

Recommended Planning Commission Action

1. Describe the application as a public hearing.
2. Request staff present the project.
3. Open the public hearing and receive testimony from the public.
4. Close the public hearing and adopt the resolution to take the following actions:
 - (a) Adopt the Mitigated Negative Declaration (MND) prepared for the Friends of the Dune, Inc., the project pursuant to Section 15074 of the State CEQA Guidelines; and
 - (b) Adopt the Mitigation Monitoring and Reporting program pursuant to Section 15097 of the State CEQA Guidelines; and
 - (b) Make all required findings for approval of the amended CDP and Conditional Use Permit (CUP);
 - (c) Approve the Friends of the Dune, Inc., amended CDP and CUP Permits subject to the recommended conditions.

Executive Summary: The applicant (Humboldt County Nature Center Friends of the Dunes [FOD]), is requesting a modification to the previously issued Coastal Development Permit (CDP) and Conditional Use Permit (CUP) dating from 2007 and as amended to include additional properties acquired by FOD in 2008 and 2009. In 2015, the FOD applied for modification to CDP-06-49MMXM/CUP-06-49MMXM to continue dune restoration and trail work on an additional 3.6 acres known as the "Barr" property acquired by FOD (Assessor's Parcel Number [APN] 400-011-075). The proposed FOD Trail and Habitat Restoration Project (project) would manage public access, remove nonnative invasive plant species to restore sensitive dune mat plant communities, and install a fence along the eastern property line of the former "Barr" property. The amended permits would allow the continued implementation of a Restoration and Management Plan (**Attachment 2**) for restoration activities on FOD properties, including the most recently acquired former Barr parcel.

The former Barr parcel project site abuts other FOD property in a coastal dune community. The property contains a large area of native dune mat habitat with a substantial population of federally endangered Humboldt Bay wallflowers (*Erysimum menziesii*). The site also contains invasive species including iceplant, European beachgrass, yellow bush lupine, and invasive annual grasses, including rattlesnake grass (*Briza maxima*), barren fescue (*Vulpia bromoides*), and ripgut brome (*Bromus diandrus*). Invasive plants compete for habitat space and water resources with native plants and have a negative impact on native dune mat species, especially on the federally endangered Humboldt Bay wallflower and state endangered beach layia (*Layia carnosa*), both of which depend on open, sandy environments for survival. Surrounding uses include open space, recreation, natural resources, residential, and municipal infrastructure.

Public Comments: Thirteen public comment letters have been received in 2022 following the circulation of the MND. All but two of the letters were in support of the project, including a letter from the Department of the interior, and they repeatedly highlight the good track record of FOD-managed dune restoration projects for increasing the diversity of plants and animals. These comments also highlighted the valuable aesthetic benefits that members of the local community experience while visiting the trail network and restored areas, and through educational opportunities on FOD properties.

Two of the letters did not support the project for different reasons. One letter, from Rich Tobin, recommended that the project be conditioned to require a "certified wetland delineation report", rather than implementing *Mitigation Measure BIO-6, Delineate Wetlands*, which relies on the "Restoration Manager or a qualified wetland scientist appointed by the Restoration Manager" to identify and demarcate wetlands in work areas. This letter also requested the project be conditioned to prescribe 250-foot wetland buffers on those "certified" delineated wetlands. The Planning Department has not asked for an official wetland delineation or proposed to prevent activities within wetland buffers

because the proposed activities would be restorative and result in enhancement of habitat values. The commenter also asks that a road sign on Lupin Avenue be placed that states "Fire Lane No Parking Beyond This Point," rather than the proposed "No Parking" sign. This letter additionally expresses opposition to the potential removal of invasive species from within wetland habitat areas. Of note is that while this is described in the Initial Study and Mitigated Negative Declaration (IS/MND), it is not proposed as part of this application and would therefore not be an allowed activity if this permit is approved. Lastly, this comment also raises concern regarding the potential of dune erosion to impact the Manila Community Services District treatment ponds. As described in the IS/MND the existing dunes are dynamic systems however the proposed non-native vegetation removal will not measurably affect erosional rates.

The other letter did not support the project for several reasons including the following: (1) runoff from a steep dune having contributed to flooding on their property; (2) removal of nonnative plants as having increased predation of domestic animals in search of new food sources that were previously present in the nonnative habitat; (3) accelerating mobilization of dunes due to past restoration project, particularly from foredunes, has affected wetlands and threatens residences; (4) the inadvertent removal of pines resulting from nonnative grass removal "which held in moisture;" and (5) that equestrians would be unfairly or uncharacteristically limited on the Barr parcel despite a long history of unregulated access to the beach from this trail.

One additional letter asked for a no parking sign to be installed along Lupin Avenue.

Recommendation: Staff is recommending that the Planning Commission (PC) adopt the MND and approve the CDP and CUP for this project as conditioned. This project is allowing for continued trail use and restoration of the FOD properties while improving and controlling access to the former Barr parcel to the benefit of the local community and special-status plant species. All potential environmental impacts have been mitigated to a less than significant level.

Humboldt County Permitting Process and Findings

2007

In 2007, the Humboldt County Planning Commission (PC) approved CDP-06-49/CUP-06-49 along with Lot Line Adjustment (LLA-06-08)/Special Permit (SP-06-71) for FOD to use an existing residence as the Humboldt County Nature Center office/education center, establish trails, and conduct restoration activities on approximately 30.5 acres of beach and dune habitat. The restoration work included manual removal of yellow bush lupine, European beachgrass, iceplant, and pampas grass that threaten endangered species and rare plant communities. Other related development included a restroom building, covered outdoor area, parking lot improvements, and signage/trail markers. The SP established parking standards based on existing use levels at the Manila Community Center. A Negative Declaration (ND) was prepared and approved by the PC.

2008

In 2008, the PC approved modifications to the approved FOD CDP/CUP (CDP-06-49M/CUP-06-49M) permits to allow restoration and trail work on an additional approximately 34.7 acres of newly acquired property, the relocation of the parking area and a Notice of Merger. An addendum to the ND was prepared as part of this amendment process.

2009

In 2009, the PC approved modification and extension to the previously approved and modified CDP/CUP/SP (CUP-06-49MMX/CUP-06-14MMX/SP-06-71M) to allow restoration and trail work on an additional approximately 57 acres. The modification to the SP allowed the removal of ten eucalyptus trees, two nonnative pine trees, and seven Monterey cypress trees and shrubs.

2015

In 2015, the FOD applied for a modification to the CDP/CUP (CDP-06-49MMXM/CUP-06-49MMXM) to continue dune restoration and trail work on an additional 3.6 acres known as the "Barr" property acquired by FOD. The Barr property abuts the FOD property and Manila Community Services District (MCSD) dune lands, and the trails on the Barr property were proposed to tie into existing MCSD and FOD trails.

2018

The County prepared an ND for the proposed modification. After a noticed public hearing on October 4, 2018, the PC continued the project to an uncertain date with direction to staff to further engage the public during the process.

2019

Per guidance from the PC, on July 16, 2019, County staff held a neighborhood meeting (workshop) to gather comments from the public concerning the potential environmental impacts of the proposal. Public comments expressed some concern over the closure of existing trails, some specific elements of the proposed project (e.g., a proposed staircase, boundary fence), and whether restoration would proceed in conformance with the Manila Long Term Restoration Plan and the requirements of the CDP.

2022

In 2022, ICF Contract Planning staff and the County prepared an MND and circulated a notice that the County intends to adopt an MND (finding of no significant adverse environmental effect) on the project described above.