

CALIFORNIA COASTAL COMMISSION

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Date Filed:	May 15, 2000
49th Day:	July 3, 2000
180 th Day:	November 11, 2000
Staff:	Tiffany S. Tauber
Staff Report:	August 31, 2001
Hearing Date:	September 13, 2001
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.:	1-99-073
APPLICANT:	CALIFORNIA DEPARTMENT OF PARKS AND RECREATION
PROJECT LOCATION:	Little River State Beach, near Highway 101 & Crannel Avenue, McKinleyville area, Humboldt County (APNs 513-161-01 &-02, 513-171-08)
PROJECT DESCRIPTION:	Installation of (1) ten 18" x 24" "No Vehicles" signs along the north and south property boundaries extending to the western property boundary of Little River State Beach to enforce existing regulations, and (2) two State Park property signs along the west side of the frontage road.
GENERAL PLAN DESIGNATION:	Public Recreation
ZONING DESIGNATION:	Public Recreation (Coastal Wetland, Design Review, Beach and Dune area combining zones)
LOCAL APPROVALS RECEIVED:	None Required
OTHER APPROVALS REQUIRED:	None

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SUBSTANTIVE FILE DOCUMENTS: Humboldt County Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with special conditions of the proposed signing project at Little River State Beach south of Trinidad in Humboldt County. The overall project involves the installation of (1) twelve 18" x 24" No Vehicles signs along the north and south property boundaries extending to the western property boundary of Little River State Beach, (2) three State Park property signs along the west side of the frontage road, and (3) two 72" x 40" unit identification signs on the east side of the frontage road. Of the overall project, ten No Vehicle signs and two property signs on the west side of the frontage road are within the Commission's retained jurisdiction.

The proposed project is intended to identify the boundaries of the state beach and to post signs noticing beachgoers of existing regulations that prohibit vehicle use. The regulations came into effect when the area was designated as a State Beach in 1963. Unauthorized vehicle use has occurred on the beach and dunes at Little River State Beach for many years. Illegal and indiscriminate use of vehicles at the site has posed a threat to sensitive resources in the area, including the western snowy plover, a federally listed threatened species, which nests in exposed beach and dune areas. Due to limited staff resources and enforcement funding, enforcement of the regulations prohibiting vehicle use on the State Beach property has been sporadic. The County and State Parks are working collaboratively to increase enforcement, education, and awareness of existing regulations and the sensitive nature of the area.

To ensure that the proposed project remains within the boundaries of the state beach and would not result in a significant disruption to western snowy plovers or to wetland areas below mean high tide, staff recommends two special conditions. Special Condition No. 1 requires the applicant to attach "predator control devices" on all signs that are placed within beach and dune areas to prevent perch sites for potential predators of the plover. Special Condition No. 2 requires that no signs be placed seaward of the furthest landward extent of the mean high tide line and requires that the applicant submit final plans for the review and approval of the Executive Director demonstrating that the signs will be placed in the dry sand area landward of the furthest landward extent of the mean high tide.

As conditioned, staff believes that the project is fully consistent with the Chapter 3 policies of the Coastal Act.

STAFF NOTES:

1. Standard of Review

The proposed project is located in Humboldt County. Humboldt County has a certified LCP, but the portion of the project that is the subject of Coastal Development Permit No. 1-99-073 is within the Commission's retained jurisdictional area. Therefore, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 1-99-073 pursuant to the staff recommendation.

Staff Recommendation of Approval:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve the Permit:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS: See Attachment A.

III. SPECIAL CONDITIONS:

1. Predator Control Devices on Signs

Plastic, pointed predator control devices shall be installed on the tops of all signs located within the beach and dune area to prevent creating perch sites for potential predators of the western snowy plover.

2. Final Site and Sign Plans

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for review and [written] approval of the Executive Director final site and sign plans for placement of the signs authorized by Coastal Development Permit No. 1-99-073. The plans shall be prepared by a licensed engineer or architect.

1. The plans shall substantially conform with the amended project description submitted in a letter from the applicant to Commission staff, dated July 23, 2001, and aerial photographs and plan diagrams submitted to the Commission as part of the application.
2. The plans shall demonstrate that the No Vehicle signs to be installed at the western property boundary and the signs to be installed adjacent to Little River will be installed in dry sand areas landward of the farthest landward extent of the mean high tide, based on an analysis of aerial photographs, survey information provided by the State Lands Commission, and/or other credible evidence.
3. The plans shall be accurate, drawn to scale, and include, at a minimum, the following components:
 - a. The height, dimensions, and building materials for each sign.
 - b. Detail views of the face of the signs showing the final wording and other markings, colors, and dimensions.
 - c. Sea level and the farthest landward extent of the mean high tide.
 - d. The location of all signs with precise distances between the signs, the farthest landward extent of the mean high tide and other readily identifiable landmarks at the site marked on the plan.

- e. A narrative discussion supplemented with necessary exhibits discussing how the location of the farthest landward extent of the mean high tide was determined.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

1. Site Description & Project Description

The proposed project site is located thirteen miles north of Eureka and five miles south of Trinidad at Little River State Beach off of Crannel Avenue in Humboldt County. Little River State Beach extends approximately two miles and is located adjacent to Highway 101 between Moonstone County Park to the north and Clam Beach County Park to the south with a small stretch of private property adjacent to the north. Little River State Beach and the surrounding area is characterized by an extensive stretch of coastal dunes and an expansive, flat, sandy beach. Little River flows across the northern end of the state beach toward Moonstone beach where it empties into the Pacific Ocean.

The dunes at Little River State Beach are largely comprised of invasive, exotic plant species including European beach grass (*Ammophila arenaria*), yellow bush lupine (*Lupinus arboreus*), and iceplant (*Carpobrotus chilensis*). These invasive, non-native species act to outcompete the native dune mat in the area and the abundance and distribution of native plant species at the site is limited. Little River State Beach provides habitat for the western snowy plover (*Charadrius alexandrinus*). The western snowy plover is a federally listed threatened species and has been observed nesting at Little River State Beach since the early 1990's.

The Clam Beach County Park parking lot is located just south of Little River State Beach and provides the primary access to and parking for Clam Beach as well as for Little River State Beach. No separate parking lot dedicated specifically for use of visitors to Little River State Beach exists. However, additional access and limited parking to the state beach exists along the frontage road adjacent to the east. Allowable uses at Little River State Beach include passive day-use recreation such as hiking, bird watching, beachcombing, and picnicking.

The subject site was acquired by the Department of Parks and Recreation in 1931 and was designated a state beach in 1963 at which time the existing State Park regulations came into effect. The existing regulations prohibit the use of vehicles anywhere on the state beach property

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outside of roads and designated parking areas. The State Park property extends to the ambulatory mean high tide line. The State Lands Commission has jurisdiction over those portions of the site below mean high tide. The Department of Parks and Recreation does not have a lease with the State Lands Commission to manage the portion of the area below mean high tide, and thus State Parks does not have enforcement authority over vehicle use in this area.

Unauthorized vehicle use has occurred on the beach and dunes at Little River State Beach and adjacent county properties for many years. Illegal and indiscriminate use of vehicles at the site has posed a threat to sensitive resources in the area, including the western snowy plover which nests in exposed beach and dune areas. Due to limited staff resources and enforcement funding, enforcement of the regulations prohibiting vehicle use on the State Beach property has been sporadic. The County and State Parks are working collaboratively to increase enforcement, education, and awareness of existing regulations and the sensitive nature of the area. Currently, the property boundaries are not marked and it is unclear to visitors to the site where the County Parks end and the state beach begins. Furthermore, the state beach is currently not identified in any way as being closed to vehicles and thus, the regulations are currently unclear to beachgoers. The proposed project would help identify state beach boundaries and post the areas closed to vehicle use to provide increased user education and assist with increased enforcement efforts.

The overall project includes the installation of (1) twelve 18" x 24" No Vehicles signs along the north and south property boundaries extending to the western property boundary of Little River State Beach, (2) three State Park property signs along the west side of the frontage road, and (3) two 72" x 40" unit identification signs on the east side of the frontage road. Of the overall project, ten No Vehicle signs and two property signs on the west side of the frontage road are within the Commission's retained jurisdiction.

The applicant proposes to place four signs at the southern boundary and seven signs along the northern boundary, beginning along the edge of the dunes near the mean high tide line and extending to the western property boundary. The sign posts would be nine feet long with concrete "deadmen" at the bottom that would be installed three feet below the ground and six feet above the ground. The ten "No Vehicle" signs would have plastic predator control devices attached to the top of the sign posts to prevent perching of potential predators of the western snowy plover. There are currently three "No Parking" signs along the frontage road that limit parking to certain hours to prevent unauthorized camping at the state beach property. The applicant proposes to place state park property signs on the existing posts and one new property sign along the frontage road, between two of the existing signs.

As the limitations on vehicle use at the site are not changing, the proposed project does not constitute a change of use at the site and does not limit any public access that is currently legally permitted at Little River State Beach. The proposed project would only post existing regulations and help identify the property as being a state beach.

2. Environmentally Sensitive Habitat Area

Section 30107.5 of the Coastal Act defines "environmentally sensitive habitat area" as:

any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30240 of the Coastal Act states in part that:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The tidal zone of the beach is a kind of wetland that constitutes an environmentally sensitive habitat area. In addition, the Humboldt County LCP identifies the vegetated dunes at Little River State Beach as being environmentally sensitive habitat areas and also generally identifies other critical habitats for rare or endangered species on state or federal lists as being environmentally sensitive habitat areas.

Western snowy plovers are a federally listed threatened species and have been observed at Little River State Beach since the early 1990's. The small shorebird resides and breeds on open beaches, dunes, and gravel bars. Due to their size and cryptic coloring, the birds are highly subject to trampling and disturbance. The plovers nesting at the site in recent years have been protected by erecting fence enclosures around the nests to prevent disturbance and trampling by humans and unauthorized dogs, horses, and vehicles.

The dunes at Little River State Beach are largely comprised of invasive, exotic plant species including European beach grass (*Ammophila arenaria*), yellow bush lupine (*Lupinus arboreus*), and iceplant (*Carpobrotus chilensis*). These invasive, non-native species act to outcompete the native dune mat in the area and the abundance and distribution of native plant species at the site is limited. The applicant prepared a vegetation survey and species list for the project and determined that no sensitive dune plant species were present at the site. However, the applicant has indicated recently receiving a report of a small population of pink sand verbena that was discovered in the interior portion of the dunes. This area is well outside the project area, but indicates that the site is potential habitat for sensitive dunes species.

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The proposed project within the Commission's jurisdiction involves installing seven signs at the northern state beach boundary and three signs at the southern boundary. The northern signs would follow the property boundary near the Little River out to near the mean high tide line and face north and northwest. The southern signs would be placed just south of the Clam Beach parking lot out to near the mean high tide line and face south and southwest. Because of the weight of the signs, the applicant proposes to transport the signs to their intended locations with the use of an authorized State Parks vehicle to be driven up the waveslope from the Clam Beach parking lot. The signs would be placed three feet below ground level and would not require major vegetation removal, or significant adverse impacts to dune vegetation. It is expected that the signs would take one to three days to install.

The U.S. Fish and Wildlife Service has encouraged State Parks to identify its boundaries and has expressed support of the proposed signs and increased enforcement to protect the plovers. However, the USFWS has also indicated a concern that the increased signs could result in creating perch sites for birds that prey on western snowy plovers. To eliminate this potentially significant impact to the plovers, State Parks proposes to install "predator control devices" on the top of the signs. These are plastic points that would essentially make an uneven surface to detour birds from perching atop the signs. To ensure that the applicant includes these devices on the signs as proposed, the Commission attaches Special Condition No. 1 requiring the predator control devices on all signs that are placed within beach and dune areas to minimize perching by potential predators of the plovers.

Furthermore, the Commission finds that placing the signs below mean high tide would result in fill of coastal waters and associated impacts that are not considered under the proposed project. Section 30233 of the Coastal Act strictly limits the allowable uses for which fill can be placed and precludes any fill that is not the least environmentally damaging feasible alternative, and requires that adequate mitigation be provided for any adverse impacts of the fill. As the applicant has not proposed to place the signs within tidal areas, the Commission has not reviewed the conformance of the signs with the requirements of Section 30233, and Coastal Development Permit No. 1-99-073 does not authorize any fill in coastal waters. In addition, the western boundary of the State Parks property extends to the ambulatory mean high tide line and the applicant does not possess the necessary property interest to place the signs seaward of that line. Therefore, to ensure that the signs are sited outside of wetland areas and on State Parks property as proposed, the Commission attaches Special Condition No. 2 which requires that no signs be placed seaward of the farthest landward extent of the mean high tide line. The special condition requires that the applicant submit final site and sign plans demonstrating that the signs will be placed in the dry sand area landward of the farthest landward extent of the mean high tide based on an analysis of aerial photographs, survey information available from the State Lands Commission, and/or other reliable evidence.

The purpose of the proposed signs is to increase public awareness of existing regulations and assist State Parks enforcement efforts in protecting environmentally sensitive habitat from illegal, indiscriminate vehicle use. As such, the signs do not constitute a new use within an environmentally sensitive habitat area. The proposed project would not result in a significant

disruption to ESHA and would result in greater protection of habitat values by minimizing unauthorized vehicle use on the beach and dunes above mean high tide at the site.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30240 of the Coastal Act, as the project would not result in a significant disruption to ESHA and would provide for the protection of the overall beach and dune system by minimizing unauthorized vehicle use at the site.

3. Public Access

Coastal Act Section 30210 requires in applicable part that maximum public access and recreational opportunities be provided when consistent with public safety, private property rights, and natural resource protection. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. In applying these sections of the Coastal Act, the Commission is also limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

The subject site was acquired by the Department of Parks and Recreation in 1931 and was designated as a State Beach in 1963 at which time the existing State Park regulations came into effect. The existing regulations prohibit the use of vehicles anywhere on the state beach property outside of roads and designated parking areas pursuant to California Code of Regulations, Title XIV, Division 3, Chapter 1, Section §4355 which states as follows:

§ 4355. Vehicle Operation

No person shall operate, drive, use, leave, park, place or stop a vehicle, except on a road or a parking area in any unit or a portion thereof,

(a) or in violation of the condition, limitations, or restrictions in such unit or portion thereof,

(b) or in violation of any regulations contained herein.

The seaward extent of State Park's property is the ambulatory mean high tide line with the State Lands Commission having jurisdiction over those portions of the site below ambulatory mean high tide. The Department of Parks and Recreation does not have a lease with the State Lands Commission to manage the portion of the area below ambulatory mean high tide, and thus State Parks does not have enforcement authority over vehicle use on this area.

Unauthorized vehicle use has occurred on the beach and dunes at Little River State Beach and adjacent county properties for many years. Illegal and indiscriminate use of vehicles at the site has posed a threat to sensitive resources in the area, including the western snowy plover, which nests in exposed dune areas. Due to limited staff resources and enforcement funding, the regulations prohibiting vehicle use on the State Beach property have only been sporadically enforced. The County and State Parks are working collaboratively to increase enforcement, education, and awareness of existing regulations and the sensitive nature of the area. The project would help clarify State Park property boundaries and post areas closed to public vehicle access.

The project does not propose any new restrictions regarding public access or change any allowable use at the site, but rather would only assist in enforcing existing vehicle regulations. Because existing regulations have prohibited vehicle use on state beach property outside of roads and designated areas since 1963, the proposed project does not limit any public access that is currently legally permitted. Therefore, the Commission finds that the proposed project would not have a significant adverse effect on public access, and that the project as proposed without new public access is consistent with the requirements of Coastal Act Sections 30210, 30211, and 30212.

4. Visual Resources

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and requires in applicable part that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas.

The signs proposed to be placed on the beach would be compatible in their size, design, and color with signs common to other state parks and beaches. The proposed signs are 18" x 24" and would be installed six feet above ground level. The signs would not result in an alteration of natural land forms, as no grading is proposed or required along the beach or dunes to install the signs. In addition, the area is characterized by an expansive, flat sandy beach and the installation of signs at locations relatively far apart at the Little River State Beach property would not significantly degrade the scenic values of the beach and dunes in the area. The signs would help deter illegal vehicles from driving on the beach and dunes. The decrease of vehicles and tire tracks at the site could be considered an improvement to the visual quality of the area.

Therefore, the Commission finds that the proposed project is consistent with Coastal Act Section 30251 as the development would not block views to and along the coast, will not involve any alteration of land forms, and would be visually compatible with the character of surrounding areas.

5. California Environmental Quality Act (CEQA)

Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by findings showing that the application, as modified by any conditions of approval, is consistent with any applicable requirement of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be found consistent with the policies of the Coastal Act. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. Mitigation measures which will minimize or avoid all significant adverse environmental impact have been required. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

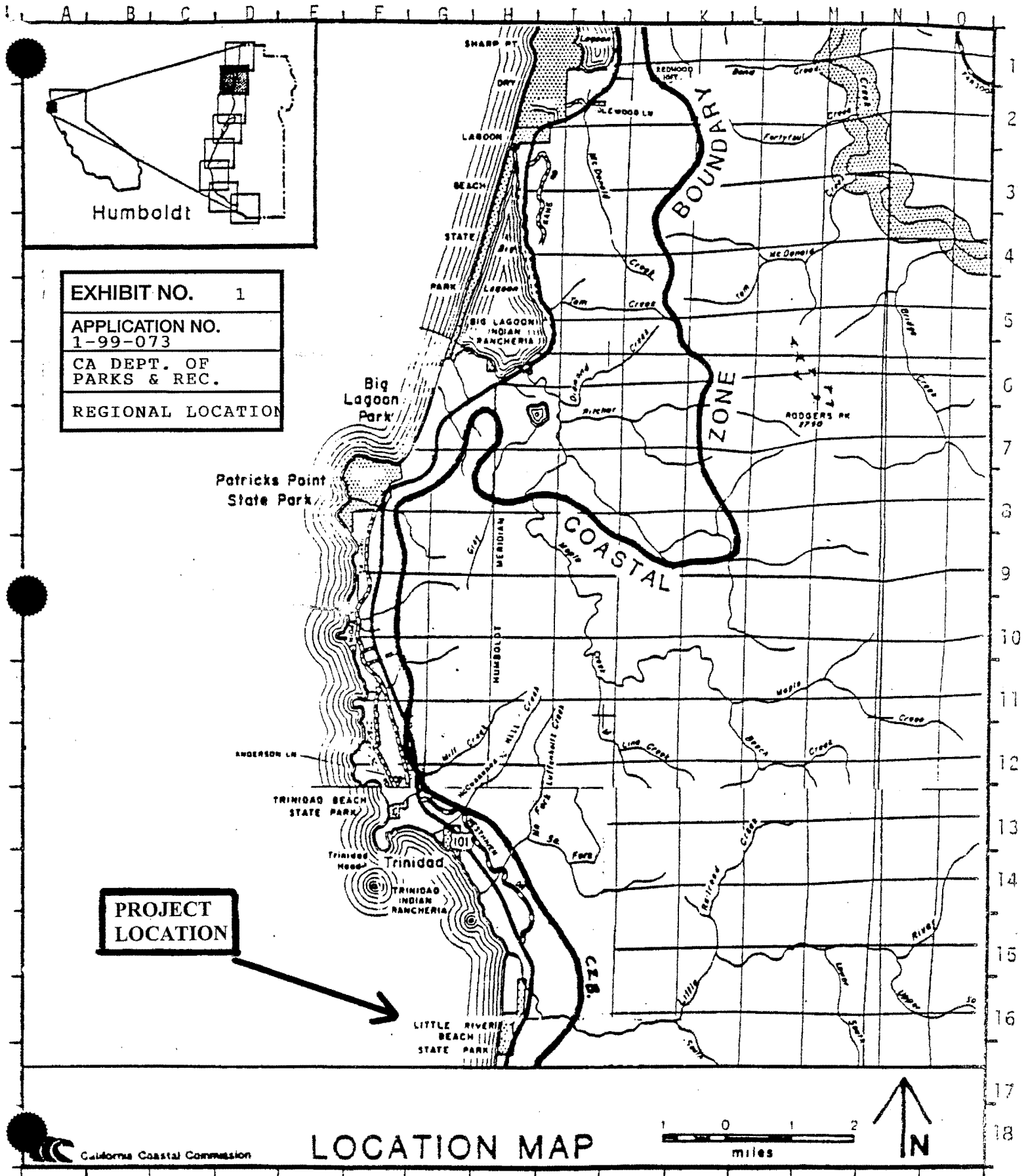
EXHIBITS:

1. Regional Location Map
2. Vicinity Map
3. Site Map
4. Sign Typical

ATTACHMENT A

Standard Conditions:

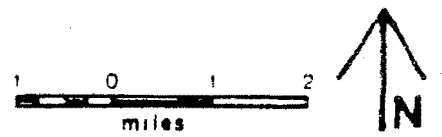
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

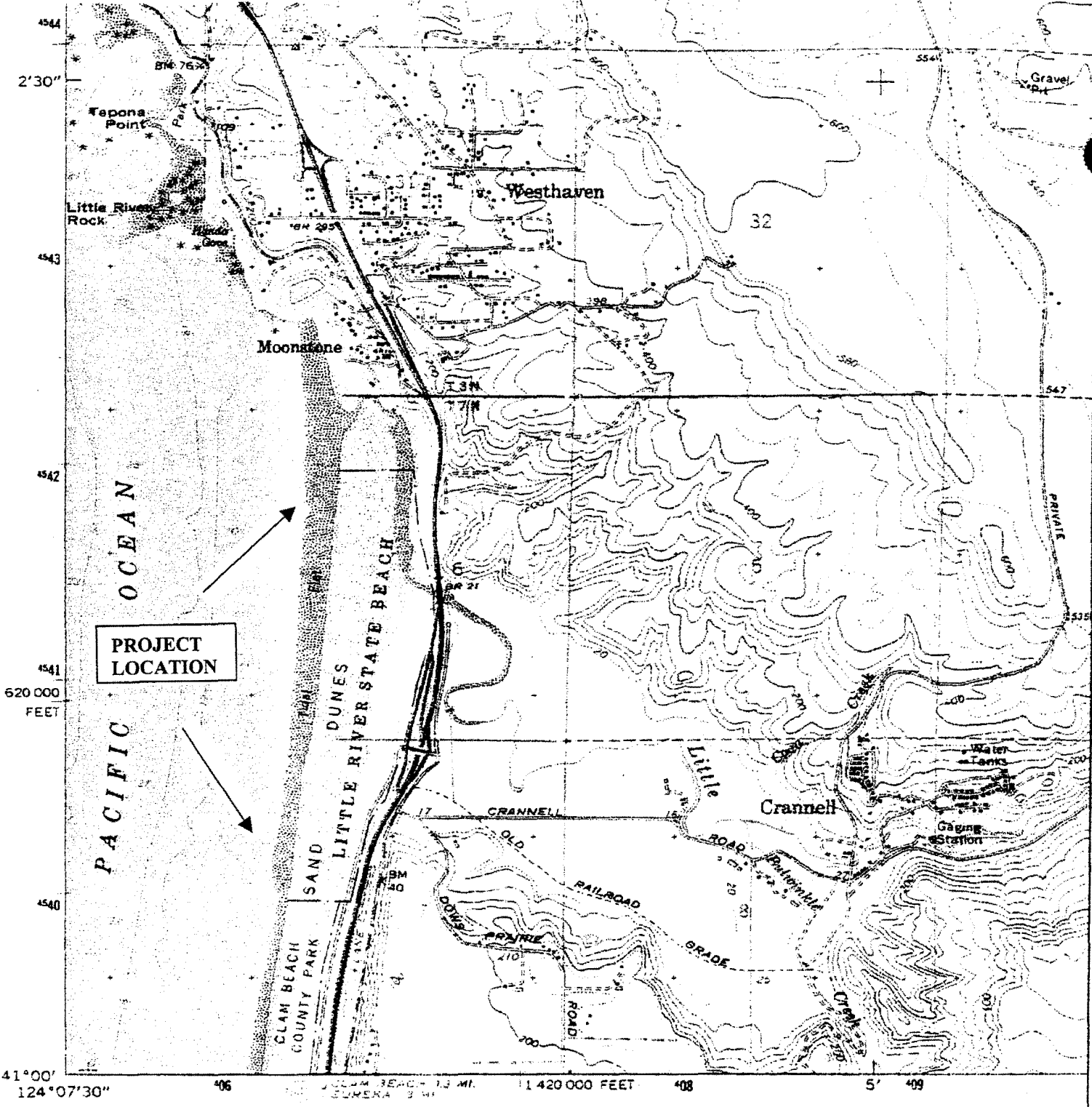


California Coastal Commission

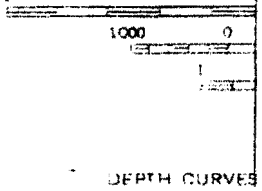
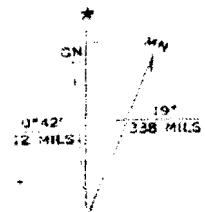
LOCATION MAP

County of Humboldt





PROJECT LOCATION



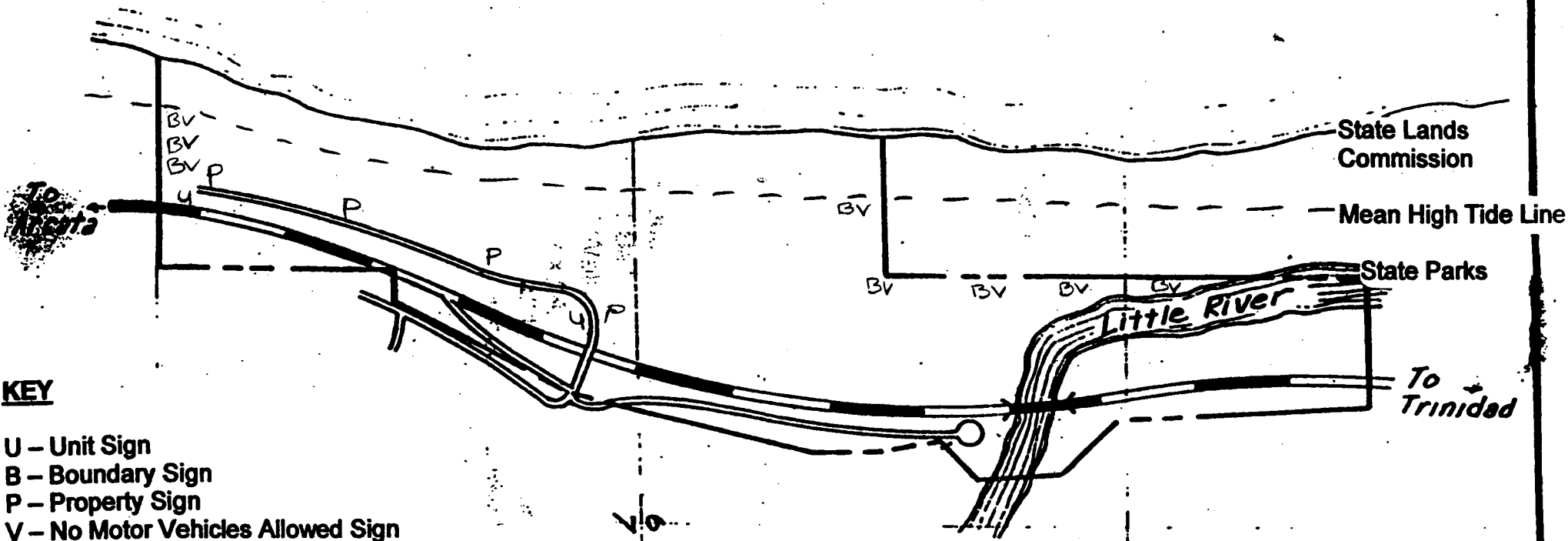
UTM GRID AND 1966 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

Name: CRANNELL
Date: 3/20/99
Scale: 1 inch equals 2000 feet

Location: 041° 01' 03.6" N 124° 06' 04.0" W
Caption: Little River State Beach

EXHIBIT NO.	2
APPLICATION NO.	1-99-073
CA DEPT. OF PARKS & REC.	
VICINITY MAP	

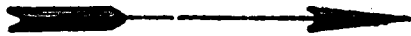
Pacific Ocean



KEY

- U - Unit Sign
- B - Boundary Sign
- P - Property Sign
- V - No Motor Vehicles Allowed Sign

T.7N. R.1E. H.B. & M



Little River Beach
State Park
Date: _____ Scale: 1"=800'

EXHIBIT NO.	3
APPLICATION NO.	1-99-073
CA DEPT. OF PARKS & REC.	
SITE MAP	

LAND MANAGEMENT SIGNS

Size: 18 x 24 and 36 x 28.

Color: White on Brown. — Red prohibitive slash, when applicable.

LM-002

Policy: The LM-002 sign shall be used to identify an area closed to all motor vehicles.



EXHIBIT NO.	4
APPLICATION NO.	1-99-073
CA DEPT. OF PARKS & REC.	
SIGN TYPICAL	