STATE OF CALIFORNIA -- THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, *GOVERNOR*

CALIFORNIA COASTAL COMMISSION
NORTH COAST DISTRICT OFFICE
710 E STREET • SUITE 200
EUREKA, CA 95501-1865
VOICE (707) 445-7833
FACSIMILE (707) 445-7877

MAILING ADDRESS:
P. O. BOX 4908
EUREKA, CA 95502-4908

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Staff:	Robert S. Merrill
Staff Report:	November 24, 2004
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Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.:	**1-04-071**
APPLICANT:	**CALIFORNIA DEPARTMENT OF PARKS AND RECREATION**
PROJECT LOCATION:	Little River State Beach, near Highway 101 & Crannel Avenue, McKinleyville area, Humboldt County (APNs 513-161-01 & 513-171-08)
PROJECT DESCRIPTION:	Experimentally treat European beachgrass infested dunes to determine optimal removal and disposal techniques to restore dune habitat using eight 1.48-acre treatment areas within the dunes.
GENERAL PLAN DESIGNATION:	Public Recreation
ZONING DESIGNATION:	Public Recreation (Coastal Wetland, Design Review, Beach and Dune area combining zones)
LOCAL APPROVALS RECEIVED:	None Required

OTHER APPROVALS RECEIVED:	U.S. Fish and Wildlife Service Technical Assistance
OTHER APPROVALS REQUIRED:	None
SUBSTANTIVE FILE DOCUMENTS:	Humboldt County Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve with conditions the coastal development permit for the proposed experimental dune restoration project at Little River State Beach south of Trinidad in Humboldt County. Staff believes that the project, as conditioned, is for a use dependent on the resources of the environmentally sensitive dune habitat in which it is located and will protect the habitat against any significant disruption of habitat values. In addition, with the requirements of Special Condition No. 1 below to monitor for archaeological resources during construction, the project will be conducted in a manner that will avoid significant disturbance of archaeological resources. Furthermore, public access would be maintained at Little River State Beach during the extent of the project and the project would have only insignificant impacts on public access use. Therefore, staff believes the proposed development is fully consistent with the ESHA protection, archaeological resource protection, public access, and all other applicable policies of Chapter 3 of the Coastal Act.

The Motion to adopt the Staff Recommendation of Approval with Conditions is found on page 3.

STAFF NOTES:

1. Standard of Review

The proposed project is located in Humboldt County within the Commission's area of retained permit jurisdiction. Humboldt County has a certified LCP, but the proposed project is within an area shown on State Lands Commission maps over which the state retains a public trust interest. Therefore, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 1-04-071 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment.

II. STANDARD CONDITIONS: See Attachment A.

III. SPECIAL CONDITIONS:

1. Area of Archaeological Significance

A. If an area of cultural deposits is discovered during the course of the project all construction shall cease and shall not recommence except as provided in subsection (c) hereof; and a qualified cultural resource specialist shall analyze the significance of the find.

B. A permittee seeking to recommence construction following discovery of the cultural deposits shall submit a supplementary archaeological plan for the review and approval of the Executive Director.

(i) If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the Executive Director.

(ii) If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Background

The proposed development involves a pilot restoration project at Little River State Beach south of Trinidad in Humboldt County (see Exhibits 1-3).

Little River State Beach (LRSB) currently provides habitat for and/or has historically provided habitat for several California and federal special status species including the western snowy plover, beach layia (Layia carnosa), and pink-sand verbena (Abronia umbellata ssp. Breviflora). These species often occur in sand verbena-beach bursage and native dunegrass communities, communities considered rare and worthy of special consideration by the California Department of Fish and Game (CDFG 2003). Since the 1930's European beach grass (Ammophila arenaria) has steadily displaced these communities at LRSB, contributing to the decrease and in some cases extirpation of native beach and dune species entirely. Currently, pink sand verbena (remnant occurrences) and snowy plovers are the only known special status species to occur at LRSB.

The desire for a large-scale coastal dune restoration plan at Little River State Beach emerged from management goals put forward in the North Coast Redwoods District Beach and Dunes Management Plan (Transou et al. 2004). This plan is the result of the Department's stewardship efforts to protect the western snowy plover (Charadrius alexandrinus nivosus) and the ensuing acknowledgement that something more

comprehensive than single species management was needed to sustain the natural resources of the North Coast Redwoods District (NCRD). The Final management plan has not yet been released. However, recommendations emerging from the plan have been acknowledged and implementation of selected recommendations are underway by the District's Natural Resource Program.

In northern California, coastal dune ecosystems have been severely altered by the invasion of exotic species, primarily yellow bush lupine (Lupinus arboreus) and European beachgrass (Ammophila arenaria) (Pickart et al. 1998). Consequently, dune management efforts have largely focused on restoration. Beach and dune restoration projects of varying scope have been implemented throughout the north coast of California and Oregon. Many of these projects have employed manual removal, and to a lesser extent mechanical removal methods (grading with a dozer), to remove European beachgrass. However, the efficacy and cost efficiency of these efforts have not been rigorously analyzed and little published or unpublished data exists regarding European beachgrass removal efforts. Given that existing information on mechanical removal is largely site specific and experimentally tested methods are lacking, the District developed the Little River State Beach Pilot Habitat Restoration Project. This pilot project is designed to experimentally evaluate and determine the most successful mechanical removal technique, as it relates to sand movement patterns, removal efficacy, and cost effectiveness for a large-scale European beachgrass removal project. In addition to benefiting the beach and dune ecosystem, this project is expected to improve the recreational and interpretive opportunities at LRSB.

B. Site Description

The proposed project site is located thirteen miles north of Eureka and five miles south of Trinidad at Little River State Beach off of Crannel Avenue in Humboldt County (see Exhibits 1-3). Little River State Beach extends approximately two miles and is located adjacent to Highway 101 between Moonstone County Park to the north and Clam Beach County Park to the south with a small stretch of private property adjacent to the north. Little River State Beach and the surrounding area are characterized by an extensive stretch of coastal dunes and an expansive, flat, sandy beach. The park is comprised of approximately 148 acres of beach and dunes. Little River flows across the northern end of the state beach toward Moonstone beach where it empties into the Pacific Ocean.

Little River State Beach is characterized by a dune system comprised of beach strand, foredunes, dune ridges, deflation plains, stabilized back dunes, and a small dune forest (See Appendix A for details). Little River flows through the dune system creating a small island of stabilized dunes on the north side of the river adjacent to Highway 101. The project area is relatively flat, at elevations ranging from 0.00 (mean low, low water (MLLW) to approximately 40 feet.

Habitat types at Little River State Beach include dune systems, wetlands and coastal scrub. These habitat types currently support four vegetation communities that are separated into units based on dominant vegetation: the European beachgrass series, the Yellow bush lupine series, the Coyote brush series, and the Sedge series (Pickart and Sawyer 1998, Sawyer and Keeler-Wolf 1995) (see Exhibit No. 3). Of these four series, two are largely comprised of invasive, non-native plant species, European beachgrass and yellow bush lupine series

Little River State Beach provides habitat for the western snowy plover (*Charadrius alexandrinus)*. The western snowy plover is a federally listed threatened species and has been observed nesting at Little River State Beach since the early 1990's.

The subject site was acquired by the Department of Parks and Recreation in 1931 and was designated a state beach in 1963.

C. Project Description

The LRSB Pilot Restoration Project will experimentally treat 8.9 acres of European beachgrass infested dunes at LRSB. The total project area includes roughly 40 acres along the primary foredune, dune hollows and stabilized back dunes. This project is designed to determine the most successful mechanical removal technique, as it relates to sand movement patterns, removal efficacy, and cost effectiveness. Four treatments, consisting of 3 mechanical removal methods and 1 control (no treatment) will be replicated once and randomly assigned to initially treat eight 1.48-acre plots (see Exhibit 4). In addition, 3 techniques will be analyzed to determine the most effective disposal method. The project is scheduled to begin in December of 2004 and end in July 2005. Heavy equipment operation would occur between December 27 and February 4, 2004. If initial treatment operations conclude by January 15, 2004 all treatment plots would be re-treated using manual removal techniques March 1-15. This would allow 2 months of re-growth to be sampled and subsequently re-treated (by hand) prior to the onset of the snowy plover breeding season. Vegetation sampling would occur 2 months after initial treatment and 3 months after re-treatment.

Treatment Areas

Six 15 by 45 foot treatment areas would be primarily designed to evaluate large openings in the primary foredune with little or no vegetation extending back into the stabilized dunes (Figure 3-1). Two additional treatment areas, serving as controls, would be established in which no manipulation would occur. All eight treatments were randomly designated. The elevations of the foredune near the waveslope would be reduced to encourage the use of the area by snowy plovers and possible wave run up. By 'breaching' the foredune, blowouts are intended to reestablish sand transportation from the beach into the dunes. The resulting leveled and exposed sand would then be available to natural wind-caused sand movement to maintain a natural dynamic system. Further habitat enhancement may include scattering small driftwood throughout the treatment plots.

Small to medium size driftwood would be collected from each plot prior to heavy equipment use and re-distributed into the plots once treated.

Symbolic Fencing.
Symbolic fencing would be used to protect the eight treatment plots from human disturbance. In the recovery plan for the snowy plover, symbolic fencing is recommend as a management strategy to help protect nesting areas and at the same time allow recreational activates on the beach (USFWS 2001). Fencing at LRSB will mimic fencing used as adjacent Clam Beach County Park to protect plover nesting areas. A total 8.9 acres of the 148-acre park would be closed for a 10-month period. The fencing would be erected in January of 2005 after the plots are treated. The fencing would remain in place throughout the snowy plover breeding season (March 15 - September 15). Little River State Beach does not have a designated trail system. There are many access points along the frontage road and from the Clam Beach County Park parking lots. Access from the frontage road and adjacent CBCP parking lot to the beach will not be affected during this project.

The symbolic fencing would be placed around each treatment area and plastic informational signs would be placed on the fencing. The fencing would be placed above the mean high tide line. Highly visible (black and orange, blue) 0.5-inch diameter rope will be strewn between metal posts placed 30 to 40 feet apart. The metal posts are 6 feet tall, 2 feet of which would be buried in the ground with 4 feet remaining above ground. Instillation and removal of fencing would involve only hand tools and vehicles to transport the materials. Interpretive signs would be used on the symbolic fencing to inform the public of the restoration project and sensitive species.

Mechanical Treatments
Between December 27 and February 2, 2004, heavy equipment would be utilized to initially remove European beachgrass from six treatment plots at LRSB and to transport the material to onsite disposal pits and dump trucks positioned along the Clam Beach frontage road.

Three removal techniques using heavy equipment would be employed to remove the beachgrass from portions of the primary foredune and dune ridges within the treatment areas. Two of the techniques are designed to maintain to the greatest extent possible the existing topography while minimizing the substrate attached to the root system allowing for more efficient disposal.

- The dozer/grade technique would mimic those used by Bureau of Land Management (BLM) at the South Spit of Humboldt Bay (USDI 2002). Dozers would be used to remove beachgrass then grade foredunes to a 1.5-2.5 percent slope depending on seasonal sand deposition. The beachgrass removed would be buried within the treatment plots to at least a depth of 6.6 feet. The highest point of this

graded slope will be less than 9.9 feet. A D7 or D8 dozer would be used to remove vegetation to a depth below the rhizomes (6.6 feet).

- The dozer attachment technique is adapted from the above method, however no grading would occur. A dozer with a brush rake attachment would be used to remove European beachgrass, and existing topography would be preserved to the maximum extent possible. A D7 or D8 dozer would be used to remove vegetation to a depth below the rhizomes (6.6 feet).
- The excavator technique is modeled after methods using an excavator with an attachment to remove exotics around the BLM, Coos Bay District Habitat Restoration Area. An excavator would be employed to pluck beachgrass from dunes while maintaining to the maximum extent possible existing topography. An excavator would be used to remove vegetation to a depth below the rhizomes (6.6 feet).

Heavy Equipment Transport and Storage Area

An unofficial, well-established pedestrian trail to the south of the project area, would be used for heavy equipment transport from the frontage road to the staging area (see Exhibit 4). This equipment corridor runs through existing ruderal habitat of the yellow beach lupine, European beach grass and coyote brush series. Heavy equipment would enter the project area via the equipment corridor in late December. Equipment would stay onsite until the close of the heavy equipment phase (scheduled to end the first week of February) at which time it would exit via the same corridor. A botanical survey would be initiated prior to project operation. If special status plants are observed, an alternative route would be selected to minimize possible impacts. This corridor and an additional corridor centrally located within the management area (see Exhibit 4) are proposed to be used to transport extracted vegetation from up to 3 treatment areas to be disposed of by offsite composting and burning. Existing obstructions (tree stumps) would be retained at the trailhead so that access for illegal OHV activity would be discouraged. When not in use, equipment would be stored onsite in the staging area (see Exhibit 4). The staging area consists of degraded open to semi vegetated dune habitat of the European beachgrass series.

Heavy Equipment Fueling

Heavy equipment would be fueled at the start of every day at a predetermined location (western ¼ of each treatment area). Fuel would be delivered via a fuel dispenser held in the bed of a 4 X 4 truck that would enter the beach from the Clam Beach County Park vehicle entrance. A snowy plover monitor would walk in front of the vehicle from the waveslope to/from the western ¼ of the treatment area to fuel the equipment.

Hazardous Materials Management Plan

Failure of, or leakage from, vehicles or heavy equipment could result in the release of hazardous substances (primarily petroleum-based products) into the ground or water. Equipment would be required to be leak free throughout rehabilitation projects. Leaks that develop would be repaired immediately in the field or work would be suspended until repairs could be made. Spill kits (including 5 gallon buckets) would be maintained on site in the event of accidental spillage. Appropriate agencies would be notified in the event of significant spillage.

Disposal Methods

Three types of disposal methods would be employed and evaluated to determine the most successful and cost effective method. These methods include: 1) burying the vegetation on site immediately after removal, 2) transporting vegetation off site and burning the vegetation later in the year, and 3) allowing the vegetation to desiccate in onsite piles for several months before transporting the material to a compost facility.

Three disposal sites have been identified within the project area. Two of the disposal sites are within treatment plots to be graded. The non-native vegetation would be removed and buried up to 6.6 feet within the plot before grading. The third disposal site would be located within the more stabilized 'back dune' area. The disposal pits would be composed of two sizes, 49 by 328 feet and 49 x 164 feet. Each of these disposal pits would be dug to a depth of 6.6 feet. Removed vegetation would be transported to the disposal pits via a dozer. A single heavy equipment trail would be used to transfer the material between the treatment plots and disposal sites.

Removed vegetation that is not buried on site would be 1) immediately transported offsite or 2) allowed to desiccate for several months onsite, before being transported to a compost facility. Transportation of the material to the desiccation location and to the dump truck would be accomplished using a dozer. Two equipment corridors would be used to move material between the treatment plots and the transport sites. The vegetation immediately transported offsite would be loaded into dump trucks along the Clam Beach frontage road and moved to the Patrick's Point State Park 'burn pile' to be burned at a later date. Vegetation left to desiccate would be piled on plastic in ruderal vegetation along the Clam Beach frontage road. Several months later, CCC crews would be utilized to transport vegetation to a dump truck staged along the frontage road. Leaving vegetation onsite for several months prior to removal would in theory, allow sediment in root system to be washed away by rain. Decreasing the amount of sediment attached to vegetation is necessary for composting.

Manual Treatment of Re-sprouts

Timely re-treatment of European beachgrass is essential for the control of this species. European beachgrass will re-establish itself rather aggressively, if not re-treated within a few months of the initial removal. If initial treatment operations conclude by January 15,

2004, all treatment plots would be re-treated using manual removal techniques during March 1-15. This would allow 2 months of re-growth to be sampled and subsequently re-treated (by hand) prior to the onset of the snowy plover breeding season. Hand tools such as shovels, would be used to dig up the re-sprouting beachgrass. The beachgrass would be dug to a depth of 0.6 meters (2 ft) and material would be taken off site to Patrick's Point State Park to be burned at a later date. A permitted snowy plover monitor would be on site and would monitor the work area daily prior to operation.

Monitoring

This project was designed to determine the most successful heavy equipment removal and disposal methods. To determine the most successful method, monitoring of multiple environmental factors before, during, and after the treatment phase is required. Besides monitoring the environmental conditions, cultural and biological monitors would be on site throughout the treatment phase of the project. The biological monitor would be primarily concerned with preventing take of snowy plovers and any unknown sensitive species that may occur.

Vegetation monitoring would consist of both rare plant surveys and vegetation sampling. A complete rare plant survey would be conducted prior to equipment operation to document and protect any special status species that may occur within the project area. Vegetation sampling would be conducted pre and post treatment to exploit the experimental value of restoration treatments and determined their success.

A rare plant survey was conducted in the project area during July 22, 2004. One sensitive plant, pink sand verbena was found within the project area, and its location was recorded using a global position system. A second rare plant survey is scheduled to be conducted (December 20-21) prior to equipment operation. Additional botanical monitoring would occur for the duration of the project (at the beginning of each operation day) to document and protect any special status species that may occur within the area of operation. Should a special status plant be located, a 7.5 m (25 ft) equipment exclusion zone would be established around the population. The area within the equipment exclusion zone would be treated by hand. American dunegrass has no official special status, but is recognized as an important foredune species, and therefore would be protected and retained in the project area.

Simple random sampling would be employed, using a 495-foot base transect through the center of treatment areas. Along each transect, base points would be systematically positioned at a distance (to be determined) that would allow for an adequate sample size. Diversity and abundance (via % cover) of vegetation would be estimated by placing 1 m^2 quadrats at randomly generated distances (0-20 meters) from base points. Visual estimates of cover and species composition within 1-meter quadrats would be collected by the same observers over time to minimize sampling error. Pre-treatment, 3-month post and 6-month post treatment data would be collected from treatment and control areas to

assess the degree of change that is attributed to restoration activities as opposed to natural variation or external influences (Pickart and Sawyer 1998).

Permitted snowy plover monitors would survey areas that work would be conducted in each day prior to operation (Appendix G). Snowy plover monitors would be on-site for the entire duration of operational hours to ensure that there are no snowy plovers present within 100 yards and that they have not moved on site. If snowy plovers are observed within 100 yards of the operational project area, an alternative area where snowy plovers are not present would be picked. All staff and activities would remain in the project area in which presence/absence surveys have been conducted.

Snowy plover productivity would be monitored by comparing past breeding successes with the following breeding season's success. Previous year's data such as the number of nest attempts, chicks hatched, and fledging rates would be compared with those in the upcoming 2005 breeding season.

Dune morphology is one of the primary environmental factors to be monitored in this project. By monitoring the dune morphology at LRSB before and after the mechanical treatment, the researchers can formulate an idea of the potential sand movement patterns to be expected in a large-scale restoration project.

The project area has been previously surveyed and a geological assessment of LRSB was prepared (Vaughan and Fiori 2004). This report was prepared to provide geological base line data of LRSB so that the migration of mobilized sand and changes in dune morphology may be monitored, and to evaluate the historical dune morphology found at LRSB. After treatment is completed, the area would be monitored to track the migration of mobilized sand and changes in dune morphology.

Little River State Beach was recently (July 2004) surveyed for prehistoric and historic cultural resources by a State Park Archeologist. A confidential report was prepared and two cultural significant sites were located along with six new findings that could be of some historical significance (Gruver 2004). The two cultural significant sites known to be of importance date back to prehistoric and historical times. Although prehistoric and historic cultural sites have been documented within LRSB, the sites are not within the project area.

Regardless, a cultural monitor would be on site during the treatment phase to ensure the protection of any new findings or unknown cultural artifacts that may become unearthed. If an artifact were to become exposed, heavy equipment use in that area would stop and consultation with the monitor, local tribes, and the State Park Archeologist would begin to determine the appropriate course of action.

D. Environmentally Sensitive Habitat Area

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

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

Section 30240 of the Coastal Act states in part that:

> (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*
>
> *(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The Humboldt County LCP identifies the vegetated dunes at Little River State Beach as being environmentally sensitive habitat areas and also generally identifies other critical habitats for rare or endangered species on state or federal lists as being environmentally sensitive habitat areas.

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

The dunes at Little River State Beach are largely comprised of invasive, exotic plant species including European beach grass (*Ammophila arenaria)*, yellow bush lupine (*Lupinus arboreus)*, and iceplant (*Carpobrotus chilensis)*. These invasive, non-native species act to out compete the native dune mat in the area and the abundance and distribution of native plant species at the site is limited. However, as discussed above, the applicant has conducted rare plant surveys and discovered a specimen of pink sand verbena.

The dunes at Little River State Beach, the snowy plover nesting areas, and the population of rare plants all constitute environmentally sensitive habitat as they are rare or especially valuable habitats and easily disturbed by man.

Section 30240(a) of the Coastal Act limits activities within environmentally sensitive habitat areas (ESHAs) to only uses that are dependent on the resources of the ESHA. In addition, ESHA must be protected against any significant disruption of habitat values.

The purpose of the experimental beachgrass removal project is to determine the most successful mechanical removal technique, as it relates to sand movement patterns,

removal efficacy, and cost effectiveness. The results of the experimental project would be applied to future dune restoration efforts, both at Little River State Beach and elsewhere along the North Coast. As the project is designed to facilitate future dune habitat restoration, the Commission finds that the proposed development activities within the environmentally sensitive dune habitat are for a use dependent on the resources of the ESHA.

The proposed project includes various measures designed to prevent any significant disruption of habitat values of the dunes, including limitations on areas where heavy equipment can operate within the dune system, restrictions on fueling and operation of heavy equipment, the availability of a hazardous materials management plan that can be utilized to address any accidental spills, and measure to avoid disturbance of the endangered snowy plover.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30240(a) of the Coastal Act, as the project is for a use dependent on the resources of the environmentally sensitive dune habitat and would not result in a significant disruption to ESHA.

E. Archaeological and Cultural Resources

Coastal Act Section 30244 provides protection of archaeological and paleontological resources and requires reasonable mitigation where development would adversely impact such resources.

Little River was the natural feature that separated two prehistoric Native American tribes, the Yurok and Wiyot. The Yuroks had over 50 named villages clustered along the Klamath River and coastal lagoons and creeks, including 17 villages on the coast. The Wiyot lived along the coast around Humboldt Bay, extending 35 miles from Little River to the Eel River.

Both the Yurok and Wiyot have historically utilized both the north and south sides of Little River. As noted previously, Little River State Beach was recently (July 2004) surveyed for prehistoric and historic cultural resources by a State Park Archeologist. A confidential report was prepared and two cultural significant sites were located along with six new findings that could be of some historical significance (Gruver 2004). The two cultural significant sites known to be of importance date back to prehistoric and historical times. Although prehistoric and historic cultural sites have been documented within LRSB, the sites are not within the project area.

The applicant indicates that a cultural monitor would be on site during the treatment phase to ensure the protection of any new findings or unknown cultural artifacts that may become unearthed. If an artifact were to become exposed, heavy equipment use in that area would stop and consultation with the monitor, local tribes, and the State Park Archeologist would begin to determine the appropriate course of action.

To ensure protection of any cultural resources that may be discovered at the site during construction of the proposed project, and to implement the recommendation of the archaeologist, the Commission attaches Special Condition No. 1 that requires that if an area of cultural deposits is discovered during the course of the project, all construction must cease and a qualified cultural resource specialist must analyze the significance of the find. To recommence construction following discovery of cultural deposits the applicant is required to submit a supplementary archaeological plan for the review and approval of the Executive Director to determine whether the changes are de minimis in nature and scope, or whether an amendment to this permit is required.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section Coastal Act Section 30244, as the development will not adversely impact archaeological resources.

F. Public Access

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

Little River State Beach does not have a designated trail system. However, there are many access points along the frontage road and from the Clam Beach County Park, and the park is used by many for public access. As discussed previously, symbolic fencing would be used to protect the eight treatment plots from human disturbance. A total of 8.9 acres of the 148-acre park would be closed for a 10-month period. The fencing would be erected in January of 2005 after the plots are treated. The fencing would remain in place throughout the snowy plover breeding season (March 15 - September 15). Although the symbolic fencing and the experimental project in general would temporarily preclude public access within certain areas, the impact on public access use is not significant. The 8.9 acres affected by the project represents only about 6% of the 148-acre area of the park. Access would be allowed to continue along the waveslope and around the fenced test plots throughout the duration of the project, except for brief periods when heavy equipment is operating in the area of work for safety reasons. In addition, the symbolic fence would only be in place for a relatively short period of time. Furthermore, access from the frontage road and adjacent CBCP parking lot to the beach would not be affected during this project.

Therefore, the Commission finds that the proposed project would not have a significant adverse effect on public access, and that the project as proposed without new public access is consistent with the requirements of Coastal Act Sections 30210, 30211, and 30212.

G. California Environmental Quality Act

Section 13906 of the California Code of Regulation requires Coastal Commission approval of a coastal development permit application to be supported by findings showing that the application, as modified by any conditions of approval, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Public Resources Code Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would significantly lessen any significant effect that the activity may have on the environment.

The Commission incorporates its findings on conformity with Coastal Act policies at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed herein in the findings addressing the consistency of the proposed project with the Coastal Act, the proposed project has been conditioned in order to be found consistent with the policies of the Coastal Act. As specifically discussed in these above findings which are hereby incorporated by reference, mitigation measures which will minimize all adverse environmental impact have been required. These required mitigation measures include requirements that limit extraction to avoid environmentally sensitive habitat areas, rare and endangered species, migratory fish, and extractions that could lead to changes in river morphology. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

EXHIBITS:

1. Regional Location Map
2. Vicinity Map
3. Existing Vegetation
4. Site Plan
5. US Fish & Wildlife Service Letter

APPENDIX A

STANDARD CONDITIONS

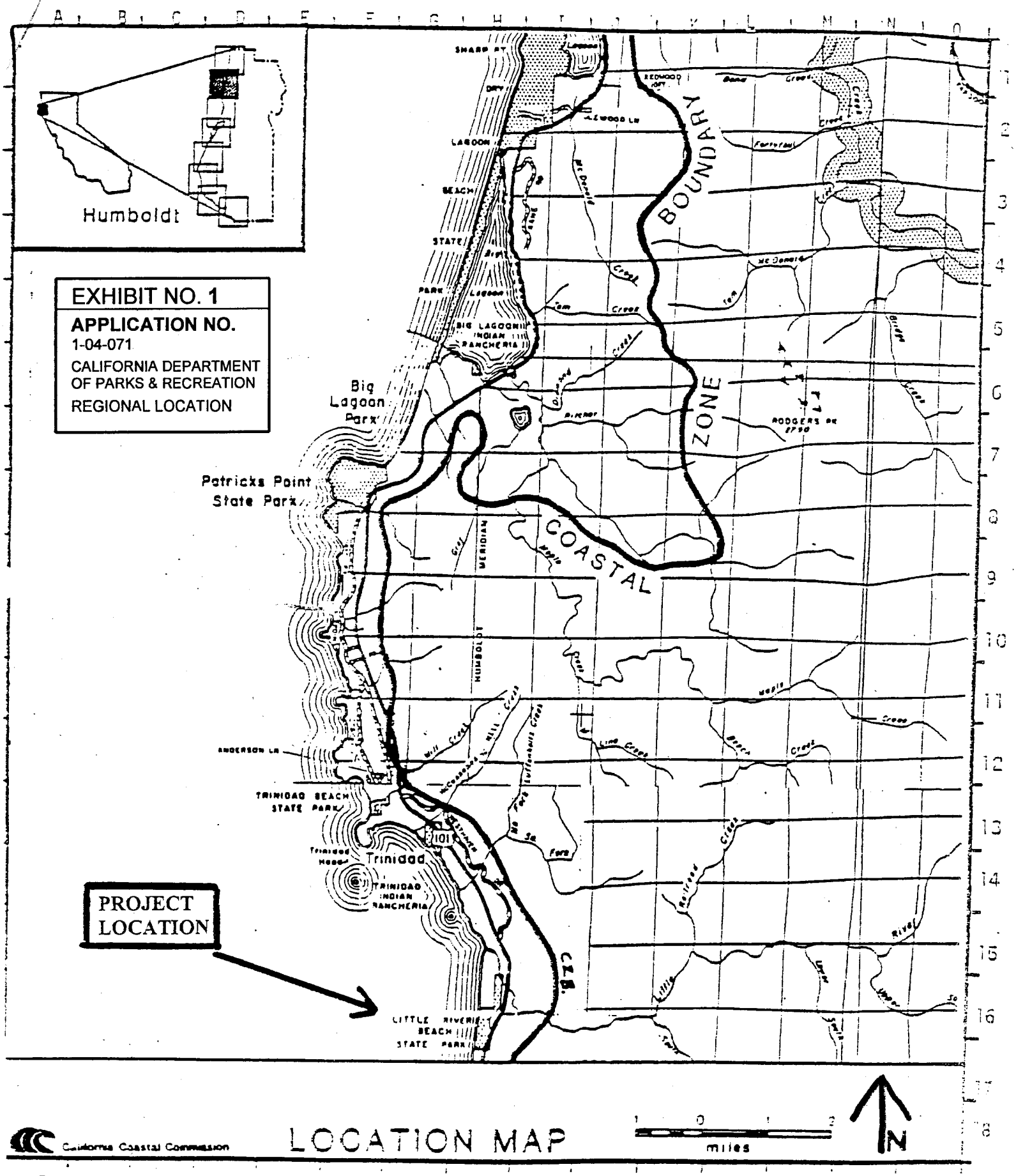
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



California Coastal Commission

LOCATION MAP

County of Humboldt

Little River State Beach Pilot Habitat Restoration Project
Vicinity Map

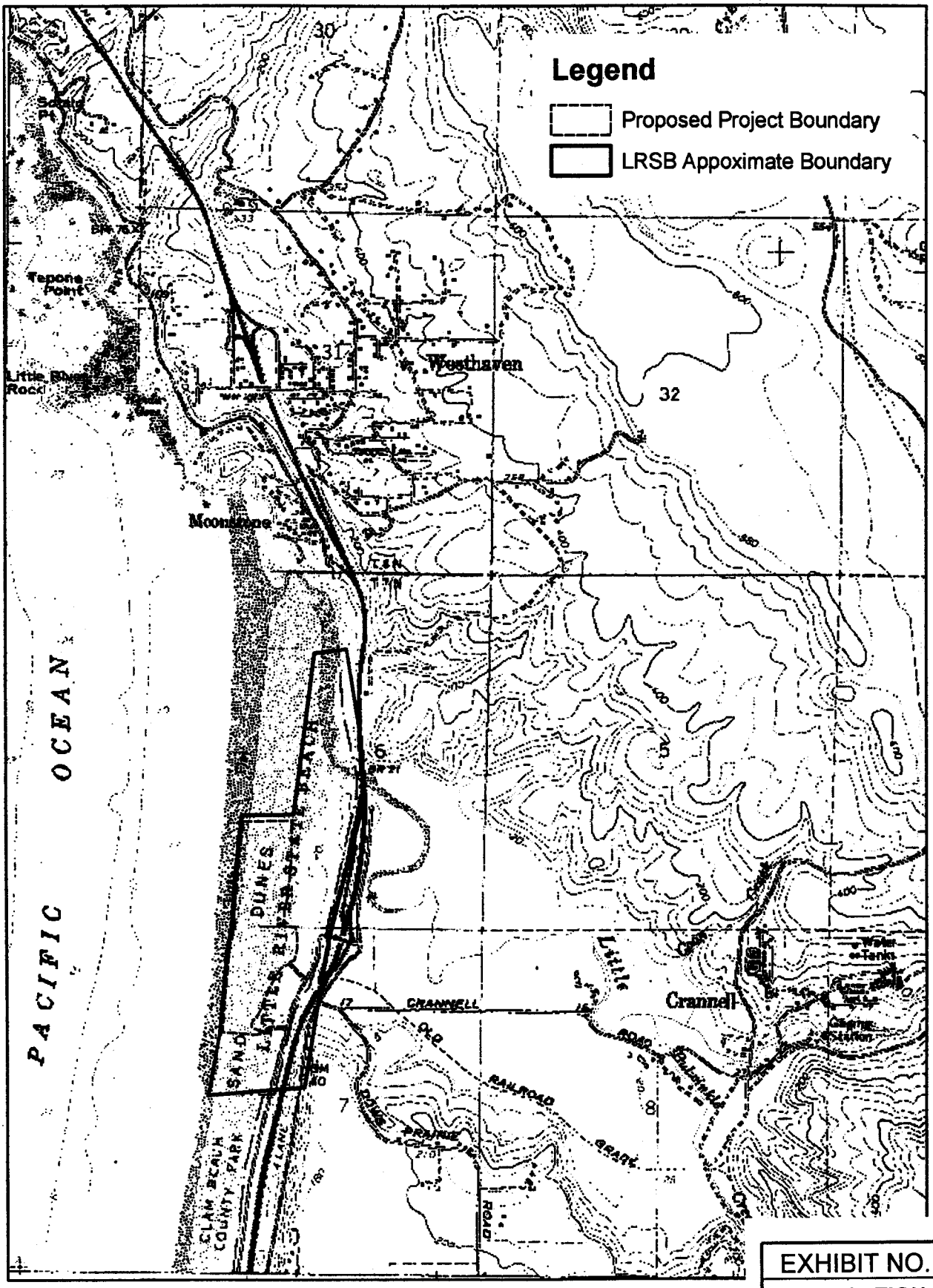


EXHIBIT NO. 2

APPLICATION NO.
1-04-071

CALIFORNIA DEPARTMENT OF PARKS & RECREATION

VICINITY MAP

California State Parks
North Coast Redwood District

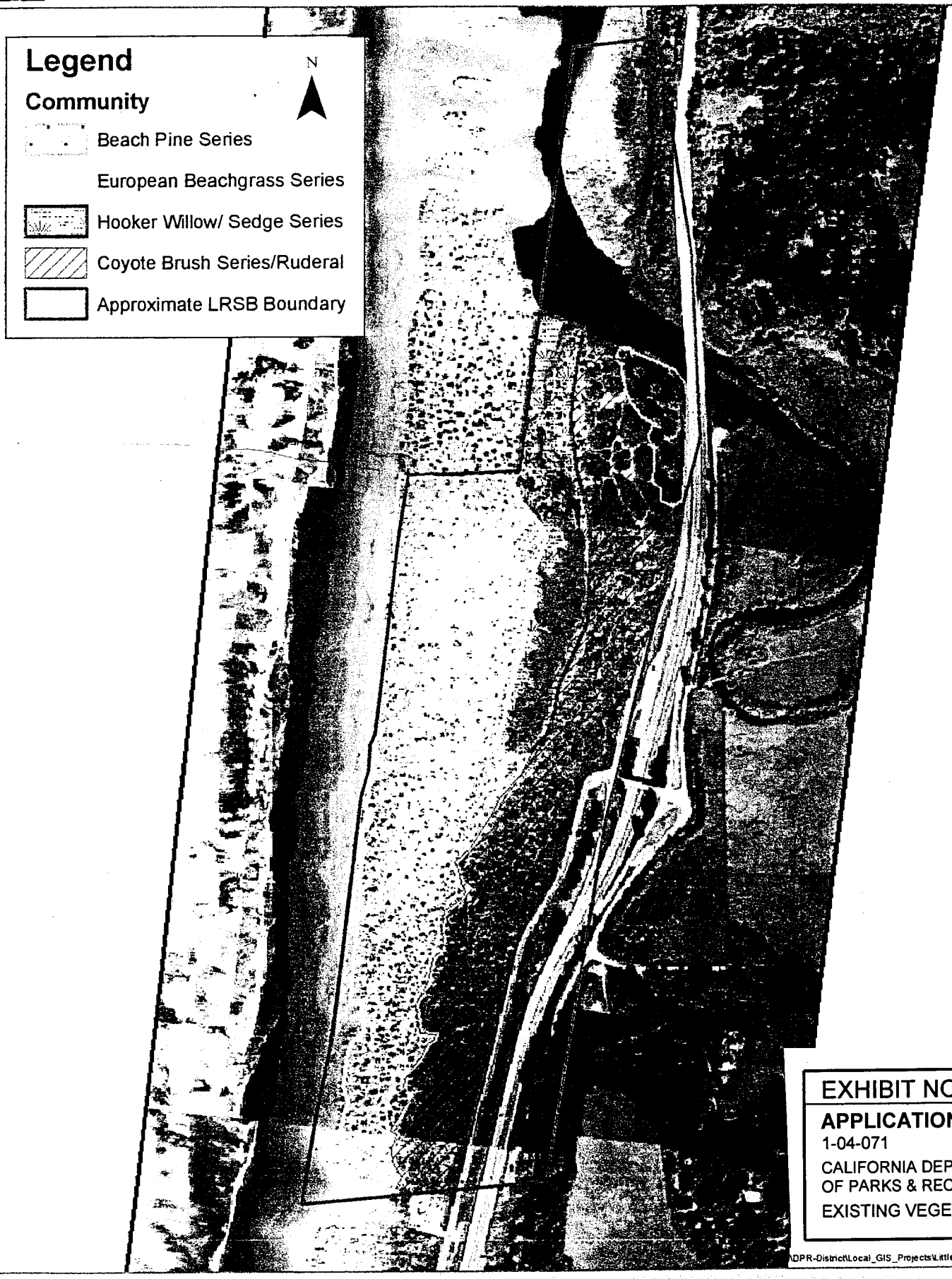


EXHIBIT NO. 3

APPLICATION NO.
1-04-071

CALIFORNIA DEPARTMENT OF PARKS & RECREATION

EXISTING VEGETATION

...DPR-District\Local_GIS_Projects\Little River\LRSB_Restor.mxd

Little River State Beach
Pilot Habitat Restoration Project

Vegetation Series Map

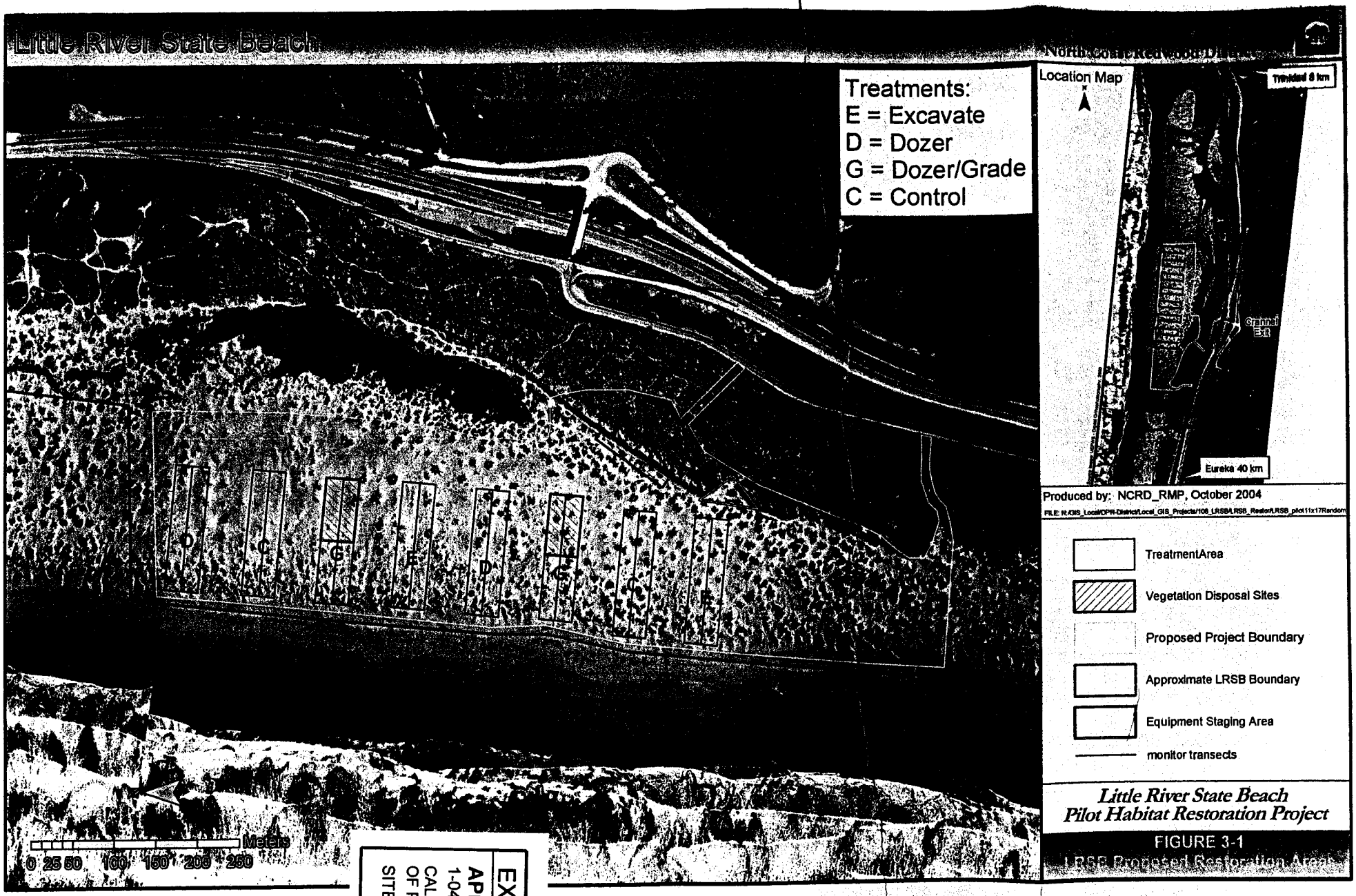


EXHIBIT NO. 4

APPLICATION NO.
1-04-071

CALIFORNIA DEPARTMENT OF PARKS & RECREATION

SITE PLAN

United States Department of the Interior

FISH AND WILDLIFE SERVICE
1655 Heindon Road
Arcata, CA 95521
Phone (707) 822-7201 FAX (707) 822-8411

In Reply Refer To:

1-14-2005-2552.1

OCT 25 2004

EXHIBIT NO. 5
APPLICATION NO.
1-04-071
CALIFORNIA DEPARTMENT OF PARKS & RECREATION
USFWS LETTER (1 of 2)

RECEIVED
NOV 12 2004
CALIFORNIA
COASTAL COMMISSION

Mr. John E. Harris
California Department of Parks and Recreation
North Coast Redwoods District
P.O. Box 2006
Eureka, CA 95502-2006

Subject: Technical Assistance - Little River State Beach Pilot Habitat Restoration Project, Humboldt County, California

Dear Mr. Harris:

This responds to a request for U.S. Fish and Wildlife Service (Service) technical assistance, received in our office on October 20, 2004, on the above pilot habitat restoration plan (project). At issue in the request is the potential for incidental take of the Pacific coast population of the western snowy plover *(Charadrius alexandrinus nivosus)* (plover), as a result of operations proposed on the project. The plover is Federally listed as threatened under the Endangered Species Act of 1973, as amended (Act). After review of the information pertaining to this request and attending a field review of the site in September 2004, the Service provides the following technical assistance.

The proposed project is summarized in your letter, and described further in a document enclosed with your letter, entitled "Little River State Beach Pilot Habitat Restoration Project." The project would treat 8.9 acres (3.6 hectares) of dunes to remove European beachgrass (*Ammophila arenaria*). The treated area would include six treated plots in an experimental design which would compare cost-effectiveness and beachgrass removal efficacy of three different mechanical treatments. Work would be conducted by heavy equipment between December 27, 2004 and February 2, 2005, outside the plover breeding season. If needed, re-sprouting beachgrass may be removed by hand or using hand tools, such as shovels, between March 1 and 15, 2005.

A primary purpose of the project is to protect and restore habitat for the plover, and to inform future restoration efforts to restore native dune habitats elsewhere at Little River State Beach. The project could also help recover the beach layia (*Layia carnosa*), a Federally endangered

annual plant which formerly occurred in Little River Beach dunes. The project includes measures to avoid take of the plover. These measures include presence of a plover monitor on-site at all times during operations, maintenance of a 100-yard buffer between project operations and plovers, use of heavy equipment only outside the plover breeding season, trash management, symbolic fencing and interpretive signs, and other measures.

The Service has determined that operations as proposed by the project would not be likely to incidentally take western snowy plovers. Although we believe the beach layia to be extirpated from the Little River Beach area, please inform our office should you encounter this species.

All information used to provide this technical assistance is on file at this office. We greatly appreciate your department's efforts to conserve and restore habitat for the plover. If you have questions regarding this letter, please contact Gary Falxa of my staff at (707) 822-7201.

Sincerely,

Michael M. Long
Field Supervisor