

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:	Tiffany S. Tauber
Staff Report:	September 23, 2005
Hearing Date:	October 14, 2005
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.:	1-05-028
APPLICANT:	City of Eureka and Bureau of Land Management (BLM)
PROJECT LOCATION:	Along the south end of the Samoa Peninsula, on the foredune area of City of Eureka-owned property adjacent to New Navy Base Road, Humboldt County (APNs 401-141-04, -05, -03, -07)
PROJECT DESCRIPTION:	(1) Reauthorize off-highway vehicle (OHV) use on 75 acres of foredune area, and (2) periodically maintain and rehabilitate trails using a tractor and box scraper.
GENERAL PLAN DESIGNATION:	Public Recreation (PR)
ZONING DESIGNATION:	Public Recreation (PR)
LOCAL APPROVALS RECEIVED:	None Required
OTHER APPROVALS REQUIRED:	None

SUBSTANTIVE FILE DOCUMENTS: (1) Humboldt County LCP; (2) Staff Report, Humboldt County LCP Amendment No. 1-93, Dec. 15, 1993, (3) Staff Report, CDP No. 1-98-067, Sept. 25, 1998, (4) Staff Report, CDP No. 1-00-047

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with conditions of the proposed reauthorization of (1) continued use of 75 acres of foredunes for off-highway vehicle (OHV) riding, and (2) periodic trail maintenance using a small tractor and/or a box scraper.

The project site is located along the south end of the Samoa Peninsula in Humboldt County on approximately 75 acres of foredunes on the City of Eureka Municipal Airport property commonly known as the Eureka Dunes Riding Area. Off-highway vehicle use has been occurring in a specified manner on the subject site since 1998 following the Commission's approval of Coastal Development Permit No. 1-98-067, which authorized specified use for a period of two years. The Commission subsequently approved CDP No. 1-00-047, which authorized the continued use of the OHV riding area for a period of five additional years. The project site is located directly adjacent to the Samoa Dunes OHV riding area managed by the Bureau of Land Management (BLM). (See Exhibit Nos. 1-4.)

The site is known to contain populations of Beach layia (*Layia carnosa*) and Humboldt Bay wallflower (*Erysimum menziesii* spp. *eurekense*), two federally listed endangered plant species. In addition, some of the dune area contains native dune grass. However, most of the foredune area is covered by European beach grass, yellow bush lupine, iceplant, and other invasive exotic plant species that outcompete and displace native dune species. The site contains no threatened or endangered animal species.

Unregulated and indiscriminate riding of OHVs over endangered and sensitive native plants has historically posed a threat to these coastal resources. In an effort to address these conflicts, years of intensive study, planning, environmental review, public involvement and numerous hearings over the period from 1990 to 1994 resulted in the Humboldt County Beach and Dunes Management Plan (Plan). Although the Coastal Act, rather than the Plan, is the standard of review for the proposed project, as the project site is located within the Commission's area of retained jurisdiction, the Plan provides a framework for managing the beach and dune areas of the North and South Spits, including the subject site. The plan discussing this original jurisdiction area is also acknowledged in Humboldt County's certified Local Coastal Program. (See LCP Amendment No. 1-93, certified by the Coastal Commission with modifications in 1994.)

One of the important purposes and outcomes of this Plan was to determine and specifically define areas where off-highway vehicles (OHVs) could or could not be ridden. The Plan concluded that the only areas where OHV use would be allowed or proposed are the existing Samoa Dunes Recreation Area (managed by BLM), the adjacent City of Eureka Foredunes (the proposed site) and along the wave slope for limited purposes. The remaining portions of the dune system along the Samoa Peninsula were identified to be closed to vehicle use.

The 75-acre portion of the City of Eureka foredune property, all of which is located in the Commission's area of retained jurisdiction, where the City and the BLM now propose to reauthorize and continue the OHV riding area, was locally rezoned from Natural Resources to Public Recreation and later acknowledged in the Beach and Dunes Management Plan LCP Amendment (No. 1-93). The purpose of the local zoning change was to allow for the creation of a well defined, but limited area for additional authorized OHV use in exchange for closing the balance of the north and south spits to vehicles.

In 1998, the BLM and the City of Eureka applied for, and the Commission approved, Coastal Development Permit No. 1-98-067 to provide for regulated off-highway vehicle (OHV) use of the subject site, install fencing and signage to protect sensitive vegetation, and to create a management and enforcement presence in the area. The subject site had been significantly disturbed and degraded over many years prior to the Commission's approval of Coastal Development Permit No. 1-98-067 by unauthorized and indiscriminate OHV use and other human activities.

The original permit was approved with three special conditions including (1) OHV use standards, (2) submittal of annual monitoring reports, and (3) a two-year time period for authorization of development. Special Condition No. 3 required that OHV use authorized by CDP No. 1-98-067 cease on December 31, 2000 and that a new coastal development permit be obtained to authorize continued use of the area for OHV riding after that date.

Pursuant to Special Condition No. 3 of CDP No. 1-98-067, the applicants applied for reauthorization of the permit in 2000. The Commission approved CDP No. 1-00-047 authorizing the continued OHV use of the area for a period of five years with similar conditions regarding management standards, maintenance, and annual monitoring. Special Condition No. 5 of CDP No. 1-00-047 requires that the use cease on December 31, 2005 and that a new coastal development permit be obtained to continue the use.

Consistent with the requirements of Special Condition No. 5 of CDP No. 1-00-047, the applicants are now seeking new project authorization to continue to use the foredune area for OHV riding as well as continuing to protect and maintain populations of rare and endangered plant species and native dune grass by maintaining post and cable fence enclosures around these areas, and by continuing annual monitoring efforts. The applicants are requesting permit approval authorizing the OHV use for a period of ten years.

In its approval of CDP No. 1-00-047, the Commission found that allowing riding in this previously degraded area covered with invasive, exotic vegetation is beneficial for the overall protection of dune habitat (ESHA) throughout the North Spit. The proposed OHV riding area concentrates vehicle use to the southern most portion of the North Spit foredunes and establishes a management and enforcement presence that in turn minimizes illegal and indiscriminate riding in other dune areas. Thus, vehicle use is kept restricted to an area of previously disturbed and degraded dunes while minimizing the incidence of OHV trespass and habitat disruption in other dune areas. Allowing regulated OHV use at the subject site provides for protection of not only the ESHA that is enclosed and excluded from vehicles on the site, but also provides for increased protection of the overall dune system of the area. The overall protection of the dune habitat throughout the North Spit is essential to the viability of the rare and endangered species and native dune plants within the dynamic dune system.

According to the annual monitoring reports submitted over the past four years, the project has been successful in protecting the ESHA at the site and limiting OHV riding to the designated trails. The 2004 monitoring report indicates that beach layia remains one of the most abundant plants in the enclosures and invasive exotic species including iceplant and European beachgrass have been pulled from both enclosures and native plants are beginning to become more dominant. The applicants note that there is no evidence of any trespass by OHV riders into the ESHA enclosures and that the users have abided by all the guidelines established by the BLM thus far. The report concludes that overall, the quality of the enclosures appears stable and the post and cable barriers are being respected by OHV users.

Allowing for continued OHV use at the site is consistent with the Beach and Dunes Management Plan that provides for a cooperative solution to balancing OHV recreation and resource protection in this specific area. This compromise was carefully crafted years ago with the development of the Humboldt County Beach and Dunes Management Plan and the results of the past seven years of riding at the Eureka/BLM site have been encouraging, demonstrating that the rest of the North Spit dune system is being protected from illegal, destructive riding by the OHV riding agreement referred to in the certified LCP and authorized by the Commission in CDP Nos. 1-98-067 and 1-00-047.

The proposed project, as conditioned, will avoid significant disruption to and provide for the continuance of the rare and endangered plant species and native dune grass adjacent to the riding area. In a larger sense, authorization of OHV use in this well-defined, but limited area will continue to relieve the pressure caused by indiscriminate riding on sensitive habitat areas throughout the balance of the nearly 3,500 acres of open dunes which are set aside for habitat protection under the County's LCP.

To ensure that the proposed project is conducted in a manner that will fully protect against any significant disruption of habitat values, be sited and designed to prevent impacts which would significantly degrade such areas, and be compatible with the continuance of such habitat areas, staff recommends that the Commission attach several special conditions. The recommended conditions are similar to the conditions imposed in CDP Nos. 1-98-067 and 1-00-047.

Special Condition No. 1 sets forth OHV management standards that require: (1) all fences and signage be continually maintained in a manner adequate to protect all rare and endangered plant species and native dune grass within the area; (2) management activities be carried out to effectively prohibit OHV use of all unauthorized areas (the areas fenced off and enclosed to protect rare and endangered plant species and native dune grass); (3) annual monitoring of the rare and endangered plant species and native dune grass at the site be conducted to determine the effects of the allowed OHV use on these resources; and (4) the applicants remove exotic invasive vegetation, including but not limited to, European beachgrass, yellow bush lupine, and iceplant from the fenced enclosure on a regular and on-going basis and shall briefly close the OHV area if necessary to allow for eradication projects by responsible parties to be performed at the site.

Special Condition No. 2 requires the applicants to provide an annual report to the Executive Director by November 1 of each year beginning in 2006 that discusses compliance with Condition No. 1 above. Special Condition No. 3 requires the applicant, if the protective fence enclosure becomes damaged by storm surge or other natural processes, to immediately apply for an amendment to Coastal Development Permit No. 1-05-028 to establish a new fenced enclosure within the project site that will, to the maximum extent feasible, provide for the protection and continuance of at least the same size and type of area of rare and endangered plant species and native dune grass previously protected by the fenced enclosure. Special Condition No. 4 also requires that any trail maintenance that involves cutting new trails or relocating existing trails shall require an amendment to coastal development permit No. 1-05-028. Finally, Special Condition No. 5 requires OHV use authorized by this permit to cease on December 31, 2010 and requires a new coastal development permit or an amendment to this permit for continued use of the area for off-highway vehicle (OHV) riding after that date. The applicants are requesting permit approval for a period of ten years. However, to ensure that the Commission continues to have the opportunity to address the use at the site in the future and ensure the effectiveness of the management objectives in protecting the rare and endangered plant species and native dune grass on the site, taking into account any changed circumstances in the future, staff recommends limiting the authorization to five years.

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

STAFF NOTES:

1. Standard of Review

The proposed project is located in the County of Humboldt. The County has a certified LCP, but the project that is the subject of Coastal Development Permit Application No. 1-05-028 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. The certified LCP policies, including those in the Beach and Dunes Management Plan LCP Amendment No. 1-93, are advisory.

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. 1-05-028 pursuant to the staff recommendation.

Staff Recommendation of Approval:

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

Resolution to Approve the Permit:

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

II. STANDARD CONDITIONS: See Attachment A.

III. SPECIAL CONDITIONS:

1. OHV Management Requirements:

Use of the area as an off highway vehicle (OHV) riding area shall be subject to the following conditions:

- (a) All fences and signage shall be continually maintained in a manner adequate to protect all rare and endangered plant species and native dune grass within the area;
- (b) Management activities shall be carried out to effectively prohibit OHV use of all unauthorized areas (the areas fenced off and enclosed to protect rare and endangered plant species and native dune grass);

- (c) Annual monitoring of the rare and endangered plant species and native dune grass at the site shall be conducted to determine the effects of the allowed OHV use on these resources; and
- (d) The applicants shall remove exotic invasive vegetation, including but not limited to, European beachgrass, yellow bush lupine, and iceplant from the fenced enclosures on a regular and on-going basis and shall briefly close the OHV area if necessary to allow for eradication projects by responsible parties to be performed at the site.

2. Annual Report

The applicants shall provide an annual report to the Executive Director of the Coastal Commission by November 1 of each year beginning in 2006. The report shall discuss compliance with Condition No. 1 above, and that to that end may incorporate annual monitoring reports prepared pursuant to the June 1998 Memorandum of Understanding between the Bureau of Land Management and the City of Eureka. In particular, the report shall describe:

- (a) the location and duration of any breaches in the fencing permitted by this permit, and the effect of such breaches on the protected habitat;
- (b) the management activities and programs carried out to eliminate trespass into the fenced off areas, including user-education activities, person-hours of patrols and enforcement activities;
- (c) data demonstrating any changes in the frequency, cover or census of endangered and/or native plants; and
- (d) conservation and restoration activities undertaken, including efforts to remove exotic plants.

3. Maintenance of Fences and ESHA Protection

If any portion of the fenced enclosure is damaged by storm surge or other natural processes, the permittee shall immediately apply for an amendment to Coastal Development Permit No. 1-05-028 to establish a new fenced enclosure within the project site that will, to the maximum extent feasible, provide for the protection and continuance of at least the same size and type of area of rare and endangered plant species and native dune grass previously protected by the fenced enclosure.

4. Trail Maintenance

Trail maintenance that involves cutting new trails or relocating existing trails shall require an amendment to coastal development permit No. 1-05-028.

5. Permit Expiration

The OHV use authorized by this permit shall cease on December 31, 2010. Continued use of the area for Off Highway Vehicle (OHV) riding after that date shall require a new coastal development permit or an amendment to this permit.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

1. SITE DESCRIPTION

The project site is located along the south end of the Samoa Peninsula in Humboldt County. The specific location is on the foredunes of the City of Eureka Municipal Airport property on approximately 75 of 150 acres commonly known as the Eureka Dunes Riding Area, or the Skypark Foredunes. Uses on the adjacent portions of the airport property include an active airstrip, a bed and breakfast, an area previously used as a dredge spoil site and other commercial uses. The project site does not include the wave slope (that area below high tide), which is owned by the state of California and is currently open to limited OHV use (i.e. for commercial fishing and disabled access). The site is adjacent to the 330-acre Samoa Dunes Recreation Area that is managed by the Bureau of Land Management (BLM). (See Exhibit Nos. 1-4.)

The property consists mostly of accreted land, formed as a by-product of jetty construction in the early 1900's. The approximately 150-acre foredune area, of which 75 acres is proposed for continued OHV riding use, is heavily vegetated, primarily with non-sensitive, introduced exotic European beachgrass and yellow bush lupine, but with pockets of sensitive species. Both of these areas have been historically impacted by unrestricted OHV riding.

The property as a whole contains areas of native dune mat, native beachgrass, herbaceous and woody hollows, as well as dune areas of moderate to extensive exotic plant coverage. There are seven defined areas within the Samoa Dunes Recreation Area and the City of Eureka property, each with their characteristic native and exotic flora and fauna. These areas include the (1) wetland protection area, (2) OHV staging area, (3) open riding area at the Samoa Dunes, and (4) Cypress Grove picnic area on the BLM property. On the City of Eureka property the distinct areas include (5) the rare plant protection area, (6) the Natural Resource area, and (7) the open riding area along a portion of the foredunes (subject site).

A 120-acre wetland area on the BLM site adjacent to the OHV riding area is fenced and protected from vehicle use and contains several native habitats such as herbaceous hollows, dune mat, brackish marshes and woody hollows. The remaining acreage is open to OHV use and is composed of degraded dune habitat consisting of non-native species such as European beach grass, yellow bush lupine and iceplant. These invasive plants are a detriment to native plant

communities, and a large amount of labor has been expended in nearby areas to eradicate these weeds and restore conditions needed for native plants and wildlife.

A 40-acre endangered plant protection area is also adjacent to the OHV riding area and is closed to vehicles to provide and protect habitat for two endangered plant species, the Humboldt Bay wallflower (*Erysimum menziesii* spp. *eurekense*) and Beach layia (*Layia carnososa*). These endangered plant species require semi-stabilized native dune mat and more open, bare sand areas, respectively. An 80-acre portion of the City of Eureka property referred to as the "Mitigation Bank" was set aside and fenced off for resource protection in 1990 for future mitigation should industrial development be proposed in the adjacent area zoned for that use. An additional area of about 110 acres is zoned Natural Resources and contains about 30 acres of dune mat habitat, where no use other than vegetation rehabilitation or pedestrian use is allowed.

2. BACKGROUND & PROJECT DESCRIPTION

There are approximately 3,460 acres of dunes within the County's coastal area. The North and South Spits along Humboldt Bay contain the longest continuous stretch of dunes (approximately 26 miles) and more than one-third of the 85 miles of sand dunes found in northern California. Unauthorized off-highway vehicle use has occurred on the foredunes and interior dune mat habitat for many years. Unregulated riding of OHVs over endangered and sensitive native plants has posed a threat to these coastal resources. The County of Humboldt has been seeking to address these conflicts since the early 1980's. In 1990, the Board of Supervisors obtained funding from the State Coastal Conservancy to conduct a detailed study of natural and cultural resources, sensitive habitat, enhancement and restoration opportunities, passive recreational uses, as well as active recreation such as OHV riding as a basis for a balanced and comprehensive management plan.

After years of intensive study, planning, environmental review, public involvement and numerous hearings over the period from 1990 to 1994, the County adopted the Humboldt County Beach and Dunes Management Plan to provide a framework for managing the beach and dune areas of the North and South Spits. The plan is acknowledged in Humboldt County's certified Local Coastal program. (See LCP Amendment No. 1-93, certified by the Coastal Commission with modifications in 1994.)

One of the important purposes and outcomes of this plan was to determine and specifically define areas where off-highway vehicles (OHVs) could or could not be ridden. The intent was to set forth a plan that would accommodate the high demand for OHV use while protecting sensitive dune vegetation and other passive forms of recreation. The plan concluded that the only areas where OHV use would be allowed or proposed are the existing Samoa Dunes Recreation Area (managed by BLM), the adjacent City of Eureka Foredunes (the proposed site) and along the wave slope for limited purposes. The remaining portions of the dune system along the Samoa Peninsula were identified to be closed to vehicle use. The 75-acre portion of the City of Eureka foredune property, which is located within the area of the Commission's retained jurisdiction, where the City and the BLM now propose to reauthorize the OHV riding area, was

locally rezoned from Natural Resources to Public Recreation and later acknowledged in the Beach and Dunes Management Plan LCP Amendment (No. 1-93). The purpose of the local zoning change was to allow for the creation of a well-defined, but limited area for additional authorized OHV use in exchange for closing the balance of the north and south spits to vehicles.

Although the subject property is within the Commission's retained jurisdiction and any LCP policies concerning the area are only advisory in nature, the 1994 LCP amendment that incorporated the Beach and Dunes Management Plan into the LCP provides useful guidance for planning at the site. In particular, the Commission suggested a modification, subsequently adopted by the County, specifically outlining how to resolve the conflict between OHV use and resource protection on the subject property. This Modification "A" stated:

- A. *To (1) eliminate a potential conflict between redesignating a portion of the foredune of the City of Eureka Airport property to Public Recreation to allow for development of an expanded OHV riding area in a degraded dune area and the policies of the Humboldt Bay Area Plan that protect all vegetated dunes as environmentally sensitive habitat areas and preclude such development, and (2) ensure that any OHV riding area developed at this site will adequately protect all portions of the dunes vegetated with native beach grass or rare and endangered plant species, add the following to subsection 11, "Beach and Dune Areas," of Section 3.30 of the Plan, "Natural Resources Protection Policies and Standards:*

11. Beach and Dune Areas

- c. *The area designated "Public Recreation" along the foredune zone of the City of Eureka Airport property north of the BLM/Samoa Dunes Recreation Area contains dune habitat that has been severely degraded over time due to extensive previous use for recreation OHV riding and other human disturbance.*
 - (1) *Although the dune vegetation in this area includes some native dune grass and populations of the endangered plant species Menzies (Humboldt Bay) wallflower and Beach layia, most of the vegetation consists largely of non-native invasive species such as European beach grass and bush lupine. Section 3.30B(1)(a)(2) of this plan and 3.30B(1)(a)(4) of this plan states that all vegetated dunes along the North Spit to the Mad River and along the South Spit are environmentally sensitive habitats. Because of the high percentage of invasive plant species and the degraded nature of this particular area, only those portions of the vegetated dunes in this area actually containing either rare and endangered plant species or native dune grass are considered to be environmentally sensitive vegetated dune habitat. Pursuant to Sections 3.30B(1)(a)(1) and 3.30(1)(a)(4) of this plan, any wetlands or critical habitats for rare and endangered animal species that might exist in the area are also considered to be environmentally sensitive habitat areas.*

- (2) *The area is proposed for development as an off highway vehicle riding area under the County's Beach and Dunes Management Plan. To protect the environmentally sensitive vegetated dune habitat within the area, any such development shall be required to do the following:*
 - (a) *Fence and prohibit use of all portions of the affected dunes containing rare and endangered plant species or native beach grass.*
 - (b) *Conduct annual monitoring for rare plant species to determine the effects of activities on the relative viability of the population in any given year and perform necessary remediation measures.*

The above-referenced language recognizes the degraded state of the dune habitat and defines environmentally sensitive habitat areas (ESHA) as being those portions of the vegetated dunes in the area that contain either rare and endangered plant species or native dune grass, in addition to any wetlands or critical habitats for rare and endangered animal species. The Commission approved the LCP Amendment in 1994 with the above referenced language and allowed the property to be rezoned from Natural Resources to Public Recreation to provide for a well-defined, concentrated OHV riding area.

The Coastal Commission also approved creation of the BLM Samoa Dunes Recreation Area on 330 acres of federal land at the south end of the Samoa Peninsula in 1983 through its concurrence with Consistency Determination CD-27-82. The BLM subsequently developed an OHV recreation area at the site including trail systems, a staging area adjacent to the trails, signing and fencing of sensitive habitat areas and other non-OHV areas. With the adoption of the Beach and Dunes Management Plan, and subsequent OHV closures elsewhere, the BLM Samoa Dunes Recreation Area experienced a substantial increase in the number of OHVs using the area. The increased use at the BLM property resulted in an increased incidence of trespass onto the adjacent City of Eureka property by OHV riders coming from the BLM riding area. This increased OHV use and trespassing resulted in off-site impacts to the Eureka property. Vehicles were observed riding throughout the foredunes as well as the interior dune mat habitat where sensitive plant species occur. Because these OHVs originate from the Samoa Dunes riding area, the BLM felt some degree of responsibility and need for action to keep off-site impacts to a minimum. Consequently, the City of Eureka and the BLM entered into a Memorandum of Understanding (MOU) in June 1998 as a means of implementing the objectives stated in the Beach and Dunes Management Plan, and particularly, as stated in the MOU (Exhibit No. 6):

...for the purpose of cooperatively managing approximately 80 acres of what is commonly known as the Eureka Foredunes, located adjacent to the Samoa Dunes Recreation Area at the north jetty area of the Samoa Peninsula. More specifically, this agreement provides a framework for managing the aforementioned area so that safe and orderly off-highway vehicle (OHV)

recreation use can occur while protecting endangered and native plant species, and their habitats. This MOU outlines cooperative activities and clarifies the range of shared tasks, which includes, but may not be limited to: (1) constructing and maintaining protective fencing, (2) maintaining OHV trails, (3) maintaining the property, (4) installing and maintaining signs, (5) resource monitoring, (6) patrols, (7) writing environmental documents and (8) obtaining permits.

In an effort to ease congestion at the BLM riding area and to prevent unrestricted resource degradation on the adjacent dune area, the BLM and the City entered into a cooperative management effort to expand the OHV riding area outside of the BLM riding area and to provide for monitoring and enforcement measures. In 1998, the City and the BLM applied for and received a coastal development permit (CDP No. 1-98-067) to provide for regulated OHV use on 75 acres of the City of Eureka foredunes to expand and connect with the BLM riding area. The permit also authorized installation of signs and fencing to delineate the riding area boundaries and to protect areas of sensitive vegetation (ESHA).

The original permit (1-98-067) was approved with three special conditions including (1) OHV use standards, (2) submittal of annual monitoring reports, and (3) a two-year time period for authorization of development. Special Condition No. 3 required that OHV use authorized by CDP No. 1-98-067 cease on December 31, 2000 and that a new coastal development permit be obtained to authorize continued use of the area for OHV riding after that date.

Pursuant to Special Condition No. 3 of CDP No. 1-98-067, the applicants applied for reauthorization of the permit in 2000. The Commission approved CDP No. 1-00-047 authorizing the continued OHV use of the area

The permit (1-00-047) was approved with five special conditions including (1) OHV management requirements, (2) submittal of annual monitoring reports, (3) maintenance of fences and ESHA protection, (4) trail maintenance requirements, and (5) a five-year time period for authorization of development. Special Condition No. 1 required that the OHV riding area be subject to particular management standards. First, Special Condition No. 1 required all fences and signage to be continually maintained in a manner adequate to protect the environmentally sensitive vegetated dune habitat within the area. Secondly, the condition required that management activities be carried out to effectively prohibit OHV use of all unauthorized areas such as the fenced off and enclosed areas containing rare and endangered plant species or native beach grass. Thirdly, the condition required annual monitoring of the environmentally sensitive vegetated dune habitat to determine the effects of the allowed OHV use on these resources. Lastly, the condition required the applicants to encourage the removal of exotic invasive vegetation from the site and to briefly close the OHV area if necessary to allow for eradication projects by responsible parties to be performed at the site.

Special Condition No. 2 required the applicant to submit an annual monitoring report to the Executive Director that would discuss (1) how the standards of Condition No. 1 are being met, (2) the location and duration of any breaches in the fencing and the effect of such breaches on the

protected habitat, (3) the management activities and programs carried out to eliminate trespass into the fenced-off areas including user-education activities, person-hours of patrols and enforcement activities; (4) data demonstrating any changes in the frequency, cover or census of endangered and/or native plants, and (5) conservation and restoration activities undertaken including efforts to remove exotic plants. Special Condition Nos. 1 and No. 2 reiterate and incorporate into the permit management guidelines set forth by the BLM and the City in the MOU.

Special Condition No. 3 required the applicant to apply for a new permit or permit amendment in the event that the fenced enclosures are damaged by storm surge or other natural processes to ensure the continued protection of at least the same size and type of area of rare and endangered plant species and native dune grass. Special Condition No. 4 required that any trail maintenance involving cutting new trails or relocating existing trails would require a permit amendment.

Special Condition No. 5 required that OHV use authorized by CDP No. 1-00-047 cease on December 31, 2005 and required a new coastal development permit or an amendment to the original permit to authorize continued use of the area for OHV riding after the expiration date.

Consistent with the requirements of Special Condition No. 5 of CDP No. 1-00-047, the applicants are now seeking new project authorization to continue to use the foredune area for OHV riding as well as continuing to protect and maintain populations of rare and endangered plant species and native dune grass by maintaining post and cable fence enclosures around these areas, and by continuing annual monitoring efforts. Specifically, the project involves (1) continued use of 75 acres of foredunes for OHV riding, and (2) periodic trail maintenance using a small tractor and/or a box scraper. The applicants are requesting that the permit be approved for a period of ten years.

3. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

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 such areas, and shall be compatible with the continuance of such habitat areas.

Existing Conditions

The subject site was significantly disturbed and degraded over many years prior to the Commission's approval of Coastal Development Permit No. 1-98-067 by unauthorized and indiscriminate OHV use and other human activities. The site is known to contain populations of Beach layia and Humboldt Bay wallflower, two federally listed endangered plant species. In addition, some of the dune area contains native dune grass. However, most of the foredune area is covered by European beach grass, yellow bush lupine, iceplant, and other invasive exotic plant species that outcompete and displace native dune species.

The site contains no threatened or endangered animal species. Western snowy plovers are federally listed as a threatened species and have historically been observed on the Samoa peninsula. The small shorebird resides and breeds on open beaches and gravel bars. The BLM has conducted surveys for breeding snowy plovers on the Samoa peninsula on a monthly basis during spring and summer since 1998. These surveys follow the U.S. Fish and Wildlife Service protocol and involve a trained surveyor walking the beach and all suitable habitat looking and scanning for plovers with binoculars. To date, these surveys have not detected any western snowy plovers on the subject site or the surrounding area. Suitable plover habitat at the subject site is limited by the extensive dune stabilization caused by the introduction of European beachgrass.

Protection of Environmentally Sensitive Habitat Areas (ESHA)

In many recent decisions, the Commission has considered certain dune areas to be ESHA largely because of the dynamic nature of a dune system. While the entirety of coastal dunes in other areas statewide have been considered ESHA, at this particular site, the Commission has previously determined that the rare and endangered plant species and native dune grass at this location are ESHA, but not the portion of the dunes vegetated with invasive, exotic species.

In its action on Humboldt County LCP Amendment No. 1-93 (the Beach and Dunes Management Plan), the Commission acknowledged that those portions of the site with endangered plant species and native dune vegetation fall under the section 30107.5 definition of "environmentally sensitive habitat area." The Commission further found that developing the site in a manner that would preclude entry into these areas through the use of fencing and signing would be in conformance with Coastal Act Section 30240. Specifically, the Commission found:

Not every sand dune or sand dune area necessarily meets the definition of an ESHA set forth in Coastal Act Section 30107.5...[T]he Commission finds that in this portion of the Humboldt beach and dunes area, dunes vegetated with invasive species such as European beach grass and bush lupine do not meet the definition of an environmentally sensitive species because these plant species are not rare or especially valuable in this

area. In fact, these species are damaging to native species in that they outcompete and displace the native species. Many dune restoration projects in the Humboldt County area have included the removal of these exotic species.

Based on botanical surveys conducted as of the planning process for the Beach and Dunes Management Plan, the vast majority of the 150-acre foredune area proposed for ... OHV park use is not vegetated with the environmentally sensitive plant species. Thus, there would appear to be sufficient acreage within the site to develop the intended use without necessarily intruding on the ESHA areas...[D]eveloping the site in a manner that would preclude entry to the ESHA areas throughout the use of fencing and signing...would then be in conformance with Coastal Act Section 30240. (Adopted Findings, Humboldt County LCP Amendment 1-93, Beach and Dunes Management Plan, April 11, 1994.)

The non-native, invasive species that cover the majority of the foredunes at the site are a threat to native plants in that they outcompete and displace the native species. Many dune restoration projects in the beach and dune areas of Humboldt County have included the removal of these exotic species because these plants are neither rare nor especially valuable in their role in the dune system. It is clear, however, that as defined by Coastal Act Section 30107.5, the Humboldt Bay wallflower, the beach layia, and native dune grass are all considered to be environmentally sensitive since: (1) the plants are either rare or play an especially valuable role in an ecosystem, and (2) they are easily disturbed or degraded by human activities and developments such as OHV riding. The project proposes to avoid and protect these areas consistent with Section 30240 that requires development to protect ESHA from significant disruption of habitat values and allows only uses dependent on such resources within these areas.

According to the annual monitoring reports required by Special Condition No. 2 of CDP Nos. 1-98-067 and 1-00-047, the regulated OHV use in the area has been successful in protecting the rare and endangered plant species and native dune grass on and off-site over the past seven years.. The annual reports were required to monitor the impacts of OHV use on the site over the course of the Commission's authorization of the use of the foredune as a riding area. The original permit authorized installation of 1,400 linear feet of post and cable fencing to delineate areas open for riding and to fence off approximately four acres of endangered and sensitive vegetation. CDP No.1-00-047 authorized an additional one-acre of fenced area, which was established by the applicants in 2002. The previous permit also authorized installation of signs to display safety information and to indicate areas open and closed to vehicle use. As required by conditions of the previous permit, all fences and signage at the site have been continually maintained. The applicant indicates that there has been no evidence of any breaches in the enclosures or the easterly perimeter fence, suggesting that the fencing and the signage have been effective in keeping OHVs in the designated areas.

According to annual reports submitted by the applicants over the past four years pursuant to the requirements of Special Condition No. 2 of CDP No. 1-00-047, the management and use of the

Eureka Dunes Riding Area has continued successfully. Resource values continue to be protected, an active law enforcement presence exists and very few violations have occurred. The area continues to be patrolled by the BLM volunteer caretaker, BLM Outdoor Recreation Planner, BLM Law Enforcement Ranger, deputies of the Humboldt County Sheriff's Department, and volunteers of the Lost Coast 4x4 Club. According to the 2004 annual report, total person-hours are estimated at 400 hours and law enforcement patrols made up approximately 150 hours. Through the assistance agreement between BLM and Lost Coast 4x4 Club, riders continue to be educated (through personal communications) about which areas are open and closed, why certain areas are closed, and other rules and regulations they need to comply with.

The BLM receives grant funding annually from the "Green Sticker" program administered by the California Department of Parks and Recreation Off-Highway Motor Vehicle Recreation Division. These annual grant funds, in addition to BLM appropriated funds, are used for the management of both the Samoa Dunes Recreation Area and the Eureka Dunes Riding Area. Approximately \$15,000 is spent annually at the project site to provide for safe and orderly OHV use, resource monitoring and protection, habitat restoration, facility and trail maintenance, and to provide for an active law enforcement presence. The applicants indicate that the annual grant funds have been reliable and are expected to be granted well into the future so long as opportunities for OHV recreation remain established.

With enforcement measures and funding in place, there is a mechanism by which illegal and indiscriminate OHV riding in unauthorized areas can be curbed. By providing for regulated OHV use in a consolidated, well-defined and enforceable area, riding throughout other areas of the dunes along the peninsula is reduced, thereby minimizing adverse impacts to environmentally sensitive habitat areas within the larger dune system.

At this location, allowing riding in this previously degraded area covered with invasive, exotic vegetation is beneficial for the overall protection of dune habitat throughout the North Spit. The overall protection of the dune habitat throughout the North Spit is essential to the viability of the rare and endangered species and native dune grass within the dynamic dune system. Providing an authorized riding area keeps OHV riders off of other dune areas and provides enforcement funds to ensure that riding is restricted to the authorized area. This compromise was carefully crafted years ago and the results of the past seven years of riding at the Eureka/BLM site have been encouraging in terms of demonstrating that the rest of the North Spit dune system is being protected from illegal, destructive riding by the OHV riding agreement called for in the certified LCP and authorized by the Commission in Permit Nos. 1-98-067 and 1-00-047. Therefore, the Commission finds the proposed project as conditioned is consistent with the requirements of Section 30240 because the project will protect the overall dune system on the North Spit against significant disruption of habitat values.

Special Conditions Required for the Protection of ESHA

To ensure that the proposed project is conducted in a manner that will fully protect against any significant disruption of habitat values, be sited and designed to prevent impacts which would significantly degrade such areas, and be compatible with the continuance of such habitat areas, the Commission attaches several special conditions as discussed below.

The installation of fences and signs approved under the original permit (1-98-067) and their on-going maintenance required per CDP No. 1-00-047 has proven to be successful in precluding OHV entry into the rare and endangered plant species and native dune grass. Maintenance of the fences and signs is essential to provide the level of protection necessary to ensure the continuance of the rare and endangered plant species and native dune grass adjacent to the riding area. For example, if the fences are not maintained, or if illegal use in the fenced-off areas is not controlled, these sensitive areas could be subject to significant disruption, inconsistent with Section 30240. Therefore, the Commission attaches Special Condition No. 1, similar to that attached to the previous permits, to incorporate into this permit, the management objectives set forth in the BLM/City of Eureka MOU. These conditions ensure that the proposed OHV use of the site does not intrude into the rare and endangered plant species and native dune grass on the site, and thereby remains a use consistent with Section 30240 of the Coastal Act.

Specifically, Special Condition No. 1 incorporates measures that the BLM commits itself to in the MOU (Exhibit No. 6). These include (a) requiring that all fences and signage be maintained to prevent vehicles from affecting rare and endangered plant species and native dune grass; (b) that management activities be carried out to effectively prohibit OHV use of these areas; and (c) that monitoring be conducted to determine the effects of the proposed use. Monitoring the effectiveness of the management measures set forth in the MOU and Special Condition No. 1 is essential to ensure protection of the habitat. Therefore, Special Condition No. 2 requires an annual monitoring report (also called for in the applicants' MOU) be submitted to the Executive Director to demonstrate how the objectives of Special Condition No. 1 are being met.

The applicants are requesting permit approval for a period of ten years based on the success of the project over the past seven years. However, the Commission finds that because the nature of the dune habitat is dynamic and the continued approval of the use of the site for OHV riding may be affected by the results of the required on-going maintenance and monitoring measures, it is necessary to limit the period of authorization to account for potential changes at the site and/or the use of the site in the future. For example, if the permit were to be authorized for a period of ten years, it is possible that a sensitive plant or animal species, unknown at the present time, may be discovered to exist at the site. It is also possible that the monitoring reports could demonstrate in the future that the ESHA protection goals are not being met through the required measures alone due to changes in the use demands at the site and would require additional review and consideration of any changed circumstances. Therefore, to ensure that the Commission continues to have the opportunity to address the use at the site in the future and ensure the effectiveness of the management objectives in protecting the rare and endangered plant species and native dune grass on the site, taking into account any changed circumstances in the future, it

is necessary to limit the use to five years. Therefore, the Commission attaches Special Condition No. 5 to limit the duration of OHV use authorized by this permit and require the applicants to obtain a coastal development permit amendment to continue use of the area for OHV riding after five years.

The original permit authorized installation of fencing to delineate areas open for riding and to fence off approximately four acres of sensitive vegetation to prevent intrusion by OHVs. One additional acre was authorized pursuant to 1-00-047. Annual monitoring of the enclosed ESHA began on April 1, 1999. The purpose of the monitoring is to observe and measure the vegetation components found within the protective endangered plant enclosures as well as in the open riding area. Management objectives set forth by the BLM are to maintain or exceed the relative frequency of two endangered plant species, Humboldt Bay wallflower (*Erysimum menziesii* ssp. *Eurekense*) and Beach layia (*Layia carnosa*). Monitoring methods include the quadrant frequency method, which measures cover and presence/absence of all species that occur in the sample set. Observations were made of generalized changes as well as any plant community variations in the open riding area. Permanent photo points have also been established for both the enclosures and open riding area. This information provides photo-documentation of OHV impacts to any existing plant community.

According to 2004 annual monitoring results, beach layia remains one of the most abundant plants in the enclosures. The applicants note that in 2000, one of the plant enclosures suffered a large loss of beach layia as well as other native plants due to large inundations of sand caused by winter storms. However, monitoring results reveal that since then, the beach layia and coast sagewort have been making a sustained comeback and the community is doing well. The numbers of Humboldt Bay wallflower in the enclosure have remained relatively low. Invasive exotic species including iceplant and European beachgrass have been pulled from both enclosures and native plants are beginning to become more dominant in the enclosures. Photo documentation taken at established photo points in the riding area show little change in the vegetation density or composition; although all transects received a measurable increase in annual grasses (probably due to record rainfall in April).

The annual reports submitted by the applicants also demonstrate that OHV riders using the site have cooperated by staying on designated trails. The applicants note that there is no evidence of any trespass by OHV riders into the ESHA enclosures and that the users have abided by all the guidelines established by the BLM thus far. The report concludes that overall, the quality of the enclosures appears stable and the post and cable barriers are being respected by OHV users.

As noted above, the fences were not destroyed or invaded by OHV users and were successful in delineating the areas closed to vehicle riding. However, in the past, three of the five originally established enclosures nearest the ocean were destroyed by excessive storm surge and high tides, destroying approximately one acre of fenced ESHA.

In their previous permit application (1-00-047), the applicants proposed to connect the two remaining enclosures and expand the enclosed area to include an additional acre of sensitive

vegetation to replace the area lost to natural processes (Exhibit No. 5). The three damaged enclosures were in close proximity to the water's edge and were subject to wave erosion and storm surge at periods of high tide. The remaining enclosures and the proposed expansion were located such that they would not be as directly subject to erosion and wave action. The Commission found that one large enclosed area as opposed to five small enclosures would more effectively enhance the viability of sensitive and endangered plant species and native dune grass. The single, expanded enclosure area provides for the continuance of the ESHA adjacent to the riding area pursuant to Section 30240(b), provided that the invasive exotic species within the enclosure are removed to maximize the habitat area available for the colonization of sensitive and endangered species. Therefore, Special Condition No. 1(d) requires the applicant to continue the removal of all exotic species from the enclosure on a regular and on-going basis to protect the viability of the rare and endangered plant species and dune grass. The Commission further notes that it is possible that like the previous enclosures, natural processes could destroy the remaining and expanded fenced enclosure. The dynamic nature of the dunes system would typically allow dune vegetation to reestablish itself following elimination by natural processes. However, if the enclosure is destroyed by natural means, OHV riding in the area would likely preclude the environmentally sensitive vegetation from reestablishing naturally. Therefore, to ensure the continuance of the ESHA adjacent to the riding area, Special Condition No. 3 requires the applicant to apply for a coastal development permit amendment to reestablish and relocate, to the maximum extent feasible, a fenced area of equivalent nature and size should the enclosure be damaged by storms or other natural events.

The applicants also request authorization for periodic maintenance of the designated OHV trails. The applicants indicate that over time and with extended use, the trails become uneven, difficult to maneuver, and potentially dangerous. Trail maintenance, grooming, and rehabilitation is required periodically to keep riders on the designated trails. Ungroomed and bumpy trails detour riders from the designated trails and often results in riders cutting trails or creating new trails. Trail maintenance is also required to ensure safety by creating clear intersections and direction to prevent collisions. The applicants indicate that active management of the area is essential to keep riders and other recreators safe and to keep riders on the authorized trails and out of potentially sensitive habitat areas. Periodic trail maintenance often involves using a rake, a box scraper, and sometimes a small tractor to smooth the trails.

The Commission finds that trail maintenance will not adversely affect the integrity of the dunes or enclosed ESHA at this location. Rather, as noted above, maintaining the trails discourages riders from venturing off the trail into potentially sensitive habitat areas. However, cutting new trails or relocating trails could have potential adverse impacts to ESHA if the trails were cut or located through an area of sensitive or endangered vegetation. Therefore, to minimize potential significant disruption to environmentally sensitive vegetation on the site, the Commission attaches Special Condition No. 4 which requires the applicant to apply for a coastal development permit amendment to cut new trails or relocate existing trails. The Commission would then have the opportunity to evaluate whether the proposed trail location would be sited such that it would not cause significant disruption to any environmentally sensitive habitat area.

Conclusion

The Commission finds that allowing continued regulated OHV use at the subject site provides for protection of not only the ESHA that is enclosed and excluded from vehicles on the site, but also provides for increased protection of the overall dune system of the area. The proposed OHV riding area concentrates vehicle use to the southern most portion of the North Spit foredunes and establishes a management and enforcement presence that in turn minimizes illegal and indiscriminate riding in other dune areas. Thus, vehicle use is kept restricted to an area of previously disturbed and degraded dunes while minimizing the incidence of OHV trespass and habitat disruption in other less-degraded dune areas. Furthermore, allowing for continued OHV use at the site is consistent with the Beach and Dunes Management Plan that provides for a cooperative solution to balancing OHV recreation and resource protection in this specific area. According to information in the annual monitoring reports submitted by the applicants, the Eureka foredune riding area has been a positive solution to the on-going need for balancing OHV use and resource protection. In the 2004 annual monitoring report, the applicants state:

"Management and use of Eureka Dunes Riding Area was again very successful this past year. All resource values continue to be fully protected, and OHV enthusiasts enjoy riding in the area. An active law enforcement presence exists, and very few violations have occurred."

The proposed project, as conditioned, will provide for the continuance of the ESHA adjacent to the riding area and the existing fenced enclosure will continue to avoid significant disruption to the rare and endangered plant species and native dune grass on the site. In a larger sense, authorization of OHV use in this well-defined, but limited area will continue to relieve the pressure caused by indiscriminate riding on sensitive habitat areas throughout the balance of the nearly 3,500 acres of open dunes which are set aside for habitat protection under the County's LCP.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30240 of the Coastal Act, as the project will provide for the protection of the overall dune system and will avoid significant adverse impacts to environmentally sensitive habitat areas.

5. PUBLIC ACCESS

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from overuse. 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. Section 30214 of the Coastal Act provides that the public access policies of the Coastal Act shall be implemented in a manner that takes into

account the capacity of the site and the fragility of natural resources in the area. In applying Sections 30210, 30211, 30212, and 30214, the Commission is also limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

The proposed project is to reauthorize the use of 75 acres of foredune area for OHV riding in a manner that will protect and maintain populations of endangered native plant communities and native dune grass colonies by continuing to maintain post and cable fence enclosures around these sensitive vegetation areas.

A wide variety of recreation uses occur at the Samoa Dunes area. The most popular activities include surfing, OHV riding, fishing, picnicking and beach combing/sightseeing. According to the BLM, OHV use has not increased significantly at the site even though pressures to limit riding in inland areas and other coastal areas have increased. The BLM estimates that OHV riding has increased approximately 5% in the past five years, but that any increase has not been noticeable to the point of necessitating increased enforcement or management measures. The BLM further notes that use of the site for other types of passive recreation (e.g., hiking, beach combing, etc.) is minimal, as there are many access points and parking areas along the Samoa Peninsula that are more convenient and more widely used for these activities.

To reduce potential user conflicts, non-OHV users are encouraged (through signing, maps, and brochures) to recreate in selected areas either closed to OHV use or far enough away from the OHVs to minimize negative impacts caused by noise and safety concerns. Pedestrian hiking trails exist to separate passive recreators from OHV activity. The applicants indicate that designation and signing of a pedestrian trail to the wave slope within the open riding area has reduced the safety problem in this location considerably. Speed limits have been posted and enforced in several locations where other types of recreation use occur.

The proposed project would reauthorize an OHV riding area on 75 acres of foredunes but would prohibit OHV use in certain sensitive areas of the subject property that OHV users have used in the past. However, previous historic use of the site does not fall within the prescriptive rights protections of Coastal Act Section 30211 because the subject site is publicly owned (in this case by the City of Eureka) and prescriptive rights for public access cannot accrue on publicly owned lands.

Furthermore, the Commission must take into account the provisions of Sections 30210 and 30214 that require the Commission to consider the need to provide access opportunities with the needs to protect sensitive coastal resources. This project is being proposed precisely because of the damage the indiscriminate OHV use of the beach and dunes area has caused to the sensitive beach and dune ecosystem. The Commission concludes that restricting vehicle use from the sensitive parts of the dunes would assure protection for these coastal resources while at the same time providing opportunities for public access in the form of OHV use.

The Commission further finds that with regard to non-OHV public use, the proposed project is also consistent with the access policies of Coastal Act Section 30212. The project provides no specific new accessway for non-OHV use because potential conflicts with motorized traffic could be a hazard for the public attempting to access the coast through the property. However, the signage that was installed pursuant to the original permit includes signs advising pedestrians of OHV travel routes to minimize conflicts. More importantly in terms of Section 30212(b), significant public access opportunities for pedestrian use to the coast exist at virtually every point along the Samoa Peninsula, including the improved safe pedestrian access facilities at the BLM recreation area.

Therefore, the Commission finds that the proposed project does not have any 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, 30212, and 30214.

6. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. 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 that will minimize or avoid all significant adverse environmental impact have been required. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

EXHIBITS:

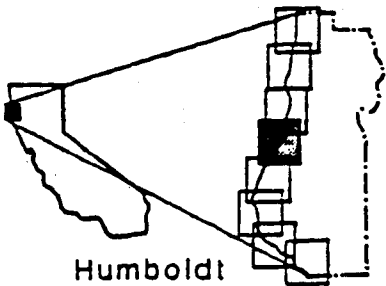
1. Regional Location
2. Vicinity Map
3. Area Site Map
4. Project Site Map
5. Memorandum of Understanding (BLM & City of Eureka)
6. Applicant's Correspondence
7. General Correspondence

ATTACHMENT A

Standard Conditions:

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

A B C D E F G H I J K L M N O



Humboldt

EXHIBIT NO. 1

APPLICATION NO.

1-05-028 (EKA-BLM)

REGIONAL

LOCATION MAP

PROJECT
LOCATION

Fairhaven

EUREKA
AIRPORT

Samoa

EUREKA

Cullen

Fields
Landing

BOUNDARY

ZONE

ARCATA

COASTAL
SEA

Bayside

Freshwater
SHEET M1



California Coastal Commission

LOCATION MAP

0 1 2
miles



VICINITY MAP

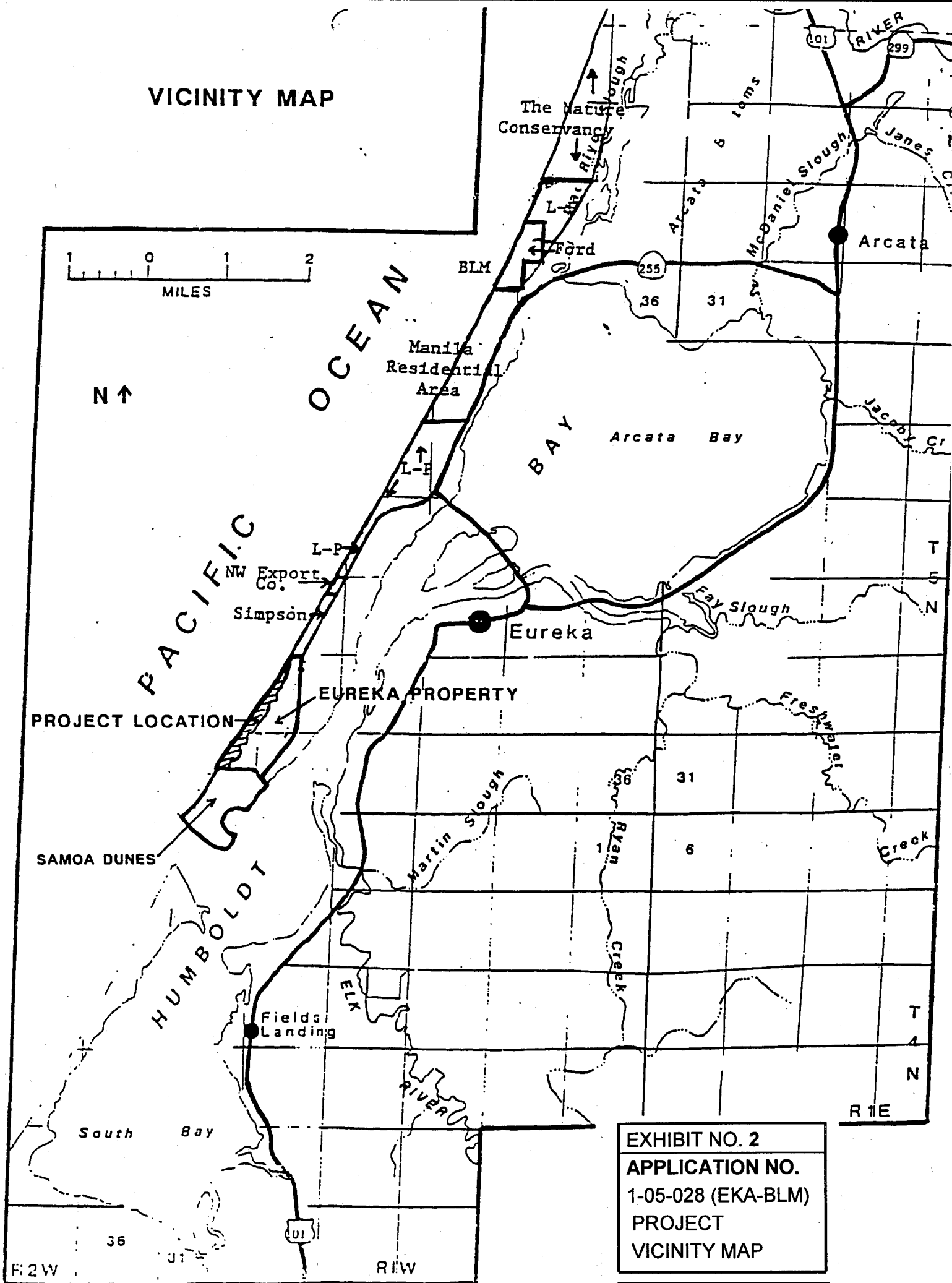
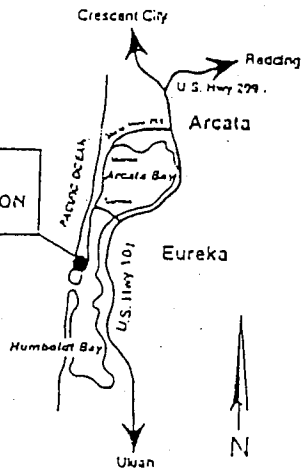


EXHIBIT NO. 2
APPLICATION NO.
1-05-028 (EKA-BLM)
PROJECT
VICINITY MAP

SAMOA DUNES RECREATION AREA



EUREKA DUNES RIDING AREA

City of Eureka Property

New Navy Base Road

SAMOA DUNES RECREATION AREA

PACIFIC OCEAN

4 X 4 OBSTACLE COURSE

SAND DRAG

Open Trail Riding

Open Trail Riding

Endangered Plant Protection Area
(Closed to all public use)

ATV TRAINING SITE

Bunker Road

Jelly Road
U.S. Coast Guard Station

Wetland Protection Area
(Closed to Vehicles)

North Jetty
HUMBOLDT BAY ENTRANCE

Cypress Tree Grove

TOT LOT PLAY AREA

Legend

- 1 Kiosk
- 2 Caretaker
- 3 Restroom
- 4 Hiking Trail
- 5 Scenic Overlook
- 6 OHV Staging area Unloading Ramp

EXHIBIT NO. 3

APPLICATION NO.
1-05-028 (EKA-BLM)
PROJECT
AREA SITE MAP

MEMORANDUM OF UNDERSTANDING
BETWEEN
BUREAU OF LAND MANAGEMENT
ARCATA FIELD OFFICE
AND
CITY OF EUREKA

EXHIBIT NO. 4

APPLICATION NO.

1-05-028 (EKA-BLM)

M. O. U.

(Page 1 of 4)

I. PURPOSE

This MEMORANDUM OF UNDERSTANDING (MOU) is made and entered into by the Department of the Interior, Bureau of Land Management (BLM), Arcata Field Office, and the City of Eureka, CA for the purpose of cooperatively managing approximately 80 acres of what is commonly known as the Eureka Foredunes, located adjacent to the Samoa Dunes Recreation Area at the north jetty area of the Samoa Peninsula. More specifically, this agreement provides a framework for managing the aforementioned area so that safe and orderly off-highway vehicle (OHV) recreation use can occur while protecting endangered and native plant species, and their habitats. This MOU outlines cooperative activities and clarifies the range of shared tasks, which includes, but may not be limited to: (1) constructing and maintaining protective fencing, (2) maintaining OHV trails, (3) maintaining the property, (4) installing and maintaining signs, (5) resource monitoring, (6) patrols, (7) writing environmental documents and (8) obtaining permits.

II. AUTHORITY

This MOU falls under the authority of Section 307 of the Federal Land Policy and Management Act of 1976 (P.L. 94-579).

III. BACKGROUND

In 1994, the Humboldt County Board of Supervisors adopted the Beach and Dunes Management Plan. One of the important outcomes of this plan was a determination as to where off-highway vehicles (OHV's) could or could not be ridden. The only two areas where OHV's would be allowed are the Samoa Dunes Recreation Area (BLM managed) and the adjacent City of Eureka foredunes. The remaining portions of the sand dunes along the Samoa Peninsula (both North and South Spits) were identified to be closed to vehicle use. With the adoption of this plan, BLM's Samoa Dunes Recreation Area experienced a substantial increase in the number of OHV's using the area. This increased OHV use has resulted in off-site impacts onto the Eureka property. Vehicles have been observed riding throughout the foredunes as well as the interior dune mat habitat where more sensitive vegetative species occur. Because these OHV's originate from Samoa Dunes, the BLM felt some degree of responsibility and need for action in order to keep off-site impacts to a minimum.

Resulting from a request from several local OHV user groups, and coordination with the City of Eureka, the BLM has now secured a total of \$53,000 in grant funds from the California Dept. of Parks & Recreation, Off-Highway Motor Vehicle Division ("Green Sticker" Fund) to construct protective fences and provide resource monitoring on the Eureka Foredunes. The BLM has succeeded in obtaining grant funds from the aforementioned agency for the last 10 years to operate and maintain the Samoa Dunes Recreation Area, and funding has been increased by \$17,000 for each of the next two years (in addition to the one time \$53,000 grant) to manage the Eureka Foredunes once the facilities are in place. A very strong likelihood exists that grant funds will be available each succeeding year to operate and maintain both areas as long as adequate OHV riding opportunities are provided.

IV. PARTIES TO THE AGREEMENT AND THEIR ROLES

A. The BLM agrees to:

1. Use approved grant funds (\$32,000) from the California Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation Division to construct post and cable enclosures totalling approximately 5,000 feet around dune mat habitat containing endangered plants within the Eureka Foredunes. These enclosures and appropriate signage will be maintained as required to prevent vehicles from entering these areas.
2. Use approved grant funds (\$21,000) from the California Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation Division to construct a post and cable perimeter fence totalling approximately 8,000 feet on the easterly edge of the Eureka Foredunes. This fence and appropriate signage will be maintained as required to prevent unauthorized vehicle use.
3. Apply for grant funds in each subsequent year for the duration of this MOU which will be used for operations and maintenance of the Eureka Foredunes.
4. Provide financial support for permits required to implement the projects listed under A.1 and A.2 above.
5. Provide on-the-ground supervision of work conducted under A.1 and A.2 above.
6. Coordinate with Ca. Dept. of Fish & Game and U.S. Fish & Wildlife Service to provide monitoring for the presence of the Western snowy plover.
7. Install, maintain and replace information and regulatory signs as necessary.
8. Develop a monitoring plan for the endangered plant habitat areas, and provide monitoring reports on an annual basis.
9. Assist the City of Eureka in developing a strategy for providing law enforcement patrols and on-the-ground OHV management. This will involve the expenditure of approximately \$10,000 each year from the aforementioned OHV "Green Sticker" grant fund.
10. Provide technical support for the preparation of studies required to secure permits for tasks A.1 and A.2.
11. Continue to open and close the entrance gate at Samoa Dunes Recreation Area as specified in BLM's Resource Management Plan Amendment (opened one hour before sunrise and closed one hour after sunset). This gate will continue to be maintained and operable, with signs posted regarding the night-time vehicle closure.

B. The City of Eureka agrees to:

1. Provide personnel to write environmental reports required to implement items A.1 and A.2 above.
2. Provide personnel to secure the permits necessary to implement items A.1 and A.2 above.

3. Coordinate with BLM to develop a strategy for providing law enforcement patrols. This will involve the expenditure of approximately \$10,000 each year from the aforementioned OHV "Green Sticker" grant fund.

4. Allow OHV use within the 80 acre Eureka Foredunes zoned "Public Recreation", upon completion of items A.1, A.2, B.1 and B.2 above.

C. The City of Eureka and BLM Mutually Agree:

1. To meet on a periodic basis to discuss ongoing management of the Eureka Foredunes.

2. It is beneficial to provide the maximum assistance and coordination possible, within the availability of funds and established regulations and policies governing the respective agencies.

3. All improvements/facilities placed on the Eureka Foredune property that are purchased by Federal or State grant monies will be under the control and care of the BLM, and will remain the property of the BLM.

4. Nothing in this agreement shall be construed as obligating the BLM or the City of Eureka to expend money, or as involving the BLM or City of Eureka in any obligation for the present or future payment of money in excess of appropriations authorized by law and administratively allocated for work undertaken pursuant to this MOU.

5. The Federal Government's liability will be governed by the provisions of the Federal Tort Claims Act.

6. During the performance of work undertaken pursuant to this MOU, both parties will not discriminate on the grounds of race, color, creed, gender, age, physical handicap or national origin.

7. No fees will be charged for access to the Eureka Foredunes.

8. The City of Eureka has the right to inspect and report in writing to the BLM actions necessary to correct potential or existing hazardous conditions.

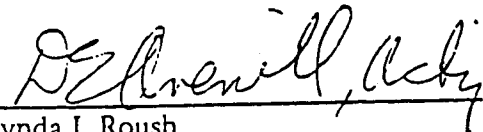
V. TERM OF MOU

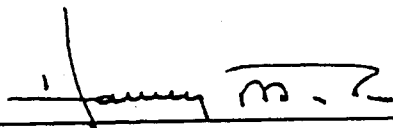
This MOU shall become effective on the date of both signatures. It may be revised by a written amendment, signed and dated by both parties. Either party may terminate this MOU by providing 60 days written notice.

V. SIGNATURES

UNITED STATES OF AMERICA
BUREAU OF LAND MANAGEMENT
ARCATA FIELD OFFICE

CITY OF EUREKA


Lynda J. Roush
Area Manager


Harvey M. Rose
City Manager

6-15-98
Date

6/23/98
Date

494



**United States Department of the Interior
BUREAU OF LAND MANAGEMENT**

Arcata Field Office
1695 Heindon Road
Arcata, California 95521
www.ca.blm.gov/arcata
www.ca.blm.gov/arcata



September 19, 2005

Bob Merrill
California Coastal Commission
North Coast District Office
710 E Street
Eureka, CA 95501-1865

RECEIVED

SEP 20 2005

CALIFORNIA
COASTAL COMMISSION

EXHIBIT NO. 5

APPLICATION NO.

1-05-028 (EKA-BLM)

APPLICANT'S

CORRESPONDENCE

(Page 1 of 7)

Dear Commissioners:

The Bureau of Land Management (BLM) requests the California Coastal Commission approve a Coastal Development Permit (CDP) to reauthorize the use of off-highway vehicles (OHV's) on 75 acres of beach and dunes on city of Eureka property known as the "Eureka Dunes Riding Area". The Coastal Commission first authorized OHV use in this area in 1998, and again in 2000 for a five year period. The riding area is adjacent to Bureau of Land Management's (BLM) Samoa Dunes Recreation Area, where 135 acres are open to OHV use. The 220 total acres available for vehicle use is one of only two coastal beach and dune OHV sites in all of California.

Under a Memorandum of Understanding signed by both the BLM and City of Eureka in 1998, the BLM manages the area to provide for safe and orderly OHV use, resource monitoring and protection, habitat restoration, facility and trail maintenance, and to provide for an active law enforcement presence.

The BLM receives reliable grant funding each year from the California State Parks, Off-Highway Motor Vehicle Recreation Division to assist BLM appropriated funds in managing Eureka Dunes Riding Area. Approximately \$15,000 is spent annually for the variety of tasks mentioned above. Extensive plant and animal monitoring is required under this grant program. After seven years of monitoring, BLM biologists have determined thus far that no negative impacts have occurred to any sensitive resource values as result of OHV use. The two small sensitive plant habitat enclosures that are fenced to prevent OHV use have never been breached. The plant populations within these enclosures remain stable, and in one area, have expanded due to BLM's restoration efforts at removing non-native exotic plants.

It is important to provide access to OHV users in a way that does not jeopardize public safety or natural resource values. The facilities and OHV opportunities at Eureka Dunes Riding Area provide a unique and limited opportunity for OHV recreationists to ride in a safe setting. The riding area is located in an area where historically and to the present day, very few other recreation activities occur. The use of vehicles at Eureka Dunes is not likely of disrupt or displace other recreation users.

The BLM has effectively contained vehicle use to this relatively small area, and vehicle trespass into closed areas further north along the beach has been reduced dramatically since the BLM began managing the Eureka Dunes Riding Area.

Attached are several photographs of the area that help describe the management situation.

Thank you for considering this request. Your approval of the CDP to reauthorize OHV use at Eureka Dunes will be greatly appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynda J. Roush".

Lynda J. Roush
Arcata Field Manager

Attachment
1. Photographs

Entrance sign is located at the area's southern adjacent to Samoa Dunes Recreation Area



Closed Area signs at northern end of riding area helps contain OHV use to this designated riding area



One of several OHV trails through degraded plant
habitat consisting of non-native exotic vegetation.



1-4-7

The primary OHV trail skirts the perimeter of a fenced enclosure. No vehicles have ever breached (entered) either of the two enclosures.

1047



BLM contracts with the California Conservation Corps using both OHV Grant funding and BLM funds to remove non-native plant species (ice plant & European beach grass) from the two enclosures. This helps to expand habitat for two endangered plants, the Humboldt Bay wallflower and beach layia. If any sensitive plant species are observed growing outside these enclosures, they are immediately fenced and closed to vehicle use.

6 of 7



Several years ago the California Conservation Corps assisted the BLM in connecting two small enclosures to make one larger enclosure. They then removed the non-native beachgrass so native plants could expand their populations.



BEACH AND DUNES STEWARDS PROGRAM
P.O. Box 735 Arcata, CA 95518

Sept. 19, 2005

Bob Merrill
California Coastal Commission
North Coast District Office
710 E Street
Eureka, CA 95501-1865

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SEP 20 2005

CALIFORNIA
COASTAL COMMISSION

To: California Coastal Commission
Re: Local Coastal Permit for BLM's Eureka Dunes Riding Area

EXHIBIT NO. 6
APPLICATION NO. 1-05-028 (EKA-BLM) CORRESPONDENCE (Page 1 of 12)

Dear Coastal Commissioners,

As the primary citizens group involved with ensuring adequate vehicle enforcement on the beaches and dunes of Humboldt County for over 10 years, we have had experience of being critical of county, state, and federal agencies in dealing with the ongoing conflicts of vehicles on our beaches. We have also felt it is important to support agencies when OHV riding areas are managed effectively.

Since 1998 the BLM has managed the areas of the north jetty as a model of a good OHV riding facility. They have maintained excellent working relationships with both riding groups and the environmental community. Their enforcement records and reporting back to the community have been excellent, and show that there have been no problems with the operation of these dunes as an OHV riding area. We consider the vehicle use there under control and well taken care of, a luxury from the point of view of a citizens watchdog group dedicated to monitoring illegal OHV activity.

Our own personal experiences with BLM staff and caretakers regarding the riding areas on the peninsula have been nothing but excellent, with strong efforts in signing, education, enforcement and clean up of dunes areas that we have come to depend on.

With recent OHV issues facing Humboldt County, with far fewer resources, attempting to manage vehicles on their beaches, these riding areas are more important than ever. As managed by BLM, the Eureka Dunes Riding Area provides the ideal place for OHV riding to take place.

We strongly urge the California Coastal Commission to continue to approve the Coastal Dunes Permit for the Eureka Dunes Riding Area.

Sincerely,


Tim Ayres


Aryay Kalaki

Beach and Dunes Stewards



Bob Merrill
California Coastal Commission
North Coast District Office 710 E Street
Eureka, CA 95501-1865

RECEIVED

SEP 21 2005

CALIFORNIA
COASTAL COMMISSION

Dear Commissioners:

Friends of the Dunes is a nonprofit organization dedicated to conserving the natural diversity coastal dune environments through community supported education and stewardship programs. This letter is written in support of approving a Coastal Development Permit (CDP) to reauthorize the use off-highway vehicles (OHV's) on 75 acres of beach and dunes on city of Eureka property known as the "Eureka Dunes Riding Area". Providing a safe, well-managed area for OHV riders reduces pressure on other more sensitive dune areas.

The Coastal Commission first authorized OHV use in this area in 1998, and again in 2000 for a five year period. The riding area is adjacent to Bureau of Land Management's (BLM) Samoa Dunes Recreation Area, where 135 acres are open to OHV use. The 220 total acres available for vehicle use is one of only two coastal beach and dune OHV sites in all of California.

It is important to provide access to OHV users in a way that does not jeopardize public safety or natural resources. The facilities and OHV opportunities at Eureka Dunes Riding Area provide a unique and limited opportunity for OHV recreationists to ride in a safe setting. The riding area is located in an area where historically and to the present day, very few other recreation activities occur. The use of vehicles at Eureka Dunes is not likely to disrupt or displace other recreation users.

The riding area is composed mostly of degraded dunes, inhabited by invasive non-native plants such as bush lupine and European beach grass. Intensive monitoring of both plants and animals by the BLM has not shown that negative impacts have occurred to any native plant or animal species in the vicinity of the riding area. The BLM has fenced off and performed restoration activities on several acres of sensitive habitat, and according to BLM records, no vehicles have ever breached these enclosures.

The BLM provides intensive management of the area, including active law enforcement, maintenance of fences and signs, and extensive monitoring to ensure all resource values are protected. The BLM has effectively contained vehicle use to this relatively small area, and vehicle trespass into closed areas further north along the beach has been reduced dramatically since the BLM began managing the Eureka Dunes Riding Area.

Thank you for considering this letter of support. Your approval of the CDP to reauthorize OHV use at Eureka Dunes will be greatly appreciated.

Sincerely,

Bill Weaver, President

2 of 12



September 14, 2005

(sent via FAX and U.S. Mail)

Mr. Bob Merrill
California Coastal Commission
North Coast District Office
710 E. Street
Eureka, CA 95501-1865
FAX: 707-445-7877

Re: Support Reauthorization of OHV Use at Eureka Dunes

Dear Mr. Merrill:

This letter is submitted on behalf of the BlueRibbon Coalition (BRC), a national non-profit recreation group. Please approve the Bureau of Land Management's (BLM) Coastal Development Permit application to reauthorize the use of off-highway vehicles (OHV) at the 75-acre Eureka Dunes Riding Area.

As you know, this area is on City of Eureka property and is adjacent to the BLM's Samoa Dunes Recreation Area. This unit of land has been successfully managed by the BLM since the Coastal Commission first authorized OHV use there in 1998. It acts as a critical recreation-oriented addition to the BLM parcel.

BRC believes you will find the BLM has done an excellent job regarding law enforcement and resource protection at the property. Please support the continuation of OHV recreation on the dunes. It is one of the last places on the California coastline where OHV recreation is allowed.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Don", is written over a horizontal line.

Don Amador
Western Representative
BlueRibbon Coalition
555 Honey Lane
Oakley, CA 94561
Office: 925.625.6287

The BlueRibbon Coalition is a national recreation group that champions responsible use of public and private lands, and encourages individual environmental stewardship. It represents over 10,000 individual members and 1,200 organization and business members, for a combined total of over 600,000 recreationists nationwide. 1-800-258-3742. www.sharetrails.org

3 of 12

**Chuck & Marilyn DeWitt
2680 Lincoln Avenue
Fairhaven, CA 95564**

September 21, 2005

Bob Merrill
California Coastal Commission
North Coast District Office
710 E Street
Eureka, California 95501

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SEP 21 2005

CALIFORNIA
COASTAL COMMISSION

(BY HAND DELIVERY)

Dear Commissioners:

The intent of this letter is to help you decide whether or not to approve BLM's application for its proposed Coastal Development Permit at the 75-acre Eureka Dunes Riding Area.

My wife and I strongly hope that you will approve this CDP application. Our home for the last fifteen years is bordered on two sides by undeveloped beach dunes. Prior to the creation of the Eureka Dunes Riding Area, we were forced to endure illegal OHV riding activity of every type, sometimes as close as 100 feet from our bedroom window.

Since the creation of the Eureka Dunes Riding Area, under the management of BLM's Bruce Cann, illegal activities have dropped off to nearly zero. During the past five years, well-established sand trails made by off-roaders have grown over with wild strawberries and a multitude of other plants, including some endangered species. Development of the Eureka Dunes Riding Area and the adjacent Samoa Recreation Area has improved the standard of living in the Fairhaven area tremendously. Phone complaints to the Sheriff's Department are now virtually nonexistent. The dune habitat outside of the authorized OHV riding area, which used to be trashed and damaged on a daily basis, is now quiet and natural--a place of beauty, as it should remain.

Please support BLM's application for its CDP so that it can continue its job of protecting the dune environment, restoring sensitive habitat, and providing an intensive law enforcement presence while, at the same time, allowing OHV riding opportunities in a controlled area.

Sincerely,

CHUCK & MARILYN DeWITT

Signed:


Marilyn DeWitt

4 of 12

September 20, 2005

Bob Merrill
California Coastal Commission
North Coast District Office
710 E St
Eureka, CA 95501-1865

Dear Commissioners

We are writing to request that the California Coastal Commission approve the Bureau of Land Management's permit to allow OHV's at the Eureka Dunes Riding Area.

This is one of the few areas that off-road vehicles can use the coastline. And with its' remote location it is an ideal use of the area for this purpose. The "North Jetty" area is not an area that an abundance of tourism seeking to view our beautiful coast. We have numerous areas north and south of this location that draw people to visit.

During the past years the BLM has done an excellent job of managing the area. They have provided dune enforcement, protecting the sensitive areas and providing an enforcement presence. In fact, two local OHV clubs have volunteered their service to help the BLM in their efforts. This is due in part to the fact that we do appreciate the opportunity to still use this area.

It is imperative that we still have this area to enjoy our sport with our families and friends. As a father of two daughters, off roading is a wonderful way to spend time together. And with our skyrocketing fuel costs it is great to be able to stay in our own county to enjoy our passion.

Thank you for consideration, and I hope that you will allow us to continue to use this area.

Sincerely,

Mark Levi Casteel

M. Clarke Guzzi
336 Shale Lane, Kneeland, CA 95549
Hm(707)445-1336/Wk(707)268-2187

September 15, 2005

Mr. Bob Merrill
California Coastal Commission
North Coast District Office
710 E Street
Eureka, CA 95501-1865
Fax: 707-445-7877

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SEP 16 2005

CALIFORNIA
COASTAL COMMISSION

Re: Support Reauthorization of OHV Use at Eureka Dunes

Dear Mr. Merrill:

Please accept this Letter of Support for the Reauthorization of OHV Use at Eureka Dunes. I encourage approval of the Bureau of Land Management's (BLM) Coastal Development Permit application to reauthorize the use of Off Road Vehicle (OHV) at the Eureka Dunes Riding Area.

This area is owned by the City of Eureka and is next to the BLM's Samoa Dunes Recreation area. The Samoa Dunes Recreation Area has been managed very well by the BLM since the California Coastal Commission authorized use OHV use there in approximately 1998. The City of Eureka parcel will act as a critical recreation resource addition to the BLM's Samoa Dunes Recreation Area. This expansion will be enjoyed by both Humboldt County residents and by visitors from outside of Humboldt County, and will provide some needed economic enhancement to Humboldt County's economy.

The BLM has done an excellent job putting together and effective law enforcement and resource protection program in the Samoa Dunes Recreation Area, and I believe their commitment will reflect the same successes in the Eureka Dunes. I urge the Coastal Commission to support continuation of OHV recreation in this area. As you are aware, this is one of the last areas in California where OHV recreation is allowed by the coastline.

Respectfully,



M. Clarke Guzzi

6 of 12



Ed Waldheim
3550 Foothill Boulevard
Glendale, CA 91214
818) 247-8778, Ext. 215
Fax: 818-95704435

September 14, 2005

RECEIVED

SEP 19 2005

Mr. Bob Merrill
California Coastal Commission
710 East Street
Eureka, CA 95501-1865

CALIFORNIA
COASTAL COMMISSION

Re: Support Reauthorization of OHV use at Eureka Dunes

Dear Mr. Merrill:

On behalf of the California Off Road Vehicle Association, we would like to request your approval of the Bureau of Land Management's (BLM's) Coastal Development Permit Application to reauthorize the use of Off Highway Vehicles (OHV's) at the 75 acre Eureka Dunes Riding Area.

The Bureau of Land has been managing the Eureka Dunes Riding Area for a long time, using investments from the California Off Highway Vehicles "Green Sticker" Program.

The BLM also continues to manage this property in a responsible manner so all visitors can enjoy the area and also protect the resources. This area was once an abandoned and unattended area. Now, because of the BLM management, it is something we can be proud of.

Please approve the permit application to reauthorize OHV use at Eureka Dunes.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Ed Waldheim", is written over a horizontal line.

Edward H. Waldheim
President

Cc: CORVA Board of Directors

7 of 12

"Dedicated to protecting our lands for the people, not from the people."

Stacy K. Hardy
1627 C Street
Eureka, CA 95501
jeepin@earthlink.net

September 14, 2005

Bob Merrill
California Coastal Commission
North Coast Office
710 E Street
Eureka, CA 95501-1865

RECEIVED

SEP 16 2005

CALIFORNIA
COASTAL COMMISSION

Dear Mr. Merrill:


This letter is to express my support for the BLM's Coastal Development Permit that reauthorizes the use of off-highway vehicles (OHV) at the Eureka Dunes Riding Area.

This area has historically been a safe family environment enjoyed by recreationists of all ages. There have been very few incidents of misbehavior in this area over the past 7 years and vehicles have strictly abided by the fenced enclosures. There has been general support by the users to protect the sensitive dune habitat while still enjoying the recreational opportunities that this area provides.

Because this area represents only a fraction of the 1% of coastline in California left to vehicular access, users are very respectful. Two local OHV groups help with the maintaining of the area including volunteer patrols intended to deter lawlessness as well as assist in aiding stranded motorists. These groups adhere carefully to the guidelines set forth by TreadLightly and use the Eureka Dunes as a training ground for these principles.

Because of its close proximity to Eureka, the area is used on a regular basis by locals but is also a destination of many out-of-towners or those who are just passing through. Over 95% of the visitors to this area are OHVs. This area is of extreme importance as less and less land is available for OHV recreation. It is extremely important that this area remain open for OHV use. Please approve the BLM permit to allow continued access for OHVs to the 75 acre Eureka Dunes Riding Area.

Sincerely,


Stacy K. Hardy

8 of 12

LOST COAST 4X4'S

P.O. BOX 6189
EUREKA, CA 95502
(707)442-7395

RECEIVED

SEP 16 2005

CALIFORNIA
COASTAL COMMISSION

September 14, 2005
Mr. Bob Merrill
California Coastal Commission
710 "E" St
Eureka, CA 95501-1865

RE: Support Reauthorization of OHV Use at Eureka Dunes

Dear Mr. Merrill:

This letter is on behalf of the members and Officers of the Lost Coast 4x4's club, a family oriented 4 wheel drive club.

Our club consists of numerous family memberships. We are a group of 4-wheel drive owners that have formed this club to promote safe, fun and responsible outdoor recreation for the family. We promote the Tread Lightly program and educate our fellow four wheelers in proper off road skills and safety. We provide off road training with certified instructors, and the Samoa OHV area is our primary training area.

The OHV areas at the Samoa and Eureka dunes provide a much needed form of recreation in our area. Many of our club members utilize these areas on a regular basis. As this is one of the few areas left in which we can enjoy our sport, it is extremely important to us to keep this area open for OHV use.

It is for these reasons that we support the maintenance and growth of these areas. We request that you approve the Bureau of Land Management's (BLM) Coastal Development Permit application to reauthorize the use of off-highway vehicles (OHV) at the 75-acre Eureka Dunes Riding Area.

Respectfully,

Carl C. Brandt



President
Lost Coast 4x4's
2125 Forbes Ave
Eureka, CA 95503
(707)442-7395

9 of 12

September 17, 2005

(sent via FAX and U.S. Mail)

Mr. Bob Merrill
California Coastal Commission
North Coast District Office
710 E. Street
Eureka, CA 95501-1865
FAX: 707-445-7877

RECEIVED

SEP 20 2005

CALIFORNIA
COASTAL COMMISSION

Re: Support Reauthorization of OHV Use at Eureka
Dunes

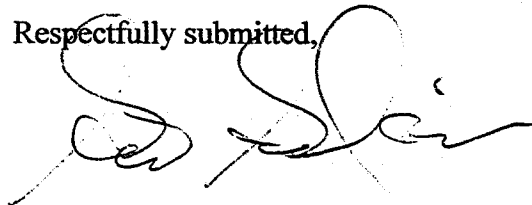
Mr. Merrill:

This letter is submitted on behalf of the NorthCoast Recreation Coalition (NCRC), a local pro access recreation group. We are asking you and the Commission to approve the Bureau of Land Management's (BLM) Coastal Development permit and it's application to reauthorize the use of off-highway vehicles (OHV) at the 75-acre Eureka Dunes Riding Area.

As you know, this area is on City of Eureka Property and is adjacent to the BLM's Samoa Dunes Recreation Area. This unit of land has been successfully managed by the BLM since the Coastal Commission first authorized OHV use there in 1998. It acts as a critical recreation-oriented addition to the BLM parcel.

NCRC believes you will find the BLM has done an excellent job regarding law enforcement and resource protection at the property. Please support the continuation of OHV recreation on the dunes. It is one of the last places on the California coastline where OHV recreation is allowed.

Respectfully submitted,



10 of 12

Scott Sinclair
NCRC
PO Box 101
Kneeland, CA 94561
Office: 707.443.2568

Surfers Public Access Restoration Coalition
P.O. Box 161, Eureka, CA 95502
surfersparc@yahoo.com

September 14, 2005

Mr. Bob Merrill
California Coastal Commission
North Coast District Office
710 E Street
Eureka, CA 95501-1865
Fax: 707-445-7877

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SEP 16 2005

CALIFORNIA
COASTAL COMMISSION

Re: Support Reauthorization of OHV Use at Eureka Dunes

Dear Commissioners:

Please accept this Letter of Support for the Reauthorization of OHV Use at Eureka Dunes submitted by the Surfers Public Access Restoration Coalition (SPARC). SPARC is comprised of surfers who wish to share their heritage with our families and supports reasonable public motorized access and OHV use to our coastline. We encourage approval of the Bureau of Land Management's (BLM) Coastal Development Permit application to reauthorize the use of Off Road Vehicle (OHV) at the Eureka Dunes Riding Area.

The City of Eureka owns this area which is adjacent to the BLM's Samoa Dunes Recreation area. The BLM has successfully managed the Samoa Dunes Recreation Area since the California Coastal Commission authorized use OHV use there in 1998. The City of Eureka parcel will be a critical recreation resource addition to the BLM's Samoa Dunes Recreation Area. This expansion will be enjoyed by both Humboldt County residents and by visitors from outside of Humboldt County alike. It will also provide some needed economic enhancement to Humboldt County's economy.

The BLM has done an excellent job putting together and effective law enforcement and resource protection program in the Samoa Dunes Recreation Area that has benefited all the user groups without conflict. We believe the BLM's commitment will reflect the same positive outcomes in the Eureka Dunes. We urge the Coastal Commission to support continuation of OHV recreation in this area. As you are aware, this is one of the last areas in California where OHV recreation is allowed by the coastline.

Respectfully submitted,

SPARC

12 of 12