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STAFF RECOMMENDATION
ON CONSISTENCY DETERMINATION

Consistency Determination No. CD-052-02
Staff: LJS-SF
File Date: 7/12/02
60th Day: 9/10/02
75th Day: extended through 10/11/02
Commission Meeting: 10/9/02

FEDERAL AGENCY: **Bureau of Land Management**

PROJECT
LOCATION:

Humboldt Bay South Spit, Humboldt County (Exhibits 1-2).

PROJECT
DESCRIPTION:

Implementation of the South Spit Interim Management Plan, a three-year plan to provide a baseline level of visitor services, public uses, resource protection, monitoring, and habitat restoration until a long-term management plan for the South Spit is developed.

SUBSTANTIVE FILE DOCUMENTS:

1. South Spit Interim Management Plan, July 10, 2002 (BLM).
2. Environmental Assessment for the South Spit Interim Management Plan, July 2002 (BLM).
3. Biological Assessment for Arcata Field Office, Bureau of Land Management, Interim Management Plan for Lands on the South Spit of Humboldt Bay, Managed under Conservation Easement by the Bureau of Land Management, July 2002 (BLM).

4. Formal Consultation on the Interim Management Plan for Lands Managed by the Bureau of Land Management on the South Spit of Humboldt Bay, California, September 11, 2002 (U.S. Fish and Wildlife Service).

5. Adopted Findings for Humboldt County LCP Amendment No. 1-93 (Beach and Dunes Management Plan), December 13, 1993.

EXECUTIVE SUMMARY

The Bureau of Land Management (BLM) has submitted a consistency determination for the Humboldt Bay South Spit Interim Management Plan (IMP). The IMP would provide visitor services, allow for recreational and some commercial activities, monitor and protect natural resources, restore wildlife and plant habitat, and provide for traditional Wiyot Tribe activities during a three-year time period allocated to develop a long-term management plan for the South Spit. The 800-acre South Spit extends 4.5 miles from the Humboldt Bay entrance channel south to Table Bluff, is currently open to the public on a limited basis, and is comprised of several landowners, primarily the State of California and the U.S. Fish and Wildlife Service. Through a Deed of Conservation Easement, the State of California conveyed to the BLM an "interest" in and the "right" to manage the South Spit in all aspects of its use in perpetuity. The IMP includes numerous management actions and developments organized under recreation activities, facilities development, cultural resources, vegetation, and wildlife. The BLM states that implementation of the proposed management actions, except for the South Jetty Road rock revetment and the snowy plover habitat creation project, will be funded using approximately \$500,000 in State Coastal Conservancy grant funds. Funding for the revetment and habitat creation projects has yet to be obtained.

The IMP includes provisions for maintaining and improving opportunities for public access to and recreational use of the South Spit. Proposed interpretive, picnicking, and parking improvements adjacent to or near South Jetty Road will be sited and designed to protect views to and along the shoreline, and thus, the quality of the recreational experience. Proposed restrictions and controls on public access and recreation during the three-year life of the IMP are reasonable in nature given the presence of endangered species and environmentally sensitive habitats in the dunes and along the bayshore. The access and recreation provisions of the IMP will be evaluated for their effectiveness in protecting recreational opportunities and natural resources, and should modifications or additional restrictions be necessary, such measures can be incorporated into the final management plan to be developed by the BLM and reviewed by the Commission in a subsequent consistency determination for long-term management. The project is consistent with the public access and recreation policies (Sections 30210-14 and 30220-23) of the Coastal Act.

The IMP includes a proposed road revetment necessary to protect a segment of South Jetty Road from erosion, undermining, and eventual washout. The IMP also includes a commitment by the BLM to mitigate the adverse effects of the revetment on intertidal mudflats and a commitment to submit a consistency determination at a later date for the specific road protection and mitigation

project. With these commitments, the Commission finds that the IMP is consistent with the shoreline structure, wetland fill, and habitat protection policies (Sections 30230, 30231, 30233, 30235, and 30240) of the Coastal Act.

The IMP holds the potential to begin restoring the degraded state of snowy plover habitat on the South Spit. If the plan is implemented and restrictions on visitor activities are monitored and enforced, environmentally sensitive dune and beach habitat critical to recovery of the snowy plover will be protected and restored. If the IMP fails to achieve its plover habitat goals, more severe restrictions on existing recreational activities on the South Spit may be necessary, under terms of the U.S. Fish and Wildlife Service's Biological Opinion and/or the BLM's long-term management plan. However, if properly implemented and enforced, the IMP will protect environmentally sensitive habitat on the South Spit, will not lead to further adverse effects on currently degraded snowy plover habitat on the South Spit, will restrict recreational activities and other uses not dependent on existing and potential plover habitat, and is consistent with the environmentally sensitive habitat policies (Section 30240) of the Coastal Act.

The IMP includes provisions for a pre-construction archaeological survey of the South Spit, the presence of qualified archaeologists during all ground disturbing activities that may occur during the three-year interim management plan period, the coordination with and participation by Wiyot Tribe representatives in surveys, monitoring, and excavations, and the incorporation of the archaeological survey into the development of the long-term management plan for the South Spit. The IMP will not adversely affect cultural resources on the South Spit and is consistent with the archaeological and paleontological resource policies (Section 30244) of the Coastal Act.

STAFF SUMMARY AND RECOMMENDATION:

I. Project Description.

The Bureau of Land Management (BLM) proposes to implement the Humboldt Bay South Spit Interim Management Plan for a three-year period of time. BLM states that the interim plan will "provide a baseline level of visitor services, allow for a variety of recreation activities, protect resource values, monitor resource conditions, and restore wildlife and native plant habitat until the long-term plan is developed." Upon completion of the long-term management plan, BLM would submit another consistency determination to the Commission for that plan.

The approximately 800-acre South Spit is a four and one-half-mile-long narrow strip of land separating Humboldt Bay and the Pacific Ocean and extending from the bay entrance south to Table Bluff (Exhibits 1 and 2). The spit is currently open to the public on a limited basis for a variety of recreational uses. Roughly 600 acres of the spit was recently gifted from the Pacific Lumber Company to the State of California. The balance of the spit is owned by Humboldt County (17 acres), U.S. Fish and Wildlife Service (160 acres), U.S. Army Corps of Engineers (10 acres), and Texaco Corporation (19 acres). Through a Deed of Conservation Easement, the State of California conveyed to the BLM an "interest" in and the "right" to manage the south spit in all aspects of its use in perpetuity. The South Spit will eventually be designated a State of

California Wildlife Management Area pursuant to the California Department of Fish and Game Code. However, because the area will be managed by a federal agency, the BLM submitted a consistency determination to the Commission for the interim management plan.

The BLM states that the proposed Interim Management Plan (IMP) arises in part from previous related actions taken by Humboldt County, the State of California, and the State Coastal Conservancy:

A comprehensive Humboldt County Beach and Dunes Management Plan was completed in 1995, which recommended actions for resource protection and provisions of public recreation on both the North and South Spits. As a result of this effort, and as a requirement of California Senate Bill 39, the California Coastal Conservancy completed the South Spit Management Plan in October, 1997. This plan evaluated the public acquisition, actions for habitat restoration, development of recreational improvements, and related management options for the South Spit.

The IMP's "Vision Statement" states in part that:

The South Spit is a unique and significant area to the people of Humboldt County. Due to the area's natural diversity, cultural resource values, and populations of sensitive species, protection of these resources is necessary and will require active management.

The BLM states that the IMP is intended to disclose the full range of management actions anticipated to occur prior to completion of the long-term management plan, and that the BLM's intention is to "manage the South Spit under an interim strategy that does not foreclose future options for management or commit resources in a manner that would jeopardize potential alternatives in future planning." The IMP provides:

... a starting point for management of the South Spit that includes the initial period of implementation of protection measures and use restrictions. Management is expected to be fluid and adaptive, detecting changing resource conditions, management successes and failures, public and wildlife responses to management and use levels, and quickly responding with improved management practices. The Interim Plan provides a management scenario that will establish a baseline of information over a two to three year period against which subsequent planning can be based.

The BLM's consistency determination includes numerous management actions (Exhibit 3) that comprise the heart of the proposed IMP. An outline of the more significant management actions is provided below:

Recreation Opportunities

- Daytime recreational uses such as fishing, clamming, picnicking, sightseeing, beachcombing, hiking, horseback riding, wildlife viewing, and waterfowl, snipe, and coot hunting.

- Vehicle access to the waveslope for recreation uses and commercial fishing. Designated vehicle access corridors will provide access to the waveslope, both of which will have a speed limit of 15 miles per hour.
- Day use only, with no nighttime general public use allowed. The entrance gate will be opened one hour before sunrise and closed one hour after sunset. Open hours will be extended during waterfowl hunting season (October – January). Access will be free of charge during the three-year life of the Interim Plan.
- Commercial fishing under a BLM special use permit for hours outside the day-use period.
- The BLM will not allow any public uses within a designated western snowy plover protection area during the nesting season (March 1 through September 15), and will restrict public uses in areas adjacent to nesting, brooding, and seasonal habitat protection areas.
- The BLM will conduct a visitor survey to gather information about preferred recreation activities, how people would like the area to be managed, perceived problems and user conflicts, and visitor demographics.
- A cooperative program between BLM, USFWS, CDFG, and the Humboldt County Sheriff will implement law enforcement efforts. BLM patrols will occur at a minimum of two days per week with one of the days being on the weekend.

Facility Developments

- A volunteer resident caretaker will open and close the entrance gate, provide information to visitors, and perform light maintenance duties. The preferred caretaker site is located on DFG property just south of the Lighthouse Ranch. The site will include a graveled access road and pad with trailer, a storage shed, developed drinking water well, septic tank and leach field, electricity, and telephone service.
- Improve eight existing graveled parking areas on the west side of South Jetty Road: one for multiple uses at the southern end on County Park property, six at intervals along South Jetty Road, and one for multiple uses at the north end of the spit next to the South Jetty. The two multiple use sites will each have a restroom, picnic tables, trash receptacles, and an information kiosk.
- Develop an area at the northeastern corner of the spit for small watercraft launching, picnicking, beachcombing, and wildlife viewing. This area will include tables, cooking grills, and trash receptacles. Close the existing spur road beyond this site to protect a cultural and wildlife sensitive area.

- Provide four vehicle access corridors to the waveslope on the Pacific shore of the spit: one at the south end, two in the mid-spit area, and one at the north end.
- Leave undeveloped the existing vehicle access routes extending to the shore of Humboldt Bay from the east side of South Jetty Road. However, some routes will be open only during the October-January waterfowl hunting season, several routes will be eliminated, and eleven existing parking turnouts will be improved.
- Repair and improve the South Jetty Road by scarifying the base course of the road, re-compacting, and repaving areas where large potholes have formed. Gravel and grade portions of the road. As funding allows, rip-rap and re-pave a short 100-foot section of the road along the eastern edge to prevent erosion; rip-rap will extend up to five feet into the tidal zone of Humboldt Bay. Stabilize another small section of South Jetty Road on County property by constructing terraces and re-vegetating the area.
- Install a variety of informational, educational, directional, and regulatory signs.

Cultural Resources

- Complete a Class III archaeological survey of the entire South Spit with participation by Wiyot Tribe representatives, prepare a comprehensive report, and use the report to develop the long-term management plan for the spit. During the interim management period, conduct comprehensive archaeological surveys, including subsurface test excavations in suspect areas, to ensure any and all cultural resources are located, recorded, evaluated, and protected from facility developments and recreation use. An archaeologist will be present to monitor every ground disturbing action to ensure that no cultural resources are disturbed. Include Wiyot Tribe representatives in all aspects of archaeological survey, monitoring, and test excavations.
- Develop an agreement between the BLM and the Wiyot Tribe (Table Bluff Reservation) wherein tribal members will be given the free use of the South Spit for their traditional use and gathering of resources, including surf fishing, clamming, eeling, gathering seaweed, bay grass, firewood, mushrooms, berries, and basketry materials, and waterfowl hunting.

Vegetation

- Focus interim management of native plant habitats and areas of endangered species occupation on prevention of native plant and habitat loss, and the restoration of native dune habitat.
- Map and monitor vegetative types and endangered and rare plant species populations, in particular, Humboldt Bay wall flower and beach layia.

Wildlife

Surveys and Monitoring:

- Conduct western snowy plover searches along the South Spit beach (the only federally administered land in the northern California sub-population "Recovery Unit 2" that has documented recent nesting attempts by the endangered western snowy plover) at least once per month during the winter to identify areas of use and numbers of birds, noting actions adversely impacting the birds.
- Conduct plover searches along the South Spit beach at least once per week during the nesting season (March 1 through September 15). Monitor nest attempts, nest failures, presence of banded birds, brood numbers, brooding areas, brood failures, adult and brood harassment, and interaction with recreational activities.
- Monitor visitor compliance with rules guiding recreational activities and document non-compliance. Document acts of vandalism or tampering with temporary protective fencing or predator exclosures.

Protection:

- Upon verification of an active plover nest, close plover protection areas to all recreational activity during the nesting season. The plover protection area will run along the beach, just above the seasonal high tide line, for a distance of 600 feet on each side of the nest, then proceed eastward to a line 200 feet inland from the nest. Erect temporary "symbolic fencing" to delineate the perimeter of the plover protection area.
- If an area is discovered where one brood appears to be frequenting for one week, establish a plover protection area and close it to all recreational activity until fledging. Erect temporary "symbolic fencing" above the seasonal high tide line to delineate the concentrated use area of the broods and remove after birds fledge.
- In order to provide a dry-sand area of relatively disturbance-free habitat for plovers to initiate nesting activities, establish a seasonal (3/1 to 9/15) plover protection area near the north end of the South Spit. The area will run from a point approximately 500 yards south of the jetty for approximately 3,000 feet south along the beach at a level approximately 40 feet inland from the seasonal high tide line. The protection area will extend inland approximately 300 feet into the dunes, creating a plover protection area of about 20 acres. Erect temporary "symbolic fencing" to delineate the perimeter of the plover protection area.
- If an area is discovered where numerous plovers are wintering, establish a plover protection area and close it to all recreational activity until the birds leave the area. Erect a "picket line" of warning signs to delineate the concentrated use area.

- Restore plover habitat. The establishment of invasive plants on the spit adversely affects the plover and as a result, suitable plover habitat available above the high tide line has dramatically narrowed to 30-50 acres. The proposed method for restoring plover habitat is to bulldoze the beachgrass-covered dunes to the natural gradient of the unvegetated beach, disposing of spoils and vegetative material into the winter surf at low tide prior to a winter storm. The flattened and exposed sand would then be available to natural wind and water-caused sand movement to maintain a natural dynamic system that could support plovers. The Interim Plan calls for treating over one-half mile of foredune ocean-frontage to a distance of 300 feet east of the primary dune and grading it to the natural rise of the beach, within the aforementioned 20-acre plover protection area. The treated area would be seasonally fenced with cable or rope and removable posts for the duration of the plover nesting season.

The BLM will fund implementation of the above-referenced management actions, except for the South Jetty Road rock revetment and the snowy plover habitat creation project, using approximately \$500,000 in State Coastal Conservancy grant funds. Funding for the revetment and habitat projects will likely come from the BLM or other sources. Presently, however, both of these project components are not funded and construction start dates are unknown.

II. Status of Local Coastal Program. The standard of review for federal consistency determinations is the policies of Chapter 3 of the Coastal Act, and not the Local Coastal Program (LCP) of the affected area. If the LCP has been certified by the Commission and incorporated into the California Coastal Management Program (CCMP), it can provide guidance in applying Chapter 3 policies in light of local circumstances. If the LCP has not been incorporated into the CCMP, it cannot be used to guide the Commission's decision, but it can be used as background information. The Humboldt County LCP has been incorporated into the CCMP.

III. Procedures. As currently submitted the IMP includes proposals at varying levels of specificity and this consistency determination evaluates all these in as much detail as is presently available. However, the BLM will be developing more specificity at a later date. The Coastal Zone Management Act (CZMA) requires a consistency determination for each phase in cases where federal decisions to implement an activity are also made in phases. Section 930.36 (d) of the CZMA implementing regulations provides:

(d) Phased consistency determinations. ... In cases where federal decisions related to a proposed development project or other activity will be made in phases based upon developing information that was not available at the time of the original consistency determination, with each subsequent phase subject to Federal agency discretion to implement alternative decisions based upon such information (e.g., planning, siting, and design decisions), a consistency determination will be required for each major decision.
[15 CFR Section 930.36(d)]

Historically, when the Commission has reviewed these types of federal agency activities, in a number of cases the Commission has reviewed the plan at a general level, noting potential problem areas and projects or activities which would be likely to affect the coastal zone if implemented. The

benefits of this type of phased review are that: (1) it provides the federal agency, in advance of specific project or plan implementation, notice of what issues are likely to arise under the CCMP; and (2) it provides the Commission with an overall planning context within which to review specific plans or projects subsequently proposed.

In this situation, the interim plan describes the proposed road stabilization work and identifies the need for the project, but does not include final design or a mitigation plans. The BLM will develop these details after it receives funding for the revetment. In other words, its decision with respect to the road-stabilization project will be made in phases. In such situations, the regulations implementing the CZMA require the BLM to submit consistency determinations for each phase. The BLM has agreed to continue to coordinate the implementation of its management plan with the Commission, to enable further Commission review of consistency determinations for both the specific road stabilization plan, as well as the long-term management plan.

IV. Federal Agency's Consistency Determination.

The Bureau of Land Management has determined the proposed project consistent to the maximum extent practicable with the California Coastal Management Program.

V. Staff Recommendation.

The staff recommends that the Commission adopt the following motion:

Motion:

I move that the Commission **CONCUR** with consistency determination CD-052-02 that the project described therein is fully consistent, and thus is consistent to the maximum extent practicable, with the enforceable policies of the California Coastal Management Program (CCMP).

Staff Recommendation:

The staff recommends a **YES** vote on the motion. Passage of this motion will result in a concurrence with the determination and adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is required to pass the motion.

Resolution to Concur with Consistency Determination:

The Commission hereby **CONCURS** with the consistency determination by the Bureau of Land Management, on the grounds that the project described therein is fully consistent, and thus is consistent to the maximum extent practicable, with the enforceable policies of the CCMP.

VI. Findings and Declarations.

The Commission finds and declares as follows:

A. Public Access and Recreation. The Coastal Act provides the following:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) Adequate access exists nearby

Section 30212.5

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred....

Section 30214

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.*
- (2) The capacity of the site to sustain use and at what level of intensity.*
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter. . . .*

Section 30220

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The BLM's South Spit Interim Management Plan examines the existing public access and recreation resources available on the South Spit:

The South Spit is currently accessible to the public. Access is limited to individuals who have purchased a key that opens a locked gate located on Table Bluff County Park. Several thousand keys have been issued since the gate was installed. It is often left open, allowing visitors without keys to access the area. Other existing facilities are limited to two information kiosks at the bottom of the hill on county park property, and several signs placed along South Jetty Road, the northern boundary to the Eel River Wildlife Area, and at the jetty. The access road is partially paved and graveled, and numerous potholes exist.

Over 25 graveled turnouts exist at various locations on the west side of the road. Nearly 20 undeveloped access routes extend from the east side of the road out to the bayshore. The Army Corps of Engineers has stored some large rocks at the jetty area that are surrounded by a chain link fence.

The area is used for many recreational activities involving the consumptive and non-consumptive use of wildlife. Birdwatching, brant, duck, snipe, and coot hunting, clamming in the bay and on the beach, fishing for surf perch and surf smelt off the beach, and bottom fish and salmon off the jetty are the major uses of wildlife on the spit. The spit is also used for commercial fishing for surf perch and surf smelt. Other existing recreation activities include hiking, sightseeing, picnicking, surfing, and off-highway vehicle (OHV) use. Much of the current OHV activity occurs in the dunes and near the bayshore, which are designated closed to vehicle use. Total annual recreation use is estimated at 25,000 visits. Firewood cutting of driftwood is a popular non-recreation activity that occurs frequently.

Law enforcement patrols now occur on a weekly basis by both BLM Law Enforcement Ranger and Humboldt County sheriff deputies. DFG wardens and FWS Law Enforcement Ranger patrol the area occasionally. . . .

As noted above in the project description section of this report, BLM's proposed South Spit Interim Management Plan (IMP) includes numerous public access and recreation elements on the South Spit (Exhibits 4-7). The South Spit is currently accessible to the public with a number of improved and unimproved recreational facilities and amenities located along the spit. Implementation of the proposed IMP will lead to the development of numerous access and recreational facilities to serve the general public while at the same time providing new means to protect some of the environmentally sensitive natural resources that are currently adversely affected by uncontrolled access and recreation:

- The interim plan proposes to provide unrestricted, maximum public access via South Jetty Road during daytime hours (one hour before sunrise to one hour past sunset). Various directional and informational signs would be conspicuously posted along roads leading to the South Spit.
- A variety of recreational opportunities would be provided, including hiking, beachcombing, picnicking, surfing, vehicle access to the waveslope, surf fishing and fishing off the jetty, boating, wildlife viewing, sightseeing, and waterfowl hunting.
- Recreational facilities would be distributed throughout the area to mitigate the impacts, social or otherwise, of overcrowding or overuse by the public of any single area.
- Specific restrictions on visitor use activities would be enforced near snowy plover protection areas.

For the most part, the proposed access and recreation improvements contained in the IMP are consistent with and further the public access and recreation policies of the Coastal Act.

However, the most challenging element of the IMP, from the perspective of Coastal Act access and resource protection policies, is the provision for continued off-highway vehicle (OHV) access to and use of the waveslope. Currently, OHV use is prohibited in the dunes of the South Spit and along the bayshore east of South Jetty Road in order to protect environmentally sensitive habitat in these areas. This arises from Humboldt County LCP policies that restrict OHV use to the waveslope of the South Spit, with some exceptions to allow commercial fishermen, handicapped persons, senior citizens, search and rescue teams, and others by special permit to ride within otherwise restricted areas, except during the snowy plover nesting season. However, the BLM reports in the IMP that "much of the current OHV activity occurs in the dunes and near the bayshore" and additionally notes that existing enforcement of the OHV access restrictions is less than adequate:

Law enforcement patrols now occur on a weekly basis by both the BLM Law Enforcement Ranger and Humboldt County sheriff deputies. DFG wardens and FWS Law Enforcement Ranger patrol the area occasionally.

The consistency determination addresses OHV use on the South Spit:

The BLM considered but dismissed the option of restricting or prohibiting vehicle access along the waveslope in this EA. The Humboldt County Beach and Dunes Management Plan, 1995 and the South Spit Management Plan, 1997 both recognized waveslope access for vehicles. The California Coastal Commission has also concurred with this use by approving Amendment No. 1-93 of Humboldt County's Local Coastal Program to allow vehicle access to the waveslope. Any recommended change in vehicle designations or use would not be consistent with County Planning and possibly require changing certain County ordinances in order to implement or enforce a vehicle designation change. Furthermore, the BLM's policy is to design plans and management objectives to conform with local government planning whenever possible.

As a result, the IMP provides for maintaining OHV access to and use of the waveslope but restricts the number of access routes from South Jetty Road to the waveslope, prohibits OHV use in and adjacent to snowy plover nesting and protection areas, and includes a commitment for additional enforcement of OHV restrictions on the South Spit:

- Designated vehicle access corridors will provide access to the waveslope. In accordance with county ordinances for the South Spit and Table Bluff County Park, vehicles will be allowed on the waveslope with a speed limit of 15 miles per hour.
- Law enforcement efforts will be implemented under a cooperative program between BLM, FWS, DFG, and HCSO. BLM patrols will occur at a minimum of two days per week with one of the days being on the weekend.
- Four vehicle access corridors will be provided for vehicle access to the waveslope. The two corridors along South Jetty Road will be delineated by post and cable barriers. The other two are located at each end of the spit where multiple use parking and picnic areas

will be developed. The southern access corridor will be delineated using driftwood logs. The northern access corridor will require signing only, as the corridor is easily recognizable. An alternate vehicle corridor will be developed and used only if one of the other two sites needs to be closed for reasons associated with the snowy plover. Signs will be displayed on these corridors to inform visitors these are the only routes to the beach and all other unsigned routes are closed, and about potential difficulties while traveling at high tides, and that non-street legal ATV and motorcycle riders need to use the same route to and from the beach to avoid driving on South Jetty Road.

- Vehicle access routes extending to the bayshore from the east side of South Jetty Road will be left undeveloped. Vehicle use on nine of these short access routes will be allowed only for loading and unloading supplies during waterfowl hunting season (October – January). During the remainder of the year these routes and surrounding lands will be closed to all vehicle use. Several existing corridors will be physically blocked using driftwood logs to prevent further vehicle use. To facilitate the access routes on the east side, 11 existing turnouts will be improved. The turnouts are located along South Jetty Road and will eliminate parking near the bay side of the area.

Additional details on the OHV restrictions associated with snowy plover nesting and protection areas are provided in the Environmentally Sensitive Habitat section of this report (Section C).

Based on the information contained in the BLM's Interim Management Plan, Environmental Assessment, and Biological Assessment, it is clear that OHV uses on the South Spit are not complying with existing regulations that restrict their use to the waveslope, and as a result, are adversely affecting biologically sensitive habitats and may be affecting other less intrusive recreational activities that take place on the South Spit. Compounding the problem is a lack of adequate enforcement of the existing OHV use regulations.

However, as noted above, the IMP includes provisions that could, with adequate monitoring and enforcement, reduce the existing level of conflict between uncontrolled OHV use and other recreational activities, habitat protection, and endangered species protection efforts. The Commission notes that the subject consistency determination is an *interim* management plan for a three-year period of time. A second consistency determination will be submitted at a later date for the *final* management plan. Now that the BLM is the management agency for the South Spit, it will have the responsibility for enforcing the existing and proposed OHV access and use restrictions. Increased enforcement by BLM and other law enforcement agencies of existing and proposed restrictions on OHV use is essential if the IMP is to have a reasonable chance to succeed in protecting sensitive habitat and providing for OHV users continued use of the South Spit waveslope. Should it become clear during the three-year interim management plan period that the OHV provisions in the IMP failed to protect endangered species, environmentally sensitive habitat, and other recreational opportunities on the South Spit, the Commission will likely require more restrictive measures to eliminate adverse effects on coastal resources from OHV activities.

The Interim Management Plan concludes by noting that before South Spit is opened to the public for the recreational opportunities outlined in the IMP, numerous management actions and projects must first be implemented, including the following:

- Removal of potential hazardous waste.
- Site specific resource inventories for cultural resources, wildlife, and vegetation.
- Consultation with the Table Bluff Reservation.
- Installation of signs that provide information as well as interim management rules and regulations.
- Construction of vehicle access corridors and barriers.

In conclusion, the Commission finds that the proposed Interim Management Plan for the Humboldt Bay South Spit includes provisions for maintaining and improving opportunities for public access to and recreation use of the South Spit. Proposed interpretive, picnicking, and parking improvements adjacent to or near South Jetty Road will be sited and designed to protect views to and along the shoreline, and thus, the quality of the recreational experience. Proposed restrictions and controls on public access and recreation during the three-year life of the IMP are reasonable in nature given the presence of endangered species and environmentally sensitive habitats in the dunes and along the bayshore. The access and recreation provisions of the IMP will be evaluated for their effectiveness in protecting recreational opportunities and natural resources, and should modifications or additional restrictions be necessary, such measures can be incorporated into the final management plan to be developed by the BLM and reviewed by the Commission in a subsequent consistency determination for long-term management. The Commission therefore finds that the IMP is consistent with the public access and recreation policies (Sections 30210-14 and 30220-23) of the Coastal Act.

B. Marine Environment. The Coastal Act provides the following:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the

protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

...

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division. . . .

Section 30235

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30240

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

The BLM's IMP examines the existing environmentally sensitive marine habitat and resources present on and adjacent to the South Spit:

*On the bay margin of the spit, there are several native plant communities including salt marsh and its subset of community associations such as pickleweed (*Salicornia* spp.), cordgrass (*Spartina densiflora*), and mixed marsh, the most species rich; native dunegrass (*Leymus mollis* and *Leymus vancouverensis*); brackish marsh (where seasonal flooding of salt water through dikes and intertidal channels mixes with freshwater and saltwater influencing species composition); and reaching further inland from the bay margin, woody and herbaceous swales, which can become seasonally flooded. Taken together, the salt marsh, brackish marsh, and woody and herbaceous swales provide important perennial and ephemeral resources to waterfowl and wildlife.*

...

The adjacent bay contains vast eelgrass meadows important as spawning and nursery habitat for fish and essential forage for thousands of black brant. The east edge of the spit, and especially the northeast corner are important grit gathering sites for black brant

The primary focus of the IMP is on natural resource protection and public use of the upland environment of the South Spit. However, the proposed rock revetment/apron project along a 100-foot-long section of South Jetty Road holds the potential to affect the marine environment of Humboldt Bay (Exhibits 8-10). Section 30233 of the Coastal Act identifies eight allowable uses for the dredging, diking, and filling of coastal waters. A roadway stabilization structure is not defined as an allowable use under Section 30233(a). In addition, Section 30240(a) of the Coastal Act prevents the Commission from approving activities within an environmentally sensitive habitat area unless the activity is dependent on the sensitive resources. A roadway stabilization revetment/apron is not dependent on the intertidal resources adjacent to the South Jetty Road.

However, Section 30235 of the Coastal Act allows for construction of a revetment to protect an existing structure, provided that it meets all the requirements of that section. Section 30235 clearly anticipates the construction of shoreline protection structures and is a more specific policy than Section 30233(a) or 30240(a) and clearly shows legislative intent to allow construction of such structures.¹ In other words, Section 30235 of the Coastal Act enables the Commission to approve shoreline protection structures in certain circumstances, even though such structures do not comply with the allowable-use and resource-dependent tests of Sections 30233(a) and 30240(a) of the Coastal Act, respectively. Thus, the permissive language in Section 30235 provides evidence of legislative intent that, where necessary and properly designed, shoreline protection structures can be authorized under the Coastal Act along the shoreline.

Before the Commission can authorize a roadway stabilization revetment, it must meet all of the requirements of Section 30235. That section allows construction of such structures if they are required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when they are designed to eliminate or mitigate adverse impacts on local shoreline sand supply. According to the BLM, the proposed revetment is necessary to protect a 100-foot-long section of South Jetty Road. This road provides access to the South Spit for the general public, commercial fishermen, federal and state resource management agency personnel, and emergency vehicles, and is the sole route of access for the Corps of Engineers to maintain the South Jetty of Humboldt Bay. Clearly, this road is an existing structure within the meaning of Section 30235. In addition, the road is threatened by erosion. The BLM states that the road is being undermined by tidal and wave action, that this area on the bay side of the South Spit is erosional, and that:

... past maintenance of the road [prior to state ownership and BLM management of the South Spit] involved the placement of small cobbles and road base material along the edge of the asphalt to keep the pavement from breaking apart. This type of recurring maintenance has not occurred for several years, and has resulted in the road being undermined which then caused the asphalt to give way (see Figure 3).

¹ Giving precedence to the more particular provisions of Section 30235 over the more general provisions of Sections 30233(a) and 30240(a) is in accord with generally applicable principles of California law. See, e.g., Civil Code Section 3534 ("Particular expressions qualify those which are general.").

Therefore, while the proposed rock revetment/apron along South Jetty Road is not an allowable use under Section 30233(a) of the Coastal Act, it is consistent with the allowable use provision of Section 30235 of the Coastal Act (i.e., it is necessary to protect an existing structure).

As requested by the Commission staff pursuant to the alternatives test of Section 30233(a) and 30235, the BLM submitted an alternative analysis for the road stabilization project, which states:

- Realign the road to the west. There are historical and possibly prehistorical sites and artifacts immediately to the west of the project site that would be affected by road construction. In addition, this alternative lies within environmentally sensitive sand dune habitat and would require the destruction of a much larger footprint of ESHA than would the proposed revetment along the bayshore.
- Roadway Bridge. Spanning the erosion area would be incompatible with boat/kayak launches that occur (and that will continue to occur under the IMP) at this location, require significant maintenance, generate visual resource impacts, and is prohibitively costly.
- Sand Placement. Routine replenishment of sand along the roadway margin would alter the sediment characteristics of the adjacent mudflats as the sand is transported away from the road and into the mudflats and would over time decrease the tidal prism in this area of Humboldt Bay.
- Geotextile armoring. Placement of vegetated geotextile bags along the bayshore is an unproven anti-erosion technique in this type of marine environment. Additionally, vegetated geotextile revetments likely cannot withstand trampling associated with small boat and kayak launches at this location.
- Retaining wall. The use of interlocking precast cement blocks would not aesthetically blend in with the environment, would interfere with existing boat/kayak launch activities, and would not provide a suitable substrate for revegetation.
- Quarry stone armoring with concrete grout. Place quarry stone on a bed of cobbles and geotextile. Once the stone is placed the interstices are filled with concrete grout to prevent undermining of the revetment. The revetment would extend from the edge of the roadbed five feet into the tidal zone along a 100-foot-long segment of the road for a total footprint of 500 sq.ft. While the success of this type of structure is time tested, it does not provide a substrate for revegetation, can generate adverse effects due to wave reflection, and would not blend in with the surrounding habitat type.
- Quarry stone armoring with sand. Place quarry stone on a bed of cobbles and geotextile. Once the stone is placed the interstices are filled with sand so that plants such as native dune grass can colonize the project site. The revetment would extend from the edge of the roadbed five feet into the tidal zone along a 100-foot-long segment of the road for a total footprint of 500 sq.ft. When vegetated, this type of structure is very reliable as an erosion control device and visually blends in with the surrounding environment. To

allow the continued hand-launching of small boats and kayaks, the revetment would not extend more than one foot above the existing road surface.

BLM selected the "quarry stone armoring with sand" design as the least environmentally damaging feasible alternative to addressing the roadway erosion problem on the South Spit. The Commission agrees with BLM that while this alternative generates 500 sq. ft. of tidal zone fill, the other alternatives are either not feasible or would generate greater adverse effects on environmentally sensitive habitat, visual resources, or public access and recreation. Therefore, the proposed revetment meets the alternatives requirement of Section 30233(a).

Finally, Section 30233(a) requires feasible mitigation measures to minimize adverse environmental effects of fill of open coastal waters, wetlands, or estuaries. As the proposed revetment would fill 500 sq. ft. of Humboldt Bay intertidal mudflat habitat, BLM has incorporated into the IMP a commitment to undertake one or more mitigation projects in Humboldt Bay that would restore 1,500 sq. ft. of intertidal mudflat habitat. At this time, BLM has identified restoration of degraded mudflats adjacent to the project site and at the mouth of Salmon Creek, the primary tributary of south Humboldt Bay, as potential mitigation sites. However, at this time a detailed mitigation plan has not been prepared. As noted previously in the project description (Section I of this report), funding for the road revetment is presently not available and construction of this project element is on hold until adequate funding is obtained. Therefore, BLM has agreed to not construct the road revetment until after the Commission has acted on a separate consistency determination for the specific road protection project (see "phased review" discussion on pages 8-9, above). With this commitment, the Commission can ensure at a later date that an adequate intertidal mudflat mitigation plan will be implemented concurrent with construction of the road stabilization revetment.

In conclusion, the Commission finds that the proposed road revetment is necessary to protect a segment of South Jetty Road from erosion, undermining, and eventual washout, and also finds that the proposed revetment is the least damaging feasible alternative. The Interim Management Plan also includes a commitment by the BLM to mitigate the adverse effects of the revetment on intertidal mudflats and a commitment to submit a consistency determination at a later date for that specific project. With these commitments the Commission finds that the proposed road revetment is consistent with the shoreline structure, wetland fill, and habitat protection policies (Sections 30230, 30231, 30233, 30235, and 30240) of the Coastal Act.

C. Environmentally Sensitive Habitat. The Coastal Act provides the following:

Section 30240

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those 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 BLM's IMP examines the existing environmentally sensitive vegetative habitat present on the South Spit:

- The South Spit is currently in a severely degraded vegetative condition with the majority of the spit consisting of invasive, non-native plant types. Most of the west side of the spit is a very young landform and is a direct artifact of the construction of the south jetty at the turn of the 20th century. While some common native dune mat species have persisted, as a result of the explosive spread of invasive weeds many native plant habitats have degraded a result of the effects of the weed-induced over-stabilization of sand on the spit.
- In the early 1990s, two native plant species, Humboldt Bay wallflower and beach layia, became federally listed as endangered but still occupy some sites on the South Spit. Beach layia occupies areas with bare to semi-stabilized sand, and Humboldt Bay wallflower occupies one remnant dune mat site on the Texaco Inc. property. Several other special status species occur on the spit.
- The spit and the adjacent beaches, bay and channel waters, dunes, and the South Jetty are occupied and/or seasonally used by dozens of species of birds.

The IMP also addresses the presence of the western snowy plover on the South Spit:

The Pacific coast population of the western snowy plover was federally listed as threatened in March 1993 (USDI 1993). General population decline and a decrease in the numbers of breeding locations were the basis for the listing. The declines are attributed to loss and modification of habitat resulting from European beach grass, encroachment and urban development, extensive human recreational activity in plover habitat, and predation exacerbated by human disturbance. Designation of critical habitat was proposed in 1995 (USDI 1995) with final designation being published in 1999. The South Spit was not designated critical habitat.

According to the Draft Western Snowy Plover Pacific Population Recovery Plan (USDI 2001), total numbers of breeding plovers and nest locations have decreased in Humboldt, Del Norte and Mendocino Counties over the last 10 years or so, but because of variations in levels of survey effort, it is difficult to compare past with current bird numbers. Five beaches where nesting plovers were detected by Page and Stenzel (1981) or Fisher (1992-94) have had no nesting activity in the past few years. The majority of Humboldt County plover nesting has shifted to Eel River gravel bars (Colwell et al. 2001).

The South Spit is in Recovery Unit 2 of the Draft Recovery Plan (USDI 2001) which included Del Norte, Humboldt, and Mendocino counties. On the South Spit, plover nesting was documented in 1983, 1993, and 1999. In addition, wintering plovers were observed near the

north end of the spit in early 2002 and a pair of plovers were observed in the same general location in mid-April 2002.

On September 11, 2002, after formal consultation with BLM in accordance with Section 7 of the Endangered Species Act, the U.S. Fish and Wildlife Service released its formal biological opinion on the proposed IMP and the plan's effect on the federally threatened western snowy plover, endangered California brown pelican, endangered beach layia, and endangered Humboldt Bay wallflower. The Service determined that the proposed IMP may affect, but is not likely to adversely affect, the brown pelican or the wallflower. The Service determined that the IMP is not likely to jeopardize the continued existence of beach layia on the South Spit, but that the species monitoring called for in the IMP is necessary in order to determine whether different management actions will be required in order to protect beach layia habitat.

The Service determined that the IMP is not likely to jeopardize the continued existence of the western snowy plover. The Service also reported that critical habitat for the plover has been designated (none, however, on the South Spit) but that the proposed IMP would not affect any of the designated areas and that no destruction or adverse modification of that habitat is anticipated. However, notwithstanding the no-jeopardy determination, the Biological Opinion also states that:

The Service anticipates take in the form of harassment of ten (10) wintering and four (4) breeding western snowy plovers per year through disturbance from recreational activities or other actions which cause harassment during the 2003 through 2005 calendar years. We based this anticipated amount of take on past survey results of the number of annual breeding and wintering plovers on the South Spit. With the proposed plover protection measures in place, the Service does not anticipate that there will be direct mortality of plovers as a result of the proposed action.

The Biological Opinion includes a discussion of the proposed BLM IMP (including the proposed snowy plover protection areas, restrictions on recreational activities, and conservation measures), background information on the status of the western snowy plover on the Pacific coast, California, and Humboldt County, an environmental baseline for the plover on the South Spit/Eel River Wildlife Area (ERWA), and the anticipated effects on the plover from implementation of the IMP. The following are key points made by the Service:

- *The Service has identified the South Spit and the ERWA as breeding and wintering areas that are important for the recovery of the snowy plover. The South Spit is the only recently used nesting site in recovery Unit 2 that will be managed by a federal agency. Only 30-50 acres of suitable nesting habitat currently exist on the South Spit because of dune habitat degradation. The South Spit contains approximately 460 acres of potentially suitable habitat, much of it compromised because of exotic vegetation and recreational activities.*
- *In both 2001 and 2002 only one adult plover was sighted on the South Spit. Only one breeding bird was observed on the South Spit in 2002, which has a population target of 30 breeding adults. No documented nesting has occurred on the South Spit since 1999.*

- *Snowy plovers are currently known to winter on the South Spit and have been observed early in the reproductive period during the last two years. Several aspects of the proposed management strategy will benefit the plover over the current situation where little, if any, on-site management exists. Specifically, we anticipate the removal of European beachgrass on 20 acres, delineation of access routes, restriction of vehicles to the waveslope, restriction of recreational use to daytime, establishment of plover protection areas, prohibition of fireworks and target shooting, installment of scavenger-proof trash cans, presence of law enforcement, and education of visitors as improvements in existing management.*
- *The proposed management strategy will affect nesting and wintering plovers in foraging habitat along the waterline and in brood rearing habitat, except in identified concentration areas. Plovers will also be affected by day and nighttime vehicle use, unleashed dogs, equestrians, and recreationists. The effectiveness of the closures and restrictions will depend on the level of visitor compliance and law enforcement. This analysis of effects and our conclusions are based on the expectation that the management measures will be effective, and that timely action will be taken to revise management strategies if the measures fail to minimize impacts. However, even with complete compliance with the proposed measures, adverse impacts to wintering and breeding plovers due to harassment are likely to occur.*
- *A threshold is established for re-evaluating administration of the plan and considering adjustments to ongoing management of public use on the South Spit. After the first 30 days of BLM management, the trigger for this threshold will be the occurrence of three incidences of any combination of the following actions:*

prohibited acts in any of the delineated plover protection areas, or on the waveslope adjacent to a plover protection area;
vehicle use above the waveslope;
excessive equestrian use immediately above the waveslope;
firewood cutting during the closed season;
target shooting or plinking;
night use without proper authorization; or
vandalism of fences, exclosures, or plover area warning signs.

To minimize the impacts of the anticipated incidental take of western snowy plovers, the Service determined in the Biological Opinion that the following reasonable and prudent measure on the part of the BLM is necessary and appropriate:

- Minimize recreation-related impacts to plovers, their nests, and broods.

The Service goes on to state that in order to implement this measure, the BLM must comply with the following non-discretionary terms and conditions:

1. Within the period March 1 to September 15, monitor violations of conservation measures designed to protect plovers. If 25 violations have been documented, BLM, Service, and CDFG will meet to evaluate and apply additional measures that might be required to protect plovers, including but not limited to closure of the waveslope to vehicles and further restrictions on dog or equestrian use.

Violations are to be documented by law enforcement officers from either BLM, Service, the CDFG, or Humboldt County. Any plover monitor may report violations to any law enforcement officer, who may then document the violation by visiting the site (for example, vehicle tracks through a plover protection area or above the waveslope).

2. BLM is to schedule and hold a meeting with the Service and CDFG in the fall each year the interim management plan is carried out. Primary objectives of the meeting would be to review the conservation measures implemented for plovers on South Spit, review the status of plovers on South Spit, and to adjust threshold levels for violations of measures designed to protect plovers.

3. On the west side of South Jetty Road, the BLM shall require that dogs be leashed at all times during the period March 1 to September 15.

As noted in the project description (Section I) of this report, the BLM's proposed IMP includes numerous management actions designed to improve snowy plover habitat on the South Spit, and to protect plovers and plover habitat from the adverse effects currently generated by recreational activities, primarily uncontrolled and illegal vehicle use in the beach and dunes area on the South Spit. As noted above, the U.S. Fish and Wildlife Service states in its Biological Opinion that the proposed management plan will generate benefits to the plover and will be an improvement over the current management situation on the South Spit, notwithstanding the fact that plovers will continue to be adversely affected by human activities in this area.

The primary challenge facing the Commission is determining whether the BLM's proposed IMP is consistent with the environmentally sensitive habitat area protection policies of Coastal Act Section 30240, given that: (1) the proposed IMP and its snowy plover habitat protection policies and recreational use restrictions are a significant improvement over the status quo on the South Spit and could lead to more suitable habitat and increased numbers of wintering and nesting plovers; and (2) the proposed IMP provides for a continuation of recreational activities on the South Spit that are and will continue to be a significant contributing factor to the decline in suitable snowy plover habitat and the population of plovers on the South Spit. An additional consideration is that the Commission has interpreted Chapter 3 policies for this area under the Humboldt County LCP, which contains policies that:

- Allow motor vehicle use on the waveslope of the South Spit beach.
- Prohibit all motor vehicles on beach and dune areas above the waveslope of the South Spit beach, with limited exceptions for commercial fishermen, handicapped persons, senior citizens, search and rescue teams, and others by special permit.

- Notwithstanding the above exceptions, all vehicle use is prohibited during the snowy plover nesting season at any posted site on the South Spit that has been determined by the Planning Director after consultation with the U.S. Fish and Wildlife Service to be needed to protect the seasonal nesting area of the endangered snowy plover bird species.

The Commission faces a complex situation where ongoing legal and illegal recreational activities occur throughout the South Spit, both types of activities are degrading snowy plover habitat, degraded habitat and human activities severely hinder the ability of adult plovers in the region to breed and nest in what suitable habitat remains, plovers have not nested on the spit since 1999, and the proposed IMP will lead to improved plover habitat and additional plover protections if visitors comply with the new restrictions on their activities and if there is a viable enforcement program. The Commission notes that the terms and conditions of the Biological Opinion call for monitoring and reporting of violations of the IMP conservation measures and for potential additional restrictions on recreational activities, including the closure of the waveslope to vehicles, should the number of violations exceed the violation threshold.

The Commission also notes that the proposed IMP is for a period of three years during which BLM will develop a permanent management plan for the South Spit, which the Commission will review in a subsequent consistency determination (see "phased review" discussion on pages 8-9, above). Information obtained during this time period on the success or failure of the IMP snowy plover conservation measures to protect and restore plover habitat and populations on the South Spit will be used to develop the permanent plan. Moreover, any changes to the project impacts, design, or mitigation commitments raising Coastal Act policy concerns not previously identified could independently trigger additional federal consistency review under the provisions of Section 930.45 of the federal consistency regulations (15 CFR Part 930), which provide for re-review based on "changed circumstances" of federally agency activities in which the Commission has previously concurred (i.e., based on a determination that the project is having coastal zone effects that are substantially different than originally proposed and, as a result, the project is no longer consistent to the maximum extent practicable with the applicable coastal management program policies).

As a result, the Commission finds that the proposed IMP holds the potential to begin restoring what the interested parties acknowledge is the current poor state of snowy plover habitat and protection on the South Spit. If the plan is implemented and restrictions on visitor activities are monitored and enforced, environmentally sensitive dune and beach habitat critical to recovery of the snowy plover will be protected and restored. If the IMP fails to achieve its plover habitat goals, additional remedies will be available to the BLM and the Service under the terms of the Biological Opinion. The Commission believes that it is reasonable, at this time and stage of plover recovery efforts in Humboldt County, to implement the proposed IMP and its plover conservation measures in order to determine whether they can achieve some measure of quantitative success for plover habitat and populations, based on the understanding that if they are unsuccessful or not enforced, more severe restrictions on existing recreational activities on the South Spit may be necessary. Therefore, with these considerations, the Commission finds the proposed IMP will protect environmentally sensitive habitat on the South Spit, will not lead

to further adverse effects on currently degraded snowy plover habitat on the South Spit, will restrict recreational activities and other uses not dependent on existing and potential plover habitat, and is consistent with the environmentally sensitive habitat policies (Section 30240) of the Coastal Act.

D. Cultural Resources. The Coastal Act provides the following:

Section 30244

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The IMP documents the cultural and Native American heritage present on and adjacent to the South Spit:

The Humboldt Bay region including the South Spit has been occupied for at least the last 1,500 years by Algonquian speaking people now referred to as Wiyot. Descendants of these people, the Wiyot Tribe, now reside at Table Bluff Reservation [south of the spit] and other places in Humboldt County. An early ethnographer, Llewellyn L. Loud, collected information from surviving Wiyot informants about the ethnogeography and archaeology of the Humboldt bay area in 1913; his report was published in 1918. Loud listed two modern village sites and five archaeological village sites on the South Spit plus a trail system connecting the southernmost site to Table Bluff where many more occupation sites were located. The South Spit was not occupied to the density of other areas around the Bay; Loud suggests the Wiyot favored the upper bluffs and hillsides with their forests and less harsh environment as opposed to the South Spit's unprotected, low-lying open dunes and marshy bayside (Loud 1918:277). The present-day Wiyot Tribe feel a strong connection to the South Spit as part of their aboriginal territory, and it has a great significance to them as part of their heritage and is still used for hunting, fishing, and gathering shellfish and vegetal resources. There are also reported sensitive Tribal Areas.

... an intensive Class III archaeological and cultural survey is presently underway on the South Spit by cultural resources staff from Table Bluff reservation – Wiyot Tribe and the BLM. One proto-historic site, 8 prehistoric sites, and one prehistoric Isolate, ten historic period sites, and one historic isolate have now been identified on the South Spit and site records are presently being prepared. It is expected that several more such sites will be recorded when the cultural survey of the remaining acreage is completed.

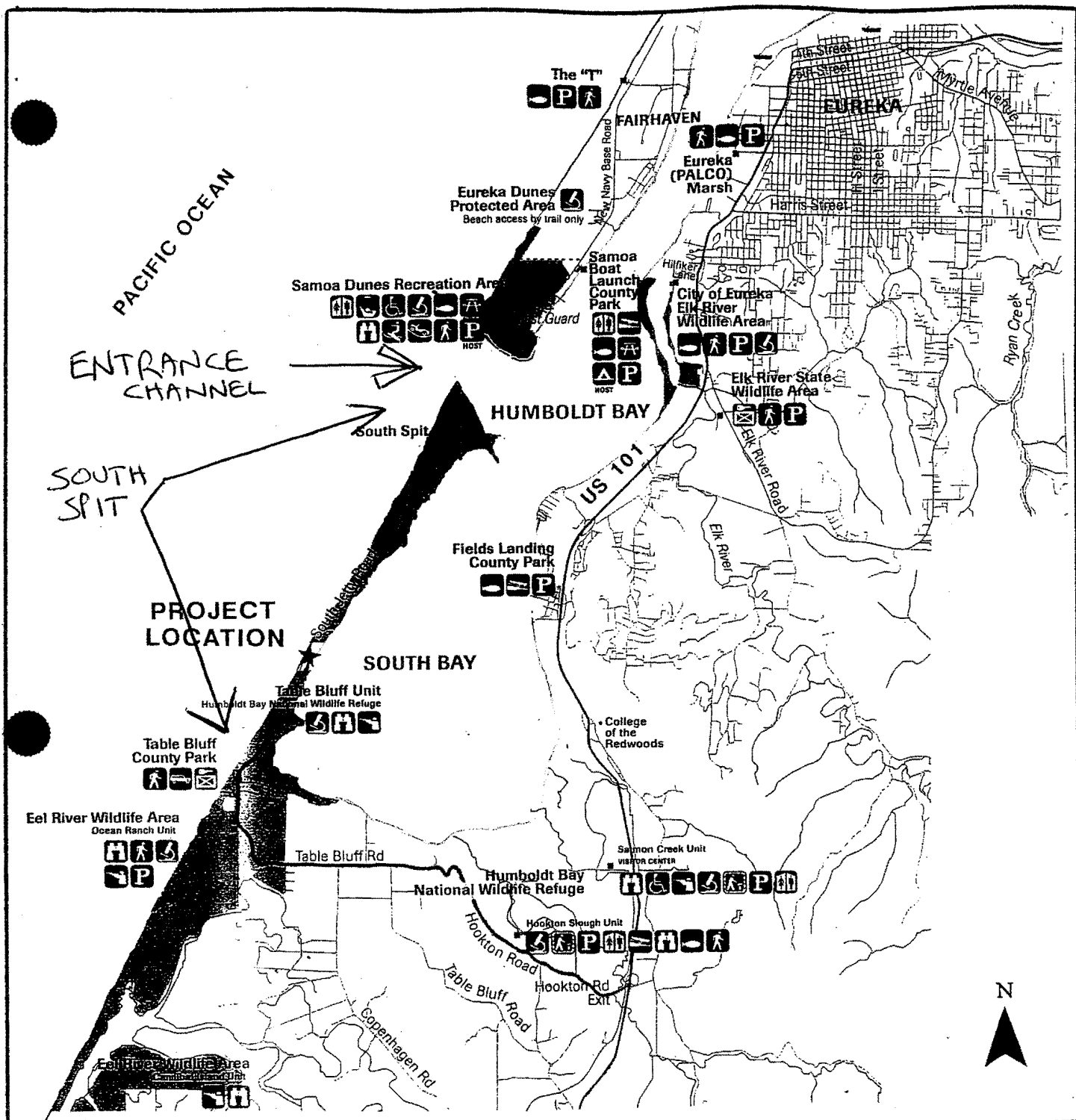
As noted in the project description (Section I) of this report, the IMP outlines a number of actions to be undertaken by the BLM to protect cultural resources present across the South Spit. The IMP also addresses how cultural resources will be protected during project implementation:

During the interim management period, comprehensive archaeological surveys including subsurface test excavations in suspect areas are necessary to ensure any and all cultural

resources are located, recorded, evaluated, and protected from facility developments and recreation use. Table Bluff Reservation – Wiyot Tribe will be contacted and given the opportunity to review the proposed interim management planning effort and share their ideas. Wiyot representatives will be included in all aspects of archaeological survey, monitoring, and test excavations. A Class III archaeological survey of the entire South Spit will be completed with participation by Wiyot tribe representatives and a comprehensive report prepared. The survey report will be used in developing long-term management plans.

The development of graveled parking areas, vehicle access routes, two restrooms, and placement of information kiosks and other signs will only be done in conjunction with an intensive archaeological survey of the proposed sites where ground disturbing activities will occur. Special attention will be paid to the area adjacent to the northeast area of the South Spit near the sea wall and the old wharf remains to prevent disturbance to the burial grounds located somewhere in the vicinity. An archaeologist will be present to monitor every ground disturbing action to ensure that no cultural resources are disturbed. A Wiyot tribal representative should also be present if so desired by Table Bluff Reservation Tribal officials.

The pre-construction archaeological survey of the South Spit, the presence of qualified archaeologists during all ground disturbing activities that may occur during the three-year interim management plan period, the coordination with and participation by Wiyot Tribe representatives in surveys, monitoring, and excavations, and the incorporation of the archaeological survey into the development of the long-term management plan for the South Spit are key elements of the IMP. Therefore, the Commission finds that the IMP will not adversely affect cultural resources on the South Spit and is consistent with the archaeological and paleontological resource policies (Section 30244) of the Coastal Act.



BUREAU OF LAND MANAGEMENT

South Jetty Road Revetment

Figure 1 - Vicinity Map

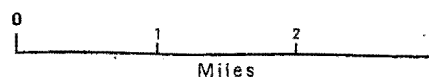


EXHIBIT NO. 1

APPLICATION NO.

CD-052-02

California Coastal Commission

SOUTH SPIT MANAGEMENT AREA

MAP A

LEGEND

- ★ Parking Area
- == Vehicle Corridor
- Picnic Area

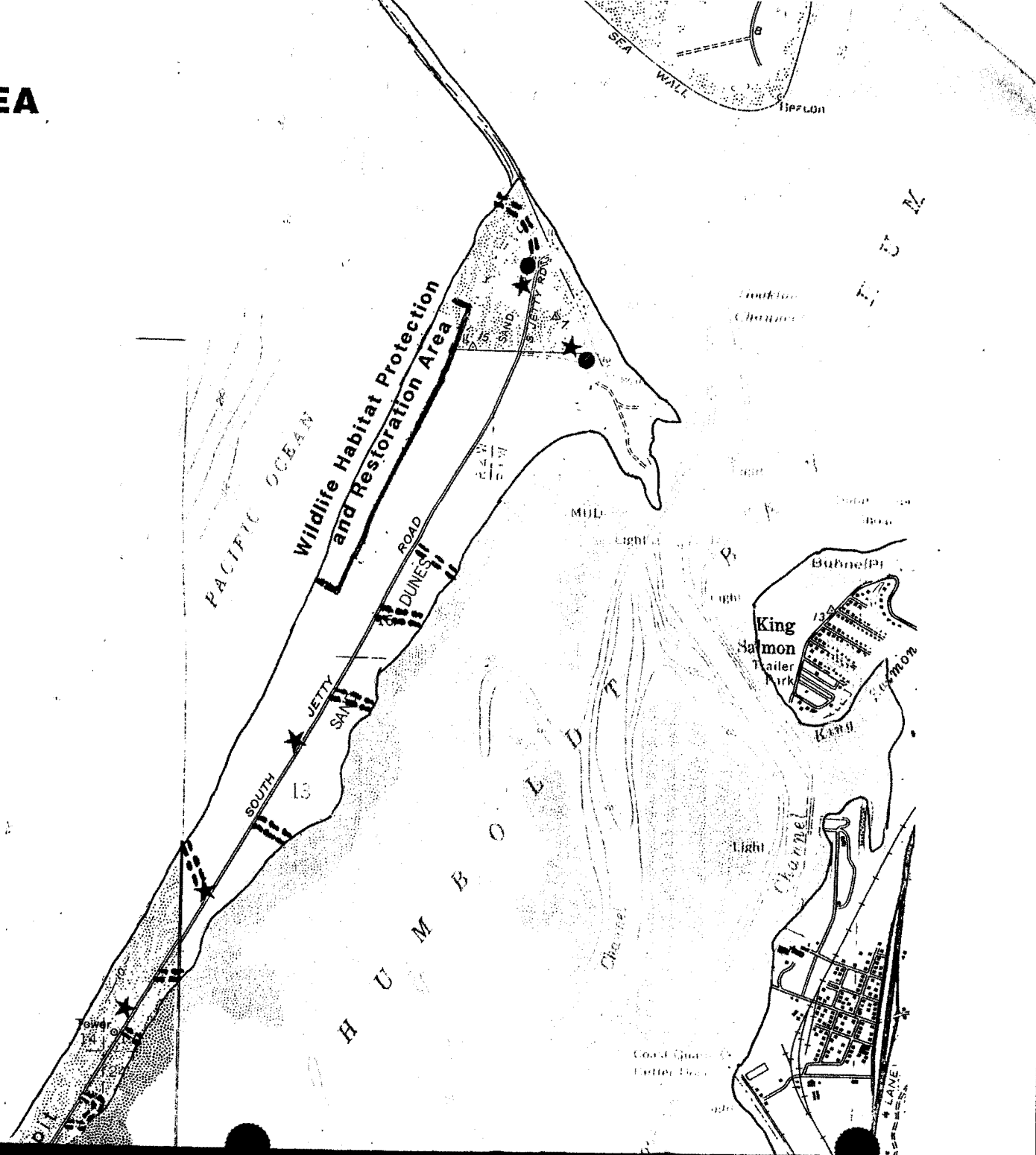


EXHIBIT NO. 2

APPLICATION NO.

NO. 174

CD-052-02

California Coastal Commission

INTERIM MANAGEMENT ACTIONS

This interim planning document is intended to disclose the full range of management actions anticipated to occur prior to completion of the long-term management plan. It is the intent to manage the South Spit under an interim strategy that does not foreclose future options for management or commit resources in a manner that would jeopardize potential alternatives in future planning.

This interim management plan provides a starting point for management of the South Spit that includes the initial period of implementation of protection measures and use restrictions. Management is anticipated to be fluid and adaptive, detecting changing resource conditions, management successes and failures, public and wildlife responses to management and use levels, and quickly responding with improved management practices. The interim plan provides a management scenario that will establish a baseline of information over a two to three period against which subsequent planning can be based.

Recreation Opportunities

Interim management provides for a variety of recreational opportunities that recognize present as well as historical activities on the South Spit. Recreational uses will include day use activities such as fishing, clamming, picnicking, sightseeing, beachcombing, hiking, horseback riding, wildlife viewing, and waterfowl, snipe and coot hunting. Vehicle access to the waveslope will be allowed for recreation uses and commercial fishing. Rules guiding some of these activities include:

1. The area will be open to day use only, with no nighttime general public use allowed. The entrance gate will be opened one hour before sunrise and closed one hour after sunset. Open hours will be extended during waterfowl hunting season (October - January);
2. Designated vehicle access corridors will provide access to the waveslope. In accordance with county ordinances for the South Spit and Table Bluff County Park, vehicles will be allowed on the waveslope with a speed limit of 15 miles per hour;
3. All public uses within a designated plover protection area during the nesting season are not allowed. The following restrictions apply to waveslope activities adjacent to fenced and posted plover nesting, temporary brooding, and seasonal habitat protection areas:
 - a) Dogs must be leashed
 - b) No kites or model airplanes
 - c) No campfires

No waveslope activity restrictions apply to the temporary wintering protection areas. Plover protection areas are described in detail beginning on page 16 under "Plover Protection Actions";

4. Dogs must be under the owner's control at all times. Owners must carry a leash. See #3 for use restriction;

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5. Equestrian use is provided for on the west side of South Jetty Road;
6. Firewood cutting is allowed by permit from September 16th to March 1st;
7. Firearms (shotguns only) are only allowed for hunting of waterfowl, snipe, and coot;
8. Target shooting is not allowed (includes bow and arrows);
9. Fireworks are not allowed.
10. If fish are cleaned on the South Spit, then all entrails shall be carried off-site, or buried a minimum of 12 inches deep, or wrapped and disposed of in a proper receptacle: but in no case shall the entrails be left lying open on the beach.

A brochure and map will be developed and include information about the area's historic and cultural values, recreational opportunities, endangered plants and animals, restoration efforts, and will provide rules and regulations.

In cooperation with Humboldt State University, a visitor survey will be conducted to gather information about preferred recreation activities, how people would like the area to be managed, perceived problems and user conflicts, and visitor demographics. The survey would involve a questionnaire and possibly a telephone poll sampling of Humboldt County residents. A traffic counter will be installed at the entrance gate to document overall visitor use.

Law enforcement efforts will be implemented under a cooperative program between BLM, FWS, DFG, and HCSO. BLM patrols will occur at a minimum of two days per week with one of the days being on the weekend. Patrol summaries and incident reports will be prepared annually.

Special events held during the plover use periods will require a separate consultation under Section 7 of the Endangered Species Act.

A Memorandum of Understanding (MOU) between the BLM, Humboldt County, and DFG will be developed to provide consistency with visitor management rules and regulations.

Commercial Uses

Commercial fishing will be allowed under a special use permit, by BLM, for hours outside of the day use period.

Facility Developments

1. Caretaker Site: A volunteer resident caretaker will open and close the entrance gate, provide information to visitors, and perform light maintenance duties. The preferred site is located on DFG property just south of Lighthouse Ranch. The site will include a graveled access route to a graveled pad. The site will also include a storage shed, developed drinking water well,

electricity and telephone service, and a septic tank with leach field.

2. Parking Areas and Access Routes: Eight existing graveled parking areas on the west side of the road will be improved; one for multiple uses at the southern end on County Park property, six at intervals along South Jetty Road, and one multiple use parking area at the north end next to the jetty (See Map A for locations). The north and south sites will each have a single vault restroom, picnic tables, trash receptacles, and an information kiosk.

Each of the parking areas along South Jetty Road will be expanded and graveled to accommodate at least four vehicles, and delineated by a post and cable barrier or driftwood logs. Three will be designated for pedestrian parking, two for vehicle access to the waveslope, and one for a combination of both.

Four vehicle access corridors will be provided for vehicle access to the waveslope. The two corridors along South Jetty Road will be delineated by post and cable barriers. The other two are located at each end of the spit where multiple use parking and picnic areas will be developed. The southern access corridor will be delineated using driftwood logs. The northern access corridor will require signing only, as the corridor is easily recognizable. An alternate vehicle corridor will be developed and used only if one of the other two sites needs to be closed for reasons associated with the snowy plover. Signs will be displayed on these corridors to inform visitors these are the only routes to the beach and all other unsigned routes are closed, and about potential difficulties while traveling at high tides, and that non-street legal ATV and motorcycle riders need to use the same route to and from the beach to avoid driving on South Jetty Road.

Vehicle access routes extending to the bayshore from the east side of South Jetty Road will be left undeveloped. Vehicle use on nine of these short access routes will be allowed only for loading and unloading supplies during waterfowl hunting season (October - January). During the remainder of the year these routes and surrounding lands will be closed to all vehicle use. Several existing corridors will be physically blocked using driftwood logs to prevent further vehicle use. To facilitate the access routes on the east side, 11 existing turnouts will be improved. The turnouts are located along South Jetty Road and will eliminate parking near the bay side of the area.

An area will be located at the northeastern corner of the management area on the north side of the spur road for small watercraft launching, picnicking, beachcombing, and wildlife viewing. This area will be developed as a picnic site, with tables, cooking grills, and trash receptacles. The spur road beyond this site will be closed to vehicle use to protect a cultural and wildlife sensitive area. An existing four wheel-drive access route paralleling the sea wall will connect the picnic site to the jetty parking area. This route is used heavily by fishermen and will continue to be open to street legal vehicles.

3. South Jetty Road: This road will be repaired and improved by scarifying the base course of the road, re-compacting, and repaving areas where large potholes have formed. Portions of the road will be graveled and graded. As funding allows, a short 100-foot section of road will be rip-rapped and re-paved along the eastern edge to prevent erosion. The spur road leading to the proposed picnic site mentioned above will be graveled and graded. Traffic calming techniques

such as speed bumps may be installed. Roads will be maintained as necessary during interim management. The speed limit will be 25 miles per hour and open for street legal vehicles only.

A small section of road on County property has been impacted by erosion from the bluff above. The gully will be stabilized by constructing terraces and re-vegetating the area.

4. Signing: A variety of informational, educational, directional, and regulatory signs will be developed and installed. The information kiosks will display interpretive themes related to endangered plants and animals, and historical and cultural resource values. Information on types and locations of the various recreation activities will also be provided along with warning signs that beach areas in front of plover nest protection fences may not be passable during high tide. Adjacent to each kiosk will be a sign displaying the rules and regulations for the area. Many of the existing signs will be replaced with new ones that are more attractive looking. A sign plan with specific wording will be developed cooperatively between the Redwood Community Action Agency (RCAA) and BLM.

All facilities (including signs) will be designed to prevent, as much as reasonable possible, use as predator perches. All trash receptacles will be scavenger proof and emptied as necessary to prevent corvids from being attracted to these areas.

Prior to allowing public use of the area, two small piles of earthen materials containing potentially hazardous waste will be removed from the area. These sites are located near the proposed northernmost parking and picnic area adjacent to the jetty.

To provide for public safety and enhance the scenic quality at the jetty area, the chain link fence surrounding the large rocks that were stockpiled for jetty maintenance will either be removed or repaired.

Cultural Resources

During the interim management period, comprehensive archaeological surveys including subsurface test excavations in suspect areas are necessary to ensure any and all cultural resources are located, recorded, evaluated, and protected from facility developments and recreation use. Table Bluff Reservation - Wiyot Tribe will be contacted and given the opportunity to review the proposed interim management planning effort and share their ideas. Wiyot representatives will be included in all aspects of archaeological survey, monitoring, and test excavations. A Class III archaeological survey of the entire South Spit will be completed with participation by Wiyot tribe representatives and a comprehensive report prepared. The survey report will be used in developing long-term management plans.

The preferred location for the caretaker site on DFG lands coincides with the archaeological and historic house ruins and barn site that dates back to 1855. Some historic evaluation of this property has been done by Susie Van Kirk (1998) for the California Department of Fish and Game, however, no archaeological site records were prepared nor was a prehistoric survey conducted. An intensive archaeological survey of this area and complete recordation of the historic resources must take place before any ground disturbing activity occurs under interim

management. Evaluation of the historic resources and recommendations for their treatment will be included in the report to assist in proper long-term management of the area.

The development of graveled parking areas, vehicle access routes, two restrooms, and placement of information kiosks and other signs will only be done in conjunction with an intensive archaeological survey of the proposed sites where ground disturbing activities will occur. Special attention will be paid to the area adjacent to the northeast area of the South Spit near the sea wall and the old wharf remains to prevent disturbance to the burial grounds located somewhere in the vicinity. An archaeologist will be present to monitor every ground disturbing action to ensure that no cultural resources are disturbed. A Wiyot tribal representative should also be present if so desired by Table Bluff Reservation Tribal officials.

An Agreement will be developed jointly between the BLM Arcata Field Office and Table Bluff Reservation - Wiyot Tribe wherein tribal members will be given the free use of the South Spit for their traditional use and gathering of resources. These activities will include the following: surf fishing, clamming, eeling, gathering seaweed, bay grass, firewood, mushrooms, berries, basketry materials such as hazel, and waterfowl hunting. A tentative seasonal gathering schedule will be developed but may vary according to annual fluctuation of resources. Tribal members utilizing the South Spit will carry and present identification upon request by BLM staff and other law enforcement officers.

Vegetation

Consistent with the 1998 *Recovery Plan for Seven Coastal Plants and the Myrtle's Siverspot Butterfly*, which includes recovery plans for both the Humboldt bay wallflower and beach layia, interim management of native plant habitats and areas of endangered species occupation will focus on prevention of native plant and habitat loss, and the restoration of native dune habitat. Restoration methods employed will consist of manual removal of weeds that threaten further degradation of suitable habitat. Driftwood barriers and/or post and cable fencing may be used to prevent and discourage chronic or high intensity human impacts by foot, horse, or vehicle disturbance in inappropriate and sensitive plant habitat areas.

The BLM will continue to work with the Wildlife Conservation Board toward the public acquisition of the Texaco property to better manage and conserve its valuable plant resources including the threatened populations of Humboldt Bay wallflower and rare salt marsh species. The property will be posted as private on its north and west boundaries to dissuade public trespass.

Vegetative types, and endangered and rare plant species populations will be mapped and monitored. The mapping will provide valuable recreation, restoration, and wildlife planning assistance. Habitat features valuable to wildlife, such as ephemeral wetlands, will be included in the mapping.

Monitoring will occur for beach layia on the South Spit to meet these objectives 1) to collect data to provide occupied habitat area for comparable use in the future, 2) to establish baseline population estimates with which to establish overall population trends in the future, and 3) to

observe habitat changes with respect to recreation impacts.

Monitoring for the Humboldt Bay wallflower may occur on the South Spit. If permission can be obtained from Texaco Inc. to enter private property, vegetative and reproductive individuals will be counted and the overall population photo-documented. The BLM is willing to participate with the USFWS and Texaco Inc. to develop and implement a conservation and restoration strategy for the South Spit population, particularly if the USFWS finds that this population is genetically unique to other Humboldt Bay populations. In the event that the BLM is not granted permission to monitor and enhance the wallflower population from Texaco Inc., then, the BLM will patrol the property boundaries to dissuade trespass.

Research proposals will be considered by an interagency research team during the interim management period. Proposals will be evaluated and approved based on the following criteria: 1) they cannot alter natural resource values; 2) they should not compete with other approved projects; and 3) they must contribute to the management and conservation of native populations and habitats on the South Spit.

The BLM recognizes that the South Spit provides geographical range suitable for the subsistence of endangered beach layia and Humboldt Bay wallflower. The immediate objective of the *Recovery Plan* "is to minimize the threats to the species and the habitats upon which they depend." The BLM will work in the interim to conserve these species and minimize threats by removing invasive weeds adjacent to existing threatened populations, managing types and levels of human use such that the species are not negatively impacted, and by working towards developing a conservation strategy by working collaboratively with the local FWS and interested parties during the long-term management planning process.

Wildlife

As a federal agency, the BLM is required to consult with the FWS as directed by the Endangered Species Act, as amended, and receive a biological opinion on the actions proposed in this draft interim plan. It is imperative that BLM modify this plan, as necessary, to comply with terms and conditions of the biological opinion to ensure that the continued existence of the western snowy plover is not jeopardized and that the plan would contribute to the recovery of the species. According to the FWS *Western Snowy Plover Pacific Coast Population Draft Recovery Plan* USDI (2001), the only federally administered land in the Northern California sub-population "Recovery Unit 2" that has documented recent plover nesting attempts, is the South Spit of Humboldt Bay.

1. Surveys and Monitoring

Conduct plover searches along the 4½ miles of the South Spit beach at least once per month during the winter to identify areas of use and numbers of birds and noting actions adversely impacting the birds. Coordinate with Humboldt State University (HSU) researchers (Colwell) and Humboldt County representatives to minimize overlaps and maximize efforts.

Conduct plover searches along the 4½ miles of the South Spit beach at least once per week during the nesting season. Make note of paired birds and nest scrapes and request nest protection

actions where appropriate. Monitor nest attempts, nest failures, presence of banded birds, brood numbers, brooding areas, brood failures, adult and brood harassment, and interaction with recreational activities. Record locations of bird activity and attempt to determine failures, abandonments, mortalities, and other incidents. Coordinate with HSU (Colwell) and Humboldt County representative to minimize overlaps and maximize efforts.

Monitor visitor compliance with rules guiding recreational activities and document non-compliance. Document acts of vandalism or tampering with temporary protective fencing or predator exclosures. Document observations of deliberate take of plovers or plover eggs. Coordinate with HSU researchers (Colwell) and Humboldt County representative to minimize overlaps and maximize efforts. All monitoring and protective actions will be conducted by people who hold a recovery permit that covers such actions.

2. Plover Protection Actions

Temporary Nest Protection Area

Upon verification of an active plover nest, a plover protection area will be closed to all recreational activity during the nesting season (3/1 to 9/15). The plover protection area will run along the beach, just above the seasonal high tide line, for a distance of 600 feet on each side of the nest, then proceed eastward to a line 200 feet inland from the nest. Temporary "symbolic" fencing will be erected to delineate the perimeter of the plover protection area. Preventive measures will be taken so as not to create additional perches for avian predators. The proposed plover protection area configuration is designed to:

- a) Protect nests from vehicle run-overs and still allow vehicle passage;
- b) Protect an area wide enough to make it difficult for predators or vandals to key in on the nest site;
- c) Provide a wide enough buffer from unleashed dogs and kite or model airplane types of disturbances;
- d) Protect an area deep enough to screen nesting plovers from activities in the back dunes without closing off a large area.

Temporary Brood Protection Area

If an area is discovered where one brood appears to be frequenting for one week, a plover protection area may be established which will be closed to all recreational activity until fledging. Temporary "symbolic fencing" will be erected, above the seasonal high tide line to delineate the concentrated use area of the broods and removed after birds fledge.

Seasonal Habitat Protection Area

In order to provide a dry-sand area of relatively disturbance-free habitat for plovers to initiate nesting activities, a seasonal (3/1 to 9/15) plover protection area will be established near the north end of the South Spit. The area will run from a point approximately 500 yards south of the Jetty for approximately 3,000 feet south along the beach at a level approximately 40 feet inland from the seasonal high tide line. The protection area will extend inland approximately 300 feet into the dunes creating a plover protection area of about 20 acres. The placement of the protection area at this location was chosen for several reasons. The site is toward the north end of the spit where visitor intensity is lower, but with a 500-yard buffer from the concentrated

fishing-sightseeing area at the jetty. The site is where wintering birds were observed in early 2002 and where a pair of plovers were seen as late as mid-April 2002. The beach is at its greatest distance from the access road and would potentially have the least amount of foot traffic by visitors. The site is located where the spit averages about one-half mile in width where plover habitat restoration actions could be implemented without potentially affecting the access road by sand movement. Temporary "symbolic" fencing will be erected to delineate the perimeter of the plover protection area. Preventive measures will be taken so as not to create additional perches for avian predators. The proposed plover protection area configuration is designed to:

- a) Protect nests from vehicle run-overs and still allow vehicle passage;
- b) Protect an area wide enough to make it difficult for predators or vandals to key in on the nest site;
- c) Provide a wide enough buffer from unleashed dogs and kite or model airplane types of disturbances;
- d) Protect an area deep enough to provide for the implementation of future habitat restoration activities.

Based on the recommendation of appropriate recovery permit holders, predator-proof exclosures will be constructed at nest sites after the departure of migrating merlins.

Temporary Wintering Protection Area

If an area is discovered where numerous plovers are wintering, a plover protection area may be established which will be closed to all recreational activity until the birds leave the area. A "picket line" of warning signs will be erected to delineate the concentrated use area and will be removed when the birds disburse.

3. Public Education and Enforcement

During the plover nesting season, an interpreter/maintenance person will update kiosk material, perform minor maintenance on fences and signs, and remove garbage which will otherwise be available for potential plover predators. This person will also be used to monitor visitor compliance with rules and document vandalism.

This interpreter/maintenance person will also erect informational and warning signs that will inform the public of plover resources and closure areas. The BLM will coordinate with other agencies to standardize plover signs as much as possible. This will serve to decrease public confusion over plover closures.

If plovers are present, additional staff will be on-site during high use periods (official opening of the area, holiday weekends of Memorial Day, Fourth of July and Labor Day), to act as interpretive/maintenance personnel to greet visitors at the South Spit entrance and to provide educational as well as current information on the presence of snowy plover nesting areas. Direct contact will assist in the visitor being well informed and able to watch for and avoid plovers on the beach.

4. Western Snowy Plover Habitat Restoration

As a part of the Interim Management Plan, a program of western snowy plover habitat restoration is planned. The program would provide an opportunity to increase suitable plover habitat by 80-150 percent over the existing situation.

The establishment of European beachgrass, ice plant and other invasive plants, have interrupted the functioning of natural systems on the spit, to the detriment of the western snowy plover. The stabilization of foredunes by beachgrass has eliminated low-gradient shifting dunes preferred by nesting plovers. The amount of suitable plover habitat available above the high tide line has dramatically narrowed to 30-50 acres. The remaining plover habitat is adjacent to a thatch of continuous vegetative ground cover convenient as ground predator ambush sites.

The most efficient and effective method for restoring a meaningful amount of plover habitat is to use heavy equipment (bulldozers, excavators, etc.) to bulldoze the beachgrass-covered dunes to the natural gradient of the unvegetated beach, disposing of spoils and vegetative material into the winter surf at low tide. The work would be performed at low tide prior to a winter storm so the natural power of the ocean could be used to mobilize and move the material in a natural way as storm drift when large amounts of beach in other local areas are also being mobilized by the storm. An archaeologist and a threatened/endangered plant specialist would be on site during the heavy equipment work to make sure those resources are not adversely impacted by the project. The flattened and exposed sand would then be available to natural wind and water-caused sand movement to maintain a natural dynamic system. Similar projects in degraded dune systems in Oregon have resulted in dynamic increases in plover nesting (Heany, Palermo, Segotta, Frounfelker pers. comm.). Further habitat enhancement may include dumping oyster shell hash on the project site, improving the effectiveness of the cryptic plover plumage and decreasing their vulnerability to predators (Kritz 1999). Resprouting of beachgrass is inevitable and annual maintenance for several years would be required to maintain appropriate landscape conditions. Permits would be required by the, Corps of Engineers, and possibly others.

The current project design would initially treat over one-half mile of foredune ocean-frontage to a distance of 300 feet east of the primary dune and grading it to the natural rise of the beach. This project configuration and location was chosen to treat a large area nearest the existing plover habitat on the widest portion of the spit while not impacting seasonal wetlands or encroaching on the paved access road to the east. The area treated would amount to approximately 20 acres and would be seasonally fenced with cable or rope and removable posts for the duration of each plover nesting season. The current proposed location of the project is in the 20-acre plover protection area mentioned in the "Plover Protection Actions".

COST ESTIMATES

Following is a list of management actions and projects that will be constructed and/or installed, using Coastal Conservancy grant funds, under interim management of the South Spit.

1. Potential Hazardous Waste Disposal	\$ 20,000 -
2. Stabilize / Re-vegetate old bluff trail	\$ 15,000 -
3. South Jetty Road Repair	\$ 70,000 -
4. Parking and Picnic Areas (includes grading, graveling, tables, restrooms, trash bins, corridors, barriers)	\$120,000 -
5. Caretaker Site	\$ 35,000 -
6. Signing (includes 2 kiosks)	\$ 30,000 -
7. Brochure / Publication	\$ 15,000 -
8. Cultural, Wildlife, Vegetation Inventory (in-house)	\$ 0
9. Remove invasive vegetation	\$ 20,000 -
10. Plover Protection Areas	\$ 20,000 -
11. Native American Consultation	\$ 5,000 -
12. Call Boxes (2)	\$ 15,000 -
13. Vehicle Barriers	\$ 40,000 -
14. HSU Visitor Survey	\$ 20,000 -
15. RCAA Overhead	\$ 75,000

TOTAL \$500,000

Many of the projects and/or management actions listed above may need to be implemented prior to opening the area to the public. They include the following:

- removal of the potential hazardous waste;
- site specific resource inventories for cultural resources, wildlife, and vegetation;
- consultation with the Table Bluff Reservation;
- installation of signs that provide information as well as interim management rules and regulations; and
- construction of vehicle access corridors and barriers.

Development of the caretaker site would not have to be fully completed if a nearby resident is available to serve as a BLM volunteer caretaker.

The following management actions are discussed in the interim plan but not part of the Coastal Conservancy funding at this time:

1. South Jetty Road Rock Revetment (Rip-Rap)	\$ 20,000
2. Creating Plover Habitat with Heavy Equipment	\$ 75,000

FIGURE 2: SOUTH PARKING AREA

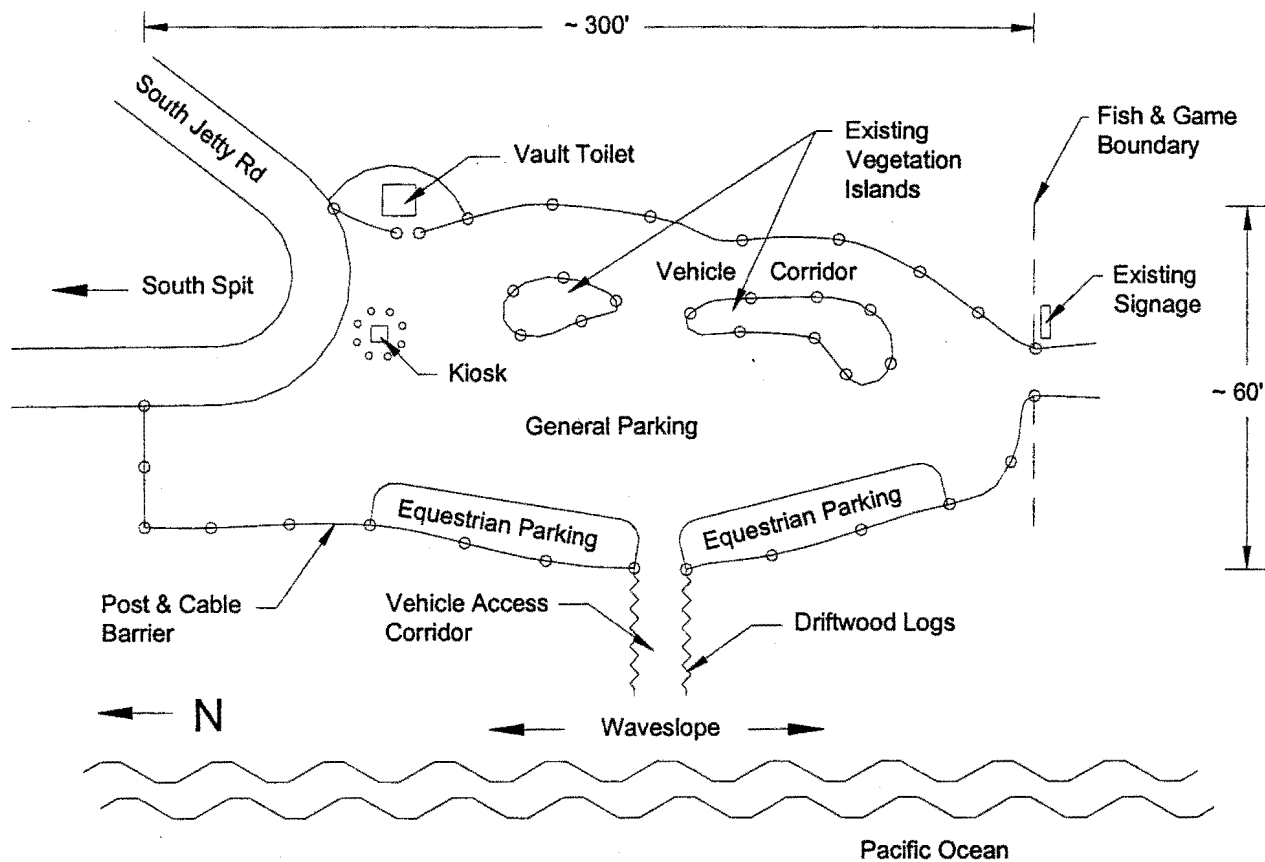


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FIGURE 3: NORTH PARKING AREA

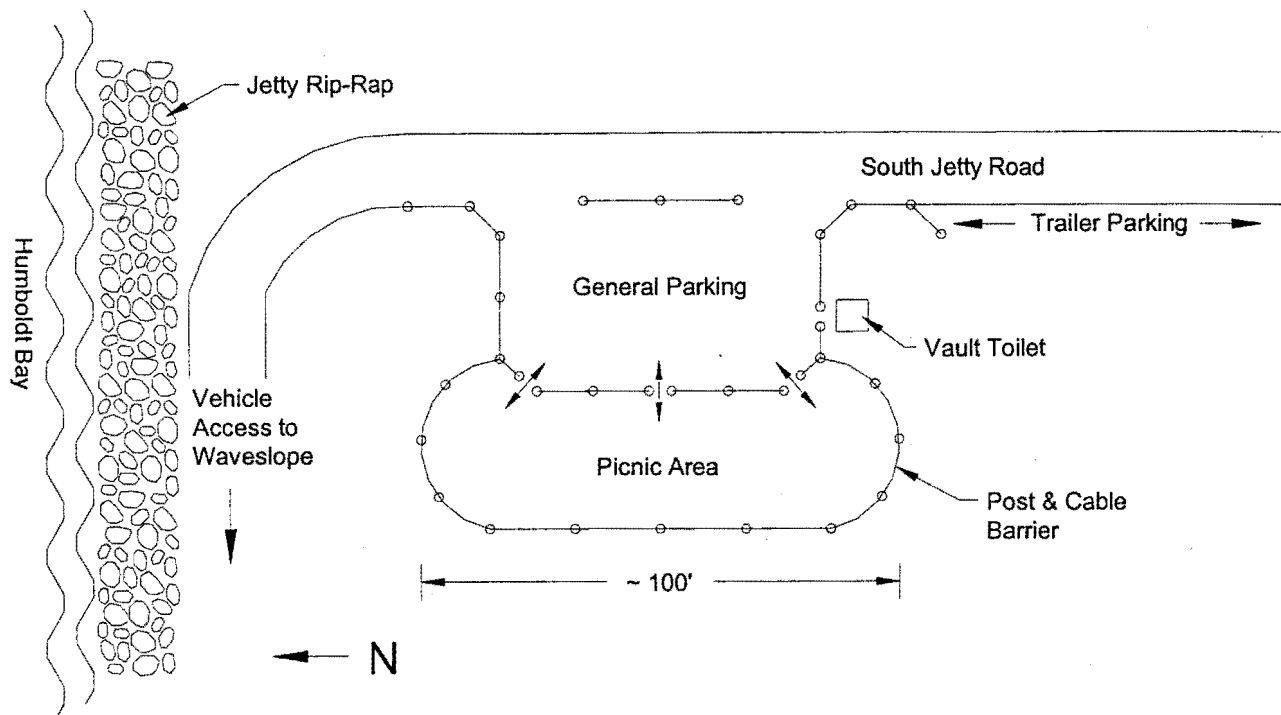


FIGURE 4: NORTHEAST PICNIC AREA

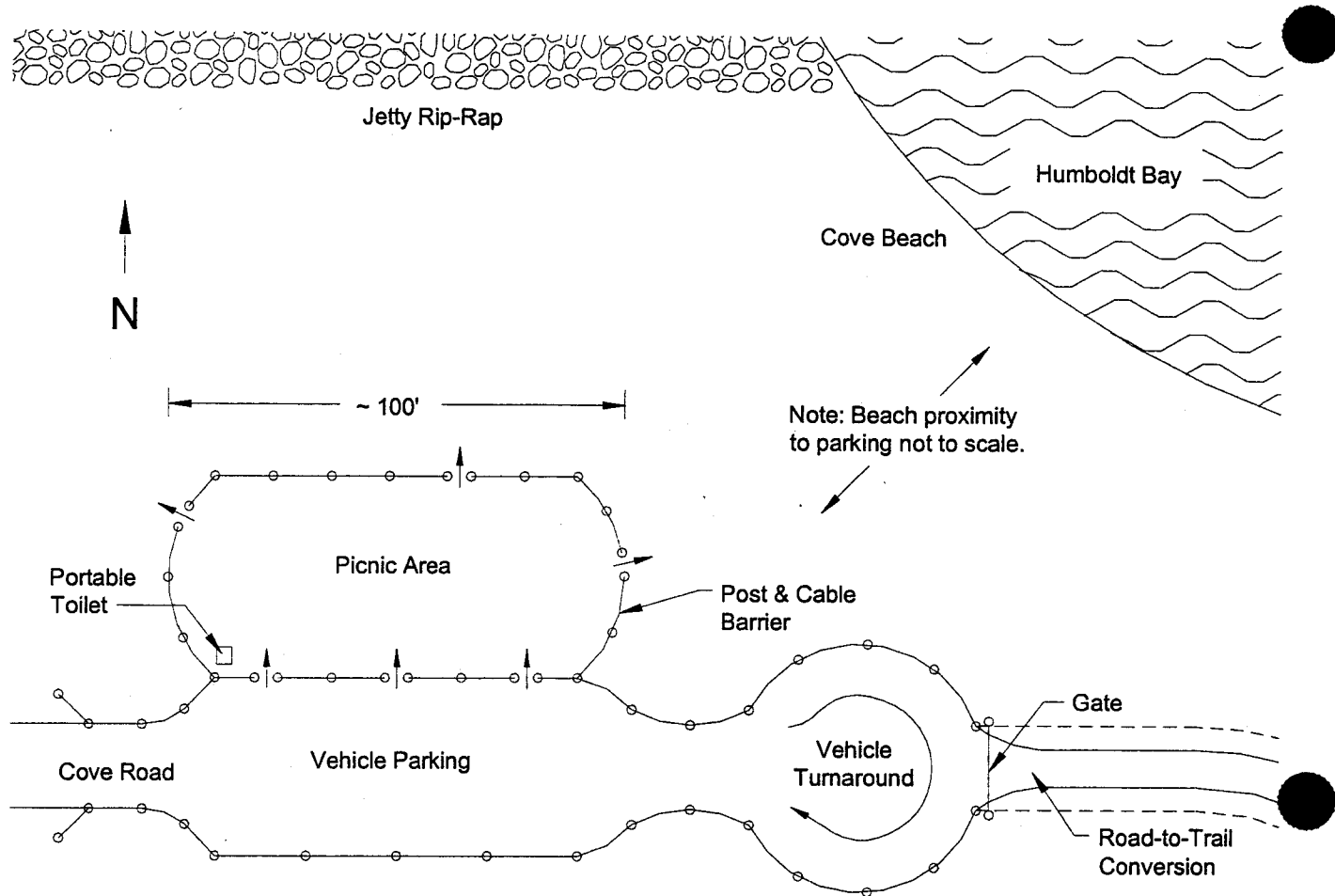


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FIGURE 5: CARETAKER SITE

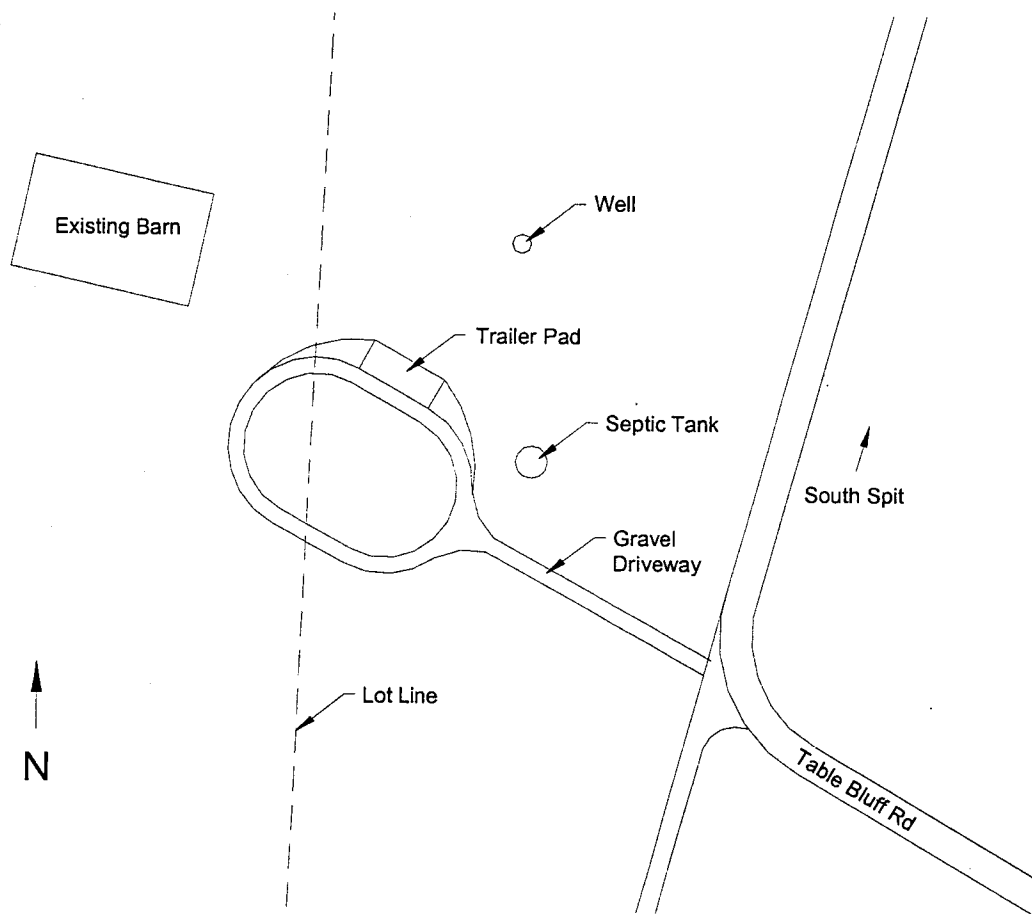

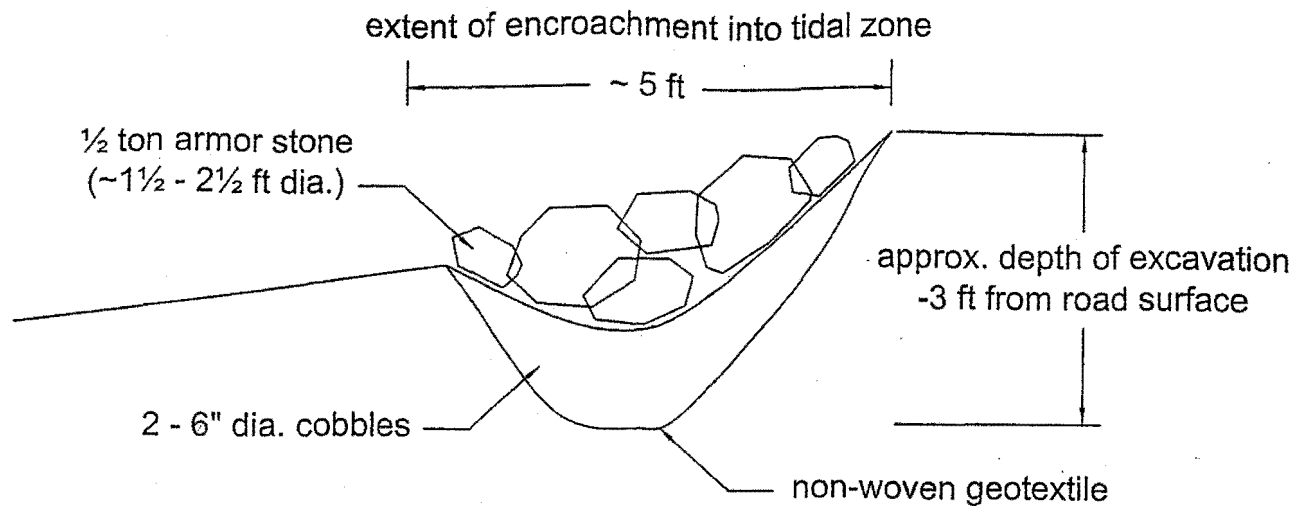
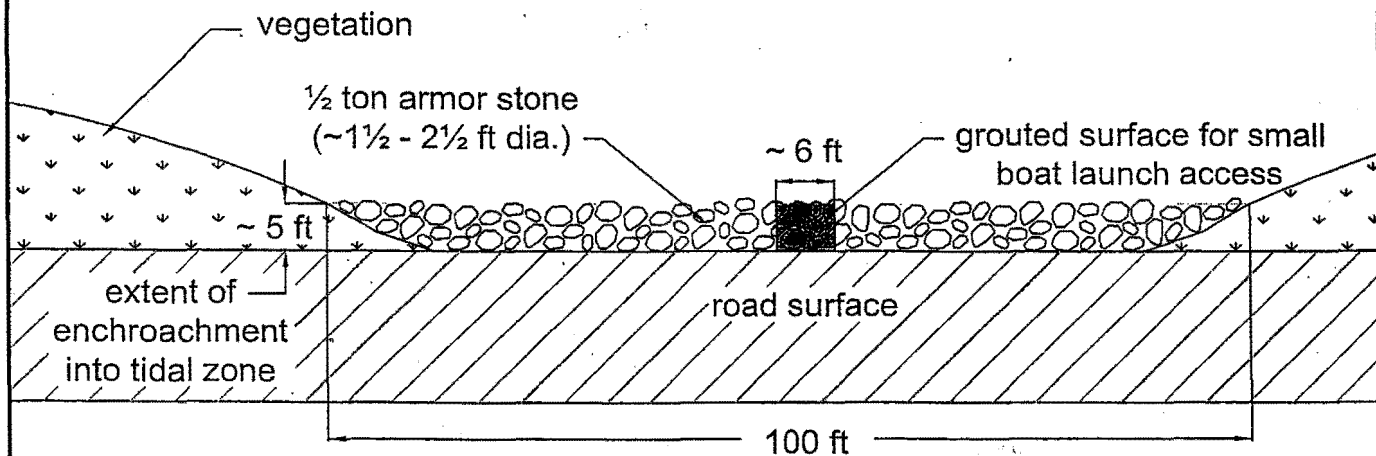


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Cross Section
Scale 1" = 2'



Plan View
Scale 1" = 20'

U.S. Department of the Interior
Bureau of Land Management

South Spit Recreation Area
Arcata Field Office
Figure 5 - Road Revetment

EXHIBIT NO. 8

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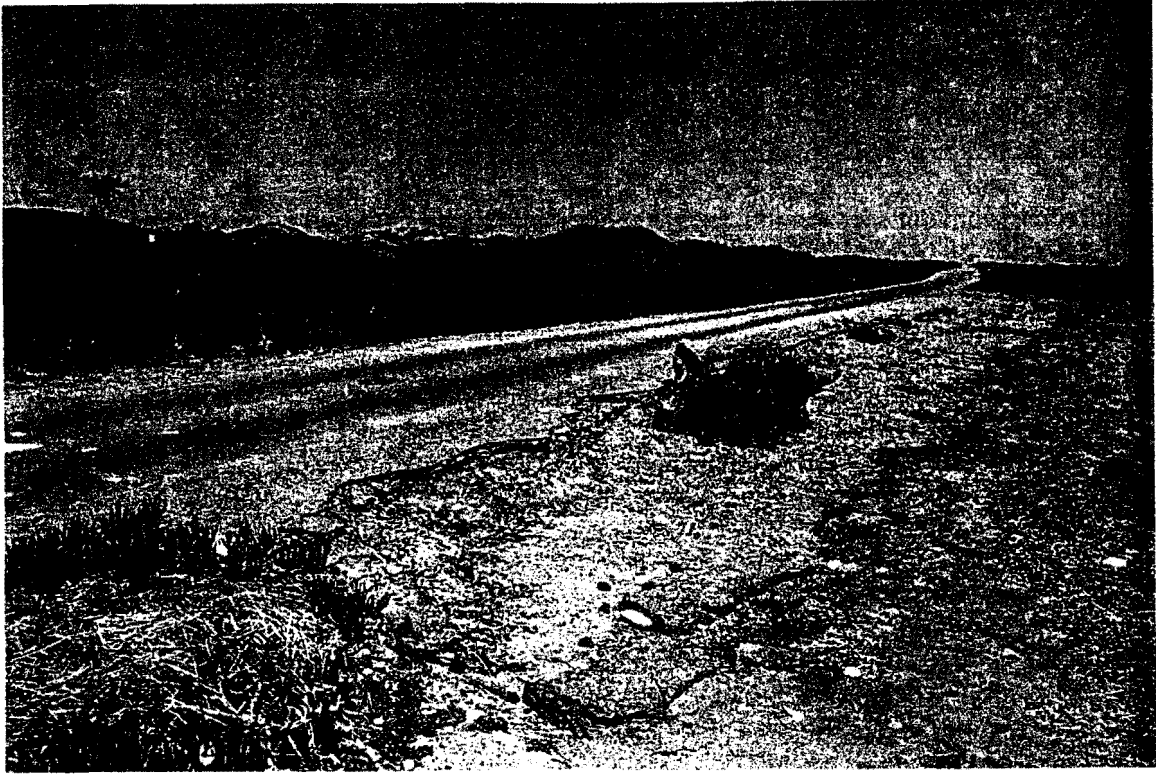

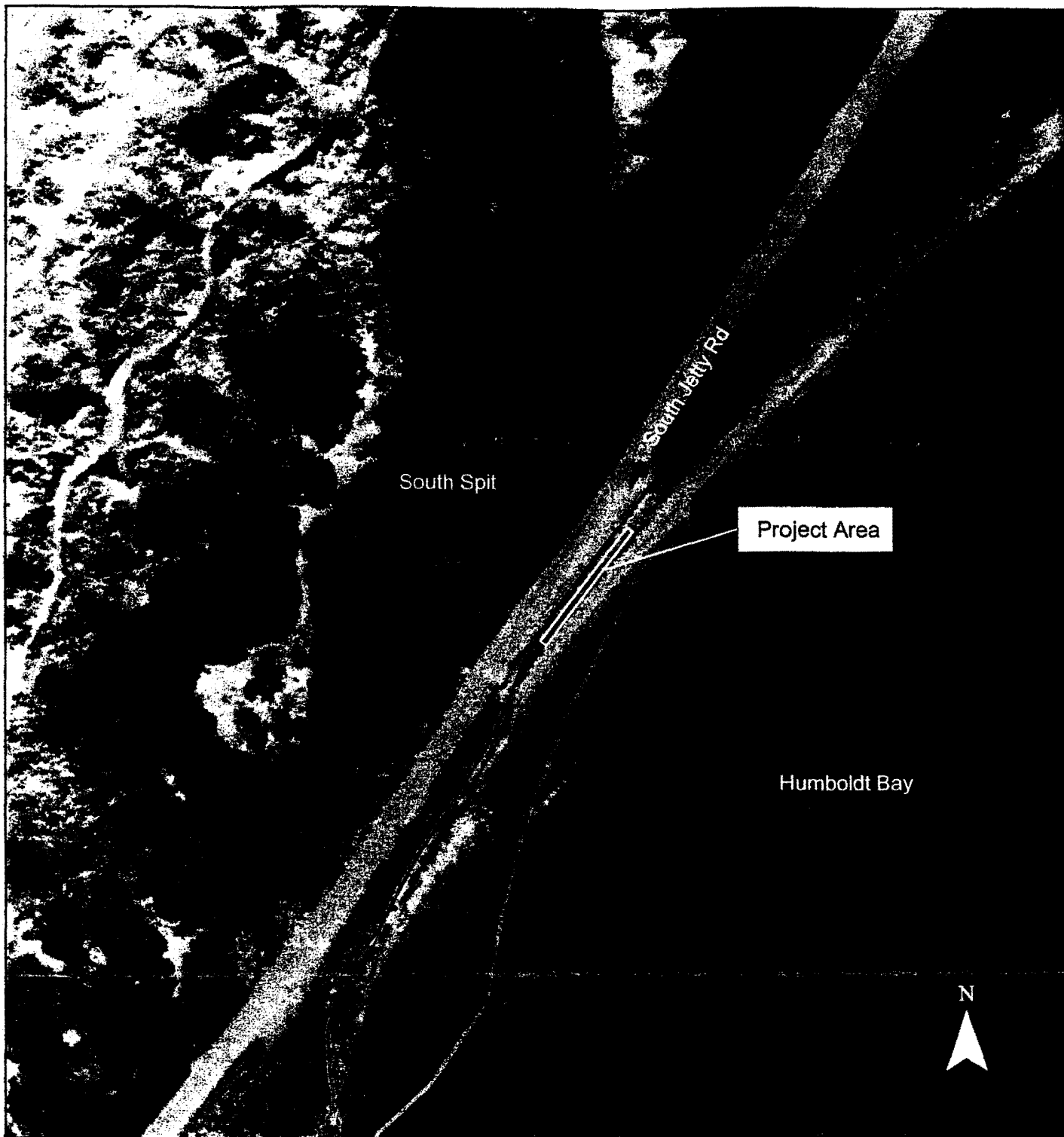


FIGURE 3. PROJECT AREA

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BUREAU OF LAND MANAGEMENT
South Jetty Road Revetment

Figure 2 - Project Site Map

—— High Tide Line (HTL)
—— Mean High Water (MHW)

0 60 120 240 Feet

SCALE 1:1,200

EXHIBIT NO. 10
APPLICATION NO.

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