

Public/Agency
Comments on the
Draft Feasibility Study

for the

**MacKerricher
Coastal Trail Project**

prepared for:

CA Department of Parks and Recreation
Russian River/Mendocino District
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May 17, 2000



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MACKERRICHER COASTAL TRAIL PROJECT

PUBLIC/AGENCY COMMENTS ON THE DRAFT FEASIBILITY STUDY

PREFACE

Following the public release of the Draft Feasibility Study for the Northern Segment of the MacKerricher Coastal Trail Project, on March 13, 2000, the California Department of Parks and Recreation (DPR) invited government agencies, private organizations, and concerned citizens to provide written comments on the study and the proposed alternatives. DPR also solicited oral comments from individuals during public and agency meetings that were held on March 20, 2000, to present information on the study. Following these meetings, the comment period was held open for an additional 20-day period for submitting any additional comments.

A list of commentors and all written comments received by DPR from other agencies and the public during the comment period are presented in this document.

Other information regarding this study, including newspaper articles, previous agency letters regarding the project, and a list of persons commenting at the March 20th meetings, may be obtained from the DPR Russian River/Mendocino District office in Duncan Mills.

LIST OF COMMENTORS			
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GOVERNMENT AGENCIES			
U.S. Fish and Wildlife Service	Bruce Halstead	April 7, 2000	1
Dept. of Transportation - North Region	Steve Hansen	March 21, 2000	18
Fort Bragg City Council	Jere Melo	March 20, 2000	19
ORGANIZATIONS/GROUPS			
California Native Plant Society	Lori Hubbart	April 10, 2000	23
College of the Redwoods	Teresa Sholars	March 20, 2000	25
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United States Department of the Interior

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In Reply Refer To:
1-14-1998-104

April 7, 2000

Mr. Greg Picard
Parks Superintendent
Department of Parks and Recreation
Russian River/Mendocino District
P.O. Box 440
Mendocino, California 95460

Subject: Comments on Draft Feasibility Study for the Northern Segment of the MacKerricher Coastal Trail Project, Mendocino County, California

Dear Mr. Picard:

The Fish and Wildlife Service (Service) has reviewed the March 2000 draft feasibility study for the northern segment of the MacKerricher coastal trail project (feasibility study). We have previously provided you or your staff with comments on this proposal in letters dated April 27, 1998 and October 1, 1998. The following comments address the feasibility criteria and biological issues associated with the proposed project.

GENERAL COMMENTS

The proposed northern segment of the MacKerricher Coastal Trail Project is a paved pedestrian/bicycle trail located within a natural preserve. A natural preserve is the most protective designation given to any State park system unit. Protection of features such as rare or endangered plant and animal species and their supporting ecosystems is the paramount purpose of a natural preserve. We support providing compatible recreational opportunities within the Inglenook Fen-Ten Mile Dunes Natural Preserve (Preserve) while still meeting the objectives of the Preserve. However, we do not support construction and maintenance of a paved trail through the Preserve due to its impacts on listed species.

The Service previously advised California Department of Parks and Recreation (CDPR) early in the project planning phases that the project would cause unacceptable, unavoidable, and unmitigable conflicts with the recovery of two Federally endangered plant species and the

Federally threatened western snowy plover (*Charadrius alexandrinus nivosus*). In a letter to Gary Shannon dated April 27, 1998, we made and continue to support the following recommendations. The section of the proposed route beginning at Ward Avenue and ending at the Ten Mile River would likely alter the dune processes (i.e., sand transport), and would adversely affect both listed plant species, the western snowy plover, and their habitats. We see little opportunity to mitigate these adverse effects and recommend ending the trail project at Ward Avenue. Pedestrians should access the Preserve portion of MacKerricher State Park without a paved trail. The remaining portions of the haul road in the Preserve should be removed completely to re-establish natural dune processes. Management objectives of the Preserve should be restoration and protection from increased human caused impacts.

The feasibility study apparently uses a jeopardy threshold for listed species. According to the study, an alternative which does not have the potential to jeopardize the existence of listed species is considered feasible, in terms of compliance with the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (Act). This threshold is inappropriate for projects proposed within a natural preserve. We recommend that the feasibility issue on compliance with the Act be changed to evaluate the potential for alternatives to impact the recovery of listed species and the restoration of natural processes within the Preserve.

The recovery of listed species depends, in part, on proper habitat management and protection of Federally listed species and their habitats within the Preserve. Public access in the Preserve needs careful regulation because listed species and their habitats are threatened by uncontrolled equestrian and pedestrian use. European beachgrass has significantly degraded the foredunes of the park, especially west of the existing portions of the haul road. As a result, habitat suitability has been removed or reduced for some species.

Projects proposed in the Preserve must not preclude the restoration potential for the dune system. The feasibility study states that beachgrass has a greater effect on aeolian (i.e., wind driven) processes than the haul road. The major role of beachgrass in interrupting dune processes is well documented, leading to CDPR's plans to remove it from the Preserve. The feasibility study does not address the impacts of the haul road on the ecosystem. If beachgrass were removed, then the haul road would be the only obstacle to sand movement. The haul road would negatively affect dune processes, the preservation of the natural plant communities, and the viability of endangered plant and western snowy plover populations. We recommend that the remnant portions of the haul road be removed from the Preserve.

All of the proposed alternatives considered in the feasibility study, except for the Ward Avenue terminus alternative, impact natural processes of erosion and deposition of sand within the dune system. As a result, future restoration within the Preserve and the recovery of the Federally listed species in the Preserve are affected, and this situation conflicts with the provisions for a natural preserve.

The Service is aware of no other State or Federal land managers in the United States or Canada which have proposed either new construction or reconstruction of hard structural trails or roads for purely recreational purposes in active, mobile foredunes within the last 25 years. In general, Federal and State land managers of dune systems have removed or relocated structures which face long-term erosion hazards or conflicts with natural dune or shoreline movement.

RECOMMENDATIONS

We recommend terminating the paved portion of the coastal trail project at Ward Avenue. We are not suggesting closing the area north of Ward Avenue to public use. As stated in our letters dated December 1, 1999 and January 25, 2000, we questioned why a sign which implies the area is closed to comply with the Federal and State Endangered Species Acts was placed at the southern end of the dune system. We have never recommended closing the area to the public. Instead, we asked that you evaluate the potential impacts on Federally listed species and take measures to minimize or avoid these impacts. Public access can be provided in the Preserve by designating the portion of the coastal hiking trail through the Preserve along the beach.

The feasibility study (page 1-4) states that the CDPR needs to address the fundamental issues of whether beach recreation uses, such as pedestrians and/or bicyclists, should be encouraged or discouraged within a sensitive area like the Preserve. We concur with this statement and encourage you to develop a management plan for the Preserve. The plan should consider the appropriate types and amount of public use. No new access or facilities should be provided to the Preserve until completion of the plan. Increased access and use of an area which requires careful regulation may not be consistent with the goals of resource protection.

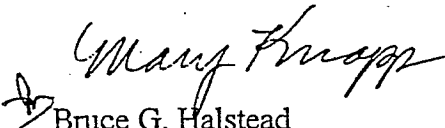
You are responsible for ensuring your actions do not take listed species. As we have previously stated, we are concerned about the potential impacts of on-going activities, such as equestrian and recreational use, on listed species in the park. The feasibility study implies the only way to control these uses is to develop a paved trail through the Preserve. We disagree with this position and have offered to help develop management strategies to avoid or minimize impacts and still allow public use of the Preserve. The following are examples of options to consider when developing a management strategy: exclude bicycles in the Preserve; encourage pedestrian use on the wet sand; restrict equestrian use to the wet sand during periods of low tides; provide adequate law enforcement; monitor nesting and wintering plovers; use exclosures and/or fences to protect plover nests; install interpretive signs; delineate access routes to the beach that avoid or minimize impacts on listed plants; use modular "sand ladders" or "floating boardwalks" to provide access routes to the beach; restore habitat; remove fencing; and remove remnants of the haul road. We are available to assist you in developing a management strategy for the Preserve.

We again advise you that the potential long-term impacts of constructing and maintaining a paved trail through the Preserve would significantly increase the probability of extinction in the wild for Howell's spineflower (*Chorizanthe howellii*) (Federally endangered), the Mendocino population of Menzies' wallflower (*Erysimum menziesii* ssp. *menziesii*) (Federally endangered), and round-headed Chinese houses (*Collinsia corymbosa*) (subject to review for Federal listing)

and significantly hinder the recovery of the western snowy plover in Mendocino County. We encourage you to proceed with the coastal trail project from Fort Bragg to Ward Avenue. Although this portion also contains habitat for listed species, we feel that the potential impacts can be adequately avoided or mitigated.

Specific comments on the feasibility study are provided in the enclosure. We appreciate the opportunity to review this document. If you have questions regarding our comments, please contact Robin Hamlin at (707) 822-7201.

Sincerely,


Bruce G. Halstead
Project Leader

Enclosure
(Specific comments)

cc (all w/encl.):

FWS, ATTN: J. Enbring, Sacramento, California

CDPR, ATTN: M. Wright, Chief Deputy Director, Sacramento, California

CDPR, ATTN: G. Shannon, Duncan Mills, California

CDPR, ATTN: R. La Belle, District Superintendent, Duncan Mills, California

CDFG, ATTN: D. Hillyard, Moro Bay, California

Caltrans, ATTN: D. Harmon, Eureka, California

Federal Highways Administration, ATTN: J. Lindley, Division Administrator, Sacramento, California

SPECIFIC COMMENTS

Draft Feasibility Study for the Northern Segment of the MacKerricher Coastal Trail Project

1 Executive Summary.

Background, page 1-1.

Mention that the California Department of Parks and Recreation (CDPR) applied for the grant to fund this project in 1994. The objective of the project, as originally submitted, was to provide a safe route for bicyclists and pedestrians from Fort Bragg to the Ten Mile River. The portion of the project north of Ward Avenue included construction of 3,000 feet of boardwalk to bypass washout sections in the Ten Mile Dunes.

The alternatives considered in the feasibility study differ significantly from the original proposed alternative. For example, substantial differences include the following: the length of new construction (3,000 feet compared with 5,900 to 9,500 feet); type of structure (boardwalk compared to combination of boardwalk and hardened surface), location of the trail route, length of the trail route (shorter in some alternatives) potential wetland impacts (not previously considered), necessary drainage crossings (none compared to crossings in excess of 100 feet), and required level of National Environmental Policy Act (NEPA) documentation (environmental assessment compared to environmental impact statement). This section should also mention, that substantial changes in the foredunes and the condition of the existing haul road have occurred since the MacKerricher State Park's (Park) General Plan (Plan) was completed.

2.1 Project Objectives, page 2-1.

The objectives and needs of the project are not clearly stated. CDPR apparently has developed a project to meet objectives of the Federal Highway Administration's (FHWA) Intermodal Surface Transportation Efficiency Act (ISTEA) program rather than objectives of the Inglenook Fen-Ten Mile Dunes Natural Preserve (Preserve). If the objective is to develop a safe bicycle route along Highway 1 between Fort Bragg and the Ten Mile River, then all possible locations of the route should be considered; routes should not be limited by CDPR ownership. For example, a logical location for a bicycle route between Ward Avenue and the Ten Mile River is directly adjacent to the highway. This route has many advantages to the alternatives, such as bicyclists would not have to contend with blowing sand, and the route would not be constructed through a coastal dune system containing several listed and sensitive species.

The feasibility study refers to this project as part of the California Coastal Trail or the California Coast Bicycle Route. The California Coastal Trail is a hiking trail not a bicycle route that is being developed all along the California coast. In many locations, such as along the Lost Coast in Humboldt County, this hiking trail is designated along beaches. If the objective of this project

is to designate a section of the California Coastal Trail through MacKerricher State Park, an alternative that designates a hiking route north of Ward Avenue along the beach should be presented.

2.1 Project Status, page 2-2.

In previous letters and discussions, we have recommended that the CDPR ask the FHWA to rescope the project north of Ward Avenue. Disclose whether the discussion between the agencies ever occurred.

2.2 Feasibility Study Purpose, page 2-3.

Discuss the criteria used to develop the five alternatives and how each alternative either meets or does not meet the original objectives of the project as submitted in the grant proposal.

Environmental documents provided pursuant to the NEPA or the Endangered Species Act of 1973, as amended (Act) commonly incorporate background reports by reference, such as feasibility studies. Therefore, the assumptions and perspectives of feasibility studies must match those of NEPA and the Act. NEPA documents must consider and evaluate reasonable project alternatives, based on a common understanding of an underlying project purpose that transcends specific designs of proposed projects. This is particularly important when unresolved conflicts of resource use exist. Federal agencies and courts have consistently rejected analyses of alternatives which so narrowly define project purposes to be virtually circular definitions of preferred alternatives. The feasibility study adopted the project purpose which is essentially identical with the project description in the funding proposal. The study gave no consideration to the underlying basic or overall project purpose. Consequently, the feasibility study evaluated only minor variations of the proposed project which all focused on areas of natural resource conflicts. This is untenable from the perspective of any relevant environmental document [California Environmental Quality Act (CEQA) or NEPA], and it forfeits potential opportunities to explore feasible alternatives which satisfy the basic purpose of the project to provide safe, attractive, continuous bicycle and pedestrian trail access from Fort Bragg to the Ten Mile River. The Service believes that a completely revised evaluation of alternatives is needed, based on a broader understanding of the underlying project's purpose.

2.2 Feasibility Study Approach, page 2-3.

Each alternative was evaluated to determine if it exceeds an established threshold of feasibility. However, the thresholds are not stated. Describe the established threshold for each feasibility issue.

Some of the feasibility issues and inferred thresholds do not seem appropriate for a project proposed in a natural preserve. For example, some of the thresholds are limited to compliance with existing laws and regulations such as the Federal and California Endangered Species Acts and Clean Water Act. The purpose of a natural preserve is defined in the Public Resources Code (PRC), Section 5019.71 as follows: "The purpose of natural preserves shall be to preserve such features as rare or endangered plant and animal species and their supporting ecosystem . . .".

Meeting the requirements of law does not equate to meeting the objectives of a preserve. Management of a natural preserve should exceed the level of protection of natural resources mandated by merely complying with environmental laws.

The threshold used to determine compliance with the Act is not defined. The threshold appears to be the effect of a proposed alternative on listed species, relative to the potential for jeopardizing the continued existence of listed species. This threshold is not appropriate for a natural preserve. In fact, to evaluate the feasibility of any project in the State park system, based on whether or not it will result in jeopardy of a listed species, is not appropriate. The directive for managing listed plant species in MacKerricher State Park's General Plan is to plan and design projects "... so that special plants will not be adversely affected." This standard is significantly different and at a higher threshold than merely trying to prevent extinction of a species. We recommend that the feasibility issue on compliance with the Federal Endangered Species Act be changed to the following: potential for the project to hinder the long-term recovery of listed animal and plant populations within the Preserve.

We suggest adding the following feasibility issue: potential for the project to hinder future restoration efforts within the Preserve. A direct conflict exists between restoration activities, such as the removal of European beachgrass and the maintenance of a paved trail through the dune system. The Park currently has over \$500,000.00 allocated for restoration work in the Preserve through 2002. No alternative should be selected that precludes the restoration potential for the dune system within the Preserve.

We suggest separating the coastal erosion and dune instability feasibility issue into two feasibility issues: 1) potential for coastal erosion and dune instability to influence the feasibility of constructing and maintaining the trail; and 2) potential for the proposed structure to impact dune processes. Combining these two very different issues is inappropriate. The threshold for allowable impacts on dune processes should be very low; since, this project is proposed within a natural preserve. The PRC definition for a natural preserve states that "Areas set aside as natural preserves shall be of sufficient size to allow, where possible, the dynamics of ecological interaction to continue without interference...". If CDPR has unlimited budgets and resources, the threshold level for acceptable impacts on the design and maintenance of a structure may be quite high.

4 Introduction to the Feasibility Issues.

Listed plant species, page 4-2

The report assumes that impacts to the marsh sandwort (*Arenaria paludicola*) can be avoided, because it is only known to occur in the Inglenook Fen. To date, surveys for this species have not occurred in the Preserve. The Service assumes that suitable habitat is occupied unless surveys show otherwise. Potential impacts on this Federally endangered species should be addressed.

Howell's spineflower and Menzies' wallflower, page 4-2.

The goal within the Preserve should be to facilitate recovery of endangered plant species. The Preserve contains listed species [Howell's spineflower (*Chorizanthe howellii*), Menzies' wallflower (*Erysimum menziesii* ssp. *menziesii*), and marsh sandwort] which have completed recovery plans (U.S. Fish and Wildlife Service 1998a and 1998b). The feasibility study did not reference these recovery plans, which address the recovery and conservation of the species. We recommend that the feasibility study include reference to these plans and include pertinent recommendations in the analysis process. Analysis of the project's impacts on the ability to achieve long-term recovery criteria was entirely lacking in the feasibility study.

The recovery plan for the Howell's spineflower and Menzies' wallflower (U.S. Fish and Wildlife Service 1998a) also features round-headed Chinese houses (*Collinsia corymbosa*) and northcoast phacelia (*Phacelia insularis* var. *continentis*). Both plants are subject to review for listing as endangered. The recovery plan notes that recreational traffic impacts are a reason for listing Howell's spineflower, and it cites the trail project as a potential threat to both the species survival and the integrity of the dune dynamics which sustain its habitat. The recovery plan also emphasizes the need to eradicate European beachgrass at MacKerricher State Park.

Howell's spineflower may be delisted upon restoration of habitat at MacKerricher State Park and its vicinity (Ten Mile Dunes). Restoration includes eradication of European beachgrass and expansion of populations into restored habitat. For delisting to occur, monitoring and history studies will need to demonstrate that the area occupied by Howell's spineflower is increasing and that populations are not being lost to recreational activity.

The recovery plan for marsh sandwort recommends surveys in suitable habitat within its historic range, and it anticipates contingencies for protecting newly discovered populations. Surveys of MacKerricher State Park have detected a new population of the sandwort. The feasibility study incorrectly presumes that the newly discovered population is unique, and that no impacts will occur because it is outside of the project boundary. The Service believes that further survey work may detect additional populations of the sandwort, based on existing habitat conditions. The feasibility study should anticipate the likelihood that additional populations of the sandwort exist in the Park.

Listed wildlife species, page 4-3

We are unaware of any surveys for tidewater gobies in either Inglenook or Fen creeks. Unless surveys show these areas are unoccupied, both of these creeks should be considered potential goby habitat. This species is not and should be addressed in the feasibility report.

Western snowy plover, page 4-10

The discussion on whether or not beaches in MacKerricher State Park were designated as snowy plover critical habitat is not relevant to the issue of judging the feasibility of the various alternatives. Federally listed species are protected under the Act with or without the critical habitat designation. The final rule designating critical habitat acknowledges that areas outside of

the designated critical habitat may also have an important role in the conservation of the plover. Additional sites may be designated as critical habitat after completion of the snowy plover recovery plan. Based on available survey information, Ten Mile and Virgin Creek beaches both support 10 wintering plovers, which was one criterion used in the final rule to designate critical habitat.

The feasibility study does not and should discuss the importance of the study area to the long-term recovery of the plover in Mendocino County. MacKerricher and Manchester State Parks provide the only suitable habitat in Mendocino County; therefore, these parks are critical for the recovery of this species in this area. To the north of the study area, the nearest (approximately 90 miles) known nesting area is the Eel River, and the nearest (approximately 70 miles) wintering area is McNutt Gulch in Humboldt County. To the south the nearest (approximately 35 miles) wintering area is Manchester Beach in Mendocino County, and the nearest (approximately 95 miles) known nesting area is Salmon Creek in Sonoma County. Plover use of these areas is also threatened by the presence of European beachgrass and incompatible recreational activities.

Recovery of plovers in the study area depends upon the restoration efforts (i.e., beachgrass removal) currently in progress. The presence of beachgrass and the haul road have reduced the amount of unvegetated area above the tideline, decreased the width of the beach, and increased the slope of the beach. The amount of currently suitable plover habitat is reduced, as a result. The study does not but should address impacts of each alternative on future dune restoration.

We believe the maps underestimate both the amounts of current and potential plover habitat. The following are examples of habitat we believe is currently suitable, but not depicted on the map: 1) areas near the Ten Mile River north of the haul road; 2) open sandy areas east of the road; and 3) beach areas west of the road. The feasibility study defines potentially suitable habitat as areas that are currently unsuitable but may be suitable in the future if restoration occurs (i.e., removal of European beachgrass and/or the haul road). The potential habitat depicted on the maps is significantly underestimated. The maps do not show the area west of the haul road currently vegetated with beachgrass as potentially suitable, and they show no areas east of the haul road as potentially suitable.

The map legend shows sightings in August through April as occurring in the non-breeding season and sightings from May through July as part of the breeding season. We consider the breeding season to be from March 1 through September 30. The breeding season depicted on the maps should be defined consistent with our designation of the breeding season.

We suggest adding a discussion about the location of historic nests, since plovers are known to historically nest in the area. Also, include a discussion on the frequency and coverage of surveys in 1998 and 1999. The study states that the surveys were limited to the northernmost one-third of the study area; however, we can not determine if surveys occurred on the east side of the haul road, given the presence of suitable habitat in this area. On page 5-6 the feasibility study states that "no plovers are known to have used the study area for nesting in the last 10 years". To

document whether nesting attempts have occurred within an area, we recommend weekly surveys throughout the breeding season. We understand that monthly surveys were conducted in 1998 and 1999 in a portion of the study area. Based on this level of coverage, it is inappropriate to conclude that plovers have not used or attempted to use the study area for nesting in the past 10 years. We recommend that this conclusion be deleted from the final version.

4.2 Wetlands. page 4-13.

The feasibility study states that aerial photos, GIS vegetation data, and 1999 field surveys were used to identify wetlands. The study should also discuss criteria used to identify wetlands and how the criteria were applied. Discuss how the mapped wetlands correspond to jurisdictional wetlands, (i.e., are the wetlands mapped likely to be more or less than jurisdictional wetlands). Provide a definition of the following wetland types: herbs, shrubs, and trees. Discuss how these types correspond to the classifications in the following publication: L. M. Cowardin, V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deepwater habitats of the United States. U.S. Department of Interior, Fish and Wildlife Service, Washington, D.C.

4.5 DPR Policies and PRC Provisions. page 4-17.

A key issue is whether or not the proposed project is consistent with the Preserve designation. However, the discussion on whether the alternatives are compatible with the designation is limited. Provide further clarification on how alternatives are compatible with the objectives of the Preserve's designation. Compatibility with the Preserve designation is combined in the feasibility issue on consistency with statutory provisions and General Plan Policies including the Coastal Act. The conclusion on page 6-4 states that the objectives for resource protection and public access of these policies and provisions directly conflict in many instances. We disagree with this conclusion. In every instance where providing recreational opportunities are mentioned, the policies state recreation will be consistent with resource protection. In addition, as stated on page 4-22 of the feasibility study, when conflicts exist between PRC policies and General Plan policies, PRC policies prevail because they are State law. We feel that recreational opportunities can be provided in the Preserve without the construction of a paved trail and without maintaining the existing portions of the haul road.

We think that all of the alternatives, except for ending the proposed trail at Ward Avenue, conflict with the direction in the PRC regarding natural preserves. For example, the PRC states the following: 1) natural dynamics of ecological preserves shall be allowed to continue without interference; 2) habitat manipulation should be permitted only in areas found by scientific analysis to require manipulation to preserve the species or associations which constitute the basis for the establishment of the natural preserve; and 3) no new facility may be developed in any unit of the State park system unless it is compatible with the classification of that unit. As stated in the Plan, the "natural preserve designation provides guidance and acts as a control upon the department by assuring that future plans will respect the degree of resource sensitivity identified within the preserve."

Since the preserve designation does not allow the use of motorized vehicles, discuss the feasibility of constructing and maintaining the proposed paved trail without mechanized equipment.

MacKerricher State Park General Plan Policies, page 4-19.

The section on resource element directives should include the following portion of the directive for western snowy plovers: "The department shall . . . assess the effects of European beachgrass and visitor disturbance on habitat. If necessary, closures and habitat restoration efforts shall be initiated."

The section on the facilities element recommendations should have also included the following: "No development should occur in the sand dunes except for the dune boardwalk."

4.6 General Cost Reasonableness, page 4-22

The feasibility study focuses only on short-term construction, and it grossly underestimates or understates the feasibility and cost of long-term project maintenance, recurrent rehabilitation, and reconstruction. The study provides no quantitative threshold for "feasible" from a cost:benefit analysis. The study provides no cost estimate comparisons between project construction, and project maintenance over 5, 10, or 20 years. The time during which maintenance costs would not exceed construction costs are not quantified or estimated but should be. Provide comparisons of comparable projects which have been constructed or maintained in similar situations for these time periods. The implications on construction and maintenance costs of the restrictions which prohibit the use of motorized equipment within the preserve are not discussed. For these reasons, the study's conclusions regarding qualitative feasibility are difficult to comprehend or justify.

5 Feasibility Analysis.

The feasibility study adopts an unreasonably narrow scope of environmental impact analysis. It essentially assumes a static "snapshot" environmental baseline of existing conditions, and it constrains the geographic scope of impacts to the project footprint and periphery. This approach is unrealistic and highly impractical. One of the most critical issues for evaluation is how the project will affect the long-term development of the dune system as habitat for listed species. This requires evaluation of an alternative's direct, indirect, and cumulative effects over time, and comparison with a "baseline" which includes a projection of pre-existing ecological trends in the future, as well as any "reasonable foreseeable" changes or actions. Otherwise, impact analysis conclusions would be highly artificial, arbitrary, and uninformative for decisionmakers. The planned and funded removal and eventual eradication of European beachgrass is a particularly important "baseline" consideration which was marginally treated in the feasibility study. This action is essential to habitat restoration for western snowy plovers, but it is essentially a management conflict with any hard-stabilized structure. The analysis of this important foreseeable action was superficial, qualitative, and inadequate. Similarly, impacts of the project on listed species was restricted to current locations of plants, rather than the long-term effect on shifting populations in the context of long-term recovery.

5.1 Introduction to the alternatives considered, page 5-1.

EDAW developed five alternatives in consultation with CDPR. Some of the alternatives only meet a portion of the proposed project's objectives. No explanation is given for considering alternatives that do not meet all the objectives of the original proposal. The purpose of this feasibility study should be to determine whether or not the project, as originally proposed, is feasible and compatible with the Preserve designation. This is not an appropriate process to propose new projects within the Preserve. We recommend that prior to proposing projects that increase recreational use within the Preserve the CDPR first must develop a management plan for the Preserve. The plan should determine the appropriate types and amount of recreational use. One concern with the existing project is that it was developed without appropriate consideration of the sensitive resources within the Preserve. The CDPR should not follow this process of project development again.

5.2 Ward Avenue terminus alternative, page 5-1.

The Service supports terminating the pedestrian/bicycle trail, as originally proposed, at Ward Avenue. However, we do not support the Ward Avenue terminus alternative as described in the feasibility study. This alternative includes expansion of the Ward Avenue parking area and development of additional facilities. This is the only alternative that includes these developments. Recreational use levels and parking needs would be most likely to increase under the other alternatives that include construction of a trail beyond Ward Avenue. We recommend not constructing any new facilities or parking areas in or adjacent to the Preserve until the Preserve management plan is completed.

5.3 Haul Road alternative, page 5-5.

The introductory paragraph for the haul road alternative should discuss the need and feasibility of crossing several significant drainages along this route.

Threatened and endangered species, page 5-5.

The discussion states that anticipated take could be mitigated with signs and beachgrass removal. The Service would not consider either of these actions as appropriate mitigation within a natural preserve, an area established for conservation purposes. Restoration activities (e.g., removal of non-native plant species) are already occurring within the Preserve, and continuation of these programs should be part of the long-term management of the Preserve, regardless of whether or not this project is implemented. Acceptable mitigation would be acquisition or restoration of habitat that is not currently protected by the Preserve designation. Due to the limited distribution of the species involved, we agree that these opportunities are limited.

We disagree with your conclusions regarding potential impacts of the Haul Road alternative on the snowy plover. The feasibility study concludes that although trail construction may result in direct and indirect impacts to the snowy plover, the study area is not designated as critical habitat, and plovers have not nested in the study area in the last 10 years. It also concludes that take of plovers could be avoided or mitigated with signs and beachgrass removal; therefore, the impacts on the plover are not expected to threaten the feasibility of this alternative. We disagree

with the above conclusion for the following reasons: 1) surveys in the study area adequate to conclude that no nesting has occurred in the last 10 years have not been completed; 2) the data presented in the study show that this area is an important wintering area for plovers; 3) the Park is critical to recovery of plovers in Mendocino County; 4) the proposed alternative would significantly hinder future restoration efforts within the Preserve; 5) as stated earlier, signs and beachgrass removal within a natural preserve are not appropriate mitigation, since these management actions would occur without the project; and 6) a project that could result in adverse affects on plovers is not in compliance with the preserve designation or the Plan.

5.3 DPR policies and PRC provisions. page 5-8.

The section should address how the proposed project conflicts with the following direction in the Plan: "No development should occur in the sand dunes except for the dune boardwalk"; and "If inflexible structures must be used, they will be considered expendable and will not be protected against natural forces."

The discussion implies that conflicts exist between policies to protect resources and to provide coastal access. All of the policies regarding recreational opportunities state that coastal access will be provided consistent with resource protection. This section should indicate that since the Preserve designation is State law, it prevails if conflicts exist. Also, discuss that coastal access is currently provided within the Preserve along the beach.

5.4 Setback alternative.

Threatened and endangered species. page 5-9.

Refer to our comments regarding threatened and endangered species (see discussion under the Haul Road alternative).

5.5 Shortcut alternative. page 5-12.

Provide a discussion on why this alternative is included in the report, since it does not meet the objectives of the original project, and it has no logical termination point.

5.6 Northern alternative. page 5-15.

This alternative discusses the development of a parking area south of the Ten Mile River bridge either on the west or east side of the highway. The parcel depicted on the map on the west side of the highway is the same parcel the CDPR applied to purchase with a California Department of Transportation Environmental Enhancement and Mitigation (EEM) grant. The Park's application for the EEM grant stated that the overall purpose of this acquisition was "... for the protection and enhancement of the coastal dune habitat and associated resources. Because this parcel is part of the larger dune complex ecosystem, its addition would ensure the preservation of unique resource values contained in this parcel and adjoining lands."

The application also stated that the acquired land would become part of the Preserve. In a letter to Greg Picard dated October 1, 1998, we questioned why Gary Shannon, representing the CDPR, testified before the California Coastal Commission that the placement of an agricultural

easement on this parcel would restrict future CDPR plans. We requested the Park inform us on whether or not the CDPR proposed to construct any recreational facilities in connection with the trail project on this parcel. In a response dated October 8, 1998, you replied that you did not know of any specific plans for the parcel other than preservation. An assurances clause exists in the EEM grant that states the following: "If the property is not managed and maintained for the purposes stated in the project agreement, the state shall be reimbursed . . .". The CEQA documentation for the EEM project did not include a California Department of Fish and Game endangered species consultation or any discussion of potential impacts to the Preserve or listed species from the possible development a parking area and the subsequent increased public use. Since this parcel is part of the Preserve, which prohibits motorized equipment, discuss the incompatibility of this proposal with the Preserve designation and the EEM grant.

5.6 Threatened and endangered species. page 5-15.

We are concerned about the development of a parking area at the Ten Mile River and the resultant increased recreational use. Development of a larger parking area and facilities at Ten Mile would likely significantly increase pedestrian access and disturbance to optimal snowy plover foraging and nesting sites and listed plant habitat at the north end of the dune system. Expanding public access for recreation will bring a greater number of people to the beach, exacerbating potential conflicts between recreation activities and listed species. According to the feasibility study, the greatest concentration of plovers during the surveys in 1998 and 1999 were in the northern portion of the study area. Human activity is a key factor in the decline of plover breeding populations. Pedestrians can cause mortality and harassment of plovers. They may crush eggs or chase plovers off their nests, causing mortality through exposure of eggs or chicks to weather, blowing sand, or predators. Increased recreational use produces additional trash which may in turn attract and maintain higher populations of avian predators such as ravens.

In addition to construction of the parking area, this alternative involves maintaining the existing northern portion of the haul road. No discussion about the implications of maintaining this portion of the haul road on future restoration activities within the Preserve is presented. European beachgrass is prevalent between the road and the beach along the northern portion of the haul road from the Ten Mile River to the Inglenook Creek outlet (page 3-1 of the feasibility study). Removal of beachgrass, which stabilizes the dunes, may be perceived as counter productive to maintaining this section of road. This portion of the road has facilitated the colonization of beachgrass by providing a relatively stable barrier for vegetative fragments to concentrate and root. In previous letters to CDPR, we have recommended removing this portion of the haul road to allow re-establishment of natural dune processes.

We disagree with the conclusion that impacts on listed species are not expected to "threaten feasibility" of this alternative. The conclusion in the feasibility study appears based on the fact that this alternative will probably not jeopardize the existence of any listed species. As stated earlier, we believe this threshold is inappropriate because the project is located in a natural preserve. We believe this alternative will result in the following: significant direct and indirect impacts on listed plants and the plover; long-term impacts on recovery of all the listed species in

the project area; and significant impacts on future restoration activities within the Preserve.

6 Study Conclusions and Subsequent Actions, page 6-1.

Issue 4/4-1, Compliance with Section 404 of the Clean Water Act, page 6-1.

The feasibility study concludes that compliance with Section 404 is not expected to affect the feasibility of any alternative. The feasibility study assumes the project will be eligible for nationwide permit (NWP) number 26. Use of this permit expires on June 5, 2000. It seems unlikely that the CDPR will be in a position to apply for a permit by this date. Based on our review of the new NWP, use of a NWP may not be possible for this project. The likely candidate would be NWP number 14; however, General Condition 25, which addresses Designated Critical Resource Waters, may preclude its use. Therefore, an individual permit may be necessary. As a result, the proposed project will be subject to the 404(b)(1) guidelines test of water dependency. We do not believe that the Setback or Shortcut alternatives could pass this test. The Haul Road and Northern alternatives may require some changes in the proposed new construction at the north end of the project near the Ten Mile River.

In a letter dated October 7, 1999, we advised the U.S. Army Corps of Engineers(Corps) that we identified Inglenook Fen, Sandhill Lake, and all adjacent wetlands to be among the "High Value Waters" which occur within this office's area of responsibility. In the case of the fen and surrounding wetlands, we recommended that the Corps not issue any NWPs to allow for full public interest review subject to the 404(b)(1) guidelines on any project that could alter wetland function and value.

Issue 4.1-1, Endangered Species Act Compliance, page 6-1.

We disagree with the conclusion that an alternative is only considered infeasible if it potentially will jeopardize the continued existence of a listed species. The proposed action occurs in a natural preserve whose stated objective is to preserve listed species. Any alternative that impairs recovery of listed species conflicts with the preserve designation. The alternative, therefore, should be considered infeasible. We believe that the Haul Road, Setback, Shortcut, and Northern alternatives will significantly compromise future restoration and recovery efforts within the preserve.

We agree with the feasibility study's conclusions that the Haul Road, Setback, and Shortcut alternatives are not feasible because of their potentially significant impacts on listed species. However, we disagree with the study's conclusions regarding the Northern alternative. We believe the Northern alternative will also have the following: significant direct and indirect impacts on listed plants and the plover; long-term impacts on recovery of all listed species in the project area; and significant impacts on future restoration activities within the Preserve. Refer to our comments regarding threatened and endangered species (see discussion under the Northern alternative).

The feasibility study concludes that impacts on listed species due to the Northern alternative could likely be avoided, minimized, and/or mitigated, because it would not include new trail

construction in habitat suitable for listed species. It also concludes that impacts associated with maintenance activities would be minimized and signs would be used to deter visitors from entering sensitive habitat. We disagree with these conclusions, since new construction likely will occur in suitable habitat for the Menzies' wallflower, and it is improbable to conclude that visitors can be kept out of sensitive habitat unless they are restricted to the paved trail. As discussed previously, we believe minimal opportunities exist to mitigate impacts associated with providing improved access and maintaining a paved trail in the foredunes.

The feasibility study states that the northern portion of the haul road is located within an area of recent accretion and is, therefore, unlikely to be subject to erosion. The lack of erosion in this area is at least, in part, a direct function of the presence of stabilizing beachgrass. Removal of beachgrass will likely increase susceptibility of this section of the haul road to erosion. It would certainly increase sand drift on the road and maintenance costs. Maintenance would be unreasonable, given that the maintenance will be done without motorized equipment.

The feasibility study fails to address the role of the haul road in interrupting dune processes. If beachgrass was removed, then the haul road would be the only obstacle to sand movement and would in and of itself be a major impact to dune processes, to the preservation of natural plant communities, and to the viability of endangered plant and snowy plover populations. Because of its potential impacts on future restoration and recovery of listed species, we believe the Northern alternative is infeasible.

Issue 4.3-1. Coastal erosion and dune instability, page 6-3.

This section should also address the feasibility of adequately maintaining the trail with non-motorized equipment.

Appendix A. Feasibility of the coastal trail project through Ten Mile Dunes.

Statements in the geomorphic feasibility study such as the following are not supported: conclusions regarding the setback and shortcut alternatives "... it is not expected that the construction of a bicycle trail would have a serious, irreversible impact on the natural dune processes operating along the proposed route." (pp. 10, 12); and conclusion regarding the setback alternative "... it is not likely to seriously impede aeolian processes or affect long term dune formation." (p. 10). The study states the following regarding the northern alternative: "The effect of the proposed trail on dune processes and sand transport can be reduced by restoration and reconstruction work along the trail alignment" (p. 6). However, the study does not identify or describe the restoration work. The Service recommends that this report's technical conclusions should not be relied upon without additional peer review by recognized physical scientists with disciplinary expertise in coastal engineering and dune geomorphology.

Literature Cited

U.S. Fish and Wildlife Service. 1998a. Seven coastal plants and the Myrtle's silverspot butterfly recovery plan. Portland, Oregon. 141 pp.

U.S. Fish and Wildlife Service. 1998b. Recovery plan for marsh sandwort (*Arenaria paludicola*) and Gambel's watercress (*Rorippa gambelii*). U.S. Fish and Wildlife Service, Portland, Oregon. 50 pp. + appendices.

Memorandum

To: Deborah Harmon, File

Date: March 21, 2000

File No.: ISTE
MacKerricher Coastal Trail ProjectFrom: **DEPARTMENT OF TRANSPORTATION - North Region, Eureka Office**
Steven Hansen, Associate Environmental Planner (Biologist)

Subject: Review of the Draft Feasibility Study - Comments

Comments:

There is little identification or discussion of cumulative impacts to the resources from 1) Trail use and operation, 2) Trail maintenance, 3) Illegal activities facilitated by the trail, e.g. OHV access.

Executive Order 13112 on Invasive Species, signed February 3, 1999 and implemented by FHWA November 15, 1999 is not mentioned or discussed. Each of the Alternatives presented should include a discussion of the baseline invasive species and the impacts in this resource area as a result of the implementation and operation of that alternative.

Table 1-1 should include "Feasibility Threatened" when the project alternative presented does not meet the scope of the project purpose and need presented in the ISTE and EEM grant proposals. This would apply to both the Ward Avenue Terminus and the Northern Alternative.

Table 1-1, Northern Alternative – should include State and Federal Endangered Species Act, Consistency with Statutory Provisions, and Not Consistent with ISTE Proposal in the Feasibility Constraint Column.

Page 6-1: "Endangered Species Act Compliance" – should include a discussion as to how the proposals will effect the approved species recovery plans for the listed species.

Page 5-6: Typo? Reference (J.Anderson, pers.com.,2000) is not in reference section. Could this be Arenson?



CITY OF FORT BRAGG

Incorporated August 5, 1889
416 N. Franklin St.
Fort Bragg, CA 95437
FAX 707-961-2802

March 20, 2000

Mr. Gary Shannon, Project Director
Ten Mile Coastal Trail
P.O. Box 123
Duncans Mills, CA 95430-0123

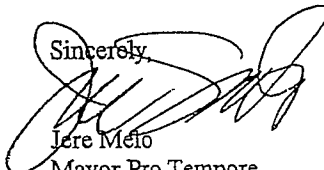
Dear Mr. Shannon:

As an individual member of the Fort Bragg City Council, I wish to emphasize that the only reasonable management for the Ten Mile Dunes area is to include a continuous, hard surface trail between Pudding Creek and Ten Mile River. Following are some specific points and suggestions for the environmental study.

1. Following this letter is a copy of Resolution 2210-97, A Resolution of the City Council of the City of Fort Bragg RE: Ten Mile Coastal Trail. The Resolution is still in effect, and it is the desire of the Council that failures on this project cease and that the project is taken to completion.
2. Also following is a copy of Resolution 2352-2000, A Resolution of the City of Fort Bragg Supporting Improvements to the Pudding Creek Trestle Bridge as a Stand Alone Project and Urging Early Completion of the Improvements. (Please pardon the underline and strikeout version, but at the writing of this letter, I do not have a finished copy. It was adopted on March 13, 2000.)
3. The project has always been represented to the City, Mendocino County and to State legislators as a complete project from Pudding Creek to Ten Mile River during the time I have been aware of it. The Department of Parks and Recreation must consider its own commitment to the local community.
4. The Fort Bragg City Council/Redevelopment Agency has improved the old haul road to a nice city street and parking area up to the Pudding Creek trestle. The City was promised access from the trestle to Ten Mile River.
5. A group of local citizens have formed the Ten Mile Coastal Trail Foundation to maintain the improvements after the Department completes the project. The Department has represented to the Foundation that the trail project is to run from Pudding Creek to Ten Mile River.
6. Under prior private ownership, there was controlled access, when the truck road was not in use, for the public.
7. When the first purchase of the dunes was made from Boise Cascade Corporation in the early 1970s, then-Director of Parks and Recreation Herbert Rhoads testified at the Legislature that public access from Pudding Creek to Ten Mile River was a major public goal. Approximately 900 acres of the Jackson State Forest was used to compensate for public acquisition of the Ten Mile Dunes, Pudding Creek Beach and the Mendocino Headlands and Big River Beach.
8. When the Department purchased the truck road right-of-way from Georgia-Pacific, a major justification was public access from Pudding Creek to Ten Mile River.
9. There have been issues raised from within and outside the Department of Parks and Recreation related to habitat of species listed as threatened or endangered. These issues have then been used by agency personnel and some public members to justify closing the dunes to public access. The purpose of the EIR is to describe ways to mitigate adverse effects on any environment. The naysayers should be challenged to offer positive responses to the problems described.
10. Several times during my years in Fort Bragg, the Department has tried to close access to the beach from Mill Creek Drive. Each time there has been a huge controversy, and the Department has had to back down due to public demand and a lack of legal authority. Is the use of habitat for listed species just another tactic to close access to the beach?

11. From contact with elected officials in other California cities, I understand that the Department provides access to coastal dunes in those cities. The EIR must review what mitigation measures are used in other coastal dunes to allow coastal access.
12. Currently, access is not supervised in the Ten Mile Dunes. The only control is poor access. The Department has no guidelines to show the public, and its enforcement officers have no real control. It is my opinion that an established trail (or set of trails) will provide guidance for the visiting public and for better education and enforcement of park regulations. By contrast, the boardwalk from the end of Mill Creek Drive to Laguna Point in MacKerricher Park shows that considerable access can be provided with educational data, and that the result is better use of the park without damage.
13. There is a need to serve the current demand for coastal access. The State will grow by an estimated 15 million persons in the next 20 years or so. There is a need to use all available resources to make room for those who wish visit the State parks.
14. A well-designated hard surface trail will provide some control through peer pressure as well as by law enforcement. Only through good education along the trail can the Department establish the peer pressure to help it achieve goals.

Sincerely,



Jere Meio
Mayor Pro Tempore

CC: Mayor and Council
City Manager
Deputy City Manager

RESOLUTION NO. 2210-97

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT BRAGG
RE: TEN MILE COASTAL TRAIL

WHEREAS, the seven miles of coast in the MacKerricher State Park north of Fort Bragg between Pudding Creek and the Ten Mile River offer coast residents and visitors opportunities for hiking, bicycling, fishing, horseback riding, jogging, photography, surfing, nature study and other types of recreation and enjoyment of nature and scenery; and

WHEREAS, use of this portion of the coast by horsemen, hikers and Native Americans was documented as early as 1857, then this route became the southern portion of the historic Humboldt Trail in 1867 and later, in 1916, was used by the Ten Mile Railroad and converted to a truck road in 1949 and, that the truck road was opened to weekend public access for many years until the road was damaged by storms in 1983; and

WHEREAS, this ocean front was dedicated as a hiking and equestrian trail on November 12, 1977 but, due to damage to the former Georgia Pacific truck road by storms since 1983, access is difficult for cyclists and persons with limited walking ability on portions of this coastal trail; and

WHEREAS, the need to reestablish non-motorized access between Pudding Creek and the Ten Mile River is addressed in Policies 4.2-21 and 4.3-7 of the Mendocino County Local Coastal Plan and the MacKerricher State Park adopted by the State Department of Parks and Recreation; and

WHEREAS, funding for restoration of the Pudding Creek trestle and repair of the damaged portions of trail is becoming available through the Federal Transportation Enhancement Act; and

WHEREAS, the California Transportation Commission and Caltrans has authorized the project.

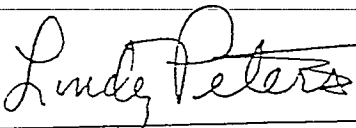
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg urges the State Department of Parks and Recreation to go forward with the proposed restoration, repair and improvement projects so that hikers, cyclists, equestrians and people with limited mobility shall have access to the entire coast between Pudding Creek and the Ten Mile River; and

BE IT FURTHER RESOLVED that the City of Fort Bragg requests that in consideration of people with limited mobility that the State develop a plan for providing motorized vehicular access for special circumstances and events; and

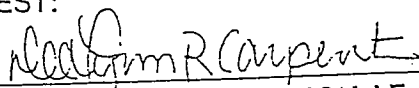
BE IT FURTHER RESOLVED that the Ten Mile Coastal Trail Foundation shall seek funds to assure maintenance of the trail in perpetuity and serve as an educational, historical, recreational and economic resource to Mendocino Coast residents and visitors.

The above and foregoing Resolution was introduced by Councilmember Olbrantz, seconded by Councilmember Melo, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 14th day of April, 1997, by the following vote:

AYES: Councilmembers Olbrantz, Galli, Huber, Melo and Mayor Peters
NOES: None.
ABSENT: None.


Lindy Peters, Mayor

ATTEST:


DeeLynn R. Carpenter, CMC/AE
City Clerk

RESOLUTION NO. 2352-2000

A RESOLUTION OF THE CITY OF FORT BRAGG SUPPORTING THE IMPROVEMENTS TO THE PUDDING CREEK TRESTLE BRIDGE AS A STAND-ALONE PROJECT AND URGING EARLY COMPLETION OF THE IMPROVEMENTS

WHEREAS, in 1994 the California Department of Parks and Recreation was awarded funding for completion of improvements to the Pudding Creek Trestle Bridge as part of a larger project to complete MacKerricher State Park trail enhancements to the north of the Trestle; and

WHEREAS, completion of the Trestle Bridge improvements have since been delayed due to issues related to the portion of the project north of the Trestle; and

WHEREAS, the Trestle Bridge is not currently accessible to the public; and

WHEREAS, the Trestle Bridge is an important cultural, historic and access resource, linking the State Park trail section to the north with the City of Fort Bragg to the south; and

WHEREAS, the City of Fort Bragg strongly supports the earliest possible completion of the Trestle Bridge improvements to enhance trail access and to promote use of the State Park trail and enjoyment of the coastline scenery as a vital amenity for local residents and visitors; and

WHEREAS, preliminary planning and pre-construction work related to the Trestle improvements has been completed or is in process; and

WHEREAS, early completion of the Trestle improvements can best be accomplished through separation of the Trestle Bridge project from the trail enhancements.

NOW, THEREFORE, BE IT RESOLVED that the Fort Bragg City Council strongly supports separation of the Pudding Creek Trestle Bridge improvements as a stand-alone project and supports the earliest completion of said improvements to benefit our community and the region.

BE IT FURTHER RESOLVED that the City Council urges the California Department of Parks and Recreation and other interested parties to undertake any necessary efforts to complete the Pudding Creek Trestle Bridge project as soon as possible. .

The above and foregoing Resolution was introduced by Councilmember Melo, seconded by Councilmember Peters, and passed and adopted at a regular meeting of

California Native Plant Society

Dorothy King Young Chapter

P.O. Box 985

Point Arena, CA 95468

Date: April 10, 2000

To: Gary Shannon, Associate Park & Rec. Specialist
California Dept. of Parks and Recreation
P.O. Box 123
Duncan's Mills, CA 95430

From: Lori Hubbard, Chapter President
Dorothy King Young Chapter
California Native Plant Society

Subj: Comments – MacKerricher State Park
Proposed Trail, Ward Avenue to Ten Mile River

Dear Mr. Shannon:

Having attended the public information meeting for the proposed trail through the Ten Mile Dunes north of Ward Avenue on March 20, 2000, I offer the following comments.

The California Native Plant Society (CNPS) bases its conservation positions on sound science. Our opposition or support for the proposed trail project is guided by the opinions of those scientists who are known to have expert knowledge of dune plants and ecosystems.

CNPS begins with the position that coastal dune ecosystems are worthy of preservation, since 1) so many of them have been destroyed or severely damaged, and 2) they are unique storehouses of potential scientific knowledge covering many disciplines.

The Draft Feasibility study prepared by EDAW confines itself mainly to legal restrictions that derive from the Federal Endangered Species Act (ESA). This narrow focus is incompatible with the existing status of the proposed project site as a Natural Preserve. Land use planning in designated Natural Preserves should be guided by considerations that go beyond the ESA.

Land management in a Preserve must consider species that are rare but unlisted, cumulative effects of human actions, interdependencies between life forms, natural processes and many other factors. Where scientific information is available to address such issues, it must be remembered that in terms of preservation needs, science is usually several steps ahead of the legal system.

The proposed alternative trail plans left out many considerations, so that comment on them is difficult. **The original proposal** to rebuild the old logging road through the Dunes is unacceptable for many reasons, not the least of which is the tendency of the Dunes to incur massive, weather-induced blowouts, cave-ins, and so forth.

Both the Setback and Shortcut Alternatives would have negative impacts on rare plants, dune dynamics and wetlands. In a dynamic dune system, it is impossible to separate potential effects on rare plants from overall impacts on natural processes. Further, CNPS is now taking a broader, "ecosystem approach" to conservation, and we urge State Parks to do likewise.

The **Northern Alternative** is presented as the most feasible, but contains too many uncertainties to be acceptable to CNPS. In a Natural Preserve, land managers must err on the side of caution. Here, a trail would run from the remnant log road near the Ten Mile Bridge southward to some point, *to be determined later*, north of the current washout. The presence of Menzies wallflower, and potential impacts to it are not addressed.



Dedicated to the preservation of California native flora

The Ward Avenue Terminus Alternative, according to what we have heard from various scientists thus far, seems the only feasible solution. This involves ending the coastal trail at Ward Avenue, and giving people the opportunity to continue their journey along the beach. We realize that this approach will not satisfy the recreation preferences of all stakeholders, but if this is what preservation requires, so be it.

CNPS would like to see further studies that incorporate models of possible impacts to wetlands, including the vitally important Inglenook Fen. Long-term impacts must be considered not only for rare plants, but also for the entire ecosystem. It is hard to project long-term impacts of construction and traffic in a dune system, as dynamics there are highly complex. Again, plans must err on the side of caution.

The Ten Mile Dunes has been degraded somewhat by the invasion of exotic weedy plants, but restoration is quite feasible. Restoration, such as control of invasive European beach grass, is a necessary component of preserve management, and should not be offered as "mitigation." It seems unlikely that mitigation would be possible for the damage that any kind of trail would cause.

Structural modifications to the Dunes cannot be viewed in terms of compromise between human "needs" and preservation. The Ten Mile and other coastal dune systems have been compromised enough already. I would urge you to split off the Pudding Creek Trestle portion of the trail project, which has wide public support. Then State Parks and other agencies can search for creative ways to safely route bicycle traffic around the Dunes.

In planning for the Ten Mile Dunes, State Parks officials should be guided by the professional opinions of scientists like Dr. Andrea Pickart and Dr. Peter Baye – both experts in coastal dune ecology. Teresa Sholars, a biologist who has studied the plants of the Dunes for 20 years, is an excellent local resource.

It is most regrettable that State Parks has played a role in fomenting discord at a neighborhood level over this issue. You now have a chance to rally the public behind the Pudding Creek Trestle project. Please focus your energies behind an environmentally appropriate project, which all of us can support.

Sincerely,



Lori Hubbart, Chapter President
Dorothy King Young Chapter, California Native Plant Society

CC: Greg Picard
Bob LaBelle
Rusty Areias



COLLEGE
OF THE
REDWOODS

To: California State Parks/ EDAW

March 20, 2000

Re: Comments on the March 13/2000 Feasibility Study for the Northern Segment of the MacKerricher Coastal Trail Project

From: Teresa Sholars, Professor of Biology/Environmental Sciences
Teresa Sholars

General Comments: I propose that the Ward Avenue Terminus option be chosen for the following reasons:

1. The presence of species of special concern in the project area
2. The fragility of both the dune ecosystem and the wetland ecosystem in the project area
3. The project area is within a preserve that is protected under the Public Resource Code
4. The future and continuing expense of any project in a dynamic dune system for maintenance and repair

Specific Comments:

1. The only other alternative that is labeled feasible (the Northern Alternative) has not considered the following:
 - a. *Erysimum menziesii* occurs within the new trail construction zone (the study says that it doesn't)
 - b. The study does not address concerns about impacts on the snowy plover
 - c. The study does not include comments on the current restoration efforts in that segment (removal of the exotic Beach Grass)
 - d. The study assumes that *Arenaria* is only at Inglenook Fen. There have not been any surveys for that species at the appropriate time at the other wetland sites.
 - e. There is no mention how the proposed project would affect the other 13 species of concern. (See attached for list of species)
 - f. The statement that "sand removal, repair and maintenance may impact listed species" (pg 5-16) but it is anticipated that the impact could be mitigated. How was this conclusion determined?
 - g. Surveys for listed species were not done except within the 150/300ft envelope of the old haul road. All 4 of the alternatives plan for trail construction outside of the surveyed area.

Mendocino
Coast

1211 Del Mar Drive
Fort Bragg, CA
95437-3295
(707) 961-1001
962 2686
FAX: (707) 961-0943

I have been leading field trips into the Ten Mile Dune system for 25 years. A formal trail is not needed. Visitors can easily walk along the beach. The few pedestrians who venture into the dunes have a very small impact on the ecosystem. Use the money to fix the Pudding Creek Tressle and maintain the trail from Pudding Creek to Ward Avenue.

teresa-sholars@mendocino.redwoods, cc. ca. us

Teresa Sholars; 3/2000
College of the Redwoods

Rare Plant Species in the Natural Reserve at Ten Mile Dune in Mackerricher State Park

1. *Castilleja mendocinensis* 1B 2-2-3 /C2 CBScr, CCFrs, CoPrr, CoScr
Scrophulariaceae, "Mendocino coast Indian paintbrush", Perennial herb (hemiparasitic), April-August
2. *Chorizanthe howellii* 1B 3-2-3 CT/FE CoDns, CoPrr(sandy area
Polygonaceae "Howell's spineflower", Annual herb, May-July
3. *Collinsia corymbosa* 1B 2-2-3 CEQA CoDns
Scrophulariaceae, "round-headed chinese houses", Annual herb, April-June
4. *Erysimum menziesii ssp. menziesii* 1B 3-3-3 CE/FE CoDns
Brassicaceae, "Menzies's wallflower", Perennial herb, March-June
5. *Hesperevax sparsiflora var. brevifolia* 4 1-2-1 CEQA? CBScr, CoDns
Asteraceae, "short-leaved evax", Annual herb, April-June
6. *Horkelia marinensis* 1B 3-1-3 /C2 CoDns, CoPrr, CoScr
Rosaceae, "Point Reyes horkelia", Perennial herb, May-September
7. *Phacelia insularis var. continentis* 1B 3-2-3 /C2 CBScr, CoDns
Hydrophyllaceae, "North Coast phacelia", Annual herb, March-May

These are the changes to the California native Plant Society Inventory that are In press.

Draft Adds to Rare list for the 6th Inventory

1b

Upgrades:

Hesperevax sparsiflora CoBIScr, CoDns

New additions:

CNPS LIST

- | | | |
|--|-----------------------|----|
| 8. <i>Castilleja affinis ssp. littoralis</i> | CoBIScr, CoScr, CoDns | 4 |
| ? <i>Gilia capitata ssp. chamissonis</i> | CoScr, CoDns | 1b |
| 9. ? <i>Gilia millefolliata</i> | CoDns | 1b |

Teresa Sholars, 9/9/99

Member: Rare Plant Scientific Advisory committee, CNPS

Habitat/Plant community abbreviations:

BogFns: Bogs and Fens
Mesic Medws: Wet Meadows
FW Marsh: Freshwater marsh
BUFRs: Broadleaf Upland Forest
RpFRs: Riparian Forest
MshSw: Marshes and Swamps

List of sensitive species in Wetlands of the Ten Mile Dune system

Plant/Family/Notes CNPS R-E-D State/Fed. Habitat

- | | List | Code | List | | |
|---|------|-------|-------|--|----------------------------------|
| <i>10. Arenaria paludicola</i> Robinson
Nearly extinct | 1b | 332 | CE/FE | | freshwater marsh |
| <i>11. Calamagrostis bolanderi</i>
MshSw(freshwater) Poaceae, "Bolander's reed grass", Perennial herb (rhizomatous), June-August | 4 | 1-1-3 | CEQA? | | BgFns, CCFrs, CoScr, Medws, |
| <i>?Calamagrostis crassiglumis</i>
Poaceae, "Thurber's reed grass", Perennial herb (rhizomatous), June-July, See <u>C. stricta</u> ssp. <u>inexpansa</u> in <u>The Jepson Manual</u> . | 2 | 3-3-1 | /C2 | | CoScr(mesic.), MshSw(freshwater) |
| <i>12. Campanula californica</i>
MshSw(freshwater) Campanulaceae, "swamp harebell", Perennial herb (rhizomatous), June-September | 1B | 1-2-3 | /C2 | | BgFns, CCFrs, CoPrr, Meadw, |
| <i>?Microseris borealis</i>
Asteraceae, "northern microseris", Perennial herb, June-September | 2 | 3-3-1 | CEQA | | BgFns, LCFrs, Medws/mesic |

These are the changes to the California Native Plant Society Inventory that are In press.
Draft Adds to Rare Wetlands list for the 6th Inventory

1b

Upgrades:

Calamagrostis bolanderi

CoScr, BogFns, Mesic Medws, FW Marsh



*COLLEGE
OF THE
REDWOODS*

April 11, 2000

Gary Shannon
California Dept. of Parks & Recreation
Highway 1
Mendocino, California 95460

Dear Mr. Shannon:

Enclosed are copies of letters previously sent to Park Superintendent Greg Piccard regarding use and development of MacKerricher State Park. They specifically address the development of a coastal trail and the use of the park by equestrians. I submit these copies to support my opinion as a geologist and neighboring property owner that the proposed coastal trail NOT be developed within the sand dune area of MacKerricher State Park. If a trail is to be constructed, it is my opinion that it should be routed outside the dune area along Highway 1 between Ten Mile River and Ward Avenue. The dune area is biologically and geologically very sensitive and should not be disturbed. Any disturbance of the duneland would very likely result in the destruction of rare plants and animals and their habitat, the destruction of Native American archaeological sites, and the initiation of dune advance onto neighboring properties. Human activities should be encouraged in other areas of the park such as stable grasslands with a history of grazing and disturbance.

Increased human intrusion along the beach and into the sand dune area of the Park will have similar impacts as those mentioned for equestrian use in the enclosed letters. Those comments, by extension, should be considered relevant to human use. The comments support the conclusion that construction of a trail or boardwalk in the Ten Mile dune area is extremely ill-advised.

In addition to the numerous environmental problems, I have seen no evidence that the Parks Department has the manpower or financial resources to patrol and properly maintain an elaborate trail, nor the area it intrudes. At present, illegal use of the duneland by horseback riders and ORVs threatens the stability and ecology of the area yet the Parks Department has done little to stem these activities: No fences have been constructed and no notices have been posted. Patrols are intermittent at best. Neighboring property owners have never been notified regarding the park rules and their cooperation has never been sought. This seems particularly egregious considering much of the offending activity originates on these neighboring properties.

*Mendocino
Coast*

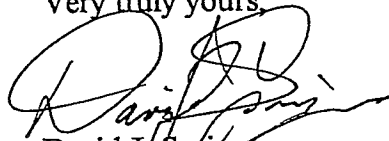
*1211 Del Mar Drive
Fort Bragg, CA
95437-3295
(707) 961-1001
FAX: (707) 961-0943*

I have heard it mentioned that a coastal trail would facilitate patrolling the sand dune area. How can this be? Would the rangers take off across the dunes on horseback, or perhaps on their own ORVs, wreaking their own damage? Why not simply secure the perimeter of the park, limit the points of access, and patrol those points?

I have also heard it argued that a coastal trail would facilitate the rescue of persons in trouble in Ten Mile beach area. How can this be? When was the last time someone was rescued or needed rescuing, along Ten Mile Beach? Why not simply purchase a rescue vehicle that can negotiate the sand of the beach for that once-in-ten-year occurrence? It certainly would cost less to acquire and maintain.

Finally, it has been suggested that a formal coastal trail has historical precedent due to the eighty-five year history of the Haul Road. If historical precedent is to hold sway, and I assume the precedent argument is based only on human history, then the bare-ground foot trail the Coast Yuki and Pomo used for over a thousand years should be re-established, not a boardwalk, and certainly not a paved "trail".

Very truly yours,



David J. Springer
Geology Instructor

DJS/gc
enc.

June 26, 1998

Greg Picard, Park Superintendent
California Department of Parks and Recreation
Highway One
Mendocino, California 95460

Dear Superintendent Picard:

It has come to my attention that the Department of Parks and Recreation is reviewing its policy regarding equestrian use of MacKerricher State Park and is also considering the construction of a boardwalk trail that will connect the Ten Mile River area with the area of Ward Avenue. Based on my knowledge of geology and biogeography, and on my two to three visits to the park per week, I believe both uses will result not only in considerable damage to the park but will seriously diminish the experience of the majority of park visitors. As a science instructor I am particularly concerned that the educational and scientific value of MacKerricher State Park is protected for the benefit of future generations.

I discuss the equestrian and boardwalk proposals below with an annotated list of probable impacts and problems. The enclosed photos illustrate some points addressed in the text.

EQUESTRIAN USE WILL RESULT IN THE FOLLOWING:

1) Destabilization of the Ten Mile dune system

Observation of the existing horse trails and the number of related dune blowouts (deflation) is proof of the impact of horses on dune stability. Many horseback riders go wherever their horses will take them with little regard for impact on the plants that stabilize the dune system (please refer to the attached photos). Stability of the foredune area is particularly critical. If the foredune area is destabilized, an inland portion of the dune system will experience either deflation or additional deposition depending on the specific situation. The inland dune area responds even though it may not have been directly disturbed. What we see in dune areas is that even limited primary impact can have devastating secondary effects.

2) Direct destruction of endangered plants and animals and loss of habitat

Many individuals of rare species such as *Chorizanthe howelli* have been lost as the result of equestrian and human use of the park. Promoting equestrian use, especially use by commercial outfitters, who may bring in hundreds of riders, will seriously impact rare species, possibly resulting in their elimination from the park. Rare species are easily injured by even minor disturbance and/or loss of habitat. Equestrian use and rare species preservation are, by their very natures, incompatible uses.

3) The introduction of invasive exotic species

While the Parks Department strives to eradicate eucalypti, Pampas grass, ice plant, Monterey pines, etc., horses introduce numerous exotic species by bringing in seeds attached to their bodies and in their excrement. Because many equestrians frequent areas now infested with weedy invasive plants such as *Ulex europaeus* (gorse), one can feel fairly certain that continued equestrian use of the Park will result in these unwanted species being introduced. Many of these plants, such as gorse, have seeds that are extremely long-lived and are easily transported by equines (see Springer, 1976, *Human Influence on the Distribution of Gorse along the Mendocino County Coast, California*, University of Montana, Department of Geography, 81 p.). Many exotic species are ruderal and compete well with native plants.

4) Diminution of experience and danger to pedestrian park visitors

I have been in the unfortunate position of having 20 horses from the Ricochet Ranch bearing down on me while I walked along the Haul Road. Twenty horses weighing 1000 + pounds in the hands of amateur riders seems to be a disaster waiting to happen. Several of the horses appeared to be only marginally under control. The horses were four or five abreast and were on and off both sides of the road. The dust, pollen (I have allergies), and smell of horse manure were an affront for some time after they had passed.

On another visit, my wife was ordered by the leader of a string of horses to "...stop flying that kite until we pass. It will scare the horses!". This kind of experience is, at the very least, maddening, but it has the potential of escalating into a very rancorous and dangerous confrontation. After the horses passed, my wife, son and I actually had to move up-wind to escape the smell of horse manure.

Why is a use that is so incompatible with simple enjoyment of the park being allowed? Why is a commercial enterprise allowed to exploit and despoil a state park? If horses are allowed, should I not be allowed to race up and down the beach on my electric scooter? It is, after all, lighter and less impacting on trails, easier to control, less noisy, and less polluting. Why are horses looked at as being less injurious to the environment than trail bikes or ORVs? They aren't, and they should not be allowed, especially if promoted by a commercial enterprise! How many rides is too many? Ten a day? One hundred? One thousand? What amount of impact will be tolerated? How will the Park assess the impact to visitors and the environment? Who will pay for that assessment? Do riders pay a special entry and trail use fee to cover additional costs?

5) Destruction of Native American resources

On more than one occasion I have witnessed an equestrian exploring a shell midden by riding back and forth (see attached photos). Given that these cultural resources have been little-studied, except for the 1989 study by Greg White¹, the disturbance and loss of information related to Native American occupation is unconscionable, if not criminal.

6) Dust and horse manure

Apparently the smell of horse feces is to some a reminder of a simpler, bucolic time. To me, and I

¹ White, Greg, 1989, A Report of Archaeological Investigations at Eleven Native American Coastal Sites, MacKerricher State Park, Mendocino County, California.

am sure I am not alone in this, the smell is offensive and is a reminder that the park is being exploited with little regard for future generations. On a recent visit to the park I spent ten minutes scraping the horse manure off my son's bike tires before my wife would allow the bike to be loaded into the trunk of her car.

7) Marine mammals and other wildlife

I have seen many seals, seal pups, sea lions, and even an elephant seal using the beach as a safe haven and rest area. What is the effect of equestrian use on these and other animals in the area? How will equestrian use affect the nesting and feeding habits of the many shore birds in the area? Is the equestrian's "right" to ride on the beach worth more than the right of these animals? How much opportunity to view wildlife will be lost if equestrian use is allowed?

TEN MILE RIVER TO WARD AVENUE BOARDWALK:

1) The boardwalk is an unnecessary intrusion!

Why a boardwalk? Ten Mile beach is a beautiful, natural trail that is periodically cleaned and graded by nature. Why do we need a boardwalk? For bicyclists? For the handicapped? How many handicapped people will wheelchair five or more kilometers? Several miles of paved beach-front roadway from Pudding Creek to Ward Avenue are available to the handicapped and bicyclists. Is it necessary to guarantee every individual access to every square foot of the Park? Constructing a boardwalk would waste money that would be better spent maintaining and managing the paved section of the Haul Road or another park facility.

2) A boardwalk would direct visitors into botanically and geologically sensitive areas.

A boardwalk would compound damage caused by equestrian use, i.e., the loss of rare plants and the destabilization of the dunes. A State Park study, *Inglenook Fen: A study and plan*, Barry and Schlinger, eds., 1977, records how human use destabilized the dunes in the past. Barry and Schlinger suggest human use and logging were responsible for a dramatic increase in the rate of advance of the dune system. Should we not learn from the past?

3) The boardwalk will be buried under the shifting dunes.

A visit to the Ten-Mile dunes shows clearly the fate of the boardwalk if it is constructed. In location after location, the tops of farm fence lines project out from the sand. Many of these buried fences are attached to the tops of other fences previously buried. In several areas, deflation reveals buried fences stacked three high! All structures erected in an active duneland will get buried! The only way to avoid burial is constantly to remove the encroaching sand, an activity that has its own environmental consequences.

A point that is often missed is that the atmosphere is a fluid. The winds blowing across the dunes lift and carry sand when the energy is high and deposit it when the energy is low. The air currents flowing over the Ten Mile dunes will respond to any structure placed in their way. The sand-transport system will adjust to the presence of the boardwalk by altering its pattern of erosion and deposition. The effect of placing an "obstacle" in a dune area was well illustrated a few years ago when an attempt was made to protect a tributary to the fen in the northeastern part of the park --

fences were buried and water pipes once buried were exposed. The same fate awaits a boardwalk.

In the above discussion, I list some, but not all, of the possible impacts of equestrian use and the construction of a boardwalk. I am confident the State Department of Parks and Recreation will consider these as well as many other points during a thorough public review of both proposals. I also am confident that the Department will judge the appropriateness of the two proposals based on what is best for the future of the Park and not just on the wishes of a self-interested vocal minority wishing to exploit the park for financial gain.

Please keep me informed of decisions pertinent to equestrian use of MacKerricher State Park or the development of a boardwalk in the Ten Mile dunes.

Respectfully,

David J. Springer
Geology instructor

August 2, 1999

Greg Picard, Park Superintendent
California Department of Parks and Recreation
Highway One
Mendocino, California 95460

Dear Superintendent Picard:

On June 26, 1998 I wrote to you regarding present and potential problems related to horseback-riding in MacKerricher State Park. In that letter I expressed my concern that mixing horses, particularly when ridden by novices, with park visitors will at some point lead to disaster. That disaster was only narrowly averted on the evening of July 30th.

As I am sure you are aware, at about 7:15 pm on Friday night a rider was thrown and several riderless horses ran full gallop from the Haul Road between Lake Cleone and Ward Avenue back to the Ricochet Ridge barn on O'Bayley Drive, a distance of about 1/2 mile. Apparently the thrown rider was hurt and an ambulance was dispatched. That in itself should be enough to cause the State Parks Department to re-evaluate its position regarding horseback-riding in MacKerricher Park, but another event, that perhaps went unreported, is more relavent: At least two people were nearly trampled by the out-of-control, riderless horses, narrowly escaping very serious injury.

My wife and I were leaving the Purple Rose Restaurant when the galloping horses crossed Highway 1. Soon after, we encountered and stopped a young man running several hundred meters behind the horses and asked him if he was their owner. His reply caused us great concern, as I hope it does you, "Hell no! I'm trying to find out where they came from. We had to yank a baby-stroller out of their way." He had barely escaped being run down and, understandably, was extremely upset. A second man standing beside the trail, puffing nervously on a cigarette, said he too had to leap out of the way of the horses.

I hope both of these people report their encounters to you and I hope you will use this information and opportunity to reconsider the Park's position to allow -- indeed encourage -- horseback riding in MacKerricher State Park. It is, after all, only a matter of time before someone is very seriously injured or killed during one of these avoidable incidents.

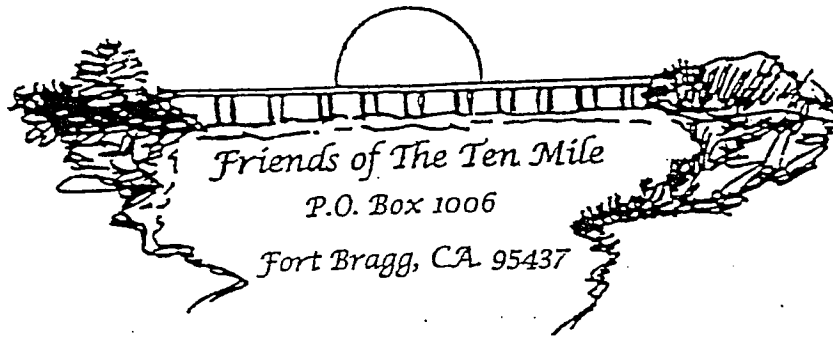
As a side note I would point out that it was only a matter of good fortune that no automobile collided with the galloping horses as they crossed Highway 1.

Very truly yours,



David J. Springer

DJS:mf



COMMENTS RE FEASIBILITY STUDY OF A COASTAL TRAIL IN THE TEN
MILE NATURAL DUNE PRESERVE

Submitted by Judith Vidaver March 20, 2000

Friends of the Ten Mile has read the EDAW report on the feasibility of development for the Inglenook Fen-Ten Mile Dune Natural Dune Preserve. We are relieved to hear that common sense and the preponderance of scientific opinion has led EDAW to the same conclusion as ours: that a through trail from Fort Bragg to Ten Mile is not feasible. Such a trail would cost too much, would shortly be eroded away, and would damage the special qualities for which the Preserve was created.

Today FOTTM will focus on what EDAW presents as the most feasible project for this area: Option 5.5, the Northern Alternative—a parking lot and trail head at Ten Mile.

Although we are confused as to why, if the grant was for a bike trail, we are here considering anything short of that.

Background on Natural Preserves

Natural Preserves are defined and regulated by of the California Public Resource Code (PRC). Preserves receive the highest level of protection of any land-use classification within the State Parks system. Preserves are established to protect features of "outstanding natural or scientific significance" (PRC Sec.5019.17

"The protection of ecological, scientific, natural and cultural values is of primary importance in areas identified as State Natural Preserves" Policy II.3- Resource Management in State Reserves and State Preserves. Preserves exist to preserve endangered species and their habitats and examples of pre-European ecological communities and special geological and archeological sites-- all features found within the Inglenook Fen-Ten Mile Dune Natural Preserve.

The Public Resource Code describes what types of development can occur in Preserves: "habitat manipulation [is] permitted only to preserve the species or associations which constitute the basis for the establishment of the natural preserve."

The Code limits facilities and activities to "those required to permit interpretation, public observation, understanding of the prime resources and scientific research." The Code specifically prohibits the use of motor vehicles in natural preserves. Before horses or other pack animals are allowed in a Natural Preserve, a finding has to be made that "the presence of the animals will not endanger the values of the Preserve." (California Code of Regulations Sec. 4359(a))

Preserves are designated to allow "the natural dynamics of ecological interaction to continue without interference."

The Ten Mile Dunes have been described by dune experts as the most pristine in the state.

The Park Resource Management objectives for the Preserve are to:

1. Restore natural vegetation and geologic processes to dune systems wherever possible
2. Preserve and protect sensitive species and critical habitat
3. Develop recreational access consistent with natural processes.

The unfeasibility of the original haul road project was primarily based on scientific documentation saying the proposed project would have significant and unmitigatable adverse impacts on threatened and endangered plants and the Federally endangered Snowy plover. That documentation also says that increased visitor use of this fragile ecosystem would, besides directly

harming the species, interfere with the natural processes of this dynamic dune system. Experts within State Parks, the USF&WS, CDF&G, CalTrans, biologists and geologists from College of the Redwoods have all submitted documentation on these negative impacts as have the California Native Plant Society, the Audubon Society, the Sierra Club. None of these experts have offered mitigations they believed could off-set the damage done to the special and unique values of the Preserve. In fact, most agree that these impacts cannot be mitigated. USF&WS recommends removal of the remaining haul road and construction of a bike path along the highway. FOTTM agrees with this option.

Give that the proposed parking lot and construction of a trail head and maintenance and increased use of the haul road at Ten Mile are pretty much as described in the original project, it is difficult to understand how EDAW can suggest that this project is feasible. FOTTM does not believe it is any more feasible in this version than in the original proposal.

Besides being contrary to the preponderance of scientific opinion, the feasibility study is deficient in several other areas.

Specific to this option, the feasibility study does not mention that the land proposed for the east parking lot does not belong

to Parks. Nor does it discuss the development constraints on the 54 acre property being considered for the west parking lot and trail head. This land has four major obstacles.

- 1) there is a deed restriction on it prohibiting such use
- 2) it was purchased with a grant from CalTrans "to preserve and protect natural and cultural resources found on the site."
- 3) As part of the sand dunes, it is designated in the Local Coastal Plan as an Environmentally Sensitive Habitat area or is within 100' of the required buffer of an ESHA.
- 4) Since the purpose of the grant was to preserve and protect it is assumed this recent acquisition is part of the Natural Preserve—and no motor vehicles are allowed in Preserves.

The Study also fails to consider other relevant state and local land use policies such as those regarding development in Highly Scenic Areas. In fact nowhere is there an assessment of the potentially significant adverse visual impacts of a parking lot against the backdrop of a pristine dune and ocean view.

CEQA mandates project review to include potential growth inducement of project. As well as a discussion of the cumulative effects of this project when combined with the effects of construction of a 20-unit motel recently approved for the hillside just across the road from the

proposed project. (While the motel has been approved it is still in litigation with an appeal of a local court ruling expected.)

Other cumulative impacts include re-construction of the Ten Mile River bridge. Until CalTrans decides exactly where the new bridge will go, Parks shouldn't even be considering any major projects in this area.

The Study is incorrect on page 5-11 in saying there will be no new trail construction in suitable habit areas, while its maps shows suitable habitat on the trail people will use to access the beach southwest of the bridge.

Last fall, up to six more dune plants were listed as species of special concern—many perhaps all may be found in the Preserve. An up-coming survey by College of the Redwoods may add these plants to the list of species requiring increased protection. This should be included in the Study.

As should a discussion about the beachgrass removal project which will complicate proposed maintenance of the trail.

Other deficiencies include: offering standard protection measures established for natural preserves as mitigations; asserting these mitigations will reduce impacts to a level of significance, contrary to published opinion and without any evidence; assessing impacts from people leaving the trail as

indirect rather than direct; and a lack of discussion of the past and present funding status.

The funding issue:

In 1994 Parks received \$1.4 million from CalTrans for a Transportation Enhancement project. This ISTEA grant was to provide an alternate bicycle route between Ten Mile and Fort Bragg by repairing the haul road and the trestle at Pudding Creek. Now that that option is out, will the money available for this project revert to the grantors, CalTrans and the Federal Highways Administration?

The original grant application asks if the project is: well-defined, well-justified, and ready to go in the year proposed. The grant was requested in 1993. The application asks for evidence of above. Gary Shannon, project director answers with the statement that "The California Department of Parks and Recreation owns the land and is well along in planning for the development."

Mr. Shannon at that time mislead CalTrans in all three points: Parks did not own the vital connection to highway one at Ten Mile until just last year; there was and is still no well-defined plan, and seven years later the

project is still not ready to go. The grant provides for disqualification if these criteria are not met.

Now Parks wants to take the money received from CalTrans to enhance transportation and use it to open up access into a fragile natural preserve.

The money is not even to be used for construction purposes as Parks has acknowledged that they will not meet the September 2000 deadline recently imposed for construction start-up. Parks is thus planning on forfeiting \$778,000 earmarked for construction. It is unclear, but we assume, that this \$778,000 includes money allocated for the repair of the Pudding Creek trestle.

Parks has requested retaining \$652,000 for Preliminary engineering and feasibility expenditures for the project. But there is no Transportation Enhancement project. Or at least there is none from Ten Mile to Ward Ave. Parks is holding the repair of the Pudding Creek trestle hostage to some sort of development at Ten Mile. They are risking jeopardizing repair of the trestle for some sort of access into the Preserve at Ten Mile.

Parks could today choose the most feasible alternative, as proposed by the Fort Bragg City Council: to re-scope the grant to include Fort Bragg to Ward Ave only. This proposal would most likely receive funding immediately with little

or no controversy. Restoration could then begin on the Pudding Creek trestle and the haul road to Ward Avenue. This would provide nearly 5 miles of suitable alternative bike trail and preserve the Preserve.

CalTrans could use the rest of the money to build a bike lane along the highway from Ten Mile to Ward Avenue when they resurface the road in the near future.

FOTTM hopes EDAW will see that this is the only truly feasible option.

Attached documents:

CalTrans ISTEPA grant applicant submitted by Parks

Notice of Exemption for CalTrans EEM grant re: 54 Acre acquisition

USF&WS letter Oct. 1, 1998 re: impacts to Preserve & process comments

Agricultural Deed Restriction on 54 Acre acquisition from Smith's

JMS Draft list of additional species of concern

Letter from Parks to Mendocino County Board of Supervisors
re: funding Feb 18, 2000

INFORMATION REQUIRED TO ADDRESS SCREENING CRITERIA

If any of the applicable screening criteria below are not met, the proposal will not be ranked or evaluated any further. A "no" answer to any of the following questions immediately disqualifies the proposal:

- 1. Is the project eligible for Transportation Enhancements funding: [X] Yes [] No
a. RELATIONSHIP TO INTERMODAL TRANSPORTATION SYSTEM [X] Function [X] Proximity [] Impact

Briefly explain direct relationship to transportation system. (How does the proposed activity enhance the transportation system?)
This project will provide for safer and more aesthetic travel by bicyclists and pedestrians parallel to highways 1 and 101.

- b. OVER AND ABOVE NORMAL PROJECT [X] Yes [] No
(If the activity is mentioned in an environmental document as a required mitigation, or if the activity is required by permitting agencies to proceed with another project, this activity is not over and above a "normal" project.)

- c. WHICH CATEGORY OR CATEGORIES ENCOMPASS THE TEA? (May be more than one.)
[X] 1. Provision of facilities for pedestrians and bicycles. [X] 6. Rehabilitation and operation of historic transportation buildings, structures or facilities (including historic railroad facilities and canals).
2. Acquisition of scenic easements and scenic or historic sites. [X] 7. Preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails).
3. Scenic or historic highway programs.
[X] 4. Landscaping and other scenic beautification.
5. Historic preservation.
8. Control and removal of outdoor advertising.
9. Archaeological planning and research.
10. Mitigation of water pollution due to highway runoff.

- 2. Is the project consistent (or "not inconsistent") with regional transportation plans, state, regional or local land use plans, goals and policies? [X] Yes [] No

Please describe the plans used in evaluating consistency. This project is consistent with the Coastal Plan, the Statewide Trails Plan, and State Park General Plans.

- 3. Is the project financially viable? [X] Yes [] No
(The governing body will be required to submit a resolution to this effect if the project is selected by the Regional Transportation Planning Agency.)

- 4. Is this project well-defined, well-justified, and ready-to-go in the year proposed? [X] Yes [] No
Please describe any evidence supporting this statement. The California Department of Parks and Recreation owns the land and is well along in planning for the development.

- 5. Does the project improve air quality or does it have a neutral air quality impact? [X] Yes [] No
Please describe any evidence supporting this conclusion. This project will encourage travel by bicyclists and pedestrians and thereby improve air quality.

- 6. Is the project as proposed in compliance with the Americans with Disabilities Act? [X] Yes [] No [] Not Applicable
What evidence is there to support this claim? (Please Describe) The pedestrian and bicycle facilities will be designed to comply with the ADA by appropriate surface, width, and slopes.

- 7. For archaeology and historic preservation projects, is the proposal in compliance with the Secretary of the Interior's Standards and Guidelines for Archaeological and Historic Preservation and the Secretary of the Interior's Standards for the Treatment of Historic Properties. [X] Yes [] No [] Not Applicable

Please describe any evidence available to support this claim. This project is not specifically for historic preservation, but does include rehabilitation of a historic railroad trestle. Such work will be done in compliance with appropriate standards.

State of California
Department of Parks and Recreation

NOTICE OF EXEMPTION

JAN 5 1998

TO: Office of Planning and Research FROM: Department of Parks and Recreation
1400 Tenth Street 1416 Ninth Street
Sacramento, CA 95814 P.O. Box 942896
Sacramento, CA 94296-0001

PROJECT TITLE: Acquisition

LOCATION: Mackerricher State Park

CITY:

COUNTY: Mendocino

DESCRIPTION OF THE PROJECT:

Acquire 54.5 acres of coastal sand dunes and cultivated meadow. The parcel is adjacent to the Ten Mile Dunes - Inglenook Fen Natural Preserve. Purpose of the acquisition is to preserve and protect natural and cultural resources found on the site.

DPR 9931, Parcel #9202
Project No. A-20600

PUBLIC AGENCY APPROVING THE PROJECT: California Department of Parks and Recreation

NAME OF DIVISION OR DISTRICT CARRYING OUT THE PROJECT: Russian River-Mendocino District

EXEMPT STATUS:

Ministerial (Section 15268)
 Declared Emergency (Section 15269(a))
 Emergency Project (Section 15269(b) and (c))
 Statutory Exemption (Section:)
 Categorical Exemption

Class: E Section: 15316

CONTACT: Robert Weissen, Northern Service Center

TELEPHONE: (916) 323-0975


MANAGER, NORTHERN SERVICE CENTER

FILED
DEC 19 1997
STATE
CLEARING OFFICE



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Coastal California Fish and Wildlife Office
1125 16th Street, Room 209
Arcata, California 95521

707-822-7201 FAX: (707) 822-8136

In Reply Refer To:
1-14-98-104

October 1, 1998

Mr. Greg Picard
Parks Superintendent
Department of Parks and Recreation
Russian River/Mendocino District
P.O. Box 440
Mendocino, California 95460

FILE COPY

Subject: MacKerricher State Park's Proposed Projects in the Inglenook Fen-Ten Mile Dunes
Natural Preserve

Dear Mr. Picard:

We are writing to express the view of the Fish and Wildlife Service's (Service) about two of your proposed projects in or adjacent to the Inglenook Fen-Ten Mile Dunes Natural Preserve (Preserve). Our understanding is that funding for the proposed coastal trail project was requested from the Federal Highway Administration's Internodal Surface Transportation Efficiency Act (ISTEA) program and funding for the proposed Ten Mile dunes acquisition was requested from the California Department of Transportation's Environmental Enhancement and Mitigation (EEM) program. The Service finds that these projects may affect (50 C.F.R. § 402.14(a)) the following three Federally listed species: western snowy plover (*Charadrius alexandrinus nivosus*), Menzies' wallflower (*Erysimum menziesii* ssp. *menziesii*), and Howell's spineflower (*Chorizanthe howellii*).

ISTEA Project

This project was originally submitted in 1994 by the Department of Parks and Recreation as part of a statewide package for funding five segments of the California Coast Bicycle Route. The California Coast Bicycle Route was established by Caltrans in 1976 as part of the bicentennial celebration. The route in these five segments currently is on the highway in areas where the road shoulders are generally inadequate to support safe bicycle traffic.

The MacKerricher State Park (Park) project in the statewide package was referred to as the MacKerricher haul road project. Its stated objective was to provide a bicycle and pedestrian trail from Fort Bragg to Highway 1 at the Ten Mile River. This proposed project as originally submitted contained the following components: 1) repair of the Pudding Creek trestle; 2) construct a new trail alignment near Lake Cleone; 3) construct 3,000 feet of boardwalk to bypass washout sections in the Ten Mile Dunes; 3) repair and pave the haul road; and 4) develop a connection to Highway 1 at the Ten Mile River. The project included acquisition of approximately seven acres of private property at the Ten Mile River.

As the Federal agency with responsibility for administering the Endangered Species Act of 1973, as

amended (16 U.S.C. 1531 et seq.), the Service is concerned about potential impacts on Federally listed species. We are primarily concerned about potential impacts from the portion of the proposed trail north of Ward Avenue to Highway 1 at the Ten Mile River in the Preserve. Our understanding from previous meetings with you and your staff is that construction of a boardwalk north of Ward Avenue is no longer being considered because of design problems, costs, future maintenance needs, and also damage to the remaining sections of the haul road that occurred as a result of last winter's storms. Although we have not been provided with your current project design or location of the trail through the Preserve, your staff indicates you are now considering either a 10-foot wide at-grade hardened surface or a raised hardened surface on road base fill. Construction of either of these options would require considerable cut and fill to maintain an acceptable grade through the swales and drainages. Due to last year's storms, a number of features of the ISTEPA project north of Ward Avenue have apparently changed significantly from the original proposal. For example, it may no longer be feasible to utilize the old haul road alignment in the washed out portions and the trail may now need to be located significantly farther east into the dunes. The amount of new construction is considerably longer than the 3,000 feet originally proposed. The new trail must now cross a number of drainages, some as wide as 100 feet; therefore, there are potential wetland impacts that were not previously considered.

Rare and endangered species populations and their habitats in the Ten Mile dunes are sensitive to recreational use. The proposed project will likely result in significant impacts to them. As a result, we suggest you prepare a joint Environmental Impact Report/Statement (EIR/S) pursuant to the National Environmental Policy Act of 1969 (NEPA) and the California Environmental Quality Act (CEQA). The Service considers the use of an environmental assessment or categorical exclusion as originally indicated on the ISTEPA proposal to be unprecedented and highly inappropriate for any project with potential impacts of this magnitude on multiple rare or endangered species. CEQA has mandatory findings for significance (CEQA guidelines at 15065) which require that an EIR be prepared for any project which would "threaten to reduce the number or restrict the range of a rare or endangered plant or animal...". This proposed project, in the Service's opinion, meets this threshold. Similarly, NEPA (40 C.F.R. § 1508.27(b)(9)) gives substantial weight to endangered or threatened species impacts in determining whether an impact meets the threshold of "significance". Again, this proposed projects' potential impacts on threatened and endangered species meet the threshold of NEPA "significance" in the Service's opinion.

Because of the sensitivity of Preserve resources to impacts from increased recreational use, we recommend that you explore ways to modify the portion of the ISTEPA project from Ward Avenue to Highway 1 to reduce or eliminate impacts on listed species. This approach is required in order to comply with NEPA (40 C.F.R. §§ 1502.14(f), 1505.2(c), and 1508.20). An option with fewer environmental concerns would be to develop pedestrian beach access north of Ward Avenue and to direct recreation use along the beach rather than in the foredunes. This option would accommodate the majority of the people's preference to walk along the water rather than in the dunes. It would also be consistent with your General Plan's direction for the dune system which states that protection of critical ecological processes will require that most public use be restricted to the beach. It does not seem prudent to encourage and promote recreational bicycle and pedestrian use into a sensitive dune system where recreational trampling is a primary threat to listed plant species. The California Coast Bicycle Route between Cleone and the Ten Mile River could be located adjacent to Highway 1 rather than in the dune system.

Previous input from the Service and California Department of Fish and Game (CDFG) on the ISTE A Project

You have received input over the past few years from the Service and CDFG outlining potential adverse impacts to threatened and endangered species from the proposed ISTE A project. The following is a summary of previous comments provided on this project.

We outlined our concerns in a letter to Gary Shannon dated April 27, 1998. This letter stated that we were particularly concerned with the portion of the project north of Ward Avenue through the Preserve. This section of the proposed route, beginning at Ward Avenue and ending at the Ten Mile River, is located in an area that is habitat for the following three Federally listed species: western snowy plover, Menzies' wallflower, and Howell's spineflower. We saw little opportunity to develop compensatory mitigation for adverse affects from constructing a trail in the dunes and recommended the portion of the project north of Ward Avenue be made available to pedestrians only without a paved trail. We also recommended that the remaining portions of the haul road north of Ward Avenue be removed to re-establish natural dune processes. The Preserve is an area where the management priority should be restoration of the dune ecosystem and protection from increased human caused impacts.

During a field trip to the project site on June 5, 1998, Robin Hamlin, of my staff, provided additional input to you on this proposed project. At this meeting, no trail route through the dunes could be identified that would avoid impacts to listed species and little opportunity for mitigating potential impacts was identified in this area. At this meeting, we restated the concerns raised in our April 27 letter. Lengthy discussions took place about the need to rescope the project and develop additional alternatives.

Gary Shannon received a letter dated June 10, 1998, from the Manager of CDFG's Region 3. In this letter CDFG indicated they had major concerns with the portion of the project north of Ward Avenue. Construction of portions of the trail in the Ten Mile dune system and long-term maintenance would result in significant adverse impacts on the dune habitats and Federal and State listed species. They further indicated that the "impacts will be of such nature and magnitude that mitigation to a level of less than significant would not be possible. This could then require [the Park] to make a finding of overriding consideration regarding the significant and unmitigatable impacts of the project. This could effect whether the project is eligible for the funding sources that have been secured." The letter concluded that it is likely the proposed project would jeopardize the continued existence of Howell's spineflower.

In 1996, you also received input from Dr. Peter Baye and Dan Buford of the Service's Sacramento office. Dr. Peter Baye identified field evidence of a high rate of long-term shoreline retreat at the south end of the dune system, and advised that reconstruction of a permanent trail would likely entail frequent repair or reconstruction, and could preclude feasibility of the project. He advised that the shoreline and project design be reviewed by coastal geomorphologists to determine the long-term rate of shoreline retreat, and the feasibility of maintaining or armoring the trail before further development of the project. He also indicated that any permanently maintained trail would interfere with natural sand transport dynamics (periodic overwash and onshore wind transport of sand) which maintain the integrity of dune plant communities, including habitat of rare or endangered species. Dan Buford, section 7 coordinator for impacts on western snowy plovers, advised that the proposed trail alignment would likely significantly increase pedestrian (and domestic pet) access to and disturbance of optimal plover foraging and nesting sites at the north end of the system. Both staff strongly advised aligning the trail away from sensitive habitats in the dunes, and recommended that European beachgrass (*Ammophila arenaria*) and haul road

remnants be eliminated.

EEM Project

We understand that you also submitted an application for an EEM grant to purchase 54.5 acres adjacent to the northern end of the Park. The project title for this proposal is the Ten Mile Dunes Acquisition. The purpose of this acquisition as described in your grant application is as follows: "The overall purpose for this acquisition is for the protection and enhancement of the coastal dune habitat and associated resources. Because this parcel is part of the larger dune complex ecosystem, its addition would insure the preservation of unique resource values contained in this parcel and adjoining lands. Located on the eastern edge of the dune complex, this acquisition would facilitate a logical and enforceable management of resources and the park boundary." Your application also states that the acquired land would become part of the Preserve. We support this acquisition and the objective as described in your grant application.

The 54.5 acres identified for acquisition currently belong to Henry and Margaret Smith and Don and Margaret Perry (Smith-Perry). The Smith-Perrys recently received a permit from the California Coastal Commission (Commission) to construct a motel on their property near the Ten Mile River. As you are aware, the Commission approved this project with the condition that an agricultural easement be imposed to prevent development on the portion of the 389-acre parcel outside the four-acre building site.

Our understanding is that the 54.5 acres the Park intends to purchase with the EEM grant are included in the Smith-Perry's 389-acre parcel. Robert La Belle, Parks District Superintendent, in a letter dated July 27, 1998 to the Commission stated that any development restrictions imposed on these lands by the Commission could preclude the Park from "making improvements necessary to support and provide designated public access". The July 27 letter also states that "any easement restricting development or improvements could preclude us from [making] improvements associated with resource management and interpretation (displays, trails, etc.), or other facilities necessary to support public use of this parcel." The Smith-Perrys requested that the Commission amend their permit to revise the special condition requiring an agricultural easement to a deed restriction. The proposed amendment to the permit was discussed at the September 9, 1998 Commission hearing in Eureka. At this hearing Gary Shannon, representing State Parks, testified that the agriculture easement would restrict future Park plans for lands you plan to purchase with an EEM grant. We are unclear how the proposed agricultural easement would have prevented the Park from implementing the project purpose as described in the EEM grant application. The Commission's staff report had recommended maintaining the agricultural easement; however, the Commission changed the agricultural easement to a deed restriction largely on the input provided by Park staff at the hearing.

We are interested as to why the Park would ask that a development restriction be dropped from a 389-acre parcel adjacent to a Preserve. Our understanding is that you have discussed with the Smith-Perrys the purchase of an additional 7-acre parcel in conjunction with the ISTEAs project. This parcel is located outside of the 389-acre parcel discussed by the Commission; therefore, it was not covered by the proposed agricultural easement. If, as implied by your testimony and letter discussed above, your intent is to construct recreational facilities on this parcel in conjunction with the ISTEAs coastal trail project, we would like to be informed of this change. Any development on this parcel for recreational use would be interrelated and interdependent to your proposed coastal trail through the Preserve, and therefore, the potential impacts from these projects must be analyzed together. We are uncertain as to your future plans for the 54.5-acre parcel and the potential impacts (including interrelated and interdependent) on Federally listed species. Please inform us of your plans for this parcel and whether or not you are proposing to

construct any recreational facilities in connection with the ISTEA trail project on this parcel.

Issues and Concerns Common to Both Projects

MacKerricher State Park General Plan. Your General Plan (Plan) was completed in 1995. This Plan established the 1,285 acre Preserve. The following purpose of state natural preserves is stated on page 53 of the Plan:

“The purpose of natural preserves shall be to preserve such features as rare or endangered plant and animal species and their supporting ecosystem, . . . Habitat manipulation shall be permitted only in those areas found by scientific analysis to require manipulation to preserve the species or associations which constitute the basis for the establishment of the natural preserve.”

Your plan’s discussion on management of the preserve states the following on page 54: “Public access in the foredunes will need careful regulation, as these dunes are the most likely to be disrupted by uncontrolled equestrian or pedestrian use.” The Plan calls for construction of a dune boardwalk for the use of pedestrians and bicyclists to bypass the washed out parts to the haul road north of Ward Avenue; however, it also states that “The structure of the boardwalk should not adversely impact the dune surface and should allow for easy relocation as the configuration of the dunes changes over time.”; “No development should occur in the sand dunes except for the dune boardwalk.”; and “If inflexible structures must be used, they will be considered expendable and will not be protected against natural forces.” As currently proposed, it appears the portion of the ISTEA project through the Preserve is inconsistent with the Plan’s management direction.

Effects on Species. Several species are potentially affected by both projects. Our concerns are summarized as follows:

1. Western Snowy Plover

The western snowy plover, a species Federally listed as threatened, is known to occur during the nesting season in the Park; however, only a few nesting records are documented. Nests were found at Virgin Creek beach in 1994 and north of Ward Avenue in 1989. In 1998, breeding season surveys north of Ward Avenue detected adult plovers, but no nests. The plover nesting season extends from mid-March through mid-September coinciding with the period of greatest human use on the beach. Declines in the Pacific Coast population are attributed to poor reproductive success, resulting from human disturbance, predation, and inclement weather, combined with loss of nesting habitat to European beachgrass and development.

Increased recreational use north of Ward Avenue and the potential resultant increased disturbance to nesting plovers is a major concern. Human activity is a key factor in the decline of plover breeding populations. Pedestrians can cause mortality and harassment of plovers. They may crush eggs or chase plovers off their nests, causing mortality through exposure of eggs or chicks to weather, blowing sand, starvation or predators. Increased recreational use produces additional trash which may in turn attract and maintain higher populations of avian predators such as ravens. Hence, the proposed project is expected to adversely affect this species.

2. *Chorizanthe howellii*

The only known population of the Federally listed endangered Howell’s spineflower is located in the Ten Mile river dune system and vicinity. As an annual, it is critical for this species to germinate in an open environment, free of competing species, each year. Therefore, any activities

that stabilize the dune system will have long-term negative impacts on this species. The construction of a permanent trail is likely to decrease the magnitude and rate of sand transported to dunes colonized by Howell's spineflower, interfering with the creation of new "gaps" necessary for its germination and survival. This annual species normally undergoes shifts in local distribution, which makes it difficult to predict impacts. Because of this species' extremely limited distribution and the lack of opportunities to minimize or mitigate impacts from the construction of a trail through the Preserve, this project would be likely to adversely affect the continued existence of this species. Since the entire range of this species coincides with the proposed trail, CDFG concluded in their June 10, 1998 letter the project will likely jeopardize this species.

3. Other Plants

Menzies' wallflower (*Erysimum menziesii*) is a Federally listed endangered perennial plant. The subspecies *menziesii* occurs in isolated populations along the Monterey Peninsula and in Mendocino County from Ten Mile River south to Fort Bragg. This subspecies is "monocarpic", meaning that it flowers only once in its lifetime, making successful reproduction more difficult than for plants that flower each year. The species does not have an overwintering seed bank to help increase its chances of survival. Exotic plants, development of suitable habitat, and recreational use are threats to the species. The project is likely to adversely affect this species in the same manner as Howell's spineflower, due to the indirect effects of altered sand transport dynamics and accelerated invasion of European beachgrass. Trampling by pedestrians who go off the designated trail will also be detrimental to both this and the spineflower. Two additional plants, *Collinsia corymbosa* and *Phacelia insularis* var. *continentis*, have extremely limited distributions and occur in the Ten Mile dunes; these plants may be subject to future petitions for listing. They are susceptible to the same threats as the two listed plants.

Geomorphic dynamics and European beachgrass. Beachgrass is in a relatively early stage of invasion in the Ten Mile dunes; therefore, this is an ideal time to concentrate on its removal. We are concerned that construction and maintenance of a trail through the foredunes may directly conflict with and limit opportunities for restoration of the dune community. Removal of beachgrass, which stabilizes the dunes, may be perceived as counterproductive to the maintenance of a trail in the foredunes. In addition, in these times of limited budgets, it may not be possible to maintain the trail and accomplish beachgrass removal and dune restoration. The trail will likely facilitate the colonization of beachgrass by providing a relatively stable barrier for storm-deposited vegetative fragments to concentrate and root. This process is already occurring, as evidenced by the migration of beachgrass along the existing haul road. The spread of beachgrass stabilizes the dunes and reduces the amount of unvegetated area above the tideline, decreases the width of the beach, and increases its slope. These changes reduce the amount of potential plover nesting habitat, provide cover for predators, and may hamper movements of young. These changes prevent sand movement from the beach to the back dune area, causing an elongation of the deflation plain and an increase in wetlands at the expense of listed plant and animal habitat.

Recovery plans

A draft recovery plan is currently being developed for the western snowy plover. The "Seven Coastal Plants and Myrtle Silverspot Butterfly Recovery Plan" is currently being finalized by the Service (Region 1, Portland, Oregon). It covers Howell's spineflower and Menzies' wallflower. The recovery plans will outline strategies necessary to support recovery of these listed species. The final plan for the plants identifies the potential for construction of a foredune road as a threat to these listed plant species, and

establishes criteria for the recovery of these species at the Ten Mile dunes. These recovery criteria depend on eradication of non-native beachgrass and lack of interference with long-term sand transport dynamics of the dune system. The Service utilizes recovery plans in determining whether Federal actions (i.e. funding provided by the Federal Highway Administration) jeopardize listed species.

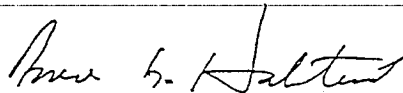
Summary

The Service supports your management direction for the Preserve as stated in your General Plan. We agree that the primary objective for this section of the Park should be "to preserve such features as rare or endangered plant and animal species and their supporting ecosystem". It is unclear how this objective is compatible with developing an alternate paved bicycle route for Highway 1. The management emphasis for the Preserve should be restoration of the native dune system and protection from increased human use. We also support your acquisition of 54.5 acres with the EEM grant and the objective for this parcel as described in your grant application. However, because of apparent conflicting input from your agency to the Commission regarding future plans for this parcel, we would like you to inform us and the public whether or not you are proposing to construct any recreational facilities in connection with the ISTE A trail project on this parcel.

We recommend the ISTE A project north of Ward Avenue be changed. The current project is inconsistent with the original request for ISTE A funding because of the length of new construction required, the type of structure (a hardened surface instead of a boardwalk), location of the trail route, potential wetland impacts, necessary drainage crossings, and required level of NEPA documentation. Impacts on Federally listed species from developing a trail north of Ward Avenue have been clearly stated and are severe, including possible extinction of Howell's spineflower. Additionally, one endangered plant and one threatened bird will be adversely affected with little or no opportunity for mitigation. The portion of the project north of Ward Avenue also appears to be inconsistent with direction in your General Plan for the Preserve. Available data on Federally listed species in the area and the sensitivity of dune systems to recreational impacts and alterations indicate that proceeding with this project as proposed could have significant adverse effects to some species and result in jeopardy to another. When a proposed project jeopardizes the continued existence of a species, the Service issues a biological opinion that describes reasonable and prudent alternative actions to avoid jeopardy.

My staff is available to assist you in collaboratively redesigning the trail project and developing future management goals for the Preserve that facilitate the conservation of Federally listed species. We appreciate your providing as-soon-as possible the information requested in this letter and information on your future plans for the ISTE A project to Robin Hamlin at (707) 822-7201. We are interested in discussing these projects with you at your earliest convenience.

Sincerely,



Bruce G. Halstead
Project Leader

cc:

FWS, ATTN: C. Barry, Portland, Oregon

FWS, ATTN: J.Engbring, Olympia, Washington

California Department of Parks and Recreation, Patricia Megason, Director, Sacramento, California

California Department of Parks and Recreation, Robert La Belle, District Superintendent, Duncan Mills, California

California Coastal Commission, San Francisco, California

California Department of Fish and Game, Jacqueline Schafer, Director, Sacramento, California

California Department of Fish and Game, Deb Hillyard, Moro Bay, California

Caltrans, Deborah Harmon, Eureka, California

Caltrans, Jan Bulinski, Eureka, California

Caltrans, Gary Bush, Chief Landscape Architecture, Sacramento, California

Caltrans, Marsha Mason, ISTECA Coordinator, Sacramento, California

Secretary of Resources, Douglas P. Wheeler, Sacramento, California

Federal Highways Administration, Jeffrey A. Lindley, Division Administrator, Sacramento, California

1 RECORDING REQUESTED BY:

2
3 WHEN RECORDED MAIL TO:
4 CALIFORNIA COASTAL COMMISSION
5 45 FREMONT STREET, SUITE 2000
6 SAN FRANCISCO, CA 94105-2219

1999-17718
Recorded at the request of:
RICHARD HENDERSON
09/14/1999 04:03P
Fee: 139.00 No of Pages: 45
OFFICIAL RECORDS
Mendocino County, CA
Marsha Young Wharff, Clerk-Recorder



1999-17718
Page: 1 of 45

7
8 AGRICULTURAL DEED RESTRICTION

9 Henry R. Smith and Margaret L. Smith, as Trustees U/T/A
10 dated April 19, 1994, known as the Henry R. Smith and
11 Margaret L. Smith Trust

12 I. WHEREAS,

13 _____, (hereinafter referred to as, "Owners", are the record Owners of the following
14 real property (hereinafter referred to as "Property"):
15 See Exhibit B attached hereto and incorporated herein by reference,

16
17 II. WHEREAS, the California Coastal Commission (hereinafter referred to as "Commission"),
18 is acting on behalf of the People of the State of California; and

19 III. WHEREAS, all of the Property is located within the coastal zone as defined in section 30103
20 of Division 20 of the California Public Resources Code, (hereinafter referred to as the "California Coastal Act
21 of 1976," (the Act); and

22 IV. WHEREAS, pursuant to the Act, the Owners applied to the Commission for a coastal
23 development permit on the Property described above; and

24 V. WHEREAS, on May 12, 1998 and the Commission granted coastal development
25 September 9, 1998
26 permit (CDP) No. A-1-MEN-98-17 & in accordance with the provision of the Staff Recommendation and
A-1-MEN-98-17-A1, respectively
27 Findings, attached hereto as Exhibit A and incorporated herein by reference; and

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VI. WHEREAS, the Permit was subject to the terms and conditions including, but not limited to the following condition(s):
See Page 2A.

VII. WHEREAS, the Commission, acting on behalf of the People of the State of California and pursuant to the Act, granted the Permit to the Owners upon condition (hereinafter referred to as the "Condition") requiring inter alia that the Owners record an agricultural preservation deed restriction over the Property so as to preserve the agricultural values present on the Property and so as to prevent the adverse direct and cumulative effects on coastal resources which could occur if the Property were not restricted in accordance with this deed restriction; and

VIII. WHEREAS, the Commission has placed the Condition on the Permit because a finding must be made under Public Resources Code section 30604 (a) that the proposed development is in conformity with the provisions of Chapter 3 of the Act and that in the absence of the protections provided by the Condition said finding could not be made; and

IX. WHEREAS, Grantor has elected to comply with the Condition and execute this Deed Restriction so as to enable Owners to undertake the development authorized by the Permit; and

NOW, THEREFORE, in consideration of the above and mutual benefits and conditions set forth herein, the substantial public benefits for the protection of coastal resources to be derived, the preservation of the Property in agricultural uses and the granting of the permit to the Owners by the



1. Deed Restriction:

No development, as defined in Section 30106 of the Coastal Act, shall occur on the portion of the 389-acre parcel outside the four-acre building envelope as generally shown in Exhibit 4A, where Coastal Development Permit No. A-1-MEN-98-17 authorizes a 20-unit visitor-serving facility, except for:

(1) the following activities and development:

- (a) General agriculture, as defined in Section 20.336.032 of the Mendocino County coastal zoning code, which includes such activities as the grazing, feeding, and incidental care of livestock, animal husbandry, and 4-H projects;
- (b) Light agriculture, as defined in Section 20.336.030 of the Mendocino County coastal zoning code, which includes such activities as apiaries and the hatching, raising, butchering, or marketing on a small scale of fowl, poultry, and other small animals;
- (c) Row and field crops, as defined in Section 20.336.040 of the Mendocino County coastal zoning code;
- (d) Tree crops, as defined in Section 20.336.055 of the Mendocino County coastal zoning code;
- (e) one single-family dwelling per legally created parcel;
- (f) harvesting of firewood for the residents' personal use
- (g) home occupations;
- (h) timber production, harvesting, and management;
- (i) vacation home rental;
- (j) passive recreation;
- (k) fish and wildlife habitat management.

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development within the portion of the 389-acre parcel outside the four-acre building envelope, as generally shown in Exhibit No. 4A. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the deed-restricted area. The deed restriction shall run with the land, binding all successors and assignees, and shall be recorded free of all prior



1 Commission, Owners hereby irrevocably covenant with the Commission that there be and hereby is created the
2 following restriction on the use and enjoyment of said Property, to be attached to and become a part of the
3 deed to the property.

4 1. USE OF PROPERTY. The use of the Protected Land as shown on Exhibit B attached hereto and
5 incorporated herein by reference, shall be limited to agricultural uses and natural open space. No
6 development as defined in Public Resources Code section 30106, attached hereto as Exhibit C and
7 incorporated herein by reference, including, but not limited to, removal of trees and other major or native
8 vegetation, grading, paving or installation of structures such as signs, buildings, etc., shall occur or be allowed
9 on the Protected Land with the exception of the following subject to applicable governmental regulatory
10 requirements:

11 (a) the removal of hazardous substances or conditions or diseased plants or trees;

12 (b) the removal of any vegetation which constitutes a fire hazard to residential use of neighboring
13 properties, and which vegetation lies within 100 feet of existing or permitted residential development;

14 (c) the installation or repair of underground utility lines and septic systems;

15 (d) See Page 3A

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17 2. DURATION. Said Deed Restriction shall remain in full force and effect during the period that the
18 Permit, or any modification or amendment hereof remains effective, and during the period that the
19 development authorized by the Permit or any modification of said development remains in existence in or
20 upon any part of and thereby confers benefit upon the Property described herein, and shall bind Owner and all
21 his/her assigns or successor in interest.

22 3. TAXES AND ASSESSMENTS. It is intended that this Deed Restriction is irrevocable and shall
23 constitute an enforceable restriction within the meaning of a) Article XIII, section 8, of the California
24 Constitution; and b) section 402.1 of the California Revenue and Taxation Code or successor statute.

25 Furthermore, this Deed Restriction shall be deemed to constitute a servitude upon and burden to the Property
26 with in the meaning of section 3712(d) of the California Revenue and Taxation Code or successor statute,
27 survives a sale of tax-deemed property.



1889-17718
Page: 4 of 45

These are the changes to the California Native Plant Society Inventory that are In press.

Draft Adds to Rare Wetlands list for the 6th Inventory

1b

Upgrades:

<i>Calamagrostis bolanderi</i>	CoScr, BogFns, Mesic Medws, FW Marsh
<i>Gentiana setigera</i>	LCFrS, Mesic Medws
<i>Juncus supiniformis</i>	BogFns, , FW Marsh
<i>Rhynchospora alba</i>	BogFns, , FW Marsh, Mesic Medws

New additions:

CNPS LIST

<i>Alisma gramineum</i>	FW Marsh	2
<i>Angelica lucida</i>	CoBlScr, CoScr, CoDns, coastal salt Marsh	2
<i>Astragalus pycnostachyus</i>	CoDns, coastal salt Marsh, streamsides	1b
<i>Carex arcta</i>	BogFns, NCFrs mesic	2
<i>Carex saliniformis</i>	CoScr, CoPr, coastal salt Marsh	1b
<i>Carex viridula</i>	BogFns, , FW Marsh, NCFrs mesic	2
<i>Erythronium revolutum</i>	BogFns, NCFrs mesic, BufRS	2
<i>ssp macrantha</i>		
<i>Mitella caulescens</i>	BuFrs, LCFrs, Medws, NCFrs	2
<i>Stellaria littoralis</i>	CoDns , CoBScr, BogFns, CoScr,	4
<i>Zigadenus micranthus var. fontanus</i>	LCFrS, Medws, MshSw	4

Coastal strand / Dunes

var. continentis
Hydrophyllaceae, "North Coast phacelia", Annual herb, March-May

These are the changes to the California native Plant Society Inventory that are In press.

Draft Adds to Rare list for the 6th Inventory

1b

Upgrades:

<i>Hesperivax sparsiflora</i>	CoBlScr, CoDns
-------------------------------	----------------

New additions:

CNPS LIST

1. <i>Angelica lucida</i>	CoBlScr, CoScr, CoDns, coastal salt Marsh	2
2. <i>Astragalus pycnostachyus</i>	CoDns, coastal salt Marsh, streamsides	1b
3. <i>Calystegia purpurata ssp. saxicola</i>	CoScr, CoDns	4
4. <i>Castilleja affinis ssp. littoralis</i>	CoBlScr, CoScr, CoDns	4
5. <i>Gilia capitata ssp. chamissonis</i>	CoScr, CoDns	1b
6. <i>Gilia millefolliata</i>	CoDns	1b
7. <i>Glehnia littoralis ssp leiocarpa</i>	CoDns	2
8. <i>Lasthenia macrantha ssp macrantha</i>	CoScr, CoDns, CoBScr	1b
9. <i>Leymus pacifius</i>	CoDns , CoBScr	1b
10. <i>Senecio bolanderi</i>	CoScr, CoDns, NCFrs	2
11. <i>Stellaria littoralis</i>	CoDns , CoBScr, BogFns, CoScr,	4

DEPARTMENT OF PARKS AND RECREATION
Russian River/Mendocino District
25381 Steelhead Boulevard
P.O. Box 123
Duncans Mills, CA 95430



February 18, 2000

Mendocino County Board of Supervisors
501 Low Gap Rd.
Ukiah, CA

At the request of Supervisor Campbell we would like to provide you with the current status of the MacKerricher Coastal Trail Project. As many of you know, the Department's original timetable has been delayed by a complexity of environmental issues surrounding this project. The project still remains as originally defined, as a bicycle trail from Pudding Creek (including Pudding Creek Trestle) to Ten Mile River. The project is funded primarily through an I.S.T.E.A. Grant in the amount of \$1.4 million. The following summary will address current progress and funding status.

Currently, a private environmental planning consultant (EDAW) is under contract to prepare an EIR/EIS for the described project. The purpose for the contract is to gather objective resource data and prepare environmental analysis as required under the guidelines of NEPA and CEQA. At the present time, EDAW has been concentrating its efforts in areas of the park north of Ward Ave. The consultant is attempting to develop an environmentally compatible trail solution from Ward Ave. to Ten Mile River. They are preparing a feasibility level assessment to determine if modifications to the original project definition are necessary. Prior to finalizing the feasibility assessment, review meetings will be held with the public and affected regulatory agencies. While these meeting dates have not been finalized, they are expected to take place sometime during the week of March 20th.

After resolving feasibility issues and making any necessary project adjustments, further analysis for preparing the EIR/EIS documentation on remaining project areas will continue. Current schedule calls for completion of the environmental document in the spring of 2001. Some delays being experienced due to the complexity of the review and in making meeting arrangements may push the completion date towards summer.

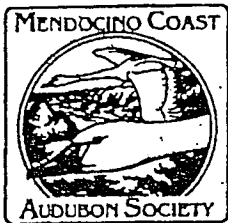
Funding for the project was adjusted in December of 1998. At that time, our Department requested the Preliminary Engineering amount be increased to \$652,000 and the construction funds decreased to \$778,000. The purpose of this was to include the preparation of needed environmental documentation. The grant funding timeframe calls for the project to be ready to go to construction by September 2000. The inability to meet construction deadlines with this and other T.E.A. projects is an issue now being addressed by the California Transportation Commission (CTC). As a result, our Department has requested the (CTC) to allow us to complete the Preliminary Engineering, and allow the construction funds to revert. In doing this, State Parks will be required to obtain and encumber funding

for construction by July 1, 2003 or the State of California will become responsible for preliminary engineering and feasibility expenditures under Federal rules that govern ISTEA grants.

While we are obviously disappointed about losing construction funding for the project, we remain optimistic about completing the necessary environmental documents. We are further encouraged about the future prospects of obtaining construction funding in honoring our commitment to this valuable project.

Sincerely,

Greg Picard,
Park Superintendent



30 March 2000

Public Comment on "Draft Feasibility Study for the Northern Segment of the MacKerricher Coastal Trail Project" March 13, 2000, EDAW

KRIS CARTER

Webmaster

707-937-1194

kkcarter@mcn.org

To: Mr. Gary Shannon

Department of Parks and Recreation

Russian River / Mendocino District

P.O. Box 123

Duncan Mills, CA 95430

The "Draft Feasibility Study for the Northern Segment of the MacKerricher Coastal Trail Project" March 13, 2000, by EDAW underestimates the impact that the proposed alternatives would have on the Western Snowy Plover.

In the introductory summary of the document, EDAW states that the issue of potential impact to the Western Snowy Plover was "determined not to have the potential to affect the feasibility of any of the proposed alternativesⁱ."

With respect to the Haul Road Alternative, EDAW states "Although trail construction may result in direct and indirect impacts, the study area is not designated as critical habitat for western snowy plovers and no plovers are known to have used the study area for nesting in the last 10 yearsⁱⁱ," implying that one reason that "potential impacts to the Western Snowy Plover are not expected to threaten the feasibility of the Haul Rd. Alternativeⁱⁱⁱ" is because of the lack of critical habitat designation for the Ten Mile Dunes and the lack of evidence of recent nesting.

Because the arguments EDAW uses to deny the impact of the Setback Alternative and Northern Alternative on Western Snowy Plover are the same, ("It is likely that take of western snowy plover could be avoided or effectively mitigated (e.g., signage and beachgrass removal)^{iv}," and "...it is expected that these impacts could be mitigated. Potential impacts to snowy plovers would not threaten the feasibility of the Northern Alternative,^v"), my comments will address the alternatives collectively.

MENDOCINO COAST AUDUBON SOCIETY

130 Dana Street • Fort Bragg • California 95437

1. CRITICAL HABITAT DESIGNATION

Lack of critical habitat designation does not imply that the population of Western Snowy Plovers would not be impacted by this alternative. Lack of critical habitat designation was due in part to financial and legal constraints put on the USFWS, and not because the area would not qualify as critical habitat. In early March of this year, I spoke to Ken Sanchez of the U.S. Fish and Wildlife Service^{vi} (USFWS) about the reasons why Ten Mile Beach and Dunes was not declared critical habitat for the Western Snowy Plover. He responded that the area was not in the original proposal and was not added when public comment was elicited. Because of budgetary constraints, the USFWS was moving very slowly on designating critical habitat. A successful lawsuit against the USFWS resulted in USFWS having to complete critical habitat designations within a court-ordered deadline. Because of time, financial, and staffing constraints, the USFWS could not add new sites and meet the court ordered deadline. The Federal Register 50 CFR Part 17, Dec. 7, 1999 verifies this. It also illustrates one reason why the Ten Mile Beach and Dunes was not included in the original proposed area: legal notices inviting public comment were not published in either the Fort Bragg Advocate News, the Mendocino Beacon, or the Press Democrat, the papers which are most widely read on the northern Mendocino Coast^{vii}. The inability of USFWS to add new sites before the designation was published was an additional factor preventing the Ten Mile Beach and Dunes from being designated critical habitat for the Western Snowy Plover.

2. NESTING AND WINTERING HABITAT

Lack of evidence of recent nesting neither prohibits an area from being designated critical habitat nor indicates that a population would not be impacted by the proposed alternative. One criterion for critical habitat designation for the Western Snowy Plover is if the area supports "4 nesting pairs or 10 wintering plovers."^{viii} Not only is it clear that USFWS considers wintering habitat to be important, but the numbers of wintering Western Snowy Plovers in the Ten Mile Beach and Dunes area commonly exceeds the criterion established by USFWS for critical habitat designation.^{ix x}

The importance of wintering habitat for the survival of the Western Snowy Plover has also been recognized by the American Bird Conservancy and the Point Reyes Bird Observatory. On August 17th, 1999, Dr. Robert M. Chipley, Director of the Important Bird Areas Program of

the American Bird Conservancy designated the Ten Mile Beach and Dunes and Virgin Creek Beach as a Nationally Significant Important Bird Area "due to the habitat it provides for wintering Western Snowy Plover, a threatened species, with high counts there totaling over 1% of the population.^{xii}" In the September 1999 draft U.S. National Shorebird Conservation Plan: Southern Pacific Coast Regional Implementation Plan, by Gary W. Page and W. David Shuford, priorities for conservation of shorebird populations in the Southern Pacific Region include to "Increase migratory and wintering populations of all key shorebird species in the region by protecting existing habitat, managing existing habitat more for shorebirds, and creating more shorebirds habitat.^{xiii}" The Western Snowy Plover is a key shorebird species in the region: the conservation plan states that the Western Snowy Plover "is of primary importance in the region [Southern Pacific Coast] because over 90% of the listed population along the U.S. Pacific Coast breeds here (U.S. Fish and Wildlife Service draft recovery plan) and most of it also winters here.^{xiii}"

Additionally, what the feasibility study claims to be lack of evidence of recent nesting is based on monthly surveys, which are inadequate to determine if Western Snowy Plovers have attempted to nest. Monthly surveys are recommended only for the determining the presence or absence of Western Snowy Plovers. The Arcata office of the USFWS recommends weekly surveys to determine if nesting attempts have occurred by Western Snowy Plovers.^{xiv}

3. MITIGATION OF TAKE OF WESTERN SNOWY PLOVERS

EDAW states "It is anticipated that take of western snowy plovers could be avoided or effectively mitigated with signage to deter park visitors from entering sensitive habitat and beachgrass removal in areas with potential nesting habitat.^{xv}" It is implausible that take could be avoided or effectively mitigated with signage in MacKerricher State Park. Personal observations by myself and other Audubon members over many years have demonstrated that many users ignore State Park signage. Indeed, State Park signage prohibiting dogs off-leash has been repeatedly defaced or removed from the northeastern boundary of the Inglenook Fen - Ten Mile Dunes Natural Preserve. Current signage at the southern end of the preserve requesting persons to stay out of the dunes has also been ignored. The Mendocino Sector of State Parks has insufficient staff for patrolling with a frequency adequate to enforce observation of park rules by users. The area from Westport-Union Landing to Pudding Creek, approximately 21 miles of winding highway apart, is patrolled by one ranger.^{xvi} The project proposal does not cover any

additional funding that would be necessary to provide enforcement of the signage that EDAW naively believes will deter park visitors from entering sensitive habitat.

In stating that beachgrass removal in areas with potential nesting habitat would mitigate take, EDAW neglects the fact that the proposed areas for beachgrass removal are adjacent to the Haul Road, and would also be affected by increased use by park visitors.

EDAW's evaluation of the potential to mitigate the effects of the Northern Alternative on Western Snowy Plover does not take into account geographic preferences of the plover, nor the cumulative effect on Western Snowy Plovers of completion of the southern portion of the proposed coastal trail.

Increased visitation to the northern portion of the Ten Mile Beach and Dunes would have a greater effect on the Western Snowy Plover than visitation at the southern end of the preserve because Western Snowy Plover individuals prefer the northern third of the area: "In both 1998 and 1999, snowy plover observations were limited to the northernmost one-third of the study area.^{xviii}" One of the reasons that this is true is that the southern portion of Ten Mile Beach receives heavier visitor use than the northern portion.

The feasibility study also fails to take into account the cumulative effect on Western Snowy Plovers by increased visitation to the southern portion of the proposed Ten Mile Coastal Trail. Virgin Creek Beach is immediately adjacent to the old Haul Road in the southern portion of MacKerricher. It is one portion of the Important Bird Area within MacKerricher State Park, and was formerly a nesting site for the Western Snowy Plover. Increased visitor usage to the already easily accessible Virgin Creek Beach will put intense pressure on the Western Snowy Plovers who have traditionally used this beach. Disturbance by humans and unleashed dogs is speculated to have been one reason why Western Snowy Plovers that were present at Virgin Creek Beach in the fall of 1999 failed to overwinter there for the first time in recent history.^{xviii}

xix

4. EFFECT OF HUMAN DISTURBANCE ON WESTERN SNOWY PLOVERS

The effect of human disturbance on Western Snowy Plovers is more significant than indicated by EDAW in this draft feasibility study. The Point Reyes Bird Observatory and the USFWS have concluded that human disturbance is a major factor contributing to the decline of the Western Snowy Plover.

In the Northern California Coast subregion, "Shorebirds foraging and roosting on coastal beaches experience considerable disturbance from humans. Birds are flushed by ... by pedestrians and joggers, particularly those with dogs, in all counties. Leash laws are seldom enforced, so that dogs are permitted to chase roosting and foraging shorebirds. With the growing human population in California this type of disturbance undoubtedly will increase.... Nesting Snowy Plovers face numerous threats on sand beaches. These include loss of dune habitat to the introduced European beachgrass (*Ammophila arenaria*), decreased nesting success from human disturbance, and high levels of egg predation by Common Ravens.^{xxi}"

Recommended "priority conservation actions for sand beaches and dunes include :

- ...removing non-native vegetation in coastal dunes, restricting human recreation on sand beaches, using nest exclosures, and implementing predator management and public education programs.
- increasing enforcement of dog leash laws on beaches used by nesting Snowy Plovers and other feeding and roosting shorebirds.^{xxii}

In discussing the effects of human impacts on Western Snowy Plover, the USFWS states:

"In the habitat remaining for snowy plover nesting, human activity (e.g., walking, jogging, running pets, horseback riding, off-road vehicle use, and beach raking) is a key factor in the ongoing decline in snowy plover coastal breeding sites and breeding populations in California, Oregon, and Washington. The nesting season of the western snowy plover (mid-March to mid-September) coincides with the season of greatest human use on beaches of the west coast (Memorial Day through Labor Day). Human activities detrimental to nesting snowy plovers include unintentional disturbance and trampling of eggs and chicks by people and unleashed pets (Stenzel et al. 1981, Warriner et al. 1986, P. Persons, in litt., 1992); off-road vehicle use (Widrig 1980, Stenzel et al. 1981, Anthony 1985, Warriner et al. 1986, Page 1988, Philip Persons, in litt., 1992); horseback riding (Woolington 1985, Page 1988, Philip Persons, in litt., 1992); and beach raking (Stenzel et al. 1981). Page et al. (1977) found that snowy plovers were disturbed more than twice as often by such human activities than all other natural causes combined.^{xxiii}"

The USFWS continues by discussing the effects of controlling human intrusion:

"In the few instances where human intrusion into snowy plover nesting areas has been precluded either through area closures or by natural events, nesting success has improved. The average number of young fledged per nesting pair increased from 0.75 to 2.00 after the nesting site at Leadbetter Point, Washington was closed to human activities (Saul 1982). Similarly, vehicle closure on a portion of Pismo Beach, California, led to an eight-fold increase in the nesting plover population (W. David Shuford, Point Reyes Bird Observatory, in litt., 1989). After beach access was virtually eliminated by the 1989 earthquake, fledging success increased 16 percent at Moss Landing Beach, California (Page 1990).^{xxiii xxiv}"

It is readily apparent that signage alone would not mitigate the effects on Western Snowy Plovers of increased visitation to the Natural Preserve.

5. DRAFT SNOWY PLOVER RECOVERY PLAN

The feasibility study makes no reference to the Draft USFWS Snowy Plover Recovery Plan. Although this document has not yet been published in the Federal Register, it remains a public document which has been referenced in other conservation plans.^{xxv} The USFWS Snowy Plover Recovery Plan may limit, preclude, or place strict mitigation requirements on any of the proposed alternatives to the Ten Mile portion of the MacKerricher Coastal Trail. A comprehensive feasibility study must include analysis of the implications of pending legislation to be considered an adequate document or an effective planning tool.

The "Draft Feasibility Study for the Northern Segment of the MacKerricher Coastal Trail Project" March 13, 2000, by EDAW fails to address the impact that the proposed alternatives would have on special status species.

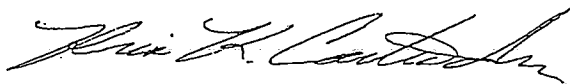
The feasibility study acknowledges that the Inglenook Fen - Ten Mile Dunes "Preserve provides important habitat for a number of special-status wildlife species^{xxvi}" and that "impacts to these species could be significant but are not expected to affect the feasibility of the project."^{xxvii} EDAW is evaluating feasibility of the project from a short-term perspective and not

considering the long-term perspective. While special status species may not have the same protection as listed species, special status designations indicate that these species are in trouble or potentially in trouble. If efforts to prevent further population declines in these species are not successful, these species may become listed. Once these species are listed, activities such as trail maintenance and reconstruction must be re-evaluated to assess their effect on these species. Such a re-evaluation may result in an inability to maintain the proposed northern section of the MacKerricher Coastal Trail. A listing of special status species found in the Ten Mile Beach and Dunes and Virgin Creek Beach Important Bird Area is attached.

The "Draft Feasibility Study for the Northern Segment of the MacKerricher Coastal Trail Project" March 13, 2000, by EDAW fails to examine the alternative of a Ward Ave. terminus coupled with a Ward Ave. extension and Highway 1 parallel route.

The feasibility study offers a Ward Ave. Terminus Alternative, and a Shortcut Alternative that cuts east through the Ten Mile Dunes, then heads north along the Preserve boundary to a point near the Grange. The study also noted that neither of these alternatives would satisfy the objective of an alternate route to Highway 1 for bicycle travel from Fort Bragg to the Ten Mile River, and that these alternatives could affect ISTEPA funding for the project.^{xxviii} The feasibility study did not examine a popular proposal to end rehabilitation of the old Haul Rd. at the Ward Ave. terminus, and create a safe bicycle route along Ward Ave. to Highway 1 and thence to the Ten Mile River. As this alternative would have less effect on the Western Snowy Plover population, and as discussions with Caltrans have been positive about the feasibility and funding for such a proposal,^{xxix} lack of inclusion of this alternative is a gross oversight in the preparation of this feasibility study.

The final version of the "Feasibility Study for the Northern Segment of the MacKerricher Coastal Trail Project" will be unacceptable if it also fails to adequately address the long-term impact of the proposed alternatives on the Western Snowy Plover and other species of special status.



Kris K. Carter, DVM
Conservation Committee
Mendocino Coast Audubon Society

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kkcarter@mcn.org
(707) 937-1194

Attachments:

1. Copy of letter from Dr. Robert Chipley of the American Bird Conservancy designating Ten Mile Beach and Dunes and Virgin Creek Beach a Nationally Significant Important Bird Area
2. Copy of American Bird Conservancy Webpages describing the Important Bird Area Program.
3. Copy of "Some avifauna of Virgin Creek Beach and Ten Mile Beach and Dunes with special reference to species having Audubon Watchlist Status or a higher degree of concern, and migrating or wintering shorebirds." Prepared August, 1999, by Kris Carter.

cc: Curtis Alling, EDAW
Patti Campbell, Mendocino County Supervisor
Virginia Strom-Martin, State Representative
Wes Chesboro, State Senator
Mike Thomson, U.S. Congressman

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- i Draft Feasibility Study for the Northern Segment of the MacKerricher Coastal Trail Project, March 13, 2000, EDAW, p.1-3
- ii *Ibid*, p. 5-6
- iii *Ibid*, p. 5-6
- iv *Ibid*, p. 5-10
- v *Ibid*, p. 5-16
- vi Ken Sanchez, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room West 2605, Sacramento, CA 95825.
- vii Federal Register, Dec. 7 1999, 50 CFR Part 17, p.68512
- viii Federal Register, Dec. 7 1999, 50 CFR Part 17, p 68511
- ix Data obtained from Frances Bidstrup, Western Snowy Plover survey records compiler for the Point Reyes Bird Observatory.
- x Draft Feasibility Study for the Northern Segment of the MacKerricher Coastal Trail Project, March 13, 2000, EDAW, p. 4-11
- xi Letter from Robert M. Chipley, Director of Important Bird Areas Program, American Bird Conservancy, to Kris. K. Carter, Director of the Mendocino Coast Audubon Society, August 17, 1999, copy attached.
- xii September 1999 Draft U.S. National Shorebird Conservation Plan: Southern Pacific Coast Regional Implementation Plan, by Gary W. Page and W. David Shuford, published at <http://www.prbo.org/Shorebird/Shorebird1.html>
- xiii *Ibid*
- xiv Robin Hamlin, Fish and Wildlife Biologist, USFWS, personal communication, 30 March 2000.
- xv Draft Feasibility Study for the Northern Segment of the MacKerricher Coastal Trail Project, March 13, 2000, EDAW, p.5-6
- xvi Personal communication with Eric Bloom, State Park Ranger, Mendocino Sector.
- xvii Draft Feasibility Study for the Northern Segment of the MacKerricher Coastal Trail Project, March 13, 2000, EDAW, p. 4-11
- xviii Dorothy Tobkin, comments at the Public Information Meeting on the MacKerricher Coastal Trail, Fort Brag, CA, 20 March 2000.
- xix Data obtained from Frances Bidstrup, Western Snowy Plover survey records compiler for the Point Reyes Bird Observatory.
- xx September 1999 Draft U.S. National Shorebird Conservation Plan: Southern Pacific Coast Regional Implementation Plan, by Gary W. Page and W. David Shuford, published at <http://www.prbo.org/Shorebird/Shorebird1.html>
- xxi *Ibid*
- xxii USFWS,
<http://refuges.fws.gov/NWRSFiles/WildlifeMgmt/SpeciesAccounts/Birds/WestSnowyPlover/WestSnowyPloverImpacts.html> -- Revised: 11 June 1997. Information was extracted from the Federal Register: March 2, 1995, Page 11768, Proposed Designation of Critical Habitat for the Pacific Coast Population of the Western Snowy Plover; Proposed Rule
- xxiii *Ibid*

xxiv Western Snowy Plover References Cited by the USFWS:

Anthony, J.L. 1985. A report on the distribution, numbers and human disturbance of snowy plovers at Damon Point, Washington. Report to the Washington Department of Game. Evergreen State College, Washington. 24 pp.

Page, G.W. 1988. Nesting success of snowy plovers in central coastal California in 1988. Report of the Point Reyes Bird Observatory, Stinson Beach, California. 7 pp.

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Page, G.W., J.S. Warriner, J.C. Warriner and R.M. Halbeisen. 1977. Status of the snowy plover on the northern California coast. Part I: Reproductive timing and success. California Department of Fish and Game Nongame Wildlife Investigations, Sacramento, California. 10 pp.

Saul, S.M. 1982. Clam diggers and snowy plovers. *Washington Wildl.* 32(1):28-30.

Stenzel, L.E., S.C. Peaslee, and G.W. Page. 1981. II. Mainland Coast. Pages 6-16 in Page, G.W. and L.E. Stenzel, (eds.). The breeding status of the snowy plover in California. *Western Birds* 12(1):1-40.

Warriner, J.S., J.C. Warriner, G.W. Page, and L.E. Stenzel. 1986. Mating system and reproductive success of a small population of polygamous snowy plovers. *Wilson Bull.* 98(1):15-37.

Widrig, R.S. 1980. Snowy plovers at Leadbetter Point. An opportunity for wildlife management? Prepared for the U.S. Fish and Wildlife Service, Willapa National Wildlife Refuge, Ilwaco, Washington. 14 pp.

Woolington, M.C. 1985. A preliminary investigation of the effect of recreational use on nesting snowy plovers at Sutton and Siltcoos beach areas, Oregon. Oregon Department of Fish and Wildlife Nongame Program. 37 pp.

xxv September 1999 Draft U.S. National Shorebird Conservation Plan: Southern Pacific Coast Regional Implementation Plan, by Gary W. Page and W. David Shuford, published at <http://www.prbo.org/Shorebird/Shorebird1.html>

xxvi Draft Feasibility Study for the Northern Segment of the MacKerricher Coastal Trail Project, March 13, 2000, EDAW, p.4-3

xxvii *Ibid*

xxviii *Ibid*, p.1-3

xxix Ginny Rorby, letter to Senator Wes Chesbro, April 1, 1999.



AMERICAN BIRD CONSERVANCY

CONSERVING WILD BIRDS AND THEIR HABITATS THROUGHOUT THE AMERICAS

August 17, 1999

Kris K. Carter
Director, Mendocino Coast Audubon Society
Conservation, Publicity, Education
P.O. Box 700
Albion, CA 95410

Dear Kris:

Thank you for submitting a nomination form for Ten Mile Beach and Dunes and Virgin Creek Beach as an Important Bird Area in California. I have reviewed the form and have determined that it qualifies as a Nationally Significant Important Bird Area, due to the habitat it provides for wintering Western Snowy Plover, a threatened species, with high counts there totaling over 1% of the population. There is a strong potential that this area might become again an important breeding area for the species. In addition to the plover, several watch listed species make use of the area regularly; these include Black Oystercatcher, Black Turnstone, Surfbird and Short-billed Dowitcher.

If you have any questions or any further information you would like to submit, please call me at 540/253-5780 or send me an email at rchipley@aol.com.

Thank you again for your nomination of this very significant site.

Yours sincerely,

Robert M. Chipley, Ph.D.
Director
Important Bird Areas Program,
American Bird Conservancy

cc: Bob Barnes, California Audubon



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UNITED STATES IMPORTANT BIRD AREAS (IBAs)



(Nominate a site
as an IBA.)

The function of the IBA program is to identify and protect a network of sites to help maintain naturally occurring bird populations for which a sites-based approach is appropriate.

Important Bird Areas:

- Are places of significance for the conservation of birds across multiple landscape scales
- Are chosen using standardized, credible criteria based on biological common sense
- Include sites for species during the breeding and non-breeding seasons
- Form part of the wider integrated Partners in Flight approach to conservation that embraces sites, species and habitat protection

IBA programs have been initiated throughout the world. *Important Bird Areas in Europe* was published in 1989 and *Important Bird Areas in the Middle East* was published in 1994. The priority setting component has been completed in a number of African countries, and programs are underway in Indonesia, Ecuador, Panama, Mexico, Canada, and the United States.

Biological Rationale

Some sites are exceptionally important for bird conservation. Protection of the most critical of these sites (a sites-based approach) is one important approach to the conservation of many bird species. These sites, selected using scientifically defensible, quantitative criteria, are termed Important Bird Areas (IBAs). Because many of these sites are, or may increasingly become, refuges, the consequences of the loss of any one of them may be disproportionately large.

Within the United States, the IBA program is part of the larger *Partners in Flight* Bird Conservation Strategy (the *Flight Plan*). The *Flight Plan* contains additional landscape and management-based approaches to bird conservation. Taken together, these approaches should help ensure the conservation of all bird species.

Defining a Site

An IBA should be different in character, habitat or ornithological importance from its surrounding area. In defining a site, *practical considerations of how best the site may be conserved should be the foremost consideration*. Some general guidelines to be followed in defining a site:

- Simple, conspicuous boundaries such as roads, rivers, property lines, etc. may be used to delimit site margins while features such as watersheds and hilltops may help in places where there are no obvious discontinuities in habitat.
- There are no fixed size maxima or minima for IBAs; the biologically sensible must be tempered with the practical and often will depend upon local conservation realities.

Bird Thresholds

IBAs are identified for areas containing concentrations of species occurring on the wintering grounds, the breeding grounds, or during migration. They include terrestrial sites, marine/lacustrine sites and sites over which migrants congregate.

In general, and whenever possible, the population size threshold used is 1% of the biogeographical population size.

While there is no fundamental biological reason 1% should be used as a threshold, other countries have found it to afford an appropriate degree of protection to populations, and to be useful in defining ecologically sensible sites.

Partnerships

In the United States IBAs have been a cooperative venture between American Bird Conservancy and National Audubon Society. American Bird Conservancy has worked toward identifying sites important at the national, continental and global level while National Audubon Society has been working to identify sites important at the state level. Within North America, American Bird Conservancy works with partners in Canada and Mexico to truly make a North American IBA program.

To date, American Bird Conservancy's IBA efforts have involved more than 500 individuals representing nearly 100 NGOs, more than 20 federal and municipal agencies, 43 state agencies, 15 academic institutions and 10 other groups.

Identified Sites

As of October 1998, more than 1200 sites in the United States have been identified as qualifying as IBAs. This includes more than 290 at the national level, more than 300 at the continental level and more than 620 at the global level of importance.

For more information on the IBA program contact:

Chip Chipley

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P.O. Box 249
The Plains, VA 20198
540-253-5780
rchipley@aol.com

call: 1-800-BIRD-MAG • email: abc@abcbirds.org

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Last Revised 03/24/00

Some avifauna of Virgin Creek Beach and Ten Mile Beach and Dunes

with special reference to species having Audubon Watchlist Status or a higher degree of concern, and migrating or wintering shorebirds. Prepared August, 1999.

Species	Ten Mile	Virgin	MSP	NAS	PIF	CDFG	USFWS	FED	Other
Brandt's Cormorant	Y	Y	C	WLH					Breeds nearby
American Bittern	Y		X	Blue	WL		MNBMC		Fen & drainage
Snowy Egret	Y	Y	U						Winters
Northern Harrier	Y	Y	U	Blue		CSC			BREEDS at Ten Mile
White-tailed Kite	Y	Y	U			FP	MNBMC		BREEDS at edges
California Quail	Y		C	WLH					BREEDS at edges
Black-bellied Plover	Y	Y	C						Winters
Western Snowy Plover	Y	Y	U	SC	WL	CSC	MNBMC	T	Former breeder
Semipalmated Plover	Y	Y	FC						Migration
Killdeer	Y	Y	C						BREEDS
Black Oystercatcher	Y	Y	C	WLH	WL				Breeds nearby
Greater Yellowlegs	Y	Y	FC						Migration
Lesser Yellowlegs	Y	Y	U						Migration
Willet	Y	Y	C						Winters
Wandering Tattler		Y	U						Migration
Whimbrel	Y	Y	FC						Winters
Long-billed Curlew	Y	Y	R	WLH					Migration
Marbled Godwit	Y	Y	U						Winters
Ruddy Turnstone	Y	Y	U						Migration
Black Turnstone	Y	Y	C						Winters
Surfbird		Y	FC						Winters
Sanderling	Y	Y	C						Winters
Western Sandpiper	Y	Y	C						Migration
Least Sandpiper	Y	Y	C						Migration
Rock Sandpiper		Y	X						Winters. Virgin is 2 nd southernmost site.
Dunlin	Y	Y	FC						Migration
Short-billed Dowitcher	Y	Y	U						Migration
Long-billed Dowitcher	Y	Y	FC						Migration
Red-necked Phalarope	Y	Y	U						Migration
Red Phalarope	Y		U						Migration
Western Gull	Y	Y	C	WLH					Breeds nearby
Burrowing Owl	Y	Y	X			CSC	MNBMC	SC	Burrow at Ten Mile abandoned.
California Horned Lark	Y	Y	X			CSC			Fall/Winter
Song Sparrow	Y	Y	C			S			BREEDS

Ten Mile = Ten Mile Beach and Dunes, Virgin=Virgin Creek Beach, MSP = Abundance codes based on "Checklist of the Birds of MacKerricher State Park" by Dorothy Tobkin, NAS=National Audubon Society, PIF=Partners in Flight, CDFG=California Department of Fish and Game, USFWS=U.S. Fish and Wildlife Service, Fed-Federal, Other=other pertinent comments.

yellow = Federally threatened.

Ten Mile and Virgin code: Y=yes, present. Based on observations by Dorothy Tobkin and Kris Carter.

MSP codes: C=common, FC=fairly common, U=uncommon, R=rare, X=extremely rare. Codes based on observation rate per trip, not on actual counts.

NAS codes: WLH=Watchlist High Priority in this physiographic area. From Audubon WatchList California--1st edition. Blue=Blue list, SC=special concern. From CDFG Natural Diversity Data Base June 1999 (latest ed.).

PIF codes: WL=WatchList. From *ibid*. S=California sensitive species. From California Riparian Habitat Joint Venture Riparian Conservation Guidance Document 9/96.

CDFG codes: CSC=California species of concern, FP=fully protected. From CDFG Natural Diversity Data Base June 1999.

USFWS codes: MNBMC=Migratory Non-game Birds of Management Concern. From *ibid*.

Federal codes: T-threatened, SC = special concern. From *ibid*.

Other comments: BREEDS=breeds in the nominated area. Migration=seen mainly in migration, some birds may be seen in the winter, Winters=arrives in fall and leaves in spring, some birds may be seen in the summer.

Northern California Trails Council, Inc.

A NON-PROFIT ORGANIZATION

Mendocino County, California

March 28, 2000

To: Mr. Gary Shannon - Department of Parks and Recreation
P.O. Box 123, Duncans Mills, CA 95430

Dear Mr. Shannon,

Several members of the Northern California Trails Council attended the March 20 meeting to hear about options for the proposed improvements to the Ten Mile Coastal Trail. After the Ten Mile beach and dunes were acquired by State Parks, the NCTC was involved in having the ocean front designated for hiking and equestrian use back in 1975. The 80 NCTC members come from all over Mendocino County and represent hikers, cyclists, and equestrians.

The March 20 meeting, the map showing the options, and presentation by State Parks and EDAW staff were discussed at length at the NCTC Board of Directors March 26 meeting and the following comments were approved:

First Priority is the formal recognition of the hiking and equestrian use as specified in Posted Order #117-1 dated October 17, 1975. "From Cleone Beach, the trail will continue northward keeping to the ocean side of the private road to the mouth of the Ten Mile River, where the trail ends." The NCTC favors continued use, regular maintenance and improvement of the beach access ramp from the washout 1/4 mile north of Ward Avenue. At the March 26 meeting, several people who use this ramp pointed out that the ramp should be widened to prevent too-close encounters between horses and other users - people with dogs, etc.

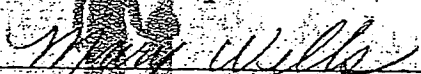
The NCTC opposes Option 1 which does not address existing trail use north of Ward Avenue.

Second Priority During both the Coastal Plan process and the MacKerricher State Park plan process, the Northern California Trails Council had favored Option 5, a formal north access as described in the MacKerricher Park General Plan. This access would include a staging area and a trail from Highway 1 to the northern portion of the Logging Road for hikers, cyclists and equestrians. NCTC Directors discussed both the west side and east side options but did not decide to favor either at this time. The NCTC requests to be included in the planning for a north access.

Third Priority The NCTC recommends that EDAW continue to pursue Option 3, the Setback plan, for connecting the segments of the Haul Road and providing improved access for cyclists and hikers to the entire length of the beach while diverting users away from sensitive habitat areas.

Please continue to notify the Northern California Trails Council of progress on the EIR.

Yours truly,



Mrs. Mary Wells, 2000 President,
P.O. Box 1864, Mendocino, CA 95460
(707) 937-5526



Northern California Trails Council, Inc.

A NON-PROFIT ORGANIZATION

Mendocino County, California

April 10, 2000

To: Mr. Rusty Areias, Director
California State Parks

Re: MacKerricher State Park - Pudding Creek to Ten Mile Trail

Dear Mr. Areias,

At the request of 2000 President Mary Wells, I am sending you a copy of the Northern California Trails Council response to EDAW options for the coastal trail segment between the Ward Avenue access and the Ten Mile River. For over 25 years, the Northern California Trails Council has provided support and volunteer help for the 7 mile trail from Pudding Creek to Ten Mile.

District Superintendent Greg Picard must be commended for his efforts to keep the trail open and repair winter storm damage after the severe storms of 1998 and 1999, however, other State Park staff people seem unwilling to acknowledge that the trail has official status even though the trail is addressed in the MacKerricher State Park General Plan and the County's Local Coastal Plan.

Enclosed is a copy of Posted Order #117-1 signed by Area Manager Dana Long in October 1975 shortly after state acquisition of the beach and dunes. (In 1975, Georgia-Pacific was still using the Logging Road along the beach.) Since the dedication of the trail in November 1977, the trail has been used by thousands of hikers and equestrians - both local residents and visitors from all over the world.

In the future, use of the northern segment of the trail is certain to increase as North Coast tourism and population increases. The greatest increases we anticipate are use by recreational bicyclists and people with limited mobility who like to walk but need a fairly level, hard surface trail. Cyclists and the challenged people are virtually shut out of the northern end of the park at present.

Thank you for attention to our concerns and we hope that you will support preservation and necessary improvement of this trail for present and future users.

Yours truly,

Nancy Barth

Mrs. Nancy Barth NCTC Corresponding Secretary
30201 Simpson Lane, Fort Bragg, CA 95437
(707) 964-3494



Copy to Mr. Charlie Willard, Statewide Trails Coordinator

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

**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 ammophila 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, ammophila infestations in the Humboldt 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

March 20, 2000

To: Mr. Gary Shannon, DPR Project Manager
EDAW - EIR Consultant

Regarding: Trail Planning - northern portion of MacKerricher
State Park

Thank you for coming to Fort Bragg to hear our concerns about planning for trail access to Ten Mile Beach. I know that you have gathered lots of information about the park from a wide range of people and agencies. Until now, I have not seen your proposals so I shall to focus on background information which you must take into account.

1. Historic Actions by State Parks, Coastal Plan Policies and MacKerricher State Park Plan Policies

The multi-use trail was created by State Park Order # 117-1 signed in 1975 by Area Manager Dana Long after requests from equestrian clubs for a multi-use route along the beach. I would strongly oppose any closure of the northern beach to hikers, equestrians or cyclists who stay on the remnants of the Logging Road.

Because final State acquisition of the Logging Road did not occur until 1995, the Coastal Plan (1985) addressed only the public access allowed by G-P on weekends. The MacKerricher State Park General Plan does address the Logging Road on Pages 110 - 111, Pages 153-155 and in "Response to Comments".

Both the Coastal Plan and Park Plan had widespread public participation and should be important in your decision making. While you are developing a plan, please consider a future link for hikers and equestrians between Highway 1 and the beach in the vicinity of the Inglenook Grange. The route could be well removed from the fen/lake and possibly use an old road alignment.

2. State Parks and/or EDAW should survey existing use of the Ten Mile Bridge access. Just on my occasional drives north, I usually see 4-10 vehicles in the little parking lot near the bridge and the Caltrans mixing table. With estimated turnover, I estimated that 10-20 people per day enter the park here and many more on spring and summer weekends. How about a survey here by rangers or volunteers?

3. Although improvement to the north end of the park would result in increased use, new users of the area would be cyclists and runners who need a hard surface and people with limited mobility who are unable to climb down bluffs or rocks and cope with soft sand. Much of the use by hikers and equestrians is already taking place - also, State Parks can control access to a great extent by limiting parking, selecting permitted special events and regulating the trail ride concession.

I will send additional comments after tonight's meeting.

Mrs. Nancy Barth
30201 Simpson Lane
Fort Bragg, CA 95437
(707) 964-3494



Mendocino County General Plan - Coastal Element

Location: Inglenook Grange.

Ownership: Private and public.

Potential Development: Parking location for limited scientific access to Inglenook Fen.

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.

*not needed
now*

A parking area shall be signed and improved by DPR utilizing the existing widened Caltrans right-of-way located on the west side of Highway 1 several hundred feet south of the Ten Mile River bridge. A trail system shall be developed by DPR, in conjunction with Caltrans and private property owners, to connect this parking area via an existing trail entrance which is located at the southwest corner of the bridge. ~~(A fenced trail and a marked, at-grade crossing of the Georgia-Pacific haul road shall connect with the DPR lands on the south bank of Ten Mile River.)~~

Limited access for scientific study of the Inglenook Fen and Sand Hill Lake area shall be provided immediately adjacent to Highway 1 in the vicinity of the Grange Hall upon property to be acquired by the Department of Parks and Recreation.

Policy:
4.2-20

done!

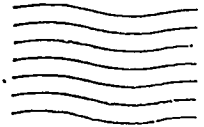
The Land Use Maps indicate that several parcels owned by the Bureau of Land Management are located in the area between Ten Mile River and Sandhill Lake and Inglenook Fen. These lands should be transferred to the California Department of Parks and Recreation. These lands should be incorporated into the existing holding of the adjoining MacKerricher State Park. The area shall be managed as a natural habitat area in conjunction with passive recreational uses and dunes stabilization program.

Policy:
4.2.21

done!

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.

DEPARTMENT OF PARKS AND RECREATION
MENDOCINO AREA
STAR ROUTE
MENDOCINO, CALIFORNIA 95460



Mrs. Gertrude White
POB 259
Fort Bragg, CA 95437

MENDOCINO AREA
DEPARTMENT OF PARKS AND RECREATION

POSTED ORDER #117-1

1. The following trails, road, and beach at Mac Kerricher State Park are designated for equestrian use.
 - A. From the west side of the Georgia-Pacific trestle right-of-way at Pudding Creek, northward ascending the north bank of the headlands on the existing bank cut; continuing northward along the headlands to and across Virgin Creek. The trail will continue northward on the west side of the private road, crossing Gleone Beach and vehicle access road. From Gleone Beach the trail will continue northward keeping to the ocean side of the private road to the mouth of Ten Mile River, where the trail ends.
 - B. Mill Creek Road from the County-right-of-way westward to the intersection of the trail as described above.
2. Equestrian use of the lands at Mac Kerricher State Park except as described at 1A and B above is a violation of California Administrative Code, Title 14, Section 4356, a misdemeanor.
3. Nothing herein shall affect any existing private contract or property rights.
4. Nothing herein shall be considered in derogation of other provisions of law.

SIGNED

AREA MANAGER
MENDOCINO AREA

AUTHORITY:

State of California Public Resources Code Sections 5003 and 5008, California Administrative Code, Title 14, Section 4356.

March 24, 2000

To: Mr. Gary Shannon, DPR Project Manager
EDAW - EIR Consultant

Regarding: EIR Options Draft - Ten Mile Coastal Trail

Dear Gary and EDAW,

Here are my comments on the EIR Draft as promised.

First, Options 2 and 4 should be rejected based on the objections listed in the draft.

Option #1 has been called the "Do Nothing" plan - I would call this one the "Ostrich Plan" which neither recognizes existing use nor plans for future use especially for the bicyclists who will increase in numbers after the trestle is opened.

While Option 1 is environmentally "feasible", protection of the plants and snowy plovers could be achieved only by a large budget for the purchase and installation of chain link fence around the dunes and the hiring of more rangers to serve as "guards".

Options #3 and #5 should be pursued. First, I was dismayed to hear so many environmentalists oppose Option 5 at the March 20 meeting as a formal north access would serve individuals and groups wishing to study plant and animal life in the dune habitat and to those pulling beach grass and doing other restoration. After a look at the map, I favor the plan to develop the access east of Highway 1 and utilize the road network which is already in place to provide access for cyclists, hikers, and special needs people as well as equestrians. This access would screen the parking area from public view and could utilize the mixing table as an overflow area for larger vehicles. Most important, isn't it about time that State Parks ended the current cloudy legal status of the deteriorating trespass-access over the Smith Ranch property? I feel that a very important feature of a formal access here should be interpretive material explaining the need to stay on trails, avoid certain areas, keep dogs leashed, etc. Trail users would use either the road or the beach and have one or two designated links between the road and the beach. These could go through areas heavily infested with beach grass. (See Feasibility.)

Needless to say, Option 5 might have to be redesigned if the Ten Mile Bridge is to be replaced at a different location.

In my letter of March 20, I suggested a survey of present north end users. Such a survey should also be conducted at the washout north of Ward Avenue. During my photographic expeditions there, ~~most people I see want to go to the beach for an hour or so, then return to the parking lot. Few go more than 1/4 mile north or wander into the dunes. Cyclists usually stop at the viewpoint, then turn around and go back south.~~ I feel that a count of cyclists is important since their numbers would increase if the trail were extended by the restoration of the trestle and the implementation of Option 3. Others who would take advantage of a hardened surface trail or boardwalk would be "Special Needs" people - wheelchair users, those with very young children in strollers, and the elders who can not trudge through sand. Equestrians and beach access traffic would continue to use the sand ramp at the washout - however, this use is there now.

While you are continuing with "feasibility" studies, I have suggestions for your consideration:

Widening Highway 1 for Bicycle Lanes Along the approximately 4 miles of Highway 1 between Cleone and the Ten Mile Bridge are at least 4 wetlands and a hundred or so old trees which would have to be removed - also probable need to acquire land by eminent domain. After a huge expense, cyclists would still have to ride in close proximity to log trucks, buses and RV's. Costs would be much more than Options 3 and 5 combined.

Removal of Beach Grass We continually hear that the dune environment can be restored to "the way it was" by removal of the beach grass. Hand removal has been effective in removing beach grass from areas which are not heavily infested - for instance, volunteers removed beach grass at Virgin Creek Beach. However, the northern portion of Ten Mile Beach has about 10 acres heavily infested, some with rhizome whichs go down 8-10 feet. While corridors could be created and maintained through grassy areas, total removal would need not only heavy equipment but follow-up with hand pulling and/or herbicides which are a no-no along the Mendocino Coast. If this is in the future, please project the costs over years of maintenance.

On the other hand, just north of Ward Avenue, habitat for the Howell's Spineflower and Menzies Wallflower is limited by introduced iceplant which is much easier to remove than beach grass. Replacing iceplant with native vegetation would not only be feasible but costs could be minimized by using volunteers - indeed, several areas have been cleared already.

Finally, while I realize that the EIR must focus on the Coastal Trail, I hope that State Parks will update the Park's General Plan in view of all the existing and proposed changes of the last 5 years - storm damage, new and expanded motels near the park, prospect of opening the trestle, possible new Ten Mile Bridge and the perched dune trail project. This is not the time to be an ostrich!

Yours truly,

Mrs. Nancy Barth
30201 Simpson Lane
Fort Bragg, CA 95437
(707) 964-3494



LEE EDMUNDSON

Post Office Box 1167 · Mendocino, California 95460-1167
Phone/Fax: 707-937-4369 · Email: lee@mcn.org

25 March, 2000

Gary Shannon
Dept of Parks & Rec
P.O. Box 123
Duncan Mills, CA 95430

RE: Haul Road Trail-Fort Bragg

Dear Mr. Shannon,

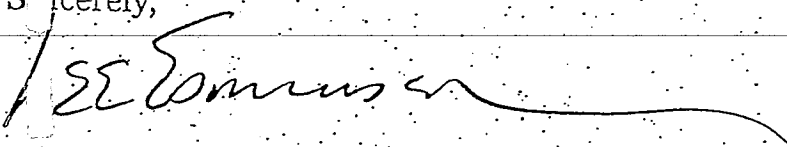
I'm writing to urge you to recommend that the proposed project be divided into two discreet project phases. Phase One would entail restoration of the Trestle Bridge and Haul Road north to Ward Avenue, and should be initiated immediately; Phase Two -- installation of a walking-bike trail north of Ward Avenue to the Ten Mile River -- should be begun once environmental considerations have been identified, addressed and, where necessary, mitigated.

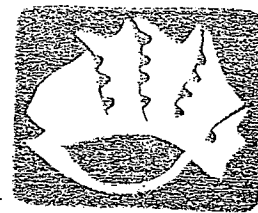
There seems to me to be no comparative advantage to either the residents of or visitors to the Fort Bragg area in keeping these two discreet aspects of the projects conjoined, for ameliorating the environmental concerns involving the northern trail, in effect, might well take years to properly address (and mitigate) -- thus holding the southern portion of the project "hostage".

Many thousands of residents and visitors who might otherwise fully enjoy recreating along the southern portion of the proposed trail (and who might never avail themselves of the northern portion) will be denied that experience if Parks & Rec continues to insist on completing the trail project in toto.

Completing the southern part of the project now is preferable to delaying it until the northern portion has passed environmental muster. I urge you to separate the two phases.

Sincerely,





April 7, 2000

Gary Shannon
Department of Parks and Recreation
Russian River / Mendocino District
P.O. Box 123
Duncan Mills, CA 95430

Dear Gary:

I am sending this packet in response to your request for comments on the MacKerricher State Park trail along the Haul Road.

Enclosed is a transcript of a conversation between seven local scientists and environmentalists and the State Park staff conducted on October 18, 1997. Please read it carefully and put it into the record. This document indicates the topics of concern and sense of urgency many of us have expressed for some time about the need for far greater protection of the Ten Mile Dunes. Few of these concerns have yet been addressed.

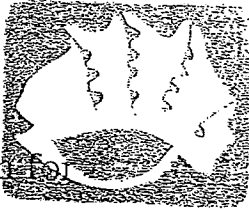
In addition, I have included a copy of a recent full color, several-page spread from the New York Times (Sunday, February 27, 2000) advertising Fort Bragg, MacKerricher Beach and Dunes as a place to come for R&R. This article will continue to attract attention because it will be on view on the New York Times web for months to come. A conversation with the Fort Bragg Chamber of Commerce indicated that inquiries for accommodations in our area are many times anything experienced in the past.

With spring upon us, along with an expected unprecedented influx of tourists, the bluffs and dunes at MacKerricher are more vulnerable than ever. I ask you to pay special attention to two areas of concern: The Ten Mile Dunes and the bluffs just north of the trestle in front of the new motels. In both places concentrated human travel (foot, bike, horseback, walking of dogs, especially off leash) is compacting soil, destroying plant communities and creating irreparable erosion in one of the last accessible wildflower gardens along the coast.

I ask you to focus attention on cumulative human traffic impacts, not just

P.O. BOX 1075 • MENDOCINO, CALIFORNIA 95460 • 707-964-1467

NATURALIST



from past or present use, but estimated future use as well, and to plan for the most extensive protection of these areas. This means, develop the trestle, place boardwalks along all paths in front of the new motels, repair the Haul Road to Ward Avenue, maintain adequate beach access at that point, enforce the leash law, and restrict access into the dunes except for guided educational tours along designated trails.

State Parks must comply with the Department of Fish And Wildlife's regulations to restore and protect species and features in the Dune Preserve. I do not understand why parks is still not following those guidelines because ultimately you must. I urge you to fund a full resource evaluation of the wildlife and habitats on either side of the Haul Road from the trestle to Ward Avenue, and a similar survey in the entire dune system, conducted by your park ecologist Renee Pasquinelli, as required in your guidelines and as directed by the Department of Fish and Wildlife.

Sincerely,

cc: Renee Pasquinelli, Greg Picard

April 5, 2000

HOTELES LAS AMERICAS



Dear Mr. Shannon,

I am very much opposed to a paved trail through the Ten Mile Dunes. I cannot imagine the damage that would be done to the dunes and the wildlife in the area by making it even more accessible to the public.

My house is on the north side of the Ten Mile River bridge. It is right on the river. Many times I've sat on my deck and watched people exploring the dunes. There aren't many people. I've also watched mother seals with their babies on Sand Dollar Beach. A paved trail would bring many many more people to the area. What will that do to the dunes? How much would that disturb the wildlife?

The idea of a parking lot also is very upsetting.

Right now the Ten Mile area is a natural wonderland. Please leave it as it is - natural!

Those who really love nature will find it.

Sincerely,
Andrew Fischer

HOTEL & SUITES LAS AMERICAS

Av. Benavides 415, Miraflores
Telef: (51-1) 444.7272 y 241.2820 Fax: (51-1) 444.1137
e-mail: amerintl@chavin.rcp.net.pe

RESIDENCIAL LAS AMERICAS

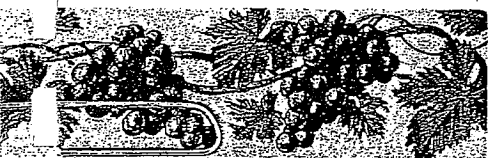
Bellavista 216, Miraflores
Telf: (51-1) 242.6600 y 242.5956 FAX (51-1) 242.5976
e-mail: amerires@chavin.rcp.net.pe

HOTEL CARRERA

Jr. León Velarde 123, Lince.
Teléfax: (51-1) 472.8866
e-mail: americar@amauta.rcp.net.pe

HOTEL CENTRO

ONVENCIONES EL PUEBLO
ra Central Km. 10 Sta. Clara
-1) 356.0020 y 444.1599 Fax: 356.0024
meripue@chavin.rcp.net.pe



23820 Quail Lane
Ft. Bragg 95437
April 2, 2000

Mr. Gary Shannon
Dept. of Parks and Recreation
Box 123
Duncan Mills, CA 95430

Re: Ten Mile

Dear Mr. Shannon:

I am writing in whole-hearted support of the suggested focus on repairing the Padding Creek trestle, and logging road between the trestle and Ward Avenue - while maintaining the Ten Mile Dunes area north of Ward Avenue as a true preserve. This approach appears to be a good compromise between the two "forces"; while compromising neither the tourist industry nor those concerned about the environmental impact of reconstructing the logging road north of Ward Avenue.

I would also like to suggest that by letting the beach and dunes north of Ward Avenue remain as is,

You will be responding to a third group of us - both locals and visitors - who seek the beach out for its solitude. (I suspect that those in favor of reconstructing the haul road have not observed its dismantling by nature in a very short period of time!)

This "division" of Ten Mile Beach would also enable children to see first hand that their elders don't just preach conservation - that they're actually practicing it with what little we have left to conserve.

With many thanks,

Sincerely,
Patricia Jones

161 Brandon Way
Fort Bragg, Ca. 95437
April 3, 2000

Gary Shannon
Dept. of Parks & Recreation
Russian River/Mendocino District
P.O. Box 123
Duncan Mills, Ca. 95430

Mr. Shannon:

I am 78 years old and I have used the "Ten Mile Trail" several times weekly since my retirement more than 10 years ago. I was raised in Fort Bragg and went to the schools here, before World War II carried me away for more than 50 years. During the 1920's and 1930's I spent many happy hours walking along the old railroad tracks through the dune area to Ten Mile and back to Fort Bragg.

I remember stories told by old timer Fred LeValley about using the beach there in the old days to make the stagecoach run from Fort Bragg to Westport when the county roads were impassible. I watched the strange "Russian-Germans" who built the unwieldy boat there from discarded water heaters to "take them back to Germany". The dunes are a big part of the history of this area.

I was present at the hearings several weeks ago in the Fort Bragg Veterans Hall and was struck by the fact that most of those who are opposed to improving access belong to elite groups who either wish to preserve views they presently have, or are professionals or teachers who will lose no access themselves. I don't feel that State Parks should serve the purposes of ANY elite groups while the "rabble" is excluded.

I do remember the many times that taxpayers have been asked to vote for monies in the form of new taxes or Bond Issues to fund Park & Recreation expansion. In the past I have always supported requests that are directed toward increasing convenience for everyone.

During the years the dunes were traversed by trains and by logging trucks, endangered birds and plants did not disappear. If people are channeled over usable paths, few of them will wander haphazardly through the dunes, and those of us who have trouble walking distances over soft sand will be able to enjoy the northern end of the trail.

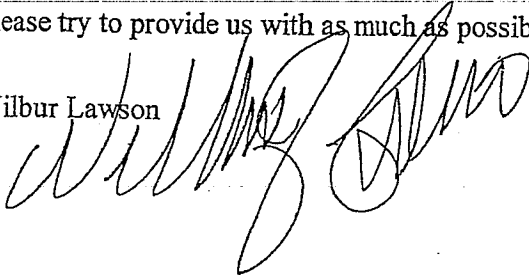
Any usage by bicyclists or others on the eastern side of the dune area will result in pressure on parts of the dunes not presently impacted.

If efforts are to be made to eliminate european beach grasses, access of some kind must be given for that activity. (Some of the data about plovers and beach grasses by "experts" was contradictory)

Certainly it would be better if Rangers and emergency workers had better and quicker access to the remote parts of the dunes and the beaches. All of us are aware how often boaters get in trouble in our area. A good and reliable parking space at the north end is an essential for enhanced access to that end of the park.

Please try to provide us with as much as possible for as many as possible!

Wilbur Lawson



cc:

31375 Airport Rd
Fort Bragg, Ca. 95437
Mar 24, 2000

Re: Ten mile
Logging Road.

Dear Gary Shannon-

We oppose any closure of The Ten mile Logging Road. We are 62. We've lived here all our life. We used to on weekends and evenings drive The Logging Road. To fish for surf fish by the mouth of Ten mile & Ward Avenue. There were no gates and Union Lumber Co kept the road open for us. The people who live here and pay taxes.

I am not against saving a bird or a salamander or any of those critters.

But having ~~read~~ rode horses on those beaches for all those years & fished all those beaches for all those years & watched logging going on for all those years I can only come to one conclusion.

The Activists and Environmentalists (Johnny come latelys) are the ones running our lives and our enjoyment of what we had & by the way what was free.

Fix the road and open it back up for the public. The people who live here, NOT those people who are protesting us and our way of life.

Sincerely

Ron & JoAnn Mitchell

P.S. No need to answer. Thanks

GARY SHANKUM - PROJECT MANAGER
COASTAL TRAIL

DEAR GARY

I FEEL THAT THERE SHOULD BE
NOTHING SHORT OF A COMPLETE, NON-INTERRUPTED
TRAIL BETWEEN GLASS BEACH AND TEN-MILE
RIVER.

I, HOWEVER, AGREE WITH THE ADVOCATES'
EDITORIAL WHICH SUGGESTS THAT THE TRAIL
BE SPLIT INTO TWO PARTS: (1) GLASS BEACH TO
WARD AVENUE. (2) WARD AVENUE TO 10 MILE RIVER.

TIME IS OF THE ESSENCE, THE RESTORATION OF
PUDDING CREEK TRESTLE HAS BEEN DELAYED
LONG ENOUGH AND IN GENERAL THE WHOLE
DELAY OF THE PROCESS IS NOT ACCEPTABLE

SINCERELY, *David O. Plummer*
DAVID O. PLUMMER
748 WEST ST.
FORT BRACE / 1401 HIGH ST.
ALAMEDA, CA.

(510) 521-0196

Tom Riley
31491 Camille Dr.
Fort Bragg, CA 95437

April 2, 2000

Gary Shannon
Department of Parks and Recreation
Russian River / Mendocino District
P.O. Box 123
Duncans Mills, CA 95430

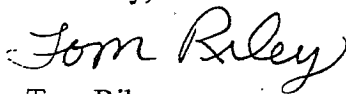
Dear Mr. Shannon:

I am in favor of the Haul Road Alternative. I would like to see restored a once great recreational resource. I believe that restoration of the haul road can lead to better protection of sensitive natural and wildlife resources by channeling usage. Once the haul road is restored, the Ten Mile Coastal Trail Foundation can do what it was created for, educate the visitors and maintain the trail. Vehicular traffic on a restored haul road should be limited to service and emergency vehicles.

I have been a California Fish and Game Warden for thirty years. This area, including the haul road, has been my patrol district for the past twenty-eight years. My district also includes public and private forest lands and beaches and streams with and without public access allowed. I have found that it is nearly impossible to keep the people out of undeveloped property. They will tear down your fences and destroy your gates. Once onto the property, litter and vandalism is commonplace. On the other hand, some of the best managed and protected properties that I have seen are those that the Department of Parks and Recreation have taken over, restored and then allowed controlled and educated usage.

This haul road, which at one time was a railroad, then was converted to a logging truck road and was even open to the public on weekends for a few years did provide and could once again provide thousands of recreational and educational user hours. It would be a shame to lose that opportunity.

Sincerely,



Tom Riley
Fish and Game Warden

March 25, 2000

Gary Shannon
Department of Parks and Recreation
Russian River/Mendocino District
P.O. Box 123
Duncan Mills, CA 95430

Re: coastal trail in the Inglenook/10-Mile Dunes of MacKerricher State Park

I am a resident of the Inglenook Fen Watershed, and have been aware of the special significance of this area since moving here in 1975. I have studied the plants of the area and have even assisted in tracking the distribution of some of the rare plants of the dunes and beach. I watched as the Haul Road was washed out in the winter of 1982-83 during the El Niño. (We have always called it the "haul road" and it was the wave action during these violent winter storms that washed out the road, contrary to what Mr. Gene Lewis believes.)

I support the improvement of the trestle, but would request terminating the formal trail at the Haul Road washout just north of Ward Avenue.

I do not support any construction of a formal trail north of Ward Avenue, and I do not support encouraging any improved access to the beach area south of the 10-Mile River in the area where the Snowy Plovers winter and nest.

I understand how the public feels about losing access to this area. My husband and I used to spend a day almost every weekend on the Haul Road. There was wonderful surf fishing along the beach just south of the 10-Mile, we fished and picnicked there often. But I also understand the loss of habitat and the toll it takes on our wildlife. This area is not patrolled by rangers and the urge to let dogs off their leash is very great. Foot traffic and loose dogs are a direct threat to small ground nesting birds. Please help us preserve this tiny population of birds.

Thank you for your attention and consideration of my opinion.



Christine Schomer
33471 Simpson Road
P.O. Box 1745
Fort Bragg, CA 95437



TEN MILE RIVER RANCH

28301 NORTH HIGHWAY ONE
FORT BRAGG, CALIFORNIA 95437
TELEPHONE (707) 964-3761

April 2, 2000

Mr. Gary Shannon, DPR project manager
Department of Parks and Recreation
P.O. Box 123
Duncans Mills, Ca. 95430

Re: EIR Options Draft- Ten Mile Coastal Trail

Dear Mr. Shannon,

The Smith Family would like to comment on the Ten Mile Coastal Trail EIR Options Draft presented at the March 20th meeting in Fort Bragg.

Regarding option #5- For over 60 years, the Smith Family has owned property in the Ten Mile Estuary and west of Highway One. We have seen the logging road change ownership four times and have witnessed its many changes from a railroad to a logging road and finally to a recreational trail. As owners of the seven-acre parcel south of the Ten Mile Bridge, we have tried to control trespassing for years. We have posted signs, dragged logs in front of the trail and have done our best to fence out the public from accessing the trail path down to the logging/haul road west of the bridge. However, the public for many years has made it apparent that they will have access in order to get to the beach. This situation has gone on far too long. We feel that the Parks Dept. must address this problem and provide the public with safe, legal access and a parking area. As you know the informal parking area south of the Ten Mile Bridge has been under continued pressure from the public particularly after the damage and wash out occurred to the logging/haul road north of Ward Ave. in the 1980s. Before 1985 people would access the road from the south and drive all along the beach area to the Ten Mile River. Older people, handicapped people and children could all enjoy a picnic by the beach in one of the most beautiful areas along the California Coast. Times have changed but the public need to access this area has not.

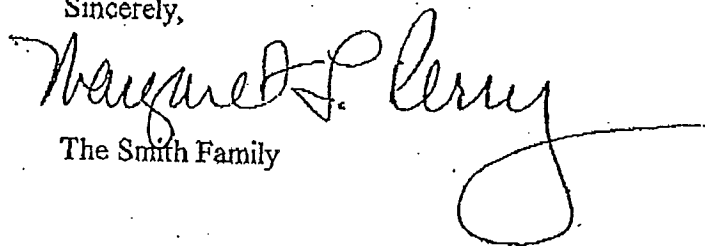
The Smith Family can appreciate the concerns of the environmental community but to ignore public demand for access at the north end of the park will only worsen the situation over time. We believe a positive approach will benefit the public and the environment through educational programs and interpretive displays, etc.

Cal Trans will soon start preliminary work to determine an east or west alternative for construction of a new bridge at Ten Mile. We would encourage the Parks Dept. to work with Cal Trans in determining the best access route for the public.

In addition, the Smith Family supports Option #3, which would allow a continuous trail to link the south and north end of the Park. Once again, a hardened surface trail would allow not only the hikers and cyclists to enjoy this area but also the elderly and "special needs" people. They would have the opportunity to enjoy this unique and beautiful area.

Thank you for letting us comment on this important project. It will provide much enjoyment for a great many people. This project is fast becoming an opportunity of a lifetime.

Sincerely,

A handwritten signature in cursive script, appearing to read "Margaret J. Perry". The signature is written in black ink and is positioned above the typed name.

The Smith Family

John Wallace, M. D.
510 A Cypress
Fort Bragg, Ca. 95437
Phone 707 964-4048
FAX 707 964-1779

Gary Shannon
Dept. of Parks and Recreation
Russian River/Mendocino Dist.

April 7, 2000

Dear Mr. Shannon;

As a sixteen-year resident and practicing physician in Fort Bragg, I am very interested in the MacKerricher Coastal Trail Project. When I first came here logging road or "haul road" was nearly intact, and it was possible to go all the way to Ten Mile. At the local meeting 3/20/00 four alternatives were presented.

The only acceptable goal is a complete paved path from Fort Bragg to Ten Mile. Restoring this resource would be a major benefit for locals and visitors alike. Especially for elderly and impaired, an intact level wheelchair-accessible pathway would be tremendous. The "haul road alternative" best fits that goal, but the "set-back alternative" might be acceptable. I am confident that a practical and maintainable path can be built in compliance with environmental concerns.

Sincerely,


John T. Wallace, MD

March 30, 2000

Mr. Gary Shannon
Department of Parks and Recreation
Box 123
Duncan Mills, CA 95430

Dear Gary,

I appreciate the effort you and your colleagues in Parks and EDAW went to, to set up and conduct the public sessions on the Draft Feasibility Study for the northern segment of the MacKerricher Coastal Trail Project in Fort Bragg last week. I also appreciate the careful appraisal EDAW conducted to examine the alternatives they presented. They convinced me of what I'd already expected: that, for a number of reasons, a new trail either paralleling the washed-out, eroded sections of the old logging road or well inland from it in the dunes, is untenable.

Being a geologist, I was most interested in Pacific Watersheds' comments, expressed by Mr. Bill Weaver. As he generalized, and I specified in my brief remarks at the meeting, shoreline retreat with removal of beach and foredunes are continuous processes which obviate the presence of a replacement trail (Alignment A, southern section) closely paralleling the washed out, eroded mile of the old logging road. A recent article by Leatherman et al. points out that, due to global warming, sea level rise is accelerating and will reach about 0.2 meters higher than today's level in only 50 years. The authors demonstrate that on Atlantic coastal beaches, for each unit of sea level rise the zone of coastal erosion reaches inland 100 to 200 times that unit. Thus for a 0.2 meter rise, the zone of erosion would extend 20 to 40 meters farther inland than it is today. Vigorous wave activity is generally more continuous on the Northern California coast than on East Coast beaches. Therefore, for Ten Mile Beach, of similar topography to those studied by Leatherman et al., the "zone of erosion" factors might be even greater than on East Coast beaches. In fact, from Pacific Watersheds' graphics in their appendix to the draft feasibility report, this order of coastal erosion has already occurred in places over the past 50 years, so with the effects of accelerated sea level rise superimposed on this "background," the zone of increased erosion may well exceed 40 meters. From the aerial photos on display at the meeting, there are also two places where the northern section of Alignment A is within this distance of the present-day high tide line; we can expect that these too will wash out / erode in the foreseeable future.

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I also agree with Pacific Watersheds' appraisal that the "setback" alignment on the leeward side of the main dune edifice and the "shortcut" alignment connecting the extant trail with Highway 1

would be difficult and expensive to maintain, as sand will continuously encroach on any trails placed there and they would ultimately be engulfed by migrating dunes. These alignments suffer from severe environmental constraints, which I'm sure are being expressed to you by agency and other interested parties.

From the above, I can only conclude that, for the nearly 6000 feet of presently washed out / eroded logging road, the beach itself is the appropriate replacement trail.

I'd be pleased to discuss these concerns with you further at your convenience.

Sincerely,


Harold (Skip) Wollenberg

Reference:

Leatherman, S.P., Zhang, K., and Douglas, B.C., 2000. Sea level rise shown to drive coastal erosion. EOS, Transactions, American Geophysical Union, v. 81, no. 6, p. 55-57, (2/8/00).

Fort Bragg, Calif.
March 24, 2000

Dear Mr. Shannon:

I attended the afternoon meeting about the Coastal trail from Fort Bragg to Ten Mile, held in Fort Bragg March 21, 2000.

I do not believe the problem of another accident on Highway 1 involving a bicyclist or pedestrian was addressed.

If such an accident happens, and someone else is killed or injured, and the State Parks had not used available funds to build a safe bicycle or pedestrian path between Fort Bragg and Ten Mile — will they not be open to a expensive law suit?

I as a mother would certainly hope so to have the funds to remove even one life from death or injury and not do so, screams, of neglect, and disregard for human life —

Thank you

CAROLANN
WHOLTEE
POB 65
FORT BRAGG, CA

Carolann Wholtee

95437

109

Louise Young



43300 Airport Rd. #110
Littleriver, CA 95456
707-937-1686
e-mail: loyo@mcn.org
March 23, 2000

Gary Shannon, Project Manager
Ten Mile Coastal Trail
P.O. Box 123
Duncans Mills, CA 95430-0123

Dear Gary,

I attended the afternoon session of the public meeting on March 20 in Fort Bragg, but did not speak. The meeting was productive for me in terms of the division of opinion about how the project should proceed.

Our lovely wild beach needs protection badly, and I'm grateful that State Parks controls it, thus keeping it out of the hands of developers. So much of the coastline in California has been eaten up with development that what we have left is especially precious, not only to most of us who live here, but to the planet as well.

When I moved here three years ago and found the break in the logging road just north of Ward Avenue, my reaction was positive, believing that the beach and dunes will return to their natural state, because nobody could afford to keep a road open over the dunes. Without maintenance by heavy machinery, contraindicated by the environmental study and unaffordable by even large corporations these days, there could be no road across shifting dunes.

I'd like to see a wiser use of our limited resources. Restoring the tressle over Pudding Creek would give walkers and cyclists about three and a half miles of paved trail up to the break in the road at Lake Cleone. That break could probably be filled and kept properly drained with culverts. New pavement over the break would add another two miles or so to a walking and cycling path up to the break north of Ward Avenue.

Investing in close to six miles of paved public access trail along the seashore is what state parks should be doing for the people of California, especially when most of the trail exists already. Expensive environmental studies have already shown us what we need to know about the beach and dunes north of Ward Avenue. They are fragile and need to be protected from any development.

Stop the studies, and give us our six miles of trail. We on the north coast, along with all the other taxpayers of California, have paid for it.

Sincerely yours,

Louise Young
Louise Young