 5 miles from the project. The County attached a special condition that State Parks dispose of the materials as close as possible, keeping all that truck traffic off the roads.

Community response

"Why are we spending this money?" asked Tony Phillips, who looks out on the site from his home on Simpson Road. "When there are so many worthy things the government could be spending on and this

project seems to achieve nothing. We are obviously destroying something that worked for many years. It appalls me, especially around Fort Bragg where we have many, many real needs for the money, there must be a use for this better than mucking about with the haul road."

Most of those who spoke, many who live among the moving dunes, said yanking the road out would injure species State Parks is trying to save.

Thad Van Bueren, chairman of the Westport Municipal Advisory Council, said the project will reduce habitat for endangered plants and could destroy 11 percent of the endangered Howell's spineflower population. He wrote that project-induced intrusion of salt water will reduce critical habitat for endangered plants and animals.

State Parks responded to each criticism previously received in writing, although they did not change their plans based on public opposition. The response to Van Bueren challenged his credential to ask the question.

"As your opening statements attest, you are a professional archeologist and historian. However, you do not provide reference of expertise in botany, dune ecology, or geomorphology. The environmental document for the MacKerricher Dune Rehabilitation Project was prepared by a team of professional coastal ecologists, and included State Archaeologists, Historians, Engineering Geologists, and Environmental Scientists. Rather than "destroy' populations of endangered species and their critical habitats, the project will greatly benefit these species by increasing critical natural habitat that will lead to the recovery of endangered populations," was the written reply, signed by Pasquinelli.

Van Bueren has appeared in State Parks' press releases as a volunteer docent. The Westport Municipal Advisory Council is an official County body appointed by the Board of Supervisors to represent the interests of unincorporated Westport.

Several locals asked State Parks to reestablish the rest of the old haul road, with Stan Anderson suggesting an old proposal of using floating boardwalks be revised. Pasquinelli said that had been studied at length a decade ago and found not to be possible.

"Been there done that. It is not happening," Pasquinelli said.

She admonished Anderson for knowing that any road would disrupt sensitive environmental and archeological sites but asking anyway.

State Parks' argument is that there is access by way of the beach. Bicycles can brave Highway 1. The County did require that State Parks seek to add a 15-foot right of way for bikes. However, this area is owned by Caltrans and other private property owners, not State Parks.

"I walk on the beach all the time; the beach is not access," said Betty Goldfarb.

"It's extremely difficult for anyone to walk on the soft sand, 4 miles or even a few miles, most people in this room could not do it. It's pretty much nonsense to call the beach a public access trail."

Goldfarb continued, "We own the state parks. Park employees work for us and they need to listen to what the people want. People want recreation. ... It's also very good for tourism."

Westport's appeal

The Westport appeal says the haul road has been the designated coastal trail through MacKerricher since it was certified as such by the California Coastal Commission in 1983.

"The beach route is not a viable alternative because it discriminates against many users who still enjoy the haul road and is dangerous in winter due to sleeper waves," the Westport appeal states.

Van Bueren pointed out that although State Parks now argues that it is not a trail because it is no longer continuous, when the road was acquired in the mid-1990s, State Parks itself called it an important trail, despite the fact several miles had already been washed out in the late 1980s.

"Loss of the haul road is a significant unmitigated loss of access," said Van Bueren.

Anderson said the remaining haul road keeps human users in one area. After it has been bulldozed away, people will be all over the place.

"If you provide people with a stable walking surface, they are going to stay on it," Anderson said.

Anderson has been chairman of the board of the Mendocino Area Parks Association and is involved in marine mammal rescue and state parks user groups. However, Anderson never mentioned those groups by name and made it clear he was speaking as an individual.

Anderson said the road also is needed for emergency access and because access is mandated under the plan state parks created and sold to the public when the northern portion was added in the mid-1990s.

He argued that access to the logging road be reestablished, not reduced.

However, as Pasquinelli said, replacing the road across the dunes would likely be impossible due to modern environmental laws. In some places, the ocean has realigned the entire coastline and it's hard to imagine there was ever a road there. A "replacement" road would have to be located in an entirely new area.

State Parks seems to give little consideration to the idea that the ocean might also remove the remaining road on its own, or to consider unintended impacts of removal of the beach grass.

"Until State Parks allowed sand to cover the logging road, the incidence of European Beach Grass on the [east] side was negligible," said Anderson.

Much of the northern portion of the road is covered in sand ranging from a few inches to more than 3 feet deep. David Paoli, who runs an engineering and surveying firm in Fort Bragg, claimed the sand began to move across the road only after State Parks removed the European Beach grass from the west side.

Paoli said removing the road would in effect be removing a dam that keeps back sensitive wetlands habitat. State Parks says sand has stacked higher and higher due mainly to the invasive European beach grass but also due to the haul road.

"The sand has stacked higher and higher and higher. Just inland from the haul road we have wetlands.

What we have is a dam, which has collected a lot of the sand. That sand is ready, willing and able to move east through the wetlands," said Paoli.

"Their plan is to strip the asphalt, remove the ballast and go back to how it was before 100 years of the dam being there," said Paoli.

"About 700,000 cubic yards is available to move inland when the sand is removed. How fast, we don't know for sure," said Paoli, who used his surveying skills and equipment to study the area.

Environmental

concerns

Could the removal damage or drain the visible wetlands? The question has been asked repeatedly but does not seem answered in the final plans. Although discussed in question-and-answer format, that discussion did not seem to alter the plans.

"There is a lot of material. I commented on this, I presented a report to both county planning and parks. I never heard anything about it since and none of that material seems to have made its way into the staff report," said Paoli.

Eric Freeman pointed out that after the ocean tore out several miles of the logging road in the late 1980s, the positive benefits Parks hopes to gain now by ripping out more road did not happen. Areas north of Ward Avenue where the road was torn out have in fact become much, much steeper since the road was ripped out.

"I, like Dave Paoli, have received no response to my comments," said Freeman.

Freeman said there has been no study of possible contamination of old railroad ballast that was used to create the haul road as a railroad a century ago.

He said toxic materials were often used in railroad beds around California that could present a problem.

"There are better uses of state dollars than destruction of a road that has been used for years and years," said Ray Duff of Caspar. "Using machines and materials that will cause additional damage and pollution when they take all this material away isn't good."

Duff said the whole business of State Parks giving itself an exemption was "the fox minding the chicken house." State Parks had ruled in favor of itself with a negative declaration exempting it from an environmental review.

Teresa Sholars was designated by State Parks to respond to the public at the end of the public input section. She has local credibility as a College of the Redwoods professor and consultant on native plants to developers, loggers and environmental agencies.

"I'm not a fox in the henhouse. I'm an external consultant that has been hired, actually for a long time, 38 years, to look at the native plant situation in MacKerricher," she said, smiling.

She described how her husband drove logging trucks on the haul road when it was still in use by the mill. She owns 40 acres of redwoods herself.

"As a rare plant specialist. I want to assure people this project is going to enhance the diversity of native plants and especially rare species and most especially that one species that occurs only in MacKerricher [a spineflower]."

County's role

Andy Gustafson, acting as coastal permit administrator, explained that the County's role on behalf of the California Coastal Commission was to decide if the development satisfied requirements for environmental quality and public access.

For example, it was not up to the administrator to decide whether State Parks was upholding its promises under its own plan or wasting money that could be better spent on something else. He ruled that parks had presented evidence that the project would improve the environment and would not significantly impact public access.

State Parks responded to public criticism in its documents by telling critics they were simply wrong.

"Your [Van Bueren's] determination that long-term impacts not identified in the IS/MND would occur, including erosion, deflation, and inundation, is incorrect," said Pasquinelli, about State Parks' certainty that pulling up European Beach Grass is effective.

This conceals a debate in the scientific community as to whether well-established invasives can be eliminated in the long term or should be dealt with as part of a changed ecosystem.

State Parks abandoned spraying the grass after local protest and went to removing it by hand. Spraying remains a common technique for Parks, just not in MacKerricher, locals heard last summer.

Last week's decision can be appealed to the Coastal Commission if the Board of Supervisors upholds Gustafson, Van Bueren said.

"Our intention in bringing this appeal to the is not adversarial," Van Bueren said. We appreciate the good work State Parks staff does with constantly diminishing funding. É The community is willing to help State Parks realize that goal and assist with maintenance. Having a trail of that kind will be a huge asset to the community, providing access in a responsible way that avoids the proliferation of social trails and protects the sensitive habitat and its endangered and threatened species."

Letters to the Editor

Haul road

EDITOR — Potential removal of MacKerricher haul road north of Ward Avenue is moving forward despite community input. State Parks recently received a permit based on the assurances that this project will protect the environment and preserve public access to dunes and beach. Both are not true.

The beach will become the only designated trail. It is often hard to use due to soft sand and tides. It can be dangerous during high seas. Views of the dunes are limited.

There will be no bicycle trail.

Handicapped will be offered balloon tire wheel chairs, a difficult and dangerous option.

Elderly and people with young children or strollers will find the beach impossible as a trail.

Horses are restricted to the beach wet sand.

No dogs are allowed.

There will be no safe usable trail for anyone.

Parks everywhere have proven that good trails are the best way to protect the environment. They allow access, while keeping people away from endangered species and protected habitat.

Of the haul road, 2.7 miles remain north of Ward. It is unreasonable to spend \$725,000 to destroy it. One option is to work with the public to raise funds to reconnect the trail. We will once again have a 10-mile coastal trail from Pudding Creek to Ten Mile River. Locals will use it and it will bring needed tourism.

This project approval is being appealed to the Board of Supervisors. Please contact your supervisors and let them know your views.

Bette Goldfarb

Caspar

Editor's note: To clarify, the 2.7 miles is not one continuous stretch of the old road, but three segments in the Inglenook Fen-Ten Mile Dunes Natural Preserve. The southernmost segment 720 feet long and starts about three-quarters of a mile north of the actively used haul road. The second segment is about 200 feet north of that and is 262 feet long. The third segment begins about 755 feet north of the second segment and is about 2.5 miles long. The two stand-alone, eroded segments are not accessible to bicycles and disabled individuals. See the project details at www.co.mendocino.ca.us/planning/pdf/current/boards/CDP_12-2012_Ten_Mile_Staff_Report.pdf.ad monishment?

Haul road admonishment?

EDITOR — At the haul road county planning hearing on June 11, I raised the possibility of revisiting the concept proposed in 2000 of

completing a trail using boardwalks in the Ten Mile dunes. Some people took Ms. Pasquinelli's response, "Been there done that. It is not happening," as an admonishment. I and others saw it instead as yet another intransigent dismissal of anyone who disagrees with her worldview.

Is Ms. Pasquinelli unaware of the sand dune boardwalks at Asilomar State Beach (1.6 mi.), Oceano Dunes SRA (1.0 mi.) or Ano Nuevo State Park (0.27 mi.) and others within the California State Parks system; sand dune boardwalks that successfully carry, enthrall and educate tens of thousands of park visitors each year? With 1,285 acres of sand dunes, why should visitors to MacKerricher State Park be denied similar experiences?

Over the past 30 years as a volunteer, I have had the privilege of working with countless dedicated parks and recreation professionals at local, state, regional and national levels and during that time have developed a deep respect for their professionalism and deep commitment to their jobs, many understaffed and overworked, in the face of continuous budget cuts. Unfortunately, you occasionally come across one whose "My Way or The Highway" attitude, to the detriment of their co-workers, is enough to alienate even the most ardent parks supporters.

If State Parks' project to remove the haul road in the Ten Mile dunes is carried through to completion, it will change the meaning of the MND environmental document from "Mitigated Negative Declaration" to "Manmade Natural Disaster."

Stan Anderson

Fort Bragg

Get real

EDITOR — I have traveled to Mendocino and Fort Bragg quite often in the last 10 years. I am wondering if Gayle Faram has personally employed all of the community-focused actions suggested in her recent letter. Poems, platitudes, nirvana-like and utopian feelings/communications are all very well, but solid actions are really at the core of what we are and do.

Thanks for publishing this nice, feel-good drivel, but I am a person of action. I give on a monthly basis to pediatric cancer research and care centers, and other hands-on charities. Let's be less ephemeral, touchy-feely and get real. Hard core, real.

Sean Kendall

Austin, Texas

Safe and Sober Grad Night

EDITOR — Our Class of 2013 had a great night of Safe and Sober fun from 9 p.m. to 4 a.m., at the CV Starr Center.

They had lots of entertainment, hair and nails stations, video games, full use of the pool and slide, henna tattoos, two caricatures photo booths, massages going all night, Karaoke and movies. And that was just inside! We had five large party jumps outside, an 85-foot inflatable zip line, mechanical bull, three-story extreme skate slide, 30x 30 four person wrecking ball and four person wipeout which was everyone's favorite. During the entire night, prizes were handed to every senior who attended and 24 seniors went home with extra-large prizes at the end of the night.

Thank you to all the Grad Night committees and seniors that worked really hard to make Grad Night so awesome. Without the dedication of parents, this awesome event would not have been a success, and all the volunteers that helped along the way.

Thanks to the community for all their support.

Rainee Sanchez, Eve Hautala, Tanya Kendl, Nichole Arnold
Safe and Sober Class of 2013 Committee

Restore haul road

EDITOR — I have lived adjacent to the dunes for 26 years and enjoyed daily its recreational assets. The idea of spending \$725,000 of taxpayers' money to extinguish a coastal access route and not supply an alternative just doesn't make sense. The unpopularity of this State Parks project stems, I think, from no predictable outcome. How will the streams, the plant life, and the sand migration be affected by haul road removal?

No one knows if toxins will be released, if wetlands will be compromised, if archeological remains will be lost. The Parks plan needs at the very least, some stringent mitigating conditions. For instance, a phased beach grass removal with proven success of native planting before more removal proceeds eastward; plans for structures to cross the streams to replace culverts.

This is the perfect opportunity for the State to add to the Coastal Trail, providing a dedicated path instead of uncontrolled access. Visitors to the North Coast would once again be able to walk from the mouth of Ten Mile River all the way to the former mill site.

Information about the appeal to the Board of Supervisors can be found at www.westportmac.org. Please write your supervisors now at bos@co.mendocino.ca.us.

Lindsay Wansbury
Inglenook

Fruit recall

EDITOR — Due to the recent recall of fruit produced by Townsend Farms, A Frame Espresso of Fort