

**FINAL
MITIGATED NEGATIVE DECLARATION
(with response to comments and edits incorporated)**

**MacKerricher State Park
Dune Rehabilitation Project**



December 2012

Lead Agency



State of California
DEPARTMENT OF PARKS AND RECREATION
Mendocino District

MITIGATED NEGATIVE DECLARATION

PROJECT: **MACKERRICHER STATE PARK
DUNE REHABILITATION PROJECT**

LEAD AGENCY: California Department of Parks and Recreation (DPR)

AVAILABILITY OF DOCUMENTS:

The Initial Study for this Mitigated Negative Declaration was made available throughout the 30-day public review period at the reference desks of the Mendocino County Library, Fort Bragg Branch. It was also available at the public information desk of the Mendocino District Headquarters offices. The Final Mitigated Negative Declaration and all supporting materials will be available, by request, at DPR's Mendocino District Headquarters office.

PROJECT DESCRIPTION:

California State Parks (CSP) proposes 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 (Preserve) by removing up to 2.7 miles (4.3 km) of asphalt road and portions of the underlying rock base in foredune habitat, removing two culverts and restoring the stream channel, and treating approximately 60 acres (24.3 hectares) of European beachgrass and other nonnative weeds.

FINDINGS

An Initial Study has been prepared to assess the proposed project's potential impacts on the environment and the significance of those impacts and is incorporated in the Draft MND. Based on this Initial Study, it has been determined that the proposed project would not have any significant impacts on the environment, once all proposed mitigation measures have been implemented. This conclusion is supported by the following findings:

- There was no potential for adverse impacts on agricultural resources, mineral resources, population and housing, and recreation associated with the proposed project.
- Potential adverse impacts resulting from the proposed project were found to be less than significant in the following areas: aesthetics, air quality, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, transportation/traffic, and utilities and service systems.
- Full implementation of the proposed mitigation measures included in this MND would reduce potential project-related adverse impacts on biological resources to a less than significant level.

MITIGATION MEASURES

The following mitigation measures have been incorporated into the scope of work for the MacKerricher Dune Rehabilitation Project and will be fully implemented by DPR to avoid or minimize adverse environmental impacts identified in this MND. These mitigation measures will be included in contract specifications and instructions to DPR personnel involved in implementing the project.

BIOLOGICAL RESOURCES

Significant Impact	Mitigation
	All special status plant species
Encroachment of non-native plants into road removal areas	All areas within 50 ft (15 m) of the road will be searched for weeds, specifically iceplant, and will be removed for a 5 year period.
Direct impact to individual plants during project implementation	Abronia umbellata ssp. breviflora – Pink Sand-Verbena
	A mitigation, monitoring, and restoration plan for maintaining existing populations, and the introduction and establishment of new populations through direct seeding is proposed in areas where appropriate habitat is identified through monitoring. Plants near the haul road that can be avoided will be flagged. Execution of the mitigation plan and avoidance measure is expected to reduce project-related impacts to a less-than-significant level with a mitigation ratio of a minimum of 4:1.
	No later than August 31, 2017, at least 4 times the number of pink sand-verbena plants lost or damaged as a result of Project implementation will be introduced and established in suitable habitat in the Preserve.
	Cover of non-native plants within 10 meters of pink sand-verbena plants or patches (as specified above in Location/Area) shall be maintained at less than 1% absolute cover. By August 31, 2014, biannually thereafter.
Direct impact to individual plants during project implementation	Chorizanthe howellii – Howell’s spineflower
	A mitigation, monitoring, and restoration plan for maintaining existing populations, and the introduction and establishment of new populations through direct seeding is proposed in areas where appropriate habitat is identified through monitoring. Plants near the haul road that can be avoided will be flagged. Execution of the mitigation plan and avoidance measure is expected to reduce project-related impacts to a less-than-significant level with a mitigation ratio of a minimum of 8:1. Because the project occurs within a State Natural Preserve, the largest feasible mitigation ratio was used.

	The habitat area of <i>Chorizanthe howellii</i> , defined by a density of least 1 plant per square meter, shall be maintained at no less than 50% of the mean habitat areas mapped in years 2001, 2011, and 2012, as of June 30, 2014.
	By June 30, 2017, Howell's spineflower will be established in novel habitat (defined as a mean density of at least 1 plant/m ² in areas not occupied in 2012) covering an area at least 4 times the amount of habitat lost as a direct result of Project-related impacts (estimated at 1.0 acres, as mapped in 2011).
	As of June 30, 2017, existing Howell's spineflower habitat (defined as a mean density of at least 1 plant/m ²) shall be extended, Preservewide, to incorporate adjacent, new habitat into an area totaling at least twice the habitat area projected to sustain direct Project impacts during its implementation (estimated at 1.0 acres, as mapped in 2011).
	No later than June 30, 2017, the mean density of Howell's spineflower plants, measured on plots that collectively incorporate at least 2.5 acres of established spineflower habitat, shall be at least twice the density estimated on those plots immediately prior to the start of the management action.
Direct impact to individual plants during project implementation	<i>Eryisimum menziesii</i> ssp. <i>menziesii</i> – Menzies' Wallflower
	A mitigation, monitoring, and restoration plan for maintaining existing populations, and the introduction and establishment of new populations through direct seeding is proposed in areas where appropriate habitat is identified through monitoring. Plants near the haul road that can be avoided will be flagged. Execution of the mitigation plan and avoidance measure is expected to reduce project-related impacts to a less-than-significant level with a mitigation ratio of a minimum of 8:1. Because the project occurs within a State Natural Preserve, the largest feasible mitigation ratio was used.
	As of June 30, 2014, the occupied habitat area of <i>Menziesii's</i> wallflower within the road removal corridor shall be maintained at 100% of the occupied area as mapped in 2011.

	By June 30, 2017, Menzies's wallflower will be established in novel habitat (defined as a mean density of at least 1 plant/m ² in areas not occupied in 2012) to cover an area at least 2 times the area of wallflower habitat affected as a result of Project related activities (estimated at 0.23 acres, as mapped in 2011).
	No later than June 30, 2017, existing habitat for Menzies's wallflower (defined as a mean density of at least 1 plant/ m ²) shall be extended into adjacent, currently unoccupied habitat that will cover an area at least 4 times the wallflower habitat area expected to sustain Project-related impacts (estimated at 0.23 acres, as mapped in 2011).
	No later than June 30, 2017, the mean density of Menzies's wallflower plants, measured on plots that collectively incorporate at least 0.5 acres of established wallflower habitat, shall be at least twice the density estimated on those plots immediately prior to the start of the management action.
Direct impact to individual plants during project implementation	Oenothera wolfii – Wolf's evening-primrose
	One small patch of evening-primrose at the northern bend in the haul road is within the 50 ft (15 m) potential impact buffer. It will be flagged and avoided. Other plants near Fen Creek may be eliminated by the project; therefore direct seeding into suitable habitat at a 4:1 ratio will be implemented as mitigation, increasing the number of plants and reducing the impacts to a less-than-significant level.
	No later than August 31, 2017, at least 4 times the number of Wolf's evening-primrose plants lost or damaged as a result of Project activities will be introduced and established within suitable habitat in the Preserve.
	Cover of non-native plants within 10 meters of Wolf's evening-primrose plants or patches (as specified above in Location/Area) shall be maintained at less than 1% absolute cover.

The following corrections, additions, and deletions have been made to the MacKerricher State Park Dune Rehabilitation Project Draft MND. Additions and corrections are underlined; strikeout indicates a deletion. Minor punctuation, spelling, and grammatical corrections that contribute to ease of understanding, but have no significant impact on the content, have not been noted.

Table of Contents, Page vii, add Appendix E.6 - Visitor Use of the old Haul Road within the Inglebrook Fen-Ten Mile Dunes Natural Preserve. Addition of Appendix E.6 is necessary to clarify existing use of the old haul road in response to comments received from Coastal Commission staff, City of Fort Bragg staff, and members of the public.

Chapter 2, Page 7, Section 2.6 – Project Implementation, Road and Culvert Removal, add paragraph to read:

“An alternative disposal site has also been identified that is approximately 5 miles from the project area, and located on private property within the Ten Mile watershed. The alternative disposal site consists of ranch and timber roads that are in need of surface rocking. Disposal at the alternative site would prevent the need to haul on Highway 1, since a paved, existing private road connects to the project area beneath the Highway 1 bridge. A Non-industrial timber management plan (1-94NTMP-002 MEN) is in place to address the environmental requirements associated with rocking the roads on the adjacent private property.”

Paragraph is added in response to comments raised by private citizens concerning the hauling distance to the Big River disposal site.

Chapter 2, Page 21, Section 2.7, Project Requirements, Biological Project Requirements, BIO-7a Standard Project Requirements: Birds, add:

- c. All crews working on the project shall be required to follow all State Park regulations. Regulations pertaining to protection of shorebirds, including those prohibiting dogs in the Natural Preserve, shall be strictly enforced. All trash that could potentially encourage ravens shall be removed from the site at the end of each work day.
- d. Any aerial photography conducted in conjunction with the project shall be at an altitude that will not flush shorebirds.

Additional requirements are added in response to the comment letter from the Mendocino Coast Chapter of the Audubon Society.

Chapter 2, Page 35, Section 2.8 – Visitation to MacKerricher State Park, add fourth paragraph to read:

“In contrast, visitor activity within the Natural Preserve is significantly less than in the more developed areas of MacKerricher State Park. Spring and summer visitation to the Preserve, including along the old haul road, was recorded during bird surveys at weekly intervals between March and August 2012. A total of 310 visitors were counted during this period, with an estimated 68% using the beach, 3% on the remnant sections of haul

road, and 29% in the back dunes, which was defined as east of the haul road (see Appendix E.6).

Additional paragraph is necessary to clarify the existing use of the haul road and to reference Appendix E.6.

Chapter 2, Page 35, Section 2.9 – Consistency with Local Plans and Policies, change second paragraph to read:

“The proposed Dune Rehabilitation Project is consistent with the following resource management objectives stated in the MacKerricher State Park General Plan (June 1995):”.

Change is necessary to replace the incorrectly written date of June 2005.

Chapter 2, Page 36, Section 2.9 – Consistency with Local Plans and Policies, add the following paragraphs:

As part of the EIR process that included adoption of the MacKerricher General Plan by the State Park Commission, the property containing the beach, dunes, and wetlands between Ward Avenue and the Ten Mile River and all elements contained within, was classified as the Inglenook Fen-Ten Mile Dunes Natural Preserve. As stated in Section 2.3 Background and Need for the Project, the “*foundation for State Parks*” management approach for all units is based on the unit classification statutes as defined in the Public Resources Code (PRC § 5019.50 - 5019.80). PRC Section 5019.71 specifies the purpose of Natural Preserves. As such, the overarching management focus of the Inglenook Fen-Ten Mile Dunes Natural Preserve and the purpose of the proposed project are based on State legal mandates defined under the Public Resources Code. Located only within the Preserve boundaries, the primary objective of the project is “*to restore natural processes in a 1285-acre dune ecosystem of statewide significance within a Natural Preserve*”.

The haul road through the dunes is deteriorating and does not function as a continuous coastal trail. Plans during the mid-1990’s by the Department of Parks and Recreation, which appeared at the time to be consistent with the General Plan, included a proposal to rebuild a continuous hardened surface trail through the dunes to connect washed out sections of the haul road. In response to outcry by the environmental community and regulatory agencies, a feasibility study was conducted in 2000, which concluded, in part, that rebuilding a hardened trail through the dunes was incompatible with the Natural Preserve classification.

The proposed Dune Rehabilitation Project is consistent with the Mendocino County certified Local Coastal Plan (LCP) that was adopted in 1980 and has not since been updated. The Land Use Plan (LUP 4.2-19), contained within the Local Coastal Plan (LCP) directs the Department of Parks and Recreation (DPR) 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.*”

The 1980 adopted LUP Policy 4.2-21 recommends that the Georgia-Pacific Corporation haul road (then still under private ownership) be acquired by DPR

and incorporated into its management plan for the park. The haul road has since been acquired and incorporated into the MacKerricher State Park General Plan. No sections of the LCP state that the haul road shall be maintained for public access in the Ten Mile dunes.

In addition, no segment of the California Coastal Trail will be eliminated under the MacKerricher Dune Rehabilitation Project. The California Coastal Trail exists along the beach from Ward Avenue northward to the Ten Mile River, then parallels or follows the southeast-northwest alignment of the haul road to the Ten Mile Bridge. The easternmost half of this alignment section (approximately 225 yards) leading to the bridge is under private ownership and is not part of the proposed project. The proposal for the northwestern segment of the alignment is to remove the asphalt veneer (to allow some recovery by native plant species), but retain the underlying rock ballast, thus retaining a trail surface that will lead to an existing beach trail. A detailed description of the treatment proposed for this northernmost segment of the haul road and how coastal access will be provided to the beach is shown on the revised project overview map (Appendix A.1).

Other specific sections of the LCP that support the proposed project include (emphasis added):

***Mendocino County Coastal Element – Chapter 3 Land Use Plan:
Resources and Development Issues and Policies***

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. New development on dune parcels shall be located in the least environmental damaging location and shall minimize the removal of natural vegetation and alteration of natural landforms.*

3.1-18 *Public access to sensitive wildlife habitats such as rookeries or haulout areas shall be regulated, to insure that public access will not significantly adversely affect the sensitive resources being protected. Development within buffer areas recommended by the California Department of Fish and Game to protect rare or endangered wildlife species and their nesting or breeding areas shall meet guidelines and management practices established by the Department of Fish and Game, and must be consistent with other applicable policies of this plan.*

3.1-25 *The Mendocino Coast is an area containing many types of marine resources of statewide significance. Marine resources shall be maintained, enhanced and, where feasible, restored; areas and species of special biologic or economic significance shall be given special protection; and the biologic productivity of coastal waters shall be sustained.*

3.1-2 *Development proposals in environmentally sensitive habitat areas such as wetlands, riparian zones on streams or sensitive plant or wildlife habitats (all exclusive of buffer zones) including, but not limited to those*

shown on the Land Use Maps, shall be subject to special review to determine the current extent of the sensitive resource.

Where representatives of the County Planning Department, the California Department of Fish and Game, the California Coastal Commission, and the applicant are uncertain about the extent of sensitive habitat on any parcel such disagreements shall be investigated by an on-site inspection by the landowner and/or agents, County Planning Department staff member, a representative of the California Department of Fish and Game, a representative of the California Coastal Commission. The on-site inspection shall be coordinated by the County Planning Department and will take place within 3 weeks, weather and site conditions permitting, of the receipt of a written request from the landowner/agent for clarification of sensitive habitat areas. If all of the members of this group agree that the boundaries of the resource in question should be adjusted following the site inspection, such development should be approved only if specific findings are made which are based upon substantial evidence that the resource as identified will not be significantly degraded by the proposed development. If such findings cannot be made, the development shall be denied. Criteria used for determining the extent of wetlands and other wet environmentally sensitive habitat areas are found in Appendix 8 and shall be used when determining the extent of wetlands.

***Mendocino County Coastal Element – Chapter 4 Land Use Plan:
Descriptions and Policies for Thirteen Planning Areas
Seaside Creek to Pudding Creek Trail***

“Because of the sometimes hazardous conditions occasioned by tidal action and stream conditions at the mouth of Ten Mile River, the coastal trail in this area shall be segmented, rather than indicated as a continuous trail system. One segment shall extend from Seaside Creek Beach south to the northern bank of Ten Mile River. Another segment shall extend from the south side of Ten Mile River along the shoreline of MacKerricher State Park to Pudding Creek.”

Additional paragraphs are inserted for further clarification in response to concerns raised by Coastal Commission staff.

Chapter 2, Page 38, Section 2.10 – Discretionary Approvals, add the following to read at the end of the paragraph:

“The State Lands Commission (CSLC) has jurisdiction and management authority over all ungranted tidelands, and certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. Thus, the travel route along the beach for equipment to access the southernmost portions of remnant haul road may also require a separate permit or agreement from CSLC.”

Change is in response to comments raised by the State Lands Commission staff.

Chapter 2, Page 39, Section 2.11 – Related Projects, add the following paragraph in reference to the City of Fort Bragg project to read:

City of Fort Bragg Coastal Trail and Restoration Project

The City of Fort Bragg completed an EIR in collaboration with State Parks for restoration, multiple-use trail development, and parking starting at the southern end of MacKerricher State Park and ending on bluffs overlooking the Noyo River toward the south. The project includes the Glass Beach project described above, multiple use trail development along Glass Beach Drive (including the City's right-of-way and a narrow section of State Park property), development of parking, restroom facilities, and a welcome plaza adjacent to the southern boundary of the State Park, habitat restoration of the former Georgia Pacific Mill Site. The project also consists of over 3.25 miles of extensive trail development, which is described in the Draft EIR as: *"The North Parkland multi-use trail would consist of a primary trail of approximately 3,455 linear ft, and secondary trails including two short viewing loops, a "short cut" on the southern portion of the trail, and a short boardwalk. These secondary trails comprise approximately 1,750 linear ft. The primary trail extends from the parking area south to a turnaround bulb overlooking Soldier Bay and Soldier Beach. The primary trail on the North Parkland would be 8 ft wide and include a 4-ft wide gravel shoulder on its western edge. The secondary trails would be 5 ft wide and for pedestrian use only. This component would also include the installation of eight benches and six interpretive signs along the trail."* For the South Parkland, the EIR states, *"The trail network would consist of a multi-use primary trail of approximately 5,900 linear ft. It would be 8 ft wide with a 4-ft wide gravel shoulder on the westside. The primary trail extends the length of the property from Noyo Point Road with a turnaround bulb at the terminus near the City's wastewater treatment facility. A 5-ft wide pedestrian only trail network of 6,100 ft would also be constructed. Two viewing platforms will be installed for resource protection and site safety. One will be located to the north of the "blowhole" and the other will be located at the end of Soldier Point. The trail system also includes the installation of eight benches and six interpretive signs."*

Addition is in response to comments raised by the City of Fort Bragg staff.

Chapter 3, Page 49, Environmental Checklist, III Air Quality, Discussion, d-e, change the eighth sentence of the second paragraph to read:

"Other vehicles, such as the 10-wheel dump trucks, would be moving materials from the staging areas within the project site to a recycling facility chosen by the contractor, to nearby timber property approximately 5 miles to the east, or to a storage site on State Park property approximately 20 miles (32 km) south at Big River."

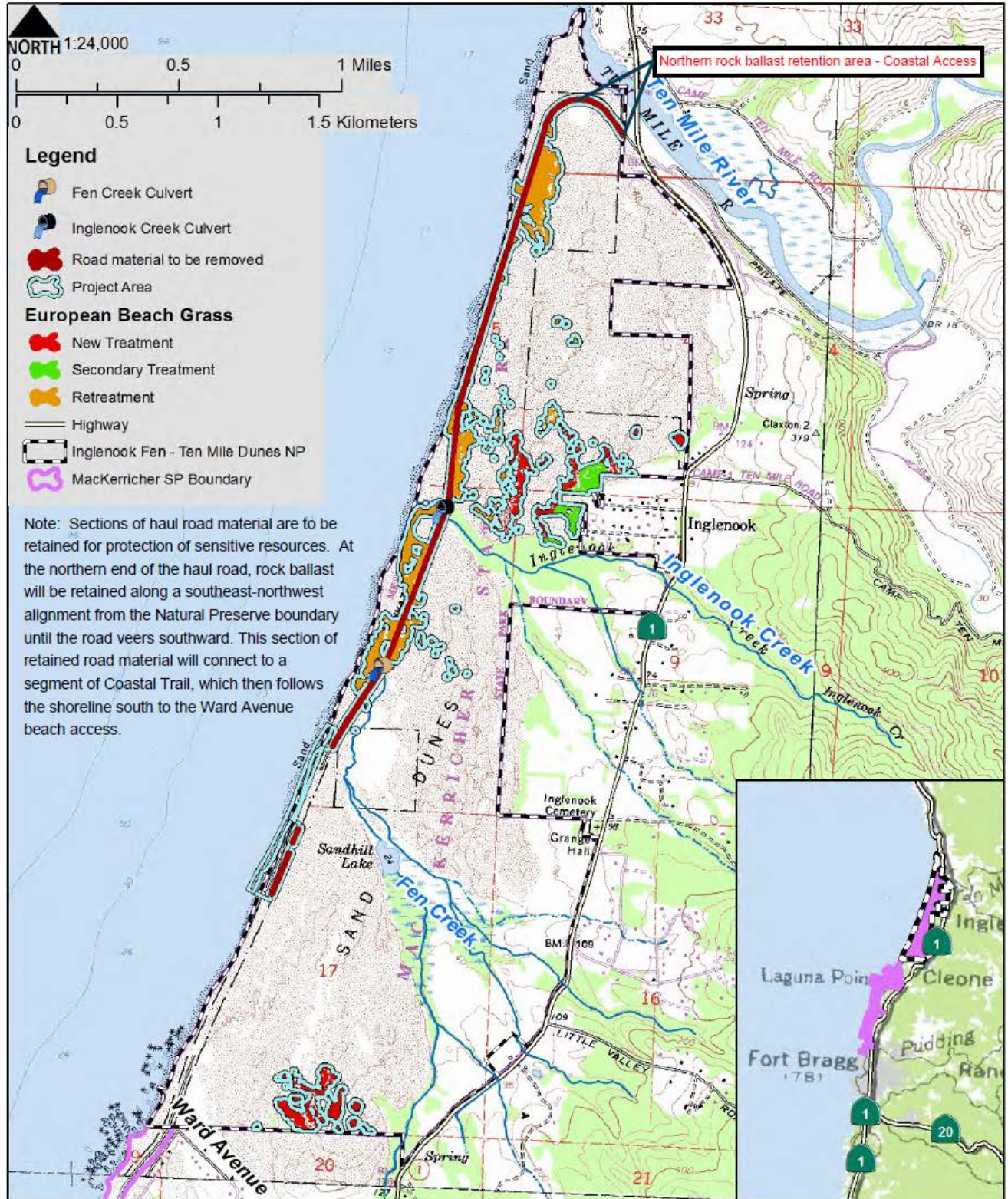
Change is in response to concerns raised by private citizens regarding the hauling distance to the disposal site at Big River.

Chapter 3, Page 114, Environmental Checklist, XIV Public Services, Discussion, a., change the fifth sentence to read:

"However, due to relatively low visitor use of the Preserve compared to other areas of MacKerricher SP (Appendix E.6), very few incidents occur that require emergency response."

Change includes a reference to the addition of Appendix A.6, Visitor Use to the Old Haul Road in the Inglenook Fen-Ten Mile Dunes Natural Preserve.

Appendices A.1 through A.9, Maps, Tables, And Charts, Appendix A.1, Project Overview, replace the appendix with the revised Appendix A.1 to read:



Additional text was added to the Project Overview Map to clarify the location of coastal access in response to concerns raised by Coastal Conservancy staff.

Appendices E.1 through E.5, Supporting Documents, change to read Appendices E.1 through E.6, and add Appendix E.6 - Visitor Use of the old Haul Road within the Inglebrook Fen-Ten Mile Dunes Natural Preserve. Addition of Appendix E.6 is necessary to clarify existing use of the old haul road in response to comments received from Coastal Commission staff, City of Fort Bragg staff, and members of the public.

Appendix E.3, Delineation of Potential Jurisdictional Wetlands under Section 404 of the Clean Water Act & California Coastal Act, throughout Appendix E.3, change *Juncus lescurii* to read *Juncus breweri*.

Change is necessary to correct misidentification of species.

This document, along with the Draft Initial Study/Mitigated Negative Declaration (SCH# 2012052022), corrected as noted above; Comments and Response to Comments; Mitigation Monitoring and Reporting Program; and the Notice of Determination, constitute the Final Mitigated Negative Declaration for the Dune Rehabilitation Project at MacKerricher State Park.

Pursuant to Section 21082.1 of the California Environmental Quality Act, the California Department of Parks and Recreation (DPR) has independently reviewed and analyzed the Initial Study and Negative Declaration for the proposed project and finds that these documents reflect the independent judgment of DPR. DPR, as lead agency, also confirms that the project mitigation measures detailed in these documents are feasible and will be implemented as stated in the Negative Declaration.



Renée Pasquinelli
Environmental Coordinator
California Department of Parks & Recreation

Date

Liz Burko, District Superintendent (Acting)
Mendocino District

Date