



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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Memorandum

To: Humboldt County Planning Commission

From: John Ford, Director of Planning and Building
Joshua Dorris, Planner – Current Planning

Date: March 14, 2019

Subject: Update – Friends of the Dunes Coastal Development Permit Modification (Barr)

At the March 7 meeting, the Planning Commission requested staff provide an update on the Friends of the Dunes project that seeks to allow dune restoration and trail work on a 3.6 acre parcel (former “Barr property”) recently acquired as an addition to the Humboldt Coastal Nature Center. This memo presents an update of the actions that have occurred since the matter was before your Commission at the October 4, 2018 meeting.

Background

The original Friends of the Dunes (FOD) Coastal Development Permit (CDP) created the Humboldt Coastal Nature Center (HCNC) in 2006. A CEQA Negative Declaration (ND) was adopted as part of the approval. The FOD performs coastal dune habitat restoration activities and trail improvements on the property, along with providing educational programs and guided walks. Two subsequent Modifications to the CDP allowed the HCNC property to expand dune restoration activities and trail improvement work to the current 118 acres under its management. An Addendum to the ND was prepared with each Modification.

The current project proposes a CDP Modification to conduct additional dune habitat restoration work, along with trail improvements designed to minimize impacts to sensitive habitat on the former Barr property, located on Lupin Avenue in Manila. The three (3) major components of the proposal include 1) managed public access consisting of development of a trailhead with an informational kiosk and demarcating two (2) trails, dune restoration activities within the former “Barr” parcel consisting of removal of invasive non-native plant species and restoration of native dune habitats and their associated rare plants, and 3) private property delineation between the former “Barr” parcel and adjacent private property to the east consisting of installation of a fence designed to allow for dune and wildlife movement. An Addendum to the ND was a component of the Modification.

At the October 4, 2018 meeting, the Planning Commission after hearing public testimony, decided the appropriate action was to continue the subject application to a future date uncertain. The Commission directed staff to complete an Environmental Analysis for the project and

encouraged the applicant to reach out to the neighborhood to address concerns raised in public testimony. The Commission asked that a public meeting be conducted to develop a complete understanding of the neighborhood's concerns. The Commission also directed staff to conduct review of FOD's conformance with the project approvals. This was in response to questions raised by members of the public concerning conformity with the terms and conditions of the issued permit and the two permit modifications.

Status update

County staff met with FOD representatives in late January to follow up on the Commission's direction from the October 4 public hearing. The results of the meeting were three-fold:

- Planning staff to identify the additional environmental impacts to be analyzed in the revised CEQA document, including but not limited to, removal of invasive annual grass from the dune mat communities. The document is currently being revised to analyze the effects.
- Planning staff to work with FOD to augment the restoration plan to articulate how the intentions of the Barr parcel restoration work will be completed. This is currently in process.
- Develop a time frame for outreach meetings. This will be part of the sequence of steps moving forward, including:
 - 1) Planning staff to circulate for public review the revised CEQA document;
 - 2) once the document is in circulation, Planning staff to host an outreach meeting open to neighbors and the interested public encouraging participants to air their concerns;
 - 3) hold a second neighborhood meeting where FOD would provide responses to the concerns aired during the first meeting. Concurrently, Planning staff would develop responses to comments received during the CEQA public review period;
 - 4) conduct a site visit to the HCNC and former Barr property as a noticed Planning Commission workshop to observe the dune restoration and trail improvements first hand; and
 - 5) schedule the proposal for public hearing before the Planning Commission.

County staff continues to engage with concerned neighbors and representatives with the FOD to clarify issues and further refine the next steps. At present, there is no date certain for the release of the CEQA document or formal outreach meetings. However, FOD representatives, including board members and the Executive Director, Mike Cipra, have made it clear to staff that they remain available on an individual basis to discuss issues surrounding the HCNC and the proposed project.

Review for Conformance with Conditions of Approval (Case Numbers CDP-06-49/CUP-06-14, CDP-06-49M/CUP-06-14MX, and CDP 06-49-MMX/CUP-06-14MMX)

Responding to concerns presented to the Department, a conformance review of the permit and permit modifications issued to FOD for the HCNC and the Manila CSD's Celestre property was conducted in fall of 2018. The review highlighted two areas with respect to the dune and habitat restoration activities where the Department was seeking corrective actions to bring the permit into

full compliance: Restoration Activities/Operations and Monitoring. The FOD responded in a timely manner making commitments to take the corrective actions identified in the Department's notice. With respect to Restoration Activities/Operations, the FOD has committed to not conduct habitat restoration work without the direction and oversight of a qualified Restoration Manager. Additionally, a commitment was made by FOD to complete removal of grass piles from the Manila CSD's Celestre property over a two-year period resolving an unmet condition of prior habitat restoration work at that site. On-going monitoring of habitat restoration activities is a component of the issued permits. FOD provided documentation which completed the record of quarterly and annual monitoring reports for the years since 2006 to 2017, some of which were missing from the project file. In a December 12, 2018 letter, the Department notified the FOD that it views the permit and permit modifications to be in conformance with all terms and conditions.

Regarding the involvement of the California Coastal Commission in these matters, it is their position that if the permitting authority is acting on an alleged violation, then the CCC does not step in. Coastal staff was aware of the Director's letter to FOD regarding the actions needed to conform with permit approval and it was their perspective that the issues were being resolved through the county's processes.

To be clear, it is the Department's practice to work with willing permit holders to resolve issues of consistency with permit terms, should they arise. In the case at hand, FOD was responsive to the Department's request for information and provided commitments that resolved all the compliance issues.

1. Restoration Activities/Operations

Issue: No restoration manager currently onsite.

Corrective Action: An appropriately qualified restoration manager will be hired. Until that time, no habitat restoration work will occur on the Celestre property or the Manila Beach and Dunes.

Staff Review: Adherence to this commitment satisfies the permit terms.

Issue: Removal of grass piles.

Corrective Action: Removal of beach grass piles by burning or removed from the site and disposed of at an appropriate waste disposal site will be overseen by a qualified restoration manager. All burn days are restrictive due to numerous factors (wind, temperature, etc.) and FOD requested two additional years to remove the piles.

Staff Review: This request to extend the time period for the removal of beach grass piles is reasonable considering the limitation described in the response provided that the burning is done under the direction and supervision of an appropriately qualified restoration manager.

2. Monitoring

Issue: Full monitoring not completed.

Corrective Action: Submit to the Planning Division an explanation as to why all measures in the Long-Term Management Plan and Monitoring Plan for the Manila Beach and Dunes (LTMMP).

Staff Review: Due to a lack of funds and personnel, full time monitoring could not be completed. As cited in the provision from the LTMMP, the minimum level of monitoring was conducted. Restoration activities were conducted by FOD using volunteer labor. This approach is consistent with the FOD statement that the minimal level of monitoring was done based on lack of funds and personnel.

Issue: Monitoring reports were missing for the quarters of April-June, 2013 and July – September, 2013.

Corrective Action: Submit these reports to the Planning Division.

Staff Review: The submittal of the requested quarterly monitoring reports for these time frames were submitted to the Planning Division on November 1, 2018 completes the record and satisfies the terms of the permit.

Issue: Ongoing photo monitoring reports were not provided. The permit requires on-going monitoring following commencement of restoration activities: “Pre-treatment monitoring plots or photo transects will be designed and resampled on an established schedule. Results will be analyzed approximately every 2-4 years.”

Corrective Action: Submit photo-monitoring reports.

Staff Review: FOD provided photo-monitoring reports for 2009 – 2017. Future adherence to the commitment by FOD to monitor and analyze the photo transect and to report the results to the Department every 2-4 years will satisfy the permit requirement.